The challenge of new wars

In today’s conflicts trans-national networks + movements, working with local level non-state actors = main perpetuators of violence

Nation state role as foundation of international system under threat. Traditional rules of war + international law regularly violated

States and their institutions undermined. Fragile states.

Civilians are the main victims. Goal of warring parties is often to destroy civilian life. Unprecedented cruelty, violation of rights.

Consequences: largest number of IPDs/refugees since WWII, humanitarian crises, new use of slavery in war, increased incidents of conflict related sexual violence (CRSV)
Many of today’s warring parties use identity politics to gain supporters, are conservative + reactionary towards women + their rights.

New wars are invading women’s families + communities – attacking their bodies, identity, and beliefs. Rape as weapon.

Resolution 1325 (2000) and subsequent WPS UNSCR show changing nature of threats including the rise of sexual violence.

Resolution 2242 (2015) focusses on violent extremism + terrorism, expresses deep concern that CRSV is often a tactic of terrorism.

Yet insufficient representation of women in peace talks or PKFs; funding for women’s related programming; integration of gender in programming.
Both becoming intractable, with involvement of myriad of armed groups, state actors, transnational networks and external states, representation of “new war” + its devastating effect on civilians

Women and girls face increased and multiple forms of violence due to conflict + displacement including:

- Sexual violence, sexual abuse, mass rape, domestic violence
- Force and early marriage
- Slavery
- Trafficking
- Honor crimes
Currently 65 million people are forcibly displaced globally (IDPs + refugees + stateless). Out of these 21.3 mil refugees. They come from Syria (4.9 mil), Afghanistan (2.7mil), Somalia (1.1mil).

Top hosting countries: Turkey (2.5mil), Pakistan (1.6mil), Lebanon (1.1mil), Iran (979,400), Ethiopia (736,100), Jordan (664,100)

Over 1 million arrivals by sea to the EU in 2015. In 2016 293,000 arrivals by sea so far. 3,196 dead or missing in 2016.

In 2015 90% of those traveling thru Greece were from Syria, Iraq + Afghanistan. “Crisis” closely linked to wars there.

Since EU-Turkey March agreement big reduction in # traveling to Greece. But in August: 150 average/daily arrivals. Majority women + children
In Fall 2015 UN Women conducted detailed Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia.

Key findings:

Women disproportionally risk sexual and gender based violence (SGBV) from fellow travelers, smugglers, security forces, criminals, strangers.

Women have unequal access to information, services, legal aid, authority to decide about their future.

Insufficient access to safe, secure, clean spaces where women can regain a sense of dignity.

Neither international or governmental responders following humanitarian best practice on integrating gender concerns.
Assessment provided evidence base for programmatic interventions implemented in partnership with Oxfam, national authorities and local NGOs. Displaced women are receiving:

- Gender sensitive hygiene and clothing kits
- Better access to reproductive health services in the well-being area (Mac)
- Ability to build up their resilience in women’s friendly space where empowerment activities are implemented (Serbia)
- Protection, psychosocial support, legal aid (Mac + Serbia)
- Support to tell their own stories through digital tools
- Capacities of public officials and CSOs to identify and respond to the needs of displaced women also being built up.
Important to provide services to WomenOnMove but ultimately need long term solutions – especially asylum in safe countries.

UN Women is finalizing a comprehensive study of international asylum law and implementation in practice in EU states. Main findings include:

There is a strong normative basis for gender sensitive asylum determination: UNHCR Handbook for the Protection of Women and Girls (2008), CEDAW (Gen Rec 32), the Istanbul Convention.

But in practice the 1951 Convention Relating to the Status of Refugees does not mention gender + there is no agreed definition of “gender related persecution” (or of SGBV).

Gender sensitive reception procedures + support services are often inadequate.
It can be very difficult for an applicant to prove that:

- He/she faces a well founded fear of persecution if expelled/returned, he/she cannot be guaranteed state protection.
- SGBV is a form of persecution (and not a simple crime by one individual against another)
- He/she is a credible applicant with a case that stands up to scrutiny. Often claimants do not speak the local language, feel shame and stress, don’t want other family members to know

8 March 2016 the European Parliament proposed that gendered forms of violence + discrimination should be valid for obtaining asylum + called for more sensitive credibility assessments
Especially since the conflict in Bosnia-Herzegovina there is growing awareness of the threat of conflict related sexual violence (CRSV)

International Criminal Tribunal on FY – formulated rape as a crime against humanity to be prosecuted

Rome Statute (establishing the ICC) recognized several forms of sexual violence as crimes against humanity, war crimes and constituent acts of genocide

Increasingly domestic courts and legislation refereeing to rape as a war crime (ex: Guatemala)

Dedicated procedures investigating + prosecuting SGBV needed
Survivors of CRSV need not only justice + sanctions against perpetrators but also reparations, compensation, rehabilitation.

The *Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence* (2014) calls for reparations that follow 8 guiding principles.

The state is responsible for providing reparation even if abuses were committed by others (including other states).

Reparations can include: property restitution, financial compensation, rehabilitation, psycho-social counseling + medical care, public apologies, etc.

Reparations also contribute to peacebuilding/transitional justice/recovery/rebuilding social cohesion + overcoming PTSD.
Took 2 decades since end of wars in former Yugoslavia for reparations to be effective. Much still to be done:

- Croatia: 2015 law passed which allows survivors to access an administrative commission to seek compensation + aid

- Kosovo: 2014 law on war victims amended to include survivors of CRSV + their families. Commission being set up.

- Federation of BiH: survivors can receive financial compensation since 2006 but new 2016 amendment to allow creation of a commission to allocate benefits. Courts proved long, slow, costly process even though in June 2015 a war crimes court sentenced 2 former soldiers accused of rape and awarding compensation.

- Nothing yet in Serbia
In Bosnia and Kosovo UN Women is focusing on the economic empowerment of survivors of CRSV and their families, building the capacity of civil society organisations to represent and provide services to survivors of CRSV; and reducing of stigma.

In Kosovo UN Women also deploying international experts for six to build the capacities of local prosecutors and judges, as well as EULEX staff, to more effectively deal with CRSV claims.

In Ukraine CRSV is a reality rarely spoken about but in 2015 at least 43 cases were reported by international and national human rights monitors. Another 96 cases of reported in conflict affected areas. UNW has begun working with government on developing appropriate responses.
To support women who are surviving through the new wars plaguing our region, much more is needed including broader recognition that:

Today’s wars target women in new ways, that mechanisms need to be strengthened to protect women and to assure accountability for gender based crimes.

Survivors of gender based persecution including CRSV deserve asylum, reparations and justice.

Funding for intervention to support women in conflict and in post conflict settings is woefully inadequate.

Women need to be at the table when conflicts are resolved to ensure that their rights are better protected in peace time.