



Women's Refugee Commission

Submission to the Committee on the Elimination of Discrimination against Women Draft update of General Recommendation No. 19

The Women's Refugee Commission (WRC) thanks the Committee on the Elimination of Discrimination against Women for this opportunity to provide comments on the draft update of General Recommendation No. 19 on gender-based violence against women.

The Women's Refugee Commission

The WRC improves the lives and protects the rights of women, children and youth displaced by conflict and crises. Through direct consultations with displaced communities, we research their needs, identify solutions, and advocate for programs and policies to strengthen their resilience and drive change in humanitarian practice.

Since its founding in 1989, the WRC has played a leading role in advocating for the rights, protection and empowerment of crisis affected women and girls. We have supported the development of Inter-Agency Standing Committee guidelines on gender-responsive humanitarian action and on prevention and response to gender-based violence. Our contributions to the humanitarian field include landmark work on access to sexual and reproductive health care, safe access to cooking fuel and the development of effective and safe livelihoods programs. We are also a leader on developing targeted initiatives for adolescent girls in crises, particularly those who are the most isolated in their communities.

The WRC has conducted foundational research on disability inclusion in GBV programs in humanitarian settings¹ and developed a toolkit for GBV practitioners on including women and girls with disabilities in prevention and response efforts². The WRC currently serves on the Inter-Agency Standing Committee Task Team developing global guidelines on disability inclusion in humanitarian action.

Recognizing that discriminatory nationality laws are a driver of statelessness, have a significant impact on displaced women and children and heighten the risks of gender-based violence, the WRC is a leader in the Global Campaign for Equal Nationality Rights. The Campaign is a coalition of national, regional and international organizations and UN agencies housed at the WRC.

¹ <https://www.womensrefugeecommission.org/populations/disabilities/research-and-resources/document/download/1155>

² <https://www.womensrefugeecommission.org/component/zdocs/document/download/1173>

In carrying out this body of work, the WRC is guided by its vision that all displaced women, children and youth have the right to be safe, healthy and self-reliant.

Comments on the draft update of General Recommendation No. 19

The WRC's comments on the draft update of General Recommendation No. 19 recognize and cross-reference, but do not repeat, the relevant elements of General Recommendations No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

The additional language recommended by the WRC is italicized below.

SCOPE

Paragraph 8: Add to end of current paragraph 8: *Furthermore, the Committee reiterates its requirement that all states parties gradually progress to a stage where, by its resolute discouragement of notions of the inequality of women in the home, each country will withdraw its reservation, in particular to articles 9, 15, and 16 of the Convention, consistent with articles 2, 3, and 24 in particular. The Committee also reaffirms that states parties should resolutely discourage any notions of inequality of women and men which are affirmed by laws, or by religious or private law or by custom.*³

Paragraph 11: "...Accordingly, the Committee acknowledges that gender-based violence may affect some women to different degrees, or in different ways, than other women because they experience varying and intersecting forms of discrimination... *This may include socially-accepted and state-condoned forms of violence against women and girls with disabilities such as forced or coerced sterilization or withholding assistive devices for mobility and communication⁴; increased risk of trafficking and child marriage among stateless women and girls due to gender-discriminatory nationality laws; discrimination on the basis of sexual orientation, gender identity or bodily diversity*".

GENERAL OBLIGATIONS OF STATES PARTIES UNDER THE CONVENTION RELATING TO GBV AGAINST WOMEN

Paragraph 13.b.ii: "States parties are obliged to adopt and implement diverse measures to tackle gender-based violence against *all women, regardless of citizenship status,*⁵ committed by non-State actors..."

RECOMMENDATIONS

Prevention

Paragraph 15.a: "Adopt and implement effective legislation....including the denial of their *equal* civil cultural, economic and political and social rights."

³ General Recommendation 21: Equality in Marriage and Family Relations, 1994, par.43-44

⁴ United Nations General Assembly 67th Session, *Report of the Special Rapporteur on violence against women, its causes and consequences*, A/67/227 (2012). Human Rights Council, 20th Session, *Thematic Study of the Issue of Violence against Women and Girls with Disabilities*. A/HRC/20/5 (2012).

⁵ Committee on the Elimination of Discrimination against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women.

Paragraph 15.b: “Develop and implement effective measures, with the active participation of all relevant stakeholders, such as women’s organisations *and those representing marginalized groups of women and girls*, to address the stereotypes... These measures should include:

- (i) The integration of gender equality content into curricula at all levels of education from the early childhood level, as well as in public education programmes targeting stereotyped gender roles *and affirming attitudes and behaviors that promote non-violence and values of respect, equality, non-discrimination, including comprehensive sexuality education for girls and boys;*”

Paragraph 15.b: *The WRC recommends adding an additional measure which focuses on inclusion of women and girls with disabilities, and others excluded from traditional education systems or community awareness programs, in targeted training and capacity development on gender equality and sexual and reproductive health, including sexuality education.*

Paragraph 15.c: “Adopt and implement effective measures to encourage the media, including advertising and information and communications technologies to eliminate discrimination against women in their work... These measures should include:

- i. promotion of positive portrayals that challenge gender stereotypes relating to the roles of women and men *of diverse identities and backgrounds (e.g. including refugees, ethnic minorities, and those with disabilities)*”

Paragraph 15.j: “Repeal all legal provisions that directly or indirectly discriminate against women, and thereby encourage, justify or tolerate gender-based violence against them; including in customary, religious and indigenous laws. In particular, repeal:

- i. provisions that allow child marriage and legislation that criminalises abortion, as well as legislation that enshrines or facilitate gender-based violence against women, *including but not limited to discriminatory nationality laws which result in an increased risk of child marriage and human trafficking, while exacerbating the vulnerability of displaced women;*”⁶

Protection and redress

Paragraph a, ii: “Providing appropriate protection to prevent further or potential violence. This should include immediate risk assessment and protection, *appropriate to circumstances and risk factors*, comprising a wide range of effective measures and...”

Paragraph a, iii: “...States should provide 24-hour helplines, and sufficient numbers of safe and adequately equipped crisis, support and referral centres, and shelters for women and their children, and other family members, *which have the skills and capacities to also support survivors with different types of disabilities...*”

Data collection and monitoring

Paragraph a: “Develop and evaluate all legislation, policies and programmes consultation with civil society organisations, in particular women’s organisations *and those representing marginalized groups of women and girls*. States parties...”

⁶ UN Security Council Resolution 2122 S/RES/2122 (2013) expressed “concern at women’s exacerbated vulnerability in armed conflict and post conflict situations particularly in relation to forced displacement, as a result of unequal citizenship rights, gender-biased application of asylum laws, and obstacles to registering and accessing identify documents.”

Paragraph c: "...These studies and surveys should take into account intersecting forms of discrimination, based upon the principle of self-identification, *and document effective strategies for inclusion in GBV prevention and response.*"

International cooperation

Recommend adding a paragraph that references:

- i. *The commitment by States under the New York Declaration for Refugees and Migrants to "ensure that our responses to large movements of refugees and migrants mainstream a gender perspective, promote gender equality and the empowerment of all women and girls, and fully protect and respect the human rights of women and girls"*⁷
- ii. *The 2016 Commission on the Status of Women's Agreed Conclusions which "recognizes the challenges faced by refugee women and girls and the need to protect and empower them, including in countries in conflict and post-conflict situations, and the need to strengthen the resilience of communities hosting refugees, and underscores the importance of development support for those communities, particularly in developing countries."*⁸
- iii. *The outcomes of the World Humanitarian Summit which included commitments to increase resources for women's organizations, including those representing women with disabilities, to ensure women's participation and leadership roles in humanitarian response and peacebuilding, and to align funding with principles of gender-equality.*⁹

⁷New York Declaration for Refugees and Migrants, United Nations General Assembly, September 19, 2016, p.7

⁸ 2016 Commission on the Status of Women, 2016, Women's empowerment and the link to sustainable development: Agreed Conclusions.

<http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/60/csw60%20agreed%20conclusions%20conclusions%20en.pdf?v=1&d=20160915T144409>

⁹ United Nations General Assembly, Outcome of the World Humanitarian Summit, Report of the Secretary General.

<https://www.worldhumanitariansummit.org/sites/default/files/media/SG%20Report%20on%20the%20Outcome%20of%20the%20World%20Humanitarian%20Summit%20%28Advance%20Unedited%20Draft%29.pdf>