



## 44th SESSION OF THE HUMAN RIGHTS COUNCIL

### Annual full-day discussion on the human rights of women

#### Panel 1: Accountability for women and girls in humanitarian settings

13 July 2020

##### **In this summary:**

- **Opening statements, initial presentations** by the distinguished panellists.
- **Interactive discussion** (interventions from the floor for States and observers, national human rights institutions and non-governmental organizations).
- **Responses** to questions and **concluding remarks**.

*Chair: H.E. Ms Elisabeth Tichy-Fisslberger, President of the Human Rights Council*

*Moderator: Mr Tammam Aloudat, Deputy Executive Director of the Access Campaign, Medecins Sans Frontières, Switzerland*

##### **Opening statement and Initial presentations:**

##### **Ms Nada Al-Nashif, UN Deputy High Commissioner for Human Rights Panellists (Opening Statement)**

- **35 million women and girls** aged 15–49 require humanitarian assistance for reasons related to conflict and natural disasters.
- More than **200 million people may need humanitarian assistance by 2022**, due to the compounded impact of climate change, COVID-19 and conflicts.
- Insecurity and displacement fuel **increases in** sexual and gender-based violence, child, early and forced marriages, denial of access to sexual and reproductive health services.
- Disintegrating judicial systems, corruption, discrimination against the displaced, fear of reprisals, and the stigma often associated with gender-based violations all **prevent women and girls from seeking protection**, vital services, justice and redress.
- The **adoption of specific laws** and policies, addressing the **root causes** of the lack of accountability are most important to provide adequate safeguards to protect women and girls in humanitarian settings.
- Human rights **investigations**, including those conducted by investigative bodies established by this Council, are a vital step towards accountability for individual violations. Some positive examples include:
  - a) In 2019, documentation by **Independent International Fact-Finding Mission on Myanmar** of intersecting rights violations against Rohingya women and girls, including sexual and gender-based violence.
  - b) In **Venezuela**, in 2019, the Office **documented** limited access to sexual and reproductive health services, with zero contraceptives available in several cities, alongside severe restrictions on abortion.
  - c) In **South Sudan**, the OHCHR recently took an in-depth look at the adequacy of health care available for victims of sexual violence.
- Coordinated **engagement** by many actors, including regionally and globally, is essential.
- The Inter-Agency Standing Committee issued **guidance** for integrating gender-based violence in humanitarian responses and on mitigating gender-based violence risks within the COVID-19 response.
- Respectful, attentive and **culturally sensitive dialogue** with women and girls, by all national authorities and other actors is critical.

##### **Her Royal Highness Crown Princess Mary of Denmark (Opening Statement, by video message)**

- In 2020, nearly **168 million people** will be in need of humanitarian assistance and protection.
- At times of crises, women and girls face **particular risk** of human rights violations, the risk of an unwanted pregnancy or a life-threatening birth.
- At times of crises, a number of factors multiply the risk that women and girls' **right to health and protection** are violated during conflict:
  - a) The **rise of aggression** as an integral aspect of violent conflict.
  - b) The disintegration of **social structures** that once offered protection.
  - c) The disruption of **health services** including lifesaving maternal health services.
  - d) The breakdown of supply lines, including when it comes to **contraception and medicines**.



## 44th SESSION OF THE HUMAN RIGHTS COUNCIL

- UNFPA estimates that **31 million additional sexual and gender-based violence cases** can be expected during this period as a result of the pandemic.
- Lockdowns increase the risk of violence and exploitation of **children**. UNESCO estimates that COVID-19 impacts schooling for over 70% of children around the globe. **Girls** living in emergency contexts are at particular risk of not returning to school.
- They also face higher risks of **sexual- and gender-based violence**, teenage pregnancies and child marriage.
- Even though women and girls face greater risks, they **are not just victims**. Women and girls' vulnerability in crisis is not a sign of weakness, but of inequality. Women and girls are also powerful and resourceful.
- **Counselling and safe spaces** should be ensured. Women and girls should be **involved in decision-making** processes in all stages of policy design, implementation, and monitoring to support systemic change.

**Mr. Tammam Aloudat**, Deputy Executive Director of Access Campaign, Medecins Sans Frontières, Switzerland

- The immediate interventions of *Medecins Sans Frontieres (MSF)* tends to be primarily medical ones that focus on life saving interventions. This, however, becomes rapidly **insufficient** in conflicts, settings of social and political violence, natural emergencies, and population displacement.
- Humanitarian actors are either failing to **involve** affected communities, or involve "community leaders", whether civil or religious, who are often older men and who can be part of the hierarchical power structure.
- In such cases, humanitarians coming from outside the community, can wittingly or not, **participate** to the disempowerment and harm caused to women and girls.
- Formally, we are now expected and inclined to **include communities** in the planning, execution, and evaluation of the humanitarian programs both during and after emergencies. While this is far from universally implemented, it is a step in the right direction.
- However, the **protection of, and accountability to**, women and girls in humanitarian settings cannot be done through a separate line of work and away from humanitarian workers, the doctors and nurses, logisticians and administrators, that are providing the "physical" services.
- Need for a **shift in culture and understanding** of our mission and values rather than a change in indicators and standard operational procedures.

**Ms. Tatiana Mukanire**, National Coordinator for the National Network of Survivors of Sexual Violence (Democratic Republic of the Congo) *(video message)*

### Addressing demands of affected women and girls for remedies

- **Rape, sexual violence** is the most humiliating way to kill a person while letting them breathe.
- Today there is something that could alleviate this pain: Good **holistic care and repairs!**
- In 2020, in the Democratic Republic of the Congo, has totaled more than 25 years of wars and the massacres that have taken place on the bodies of innocent women, certain men and little girls. For all these years there has been a long **wait for justice and reparations**.
- Sexual violence does not only destroy physically, sexual violence **destroys everything** in its path, the whole human being, their physical, mental and economic situation. We always said: "to educate a woman to educate a whole nation", did we already understand that to destroy a woman is to destroy an entire community, it is to destroy an entire nation?
- Rape has serious, **lasting and transgenerational consequences** for the victims. Reparations mean for the victims a recognition of the harm done to her while offering her the chance to gain new impetus.
- Because of the never-ending wars in some areas, family members of the victims feel compelled to **move out** of fear of being further humiliated. They must live far from home, uprooted, because of the stigma that society imposes on them, while it is they who have been victims.
- The State, in its primary responsibility to protect its population, must guarantee each survivor a **guarantee of non-repetition**.
- It is therefore essential that victims and survivors of sexual violence be placed **at the center** of all discussions.



## 44th SESSION OF THE HUMAN RIGHTS COUNCIL

Ms Sara Hossain, Lawyer and Honorary Executive Director of Bangladesh Legal Aid and Services Trust (Bangladesh) (video message)

### Realizing accountability beyond individual liability for systemic changes

- Too many women and girls remain **deprived of access** to Internet and mobile networks. This deprives them of a possibility to access to information, advice and assistance, or secure services or remedy.
- Access to **technology** is critical in establishing accountability.
- **Intersecting** violations were documented by several UN Investigative mechanisms.
- Accountability through international justice remains distant for many women. It is important to support existing **regional** mechanisms.
- Civic spaces, counselling and mental health support should be available for women and girls.
- Issues of **confidentiality** should be taken into account.
- Women and girls need **access to** education, skills training and opportunities for employment.
- Enabling **partnerships** between local community groups and women's groups can be mutually supportive.
- **Protection** mechanisms should be in place.

Ms Enid Muthoni Ndiga, Senior Vice President, Global Legal Programme of the Center for Reproductive Rights (Kenya)

- Humanitarian settings **exacerbate** entrenched and systemic patterns of discrimination.
- Access to **reproductive and maternal health services** for more marginalized populations is several folds worse in conflict versus non-conflict countries.
- More than **500 women and girls** in emergency settings die each day during pregnancy and childbirth.
- Women and girls affected by conflict, including survivors of sexual and gender-based violence, urgently need sexual and reproductive **health care and services**.
- In addition to disintegrating health infrastructures, other **barriers** such as, unsafe, restrictive, or repressive environments; prohibitive costs; lack of information in a language they understand; and fear of further violence or stigmatization for seeking care make it difficult for women and girls to access these services.
- Women and girls are also rarely able to **seek justice** and remedies for the violations.
- The **COVID-19** crisis is also gendered, as it is disproportionately impacting women and girl across the globe.

### Normative framework

- **Treaty Monitoring Bodies** specify that States' human rights obligations also apply in times of conflict.
- **Reparations** should be transformative, with legal and policy shifts are needed in order to prevent future violations. **Remedies** should aspire to transform instead of reinforcing pre-existing patterns of structural discrimination and inequalities that are at the root cause of the violence that women and girls experience.
- Effective **accountability mechanisms** go beyond legal criminal accountability and require full, equal, effective and meaningful participation of women and girls and transparency as well as the ability to confer meaningful and effective remedies to victims and survivors of violations on a basis of non-discrimination.

### Call to action/Recommendations

- The Human Rights Council should continue and scale up its work on the issue of women and girls' human rights in humanitarian settings through the adoption of a **resolution** on this topic.
- A Human Rights Council **initiative on accountability** for women and girls in humanitarian settings would help ensure a circle of accountability and would build on the work of the UN Security Council (UNSC) and the Women, Peace and Security (WPS).
- Donor States should prioritize the provision of sexual and reproductive **health information and services**.
- Donor States should prioritize the provision of **flexible and predictable funding** for women-led civil society organizations working on the frontlines of the response.
- States should provide an **enabling environment** for the work of women human rights defenders and feminist organizations working on this issue.



## 44th SESSION OF THE HUMAN RIGHTS COUNCIL

### Interactive Dialogue

**States:** European Union, Denmark on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden), Azerbaijan on behalf of Non-Aligned Movement (NAM), Luxembourg on behalf of BENELUX (Belgium, Netherlands), Fiji on behalf of Core Group on Accountability for ensuring women's and girls' full enjoyment of human rights in humanitarian settings (Canada, Fiji, Georgia, Sweden, Uruguay), Canada on behalf of Groupe des États Membres de la Francophonie (Burkina Faso, Canada, France), Qatar, Germany, Angola, Pakistan, Senegal, Armenia, Venezuela, India, Philippines, Iran, Australia, Cuba, Indonesia, Egypt, Slovenia, Switzerland

**Observers:** UN Women, Food and Agriculture Organization of the United Nations (FAO)

**Civil Society:** Swedish Association for Sexuality Education, Save the Children International (joint statement), Right Livelihood Award Foundation, Center for Reproductive Rights, Sikh Human Rights Group, Asociacion HazteOir.org.

### Questions asked during the Interactive Dialogue:

- How we can create **stronger support systems** for women and girls to speak up and report the discrimination and violence in humanitarian context? (*European Union*)
- How can we best ensure that **accountability** for human rights violations against women and girls on the ground leads to changes in the norms and beliefs within their communities, including on SRHR? (*Luxembourg on behalf of BENELUX*)
- What role could be played by the principle of **accountability and empowerment** in the area of protection, and in ensuring accountability in the protection of women and girls during armed conflicts? (*Qatar*)
- Which further measures can be taken to enhance **survivor-centered approaches** to accountability, particularly in humanitarian settings? (*Germany*)
- What are the key **obstacles** for putting in place empowerment mechanisms that are effective? (*Angola*)
- Could the panellists share some ideas and strategies for ensuring women and girls' meaningful and sustainable **participation** in identifying concrete needs, rights and duty-bearers in specific humanitarian settings? (*Swedish Association for Sexuality Education*)
- Could the panelists to share **best practices** in overcoming barriers to women and girls' participation in humanitarian settings? (*Philippines*)
- Could the panellists share their view on how States providing humanitarian assistance can support accountability for women and girls by working with local governments and communities to ensure women and girls' **access to sexual and reproductive health services**? (*Australia*)
- How can the **preparations** in normal times affect the implementation of measures in the times of crisis? (*Cuba*)
- Considering that stigmatization remains one of the main obstacles in accessing justice, how can we best **protect the privacy of victims** and **facilitate their access to justice and remedy** in the times of pandemic and on our reliance on technology? (*Indonesia*)
- Could you share **good practices** to strengthen the accountability of our activities in the area of **sexual and reproductive health**? (*Switzerland*)

### Other Comments made during the Interactive Dialogue

**Fiji (joint statement):** Building on today's important panel discussion, the **core group will present a resolution at HRC45** on accountability for ensuring women's and girls' full enjoyment of human rights in humanitarian settings.

**Armenia:** The upcoming Forth **Global Forum against the crime of Genocide** organized by Armenia will be dedicated to the issue of **protection of women and girls**.

**Slovenia:** Gender equality and empowerment of women are a cross-cutting topic of Slovenia's **development cooperation and humanitarian assistance**. In 2019, Slovenia supported three projects focused on women and



## 44th SESSION OF THE HUMAN RIGHTS COUNCIL

girls in conflict situations, in Lebanon, Jordan and Afghanistan. In 2020-2022 Slovenia is financing two humanitarian projects focused on gender-based violence among Syrian refugees in Lebanon, as well as a resilience building project in Uganda, which targets gender equality within the refugee community.

UN Women would like to stress the importance of women's and girls' **meaningful participation** to prevent, prepare, resolve and rebuild from humanitarian emergencies, so that response and recovery efforts place the needs of women and girls at the centre and be grounded in the socio-economic realities that they face.

FAO: Women are among the most vulnerable and consequently those who suffer the most. Rural women comprise 43% of the agricultural labor force; work longer hours than men; earn lower wages; have no equal access to employment opportunities; and in many societies face hindrances to ownership of land.

### Concluding Remarks

Mr Tamnam Aloudat, Deputy Executive Director of the Access Campaign, Medecins Sans Frontières, Switzerland

- Acknowledged the inability to always find women and girls who are affected by the sexual and gender-based violence, as well as their inability to seek help or to know about the help available. The balance of providing services, making them known and being constraint by societal and political barriers has not always been successful. Despite knowing about the high rates of violence, it is not always possible to provide proportional services.
- Despite importance of violence in all its manifestations, in humanitarian sentences we should also remember about the hunger and the disproportionate labour and lack of access to health services.
- Covid19 is barely a stress test to what emergencies can come to in the future, and preparation is essential.

Ms Tatiana Mukanire, National Coordinator of the National Movement of Survivors of Sexual Violence in the Democratic Republic of the Congo (by video message)

- Security challenges the effective implementation of projects in the field. There are difficulties in reaching the survivors. Projects should be in place not only for the survivors but to work with all kind of victims and stakeholder. It is important to involve survivors to know their needs and improve their lives.

Ms Sara Hossain, Lawyer and Honorary Executive Director of Bangladesh Legal Aid and Services Trust

- It is critical to ensure sexual and reproductive rights, for this women and girls should be place in the centre. Women and girls are not only victims of violence. For that we need frontline services, we need to work with local communities, local civil society. Best practices: health and justice working together, frontline workers, paralegals and paramedics and involving women and girls in the refugee communities. Regarding the child marriages, it is important that young girls have some self-determination about their own lives, not facing criminalization through laws which are meant to be about their protection. Finally, not only women rights and human rights, but also human rights are women rights. Freedoms of association and expression both online and offline are essential.

Ms Enid Muthoni Ndiga, Senior Vice President of the Global Legal Program of the Center for Reproductive Rights (Final Remarks)

- Women and girls should be provided with Forums and opportunities so they are not just the beneficiaries, but people who participate in assessment and contextualizing of the violations. In humanitarian settings structures are often found anew and opportunities can be found in these settings so that women are given empowerment agency.
- We should look into transformative opportunities that come with interventions, for example for changing laws and policies, developing accountability, instalment of new services, including abortion services, contraception and education and information. Accountability is slow, results may not come soon, but it is important to work towards them daily.