

Frequently Asked Questions on Women, Peace and Security

1. What do we understand by the term Peace and security?

Issues involved in International peace and security are prevention of conflict, and mechanization of early warning system, peacemaking and peace building, peacekeeping operations, humanitarian actions in response to conflicts, post conflict reconstruction and rehabilitation of a country. Peace and Security concerns are of high global priority.

2. Why is the issue a global priority?

More than 740,000 people die every year as a result of armed conflict¹. The number of non international armed conflicts around the world has escalated since 1945. This makes the issue of highest priority. International peace and security focusing more on conflict prevention so that further incidences of conflict do not arise.

3. What does Women, Peace and Security imply?

It implies women's involvement in peace and security issues. It primarily involves advocacy for equal and full participation of women in all efforts to create and maintain peace and security at all levels.

4. How is the participation of women in Peace processes around the world?

Out of 585 peace agreements from 1990 to 2010, only 92 contained any references to women², and between 1992 and 2011 less than only 9% of the negotiators in peace negotiations were women.³

5. Why is women's involvement in peacemaking and peace building important?

One of the destructive effects of war is that it widens the gap between men and women. And exclusion of women in reconstruction further widens the gap as it restricts their opportunities to recover. 'Too often, women's role in peacemaking and peace building are marginalized because they are not seen in terms of their leadership. We must see women as leaders, not just as victims.'⁴It is essential to view their participation not as a favor to women, but as a necessary element in sustainable peace building.

6. Why should there be equal participation of women in peace processes?

The main objective of peace processes everywhere is to bring about sustainable peace so that there is no recurrence of armed conflict. And peace can be sustainable only if the processes involved are inclusive.

7. Does it exclude men when we are talking about women's involvement in peace and security?

¹ <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=494b69152> [Accessed on 2.18.2016]

²Bell, Christine & C. O'Rourke (2010) "Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements," International and Comparative Law Quarterly, p. 59. cited from UNWOMEN, Peace and Security, Facts and Figures, available at <http://www.unwomen.org/en/what-we-do/peace-and-security/facts-and-figures#sthash.qu4XE5sb.dpuf> [Accessed on 2.18.2016]

³UNWomen (2012). UN Women Sourcebook on Women, Peace and Security, cited from UNWOMEN, Peace and Security, Facts and Figures, available at <http://www.unwomen.org/en/what-we-do/peace-and-security/facts-and-figures#sthash.qYKPjV3T.dpuf> [Accessed on 2.18.2016]

⁴ Melanne Verveer, U.S. Ambassador-at-Large for Global Women's Issues at the U.S. Department of State, cited from United States Institute of Peace, www.usip.org, available at http://www.usip.org/gender_peacebuilding/about_UNSCR_1325 [Accessed on 2.18.2012]

No, women, peace and security do not imply exclusion of men, but rather includes men's involvement in strengthening women's participation in these processes.

8. How can men be involved in increasing women's participation in peace and security issues?

Men can be involved in discussions regarding victimization of women and experiences specific to women in armed conflicts and how they can be overcome. Also an approach inclusive of men and women is likely to have a more potent impact.

9. What are the international instruments relevant to Women, Peace and Security?

Article 8 of the Universal Declaration of Human Rights 1948, Article 2 of the International covenant on Civil and Political Rights 1966, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979, CEDAW General Recommendation 30, Beijing Platform for Action, Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2242 (2015).

10. What is United Nations Security Council Resolution?

Security Council Resolution is a United Nations Resolution adopted by the fifteen members of the Security Council.

11. Is Security Council legally binding?

Legally it is not binding but principally it is. It is a persuasive authority. In the area of international law, the resolution highlights the importance of women at the peace table and to involve them in international decision-making.

12. Whom does it apply to?

It applies to all 193 member states of the United Nations Organization.

13. Is it only state actors that have international legal obligations?

No, it is not just state party that has obligations with regards to Women, Peace and Security. The General Recommendation 30 of the Convention on Elimination of All forms of Discrimination Against Women categorically suggests how non state actors like armed groups and private security contractors can address women's rights during armed conflict, and the States Parties' duty of due diligence with regards to actions of non state actors.

14. How can non state actors be obliged?

International law places some rights and duties with non state actors, especially in cases of armed conflicts. As per Antonio Cassese international Law has only loose requirements for eligibility to become an international subject.⁵ Non state actors due to their recognition as insurgents/rebels have the duty to respect International Humanitarian Laws. However, the state has the duty of due diligence to ensure that human rights are not violated by those non state actors.

15. Why is UNSCR 1325 so important?

UNSCR 1325 recognized the changing nature of warfare, in which civilians are increasingly targeted, and women continue to be excluded from participation in peace processes. UNSCR 1325 addresses not only the grave impact of war on women, but also the fundamental role

⁵ Antonio Cassese, *International Law*, 2nd edn, Oxford University Press, Oxford, 2005, at p. 125, cited from Andrew Clapham, '*Human rights obligations of non-state actors in conflict situations*', *International Review of the Red Cross*, Volume 88, Number 863, September 2006, Available at https://www.icrc.org/eng/assets/files/other/irrc_863_clapham.pdf [Accessed on 2.19.2016]

women should and to some extent have been playing in conflict management, conflict resolution, and sustainable peace building. Resolution 1325 has changed the way the international community thinks about peace and security and has had great impact on international law, women's empowerment among other areas.

16. What impacts has the UNSCR 1325 had in International law?

The UNSCR 1325 categorically emphasizes on women's role as negotiators and their importance in international decision making.

17. What impact has the UNSCR 1325 had on women empowerment?

The resolution views women not only as victims but acknowledges their role as peacemakers and emphasizes the need to encourage women as such.

18. What are the essential elements of UNSCR 1325?

There essentially 4 basic elements of UNSCR 1325: *Participation* of women in peace processes; *Protection* of women and girls from sexual violence during armed conflicts; *Prevention* of violence against women; and, *Relief and Recovery* processes that are inclusive and cater to specific needs of women.

19. How can states implement Women, Peace and Security Agendas?

Formulation of National Action Plans and Localization Guidelines can be some of the ways of implementing Women, Peace and Security commitments.

20. How many countries around the world have introduced National Action Plans on UNSCR 1325?

As of February 2016, fifty-seven nations have created a National Action Plan on UNSCR 1325.⁶

21. Does Nepal Have a National Action Plan on UNSCR 1325?

Yes, Nepal has a National Action Plan on UNSCR on the implementation of UNSCR 1325 and 1820 (2011/12 - 2016/17), introduced in February 2011. Nepal was the first country in South Asia to introduce a National Action Plan (NAP) on UNSCR 1325. Along with that Nepal has also introduced a Localization Guideline 2013.

22. What is the Status of WPS in Nepal?

Despite commitments made by the parties to the CPA to take action to end violence against women Gender-based violence⁷, factors like domestic and sexual violence, the risk of trafficking, discriminatory laws, and especially lack of access to justice still affect women's human rights. Apart from this women's involvement in peace building and peacemaking is also not satisfactory.

23. What specific measure has been taken to provide reparation to women?

MoWCSW as an executing agency, and DWD, as an implementing agency ran a program "Strengthening Decentralized Support for Vulnerable and Conflict affected Families and

⁶Retrieved from Peace women, available at <http://www.peacewomen.org/member-states>, [Accessed on 2.18.2016]

⁷ Comprehensive Peace Accord concluded between the Government of Nepal and the communist Party of Nepal 2063 (2006) clause 3.5, 7.6, available at http://id.cdint.org/content/documents/Comprehensive_Peace_Agreement_of_2006.pdf [last accessed on 17 January 2016]

Children” and NRs. 1,103,900,000 had been distributed to 11039 deceased persons families in 73 out of 75 districts as a compensation through the Emergency Peace Support Project.⁸

24. What specific measure have been taken to repress violations of IHL, particularly sexual violence against women in the context of armed conflict?

Truth and Reconciliation Act 2014 (2071) includes sexual violence as one of the severe violation of International Human Rights Law and International Humanitarian Law⁹. In addition to that the Act excludes it from the eligibility list of amnesty as well.¹⁰ Also the Draft Act to Amend and Consolidate Criminal Law 2010(2067) has extended the statute of limitation of the offence of rape to 1 year.¹¹ However, any concrete actions have yet to materialize.

25. What is the number of participation of women in truth and reconciliation processes?

The Enforced Disappearance and Truth and Reconciliation Act 2071 (2014) ensures that at least 1 out of the 5 members of the commission should be a female. This makes the participation of women within the commission at just 20%.

⁸ Nepal 4-5 periodic report combined. CEDAW/C/NPL/4-5, available at <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-NPL-CO-4-5.pdf> [Accessed on 2.19.2016]

⁹ Enforced Disappearance and Truth and Reconciliation Act 2014 (2071) s.2(j)(6), retrieved from www.lawcommission.gov.np, available at <http://www.lawcommission.gov.np/documents/2015/08/%E0%A4%AC%E0%A5%87%E0%A4%AA%E0%A4%A4%E0%A4%BE-%E0%A4%AA%E0%A4%BE%E0%A4%B0%E0%A4%BF%E0%A4%8F%E0%A4%95%E0%A4%BE-%E0%A4%B5%E0%A5%8D%E0%A4%AF%E0%A4%95%E0%A5%8D%E0%A4%A4%E0%A4%BF%E0%A4%95.pdf> [Accessed on 2.19.2016]

¹⁰ Ibid s. 26(2)

¹¹ Draft Act to Amend and Consolidate Criminal Law 2010(2067), s.220, 229, retrieved from www.lawcommission.gov.np, available at <http://www.lawcommission.gov.np/documents/2015/08/%E0%A4%AB%E0%A5%8C%E0%A4%9C%E0%A4%A6%E0%A4%BE%E0%A4%B0%E0%A5%80-%E0%A4%95%E0%A4%BE%E0%A4%A8%E0%A5%82%E0%A4%A8-%E0%A4%B8%E0%A4%AE%E0%A5%8D%E0%A4%AC%E0%A4%A8%E0%A5%8D%E0%A4%A7%E0%A5%80-%E0%A4%AA.pdf> [Accessed on 2.19.2016]