

INTERNATIONAL WOMEN'S RIGHTS PROJECT

For generations, women have served as peace educators, both in their families, and in their societies. They have proved instrumental in building bridges rather than walls. UN Secretary General Kofi Annan¹

The success of the economic and political development process depends upon the full and equal participation of women, whose voices are too often muted by the inequalities that they confront in the home and society. These inequalities are manifest as domestic violence, lack of access to education, maternal mortality, and other obstacles that impede the ability of women to have an effective voice in the decisions that affect their lives. ... In order to achieve the creation of a just and peaceful society, such efforts to ensure the meaningful participation of women must continue. Sergio Vieira de Mello²

State-sponsored or -authorized violence encompasses acts or omissions perpetrated by state actors such as the government, its institutions, officials and agents, as well as where the state is under legal obligation to protect the individuals within its jurisdiction and has not been diligent in doing so. State responsibility may arise in situations of war and armed conflict both international and internal; violence by agents or employees of the State, such as police, military, prison guards and other officials; custodial violence in hospitals, prisons and other institutions where there is a special relationship to provide security; government-sanctioned cultural and other practices such as female genital mutilation, honour killings, marital rape and domestic violence. Judge Navanethem Pillay, as the only woman judge on the International Criminal Tribunal for Rwanda³

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R2P MISSING WOMEN - CANADA'S RESPONSIBILITY TO PERCEIVE

INTRODUCTION

Canada is at risk of unnecessarily conflictual foreign policy in relation to fragile or failed states. In this paper we argue for a more logical, functional integration of Canadian leadership in crafting an R2P doctrine that is more consistent with our *International Policy Statement* as a means "to help Canada convey its distinct values and particular approach to conflict resolution around the world." ⁴

From the founding of the UN more than sixty years ago when the establishment of a high level Commission on the Status of Women was refused ⁵ and the Canadian principal drafter of the Universal Declaration favoured "brotherhood",⁶ to the miniscule reference to women and gender in the UN R2P report just months ago, resistance to gender mainstreaming and gender based analysis has been a strong current pulling policy and practice away from implementation of women's human rights, and away from development that is sustainable because gender responsive development can turn words on paper into "lived rights". Continued gender blindness on the part of Canadian leaders in the evolution of the R2P doctrine and the Peacebuilding Commission would, at minimum, be ironic. More realistically, missing the importance of factoring in women will cost lives and lose crucial opportunities for increased effectiveness of the R2P.

Canada has not been heard to ask:
why is gender analysis missing from such recent and significant proposals as the R2P?

Perhaps the time has passed for this question to be seen as a critical issue. Canada is well positioned to move quickly beyond defining R2P lacunae as the problem, to a proactive and constructive stance reinforced by decades of leadership on gender equality. To ensure effective implementation of R2P, Canada supported the Secretary-General's recommendation that the Council adopt a resolution with guidelines for the use of force. In addressing the culture of impunity that continues to dominate the majority of situations to which the R2P is directed, Canada declared, "We cannot speak of human security and of protecting women and children, when their abusers are allowed to go free." In that same address to the Security Council, Canada reiterated the need for a firm declaration of support for the R2P by leaders at the UN reform summit in September of this year, in order to "lay the normative groundwork for more effective responses by the Security Council." ⁷

Canada is respected as a leader for its initiatives on Human Security (HS), Women, Peace and Security (WPS), and the Responsibility to Protect doctrine (R2P).¹ Along this continuum of evolving principles, Canada co-founded the Human Security Network (HSN); was a Member when the Security Council passed Resolution 1325 (SCR 1325) in 2000, was a founding member and is the current chair of the "Friends of 1325" group of States; established the Canadian Committee on Women, Peace and Security; and provided impetus for introducing gender as a cross-cutting strategy in the HSN work of 2004-2005.⁸ CIDA has been cited for years now as a world leader in results-based management predicated on gender equality as a cross-cutting theme.

¹ The first version of this paper was prepared in August 2005 for Canada's Permanent Representative to the United Nations, Ambassador Allan Rock, as background for the UN Reform Summit in September 2005. Much of the research and writing in this paper is drawn from Jennifer Bond and Laurel Sherret, "A Sight for Sore Eyes: Bringing Gender Vision to the Responsibility to Protect Framework" in *New Voices, New Perspectives*, Journal of the UN International Research and Training Institute for the Advancement of Women, (October 2005) www.un-instraw.org

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The Government of Canada demonstrated active support for the reform agenda of the 2004 *UN High Level Panel Report*, particularly its recommendations relating to the Responsibility to Protect, while acknowledging that keeping this promise will demand a long-term commitment to advance international rules and the international community's sense of obligation to intervene to prevent widespread atrocities.⁹ The concerns expressed in this paper are informed by Nobel laureate Amartya Sen's writing on the urgent need for development strategies that support women "as active agents of change: the dynamic promoters of social transformations that can alter the lives of both women and men."¹⁰

We emphasize here that failure to integrate gender-sensitive perspectives *before* conflict escalates will result in an incomplete approach to primary 'root causes' of intrastate conflict and will jeopardize efforts to prevent violence - against and among whole populations. This paper speaks to the synergistic strength that would be generated by drawing simultaneously on Canadian expertise in the R2P, WPS and HS discourses to forge a gender equality framework for increased, longer term protection of those populations most at risk, providing greater and fairer access to development opportunities for realizing these shared international goals - before, during and after conflict.

Canada's Opportunity to Perceive "Missing Women"

Sen has written extensively about the world's "terrible phenomenon of 'missing women' (resulting from unusually higher age-specific mortality rates of women in some societies, particularly in South Asia, West Asia, North Africa and China)."¹¹ Framing lack of fair access to development in terms of capability and agency, Sen concludes, "artificially higher female mortality rates reflect a very important capability deprivation of women."¹² While there are multiple causes of these higher rates, the disproportionate burden on women in fragile and failed states is reflected in rates of mortality, morbidity and gendered violence.

Strategic responses to missing women have been in development for some time now. The Beijing Platform for Action (BPFA) adopted at the Fourth World Conference on Women in 1995, a UN high level policy declaration, identified the need to "increase the participation of women in conflict resolution at decision-making levels" and urged Governments, as well as international and regional international institutions, to integrate gender perspectives in the resolution of armed or other conflicts and foreign occupation.¹³

The outcome document of "Beijing + 5" - the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century," made the connection between conflict resolution and development, calling on Governments "to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building."

At the 2003 UN Gender Experts Meeting on Peace Agreements, hosted by Foreign Affairs Canada, Sen's notion of "women's agency" is reflected in the Experts' checklist for peace agreements and call for "appropriate gender-specific language, especially in areas where the lack of such language or gender neutrality would seriously harm the active participation of women in the post-conflict transformation of society and reduce opportunities for promotion of gender equality and thus achievement of substantive equality."¹⁴

Just a few weeks ago, the UN General Assembly confirmed its support in the Outcome Document of the September 2005 World Summit for the Secretary-General's recommendation

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to establish a UN Peacebuilding Commission (PBC). Although the “main purpose [of the PBC] is to bring together all relevant actors to marshal resources and advise on and propose comprehensive strategies for peacebuilding and post-conflict recovery” it was adopted with no reference to women’s civil society participation in its organizational committee or other structures. This is but the most recent example of a troubling and potentially dysfunctional pattern in the evolution of the responsibility to protect doctrine (R2P) that, ironically, can be traced to the seminal Canadian sponsorship of the International Commission on Intervention and State Sovereignty (ICISS), which was motivated by the urgent need for a new consensus on the role of the international community with regard to human security. As our prime minister has confirmed, the R2P doctrine, at its core, must focus on the relationship between states and civilians - “state sovereignty entails not only rights but responsibilities – particularly for the protection of civilian populations.”¹⁵ The R2P encompasses a number of issue areas identified by the Canadian Government in its own Human Security Program, especially as they relate to conflict.¹⁶

INTEGRATING CANADIAN PRIORITIES

The Canadian Women, Peace and Security (WPS) agenda is, at its core, about recognizing that women, men, boys and girls, are affected by and respond to conflicts differently and that their achievement of security depends on this recognition. At this time, the opportunity to lead on matters of such import is a uniquely Canadian one. While there have been initiatives to bring together human security with R2P, or human security with WPS, there is still a need for a coherent analysis that integrates the WPS and human security experiences with the R2P doctrine. This recognized experience and expertise - along the continuum of HS, WPS, and the R2P - positions Canada to weave already complementary commitments together to sustain the Security Council in fulfilling its “dual role in regard to humanitarian crises—not only to respond quickly to such crises but also, in the first instance, to actively seek to prevent them.”¹⁷

A. Gender mainstreaming examined

There is growing recognition in the international community that in order to achieve gender equality,¹⁸ specific programmatic and policy steps must be taken. The UN process of ‘gender mainstreaming,’ (GM) involves consideration of the perspectives, concerns, and experiences of both women and men during the design, implementation, monitoring and evaluation of policies and programmes.¹⁹ Canada is a respected leader in gender based analysis (GBA) as a critical component of gender mainstreaming that “assesses the differential impact of proposed and/or existing policies, programs and legislation on women and men”²⁰ and challenges traditional assumptions that the majority of these elements affect everyone equally, regardless of gender, a concept frequently referred to as “gender-neutral policy.”²¹

Gender mainstreaming was adopted as a major global strategy at the Fourth United Nations World Conference on Women in Beijing in 1995.²² The Economic and Social Council, in its agreed conclusions 1997/2, specified that gender mainstreaming should take place within all UN entities. In its resolution 2004/4, the Council requested that the Secretary General ensure that all UN entities develop action plans with timelines for these commitments. Furthermore, it was stipulated that the Secretary General should continue review of the implementation of the 1997/2 conclusions with a particular focus on the gap between the policies and their implementation.²³

The inclusion of GBA in peace and security initiatives is clearly evidenced within the United Nations itself, where several departments have adopted various mainstreaming initiatives, many of which include GBA as a primary tool. Departments that have specifically addressed GBA concerns include the Department of Peacekeeping Operations²⁴ (DPKO), the Department for

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Disarmament Affairs²⁵ (DDA), the United Nations High Commissioner for Refugees²⁶ (UNHCR), and the Office of the High Commissioner for Human Rights (OHCHR).²⁷

The importance of engendering peace and security policy and practice was highlighted by the Security Council's unanimous adoption of Resolution 1325 (SCR1325)²⁸ as an explicit endorsement of the need for gender mainstreaming in the peace and security area. As an SCR, Resolution 1325 has the force of international law and serves as the genesis for eliminating gender blindness in the R2P doctrine and in the proposed Peacebuilding Commission.

B. The Women, Peace, and Security Agenda is predicated on international law.

Concerns about the protection of women in armed conflict, ensuring the equal rights of men and women, and the need to strengthen women's participation in the creation of more peaceful and secure societies are not newly articulated concepts, either within the United Nations (UN), its Member States or the Non-Governmental Organization (NGO) community.²⁹ SCR 1325, however, was the first Security Council resolution to deal explicitly with gender equality in the context of conflict prevention and resolution and post-conflict reconstruction and rehabilitation. The involvement of women's NGOs, both in generating the impetus for the drafting and adoption of the resolution as well as providing input for its amendment, was an integral moment for focusing the energies of this transnational movement on the women, peace and security agenda.³⁰ SCR 1325 was significant in that, unlike previous commitments made in declarations and conferences, it was a high-level, binding affirmation of the importance of the links between women, peace and security. Canada was on the Security Council when SCR 1325 was adopted, and has exhibited consistent leadership in ensuring the implementation of its principles.³¹ [For more detail please see the Note on Canada's Promotion of WPS at the end of this paper.]

SCR 1325 was a significant achievement, but passage should not be seen as having reached an end goal. Instead, it represents a reaffirmation of the work that preceded it and articulates a platform upon which members of the international community are obligated to act. The women, peace and security movement has expanded rapidly, becoming a sophisticated source of expertise that Canada values as integral to the overall pursuits of international peace and security.

C. The Responsibility to Perceive Women in the R2P

Secretary-General Kofi Annan's challenge to the world in his *Millennium Report* was symptomatic of a tumultuous decade in the UN's history. While a number of critical events prompted concern over collective responses to massive human rights violations of the most atrocious kind, the 1994 genocide in Rwanda was perhaps the most haunting. The violent deaths of approximately 800,000 men, women and children in less than four months were anticipated and witnessed, but not stopped, by the international community.³² Other similarly troubling events included the Bosnian Serb takeover of the UN "safe" area in Srebrenica, home to 40,000 Muslim men, women, and children;³³ and a failed UN intervention, led by the United States, in Somalia. The issue of humanitarian intervention with military forces was raised again in the 1999 NATO campaign in Kosovo, and we are struggling with similar concerns today in Darfur and Uganda. These efforts highlight aspects of the debate around humanitarian intervention, especially arguments concerning the distinction between "legitimacy" and "legality."³⁴

Shortly after the Kosovo campaign, the Canadian Government created the International Commission on Intervention and State Sovereignty (ICISS) in September 2000.³⁵ The ICISS began its work with an immediate background animated by inconsistency: failed interventions,

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failures to intervene, and an instance of intervention outside of UN authority. In the face of these challenges, ICISS drew on international scholarship, research, and extensive consultations, and was successful in formulating the Responsibility to Protect (R2P) doctrine. This doctrine successfully incorporates many elements of the human security movement,³⁶ of which Canada has been a primary supporter.³⁷ [For more detail please see the Note on Canada's Human Security Leadership at the end of this paper.]

Two UN endorsements of the R2P principle indicate its growing salience in the international community.³⁸ At the same time, the Canadian Government remains committed to urging states to embrace the “emerging norm that state sovereignty entails not only rights but also responsibilities” and pushing for an explicit adoption of the R2P principle by the UN.³⁹ Having survived the September 2005 UN Reform Summit, the R2P is now ripe for gender based analysis derived primarily from Security Council Resolution 1325 to strengthen the R2P framework. An engendered R2P will greatly increase the doctrine's relevance, yielding more favourable results for women, children and men over the longer term.

Some observers have argued that the nature of the issues contained within the peace and security rubric, particularly those arising from urgent situations requiring military intervention, make the topic an inappropriate forum for GBA. But critics of this stance point out that the “urgency to save lives” cannot continue to be used as an alibi to justify the *de facto* neglect of women's protection or participation.⁴⁰

This paper argues for the timely benefits of Canadian leadership on integrating women's equality in clarifying the three main aspects of R2P –prevention, reaction and rebuilding, including the proposed Peacebuilding Commission – through GBA methodology and SCR 1325 learnings.

THE RESPONSIBILITY TO PREVENT

The ICISS R2P report notes that “fair treatment and fair opportunities for all citizens provide a solid basis for conflict prevention” and emphasizes the need to protect human rights and ensure a fair distribution of resources.⁴¹ This focus on equality and human rights can be enriched through deliberate inclusion of gender-based analysis.⁴²

A. Equal rights in conflict prevention efforts.

A recent empirical study of the relationship between gender inequality and intrastate violence found conclusively that the former increases the likelihood that a state will experience internal conflict. In her 2005 study, M. Caprioli determines that there is a strong relationship between gender inequality and violent conflict: states with high fertility rates are nearly twice as likely to experience internal conflict than those with low fertility rates, and states with 10 percent women in the labor force are nearly 30 times more likely to experience internal conflict than are states with 40 percent women in the labor force.⁴³ Caprioli explains that fertility and employment rates are accurate indicators of gender inequality, and summarizes her data by claiming that “states characterized by gender discrimination and structural hierarchy are permeated with norms of violence that make internal conflict more likely.”⁴⁴

This effort to view the promotion of women's equality as an essential part of the preventative process is consistent with the importance placed on this relationship by member States at the forty-eighth session of the Commission on the Status of Women in 2004. The Commission called on Governments and others involved in prevention processes to “ensure better collaboration and coordination between efforts to promote gender equality and efforts aimed at

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conflict prevention.”⁴⁵ The Secretary-General in his 2004 report on women and peace and security also emphasized this recommendation.⁴⁶

The R2P report also recognizes the need to address both root and direct causes of conflict, and ICISS suggests that there are 4 elements that need to be considered:

1. political needs,
2. economic deprivation,
3. legal protections, and
4. military reforms.⁴⁷

In order to create a viable preventative framework, it is essential that each of these elements include a gender analysis.

A1. Gender analysis clarifies political needs

The importance of remedying gender inequality in the political realm has been well recognized and is explicitly addressed in a number of United Nations instruments. Notable amongst these is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),⁴⁸ the Universal Declaration of Human Rights,⁴⁹ the Beijing Platform for Action (BPFA),⁵⁰ and SCR 1325, which urges both “increased representation of women at all decision-making levels in national regional and international institutions” and the appointment of more women to political roles within the United Nations.⁵¹

The link between women’s political participation and conflict prevention has also been explicitly recognized: in his 2004 report on women and peace and security, the Secretary-General cites with approval a finding by the Ministers of the Council of Europe’s Steering Committee for Equality between Women and Men that “if women [are] not fully involved in rebuilding democracy, efforts to create a stable society [are] likely to fail.”⁵²

Caprioli’s 2000 work provides empirical support for this conclusion, as she finds that a 5% decrease in the proportion of women in parliament renders a state 4.91 times as likely to resolve disputes using military violence.⁵³ Her study also finds that the rate of female suffrage in a given state is directly correlated to that state’s use of violence: “given two states, for example, the state having twice the number of years of female suffrage will be nearly five (4.94) times as likely to resolve international disputes without military violence.”⁵⁴

In light of this evidence, it is essential that efforts under the R2P framework to address “political needs and deficiencies”⁵⁵ include targeted efforts to improve access and participation by women. There are a number of ways that this can be accomplished, including encouraging ratification (and implementation) of CEDAW, offering direct support to women’s political organizations, introducing equality programs, raising awareness of women’s rights, supporting appropriate policy reforms, and increasing international lobbying efforts.⁵⁶

A2. Gendered strategies can alleviate economic deprivation

In the economic sphere, the R2P report calls for, *inter alia*, “development assistance and cooperation to address inequities in the distribution of resources or opportunities.”⁵⁷ It is critical that this component includes a gender analysis, as women in unstable states are often unable to gain access to essential economic support.

A 1999 report by Physicians for Human Rights found that despite lofty attempts at humanitarian assistance in Afghanistan, women were unable to gain access to essential support:

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Humanitarian assistance providers have played a critical role in meeting the basic needs of the Afghan people. However, in striking contrast to published reports indicating the successful disbursement of humanitarian assistance, only 6% of respondents reported receiving any form of humanitarian assistance while living in Kabul. In addition to reported corruption in the distribution of aid, Taliban gender restrictions inevitably interfere with the delivery of humanitarian assistance to women. A Taliban decree dated July 20, 1997, for example, stated that women could not pick up food or other aid from distribution centers themselves. A male relative had to pick up and deliver the aid to the women. Widows are particularly vulnerable to exclusion by such requirements.⁵⁸

The report ultimately recommends that agencies and governments should “develop impact assessments regarding...women’s human rights, which they should factor into their policy decisions and field procedures. In particular, the system of distributing assistance...should be reviewed, as there is evidence to suggest that...in many cases, [they] are not distributing the assistance to those most in need.”⁵⁹

As discussed, the role of women in the labour force is also directly correlated to the use of armed conflict, and is a factor which demonstrates empirically the importance of considering a gendered analysis when addressing economic deprivation. Examples of appropriate action in this area include offering incentives for employers to employ women, encouraging equal wages between men and women, raising awareness of women’s rights, working with local organizations to create employment and training programs, and supporting appropriate policy reforms.⁶⁰ The direct link between women and the success of development initiatives designed to prevent conflict is discussed in more detail under the heading in this paper “The Responsibility to Rebuild”.

A3. Women’s rights strengthen the rule of law

In 2001, the Secretary-General recognized the importance of integrating a legal system that protects women’s rights into prevention strategies. In his report to the Security Council on conflict prevention, Kofi Annan stated explicitly that “an essential aspect of conflict prevention is the strengthening of the rule of law, and within that the protection of women’s human rights achieved through a focus on gender equality in constitutional, legislative, judicial and electoral reform.”⁶¹

He reiterated this position in 2004, and urged member states and civil society to develop approaches and guidelines to ensure gender equality and women’s human rights are promoted in all policies in support of the rule of law.⁶²

Suggested approaches for creating legal protections for women include monitoring state policies and legislation, encouraging ratification of CEDAW (and other Human Rights instruments) and facilitating its implementation, ensuring women are involved in all aspects of the legal reform process, encouraging equal representation and political opportunities for women, and supporting local women’s organizations.⁶³

A4. Effective security sector reform

The R2P report acknowledges the relationship between intrastate conflict and the stability and effectiveness of a state’s military and security services, and identifies “sectoral reforms” as a key preventive strategy.⁶⁴ This is consistent with recognition in the international community that “[a] failure to engage in reform of the justice and security sector...can aggravate social and

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political tensions, jeopardize chances for sustainable development, and increase the risk for a reoccurrence of violent conflict.”⁶⁵ The priority being placed on security sector reform is evidenced by the creation of a special United Nations “Justice and Security Sector Reform (JSSR)” team to address these issues.

Given that the objective of Security Sector Reform (SSR) is to ensure that adequate protections are offered to civilian populations, it is essential that the special security needs of women are considered as part of the SSR process. This “involves implementing gendered initiatives at the structural, policy and personnel level, including reforms in order to halt internal violence, human rights abuses and discrimination,”⁶⁶ and an essential first step in this process is gathering accurate information about the specific experiences of boys, girls, men, and women.⁶⁷

The inclusion of gender perspectives in SSR initiatives is supported by various international agreements including: The Convention on the Eliminate of All Forms of Discrimination against Women; the Declaration on the Elimination of Violence against Women; the Beijing Declaration and Platform for Action; the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations; UN General Assembly Resolution of the twenty-third special session “Further actions and initiatives to implement the Beijing Declaration and Platform for Action”; and the Commission on the Status of Women Agreed Conclusions on “Women’s equal participation in conflict prevention, management and conflict resolution and post-conflict peace-building”.⁶⁸ In addition, the entirety of SCR 1325 supports the inclusion of women in every part of the SSR process.

The R2P report recommends the following specific SSR initiatives:

- enhanced education and training for military forces;
- reintegration of ex-combatants;
- strengthening civilian control mechanisms, including budget control;
- encouraging efforts to ensure that security services are accountable for their actions and operate within the law;
- promoting adherence to arms control and disarmament and non-proliferation regimes, including the transfer of light weapons and small arms; and
- the prohibition of landmines⁶⁹

The importance of gender-sensitivity training; addressing the specific needs of female ex-combatants; ensuring appropriate legal accountability, particularly for acts of violence against women; adopting a gender-sensitive approach to all disarmament, demobilization, & reintegration (DDR) initiatives; and recognizing the particular challenges women face with regards to landmines cannot be understated, and each of these topics is discussed in detail elsewhere in this paper.

B. Women can strengthen conflict prevention

The R2P report recommends that the UN create a special unit to receive and analyze sensitive information about conflict prone areas. This unit would be responsible for analyzing indicators and recognizing crises development, and would report directly to the Secretary-General. ICISS recommends that this unit be staffed with a small number of specialized personnel trained in conflict prevention.⁷⁰

It is imperative that such a unit includes an equal representation of women. The Secretary-General has identified the suitability of including women in this role when he stated that “women can call attention to tensions before they erupt in open hostilities by collecting and analysing

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early warning information on potential armed conflict an equal representation of women.”⁷¹ Such a movement is consistent with the emphasis in SCR 1325 on including women in all aspects of the prevention process.⁷²

The R2P report also mandates that increased resources should be made available to support regional and grass-roots conflict prevention initiatives.⁷³ Once again it is critical that such efforts include support targeted directly towards women’s organizations. The importance of targeting these groups is made explicit in Art. 8 of SCR 1325, which call for measures that “support local women’s peace initiatives.”⁷⁴ Offering such support as part of the R2P framework will not only aid in prevention by supporting the four specific elements discussed above (political, legal, economic, and military involvement), but will also recognize the more general, and yet critical, role women play in “building the capacity of communities to prevent new or recurrent violence.”⁷⁵

C. Gender-sensitive early warning systems increase accuracy.

The R2P report recognizes that the first essential pre-condition for the successful prevention of intrastate conflict is knowledge of both the volatility of the situation and the risks associated with it. The report refers to this knowledge as “early warning.”⁷⁶

Schmeidl and Piza-Lopez conducted three international expert consultations with women’s organizations, gender experts, early warning practitioners, United Nations organizations, government officials and others, in an attempt to develop a framework for incorporating gender analysis into early warning systems. Their work has led to a framework containing several concrete steps, each of which should be implemented as part of the R2P doctrine:

Step 1: Collection of Information

i) Developing gender-sensitive indicators to allow for ‘earlier’ early warning.

The following are examples of gender-sensitive early warning indicators:

- Propaganda emphasizing hyper-masculinity⁷⁷
- Media scapegoating of women accusing them of political or cultural betrayal
- Sex-specific refugee migrations
- Engagement of women in a shadow war economy
- Sex-specific unemployment
- Resistance to women’s participation in peace processes and negotiations
- Lack of presence of women in civil society organizations
- Growth of fundamentalism
- Increase in single female-headed households
- Low percentage of women in parliament⁷⁸
- Low percentage of female suffrage⁷⁹
- Low percentage of women in labour force⁸⁰
- Decline in women’s access to health and education⁸¹
- Increased barriers to women accessing land or credit⁸²
- Low female literacy rates (as compared to men)⁸³
- Perception of women as property
- Cultural restrictions on women
- Violation of women’s human rights (including violence against women and rape)
- Exclusionary or discriminatory laws
- Trafficking of women (sex trade, prostitution)

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- Sex-specific forced displacement
- Increased incidents of domestic violence
- Increased sale of valuables

ii) Collecting gender-sensitive information through incorporating and consulting women and women's organizations

Step 2: Analysis and risk assessments

i) Introducing gender analysis focuses on the micro-level and exposes realities on the ground, improving the anticipation of violent conflict escalation.

A UNIFEM expert report noted several situations where micro-level changes to women's daily existence offered significant and reliable warnings of an impending conflict. Examples of these micro-level considerations include the following:

A story from Sierra Leone:

"As the war was brewing, women were up and about very early in the morning, getting all of their business done as quickly as possible. The markets were only open for a few hours because people were afraid. When the market was open for longer, it was a sign that things were getting back to normal."⁸⁴

A story from Burundi:

"In the morning, if we see women coming down from the mountain, then we know it is safe to send our children to school. If we don't see women, we know that something may happen. They have been sent back by the men for a reason, and it is very possible that it is not safe."⁸⁵

ii) Introducing gender analysis integrates micro- with meso- and macro- level considerations in producing risk assessments, case scenarios and response options.

iii) Including women in the analytical process adds new perspectives and avoids mind blindness

Step 3: Formulation of response options

i) Integrating gender-sensitive response options addresses macro-, meso-, and micro-level concerns, as appropriate.

ii) Integrating the long-term efforts for peace and conflict resolution at micro-, meso, and/or macro-levels as constitutive components of response options.

Step 4: Communication to decision-makers

i) Reaching a range of actors in institutions, including both those directly responsible for decision-making and those responsible for gender mainstreaming.

ii) Fine-tuning early warning response options and analysis to include women's groups and organizations.

THE RESPONSIBILITY TO REACT

A. Reducing disproportionate impact of sanctions.

ICISS highlights the potential to react to conflict by using not only intervention, but also military, economic and political sanctions.⁸⁶ It is imperative that the organization implementing such

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sanctions be mindful to the gendered consequences of any measure(s) imposed and seek to mitigate any disproportionate impact.⁸⁷

Although the R2P report identifies a desire to see more targeted sanctions in order to decrease negative effects on civilian populations (especially the more vulnerable sectors), these policies need to be pursued with caution, as many have not yet been considered from a gendered perspective.⁸⁸ SCR 1325 recognizes the lack of gender disaggregated data in pre and post conflict states, and invites the Secretary-General to carry out a study of these elements.⁸⁹ The importance of doing so in relation to sanctions is highlighted by reports from countries facing such measures indicating that the impact of these policies have been borne overwhelmingly by women, as it is they who bear the brunt of the social and economic displacements and upheaval.⁹⁰

B. Missing women and the just cause threshold.

When prevention efforts and non-military reactions are unsuccessful, the ICISS advocates that, in exceptional circumstances, the norm of non-intervention give way. Specifically, military action is permitted when “civilians are threatened with massacre, genocide or ethnic cleansing on a large scale” and these circumstances are cases of violence which genuinely “shock the conscience of mankind,” or which present such a clear and present danger to international security.”⁹¹

B1. Gender based crimes against humanity are integral to the entire R2P threshold

The inclusion of rape amongst the components of “ethnic cleansing” is a commendable aspect of the ICISS formulation of the threshold. Rape and sexual violence are common methods of ethnic cleansing and women are targets of gender-based violence as bearers of culture and representatives of their families and communities.⁹² The recognition of this form of violence that disproportionately affects women is integral in accurately capturing situations that may call for military intervention.

While the goal of this paper is not generally to critique the existing R2P framework, but rather to offer an added-value gender perspective to its existing components, the authors believe there is an egregious fault with the current formulation of the just cause threshold. In response to this, we suggest an appropriate remedy that will not only ensure more appropriate recognition of a gendered perspective of conflict, but will also bring R2P more in line with other high level international statements.

According to the current threshold, rape is referenced only in the context of “ethnic cleansing,” leaving unaddressed the implications of systematic rape and other violence against women that is not conducted as an identifiable part of such an agenda.⁹³

We propose that the threshold criteria should explicitly include “Crimes Against Humanity,”⁹⁴ a legal concept into which gender-based violence⁹⁵ and systematic rape are subsumed. The expansion of the threshold to include Crimes Against Humanity would thus allow for gender-based violence and widespread and systematic rape to be independent considerations when assessing the justifiability of intervention.

The ICISS formulation of the intervention threshold is problematic because by implication it deems women’s (and men’s) sexual and physical autonomy and integrity worthy of protection only in their capacity as members of an identifiable group subject to persecution on some other non-gender ground of discrimination.

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While it is true that rape and sexual violence are common methods of ethnic cleansing, there must exist recognition that these same acts, committed without the nexus to ethnicity, are no less violations of humanity. The wide-spread presence of these violations meets the basic R2P principle that “where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect,” and the victims of these acts are worthy of protection through intervention.

Understanding acts of sexual violence as Crimes Against Humanity is consistent with the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia⁹⁶ (ICTY) and the International Criminal Tribunal for Rwanda⁹⁷ (ICTR) as well as the Rome Statute.⁹⁸ The jurisprudence of these International Tribunals and the evolving body of International Humanitarian Law (IHL) on this matter are indicative of the changing conception of the role of gender-based violence in times of conflict.⁹⁹ In addition, recognizing acts of sexual violence as worthy of protection is consistent with the special recognition these violations receive in SCR 1325 which “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...”¹⁰⁰

The UN Secretary-General’s High-level Panel has formulated the threshold of military intervention as including not only genocide, other large-scale killing, and ethnic cleansing, but also “serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent.”¹⁰¹ A more explicit endorsement for the inclusion of Crimes Against Humanity in the R2P threshold came from the Secretary-General himself when he urged states to “[e]mbrace the “responsibility to protect” as a basis for collective action against genocide, ethnic cleansing **and crimes against humanity** ...”¹⁰²

With respect to determining whether the events on the ground will meet the Just Cause Threshold, the ICISS indicates the need to “fair and accurate information” to make these decisions. The ICISS notes that reports prepared in the normal course of operations by or for UN organs or agencies and assessments made by other credible international non-governmental organizations could make up a part of this evidence.¹⁰³ Similarly, the Commission suggests that where time permits, an independent fact-finding mission could be sent by the Security Council or the Secretary-General.¹⁰⁴

Any organization enumerated above should be encouraged, and in some cases required, to have an integrated gender approach to their gathering of evidence. This would include ensuring that research teams have the appropriate training, include both men and women, and have adequate access to all affected segments of the population.¹⁰⁵ One way of ensuring data collection is inclusive is to consult with women and women’s organizations, a process which is in accordance with Article 15 of SCR 1325.

B2. Right intention requires representative consultations

To accurately gauge the support of the people on whose behalf intervention is sought, those consulted must be truly representative, and must therefore include women as well as men. Given the typically gendered division of societies, whereby women figure prominently in the “private” spheres of life and are not well-represented in public decision-making processes, there must be targeted efforts to seek the opinions of women.

Any consideration of reasonable prospects must also make a deliberate effort to take into account the true long-term effects of intervention or non-intervention, and part of this analysis

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must consider the specific impacts on women. If the proposed intervention has the prospect of increasing (or perhaps even facilitating) displacement of populations, for example, the consequences on the population must be considered when deciding whether to intervene. Women and children make up the majority of displaced populations globally, and will be the most affected by such an outcome.¹⁰⁶

B3. Right authority justly includes women

The need to include more women in UN processes generally is explicitly recognized in SCR 1325, which “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...” Extension of this mandate to include more members on the Security Council will aid in ensuring that issues of peace and security contain an appropriate gender perspective.

B4. Military impact on gender based violence and exploitation requires attention

Under the Operational Dimensions of the R2P report, it is specified that the Rules of Engagement (ROEs) for a military intervention “must reflect a stringent observance of international law, and international humanitarian law in particular.”¹⁰⁷

The reality of military operations is that they are almost invariably accompanied by increases in commercial sex industries, trafficking rings and sexual slavery.¹⁰⁸ Indeed peace and security officers (PSOs) have been described as vectors for the spread of HIV/AIDS¹⁰⁹ and some members have been implicated in trafficking.¹¹⁰ Sexual exploitation and abuse are forms of gender-based violence that can occur at any time, but are particularly prevalent where there are differentials in power. The convergence of factors at play in conflict situations has been described as follows:

Peacekeepers are often stationed in post-conflict situations where the state has collapsed, the justice system is not operational, crime is rampant, and women are impoverished and vulnerable to abuse. These societies develop into prime routes for trafficking in both drugs and persons. Meanwhile, foreign troops stationed as part of a peacekeeping mission feed a demand for prostitution. As a result, rape, trafficking in women and children, sexual enslavement, and child abuse often co-exist alongside peacekeeping missions.¹¹¹

In addition, there have been several situations where PSOs themselves have been accused of sexual exploitation and abuse. The UN was initially slow to react to these allegations, but eventually undertook a series of initiatives to address this serious issue.¹¹² In response to a set of allegations of widespread sexual exploitation and abuse of refugee and internally displaced women and children by humanitarian workers and peacekeepers in West Africa in 2002,¹¹³ the Inter-Agency Standing Committee created the Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises.¹¹⁴ This body operated for two years and its work included the clarification of minimum standards of behaviour for personnel in the area of sexual exploitation and abuse; it increased the detail in the UN Staff Regulations and Rules as per the Secretary-General’s Bulletin¹¹⁵; elaborated a system-wide plan of implementation for the S-G’s Bulletin; and produced a set of six documents, applicable to all UN civilian personnel.¹¹⁶ The Task Force worked closely with DPKO particularly in 2003 and 2004 and this collaboration contributed to the DPKO’s development of *Gender Resource Package for Peacekeeping Operations*.¹¹⁷ With respect to the issue of sexual exploitation and abuse, the Resource Package contains chapters on “Gender and Codes of Conduct” and “Gender and HIV/AIDS.”

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It has not only been UN personnel who have committed acts of sexual exploitation and abuse. North Atlantic Treaty Organization (NATO)-led troops, police, and civilian personnel in the Balkans were also found to be involved in abuses ranging from the rape and murder of a young Albanian girl in January 2000 to involvement in prostitution rings and allegations of inappropriate pat downs of Kosovar Albanian women.¹¹⁸ In 2004, the NATO Summit approved a new Policy on Combating Trafficking in Human Beings and curriculum development for training peacekeepers was initiated, with Canadian participation.¹¹⁹

Various troop-contributing member states have created and now require gender awareness training courses. Among these is the joint Canada-UK Gender Training Initiative (GTI) that provides material for a three-day course on gender sensitisation, including information on violence against women and IHL.¹²⁰

While such initiatives are laudable, the abuses they seek to address have not yet been eliminated. Allegations of similar abuses have arisen in 2005, both in the Democratic Republic of Congo (United Nations Mission in the Democratic Republic of Congo – MONUC)¹²¹ and Haiti (United Nations Stabilization Mission in Haiti – MINUSTAH).¹²² While the reactions to each set of allegations were swifter and more comprehensive than situations in the past, the fact that they arose indicates a need to have a consistent and explicit mandate.¹²³

Because of the potential nature of military interventions outlined in the R2P report, it is absolutely essential that all troop-contributing nations commit to (1) gender awareness training that involved specific information on sexual exploitation and abuse and that this training include information on HIV/AIDS¹²⁴; and (2) that troop-contributing nations commit to using the full extent of the law against any personnel who commits violations of this nature. Pursuing these objectives is in accordance with the invitation in SCR 1325 for gender training, which includes HIV/AIDS,¹²⁵ and the emphasis on prosecuting those responsible for sexual violence against women and girls.¹²⁶

Given that the very purpose of interventions under the R2P framework is human protection in the context of an intense debate over the distinctions between humanitarian aid and military aid, articulation of the highest possible standard is necessitated.

C. Gender equity in peace support can enhance protection capacity

The second important operational aspect of the Responsibility to React is to ensure that all peace support operations are directed in a way that reflects the differential vulnerabilities, capacities and needs of the men, women, boys, and girls they are seeking to benefit. A significant component of this lies in reforming aspects of the security sector that provide the reaction force and then ensuring that the considerations stated above are incorporated into actual operational plans.

It is essential that a gender perspective be brought to bear on peace support operations. It must be integrated from the initial planning stages right through to the close of the intervention. With respect to the Responsibility to React, this implies the need for integrating gender training and efforts to improve gender equity in the operations themselves. SCR 1325 calls for more women as military observers, civilian police, human rights and humanitarian personnel, all of which need to be components of an intervention force acting under R2P.

Reaction forces, ranging from UN peacekeeping forces to NATO-led intervention forces, have always been male-dominated. Between 1957 and 1989, only 0.1 percent of the field-based military personnel in UN peacekeeping missions were female and by 2000, women made up

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only 4 per cent of police and 3 per cent of military in UN operations.¹²⁷ Identified barriers to higher participation by women in the security sector include misperceptions about what is required in leadership of these operations; a lack of transparency and accountability in hiring; and a failure to have targeted recruitment strategies that address women directly.¹²⁸

Increasing the presence of women in peace operations accomplishes two goals. First, it is a step towards achieving gender equity, and a way for member states and multilateral organizations to meet their commitments to gender equality. These commitments are enunciated in a variety of international documents, including CEDAW, BPFA, and SCR 1325.

Second, the presence of women has operational implications and can enhance the provision of protection to an increased proportion of the population.¹²⁹ It is important to note here that while some literature has described the presence of women in terms of their innate differences from men, (i.e. introducing more “peaceful” women as a counterweight to more “aggressive” men), this should not be the basis for their inclusion.¹³⁰ Rather, some of the positive benefits of increasing the number of women in PSOs (which would include a reaction force) include enhancing access to services for women in the civilian population who are either unable or uncomfortable in approaching male members for assistance; recognizing that civilian populations generally tend to view forces with more women as more trustworthy; and respecting that it has been reported that incidents of sexual misconduct by members of forces are lowered when there are more women among them.¹³¹

Even if an equal representation of men and women were achieved in PSOs, there is still a need for gender awareness training. This should not be limited to the issues of sexual exploitation and abuse discussed above, but rather must be an effort to promote awareness of the gendered aspects of conflict and intervention and the role that PSOs can play in mitigating negative effects for civilian populations.

THE RESPONSIBILITY TO REBUILD

A. Peace-building success is influenced by women’s contributions

The conception of peacebuilding provided in Kofi Annan’s 1998 report, *The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa*, and adopted by the ICISS, relates specifically to actions which occur *after* the conflict itself has subsided. As such, the Responsibility to Protect framework does not include an analysis of the process which *leads to* the end of the conflict—the peace negotiations themselves. It is worth noting, however, that there is an obvious link between the negotiation process, which leads to the cessation of immediate conflict, and the fragile environment in which peace building must occur. Also noteworthy is the significant and troubling absence of women at these negotiations.

The importance of including women in this process is recognized in a number of international instruments. Most notable amongst these is the Beijing Platform for Action and SCR 1325, both of which specifically call for increased representation of women in conflict resolution,¹³² and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which encourages the temporary use of quotas and restrictions to ensure equality in decision-making.¹³³

Although the R2P framework does not address the conflict cessation process, the R2P report does encourage authorities to facilitate ongoing peace negotiations by aiding to establish “a political process between the conflicting parties and ethnic groups in a post-conflict society

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that...encourages cooperation between former antagonists.”¹³⁴ The same principles regarding the involvement of women in initial peace processes ought to apply to any ongoing negotiations.

The inclusion of women in this process will not only lead to the establishment of a more equitable process, but will also allow them to “inject the negotiation with a practical understanding of the various challenges faced by the civilian population and the most concrete and effective mechanisms for addressing them.”¹³⁵ Although the R2P report does not specifically address the formal peace negotiation process, it does allude to it and comments that it is not usually the arena where the most lasting movements towards reconciliation occur.¹³⁶ Rather, the report notes, the daily efforts of individuals working together to rebuild their lives tends to yield the most significant progress towards peace.¹³⁷

It is well established that grass-roots women’s organizations can play a central role in the establishment of local peace projects, and their initiatives are frequently recognized as being not only resilient but also remarkably adaptive to post-conflict situations.¹³⁸ At the end of this paper, there is a detailed note on general obligations for the implementation of peace agreements found in the 2003 *Report of the UN Expert Group Meeting on Peace Agreements* followed by practical, achievable implementation guides in the following four key areas:

- Dissemination of the peace agreement
- Women’s full and equal participation at all levels of policy and decision-making
- Peacekeeping operations
- Mechanisms for women’s access to and participation in peace agreement implementation processes

B. Factoring in a “great silence” of gender-based harm.

B1. Protection of women and women within minorities

The R2P report identifies the provision of basic security as one of the essential functions of an intervention force in a post-conflict environment. The report specifies that this protection is to be offered to all members of a population regardless of ethnic origin,¹³⁹ and is deemed to be particularly important where citizens are returning to territories where they are the ethnic minority.¹⁴⁰

A discussion of gender considerations relating to internally displaced persons (IDPs) and refugees is provided later in this section. Here, the focus is on addressing the unique security risks facing women in minority groups and on recognizing women generally as a group requiring distinct security protections.

It is well established that during conflict situations women face an escalated risk of extreme physical violence. The horror of this violence is described vividly by UNIFEM appointed experts, Elisabeth Rehn and Ellen Sirleaf-Johnson, in their 2002 report:

Violence against women in conflict is one of history’s great silences. We were completely unprepared for the searing magnitude of what we saw and heard in the conflict and post-conflict areas we visited. We knew the data. We knew that 94 percent of displaced households surveyed in Sierra Leone had experienced sexual assaults, including rape, torture and sexual slavery. That at least 250,000 – perhaps as many as 500,000 – women were raped during the 1994 genocide in Rwanda. We read reports of sexual violence in the ongoing hostilities in Algeria, Myanmar, Southern Sudan and Uganda. We learned of the dramatic increase in domestic violence in war zones, and of the growing numbers of women trafficked out of war zones to become forced labourers and forced sex workers.

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But knowing all this did not prepare us for the horrors women described. Wombs punctured with guns. Women raped and tortured in front of their husbands and children. Rifles forced into vaginas. Pregnant women beaten to induce miscarriages. Foetuses ripped from wombs. Women kidnapped, blindfolded and beaten on their way to work or school. We saw the scars, the pain and the humiliation. We heard accounts of gang rapes, rape camps and mutilation. Of murder and sexual slavery. We saw the scars of brutality so extreme that survival seemed for some a worse fate than death.¹⁴¹

In addition to overt violent attacks such as the ones described above, women in conflict situations are frequently left with no shelter and no means of subsistence, and are often forced into the dangers of the sex trade.¹⁴² In addition, the risk of domestic abuse increases dramatically during conflict situations, a fact likely linked to the increased availability of weapons, the lack of jobs and basic shelter, and a generally increased tolerance for violence.¹⁴³

The sad reality is that these dangers are not alleviated when conflict ceases. Indeed, the UNIFEM Expert report reveals that once escalating violence has become 'the norm' it is often very difficult for combatants to make the transition to peacetime non-violent behaviour.¹⁴⁴ Evidence of the ongoing risk to women's security is found in the murders of four combatant wives in the United States,¹⁴⁵ in a study showing that as many as 75% of Cambodian women were subject to domestic violence at the hands of ex-combatants,¹⁴⁶ and in the mass rape of women by pro-Indonesian militia in 1999 after the independence vote had occurred.¹⁴⁷

A factor aggravating the post-conflict risk to women is a fear of reporting. This may stem from a variety of factors including a distrust of authority, a lack of structural stability in the Government, and a linking of virtue to virginity. The latter of these is a particular concern, as survivors of rape and other forms of sexual violence frequently put themselves in increased risk by marrying the perpetrators of their attacks in order to avoid shame or become a burden on their family.¹⁴⁸

Although the R2P report recognizes the particular post-conflict vulnerability of ethnic minorities and not of women, the framework does require that "**all** members of a population"¹⁴⁹ are provided with basic security and protection. It is thus essential that such efforts recognize the particular risks facing women in these situations, and ensure adequate security is provided.

Women of ethnic minority are particularly vulnerable in both conflict and post-conflict situations. These individuals face unique security risks as a result of the nexus between their gender and their ethnic identity.¹⁵⁰ The most well-recognized of these dangers is an increased risk of rape, which is frequently used not only to humiliate and intimidate, but also to dilute the ethnic group through forced impregnation.¹⁵¹ The danger to women in these situations is that they are viewed as metaphors for a race, and in wars based on ethnicity the entire objective is often to brutalize and defeat that race.¹⁵² These increased risks need to be identified and addressed as part of the R2P rebuild framework.

B2. Women are key contributors to disarmament, demobilization, & reintegration

Falling under the Responsibility to Rebuild, the ICISS identifies disarmament, demobilization and reintegration (DDR) of local security forces as "[o]ne of the most difficult and important issues to be regularly confronted in the post intervention phase" and notes "[s]uccessful disarmament of personnel from military and security forces, and other efforts to collect small arms and curb the entry of new ones, will be an important element of this effort."¹⁵³ The ICISS includes in their DDR protection task a focus on "the security and protection of civilians."¹⁵⁴

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Integral to the task of appropriately addressing the gender dimensions of the DDR process is recognizing that affected parties include both ex-combatants themselves as well as the communities to which they are returning. Indeed, SCR 1325 recognizes the need for those involved in DDR initiatives to “consider the different needs of female and male ex-combatants and to take into account the needs of their dependants.”¹⁵⁵

Some of the key gender issues that arise with respect to DDR process include: ensuring both male and female ex-combatants are eligible for participation in any DDR program and that those who may have accompanied fighting forces but not occupied a traditional “combatant” position are nonetheless afforded reintegration assistance; that these same individuals receive appropriate counselling and health services; that communities accepting ex-combatants are provided with security; and that the effects of small arms and light weapons (SALW) on heightening violence (typically against women) are considered and deliberate steps are taken to reduce their availability. These dimensions, as they relate to the Responsibility to Rebuild, will be explored briefly below.

In planning any DDR program, there must be information gathered regarding the composition of the fighting force. This should include information about both male and female combatants, as well as their dependents. Historically, DDR programs have operated on a “one man, one gun” policy, which has excluded women who may occupy less traditional, but no less integral, roles in fighting forces.¹⁵⁶ In reality, many fighting forces are diverse and a failure to address all of their members means that many ex-combatants are left with no means to support themselves. Very often females face even more barriers to reintegrating on their own as societal conceptions of women who have been involved with fighting forces can stigmatize them.¹⁵⁷ If the programmes themselves determine eligibility for participation in an appropriate way, there must also be provisions so that females can actually participate in them. Access to healthcare (especially reproductive care), childcare and separate sleeping quarters are examples of needs that must be addressed in order to make women’s participation in these programs possible.¹⁵⁸

The R2P report specifies that civilian protection must be a primary concern in DDR programmes. While membership in fighting forces undoubtedly includes female representation, the majority of members are male, which will mean the majority of combatants being reintegrated will be males. Male demobilised soldiers tend to be accustomed to the use of force, empowered by the possession of weapons, and prone to alcohol and drug abuse, all of which frequently result in brutal gender relations.¹⁵⁹ For communities that accept ex-combatants, there must be some attempt made at ensuring their reintegration is a community-driven process.¹⁶⁰ Families and communities must be supported in reintegrating the combatants and part of this process is ensuring that they have had adequate access to gender-focused trauma work.¹⁶¹

B3. Domestic violence impacts on security sector reform

The R2P report identifies the need for new national armed forces and police as a vital to both national reconciliation and protection of the re-established state once intervening forces leave.¹⁶² In terms of operationalizing this aspect of the rebuilding stage, security sector reform (SSR) is identified as one of the five major protection tasks of intervening forces.¹⁶³

The importance of security sector reform (SSR) is indeed difficult to overstate. The security sector is made up of organisations and entities that have the authority, capacity, and/or orders to use force or the threat of force to protect the state and civilians.¹⁶⁴ This includes a broad spectrum of actors, ranging from police, to the military, judiciary and other government agencies. The overall aim of SSR should be the “transformation of security institutions so that

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they play an effective, legitimate and democratically accountable role in providing external and internal security for their citizens.”¹⁶⁵

Given the importance of SSR, it is imperative that it reflect issues of gender and women’s security, something that has not been the norm thus far.¹⁶⁶ The security issues that face women and men, girls and boys will be different both between and within these groups, and will affect their needs and interactions with members of the security sector. Any reform process thus must take them into account.

There are a number of international agreements which support the inclusion of gender and women’s issues in any SSR process.¹⁶⁷ Similar principles as what have been noted throughout this paper apply to SSR: namely gender mainstreaming, increasing the representation of women in the sector generally and specifically in decision-making positions, and provision for the different vulnerabilities and capacities of sectors of the population. However, it must be reiterated that there is a dearth of research in this area, which is both symptomatic of the neglect of the gender-SSR nexus and a problem for its implementation.

One area that has received particular attention is the need to address the issue of domestic violence¹⁶⁸ in post-conflict settings. Outside of feminist writings and activities, domestic violence remains one of the most under-scrutinized topics in discussions of SSR.¹⁶⁹ What available work does illustrate, however, is how, if it is undertaken with appropriate consideration to gender issues, SSR can produce real and lasting changes for the security of many members of the population. It is also a good illustration of how the inclusion of women as agents in both SSR and the security sector itself can produce positive benefits.

B4. Effective landmines clearance includes gender analysis and inclusion

The R2P report recognizes that mine action is an “essential element” of effective and sustainable rehabilitation efforts, and notes the need for mine mapping, mine clearance, and victim assistance.¹⁷⁰ This position is consistent with the “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction” (Ottawa Convention) which not only requires member parties to avoid the use of personnel land mines, but also requires, *inter alia*, that they support efforts to clear mines, conduct mine awareness programmes in effected countries, and aid victims with care, rehabilitation, and reintegration into their communities.

The international community has also recognized that land mines affect men, women, girls, and boys differently, and that these differences must be taken into account when planning and implementing land mine programmes. Indeed, the need for a gender-sensitive approach to landmine action is explicitly articulated in SCR 1325, which emphasizes the “need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls.”¹⁷¹ This call is also found in the Beijing Platform for Action,¹⁷² and in the Secretary-General’s 2003 report on the UN’s mine action strategy.¹⁷³

These international statements are in response to a growing realization that the traditional roles of women in many communities—in agriculture, food gathering, firewood collection, etc—puts them at an increased risk of becoming a landmine casualty.¹⁷⁴ In addition, women are frequently ostracized from society after becoming injured from such an explosion (often losing their husbands, for example),¹⁷⁵ have less access to health care including prostheses,¹⁷⁶ and face almost a 0% chance of employment.¹⁷⁷ Other concerns include the role of women as the primary care-givers for the injured, the increased effects of mines on women as a result of their

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disproportionate representation as internally displaced persons, and the exclusion of women from mine removal and awareness programmes.¹⁷⁸

- In February 2005, the United Nations Mine Action Service released a report entitled “Gender Guidelines for Mine Action Programmes.”¹⁷⁹ This report contains 15 primary recommendations and 46 suggested strategies for achieving these goals, all of which need to be considered as part of the responsibility to protect rebuild doctrine.¹⁸⁰

C. Gendered justice strategies increase effectiveness and stability.

C1. Gender based war crimes and human rights violations are of equal concern

This task is in accordance with SCR 1325’s emphasis on the prosecution of those responsible for genocide, crimes against humanity and war crimes. SCR 1325 goes further, however, in explicitly specifying that these prosecutions include “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.”¹⁸¹

Gender based crimes in times of conflict are not new, nor are their prohibition.¹⁸² However, the recognition of rape and other forms of gender-based violence as crimes against humanity, components of genocide, and crimes of war, has only recently been legitimized, and it is essential that the international community consistently articulates their significance in the overall context of post-conflict justice processes.¹⁸³

To strengthen the nascent recognition of gender-based violence as the crime that it is, and address some of the concerns addressed above, the following considerations can be taken into account when contemplating the transnational arrangements for justice referred to in R2P:

- ensuring amnesty provisions do not exclude sexual and other gender-based forms of violence¹⁸⁴
- ensuring investigators staffed to international tribunals or reconciliation commissions have adequate gender training and resources to gather the evidence needed to prosecute these crimes¹⁸⁵
- ensuring survivors receive protection and counselling before, during and after testifying or participating in any type of proceedings¹⁸⁶
- ensuring those charged with these crimes are pursued with the same rigour as all other alleged war criminals and violators of human rights.

C2. The modern rule of law includes women’s human rights

The rebuilding of domestic systems of justice and governance is undoubtedly a herculean task. The ICISS is apt to note that the intervening forces’ main objective should be to provide the safe environment necessary for these reforms, and to support local initiatives towards their achievement.¹⁸⁷ In this regard, the call in SCR 1325 for “[m]easures 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” provides instruction on how to more equitably promote local initiatives.¹⁸⁸ It is also important to bear in mind that the restoration of safety and good governance will not occur simply by providing protection for women, but rather that these processes must include equitable representation in the decision-making structures that will govern the peace itself.¹⁸⁹

Interim measures that will be taken by PSOs include the use of the “justice packages” referred to by the ICISS.¹⁹⁰ In selecting an appropriate “package” to implement in the interim, intervening authorities should ensure, at a minimum, that it provides for the following: its adaptation to local

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context should be undertaken with the assistance of gender experts in consultation with local women's groups from the initial stages; interim codes should reflect the international standards relating to violence against women (examples include the Rome Statute and the CEDAW); and local police forces and judicial officers should, if not already, be trained in gender-sensitive methods of investigation, prosecution and trying gender-based crimes.¹⁹¹ These measures would go a long way to addressing the fact that, while both women and men suffer horrendously during conflict, women may suffer as much in the 'post-conflict' period owing to deep patterns of gender inequality.¹⁹² The risk of (forced) prostitution, trafficking, domestic violence, rape and other gender-based crimes are all prevalent in post-conflict settings at elevated rates.¹⁹³ One important method of addressing these issues is to ensure an equitable justice system is put into place.

Legislative reforms undertaken in a post-conflict setting are opportunities to enshrine gender-equality issues (such as women's and men's equal access to land, property, education and other basic services). This includes extending the interim measures above, as well as reforming domestic legislation and constitution-building and enhancing women's and men's democratic representation and participation in decision-making structures.¹⁹⁴ Priorities in these areas that have been identified for women include: participatory constitutional processes and support for targeted initiatives for education, consultation and participation in constitution drafting; separation of powers among branches of governments; incorporation of international law; limitations on customary or religious law to the extent it is inconsistent with international human rights law; and review of legislation that tends to particularly affect women (including citizenship laws, family and property law, and criminal law as it relates to violence against women).¹⁹⁵

C3. Enabling women means the majority of refugees are assisted to return

SCR 1325 notes that women and children "account for the majority of those adversely affected by armed conflict, including as refugees and internally displaced persons"¹⁹⁶ and recognizes explicitly that this has a consequential impact on "durable peace and reconciliation."¹⁹⁷ These statements underline the critical importance of ensuring that a gender-perspective be included in efforts to address returnees under the R2P framework.

The R2P report outlines the following as considerations with respect to facilitating the return of refugees and returnees: facilitating adoption of non-discriminatory property laws and ensuring access to health, education and basic services. In all of these matters, one of the core problems facing female returnees is that they may not be recognized as legal persons, and thus will not possess official documents such as identification cards.¹⁹⁸ This undercuts a number of post-conflict initiatives and must be borne in mind in designing appropriate return policies and programmes.

Access to property is key in setting the foundation for growth after the cessation of hostilities. While the R2P report notes generally that returnees encounter difficulties with this, female members of returnee groups may be doubly disadvantaged because of discriminatory attitudes, and these must be dealt with specifically by intervening authorities, either directly or through supporting local initiatives to ameliorate the discrimination. The ICISS cites as examples the following barriers that are encountered in establishing tenancy rights: absence of legal documentation and obstruction by local authorities.¹⁹⁹ Very often, especially in legally pluralistic societies, women's rights to own property are not recognized at all.²⁰⁰ As returnees, women who were previously married are very often single as they have been widowed or endured separation from their partners. They thus face the dual disadvantage of the barriers of returnees generally, and of their lower legal status as women. Efforts to remove legal barriers to property must thus consider both aspects of disadvantage. The obstruction by local authorities can be an

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issue even if *de jure* equality is achieved, and thus action must be taken to ensure that true access to legal rights, or *de facto* equality, is an objective that is realized as well. This may necessitate the introduction of legal literacy and training so that returnees, including women, learn of changes that will allow for access and how to seek redress if they are obstructed from doing so.

Return sustainability, which the ICISS cites as “pivotal to ensuring the long-term success of repatriation” includes both social and economic development, discussed in a separate section, and access to health, education and basic services.²⁰¹ Related to return stability is the issue of addressing and capitalizing on the newly-acquired skills and assets that returnees may bring back to their community. This latter point is especially true for female returnees as many of them gain new opportunities in times of conflict owing to the disruption of typical gender roles.²⁰²

The health needs of returnees will vary from basic health services to those that specifically address the impact of armed conflict. Additionally, different subgroups of returnee populations will have specific needs, such as mental health and reproductive health effects from sexual violence. Armed conflict and displacement are associated with the spread of infectious diseases, injuries and wounds sustained from fighting, environmental harm, mental health and stress-related diseases.²⁰³ Male returnees will suffer a higher number of injuries and wounds, as well as combat-related stress, owing to their higher representation in fighting forces. Women experience specific health effects from conflict as well, including malnutrition, reproductive health, effects of sexual violence, and the effects of the burden of care of others, owing to their roles as family supporters.²⁰⁴ In the design of programs for the health needs of returnees, intervening authorities must take these differences into account.

D. Sustainable development has a women’s face

There is a clear and direct link between a lack of development and ongoing conflict.²⁰⁵ In fact of the world’s least developed countries, 16 of 20 have been engaged in a violent conflict over the past 15 years.²⁰⁶ This link has caused the World Bank to note that “many of the world’s poorest countries are locked in tragic vicious circle where poverty causes conflict and conflict causes poverty.”²⁰⁷ States in post-conflict situations often face the biggest development challenges, and there is a 44 percent chance of relapsing to war in the first five years of peace.²⁰⁸

The link between gender equality and effective development, sometimes termed “WID” for “Women in Development,”²⁰⁹ has been increasingly recognized by both international and country based international development agencies,²¹⁰ and has evolved from WID to “GAD” (Gender and Development) as these key agencies, including the Asian Development Bank,²¹¹ the World Bank²¹² and The United Nations Development Programme (UNDP)²¹³ expanded programming away from an exclusive focus on women to a GAD approach factoring in men’s roles and the broader socio-political environment.

A similar shift is needed in the R2P doctrine – to an overt acknowledgement that the highly charged conflict situations hovering at the R2P threshold are never going to be gender neutral and that the participation and commitment of men is required to fundamentally alter the gendered violence so prevalent in all conflict situations.

United Nations Millennium Development Goals

This objective is also reflected in the United Nations Millennium Development Goals (MDGs), which constitute a commitment by the UN’s 191 member states to address key development issues by the year 2015.²¹⁴ Goal 3 of these is to Promote Gender Equality and Empower Women. Although the specific target committed to under the MDG focuses narrowly on

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eliminating gender disparity in primary and secondary education, parity in education is seen as a direct means of addressing the broader objective of women's equality.²¹⁵

Aside from education, there are many other development projects that need to be pursued in a post-conflict state. It is clear that if these development initiatives are to succeed they will need to be gender-sensitive. Some examples of ways to promote gender equality through development initiatives include:

- Increasing women's access to and control over basic services, including primary and reproductive health and child care
- Increasing skills training and capacity development opportunities for women
- Increasing decision-making power for women regarding expenditures in the household
- Increasing options for child care
- Increasing understanding of gender differences in determinants and consequences of diseases, including malaria and HIV/AIDS
- Eliminating gender stereotypes in school curricula
- Improving access for women to safe and affordable public transport services and infrastructure
- Increasing employment of women in infrastructure services at all levels
- Supporting women's and girl's organizations that are advocating for their rights
- Creating awareness of women's economic, social, civil, political and cultural rights
- Creating programs to offer greater access to and control over credit, training and services for women entrepreneurs
- Eliminating taxation provisions that discriminate against women
- Recognizing women's knowledge of the natural environment and increasing decision-making roles for them in natural resource management
- Increasing the involvement of women and women's groups in the design and management of viable recycling activities²¹⁶

Perhaps most importantly, women themselves must be included in any development initiatives undertaken. The R2P framework recognizes that "intervening authorities have a particular responsibility to manage...the transfer of development responsibility and project implementation to local leadership, and local actors working with the assistance of national international development agencies."²¹⁷

This principle is embedded in the 2005 *Paris Declaration on Aid Effectiveness*, with its emphasis on accountability, in particular that of the recipient governments to their constituents, including through national parliaments and civil society organization consultations.²¹⁸ But, as with the R2P, gender equality has not been addressed explicitly. In response, earlier this month in Brussels, the European Commission and UNIFEM convened a conference on "Promoting Gender Equality in New Aid Modalities and Partnerships" and the head of UNIFEM addressed the "implementation crisis" in development, noting that

- Analyses of Sector Wide Approaches and Poverty Reduction Strategy Papers indicate that gender equality analysis is mostly absent or inadequately included.
- Integration of a gender perspective at the national level is not sufficiently reflected in institutional arrangements, national development strategies, development programmes, budgets, and monitoring and evaluation frameworks.
- Gender equality is a cross-cutting issue rather than a separate sector, and gender mainstreaming (when used as a strategy across sectors) is usually poorly implemented, contributing to policy evaporation.²¹⁹

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CONCLUSION

Canada can contribute substantially to clarifying and strengthening the R2P doctrine through one simple truth: until women reach the stage where they can be truly equal partners with men, then specialized attention – with adequate and appropriate resources dedicated to women – must be given by international leaders, spoken aloud on the world stage, written into every UN high level report. And the words must be actualized to remove barriers to the realization of women's human rights and equality. It is this truth that infuses SCR 1325 and the Women, Peace and Security agenda, growing out of Canada's leadership on the Human Security continuum. It is this truth that needs to infuse the coming stages in evolution and implementation of the emerging R2P doctrine, the Peacebuilding Commission and Canadian foreign aid, consistent with the position already taken on SCR 1325.

Canada would like to recognize the important role played by women in the prevention and resolution of conflicts and in peacebuilding. We must bring resolution 1325 to life! We would like to stress the importance of the equal participation and full involvement of women in all efforts for addressing the threats and challenges to peace and security. We need to increase their role in priority-setting and decision-making with regard to all aspects of conflict prevention and resolution.²²⁰

UN Secretary-General Kofi Annan has highlighted the role played by Canada both in its membership in the informal "Friends of Women, Peace and Security" and its establishment of the Canadian Committee on Women, Peace and Security in 2001.²²¹ Canada can further galvanize the emergence of the R2P and Peacebuilding Commission proposals, by taking the opportunity to speak to standards of diversity and inclusion for which we are already known. Canadian leadership on engendering and strengthening the R2P doctrine will link well with promotion of SCR 1325, exemplified by Canada's articulation of gender inclusion principles in response to the release of the Secretary-General's *In Larger Freedom Report*:

In the Security Council Open Debate on SCR 1325, on October 27, 2005, Ambassador Laurin stated,

... as States Members of the United Nations, we should all consider developing action plans and coordinated strategies at the national level for the implementation of resolution 1325 (2000) — a process that Canada has already begun. Among the gaps identified by the Secretary-General in his report are the lack of systematic incorporation of gender perspectives in peace agreements and the lack of enhanced women's participation in formal peace processes. Those elements were the focus of the expert group meeting hosted by Canada in preparation for last year's session of the Commission on the Status of Women, which developed a framework for model provisions on peace agreements as a means of promoting gender equality and ensuring women's participation in peace processes. The Network welcomes that outcome. Women are highly active and effective in informal peace processes. The challenge lies in their participation in formal processes where peace agreements are negotiated. There, women have been frozen out of the peace process and given no room at the peace table. In addition, a further challenge is that formal peace processes rarely take gender perspectives into account.

The Human Security Network is committed to taking concrete steps to enhance the role of women and to integrate gender equality in peace processes more effectively, thereby strengthening the legitimacy of decision-making processes and, by so doing, assisting in laying the groundwork for a meaningful and sustainable peace for all. The Network maintains that the involvement of all of society at every step, including women and women's groups, is crucial to the enduring success of the entire peace process, from

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negotiation to implementation of a peace agreement. In order to achieve that, capacity-building in the area of gender equality, women's rights and the gender-differentiated experiences of security is required for all actors, both men and women, as is an active search for women leaders.

...

In conclusion, the Human Security Network believes that it is the role of the Security Council to ensure that planning and implementation of all multidimensional peace support operations fully integrate a gender analysis and aim to strengthen the many and varied roles of women in peace processes, whether of a political, humanitarian, development, policing or civilian nature.²²²

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NOTE ON CANADA'S PROMOTION OF WOMEN, PEACE AND SECURITY

The Government of Canada (GOC) took an early lead on promoting the international agenda on women, peace and security. Even before the passage of SCR 1325, Canada had been a long-time advocate for the integration of a gender perspective (gender mainstreaming) in humanitarian, armed conflict and peacebuilding areas. This included work in the context of the International Criminal Court (prosecution of gender-based crimes) and Canada's tenure on the Security Council (protection of civilians).²

As a member of the Security Council when it adopted Resolution 1325 (SCR 1325), the GOC has been one of the Resolution's most vocal advocates, drawing attention to the needs and capacities of women in the context of armed conflict.³ Canada initiated and chairs the New York-based "Friends of Women, Peace and Security"⁴: a coalition of approximately 25 like-minded states, representatives of UN agencies and NGOs who discuss priorities for implementation of and build momentum for SCR 1325.⁵ As part of its efforts in this regard the GOC convened a Division for the Advancement of Women (DAW) Expert Group Meeting in November 2003 in Ottawa focused on the role of women in peace agreements.⁶ In recent Security Council

² Foreign Affairs Canada, *International Women's Equality*, http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/women_peace-en.asp

³ See for example statements by Gilbert Laurin in Press Release SC/7908, Security Council, 4852nd Meeting (AM & PM), 29/10/2003, "Women suffer disproportionately during and after war, security council told during day-long debate on women, peace and security" Briefed by Peacekeeping Under-Secretary-General Senior Gender Adviser for UN Mission in Democratic Republic of Congo <http://www.un.org/News/Press/docs/2003/sc7908.doc.htm>.

⁴ Also known as "Friends of 1325"

⁵ The group meets on a regular basis. UNIFEM, OSAGI and the NGO Working Group on Women, Peace and Security participate in the group's meetings on invitation. Member States commit to promoting the principles of women, peace and security in the six General Assembly committees, Economic and Social Council and all other inter-governmental bodies.

⁶ "Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions" Report of the Expert Group Meeting, Ottawa, Canada, 10-13 November 2003 <http://www.un.org/womenwatch/daw/egm/peace2003/reports/Finalreport.PDF>

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debates, Canada again displayed its commitment to ensuring that accountability for the perpetration of sexual abuse and violence against women does not suffer from further neglect.⁷

Following passage of SCR 1325, the GOC created the Canadian Committee on Women, Peace and Security. Currently chaired by Senator Mobina Jaffer, the Committee is comprised of parliamentarians, civil society representatives and government officials, and has to date focussed its work on advocacy, capacity-building, protection of rights of women and girls, and gender training.⁸ The Committee Chair participates in international activities as well as national ones, including presentations to Parliament.⁹

In October 2005, to mark the fifth anniversary of SCR 1325, Ambassador Gilbert Laurin, Canada's Deputy Permanent Representative to the UN hosted a luncheon panel at the Canadian Mission, in cooperation with the NGO Working Group on Women, Peace and Security, prior to the Open Debate on October 27, 2005, in the Security Council, on the role of women in peacemaking and peacebuilding.

⁷ Ambassador Allan Rock said, also speaking on behalf of Australia and New Zealand, the appalling and endemic use of sexual abuse and violence as a weapon of war demanded urgent attention. It was clear that a more robust and better coordinated international response was required. States affected by conflict, their justice systems and local communities must be engaged as a matter of priority to ensure that perpetrators of sexual violence were brought to justice. Additionally he noted, United Nations agencies and other humanitarian, development and human rights agencies must strengthen their efforts to promote prevention of sexual exploitation and increase accountability, including within their own agencies. Press Release SC/8420, Security Council 5209th Meeting (AM), 21/06/2005, *SECURITY COUNCIL PRESIDENTIAL STATEMENT REAFFIRMS CONDEMNATION OF DELIBERATE TARGETING OF CIVILIANS IN ARMED CONFLICT* In Briefing, Humanitarian Affairs Head Describes Protection Crisis, Says Efforts to Bring Perpetrators to Account 'Glaringly Inadequate'
<http://www.un.org/News/Press/docs/2005/sc8420.doc.htm>

⁸ See generally: "Canadian Committee on Women, Peace and Security" <http://www.ccwps-ccfps.org/main.html>

⁹ See for example Senator Jaffer's remarks regarding gender-based violence (3 November 2004)

[http://www.ccwps-ccfps.org/docs/eng/past/parStmt/\(041103\)GenderBasedViolence\(SenatorMobinaJaffer\).pdf](http://www.ccwps-ccfps.org/docs/eng/past/parStmt/(041103)GenderBasedViolence(SenatorMobinaJaffer).pdf)

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NOTE ON CANADA'S HUMAN SECURITY LEADERSHIP

National Level

The Government of Canada (GOC) has been an innovative leader in the area of Human Security (HS). At a national level, Foreign Affairs Canada houses the Human Security Program and it forms an important part of Canada's foreign policy. The GOC has recognized the following implications flowing from an emphasis on human security: (1) vigorous defence of human security objectives may be necessary; (2) the human costs of strategies for promoting state and international security must be explicitly assessed; (3) security policies must be integrated much more closely with strategies for promoting human rights, democracy, and development; (4) effective interventions involve a diverse range of actors including states, multilateral organizations, and civil society groups; and (5) civil society organizations are seeking greater opportunity and greater responsibility in promoting human security and must be engaged.¹⁰

The GOC identified the following issue areas as key components of a human security informed foreign policy: (1) Protection of Civilians (The Responsibility to Protect and Legal and Physical Protection); (2) Peace Support Operations (Peace Support Capacity Building and Expert Deployment); (3) Conflict Prevention (SALW; Economic Dimensions of Conflict; Human Rights and Minorities); (4) Governance and Accountability (ICC and Accountability; Rule of Law; Women, Peace and Security); and (5) Public Safety (Transnational Crime; Narcotics; Trafficking in Persons).¹¹ In its newly-released International Policy Statement, the GOC reiterated its commitment to promoting human security as one of the GOC's priorities.¹²

International Level

As a founding member of the Human Security Network¹³ (HSN), the GOC took its expertise and commitment to human security to the international level. As the 2004-2005 Chair of the HSN, Canada was responsible for convening and directing the 7th annual Ministerial Meeting held in May 2005.¹⁴ At this meeting, and throughout the HSN's work over the year, Canada consistently articulated its emphasis on key human security issues demanding international attention. These included: human rights, small arms and light weapons, landmines, children affected by armed

¹⁰ Foreign Affairs Canada, *Human Security Program*, <http://www.humansecurity.gc.ca/>

¹¹ Foreign Affairs Canada, *Human Security Program*, <http://www.humansecurity.gc.ca/>. See also: Foreign Affairs Canada, *Freedom From Fear – Canada's foreign policy for human security* (2002) http://www.humansecurity.gc.ca/freedom_from_fear-en.asp

¹² Foreign Affairs Canada, *Canada's International Policy Statement: A Role of Pride and Influence in the World – Overview* (Ottawa: Her Majesty in Queen of Right, 2005), at 20.

¹³ The Human Security Network currently has 13 of member states. See generally: www.humansecuritynetwork.org

¹⁴ The 7th Ministerial Meeting was held in Ottawa, Canada from 8-10 May 2005 and was attended by: Foreign Ministers, Secretary-Generals of Foreign Ministries, Special Advisors to Foreign Ministers, and Official Representatives of all the Network member countries, namely: Austria, Canada, Chile, Greece, the Netherlands, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, and South Africa (observer). Also participating as a guest was Louise Fréchette, Deputy Secretary-General of the United Nations, as well as representatives of Mexico, Japan and Costa Rica, a representative of the Office of the Commissioner for External Relations and European Neighbourhood Policy, and members of civil society.

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conflict, the Responsibility to Protect, HIV/AIDS, and women, peace and security.¹⁵ The outcome document of the most recent Ministerial Meeting is evidence of the importance of strong leadership and the influence of agenda-setting, as there were a number of references made directly to the issue areas Canada identified at the year's outset.¹⁶

¹⁵ "Plan of Action for Canadian Chairmanship of the Human Security Network (2004-2005)", Human Security Network, www.humansecuritynetwork.org

¹⁶ Human Security Network, "Ministerial Statement on Human Security and UN Reform," in particular paras 8-10, 14, 16-17, and 21-22.

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NOTE ON UN EXPERT RECOMMENDATIONS FOR PEACE AGREEMENTS

Excerpt from the Report of the UN Expert Group Meeting on Peace Agreements, 10-13 November 2003, Ottawa, Canada ¹⁷

Where an international administration is established (such as in Bosnia and Herzegovina, Kosovo, or East Timor), the obligation to act in full compliance with the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, and Security Council resolution 1325 (2000) in regard to gender equality and women's full and equal participation must be affirmed and implemented.

The international community must incorporate gender considerations in the structures of its organizations from the very beginning of a mission to avoid the possibility that gender-oriented issues get trapped in a special branch without possibility to influence the overall work of the organization. The work on gender mainstreaming should be coordinated by a senior-level expert with a strong mandate. A network of gender focal points at all levels should be affiliated with the coordinator. Gender mainstreaming needs to be complemented with targeted efforts such as special women's forums, gender task forces, and quota mechanisms. Work for gender awareness can be strengthened by activities at both levels, supporting and challenging each other to develop. Financial and human resources must be provided for gender mainstreaming as well as for targeted projects for women and girls as part of approved and allocated budgets. A gendered budget audit of implementation needs to be included in monitoring mechanisms of peace agreements. A gendered budget audit would need to be tied to donors' conferences.

1. General obligations for the implementation of the peace agreement

The most important part of implementation of a peace agreement is to ensure that provisions concerning gender equality and women's participation are carried forward in a comprehensive and sustained manner into the implementation phase, and furthermore, that all other provisions of the agreement are also implemented with full regard to their gender specific implications and, therefore, for the particular benefit of women and of society as a whole. The whole society has to be actively involved; thus, women and women's groups are crucial in this task. To enable them to be active in the implementation of the peace agreement, they have to have the tools and conditions that make it possible to work. In all implementation, effective consultation must be undertaken between the international agencies, the transitional government, regional organizations and local women and women's NGOs.

To that end, particular attention needs to be given to the legal obligations contained in the agreement. Other aspects that flow from these and that require attention are:

- ✓ Creation of free and secure spaces where women can meet.
- ✓ Ensuring safe and affordable transportation for women to meet with each other.
- ✓ Protection and promotion of freedom of speech and mobility for women.
- ✓ Provision of spiritual/healing services.
- ✓ Promoting capacity development for women's organizations.
- ✓ Total destruction of all arms and ammunition, including but not limited to small arms and light weapons.

¹⁷ "Peace agreements as a means for promoting gender equality and ensuring participation of women –

A framework of model provisions" EGM/PEACE/2003/ REPORT/10 December 2003 www.un.org/womenwatch/daw

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- ✓ Creation of monitoring and accountability structures to ensure gender-sensitive implementation.

The following areas require particular attention in implementation.

2. Dissemination of the peace agreement

Immediately upon the signing of the peace agreement, the parties as well as other stakeholders shall take all necessary measures to ensure that the content of the agreement is effectively translated and disseminated to the population. The rationale for such action is to promote local ownership and to facilitate discussion of the peace agreement. Local ownership ensures transparency and accountability, and is essential for its sustainability. Measures need to be put in place to effectively reach women in the dissemination and discussion of the agreement.

To that end, the following steps are required:

- ✓ Translate the peace agreement into national and local languages.
- ✓ Create and mass produce a popularized version of the agreement which clearly highlights provisions that are specific to the participation of women and the gender dimensions of the agreement.
- ✓ Disseminate the peace agreement to educators, religious communities, women's organizations, peacekeepers, new legislators, media, market women, barbers, shoeshine boys and other workers in the informal economy, through workshops, town meetings and theatre, and also use media/press, including community and women's radio and other means.
- ✓ Work with provincial and local government to secure full recognition and implementation of the peace agreement and its gender dimensions.

3. Women's full and equal participation

Women's full, equal and meaningful participation must be promoted at all levels of policy and decision-making, including in public service in the implementation of the peace agreement and subsequently in the post-conflict state. Institutionalization of democratic processes is supportive of this goal.

Building on the peace agreement, steps to achieve this need to include:

- ✓ Adoption of proactive special measures targeted at women to ensure their full and equal participation at all levels of policy and decision-making.
- ✓ Institutionalization of gender-sensitive criteria of merit in all decisions on hiring, promotion and appointments in the public sector.
- ✓ Reform of the public service sector to ensure women's participation in public service, including by using special measures, and appointment of women to high-level positions.
- ✓ Training of women for employment in public service.
- ✓ Appointment of gender experts in line ministries and public bodies.
- ✓ Presentation of women as candidates for elected positions, including in local, regional and national level elections.
- ✓ Provision of sufficient resources to cover the recurrent costs of the ministry of women's affairs/gender equality and development, as well as for an ombudsperson's office and for gender units/focal points within all national ministries.
- ✓ Provision of financial support and resources for women candidates, including for leadership training, capacity building, including by bilateral and multilateral donors and NGOs.

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- ✓ Inclusion, in legislation or terms of reference governing electoral funds, of explicit provisions to ensure to women full and equal access to such resources.

4. Peacekeeping operations

It is of great importance that all actors that work under the authority of a peace agreement be aware of and incorporate gender dimensions in all their activities, and thus give effect to the training that they will have received before deployment. Monitoring and accountability, as well as reporting obligations on the implementation of a peace agreement need to reflect specifically on the contribution of such actors to the promotion of gender equality and the participation of women, as well as pay attention to the gender dimensions of all aspects of the agreement. Such actors also need to be held accountable to those standards in their own behaviour and actions. It is of particular importance that the Secretary-General of the United Nations complies with the relevant provisions of Security Council resolution 1325 (2000), including by appointing women to the highest-level positions in peace operations, and by discussing implementation of the gender dimensions of an agreement in his reports to the Security Council. Such accountability also applies to other, non-United Nations bodies that are responsible for peace operations.

Coordination among all stakeholders involved in peace operations needs to include women's organizations, and also needs to cover coordination on gender equality issues.

Accountability and reporting on the implementation of peace agreements needs to include that all those deployed under the authority of an agreement:

- ✓ Are deployed under a code of conduct with gender equality as a core component and directives for sanctions in cases of violations of such codes. There must be clarity on the establishment and mandate of the body responsible for ensuring that such codes of conduct exist, are adhered to and that violations are fully investigated and punished, and that necessary corrective measures are taken to prevent recurrences.
- ✓ Collect data disaggregated by sex and gender-specific information in relation to all their activities and use such information systematically when reporting, especially to the Security Council, to show the differential impact on women and men of the implementation.
- ✓ Monitor and report on gender issues in peacekeeping, including on all forms of violence against women and girls including trafficking, as an integral part of mission reporting, and on corrective measures taken.
- ✓ Ensure the inclusion of women at the highest levels of peace operations.

5. Mechanisms for women's access to and participation in peace agreement implementation processes

An absolute must for the implementing process is the creation of accountability and transparency mechanisms. Donors are expected to ensure that women have equal access to the resources of reconstruction, and participate equally in the development of national/local rebuilding and reconstruction plans and strategies. During the transition period, high priority needs to be given to the establishment of and funding for a national women's rights commission as a precursor to a national machinery for the advancement of women.

To that end, any transitional government, with the support of other actors involved in implementation is expected to:

- ✓ Create a national women's rights monitoring commission that will oversee and promote gender equality in the implementation of all aspects of the peace agreement by all national, regional and international participants in the implementation, and advocate for

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the equal participation of women. This commission will be operative until a national machinery for the advancement of women is established and functional. The commission will be comprised of representatives of national women's groups and independent experts, with a mandate to serve as a watchdog so that women's rights are not violated or marginalized in the early stages of implementation of the agreement.

- ✓ Ensure that this commission has access to the heads of the transitional government and the peacekeeping operations. They, in turn, will be responsible to take remedial action for any violations of, or shortcomings in the implementation of the peace agreement identified by the commission.

In order to execute its duties, the commission will:

- ✓ Collect sex-disaggregated data.
- ✓ Monitor, investigate and issue reports on the rapid and full implementation of all obligations of the agreement from a gender perspective.
- ✓ Conduct gender audits, including gender budget audits.
- ✓ Issue its findings publicly, including to the government and the media.
- ✓ Lobby decision-makers on the protection and promotion of all the human rights of women as articulated in the peace agreement.
- ✓ Identify any security problems women and women's organizations may face in participating in the work of the commission, and call on responsible officials to remedy such problems.
- ✓ Create a cooperation/coordination body with peacekeeping forces, whether serving under the auspices of the United Nations or any other arrangement, to assess gender mainstreaming in the implementation of the peace agreement, and consult with women's organizations on such implementation.

CONCLUDING COMMENTS

The experts were very aware that this meeting was held while there are deep concerns about the erosion of the international legal norms prohibiting the use of force in international relations and the lack of any peace process, for example in Iraq. In a situation where there is no peace process, merely an imposed occupation, there is no framework for the explicit guarantee of women's equality and participation in the post-conflict period. However women's human rights are also used as an additional justification for the use of force when it is considered instrumental to do so, as was the case with the war against Afghanistan in October 2001. This situation where women's human rights are both discounted and cynically promoted and used to further foreign policy objectives disconnected from women's human rights was deeply worrying to the expert group meeting.

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ENDNOTES

¹ UN S-G Kofi Annan, as quoted in *Women Waging Peace – Overview of the Initiative*, 2004 Policy Forum on Inclusive Security, Washington, D.C., November 2004. See also www.WomenWagingPeace.net

² Presentation to the Constituent Assembly of East Timor by Sergio Vieira de Mello, Special Representative of the Secretary-General and Transitional Administrator, East Timor (10 May 2002) at 4.
<http://www.un.org/peace/etimor/DB/SRSG10052002.pdf>

³ Navanethem Pillay, “Violence Against Women: State-Sponsored Violence” in *Bringing International Human Rights Law Home*, Judicial Colloquium on the Domestic Application of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, (United Nations, New York, 2000)

⁴ The Hon. Bill Graham, Minister of National Defence, Canada’s International policy Statement - A Role of Pride and Influence in the World - Defence, 2005 www.forces.gc.ca

⁵ American lawyer Felice D. Gaer, in her article entitled “And Never the Twain Shall Meet? The Struggle to Establish Women’s Rights as International Human Rights,” in C.E. Lockwood, D.B. Magraw, M.F. Spring and S.I. Strong, eds., *The International Human Rights of Women: Instruments of Change* (New York: American Bar Association, 1998), 5–7, has described how, at the founding meeting of the UN, Eleanor Roosevelt initially opposed other women delegates who lobbied hard for the establishment of a separate body on women’s rights, resulting in the “Subcommission on the Status of Women” that was made subordinate to Roosevelt’s Commission on Human Rights.

⁶ Canadian lawyer John P. Humphrey, was the principal drafter of the *Universal Declaration of Human Rights*, and in the article “The Memoirs of John P. Humphrey: The First Director of the United Nations Division of Human Rights,” *Human Rights Quarterly* 5 (1983), 405–406, reference is made to his anxiety that, left to itself, the proposed Commission on the Status of Women (CSW) would establish different rights and different standards for women. Felice D. Gaer, in her article referenced above, noted that the words “All men” in an earlier draft article 1 of the *Universal Declaration of Human Rights* were replaced by the final text, “All human beings are born free and equal in dignity and rights,” as a result of strenuous arguments made by women’s rights advocates, but that the women’s lobby at that time did not convince the drafters to change the credo in article 1 that these human beings “should act towards one another in a spirit of brotherhood.”

⁷ Statement by Ambassador Allan Rock, Permanent Representative of Canada to the United Nations to the Security Council on the Role of the Security Council in Humanitarian Crises: Challenges, Lessons Learned and the Way Ahead, New York, 12 July 2005

⁸ Foreign Affairs Canada, Women, Peace and Security online at: http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/women_peace-en.asp

⁹ *Canada’s International Policy Statement: A Role of Pride and Influence in the World* (2005) online at: <http://www.dfait-maeci.gc.ca/cip-pic/ips/ips-overview7-en.asp>

¹⁰ Amartya Sen, *Development as Freedom*, (New York: Anchor Books, 2000) 189,

¹¹ Sen (2000) at 20, ‘Missing Women’ *British Medical Journal*, (1992) 304

¹² Sen (2000) at 104

¹³ BPPFA Strategic Objective E.1

¹⁴ *Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions*, UN Division for the Advancement of Women, EGM/Peace/2003/ Report/10 December 2003 : <http://www.un.org/womenwatch/daw>

¹⁵ Statement by Prime Minister Paul Martin released March 21, 2005, concerning the release of the report of United Nations Secretary-General Kofi Annan *In Larger Freedom*, Available online <http://www.pm.gc.ca/>

¹⁶ Notably those of: Protection of Civilians, Peace Support Operations, Conflict Prevention, and Governance and Accountability. See: Foreign Affairs Canada, Human Security Program online at: <http://www.humansecurity.gc.ca/>

¹⁷ Statement by Ambassador Allan Rock, Permanent Representative of Canada to the United Nations to the Security Council on the Role of the Security Council in Humanitarian Crises: Challenges, Lessons Learned and the Way Ahead, New York, 12 July 2005

¹⁸ Reflected in many international conventions including the *Charter of the United Nations*, 26 June 1945, Can. T.S. 1945 No.7 [Charter] [Preamble: “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ...” and Article 1(3) “... promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion ...”] and the *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, 1249 U.N.T.S. 13, 19 I.L.M. 33, (entered into force 3 September 1981) [CEDAW].

¹⁹ ECOSOC Agreed Conclusions of 1997/2 issued in *Official Records of the General Assembly, Fifty-second Session, Supplement No. 3 (A/52/3/Rev.1)*.

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²⁰ “Exploring Concepts of Gender and Health”, Women’s Health Bureau, Health Canada (June 2003), 9.

²¹ “Gender-based Analysis: A Guide for Policy-Making” (revised edition, 1998), Status of Women Canada, 4.
http://www.swc-cfc.gc.ca/pubs/gbguide/gbguide_e.pdf

²² See: “Report of the Fourth World Conference on Women,” 17 October 1995 (A/CONF.177/20).

²³ *Report of the Secretary-General on follow-up to and progress in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly*, 29 April 2005 (E/2005/54), para 1. Detailed baseline information on gender mainstreaming in entities of the United Nations systems that covers: mandates and accountability; financial arrangements; specialist resources; capacity building; development of methodologies and tools; monitoring and evaluation of progress; and inter-agency cooperation for twenty one UN entities is available from www.un.org/womenwatch

²⁴ Examples include: Departmental Policy Statement on Gender Mainstreaming in Peacekeeping Operations; Plan of Action to implement Security Council resolution 1325 (2000) on women, peace and security; and the Windhoek Declaration and Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Operations.

²⁵ Examples include: DDA’s vision statement affirms “commitment to promote equal opportunities for men and women, while promoting gender perspectives on disarmament” from “DDA Vision Statement” available online at: <http://disarmament.un.org:8080/dda-vision.htm>; DDA Gender Mainstreaming Action Plan (GMAP), available online: <http://disarmament.un.org:8080/gender/gmap.pdf>

²⁶ Examples include: UNHCR Policy on Refugee Women, 1990; High Commissioner’s Five Commitments to Refugee Women, 2001; Practical Guide to Empowerment (2001); Agenda for Protection, 2002; Guidelines on the Prevention and Response to Sexual and Gender Based Violence (2003). All available online at: <http://www.unhcr.ch/cgi-bin/texis/vtx/protect>

²⁷ Examples include: Policy Statement on Gender Mainstreaming and Human Rights of Women, 2000; OHCHR Gender Mainstreaming Strategy, adopted by the Senior Policy Committee, 2002, including gender analysis of technical cooperation proposals at project pre-screening stage. As reported in “Gender mainstreaming in entities of the United Nations system – Baseline information” (July 2005), available from the UN Division for the Advancement of Women, www.un.org/womenwatch

²⁸ United Nations Security Council Resolution 1325 (2000), S/RES/1325 (31 October 2000) [SCR 1325]

²⁹ Examples of early attention include: The UN Charter’s reference to the equal rights of men and women, the need to unite to maintain international peace and security, amongst other items; the 1949 Geneva Conventions contain specific references to the special protection needs of women as well; and the founding of the Women’s International League for Peace and Freedom in 1915.

³⁰ The UN Security Council held an Open Session on 24 and 25 October 2000 in which 40 Member States made supporting statements for the mainstreaming of gender perspectives into peace support operations and for the participation of women in all aspects of peace processes. The Open Session followed an Arria Formula meeting that took place on 23 October 2000 where women representatives from NGOs presented information on the role of grass-roots women’s movements in preventing and resolving conflicts.

³¹ For more detail, please refer to the Note at the end of this paper.

³² *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda* (15 December 1999), at Part 1a, online: University of West England, <http://www.ess.uwe.ac.uk/documents/rwandareport1a.htm> [Report of the Independent Inquiry]

³³ For a detailed description of the fall of Srebrenica see: Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Harper Collins, 2002) 391-441.

³⁴ See for example: Tania Voon, “Closing the Gap Between Legitimacy and Legality of Humanitarian Intervention: Lessons from East Timor and Kosovo” (2002) 7 UCLA J. Int’l L. & For. Aff 31; Andrew Field, “The Legality of Humanitarian Intervention and the Use of Force in the Absence of United Nations Authority” (2000) 26 Monash University Law Review 339; Aaron Schwabach, “Yugoslavia v. NATO, Security Council Resolution 1244, and the Law of Humanitarian Intervention” (2000) 27 Syracuse J. Int’l L. & Com. 77; Thomas M. Franck, “When, If Ever, May States Deploy Military Force Without Prior Security Council Authorisation?” (2000) 4 Singapore J. Int’l & Com. Law 362; Henkin, Louis et al. “Editorial Comments: NATO’s Kosovo Intervention” (1999) 93 Am. J. Int’l L. 824; United Kingdom, “Kosovo: House of Commons Foreign Affairs Committee 4th Report” in (2000) 49 Int’l & Comp. L.Q. 876.

³⁵ International Commission on Intervention and State Sovereignty (ICISS). “Background Research” online: ICISS, http://www.iciss.ca/05_Background-en.asp#commission [ICISS, Background Research].

³⁶ Referenced explicitly in *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), at 2.22 and 2.23 [R2PR].

³⁷ For more detail, please see the Note at the end of this paper

³⁸ See: *A more secure world: Our shared responsibility*, Report of the Secretary General’s High-level Panel on Threats, Challenges and Change, A/58/565 (2 December 2004), at para 203 [A more secure world] and *In larger freedom: towards development, security and human rights for all*, Report of the Secretary-General, A/59/2005 (21 March 2005) at para 135 [In larger freedom].

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- ³⁹ Statement by the Prime Minister, 21 March 2005, online: Office of the Prime Minister, <<http://www.pm.gc.ca/eng/news.asp?id=442>>
- ⁴⁰ "Summary of the Online Discussions Held in Preparation for the 10 Year Review and Appraisal of the Implementation of the Platform for Action in the 49th Session of the Commission on the Status of Women." (11 April 2005), UN Inter-Agency Network on Women and Gender Equality, 44. Available online at: <http://www.un.org/womenwatch/ianwge/docs/online-discussions-rpt-10-yr-review.pdf>
- ⁴¹ R2PR at 3.2
- ⁴² NGO Working Group on Women, Peace and Security, *From Local to Global: Making Peace Work for Women*, (New York, 2005) www.peacewomen.org
- ⁴³ Mary Caprioli, "Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict" 49 *International Studies Quarterly* (2005) 161 at 172 [Caprioli, 2005].
- ⁴⁴ Caprioli, 2005 at 161.
- ⁴⁵ Commission on the Status of Women, Forty-Eighth session, March 2004, online at: <http://www.un.org/womenwatch/daw/csw/csw48/ac-wp-auv.pdf>, at p. 3.
- ⁴⁶ Report of the Secretary-General to the Security Council on Women and Peace and Security, S/2004/814, 13 October 2004, at p. 4. [S-G, Women and Peace and Security].
- ⁴⁷ R2PR at 3.21-3.24.
- ⁴⁸ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1249 U.N.T.S. 13 at Art. 7.
- ⁴⁹ Universal Declaration of Human Rights (UDHR), GA Res. 217 (III), UNGAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) at Art. 21.
- ⁵⁰ Beijing Declaration and Platform for Action, Fourth World Conference on Women (BPFA), UN Doc. A/CONF. 177/20 (1995) and A/CONF. 177/20/Add. 1 (1995), Critical Area of Concern G "Women in Power and Decision-making". Full text of the BPFA is available at: www.un.org/womenwatch/daw/beijing.
- ⁵¹ SCR 1325 at Art. 1-3.
- ⁵² S-G, Women and Peace and Security at 12
- ⁵³ Mary Caprioli, "Gendered Conflict", 37:1 *Journal of Peace Research* 53, (2000) at 61 [Caprioli, 2000].
- ⁵⁴ Caprioli, 2000 at 61.
- ⁵⁵ R2PR at 3.21.
- ⁵⁶ Susanne Schmeidl with Eugenia Piza-Lopez, "Gender and Conflict Early Warning: A framework for Action," International Alert and Swiss Peace Foundation (June 2002) at Appendix III [Early Warning Framework].
- ⁵⁷ R2PR at 3.22.
- ⁵⁸ "1999 Report: The Taliban's War on Women-A Health and Human Rights Crisis in Afghanistan," Physicians for Human Rights, online at: http://www.phrusa.org/research/health_effects/exec.html
- ⁵⁹ "1999 Report: The Taliban's War on Women-A Health and Human Rights Crisis in Afghanistan," Physicians for Human Rights, online at: http://www.phrusa.org/research/health_effects/exec.html
- ⁶⁰ Early Warning Framework at Appendix III
- ⁶¹ Report of the Secretary-General to the Security Council on Conflict prevention, A/55/895-S/2001/574, 7 July 2001, online at: <http://daccessdds.un.org/doc/UNDOC/GEN/N01/404/64/PDF/N0140464.pdf?OpenElement> at p. 29
- ⁶² S-G, Women and Peace and Security at 14.
- ⁶³ United Nations Development Fund for Women, *Governance, Peace and Security*, UNIFEM website online at: http://www.unifem.org/gender_issues/governance_peace_security/at_a_glance.php
- ⁶⁴ R2PR at 3.24.
- ⁶⁵ United Nations Development Programme, "Oslo Conference on Justice and Security Sector Reform: Coherence, Cooperation and Competence", online at: http://www.undp.org/bcpr/jssr/4_resources/documents/UNDP_2003_JSSR%20Conference%20Report.pdf
- ⁶⁶ INSTRAW website: <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=152&Itemid=211>
- ⁶⁷ Vanessa Farr, "Voices from the Margins: A response to 'Security sector reform in developing and transitional countries,'" Berghof Research Center for Constructive Conflict Management at 5.
- ⁶⁸ INSTRAW website at: <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=152&Itemid=211>
- ⁶⁹ R2PR at 3.24.
- ⁷⁰ R2PR at 3.16.
- ⁷¹ S-G, Women and Peace and Security at 4.
- ⁷² SCR 1325 at Art. 1.
- ⁷³ R2PR at 3.17.
- ⁷⁴ SCR 1325 at Art. 8.
- ⁷⁵ S-G, Women and Peace and Security at 4.
- ⁷⁶ R2PR at 3.9.

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⁷⁷ The first 9 of these indicators are taken from: Elisabeth Rehn and Ellen Sirleaf-Johnson, "Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building" (New York: United Nations Development Fund for Women, 2002) at 112 [Women, War and Peace].

⁷⁸ See Caprioli, 2000.

⁷⁹ See Caprioli, 2000.

⁸⁰ See Caprioli, 2005.

⁸¹ See Felicity Hill, "The Illusive Role of Women in Early Warning and Conflict Prevention" (UNIFEM).

⁸² See Felicity Hill, "The Illusive Role of Women in Early Warning and Conflict Prevention" (UNIFEM).

⁸³ All of the remain indicators listed are derived from Early Warning Framework.

⁸⁴ As cited in Women, War and Peace at 113.

⁸⁵ As cited in Women, War and Peace at 113.

⁸⁶ International Commission on Intervention and State Sovereignty. *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), at xi. [*Responsibility to Protect*], para 4.3

⁸⁷ BPPFA, para 145(i) urges Governments and international and regional organizations to "[t]ake measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children."

⁸⁸ See for example: Manuel Bessler, Richard Garfield and Gerald McHugh, *Field Guidelines for Assessing the Humanitarian Implications of Sanctions* (New York: OCHA Policy Development and Studies Branch, 2004), 10, where a discussion on the effects of sanctions on the civilian population did not consider differential impacts on girls, boys, women and men.

⁸⁹ SCR 1325 at Art. 15.

⁹⁰ See for example: The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights Review of Further Developments in Fields with Which the Subcommission Has Been or May Be Concerned - The Bossuyt Report, Economic and Social Council (E/CN.4/Sub.2/2000/33) 21 June 2000; R. Garfield, R. (1997) "The Impact of Economic Embargoes on the Health of Women and Children." *Journal of the American Women's Medical Association* 52(4): 181-184. On sanctions more generally see: Koenraad Van Brabant, *Sanctions: The Current Debate – A Summary of Selected Readings* (London: The Humanitarian Policy Group and the Relief and Rehabilitation Network at the Overseas Development Institute, 1999). Garfield also notes that there is a comparative lack of data on the effects of sanctions on women.

⁹¹ R2PR at 4.13.

⁹² This applies equally to genocide, where gender-based violence is perpetrated in connection within an overall genocidal framework. Cite especially to policies carried out in former Yugoslavia (for ethnic cleansing) and Rwanda (for genocide) including: Lynda E. Boose, "Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory." *Signs*, 28(1) (2002): 71-96; Jonathan M.H. Short, "Sexual Violence as Genocide: The Developing Law of the International Criminal Tribunals and the International Criminal Court," *Michigan Journal of Race & Law* 8 (2003): 502-527; Alexandra Stiglmayer, *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincoln: University of Nebraska Press, 1994); ... [Additional Resources to be added]

⁹³ "Ethnic Cleansing" does not have a legal definition but is typically employed in reference to the forced removal, either by deportation of or terrorizing the civilian population to flee, from specific territorial areas. See as an example UN Security Council Resolution 827 (1993).

⁹⁴ Article 7(1)(g) of the Rome Statute of the International Criminal Court includes "Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" as Crimes against humanity. Rome Statute of the International Criminal Court, 1 July 2002. As of 27 September 2004, 97 countries were States Parties to the Rome Statute. See website of ICC at <<http://www.icc-cpi.int/>>

⁹⁵ Gender-based violence here is used to refer to "violence inflicted primarily, although not exclusively, on women, and involving some form of violent sexual abuse." Beth Stephens, "Humanitarian Law and Gender Violence: An End to Centuries of Neglect?" *Hofstra Law and Policy Symposium* 3 (1999), at 87.

⁹⁶ The International Criminal Tribunal for the former Yugoslavia was established by UN Security Council Resolution 827 on 25 May 1993. See <http://www.un.org/icty/>

⁹⁷ The International Criminal Tribunal for Rwanda was established by UN Security Council Resolution 955 on 8 November 1995. See <http://www.ict.rw/>.

⁹⁸ *The Rome Statute of the International Criminal Court*.

⁹⁹ The *Rome Statute* is the most recent and comprehensive articulation of how gender-based violence is conceived of under IHL. It rejects the necessary nexus with ethnicity or membership of a persecuted group that previous formulations in the International Criminal Tribunals had indicated. See also: Kelly D. Askin, "Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status." *The American Journal of International Law* 93(1) (1999): 97-123.

¹⁰⁰ SCR 1325 at Art. 10.

¹⁰¹ *A more secure world: Our shared responsibility Report of the High-level Panel on Threats, Challenges and Change*, (New York: United Nations, 2004), para 203.

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¹⁰² *In Larger Freedom*, (A/59/2005) 21 March 2005 [fix citation] at para 7(b) of the Annex. [Emphasis added]

¹⁰³ R2PR at 4.28.

¹⁰⁴ R2PR at 4.30.

¹⁰⁵ This is especially the case the stronger the divisions are between the sexes in a given society and where there are cases of gender-based violence, as these incidents of abuse are likely to go unreported unless the victim of the abuse is assured of safety and discretion.

¹⁰⁶ Anastasia Bermudez Torres, "FMO Thematic Guid: Gender and Forced Migration," (October 2002). Available online: Oxford Centre for Refugee Studies, Forced Migration, <http://www.forcedmigration.org/>

¹⁰⁷ R2PR at 7.28.

¹⁰⁸ Paul Higate & Marsha Henry, "Engendering (In)security in Peace Support Operations" *Security Dialogue* 35(4) (2004), at 481; See generally: Sandra Whitworth, *Men, Militarism & UN Peacekeeping: A Gendered Analysis* (Boulder, CO: Lynne Rienner Publishers, Inc, 2004); Elisabeth Rehn and Ellen Johnson Sirleaf, "Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building" (New York: United Nations Development Fund for Women, 2002).

¹⁰⁹ *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action* (Hunt Alternatives Fund and International Alert, November 2004), at 39. online: <http://www.womenwagingpeace.net/toolkit.asp>

¹¹⁰ *Inclusive Security*, at 41.

¹¹¹ Barbara Bedont, quoted in *Women, War and Peace* at 70.

¹¹² It should be noted here that the majority of those involved in PSOs undertake their work with a high degree of professionalism and regard for the civilian population. This however does not negate the serious consequences incurred upon PSOs when abuse occurs at the hands of a minority of their members.

¹¹³ See *Investigation into sexual exploitation of refugees by aid workers in West Africa* (A/57/465).

¹¹⁴ The Task Force was co-chaired by OCHA and UNICEF and its members were SOAGI, DPKO, WFP, UNHCR, UNOPS, UNDP, OHCHR, OSRSG/CAAC, IFRC, Interaction and Save the Children (UK) and Oxfam.

¹¹⁵ ST/SGB/2003/13

¹¹⁶ *Final Report to the Inter-Agency Standing Committee Working Group on the Activities of the AISC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises*, 2004. Available online at: ochaonline.un.org

¹¹⁷ Released July 2004, Department of Peacekeeping Operations' Peacekeeping Best Practices Unit.

¹¹⁸ Martina Vendenberg, "Peacekeeping, Alphabet Soup, and Violence against Women in the Balkans," in Dyan Mazurana, Angela-Raven Roberts, and Jane Parpart (eds.) *Gender, Conflict, and Peacekeeping* (Lanham: Rowman & Littlefield Publishers, Inc., 2005), at 150.

¹¹⁹ NATO states that it now has a zero tolerance policy regarding trafficking in human beings by NATO forces and staff. This policy was adopted in June 2004 and endorsed by NATO Heads of State and Government at the Istanbul Summit. The NATO Policy On Combating Trafficking In Human Beings commits NATO and troop contributing nations to reinforce efforts to prevent and combat trafficking. See www.nato.int/issues/trafficking

¹²⁰ See: Gender & Peacekeeping Training Course available online at: www.genderandpeacekeeping.org

¹²¹ On 5 January 2005, the Office of Internal Oversight (OIOS) submitted its report (A/59/661) on the investigations into allegations of sexual exploitation and abuse (SEA) in MONUC to the General Assembly. Out of 72 allegations, OIOS compiled twenty case reports, 19 of which implicated peacekeepers from three contingents. All of the victims were Congolese girls under the age of 18. Five out of six were under age 14. In most cases, victims had sex with the assailants in exchange for milk, eggs, chocolate, bread and / or less than five US dollars in cash. Male minors and male youth were also often involved in bringing the girls to the peacekeepers in exchange for one US dollar and / or food.

¹²² In February 2005, allegations of three UN Peacekeepers raping a young Haitian woman arose. Days after the allegations surfaced, MINUSTAH investigated and released the findings publicly. See: "Haiti: Sexual Exploitation by Peacekeepers Likely to be a Problem", Refugees International (7 March 2005), available online at: www.refugeesinternational.org

¹²³ The new allegations also prompted the Secretary-General to request a "Comprehensive review of the whole question of peacekeeping operations in all their aspects" which was released 24 March 2005 (A/59/710).

¹²⁴ The inclusion of HIV/AIDS training is in line with UN Security Council Resolution 1308 (adopted in 2000) as well as SCR 1325 which states invites "Member States to incorporate ... 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;"

¹²⁵ SCR 1325 at Art. 6.

¹²⁶ SCR 1325 at Art. 10.

¹²⁷ *Women, War and Peace* at 64.

¹²⁸ *Women, War and Peace* at 64.

¹²⁹ For more detailed analyses of this issue see: Lousie Olsson, *Gendering UN Peacekeeping: Mainstreaming a Gender Perspective in Multidimensional Peacekeeping Operations*, Report 53 (Uppsala: Uppsala University, Department of Peace and Conflict Research, 1999); Heidi Hudson, "Mainstreaming Gender in Peacekeeping

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Operations: Can Africa Learn from International Experience?" *African Security Review* 9 (2000): 18-33; Kemi Ogunsanya and Kwezi Mngqibisa, "A Gender Perspective for Conflict Management," ACCORD Occasional Paper 4 (2000).

¹³⁰ Heidi Hudson, "Peacekeeping Trends and Their Gender Implications," in Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart, *Gender, Conflict, and Peacekeeping* (Lanham: Rowman & Littlefield Publishers, Inc., 2005), 112.

¹³¹ Nicola Johnson, *Gender and Peace Support Operations: Opportunities & Challenges to Improve Practice* (International Alert, 2001), 9-10. See also generally notes above.

¹³² BPFA Women and Armed Conflict Strategic at Objective 1; SCR 1325 at Art. 1

¹³³ CEDAW at Art. 4

¹³⁴ R2PR at 5.30.

¹³⁵ Sanam Naraghi Anderlini, "Women at the Peace Table: Making a Difference," United Nations Development Fund for Women (UNIFEM) (2000) at 7.

¹³⁶ R2PR at 5.4.

¹³⁷ R2PR at 5.4.

¹³⁸ See Vanessa Farr, "Gendering Demilitarization as a Peace Building Tool," Bonn International Center for Conversion, (June 2002) at p. 19.

¹³⁹ R2PR at 5.8.

¹⁴⁰ R2PR at 7.42.

¹⁴¹ Women, War and Peace at p. 9.

¹⁴² Women, War and Peace at p. 12.

¹⁴³ Women, War and Peace at p. 14.

¹⁴⁴ Women, War and Peace at p.15.

¹⁴⁵ Women, War and Peace at p.15.

¹⁴⁶ Women, War and Peace at p. 15

¹⁴⁷ Women, War and Peace at p. 11

¹⁴⁸ Women, War and Peace at p. 17

¹⁴⁹ R2PR at 5.8.

¹⁵⁰ The European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia. Submission to the United Nations Security Council, U.N. Doc. S/25240, Annex I

¹⁵¹ *The European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia*, Annex I.

¹⁵² From: <http://www.guyanacaribbeanpolitics.com/andaiye/andaiye.html> [Detailed source information to be added].

¹⁵³ R2PR at 5.9.

¹⁵⁴ R2PR at 7.45.

¹⁵⁵ SCR 1325 at Art. 13

¹⁵⁶ Women, War and Peace at 116 and *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 4.

¹⁵⁷ "Fact sheet – Women, War, Peace and Disarmament, Demobilization and Reintegration" UNIFEM, available online at: www.womenwarpeace.org/issues/ddr/ddr.htm

¹⁵⁸ *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 7.

¹⁵⁹ Elaine Zuckerman and Marcia Greenberg, "The gender dimensions of post-conflict reconstruction: an analytical framework for policymakers" *Gender and Development*, 12(3) (2004), 72.

¹⁶⁰ *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 5.

¹⁶¹ Elaine Zuckerman and Marcia Greenberg, 79.

¹⁶² R2PR at 5.10.

¹⁶³ R2PR at 7.43.

¹⁶⁴ Sanam Naraghi Anderline and Camille Pampell Conaway, "Security Sector Reform," in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action*" (Hunt Alternatives Fund and International Alert, November 2004) online: <http://www.womenwagingpeace.net/toolkit.asp>. The "unofficial" security sector actors may include civil society (NGOs, media, donors) and armed opposition groups.

¹⁶⁵ "Towards a better practice framework in security sector reform: Broadening the debate", *Occasional SSR Paper No. 1* (Clingendael/ International Alert/Saferworld: 2002), 1.

¹⁶⁶ "Background – Security Sector Reform" from UN-INSTRAW, available online at: <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=151&Itemid=210>

¹⁶⁷ These include but are not limited to: CEDAW, BPFA, *Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations* (2000), SCR 1325, and the *Commission on the Status of Women Agreed Conclusions on "Women's equal participation in conflict prevention, management and conflict resolution and post-conflict peace-building* (2004).

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¹⁶⁸ Defined by then-UN Special Rapporteur on Violence Against Women as ‘violence that occurs within the private sphere, generally between individuals who are related through intimacy, blood or law. Despite the apparent neutrality of this term, domestic violence is nearly always a gender-specific crime perpetrated by men against women.’ ... this violence is ‘targets women because of their role within that sphere [domestic] or as violence which is intended to impact, directly or negatively, on women within the domestic sphere.’ Radhika Coomaraswamy, *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences*, E/CH.4/1996/53, 1996 at paras 23 and 28.

¹⁶⁹ Vanessa A. Farr, “Voices from the Margins: A response to “Security sector reform in developing and transitional countries” (Berghof Research Center for Constructive Conflict Management, 2004). Available online at: http://www.berghof-handbook.net/articles/ssr_farr.pdf

¹⁷⁰ R2PR at 7.48.

¹⁷¹ SCR 1325 at Preamble.

¹⁷² Beijing Platform for Action at Strategic Objective E.

¹⁷³ United Nations Mine Action: A Strategy for 2001-2005, Secretary General report to the Security Council, 8 August 2003, A/58/260/Add. 1 at 15.

¹⁷⁴ Women, War and Peace at 35.

¹⁷⁵ Simona Beltrami, “Women’s Own Struggle Against Land Mines”, International Campaign to Ban Land Mines, online at: http://www.icbl.org/news/8_march_women_and_landmines; Gender Perspective on LandMines, UN Briefing Note 5, The Department for Disarmament Affairs and the Department of Peacekeeping Operations-Mine Action Service (March 2001) online: <http://www.mineaction.org/pdf%20file/6.pdf>

¹⁷⁶ Women, War and Peace at 35

¹⁷⁷ Beltrami “Women’s Own Struggle Against Land Mines”

¹⁷⁸ United Nations Development Fund for Women, UNIFEM portal on Gender and Landmines, online:

<http://www.womenwarpeace.org/issues/landmines/landmines.htm>.

¹⁷⁹ Gender Guidelines for Mine Action Programmes, United Nations Mine Action Service, February 2005.

¹⁸⁰ Gender Guidelines for Mine Action Programmes, United Nations Mine Action Service, February 2005. Examples of some of these strategies include:

- arranging information gathering times and locations to encourage the participation of individuals of both sexes;
- collecting the distinct assessment of men, women, boys and girls when considering what areas should be priorities for clearance;
- ensuring that men and women have equal access to employment opportunities linked to survey and clear
- analysing casualty data to determine which population groups are most at risk
- enhancing the participation of male and female community member in mine risk education planning and monitoring
- providing appropriate accommodations and childcare for mixed-sex work teams
- engaging same-sex staff in prosthetic workshops to assist mine/ERW survivors
- implementing affirmative action employment and training strategies for women with disabilities
- ensuring that victim assistance service providers furnish sex-segregated accommodations
- employing appropriate means of communication to ensure that awareness-raising messages reach men, women, boys and girls.

¹⁸¹ SCR 1325 at Art. 11.

¹⁸² Valerie Ossterveld, “Prosecution of Gender-based Crimes in International Law” in *Gender, Conflict and Peacekeeping* at 67.

¹⁸³ Kari Karame and Gudrun Bertinussen, “Gendering Human Security: From Marginalisation to the Integration of Women in Peace-Building”(Norway: Fafo Institute for Applied Social Science, 2001), 40-41.

¹⁸⁴ In the Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front (RUF) of Sierra Leone, the RUF gained a general amnesty for all crimes committed during the war by article IX. At the last minute, the U.N. Secretary-General’s Special Representative at the talks added a hand-written qualification that the U.N. held the understanding that the amnesty and pardon provided for in Article IX did not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. It was only this caveat that allowed for the establishment of The Special Court for Sierra Leone on 16 January 2002 through an agreement between the United Nations and the Government of Sierra Leone pursuant to UNSC, Resolution 1315, S/RES/1315 (14 August 2000), online: The Special Court for Sierra Leone <http://www.sc-sl.org/>. See: Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL), July 7, 1999, U.N. Doc. S/1999/777 (1999), online: Sierra Leone Web, <<http://www.sierra-leone.org/lomeaccord.html>>

¹⁸⁵ Initially, the indictment of Jean-Paul Akayesu at the ICTR did not include sexual violence crimes, despite overwhelming evidence (See: “Rwanda Tribunal to Rule on Akayesu Case”, 1 September 1998, Human Rights Watch). It was not until questioning by Judge Navanham Pillay who elicited, at trial, evidence of sexual violence and

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the involvement of various human rights organizations, that the indictment was amended to include sexual violence. After this egregious omission, gender-related crimes began appearing in subsequent indictments (See: Richard J. Goldstone, "Prosecuting Rape as a War Crime" *Case W. Res. J. Int'l Law* 34(2) (2002), 282.

¹⁸⁶ The lack of a witness protection programme in Bosnia and Herzegovina has meant that most women will not testify because of fear of reprisals, especially upon return to their communities. See: Rehn and Sirleaf Johnson at 13-14. A commendable step in this regard is the inclusion of special procedures for survivors of sexual violence in Sierra Leone's Truth and Reconciliation Commission that allowed for statement-taking to be done confidentially and trained investigators in appropriate methods for gathering information. See: Article 7(4) of *The Truth and Reconciliation Commission Act 2000*, February 20, 2000, online: Sierra Leone Web, < www.sierra-leone.org/trcact2000.html>

¹⁸⁷ R2PR at 7.38.

¹⁸⁸ SCR 1325 at Art. 8.

¹⁸⁹ Amani El Jack, "Gender and Armed Conflict – Overview Report" (BRIDGE. Institute of Development Studies University of Sussex Brighton, 2003), 37. Available online at: <http://www.ids.ac.uk/bridge>.

¹⁹⁰ R2PR at 5.14.

¹⁹¹ Pam Spees, *Gender Justice and Accountability in Peace Support Operations – Closing the Gaps* (International Alert, 2004), 18-19.

¹⁹² Lori Handrahan, "Conflict, Gender, Ethnicity and Post-Conflict Reconstruction" *Security Dialogue*, 35(4) (2004), 434.

¹⁹³ Lori Handrahan, "Conflict, Gender, Ethnicity and Post-Conflict Reconstruction" *Security Dialogue*, 35(4) (2004), 434.

¹⁹⁴ Tsjeard Bouta, Georg Frerks, and Ian Bannon. *Gender, Conflict and Development* (Washington, D.C.: The World Bank, 2005), 77.

¹⁹⁵ "Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action" (Hunt Alternatives Fund and International Alert, November 2004) at 26-31.

¹⁹⁶ SCR 1325 at *Preamble*.

¹⁹⁷ SCR 1325 at *Preamble*.

¹⁹⁸ Kari Karama and Gudrun Bertinussen, "Gendering Human Security: From Marginalisation to the Integration of Women in Peace-Building"

(Norway: Fafo Institute for Applied Social Science, 2001), 41.

¹⁹⁹ R2PR at 5.15.

²⁰⁰ Elaine Zuckerman and Marcia Greenberg, "The gender dimensions of post-conflict reconstruction: an analytical framework for policymakers" *Gender and Development* 12(3) (2004), 72.

²⁰¹ R2PR at 5.18.

²⁰² Maja Kroac, "War, Flight and Exile – Gendered Violence among Refugee Women from Post-Yugoslav States" in Wenona Giles and Jennifer Hyndman, *Sites of Violence – Gender and Conflict Zones* (Berkeley: University of California Press, 2004), 267. See generally: [include more relevant sources]

²⁰³ Women, War and Peace at 31-36.

²⁰⁴ Women, War and Peace at 36-42.

²⁰⁵ See for example, J David Whaley and Barbara Piazza-Georgi, United Nations Development Programme, South Africa: "Conflict Management, Peacekeeping and Peacebuilding" (April 1997)

²⁰⁶ Conflict, Prevention, and Reconstruction, World Bank Website, online: <http://inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>

²⁰⁷ Conflict, Prevention, and Reconstruction, World Bank Website, online: <http://inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>

²⁰⁸ Conflict, Prevention, and Reconstruction, World Bank Website, online: <http://inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>

²⁰⁹ See generally: "Gender Approaches in Conflict and Post-Conflict Situations," United Nations Development Programme, April 2001.

²¹⁰ "CIDA's Policy on Gender Equality," Canadian International Development Agency (1999) at p. 5-6

²¹¹ ADB Policy on Gender and Development, 2003 at: <http://www.adb.org/Gender>

²¹² World Bank Website, online at:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/0,,menuPK:336874~pagePK:149018~piPK:149093~theSitePK:336868,00.html>

²¹³ "Gender", UN Development Programme Website, online at: <http://www.undp.org/gender/>

²¹⁴ See generally UN Millennium Goals, online at: <http://www.un.org/millenniumgoals/>.

²¹⁵ Some women's rights activists have criticized the MDG's as being overly minimalist and failing to integrate gender into each of the 8 goals. For a detailed account of this critique and a summary of recommendations for incorporating a more complete gender-perspective into the MDGs see: Carol Barton "Women's Movements and Gender Perspectives on the Millennium Development Goals" Women's International Coalition for Economic Justice (WICEJ). For the purposes of this analysis, the MDGs are being used strictly to demonstrate that there is a clear and

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recognized link between development and ensuring women's equality, and the authors do not express an opinion on the adequacy of the MDGs themselves at achieving this objective.

²¹⁶ Adopted from "CIDA's Policy on Gender Equality," Canadian International Development Agency (1999) at p. 11-15

²¹⁷ R2PR at 5.21

²¹⁸ *The Paris Declaration on Aid Effectiveness: Ownership, Harmonization, Alignment, Results and Mutual Accountability*, issued March 2005

²¹⁹ Noeleen Heyzer, Executive Director, United Nations Development Fund for Women (UNIFEM), "Making the Connections: Gender Equality, the 2005 World Summit and the New Aid Architecture", Address to the Owning Development: Promoting Gender Equality in New Aid Modalities and Partnerships Conference organized by UNIFEM in partnership with the European Commission 9-11 November 2005, Brussels, Belgium

²²⁰ Statement by Ambassador Allan Rock Permanent Representative of Canada to the United Nations at the informal thematic consultations of the General Assembly to discuss the Report of the Secretary-General "In Larger Freedom" Cluster II: Freedom From Fear (New York, 21 April 2005), online: Foreign Affairs Canada, <http://www.un.int/canada/english.html>.

²²¹ Women and Peace and Security – Report of the Secretary-General, S/2004/814 (13 October 2004), at paras 104-105.

²²² Security Council, Sixtieth year, *5294th Meeting*, Thursday, 27 October 2005, 3 p.m., New York *Provisional S/PV.5294* (Resumption 1) Open Debate in response to *Report of the Secretary-General on women and peace and security* (S/2005/636)

²²² The Hon. Bill Graham, Minister of National Defence, Canada's International policy Statement - A Role of Pride and Influence in the World - Defence, 2005 www.forces.gc.ca

²²² American lawyer Felice D. Gaer, in her article entitled "And Never the Twain Shall Meet? The Struggle to Establish Women's Rights as International Human Rights," in C.E. Lockwood, D.B. Magraw, M.F. Spring and S.I. Strong, eds., *The International Human Rights of Women: Instruments of Change* (New York: American Bar Association, 1998), 5-7, has described how, at the founding meeting of the UN, Eleanor Roosevelt initially opposed other women delegates who lobbied hard for the establishment of a separate body on women's rights, resulting in the "Subcommission on the Status of Women" that was made subordinate to Roosevelt's Commission on Human Rights.

²²² Canadian lawyer John P. Humphrey, was the principal drafter of the *Universal Declaration of Human Rights*, and in the article "The Memoirs of John P. Humphrey: The First Director of the United Nations Division of Human Rights," *Human Rights Quarterly* 5 (1983), 405-406, reference is made to his anxiety that, left to itself, the proposed Commission on the Status of Women (CSW) would establish different rights and different standards for women. Felice D. Gaer, in her article referenced above, noted that the words "All men" in an earlier draft article 1 of the *Universal Declaration of Human Rights* were replaced by the final text, "All human beings are born free and equal in dignity and rights," as a result of strenuous arguments made by women's rights advocates, but that the women's lobby at that time did not convince the drafters to change the credo in article 1 that these human beings "should act towards one another in a spirit of brotherhood."

²²² Statement by Ambassador Allan Rock, Permanent Representative of Canada to the United Nations to the Security Council on the Role of the Security Council in Humanitarian Crises: Challenges, Lessons Learned and the Way Ahead, New York, 12 July 2005

²²² Foreign Affairs Canada, Women, Peace and Security online at: http://www.dfait-maeci.gc.ca/foreign_policy/human-rights/women_peace-en.asp

²²² *Canada's International Policy Statement: A Role of Pride and Influence in the World* (2005) online at: <http://www.dfait-maeci.gc.ca/cip-pic/ips/ips-overview7-en.asp>

²²² Amartya Sen, *Development as Freedom*, (New York: Anchor Books, 2000) 189,

²²² Sen (2000) at 20, "Missing Women" *British Medical Journal*, (1992) 304

²²² Sen (2000) at 104

²²² BPFA Strategic Objective E.1

²²² *Peace agreements as a means for promoting gender equality and ensuring participation of women – A framework of model provisions*, UN Division for the Advancement of Women, EGM/Peace/2003/ Report/10 December 2003 :

<http://www.un.org/womenwatch/daw>

²²² Statement by Prime Minister Paul Martin released March 21, 2005, concerning the release of the report of United Nations Secretary-General Kofi Annan *In Larger Freedom*, Available online <http://www.pm.gc.ca/>

²²² Notably those of: Protection of Civilians, Peace Support Operations, Conflict Prevention, and Governance and Accountability. See: Foreign Affairs Canada, Human Security Program online at: <http://www.humansecurity.gc.ca/>

²²² Statement by Ambassador Allan Rock, Permanent Representative of Canada to the United Nations to the Security Council on the Role of the Security Council in Humanitarian Crises: Challenges, Lessons Learned and the Way Ahead, New York, 12 July 2005

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²²² Reflected in many international conventions including the *Charter of the United Nations*, 26 June 1945, Can. T.S. 1945 No.7 [Charter] [Preamble: “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ...” and Article 1(3) “... promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion ...”] and the *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, 1249 U.N.T.S. 13, 19 I.L.M. 33, (entered into force 3 September 1981) [CEDAW].

²²² ECOSOC Agreed Conclusions of 1997/2 issued in *Official Records of the General Assembly, Fifty-second Session, Supplement No. 3 (A/52/3/Rev.1)*.

²²² “Exploring Concepts of Gender and Health”, Women’s Health Bureau, Health Canada (June 2003), 9.

²²² “Gender-based Analysis: A Guide for Policy-Making” (revised edition, 1998), Status of Women Canada, 4.
http://www.swc-cfc.gc.ca/pubs/gbguide/gbguide_e.pdf

²²² See: “Report of the Fourth World Conference on Women,” 17 October 1995 (A/CONF.177/20).

²²² *Report of the Secretary-General on follow-up to and progress in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly*, 29 April 2005 (E/2005/54), para 1. Detailed baseline information on gender mainstreaming in entities of the United Nations systems that covers: mandates and accountability; financial arrangements; specialist resources; capacity building; development of methodologies and tools; monitoring and evaluation of progress; and inter-agency cooperation for twenty one UN entities is available from www.un.org/womenwatch

²²² Examples include: Departmental Policy Statement on Gender Mainstreaming in Peacekeeping Operations; Plan of Action to implement Security Council resolution 1325 (2000) on women, peace and security; and the Windhoek Declaration and Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Operations.

²²² Examples include: DDA’s vision statement affirms “commitment to promote equal opportunities for men and women, while promoting gender perspectives on disarmament” from “DDA Vision Statement” available online at: <http://disarmament.un.org:8080/dda-vision.htm>; DDA Gender Mainstreaming Action Plan (GMAP), available online: <http://disarmament.un.org:8080/gender/gmap.pdf>

²²² Examples include: UNHCR Policy on Refugee Women, 1990; High Commissioner’s Five Commitments to Refugee Women, 2001; Practical Guide to Empowerment (2001); Agenda for Protection, 2002; Guidelines on the Prevention and Response to Sexual and Gender Based Violence (2003). All available online at: <http://www.unhcr.ch/cgi-bin/texis/vtx/protect>

²²² Examples include: Policy Statement on Gender Mainstreaming and Human Rights of Women, 2000; OHCHR Gender Mainstreaming Strategy, adopted by the Senior Policy Committee, 2002, including gender analysis of technical cooperation proposals at project pre-screening stage. As reported in “Gender mainstreaming in entities of the United Nations system – Baseline information” (July 2005), available from the UN Division for the Advancement of Women, www.un.org/womenwatch

²²² United Nations Security Council Resolution 1325 (2000), S/RES/1325 (31 October 2000) [SCR 1325]

²²² Examples of early attention include: The UN Charter’s reference to the equal rights of men and women, the need to unite to maintain international peace and security, amongst other items; the 1949 Geneva Conventions contain specific references to the special protection needs of women as well; and the founding of the Women’s International League for Peace and Freedom in 1915.

²²² The UN Security Council held an Open Session on 24 and 25 October 2000 in which 40 Member States made supporting statements for the mainstreaming of gender perspectives into peace support operations and for the participation of women in all aspects of peace processes. The Open Session followed an Arria Formula meeting that took place on 23 October 2000 where women representatives from NGOs presented information on the role of grass-roots women’s movements in preventing and resolving conflicts.

²²² For more detail, please refer to the Note at the end of this paper.

²²² *Report of the Independent Inquiry into the Actions of the United Nations during the 1994 Genocide in Rwanda* (15 December 1999), at Part 1a, online: University of West England, <http://www.ess.uwe.ac.uk/documents/rwandareport1a.htm> [Report of the Independent Inquiry]

²²² For a detailed description of the fall of Srebrenica see: Samantha Power, “A Problem from Hell”: *America and the Age of Genocide* (New York: Harper Collins, 2002) 391-441.

²²² See for example: Tania Voon, “Closing the Gap Between Legitimacy and Legality of Humanitarian Intervention: Lessons from East Timor and Kosovo” (2002) 7 UCLA J. Int’l L. & For. Aff 31; Andrew Field, “The Legality of Humanitarian Intervention and the Use of Force in the Absence of United Nations Authority” (2000) 26 Monash University Law Review 339; Aaron Schwabach, “Yugoslavia v. NATO, Security Council Resolution 1244, and the Law of Humanitarian Intervention” (2000) 27 Syracuse J. Int’l L. & Com. 77; Thomas M. Franck, “When, If Ever, May States Deploy Military Force Without Prior Security Council Authorisation?” (2000) 4 Singapore J. Int’l & Com. Law 362; Henkin, Louis et al. “Editorial Comments: NATO’s Kosovo Intervention” (1999) 93 Am. J. Int’l L. 824; United Kingdom, “Kosovo: House of Commons Foreign Affairs Committee 4th Report” in (2000) 49 Int’l & Comp. L.Q. 876.

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- ²²² International Commission on Intervention and State Sovereignty (ICISS). "Background Research" online: ICISS, <http://www.iciss.ca/05_Background-en.asp#commission> [ICISS, Background Research].
- ²²² Referenced explicitly in *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), at 2.22 and 2.23 [R2PR].
- ²²² For more detail, please see the Note at the end of this paper
- ²²² See: *A more secure world: Our shared responsibility*, Report of the Secretary General's High-level Panel on Threats, Challenges and Change, A/58/565 (2 December 2004), at para 203 [*A more secure world*] and *In larger freedom: towards development, security and human rights for all*, Report of the Secretary-General, A/59/2005 (21 March 2005) at para 135 [*In larger freedom*].
- ²²² Statement by the Prime Minister, 21 March 2005, online: Office of the Prime Minister, <<http://www.pm.gc.ca/eng/news.asp?id=442>>
- ²²² "Summary of the Online Discussions Held in Preparation for the 10 Year Review and Appraisal of the Implementation of the Platform for Action in the 49th Session of the Commission on the Status of Women." (11 April 2005), UN Inter-Agency Network on Women and Gender Equality, 44. Available online at: <http://www.un.org/womenwatch/ianwge/docs/online-discussions-rpt-10-yr-review.pdf>
- ²²² R2PR at 3.2
- ²²² NGO Working Group on Women, Peace and Security, *From Local to Global: Making Peace Work for Women*, (New York, 2005) www.peacewomen.org
- ²²² Mary Caprioli, "Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict" 49 *International Studies Quarterly* (2005) 161 at 172 [Caprioli, 2005].
- ²²² Caprioli, 2005 at 161.
- ²²² Commission on the Status of Women, Forty-Eighth session, March 2004, online at: <http://www.un.org/womenwatch/daw/csw/csw48/ac-wp-auv.pdf>, at p. 3.
- ²²² Report of the Secretary-General to the Security Council on Women and Peace and Security, S/2004/814, 13 October 2004, at p. 4. [S-G, Women and Peace and Security].
- ²²² R2PR at 3.21-3.24.
- ²²² Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1249 U.N.T.S. 13 at Art. 7.
- ²²² Universal Declaration on Human Rights (UDHR), GA Res. 217 (III), UNGAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) at Art. 21.
- ²²² Beijing Declaration and Platform for Action, Fourth World Conference on Women (BPFA), UN Doc. A/CONF. 177/20 (1995) and A/CONF. 177/20/Add. 1 (1995), Critical Area of Concern G "Women in Power and Decision-making". Full text of the BPFA is available at: www.un.org/womenwatch/daw/beijing.
- ²²² SCR 1325 at Art. 1-3.
- ²²² S-G, Women and Peace and Security at 12
- ²²² Mary Caprioli, "Gendered Conflict", 37:1 *Journal of Peace Research* 53, (2000) at 61 [Caprioli, 2000].
- ²²² Caprioli, 2000 at 61.
- ²²² R2PR at 3.21.
- ²²² Susanne Schmeidl with Eugenia Piza-Lopez, "Gender and Conflict Early Warning: A framework for Action," International Alert and Swiss Peace Foundation (June 2002) at Appendix III [Early Warning Framework].
- ²²² R2PR at 3.22.
- ²²² "1999 Report: The Taliban's War on Women-A Health and Human Rights Crisis in Afghanistan," Physicians for Human Rights, online at: http://www.phrusa.org/research/health_effects/exec.html
- ²²² "1999 Report: The Taliban's War on Women-A Health and Human Rights Crisis in Afghanistan," Physicians for Human Rights, online at: http://www.phrusa.org/research/health_effects/exec.html
- ²²² Early Warning Framework at Appendix III
- ²²² Report of the Secretary-General to the Security Council on Conflict prevention, A/55/895-S/2001/574, 7 July 2001, online at: <http://daccessdds.un.org/doc/UNDOC/GEN/N01/404/64/PDF/N0140464.pdf?OpenElement> at p. 29
- ²²² S-G, Women and Peace and Security at 14.
- ²²² United Nations Development Fund for Women, *Governance, Peace and Security*, UNIFEM website online at: http://www.unifem.org/gender_issues/governance_peace_security/at_a_glance.php
- ²²² R2PR at 3.24.
- ²²² United Nations Development Programme, "Oslo Conference on Justice and Security Sector Reform: Coherence, Cooperation and Competence", online at: http://www.undp.org/bcpr/jssr/4_resources/documents/UNDP_2003_JSSR%20Conference%20Report.pdf
- ²²² INSTRAW website: <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=152&Itemid=211>
- ²²² Vanessa Farr, "Voices from the Margins: A response to 'Security sector reform in developing and transitional countries,'" Berghof Research Center for Constructive Conflict Management at 5.

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²²² INSTRAW website at: <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=152&Itemid=211>

²²² R2PR at 3.24.

²²² R2PR at 3.16.

²²² S-G, Women and Peace and Security at 4.

²²² SCR 1325 at Art. 1.

²²² R2PR at 3.17.

²²² SCR 1325 at Art. 8.

²²² S-G, Women and Peace and Security at 4.

²²² R2PR at 3.9.

²²² The first 9 of these indicators are taken from: Elisabeth Rehn and Ellen Sirleaf-Johnson, "Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building" (New York: United Nations Development Fund for Women, 2002) at 112 [Women, War and Peace].

²²² See Caprioli, 2000.

²²² See Caprioli, 2000.

²²² See Caprioli, 2005.

²²² See Felicity Hill, "The Illusive Role of Women in Early Warning and Conflict Prevention" (UNIFEM).

²²² See Felicity Hill, "The Illusive Role of Women in Early Warning and Conflict Prevention" (UNIFEM).

²²² All of the remain indicators listed are derived from Early Warning Framework.

²²² As cited in Women, War and Peace at 113.

²²² As cited in Women, War and Peace at 113.

²²² International Commission on Intervention and State Sovereignty. *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001), at xi. [*Responsibility to Protect*], para 4.3

²²² BPPA, para 145(i) urges Governments and international and regional organizations to "[t]ake measures in accordance with international law with a view to alleviating the negative impact of economic sanctions on women and children."

²²² See for example: Manuel Bessler, Richard Garfield and Gerald McHugh, *Field Guidelines for Assessing the Humanitarian Implications of Sanctions* (New York: OCHA Policy Development and Studies Branch, 2004), 10, where a discussion on the effects of sanctions on the civilian population did not consider differential impacts on girls, boys, women and men.

²²² SCR 1325 at Art. 15.

²²² See for example: The Adverse Consequences of Economic Sanctions on the Enjoyment of Human Rights Review of Further Developments in Fields with Which the Subcommission Has Been or May Be Concerned - The Bossuyt Report, Economic and Social Council (E/CN.4/Sub.2/2000/33) 21 June 2000; R. Garfield, R. (1997) "The Impact of Economic Embargoes on the Health of Women and Children." *Journal of the American Women's Medical Association* 52(4): 181-184. On sanctions more generally see: Koenraad Van Brabant, *Sanctions: The Current Debate - A Summary of Selected Readings* (London: The Humanitarian Policy Group and the Relief and Rehabilitation Network at the Overseas Development Institute, 1999). Garfield also notes that there is a comparative lack of data on the effects of sanctions on women.

²²² R2PR at 4.13.

²²² This applies equally to genocide, where gender-based violence is perpetrated in connection within an overall genocidal framework. Cite especially to policies carried out in former Yugoslavia (for ethnic cleansing) and Rwanda (for genocide) including: Lynda E. Boose, "Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory." *Signs*, 28(1) (2002): 71-96; Jonathan M.H. Short, "Sexual Violence as Genocide: The Developing Law of the International Criminal Tribunals and the International Criminal Court," *Michigan Journal of Race & Law* 8 (2003): 502-527; Alexandra Stiglmeier, *Mass Rape: The War Against Women in Bosnia-Herzegovina* (Lincon: University of Nebraska Press, 1994); ... [Additional Resources to be added]

²²² "Ethnic Cleansing" does not have a legal definition but is typically employed in reference to the forced removal, either by deportation of or terrorizing the civilian population to flee, from specific territorial areas. See as an example UN Security Council Resolution 827 (1993).

²²² Article 7(1)(g) of the Rome Statute of the International Criminal Court includes "Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity" as Crimes against humanity. Rome Statute of the International Criminal Court, 1 July 2002. As of 27 September 2004, 97 countries were States Parties to the Rome Statute. See website of ICC at <<http://www.icc-cpi.int/>>

²²² Gender-based violence here is used to refer to "violence inflicted primarily, although not exclusively, on women, and involving some form of violent sexual abuse." Beth Stephens, "Humanitarian Law and Gender Violence: An End to Centuries of Neglect?" *Hofstra Law and Policy Symposium* 3 (1999), at 87.

²²² The International Criminal Tribunal for the former Yugoslavia was established by UN Security Council Resolution 827 on 25 May 1993. See <http://www.un.org/icty/>

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²²² The International Criminal Tribunal for Rwanda was established by UN Security Council Resolution 955 on 8 November 1995. See <http://www.ictt.org/>.

²²² *The Rome Statute of the International Criminal Court*.

²²² The *Rome Statute* is the most recent and comprehensive articulation of how gender-based violence is conceived of under IHL. It rejects the necessary nexus with ethnicity or membership of a persecuted group that previous formulations in the International Criminal Tribunals had indicated. See also: Kelly D. Askin, "Sexual Violence in Decisions and Indictments of the Yugoslav and Rwandan Tribunals: Current Status." *The American Journal of International Law* 93(1) (1999): 97-123.

²²² SCR 1325 at Art. 10.

²²² *A more secure world: Our shared responsibility Report of the High-level Panel on Threats, Challenges and Change*, (New York: United Nations, 2004), para 203.

²²² *In Larger Freedom*, (A/59/2005) 21 March 2005 [fix citation] at para 7(b) of the Annex. [Emphasis added]

²²² R2PR at 4.28.

²²² R2PR at 4.30.

²²² This is especially the case the stronger the divisions are between the sexes in a given society and where there are cases of gender-based violence, as these incidents of abuse are likely to go unreported unless the victim of the abuse is assured of safety and discretion.

²²² Anastasia Bermudez Torres, "FMO Thematic Guid: Gender and Forced Migration," (October 2002). Available online: Oxford Centre for Refugee Studies, Forced Migration, <http://www.forcedmigration.org/>

²²² R2PR at 7.28.

²²² Paul Higate & Marsha Henry, "Engendering (In)security in Peace Support Operations" *Security Dialogue* 35(4) (2004), at 481; See generally: Sandra Whitworth, *Men, Militarism & UN Peacekeeping: A Gendered Analysis* (Boulder, CO: Lynne Rienner Publishers, Inc, 2004); Elisabeth Rehn and Ellen Johnson Sirleaf, "Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building" (New York: United Nations Development Fund for Women, 2002).

²²² *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action* (Hunt Alternatives Fund and International Alert, November 2004), at 39. online: <http://www.womenwagingpeace.net/toolkit.asp>

²²² *Inclusive Security*, at 41.

²²² Barbara Bedont, quoted in *Women, War and Peace* at 70.

²²² It should be noted here that the majority of those involved in PSOs undertake their work with a high degree of professionalism and regard for the civilian population. This however does not negate the serious consequences incurred upon PSOs when abuse occurs at the hands of a minority of their members.

²²² See *Investigation into sexual exploitation of refugees by aid workers in West Africa (A/57/465)*.

²²² The Task Force was co-chaired by OCHA and UNICEF and its members were SOAGI, DPKO, WFP, UNHCR, UNOPS, UNDP, OHCHR, OSRSG/CAAC, IFRC, Interaction and Save the Children (UK) and Oxfam.

²²² ST/SGB/2003/13

²²² *Final Report to the Inter-Agency Standing Committee Working Group on the Activities of the AISC Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises*, 2004. Available online at: ochaonline.un.org

²²² Released July 2004, Department of Peacekeeping Operations' Peacekeeping Best Practices Unit.

²²² Martina Vendenberg, "Peacekeeping, Alphabet Soup, and Violence against Women in the Balkans," in Dyan Mazurana, Angela-Raven Roberts, and Jane Parpart (eds.) *Gender, Conflict, and Peacekeeping* (Lanham: Rowman & Littlefield Publishers, Inc., 2005), at 150.

²²² NATO states that it now has a zero tolerance policy regarding trafficking in human beings by NATO forces and staff. This policy was adopted in June 2004 and endorsed by NATO Heads of State and Government at the Istanbul Summit. The NATO Policy On Combating Trafficking In Human Beings commits NATO and troop contributing nations to reinforce efforts to prevent and combat trafficking. See www.nato.int/issues/trafficking

²²² See: Gender & Peacekeeping Training Course available online at: www.genderandpeacekeeping.org

²²² On 5 January 2005, the Office of Internal Oversight (OIOS) submitted its report (A/59/661) on the investigations into allegations of sexual exploitation and abuse (SEA) in MONUC to the General Assembly. Out of 72 allegations, OIOS compiled twenty case reports, 19 of which implicated peacekeepers from three contingents. All of the victims were Congolese girls under the age of 18. Five out of six were under age 14. In most cases, victims had sex with the assailants in exchange for milk, eggs, chocolate, bread and / or less than five US dollars in cash. Male minors and male youth were also often involved in bringing the girls to the peacekeepers in exchange for one US dollar and / or food.

²²² In February 2005, allegations of three UN Peacekeepers raping a young Haitian woman arose. Days after the allegations surfaced, MINUSTAH investigated and released the findings publicly. See: "Haiti: Sexual Exploitation by Peacekeepers Likely to be a Problem", Refugees International (7 March 2005), available online at: www.refugeesinternational.org

²²² The new allegations also prompted the Secretary-General to request a "Comprehensive review of the whole question of peacekeeping operations in all their aspects" which was released 24 March 2005 (A/59/710).

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²²² The inclusion of HIV/AIDS training is in line with UN Security Council Resolution 1308 (adopted in 2000) as well as SCR 1325 which states invites “Member States to incorporate ... 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;”

²²² SCR 1325 at Art. 6.

²²² SCR 1325 at Art. 10.

²²² Women, War and Peace at 64.

²²² Women, War and Peace at 64.

²²² For more detailed analyses of this issue see: Lousie Olsson, *Gendering UN Peacekeeping: Mainstreaming a Gender Perspective in Multidimensional Peacekeeping Operations*, Report 53 (Uppsala: Uppsala University, Department of Peace and Conflict Research, 1999); Heidi Hudson, “Mainstreaming Gender in Peacekeeping Operations: Can Africa Learn from International Experience?” *African Security Review* 9 (2000): 18-33; Kemi Ogunsanye and Kwezi Mngqibisa, “A Gender Perspective for Conflict Management,; ACCORD Occasional Paper 4 (2000).

²²² Heidi Hudson, “Peacekeeping Trends and Their Gender Implications,” in Dyan Mazurana, Angela Raven-Roberts, and Jane Parpart, *Gender, Conflict, and Peacekeeping* (Lanham: Rowman & Littlefield Publishers, Inc., 2005), 112.

²²² Nicola Johnson, *Gender and Peace Support Operations: Opportunities & Challenges to Improve Practice* (International Alert, 2001), 9-10. See also generally notes above.

²²² BPFA Women and Armed Conflict Strategic at Objective 1; SCR 1325 at Art. 1

²²² CEDAW at Art. 4

²²² R2PR at 5.30.

²²² Sanam Naraghi Anderlini, “Women at the Peace Table: Making a Difference,” United Nations Development Fund for Women (UNIFEM) (2000) at 7.

²²² R2PR at 5.4.

²²² R2PR at 5.4.

²²² See Vanessa Farr, “Gendering Demilitarization as a Peace Building Tool,” Bonn International Center for Conversion, (June 2002) at p. 19.

²²² R2PR at 5.8.

²²² R2PR at 7.42.

²²² Women, War and Peace at p. 9.

²²² Women, War and Peace at p. 12.

²²² Women, War and Peace at p. 14.

²²² Women, War and Peace at p.15.

²²² Women, War and Peace at p.15.

²²² Women, War and Peace at p. 15

²²² Women, War and Peace at p. 11

²²² Women, War and Peace at p. 17

²²² R2PR at 5.8.

²²² The European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia. Submission to the United Nations Security Council, U.N. Doc. S/25240, Annex I

²²² *The European Community Investigative Mission into the Treatment of Muslim Women in the Former Yugoslavia*, Annex I.

²²² From: <http://www.guyanacaribbeanpolitics.com/andaiye/andaiye.html> [Detailed source information to be added].

²²² R2PR at 5.9.

²²² R2PR at 7.45.

²²² SCR 1325 at Art. 13

²²² Women, War and Peace at 116 and *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 4.

²²² “Fact sheet – Women, War, Peace and Disarmament, Demobilization and Reintegration” UNIFEM, available online at: www.womenwarpeace.org/issues/ddr/ddr.htm

²²² *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 7.

²²² Elaine Zuckerman and Marcia Greenberg, “The gender dimensions of post-conflict reconstruction: an analytical framework for policymakers” *Gender and Development*, 12(3) (2004), 72.

²²² *Getting It Right, Doing It Right: Gender and Disarmament, Demobilization, and Reintegration* (New York: United Nations Development Fund for Women, 2004), 5.

²²² Elaine Zuckerman and Marcia Greenberg, 79.

²²² R2PR at 5.10.

²²² R2PR at 7.43.

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²²² Sanam Naraghi Anderline and Camille Pampell Conaway, "Security Sector Reform," in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action* (Hunt Alternatives Fund and International Alert, November 2004) online: <http://www.womenwagingpeace.net/toolkit.asp>. The "unofficial" security sector actors may include civil society (NGOs, media, donors) and armed opposition groups.

²²² "Towards a better practice framework in security sector reform: Broadening the debate", *Occasional SSR Paper No. 1* (Clingendael/ International Alert/Saferworld: 2002), 1.

²²² "Background – Security Sector Reform" from UN-INSTRAW, available online at: <http://www.un-instraw.org/en/index.php?option=content&task=blogcategory&id=151&Itemid=210>

²²² These include but are not limited to: CEDAW, BPFA, *Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations* (2000), SCR 1325, and the *Commission on the Status of Women Agreed Conclusions on "Women's equal participation in conflict prevention, management and conflict resolution and post-conflict peace-building* (2004).

²²² Defined by then-UN Special Rapporteur on Violence Against Women as 'violence that occurs within the private sphere, generally between individuals who are related through intimacy, blood or law. Despite the apparent neutrality of this term, domestic violence is nearly always a gender-specific crime perpetrated by men against women.' ... this violence is 'targets women because of their role within that sphere [domestic] or as violence which is intended to impact, directly or negatively, on women within the domestic sphere.' Radhika Coomaraswamy, *Report of the Special Rapporteur on Violence against Women, its Causes and Consequences*, E/CH.4/1996/53, 1996 at paras 23 and 28.

²²² Vanessa A. Farr, "Voices from the Margins: A response to "Security sector reform in developing and transitional countries" (Berghof Research Center for Constructive Conflict Management, 2004). Available online at: http://www.berghof-handbook.net/articles/ssr_farr.pdf

²²² R2PR at 7.48.

²²² SCR 1325 at Preamble.

²²² Beijing Platform for Action at Strategic Objective E.

²²² United Nations Mine Action: A Strategy for 2001-2005, Secretary General report to the Security Council, 8 August 2003, A/58/260/Add. 1 at 15.

²²² Women, War and Peace at 35.

²²² Simona Beltrami, "Women's Own Struggle Against Land Mines", International Campaign to Ban Land Mines, online at: http://www.icbl.org/news/8_march_women_and_landmines; Gender Perspective on LandMines, UN Briefing Note 5, The Department for Disarmament Affairs and the Department of Peacekeeping Operations-Mine Action Service (March 2001) online: <http://www.mineaction.org/pdf%20file/6.pdf>

²²² Women, War and Peace at 35

²²² Beltrami "Women's Own Struggle Against Land Mines"

²²² United Nations Development Fund for Women, UNIFEM portal on Gender and Landmines, online: <http://www.womenwarpeace.org/issues/landmines/landmines.htm>.

²²² Gender Guidelines for Mine Action Programmes, United Nations Mine Action Service, February 2005.

²²² Gender Guidelines for Mine Action Programmes, United Nations Mine Action Service, February 2005. Examples of some of these strategies include:

- arranging information gathering times and locations to encourage the participation of individuals of both sexes;
- collecting the distinct assessment of men, women, boys and girls when considering what areas should be priorities for clearance;
- ensuring that men and women have equal access to employment opportunities linked to survey and clear
- analysing casualty data to determine which population groups are most at risk
- enhancing the participation of male and female community member in mine risk education planning and monitoring
- providing appropriate accommodations and childcare for mixed-sex work teams
- engaging same-sex staff in prosthetic workshops to assist mine/ERW survivors
- implementing affirmative action employment and training strategies for women with disabilities
- ensuring that victim assistance service providers furnish sex-segregated accommodations
- employing appropriate means of communication to ensure that awareness-raising messages reach men, women, boys and girls.

²²² SCR 1325 at Art. 11.

²²² Valerie Ossterveld, "Prosecution of Gender-based Crimes in International Law" in *Gender, Conflict and Peacekeeping* at 67.

²²² Kari Karame and Gudrun Bertinussen, "Gendering Human Security: From Marginalisation to the Integration of Women in Peace-Building" (Norway: Fafo Institute for Applied Social Science, 2001), 40-41.

²²² In the Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front (RUF) of Sierra Leone, the RUF gained a general amnesty for all crimes committed during the war by article IX. At the last

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minute, the U.N. Secretary-General's Special Representative at the talks added a hand-written qualification that the U.N. held the understanding that the amnesty and pardon provided for in Article IX did not apply to international crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law. It was only this caveat that allowed for the establishment of The Special Court for Sierra Leone on 16 January 2002 through an agreement between the United Nations and the Government of Sierra Leone pursuant to UNSC, Resolution 1315, S/RES/1315 (14 August 2000), online: The Special Court for Sierra Leone <http://www.sc-sl.org/>. See: Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (RUF/SL), July 7, 1999, U.N. Doc. S/1999/777 (1999), online: Sierra Leone Web, <<http://www.sierra-leone.org/lomeaccord.html>>

²²² Initially, the indictment of Jean-Paul Akayesu at the ICTR did not include sexual violence crimes, despite overwhelming evidence (See: "Rwanda Tribunal to Rule on Akayesu Case", 1 September 1998, Human Rights Watch). It was not until questioning by Judge Navanham Pillay who elicited, at trial, evidence of sexual violence and the involvement of various human rights organizations, that the indictment was amended to include sexual violence. After this egregious omission, gender-related crimes began appearing in subsequent indictments (See: Richard J. Goldstone, "Prosecuting Rape as a War Crime" *Case W. Res. J. Int'l Law* 34(2) (2002), 282.

²²² The lack of a witness protection programme in Bosnia and Herzegovina has meant that most women will not testify because of fear of reprisals, especially upon return to their communities. See: Rehn and Sirleaf Johnson at 13-14. A commendable step in this regard is the inclusion of special procedures for survivors of sexual violence in Sierra Leone's Truth and Reconciliation Commission that allowed for statement-taking to be done confidentially and trained investigators in appropriate methods for gathering information. See: Article 7(4) of *The Truth and Reconciliation Commission Act 2000*, February 20, 2000, online: Sierra Leone Web, <www.sierra-leone.org/trcact2000.html>

²²² R2PR at 7.38.

²²² SCR 1325 at Art. 8.

²²² Amani El Jack, "Gender and Armed Conflict – Overview Report" (BRIDGE. Institute of Development Studies University of Sussex Brighton, 2003), 37. Available online at: <http://www.ids.ac.uk/bridge>.

²²² R2PR at 5.14.

²²² Pam Spees, *Gender Justice and Accountability in Peace Support Operations – Closing the Gaps* (International Alert, 2004), 18-19.

²²² Lori Handrahan, "Conflict, Gender, Ethnicity and Post-Conflict Reconstruction" *Security Dialogue*, 35(4) (2004), 434.

²²² Lori Handrahan, "Conflict, Gender, Ethnicity and Post-Conflict Reconstruction" *Security Dialogue*, 35(4) (2004), 434.

²²² Tsjeard Bouta, Georg Frerks, and Ian Bannon. *Gender, Conflict and Development* (Washington, D.C.: The World Bank, 2005), 77.

²²² "Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action" (Hunt Alternatives Fund and International Alert, November 2004) at 26-31.

²²² SCR 1325 at *Preamble*.

²²² SCR 1325 at *Preamble*.

²²² Kari Karame and Gudrun Bertinussen, "Gendering Human Security: From Marginalisation to the Integration of Women in Peace-Building" (Norway: Fafo Institute for Applied Social Science, 2001), 41.

²²² R2PR at 5.15.

²²² Elaine Zuckerman and Marcia Greenberg, "The gender dimensions of post-conflict reconstruction: an analytical framework for policymakers" *Gender and Development* 12(3) (2004), 72.

²²² R2PR at 5.18.

²²² Maja Kroac, "War, Flight and Exile – Gendered Violence among Refugee Women from Post-Yugoslav States" in Wenona Giles and Jennifer Hyndman, *Sites of Violence – Gender and Conflict Zones* (Berkeley: University of California Press, 2004), 267. See generally: [include more relevant sources]

²²² Women, War and Peace at 31-36.

²²² Women, War and Peace at 36-42.

²²² See for example, J David Whaley and Barbara Piazza-Georgi, United Nations Development Programme, South Africa, "Conflict Management, Peacekeeping and Peacebuilding" (April 1997)

²²² Conflict, Prevention, and Reconstruction, World Bank Website, online:

<http://Inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>

²²² Conflict, Prevention, and Reconstruction, World Bank Website, online:

<http://Inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>

²²² Conflict, Prevention, and Reconstruction, World Bank Website, online:

<http://Inweb18.worldbank.org/ESSD/sdvext.nsf/67ByDocName/ConflictPreventionandReconstruction>

²²² See generally: "Gender Approaches in Conflict and Post-Conflict Situations," United Nations Development Programme, April 2001.

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²²² “CIDA’s Policy on Gender Equality,” Canadian International Development Agency (1999) at p. 5-6

²²² ADB Policy on Gender and Development, 2003 at: <http://www.adb.org/Gender>

²²² World Bank Website, online at:

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTGENDER/0,,menuPK:336874~pagePK:149018~piPK:149093~theSitePK:336868,00.html>

²²² “Gender”, UN Development Programme Website, online at: <http://www.undp.org/gender/>

²²² See generally UN Millenium Goals, online at: <http://www.un.org/millenniumgoals/>.

²²² Some women’s rights activists have criticized the MDG’s as being overly minimalist and failing to integrate gender into each of the 8 goals. For a detailed account of this critique and a summary of recommendations for incorporating a more complete gender-perspective into the MDGs see: Carol Barton “Women’s Movements and Gender Perspectives on the Millennium Development Goals” Women’s International Coalition for Economic Justice (WICEJ). For the purposes of this analysis, the MDGs are being used strictly to demonstrate that there is a clear and recognized link between development and ensuring women’s equality, and the authors do not express an opinion on the adequacy of the MDGs themselves at achieving this objective.

²²² Adopted from “CIDA’s Policy on Gender Equality,” Canadian International Development Agency (1999) at p. 11-15

²²² R2PR at 5.21

²²² *The Paris Declaration on Aid Effectiveness: Ownership, Harmonization, Alignment, Results and Mutual Accountability*, issued March 2005

²²² Noeleen Heyzer, Executive Director, United Nations Development Fund for Women (UNIFEM) , “Making the Connections: Gender Equality, the 2005 World Summit and the New Aid Architecture”, Address to the Owing Development: Promoting Gender Equality in New Aid Modalities and Partnerships Conference organized by UNIFEM in partnership with the European Commission 9-11 November 2005, Brussels, Belgium

²²² Statement by Ambassador Allan Rock Permanent Representative of Canada to the United Nations at the informal thematic consultations of the General Assembly to discuss the Report of the Secretary-General “In Larger Freedom” Cluster II: Freedom From Fear (New York, 21 April 2005), online: Foreign Affairs Canada, <http://www.un.int/canada/english.html>.

²²² Women and Peace and Security – Report of the Secretary-General, S/2004/814 (13 October 2004), at paras 104-105.

²²² Security Council, Sixtieth year, *5294th Meeting*, Thursday, 27 October 2005, 3 p.m., New York *Provisional S/PV.5294* (Resumption 1) Open Debate in response to *Report of the Secretary-General on women and peace and security (S/2005/636)*