

Executive Summary

The human rights of people living in a conflict affected situation, including economic, social, and cultural rights (hereinafter, ESCR) are affected by hostilities and high-intensity violence as well as more protracted conflict and situations of occupation. Depending on the characteristics of a conflict – its intensity, duration, target, and geography - ESCR violations can be direct and deliberate, as a means of warfare, or secondary, as a consequence of hostilities. Rights most affected include the right to an adequate standard of living - access to food, water, sanitation, and housing, as well as health, work and education, alongside civil and political rights to life, liberty and security and freedoms of expression, of movement and from torture, cruel, degrading and inhumane treatment, including sexual violence.

They do this despite the disproportionate challenges and threats they face as women. In conflict affected situations they are among the vast majority who experience job losses and lay-offs.¹ Women continue to disproportionately bear the burden of care work in general² - including reproductive labor and childcare, care for sick people and older adults - which remains unaccounted for, made invisible, and unvalued.³ In situations of conflict, caregivers often face extremely volatile and uncertain

Despite women and girls being amongst the groups who suffer the most in conflict affected situations, we see them leading struggles for human rights in many communities all over the world, operating on the frontline in conflict affected situations.



situations (such as forced displacement or bombings), which can lead to high levels of chronic stress affecting their psychosocial wellbeing and their ability to care for those they are responsible for and for other vulnerable people. Access of women and girls to essential services has become even more challenging. As a result of migration and displacements spurred by conflict, economic necessity and other processes, many rural households are headed by women, yet they are not fully recognized. Sexual violence including rape is increasingly used as a method of warfare and a torture⁴ tool during conflict. Despite this, women continue to be underrepresented in peace processes.

It is also important to recognize that women are not a homogenous group.

Women and girls face different barriers and forms of discrimination based on their intersecting identities in a given society. Issues such as class, citizenship status, sexual identity, race, religion, or other issues can in fact become barriers to women in accessing their rights.

1. Yvonne Quek, Women's Work Amid Fragility and Conflict: Key Patterns + Constraints, Georgetown Institute for Women, Peace and Security, February 2019, <https://giwps.georgetown.edu/wp-content/uploads/2019/02/Womens-Work-Key-Patterns-Constraints.pdf>

2. Charmes, Jacques, The unpaid care work and the labor market. An analysis of time use data based on the latest world compilation of Time Use Surveys, 2019 https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_732791.pdf

3. For more information on ESCR-net's analysis of Care Work and the Economy of Care, please read "A New Social Pact on Care is Urgent", ESCR-Net, 7 April 2021 <https://www.escr-net.org/news/2021/new-social-pact-care-urgent>

4. Committee against Torture Decides First Complaint on Sexual Violence in Conflict, The International Justice Resource Center, 5 September 2019 <https://ijrcenter.org/2019/09/05/committee-against-torture-decides-first-complaint-on-sexual-violence-in-conflict/>

This Document:

Argues that for sustainable peace, a human rights framework centering substantive equality and an intersectional feminist analysis, as women face varying and often compounded forms of discrimination, is necessary in conflict affected situations.

Aims to share with fellow ESCR-Net members, allies, humanitarian organizations and others working in conflict affected situations the experiences of our members on the ground and the key principles they have developed to struggle for sustainable peace.

The document starts by providing a definition of conflict affected situations that incorporates a feminist analysis. ESCR-Net members consider conflict affected situations to be “contexts experiencing or emerging from conflict, and areas that are at high risk for the outbreak of conflict due to social and political unrest”. In this sense, ESCR-Net members are attentive to situations of widespread and grave ESCR violations driving social unrest and often serving as an early warning of escalating conflict and a crucial element of conflict risk analysis.⁵

The definition was agreed based on a series of discussions with ESCR-Net members working in conflict affected situations. Based on their experience, conflicts are driven by a political economy of violence in which militarization, repression and other forms of violence are not only generated, but also key to maintaining immense inequalities inherent in capitalism, patriarchy, systemic racism, and colonialism, that disproportionately impact women and girls, among other marginalized groups.⁶ The definition proposed in this document seeks to break away from the hegemonic patriarchal perspectives based on masculine and binary experiences, normally with little attention to systemic or historic drivers of conflict. Feminist researchers have tried to broaden the analysis of conflict to include the visions and experiences of women, highlighting the importance of adopting a gender-based perspective to analysis of conflicts and their effects.⁷ Accordingly, ESCR-Net members have agreed to follow a definition of conflict affected situations that is broader than the recognized definition of armed conflict in international law, so as to encompass situations where there are exceptional conditions that could lead to widespread violence and instability and which could include non-state actors such as corporate actors. ESCR-Net is also committed to situating conflicts within histories of colonialism and systemic inequalities, attentive to the diverse experiences and impacts of conflict on different groups of women, as well as people with diverse sexual orientation, gender identity, expression and characteristics.

5. See Cahill-Ripley, A and Hendrick, D (March 2018) Economic, Social and Cultural Rights and Sustaining Peace: An Introduction, Friedrich-Ebert-Stiftung, Quaker United Nations Office, and Lancaster University, p.24 <http://wp.lancs.ac.uk/escr-peacebuilding/files/2018/03/Economic-Social-and-Cultural-Rights-and-Sustaining-Peace-Report-2018.pdf>; Early Warning and Economic, Social and Cultural Rights, The UN Office of the High Commissioner for Human Rights, 2016 https://www.ohchr.org/Documents/Issues/ESCR/EarlyWarning_ESCR_2016_en.pdf

6. For more on the analysis of ESCR-Net members on the political economy of violence please read: Cristina Palabay, Francisco Mateo Rocaél Morales, Miguel Martín Zumalacarreui, and Ruben Kondrup, “Confronting Systemic Racism Globally”, Open Global Rights, October 16, 2020 <https://www.openglobalrights.org/confronting-systemic-racism-globally/?lang=English>

7. In the course introduction “Conflicts from the gender perspective: differentiated impacts, peace building and access to international protection mechanisms” [original: Los conflictos armados desde el enfoque de género: impactos diferenciados, construcción de paz y acceso a mecanismos internacionales de protección”, Institut de Drets Humans de Catalunya, 2019. Available in: <https://www.google.com/url?q=https://www.aulaidhc.org/es/cursos/conflictos-armados-desde-enfoque-genero-impactos-diferenciados-construccion-paz-acceso-mecanismos-internacionales-proteccion-4-edicion.php&sa=D&source=editors&ust=1626009572464000&usg=AOvVaw1agcTKS8r-YQJULAIJAZOO>

The text then presents ESCR-Net members' argument for an intersectional feminist approach via a human rights framework in dealing with conflict affected situations, highlighting examples of women leading resistance and fighting for just change.

The document argues that it is vital to adopt a human rights framework that allows us to identify and address the structural and systemic forms of discrimination and oppression that exist and which far too often lead to conflict.

It centers rights holders and their claims to their rights, and it holds duty bearers – states and private actors – accountable for their actions which in turn compels them to meet their obligations.

It is a framework that is based upon principles of formal and substantive equality, non-discrimination, accountability, participation, and inclusion. A human rights framework ensures that an intersectional feminist approach can be adopted, followed

and implemented to the benefit of everyone within a society. Because a human rights framework provides for this intersectional analysis, it promotes sustainable peace as it can help to identify the underlying and structural causes of conflict and provide fair and just remedies attentive to differently positioned groups.⁸



7 Key Lessons & Principles



**Drawn from members' experience and advocacy to help guide work in the field.*

- 1 Address historical roots of gender discrimination, gender stereotypes and traditional understandings of gender roles that perpetuate discrimination and inequality in order to realize substantive equality;
- 2 Utilize avenues for advocacy, mobilization and accountability at international level, as well as domestically, with an understanding that ESCR are justiciable;
- 3 Build partnerships across sectors to ensure holistic support;
- 4 Adopt holistic and multidimensional psychosocial and community based approaches to interventions where appropriate;
- 5 Ensure effective outreach to women, including those in hard to reach areas;
- 6 Do not oversimplify conflict, giving attention to its root causes and complex dynamics; and
- 7 Protect all human rights defenders and especially address increased risks facing women human rights defenders.

8. Claudia Fuentes - Julio and Raslan Ibrahim. "A Human Rights Approach to Conflict Resolution", Ethics and International Affairs, September 2019.

Thank You

This document builds on cross Network discussions involving dozens of ESCR-Net members over the past two years and was drafted through a collaborative process by several ESCR-Net members. These include:

- Adalah - The Legal Center for Arab Minority Rights
- Al Mezan Center for Human Rights
- BAOBAB for Women's Human Rights
- Comisión Colombiana de Juristas
- Dr Amanda Cahill-Ripley, Economic and Social Rights Academic Network (ESRAN)
- Escuela Nacional Sindical (ENS)
- Dr Evelyne Schmid, Associate Professor at the Center for Comparative, European and International Law of the Faculty of Law, Criminal Justice and Public Administration at the University of Lausanne
- Georgian Young Lawyers Association (GYLA)
- Just Associates (JASS)
- Karapatan
- Minbyun - Lawyers for a Democratic Society
- Mwatana for Human Rights
- Peace Track Initiative (PTI)
- Spaces for Change
- The Democracy and Workers Rights Center (DWRC)
- Unión afrocolombiana de trabajadoras domésticas (UTRASD)
- Women's Legal Centre (WLC)
- Women's Rehabilitation's Center (WOREC)

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