



HUMUN IV



STUDYGUIDE

UNITED NATIONS COMISSION
ON THE STATUS OF WOMEN



ZAINAB JAVAID

UNDER-SECRETARY GENERAL

Your Excellency's,

Foremost, I am incredibly privileged to welcome you to HUMUN IV! For my brilliant team and me, HUMUN is no less than a holy grail- a conference that we have aspired to revive in all of its former glory and a lot more. As the Under-Secretary-General for DISEC, Historical UNSC, and CSW, and the chair for DISEC, my time in HUMUN is nothing short of extraordinary.

As an individual who has raised their placard infinitesimal times, I can assure you there is nothing wrong with giving a terrible speech. I will share something that my father once told me. He said that if people laugh at you for a 45-second speech, they will forget about it in the next 7 seconds. But those 45 seconds and the courage you gathered may change your life. That's exactly how I recovered when I told the entire committee that Iran is in Europe in my first ever MUN. Such mistakes are super cool and definitely okay. Do not mock your fellow delegates as you tread on so many dreams.

HUMUN is the first and the only conference in Karachi operating under a cohesive equity framework. My time with HUMUN is largely characterized by the mutual respect of being a person in a leadership capacity and a non-cis male identity. Very honored to offer the same sense of safety and homage to every delegate of HUMUN IV. In the classic MUN acclamation, if not us, then who? If not now, then when?

In the pursuit of equity and inclusivity, I leave you all with this brilliant quote by Leslie Feinberg: 'My right to be me is tied with a thousand threads to your right to be you.'

Regards,
Zainab Javaid



MESSAGE FROM THE COMMITTEE DIRECTOR



UMAMA ISHTIAQ
COMMITTEE DIRECTOR

Dear Delegates,

I am delighted to welcome you to Habib University's fourth model united nation. If you've chosen this committee, you're already one step closer to making the world a better, more just, and equitable world.

Unfortunately, UNCSW has not been sufficiently inclusive of gender minorities and sexualities. This year, however, we intend to change that. This committee's topic was chosen so that you can delve deeper into how political and social problems cannot be solved without an intersectional approach. Every problem is interconnected, so are the solutions. Hopefully, this topic will help you understand that the problem isn't just a lack of law enforcement; it's also an inability to recognize problems that exist in places where we fail to see them as legitimate problems.

I expect you to demonstrate this understanding of intersectionality and present a healthy debate. I look forward to seeing you this February! Best wishes and Good luck!

Warm Regards,
Umama Ishtiaq.



MESSAGE FROM THE COMMITTEE DIRECTOR



RIZMA HAMID BAIG

COMMITTEE DIRECTOR

Hello Delegates!

I'm Rizma Hamid Baig, a 3rd year medical student at Ziauddin, and I will be one of your chairs for the Commission on the Status of Women.

MUNs have been something that has intrigued me since I was 15 and since then I've participated in numerous MUNS including many international ones, worked as the captain of the Nixor Debate Team, and coached students.

But still, I'm continuously amazed by the enthusiasm delegates present with and the eagerness to learn. MUNS represent the mindset of all of us to fight for the greater good and the betterment of our society, and I look forward greatly to the event. I can't wait to chair all of you and see how the debate goes.

Goodluck!



MESSAGE FROM THE COMMITTEE DIRECTOR



SHANZAY YOUSUF COMMITTEE DIRECTOR

Dear Delegates,

My name's Shanzay. After assistant chairing multiple MUNs in the past, including the last iteration of HUMUN, I'm delighted to serve as a committee director for the 4th edition of HUMUN. I was amazed by the innovative topics presented in each committee the last time I took part here and am delighted to say we have maintained that this year as well.

The topic we have set is one that is heavy but desperately needs more discussions and of course, sustainable solutions. To accommodate the delegates to look into the entire scope of this discussion, we have worked tirelessly to come up with an all encompassing and comprehensive study guide that will ensure you come to the conferences confidently prepared—but do make sure to follow the suggestions at the end and do research relevant to your assigned country as well. I fully expect that you all will do sufficient homework so that we can have an engaging and fruitful conference, make sure your arguments are hermetic and that you give your absolute best! If you are anxious to return into the debating circle after such a long break or you are just starting out with MUNs, I just want you to remember that no one is going to judge you if you trip over your words or get stuck, we want you to make eloquent arguments and make the most of your turn however you can. The effort you put in matters and even if you don't end up with an award, if you feel more confident in yourself speaking publicly after this, you have been successful.

I'm so excited to meet everyone and am greatly looking forward to avid debates!



COMMITTEE OVERVIEW & MANDATE

ASSISTANT COMMITTEE DIRECTORS

RUHAMMA NAEEM

The Commission on the Status of Women (CSW), under ECOSOC, is the principal global intergovernmental body exclusively dedicated to promoting gender equality and women's empowerment. Standing as one of the main organs in the United Nations, CSW is vital in promoting the notion of understanding the concerns surrounding women's rights through an intersectional lens. It is monumental in promoting women's rights under regional or culturally sensitive frameworks, scrutinizing the policies and laws that violate the provision of women's rights, and reforming global standards on gender equality and women's empowerment, inclusive to the diverse range of feminine identities. It was a unique official structure for drawing attention to women's concerns and leadership within the UN at the time of its inception. Starting with women only representatives, as the number of participants has increased, CSW maintains a majority of female delegates; "To raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provisions of statutory law, in legal maxims or rules, or the interpretation of customary law" (United Nations, A Brief History of Commission on the Status of Women) has been the guiding principle since the first session. This year, at HUMUN IV, the secretariat will uphold the equitable framework that CSW has produced and actively expand the definitions revolving around 'women' and 'gender' for an inclusive and holistic approach.



AN IMPORTANT NOTE FOR THE DELEGATES AND EQUITY STATEMENT

In the pursuit of equitable debates and inclusivity, CSW will be working under a holistic definition of 'womxn'. By that, the committee staff aims to include all the non-cis male identities that identify as womxn. Of course, in this particular term binary identity i.e. woman is also included. Moreover, CSW is inclusive of all sexual orientations and gender identities.

The study guide has been curated by the committee staff in a very comprehensive manner. This is to facilitate the delegates for an equitable and sensitive debate in the committee. Please note minors might be present in the committee. Hence, this guide is particularly important to facilitate the minors in research, given the much-needed complexity of the topic. If you are a minor and you hesitate in researching a particular topic, that is completely acceptable, warranted, and valid. In such cases, we recommend taking help from an adult (your debate coach) or you can avoid the topic completely. You will be facilitated on the day of the conference. If you are a minor who is comfortable with discussing sensitive topics, that is valid as well.

Throughout this guide, trigger warnings apply. Such warnings are applicable to terms like s*x, a*use, a*sa*lt, f*male g*n*tal mut*l*ation, r*pe, f*rc*ed m*rr**g*s, v**lence, etc. To avoid reading sections containing sensitive terminologies, please refer to the table of contents. During the committee sessions, delegates sensitive to particular times are allowed to leave the room. In case of any issues, please email the Under-Secretary-General for CSW, Zainab Javaid, at zj06738@st.habib.edu.pk. Looking forward to having a productive and safe debate in CSW! See you all in February!



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TOPIC AREA: ENSURING GENDER SENSITIZATION, FACILITATING GENDERED PEACEKEEPING AND MITIGATING GENDERED THREATS IN THE CONTEXT OF HUMANITARIAN AND REFUGEE CRISES

Introduction of the Topic:

When discussing humanitarian and refugee crises, we must consider a variety of viewpoints. A gendered perspective on these crises is one of those important perspectives. Most of the time, these discussions take place from a patriarchal perspective, overlooking gendered intervention. However, queering our lens helps us alleviate this problem. Queering is defined by Hugh Lee, Mark Learmonth, and Nancy Harding (2008) as "identifying the norms that govern identity, analyzing what is allowable within those norms, and exploring what is unspeakable" (Hiller and Bunten, p. 156). By queering our lens, we can focus on marginalized groups. It helps avoid assumptions, and incompatible frameworks are mapped onto one another to yield novel insights. Keeping in mind that not everyone identifies as a queer, sexual, or gender minority, thus, the term "Queer" is used in this committee as both; a verb and an umbrella term to describe a wide range of identities that are typically ignored in humanitarian and refugee context. To understand the aforementioned further, we must first understand some additional terms such as the following;

- 1. Gender sensitization:** is the process of raising awareness of gender equality concerns. The process considers the impact of policies, projects, and programs on men, women, boys, girls, non-binary, and attempts to mitigate the negative consequences onto said people if there are any.
- 2. Gender-based violence or Gender-based threats:** is defined as violence directed at a person because of their gender or violence that disproportionately affects people of a particular gender. Domestic violence, rape, sex trafficking, forced prostitution, and other forms of sexual violence are examples of gender-based violence. These types of crimes go unreported, unnoticed, or unpunished, contributing significantly to their prevalence.
- 3. Gendered peacekeeping:** The United Nations Department of Peacekeeping Operations (DPKO) was established with the simple goal of establishing long-term peace and restoring a safe environment in post-conflict areas. As the mandates of peace keeping missions became more complex, a gendered approach to peacekeeping was required to respond to the needs of women adequately, men, boys, and girls who have been affected differently by armed conflict (Women with Blue Helmets, 2010). Gender integration in peacekeeping missions has taken two approaches: mainstreaming gender into peacekeeping mission mandates, policies, and practices and increasing the number of women working in peacekeeping operations (Bertolazzi, 2010).



These definitions are important because they help us understand humanitarian issues through the lens of marginalized groups and form effective solutions catering to the needs of people affected by these crises.

Humanitarian Crises

A humanitarian crisis is an incident or sequence of occurrences that pose a serious threat to the health, safety, security, or well-being of a community or other significant group of people, typically over a vast geographic area. When such a catastrophe impacts vulnerable communities that cannot bear the negative consequences on their own, a humanitarian emergency is often declared, citing the vulnerabilities of the populations. "Vulnerability" refers to an individual's or a group's limited capacity to withstand and recover from life-threatening risks and is most typically associated with poverty. Poor people are more prone to be affected by man-made and natural disasters. Children, pregnant and nursing women, migrants, and displaced persons are among the most vulnerable groups in affected regions. It is also imperative to notice that poverty has the face of a womxn, i.e. womxn are disproportionately affected by poverty.

The committee will focus on complex crises that arise due to man-made conflicts and natural disasters such as armed conflict and food security, environmental hazards, etc.

A Refugee and an Internally Displaced Person

A **refugee** is a person who has been forced to flee their homeland due to persecution, war, or violence. A refugee is concerned about being persecuted because of their ethnicity, religion, nationality, political beliefs, or participation in a particular social group. Most likely, they are unable or afraid to return home. The major causes of refugees departing their nations are war and ethnic, tribal, and religious strife. According to the UN, Syria, Venezuela, Afghanistan, South Sudan, and Myanmar account for 68 percent of persons displaced across borders.

A person who has been forced to escape their home but has never crossed an international boundary is known as an **internally displaced person** or IDP. These people take refuge wherever they can, including adjacent towns, schools, communities, internment camps, and forests and fields. The largest group that UNHCR aids is internally displaced persons (IDPs), who have been forced to flee their homes due to conflict or natural disasters. IDPs, unlike refugees, are not protected by international law and are not eligible for many sorts of assistance because their own country legally protects them. According to the UN, Colombia, Syria, the Democratic Republic of the Congo, and Yemen are among the countries with the most internally displaced people.

(The definitions mentioned above are credited to UNHCR.)



■ Recognizing the Status of Refugees under the Refugee Convention (1951)

The 1951 Convention Relating to the Status of Refugees is responsible for delineating the rights of refugees and also states the onuses of the participating countries in the United Nations towards the refugees. The need to find asylum in a foreign land has arisen due to the exile of these individuals from the governments, societies, and cultures of their birth-land causing the international community to step up for support. The damage done by the two world wars and colonization augmented this, as millions of people were evacuated from their homelands, making a definition of refugee status the need of the hour.

In definitions of the 1951 convention: “It defines a refugee as a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him—or herself of the protection of that country, or to return there, for fear of persecution (see Article 1A (2))”. People who fall in this definition are sanctioned to the rights and need to adhere to the duties contained in the 1951 Convention.

The Convention is subject to and identified by a number of fundamental principles: non-penalization, non-refoulement, and non-discrimination being the most essential and notable factors, making this convention both status and rights-based instrument. Provisions of the conventions, are to be respected, tolerating no discrimination in regards to race, religion, culture, or country of origin. Reinforcements in international human rights law have rounded the Convention to be applied without discrimination in sex, age, disability, sexuality, or other prohibited grounds of discrimination. Penalization of refugees, subject to exceptional conditions, is prohibited even for their illegal entry or stay. Refugees should not be forced back to the country of their origin until fundamental protection of their rights and social status is achieved. This identifies the need of seeking refuge through breach of immigration rules. Imposition of prohibited penalties on such individuals could include being charged with immigration or criminal offenses in regards to finding refuge or can result in being arbitrarily detained purely on the basis of seeking asylum and/or foreign shelter. Safeguards against the expulsions of refugees are taken care of and contained in the convention. The principle of non-refoulement is the most fundamental, permitting no reservations or derogations to be made to it. It grants that no one shall expel or return (“refoul”) a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or social, religious, ideological, and moral freedom.

■ Humanitarian Crises: The Distinction between Civilians and Combatants

The term combatant is defined in Article 4 of the Third Geneva Convention [Article 4 International Committee of the Red Cross (ICRC)] and Article 43 of Additional Protocol I [Article 43, Additional Protocol I] and is someone associated with the armed forces having the right to participate in hostilities. Combatants are lawful military targets and can be targeted as such [As per the Principle of Distinction, Article 48 Additional Protocol I]. Combatants are required, as per Article 4 of the Third Geneva Convention, to fulfill a few conditions, such that they must:



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- A. follow the conditions of operating under responsible command
- B. wear a fixed distinctive sign
- C. carry arms openly, and;
- D. respect International Humanitarian Law (*Naqvi et al., Status in international humanitarian law and 'unlawful combatants' 2021*)

Combatants are provided immunity against prosecution for actions that would be considered common criminal offenses in times of peace unless these actions amount to war crimes. This protection also permits them to conduct acts of war in the form of harming or killing enemy combatants and destroying enemy property as long as they are part of lawful military engagements. On being captured, combatants are given the status of Prisoner of War (POW). Under the Third Geneva Convention, during the period of detention POWs are provided comprehensive protection regarding how they are treated, including protection against physical violence, torture, the right to retain their personal property, the right of respect for their persons and honor, the right to send and receive correspondence with family, as well as the right to receive aid from the ICRC. Article 75 of Additional Protocol I grants minimum protections to those who fail to fulfill conditions prescribed in Article 4 of the Third Geneva Convention.

Combatants are not contained in the law applicable in non-international armed conflicts as it does not guarantee protection for criminal actions and participation rights in hostilities.

Civilians, as per the distinction principle, are not to be made subject to any sort of attack in war and hold complete rights to be protected from dangers and/or conflicts arising from operations of military and warfare. In other words, they are defined as all those not belonging to the combatants' category. Civilians do not hold any combatant immunity and thus hold no rights of participation in any form of hostility. They can be rightfully prosecuted under domestic law if proved in the action of doing so, as well as for any war crimes. If they find themselves in or beyond enemy lines, they become 'protected persons' and hold the right to be given due protection as enshrined in the Fourth Geneva Convention; that is, after having fulfilled the nationality requirements under Article 4. They are further entitled to a plethora of protections such as humane treatment, individual and social respect and honor, interdiction of forced labor etc. However, if found engaged in hostile activities that threaten the security of the detaining state, civilians cannot claim the protection rights of the Fourth Geneva Convention. Even so, they would still hold entitlement to the minimum protection acts defined in Article 75 of Additional Protocol I.

Whilst civilians cannot be made objects of target by the enemy forces, Article 51(3) of Additional Protocol I encloses that they only hold entitlement to the right of protection from attack 'unless and for such time as they take a direct part in hostilities.'



■ UN Convention on the Elimination of All Forms of Discrimination

CEDAW: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), was proposed and put into effect in 1979 by the UN General Assembly. It is more often than not, described as the international rights bill for women. Comprising of a preamble and 30 articles, it defines discrimination against women and lays down a framework for nations to come together and put an end to such discrimination.

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (UN, CEDAW 1979).

By accepting the Convention, States adhere to commitment in themselves to see-through the implementation of certain measures to eradicate discrimination against women in all forms, consisting of and not limited to:

- Incorporation of the equality principle amongst men and women in their legal system; abolish all laws that may lay grounds for discrimination and espouse appropriate and suitable ones that rightfully and legally forbid any and all forms of discrimination against women;
- Establishment of tribunals and other public institutions in order to ensure the effective protection of women against discrimination; and
- Structured elimination of all acts of discrimination against women by persons and/or organizations/institutes.

The Convention lays the groundwork for realizing equality between women and men by providing a blueprint to ensure women's equal access to, and equal opportunities in, political, socio-economic, and public life regulations – which duly includes the right to vote and/or to stand for elections -- as well as access to and full participation in educational opportunities, health services, and employment. State actors have expressed agreement in ensuring all appropriate measures are put into place so women can enjoy all their human rights and fundamental freedoms, which include legislation and temporary special measures too.

The Convention is the only treaty for human rights that affirms and advances the reproduction rights of women and targets culture and tradition as forces of influence when defining rigid gender roles in social and family relations. It promotes and advances women's rights to acquire, change or retain their nationality and the nationality of their children. State actors are also to be in agreement, in taking appropriate measures against all forms of exploitation of women in matters of politics, workforce, and/or domestic circumstances.



Nations that have expressed agreement to and have ratified/acceded to the Convention are legally bound to put its provisions into practice. They also hold a commitment to submit national reports, over the period of every four years, which would define and explain the measures they have put into action to hold up their obligations in and through the treaty. CEDAW has been ratified or acceded to by 189 State Parties. The United States is the only country to have signed but not ratified the Convention. Other governments that have not expressed unification with the treaty's ideologies include Iran, Palau, Somalia, Sudan, and Tonga.

Although CEDAW is one of the major and leading conventions for human rights in gender equality, it should be brought to attention, the heavy criticism for its elaborate and extensive reservations, that is, the lack of intersectionality and specificity. The qualms allow nations to ratify CEDAW but then, they can only legally bind themselves to provisions and points that they wish to comply with and that may favor their national and foreign interests without regard to strict implementation of rights' deliverance measures and the proper allocation of resources to this aim. 48 parties have ratified CEDAW with reservations, marking the most reservations for a human rights convention. Moreover, Article 2 outlines measures that nations must put into action in order to eradicate discrimination of any and all sorts, but it's the provision with most reservations in the convention. Involved nations have cited religious, cultural, and legal reasons for being unable to abide by the provisions. Since parties have no rigid accountability in regards to the adherence to the convention's provisions, they can continue their support of discriminatory practices such as female genital mutilation (FGM), virginity testing, forced and unwanted marriages and/or abortions, and domestic violence. The Committee has stipulated that reservations that are put forth in response to Article 2 contrast with the aims and objectives of CEDAW, thus exacerbating its limits. When states ratify CEDAW with reservations to core provisions, they actively indicate their lack of interest in substantially changing their legal systems to reflect ones that promote the advancement of gender equality. Although some nations have shown the courtesy to withdraw their reservations at the request and pressure from the CEDAW committee, still some have favored their personal interests and have maintained them. While some states have withdrawn their reservations as a result of pressure from the CEDAW Committee, most have maintained them.

CEDAW has also been the subject of criticism of its incoherent approach to intersectionality: It has failed to identify any provisions that specifically address women's interactional identities. This gap furthers the idea and framework that characterizes women being subject to only gender discrimination and fails to identify other, perhaps more consequential forms of discrimination like racism, classism, ethnocentrism, and heterosexism. The Committee's reports often frequent this observation of intersectionality. However, this analysis of intersectionality is not always consistent and sometimes does not exist at all. The convention has also faced criticism for its failure to address the specific needs of women that have to manage lifestyles in situations that do not reflect those of the standard western lifestyle. For example, Mali ratified CEDAW with no reservations in 1985. However, since the convention fails to address Female Genital Mutilation, Mali has also not put any legal measures into action to criminalize or even to take a clear stance against FGM. A 2018 study



Found that 88.6 percent of women aged 15-49 in Mali have undergone FGM in some form. It was not 2020 that a Committee report condemned Mali's failure to criminalize and take actions against FGM, accusing it of grave and systematic violations of CEDAW.

Lastly, CEDAW's lack of specificity compounds the negative effects of its extensive reservations and inconsistent approach to intersectionality to permit the continuation of the various discriminatory practices. While states are required to take appropriate and strictly observed measures to eliminate discrimination, they still lack any guidance that would dictate the blueprint of the measures that are to be put into place. Although some parties have enacted legislation that seemingly promotes gender equality, women still continue to face discrimination in contrast to the principles of CEDAW. For example, the Philippines ratified CEDAW without reservation in 1981 and enacted the Magna Carta of Women (MCW) in 2009 that reflects, with due respect, the convention's provisions and similarly mandates the state to change legislation to eliminate discrimination. One of its defined goals was to increase women's involvement and roles in government positions up to the equal 50:50 ratio. The Philippines has made some considerable progress; for instance, women judges in lower courts have grown in quantity from 28% in 2009 to 49% in 2018. However, in a report submitted to the Committee in 2016 to assist in the review of the state's obligations' compliance with the provisions of the CEDAW, the Philippine civil society reported that despite the MCW's enactment and its explicit mention of sexual orientation and intimate relationships of LBT people, the government still needs to put more measures into place in order to prevent, document, monitor, and follow up on cases of discrimination based on sexual orientation and gender. Lack of law enforcement, limited capacity to enforce, and weak accountability hinder parties from actually strictly observing gender discrimination activities.

An Important UN Resolution: Security Council Res 1325

Having been marked as the first landmark Security Council resolution on women, peace, and security, Resolution 1325 goes to address impacts of warfare conflicts on women and the cruciality of women's full and parallel involvement and participation in resolving conflicts, building and advancing peace, response to humanitarian causes and issues and in post-conflict reconstruction. The resolution further calls for specific and precise steps to be taken in order to ensure the protection of women and girls from conflict-related sexual violence and also outlines gender-based responsibilities of the United Nations in different political and socio-economic programmatic areas.

Resolution 1325 highlights and caters to two crucial issues—the inordinate impact of conflict violence and warfare on women and young girls, as well as the critical role that women should be encouraged to, and already seem to be fulfilling, in conflict prevention and the building and advancing of peace regulations. Women's equal and parallel participation and involvement is critical in every aspect of achieving and sustaining peace and coherent stability within a nation and/or community. The Resolution further urges all involved actors to encourage and advance the participation ratio of women and also to incorporate equal gender perspectives in all the United Nations peace and security efforts and acts.



Parties involved and/or engaged in conflict must take specific and strict measures in order to ensure the protection of women and girls from all sorts of gender-based violence, especially rape and other forms of sexual assault crimes that are common during times of warfare and conflict. Each of the specified and talked-about mandates falls into one of the UNSCR 1325's four basic pillars: participation, protection, prevention, and relief and recovery.

During the past 10 years, various actors have responded to the call of the resolution. UN offices proposed and put forth a systematic nationwide plan to ensure a holistic and well-structured implementation approach. Approximately, 500 activities have been put into action, a number of which satisfy the deliverance of the protection acts for women during armed conflict, especially in the context of post-war instability and the threat of mines. Further progress has been made through the incorporation of the resolution in intergovernmental and treaty bodies' work in the United Nations system. Amongst notable accomplishments, there is the adoption by many of the Member States of National Action Plans in seeing through the implementation of the resolution. In various cases, this process has been collective and collaborative, which entails the inclusion of the Member States, UN entities, and civil society organizations thus allowing best practices to be put into action.

UNSCR 1325 has had its fair share of drawbacks and limitations. Firstly, the language used in the resolution is highly equivocal, which allows multiple and incoherent interpretations. However, the explanation of the language ambiguity owes itself to the dynamics of the United Nations, which would have deemed the resolution impassable had the language structure been framed any other way.

In addition, Member States have been unable to hold up and hierarchize certain important recommendations in the resolution which weakens its foundations. The eighteen-point resolution covers many potential aspects and calls for interventions and changes whose realistic implementation seems arbitrary and nearly impossible. For onboarding countries to ensure its sustainable implementation, the resolution needed to have given some kind of indication as to the priority and importance hierarchy of the points.

This further proves problematic for donor parties who wish to invest in actions and activities that support UNSCR 1325 because the ambiguity presents itself as to which objectives they should sponsor when donating money or resources.

Furthermore, this also impedes organizations' actions that aim to raise money for women's human rights because they cannot provide precise credibility in the information about the objectives that they are fundraising for. Despite this, the UNSCR 1325 has been a truly ground-breaking and impactful document that facilitated, encouraged and advanced more talks, actions and garnered serious attention to the subject of women's defined human rights in both times of conflict/warfare and peace.

It must be, however, brought to attention that the lack of accountability mechanisms is not firmly unique to UNSCR 1325. Most proposals and conventions/norms that exist in the modern world, including the Responsibility to Protect (R2P), are geared off as a resolution much like the UNSCR 1325. This suggests and encourages that the progress may be slow but is impactful in advancing the case for women at an international, national, and regional system levels; this has not been the case because of the resolutions' structural nature but rather owes its vocal success to the nature of the United Nations system and the current international tenet.

Namibia Plan of Action

In May 2000, the UN Department of Peacekeeping Operations, in acknowledgement that progress in gender mainstreaming was deplorably deficient, organized a Seminar in Windhoek on "Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations," which was hosted by the Namibian Government. This conference produced two ground-breaking documents (A/55/138-S/2000/693) that had an invaluable impact on the Security Council's adoption of landmark resolution 1325 five months later.



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To warrant the effectiveness of peace support operations, the fundamentals of gender equality must permeate and embody the entire mission, at all levels, thus ensuring the participation of men and women as equal and parallel partners and beneficiaries in all aspects of the peace process -- from peacekeeping, reconciliation and peace-building, towards a situation of socio-economic and political stability in which both the genders play an equal part in the development of their country. The Namibia Plan of Action – as mentioned above – sought and put forth practical ways to realize these aims through a thorough consortium between the UN system and Member States.

UN Peacekeeping Operations and Gendered Threats to the Protection of Civilians

The vital peacekeeping approach committed to gender is the 2018 Gender Responsive UN Peacekeeping Operations Policy. The policy tends to some insurance/protection related issues, including conflict-related sexual violence (CRSV), which it characterizes as “sexual violence of comparable gravity against women, men, girls or boys”. The arrangement likewise traces the connection between POC (Protection Of Civilians) and WPS (Women, Peace, and Security) orders. Be that as it may, the policy fails to provide clarity in the definition of POC or give applied lucidity on gendered dangers to civilians under the POC idea, and it doesn't address the significance of force elements. It likewise supports a shallow comprehension of sexual orientation, including with regards to security-related issues.

The UN Department of Peace Operations (DPO) 2019 arrangement on the civilians' protection in peacekeeping plainly interfaces POC with the WPS plan. While the expression "gender" is missing from the part that characterizes POC and other key terms, there is a section in the core principle for POC on “meaningfully integrating the women, peace and security (WPS) priorities.” The policy unequivocally references to women, men, boys, and girls as subjects of target for various POC exercises, including community commitment and correspondence. It requires the examination and arranging of POC to consider the necessities of and dangers for women, men, girls, and boys. It calls for POC endeavors to think about the requirements and long-haul interests of women, men, girls, and boys and for POC devices to address their different protection needs. The policy characterizes CRSV as sexual brutality and violence against women, men, girls, and boys in conflict-stricken and/or post-conflict settings or other different circumstances of concern. It additionally determines that survivors of CRSV can be targeted based on their actual or perceived sexual orientation or gender identification. By and large, the POC strategy considers gender and gendered dangers to civilians in a rather comprehensive and elaborate manner. However, notwithstanding the policy's comprehensive and complete methodology, is the failure of constant reflection of these approaches in practice. For instance, as per field staff interviews, most missions don't offer designated help and support to male or LGBTI survivors of CRSV.

The 2011 Human Rights Due Diligence Policy on UN Support to Non-UN Security Forces is another document that owes relevance to both POC and gender. However, it fails to mention “gender” and even the mention of POC is only done once, that too, in the circumstance



of local protection networks regulating as a system for the collection and review of information. This failure to substantially include POC and gender in such a critical document might be the cause of the inadequate mainstreaming and implementation of these concepts across the United Nations. Despite that, the 2011 Policy on Human Rights in UN Peace Operations and Political Missions does frequently mention gender and specifically states that the differing circumstances of women, girls, men, and boys need to be duly considered, even if only once.

Gender is more substantively addressed in the mandates of the four largest mandate missions for POC: the UN Mission in South Sudan (UNMISS), UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), and UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The mandates for these missions put special emphasis on the need for equal and meaningful involvement of women in all the peace process aspects. Additionally, they specify POC tasks that is, tracking, investigating, and reporting; maintaining services' access for victims/survivors of violence; advancing and supporting warning mechanisms; impeding and eliminating operational harm to civilians; deterring violence by armed groups against civilians; and supporting any and all efforts and measures for mediation. Although these mandates comprehensively and substantively approach distinct gender and POC issues, there are several reasons that still render the link between gender and POC weak. First of all, all the mandates lump "women and children" or "women and youth" together as victims as seen in phrases like "protect civilians under threat of physical violence..., with specific protection for women and children." This fortifies the idea that women and children lack their own agency as victims who need protection that gender" means "women and that women and children are a homogeneous population. Secondly, strong emphasis in the mandates is laid on the connection between gender and CRSV, and very little attention is paid to other gender-based protection of civilians' threats. Where sexual violence is a widespread threat with a gendered dimension, there are various other gendered POC threats that the mandates fail to address. Furthermore, the mention of gender is not substantive in the context of other task mandates related to the first and third pillars of POC, such as disarmament, demobilization, and reintegration, security sector reform, elections support, or support to the rule of law, even if this link is often made in practice. Thirdly, although gender neutrality is maintained in the mandates' language on sexual violence- a possibly deliberate decision in order to ensure inclusivity—this, along with references made to women's organizations and women protection advisers, reinforces the misconception that victims of sexual violence and/or assault do not include men or boys. Similarly, "children" has been mentioned in a gender-neutral way in the context of sexual violence, without any acknowledgment that gender-based threats might vary. The mandates also never mention men, boys, or girls in the context of either gender or POC. While many POC threats elucidate to particular consequences for women, threats such as sexual violence, arbitrary arrest, detention, summary execution, forced recruitment, child marriage, intercommunal violence, and trafficking might also entail risks specific to men, boys, and girls, who might in some cases be the main victims. The Security Council explicitly has made the recognition men and boys are victims of sexual violence too in Resolution 2467 in 2019—that is, before the renewal of the



the mandates of all the missions related to POC mandates—but this has failed to reflect as solutions in the resolutions.

While POC and gender are common cross-cutting problems in UN peacekeeping, there has been insufficient cross-pollination among them. Two misconceptions make it difficult to establish a fruitful relationship among the two concepts: the conflation of “gender” and “girls” and the affiliation of gender-associated safety on the whole with sexual violence. Mission mandates and system-extensive policies fortify the problem by disregarding gender, using confusing and ambiguous language, or discussing the relationship between gender and POC superficially. Missions are consequently left to their own interpretation of gendered protection needs, mainly pertaining to sexual violence against women. Men, boys, girls, and LGBTI human beings are in large part absent from missions’ POC techniques, and gender is not always mainstreamed throughout all POC tasks. However, missions have had a few fulfillments addressing gendered POC threats on the neighborhood stage which include supporting protection networks and different community-led initiatives.

A broader approach to gender has also been the center of initiatives lately. The inclusion of “men and boys” in recent WPS resolutions seems to present an opportunity for further nuance on the understanding of gender at the granular mission level. The missions, with the mention of new “safeguarding frameworks” on the intersectionality of POC and gender, might help advance things towards considerable progress. These could include specifically mission-related documents on gendered POC threats, as well as POC strategies on the mission level that would address gender more robustly. Shielding systems on POC and gender could direct those missions to evaluate the gender aspects of each danger rendered to POC as far as both the culprits and the victims and decide the distinctive effects of dangers on each group. They could likewise unequivocally emphasize that embracing a gender lens point involves seeing all genders and sexes—not just females and adults. Such foundational frameworks could help standardize the convergence among gender and POC across missions. The methodology till now appears to have been that work on gender and POC should be facilitated collaboratively. Be that as it may, coordination alone is inadequate. Work on gender and POC should be incorporated. Working on POC involves substantive work on gender since individuals are gendered. All missions working on POC—not simply gender specialists—need to think about the gender viewpoint at each progression: in the danger and threat assessment, victims and casualties’ and culprits’ analysis, examination of power dynamics, and plan of responses across each of the three tiers of POC. Inquiries on threat response (e.g., military, civilians, or police groups; men or women) and how they will connect with various parts of the non-military personnel should be second nature. The UN Charter commits the UN to “promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion” (United Nations, Right to Development). The Universal Declaration of Human Rights further emphasizes: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.” Paradoxically, missions ought to intentionally, reliably, and progressively make qualifications in their examination and planning of POC



They ought to separate out and rightfully distinguish between various communities and groups and concentrate on how the impacts of POC dangers contrast based on gender. This will allow the United Nations to work on and produce results on true gender equality.

■ Integration of Gender in Protection of Civilians (POC) Activities

There exists a lack of clarity in mandates and policy documents, leaving it to the peace-keepers on the ground to conceptualize gender and POC. The intersection between gender and POC can be analyzed across five dimensions:

1. Framing gendered threats to civilians in POC strategies

While POC-mandated peacekeeping missions have their own strategy documents, they only mention women and children when it comes to risk analysis. The elderly, youth and minority groups are mentioned as well but the word “gender” rarely arises. The strategies barely provide any solid guidance for a gendered approach; concepts like “gender markers” have no elaboration and the term “gender” is not distinguished from “sex.” This leaves the people in strategic control rooms to decide how to approach the intersection of gender and POC, or how much attention goes to it, if at all. MINUSMA is the one exception, whose POC strategy points gender out as a security issue, highlighting that it applies to men, women, boys, and girls—however, the focus for their concerns remains on the disparity between cisgender men and women.

2. Identifying gendered POC threats

Mission staff on the field have to identify the POC threats and identify their gendered aspects, yet most missions do not seem to undertake a designed, gender-sensitive analysis of threats that contribute to gendered power dynamics and vulnerabilities. With no gender mainstreaming staff involved, missions rely on Gender and Conflict-Related Sexual Violence experts to ensure gender considerations are taken into account.

Sexual violence is one of the most prevalent POC threats, the focus on these threats solidifies that these missions would greatly benefit from a more streamlined structure of guidance. UNMISS has recognized fetching water as a risky activity for women—due to the gendered nature of drought and other climate-related threats. It also noted how the drop-out rate of girls from schools contributes to their susceptibility to forced marriages and/or abduction. There are also instances of robberies accompanying sexual violence, forced marriages, and forced prostitution. Non-sexual gendered violence is also reported, relating to women’s lack of access to electoral or justice mechanisms, girls’ lack of access to education, and a general lack of representation for women in community-level institutions. These threats might also include attacks against politically active persons and human rights activists; enforcement of dress codes, restriction on movement, forced recruitment into armed forces/groups, worsened living conditions and treatment in detention, and threats originating from arbitrary justice.



3. Analyzing gendered POC threats

Missions need to understand the gender roles in society and affected communities in order to design their activities at the intersection of gender and POC, insight into the gendered nature of threats to civilians is necessary for this. Many POC strategies specify the importance of threat assessments, scenarios, and contingency planning—and for these to be gender-specific in certain cases. For example, UNAMID’s integrated field protection teams were required to produce gender-sensitive analytical protection assessment reports after field missions, and UNIFIL’s scenario planning is meant to include threat assessments that pay particular attention to the protection of women and children.

4. Adopting a coherent approach to gendered POC threats

Another obstacle is the deficiency of coherence within the UN and between the UN and other stakeholders in theorizing and responding to gendered threats to civilians. The consultation process for the drafting of POC strategies is concealed. A gendered approach must be taken—while drawing on the expertise of all mission components—to identify, analyze, and respond to threats to civilians.

Only the POC strategies of MINUSMA and UNMISS mention consultations with other mission personnel, and none mention functional interactions on gender issues.

Compartmentalization of those working on POC and gender makes coordination additionally complicated. POC advisers, gender advisers, women protection advisers, and heads of CRSV units all act as separate identities, making it even harder to address the gender and POC intersection.

5. Ensuring a sustainable approach to gendered POC threats

Sustainable POC activities are accomplished through Tier 1 (engagement and dialogue) and Tier 3 (the creation of a protective environment). National governments maintain the key responsibility for POC, and all missions’ POC strategies underscore the governments’ duty. Two misconceptions make it particularly hard for gender and POC to have a productive relationship: an amalgamation of “gender” and “women”, and the association of gender-related protection primarily with sexual violence. System-wide policies reinforce the problem by using ambiguous language, mentioning POC and gender’s connection at a highly superficial level, or not mentioning gender at all. Mission are consequently left to interpret gender protection based on their own understanding, steering most of them towards focusing solely on sexual violence against women; this means men, boys, girls, and LGBTQ+ persons are absent from missions’ POC strategies, and gender is not mainstreamed across all POC tasks.

■ Sexual reproductive health (SRH)

Human rights encompass greatly women’s sexual and reproductive health, which include the right to life, the right to protection against physical torture, access to all educational opportunities, health, privacy, and non-discrimination in any social pursuit. There is a clear



and strict indictment of women's right to health including their sexual and reproductive health by the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on Economic, Social, and Cultural Rights (CESCR).

This elucidates the fact that States are obliged to respect, protect and fulfill all women's sexual and reproductive health rights. The Special Rapporteur on the right to health entails women having the lawful entitlement to sexual and reproductive health care services, facilities, and resources that are (OCHR, Women Rights are Human Rights).

1. Made available in substantial amounts;
2. Made accessible economically and physically;
3. Made accessible without any sort of discrimination; and Of well-maintained quality.

The Relevant human rights standards:

- CEDAW (article 16) guarantees strict equal rights for women by deciding "freely and responsibly on the number and spacing of their children and to have access to the information, education, and means to enable them to exercise these rights."
- CEDAW (article 10) additionally specifies women's right to education by defining inclusion of" access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning."
- The Beijing Platform for Action states that "the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination, and violence."
- The CEDAW Committee's General Recommendation 24 proposes State prioritization of the "prevention of unwanted pregnancy through family planning and sex education."
- The CESCR General Comment 14 has put forth a thorough analysis of the provision of maternal health services being comparable to a crucial obligation which shall not depreciate in any circumstance, and the States are obliged to immediate concrete, structurally deliberate, and targeted steps to fulfill the right to health in the context of pregnancy and childbirth.
- The CESCR General Comment 22 proposes that States "repeal or eliminate laws, policies, and practices that criminalize, obstruct or undermine access by individuals or a particular group to sexual and reproductive health facilities, services, goods, and information."

Despite these obligations and lawful impositions, women's sexual and reproductive health rights are often subject to violation through neglect. These include, and are not limited to:

- Access denial to services that only women require;
- under-quality services;
- Subjecting women's access to resources and services to third-party authorization;
- Forced/unbeknownst sterilization forced virginity examinations, and forced//unbeknownst abortion that is, without women's prior consent;



- . Female genital mutilation (FGM); and
- Early and/or forced marriages.

■ SRH: Implementation of Human Rights

Strict implementation of the human rights standards needs to be strictly observed so as to ensure women, a safe and healthy sexual life. A state of substantial physical, mental and social well-being in all matters subject to reproduction is what entails good sexual and reproductive health. It insinuates that individuals have a satisfying and safe sex life, reproduction capability, and complete freedom to make the decision if, when, and how often to reproduce. In order to maintain a person's sexual and reproductive health, they rightfully require access to precise and accurate information details and with their rightful decision; safe, effective, affordable, and acceptable contraception methods of their choice. They must be empowered and well-informed to protect themselves from sexually transmitted infections. And in case of the decision to have children, when and if they do so, females must have due access to resources and services that are needed in order for them to have a safe and healthy pregnancy, safe delivery, and healthy baby. Every individual has the right to make their own choices about their sexual and reproductive health.

■ Gendered based violence, gender-based sexual assault

Gender-based violence (GBV) or violence against women and girls (VAWG), is a global pandemic cause that affects 1 in 3 women during their lifetimes (World Bank, 2014).

The statistics are astonishing:

Globally, 35% of women have been subject/victim to either physical and/or sexual intimate partner violence or non-partner sexual violence.

7% of women worldwide have been victims of sexual assault by someone other than a partner.

Worldwide, so many as 38% of female murders are found to be committed by an intimate partner.

Approximately, 200 million women have experienced female genital mutilation.

These experiences are not only severely devastating for the survivors of violence as well as their families, but also derive consequential social and economic costs. Violence against women has been observed to cost countries up to 3.7% of their GDP approximately – which is astonishingly more than twice the cost of educational expenditure among most nations and governments.

Lack of attention and failure to address this issue consequents an elaborate cost for the future. Various studies have shown that individuals with a childhood history of violence are more likely to become perpetrators of violence in the future with the need to subject their trauma elsewhere.

A characterization of gender-based violence is that it holds no bounds; not social nor economic and goes on to affect women and girls of all socio-economic backgrounds. This crucial issue needs to be given strict attention to, in both developing and developed countries.



Impeding and eradicating violence against women and young girls entails a community-wide, multi-faceted approach, and sustained and structured engagement with various stakeholders. The initiatives that are effective and bring about strict coherent changes, address underlying risk factors for violence, such as the social norms in gender roles and the ratio of violence acceptance.

Forced Marriages

Forced marriage is one such issue that calls for immediate and thorough attention. It is a marriage that takes place without the consent of one or both people in the marriage. Consent means that you have given your full, free, and informed agreement to marry your intended spouse and to the timing of the marriage. Forced marriage may occur when family members or others use physical or emotional abuse, threats, or deception to force you to marry without your consent.

Forced marriage can happen to individuals of any race, ethnicity, religion, gender, sex, age, immigration status, or national origin. It can happen to individuals from any economic or educational background (USCIS, Forced Marriages).

In Focus: Forced Marriages and the United Kingdom

The choice of whether, and whom, to marry is so intimately connected to self-determination that it has been acknowledged in several key international instruments as a fundamental human right. In addition, forced marriage has been explicitly acknowledged as a gender-related form of persecution in a number of national and international refugee law documents including the original 2000 United Kingdom Tribunal gender guidelines as well as the revised (and greatly truncated) UK Border Agency gender guidelines. While the 2002 UNHCR gender guidelines refer only in passing to forced marriage as a form of persecution, the 2008 UNHCR guidance note on sexual orientation identifies the issue as one of importance and deals with it in some detail. Yet these standards were rarely utilized in the analysis of whether those forced to marry form a ‘particular social group’ under the Refugee Convention or whether forced marriage constitutes a form of persecution. In 2008, after almost 10 years of debate and consultation the Forced Marriage (Civil Protection) Act came into effect. The centerpiece of the Act is the ‘forced marriage protection order’ designed to protect a person at risk of forced marriage, or who has already been forced to marry. ‘Force’ is defined to include threats or other psychological means, and a court may make a protection order on the application of the person in need of protection, a relevant (and statutorily defined) third party, any other person, or on its own initiative and may have effect in foreign territory.⁶ In short, the legislation creates a flexible tool, broadly modeled on earlier legislative approaches to domestic violence protection orders. The Act strenuously reinforces a pro-active role for the courts in confronting and potentially averting forced marriage. The Forced Marriage Unit (FMU) has broad roles in education, support, and ‘awareness raising’, as well as in ‘rescuing’ victims of forced marriage. Given the pace and diversity of engagement in forced marriage issues in the United Kingdom, we anticipated that decision-makers would have an increasingly well-informed understanding of forced marriage as a gendered human rights abuse. Yet we found the refugee cases, in particular those



decided by English courts and tribunals, were utterly at odds with these domestic developments.

Inaccessibility to Healthcare and Health Equity

Refugees have specific health-care needs as a result of the negative effects of conflict and forced exile, including persecution, psychological trauma, deprivation, and unhealthy environmental conditions. Many of the barriers to adequate care faced by refugees are similar to those faced by the broader migrant community and other marginalized groups. This includes, but is not limited to, barriers to attending existing services, differences in language, cultural and financial background; lack of trust for service providers and inability to negotiate healthcare; or, at times, the absence of effective health care (Lamb & Smith, n.d., p. 161).

Language barriers are one of the main reasons why general practitioner surgeries in the host countries turn refugees away (p. 161). In addition to this, miscommunication, misdiagnosis, and a lack of appropriate follow-up are all a result of language differences.

Specialized services for refugees are available in major metropolitan areas. Despite outreach and training strategies, refugees who settle in rural and regional areas have less access to these services (p. 161). If healthcare, doctors, or hospitals are not available in the area they reside, many refugees have to travel to metropolitan areas for treatment. These transportation costs to healthcare services also add to the problem. People who arrive as refugees have yet to find work, face financial constraints in accessing health care in their host countries (p. 161).

Furthermore, a lack of trust in healthcare providers discourages refugees from seeking treatment. Such distrust may stem from past experiences with human rights violations at the hands of government officials. This mistreatment instills fear. Fear is heightened for refugees who have been subjected to torture by medical personnel. Refugees come from vastly different healthcare systems within their own countries, as a result, some refugees' access to care is hampered by a lack of familiarity with available services (Lamb & Smith, n.d., p. 161).

Apart from a refugee's inability to access health care, many health professionals have not compensated adequately for the additional time required to provide medical care for patients with special needs. This serves as a disincentive for providing comprehensive care to marginalized groups. Some hospitals and doctors are not trained to meet the needs of the trauma patient and have incompetent skills to detect and manage unfamiliar diseases among refugees. This can also occur through staff failing to adopt health care techniques that accommodate past trauma and human rights violations during treatment procedures. Hospitalization or other health-care interactions that are not handled sensitively, or that use clinical procedures that are reminiscent of abuse (for example, electrocardiography), may retraumatize those receiving care (Lamb & Smith, n.d., p. 161).



Racism and discrimination have been shown to reduce access to care in some marginalized groups, and it is likely that refugee groups will be affected as well. At times in refugee camps, health service provision is not yet developed properly to meet the needs of specific groups within refugees who need extra care and support. This is a significant gap in service provision that primarily affects pregnant women and others who require hospitalization. Temporary Protection Visa holders (people released from immigration detention centers) are ineligible for Commonwealth-funded health services such as free interpreting in private doctor's surgeries and limb prostheses (Lamb & Smith, n.d., p. 162).

Gender Sensitization of Refugees in Resettlement

Definition

Resettlement is the process of selecting and accommodating the transfer of refugees from a country that has currently granted them asylum to a third country that is willing to endow them with a permanent residence as a refugee. This must guarantee protection against refoulement and provide the resettled refugee along with their family access to civil, economic, social, political, and cultural rights similar to those enjoyed by the country's nationals. This should also come with the eventual opportunity to become a national citizen of the resettlement country.

Current challenges in resettlement

While the number of refugees requiring resettlement is fallen in recent years, new resettlement cases have more complex profiles including diverse nationalities, needing asylum from threats based on sexual orientation or gender identities, or needing special attention or treatment—e.g. victims of torture or women-at-risk. This has created a variety of obstacles for the resettlement countries and UNHRC, from how to better outline the standards for resettlement, cater to special needs of resettled refugees, or provide support networks in the host communities.

UNHCR resettlement criteria

Legal and physical protection needs:

- . Resettlement requires physical and/or legal protection when a case meets one or more of the following conditions:
- . A threat of refoulement to the country of origin or expulsion to a country from where the refugee may be deported;
- . Threats of arbitrary arrest, detention, or imprisonment;
- . Threat to human rights or physical safety in the current country of asylum, rendering the asylum invalid.



Bear in mind that women may be under incessant threats to various human rights dangers in the country of refuge like sexual attacks, intimidation, coercion, exploitation by persons in power; while persons identifying under the LGBTQ community are at risk for additional threats, such as discrimination and hate crimes without being able to access effective state protection based on discriminatory laws and social norms.

Survivors of violence and torture:

Survivors of torture and/or other forms of systematic violence will need appropriate physical and mental health care as well as special assistance to cater to those that suffer from Post-Traumatic Stress Disorder (PTSD). Families of survivors may have composite feelings of trauma, guilt, and helplessness and they may also need special care and attention.

Medical needs:

To determine whether resettlement is an appropriate solution to the medical needs of a refugee, the following conditions must be met:

- . The health condition is life threatening if proper treatment is not administered;
- . There is a risk of irreversible loss of functions;
- . The condition prevents the individual from leading a normal life;
- . Adequate treatment is not available in the current country of asylum;
- . In case of a disability, the situation in the country does not accommodate the individual's needs and prevents them from adjusting and performing at a satisfactory level;
- . There is a positive prognosis that treatment and/or residence in the resettlement country would effectively address the problem.

It is imperative to notice women-specific and trans-specific medical needs, in general and in relation to gender-based violence before, during flight, and inside the country of asylum.

■ Family Reunification

Resettle extends to cases where it restores the basic dignity of a refugee's life, for example, through family reunification. When refugees leave their country of origin, family members often don't get to join them or get dispersed during flights (Actions for the Rights of Children, n.d.) These separations lead to adversities and sometimes, tragic consequences, often causing serious hindrances to the refugee's adaptation to their new country. Womxn moved alone as well as unaccompanied minors face security, socio-economic complications along with the risk of sexual exploitation in the country of asylum and must be taken into consideration in resettlement cases and family reunification criteria.



■ Children and adolescents and Elderly Refugees

It is difficult for an unaccompanied minor to establish a refugee claim based on the criteria applied to adults. In such cases, a decision must be made for what would be a reliable solution in the minor's best interest. If the basic considerations are made, the following categories of children are of priority:

- Minors who can be reunited with their family;
- Minors who are under physical threat;
- Minors who are disabled, traumatized or in need of specialized medical care;
- Minors who are to be adopted.

During assessment, the vulnerabilities of heterosexual cisgender girls, lesbian, gay, bisexual, or transgender children may face, such as the risk of discrimination, forced labor, forced marriages, conversion therapy, and/or punishment for transgressing discriminatory laws or social norms.

Elderly refugees can be particularly susceptible to distress when they have to confront the causes and effects of becoming a refugee. They may be separated from their family, friends, the community they built, or have witnessed the deaths of their family members. The physical hardships of exile weaken them further, making it harder to ward off diseases and illnesses. The pressures of being involuntary displaced and then having to adapt in a new environment, especially for those without the backing of family, puts immense pressure on the coping ability of many elderly refugees. Elderly women may have extra liabilities that, due to gender roles, may present extra difficulties for them to support themselves.

■ Refugees without local integration prospects:

Resettlement might have to be considered for refugees who were not able to successfully adapt to their new county due to their cultural, social, religious, or educational background. Cases may rise where womxn, girls, and members of the LGBTQ community may be victims of such severe discrimination—by law or social norms—that a group resettlement may have to be considered.

UNHCR field officers are instructed to assimilate the resources and needs of refugee womxn into all aspects of UNHCR's programme to warrant equitable delivery of protection and assistance. Planning and accounting for every stage of a refugee situation, from the initial emergency and providing appropriate care throughout the process of identifying solutions. It is crucial for two reasons:



1. Refugee womxn are at a higher risk of attack and abuse as they cross the border;
2. Early detection of such risks allows the problem to be addressed in time. Camp layout and food distribution also play a vital role in the protection of refugee womxn as they are at a much higher risk of assault if they are allotted duties such as collecting water, fetching wood, and etc.

Violence Throughout the Refugee Cycle

Amidst the armed conflict, social structures are disordered. Womxn and children are subjected to the added risk of sexual and gender-based violence during their escape from the fighting and seeking asylum. Families are often dispersed during flight, leaving children unaccompanied or women solely accountable for maintaining their households. The following chart, adapted from a table developed by S. Purdin, describes the types of violence that can occur during the various phases of the refugee cycle.

During the conflict, Prior to Flight

Abuse by persons in power; sexual bartering of women; sexual assault, rape, abduction by armed members of parties in conflict, including security forces; mass rape and forced pregnancies.

During Flight

Sexual attack by bandits, border guards, pirates; capture for trafficking by smugglers, slave traders

In the country of Asylum

Sexual attack, coercion, extortion by persons in authority; sexual abuse of separated children in foster care; domestic violence; sexual assault when in transit facilities, collecting wood, water, etc. sex for survival/forced prostitution; sexual exploitation of persons seeking legal status in asylum country or access to assistance and resources, resumption of harmful traditional practices.

During repatriation

Sexual abuse of women and children who have been separated from their families; sexual abuse by persons in power; sexual attacks, rape by bandits, border guards, forced/coerced repatriation.

During reintegration

Sexual abuse against returnees as a form of retribution; sexual extortion in order to regularise legal status, exclusion from decision-making processes; denial of or obstructed access to resources, right to individual documentation and right to recover/own property.



■ Psychological forms of violence

All forms of violence have a psychological aspect, as the main purpose of subjecting someone to violence is to pressurize them to conform and/or damage their dignity and integrity. Psychological violence can be perpetrated in any of the following ways:

- . Confinement/Isolation
 - . Withholding information
 - . Disinformation
 - . Threatening behavior/referring to former acts of violence
 - . Gaslighting
 - . Grooming
 - . Manipulation
 - . Womxn Prisoners of War and Their Mistreatment
 - . The Geneva Convention relative to the treatment of prisoners of war brings up female prisoners of war 3 times;
1. Article 14: Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favorable as that granted to men (Global Justice Center, June 2014)
 2. Article 25: In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them (UN Human Rights Office, 12th August 1949)
 3. Article 29: Prisoners of war shall have for their use, day and night, conveniences which conform to the rules of hygiene and are maintained in a constant state of cleanliness. In any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them. (4th Geneva Convention, 1949)

Despite this, the reality of women caught in the crossfire is vastly different.

“By the time liberation came on 15 August 1945, the degradation of these women was complete. Like the POWs in their loincloths, they had virtually no clothes, many wearing old tea towels for bras, and "sandals" fashioned out of strips of rubber tires. Like the POWs, they were skeletally thin, half-blind with malnutrition and, as with the POWs, huge numbers had died.” Isabel Wolff on the female prisoners of war taken by Japan during WWII

“I was held by the intelligence division for 47 days. I was questioned 19 times and every time they hit me on my face, then with a rifle, they hit me on sensitive places on my body; they electrocuted me then put me in cold water then electrocuted me again. I died a thousand times each second. Because of the torture, I confessed to things I had nothing to do with, like working with armed groups, and I told them random names that I made up. All this caused me to get in trouble for things I had nothing to do with. I still have marks of the electrocution on my body.” Hana on her second detention under Assad’s government. (Youmna Al-Dimashqi, 7th May 2015)



“Banou Saberi spoke of being raped in 1982 by three men in the desert near the central Iranian city of Isfahan who said they were charged with enforcing Islamic law. She said that after her arrest in 1986, her interrogators used her rape as a threat to pressure her and her family, including her husband, who was executed in 1988. “They told my husband that I was a prostitute and I invented this [rape] claim to cover up the fact that I wasn’t a virgin when we got married,” Saberi recalled.” (Golnaz Esfandiari, 31st May, 2021)

Sexual Violence on the Border and Legal Accessibility of Victims

“While entire communities suffer the impact of armed conflict, women and girls are often the first to lose their rights to education, to political participation and to livelihoods, among other rights being bluntly violated; simply, crises exacerbate gender inequalities.” (UN News Centre, 3rd February, 2015)

Female refugees are highly susceptible to all forms of sexual and physical violence. Aside from the risk they face in the conflict zone, they are highly likely to be assaulted not only by human traffickers but also border security forces. As the number of people fleeing conflict continues to rise, worsening conditions at borders and in detention camps mean refugee women that are able to steer clear of traffickers and security forces, still risk being legally detained.

Refugee situations involving closed camps dispose of behavioural norms and restraints, organizing illicit activity individually or in gangs while self-proclaimed leaders foil attempts to punish the perpetrators. In certain situations, unaccompanied womxn have entered into ‘protection marriages’ to be spared from sexual assault.

Not only do the male residents of these camps condone this abuse, it is also perpetrated by the national migration administration/humanitarian staff. Sex crimes are a significant problem as they violate personal freedom, cause long term trauma, lead to unwanted pregnancies, risky abortions, complications tied to childbearing, and in some cases, death. The reason for the disgraceful situation of ongoing violence against womxn is due to a lack of implementation of already existing policies that aim to protect women from assaults. Sexual assault cases require proper handling, ensuring the victims get access to justice, legal remedies, and reparations. However, womxn in camps have fewer opportunities to get justice than men. Forced migrations deteriorate the chances of satisfying legal claims, leaving victims with no reparations. While international conventions and agreements take precedence over domestic law once adopted by the state and the UN Convention relating to the Status of Refugees clearly states that refugees will have free access to courts of law within all Contracting States, countries with failed legal systems fail to uphold this standard.

As camps lack administrative staff dedicated to providing counselling and legal support, a recommendation of the UNHCR Comprehensive Protection Framework on Accession to Justice for Sexual and Gender-based Violence Victims and Survivors can be helpful, if implemented adequately, because it calls for the expanded role of and regular visits by mobile courts.

National and Transnational Crimes—Human and S*x Trafficking

Transnational crimes are violations of law that involve more than one country in their planning, execution, or impact. These transgressions are distinguished from National crimes due to the fact that they are executed across multiple countries; this presents exceptional problems in understanding their causes, developing prevention strategies, and in setting up operational adjudication procedures. (Jay S. Albanese, 14 December, 2009)

National and Transnational Crimes can be grouped in three categories:

1. Provision of illicit goods (drug trafficking, trafficking in stolen property, weapons trafficking, and counterfeiting)
2. Provision of illicit services (human trafficking)
3. Infiltration of business and government (fraud, racketeering, money laundering, and corruption) involving multiple countries.

In the context of human rights violations, provision of illicit services is the main focus as it relies on forcefully subjecting individuals to severe exploitation. It is worth demarcating human trafficking and sex trafficking. Human trafficking involves various kinds of exploitation, sex trafficking being one division of it. The infographic shows some more forms of corruption that traffickers use to profit off of. Womxn and children, especially refugees are more susceptible to this kind of abuse; especially if they are kidnapped mid transit. Tracking their disappearances amid the chaos of transportation or noticing it in overcrowded camps can be an arduous task—that is if someone even reports them missing. Unattended children and alone womxn are easy targets, if refugees with families are abducted, there is little their family can do given their unstable conditions; even if they try to track them down after reaching the host country, their reports are not likely to be processed urgently—despite it being a time sensitive issue—if, at all.





Persons fleeing conflict or persecution may be forced to move sporadically to maintain their safety. They often seek out the services of smugglers for this, endangering them to a higher risk of getting trafficked and falling victim to serious human rights violations.

Currently there is no mandate for the support of victims of trafficking and smuggling. However, UNHCR and IOM published an updated Joint Framework on Developing Standard Opening Procedures for the Identification and Protection of Victims of Trafficking in 2020, which enhanced the referrals and outlined the cooperation amongst the two agencies for human trafficking. Additionally, the two agencies also co-lead specialized task teams that focus on global guidance and builds practical measures required to address human trafficking concerns.

Awareness raising programs and collaborations have been designed to help identify and respond to trafficking in migration settings such as the 10-Point Plan in Action, Telling the Real Story, Collaboration in Sudan, and Collaboration in Bangladesh. (Tatiana Papanastasiou, n.d.)

■ Protection of NGOs and WHRDs - womxn human rights defenders

Womxn Human Right Defenders (WHRD) are all womxn working on any human rights issues, promoting women's rights and rights related to gender equality. This includes LGBTQ+ activists as issues pertaining to sexual orientation and gender identity are encompassed within gender equality. As they are often perceived as challenging/disrespecting traditional social norms of family and gender roles in society, they are often targeted with violence, harassment, and threats by State actors, the public, the media, faith-based groups, family, and other non-State actors. WHRDs are often the first to come under attack.

WHRDs can belong to any walk of life and often play fundamental roles in ensuring womxn and girls can exercise their rights. International human rights committees have raised concerns about restrictions on WHRDs' freedom of opinion and expression, freedom of movement, assembly and association as well as on their ability to access funding for their work. Restraints involve prohibitions on distribution of information, limitations on advocacy activities and obstacles to register organizations in countries where such registration is required. Furthermore, when they support the rights of individuals whose behaviour is criminalized—e.g. LGBTQ and intersex individuals, sex workers, women seeking an abortion, or others) they often face additional dangers.

An NGO is a non-profit, non-government organization whose purpose is to address social or political issues. NGOs are on charitable duty in areas torn by human conflict or human rights violations.

For international NGOs recognition of their legal status is crucial. Several work closely with intergovernmental bodies: Unesco in Paris, WHO in Geneva, the Council of Europe in Strasbourg, the European Commission in Brussels, etc.

The freedoms of NGOs set out in articles 9,10, and 11 of the European Human Rights Convention (freedom of conscience, expression and association) are fundamental freedoms that States are bound to respect and protect.



In return, many NGOs help to maintain the international human rights protection system. The International Criminal Court, whose statute was adopted in 1998 by governments in Rome, would never have come about in that form if it were not for the relentless campaigning and advocacy by NGOs. (International Center for Not-for-Profit Law, December 1999)

■ Peacekeeping Forces as the Perpetrators of Sexual Violence and their Impunity

Despite the commonality of sexual brutality, forced prostitution and pregnancies, these crimes still remain invisible during armed conflicts in international criminal and humanitarian law (Thompson, n.d., p. 15). The international community's inability to recognize women's bodies as an important site of war, which makes sexual violence an integral part of wartime strategy, views sexual abuse as an unfortunate outcome of war rather than criminal acts (p. 15).

One media outlet reported that peacekeepers were 'said to have offered abandoned orphans small gifts - as little as two eggs from their rations, – for sexual encounters.' In the Central African Republic, some children and women were given the leftovers of soldiers' food. In Haiti, some of the victims were reportedly as young as seven years old (Redress, 2017, p. 7). Article 27 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War treats violence against women as a crime of honour rather than as a crime of violence (Thompson, n.d., p. 16).

The problem is further exacerbated because victims do not have access to report crimes committed by peacekeeping forces and if they do, the shame attached to sexual abuse as well as the need to "prove" the violence perpetrated on them discourages victims to come forward. The lack of accountability on already open cases makes matters worse. Consequently, many women will neither report nor discuss the violence that has been perpetrated against them. The absence of explicit recognition of gender-based violence in armed conflict has historically and in recent times contributed to impunity for widespread, systematic sexual brutality against women (Thompson, n.d., p. 16).

The UN Office of Legal Counsel has stated that "as a subsidiary organ of the United Nations, an act of a peacekeeping force is, in principle, credited to the Organization, and if committed in violation of an international obligation entails the organization's international responsibility and liability in compensation." The troop-contributing country is responsible for prosecuting offenses committed by troop contingent members. However, this does not eliminate the organization's duty to guarantee that civilians in the host State are protected from criminal acts committed by troop-contributing countries, as well as its responsibility when that due diligence obligation is breached (Redress, 2017, p. 37).

Ending impunity for violations against women, on the other hand, requires not only enacting and enforcing criminal laws, but also empowering women through access to critical resources and justice (Thompson, n.d., p. 46). Given the state's complicity in elevating such hegemonic voices, the State's due diligence responsibility must include not only legislative, investigative, and judicial reform to end impunity, but also empowerment approaches to strengthen women's capacities to come forward and report crimes.



The unfortunate reality is that, for the most part, violence against women continues to be committed with impunity, access to justice is hampered, and accountability remains elusive in the domestic sphere. The United Nations still lacked a mechanism for adequately compensating victims of sexual exploitation and abuse (Thompson, n.d., p. 18).

Case Studies

This year, CSW will be closely looking at the following two case studies that are critical to the conceptualisation of the agenda and demand our immediate attention. The delegates should ideally discuss these case studies in the context of lack of gender sensitivity, gendered threats and gendered peacekeeping. The two case studies are mentioned below:

1. War on womxn bodies in Democratic Republic of Congo: conflict based sexual violence
2. Sexual and gender-based violence against womxn in the refugee camps of Greece (including special measures to rehabilitate the vicitms of Moria Refugee Camp)

Recommended readings for the case studies

1. <https://www.un.org/sexualviolenceinconflict/countries/democratic-republic-of-the-congo/>
2. <https://www.amnesty.org/en/latest/campaigns/2018/10/women-daily-dangers-refugee-camps-greece/>
3. <https://www.aljazeera.com/podcasts/2020/10/9/locked-down-then-burned-down-in-moria-camp>
4. <https://transformasiglobal.ub.ac.id/index.php/trans/article/view/237/107> (please download the pdf file from here)

Questions A Resolution Must Answer (QARMA)

1. What are the cohesive mechanisms and strategies that the states can adopt to ensure gendered peacekeeping?
2. How can the states revitalise the role of police, border security, and other law-enforcement agencies to curb the threat of gendered threats against womxn?
3. What are the cohesive police reforms that are required on national-level to ensure the bodily integrity of refugees and IDPs?
4. What are CSW's recommendations to solve issues pertaining to the impunity of the peacekeeping forces?



5. Is there a feasibility of adopting a uniform framework for the gender sensitization of the peacekeeping forces and border security personnel?
6. How can the states ensure the inclusion of womxn identities in peacekeeping forces, border security personnel and LEAs?
7. What are cohesive strategies to ensure the family reunification of refugees and IDPs?
8. What are some nationally-focused frameworks to limit the legal and healthcare inaccessibility of the victims and survivors?
9. Are the existing systems of the rehabilitation, resettlement, and reunification ample for the victims of sex trafficking? If not, what are the required policy interventions of the hour?
10. How to curb down the trafficking of womxn identities from the host countries and refugee camps?
11. What are adequate regional and global frameworks to ensure the safety of humanitarian non-State actors (NGOs, for example) and womxn human rights defenders in conflict zones?
12. What is the required health, medical, gender-based equipment in the refugee camps?
13. How to maintain the availability of such provisions for the refugees?
14. How to revitalise the role of womxn in leader capacities for peacebuilding and reconstruction of conflict-torn areas?
15. How to widen the scope of integral UN Provisions such as CEDAW and Resolution 1325 to protect womxn identities engaged in refugee or humanitarian crises?
16. How to dissect Geneva Conventions and national laws under a queer and gendered lens to safeguard the human rights of womxn prisoners of war?
17. What is the scope of incorporating equity in measures countering gendered threats?



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