



Protection of Women and Children in Conflict: Implementing UNSC 1325

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Introduction

The international community faces growing demands to protect the most vulnerable from the effects of war and armed violence. Protecting women and children in armed conflict poses difficult issues for the 193 Member States of the United Nations. There is little opposition to the basic principle of protecting non-combatants. A large group of states wants to strengthen these commitments, making the world a safer place for people, not just sovereign states.

But some Member States facing armed conflict often want complete freedom in their use of force. It is more important to some Member States to protect national sovereignty and freedom of action, to preserve their ability to use deadly violence against their enemies, regardless of the consequences for the innocent. Will these

states limit the ability of others to protect the innocent and vulnerable?

Some Member States, as shown by Iran, Russia and Syria in the Syrian war, want to preserve the legal ability to use maximum violence, including use of *indiscriminate and disproportionate weapons* (aerial bombing and artillery) and even weapons of mass destruction such as chemical weapons, to assure victory over their enemies. Non-state groups like Islamic State rely more on other indiscriminate weapons like suicide bombing, sniping and starvation tactics. And another group of states, lead by the United States, value protection of innocents including women and children, but want to protect their soldiers and commanders from any risk of international justice, including protection for accidental attacks on civilians.

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These conflicting pressures create a tricky problem for the United Nations. How to advance protections for the vulnerable and innocent? Can Member State governments be persuaded to act together, harmonizing their commitments to protect human rights? Or will the global agenda be determined by a few defector states bent on preserving their sovereignty rights?

Among the negative effects that armed conflict has on populations and within different communities, the majority of those adversely affected are women and children. Women and children make up 80 per cent of all refugees, asylum seekers, and displaced people. Women and children are often linked together in one group—that of civilians. It is important to remember that conflict is not limited to deaths, but includes mass human rights violations, which contributes to an overall loss of community, sense of home/place, and identity.

International humanitarian law, above all the Geneva Conventions of 1949 and the Universal Declaration of Human Rights (UDoHR), established vital precedents for the international community. Virtually all UN Member States have made them part of their domestic law, fully enforceable. But the suffering of women and children in armed conflict. Remains appalling, as shown by on-going conflict in Libya, South Sudan, Syria and Yemen.

There are economic, social, and developmental issues faced by women in the international community as a result. These include, but are not limited to, poverty, child survival, limited mobility, sexual harassment and intimidation, role presentation in the media, battering, and gender-based violence. The UN Population Fund stats this succinctly as: “In periods of conflict, women and girls, who typically constitute the majority of refugee and internally displaced

populations, may be at even greater risk of gender-based abuses.”¹

The Geneva Conventions are:

- *First Geneva Convention "for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field" (first adopted in 1864, last revision in 1949)*
- *Second Geneva Convention "for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea" (first adopted in 1949, successor of the 1907 Hague Convention X)*
- *Third Geneva Convention "relative to the Treatment of Prisoners of War" (first adopted in 1929, last revision in 1949)*
- *Fourth Geneva Convention "relative to the Protection of Civilian Persons in Time of War" (first adopted in 1949, based on parts of the 1907 Hague Convention IV)*

Background

Once termed “one of history’s great silences” there are ongoing patterns of systematic and widespread violence against women and girls, as well as the harsh involvement of children in armed conflict. Women and girls also suffer sexual violence in conflict zones, including many allegations of abuse committed by UN Peacekeepers and soldiers. Disturbingly, although such cases have been investigated by the UN, little has been done in the way of prosecution. It is the responsibility of UN member states to address these actions and reinsure the future of peacekeeping operations which are in jeopardy.

There are enumerable incidents of rape and other incredibly damaging aggressions committed by those who would take advantage of the chaos and inflict such acts on vulnerable members of communities around the world. Roughly 70% of

¹ “The Impact of Conflict on Women and Girls,” UNFPA United Nations Population Fund. www.unfpa.org.

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non-combatant casualties in conflicts in the late twentieth century were mostly women and children. “Up to half a million women were raped in Rwanda during the 1994 genocide. Some 60,000 women were raped in the war in Croatia and Bosnia and Herzegovina, and from 1991 to 2001 an estimated 64,000 incidents of war-related sexual violence against women and girls occurred in Sierra Leone.”² These aggressions have continued into recent history, such as the civil war in Syria which began in 2011; over 3.9 million people have fled, with 79% being women and young girls.³

With an increasing number of men deceased or at war, women have had to take on the brunt of decisions, earning money, and providing care. The majority of refugee women who now head their respected households are exposed to the devastating experience of coping with isolation and threats to their overall safety and well-being, and that of their families. Many children are facing trauma from lack of resources and adequate housing. Education is also a concern, as violence puts schooling at risk for young children and those in conflict-affected parts of the world are more likely to drop out.⁴ Exile in areas such as these (Syria, Lebanon, Egypt, Jordan, Iraq, Israel) includes living with little protection from the elements, leaving families with health and safety risks.

Current Situation

² “Armed Conflict and Women - 10 Years of Security Council Resolution 1325,” *UNChronicle, The Magazine of the United Nations*, unchronicle.un.org/article.

³ “Women and Armed Conflict,” *The Beijing Platform for Action Turns 20*, beijin20.unwomen.org/en.

⁴ Patricia Justino, “Barriers to Education in Conflict-affected Countries and Policy Opportunities,” Paper commissioned for Fixing the Broken Promise of Education for All: Findings from the Global Initiative on Out-of-School Children (UIS/UNICEF, 2015), Montreal: UNESCO Institute for Statistics (UIS), 2014.

As previously expressed, there is a significant concern about the inclusion of women in peacebuilding. In 2014, women constituted only 3% of military personnel and 10% of police personnel in UN Peacekeeping missions. This, however, is greater than the 1% of total deployed personnel during the previous decade.⁵ The issue of how to effectively involve women in matters of peace and security requires further addressing and direct action.

In 2015, the Security Council was beseeched to urge conflict parties to follow international obligations involving protecting civilians. With conflicts quickly becoming more dangerous, are facing brutal actions, being injured, killed, and fleeing their homes. It was stated during a 2014 meeting of the Council that “the average length of conflict-related displacement is now 17 years.”⁶ In Syria half of the population has been displaced, for example, and while the particular needs of women and girls has been recognized in the wake of civilian protection, more action is needed as sexual violence in armed conflict has continued. For both Syria and Iraq, civilians are being targeted because of religious and ethnic affiliations with hundreds having been kidnapped. “While entire communities suffer the impact of armed conflict, women and girls are often the first to lose their rights to education, to political participation and to livelihoods, among other rights being bluntly violated.”⁷ The offenders are not being brought to justice for their crimes; there are necessary political courses to call into action at an early stage in these cases.

⁵ “Women in peacekeeping,” *United Nations Peacekeeping*, www.un.org/en/peacekeeping/issues/women/womenpk/shtml.

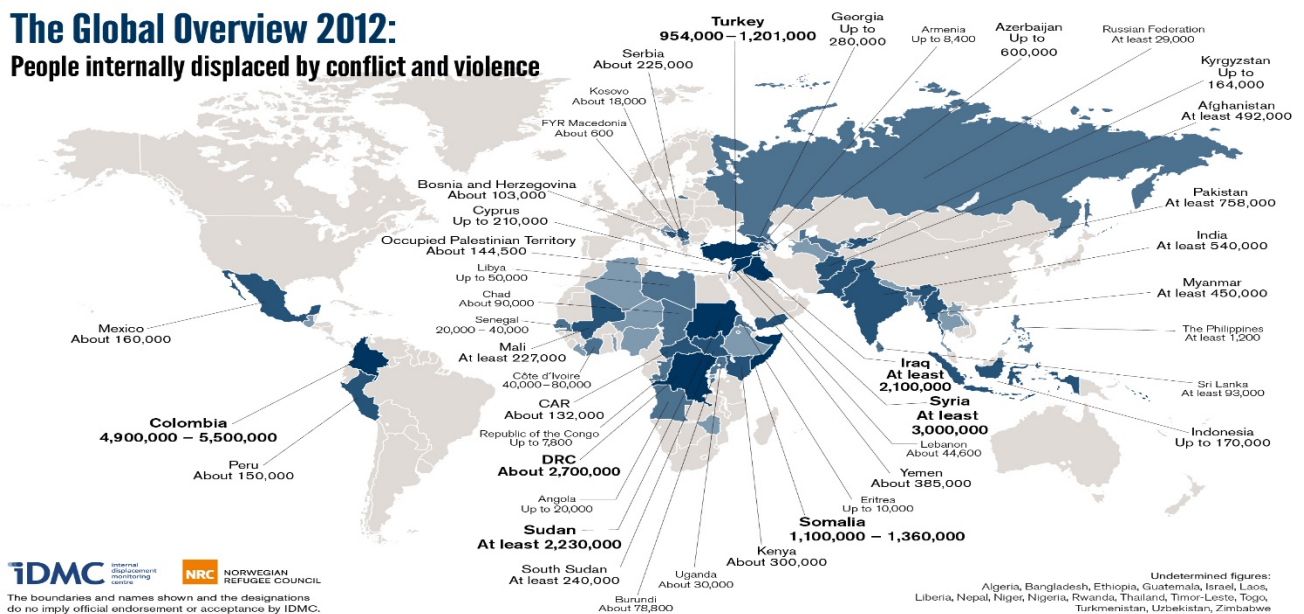
⁶ “Scourge of sexual violence in armed conflict 'far from being rooted out,' Security Council told,” *UN News Centre*, 30 January, 2015, www.un.org.

⁷ Kang, “Scourge of sexual violence in armed conflict 'far from being rooted out,' Security Council told,” *UN News Centre*, 30 January, 2015, www.un.org

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Another disturbing violation, faced by women and girls comes from a report in the South Sudan, considered war crimes and crimes against humanity with widespread sexual violence committed by soldiers and armed men.⁸ Since fighting broke out among the capital (Juba) in mid-July, attacks occurred on civilian protection sites. Incidents of rape and other violence were reported from Juba and surrounding locations; protection remaining the “core priority” for the UN Mission in South Sudan (UNMISS), requiring enhanced measures and security. As the leading department for sexual and gender-based violence, the UNMISS is going forward with their commitment to secure those most vulnerable, although they have limited resources. The sooner that comprehensive steps are taken in legal obligations and accountability, the less harsh the aftermath will be for innocent civilians.

The Global Overview 2012: People internally displaced by conflict and violence



⁸ “South Sudan: UN Mission condemns ‘unspeakable acts’ of abuse, sexual violence,” *UN News Centre*, 1 August 2016. www.un.org

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Role of the UN

International Humanitarian Law (IHL), otherwise known as the laws of war and the law of armed conflict, “is the legal framework applicable to situations of armed conflict and occupation. As a set of rules and principles it aims, for humanitarian reasons, to limit the effects of armed conflict.”⁹ It has been developed with a goal of protecting civilians from those effects, and violations of these rules are considered to be war crimes. The IHL has two fundamental principles:

1. The protection of persons who are not, or are no longer, participating in hostilities; and
2. The right of parties to an armed conflict to choose methods and means of warfare is not unlimited¹⁰

In 2002 the International Criminal Court (ICC) was established to prosecute people accused of war crimes, genocide, and crimes against humanity; its first conviction in March of 2012 occurred for the use of children in conflict. The UN recognizes that, in every country, there are children living in exceptionally difficult conditions and those children require special considerations as expressed in the UN Convention on the Rights of the Child. Articles 38 and 39 of the convention specifically children in armed conflict situations and appropriate measures to be taken, such as:

In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.¹¹

⁹ “International Humanitarian Law,” *International Justice Resource Center*, www.ijrcenter.org

¹⁰ *Ibid.*

¹¹ “Convention on the Rights of the Child,” *United Nations Human Rights*, www.ohchr.org/en

Pictured on the right is Leila Zerrougui, the Special Representative of the UN Secretary-General for Children and Armed Conflict, and other leaders met in July of 2016 to discuss the return of former child soldiers to their communities alongside talks of women and children who have also faced abuse as a result of armed conflict and violence.

UN Security Council resolution 1325, adopted in 2000, establishes a comprehensive approach to ensuring that women are included and represented in decision making on the levels of national and international institutions. It was created to acknowledge changes in the nature of warfare, with civilians targeted and women excluded from participating in peace processes. “UNSCR 1325 addresses not only the inordinate impact of war on women, but also the pivotal role women should and do play in conflict management, conflict resolution, and sustainable peace.”¹² This convention is also significant in discussing women’s role in peace and security as it recognizes the need for women in leadership. The discussion, however, is for both sides of the gender spectrum; there is an awareness among UN bodies that men are often not targeted when the issue of women and peacebuilding is brought up. Contribution to peace and security is better obtained by men and women together, rather than a one-sided approach to conflict zones.

Participation, Protection, Prevention, and Relief and Recovery are the four “pillars” included in Resolution 1325 to support its goals. The participation and protection pillars call for increased inclusion of women in decision making for management, negotiations, etc., as well as protection of women and girls in emergency situations naming refugee camps for example. Prevention involves strategies to prevent violence against women which also

¹² “What is U.N. Security Council Resolution 1325 and Why is it so Critical Today?” *United States Institute of Peace*, http://www.usip.org/gender_peacebuilding/about_UNSCR_1325

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includes prosecuting anyone in violation of international law and providing support for local actions for peace. Relief and recovery are significant in viewing international crises from gendered perspectives and taking into account the needs of women and girls when designing refugee camps and similar settlements.

Although there is a clear focus on UNSC resolution 1325, the UN has implemented other related resolutions as a result:

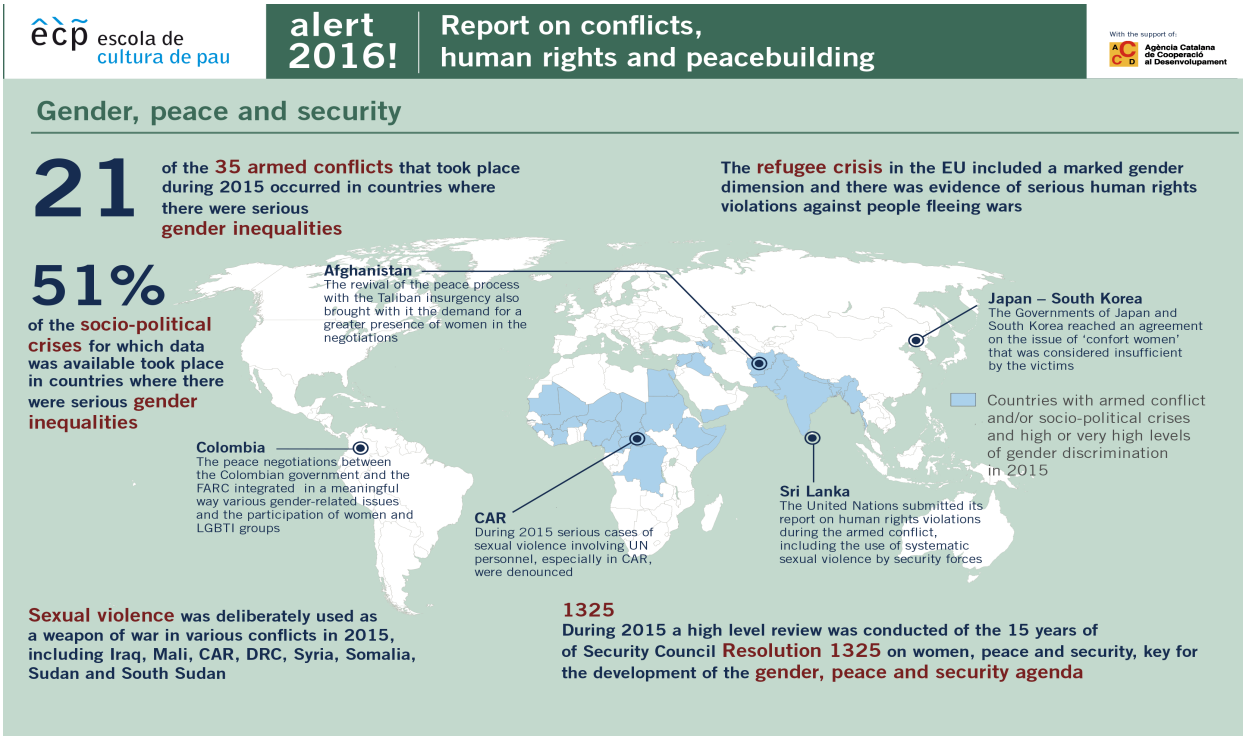
- *Resolution 1888*, “Express[ing] its intention to ensure that resolutions to establish or renew peacekeeping mandates contain provisions, as appropriate, on the prevention of, and response to, sexual violence, with corresponding reporting requirements to the Council.”¹³
- *Resolution 2121*, increasing attention to women, peace, and security, as well as all matters relevant to that agenda—particularly civilian protection in armed conflict, “post-conflict peacebuilding, the promotion and strengthening of the rule of law [...], peace and security in Africa, threats to international peace and security caused by terrorist acts, and maintenance of international peace and security.”¹⁴
- *Resolution 2016*, “Reiterates its demand for the complete cessation with immediate effect by all parties to armed conflict of all acts of sexual violence and its call for these parties to make and implement specific time-bound commitments to combat sexual violence.”¹⁵

¹³ “A Global Study on the Implementation of United Nations Security Council resolution 1325,” *UN Women*, wps.unwomen.org. 2016.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

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Country Positions

China: “The 1995 Beijing [Declaration and] Platform for Action flagged 12 key areas where urgent action was needed to ensure greater equality and opportunities for women and men, girls and boys.” The areas were as follows: Women and Poverty; Education and training of women; Women and health; Violence against women; Women and armed conflict; Women and the economy; Women in power and decision-making; Institutional mechanisms; Human rights of women; Women and the media; Women and the environment; and The girl child. UN Women and governments have worked over the past 20 years with steps in these concrete areas to ensure change for women and girls. This work also served as a basis for UN Convention 1325. China is wary of any limits on to state sovereignty of freedom of action. But it

is willing to consider compromise measures, and respects international human rights.

European Union (EU): The EU is a leading voice in favor of universalizing stronger limits on the freedom of states to harm the innocent and vulnerable, especially woman and children. EU Member States seek universal limit on the freedom of states to wreak havoc. They do not oppose the use of force, but demand that it be proportionate, respectful of humanitarian goals, and always undertaken with the goal of improving the situation of women and children.

Non-Aligned Movement (NAM): The African, Latin American and Asian states of the NAM accept the importance of international protection for the vulnerable and innocent. Latin American states are especially supportive of maximizing the force of international law and humanitarianism. African and Asian member

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states are more cautious. They often want to be assured that protections do not weaken their sovereign power. Those facing armed conflict also want assurance that humanitarian assistance to women and children will not be used to benefit the rebellions, secessionist and terrorist groups they are fighting.

Russia: Like China, with whom it often allies in the UN Security Council, Russia works to preserve its sovereign freedom of action. It is less willing to compromise than China, especially since it became involved in the conflict in Syria. It seeks to protect its military personnel and commanders from prosecution. It accepts some international action to help women and children, especially aid and other humanitarian assistance, so long as they do not require sacrificing military and political objectives.

United States: The United States strongly supports extension of international humanitarian principles, especially protections for woman and children in armed conflict. But the US can be cautious, opposing blanket measures, preferring case-by-case, conflict-by-conflict responses that do not tie its hands in future conflicts. Currently it is very concerned with action on Syria. The US also is preoccupied with protecting its military personnel from international prosecution.

Concerns to be addressed by the UN Security Council:

1. Whether to expand *universal international standards* for Member States, or to focus only on *specific*

conflicts? Should international precedents be maximized to have the widest possible effect, or limited to specific situations, particular conflicts?

2. Limit the UN to *monitoring conflict regions* by the UN Secretary-General, to gather information and direct existing UN institutions to do what they can to alleviate suffering.
3. Stress responding to conflicts causing humanitarian suffering to women and children, with help and *humanitarian assistance*, or working to end the *underlying conflicts* causing their suffering?
4. Extending international requirements to *prosecute military personnel and political commanders* for war crimes involving sexual assault, forced recruitment of women and/or children, and violation of human rights.
5. Planning and implementation of facilities/settlements in *refugee areas* accessible for women's needs.
6. Measures to maintain the *safety of victims* of armed combat with an emphasis on women and children.
7. Requiring conflict settlement to include governmental and non-governmental *participation by women*, to better ensure they are part of conflict resolution, and their needs and interests are better addressed?

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