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31st International Conference of the Red Cross Red Crescent
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31st International Conference of the Red Cross and Red Crescent

Workshop – Protection for Victims of Armed Conflicts: How Can a Gender Perspective on International Humanitarian Law Make a Difference?

Organized by

The Swedish Red Cross and Ministry of Foreign Affairs, Sweden

in cooperation with the Australian Red Cross and the Australian Government

28 November 2011: 5 p.m. – 7 p.m.

Room 18, International Conference Centre, Geneva

Chair: Richard Rowe, Ambassador, Senior Legal Adviser, Australia

Rapporteur: Malin Greenhill, Legal Adviser, Swedish Red Cross and Marie Nilsson, Gender Adviser, Swedish International Development Agency

Summary

Men and women, and boys and girls, all suffer the consequences of violence and armed conflict, but the impact on them is profoundly different in each case. They all have distinct strengths, interests, needs and abilities that should be valued equally to ensure effective humanitarian work and military operations. To ensure that every single person is reached and that responses can be sustained, it is necessary to take a gender perspective. It will contribute to the effective implementation of international humanitarian law and strengthen protection for individuals during armed conflicts. For all these reasons, the task of developing and refining gender perspectives on international humanitarian law must be given every encouragement: for instance, scholarly work on the subject can be promoted.

Introduction

Eva von Oelreich, President of the Swedish Red Cross, opened the workshop and outlined its objectives. She stressed that the inclusion of a gender perspective will strengthen protection for individuals – men and women, boys and girls – during conflict.

Marie Jacobsson, Principal Legal Adviser on International Law at the Swedish Ministry of Foreign Affairs summarized the proceedings at the meeting of experts, on gender and international humanitarian law, that was held in Stockholm in 2007. The results of this meeting had been presented at the 30th International Conference. Some important conclusions were reached at the meeting: a gender perspective could serve as a "force multiplier" for the military, particularly in peace-keeping operations, and adopting a gender perspective when drafting military manuals and rules of engagement would benefit military operations and strengthen protection for civilians.

Panel discussion

Theresa Leigh-Sherman, President of the Liberian Red Cross, described the extraordinary impact that the inclusion of a gender perspective has had in preventing recruitment of children as soldier, and in rehabilitating and re-integrating child soldiers in Liberia. One consequence of this was that girls made up 62% of the participants in the CAR (child advocacy and rehabilitation) programme.

Solina Nyirahabimana, the Rwandan Ambassador to Switzerland, discussed from a gender perspective the effects on Rwandan society in the aftermath of the Rwandan genocide, viewing women not only as passive beneficiaries but also as active players. As a result of this analysis, the Rwandan police and military, as well as people working in the judiciary system, are trained in international humanitarian law, gender-related issues, and gender-based violence. They have brought this experience to the UN peace-keeping operations in which they have taken part.

Megan Bastick, of the Geneva Centre for the Democratic Control of Armed Forces, drew attention to the importance of including gender aspects in the process of defence reform as well as training. Some of the successes included female engagement teams that enabled military personnel to communicate with local women to gather information. Ms Bastick also stressed the importance of strengthening national institutions and to emphasizing the added value of using a gender perspective.

Szabina Horvath, Counsel at the Department of Defence in Australia, described the use of a gender perspective in Australian military operations. She cited examples of the use of female engagement teams in gender-sensitive military operations in Afghanistan.

Gloria Gaggioli, Legal Adviser to the ICRC, discussed the usefulness of adopting a gender perspective on issues related to persons deprived of their liberty and in dealing with needs that are gender-specific. Although IHL treaties contain some specific provisions aiming at providing special protections to women deprived of their liberty, most provisions of international humanitarian law are not gender-sensitive and offer protection that makes no distinction between men and women. However, in interpreting and applying those rules, a gender-based approach can and should be adopted. In fact, treaties of international

humanitarian law have to be interpreted in light of the circumstances ruling at the time of their interpretation taking into account the evolution of the roles of men and women in different societies.

Lotta Öhman, Captain and Gender Adviser, in the Swedish Armed Forces, told the workshop about the newly established Centre for Gender in Military Operations in Sweden. It is necessary to include a gender perspective when drawing up rules of engagement, as this would enhance the effectiveness of military operations.. She also stressed the importance of recruiting both men and women to the armed forces: to change rules, attitudes and behaviour, and to increase the effectiveness of the military, women should make up at least 40% of the armed forces.

Highlights of the discussion

- IHL provides special protections to mothers of young children in prison; while it does not for fathers of young children. This discrepancy may not always be legitimate. For example, sometimes children do not have their mother anymore and the only person taking care of them is their father. In such circumstances, the question which can be raised is why fathers of young children in prison should not benefit from the same protections as mothers of young children in prison.
- What can be expected from military forces? Does the fact that military personnel are more and more involved in law enforcement operations justify a more gender-sensitive approach?
- Will using local women to gather intelligence (through female engagement teams) expose them to danger?
- How can international humanitarian law be used in contexts that have norms and practices harmful to women?

Conclusions

Helen Durham, Legal Adviser to the Australian Red Cross, pointed out that wars and conflicts of other kinds both reinforce gender roles and challenge them by disrupting gender stereotypes. Saying that women are often victims of armed conflicts only tells half of the story – women are also active players in wars as well as in times of peace. International humanitarian law has to respond to this; it must also address the fact that in conflicts today, the roles of men and women are changing. International humanitarian law touches on these matters when tackling the issue of persons deprived of their liberty; but a gender perspective must be included in interpreting and applying other provisions of humanitarian law as well.

Anders Rönquist, Director-General for Legal Affairs at the Swedish Ministry of Foreign Affairs, stressed the importance of developing and refining gender perspectives on international humanitarian law, which must be given every encouragement: for instance, scholarly work on the subject could be promoted. He also expressed the need to include a gender perspective when conducting humanitarian activities and referred in this regard to the UN Security Council resolution 1325 on women, peace and security. He called for a

detailed examination, from a gender perspective, of the laws of armed conflict. The process would involve studying the laws carefully, and perhaps revising them, when needed, by adopting a gender perspective, and discussing the application of the laws from a gender perspective. In this regard, he said, it was important to discuss how a gender perspective could be included in the ongoing process to review the commentaries to the Geneva Conventions. Finally, Ambassador Rönquist informed the workshop that the Swedish Red Cross and the Swedish Government had proposed a pledge to address these issues, which he commended to other National Societies and States.