



LEGGE RHYTHMS INTERNATIONAL MODEL UNITED NATIONS 2018

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INDORE

UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

PROTECTION OF WOMEN AND CHILDREN IN AN ARMED CONFLICT

BACKGROUND GUIDE

LETTER FROM THE EXECUTIVE BOARD

“To deny people their human rights is to challenge their very humanity.”~ Nelson Mandela

Greetings Delegates!

With immense pleasure, we welcome you all to the 2nd edition of LEGGE RHYTHMS MODEL UNITED NATIONS!

Dealing with crimes on a local, national or global perspective or even understanding the different spheres of it is not an easy job due to the varying forms it can morph into in different nations of the world but it lies on our shoulders to do so, united. To facilitate and aid in your understanding and research, we have formulated a detailed study guide on the agenda and its sub-agendas in a coherent approach.

As representatives of the member states, you are expected to be alert and aware of all the issues, past and current. Be thorough with the mandate of the committee and the United Nations Charter, have a proper understanding of the Rules of Procedure of the committee, compromise, negotiate, and form comprehensive and concrete steps to make this world a better place to live.

If you have any query regarding the committee or the agenda, feel free to contact us.

With this, we wish you all the best for the conference and are looking forward to meet you all!

Regards

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Definition of armed conflict

International Humanitarian Law, based on the concepts of *jus ad bello*, is defined to be the law of war. This means that the laws involved are meant to be active in a situation of an armed conflict or during war. However, just like international law, international humanitarian law requires the political will of states for a situation to be considered as an armed conflict, so that the law can be in force. The scenario has therefore arisen that states have been adamant to recognize a situation as an armed conflict for certain political reasons.

What exactly is an Armed Conflict?

There are three types of conflicts that are recognized by international humanitarian law: international armed conflict, internationalized armed conflict, and non-international armed conflict.

International humanitarian law does make it clear what an international armed conflict is. According to the Geneva Conventions of 1949, common article 2 states that "all cases of declared war or of any armed conflict that may arise between two or more high contracting parties, even if the state of war is not recognized, the convention shall also apply to all cases of partial or total occupation of the territory of a high contracting party even if the said occupation meets with no armed resistance". This means that the occurrence of international armed conflict is clear, that is, it would be a conflict between the legal armed forces of two different states. A good example would be the North Korean- South Korean war of 1950.

The second armed conflict recognized by international humanitarian law is a new phenomenon known as 'an internationalized armed conflict'. The situation of an internationalized armed conflict can occur when a war occurs between two different factions fighting internally but supported by two different states. The most visible example of an internationalized armed conflict was the conflict in the Democratic Republic of Congo in 1998 when the forces from Rwanda, Angola, Zimbabwe and Uganda intervened to support various groups in the DRC.

Non-international armed conflicts, according to common article 3 of the Geneva Convention, are 'armed conflicts that are non-international in nature occurring in one of the High contracting parties' (Geneva Convention, common article 3, 1949). This means that one of the parties involved is nongovernmental in nature. However, common article 3 also states that it does not apply to other forms of violence such as riots, isolated and sporadic acts of violence. This abstract definition has made it difficult to make a clear distinction between a mere disturbance and an armed conflict, therefore relying heavily on the political will of states to classify the situation as an armed conflict. For a situation to be classified as a non-international armed conflict, it has to achieve two variables: first, the hostilities have to reach a certain minimum level of intensity and form in a collective character; and second, there has to be a level of organization of the parties.

The impact of armed conflicts on women and children

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Despite their civilian status, women (as well as children) increasingly have become specific targets of attack. Moreover, sexual violence appears to be a more frequently employed method of waging war, with the aim of destroying communities and families. Beyond the physical and

psychological consequences, women are often victims of stigmatization as a result of sexual violence. Women may become among the most vulnerable groups during conflict for reasons that also extend beyond violence. Reports from human rights advocacy groups document many examples of the exploitation and abuse of women and children affected by conflict. Women in refugee and IDP camps, and while fleeing, face sexual exploitation and a lack of physical security.

Generally speaking, "women are particularly susceptible to marginalization, poverty and the suffering engendered by armed conflict, especially when they are already victims of discrimination in peacetime. Women may be particularly vulnerable if they are held up as 'symbolic' bearers of cultural and ethnic identity and the producers of the future generations of the community. That being said, men also have to be clearly recognized as vulnerable, as in some conflicts as many as 96% of the detainee population are men and 90% of the missing are men. They are also prone to be wounded or killed as legitimate targets as members of armed forces or groups, who still largely recruit amongst male populations."

But women are also armed fighters alongside men. "Whether as victims or combatants, women often shoulder an additional burden due to traditional gender roles: their labor, strength and determination maintain their families and communities during war and throughout the long, slow, process of rebuilding the peace."

Child Protection

Armed conflicts have left populations vulnerable to appalling forms of violence, including systematic rape, abduction, amputation, mutilation, forced displacement, sexual exploitation, and genocide. The wide availability of light, inexpensive small arms has contributed to the use of children as soldiers, as well as to high levels of violence once conflicts have ended. The breakdown of social protection leaves girls vulnerable to unwanted pregnancy and threatens all children with separation from their families, orphaning, increased risk of sexually transmitted infections, disability, and serious, long-term psychosocial consequences.

Facts and figures

- An estimated 90 per cent of global conflict-related deaths since 1990 have been civilians, and 80 per cent of these have been women and children.
- In the Democratic Republic of the Congo, almost 38,000 deaths occur every month above what is considered a 'normal level' for the country, translating into 1,270 excess deaths every day. Most deaths are due to preventable causes like malnutrition and infectious diseases. Young children are disproportionately affected by these illnesses.
- In Darfur (Sudan), around 2 million people have been forced from their land and live in displacement camps. More than 1 million of them are children under 18, with 320,000 aged five and under.

Building A Protective Environment For Children

Government commitment and capacity

To protect children during war, government priorities must include assisting the most vulnerable, recognizing that displaced children have the right to receive the same level of public services as other children, and protecting humanitarian assistance and personnel. State and non-State entities must commit themselves to ending the recruitment and use of children as soldiers or adjuncts to armed groups by signing international legislation. In addition, children need to be protected from the effects of sanctions. As conflicts end, peace-building and peacekeeping efforts need to focus on child protection issues. Governments, for example, can ensure that crimes against children are addressed and that child-friendly procedures are developed for children's involvement in truth and justice-seeking processes.

Legislation and enforcement

International treaties must be respected and enforced by those in charge, including State and non-State entities, and criminal legislation should be reviewed to ensure that grave breaches of international humanitarian law are recognized as crimes. Adequate training for armed forces in the rules of international humanitarian law and human rights, especially those concerning the protection of children, is essential.

Attitudes, customs, and practices

Many of the discriminatory attitudes that existed prior to a conflict intensify during violent clashes. Promoting codes of conduct and child-rights training for all military and civilian peacekeeping personnel is essential to eliminating maltreatment and use of children in armed groups.

The principles and provisions to protect children in armed conflict are laid out in the Geneva Conventions (1949) and their Additional Protocols (1977), the Convention on the Rights of the Child (1989) and its Optional Protocol on the involvement of children in armed conflict (2000), and the Rome Statute (1998) of the International Criminal Court. Open discussion Media and civil society have tremendous potential for influencing public opinion and promoting action through discussion of such crucial issues as sexual violence against children and women, and reducing the availability of small arms and light weapons. Children's life skills, knowledge and participation Children's involvement in their own protection is strengthened by the creation of child-friendly spaces, especially in situations of displacement, and by peer-to-peer counseling on such issues as avoiding landmines or protection from HIV. Capacity of families and communities bolstering the capacities of families and communities creates an effective resource for a wide range of activities. With the proper training and materials, they can prevent the separation of children, provide psychosocial support for war-affected children, develop mechanisms to eliminate sexual abuse and exploitation, support landmine awareness and victim assistance, and distribute lifesaving information on HIV/AIDS.

Essential Services, Including Prevention, Recovery, And Reintegration

These services include:

- a) disarmament, demobilization and reintegration programmes for children whether or not they have weapons in their possession;

- b) Tracing and reintegration programmes for children who have been separated from their families; assistance to survivors of sexual violence as well as children who have been disabled; education services for children; prevention of HIV infection;
- c) Care for children orphaned or made vulnerable by HIV/AIDS.

Monitoring, reporting and oversight Systematic and comprehensive monitoring, reporting and oversight, as requested by the United Nations Security Council Resolutions 1539 and 1612, should cover all violations against children affected by armed conflict and could be performed by governments or non-State parties to the conflict.

Examples of UNICEF in action In the Democratic Republic of the Congo, as part of UNICEF's project to assist children, women and families affected by conflict, nearly 1.6 million children were protected from recruitment by armed forces and groups, at least 5,400 children associated with armed forces and groups were reintegrated into their families or communities, and 5,350 women and children survivors of sexual violence were given support and assistance. In Liberia, UNICEF is working to provide skills training courses to 5,000 demobilized children associated with armed forces. The training programme includes options like agriculture, animal husbandry, mechanics, carpentry, cosmetology, masonry, tailoring and baking, in addition to basic literacy and numeracy, psychosocial counseling, and business development. Recently, 116 boys and girls finished the nine-month training course in Buchanan, Grand Bassa County.

The Definition of "Child" In International Criminal Law and By The International Criminal Court

There is international consensus that a child is any person under the age of eighteen, as defined by the Convention on the Rights of the Child. In principle, this means that all justice systems national and international need to provide special proceedings and measures for children below eighteen. These need to ensure that all persons and institutions working for the justice system respect protect and fulfill the special rights of persons under the age of eighteen who are exposed to the law.

The CRC is mindful that childhood is a concept that varies across the globe. Hence, the age definition of eighteen is not absolute. Article 1 of the Convention reads for the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. It is a key feature of that Article that the overall definition is qualified by the words “unless under the law applicable to the child, majority is attained earlier.” This clause, whilst aiming to reflect varying concepts of childhood in different cultural and legal contexts around the world, is problematic, especially in light of tendencies in some countries to lower the age of criminal responsibility as part of a law and order approach towards adolescents. Because of this, the importance and reach of that qualification cannot be underestimated. But, the broader definition of a child as a human being below the age of eighteen in Article 1 of the CRC is effectively a peremptory norm, interpreted as it is with clear qualifications allowing for “adult” treatment of children within specific areas of law. Article 3 of the Convention on the Rights of the Child requires States to ensure that persons under the age of eighteen are subject of special protection; In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

This is especially relevant for the justice system and is enforced by the ban of the death penalty for all persons under the age of eighteen no matter what the legal age of criminal responsibility in a country is. Article 37 clearly states that neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age. In the same vein, the Committee on the Rights of the Child, the body of eighteen independent experts that monitors implementation of the Convention on the Rights of the Child and of two Optional Protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution, and child pornography, has issued many recommendations to States with a lower age of criminal responsibility than eighteen to fully uphold the protection standards of the CRC for all persons under eighteen. In its General Comment no. 10 on juvenile justice systems, the Committee reiterates that “both special procedural rules and rules for diversion and special measures should apply, starting at the MACR set in the country, for all children who, at the time of their alleged commission of an offense, have not yet reached the age of 18 years.” The Rome Statute, and the Courts Rules of Procedure and Evidence, with their many provisions related to the special treatment of children, reflect a similar understanding, even if they do not contain a specific attempt to define the term “child.” For example, the Court has exempted children below the age of eighteen from prosecution under its jurisdiction, through Article 26 of the Rome Statute. In Article 2(b)(xxvi), the Statute identifies the conscription or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities as a crime within the court’s jurisdiction, following the age limit for enlistment into armed combat established in Article 40 of the Convention on the Rights of the Child. In the Rules of Procedure and Evidence, the court makes multiple references to the special needs of children, and includes provisions to allow for

special procedures such as in camera or ex parte hearings, and the use of recorded testimony, following the recommendations of General Comment no. 10 and of the United Nations Guidelines on Justice in matters involving child victims and witnesses of crime, which are themselves grounded in the general provisions of Articles 37–40 of the Convention on the Rights of the Child. Hence, I would recommend that the policy paper being developed by the Office of the Prosecutor contain a clear and definitive statement from the International Criminal Court that it defines children as persons below the age of eighteen. This statement would reflect the steps the court has already taken in the Rome Statute and its rules of procedure and evidence to ensure that, in line with the Convention on the Rights of the Child and other international standards for all persons under the age of eighteen, children receive special treatment when appearing before the court as victims and witnesses. Such a statement would be a powerful normative commitment to enhance protection of the rights of the child. Of course, even when consensus exists on the definition of a child as a person below the age of eighteen, identifying just who is a child is something that can be challenging, especially in situations of armed conflict. The usual means of verifying such a claim civil registration records, birth certificates etc. will generally not be available. Therefore, age assessment procedures need to be established in order to help identify children. This is an area where guidance and examples can be taken from within the wider protection framework for instance in immigration procedures, national justice systems and refugee settings.

**SPECIAL PROCEDURES AND PROTECTIONS THAT SHOULD BE AFFORDED
CHILD VICTIMS AND WITNESSES**

There are clear guidelines from a range of international instruments that indicate the special procedural protections that should be made available to children engaging with criminal justice systems, whether as defendants, witnesses, or victims. These protections are first alluded to in the Convention on the Rights of the Child, in articles 37–40, and then elaborated in greater detail in the “soft law” of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). Taking this guidance further, the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime and the accompanying UNICEF/ONODC guidelines on their implementation, which include a child friendly version, provide concrete measures and safeguards to ensure that children engaging with criminal justice systems are protected and supported throughout the investigation and trial process. As an illustration of how these standards and principles can be effectively translated into practical measures to protect and support children appearing before bodies adjudicating alleged violations of international criminal law, In this context, the ground-breaking work undertaken by the Special Court in Sierra Leone provides excellent guidance for addressing the specific issues of the vulnerability, protection, and support of child victims and witnesses appearing before court. The Special Court for Sierra Leone has produced specific guidance on the protection and treatment of child witnesses and victims of war crimes and crimes against humanity. These guidelines offer step-by-step protocols and guidance for investigators, prosecutors, and related court officials for all stages of the child’s involvement with the court. UNICEF recommends these guidelines as an excellent point of departure for the International Criminal Court and the prosecutor’s office in developing its own policy paper on the treatment of child victims and witnesses, whilst recognizing the many special protection measures and principles for children

that are already embodied within the ICC. However, the protections that could be offered to children appearing before the ICC could be developed and elaborated further to strengthen a fair and responsible treatment of child victims and witnesses by the court, in particular by increasing the use of local child protection resources and actors in the manner of the Special Court for Sierra Leone . In particular, the following procedures adopted by the Special Court for Sierra Leone for the identification of child witnesses and their involvement in the investigations of the Court provide excellent guidance on implementing the “best interests” principle in determining if and how a child should come in contact with the Special Court. In Sierra Leone, Child protection agencies (CPA) work hand in hand with staff of the Special Court to ensure that the protection and best interests of children remain the paramount consideration at all stages of investigation and trial. In Sierra Leone, CPA staff undertake a general review of their case files with the aim of selecting a few cases that meet the requirements of the Special Court. The Special Court will provide guidance on the type of information sought. CPA managers and a child’s social worker will assess each child and apply carefully drawn vulnerability criteria to ensure that a child is emotionally and intellectually prepared for possible appearance before the court, and only when they are confident that a child meets these criteria will his or her file be shared, in a manner that guarantees confidentiality, to the court, which will then identify cases of interest. The CPA then contacts children identified and discusses with the child and her or his guardian the role of the Special Court and the implications of becoming a witness, and finds out whether they would be prepared for the child to become involved with the Special Court. A consent form is to be signed by the child and guardian. If the court decides to proceed, the rules then elaborate a detailed roadmap of how interviewing, security monitoring, support, and follow-up should be conducted, all subject to review by court officials and child protection specialists. At all stages, the welfare

and safety of the child take precedence over other considerations, and both prosecution and CPA staff have the authority to recommend the child’s participation end at any stage, if they believe this to be in the child’s best interests. This approach highlights the importance of placing children’s engagement with bodies adjudicating alleged violations of international criminal law within a wider protection framework, and of close collaboration at all stages between legal professionals and child protection professionals. It is also reflective of an approach that embodies the protections and safeguards recommended in the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. It is this close collaboration between the justice sector and child protection and social welfare that UNICEF supports in all the countries where it undertakes programmatic work on justice for children— around 115 in 2013. As both UNICEF and the International Criminal Court continue in their work, it is our hope that ongoing collaboration and exchange of experiences and best practice can help us jointly ensure that children are better protected, and that redress and accountability mechanisms continue to develop their capacity to serve both accountability and the needs of children.

United Nations Security Council Resolution 1325 on Women, Peace and Security

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The UN Security Council held a special session on the issue of peace and security from a women’s perspective. At this session, United Nations Security Council Resolution (UNSCR) 1325 was passed unanimously. This was the first UN Security Council Resolution to be passed that specifically addresses women roles in conflicts and peace processes, as well as the impacts

of war on women. The resolution advocates for the protection of women and children after conflict, urging parties to take special precautions to prevent gender-based violence; it also calls on states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls. But it also encourages states to consider women's inclusion in post-conflict reforms such as disarmament, security, and judicial, constitutional and electoral processes. As many international and UN organizations have developed their programs and engaged in peace processes, Resolution 1325 remains the cornerstone for any peace building work aimed at the inclusion and protection of women. "It recognizes for the first time the role of women in conflict-not as victims, but as actors in the prevention and resolution of conflict and in equal participation in peace building and decision-making." Women peace activists around the world have taken this as a historical decision in favor of women. Since then, other international bodies have adopted resolutions and declarations emphasizing the importance of women participation in peace building processes.

United Nations Security Council Resolution 1820

In 2008, the UN Security Council (UNSC) adopted a new resolution which focuses specifically on the protection of women from sexual and gender-based violence in conflict and post-conflict situations. The Security Council especially notes the persistence of rape, and urges states to protect women from such a gender-based crime through diverse peace building processes such as the inclusion of women in conflict resolution and prevention, the enforcement of judicial systems to prevent a culture of impunity and an increase in the number of women in peacekeeping and

security forces. This resolution builds off the provisions set forth in CEDAW and Resolution 1325, noting the particular importance of gender-based judicial reforms, which create an enabling environment where women can seek justice or protection from gender-based crimes.

The two key dimensions of engendered peacebuilding processes

Engendering peacebuilding processes actually entails two main aspects: making sure that women's interests and needs are addressed, and also acknowledging their full role as peacebuilders. This section briefly explains the rationale for both dimensions that are then developed in distinct sections.

Acknowledging the role of women as peacemakers and peacebuilders in their community

Traditionally, women have been left out of peacemaking and peacebuilding, or regarded simply as war-victims. Furthermore, too often, they suffer "a backlash against any new-found freedoms, and they are forced 'back' into kitchens and fields," whereas they may have seen their role expanded significantly during the war period. Their work in rebuilding communities, building peace and overcoming trauma has often been ignored and remained invisible. However, "they have consistently demanded recognition as the active agents in the prevention of war, rehabilitation of victims and reconstruction of physical structures."

Women are also clearly under-represented (or even absent) in formal peace negotiations, whether as local participants representing warring factions, or as representatives of international authorities overseeing or mediating deliberations and institutions invited to the negotiating table.

Even if women leaders and organizations are active in track-two mechanisms and civil society forums, these mechanisms do not necessarily find their way into the formal peace processes. "Women not only call for issues specific to themselves but raise issues that affect society as a whole, such as land reform, access to loans and capacity-building." Many believe that they can bring a unique perspective on the root causes of conflict, its impact on the daily life of ordinary people, and the kind of future that can be offered to the nation.

Participation of women is now more regularly acknowledged in peacebuilding processes. For instance, in the Burundi's Peacebuilding Fund Priority Plan, women (and youth) are specifically called on as actors to strengthen peace and social cohesion, but concrete improvements in practices may take more time.

Ensuring that women's needs are addressed

Failure to include women and girls in decision-making processes often means that their concerns and protection risks are not addressed in the community's overall response and in their negotiations with external stakeholders. As a result, resources may be inaccurately targeted and the protection problems women and girls face regarding their security and their access to services may be exacerbated. Key issues, such as protection and promotion of women's human rights, especially women's economic and social rights, may be omitted, as may be references to international and regional human rights instruments guaranteeing the rights of women. "Absence of such references or to the role and place of such instruments in the future domestic legal order also constitutes an obstacle to the effectiveness of an agreement as a tool for the promotion of gender equality."

Explicit attention to the participation of women and reflection of gender perspectives in peace agreements is also vital to ensure that agreements are supportive of women's equal participation in the reconstruction of post-conflict societies and in the prevention of future conflict. "The absence of women in peace processes and the failure of peace agreements to promote gender equality can lead to the perpetuation of discrimination against women and their continued marginalization in the post-conflict rebuilding of society." Conversely, "robust language in a peace agreement to promote gender equality and women's participation, backed by specific allocation of resources and responsibility for its fulfillment can facilitate proactive implementation, including work with local women." Some consider the inclusion of a few women delegates in Afghan peace negotiations to have had an important impact of the political developments there.

Some organizations refer to this process as inclusive security. Inclusive security is a rights-based approach that incorporates certain rights inherent to women's involvement in peacebuilding: "The right to participate meaningfully in policy making and resource allocation; the right to benefit equally from public and private resources and services; and the right to build a gender-equitable society for lasting peace and prosperity."

The protection of women's needs and interests in the aftermath of conflicts

This section explores the main concerns and protection risks of women in the aftermath of conflicts, and how they should be addressed, more particularly:

- The necessity to protect girls and women against violence, especially gender based violence;

- The need to protect women against further violence and injuries by engendering de-mining and small arms programs;
- The need to better address the specific situation of former girls and women combatants;
- The need to actively support women's inclusion and leadership in politics;
- The need to prevent the perpetuation of gender injustice;
- The prevention of women and girls's re-victimization;
- The need to address women and girls' specific needs in economic reintegration programs;
- The mainstreaming of women needs into macro and microeconomic programs.

Other subsections of the portal develop these issues in more detail as well as the way peacebuilding programs address them; links are provided for each specific topic.

Protection of women against violence

During the period following the end of a conflict, gender based violence often remains a persistent issue and may even increase within the domestic sphere. "Increased domestic violence and crime in the private sphere is a direct and continuing result of conflict and accompanying social upheaval." Awareness campaigns and other prevention efforts on domestic violence are particularly needed in that context, in collaboration with local womens movements, UN peace operations gender units, and local police. Equally important in this is the role and commitment of youth and men to issues of gender and gender equality. In Timor Leste, the establishment of a special civilian police unit, staffed by women, to handle cases of rape, domestic violence and other gender related crimes, also helped create an environment where women felt safe to report cases. But the shortage of female peacekeepers and female international civil police officers is a clear limitation in these contexts. To face such situations, practitioners also recommend the

application of "a gender analysis to police reform processes, ensuring gender equality principles are systematically integrated at all stages of police reform planning, design, implementation and evaluation."

Unfortunately, peacekeeping forces have also contributed to sexual and gender based violence in a number of cases. In too many countries, "rape, trafficking in women and children, sexual enslavement, and child abuse, often co-exist alongside peacekeeping operations." Various UN Security Council resolutions have expressed concerns about the involvement of blue helmets in sexual abuse of women and children and supported the Secretary-General's policy of zero tolerance for such abuse. This situation has also been pointed out by the Secretary-Generals report on the rule of law and transitional justice in conflict and post-conflict societies. Official investigations are now systematically conducted and the UN code of personal conduct for blue helmets clearly points out that situation. The UN Human Rights Commission has also been following this matter for several years. However, ultimately, Member States are responsible for prosecuting their soldiers, a situation that often results in a de facto impunity. But military personnel are not the only concern. In different countries, humanitarian workers (working for international organizations and non-governmental organizations) have been convicted for similar violations, and more particularly for trading food or services against sex services, including from children.

Engendering de-mining and small arms policies

Incorporating a gender perspective in mine action initiatives and operations is also important as women and girls are considered to constitute an important proportion of the victims. Their

protection and the integration of a gender perspective into a monitoring system for the protection of civilians is now a central concern of the UN Office for the Coordination of Humanitarian Affairs.

Women/girls and children are clear victims of violence related to small arms and light weapons (SALW) proliferation. There is in particular a gender-specific violence (domestic violence, rape and other sexual abuses) committed by men (including law enforcement officers) using SALW. The probability, affordability, and utility of small arms and light weapons may dramatically increase the lethality of violence. This also concerns the violence perpetrated in the domestic sphere, a pattern that has been observed in most post-conflict situations. Effective disarmament strategies at the community level are therefore crucial for improving women's physical security. These strategies also need to take into consideration the situation of girls and women who are also associated with and play multiple roles in criminal gangs using SALW and perpetrating some of the violence against women.

Women and girls as former combatants

Women are not only victims of conflict, but may also play an active role in violence. However, "Women combatants are often invisible and their needs are overlooked." DDR programs often focus on the so-called 'young men with guns.' "They are seen as the powder keg that must be diffused and tend to be the most visible." In the past, DDR programs have given very little attention to the specific situation of girls and women, in both forced and voluntary capacities. Yet the number of women who participate in fighting forces is reported to be increasing in nearly all conflicts. "Women have constituted significant proportions of combatants and combat support operations in conflicts in Eritrea, Mozambique, Zimbabwe, Vietnam, Cambodia, Sri Lanka,

Nepal, Sierra Leone, Liberia, Uganda, and Rwanda." Female combatants are either abducted or voluntarily joined armed groups to serve as nurses, cooks, sex workers, messengers, spies or administrative or logistical personnel, but also as armed combatants. During DDR programs they tend to be categorized as 'vulnerable groups,' a category that includes also wounded or disabled male combatants and all women and children who accompany warring factions. In many cases, because they do not fit social stereotypes of what makes a 'good woman,' they attract the greatest social opprobrium in the post-war period. These women are most likely to slip through the net of DDR processes and become either social outcasts who barely survive on the margins of society, or an increased security threat in the subsequent months and years. In Sierra Leone, the 2002 riots and female militia activities have indicated that some young mothers had little to lose from resorting to violence as a means of survival. As exemplified by the case of Uganda, DDR programs tend not only to fail to address the specific needs of women and girls, but past discrimination against women. As a result, programs designed to target female combatants tend to be absent or if they exist they remain ill informed. Insufficient consideration is also paid to the different dimensions of traumas these women have experienced during the war, as well as to the inherent modifications in their status and position in society.

If neglected in the process of identifying ex-combatants, girls and women may be disregarded by programs of assistance from which they ought to benefit; experiences have also shown that without a close attention to the specificities of their different roles and needs, "DDR activities run the risk of widening gender inequalities." In Lebanon, for instance, women combatants could not be re-integrated into the army and were therefore disadvantaged. In Sierra Leone and Angola,

women and girl fighters were only classified as "dependents": their real experiences were not acknowledged, and they were precluded from receiving the benefit provided to "combatants." In the case of DRC and Burundi, the national DDR programs excluded those women who served as porters, cooks and sex slaves in armed groups. In some cases as in Liberia "the change in the eligibility criteria to include women associated with fighting forces provided, for the first time, greater accessibility by women to the disarmament, demobilization and reintegration program, thus ensuring inclusion of over 20,000 women."

Support for women's inclusion in politics

An increasing number of states have attempted to incorporate women in government institutions through constitutional regulations, particularly surrounding quotas. A variety of gender-inclusive / affirmative action mechanisms can be used to help women overcome the obstacles that prevent them from entering politics in the same way as their male colleagues, or even more clearly ensure the election of women to legislative office, such as reserved seats, quotas within parliament or for party candidate selection, and other affirmative action inducements or requirements. Among the different types of quotas, the main distinction is between voluntary party quotas on the one hand and constitutional and legislative quotas on the other. When applied during the nomination process, the aim of quotas is to make it easier for women to be placed strategically on a party's lists of candidates in such a way as to give them equal--or close to equal--opportunities to be elected to the legislative body. This is particularly important in contexts where patronage and other undemocratic characteristics pervade and prevent women from naturally acquiring positions of leadership within the party structure. International assistance is now actively involved in encouraging the recruitment and training of women candidates. The United Nations Department of Peacekeeping Operations (UNDPKO), for

instance, has organized national civil society consultations in order to enhance the role of women in politics (more recently in Burundi, the Democratic Republic of the Congo, Haiti and Liberia). Based on these meetings, the DPKO and the Electoral Assistance Division are jointly preparing guidelines on enhancing the role of women in post-conflict electoral processes. The United Nations Democracy Fund, United Nations Development Programme and the have sponsored a variety of projects to support women candidates or improve their press coverage for instance. In relation with the organization of elections, international organizations and local NGOs are also involved in the training of election commissioners on women's voting rights, in the organization of discussions between women's activists and political candidates, and also in raising women awareness about the importance of their vote. Another area where gender attention is needed is the media as they often face specific gender challenges. Women are often portrayed in the media strictly as victims, and may have greater difficulty accessing media outlets. This often constitutes a serious obstacle to women full inclusion in politics.

Preventing the perpetuation of gender injustice

Girls and women are usually rendered invisible or are marginalized within judicial processes, including war tribunals, when they seek justice in response to gender-specific violence. In the aftermath of armed conflicts, "gender injustice perpetuates inequality, violates fundamental human rights, hinders healing and psychological restoration, and prevents societies from developing their full potential." The general lack of access to justice for survivors of sexual assault is a major problem. Violence against women in the private sphere (in particular at home) and in schools is drastically under-reported even in countries with a vigorous women's movement and an advanced commitment to judicial and security sector reform. Therefore, "rule

of law and justice structures in the recovering society must lay the foundations for long-term protection to women and retribution for any wrongs done to them. Truth commissions must ensure that issues of gender equality and gender-based violence are thoroughly addressed. To encourage women to seek justice, the composition of truth commissions and judicial panels must be gender balanced, and police and judiciary personnel properly trained, with the provision of safe space for testimony and evidence." There is a growing literature on engendering transitional justice and more particularly truth commissions but still insufficient practical experience in this regard. Furthermore, customary or traditional justice mechanisms often play a significant role in local justice. However, these structures may not provide adequate protection and justice to women survivors.

Of considerable importance also is the vitality of engendered justice programs. Scholar and practitioner Nahla Valji notes "the need to move beyond a focus on individual incidents of sexual violence in conflict to addressing the context of inequality which facilitate these violations as well as the continuum of violence from conflict to post-conflict which becomes visible through a gendered analysis." Such a process of engendering justice systems "will entail a fundamental rethinking of the goals, structures and foundational assumptions upon which the field is built as well as the future incorporation of a gendered perspective in all levels of planning and implementation." Go to Access to justice and Judicial and legal reform/(re)construction.