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TRANSFORMING CONFLICT-AFFECTED SITUATIONS FOR WOMEN



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INTRODUCTION

ADOPTING A FEMINIST INTERSECTIONAL APPROACH TO WOMEN'S ESCR IN CONFLICT-AFFECTED SITUATIONS ¹

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 freedom of expression, of movement and from torture, or cruel, degrading and inhumane treatment, including sexual violence.

“All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

- *The World Conference on Human Rights in Vienna*

ARTICLE 5 OF THE 1992 VIENNA DECLARATION AND PROGRAM OF ACTION ²

Despite women 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 front line in conflict-affected situations. “They gather critical data on rights abuses, monitor the activity of duty-bearers and hold first-hand insights into shifts in human rights contexts that may result in destabilization or further exacerbate conflict. Women human rights defenders (WHRDs) maintain peace by advocating for people who are marginalized, challenging the root causes of inequality and pushing for reform through locally led solutions.”³

In reality, they do so despite facing many disproportionate challenges and threats as women. In conflict-affected situations they are among the vast majority who experience job losses and layoffs.⁴ Women continue to disproportionately bear the burden of care work in general⁵-

1. 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-Ripely on behalf of the Economic and Social Rights Academic Network (ESRAN); Escuela Nacional Sindical (ENS); Evelyn 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)

2. <https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>

3. Dwyer, Amy, Women Human Rights Defenders: Left behind in the women, peace and security agenda, Policy Brief 02 /2020, Center for Women Peace and Security, London School of Economics, [lse.ac.uk/women-peace-security/assets/documents/2020/PBS01Dwyer.pdf](https://www.lse.ac.uk/women-peace-security/assets/documents/2020/PBS01Dwyer.pdf)

4. Charnes, 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

5. 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.eschr-net.org/news/2021/new-social-pact-care-urgent>

Women continue to disproportionately bear the burden of care work in general - including reproductive labor and childcare, care for sick people and older adults - which remains unaccounted for, made invisible, and unvalued.⁶ In situations of conflict, caregivers often face extremely volatile and uncertain 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. In situations of conflict, access of women to essential services becomes even more challenging.

For example, in Yemen, “approximately six million women of childbearing age lack access to basic reproductive health care. Even giving birth puts a woman at “extreme risk,” according to the United Nations.⁷ For example, in Yemen, “[a]pproximately six million women of childbearing age lack access to basic reproductive health care.

In many conflict-affected situations, hospitals are often treated as military targets, with dire consequences on women’s sexual and reproductive rights.⁸ 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 tool of torture during conflict.⁹

Women in Yemen have been targeted for simply demonstrating against hunger and calling for disbursement of salaries. According to Mwatana for Human Rights, the food crisis in Yemen is the result of the war, accusing warring parties of using starvation as a weapon in Yemen, with disproportionate impacts on women. For example, the report, *Starvation Makers: The use of starvation by warring parties in Yemen*, evidences how the Saudi/UAE-led coalition has repeatedly targeted farms, water facilities, artisanal fishing boats and equipment, in addition to food markets, methods of transporting food and water, and storage facilities.

In Colombia, sexual violence has been used as a tactic to “forcibly displace populations from lucrative mining or agricultural zones and from areas of strategic importance for drug trafficking.”¹⁰

When considering the violations women face in conflict-affected situations, we need to be aware that they are not a homogenous group. Women face different barriers and forms of discrimination based on their intersecting identities in a given society.

“66% of people needing support to treat or prevent malnutrition in 2021 are women and, of the 4.7 million people requiring treatment for acute malnutrition in 2021, 1.2 million are pregnant and lactating women.¹¹”

- United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

6. International Rescue Committee, *4 Ways the War on Yemen has Impacted Women*, last updated on 20 December 2019. <https://www.rescue.org/article/4-ways-war-yemen-has-impacted-women-and-girls#:~:text=The%20conflict%20has%20destroyed%20health,likely%20to%20get%20far%20worse.>

7. See A/HRC/46/54 and all previous COI on Syria reports cited in this report, see also MADRE and WILPF's report https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SYR/INT_CEDAW_NGO_SYR_17381_E.pdf See also, “I ripped the IV out of my arms and started running” Attacks on Health Care in Yemen, Mwatana for Human Rights, 18 March 2020 <https://mwatana.org/en/i-ripped-iv-out-of-my-arm/>

8. See A/HRC/46/54 and all previous COI on Syria reports cited in this report, see also MADRE and WILPF's report https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SYR/INT_CEDAW_NGO_SYR_17381_E.pdf See also, “I ripped the IV out of my arms and started running” Attacks on Health Care in Yemen, Mwatana for Human Rights, 18 March 2020 <https://mwatana.org/en/i-ripped-iv-out-of-my-arm/>

9. 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/>

10. Sexual Violence in Conflict, Report of the Secretary General, 14 March 2013, A/67/792-S/2013/149 https://reliefweb.int/sites/reliefweb.int/files/resources/N1325944_0.pdf

11. *Starvation Makers: The use of starvation by warring parties in Yemen*, Mwatana for Human Rights, September 2021 <https://mwatana.org/en/starvation-makers/>

Issues such as class, citizenship status, sexual identity, race, religion, or other issues can in fact become barriers to women to access their rights. Because of this, we argue in this document for an intersectional feminist approach to dealing with conflict-affected situations because even within these settings women face varying and often compounded forms of discrimination. For example, sexual and gender minorities face a continuum of violence in a conflict-affected setting, including from family members and their community, in addition to armed groups and state actors.¹²

Furthermore, despite women being disproportionately impacted by conflict situations, they continue to be underrepresented in peace processes. According to the Council on Foreign Relations (CFR),

“between 1992 and 2019, women constituted on average, 13 percent of negotiators, 6 percent of mediators, and 6 percent of signatories in major peace processes around the world. ... about seven out of every ten peace processes still did not include women mediators or women signatories.”¹³

- Council on Foreign Relations (CFR)

According to the September 2020 report of the UN Secretary General to the Security Council on Women Peace and Security, “The United Nations has verified 102 women human rights defenders, journalists and trade unionists as having been killed in 26 conflict-affected countries between 2015 to 2019, which is likely an undercount; those incidents are expected to increase, due to the mobility restrictions and reductions in protective measures put into place to combat the pandemic.”¹⁴

According to Al Mezan Center, the ability of peasant and other rural Palestinian women in the Gaza Strip to fully pursue and participate in agricultural activity and enjoy their ESCR, including those enshrined in the Declaration on the Rights of Peasants (UNDROP) and Palestinian law, has been substantially hindered due to the blockade, repeated military bombardments, and Israel’s unilaterally imposed maritime and land buffer zone, also referred to as the “access-restricted areas”. Between 2015 and 2020, Israeli forces killed one peasant woman and wounded three others who were tending to or approaching their fields. Twenty-nine peasant women incurred damages to their farmlands, as the Israeli forces systematically razed agricultural lands adjacent to the separation fence. Another 29 peasant women reported damage to agricultural crops due to Israel’s aerial spraying of herbicides.¹⁵

Georgia’s Mental Health Strategy and Action Plan of 2015-2020¹⁶ does not envisage any specific measures tailored to the needs of women, IDPs and people living in the conflict-affected areas, and it doesn’t specifically address mental health consequences of conflict-related sexual violence. Women living in territories under the Russian Occupation suffer from

12. For more information on the situation of sexual and gender minorities in conflict-affected situations, read: “When merely existing is a risk: sexual and gender minorities in conflict, displacement, and peacebuilding,” International Alert, 2017 <https://www.international-alert.org/wp-content/uploads/2021/08/Gender-Sexual-And-Gender-Minorities-EN-2017.pdf>

13. Council on Foreign Relations, Women’s Participation in Peace Processes, <https://www.cfr.org/womens-participation-in-peace-processes/>

14. Report of the Secretary General on Women and Peace and Security to the Security Council, paragraph 7 (d), S/2020/946 , 25 September 2020. Document available in several languages at: <https://digitallibrary.un.org/record/3888723?ln=en>

15. Fact Sheet: The Situation of Rural Women in the Gaza Strip, 2020, Al Mezan Center For Human Rights, <http://mezan.org/en/uploads/files/16027025531100.pdf>

16. Resolution of the Government of Georgia №762, 31 December 2014, Tbilisi: <https://matsne.gov.ge/ka/document/view/2667876>

challenged access to sexual and reproductive health services. For example, conditions in healthcare facilities in Gali District¹⁷ are particularly severe. The district has no neonatal care service, and the absence of obstetricians and gynecologists exposes newborns to life-threatening conditions. The situation is further complicated by the absence of a children's emergency unit in Zugdidi (318 km west of Tbilisi and 30 km off the Black Sea Coast), which means that children in need of intensive care need to be transported to Kutaisi (around 114 km from Zugdidi). Because there is no children's emergency transportation available in Kutaisi, the delivery of medical services may be considerably delayed while one waits for transport to arrive from Kutaisi or Tbilisi.¹⁸

Through fieldwork, documentation, and more than 150 on-the-ground interviews, representatives from the Center for Reproductive Rights and Legal Defence and Assistance Project (LEDAP) found that women and girls affected by conflict in Northeast Nigeria are particularly vulnerable to sexual and gender-based violence, including rape, sexually transmitted infections, sex trafficking, forced marriage, and forced and unintended pregnancy. They are also at greater risk of other violations of sexual and reproductive health and rights, including mistreatment while seeking maternity care in health facilities and maternal deaths. These violations are particularly common in Internally Displaced Persons Camps (IDP Camps), where more than 2 million people have been forced to live since Boko Haram first invaded Nigeria in 2009. A pervasive lack of accountability in the Nigerian government, as well as by national and international actors coordinating the humanitarian response, has led to systemic violations of sexual and reproductive health and rights (SRHR). Creating mechanisms to monitor, investigate, and punish SRHR violations enables both the Nigerian government and international bodies to hold perpetrators accountable.¹⁹

This document argues that for sustainable peace, a human rights framework centering substantive equality and an intersectional feminist analysis is necessary in conflict-affected situations. It 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. Then it 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 concludes with key lessons and principles that have been learned based on these examples and the experience of our members to help guide work in the field.

17. The Gali district is one of the districts of Abkhazia in the Eastern coast of the Black Sea in North Western Georgia. While Abkhazia is recognized by most States as part of Georgia, Georgia lacks control over the territory.

18. Public Defender of Georgia, *The Human Rights Situation of the Conflict-Affected Population in Georgia*, 2016, p. 43

19. *The Conflict in Northeast Nigeria's Impact on the Sexual and Reproductive Rights of Women and Girls*, Center for Reproductive Rights and Legal Defence and Assistance Project http://reproductiverights.org/sites/default/files/documents/The%20Conflict%20in%20Northeast%20Nigeria%27s%20Impact%20on%20the%20Sexual%20and%20Reproductive%20Rights%20of%20Women%20and%20Girls_1.pdf

DEFINING CONFLICT-AFFECTED SITUATIONS

Based on the experience of ESCR-Net members, 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, among other marginalized groups.²⁰ The dominant definitions of conflict-affected situations, regulated by international law, are thus seen to be based on hegemonic patriarchal perspectives based on masculine and binary experiences, normally with little attention to systemic or historic drivers of conflict. In this sense, 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.²¹ In this manner, 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.

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.²²

For this purpose, ESCR-Net members have developed the criteria below to help identify conflict-affected situations:

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

21. 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 at: <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>

22. 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.

1.	There are strong signals for the eruption of armed violence as a result of widespread human rights violations and abuses, especially ESCR violations, leading to tensions within the society. ²³
2.	Armed and militarized violence has erupted between states.
3.	Protracted armed violence exists between state entities/governmental authorities and organized armed groups.
4.	Armed violence exists between different organized armed groups within one country.
5.	Violence within countries has erupted but does not necessarily amount to armed conflict under international law. This includes situations where police and/or the military and/or private security have been mobilized, using violence to attack and silence widespread political protests. It also includes situations where there is/has been widespread violence between non-state actors or against a specific group of people (based on racial, ethnic or religious identity, etc.).
6.	Situations of occupation and annexation.
7.	A group of people demanding their right to self-determination, including within the context of colonialism, with outbreaks of systematic and widespread violence.
8.	Situations involving corporate actors committing widespread violations of environmental and human rights against specific communities, and where they have indirectly or directly participated in violence involving private or public security forces against resisting communities.
9.	Increased militarization embedded in licit and illicit arms flows.
10.	Situations where peace-making, transitional justice or peacebuilding processes are underway.

A HUMAN RIGHTS FRAMEWORK, CENTERING AN INTERSECTIONAL FEMINIST APPROACH, IN CONFLICT-AFFECTED SITUATIONS

“If our mission is to make ‘human rights and social justice a reality for all’ while building a movement able to achieve this, we must insist on both formal and substantive equality as central to this mission and to our movement. Alternative models must therefore foreground the rights and realities of women and girls around the world, ensuring that they are central to their construction.”²⁴

Women are among the most disproportionately impacted groups by capitalism as well as intertwining patriarchal, racist and discriminatory structures within our societies. Women are not a homogenous group and as such face different barriers and forms of discrimination based

23. 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

24. ESCR-Net’s members have affirmed in the Common Charter for Collective Struggle, that a prerequisite for advancing justice and peace must be a clear commitment to substantive equality.

on their intersecting identities in a given society. This inevitably impacts their enjoyment of their full human rights in their homes, communities, and places of work. Issues such as class, citizenship status, sexual and gender identities, race, religion, or other issues are often barriers to women to access their rights. Applying an intersectional analysis in eliminating all forms of discrimination against women is thus an important factor to ensure full substantive equality and justice. “Discrimination against women is often multidimensional, compounding other forms of discrimination based on sex, gender, ethnic origin, disability, poverty, sexual orientation and gender identity, migrant status, marital and family status, literacy and other grounds, that position them and their experiences differently. Intersectionality is an approach that helps understand the ways in which the denial of the economic, social and cultural rights is experienced by different women and exacerbated by interconnected forms of oppression and exploitation.”²⁵

It is thus 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 leads to conflict. This framework 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 these intersecting elements, it promotes sustainable peace as it can identify the underlying and structural causes of conflict and provides fair and just remedies attentive to differently positioned groups.²⁶

A human rights approach to building and sustaining peace and addressing women’s ESCR in conflict-affected situations is supported by international human rights law. International human rights law is underpinned by the principle of equality which is provided for within several international and regional treaties besides the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).²⁷ The meaning of equality and related state obligations under these treaty provisions have been further elaborated on by the treaty monitoring bodies,²⁸ as in article 7 of General Comment No. 16 of the Committee on Economic Social and Cultural Rights.²⁹

25. <https://www.escr-net.org/parallel-reporting/guide/overview#:~:text=Discrimination%20against%20women%20is%20often%20and%20their%20experiences%20differently>.

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

27. Examples include articles 2 and 7 of the Universal Declaration for Human Rights (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>), articles 2, 3, and 7 of the International Covenant on Economic Social and Cultural Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>) and articles 2, 3 and 26 of the International Covenant of Civil and Political Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>)

28. CCPR Human Rights Committee, Gen. Comment No. 28 Article 3 (The equality of rights between men and women) (Replaces general comment No. 4) CCPR/C/21/Rev.1/Add.10; CCPR Human Rights Committee, General Comment No. 18: Non-discrimination (37th Sess., 1989); Committee on Economic, Social and Cultural Rights, General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights), (34th Sess., 2005), U.N. Doc. E/C.12/2005/4 (2005) [hereinafter CESCR Committee, Gen. Comment No. 16].; CESCR Committee, Gen. Comment No. 20; Committee on the Elimination of Discrimination against Women, General Recommendation No. 25: on Temporary Special Measures (article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women), (30th Sess. 2004) U.N. Doc. A/59/38 (2004) [hereinafter CEDAW Committee, Gen. Recommendation No. 25]

29. Other provisions include article 1 of the Convention on the Rights of the Child, and General Recommendation 25 of the Committee to Eliminate all forms of Racial Discrimination on gender related dimensions of racial discrimination (56th session, 20 March 2000).

“The enjoyment of human rights on the basis of equality between men and women must be understood comprehensively. Guarantees of non-discrimination and equality in international human rights treaties mandate both de facto and de jure equality. De jure (or formal) equality and de facto (or substantive) equality are different but interconnected concepts. Formal equality assumes that equality is achieved if a law or policy treats men and women in a neutral manner. Substantive equality is concerned, in addition, with the effects of laws, policies and practices and with ensuring that they do not maintain, but rather alleviate, the inherent disadvantage that particular groups experience.”

- Article 7, General Comment 16 of the UN Committee on ESCR³⁰

Regionally, several instruments have general equality clauses, such as articles 2 and 3 of the African Charter on Human and Peoples' Rights, articles 1, 2, 11, 22 and 23 of the Protocol to African Charter on Rights of Women; article 1 of the American Convention on Human Rights; article 14 of the European Convention on Human Rights; and article 20 of the European Social Charter.³¹

In Palestine, women face barriers to full access to the labor market because of persistent patriarchal norms and wider inequalities embedded in the capitalist system. This is further exacerbated by Israel's prolonged occupation and decades of imposed fragmentation and oppression against the Palestinian people. As a result, the Palestinian economy, particularly in the West Bank and including East Jerusalem and the Gaza Strip, is annexed by and subservient to the economy of Israel. The labor markets in the West Bank, East Jerusalem and the Gaza Strip are deliberately fragmented and separated from each other geographically and politically because Israel has restricted movement of people and goods between both areas since the 1990s, which has been further reinforced by the 14-year-old blockade imposed on Gaza. The blockade means that women living there have no opportunity to find employment elsewhere, except if they manage to leave the country or engage in online work. In the West Bank, women rely mainly on the local labor market. According to DWRC, 0.6% of Palestinian women are employed in the Israeli labor market. East Jerusalem is forbidden for them unless they manage to obtain work permits or commercial licenses from the Israeli side. This has left Palestinian women with little choice and opportunities to seek better conditions for work. In the same context, women in Palestine suffer from unemployment more than their counterparts elsewhere as there is a large gap of participation in the labor force between women and men. Around 7 of 10 men are part of the labor force while only 2 women in 10 are actively part of the labor force.³²

30. <https://www.refworld.org/docid/43f3067ae.html>

31. In addition to human rights frameworks, International Humanitarian Law has also stipulated equality as in: Geneva Conventions I-IV Common Art.3; Geneva Convention on POW art.16; article 14(2) and a number of other specific to women prisoners inter alia, 25(4); 29(2); 49(1); 88(2)(3); 97(4); 108(2); Geneva Convention IV on Civilians Art.27; Additional Protocol I art 9(1) and 75(1); Additional Protocol II Arts.2(1); 4(1); 7(2)

32. Maryam-Al Tibi, Carine Metz Abu Hmeid, Mona Rostom and Howeida Jaffar, "The Impact of Covid-19 Pandemic and Containment Measures on Palestinian Women Workers in the West Bank, including East Jerusalem and the Gaza Strip", August 2020, Democracy and Workers Rights Center <http://dwrc.org/en/1/42/466/The-Impact-of-the-Covid-19-Pandemic-and-Containment-Measures-on-Palestinian-Women-Workers.htm>

Furthermore, it is essential that ESCR are considered when protecting and promoting women's rights, and human rights in general, in times of conflict, as these rights are impacted throughout the cycle of conflict. ESCR violations feed, perpetuate, and result from conflict situations. Because women are disproportionately affected by ESCR violations, especially in conflict-affected situations, recognition and inclusion of ESCR in conflict-related peace processes is necessary to understand and address the violations suffered by women during conflict-affected situations and in order to ensure substantive equality and substantive remedies for them. Furthermore, to ensure guarantees of non-recurrence and sustainable peace, both direct violations and underlying structural issues driving those violations must be addressed.

The lack of engagement with ESCR by those involved in peacebuilding continues to have negative repercussions for understanding of the abuses suffered by women during conflict, as well as underestimating the prevalence of ESCR violations encountered during conflict.³³ To illustrate, the South African Truth and Reconciliation Commission recognized and admitted that their limited definition of gross human rights violations "resulted in a blindness to the types of abuse predominantly experienced by women".³⁴

Substantive equality is needed for women to fully realize their economic, social and cultural rights. It encompasses:

“Redressing disadvantage (based on historical and current social structures and power relations that define and influence women's abilities to enjoy their human rights); addressing stereotypes, stigma, prejudice, and violence (with underlying change in the ways in which women are regarded and regard themselves, and are treated by others); transforming institutional structures and practices (which are often male oriented and ignorant or dismissive of women's experiences); and facilitating social inclusion and political participation (in all formal and informal decision-making processes).³⁵”

The importance of the equal participation and central role of women in peacebuilding is confirmed by the United Nations Resolution 1325 on Women, Peace and Security,³⁶ which was adopted by the Security Council on 31 October 2000. The resolution "reaffirms the important role of women in the prevention and resolution of conflicts and in peace-building and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution."

Resolution 1325 followed the inclusion of the issue of peace and security as it relates to women in the Beijing Platform for Action.³⁷ The Beijing Platform significantly places a focus on conflict prevention and demilitarization in its language. The Platform not only speaks to how peace and security can and should be dealt with but places an obligation to ensure that such conflict does not escalate or impact on women disproportionately. It is worth noting that despite Resolution 1325 being seen as a victory in some aspects, it lacks monitoring and

33. Cahill-Ripley, A. 'Foregrounding Socio-Economic Rights in Transitional Justice: Realising Justice for Violations of Economic and Social Rights.' *Netherlands Quarterly of Human Rights*, vol. 32, no. 2, 2014, pp. 183-213 at pp.196-201.

34. South African Truth and Reconciliation Commission, *Truth and Reconciliation Commission of South Africa Report 1998*, Vol. 4 Institutional and Special Hearings (South African Truth and Reconciliation Commission 1998, p. 318 and para. 144

35. <https://www.escr-net.org/parallel-reporting/guide/overview>

36. United Nations Security Council Resolution 1325 (2000), available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SRES1325%20.pdf>

37. Beijing Declaration and Platform for Action, <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

accountability mechanisms and financing to ensure its implementation.³⁸ It also focuses on formal equality without tackling substantive issues facing women in the fulfillment of their rights.

The UN Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) has also expressed their view on women's rights in conflict settings. General Recommendation 30 (GR30) on women in conflict prevention, conflict, and post conflict situations (2013) seeks to assist States in meeting their obligations under the CEDAW Convention. The General Recommendation itself was produced after consultation with women who had experienced conflict in order to ensure that it speaks to the lived reality of women. The General Recommendation in addition to speaking to the obligations of the State also makes recommendations to non-state actors in conflict and post conflict settings. Much like with the Beijing Platform, GR30 places an obligation on the State to ensure conflict prevention. Among other references, this is clear in Paragraph 29:

“States parties to the Convention are required to focus on the prevention of conflict and all forms of violence.”

Importantly, GR30 also recognizes that sexual violence is a form of gender discrimination and speaks to its escalation during conflict settings. GR30 stresses the importance of a focus on substantive gender equality in implementation and redress, as well as the multiple and intersecting forms of discrimination faced by many women.

The United Nations High Commissioner for Human Rights, in November 2020,³⁹ stressed the importance of including women in peacebuilding efforts and initiatives, emphasizing that COVID 19 will have a devastating impact on the lives of women and girls in conflict settings.⁴⁰

It is therefore critically important to include those very women when putting in place measures to address their vulnerability within their setting. In this same briefing, for example, the High Commissioner raised the issue of South Sudan and how measures taken to address the spread of the pandemic have had serious implications for women who have been unable to travel and access sexual reproductive health and rights.

In sum, despite the numerous calls for recognition of women within peacebuilding, transitional justice and peace processes, women are persistently underrepresented in practice. According to the Council on Foreign Relations (CFR), “[between] 1992 and 2019, women constituted on average, 13 percent of negotiators, 6 percent of mediators, and 6 percent of signatories in major peace processes around the world. ... about seven out of every ten peace processes still did not include women mediators or women signatories...”⁴¹

38. See article on UN Women's website, “20 years on, COVID-19, conflict and backlash test the women, peace and security agenda”, 19 October 2020,

<https://eca.unwomen.org/en/news/stories/2020/10/covid19-conflict-and-backlash-test-the-women-peace-and-security-agenda> and article by Ambassador Anwarul K. Chowdhury, “20th Anniversary of UNSCR 1325: Much Remains to Be Done”, 30 October 2020, on Interpress Service News Agency <https://www.ipsnews.net/2020/10/20th-anniversary-unscr-1325-much-remains-done/>

39. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26538&LangID=E>

40. See also UN Women policy brief no.19 by UN Women and Department of Political and Peacebuilding Affairs (DPPA), Covid-19 and Conflict: Advancing Women's Meaningful Participation in Ceasefires and Peace Processes, 2020, <https://www.unwomen.org/en/digital-library/publications/2020/08/policy-brief-covid-19-and-conflict> and Katarina Mustasilta, From Bad to Worse? The Impact(s) of Covid-19 on Conflict Dynamics, Institute for Security Studies, European Union, 11 June 2020 <https://www.iss.europa.eu/content/bad-worse-impacts-covid-19-conflict-dynamics>

41. “Women's Participation in Peace Processes”, Council on Foreign Relations, <https://www.cfr.org/womens-participation-in-peace-processes/>

It is also not sufficient to only invite women to the inherently patriarchal peace talks or negotiations tables in a tokenistic manner, but rather the full, equal, meaningful, and effective participation of women must be ensured, contributing to feminist peace processes. Account therefore needs to be taken of the role that patriarchy plays in a particular community or setting and how it impacts negatively on women's ability to participate in equal measure with their male counterparts. By adopting an intersectional feminist approach with the aim of realizing substantive equality, we will go beyond quotas and ensure that our analysis examines the different structures and norms that have prevented women from enjoying their human rights and led to further marginalization of their experiences and needs and to violations of their rights in conflict-affected situations.

WOMEN AT THE FOREFRONT OF THE STRUGGLE

In many communities all over the world, women are taking leadership in mobilizing for human rights, peace, and transitional justice amid conflict. Women are not only victims of conflict but are human rights defenders, activists, agents of change, and vital actors who play various roles in conflict-affected situations.

According to the UN Office of the High Commissioner for Human Rights, "Women human rights defenders (WHRDs) are both female and any other human rights defenders who engage in promotion and protection of women's rights and gender equality as well as all women working on any issue related to human rights and fundamental freedoms individually and in association with others in any region of the world."⁴²

All human rights defenders, including WHRDs, face threats.⁴³ However, given their gender and identity and by virtue of being women, WHRDs are targeted and face the intersectional challenges and risks that women face, even more for standing up and resisting violations and demanding justice. The challenges they face range between gender-based discrimination, threats, violence, targeting of family, defamation, exclusion and marginalization, stigmatization, and digital attacks. WHRDs face increased risk and additional challenges due to their position in society when resisting violations and demanding justice during conflict-affected situations.

For example, in some contexts we will find that "WHRDs continue being limited by familial and religious attitudes which perceive their actions to threaten honour, culture and way of life. In Libya, WHRDs promoting local peace and negotiating with militia leaders face ongoing threats to their physical safety, driven by a conservative rhetoric which narrowly defines their role in public life."⁴⁴

- Centre for Women Peace and Security

42. United Nations Office of the Human Rights Commissioner, "Women Human Rights Defenders", September 2014, <https://www.ohchr.org/Documents/Events/WHRD/OnePagerWHRD.pdf>

43. For more information on the situation of human rights defenders in the world, read the report of the Special Rapporteur on the situation of human rights defenders, to the General Assembly, A/76/143, 19 July 2021 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/196/67/PDF/N2119667.pdf?OpenElement>

44. Dwyer, Amy, Women Human Rights Defenders: Left behind in the women, peace, and security agenda, Centre for Women Peace and Security, Policy Brief 02/2020 <https://www.lse.ac.uk/women-peace-security/assets/documents/2020/PBS01Dwyer.pdf>

EXAMPLES OF WOMEN-LED STRUGGLES

Badia

As a result of violent forced evictions in Badia,⁴⁵ an informal settlement in Lagos, Nigeria, women have formed a loose network to promote their economic, social and cultural rights. Between 2015 to 2020, women in the Communities Alliance against Displacement (CAD), a grassroots movement spearheaded by Spaces for Change, have worked across 22 informal settlements in Lagos State to tackle forced evictions perpetrated by the private sector, in conjunction with state actors, through the use of force and heavy military presence.⁴⁶ With the support from Spaces for Change, women in Badia, who were affected by the forced evictions, were able to take leadership and engage with various government institutions on critical policy issues and challenges confronting their communities.⁴⁷ By supporting affected women to engage directly, women have become equipped with needed tools and skills to advance their rights and the rights of their communities.

Georgia

The [Georgian Young Lawyers' Association \(GYLA\)](#) uses litigation at local courts and the European Court of Human Rights as the main tool for advancing the rights, including economic and social rights (to the extent they intersect with civil rights), of individuals that were affected by the 2008 war with Russia. South Ossetia and Abkhazia are Russian-supported self-proclaimed republics, not recognized under international law and defined by the Government of Georgia as territories under military occupation by Russia. The litigation concerns the violations during and in the aftermath of the war, as well as the continuous borderization (i.e. construction of fences and earthworks) of the Georgian territories that has deprived families living across administrative boundary lines access to land and housing. Even though the cases were filed at the European Court in 2009 and 2014, they are all still pending as of early 2022.

Colombia

In Colombia, women have organized to resist acts of violence during the conflict. [La Colectiva de Mujeres Refugiadas, Exiliadas y Migradas](#) (The Collective of Refugee, Exiled and Migrant Women) is an organization formed by women from urban and rural grassroots organizations, human rights defenders, peasants, community workers, students, displaced persons, and indigenous and Afro-descendant women coming from different regions of Colombia, with a presence in Canada, Costa Rica, Panama, France, Switzerland and Spain.

45. According to the Office of the High Commissioner for Human Rights (OHCHR), “forced evictions and displacement from homes and land are a major cause and consequence of violence, social unrest and conflict around the world”. Early Warning and Economic Social and Cultural Rights, The Office of the High Commissioner for Human Rights, page 10
https://www.ohchr.org/Documents/Issues/ESCR/EarlyWarning_ESCR_2016_en.pdf

46. For more information on the evictions of Badia-East, read the statement by ESCR-Net member Spaces for Change,
<https://spacesforchange.org/badia-east-demolished-again-hundreds-arrested-and-thousands-displaced/>

47. For more information on the work of Spaces for Change on the forced evictions of the Badia community, please see the following links:
<https://spacesforchange.org/forced-evictions-disproportionately-impact-on-women-children/>
<https://spacesforchange.org/groups-demand-immediate-resettlement-of-persons-displaced-by-lagos-state-government-during-covid-19-pandemic-lockdown/>
<https://spacesforchange.org/lagos-government-launches-adr-vehicle-to-address-badia-forced-evictions/>
<https://spacesforchange.org/towards-inclusive-human-settlements-in-lagos-state/>

These women have come together to work on ending violence against women, which has forced them out of the country. In June 2018, they issued a publication entitled: “Let’s break the silence from exile” in which they emphasize that the end of the war in Colombia must also include eradication of sexual violence and gender-based violence.⁴⁸ In the report, they have referred to the feminization of poverty as a result of patriarchy and the targeted violence.

Philippines

Indigenous women in the Philippines have been in the forefront of their communities and social movements in opposing foreign, destructive, and large-scale mining, and for years have effectively prevented the entry and operation of such corporations, despite State forces aiding private security and paramilitary actors protecting these corporations. They build women's organizations and their collective capacity to conduct advocacy, education, and welfare activities. They lead community organizations and actively conduct and campaign for gender equality among community members. They lead in the establishment and operations of alternative learning institutions for the children and the youth in their community, emphasizing the importance of promoting agroecology and sustainable food systems and respect for peoples’ and women's rights. They actively bring forward agendas for peace processes and assert their meaningful participation in these processes.⁴⁹

South Korea

In January 2021, women in South Korea, who survived Japanese military sexual slavery (“comfort women”) during the Second World War, won recognition by the Seoul Central District Court in its historic ruling finding that Japan should compensate the victim-survivors of the “comfort women.” Survivors came forward in the 1990s and demanded reparations from Japan. While Japan has officially recognized the suffering, it never acknowledged its legal responsibility. Neither reparations nor official apologies were made to individual victims. Japan and South Korea announced an agreement on the issue of “comfort women” in December 2015, which fell short of meeting the demands of the survivors and excluded the victim-survivors from the negotiation process. In this context, survivors filed claims against Japan before the Seoul court as a forum of last resort since it became clear that diplomatic talks would not bring justice. In its landmark decision, in January 2021, the court found that it cannot award state immunity to Japan as doing so would violate the constitutional rights of the victims.⁵⁰ This historic ruling was followed by a contradictory ruling which dismissed the claims filed by other survivors, on the basis of state immunity. The survivors of the latter case appealed to the Seoul High Court in May 2021 and are still struggling to bring justice.

48. <http://colectivaexiliorefugio.org/rompiendo-el-silencio-desde-el-exilio/>

49. https://aippnet.org/wp-content/uploads/2020/02/32.-Women-and-Mining_finalbookforweb.pdf (WRITE FULL REFERENCE)

50. Seoul Central District Court, The 34th Civil Chamber, Judgment, Case no.: 2016 Ga-Hap 505092 Compensation for Damage (Others), verdict issued on January 8, 2021 http://minbyun.or.kr/wp-content/uploads/2021/01/ENG-2016_Ga_Hap_505092_23Feb2021.pdf

Yemen

In Yemen, the Women Solidarity Network (WSN) which has more than 300 Yemeni women inside and outside Yemen, came together with support from the [Peace Track Initiative](#) to collectively advocate for women's rights and protection and contribute to peacebuilding. WSN members led peacebuilding efforts at community level, including stepping in to facilitate local ceasefires and mediate an end to conflicts over water and land. In Taiz, WSN members have negotiated opening humanitarian corridors and undertaking evacuations, tiptoeing around landmines and dodging sniper bullets, to bring food to families trapped in crossfire. Additionally, the Mothers of Abductees Association, has contributed to releasing almost a thousand arbitrarily detained civilians. The Peace Track Initiative also supported women human rights defenders including survivors of arbitrary detention and torture, including rape, and connected them to international accountability mechanisms. As a result, the UN Security Council listed sexual and gender-based violence and child recruitment crimes in Yemen's sanction list in 2020.⁵¹ In 2021, the first sexual and gender-based violence perpetrator was added to the list of sanctions for his "policy of intimidation and use of systematic arrest, detention, torture, sexual violence and rape against politically active women."⁵²

South Africa

The [Women's Legal Centre](#) partners with other social justice organizations to host regular legal education and training initiatives with asylum seekers and refugee women in South Africa. These women have sought asylum in South Africa because of violence and instability in the African region. Many fled their own countries after being victims of sexual violence and abuse during internal armed conflict. Making South Africa a home comes with many challenges, and it is important for women to understand and have access to the justice system to ensure that they can benefit from the rights enshrined in the South African Constitution. In many instances, the laws in South Africa on gender-based violence and gender equality are new concepts for women who did not in their "home" countries have access to laws related to domestic violence, sexual violence or mechanisms for reporting the same. Equally, they did not have access to healthcare in the form of sexual and reproductive health and rights, so education and training initiatives are important to ensure proper integration into South African society, but also to ensure that they have access to the rights enshrined in the Bill of Rights.

51. Security Council Resolution 2511 (2020) [https://undocs.org/en/S/RES/2511\(2020\)](https://undocs.org/en/S/RES/2511(2020))

52. UN Security Council, Resolution 2564, S/RES/2564 (2021), [https://undocs.org/en/S/RES/2564\(2021\)](https://undocs.org/en/S/RES/2564(2021)).

KEY LESSONS AND PRINCIPLES

Transitions can present an opportunity to advance systemic change, addressing inequalities and other challenges raised in our [Common Charter](#) and [Global Call to Action](#). This section presents a list of key principles, developed by ESCR-Net members based on their experiences working on the ground, through which they ensure that a feminist intersectional approach is followed when working in conflict-affected situations. It is important to note that while we list these key lessons and principles, we realize that there is not one rule that easily fits all conflict-affected situations. You will notice within these key lessons and principles encouragement to understand the intersecting structural, social, economic, cultural and political contexts that impact women's lives.

PRINCIPLE 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.⁵³

The case of Japanese military “comfort women”, for example, shows that social inequalities inherent in patriarchy, systemic racism and colonialism, as well as capitalism, contribute to ignorance and silencing of discrimination and violence experienced by women in conflict-affected situations. After liberation, most of the former “comfort women” remained silent about their suffering and harm faced for decades fearing rejection and shame by family members and society.⁵⁴ A feminist intersectional approach must therefore be proactively taken when addressing conflict-affected situations, bearing in mind that rape and other forms of gender-based violence may remain uninvestigated due to the nature of such crimes and related social stigmas.⁵⁵

It is thus important to advocate and exert pressure to introduce laws and policies which speak to the situations of different women within a given society, based on their needs, rights, and lived reality. This approach in legislative development is sorely needed in countries where there are fertile grounds to disregard and violate women's rights, such as legal systems that restrict women's rights in education, work, marriage and divorce, and mobility (travel) or fail to prevent honor crimes and forced or coerced marriage.

We also need to tackle substantive inequalities, working to understand and thus respond appropriately to the realities and particularities of differently affected communities. By applying an intersectional analysis, we explore and respect overlapping identities of differently positioned groups, making visible interconnected forms of discrimination, exclusions, and vulnerabilities, as well as ways for resilience and resistance. In turn, an intersectional analysis helps to inform the remedies and approaches to conflict resolution appropriate to different contexts.

53. Human Rights Committee, Gen. Comment No. 28; Human Rights Committee, General Comment No. 18: Non-discrimination, (37th Sess., 1989), in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, at 26, U.N. Doc. HRI/GEN/1/Rev.1 (1994) [hereinafter Human Rights Committee, Gen. Comment No. 18].; Committee on Economic, Social and Cultural Rights, General Comment No. 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights), (34th Sess., 2005), U.N. Doc. E/C.12/2005/4 (2005) [hereinafter CESCR Committee, Gen. Comment No. 16].; CESCR Committee, Gen. Comment No. 20; Committee on the Elimination of Discrimination against Women, General Recommendation No. 25: on Temporary Special Measures (article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women), (30th Sess. 2004) U.N. Doc. A/59/38 (2004) [hereinafter CEDAW Committee, Gen. Recommendation No. 25]. CESCR Committee, Gen. Comment No. 22, para. 27

54. Report of the Special Rapporteur on violence against women, its causes and consequences, E/CN.4/1998/54, para. 212 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/102/91/PDF/G9810291.pdf?OpenElement>

55. Ibid, para. 11.

Additionally, it is important to advocate for States to develop National Action Plans (NAPs) on women, peace and security in an inclusive manner and ensure that they are well funded. For example, in Yemen, a NAP was introduced in May 2020.⁵⁶ However, civil society was not meaningfully consulted and as a result the NAP lacked important aspects including not addressing issues related to child recruitment (including girls recruitment), and violations and abuses against women human rights defenders. It also was missing an implementation and accountability framework. Regardless, civil society organizations have recommended supporting the government of Yemen to improve the NAP and allocate resources to implement it.

PRINCIPLE 2:

Utilize avenues for advocacy, mobilization and accountability at the international level, as well as domestically, with an understanding that ESCR are justiciable.

ESCR are justiciable as evidenced by the wealth of jurisprudence at domestic, regional, and international levels (see ESRC-Net's Caselaw Database). How easy it is to access remedy is dependent on the specific obligations of the State in question at the international, regional, and domestic level. There are a number of international mechanisms that can be utilized. This includes the UN Special Rapporteurs who are independent experts with a thematic or country specific mandate to hold inquiries into violations and to intervene on specific issues or urgent situations.

Such Rapporteurs can undertake country visits (with State permission), investigate complaints and undertake research on relevant human rights issues or situations. They often deal with conflict-related matters through country visits, press statements, and reports to the UN Office of the High Commissioner for Human Rights.

Under the UN Treaty Body System, individuals, NGOs and other civil society organizations can provide input to the UN Human Rights Treaty Bodies in the form of parallel reports to the State reporting procedure or in some cases as a petition (complaint) to a specific complaints mechanism.⁵⁷ For example, the Committee on Economic, Social and Cultural Rights (CESCR) has an Optional Protocol⁵⁸ which provides the right to individual petition and an inquiry procedure for more widespread allegations of ESCR violations following ratification by a given State. Similarly, the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) has a complaints and individual and inquiry procedures.⁵⁹

Moreover, regional mechanisms also exist and, in many instances have upheld ESCR, for example, the European Committee of Social Rights has a collective complaints mechanism; the African Commission and the African Court on Human and Peoples' Rights, and the Inter-American Commission and Court on Human Rights have provisions for ESCR. In addition, the European Court of Human Rights has dealt with some aspects of ESCR through civil and political rights jurisprudence.

56. Everything you need to know about Yemen's National Action Plan on WPS, <https://publicate.it/p/gZytU9184583>

57. See ESRC-Net's "Altavoz: a practical guide for using parallel reporting to advance women's rights", <https://www.esrc-net.org/parallel-reporting/guide>

58. <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-economic-social-and>

59. <https://www.un.org/womenwatch/daw/cedaw/protocol/>

Ensuring clear legal obligations and avenues for legal redress can provide accountability and remedy and are essential as a tool for advocacy for grassroots organizing and demands for women's ESCR. However, to do so requires information accessibility. As such it is important to ensure the right to information and training and education around legal mechanisms.

In Bolivia, the [Coordinadora Andina de Organizaciones Indigenas \(CAOI\)](#) worked with indigenous women to prepare a parallel report to CEDAW in 2014. They gathered testimonies from women in the Andes and Amazon, consulting with local women to set priorities and build case studies. The whole process was a great learning experience for indigenous women leaders. They developed their skills to lobby before international bodies and use these mechanisms in a manner that reflects their voices, needs and demands. Through this process, indigenous women across different communities have built alliances, generating a process of constant communication with the communities from which the cases were obtained. Parallel reporting has also helped strengthen communities defending their territories, as now they acquired an additional tool to confront violations.⁶⁰

ESCR-Net member, GYLA, along with other civil society groups in Georgia, is advocating the government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which would give the Georgian women's rights groups the opportunity to bring complaints regarding violations of women's economic and social rights, when domestic remedies are exhausted or unavailable. The OP-ICESCR is an international treaty that allows victims of violation of economic, social and cultural rights, to present complaints at the international level. When people cannot access justice in the courts of their country for violations of economic, social and cultural rights, they can bring a complaint to the UN Committee on ESCR. However, their country must first become a party to the OP-ICESCR treaty through ratification or accession.

PRINCIPLE 3:

Build partnerships across sectors to ensure holistic support.

Different organizations focus on different areas and aspects that affect women's lives. Women living in conflict-affected situations will need holistic support as they will often experience intersecting forms of discrimination and violence. It is thus worthwhile to consider collaboration and partnership with other organizations/civil society actors and social justice and social welfare organizations. For example, the Women's Legal Center (WLC) in South Africa has found that refugee women, while trying to seek a specific support/remedy might need other services. A refugee woman might approach with a query around her child being admitted to school, but on further questioning, it is discovered that she also needs assistance with accessing sexual and reproductive health care, trauma counseling and access to social security assistance in the form of a childcare grant. Through collaboration with others, WLC has been able to refer women to different actors who may provide needed services.

60. For the full account of this experience, please see "How parallel reporting strengthened indigenous women leadership in Bolivia", <https://www.escr-net.org/parallel-reporting/guide/how-parallel-reporting-strengthened-indigenous-women-leadership-bolivia>. For more case studies, please visit: <https://www.escr-net.org/parallel-reporting/guide/discover>

PRINCIPLE 4:

Adopt holistic and multidimensional psychosocial and community-based approaches to interventions where appropriate

The adoption of a psychosocial approach has been fundamental in transitional justice processes. However, it is important to recognize the multiple dimensions and impacts of arms-related contexts, making it a collective responsibility rather than an individual one. For example, in many situations, women have developed coping mechanisms, turning them into community resources and sources of historical memory. By using their own personal stories and traumas as transformative tools for rehabilitation and peace building, women can play a role in individual and collective reparation. A psychological approach responds to the need to dignify and make visible the experiences and damages of the victims of the armed conflict, including in legal processes. It implies that from the complementary work of the social sciences and law, people who are victims of human rights violations are led to participate in transitional justice processes, to be a protagonist and agent of change in their own lives and thus generate individual and collective transformations. It implies approaching people, potentially accompanying them on the path of the judicial process and implementation of any limited result, and/or supporting related social struggles.

An example, from Colombia, of the implementation of a psychosocial approach to human rights can be found in the accompaniment and judicial representation of victims of Case 01 of "Hostage-taking and serious deprivation of liberty committed by the FARC-EP" in the framework of the Special Jurisdiction for Peace in Colombia that was created with the⁶¹ signing of the Peace Agreement.⁶² In the accompaniment and judicial representation, pairs made up of a lawyer and a psychosocial professional who, through their direct work with the victims-survivors from the territories, have managed to build methods and spaces for judicial and extrajudicial participation with the victims. This approach has been bringing survivors closer to the transitional justice process, supporting them to understand and appropriate it, while also making visible the experiences of these survivors of the horrors of war in the judicial setting.

A psychological approach becomes even more relevant when accompanied with a community approach, which seeks to empower local community groups by giving them control over decisions, planning and implementation. In some contexts, individual psychological support can be difficult, but communities can articulate demands and be part of the solution. Community conversations must include all members – women, children, and other marginalized groups.

In South Africa, civil society organizations have been working with communities to integrate refugees and asylum seekers after cases of xenophobic violence led to displacement of refugees and asylum seekers from communities where they lived. A care package needs to be developed in such instances where social justice and community-based organizations come together to address the trauma that has been experienced, but also to ensure that rights-based education takes place so that all community members understand the rights afforded to refugees and asylum seekers as well as the rationale behind them.

61. More information on Case 01 available at: <https://www.jep.gov.co/especiales1/macrocasos/01.html>

62. Final Agreement for the termination of the conflict and the construction of a stable and lasting peace. Available (in Spanish) at: https://www.cancilleria.gov.co/sites/default/files/Foto2016/12.11_1.2016nuevoacuerdofinal.pdf

PRINCIPLE 5:

Ensure effective outreach to women, including those in hard to reach areas.

The Women's Legal Centre in South Africa has learned the importance of reaching women where they are. In many cases where women are suffering from a conflict-affected situation, their ability to move and travel is hampered, hindering their ability to access basic services. Thus, to be able to access women and provide the support they need, organizations need to go where they are – in their communities, safety camps, and IDP settlements, for example. In some instances, safe transportation should be made available to move women to safe spaces nearby. In reaching women where they are, organizations must recognize the existence of local norms and customs that need to be acknowledged. It is important not to challenge these constructs in a manner that would make women uncomfortable or place them at risk, but practical measures need to be taken to ensure that women feel comfortable sharing their experience and thoughts. Popular education tools are useful in such instances to ensure that women themselves develop the resilience and confidence to address the discrimination they may face and to become advocates for their rights.

PRINCIPLE 6:

Do not oversimplify conflict, giving attention to its root causes and complex dynamics.

Oversimplifying conflict situations hides the different structures and factors at play. Because women are impacted by intersecting and overlapping issues, understanding these complexities is important to ensure that their issues are addressed in a substantive manner. Very often the challenges being experienced are systemic in nature, so a simplified approach risks failing to address the root causes that often led to or intensified conflict, leaving systemic injustices and inequalities in place. It also pushes many to force principles of consensus, neutrality, and impartiality. Such engagements, far too often, expect women to be apolitical and thus reduce their ability for meaningful participation in decision making processes that directly impact their lived reality. We would advocate that such processes need to be localized and feminized, starting at very local levels and moving upwards to where decisions are confirmed and implemented.

PRINCIPLE 7:

Protect all human rights defenders and especially address increased risks facing women human rights defenders.

According to the September 2020 report of the UN Secretary General to the Security Council on Women, Peace and Security, “The United Nations has verified 102 women human rights defenders, journalists and trade unionists as having been killed in 26 conflict-affected countries between 2015 to 2019, which is likely an undercount; those incidents are expected to increase, due to the mobility restrictions and reductions in protective measures put into place to combat the pandemic.”⁶³

Women human rights defenders play an important role in ensuring that a gender lens is integrated in conflict related processes. They ensure a human rights approach is adopted in a manner that focuses on accountability and real remedies rather than political negotiations serving the interests of political and corporate actors. It is of no surprise that women human

63. Women, Peace and Security, Report of the Secretary General to the Security Council, 22 September 2020, S/2020/946, paragraph 33. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/249/26/PDF/N2024926.pdf?OpenElement>

rights defenders are targeted in conflict-affected situations. It is thus important to ensure that protection mechanisms are developed, monitored and evaluated with the active participation of women human rights defenders, ensuring an intersectional approach to protection, not only as reactive and individual measures, but also with a stronger preventive and collective approach, that takes into consideration their physical security as well as the psychosocial and economic impacts on WHRDS.

We hope that these key principles and lessons provide a framework for reflection and action useful to fellow members, allies and other actors working in conflict-affected situations, strengthening vital work to advance the human rights of women in all of their diversity and to support their struggles for justice, sustainable peace and transformative alternatives for themselves and their communities.

