

WOMEN, PEACE AND SECURITY: AN ANALYSIS OF GLOBAL CONVENTIONS

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ABSTRACT

It is well known that the armed conflict creates serious threat for the lives of women and girls. They face various kinds of violence, discrimination and exploitation not only during the armed conflict but also during the post conflict and transition period. In this perspective a considerable attention must be given to cope with this major challenge because we cannot achieve global security without recognizing and respecting the human rights of the women, gender inequalities in decision making, who constitute a major source of domination and obstacles to attain a real security. It's clear that these acts are formidable challenge in front of global community and global organization such as UNO (United Nations Organization). Therefore, some global conventions are made to exterminate this problem. The most significant step in this direction was the adoption of Geneva Convention, Vienna Convention, and eight UN Security Council Resolutions. The aim of the present paper is to analyse how armed conflicts adversely affect the lives of women. The present study also analyse that in what extant these global conventions are implemented by countries that were involved in armed conflict and the responses of state in this context.

KEYWORDS: Women, Armed Conflict, Peace Process, Violence, Global Convention, Laws.

INTRODUCTION

If we study the entire previous history of human society, we found that war is the central feature of human history and in contemporary world the nature of conflict has been changed. Previously war has been occurred between the states but now intra-state conflict has become more prominent, which increases political violence. This violence affects the life of women adversely because, women represent the cultural identity of a nation and by humiliating honour of the women perpetrator of violence wants to instil fear in particular community.

In this circumstance over the past few years there has been increasing interest in International community to highlight the experience of women in armed conflict and their role in peace building because this is indisputable thing that women are the worst sufferer in armed conflict. The experiences of women and men in conflict zone totally different as refugees, combatants, internally displaced persons, heads of household, as community leaders and as peace builder (Rehn and Sirleaf: 2002, 1). On one side men are killed in war but women faces lots of trouble like physical violence, rape, forced pregnancy, abduction and sexual abuse etc.

In this perspective a considerable attention must be given to cope with this major challenge. We cannot achieve global security without recognizing and respecting the human rights of the women, gender inequalities in decision making, who constitute a major source of domination and obstacles to attain a real security. It's clear that these acts are formidable challenge in front of global community and global organization such as UNO (United Nations Organization).

Therefore, some global conventions are made to exterminate this problem. In this chain some important conventions are: **Geneva Convention (1949), Nairobi Conference (1985), Vienna Convention and Program of Action (1993), Beijing Conference (1995)**. The most significant step in this direction was the adoption of eight **UN Security Council Resolutions 1325(2000), 1820(2008), 1888(2009), 1889(2009), 1960(2010), 2106(2013), 2122(2013) and 2242(2015)**.

The aim of the present paper is to analyze how armed conflicts adversely affect the lives of women. The present study also analyze that in what extant these global conventions are implemented by countries that were involved in armed conflict and the responses of state in this context.

THE EFFECT OF ARMED CONFLICT ON WOMEN

Women in armed conflict faces all kind of violence as physical, psychological and sexual violence and these violence perpetrated by state as well as non-state actors (UNSG Report, 2003: 44). When war or conflicts are occurred, the state military and Para-military humiliate the honour of women for instil fear in the opponents and sometime for their own satisfaction. In Cynthia Enloe's words 'controlling of women's sexual behaviour for the sake of protecting soldier's sexual pleasure' (Enloe: 1989, 83).

This statement shows the act of prostitution one of the major challenges for women security in armed conflict. In addition, women were tortured, killed, abducted and raped. Sexual violence has been used during conflict for many reasons such as to destroy communities, to instil fear, to extract information so rape has been used as weapon in conflict zone by soldiers. According to an estimate around 30 countries involved in conflicts and some of them are Afghanistan, Bosnia, Burundi, Congo, Colombia, Georgia, Israel, Kosovo, Liberia, Rwanda, Sierra Leone, Somalia etc (IWTC Fact Sheet: 2002). In Rwanda around 500,000 women were raped during 1994 genocide. In Sierra Leone 50% women were raped in 1999 conflict. In Bosnia approximately 20,000 to 50,000 women were raped during five months of conflict in 1992 and around 200,000 women were raped in Bangladesh in 1971 (IWTC: 2002). Due to the fear of armed conflict around 40 million people were forced to leave their home and 80% of them are women and children. This situation creates a background for the necessities of laws and policies for the protection of women's human rights in conflict zone.

GLOBAL CONVENTIONS REGARDING WOMEN, PEACE AND SECURITY

There are two kind of international convention on the protection of women in armed conflict. One is General Human Rights and other is convention specially related to women human right.

GENERAL HUMAN RIGHTS

The universal Declaration of Human Rights and two binding covenants- International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESC) has acknowledge the human rights of both sexes without any discrimination in general situation and in

emergency condition like internal or external conflicts (ICCPR, Art 4) but the provisions of covenants will not directly mention the rights of women. Besides this there are number of international human right conventions which deals with the problem of women such as convention on the crime of genocide, convention relating to the status of Refugees etc.

INTERNATIONAL LAW RELATING TO WOMEN RIGHTS

Rudimentary, the four Geneva Convention of 1949 and two Additional Protocols of 1977 are important law to the protection of women and girls during armed conflict. It was stated in Geneva Convention 1949: "women shall be especially protected against any attack on their honour, in particular against rape, enforced prosecution or any form of indecent assault." Further, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) recognizes the women's equal rights in political, cultural, economic, social and civil life. In the Nairobi Conference (1985) the forward looking strategies adopted for the advancement of women especially affected by armed conflict. For the first time in Rome Statute of the International Criminal Court recognizes many forms of sexual violence as crimes which include rape, slavery, enforced prostitution, forced pregnancy etc. Vienna Convention and Programme of Action (1993) have stated "Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of human rights and humanitarian law" (Art 38).

The Fourth UN World Conference on women ended in Beijing (1995) had a great impact to eliminate discrimination against women. The conference identifies 12 critical areas where women face lots of discrimination such as decision-making, health, media, violence and armed conflict situation. The Beijing Platform for Action sets 6 objectives for government and non-governmental organization to improve the situation of women in conflict zones. They are- participation of women in decision making, reduce military expenditures, promote non-violent form of conflict, promote women contribution to enhance culture of peace, provide protection and training to refugee women, provide assistance to the women in conflict. The Beijing Platform for Action creates a background or base for the development of UNSC Resolution especially UNSCR 1325 which identify four areas to take action, they are – *Prevention* of women from sexual violence by peacekeeping forces, *Protection* of the rights of women

and girls in armed conflict, **Participation** of women in peace processes, negotiations and peace keeping operations and increase the number of women in all level of decision making institutions, and **Relief and Recovery** which ensure equal distribution of relief aid and facility to women and girls.

After UNSCR 1325 United Nation Security Council adopts series of similar resolutions. UNSCR 1820 (2008) explicitly criticizes the use of sexual violence as a tool of war and it stated “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide.” UNSC Resolution 1888 (2009) requested to the Secretary-General to appoint a special representative of sexual violence in armed conflict. Resolution 2106 unanimously adopted for the strengthen the monitoring and prevention of sexual violence in conflict. UNSCR 2122 (2013) puts a roadmap for the implementation of commitments on women, peace and security agenda.

Recently, in 2015 UNSC unanimously adopted resolution 2242 that addresses women’s role in countering violent extremism and terrorism. It also requested to improve Security Council’s own working method with respect to women, peace and security. UN secretary-General Ban Ki-Moon declared: “at a time when armed extremist groups place the subordination of women at the top of their agenda, we must place women’s leadership and the protection of women’s rights at the top of ours.”

ANALYSIS

Many studies revealed that the law of armed conflict traditionally supported those laws who protecting combatants, prisoners of the war etc. and these laws are humanitarian in nature and serve the interest of military and on the other side there is no military interest fulfilled by protecting civilians and women, so that previous laws of armed conflict were silent to protecting women’s in armed conflict (Jochnik and Normand: 1994, Gerald Draper: 1988, Judith Gardam: 1997).

Gardam stated in his article ‘women are subsumed in the category of male civilians, despite the fact that warfare impacts on them in distinctive ways.’ So gender was not prime subject of the any human rights law of armed conflict. In this perspective, so many early feminists such as Enloe, Tickner, Crishtine Sylvester, Elshtine had great impact to put gender lenses into the realm of international relation and because of their immense

contribution women considered as a subject of discussion in the development of human rights.

On the ground of UNSCR 1325, women were incorporated in peace negotiations and peace agreements. On the occasion of Security Council open debate on women, peace and security, known as third anniversary of 1325 resolution, all the UNSC ambassadors accept that “only the full participation of women in global affairs open up greater opportunities for achieving global peace”(Carol Cohn,2004).

WOMEN AND PEACE PROCESS AND AGREEMENTS

Peace process is an attempt to move towards mutual agreement to end the conflicts and the term ‘peace process’ itself gendered because the main protagonists (primarily men) of the conflict are come together for mediating the conflicts (Bell & O’Rourke, 2013:2). A study of 33 peace negotiations in 2008 revealed that only 4-11% (approx. 12-30) negotiators were women out of 280 negotiations (Fisas, 2008:20-22). In 2012, according to UNIFEM study there were 31 major peace processes between 1992 to 2011, where only 4% of signatories, 9% of negotiators, 2.4% of chief mediators and 3.7% witnesses were women and the updated study of UNIFEM shows that only 17 out of 61 peace agreements, signed between 2008 to 2012, included gender related keywords (UNIFEM, 2012). These data shows that women involvement in peace process are very low but the notable aspect is that women involvement in peace agreements or processes increases after adopting the 1325 resolution. According to the Christine Bell and O’Rourke study of 585 peace agreements they found that only 92 peace agreements (16%) contain specific references to women and before adopting 1325 resolution 42 peace agreements out of 92 (11%) contain specific references to women and after 1325 resolution there are 50 peace agreements (27%) contain specific references to women.

This data shows that peace agreements references to women have increased post-1325 resolution (Bell and O’Rourke, 2010: 956). There is also a significant rise in those peace agreements where UN involved as third party. Out of 585, 130 agreements were signed before 1325 resolution and 66 were signed after 1325 resolution where UN involved as third party. Only 4% of peace agreements made reference to women before 1325 resolution and 12% of peace agreements were made reference to women after 1325 resolution (Bell and O’Rourke, 2010: 956). These

data shows that UNSCR 1325 has great positive impact to put women in peace negotiations.

WOMEN AND PEACEKEEPING OPERATIONS

This is stated in UNSCR 1325 (2000), 1820 (2008) and follow up resolutions of women, peace and security agenda: *Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations* (UNSCR, 1325). Women have proven that they can perform the same roles as deployed by male peacekeepers. In 1993 only 1% of women were deployed as peacekeepers and in 2014 out of 125,000 peacekeepers, women made up 35 of military personnel and 10% of public offices in UN peacekeeping operations (UN Department of Peacekeeping Operation). This data shows that after adopting 1325 resolution there is slight increase in women peacekeepers. But the question is not that how increase the number of women peacekeepers but the question is that Is female peacekeepers were sent in those areas where gender based violence were high? (Karim & Beardsley, 2013: 468-488). The answer of this question is mostly women peacekeepers were sent safe and stable areas.

PROTECTION FROM SEXUAL ABUSES

Sexual violence is not a new phenomenon during armed conflict and it has a long history. During II world war thousand of Asian women and girls were forced into military sexual slavery by Japanese Army and these women known as “comfort women” (UN report Women 2000, 1998: 4). The pain of these ‘comfort women’ was buried for a long time and international community does not show their desire to solve the problem of sexual violence during armed conflict. The turning point came into existence when a large number of sexual atrocities committed during conflict in former Yugoslavia in 1990. A large number of rape cases were reported and documented during that period.

To address this problem many steps taken by UN and other agencies. The four Geneva Convention (1949) and Two Additional Protocols (1977) were adopted but Geneva Convention classified some crimes as ‘grave breaches’. This system creates a hierarchy between different law of armed conflict and some law of armed conflict more notorious than others and sexual violence is not considered as ‘grave breach’ (UN report Women 2000, 1998: 6). This shows that international community does not take sexual violence as serious crime. Another problem is that Geneva Convention identifies rape and

such other violence attack against the honour and dignity of women and it does not take sexual violence as violent crime. Hence, overall the provisions of convention are protective, not prohibitive (Gardam, 1997:55). The convention only recognizing sexual violence of women right but provisions of Geneva Convention does not prohibit or punish such acts. Perhaps this will be reason that, after adopting Geneva Convention the act like rape still happening. According to Special Rapporteur on Violence against Women that in 1971 rape was committed on large scale in Bangladesh (UN report of Special Rapporteur on VAW, 1994: para, 271). Some other countries also involve in such acts like Rwanda, Afghanistan Congo etc.

In 2008 UNSCR 1820 acknowledging sexual violence used as ‘tactic of war’ and it demands the ‘immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians’ (UNSCR 1820, para.2). Initially UNSC was not willing to address the problem of sexual violence in armed conflict. Therefore, UN creates a United Nation Compensation Commission especially for Iraq. This commission compensate serious personal injury with imposing heavy levy on that country but it’s difficult to identify victim as well as perpetrator of violence.

Consequently, UN adopted ‘zero tolerance’ policy towards sexual violence in 1820 resolution. There are some positive progresses made by UN to implement the resolution such as: appointment of a Special Representative of the Secretary-General on sexual violence, establishing a team of experts on particular situation and creating a monitoring and reporting system (UNSG report, 2010: 9-10). Besides this there is need to Gender balance among peacekeeping personnel and there is need to mental training for male peacekeepers.

CONCLUSION

In conclusion we can say that women, in compare to men, were adversely affected by armed conflict and women’s involvement in peace processes were needed to solve the problem of women especially. Therefore, whatever the policies were made for this purpose, are quite good and they have some positive effect but there is still lack of willingness to integrate women into formal peace negotiation and peacekeeping operations. Perhaps this is the reason that the commitment of 1325 resolution repeated in follow up resolutions. Women are participating

in peace negotiations but their voices are not heard and we are still far away from a situation where women's interest becomes an integral part of peace processes. In addition, for stopping sexual exploitation security forces, it requires developing code of conduct for military personnel and there should be hard punishment for such behaviour. Therefore, overall women don't want another new resolution but rather than they want full implementation of one resolution.

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