

[INFORMAL DOCUMENT]

CEDAW/C/2013/III/CRP

**Report of the Committee on the
Elimination of Discrimination
against Women**

**Fifty-sixth session
(30 September – 18 October 2013)**

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 56/1

General Recommendation on women in conflict prevention, conflict and post-conflict situations

On 18 October 2013, the Committee adopted General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, unanimously by roll-call vote (see annex 1).

Decision 56/2

Appointment of rapporteur on follow-up and alternate rapporteur

The Committee decided to extend the term of Barbara Bailey as rapporteur on follow-up and to appoint Xiaoqiao Zou as alternate rapporteur, both for a period of one year until 31 December 2014.

Decision 56/3

Pre-Session Working Group

The Committee also confirmed the members of the pre-session working group for the fifty-eighth session, i.e., Noor Al-Jehani, Nicole Ameline, Barbara Bailey, Naela Gabr and Violeta Neubauer.

Decision 56/4

Public webcasting of dialogues with States parties

The Committee decided to continue the practice of publicly webcasting its dialogues with States parties and other public meetings beyond the trial period stipulated in decision 54/7 for an indefinite period until such time as it may decide otherwise (see annex 6).

Decision 56/5

New standard paragraph on national parliaments

The Committee decided to revise the standard paragraph on national parliaments in its concluding observations as follows: “The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see CEDAW statement on ‘The relationship of the Committee on the Elimination of Discrimination against Women with Parliamentarians’, 41st session, 2008). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.”

Decision 56/6

General discussion on the right to education

The Committee decided to hold a half day general discussion on the right to education at its 58th session.

Decision 56/7

Working Group on rural women

The working group on rural women was expanded to include Noor Al-Jehani, Theodora Oby Nwankwo and Biancamaria Pomeranzi, in addition to the existing members Barbara Bailey, Meriem Belmihoub-Zerdani, Niklaus Bruun, Naela Gabr (Chair), Ismat Jahan, Maria-Helena Pires, and Xiaoqiao Zou.

Decision 56/8

Working Group on gender equality in the context of climate change and natural disasters

The working group on gender equality in the context of climate change and natural disasters was expanded to include Hilary Gbedemah, in addition to the existing members Noor Al-Jehani, Nahla Haidar, Yoko Hayashi (Chair), Ismat Jahan and Xiaoqiao Zou.

Chapter II

Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol

On 18 October 2013, the closing date of the fifty-sixth session of the Committee on the Elimination of Discrimination against Women, there were 187 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 and opened for signature, ratification and accession in New York on 1 March 1980. In accordance with its article 27, the Convention entered into force on 3 September 1981. In addition, 68 Contracting States had accepted the amendment to article 20, paragraph 1, of the Convention, concerning the Committee's meeting time. A total of 125 States parties to the Convention are currently required to accept the amendment in order to bring it into force, in accordance with its provisions.

As at the same date, there were 104 States parties to the Optional Protocol to the Convention, which was adopted by the General Assembly in its resolution 54/4 and opened for signature, ratification and accession in New York on 10 December 1999. In accordance with its article 16, the Optional Protocol entered into force on 22 December 2000.

The updated status of the Convention, the Amendment to the Convention and its Optional Protocol, including lists of States signatories and parties as well as the texts of declarations, reservations, objections and other relevant information can be found in the United Nations Treaty Collection on the Internet at <http://treaties.un.org>, maintained by the Treaty Section of the Office of Legal Affairs, which discharges the depositary functions of the Secretary-General.

B. Opening of the session

The Committee held its fifty-sixth session at the United Nations Office at Geneva from 30 September to 18 October 2013. The Committee held 20 plenary meetings, and also held 20 meetings to discuss agenda items 5, 6, 7 and 8. A list of the documents before the Committee is contained in annex I to the present report.

The session was opened by the Chairperson of the Committee, Nicole Ameline, on 30 September 2013 at its 1157th meeting.

C. Adoption of the agenda and organization of work

The Committee adopted the provisional agenda (CEDAW/C/56/1) at its 1157th meeting.

D. Report of the pre-session working group

The report of the pre-session working group (CEDAW/PSWG/56/1), which met from 4 to 8 March 2013, was introduced by Violeta Neubauer at the 1157th meeting.

E. Organization of work

On 30 September 2013, the Committee held a closed meeting with representatives of specialized agencies and United Nations funds and programmes, as well as other intergovernmental organizations, during which country-specific information was provided, as well as information on the efforts made by those bodies to support the implementation of the Convention.

On 30 September and 7 October 2013, the Committee held informal public meetings with representatives of non-governmental organizations who provided information on the implementation of the Convention in the States parties considered by the Committee at its fifty-sixth session.

On 7 October 2013, the Committee met with a delegation of national parliamentarians attending the 129th Inter-Parliamentary Assembly from 7 to 9 October 2013 in Geneva. The discussion focused on possible ways of strengthening cooperation in relation to the implementation of the Convention as well as of the Committee's concluding observations at the national level.

On 11 October 2013, the Committee held a meeting with François Crépeau, United Nations Special Rapporteur on the human rights of migrants, who briefed the Committee on his work, including in relation to migrant women migrant.

On 14 October 2013, the Committee and the Human Rights Committee met for an informal consultation. At the meeting, which was hosted by the Center for Reproductive Rights, both Committees were briefed and discussed issues of common concern in relation to sexual and reproductive rights.

On 16 October 2013, the Committee attended a reception hosted by the City of Geneva to continue the common dialogue on the advancement of women.

F. Membership of the Committee

All members attended the fifty-sixth session, with the exception of Meriem Belmihoub-Zerdani. Feride Acar did not attend the session from 30 September to 4 October and from 16 to 18 October 2013. Noor Al-Jehani did not attend the session on 3 and 4 October. Nicole Ameline was not able

to attend the session from 8 to 11 October. Barbara Bailey was not able to attend the session on 30 September and 1 October. Niklas Bruun did not attend the session on 11 October. Ruth Halperin Kaddari did not attend the session on 4 and 11 October. Biancamaria Pomeranzi did not attend the session on 9 October. Dubravka Simonovic did not attend the session from 1 to 4 October and on 17 and 18 October. A list of members of the Committee, indicating the duration of their terms of office, is annexed to the present report.

Chapter III

Report of the Chairperson on activities undertaken between the fifty-fifth and fifty-sixth sessions of the Committee

At the 1157th meeting, the Chairperson, Nicole Ameline, presented her report on the activities she had undertaken since the fifty-fifth session of the Committee.

Chapter IV

A. Consideration of reports submitted by States parties under article 18 of the Convention

At its fifty-sixth session, the Committee considered the reports of seven States parties submitted under article 18 of the Convention: the combined second and third periodic report of Andorra; the fourth periodic report of Benin; the combined fourth and fifth periodic report of Cambodia; the combined seventh and eighth periodic report of Colombia; the combined fourth and fifth periodic report of the Republic of Moldova; the combined initial, second, third, fourth and fifth periodic report of Seychelles; and the combined fourth and fifth periodic report of Tajikistan.

The Committee prepared concluding observations on each of the reports considered. Those observations are available through the Official Document System of the United Nations (<http://documents.un.org/>) under the symbol numbers indicated below:

Andorra (CEDAW/C/AND/CO/2-3)

Benin (CEDAW/C/BEN/CO/4)

Cambodia (CEDAW/C/KHM/CO/4-5)

Colombia (CEDAW/C/COL/CO/7-8)

Republic of Moldova (CEDAW/C/MDA/CO/4-5)

Seychelles (CEDAW/C/SYC/CO/1-5)

Tajikistan (CEDAW/C/TJK/CO/4-5)

It is noted that the consideration of Saint Vincent and the Grenadines in the absence of a report was also scheduled for the fifty-sixth session. However, Saint Vincent and the Grenadines submitted its combined fourth to eighth periodic report on 5 August 2013, and the consideration was subsequently postponed to the sixty-first session in order to allow for the translation of the report and the establishment of an updated list of issues at the pre-session working group.

B. Follow-up procedures relating to concluding observations

The Committee considered the follow-up reports from the following States parties:

- 1) Bhutan (CEDAW/C/BTN/CO/7/Add.1)
- 2) Israel (CEDAW/C/ISR/CO/4/Add.1)
- 3) Malawi (CEDAW/C/MWI/CO/6/Add.1)
- 4) Uzbekistan (CEDAW/C/UZB/CO/4/Add.1)

The Committee also sent first reminders to the following States parties whose follow-up reports were overdue:

- 1) Costa Rica
- 2) Djibouti
- 3) Ethiopia
- 4) Nepal
- 5) Republic of Korea
- 6) Singapore
- 7) Zambia

The Committee sent a reminder regarding the submission of additional information to Fiji.

The Committee invited for a meeting representatives of:

- 1) Haiti
- 2) Laos
- 3) Panama
- 4) The United Arab Emirates

The Committee met with representatives of Panama and the United Arab Emirates and received the follow-up report of Laos during the session.

Assessment of follow-up procedure to concluding observations

The Committee adopted the assessment of the follow-up procedure (see annex 7), presented by the Rapporteur on follow-up in accordance with the decision taken at the 50th session in October 2011. In the assessment, the Rapporteur on follow-up indicated that the follow-up procedure is serving its stated purpose as a tool of implementation of the Convention. The Rapporteur on follow-up recommended that the follow-up procedure under article 18 of the Convention should be continued and that the next evaluation process be carried out at the 65th session of the Committee to be held in October 2016.

Appointment of new rapporteur on follow-up and alternate rapporteur

The term of Ms. Bailey as rapporteur on follow-up and that of Ms. Hayashi as alternate rapporteur will end on 31 December 2013. Due to other responsibilities within the Committee, Ms. Hayashi was unable to succeed to Ms. Bailey as rapporteur on follow-up. The Committee therefore decided to extend the term of Ms. Bailey in order to ensure continuity and to appoint Ms. Zou as alternate rapporteur, both for the period of one year, until 31 December 2014.

Chapter V

Activities carried out under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee

shall include in its annual report under article 21 of the Convention a summary of its activities under the Optional Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

The Committee discussed activities under the Optional Protocol on 11, 14 and 18 October 2013. It endorsed the report of the Working Group on Communications under the Optional Protocol regarding its twenty-seventh session (see annex 8).

The Committee adopted final decisions with regard to two individual communications submitted under article 2 of the Optional Protocol. The Committee adopted inadmissibility decisions on communications No. 29/2011 (*M.S. v. Spain*) and No. 44/2012 (*M.A.A. v. Denmark*), by consensus. The decisions are available through the Official Document System of the United Nations (<http://documents.un.org/>) under the symbol numbers CEDAW/C/56/D/29/2011 and CEDAW/C/56/D/44/2012, respectively.

B. Follow-up to views of the Committee on individual communications

No follow-up progress report was prepared during the reporting period, but the Committee was informed that the Working Group, during its 27th session, had discussed the follow-up situation in each case where the follow-up dialogue is on-going and that it had agreed on the action to be taken. The Working Group had thus requested to have meetings arranged with the Permanent Mission of Brazil and the Permanent Mission of the Philippines to discuss follow-up matters. The Committee did not take a decision to put the follow-up dialogue to an end in any of the cases currently under follow-up examination. Of the nine cases that are currently under follow-up examination, one relates to Belarus, one to Brazil, three to Bulgaria,¹ one to Canada, one to Peru, one to the Philippines and one to Turkey.

C. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

The Committee was briefed on the status of all pending submissions and proceedings under the inquiry procedure.

The Committee was briefed on the country visit undertaken for Inquiry No. 2011/1.

In relation to submissions Nos. 2013/1 and 2011/2, the Committee decided to request the States parties concerned to submit observations with regard to the information received under article 8 of the Optional Protocol.

The Committee received one additional submission under article 8 of the Optional Protocol which was registered as submission No. 2013/2.

In relation to Inquiry No. 2010/1, the experts designated to conduct the inquiry held a meeting with the Ambassador of the State party concerned.

¹ The Working Group on Communications under the Optional Protocol held a meeting with the Permanent Mission of Bulgaria to the United Nations at Geneva and discussed follow-up matters regarding the measures taken to give effect to the Committee's Views in three cases. It should be noted that the meeting was qualified as very encouraging by the Working Group members present. The State party was requested to provide updated information regarding the three cases under follow-up examination. The State party's representatives informed the Working Group on important developments regarding the creation of a national coordinating body empowered, inter alia, to deal with individual communications submitted to treaty bodies and, in particular, with follow-up to their Views.

Chapter VI

A. Ways and means of expediting the work of the Committee

The Secretariat informed the Committee about the status of the inter-governmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system (General Assembly resolution 66/254), in particular the report of the co-facilitators of the open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system (A/67/995) and the resolution adopted by the General Assembly on 20 September 2013 (A/RES/68/2) extending the inter-governmental process until the first half of February 2014 and requesting the Secretary-General to provide a comprehensive and detailed cost assessment to provide background context to support the intergovernmental process by 15 November 2013, including based on, but not limited to, the report of the co-facilitators.

On 14 October 2013, the Chairperson, Nicole Ameline, briefed the Committee about her presentation of the report of the Committee on its 52, 53 and 54th sessions to the Third Committee of the General Assembly in New York on 11 October 2013.

B. Action taken by the Committee under agenda item 7

Dates of future sessions of the Committee

In accordance with the calendar of conferences, the following dates are confirmed for the Committee's fifty-sixth and fifty-seventh sessions:

Fifty-Seventh Session (Geneva)

Twenty-eighth session of the Working Group on Communications under the Optional Protocol: (4 to 7 February 2014)

Fifty-seventh session: (10 to 28 February 2014)

Pre-session working group for the fifty-ninth session: (3 to 7 March 2014)

Fifty-Eighth Session (Geneva)

Twenty-ninth session of the Working Group on Communications under the Optional Protocol: (23 – 27 June 2014)

Fifty-eighth session: (30 June to 18 July 2014)

Pre-session working group for the sixtieth session: (21 to 25 July 2014)

Reports to be considered at future sessions of the Committee

The Committee confirmed that it will consider the reports of the following States parties at its fifty-seventh and fifty-eighth sessions:

Fifty-seventh session:

- 1) Bahrain
- 2) Cameroon
- 3) Finland
- 4) Iraq
- 5) Kazakhstan
- 6) Qatar

- 7) Sierra Leone

Fifty-eighth session:

- 1) Central African Republic
- 2) Georgia
- 3) India
- 4) Lithuania
- 5) Mauritania
- 6) Peru
- 7) Swaziland
- 8) Syria

It is noted that Senegal was scheduled for consideration in the absence of a report at the 57th session. However, Senegal submitted its combined third to seventh periodic report on 31 July 2013, and the consideration was subsequently postponed to the 61st session in order to allow for the translation of the report as well as the establishment of an updated list of issues at the pre-session working group.

Chapter VII

Implementation of article 21 of the Convention

A. Action taken by the Committee under agenda item 6

Joint CEDAW/CRC Working Group on harmful practices

The working group met during the session.

On 6 October 2013, the Joint Working Group members from both Committees held an informal meeting to finalize the draft general recommendation/comment on harmful practices.

General recommendation on women in conflict prevention, conflict and post-conflict situations

The working group met during the session.

On 18 October 2013, the Committee adopted general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (see annex 1) unanimously by roll-call vote,² in accordance with rules 31(2), 32(2) and 34 of the rules of procedure of the Committee. One member³ submitted a statement explaining her vote (see annex 2).

In accordance with rules 31(2), 34 and 37 of the rules of procedure of the Committee, an amendment to paragraph 57(b) was voted upon by roll-call since no consensus could be reached. Of the 19 members present, 15⁴ voted

² Of the 18 members present, 16 voted in favour (Noor Al-Jehani, Nicole Ameline, Barbara Bailey, Olinda Bareiro Bobadilla, Hilary Gbedemah, Nahla Haidar, Ruth Halperin-Kaddari, Yoko Hayashi, Dalia Leinarte, Violeta Neubauer, Theodora Oby Nwankwo, Pramila Patten, Silvia Pimentel, Maria Helena Pires, Biancamaria Pomeranzi and Patricia Schulz) and 2 members abstained (Náela Gabr and Ismat Jahan). In accordance with rule 32 (2) of the rules of procedure of the Committee, the 2 members who abstained from voting are considered as not voting.

³ Náela Gabr

⁴ Nicole Ameline, Barbara Bailey, Olinda Bareiro Bobadilla, Hilary Gbedemah, Nahla

in favour of “including [...] girls, [...] women who head households, pregnant women, women living with HIV/AIDS, [...] indigenous women and women belonging to ethnic, national, sexual or religious minorities, and women human rights defenders” in the list of groups of internally displaced and refugee women subjected to multiple and intersecting forms of discrimination. 3⁵ members voted against and 1⁶ member abstained. 3⁷ members submitted statements (see annexes 3, 4 and 5) explaining their vote.

Paragraph 57(b), as amended, was adopted in accordance with rules 31(2) and 37 of the rules of procedure of the Committee. Of the 19 members present, 15 voted in favour, 3 voted against and 1 member abstained.

Working Group on gender related dimensions of refugee status, asylum and statelessness

The working group met during the session.

On 11 October 2013, the Committee discussed the draft general recommendation on gender related dimensions of refugee status, asylum and statelessness, in the presence of two UNHCR representatives.

Working Group on women and access to justice

The working group met during the session.

Working Group on rural women

The working group met during the session.

On 7 October 2013, the Committee held a half-day of general discussion on rural women, as part of the first phase in the elaboration of a general recommendation on the topic. The discussion was opened by the Chair of the Committee, Nicole Ameline, followed by opening addresses by Elisabeth Rasmusson, Assistant Executive Director for Partnerships and Governance, World Food Programme (also representing FAO, IFAD and UN Women as co-organizers) and Ibrahim Salama, Director, Human Rights Treaties Division, OHCHR. The envisaged general recommendation on rural women was introduced by the Chair of the Committee’s working group on rural women, Naela Gabr. The following five keynote speakers explored the legal, socio-economic and other challenges facing the full realization of rural women’s rights: Emna Aouij, member of the working group on discrimination against women in law and practice; Olivier de Schutter, Special Rapporteur on the right to food; Catarina de Albuquerque, Special rapporteur on the human right to safe drinking water and sanitation; Mayra Gomez, co-executive director, The Global Initiative for Economic, Social and Cultural Rights; and Violet Shivutse, representing the grass roots organization Groots, Kenya. After the interventions of the keynote speakers, oral statements were made by the following State parties: Australia, Spain, Cuba, Brazil, Venezuela, Syria and Thailand. Further statements were made by four UN agencies and entities: FAO, IFAD, ILO and UNAIDS and by nine civil society organizations (Arundhati Bhattacharyya India, Asociación Colectivo Mujeres al Derecho Colombia, CARE International, Center for Reproductive Rights, Centro de investigación y educación popular de Colombia, FIAN, International Disability Alliance, Landesa, and Soroptimist

Haidar, Ruth Halperin-Kaddari, Yoko Hayashi, Dalia Leinarte, Violeta Neubauer, Theodora Oby Nwankwo, Pramila Patten, Silvia Pimentel, Maria Helena Pires, Biancamaria Pomeranzi and Patricia Schulz.

⁵ Noor Al-Jehani, Naela Gabr and Ismat Jahan.

⁶ Xiaoqiao Zou.

⁷ Noor Al-Jehani, Naela Gabr and Ismat Jahan.

International). The representatives of 30 States parties attended the general discussion: Algeria, Australia, Benin, Brazil, Burkina Faso, Canada, Croatia, Cuba, Ecuador, Egypt, Ethiopia, Germany, Guatemala, Holy See, Indonesia, Israel, Panama, Paraguay, Rwanda, Slovenia, Spain, Sri Lanka, Switzerland, Syria, Thailand, Tunisia, Turkey, Uruguay, Venezuela and Yemen.

Working Group on gender equality in the context of climate change and natural disasters

The working group met during the session.

Working Group on the right to education

The working group met during the session.

Working Group on working methods

The working group met during the session.

CEDAW-IPU Working Group

The working group met during the session.

On 7 October 2013, the Committee held a meeting with a high-level IPU delegation of Parliamentarians, in closed meeting, to discuss possible ways of cooperation between the Committee and national parliaments.

CEDAW-UN Women Working Group

The working group met during the session.

CEDAW-Human Rights Committee Working Group

The working group met during the session.

Focal points on sexual and reproductive rights

The focal point and alternate focal points met during the session.

Chapter VIII

Provisional agenda for the fifty-seventh session

The Committee considered the draft provisional agenda for its fifty-seventh session on 18 October 2013 and approved the following provisional agenda for that session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the fifty-sixth and fifty-seventh sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Follow-up to concluding observations of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Implementation of articles 21 and 22 of the Convention on the Elimination of All Forms of Discrimination against Women.

7. Activities of the Committee under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

8. Provisional agenda for the fifty-eighth session of the Committee.

9. Adoption of the report of the Committee on its fifty-seventh session.

Chapter IX

A. Adoption of the report

The Committee considered the draft report on its fifty-sixth session and addenda on 18 October 2013 and adopted it as orally revised during the discussion.

[Annexes will be added to the final version of the report]

B. Composition of the working groups of the Committee

[To be added to the final version of the report]

Annexes

Annex 1

General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations

Contents

	<i>Page</i>
I. Introduction	2
II. Scope of the general recommendation	2
III. Application of the Convention to conflict prevention, conflict and post-conflict situations	3
A. Territorial and extraterritorial application of the Convention	3
B. Application of the Convention to State and non-State actors.	4
C. Complementarity of the Convention and international humanitarian, refugee and criminal law	6
D. Convention and the Security Council agenda on women, peace and security	7
IV. Convention and conflict prevention, conflict and post-conflict situations.	8
A. Women and conflict prevention	8
B. Women in conflict and post-conflict contexts.	9
V. Conclusion	23
A. Monitoring and reporting	23
B. Treaty ratification or accession	24

I. Introduction

1. The Committee on the Elimination of Discrimination against Women decided at its forty-seventh session, in 2010, pursuant to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, to adopt a general recommendation on women in conflict prevention, conflict and post-conflict situations. The primary aim and purpose of the general recommendation is to provide authoritative guidance to States parties on legislative, policy and other appropriate measures to ensure full compliance with their obligations under the Convention to protect, respect and fulfil women's human rights. It also builds upon principles articulated in previously adopted general recommendations.

2. Protecting women's human rights at all times, advancing substantive gender equality before, during and after conflict and ensuring that women's diverse experiences are fully integrated into all peacebuilding, peacemaking, and reconstruction processes are important objectives of the Convention. The Committee reiterates that States parties' obligations continue to apply during conflict or states of emergency without discrimination between citizens and non-citizens within their territory or effective control, even if not situated within the territory of the State party. The Committee has repeatedly expressed concern about the gendered impacts of conflict and women's exclusion from conflict prevention efforts, post-conflict transition and reconstruction processes and the fact that reports of States parties do not provide sufficient information on the application of the Convention in such situations.

3. The general recommendation specifically guides States parties on the implementation of their obligation of due diligence in respect of acts of private individuals or entities that impair the rights enshrined in the Convention, and makes suggestions as to how non-State actors can address women's rights in conflict-affected areas.

II. Scope of the general recommendation

4. The general recommendation covers the application of the Convention to conflict prevention, international and non-international armed conflicts, situations of foreign occupation, as well as other forms of occupation and the post-conflict phase. In addition, the recommendation covers other situations of concern, such as internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, war against terrorism and organized crime, that may not necessarily be classified as armed conflict under international humanitarian law and which result in serious violations of women's rights and are of particular concern to the Committee. For the purpose of this general recommendation, the phases of conflict and post-conflict have at times been divided as they can encompass different challenges and opportunities for addressing the human rights of women and girls. However, 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 – a cycle that can continue for long periods of time.

5. Such situations are closely linked to crises of internal displacement, statelessness and the struggle of refugee populations with repatriation processes. In that respect, the Committee reiterates its observation in general recommendation No. 28 (2010) that States parties continue to be responsible for all their actions affecting the human rights of citizens and non-citizens, internally displaced persons, refugees, asylum-seekers and stateless persons,

within their territory or effective control, even if not situated within their territory.

6. Women are not a homogenous group and their experiences of conflict and specific needs in post-conflict contexts are diverse. Women are not passive bystanders or only victims or targets. They have historically and continue to have a role as combatants, as part of organized civil society, human rights defenders, members of resistance movements and as active agents in both formal and informal peacebuilding and recovery processes. States parties must address all aspects of their obligations under the Convention to eliminate discrimination against women.

7. Discrimination against women is also compounded by intersecting forms of discrimination as noted in general recommendation No. 28 (2010). As the Convention reflects a life-cycle approach, States parties are also required to address the rights and distinct needs of conflict-affected girls that arise from gender-based discrimination.

III. Application of the Convention to conflict prevention, conflict and post-conflict situations

A. Territorial and extraterritorial application of the Convention

8. The Committee reiterates general recommendation No. 28 (2010) to the effect that the obligations of States parties also apply extraterritorially to persons within their effective control, even if not situated within the territory, and that States parties are responsible for all their actions affecting human rights, regardless of whether the affected persons are in their territory.

9. In conflict and post-conflict situations, States parties are bound to apply the Convention and other international human rights and humanitarian law when they exercise territorial or extraterritorial jurisdiction, whether individually, for example in unilateral military action, or as members of international or intergovernmental organizations and coalitions, for example as part of an international peacekeeping force. The Convention applies to a wide range of situations, including wherever a State exercises jurisdiction, such as occupation and other forms of administration of foreign territory, for example United Nations administration of territory; to national contingents that form part of an international peacekeeping or peace-enforcement operation; to persons detained by agents of a State, such as the military or mercenaries, outside its territory; to lawful or unlawful military actions in another State; to bilateral or multilateral donor assistance for conflict prevention and humanitarian aid, mitigation or post-conflict reconstruction; in involvement as third parties in peace or negotiation processes; and in the formation of trade agreements with conflict-affected countries.

10. The Convention also requires States parties to regulate the activities of domestic non-State actors, within their effective control, who operate extraterritorially. The Committee reaffirmed in its general recommendation No. 28 (2010) the requirement in article 2 (e) of the Convention to eliminate discrimination by any public or private actor, which extends to acts of national corporations operating extraterritorially. That would include cases in which national corporations extend loans to projects in conflict-affected areas that lead to forced evictions and which call for the establishment of accountability and oversight mechanisms for private security and other contractors operating in conflict zones.

11. There may be cases in which States parties also have extraterritorial obligations of international cooperation, as set out in international law, such as treaty law on women with disabilities (art. 32 of the Convention on the Rights of Persons with Disabilities), girls in armed conflict (art. 24 (4) of the

Convention on the Rights of the Child and the first two optional protocols thereto) and the non-discriminatory enjoyment of economic, social and cultural rights (arts. 2 (1), 11 (1), 22 and 23 of the International Covenant on Economic, Social and Cultural Rights). In such cases, the extraterritorial application of the Convention requires States to comply with the Convention in implementing those obligations.

12. The Committee recommends that the State parties:

(a) Apply the Convention and other international human rights instruments and humanitarian law comprehensively in the exercise of territorial or extraterritorial jurisdiction whether acting individually or as members of international or intergovernmental organizations and coalitions;

(b) Regulate the activities of all domestic non-State actors, within their effective control, who operate extraterritorially and ensure full respect of the Convention by them;

(c) Respect, protect and fulfil the rights guaranteed by the Convention, which applies extraterritorially, as occupying power, in situations of foreign occupation.

B. Application of the Convention to State and non-State actors

13. Women's rights in conflict prevention, conflict and post-conflict processes are affected by various actors, including States acting individually (e.g., as the State within whose borders the conflict arises, neighbouring States involved in the regional dimensions of the conflict or States involved in unilateral cross-border military manoeuvres) as well as States acting as members of international or intergovernmental organizations (e.g., by contributing to international peacekeeping forces or as donors giving money through international financial institutions to support peace processes) and coalitions and non-State actors, such as armed groups, paramilitaries, corporations, private military contractors, organized criminal groups and vigilantes. In conflict and post-conflict contexts, State institutions are often weakened or certain government functions may be performed by other Governments, intergovernmental organizations or even non-State groups. The Committee stresses that, in such cases, there may be simultaneous and complementary sets of obligations under the Convention for a range of involved actors.

14. State responsibility under the Convention also arises if a non-State actor's acts or omission may be attributed to the State under international law. When a State party is acting as a member of an international organization in conflict prevention, conflict or post-conflict processes, the State party remains responsible for its obligations under the Convention within its territory and extraterritorially and also has a responsibility to adopt measures to ensure that the policies and decisions of those organizations conform to its obligations under the Convention.

15. The Committee has also repeatedly stressed that the Convention requires States parties to regulate non-State actors under the duty to protect, such that States must exercise due diligence to prevent, investigate, punish and ensure redress for the acts of private individuals or entities that impair the rights enshrined in the Convention. In its general recommendations Nos. 19 (1992) and 28 (2010), the Committee has outlined due diligence obligations in protecting women from violence and discrimination, emphasizing that, alongside constitutional and legislative measures, States parties must also provide adequate administrative and financial support for the implementation of the Convention.

16. In addition to requiring States parties to regulate non-State actors, international humanitarian law contains relevant obligations that bind non-State actors, as parties to an armed conflict (e.g., insurgents and rebel groups) such as in common article 3 of the Geneva Conventions of 1949 and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts. Under international human rights law, although non-State actors cannot become parties to the Convention, the Committee notes that under certain circumstances, in particular where an armed group with an identifiable political structure exercises significant control over territory and population, non-State actors are obliged to respect international human rights. The Committee emphasizes that gross violations of human rights and serious violations of humanitarian law could entail individual criminal responsibility, including for members and leaders of non-State armed groups and private military contractors.

17. The Committee recommends that States parties:

(a) Ensure redress for the acts of private individuals or entities, as part of their due diligence obligation;

(b) Reject all forms of rollbacks in women's rights protections in order to appease non-State actors such as terrorists, private individuals or armed groups;

(c) Engage with non-State actors to prevent human rights abuses related to their activities in conflict-affected areas, in particular all forms of gender-based violence; provide adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to gender-based violence; and establish an effective accountability mechanism;

(d) Use gender-sensitive practices (e.g., use of female police officers) in the investigation of violations during and after conflict to ensure that violations by State and non-State actors are identified and addressed.

18. The Committee also urges non-State actors such as armed groups:

(a) To respect women's rights in conflict and post-conflict situations, in line with the Convention;

(b) To commit themselves to abide by codes of conduct on human rights and the prohibition of all forms of gender-based violence.

C. Complementarity of the Convention and international humanitarian, refugee and criminal law

19. In all crisis situations, whether non-international or international armed conflict, public emergencies or foreign occupation or other situations of concern, such as political strife, women's rights are guaranteed by an international law regime that consists of complementary protections under the Convention and international humanitarian, refugee and criminal law.

20. In situations that meet the threshold definition of non-international or international armed conflict, the Convention and international humanitarian law apply concurrently and their different protections are complementary, not mutually exclusive. Under international humanitarian law, women affected by armed conflicts are entitled to general protections that apply to both women and men and to some limited specific protections, primarily protection against rape, forced prostitution and any other form of indecent assault; priority in distribution of relief consignment to expectant mothers, maternity cases and nursing mothers in international armed conflict; detention in separate quarters from men and under the immediate supervision

of women; and protection from the death penalty for pregnant women or mothers of dependent or young children.

21. International humanitarian law also imposes obligations upon occupying powers that apply concurrently with the Convention and other international human rights law. International humanitarian law also prohibits a State from transferring part of its own civilian population into the territory that it occupies. Under international humanitarian law, women under occupation are entitled to general protections and the following specific protections: protection against rape, forced prostitution or any other form of indecent assault; free passage of consignments of essential clothing intended for expectant mothers and maternity cases; safety or neutralized zones that may be established to shield the civilian population, including in particular expectant mothers and mothers of children under 7 years of age; and detention in separate quarters from men and under the immediate supervision of women. Women civilian internees must receive sanitary conveniences and be searched by women.

22. The provisions of the Convention prohibiting discrimination against women reinforce and complement the international legal protection regime for refugees, displaced and stateless women and girls in many settings, especially as explicit gender equality provisions are absent in relevant international agreements, notably the 1951 Convention relating to the status of refugees and its 1967 Protocol.

23. Under the Convention, States parties' obligations to prevent, investigate and punish trafficking and sexual and gender-based violence are reinforced by international criminal law, including jurisprudence of the international and mixed criminal tribunals and the Rome Statute of the International Criminal Court, pursuant to which enslavement in the course of trafficking in women and girls, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity may constitute a war crime, a crime against humanity or an act of torture, or constitute an act of genocide. International criminal law, including, in particular, the definitions of gender-based violence, in particular sexual violence must also be interpreted consistently with the Convention and other internationally recognized human rights instruments without adverse distinction as to gender.

24. The Committee recommends that State parties:

(a) Give due consideration to the complementary protections for women and girls stemming from international humanitarian, refugee and criminal law, when implementing their obligations under the Convention.

D. Convention and the Security Council agenda on women, peace and security

25. The Committee recognizes that the various thematic resolutions of the Security Council, in particular 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013), in addition to resolutions such as 1983 (2011), which provides specific guidance on the impact of HIV and AIDS on women in conflict and post-conflict contexts, are crucial political frameworks for advancing advocacy regarding women, peace and security.

26. As all the areas of concern addressed in those resolutions find expression in the substantive provisions of the Convention, their implementation must be premised on a model of substantive equality and cover all rights enshrined in the Convention. The Committee reiterates the need for a concerted and integrated approach that places the implementation of the Security Council agenda on women, peace and security into the

broader framework of the implementation of the Convention and its Optional Protocol.

27. The Convention contains a reporting procedure, under article 18, by which States parties are required to report on measures that they have adopted to implement the provisions of the Convention, including in conflict prevention, conflict and post-conflict situations. Using the reporting procedure to include information on the implementation of Security Council commitments can consolidate the Convention and the Council's agenda and therefore broaden, strengthen and operationalize gender equality.

28. The Committee recommends that States parties:

(a) Ensure that national action plans and strategies to implement Security Council resolution 1325 (2000) and subsequent resolutions are compliant with the Convention, and that adequate budgets are allocated for their implementation;

(b) Ensure that the implementation of Security Council commitments reflects a model of substantive equality and takes into account the impact of conflict and post-conflict contexts on all rights enshrined in the Convention, in addition to those violations concerning conflict-related gender-based violence, including sexual violence;

(c) Cooperate with all United Nations networks, departments, agencies, funds and programmes in relation to the full spectrum of conflict processes, including conflict prevention, conflict, conflict resolution and post-conflict reconstruction to give effect to the provisions of the Convention;

(d) Enhance collaboration with civil society and non-governmental organizations working on the implementation of the Security Council agenda on women, peace and security.

IV. Convention and conflict prevention, conflict and post-conflict situations

A. Women and conflict prevention

29. Obligations under the Convention require States parties to focus on the prevention of conflict and all forms of violence. Such conflict prevention includes effective early warning systems to collect and analyse open-source information, preventive diplomacy and mediation, and prevention efforts that tackle the root causes of conflict. It also includes robust and effective regulation of the arms trade, in addition to appropriate control over the circulation of existing and often illicit conventional arms, including small arms, to prevent their use to commit or facilitate serious acts of gender-based violence. There is a correlation between the increased prevalence of gender-based violence and discrimination and the outbreak of conflict. For example, rapid increases in the prevalence of sexual violence can serve as an early warning of conflict. Accordingly, efforts to eliminate gender-based violations also contribute in the long term to preventing conflict, its escalation and the recurrence of violence in the post-conflict phase.

30. The importance of conflict prevention for women's rights notwithstanding, conflict prevention efforts often exclude women's experiences as not relevant for predicting conflict, and women's participation in conflict prevention is low. The Committee has previously noted the low participation of women in institutions working on preventative diplomacy and on global issues such as military expenditure and nuclear disarmament. In addition to falling short of the Convention, such gender-blind conflict prevention measures cannot adequately predict and prevent conflict. It is only

by including female stakeholders and using a gendered analysis of conflict that States parties can design appropriate responses.

31. The Convention requires that prevention policies be non-discriminatory and that efforts to prevent or mitigate conflict neither voluntarily or inadvertently harm women nor create or reinforce gender inequality. Interventions by centralized Governments or third-party States in local peace processes should respect rather than undermine women's leadership and peacekeeping roles at the local level.

32. The Committee has previously noted that the proliferation of conventional arms, especially small arms, including diverted arms from the legal trade, can have a direct or indirect effect on women as victims of conflict-related gender-based violence, as victims of domestic violence and also as protestors or actors in resistance movements.

33. The Committee recommends that States parties:

(a) Reinforce and support women's formal and informal conflict prevention efforts;

(b) Ensure women's equal participation in national, regional and international organizations, as well as in informal, local or community-based processes charged with preventive diplomacy;

(c) Establish early warning systems and adopt gender-specific security measures to prevent the escalation of gender-based violence and other violations of women's rights;

(d) Include gender-related indicators and benchmarks in the early warning system's result management framework;

(e) Address the gendered impact of international transfers of arms, especially small and illicit arms including through the ratification and implementation of the Arms Trade Treaty (2013).

B. Women in conflict and post-conflict contexts

1. Gender-based violence (arts. 1-3 and 5 (a))

34. Violence against women and girls is a form of discrimination prohibited by the Convention and is a violation of human rights. Conflicts exacerbate existing gender inequalities, placing women at a heightened risk of various forms of gender-based violence by both State and non-State actors. Conflict-related violence happens everywhere, such as in homes, detention facilities and camps for internally displaced women and refugees; it happens at any time, for instance while performing daily activities such as collecting water and firewood, going to school or work. There are multiple perpetrators of conflict-related gender-based violence and these may include members of government armed forces, paramilitary groups, non-State armed groups, peacekeeping personnel and civilians. Irrespective of the character of the armed conflict, duration or actors involved, women and girls are increasingly deliberately targeted for and subjected to various forms of violence and abuse, ranging from arbitrary killings, torture and mutilation, sexual violence, forced marriage, forced prostitution and forced impregnation to forced termination of pregnancy and sterilization.

35. It is indisputable that, while all civilians are adversely affected by armed conflict, women and girls are primarily and increasingly targeted by the use of sexual violence, "including as a tactic of war to humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group" and that this form of sexual violence persists even after the cessation of hostilities (Security Council resolution 1820

(2008)). For most women in post-conflict environments, the violence does not stop with the official ceasefire or the signing of the peace agreement and often increases in the post-conflict setting. The Committee acknowledges the many reports confirming that, while the forms and sites of violence change, which means that there may no longer be State-sponsored violence, all forms of gender-based violence, in particular sexual violence escalate in the post-conflict setting. The failure to prevent, investigate and punish all forms of gender-based violence, in addition to other factors such as ineffective disarmament, demobilization and reintegration processes, can also lead to further violence against women in post-conflict periods.

36. During and after conflict specific groups of women and girls are at particular risk of violence, especially sexual violence, such as internally displaced and refugee women; women's human rights defenders; women belonging to diverse caste, ethnic, national, religious or other minorities or identities who are often attacked as symbolic representatives of their community; widows; and women with disabilities. Female combatants and women in the military are also vulnerable to sexual assault and harassment by State and non-State armed groups and resistance movements.

37. Gender-based violence also leads to multiple additional human rights violations, such as attacks on women's rights defenders by State and non-State, which undermine women's equal and meaningful participation in political and public life. Conflict-related gender-based violence results in a vast range of physical and psychological consequences for women, such as injuries and disabilities, increased risk of HIV infection and risk of unwanted pregnancy resulting from sexual violence. There is a strong association between gender-based violence and HIV, including the deliberate transmission of HIV, used as a weapon of war, through rape.

38. The Committee recommends that States parties:

(a) Prohibit all forms of gender-based violence by State and non-State actors including through legislation, policies and protocols;

(b) Prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors; and implement a policy of zero tolerance;

(c) Ensure women's and girls' access to justice; adopt gender-sensitive investigative procedures to address sexual and gender-based violence; conduct gender-sensitive training and adopt codes of conduct and protocols for the police, the military, including peacekeepers; build the capacity of the judiciary, including in the context of transitional justice mechanisms to ensure their independence, impartiality and integrity;

(d) Collect and standardized data collection methods on the incidence and prevalence of gender-based violence, in particular sexual violence in different settings and against different categories of women;

(e) Allocate adequate resources and adopt effective measures to ensure that victims of gender-based violence, in particular sexual violence have access to comprehensive medical treatment, mental health care and psychosocial support;

(f) Develop and disseminate standard operating procedures and referral pathways to link security actors with service providers on gender-based violence, including one-stop shops offering medical, legal and psychosocial services for sexual violence survivors, multipurpose community centres that link immediate assistance to economic and social empowerment and reintegration, and mobile clinics;

(g) Invest in technical expertise and allocate resources to address the distinct needs of women and girls subject to violence, including the impact of sexual violence on their reproductive health.

(h) Ensure that national responses include specific interventions linking and aligning the prevention and response to gender-based violence and HIV.

2. Trafficking (art. 6)

39. Trafficking in women and girls which constitutes gender-based discrimination, is exacerbated during and after the conflict, owing to the breakdown of political, economic and social structures, high levels of violence and increased militarism. Conflict and post-conflict situations develop particular war related demand structures for women's sexual, economic and military exploitation. Conflict-affected regions can be areas of origin, transit and destination with regard to trafficking in women and girls with the forms of trafficking varying by region, specific economic and political context and State and non-State actors involved. Women and girls living in or returning from camps for internally displaced persons or refugees or searching for livelihoods are particularly at risk of trafficking.

40. Trafficking may also occur when third-party countries seek to restrict migrant influxes out of conflict-affected areas through measures such as interdiction, expulsion or detention. Restrictive, sex-specific or discriminatory migration policies that limit opportunities for women and girls fleeing from conflict zones may heighten their vulnerability to exploitation and trafficking.

41. The Committee recommends that States parties:

(a) Prevent, prosecute and punish trafficking and related human rights violations that occur under their jurisdiction, whether perpetrated by public authorities or private actors, and adopt specific protection measures for women and girls, including those internally displaced and refugees;

(b) Adopt a policy of zero tolerance based on international human rights standards on trafficking and sexual exploitation and abuse, which also addresses national troops, peacekeeping forces; border police, immigration officials and humanitarian actors; and provide them with gender-sensitive training on how to identify and protect vulnerable women and girls;

(c) Adopt a comprehensive gender-sensitive and rights-based migration policy that ensures that women and girls coming from conflict-affected areas are not subject to trafficking;

(d) Adopt bilateral or regional agreements and other forms of cooperation to protect the rights of trafficked women and girls, and to facilitate prosecution of perpetrators.

3. Participation (arts. 7-8)

42. While women often take on leadership roles during conflict as heads of households, peacemakers, political leaders and combatants, the Committee has repeatedly expressed concern that their voices are silenced and marginalized in post-conflict and transition periods and recovery processes. The Committee reaffirms that the inclusion of a critical mass of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations at the national, regional and international levels as well as in the criminal justice system can make a difference. At the national level, women's equal, meaningful and effective participation in the various branches of government, their appointment to leadership positions in government sectors

and their ability to participate as active members of civil society are prerequisites for creating a society with lasting democracy, peace and gender equality.

43. The immediate aftermath of conflict can provide a strategic opportunity for States parties to adopt legislative and policy measures to eliminate discrimination against women in the political and public life of the country and to ensure that women have equal opportunities to participate in the new, post-conflict structures of governance. However, in many cases, at the official cessation of hostilities, the promotion of gender equality and women's participation in decision-making processes is not seen as a priority and may even be side-lined as incompatible with stabilization goals. The full participation and involvement of women in formal peacemaking and post-conflict reconstruction and socioeconomic development are often not realized on account of deeply entrenched stereotypes, reflected in the traditionally male leadership of State and non-State groups, which exclude women from all aspects of decision-making, in addition to gender-based violence and other forms of discrimination against women.

44. The fulfilment of States parties' obligations to ensure women's equal representation in political and public life (art. 7) and at the international level (art. 8) requires measures, including temporary special measures under article 4 (1), to address this broader context of gender discrimination and inequality in conflict-affected areas, in addition to the specific and multiple barriers to women's equal participation that are linked to additional conflict-related restrictions on mobility, security, fundraising, campaigning and technical skills.

45. The implementation of these obligations apply in particular to States parties on whose territory hostilities have occurred, in addition to other States parties involved in peacemaking processes that are required to ensure that women are represented in their own institutions and to support local women's participation in peace processes. Their implementation, in conjunction with Security Council resolution 1325 (2000) on women, peace and security, guarantee women's meaningful participation in processes relating to the prevention, management and resolution of conflicts.

46. The Committee recommends that States parties:

(a) Ensure that legislative, executive, administrative and other regulatory instruments do not restrict women's participation in the prevention, management and resolution of conflicts;

(b) Ensure women's equal representation at all decision-making levels in national institutions and mechanisms, including in the armed forces, police, justice institutions and the transitional justice mechanisms (judicial and non-judicial) dealing with crimes committed during the conflict;

(c) Ensure that women and civil society organizations focused on women's issues and representatives of civil society are included equally in all peace negotiations and post-conflict rebuilding and reconstruction efforts;

(d) Provide leadership training to women in order to ensure their effective participation in the post-conflict political processes.

47. The Committee recommends to third-party States participating in conflict-resolution processes, either individually or as members of international organizations, to:

(a) Include women in negotiation and mediation activities as delegates, including at senior levels;

(b) Provide technical assistance on conflict-resolution processes to countries emerging from conflict so as to promote women's effective participation.

4. Access to education, employment and health, and rural women (arts. 10-12, 14)

48. The total breakdown of State public and service provision infrastructure is one of the major and direct consequences of armed conflict, resulting in the lack of delivery of essential services to the population. In such situations, women and girls are at the front line of suffering, bearing the brunt of the socioeconomic dimensions. In conflict-affected areas, schools are closed owing to insecurity, occupied by State and non-State armed groups or destroyed, all of which impede girls' access to school. Other factors preventing girls' access to education include targeted attacks and threats to them and their teachers by non-State actors, as well as the additional caregiving and household responsibilities which they are obliged to take on.

49. Likewise, women are forced to look for alternative sources of livelihood as family survival comes to depend heavily on them. Even though during conflict women take on roles previously held by men in the formal employment sector, it is not uncommon for women, in the post-conflict settings, to lose formal-sector jobs and return to the household or to the informal sector during post-conflict settings. While in post-conflict settings, the generation of employment is a top priority for building a sustainable post-conflict economy, formal-sector employment generation initiatives tend to neglect women as they focus on economic opportunities for demobilized men. It is imperative that post-conflict reconstruction programmes value and support women's contributions in the informal and reproductive areas of the economy where most economic activity occurs.

50. In conflict affected areas access to essential services such as health care, including sexual and reproductive health services are disrupted due to inadequate infrastructure, lack of professional medical care workers, basic medicines and health care supplies. Consequently, women and girls are at a greater risk of unplanned pregnancy, severe sexual and reproductive injuries and contracting sexually transmitted infections, including HIV and AIDS, as a result of conflict-related sexual violence. The breakdown or destruction of health services, combined with restrictions on women's mobility and freedom of movement, further undermines women's equal access to health care, as guaranteed by article 12 (1). Power imbalances and harmful gender norms make girls and women disproportionately more vulnerable to HIV infection and these factors become more pronounced during conflict and post-conflict settings. HIV-related stigma and discrimination is also pervasive and have profound implications for HIV prevention, treatment, care and support, especially when combined with stigma associated with gender-based violence.

51. Rural women are often disproportionately affected by the lack of adequate health and social services and inequitable access to land and natural resources. Similarly, their situation in conflict settings presents particular challenges with regard to their employment and reintegration as it is often exacerbated by the breakdown of services, resulting in food insecurity, inadequate shelter, deprivation of property and lack of access to water. Widows, women with disabilities, older women, single women without family support and female-headed households are especially vulnerable to increased economic hardship owing to their disadvantaged situation, and often lack employment and means and opportunities for economic survival.

52. The Committee recommends that States parties:

(a) Develop programmes for conflict-affected girls who leave school prematurely so that they can be reintegrated into schools/universities as soon as possible; engage in the prompt repair and reconstruction of school infrastructure; take measures to prevent the occurrence of attacks and threats against girls and their teachers; and ensure that perpetrators of such acts of violence are promptly investigated, prosecuted and punished;

(b) Ensure that economic recovery strategies promote gender equality as a necessary pre-condition for a sustainable post-conflict economy, and target women working in both the formal and the informal employment sectors; design specific interventions to leverage opportunities for women's economic empowerment, in particular for rural women and other disadvantaged groups of women; ensure that women are involved in the design of those strategies and programmes and in their monitoring; and effectively address all barriers to women's equitable participation in those programmes;

(c) Ensure that sexual and reproductive health care includes access to sexual and reproductive health and rights information; psychosocial support; family planning services, including emergency contraception; maternal health services, including antenatal care, skilled delivery services, prevention of vertical transmission and emergency obstetric care; safe abortion services; post-abortion care; prevention and treatment of HIV/AIDS and other sexually transmitted infections, including post-exposure prophylaxis; and care to treat injuries such as fistula arising from sexual violence, complications of delivery or other reproductive health complications, among others;

(d) Ensure that women and girls, including those who may be particularly vulnerable to HIV, have access to basic health services and information, including HIV prevention, treatment, care and support;

(e) Coordinate all activities with stakeholders from the humanitarian and development communities to ensure a comprehensive approach that does not duplicate efforts in the fields of education, employment and health and reaches disadvantaged populations, including in remote and rural areas.

5. Displacement, refugees and asylum-seekers (arts. 1-3 and 15)

53. The Committee has previously noted that the Convention applies at every stage of the displacement cycle and that situations of forced displacement and statelessness often affect women differently from men and include gender-based discrimination and violence. Internal and external displacement have specific gender dimensions that occur at all stages in the displacement cycle; during flight, settlement and return within conflict-affected areas, women and girls are especially vulnerable to forced displacement. In addition, they are often subjected to gross human rights violations during flight and in the displacement phase, as well as within and outside camp settings, including risks relating to sexual violence, trafficking and the recruitment of girls into armed forces and rebel groups.

54. Displaced women live in precarious conditions in conflict and post-conflict environments due to their unequal access to education, income generation and skills training activities, poor reproductive health care, exclusion from decision-making processes which are exacerbated by male-dominated leadership structures, poor camp layout and infrastructure both in camp and non-camp settings. This situation of dire poverty and inequality can lead them to exchange sexual favours for money, shelter, food or other goods under circumstances that make them vulnerable to exploitation and violence as well as to HIV infection and other sexually transmitted diseases.

55. Refugee women have different and additional needs than men through their experience as refugees. Refugee women face similar assistance and protection concerns to internally displaced women and could therefore benefit from similar gender-sensitive interventions to address their needs. The Committee acknowledges the diversity within these groups, the particular challenges they may face and the legal, social and other implications of the context of their displacement (internal versus external), the gaps in the international assistance provided to them and the need for targeted responses to their needs.

56. Searches for durable solutions following conflict-related displacement frequently exclude the perspective of displaced women, either because they rely on decision-making by a family member or community in which women's voices are marginalized or because durable solutions are set as part of post-conflict processes that exclude women. In addition, female asylum seekers from conflict-affected areas can face gendered barriers to asylum, as their narrative may not fit the traditional patterns of persecution, which have been largely articulated from a male perspective.

57. The Committee recommends that States parties:

(a) Take the preventive measures necessary to ensure protection against forced displacement, as well as the protection of the human rights of displaced women and girls, including access to basic services, during flight, displacement and in the context of durable solutions;

(b) Address the specific risks and particular needs of different groups of internally displaced and refugee women, subjected to multiple and intersecting forms of discrimination, including women with disabilities, older women, girls, widows, women who head households, pregnant women, women living with HIV/AIDS, rural women, indigenous women, women belonging to ethnic, national, sexual or religious minorities, and women human rights defenders;

(c) Promote the meaningful inclusion and participation of internally displaced and refugee women in all decision-making processes, including in all aspects related to the planning and implementation of assistance programmes and camp management, decisions relating to the choice of durable solutions and processes related to post-conflict processes;

(d) Provide protection and assistance for internally displaced and refugee women and girls, including by safeguarding them from gender-based violence, including forced and child marriage; ensure their equal access to services and health care and full participation in the distribution of supplies, as well as in the development and implementation of assistance programmes that take into account their specific needs; provide protection against the displacement of indigenous, rural and minority women with special dependency on land; and ensure education and income generation and skill training activities are available;

(e) Adopt practical measures for the protection and prevention of gender-based violence, as well as mechanisms for accountability, in all displacement settings (whether in camps, settlements or out-of-camp settings);

(f) Investigate and prosecute all instances of gender-based discrimination and violence that occur in all phases of the conflict-related displacement cycle;

(g) Provide internally displaced and refugee women and girl victims of gender-based violence, including sexual violence with free and immediate access to medical services, legal assistance and a safe environment; provide access to female health-care providers and services,

such as reproductive health care and appropriate counselling; and ensure that military and civilian authorities present in displacement contexts have received appropriate training on protection challenges, human rights and the needs of displaced women;

(h) Ensure that immediate humanitarian assistance needs and protection requirements are complemented with long-term strategies in support of internally displaced and refugee women's socioeconomic rights and livelihood opportunities, enhanced leadership and participation in order to empower them to choose the durable solutions that suit their needs;

(i) Ensure that all situations of massive influx of refugee and displaced populations, including women and girls are adequately addressed and that their protection and assistance needs are not impeded as a result of lack of clarity in the mandates of international agencies or resource constraints.

6. Nationality and statelessness (arts. 1-3 and 9)

58. In addition to the heightened risks faced by internally displaced persons, refugees and asylum seekers, conflict can also be both a cause and a consequence of statelessness, rendering women and girls particularly vulnerable to various forms of abuse in both the private and public domains. Statelessness can arise when a woman's experience of conflict intersects with discrimination with respect to nationality rights, such as laws that require women to change nationality upon marriage or its dissolution and that deny them the ability to pass on their nationality.

59. Women may be left stateless when they cannot prove nationality because necessary documents such as identity documents and birth registration are either not issued or are lost or destroyed in conflict and are not reissued in their names. Statelessness may also result in situations where women are denied the ability to pass on nationality to their children owing to gender discriminatory nationality laws.

60. There are heightened risks of abuse faced by stateless women and girls in times of conflict because they do not enjoy the protection that flows from citizenship, including consular assistance, and also because many are undocumented and/or belong to ethnic, religious or linguistic minority populations. Statelessness also results in the widespread denial of fundamental human rights and freedoms in post-conflict periods: women may be denied access to health care, employment and other socioeconomic and cultural rights as Governments restrict services to nationals in times of increased resource constraints. Women deprived of a nationality are also often excluded from political processes and from participating in the new government and governance of their country, in violation of articles 7 and 8 of the Convention.

61. The Committee recommends that States parties:

(a) Ensure that measures to prevent statelessness are applied to all women and girls and address populations that are particularly susceptible to being rendered stateless by conflict, such as female internally displaced persons, refugees, asylum seekers and trafficked persons;

(b) Ensure that measures to protect stateless women and girls remain in place before, during and after conflict;

(c) Guarantee conflict-affected women and girls equal rights to obtain documents necessary for the exercise of their legal rights and the right to have such documentation issued in their own names, and ensure the prompt issuance or replacement of documents without imposing

unreasonable conditions, such as requiring displaced women and girls to return to their area of original residence to obtain documents;

(d) Ensure individual documentation, including in post-conflict migration flows, of internally displaced women, refugee and asylum-seeking women and separated and unaccompanied girls, and ensure the timely and equal registration of all births, marriages and divorces.

7. Marriage and family relations (arts. 15-16)

62. Inequalities in marriage and family relations impact women's experiences in conflict and post-conflict situations. In such situations, women and girls may be coerced into marriage to placate armed groups or because women's post-conflict poverty forces them to marry for financial security, affecting their rights to choose a spouse and enter freely into marriage, as guaranteed by article 16 (1) (a) and 16 (1) (b). During conflict girls are particularly susceptible to forced marriage, a harmful practice which is increasingly used by armed groups. Families also force girls into marriage due to poverty and a misconception that it may protect them against rape.

63. Equal access to property, as guaranteed by article 16 (1) (h), is particularly critical in post-conflict situations, given that housing and land are crucial to recovery efforts, in particular for women in female-headed households, the number of which tends to rise in crisis owing to family separation and widowhood. Women's limited and unequal access to property becomes particularly damaging in post-conflict situations, especially when displaced women who have lost husbands or close male relatives return to their homes to find that they have no legal title to their land and, as a result, no means of earning a livelihood.

64. Forced pregnancies, abortions or sterilization of women in conflict-affected areas violate a myriad of women's rights, including the right under article 16 (1) (e) to decide freely and responsibly on the number and spacing of their children.

65. The Committee reiterates its general recommendations No. 21 (1994) and No. 29 (2013) and further recommends that States parties:

(a) Prevent, investigate and punish gender-based violations such as forced marriages, forced pregnancies, abortions or sterilization of women and girls in conflict-affected areas;

(b) Adopt gender-sensitive legislation and policies that recognize the particular disadvantages that women face in claiming their right to inheritance as well as their land in post-conflict contexts, including the loss or destruction of land deeds and other documentation owing to conflict.

8. Security sector reform and disarmament, demobilization and reintegration

66. Disarmament, demobilization and reintegration, which is part of the broader security sector reform framework and is one of the first security initiatives, put in place in post-conflict and transition periods. This notwithstanding, disarmament, demobilization and reintegration programmes are rarely developed or implemented in coordination with security sector reform initiatives. This lack of coordination often undermines women's rights, such as when amnesties are granted in order to facilitate the reintegration of ex-combatants who have committed gender-based violations into security sector positions. Women are also excluded from positions within newly formed security sector institutions owing to a lack of planning and coordination in security sector reform and disarmament, demobilization and reintegration initiatives. The inadequate vetting processes further

impedes gender-sensitive security sector reform, which is key to developing non-discriminatory, gender-responsive security sector institutions that address the security needs of women and girls, including disadvantaged groups.

67. At the end of conflict, women face particular challenges as female ex-combatants and women and girls associated with armed groups as messengers, cooks, medics, caregivers and forced labourers and wives. Disarmament, demobilization and reintegration programmes, given the traditionally male structure of armed groups, often do not respond to the distinct needs of women and girls, fail to consult them and also exclude them. It is not uncommon for female ex-combatants to be excluded from disarmament, demobilization and reintegration lists. Disarmament, demobilization and reintegration programmes also fail to recognize the status of girls associated with armed groups by characterising them as dependants rather than abductees, or by excluding those who did not have visible combatant roles. Many female combatants suffer sexual and gender-based violence, resulting in children born of rape, high levels of sexually transmitted diseases, rejection or stigmatization by families and other trauma. Disarmament, demobilization and reintegration programmes often fail to address their experiences as well as the psychological trauma they have undergone. As a result they are unable to successfully reintegrate into family and community life.

68. Even when women and girls are included in disarmament, demobilization and reintegration processes, the support is inadequate, gender stereotyped and limits their economic empowerment by providing skills development only in traditionally female fields. Disarmament, demobilization and reintegration programmes also fail to deal with the psychosocial trauma that women and girls experience in conflict and post-conflict situations. That in turn can cause further rights violations, given that women's social stigma, isolation and economic disempowerment can force some women to remain in exploitative situations (such as with their captors) or force them into new ones if they have to turn to illicit activities to provide for themselves and their dependants.

69. The Committee recommends that States parties:

(a) Develop and implement disarmament, demobilization and reintegration programmes in coordination and within the framework of the security sector reform;

(b) Undertake gender-sensitive and gender-responsive security sector reform that results in representative security sector institutions that address women's different security experiences and priorities; liaise with women and women's organizations;

(c) Ensure that security sector reform is subject to inclusive oversight and accountability mechanisms with sanctions, which includes the vetting of ex-combatants; establish specialized protocols and units to investigate gender-based violations; and strengthen gender expertise and the role of women in oversight of the security sector,

(d) Ensure women's equal participation in all stages of disarmament, demobilization and reintegration, from negotiation of peace agreements and establishment of national institutions to the design and implementation of programmes;

(e) Ensure that disarmament, demobilization and reintegration programmes specifically target female combatants and women and girls associated with armed groups as beneficiaries and that barriers to their

equitable participation are addressed; and ensure that psychosocial and other support services are provided to them;

(f) Ensure that disarmament, demobilization and reintegration processes specifically address women's distinct needs in order to provide age and gender-specific disarmament, demobilization and reintegration support, including by addressing the specific concerns of young mothers and their children without targeting them excessively and exposing them to further stigma.

9. Constitutional and electoral reform (arts. 1-5 (a), 7 and 15)

70. The post-conflict electoral reform and constitution-building process represents a crucial opportunity to lay the foundations for gender equality in the transition period and beyond. Both the process and substance of these reforms can set a precedent for women's participation in social, economic and political life in the post-conflict period, in addition to providing a legal base from which women's rights advocates can demand other types of gender-responsive reform that unfolds in transitional periods. The importance of a gender perspective in post-conflict electoral and constitutional reform is also emphasized in Security Council resolution 1325 (2000).

71. During the constitution-drafting process, the equal and meaningful participation of women is fundamental for the inclusion of constitutional guarantees of women's rights. States parties must ensure that the new constitution enshrines the principle of equality between women and men and of non-discrimination, in line with the Convention. In order for women to enjoy their human rights and fundamental freedoms on an equal basis with men, it is important that they be given an equal start, through the adoption of temporary special measures to accelerate de facto equality.

72. Electoral reform and constitution-drafting processes in post-conflict contexts pose a set of unique challenges to ensuring women's participation and promoting gender equality, as the designs of electoral systems are not always gender-neutral. The electoral rules and procedures that determine which interest groups are represented on constitution-building bodies and other electoral bodies in the post-conflict era are critical in guaranteeing the role of women in public and political life. Decisions on the choice of electoral systems are important to overcome the traditional gender bias that undermines women's participation. Substantive progress towards the equal participation of women as candidates and voters as well as the holding of free and fair elections will not be possible unless a number of appropriate measures are taken, including a gender-responsive electoral system and the adoption of temporary special measures to enhance women's participation as candidates, ensure a proper voter's registration system and ensure that women voters and female political candidates are not subject to violence either by State or private actors.

73. The Committee recommends that States parties:

(a) Ensure women's equal participation in constitution-drafting processes and adopt gender-sensitive mechanisms for public participation and input into constitution-drafting processes;

(b) Ensure that constitutional reform and other legislative reforms includes women's human rights under the Convention and the prohibition of discrimination against women, which encompasses both direct and indirect discrimination in the public and private spheres, in line with article 1 of the Convention, and also includes provisions prohibiting all forms of discrimination against women;

(c) Ensure that new constitutions provide for temporary special measures, apply to citizens and non-citizens, and guarantee that women's human rights are not subject to derogation in states of emergency;

(d) Ensure that electoral reforms incorporate the principle of gender equality, and guarantee women's equal representation through the adoption of temporary special measures such as quotas, including for disadvantaged groups of women; adopt a proportional representation electoral system; regulate political parties; and mandate electoral management bodies to ensure compliance through sanctions;

(e) Ensure the registration and voting of women voters, such as by allowing postal balloting, where appropriate, and removing all barriers, including by ensuring an adequate and accessible number of polling stations;

(f) Adopt a zero-tolerance policy towards all forms of violence that undermine women's participation, including targeted violence by State and non-State groups against women campaigning for public office or women exercising their right to vote.

10. Access to justice (arts. 1-3, 5 (a) and 15)

74. When conflict comes to an end, society is confronted with the complex task of 'dealing with the past' and this involves the need to hold human rights violators accountable for their actions, putting an end to impunity, restoring the rule of law, addressing all the needs of survivors through the provision of justice accompanied by reparations. Challenges related to access to justice are especially aggravated and acute in conflict and post-conflict situations as formal justice systems may no longer exist or function with any level of efficiency or effectiveness. Existing justice systems may often be more likely to violate women's rights than to protect them and this can deter victims from seeking justice. All barriers faced by women in accessing justice before the national courts prior to the conflict, such as legal, procedural, institutional, social and practical, and entrenched gender discrimination are exacerbated during conflict, persist during the post-conflict period and operate alongside the breakdown of the police and judicial structures to deny or hinder their access to justice.

75. In the aftermath of conflict, transitional justice mechanisms are established with the aim of addressing the legacy of human rights abuses, dealing with the root causes of the conflict, facilitating the transition from conflict to democratic governance, institutionalizing the State machinery designed to protect and advance fundamental human rights and freedoms, delivering justice and ensuring accountability for all violations of human rights and humanitarian law and ensuring their non-repetition. To achieve these multiple objectives, temporary judicial and/or non-judicial mechanisms including truth commissions and hybrid courts are often instituted either to replace dysfunctional national judicial systems or to supplement them.

76. The most egregious and pervasive violations which have occurred during conflict, often remain unpunished in transitional justice mechanisms and are 'normalized' in the post-conflict environment. Despite efforts to strengthen and/or complement domestic justice systems, transitional justice mechanisms have and continue to fail women by not adequately delivering justice and reparations for all harms suffered, thereby entrenching the impunity enjoyed by perpetrators of women's human rights violations. Transitional justice mechanisms have not succeeded in fully addressing the gendered impact of conflict and in taking into account the interdependence and interrelatedness of all human rights violations which have occurred during conflict. For most women, post-conflict justice priorities should not be

limited to ending violations of civil and political rights but should include violations of all rights including economic, social and cultural rights.

77. States parties' obligations under the Convention require them to address all violations of women's rights as well as the underlying structural sex and gender-based discrimination that underpinned such violations. Besides providing redress to women for gender-based violations suffered during conflict, transitional justice mechanisms have the potential to secure a transformative change in women's lives. Given their important role in laying the foundation for the new society, these mechanisms represent a unique opportunity for State parties to set the ground towards the achievement of substantive gender equality by addressing pre-existing and entrenched sex and gender-based discrimination which have impeded women's enjoyment of their rights under the Convention.

78. Although international tribunals have contributed to recognizing and prosecuting gender-based crimes, a number of challenges remain to ensure women's access to justice and many procedural, institutional and social barriers continue to prevent them from participating in international justice processes. Passive acquiescence of past violence reinforces the culture of silence and stigmatization. Reconciliation processes, such as truth and reconciliation commissions often provide women survivors with an opportunity to deal with their past in a safe setting and constitute official historical records, however, they should never be used as a substitute for investigations into and prosecutions of perpetrators for human rights violations committed against women and girls.

79. The Committee reiterates that State parties obligations also require them to ensure women's right to a remedy, which encompasses the right to adequate and effective reparations for violations of their rights under the Convention. An assessment of the gender dimension of the harm suffered is essential to ensure that women are provided with adequate, effective and prompt reparations for violations suffered during conflict, notwithstanding whether remedies are ordered by national or international courts or by administrative reparation programmes. Rather than re-establishing the situation that existed before the violations of women's rights, reparation measures should seek to transform the structural inequalities which led to the violations of women's rights, respond to women's specific needs and prevent their re-occurrence.

80. In many countries emerging from conflict, existing informal justice mechanisms represent the only form of justice available for women and these can be a valuable tool in the aftermath of conflict. However, given that the processes and decisions of these mechanisms may discriminate against women, it is critical to carefully consider their role in facilitating access to justice for women, such as defining the type of violations that they will be addressing and the possibility to challenge their decisions in the formal justice system.

81. The Committee recommends that States parties:

(a) Ensure a comprehensive approach to transitional justice mechanisms that incorporates both judicial and non-judicial mechanisms, including truth commissions and reparations, which are gender sensitive and promote women's rights;

(b) Ensure that substantive aspects of transitional justice mechanisms guarantee women's access to justice, by mandating bodies to address all gender-based violations and by rejecting amnesties for gender-based violations and by ensuring compliance with the recommendations and/or decisions issued by transitional justice mechanisms;

(c) Ensure that support for reconciliation processes do not result in blanket amnesties for any human rights violations, especially sexual violence against women and girls and ensure that such processes reinforce its efforts to combat impunity for such crimes;

(d) Ensure that all forms of discrimination against women are prohibited when re-establishing the rule of law, during legal reform and establish criminal, civil and disciplinary sanctions where appropriate; and include specific measures aimed at protecting women against any act of discrimination;

(e) Ensure that women are involved in the design, operation and monitoring of transitional justice mechanisms at all levels so as to guarantee that their experience of the conflict is included, their particular needs and priorities are met and all violations suffered are addressed; and ensure their participation in the design of all reparations programmes.

(f) Adopt the appropriate mechanisms to facilitate and encourage women's full collaboration and involvement in transitional justice mechanisms including by ensuring that their identity is protected during public hearings and their testimonies are taken by female professionals;

(g) Provide effective and timely remedies that respond to the different types of violations experienced by women and ensure the provision of adequate and comprehensive reparations; address all gender-based violations, including sexual and reproductive rights violations, domestic and sexual enslavement, forced marriage and forced displacement, in addition to sexual violence, as well as violations of economic, social and cultural rights;

(h) Adopt gender-sensitive procedures in order to avoid revictimization and stigmatization; establish special protection units and gender desks in police stations; undertake investigations confidentially and sensitively; and ensure that during investigations and trials equal weight is given to the testimony of women and girls in comparison to those of men;

(i) Combat impunity for violations of women's rights and that all human rights violations are properly investigated, prosecuted and punished by bringing perpetrators to justice;

(j) Enhance criminal accountability including by ensuring the independence, impartiality and integrity of the judicial system; strengthening the capacity of security, medical and judicial personnel to collect and preserve forensic evidence related to sexual violence in conflict and post-conflict contexts; and enhancing collaboration with other justice systems including the International Criminal Court;

(k) Enhance women's access to justice including through the provision of legal aid; establishment of specialized courts, such as domestic violence and family courts, providing mobile courts for camps and settlement settings as well as for remote areas; and ensure adequate protection measures for victims and witnesses, including non-disclosure of identity and the provision of shelters;

(l) Engage directly with informal justice mechanisms and encourage appropriate reforms, where necessary, in order to bring these processes in line with human rights and gender equality standards, and to ensure that women are not discriminated against.

V. Conclusion

81. In addition to those made above, the Committee makes the recommendations to States parties set out below.

A. Monitoring and reporting

82. States parties should report on the legal framework, policies and programmes that they have implemented to ensure the human rights of women in conflict prevention, conflict and post-conflict. States parties should collect, analyse and make available sex-disaggregated statistics, in addition to trends over time, concerning women, peace and security. States parties' reports should address actions inside and outside their territory in areas under their jurisdiction, in addition to their actions taken individually and as members of international organizations as they concern women and conflict prevention, conflict and post-conflict situations.

83. States parties are to provide information on the implementation of the Security Council agenda on women, peace and security, in particular resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010) and 2106 (2013), including by specifically reporting on compliance with any agreed United Nations benchmarks or indicators developed as part of that agenda.

84. The Committee also welcomes submissions from relevant United Nations missions involved in the administration of foreign territories on the situation of women's rights in territories under administration insofar as they pertain to conflict prevention, conflict and post-conflict.

85. Pursuant to article 22 of the Convention, the Committee invites specialized agencies to submit reports on the implementation of the Convention in conflict prevention, conflict and post-conflict settings.

B. Treaty ratification or accession

86. States parties are encouraged to ratify all international instruments relevant to the protection of women's rights in conflict prevention, conflict and post-conflict, including:

(a) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999);

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000);

(c) Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (1977); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (1977);

(d) Convention relating to the Status of Refugees (1951) and its Protocol (1967);

(e) Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961);

(f) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000);

(g) Rome Statute of the International Criminal Court (1998);

(h) The Arms Trade Treaty (2013).

Annex 2

Explanation of vote by Náela Gabr in relation to the adoption of General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations:

“I abstained because parts of the General Recommendation did not reflect the priorities needed by some groups of disadvantaged women (rural, indigenous and older women).”

18 October 2013

Annex 3

Explanation of vote by Noor Al-Jehani in relation to the amendment to paragraph 57(b) of General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations:

“I voted against this paragraph because I am concerned that the Committee is weakening its jurisprudence when it's adopts long incomprehensible lists that in the end remove the attention from the very vulnerable groups of women it aims to protect.”

18 October 2013

Annex 4

Explanation of vote by Náela Gabr in relation to the amendment to paragraph 57(b) of General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations:

“I have voted against a long list after the word ‘including’ because it is diluting the attention from the main affected groups of women subject to displacement. For this reason, I have supported the original proposal: ‘Address the specific risks and particular needs of different groups of internally displaced and refugee women, subjected to multiple and intersecting forms of discrimination, such as rural women, older women, widows and women with disabilities.’”

18 October 2013

Annex 5

Explanation of vote by Ismat Jahan in relation to the amendment to paragraph 57(b) of General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations:

“It is with deep sadness, I had to take a position against part of the amendments, given that I was earlier associated with the draft general recommendation, as member of the Working Group.

I found part of the amendments put forth at a late stage counterproductive to the very objective of the sub-paragraph in its original form, when it had sought to ask for particular focus on the specific needs of a vast majority of women, who require special attention, in terms of extent, magnitude and enormity of the challenges they face as refugee and displaced women.

The amendments weaken and dilute the focus on them. I was therefore constrained to vote against.

I would like my explanation to be recorded in the Committee's report and ask for a footnote to the said paragraph of the General Recommendation, stating that it was adopted by vote.

I thank you."

18 October 2013

Annex 6

Decision of the Committee on the Elimination of Discrimination against Women on the continuation of webcasting

Recalling the decision taken at its fifty-fourth session, providing for public webcasting of its dialogues with States parties during a trial period covering its fifty-fifth and fifty-sixth sessions as well as for an assessment to be made at the fifty-sixth session in order to determine whether or not to continue such webcasting;

Noting that IWRAW-AP has provided webcasting of the public meetings of the Committee free of charge on the website of the NGO coalition UN Treaty Body Webcast (www.treatybodywebcast.org), live as well as archived;

Expressing its gratefulness for the services provided by IWRAW-AP and the NGO Coalition and acknowledging the resources invested by them into providing such services;

Expressing the hope that in the near future it will be possible to provide webcasting with captioning;

Considering that webcasting of its public meetings:

- Increases the visibility and promotes awareness of the Convention and the work of the Committee;
- Increases the transparency of the Committee's proceedings, enables State parties and NGOs to prepare in advance for their inter-action with the Committee, without having to travel to the Committee's sessions prior to such inter-action;
- Strengthens the accountability of reporting and promotes the implementation of the recommendations of the Committee;
- Has not impacted negatively on the work of the Committee or on its constructive dialogues with States parties.

Decision

The Committee decided to continue the practice of publicly webcasting its dialogues with States parties and other public meetings beyond the trial period stipulated in decision 54/7 for an indefinite period until such time as it may decide otherwise.

18 October 2013

Annex 7

Assessment of the follow-up procedure adopted on Friday 18 October 2013

Assessment of the follow-up procedure under the Article 18 of the CEDAW Convention

Follow-up procedure to concluding observations

At its forty-first session, held in July 2008, the Committee decided to introduce a follow-up procedure whereby the State party is requested to follow-up on recommendations identified by the Committee as follow-up items. The request, based on article 18, paragraph 1 (b), of the Convention, would call on States parties to provide such information to the Committee within one or two years, depending on the urgency of the situation.

During its forty-fourth session, held in July-August 2009, the Committee decided that a maximum of two recommendations would be identified as follow-up items for each State party and that the response by the State party would be made public. At the fifty-third session, the Committee agreed with the proposal of the Rapporteur on follow-up only to select a limited number of sub-paragraphs as follow-up items, when the recommendations concerned are too long.

At its forty-fifth session, held in January-February 2010, the Committee decided on the methodology to assess States parties reports received under the follow-up procedure. It reviewed the follow-up methodology at its fifty-fourth session in February 2013.

The criterion for the selection of recommendations as follow-up items is as follows: The issues selected for short-term action constitute a major obstacle to women's enjoyment of their human rights and would therefore constitute a major obstacle for the implementation of the Convention as a whole.

After reception of the follow-up report, the Committee assesses, based on the recommendation of the respective country rapporteur or other members of the Committee, the responses received to determine whether or not the issues designated by the Committee for follow-up have been adequately addressed by the State party concerned and/or whether further information is required based on the following categories: "Implemented"; "Partially Implemented"; "Not Implemented"; and "Lack of sufficient information received to make an assessment".

The Committee's assessment is based on the preliminary assessment provided by the Rapporteur on follow-up, the alternate rapporteur and the Committee member who acted as country rapporteur when the State party presented its periodic report. In the absence of the country rapporteur, another member is asked to volunteer.

Thereafter, the Rapporteur on follow-up transmits the Committee's assessment in writing to the State party concerned. In the letter, the Committee requests that the State party provide, within one year or, alternatively, in the next periodic report, additional information on further action taken to implement those recommendations which have been partially or not implemented, and/or on which it failed to provide sufficient information.

During the fifty-fourth session, held in February 2013, the Committee adopted guidelines to provide information to States parties, NGOs and NHRIs on the modalities of the submission of follow-up reports and

information. The issuance of these guidelines resulted in the submission by States parties of more concise and focused follow-up reports, which have facilitated the assessment of the implementation of the relevant recommendations and resulted in a reduction of editing and translation costs.

Reminders in the absence of a response

In the absence of a response from the State party, the Rapporteur transmits a first reminder after two months of the information being overdue and a second reminder after four months if the information remains overdue. If information is not received within six months, the Rapporteur requests a meeting with the Permanent Mission of the State party concerned in order to sustain the dialogue on the items identified in the follow-up paragraphs.

Rapporteur on follow-up to concluding observations and alternate rapporteur

At its forty-fourth session, held in July-August 2009, the Committee decided to appoint a Rapporteur on follow-up to concluding observations and an alternate rapporteur: Ms. Šimonovic and Ms. Bailey, respectively, and also defined their mandate.

At its forty-sixth session in July 2010, the Committee decided to extend the mandate of the Rapporteur and her alternate until 31 December 2010. The Committee further agreed that both their mandates will be extended for a two-year term ending on 31 December 2012, and that the mandate of the Rapporteur and his or her alternate will be of two years' duration. In October 2011, Ms. Simonovic decided to resign as Rapporteur on follow-up with effect from 31 December 2011, and the Committee appointed Ms. Bailey as Rapporteur and Ms. Hayashi as alternate.

Reporting

At each session of the Committee, the Rapporteur on follow-up reports on the action taken or proposed. In addition, the Committee includes information on its follow-up activities in its annual report to the General Assembly.

Transparency

All follow-up reports and the Committee's assessment letters, as well as NGO follow-up reports which are not confidential, are posted on the Committee's public OHCHR web site.

Assessment

The Committee assessed the experience of its follow-up procedure at its fiftieth session in October 2011. It decided that the follow-up procedure in relation to the implementation of Concluding Observations should continue and that another assessment should be made in October 2013.

The following assessment covers the period from the beginning of the follow-up procedure (forty-first session) until the end of the fifty-fifth session):

1. Submission of Follow-up Reports

- Since inception of the follow-up procedure, 73 reports have been requested between the forty-first and forty-ninth sessions, which were due between the forty-seventh and fifty-fifth sessions, respectively.

- 45 of the 73 requested reports (62%) have been received.
- NGOs sent alternative follow-up information in relation to 13 (29%) of the 45 reports received under the follow-up procedure; one NHRI submitted follow-up information.
- Out of the 45 follow-up reports received, 9 (20%) were received on time, 13 (29 %) were received with less than a 6-month delay, 15 (33 %) with a 6-month to one-year delay, and 8 (17%) with a one-year to two-year delay.
- The Committee examined 41 of the 45 (91%) follow-up reports received to assess whether the recommendations had been implemented. The remaining four reports were not examined because they were still in the process of being translated.
- Finally, only considering the reports for which the follow-up cycle has been fully completed (this covers all requests for follow-up information made between the forty-first through the forty-fourth session), it can be observed that 29 of the 38 reports (76%) requested during this period have been received.

2. Status of Implementation of Recommendations

As regards the extent to which the recommendations of the Committee are implemented by the States parties, the Committee considered that:

- 19% of the recommendations identified as follow-up items had been implemented;
- 41% had been partially implemented;
- 29% had not been implemented; and
- In 11% of the cases, the Committee considered that it had not received sufficient information to make an assessment.

The workload of the follow-up procedure is significant. On average, assessments of 7 follow-up reports were made per session by the Rapporteur on follow-up and the alternate Rapporteur, in addition to sending 7 first reminders, 5 second reminders, 2 invitations for a meeting, and one second invitation for a meeting.

The information contained in the follow-up reports received suggests that the follow-up procedure is serving its stated purpose as a **tool of implementation** of the Convention and, more specifically, of the identified recommendations set out in the relevant concluding observations. This procedure has therefore proved to be an effective reporting mechanism under article 18 of the Convention that enables the Committee to monitor progress achieved between reporting cycles.

Recommendations

The following recommendations of the previous assessment should be retained:

1. The follow-up procedure under article 18 of the Convention in relation to the implementation of concluding observations should be continued;
2. The two-year mandate of the Rapporteur on follow-up and the alternate Rapporteur should be retained, and all Committee members should rotate and participate in follow-up assessments. In addition, there should ideally be a one-year overlap of the mandates of the Rapporteur on follow-up and the alternate Rapporteur in order to ensure the continuity and consistency of the assessments made by the Committee;

3. The Committee should retain the new methodology for follow-up, which uses the categories “implemented”, “partially implemented”, “not implemented” and “lack of sufficient information” in the assessment of the follow-up reports;
4. The Committee should retain the guidelines for States parties, NGOs and NHRIs regarding the submission of follow-up reports and information;
5. A country-specific follow-up approach should be applied for States parties in conflict or post conflict situations;
6. In addition to retaining a separate agenda item on follow-up for each session, additional time should be allocated to this item during the Committee’s sessions, and one staff members of the Secretariat should be specifically assigned to ensure timely support to the Rapporteur on follow-up and alternate Rapporteur both during sessions and inter-seasonally;
7. The next evaluation of the follow-up procedure should be carried out and tabled at the sixty-fifth session in October 2016

Annex 8

Report of the Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on its twenty-seventh session

1. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women held its twenty-seventh session from 24 to 27 September 2013 in Geneva. All members attended the session (Ms. Bareiro-Bobadilla, Mr. Bruun, Ms. Hayashi, Ms. Patten and Ms. Šimonović).
2. At the beginning of the session, the Working Group adopted its agenda as set out in the annex to the present report.
3. The Working Group then reviewed an update prepared by the Secretariat on eight new pieces of correspondence received between 28 June 2013 and 20 September 2013.
4. The Working Group decided to appoint Ms. Šimonović as case rapporteur for communication No. 61/2013 regarding Denmark, registered intersessionally. It then decided to register two new communications, one regarding Argentina (No. 62/2013) and one regarding Denmark (No. 63/2013). In relation to communication No. 62/2013, the Working Group appointed Ms. Bareiro-Bobadilla as case rapporteur and decided to transmit the correspondence to the State party. In relation to communication No. 63/2013, the Working Group appointed Mr. Bruun as case rapporteur and agreed to decide on the issue of interim measures during the Committee’s fifty-sixth session before transmitting the correspondence to the State party.
5. With respect to correspondence which had not been registered, the Working Group took note that the Secretariat had requested the author for clarifications in a communication regarding Italy, and was waiting for her reply. With regard to two pieces of correspondence regarding Argentina and France, the Working Group decided not to register the cases. It also rejected a case regarding India which is not a State party to the Optional Protocol.
6. The Working Group also discussed four draft recommendations. It adopted draft inadmissibility recommendations regarding communications No. 29/2011 concerning Spain and No. 39/2012 concerning the Netherlands, both adopted by consensus. It also adopted a draft inadmissibility/admissibility recommendation regarding communication No.

44/2012 concerning Denmark. It should be noted that in relation to the latter, the Working Group had a discussion regarding the “victim” status of male children as authors in Optional Protocol cases. All three recommendations will be referred to the plenary at the Committee’s fifty-sixth session.

7. The Working Group also discussed draft Views regarding communication No. 41/2012 concerning Ecuador, and decided to submit a request for clarifications and additional information to both parties to the proceedings in order to be able to take a fully reasoned decision.

8. During this session, all Working Group members proceeded to an inventory of all case files for the communications in which they are case rapporteurs. The Working Group then reviewed the status of all pending communications registered under the Optional Protocol and had a discussion on each of them. At the end of the twenty-seventh session of the Working Group, there were 29 pending cases, out of which three were adopted by the Working Group at its twenty-seventh session and will be sent to the plenary.

9. The Working Group further decided to grant requests by the State party for the Committee to decide on the admissibility separately from the merits (so-called “split requests”) in relation to two communications concerning Denmark (Nos. 50/2013 and 56/2013).

10. The Working Group then requested the Secretariat to prepare, on a priority basis, draft recommendations for the next session, in light of the above mentioned discussions. Thus, for its twenty-eighth session in February 2014, the Working Group requested the Secretariat to prepare three or, possibly, four draft recommendations, including on communications Nos. 34/2011, 36/2012 and 37/2012 (in the latter two cases, split requests were granted in October 2012).

11. The Working Group discussed the follow-up situation in each case where the follow-up dialogue is on-going and agreed on the possible action to be taken, to be brought to the attention of the Committee’s plenary. The Working Group was also briefed by the Secretariat of a meeting that Ms. Hayashi, Ms. Šimonović and Mr Bruun had on 26 September 2013 with representatives of Bulgaria (one representative of the Permanent Mission of the State party to the United Nations Office at Geneva and the Head of the Human Rights Unit, Human Rights Department, Ministry of Foreign Affairs of Bulgaria), as per the Committee’s request⁸.

12. The Working Group decided to arrange for meetings during the Committee’s fifty-sixth session with the Permanent Missions of Brazil and of the Philippines to discuss follow-up matters. The Secretariat was requested to share with the Working Group the methodology used by other treaty bodies in assessing the follow-up situation of cases and the manner in which such assessments are reflected in their annual reports.

⁸ The Committee members noted that to date, the Committee’s recommendations in relation to two cases concerning Bulgaria (Nos. 20/2008 and 31/2011) had not been fully implemented, and that the follow-up reply in relation to a third case (No. 32/2011) was overdue. The State party’s representatives provided information on on-going institutional reforms and developments regarding the three cases under follow-up examination by the Committee, including consideration of payment of compensation. The meeting was qualified as encouraging by the Working Group members present. The State party was asked to provide updated information regarding the three cases, including information on the National Coordinating Mechanism (regarding individual complaints), prior to the twenty-eighth session of the Working Group.

Actions taken at the present session:

13. The Working Group decided:

(a) To refer for adoption to the plenary a recommendation supported by all members of the Working Group in relation to the inadmissibility of communication No. 29/2011 concerning Spain;

(b) To refer for adoption to the plenary a recommendation supported by all members of the Working Group in relation to the inadmissibility of communication No. 39/2012 concerning the Netherlands;

(c) To refer for adoption to the plenary a recommendation in relation to communication No. 44/2012 concerning Denmark, with two options (admissibility-inadmissibility);

(d) To discontinue, at the State party's request and with the author's consent, the consideration of communication No. 42/2012 concerning the Netherlands.

(e) To request the Secretariat to prepare draft recommendations for the twenty-eight session of the Working Group regarding communications No. 34/2012 concerning the Philippines, No. 36/2012 concerning the Netherlands, and No. 37/2011 concerning Denmark;

(f) To accede to the State party's split requests in relation to communications Nos. 50/2013 and 56/2013, both concerning Denmark;

(g) To seek further information from the parties to the proceedings in relation to communication No. 41/2012 concerning Ecuador;

(h) To appoint Ms. Šimonović as case rapporteur for communication No. 61/2013 concerning Denmark;

(i) To register one new communication concerning Argentina as communication No. 62/2013 and to appoint Ms Bareiro-Bobadilla as case rapporteur;

(j) To register a new communication concerning Denmark as communication No. 63/2013 and to appoint Mr Bruun as case rapporteur;

(k) To request the Secretariat to continue uploading on the Optional Protocol Extranet, the academic resources that were cited in the Note by the Secretariat and to make available copies of excerpts, as requested;

(l) To request the Secretariat to prepare information on the follow-up procedure, including summaries of the submissions by the parties to the relevant proceedings;

(m) To request the Secretariat to arrange for a meeting with the representatives of the Permanent Missions of Brazil and of the Philippines to the United Nations Office at Geneva to discuss follow-up on individual cases.

14. The Working Group on Communications under the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women decided to hold its twenty-eighth session from 4 to 7 February 2014 in Geneva.

ANNEX

Agenda

Working Group on Communications under the Optional Protocol

27th session (Geneva, 24 – 27 September 2013)

Room XVI, Palais des Nations

1. Adoption of the agenda and organization of work.
 2. Review of steps and activities undertaken since the last session.
 3. New communications registered and appointment of Case Rapporteurs.
 4. Discussion on cases ready for adoption.
 5. Discontinuances.
 6. Update on communications (registered cases).
 7. Update on follow-up on Views.
 8. Discussion regarding cases ready for adoption and prioritization.
 9. Adoption of the report concerning the Working Group's twenty-seventh session.
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