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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

## **Current state of play of the mainstreaming of the human rights of women and girls in conflict and post-conflict situations in the work of the Human Rights Council**

### **Report of the United Nations High Commissioner for Human Rights**

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 45/28 on the promotion and protection of the human rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325 (2000).

In it the work of the Human Rights Council and its mechanisms on the matter is reviewed and recommendations made, as applicable to States, the Council and its mechanisms and relevant stakeholders, on how to strengthen the promotion and protection of women and girls in conflict and post-conflict situations, including linkages with the women and peace and security agenda.



## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/28 on the promotion and protection of the human rights of women and girls in conflict and post-conflict situations on the occasion of the twentieth anniversary of Security Council resolution 1325 (2000). Accordingly, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare an analytical report, based on inputs from States and other stakeholders, on the current state of play of the mainstreaming of the human rights of women and girls in conflict and post-conflict situations in the work of the Human Rights Council.
2. The report was prepared based on a desk review of relevant Human Rights Council resolutions, reports and recommendations of its mechanisms related to the human rights of women and girls in conflict and post-conflict situations,<sup>1</sup> in particular the universal periodic review, the special procedures, human rights investigative bodies and the Human Rights Council Advisory Committee. The report is also informed by submissions from 12 Member States,<sup>2</sup> 12 civil society organizations and United Nations entities.<sup>3</sup> It covers the period from 2015 to 2021. With regard to the universal periodic review, the report relies on information from the third cycle, covering the period until January 2021.<sup>4</sup>
3. As part of the methodology of the report, general recommendation No. 30 (2013) of the Committee on the Elimination of Discrimination against Women on women in conflict prevention, conflict and post-conflict situations, is referred to as a guiding framework to identify the human rights issues of women and girls in conflict and post-conflict situations.

## II. Linkages between the promotion and protection of the human rights of women and girls and the women and peace and security agenda

4. The commemoration of the twentieth anniversary of the women and peace and security agenda of Security Council resolution 1325 (2000) provides an opportunity for the Human Rights Council to analyse the integration of the rights of women and girls in its

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<sup>1</sup> In line with paragraph 4 of resolution 45/28, conflict and post-conflict situations included in this report are those that have been identified by the Security Council in relation to the women and peace and security agenda in the following States: Afghanistan, Bosnia and Herzegovina, Burundi, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Sri Lanka, Sudan, Syrian Arab Republic and Yemen. See the summary statements made by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration (S/2017/10/Add.48 and S/2021/10); the reports of the Secretary-General to the Security Council on women and peace and security (S/2020/946, S/2019/800, S/2018/900, S/2017/861 and S/2016/822); and the reports of the Secretary-General to the Security Council on conflict-related sexual violence (S/2016/361, S/2017/249, S/2018/250, S/2019/280, S/2020/487, S/2021/312).

<sup>2</sup> Argentina, Australia, Georgia, Guatemala, Honduras, Iraq, Ireland, Lebanon, Nepal, Qatar, Spain and Ukraine. Submissions will be available from [www.ohchr.org/EN/Issues/Women/WRGS/Pages/ConflictSituations.aspx](http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ConflictSituations.aspx)

<sup>3</sup> The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the following civil society organizations made submissions: Anti-Discrimination Centre Memorial, Global Network of Women Peacebuilders, Northern Ireland Women's European Platform, Pathways for Women's Empowerment and Development, Reprieve, Save the Children, the National Council of Swedish Youth Organizations, Women's International League for Peace and Freedom, Women's Refugee Commission (joint submission), World Federalist Movement/Institute for Global Policy, Young Feminist Manifesto. Submissions will be available from [www.ohchr.org/EN/Issues/Women/WRGS/Pages/ConflictSituations.aspx](http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/ConflictSituations.aspx)

<sup>4</sup> For an analysis of the recommendations on women and girls arising out of the universal periodic review in relation to the women and peace and security agenda during its first and second cycles, see UN-Women, "Women, peace and security: strengthening accountability through the universal periodic review" (November 2019).

resolutions, work and bodies. The peace and security of women and girls is intrinsically linked to respect for their human rights.<sup>5</sup>

5. United Nations human rights mechanisms have affirmed that fundamental human rights obligations, including economic, social and cultural rights, continue to apply in conflict and post-conflict situations.<sup>6</sup> In its general recommendation No. 28 (2010) the Committee on the Elimination of Discrimination against Women emphasizes that conflict and post-conflict situations have a deep impact on and broad consequences for the equal enjoyment and exercise by women of their fundamental rights (para. 11). In general recommendation No. 30, the Committee notes that the transition from conflict to post-conflict is often not linear and can involve cessations of conflict and then slippages back into conflict. These phases encompass different challenges and opportunities with regard to addressing the human rights of women and girls (para. 4). It further clarifies the linkages of the Convention with the women and peace and security agenda by affirming that all areas of concern in the Security Council resolutions on the issue are reflected in the substantive provisions of the Convention. In the general recommendation, the Committee underlines the need to place the implementation of the women and peace and security agenda in the framework of the Convention on the Elimination of All Forms of Discrimination against Women and its Protocol.

6. In resolution 1325 (2000), the Security Council reaffirmed the need to implement fully the international humanitarian and human rights law that protects the rights of women and girls during and after conflict. More concretely, it called upon parties to armed conflict to fully respect the international law obligations applicable to them that are related to the rights of women and girls, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The resolution also sets out the women and peace and security agenda and its four pillars: prevention, protection, participation and peacebuilding and recovery. Since the adoption of resolution 1325 (2000), the Security Council has adopted nine subsequent resolutions<sup>7</sup> on women, peace and security, which are centred on the human rights of women and the leadership of women in preventing and responding to crises.<sup>8</sup> The most recent resolution 2493 (2019) is of particular interest for the present report, as it calls on Member States to promote the human rights of women in conflict and post-conflict situations (para. 5).

7. In 2015, in the global study on the implementation of Security Council resolution 1325 (2000),<sup>9</sup> the centrality of women's human rights to peace and security and the role of human rights bodies in securing accountability for violations of women's human rights in conflict-affected settings was stressed.<sup>10</sup> In the global study, the need for more synergy between the actions of intergovernmental bodies including the Human Rights Council, and those of the human rights mechanisms, is stressed as a prerequisite for full compliance with the human rights obligations of the women and peace and security agenda, including during and after conflict.<sup>11</sup>

8. In his most recent annual report on women and peace and security, the Secretary-General welcomed and recognized the role of international human rights bodies, including the Human Rights Council and its mechanisms, in particular the universal periodic review, the special procedures and the investigative bodies, in addressing and holding States accountable for their obligations regarding women's rights in conflict and post-conflict

<sup>5</sup> S/2015/716, para. 39.

<sup>6</sup> A/HRC/41/19, para. 5.

<sup>7</sup> Resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015), 2467 (2019) and 2493 (2019).

<sup>8</sup> S/2020/946, para. 3.

<sup>9</sup> In 2015, the Secretary-General commissioned a global study on the implementation of Security Council resolution 1325 (2000) in response to the invitation of the Security Council in its resolution 2122 (2013).

<sup>10</sup> S/2016/822, para. 72.

<sup>11</sup> Radhika Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325* (UN-Women, 2015), p. 350.

situations.<sup>12</sup> He has consistently recognized the opportunity that the universal periodic review provides to promote accountability for human rights obligations regarding women and commitment to the women and peace and security agenda.<sup>13</sup>

### **III. Review of the work of the Human Rights Council to promote and protect the human rights of women and girls in conflict and post-conflict situations**

#### **A. Human Rights Council resolutions**

9. A review of resolutions adopted by the Human Rights Council between March 2015 and March 2021, including the thematic and country-specific resolutions, reveals that at least 120 of them contain references to the promotion and protection of the human rights of women and girls in conflict and post-conflict situations. That represents approximately 20 per cent of the total number of resolutions adopted by the Council during the period.<sup>14</sup>

10. In most of the thematic resolutions reviewed, the Council recognized that conflict and post-conflict situations exacerbate pre-existing gender-based discrimination against and inequality of women and girls, and places them at a heightened risk of various forms of gender-based violence, including sexual violence, trafficking and child, early and forced marriage.<sup>15</sup> Some of them refer to contributing factors, such as the breakdown of the rule of law and stigma associated with sexual and gender-based violence;<sup>16</sup> others mention the lack of access to justice and remedies, as well as of access to health care and services and to psychological and socioeconomic reintegration services for victims of sexual and gender-based violence.<sup>17</sup>

11. The thematic resolutions adopted by the Council also address the constraints that women and girls face in conflict and post-conflict situations. The main topics include access to justice, sexual and reproductive health care and services, safe drinking water and sanitation, education, nationality and statelessness.<sup>18</sup> Unlike other resolutions, thematic resolutions focusing on humanitarian settings give pre-eminence to structural gender-based discrimination, as they often consider the inequality predating the conflict.<sup>19</sup> Some resolutions call on States to address the vulnerabilities and protection needs of internally displaced women and girls and women and girls with disabilities in conflict situations.<sup>20</sup> Resolution 45/18 addresses the risks that women journalists face in situations of armed conflict.

12. Other thematic resolutions call on States to facilitate the meaningful and equal participation of women and girls, including women and girls with disabilities, in decision-making processes that affect them, including transitional justice strategies.<sup>21</sup> In resolution 44/4, the Council urges States to promote greater synergy between anti-trafficking efforts and those under the women and peace and security agenda. In particular, the link between trafficking in persons and conflict-related sexual violence should be strengthened and the agency of women and their participation in such processes should be stressed.

13. All the country-specific resolutions reviewed refer to the rights of women and girls, although with differing levels of depth.<sup>22</sup> Some call for the adoption of a full set of actions aimed at conflict prevention and the protection and fulfilment of all the human rights of women and girls. They refer to legislative measures to eliminate all forms of discrimination

<sup>12</sup> S/2017/861, para. 72, and S/2019/800, para. 67.

<sup>13</sup> See, for example, S/2017/861, paras. 73 and 74, S/2018/900, para. 85, and S/2020/946, para. 82.

<sup>14</sup> From March 2015 to March 2021, the Human Rights Council adopted a total of 600 resolutions.

<sup>15</sup> See, for example, resolutions 35/16 and 41/15.

<sup>16</sup> See, for example, resolution 45/29.

<sup>17</sup> See, for example, resolution 35/10.

<sup>18</sup> See, for example, resolutions 32/20, 39/10, 43/5 and 45/8.

<sup>19</sup> See, for example, resolutions 35/16 and 45/29.

<sup>20</sup> See, for example, resolutions 31/6 and 41/15.

<sup>21</sup> See, for example, resolutions 31/6 and 42/17.

<sup>22</sup> Resolutions 42/26, 43/39, 45/25, 45/26, 45/27, 45/34, 45/35, 46/1, 46/21, 46/22, 46/23 and 46/28.

and violence, including the prosecution of perpetrators of sexual and gender-based violence, economic empowerment and participation in political and public decision-making processes, notably in reform of the security sector.<sup>23</sup> Others recognize that women's participation is important in accountability mechanisms for past abuses.<sup>24</sup> Some resolutions call for the protection of the full human rights of women and girls in conflict and post-conflict settings, including in line with Security Council resolution 1325 (2000).<sup>25</sup>

14. Sexual violence is the form of gender-based violence most highlighted in the resolutions, followed by references to child, early and forced marriage and female genital mutilation.<sup>26</sup> The condemnation of sexual violence in these resolutions is connected with a call to hold perpetrators accountable and to ensure that survivors get access to justice. The recognition of a survivor-centred approach in preventing and responding to sexual violence in conflict is found in only one case.<sup>27</sup> In some others, the Council recognizes the urgency of immediate and timely medical support, including sexual and reproductive health services and psychosocial support for survivors.<sup>28</sup> In some resolutions, the Council welcomes commitments on conflict-related sexual violence undertaken by States through joint communiqués signed with the Special Representative of the Secretary-General on Sexual Violence in Conflict on behalf of the United Nations, and in some instances calls for their implementation.<sup>29</sup>

15. The importance of the full, equal and meaningful participation of women is also addressed by the Council in its country-specific resolutions. Depending on the context, this call can be related to, inter alia, conflict prevention; international and national peace efforts; national reconciliation processes; disarmament, demobilization and reintegration; security sector reform; representation on executive and elective bodies; and representation in local decision-making, for example on issues related to the closure of camps for internally displaced persons.<sup>30</sup> In many of these resolutions, the Council makes explicit that women's participation should be in line with Security Council resolution 1325 (2000) and subsequent resolutions.<sup>31</sup> Furthermore, in two of the resolutions reviewed, the Council welcomed the adoption of national action plans to implement the women and peace and security agenda.<sup>32</sup>

16. In some of the country-specific resolutions the Council expressed concerns over the impact of displacement in the lives of women and girls, including those belonging to minorities, while noting the specific protection needs of internally displaced women and girls.<sup>33</sup>

## **B. Work of the Human Rights Council mechanisms**

### **Universal periodic review**

17. A review of the recommendations on women and girl's rights issued under the universal periodic review during its third cycle revealed that at least 500 recommendations, or approximately 7 per cent, addressed the human rights of women and girls in conflict and post-conflict situations.<sup>34</sup> One recommendation expressly calls for the effective

<sup>23</sup> See, for example, resolution 45/27.

<sup>24</sup> Resolution 46/1.

<sup>25</sup> See, for example, resolution 40/19.

<sup>26</sup> See, for example, resolution 36/27.

<sup>27</sup> Resolution 46/22.

<sup>28</sup> Resolutions 46/22 and 37/31.

<sup>29</sup> Resolutions 45/35, 40/29, 45/25 and 29/13.

<sup>30</sup> See resolution 43/26.

<sup>31</sup> See, for example, resolutions 34/38 and 45/15.

<sup>32</sup> Resolutions 45/26 and 46/28.

<sup>33</sup> Resolutions 42/3, 43/39 and 45/21.

<sup>34</sup> The countries concerned were: Afghanistan, Bosnia and Herzegovina, Burundi, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Iraq, Libya, Mali, Myanmar, Sri Lanka and Yemen. At the time of writing Somalia, South Sudan, Sudan and the Syrian Arab Republic were yet to be considered under the third cycle. The Universal Human Rights Index is the tool used to map the recommendations on the human rights of women and girls in conflict and post-conflict situations, available from <https://uhri.ohchr.org>.

implementation of the national action plan of resolution 1325 (2000) through the allocation of adequate resources.<sup>35</sup> Gender-based violence against women and girls is the most recurrent issue. In some recommendations States are called upon to amend, adopt or enforce legislation prohibiting all forms of gender-based violence, including those in line with the Convention on the Elimination of All Forms of Discrimination against Women.<sup>36</sup> In others, there are calls for the adoption or implementation of strategies on the issue.<sup>37</sup> Recommendations on gender-based violence, in particular sexual violence, are often associated with calls for increased access to justice for victims and for holding perpetrators accountable, along with calls to provide support and access to health services for survivors.<sup>38</sup> In a handful of recommendations, there are calls for the protection of victims, including from stigmatization and/or their access to reparations.<sup>39</sup> The recommendations on trafficking in persons tend to cover all affected populations, with few of them specifically addressing the needs of women and girls.<sup>40</sup>

18. The right of women to participate in public and political life also frequently appears in the recommendations. Overall, such recommendations call for the full and meaningful participation of women in peace processes and decision-making processes and bodies at the national and local level, including, in some instances, in line with resolution 1325 (2000).<sup>41</sup> A few recommendations also refer to ensuring women's participation in elections and in transitional justice processes.<sup>42</sup>

19. Other issues affecting women and girls in conflict and post-conflict situations have garnered less attention in universal periodic review recommendations, such as the lack of access to comprehensive health care and services, to education and employment, and discrimination in nationality rights and family relations. For example, in only a few recommendations is there a call for women and girls to have access to sexual and reproductive health and rights and only one recommendation specifically calls for the allocation of more funds to allow better health services, including emergency obstetric care.<sup>43</sup> Recommendations on education tend to cover children but few of them address girls specifically.<sup>44</sup> In some, there are calls for measures to reduce gender inequality in employment.<sup>45</sup> In some recommendations on nationality, marriage and family relations, there are calls to amend or remove discriminatory provisions in laws relevant to nationality and civil status.<sup>46</sup>

20. In a number of recommendations, there are calls for the protection of persons in situations of vulnerability, including women and girls with disabilities. They call for the protection of women and girls with disabilities by taking into consideration their specific needs to ensure their access to education and to sexual and reproductive health services.<sup>47</sup> In a number of other recommendations, there are calls for the protection of women human rights defenders against threats and attacks so that they are able to carry out their work.<sup>48</sup>

### Special procedures

21. The perusal of reports of thematic and country-specific special procedures from 2015 to 2021 indicate that at least 18 of them have addressed the rights of women and girls in

<sup>35</sup> A/HRC/41/5, para. 136.37.

<sup>36</sup> See, for example, A/HRC/38/7, para. 115.29, and A/HRC/47/13, para. 32.103.

<sup>37</sup> See, for example, A/HRC/42/6, para. 140.200.

<sup>38</sup> See for example, A/HRC/39/6, para. 120.130, A/HRC/40/12, para. 121.168, A/HRC/42/6, para. 140.157, and A/HRC/43/17, para. 120.157.

<sup>39</sup> See, for example, A/HRC/37/17, para. 116.147, and A/HRC/42/5, para. 119.195.

<sup>40</sup> A/HRC/43/14, para. 147.206 and A/HRC/43/17, para. 120.202.

<sup>41</sup> See, for example, A/HRC/41/5, para. 136.41, and A/HRC/46/17, para. 148.225.

<sup>42</sup> A/HRC/37/17, para. 116.81, A/HRC/38/7, para. 114.113, and A/HRC/39/6, para. 120.79.

<sup>43</sup> A/HRC/37/17, para. 116.128, A/HRC/39/6, para. 120.116, and A/HRC/42/5, para. 119.159.

<sup>44</sup> See, for example, A/HRC/41/5, para. 136.161, and A/HRC/42/5, para. 119.173.

<sup>45</sup> A/HRC/43/14, para. 147.40, and A/HRC/40/12, para. 121.106.

<sup>46</sup> A/HRC/38/7, para. 115.15, A/HRC/38/10, para. 137.214, A/HRC/42/6, para. 140.126, A/HRC/43/14, para. 147.97, and A/HRC/46/17, para. 148.222.

<sup>47</sup> A/HRC/39/6, para. 120.116, and A/HRC/46/17, para. 148.252.

<sup>48</sup> A/HRC/37/17, para. 116.106, A/HRC/39/6, para. 120.66, A/HRC/41/5, para. 136.123, and A/HRC/42/6, para. 140.118.

conflict and post-conflict situations. The reports cover a variety of issues, from fundamental freedoms, sexual and gender-based violence and participation to education and water and sanitation. Some address intersecting forms of discrimination against women and girls.

22. The Special Rapporteur on trafficking in persons, especially women and children has addressed the issue of trafficking in persons in conflict and post-conflict situations in several of her reports. In particular, she has analysed the issues of trafficking of women and girls for the purpose of sexual exploitation within the broader context of sexual violence committed during and in the wake of conflict, recommending that States integrate trafficking in persons into the four pillars of the women and peace and security agenda. She has also encouraged the Security Council to adopt a human rights-based and gender-sensitive approach to trafficking in persons in conflict situations.<sup>49</sup>

23. The Special Rapporteur on trafficking in persons issued a joint report with the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, which addresses the vulnerabilities of children to sexual exploitation in situations of conflict and humanitarian crises. The report indicated that girls were more likely than boys to be victims of sexual exploitation, forced marriage, sexual slavery, prostitution and forced pregnancy, as well as abduction by extremist groups. One recommendation was that States in cooperation with stakeholders address the specific vulnerabilities of girls in conflict and post-conflict situations.<sup>50</sup>

24. In her latest report, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism analysed the impact of counter-terrorism regulation on the rights of women and girls, including where terrorism intersects with conflict situations. She pointed out that in contexts where gender-based discrimination, inequality and misogyny are institutionalized, the right of women to equality in marriage and family relations is further denied due to their association with individuals connected with proscribed and listed organizations. She recommended that States address the gendered effects of counter-terrorism.<sup>51</sup>

25. The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, noted in one of its reports the pre-existing high levels of discrimination and violence against women in many conflict and post-conflict situations where private military and security companies operate. It expressed concern about the increased risk of human rights abuses of women and girls, such as sexual violence, due to the lack of appropriate regulation or oversight of the operation of such companies. The Working Group recommended that such companies conduct human rights and gender-sensitive risk assessments and put in place mitigating measures. It also suggested that States investigate and prosecute the personnel of companies that perpetrate sexual and gender-based violence.<sup>52</sup>

26. The Special Rapporteur on extrajudicial, summary or arbitrary executions has reported that in conflict situations the patterns of harm from the use of explosive weapons in populated areas is shaped by gender and age. She recommended that States facilitate research on the gendered impact on women and girls of the use of such weapons to prevent human suffering.<sup>53</sup>

27. The Special Rapporteur on the rights to freedom of peaceful assembly and of association regretted the continued exclusion of women from peace agreements and recovery strategies, in contravention of Security Council resolution 1325 (2000). He noted that this deprives institution-building processes of the views of half the world's population and compromises the sustainability of efforts. He made several recommendations, including regarding legal reform and the adoption of policies and programmes to ensure that women have the right to freedom of movement, association and assembly, and on increased and

<sup>49</sup> See A/HRC/32/41 and Corr. 1 and A/73/171.

<sup>50</sup> See A/72/164.

<sup>51</sup> See A/HRC/46/36.

<sup>52</sup> See A/74/244.

<sup>53</sup> See A/HRC/35/23.

flexible funding for local women's organizations to scale up their programmes and adapt to the risks posed by, *inter alia*, conflict situations.<sup>54</sup>

28. The Special Rapporteur on the situation of human rights defenders reported that women human rights defenders operating in conflict and post-conflict situations are at particular risk of gender-based violence, due to the nature of their work, and often see their legitimacy as defenders challenged. He supported the continued advocacy for the effective implementation of the women and peace and security agenda. The Special Rapporteur recommended that States develop comprehensive gender- and age-sensitive legislation and policies to protect human rights defenders, including accessible protection mechanisms for them in conflict and post-conflict situations. He also encouraged local and international civil society organizations to reach out to and support leadership programmes for women human rights defenders displaced as a result of conflict.<sup>55</sup>

29. The Special Rapporteur on violence against women, its causes and consequences reported on the increased risks to women journalists of injury, killing, detention, kidnapping and sexual violence in conflict situations. She has also stressed that freelance women journalists are more vulnerable to attacks due to the lack of a safety net to protect them. She recommended that States undertake measures to protect the rights and safety of women journalists involved in conflict situations.<sup>56</sup>

30. The Special Rapporteur on the rights of indigenous peoples has noted the critical situation of indigenous women and girls in conflict situations, given the pre-existing and intersecting forms of discrimination. She has made a broad range of recommendations to States, covering the civil, cultural, economic, political and social rights of indigenous women and girls, aimed at addressing the structural and intersecting forms of discrimination affecting them.<sup>57</sup> The Special Rapporteur on the human rights of internally displaced persons has emphasized that a gender analysis is critical to ensuring that transitional justice mechanisms respond to the often marginalized concerns of internally displaced women, such as those over housing, land and property and the socioeconomic repercussions of conflict and displacement.<sup>58</sup>

31. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence stated that women's complex experiences of sexual and gender-based violence should be recognized and captured in transitional justice measures to ensure comprehensive reparations. He recommended to States a series of measures for the implementation of gender-sensitive transitional justice mechanisms, such as the examination of the causes and consequences of sexual and gender-based violence and consideration of gender and its intersectionality with other identities, such as ethnic, cultural and social origins, in reparations measures.<sup>59</sup>

32. The Special Rapporteur on the rights of persons with disabilities has reported that in conflict and post-conflict situations, the lack of equal access to inclusive and quality education disproportionately affects girls and young women with disabilities and that they are also at heightened risk of sexual violence, trafficking and sexually transmitted infections.<sup>60</sup>

33. The Special Rapporteur on the right to education has noted that in situations of forced displacement, refugee girls are particularly disadvantaged in access to education due to gender-based discrimination, which makes them less likely than boys to finish primary education or to transition into and complete secondary education, as their families resort to marrying them off for various reasons, including as a coping mechanism against poverty. He

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<sup>54</sup> See A/75/184.

<sup>55</sup> See A/HRC/43/51.

<sup>56</sup> See A/HRC/44/52.

<sup>57</sup> See A/HRC/30/41.

<sup>58</sup> See A/73/173.

<sup>59</sup> See A/75/174.

<sup>60</sup> See A/72/133.



issued a specific recommendation urging States to ensure that refugee girls have access to education and are not prevented from attending school.<sup>61</sup>

34. The Special Rapporteur on the human right to safe drinking water and sanitation regretted in one of his reports that in times of conflict, when water and sanitation resources are at a minimum, the specific needs of women and girls were often not taken into account even if this was vital for adequate responses and interventions. He recommended that States identify, repeal and reform legislation that directly and indirectly discriminates against women and implement targeted policies in order to tackle structural gender inequalities that impede women's and girls' enjoyment of the right to water and sanitation.<sup>62</sup>

35. In the reports reviewed, country-specific mandate holders consistently addressed the human rights of women and girls. These included gender-based violence, including sexual violence and harmful practices, including against women and girls belonging to minorities and in situations of displacement; access to justice and support for survivors; the meaningful participation of women in peace negotiations and mechanisms, peacebuilding and recovery, including in line with Security Council resolution 1325 (2000); and representation of women across the three branches of government, including through elected positions. Recommendations were tailored to the particular context covered by each mandate holder. Some mandate holders specifically requested the adoption of measures to improve the human rights of women and girls by, for example, enacting legislation on gender-based violence; strengthening the resources of a joint rapid response unit to combat sexual violence against women; or improving the participation of women in peace processes.<sup>63</sup>

#### **Human rights investigative bodies**

36. A review of the reports of investigative bodies established by and reporting to the Human Rights Council since 2015 (for example, commissions of inquiry and fact-finding missions) reveals stronger gender analysis in the last four years, with increased attention paid to the human rights of women.<sup>64</sup> That has translated into a better understanding of the underlying causes of gender-based discrimination and inequality and of the different and disproportionate impact of conflicts and human rights violations on women and girls. One commission of inquiry reported, for example, that "the prevailing inequalities, discrimination and unequal power relations between men and women, lack of access to resources and inability to access quality education result in women and girls being susceptible to sexual and gender-based violence. This situation is exacerbated by the protracted conflict, which has an impact on gender norms and the roles of women and men".<sup>65</sup>

37. Gender-based violence, including rape and other forms of sexual violence, has been extensively documented by investigative bodies, including the physical and psychological harm they inflict and their long-term impact on survivors.<sup>66</sup> These reports further confirm that women and girls continue to be disproportionately affected by this type of violence and victimized on multiple grounds, irrespective of the perpetrator. These bodies have also reported on the difficulties for survivors in coming forward and reporting their experiences, due to the stigma associated with sexual violence and the fear of reprisals and of being rejected by their partners, families or communities.<sup>67</sup> They stress the lack of accountability and protection measures for survivors of such crimes.<sup>68</sup> The Commission on Human Rights in South Sudan has a mandate to investigate sexual and gender-based violence, while the Independent International Fact-Finding Mission on Myanmar and the Independent International Commission of Inquiry on the Syrian Arab Republic have produced thematic reports on the subject. In those reports, they examine in detail the root causes, circumstances,

<sup>61</sup> See A/73/262.

<sup>62</sup> See A/HRC/33/49.

<sup>63</sup> See A/HRC/45/52, A/HRC/39/70, A/HRC/37/70 and A/HRC/37/78.

<sup>64</sup> See <https://ohchr.org/EN/HRBodies/HRC/Pages/ListHRCMandat.aspx> for the full list of investigative bodies established by the Council.

<sup>65</sup> A/HRC/40/69, para. 42.

<sup>66</sup> A/HRC/37/CRP.2, paras. 207–211, and A/HRC/37/CRP.3, paras. 93–102.

<sup>67</sup> A/HRC/38/CRP.1, para. 416 (in French only), and A/HRC/45/31, para. 59.

<sup>68</sup> A/HRC/39/CRP.1, para. 384 (in French only), and A/HRC/42/CRP.1, para. 634.

intent and motivation to commit sexual violence, and its long-lasting consequences for and impact on the lives of survivors.<sup>69</sup>

38. Investigative bodies have also documented the impact that arbitrary detention, enforced disappearance or the death of male relatives have on women, which can include being targeted and subjected to sexual violence to further dishonour their male relatives or being deprived of property, inheritance and custody of their children.<sup>70</sup> These bodies have also analysed other forms of gender-based discrimination and violence, including threats against and attacks on women human rights defenders to dissuade or impede them from exercising their fundamental freedoms and participating in political life;<sup>71</sup> the imposition on women and girls of severe movement restrictions, strict dress codes and punishments of those not complying with such norms;<sup>72</sup> and the detrimental impact on the health of women belonging to ethnic minorities, including their sexual and reproductive health, resulting from movement restrictions.<sup>73</sup>

39. The extent and number of recommendations addressing the human rights of women and girls in the reports of investigative bodies is, however, uneven. For example, while in one report an entire subsection of recommendations is devoted to the advancement of the human rights of women,<sup>74</sup> in another, only one short recommendation on access to medical and psychosocial services for victims of sexual violence is included.<sup>75</sup>

#### **Human Rights Council Advisory Committee**

40. The work of the Human Rights Council Advisory Committee is mainly focused on studies and research-based advice. It can play an important role in driving the Council's thematic focus areas through highlighting current and emerging concerns. In 2015, the Committee produced a research-based report on best practices and main challenges in the promotion and protection of human rights in post-disaster and post-conflict situations. This is the only research-based report by the Committee that addresses the human rights of women in conflict and post-conflict situations. It explicitly refers to Security Council resolutions 1325 (2000) and 1820 (2008), and urges States to set up legal frameworks that prevent, prohibit and criminalize violence against women and girls, including sexual violence in situations of armed conflict. It invites States to promote the pivotal role that women play in conflict management, conflict resolution and sustainable peace.<sup>76</sup>

## **IV. Key findings**

41. During the period covered by the present report, the Human Rights Council has progressively addressed the promotion and protection of the human rights of women and girls in conflict and post-conflict situations. Human Rights Council resolutions, recommendations from the universal periodic review and reports of special procedure mandate holders refer to these issues. Furthermore, reports from investigative bodies demonstrate stronger gender analysis and an increased focus on women's human rights in the previous four years. The work of the Human Rights Council Advisory Committee on these issues has been more limited, despite the potential of its work to inform the Council's thematic focus areas, including the rights of women and girls in conflict and post-conflict situations.

#### **Enhanced integration of the human rights of women and girls in conflict and post-conflict situations**

42. Increased efforts have been made to recognize the exacerbation of gender-based discrimination and inequality against women and girls in conflict and post-conflict situations.

<sup>69</sup> See A/HRC/42/CRP.4, and A/HRC/37/CRP.3.

<sup>70</sup> A/HRC/36/54, paras. 72–73, and A/HRC/37/CRP.2, paras. 164–177.

<sup>71</sup> A/HRC/45/32, paras. 52–54, and A/HRC/42/17, para. 72.

<sup>72</sup> A/HRC/46/54, paras. 49 and 53.

<sup>73</sup> A/HRC/42/CRP.5, para. 154.

<sup>74</sup> See A/HRC/40/69.

<sup>75</sup> See A/HRC/36/54 and Corr.1.

<sup>76</sup> A/HRC/28/76, paras. 31 and 85.

Notably, investigative bodies are now better analysing how underlying gender-based discrimination and inequality impact women's and girls' experiences of conflict; however, this analysis is not always translated into comprehensive recommendations addressing the human rights of women and girls. A full set of recommendations for the advancement of the human rights of women included in one of the reports of the Commission on Human Rights in South Sudan is a promising practice as to how such analyses can be translated into comprehensive recommendations.<sup>77</sup>

43. The thematic resolutions of the Human Rights Council focused on humanitarian settings tend to be more comprehensive in addressing the human rights of women and girls, including from an intersectional approach. A promising practice in this regard is resolution 41/15 on the mandate of the Special Rapporteur on the human rights of internally displaced persons. Some country-specific resolutions address the human rights of women and girls more comprehensively than others. Resolution 45/27 on assistance to Somalia in the field of human rights represents an example of a promising practice because the concerns expressed are coupled with calls to take measures aimed at conflict prevention and to enhance protection for women and girls. However, some of the issues addressed, such as education, health and economic recovery could be better unpacked.

44. Gender-based violence against women and girls, in particular sexual violence and harmful practices, along with women's participation, have been extensively covered by the Human Rights Council in its resolutions and in the work of its mechanisms. The heightened risk to women and girls of sexual and gender-based violence in conflict and post-conflict situations has been highlighted in resolutions, reports and recommendations of the Council and its mechanisms, including by stressing the specific risks to women and girls belonging to minorities; women and girls with disabilities; internally displaced women and girls; women human rights defenders; and women journalists. Resolutions and recommendations often link the condemnation of sexual and gender-based violence with calls to hold perpetrators accountable and to ensure survivors' access to justice and, in some instances, sexual and reproductive health services. However, they lack consistency in calling for a holistic, multisectoral and survivor-centred approach in interventions aimed at preventing and responding to sexual and gender-based violence, including reparations.

45. Human rights investigative bodies have comprehensively documented trends and patterns of rape and other forms of sexual violence that show the widespread nature of such violence and its use as a tool to punish and intimidate. Most importantly, such documentation serves to relay the experiences of survivors and is a first step towards accountability. The thematic reports on sexual and gender-based violence produced by the Commission of Inquiry on the Syrian Arab Republic and the International Fact-Finding Mission on Myanmar represent a promising practice, as they have gone deeper in their examination of the issue and in the elaboration of recommendations addressing the root causes of sexual violence.

46. The Human Rights Council and its mechanisms frequently make explicit the link between women's right to full, equal and meaningful participation in peace processes, conflict resolution and peacebuilding with the women and peace and security agenda of the Security Council. This practice demonstrates the mutually reinforcing nature of the work of both bodies. Furthermore, during the third cycle of the universal periodic review, recommendations were made to Afghanistan to implement the national action plan for Security Council resolution 1325 (2000).<sup>78</sup> This is a promising practice that shows the potential of the universal periodic review to promote accountability for the commitment to women's rights and the obligations of the women and peace and security agenda.<sup>79</sup>

47. Importantly, in resolution 42/17 on human rights and transitional justice, the Council reaffirmed the important role of women in peacebuilding and noted the substantial link between women's full and meaningful involvement in efforts to prevent, resolve and rebuild from conflict, and the effectiveness and long-term sustainability of those efforts. It stressed

<sup>77</sup> See A/HRC/40/69.

<sup>78</sup> A/HRC/41/5, para. 136.37.

<sup>79</sup> See also the submission to the present report by the Global Network of Women Peacebuilders, which notes the increased inclusion of references to Security Council resolution 1325 (2000) within the universal periodic review, including in situations not covered in the present report.

the importance of women's equal participation in all such efforts and the need to increase women's role in decision-making with regard to conflict prevention, resolution and peacebuilding.

48. The Human Rights Council and its mechanisms have recognized the critical work of women human rights defenders operating in conflict and post-conflict situations, including as advocates for the effective implementation of the women and peace and security agenda. They have expressed concerns with respect to the threats against and attacks on women human rights defenders and women journalists operating in such contexts, which have been followed with calls for respect for their fundamental freedoms, to ensure their protection and safety and to support them, in particular women human rights defenders displaced as a result of conflict.

#### **Greater attention to intersectionality**

49. Even if they have not been systematic, efforts have been made by the Human Rights Council and its mechanisms to integrate an intersectional approach to the promotion and protection of the human rights of women and girls in conflict and post-conflict situations. Particular attention has been paid to the situation of women and girls with disabilities<sup>80</sup> and internally displaced women and girls, including through specific thematic resolutions and some recommendations from the universal periodic review, for example one that was made to Libya.<sup>81</sup> The Special Rapporteur on the human rights of internally displaced persons has emphasized the critical importance of a gender analysis to ensure that transitional justice mechanisms respond to the concerns of internally displaced women,<sup>82</sup> while the Special Rapporteur on the rights of persons with disabilities has reported that in conflict and post-conflict situations the lack of equal access to inclusive and quality education particularly affects girls and young women with disabilities, and stressed their heightened risk of sexual violence, being trafficked and sexually transmitted infections.<sup>83</sup>

#### **Remaining gaps**

50. Despite the increased level of integration of the human rights of women and girls in conflict and post-conflict situations in the work of the Human Rights Council, insufficient attention has been paid to important issues affecting women and girls in such situations, which are related to their human rights to food, adequate housing, education, health, including sexual and reproductive health and rights, and equal participation in economic life. Addressing these issues as part of the structural causes of gender-based discrimination and inequality is key for conflict prevention and for creating an enabling environment for women and girls in all their diversity to thrive and meaningfully participate in, for example, peace processes and peacebuilding and recovery efforts.

51. The negative impact of the diversion of arms and unregulated or illicit arms transfer on the human rights of women and girls in conflict and post-conflict situations is an aspect that is largely unaddressed in the work of the Human Rights Council.<sup>84</sup> Exploring these issues is critical to preventing violations of the human rights of women and girls and conflict more broadly, as they are closely related to specific expressions of masculinity, power and control that condone gender-based discrimination and violence against women and girls.<sup>85</sup> Other related issues that have not been sufficiently addressed include the gendered effect on women and girls of the use of explosive weapons in populated areas and human rights abuses by non-

<sup>80</sup> For an analysis of women with disabilities in conflict and post-conflict situations, including the women and peace and security agenda, see the joint submission of the Women's Refugee Commission, Human Rights Watch, Handicap International, the International Disability Alliance and Women Enabled International.

<sup>81</sup> A/HRC/46/17, para. 148.252.

<sup>82</sup> See A/73/173.

<sup>83</sup> See A/72/133.

<sup>84</sup> See Council resolutions 43/26 and 41/20. See also the submission by the Women's International League for Peace and Freedom, which contains a list of useful resources on the gendered impact of arms.

<sup>85</sup> See A/HRC/44/29.

State actors, including sexual and gender-based violence by personnel of private security companies operating in conflict and post-conflict situations.<sup>86</sup>

52. Country-specific recommendations have the potential to have a concrete impact on the rights of women and girls in conflict and post-conflict situations, when they are well informed, specific and results-oriented. However, the present review reconfirms previous assessments that in the case of the universal periodic review, the proliferation and dispersion of recommendations in the final reports do not favour the adoption of a systematic approach to the prevention of human rights abuses.<sup>87</sup> For the human rights of women and girls, this means an imbalance in recommendations and the risk of reducing their experience of conflict as victims. For example, of the 51 recommendations on women's rights issued to the Central African Republic during the third cycle of the universal periodic review, the majority (29) focused on sexual and gender-based violence against women and girls and the remainder covered the broad range of other issues without much specificity and with limited reference to key topics, such as participation and sexual and reproductive health and rights.<sup>88</sup> All mechanisms face challenges related to the follow-up and implementation of their recommendations, which have been recently summarized in the report of the Special Rapporteurs appointed pursuant to Human Rights Council resolution 38/18 on the contribution of the Council to the prevention of human rights violations.<sup>89</sup>

## V. Other efforts

53. As previously mentioned, the present report has also been informed by submissions from Member States. Some submissions relate to efforts made towards the creation of an enabling environment for the realization of the rights of women and girls and ultimately to conflict prevention, while others are related to efforts made for the protection of the rights of women and girls in conflict and post-conflict situations, in line with the women and peace and security agenda. A summary of such efforts is set out below.

54. In its submission, Argentina indicated that the second national action plan for the implementation of resolution 1325 (2000) had been finalized. It aimed at greater participation of women in peacekeeping missions and the increased participation of women in all their diversity in peace and security issues; the mainstreaming of gender in all peacebuilding activities; and the protection of the human rights of women and girls in conflict and post-conflict situations.

55. In its submission, Australia stated that it contributed to the protection of the rights of women and girls in conflict and post-conflict situations through the implementation of humanitarian packages in several settings, comprising, among others, sexual and reproductive health services, gender-based violence services, and education and skills development for women and girls.

56. In its submission, Georgia indicated that its national human rights strategy for the period 2021–2030 prioritized the realization of the resolutions on women and peace and security and incorporated specific objectives to fulfil the pledges the Government had made on its international obligations.

57. In its submission, Guatemala stated that space for the meaningful participation of girls in the prevention and resolution of conflicts was done through, for example, the “Education for peace and full life” programme, under which actions to promote a culture of peace were undertaken.

58. In its submission, Honduras mentioned that the second national action plan for gender equality and equity for the period 2010–2022, incorporated objectives and goals for the achievement of gender equality through the promotion and protection of women's rights to participation and to live a life free of violence.

<sup>86</sup> See A/74/244 and A/HRC/35/23.

<sup>87</sup> See A/HRC/43/37.

<sup>88</sup> See A/HRC/40/12 and Corr.1.

<sup>89</sup> See A/HRC/43/37.

59. In its submission, Iraq stated that the second national action plan to implement Security Council resolution 1325 (2000) was adopted in 2021. It covered participation, protection from gender-based violence, including in displacement areas, and the integration of a gender perspective in early warning systems. Iraq had also adopted the Yazidi Women Survivors Law No. 8/2021.

60. In its submission, Ireland stated that the third national action plan on women and peace and security for the period 2019–2024 focused on the participation of women in grassroots peacebuilding on the island of Ireland to share lessons learned and promote and protect peace and stability.

61. In its submission, Lebanon indicated that the national action plan on Security Council resolution 1325 (2000) was adopted in September 2019, followed by the establishment of a national coordination committee, which had been operational since July 2020.

62. In its submission, Qatar stated that the National Committee for Women, Children, Elderly and Persons with Disabilities was established in 2019 through Cabinet resolution No. 26. The Committee coordinated national efforts, including monitoring indicators on women's rights and the amendment of national legislation in line with international instruments. In its submission, Nepal stated that training on gender equality and Security Council resolutions 1325 (2000) and 1820 (2008) for military officials is regularly conducted and 6,228 women are serving in the general ranks of the army, with 688 of them serving under the leadership of a female officer.

63. In its submission, Spain stated that a feminist foreign policy had been adopted in 2021, which included the women and peace and security agenda as one of its priorities; the second national action plan on women and peace and security for the period 2017–2023 was in place; and in 2019, it had presented a joint initiative with Finland aimed at connecting the peace and security, development and human rights pillars of the United Nations.

64. In its submission, Ukraine stated that the Ministry of Internal Affairs had recently launched a gender assessment to inform implementation of the gender policy of the State Emergency Service, which was linked to the national action plan relating to resolution 1325 (2000).

## VI. Conclusions and recommendations

65. **The commemoration of the twentieth anniversary of the adoption of Security Council resolution 1325 (2000) offered an opportunity to analyse the current state of play of the mainstreaming of the human rights of women and girls in conflict and post-conflict situations in the work of the Human Rights Council. The review confirms that the Human Rights Council and its mechanisms now pay greater attention to sexual gender-based violence and participation, including in line with Security Council resolution 1325 (2000). Nevertheless, several aspects deserve more attention, as highlighted in the section on remaining gaps above.**

66. **Member States, through the resolutions of the Human Rights Council and recommendations from the universal periodic review should:**

(a) **Systematically address pre-existing gender-based discrimination and inequality as a means to conflict prevention and expand their scope to the full human rights of women and girls, including their equal enjoyment of the rights to nationality, equality in marriage and family relations, food, adequate housing, education and health, including sexual and reproductive health and rights, and equal participation in economic life;**

(b) **Take into account women in all their diversity and their different experiences of conflict and post-conflict situations, and integrate an intersectional approach;**

(c) **Address the disproportionate impact of the diversion of arms and unregulated or illicit arms transfer on the human rights of women and girls in conflict**

and post-conflict situations<sup>90</sup> and promote the full and meaningful participation of women in security sector reform and in arms control and disarmament processes and forums, including at global disarmament meetings;

(d) Continue to call for the protection of women and girls who are victims of sexual and gender-based violence in conflict and post-conflict situations, including women human rights defenders, women journalists and women peacebuilders, and for the prosecution of perpetrators and reparations for the victims and the integration of a survivor-centred approach in all interventions aimed at preventing and responding to sexual and gender-based violence, including holistic and multisectoral services;

(e) Reinforce more consistently the linkages between the human rights of women and girls in conflict and post-conflict situations with the women and peace and security agenda, including by expanding references to these linkages beyond the participation pillar of the agenda and calling for the implementation of national action plans, as relevant, in the resolutions of the Human Rights Council and the recommendations of the universal periodic review.

67. The Human Rights Council and its mechanisms, in particular special procedure mandate holders and investigative bodies, should pay attention to the full range of the human rights of women and girls in conflict and post-conflict situations in their work and to this end should:

(a) Analyse more consistently the root causes of gender-based discrimination and inequality predating a conflict situation, considering women and girls in all their diversity, and translate that analysis into specific and action-oriented recommendations (in particular those mechanisms with a country-specific mandate), and consistently incorporate explicit references to the women and peace and security agenda in their reports;

(b) Strengthen working relationships with the women and peace and security architecture, including the Informal Expert Group on Women and Peace and Security, the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict, through, for example, briefings and joint reporting;<sup>91</sup>

(c) Expand the space of engagement with civil society organizations, including women's organizations and women peacebuilders.

68. The Human Rights Council should request the Advisory Committee to deepen and update its work on the human rights of women in conflict and post-conflict settings. It recommends that the Committee undertake a study that assesses follow-up to the implementation of recommendations on the subject issued by its mechanisms, with the aim of further informing the work of the Council on challenges to implementation and the linkages between its work and the women and peace and security agenda.

69. In their engagement with the Human Rights Council and its mechanisms, other stakeholders, including civil society organizations, women's organizations and women peacebuilders, should more systematically reinforce the linkages between the work of the Council on women's rights and the women and peace and security agenda.

<sup>90</sup> To be read in conjunction with A/HRC/44/29.

<sup>91</sup> To be read in conjunction with A/HRC/43/37.