“Our Rights are Fundamental to Peace”

Denies the Rights of Women and Girls in Armed Conflict
On the eve of Libya’s first democratic national election, Haja Nowara held a vigil in the square outside the courthouse in Benghazi, where she had spent many evenings supporting the revolution since early 2011. “I have waited my whole life for tomorrow, which will be a new day for Libya,” said Nowara, who would be voting for the first time in her life. “We sacrificed a lot to get here.”

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In 2011, women were at the forefront as the Arab Spring erupted in Libya, organizing and demanding their rights to have a voice in their country’s future. The ensuing civil war resulted in the former Libyan leader Muammar Gaddafi being toppled. In the transitional period following that armed conflict women organized as voters and candidates in preparation for elections, documented human rights abuses, and worked to ensure any new constitution would enshrine women’s rights.

Iman and Salwa Bughaighis—sisters and human rights activists—were among the key organizers of the first demonstrations against Gaddafi in Benghazi in February 2011. “The revolution was an earthquake to the cultural status of women in Libya,” Iman told Human Rights Watch.

But the space for women’s political participation soon began to shrink. As the wrangling intensified over power and the future of Libya, women found themselves facing significant obstacles to their full participation in the country’s transitional processes, and even targeted for violence. On June 25, 2014, following threats, unidentified gunmen murdered Salwa Bughaighis in her home in Benghazi. One month later, on July 17, unidentified assailants shot dead Fariha al-Barkawi, a former lawmaker, in the eastern city of Derna. Both crimes are among hundreds of apparently politically motivated killings in post-Gaddafi Libya that remain uninvestigated and unprosecuted.

In its treatment of women and girls in wartime and in the post-war transition, Libya is sadly unexceptional. Throughout history, women and girls have often been targeted in wartime for violence, especially sexual violence. And they have also been denied the ability to participate in conflict prevention and post-conflict resolution efforts. Governments and non-state armed groups did not pay attention to the use of rape as a weapon of war, nor to the exclusion of women from crucial decision-making on conflict resolution and prevention, until women themselves mobilized for recognition and action.

This document sets out the commitments that the international community has since made to women and girls affected by armed conflict and outlines the major disappointments and gaps in implementation in three distinct but interconnected areas: participation; protection and assistance; and accountability. It also makes recommendations to governments, to all parties to armed conflicts, and to the UN on how to turn the promises made to women and girls in these three areas into reality.
Sexual violence during Nepal’s 10 year conflict between Maoists and government forces has remained largely undisclosed.

Sexual violence during Nepal’s 10 year conflict between Maoists and government forces has remained largely undisclosed. © 2014 Arantxa Cedillo for Human Rights Watch

Security Council Resolution 1325

After sustained advocacy efforts from women’s civil society organizations, the United Nations Security Council, in 2000, adopted Resolution 1325 on women, peace and security. It was the Security Council’s first dedicated resolution that recognized the specific risks to and experiences of women in armed conflict and women’s central role in maintaining international peace and security. Resolution 1325 elucidated states’ obligations to women and girls in situations of armed conflict, including ensuring that women are involved in all aspects of conflict prevention, conflict resolution, and post-conflict rebuilding. As broadly understood, the women, peace and security agenda acknowledges the linkages between participation, protection and assistance, and accountability, and the centrality of these issues to broader human rights concerns.

This groundbreaking resolution and the subsequent resolutions on women, peace and security elaborate the responsibilities of all parties to ensure the meaningful “participation of women in all levels of decision-making” in institutions and mechanisms for the prevention, management, and resolution of armed conflict, calling on all actors in peace talks to increase women’s participation in negotiations, and to ensure women’s rights are addressed in peace agreements. The resolutions remind all parties to armed conflicts of their obligations under international law, particularly civilian protection in armed conflicts, and call for states to end impunity for crimes of gender-based violence in armed conflicts. They urge the UN and governments to take steps to increase the number of women throughout the justice sector, and in armed forces. In these resolutions, the Security Council also states its intention to ensure it incorporates women, peace and security in its own work, including through consulting with civil society.

The resolution has given women around the world increased attention and legitimacy in their work in areas of armed conflict. Since the resolution’s adoption in 2000, many governments have begun to recognize that women’s roles in peace processes are not negotiable add-ons, but fundamental to sustainable and implementable peace accords. Security Council resolutions and commitments by UN member states have recognized conflict-related sexual violence as a tactic often ruthlessly deployed in war, and have expanded international prevention and response efforts. Governments and international bodies have introduced new policy frameworks, including additional Security Council resolutions, on women, peace and security at the national, regional, and multilateral levels. The UN is starting to collect data on a range of protection and participation aspects—from sexual violence in armed conflicts to women in peace talks—allowing policymakers and program implementers to begin to track where there has been success and where problems persist.

For women and girls living in situations of armed conflict, participation is a priority in political engagement with conflict-affected countries. Too often, including in countries such as Afghanistan and Somalia, officials assert it is not the right time to push for women’s rights, that security is somehow a prerequisite for women’s rights rather than inextricably linked with them, or that they do not have the leverage to act.

With women’s rights high on their rhetorical agenda, practical support among donor countries lags. It is rare, for example, that donors make women’s rights and women’s participation in decision-making a priority in political engagement with conflict-affected countries. Too often, officials often lack specific information on women’s rights violations, on the inclusion of women in peacemaking efforts, and on the levels of women’s participation in security reform. Use of sanctions and other tools at the Security Council’s disposal are similarly haphazardly applied with respect to women, peace and security. The Security Council rarely takes advantage of information on perpetrators to hold them to account and prevent future violations. For example, despite evidence of widespread crimes of sexual violence committed by Sudanese forces in Tabit in Darfur in 2014, the Security Council has not adopted a strong response.

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For women and girls living in situations of armed conflict, participation, protection and assistance, and accountability for gender-based crimes remain a distant promise. As detailed in the following sections, it will take strong action backed by persistent political will for the potential of the women, peace and security agenda to be realized.
PARTICIPATION

When Afghan women were asked their definition of security, we used the word “omiyat wa masuminat,” by which we mean a comprehensive feeling of safety when engaged in daily public and social life. The success of peace agreements must be gauged by real, measurable security improvements for women and for all members of the community, not just that a peace agreement has been signed. Exceliences, peace is a process, not an event. We look to you as Member States, including members of the Security Council, to ensure that women are consistently appointed as mediators and negotiators, and that our rights are fundamental to peace processes and outcomes.

—STATEMENT BY ORZALI ASHRAF REMAT, AFGHAN CIVIL SOCIETY REPRESENTATIVE AND WOMEN’S RIGHTS ADVOCATE, DELIVERED IN THE UN SECURITY COUNCIL ON BEHALF OF THE NGO WORKING GROUP ON WOMEN, PEACE AND SECURITY, NEW YORK, OCTOBER 28, 2011

Despite years of rhetoric on the importance of women’s participation in Afghanistan peace processes, no women have been included in over 20 known rounds of informal talks between the international community and the Taliban. In talks between the Afghanistan government and the Taliban, women were present on two occasions. In most situations of armed conflict and post-conflict, women have few channels and face formidable obstacles to participating in conflict prevention, conflict-resolution, and political processes such as elections and constitutional reform.

Women have little representation in formal peace talks. Available UN and academic data show that women are rarely present in these negotiations, and specific rights and concerns of women and girls are rarely reflected in peace agreements. One study of peace processes from 1992-2011 shows that only 4 percent of signatories to peace agreements have been women, and only 18 out of 30 peace agreements signed between 1998 and 2008 addressed any aspect of women’s rights and concerns.

Women struggle to have their voices heard, but examples of greater women’s involvement are gradually increasing. In Colombia, for example, women are present as permanent members of the negotiation delegation, and a sub-committee on gender in the negotiations was established in 2014, and women’s rights are discussed in the substantive talks. This happened after concerted pressure from civil society organizations, supported by UN Women. Despite these gains, however, women’s civil society organizations have not been afforded a formal role in the Colombia negotiations.

Those facilitating formal peace talks often fail to recognize women’s work in community-level peace efforts. When the opportunity to engage in formal peace talks arose in the 2014 Geneva II talks, Syrian women mobilized. With support from international nongovernmental organizations, UN member states, and the UN, women met behind closed doors with the Security Council, held consultative meetings to draft consolidated demands, and worked with women peacekeepers from Ireland, Guatemala, and Bosnia-Herzegovina on strategies for engaging in the peace process. But when they met with the UN special envoy to Syria, Lakhdar Brahimi, he did not stay to hear their concerns and recommendations. “Mr. Brahimi, we are already building peace in Syria,” the women said, although Brahimi, effectively the chief mediator of Syria’s peace process, had already left the meeting. “We can help you if you let us.” Brahimi’s successor, Staffan de Mistura, has consulted with Syrian women’s groups, despite the stalling of the formal peace process.

Women should have seats at all decision-making tables, and women’s rights and concerns should be included in the outcomes of conflict negotiations. For example, women’s rights should be reflected in humanitarian access agreements, human rights agreements, ceasefires, ceasefire monitoring, and in disarmament, demobilization, and reintegration (DDR) efforts agreed to by parties to a conflict. They should also be integrated throughout security sector reforms, including the vetting of armed and security forces, justice, reparations, and in relief and recovery programs.

Women’s participation is also the key to ensuring their protection and minimizing risks in displacement settings. This includes in the design of refugee and internally displaced person (IDP) camps so that women and girls are not placed at further risk in those settings. Targeted efforts need to be made to ensure that the diversity of women’s perspectives is reflected in all aspects of conflict resolution and peacebuilding. For example, women with disabilities face unique challenges and can share their problem-solving approaches in conflict resolution and peacebuilding efforts.

Women human rights defenders often face risks, particularly in times of armed conflict. Even when women can legally conduct their work, they may face physical assault, sexual violence, and threats far greater than their male counterparts. Human Rights Watch has documented physical attacks, death threats, threatening phone calls, sexual harassment and assault, rape, and threats against children of activists in armed conflicts, all of which can create a chilling environment in an effort to silence these women.

In the 2015 Sudan elections, for example, National Intelligence and Security Service officers arrested...
Dr. Sandra Kadouda, a prominent political and human rights activist, on April 12 as she drove to an anti-elections event at the National Umma Party headquarters in Omdurman. The authorities held her for three days at an unknown location, and then freed her on April 15, visibly bruised and with injuries to her shoulder, credible sources reported.

Women should also have the opportunity to participate in security forces without facing discrimination or harassment. Women often are subject to hostile work environments that dissuade them from staying in or even joining police and military services. In Afghanistan, for example, despite efforts to increase their numbers, women have remained about a percent of the Afghan police over the last several years. In addition to a lack of the most basic toilet and changing room facilities, women in the Afghan police face abuse and sometimes assault, including sexual assault, by male colleagues. Despite multiple reports of such incidents, these crimes often go unpunished, and government officials, including the minister of interior, have denied that abuses against women officers are a problem.

RECOMMENDATIONS TO GOVERNMENTS, PARTIES TO ARMED CONFLICT, UN AGENCIES, AND THE UN SECRETARIAT

1. Implement national-level policies, including National Action Plans, on UN Security Council Resolution 1325, to ensure the full and meaningful participation of women in all peace and security discussions, including in all peace processes and transitional justice mechanisms. All parties involved in peace negotiations, including mediators and facilitators, should act to ensure women’s rights and concerns are a priority in negotiations and are integrated throughout any agreement. All discussions should benefit from the full engagement of civil society organizations, including women’s rights groups, women from marginalized populations, such as ethnic and religious minorities, and women with disabilities.

2. Safeguard women’s security and support women’s participation in post-conflict elections, referendums and constitutional drafting, and reform processes. This includes promotion and protection of women candidates, voters, election workers, and women’s human rights defenders.

3. Protect women’s human rights defenders. Governments should monitor threats and attacks against women’s human rights defenders and provide protection as requested in a manner that allows them to continue their work.

4. Strengthen recruitment and retention strategies for women in the security sector, including by addressing cultural and practical barriers that women face, by providing specific training and facilities, and ensuring women have equal opportunities for responsibility and advancement.

5. Ensure women’s leadership and protection in displacement settings. Encourage and facilitate women’s representation in the leadership of camps and centers for the internally displaced and refugees. UN agencies should consult with women and girls, including those with disabilities, to ensure camp designs are accessible, safe, disability-inclusive, and provide equal access to food distributions, sanitation facilities, health—as well as reproductive health—services, education, and vocational training for women and girls.

PROTECTION AND ASSISTANCE

The government should give us proper shelter with a fence and an entrance. Police should secure the camp and manage who comes and goes. The worst thing is that the rapes push us into poverty because afterward we cannot do the same work or carry heavy loads. We need money for our kids to live. The government should do something or kids will die of hunger.

—FARISHO, WHO WAS RAPED IN A IDP CAMP, MOGADISHU, SOMALIA, AUGUST 2013

No one has offered me one-on-one counselling of any kind. I’d be interested in receiving professional counseling to help me process my experiences if it was available. I have trouble sleeping at night, and only sleep a few hours at a time. When I sleep, I often see my parents and siblings in front of my eyes, especially the image of my brothers being forced to kneel on the road, and my mother’s face.

—NARIN (PSEUDONYM), 20-YEAR-OLD WOMAN FROM SINJAR WHO ESCAPED CAPTIVITY AND SEXUAL ABUSE BY ISIS FIGHTERS, DOHUK, IRAQ, JANUARY 2015

In armed conflicts around the globe, combatants frequently target women and girls for abuse. National armies and non-state armed groups use sexual violence as a tactic in war in violation of international law. Conflict-related sexual violence can include rape, abduction, forced prostitution, forced marriage, sexual slavery, and forced pregnancy. Women and girls face multiple abuses in war, in addition to conflict-related sexual violence, including: forced displacement; the targeting and punishment of women because of their own activism or activism by male relatives; the drive towards early, forced, and child marriages because of instability and a lack of security for girls and younger women; an increase in domestic violence and sexual violence committed by civilians; lack of access to food, shelter, and health care; the interruption of education; and sexual exploitation and trafficking, to name but a few.

For example, Human Rights Watch has documented the abuse faced by Syrian women activists and other civilians. Some of these women have long histories of activism while others began participating politically only after the beginning of uprisings against the Syrian government. Some were targeted or arbitrarily detained for their work, such as Jhrar, who used her pharmaceutical credentials to smuggle medications between neighborhoods. Several of them experienced torture, sexual assault, physical abuse, or harassment as a direct result of their activism, like Layal, who was detained by government forces for assisting the internally displaced. Others became household heads following their husbands’ detention or death, such as Zeinab, who lost her husband and son in separate incidents at the hands of government forces.

In Sudan’s ongoing armed conflicts, Sudanese government forces and allied militias have committed rape and other sexual violence against women and girls on numerous instances. For example, Sudanese military forces engaged in the mass rape of more than 200 women and girls in the town of Tabit, Darfur, in late 2014, restricted access to the town for UN and international investigators, peacekeepers, and humanitarian agencies, and threatened residents with reprisals if they spoke about their ordeal. Government authorities fostered a climate of fear in Tabit that deterred many women and girls from seeking medical care at clinics and hospitals.

Adequate protection measures are vital to ensuring the safety of women and girls, but when attacks do happen, service provision is vital for survivors. In Nigeria, numerous victims and witnesses interviewed by Human Rights Watch expressed concern about the lack of security force presence in areas particularly vulnerable to attack by Boko Haram, notably in towns and villages in Borno State. Victims, witnesses, community leaders, and analysts told Human Rights Watch that government security services could have done more to prevent attacks by ensuring the adequate presence and arming of military personnel, and by responding more quickly and effectively to reports of attacks once in progress. Survivors of Boko Haram attacks received virtually no necessary psychosocial and medical services, and none of the rape survivors interviewed by Human Rights Watch had any information about how and where to access post-rape care.

In northern Iraq, the extremist group Islamic State (also known as ISIS) has carried out systematic rape and other sexual violence against Yezidi women and girls since August 2014. Human Rights Watch documented a system of mass abduction, organized rape and sexual assault, sexual slavery, and forced marriage by ISIS forces. Many of the women and girls remain missing, but survivors who escaped to the Kurdish Region of Iraq need psychosocial support and basic humanitarian assistance. These survivors require specialized and expert psychosocial services in their present locations to aid their recovery and their reintegration into their communities. Few have received these.
accessing health care and other government services. In a displacement camp in Northern Uganda, Charity, a woman with a physical disability, recounted her experience: “People told me I should just die so others can eat the food: ‘You are useless. You are a waste of food.’”

In line with their obligations under international humanitarian law—the laws of war—parties to armed conflicts should take all feasible measures to protect civilians under their control from attack, including protecting women and girls from sexual and other gender-based violence. International human rights law also applies during armed conflict, and provides protections to women and girls against sexual violence and other abuses, including domestic violence. States have obligations to investigate credible allegations of war crimes and other serious human rights abuses and prosecute those responsible.

International humanitarian and human rights law prohibit acts of sexual violence. International humanitarian law sets out protections for civilians and other non-combatants during both international and non-international armed conflicts. It implicitly and explicitly prohibits both state armed forces and non-state armed groups from committing rape and other forms of sexual violence.

International human rights law also contains protections from rape and other forms of sexual abuse through its prohibitions on torture and other ill-treatment, slavery, forced prostitution, and discrimination based on sex. The Convention on the Rights of the Child contains additional protections for children.
TO GOVERNMENTS, PARTIES TO ARMED CONFLICTS, UN AGENCIES, AND THE UN SECRETARIAT

1. Comply with international humanitarian law and human rights law prohibitions of rape and other forms of sexual violence, sexual slavery, cruel treatment, and other abuses. All parties to armed conflicts should issue clear, public orders to all forces under their control to end and appropriately punish all abuses, including crimes of sexual and gender-based violence.

2. Governments providing military and other security assistance should ensure that such support does not encourage or facilitate abuses against women, and that it provides a basis for promoting greater respect for women’s rights. Compliance with international human rights standards should be a factor in evaluating the continuation of such support. Governments should vet recipients of this assistance to exclude units or individuals when there is credible information they have been involved in serious violations of human rights.

3. Ensure that survivors of sexual violence and other gender-based violence have access to essential medical and psychological care, as well as available economic and social support. Humanitarian aid should include access to the full range of sexual and reproductive health services that respect the confidentiality and rights of survivors, including for pregnancy, termination of pregnancy, and injuries resulting from sexual violence, with specific measures taken to ensure these services are accessible for women with disabilities.

4. Make women’s and girls’ protection and access to assistance a priority in displacement settings, including through consultation, promoting women’s leadership, camp and shelter design, registration and distribution systems, security measures, and recruitment and training of female security staff.

5. Ensure all parties to armed conflicts grant UN agencies and independent humanitarian organizations unfettered access to civilians and communities in need of assistance. The media and human rights groups should also be provided access to conflict areas.

6. Governments and the UN should highlight women’s participation, protection, and assistance concerns at the highest levels, including by conducting high-level visits to areas where serious abuses have been reported and raising the issues with senior government officials, donor governments, and regional and international bodies. Security Council members should press all parties to armed conflicts to meet all international law obligations.

7. The UN Security Council and concerned governments should impose arms embargoes on state armed forces and non-state armed groups implicated in widespread or systematic serious human rights abuses, including those targeting women and girls. The Security Council should require states to suspend all military sales and assistance, including technical training and services, to these abusive actors until meaningful steps are taken to end such violations and appropriately punish those responsible. Travel bans and asset freezes should also be imposed on individuals responsible for serious abuses, with appropriate due process protections.

Accountability

1. Compliance with international law and human rights law to prevent, prohibit, and punish all forms of sexual violence, sexual slavery, cruel treatment, and other abuses. All parties to armed conflicts should issue clear, public orders to all forces under their control to end and appropriately punish all abuses, including crimes of sexual and gender-based violence.

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“For three months, I had a feeling that one of us was going to die,” said Noha, 29 (left), of the young activists group in which she participated. In November, 2012, she and fellow members of the Aleppo, when government shelling struck the site, killing her husband of only a few weeks. Her sister Noha, 23 (right), also an activist, was kidnapped by pro-government militia while on her way to work in Damascus in August 2012 and held for 23 days.

recommendations to governments, UN agencies, and the UN secretariat

1. Ensure comprehensive, credible, and impartial investigations into sexual and gender-based violence and appropriately and fairly prosecute those responsible. This should include independent investigations into all allegations against members of armed forces, including peacekeepers, that respect the confidentiality and rights of survivors.

2. Ensure accessible judicial processes that adhere to international fair trial standards for grave international crimes, including sexual and gender-based violence. This should include providing specialized training to investigators, prosecutors, and judges on the proper handling of such cases. Adequate protection measures and psychological support should be available, before, during, and after trials, including, but not limited to, relocation measures for victims and their households. Judicial mechanisms should also be accessible for women with disabilities, including by facilitating access to police stations and courts, ensuring access to documentation, and relevant training for law enforcement and the judiciary.

3. Strengthen independent institutions capable of responding to sexual and gender-based violence and supporting survivors. Governments should create accessible and safe channels to report rape, assault, and other abuses and issue clear, public orders to all security forces to end any harassment, intimidation, and arbitrary arrests of those who speak out or seek to enforce their rights. Reporting mechanisms should be fully inclusive and provide specific accommodations for women and girls with disabilities. Governments should ensure proper and timely investigations and prosecutions that respect the rights of the survivor.

4. Enact security sector reform to provide vetting of police and other security personnel, ensure recruitment, hiring, and training of female security personnel, and provide training for prosecutors, as well as judges and defense lawyers, on respecting women’s rights in the justice system, including handling crimes of sexual violence. Identify and exclude individuals from the security forces who are under investigation, have charges pending against them, or have been subjected to disciplinary measures or criminal convictions for sexual violence or other serious abuses.

5. Press for accountability and justice, including through the UN Security Council, General Assembly, and Human Rights Council. When national level efforts fail or are inadequate, pursue alternative paths to justice, such as independent commissions of inquiry, the use of universal jurisdiction, and when applicable, referrals to the ICC. In accordance with the ICC prosecutor’s newly adopted Policy Paper on Sexual and Gender-Based Crimes, the ICC should continue to ensure that these crimes are the focus of special attention in ICC proceedings.

6. Ensure reparations programs meet international standards and include specific consideration for women and girls. Consult with local women’s rights groups and women from communities affected by armed conflict in determining and distributing reparation packages.

7. Protect women’s rights in national laws and ensure they meet international standards. This includes ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) with no reservations, or removing any existing reservations to CEDAW. National laws should guarantee equality before the law, protection from violence, and freedom from discrimination, including on the basis of sex, gender, pregnancy, disability, and marital status. Consistent with international standards, sexual violence and other gender-based violence crimes should be included in the criminal code. Ensure accountability when these laws are violated.

8. Institute measures to ensure accountability, including by raising public concern and urging relevant actors, including troop-contributing countries, to carry out immediate investigations when there are substantial grounds to believe that peacekeepers have committed serious human rights abuses or war crimes, including sexual exploitation and abuse.

 Aside from their direct criminal responsibility for crimes committed, for instance, by issuing orders that subordinates carry out, commanders and other superiors may be criminally liable for failing to prevent or punish crimes committed by their subordinates. International human rights law also enshrines the right to an effective remedy, which obligates the state to prevent, investigate, and punish serious human rights violations. State should also provide reparations to victims of human rights violations, such as compensation for damages. The UN has reaffirmed these principles specifically in relation to eliminating violence against women.

population may amount to crimes against humanity. The Rome Statute of the International Criminal Court (ICC) specifies that acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity can constitute war crimes or crimes against humanity. The Rome Statute of the International Criminal Court (ICC) specifies that acts of rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity can constitute war crimes or crimes against humanity.
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5 According to the 2014 Secretary-General’s report on women, peace and security, data compiled by the Organization for Economic Cooperation and Development shows that "only 0.35 per cent of aid allocated to conflict, peace and security activities [was] marked as having a gender focus." United Nations Security Council, Report of the Secretary-General on women and peace and security, S/2014/693, September 2014, http://www.securitycouncilreport.org/atf/cf/%7B%7B cfid%7D%7B%7B cfissuid%7D%7B%7B cftempid%7D%7B/2014_693.pdf (accessed July 12, 2015).


17 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, arts. 2 and 16; Rome Statute, arts. 7 and 8. The UN Committee Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment, adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 49) at 19, U.N. Doc. A/49/46, and U.N. Doc. A/49/50, art. 1. The UN Human Rights Committee has stated that governments violate their treaty obligations not only when state actors are responsible for the action, but also when the state fails to take necessary steps to prevent violations caused by private actors. The committee’s General Recommendation No. 20 to the ICCPR notes that governments must “take appropriate measures or... exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.” The Committee Against Torture requires governments to prevent and protect victims from gender-based violence and rape by exercising due diligence in investigating, prosecuting, and punishing perpetrators—even private actors—of rape and sexual assault.


19 Human Rights Watch, "It’s as if We Weren’t Human."
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37 Article 3 common to the four Geneva Conventions of 1949.
45 The obligation of states to prosecute grave breaches of international humanitarian law is outlined in each of the Geneva Conventions.
(Front cover) Sarah Jumal Ahmed, a 24-year-old sociologist who was one of the activists during the 2011 uprising in Sanaa, stands by posters of dead protesters posted in the streets.

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