

Gender-based atrocity crime prevention

Linking the Responsibility to
Protect; Women, Peace and
Security; and women's rights
agendas in the Asia Pacific



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Executive Summary

Sexual and gender-based violence (SGBV) can constitute atrocity crimes, including crimes against humanity and war crimes, and can also be considered acts of genocide when intended to contribute to the destruction of a protected group. These are known as gender-based atrocity crimes (GBAC).

The Gender in Mass Atrocity Prevention Tool for Action, published in 2019 by the Asia Pacific Centre for the Responsibility to Protect (APR2P), identifies the common risk factors for gender-based atrocity crimes as: the presence of conflict and instability; entrenched gender discrimination and inequality, combined with weak protections for women's rights and against SGBV; the presence of identity-based discrimination, extremist, nationalist or ethnic based supremacist ideologies; a track record of impunity for grave human rights violations, particularly as it relates to sexual and gender-based violence; and the marginalisation or exclusion of women from atrocity prevention efforts.¹

Connecting the R2P, Women Peace and Security (WPS) and CEDAW agendas, and focusing on 13 countries across the region, this report examines the capacity for gender-based atrocity prevention in the region. The focus countries are Bangladesh, Cambodia, China, Fiji, Indonesia, Malaysia, Myanmar, Papua New Guinea, the Philippines, Solomon Islands, Timor-Leste, Thailand and Vanuatu.

At the normative level, all 13 focus countries have ratified the UN Convention on the Elimination of All Forms of Discrimination against Women, even if some include significant reservations on condemning discrimination against women in all forms and affording women equal rights and responsibilities in marriage and

family life. Only five of the 13 countries have adopted National Action Plans on Women, Peace and Security, though all countries have passed various national legislative instruments aimed at addressing gender-based violence. However, based on research undertaken for this report of the 13 countries:

- Nearly two thirds of countries have rates higher than 60 percent of women who have experienced sexual and gender-based violence by a partner;
- Eight countries allow gender-based discrimination based on religious or cultural practices;
- In nearly 40 percent of these countries, LGBTQ+ individuals experience harassment and discrimination, including by police;
- In half of the countries there are increasing threats, reprisals and crackdowns against women human rights defenders and activists;
- There is impunity for grave violations including sexual violence in four of the countries; and
- In nearly half, security sector personnel have been accused of committing SGBV.

The prevention strategies identified as being implemented by the various focus countries, including those targeting structural, direct and late-stage prevention, highlight inconsistent approaches, limited resourcing and gaps between rhetoric and implementation. Measures aimed at preventing and responding to gender-based violence and providing services to survivors will be ineffective while discriminatory practices based on gender continue to be condoned and perpetuated and as long as there is no accountability for perpetrators of gender-based violence.

This report recommends that to strengthen the capacity within the region to prevent gender-based atrocity crimes; enhance peace, security and stability; and strengthen peace-oriented values in the region (as described in the ASEAN Declaration on Culture of Prevention), states and regional organisations across the Asia Pacific region should:

1. Amplify the established links between the promotion of gender equality, conflict and atrocity prevention and countering violent extremism, and strengthen the implementation of the women, peace and security agenda at the local, national and regional levels;
2. Ensure the meaningful participation of women, including those from ethnic minorities, indigenous, migrant, and refugee women and others who are most vulnerable to gender-based atrocity crimes, in the development of prevention strategies and across all peace and security decision-making processes;
3. Seek to address the root causes of gender-based violence and discrimination including by supporting community-level efforts which address harmful practices and engage community and religious leaders, as well as men and boys in the prevention of violence;
4. Develop in consultation with women's organisations gender-responsive early warning indicators which monitor: 1) changing attitudes to gender equality and the enforcement of harmful gender stereotypes, norms and roles for women and men, including through sexist, homophobic and misogynist hate speech and propaganda; 2) gender-based violence in all of its forms including intimate partner violence, violence perpetrated by state officials and non-state actors, online and in-person violence, and against women in public roles such as women activists, journalists and politicians; and 3) increased restrictions on women's freedoms and movement including attempts by state and non-state actors to limit women's rights, pressure women to leave the workforce or have more children, changes to land access, movement, education, or sudden changes to limit women's economic independence;
5. Broaden responses to gender-based atrocity crimes beyond violence against women to include persecution, harassment and discrimination against LGBTQ+ individuals and strengthen protection for women and girls who are most vulnerable to gender-based atrocity crimes including migrant, refugee and undocumented women and girls, indigenous women, women from ethnic minorities, with disabilities and who are LGBTQ+;
6. Recognise the legitimate role ethnically diverse women human rights defenders, peacebuilders and activists play in promoting gender equality and preventing atrocity crimes, conflict and radicalisation; protect them from criminalisation, reprisals, threats and all forms of violence both online and physically; investigate and prosecute all incidents of violence and intimidation against them; and provide them with an enabling environment and financial support to ensure they can undertake their important preventative and peacebuilding functions;
7. Strengthen the collection and regular reporting of data on gender-based violence in all forms including domestic and intimate partner violence; physical, psychological and emotional abuse; or sexual violence including rape, attempted rape, sexual exploitation; trafficking; forced sex work; female genital mutilation; and reproductive coercion;
8. Ensure the provision of survivor-centred services to survivors of gender-based crimes encompassing comprehensive medical, legal, psychosocial and livelihood services, as well as sexual and reproductive health services without discrimination;
9. Curb the flow of small arms and light weapons which exacerbate gender-based atrocity crimes; and
10. Strengthen the gender-responsive capacity of law enforcement and the judiciary including through the provision of mandatory training, development of preventative guidelines and the establishment of a zero-tolerance policy for gender-based violence; and ensure accountability for all serious human rights violations including gender-based violence committed by security sector personnel.

Introduction

This report stems from a recommendation by the Gender Working Group of the Asia Pacific Partnership for Atrocity Prevention (APPAP), a network of organisations committed to preventing genocide, war crimes, ethnic cleansing, and crimes against humanity, and to supporting the protection of vulnerable communities. The Gender Working Group recommended that research be undertaken mapping the capacity in the Asia Pacific region to prevent and respond to gender-based atrocity crimes and to identify examples of preventative strategies being implemented. This research report also builds on the report *Centralising Gender in Mass Atrocity Prevention: A Tool for Action in The Asia Pacific Region* produced by the Asia Pacific Centre for the Responsibility to Protect.²

The first section of this report outlines the international framework for gender-based atrocity crime prevention. Focusing on 13 countries across the Asia Pacific, it then provides a regional overview of past and current approaches to prevention and identifies country-specific risks for gender-based atrocity crimes. The following section examines the varying degrees to which the focus countries have implemented international women's rights norms as part of their prevention efforts, in particular the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This section also outlines the region's inconsistent support for, and implementation of, the Women, Peace and Security agenda (WPS). The second half of the report considers the structural, direct, and late-stage prevention strategies adopted by the focus countries and assesses where possible the effectiveness of these measures.

The 13 focus countries for this report are: Bangladesh, Cambodia, China, Fiji, Indonesia, Malaysia, Myanmar, Papua New Guinea, the Philippines, Solomon Islands, Timor-Leste, Thailand, and Vanuatu.

The report concludes that the current capacity of these Asia Pacific countries to prevent gender-based atrocity crimes is low despite support (to varying degrees) for international norms, given the high rates of gender-based violence, gender discrimination, shrinking civic space and limited accountability for grave human rights violations including SGBV by security sector personnel.

The report outlines ten recommendations aimed at national governments and regional organisations to strengthen gender-based atrocity crime prevention and enhance regional peace and security.

Methodology

Two research components informed this report. The first was a desk review analysing National Action Plans on Women, Peace and Security (WPS NAP); Concluding Observations issued by the UN CEDAW Committee and official state responses; country and regional atrocity risk assessments issued by the APR2P Centre; and other research reports and relevant media articles.

Fifteen key informants were interviewed as part of the second research phase. Key informants included atrocity prevention experts, gender and women's rights practitioners and members of the APPAP Gender Working Group. Due to the sensitive nature of some of the information conveyed during the interviews, key informants have only been identified based on the country in which they work.

The International Framework for Gender-Based Atrocity Crime Prevention

Sexual and gender-based atrocity crimes, perpetrated predominantly against women and girls but also sometimes against men and boys, have been recognised as tactics of war and terrorism by the UN Security Council, the International Criminal Court (ICC) and international criminal tribunals.³ They form part of broader patterns of violence constituting mass atrocities including crimes against humanity, war crimes and ethnic cleansing, and can constitute acts of genocide when intended to destroy a protected group.⁴ Such crimes can occur in both armed conflict and non-conflict contexts.

As per the 2014 guidance note issued by the Office of the Prosecutor of the ICC, gender-based crimes include sexual crimes such as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any form of sexual violence of comparable gravity.⁵ They also cover crimes whereby women, girls, men and boys are targeted as a result of gender norms, such as sex-selective killings, or for defying strictly imposed gender norms including targeted violence against individuals based on their sexual orientation or gender identity.⁶ The table below, replicated from the 2019 Gender in Mass Atrocity Prevention Tool for Action, lists how gender-based atrocity crimes are captured within the definitions for genocide, war crimes and crimes against humanity.⁷

Sexual and gender-based atrocity crimes, perpetrated predominantly against women and girls but also sometimes against men and boys, have been recognised as tactics of war and terrorism by the UN Security Council, the International Criminal Court (ICC) and international criminal tribunals.

GENOCIDE**Rome Statute of the ICC**

1948 Genocide Convention on the Prevention and Punishment of the Crime of Genocide

Acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group

SGBV can be an integral part of the pattern of destruction inflicted upon targeted groups.

The ICC Prosecutor has advised that all acts of genocide (killing; causing serious bodily or mental harm; deliberately inflicting conditions calculated to physically destroy groups; imposing measures intended to prevent birth within a group; forcibly transferring children from a group) may have a sexual and or gender element.

In 1998 the International Criminal Tribunal for Rwanda was the first to recognise sexual violence and rape as a means of perpetrating genocide.

WAR CRIMES**Rome Statute of the ICC**

Serious violations of international humanitarian law (i.e the laws of war/ armed conflict)

Rome Statute Articles 8(2)(b)(xxii) and 8(2)(e)(vi) define the following acts as war crimes: committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting grave breach of Geneva Conventions or serious violation of Common Article 3 to the four Geneva Conventions.

The ICC Prosecutor has stated that all other types of war crimes, including intentionally directing attacks against civilian population, torture, mutilation, outrages upon personal dignity, or the recruitment of child soldiers, may also contain sexual and/or gender elements.

CRIMES AGAINST HUMANITY**Rome Statute of the ICC**

“Widespread or systematic attacks directed against any civilian population”, which are committed “pursuant to or in furtherance of a State or organizational policy to commit such attack”

It is not required that each act of SGBV is widespread or systematic, provided that it forms part of a widespread or systematic attack on a population.

Rome Statute Article 7(1) (g) defines the following as crimes against humanity: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any form of sexual violence of comparable gravity.

Rome Statute Article 7(1)(h) defines gender-based persecution as a crime against humanity.

Human trafficking, particularly for women and children, can constitute an act of enslavement which is a crime against humanity under Article 7 (1)(c).

SGBV can be an element of other crimes against humanity: sexual or gender-based torture or other inhumane acts causing great suffering, or serious injury to body or to mental or physical health; or sexual violence as part of a strategy to bring about the deportation or forcible transfer of a population from an area (ie ethnic cleansing).

Table 1: Gender-based Atrocity Crimes

The Hague Principles on Sexual Violence aim to increase the effectiveness of laws, policies and procedures addressing and mitigating sexual violence.

The 2019 Gender in Mass Atrocity Prevention Tool for Action identifies the common risk factors for gender-based atrocity crimes as: the presence of conflict and instability; entrenched gender discrimination and inequality, combined with weak protections for women's rights and against SGBV; the presence of identity-based discrimination, extremist, nationalist or ethnic based supremacist ideologies; a track record of impunity for grave human rights violations, particularly as it relates to SGBV; and the marginalisation or exclusion of women from atrocity prevention efforts.⁸

In December 2019, the Hague Principles on Sexual Violence were released. They aim to increase the effectiveness of laws, policies and procedures addressing and mitigating sexual violence. The principles underscore that acts of sexual violence are deeply rooted in every society; sexual violence encompasses all violations of sexual autonomy and integrity; contextual factors such as culture, religion, historical precedents, indigeneity and other intersecting factors contribute to the gravity of sexual violence acts; and the impact of sexual violence is felt by individuals, communities and societies and persists for generations.⁹

To mark the 20th anniversary of Security Council 1325 (2000), which formally established the Women, Peace and Security agenda, the UN Secretary General's 2020 annual report on the Responsibility to Protect (R2P) focused entirely on women, the gendered aspects of atrocity crimes and the importance of strengthening linkages between R2P and WPS.¹⁰ The report found that any systematic approach to atrocity crime prevention requires strong gender-sensitive analysis, indicators and sex-disaggregated data. It highlighted the significant shortfalls in the ability, preparedness and willingness of States to hold perpetrators of gender based-atrocity crimes to account. Further undermining preventative efforts are weak legislative frameworks relating to gender-based violence, transitional justice mechanisms which omit gender perspectives or those of SGBV survivors, and the absence of a culture of respect for women's rights.¹¹ The report also expressed concern at the increasing frequency of attacks against women and women human rights defenders working on the front lines of atrocity prevention.

The UN Secretary General emphasised the need to reconceptualise preventative strategies so that these not only address the direct and specific needs of survivors but also tackle the root causes of violence and discrimination against women. To this end, promoting gender equality must be central to Member States' upstream atrocity prevention efforts. The report's recommendations include: ending impunity for gender-based atrocity crimes and improving access to justice especially for women and girls; developing gender-specific indicators in national and regional early warning frameworks; strengthening support for women's organisations working on atrocity prevention and peacebuilding; and countering gendered hate speech.¹²

Regional Overview

The risks for gender-based atrocity crimes in the Asia-Pacific region remain high considering the elevated rates of SGBV in the region; ongoing crises and conflicts affecting numerous countries; the lack of accountability for past gender-based crimes, including those committed by security sector personnel; and weak mechanisms in place to promote and protect women's rights and address gender-based violence.¹³

In 2019, the APPAP Gender Working Group identified four key challenges to the region's preventative capacity in relation to gender-based atrocity crimes: the continued marginalisation of women from leadership and decision-making; increases in gender discriminatory practices, such as polygamy and child marriage; a narrow understanding of what constitutes gender-based violence; and entrenched negative gender stereotypes which dominate many of the region's political, religious and social perceptions of women and which condone violence against them.¹⁴ Also of concern for the Working Group is the increasing influence of religion on civil laws; the shrinking of civic space, and the unwillingness of regional leaders to engage in late-stage preventative action, such as in Myanmar.

The Covid-19 pandemic has resulted in a further escalation of gender-based violence in the region. In a survey of WPS practitioners across the Indo-Pacific region, over 70 percent of respondents had seen an increase in frequency and severity of gender-based violence soon after restrictions were put in place and over 50 percent had observed significant reductions in the availability of shelters for women and their children fleeing violence.¹⁵ The pandemic has also resulted in increased rates of infanticide, child abuse, child marriage and unwanted pregnancies, as well as increased attacks against LGBTQ+ individuals.¹⁶ Key informants interviewed for this research report similarly conveyed that the pandemic had heightened the vulnerabilities for women, especially those with disabilities, migrant and refugee women, indigenous women and women from ethnic minorities, as well as LGBTQ+ women. This highlights the importance of gender-based atrocity prevention efforts addressing the particular vulnerabilities of women from different groups, the need to consider the full range of gender-based violations, and to expand current approaches on preventing violence against women to encompass all forms of gendered violence, including crimes committed against men and boys, as well as LGBTQ+ individuals.

Despite the high risks of gender-based atrocity crimes in the region, there have been some innovative strategies aimed at preventing and responding to these crimes which are important to highlight and draw lessons from. Examples of structural, direct, and late-stage prevention strategies are outlined in the section on prevention.

Country-specific risks of gender-based atrocity crimes

Table 2 below provides an overview of the risks of gender-based atrocity crimes for each of the 13 focus countries, based on the UN Framework of Analysis for Atrocity Crimes.¹⁷ Research for this report found: in eight of the countries (62 percent) at least 60 percent of women have experienced SGBV by a partner; eight of the countries (62 percent) allow gender discrimination based on religious or cultural practices; in five countries (38 percent), LGBTQ+ individuals experience harassment and discrimination, including by police; in six countries (46 percent) there are increasing threats, reprisals and crackdowns against women human rights defenders and activists; there is impunity for grave violations including sexual violence in four countries (31 percent); and in six countries (46 percent) security sector personnel have been accused of committing SGBV.

BANGLADESH

Current Situation

- High rates of gender-based violence in refugee communities and across the country. Only 36 shelters to service 80 million women and 64 million children.
- A 2013 survey found that 87% of women had experienced domestic violence.¹⁸
- In first 9 months of 2020 at least 235 women had been murdered or tortured by their husbands, 975 women reported being raped, including 208 gang raped.¹⁹
- Significant influence of religious leaders over policy makers preventing reform of gender-based discrimination
- Police trained on SGBV protection, but judiciary among the most conservative sectors in the country

Laws Against Gender Based Discrimination and Violence

- Constitution calls for gender equality and there are anti-SGBV laws enacted, however laws allow for discrediting of victim's character and impede access to legal support due to spousal imposed financial restrictions.²⁰ Marital rape not included in the penal code.
- Constitution also states that personal clauses relating to marriage; custody of children; divorce etc follow religious codes which prevent or restrict women from inheritance and see women remaining under the legal guardianship of male guardians.

Risk Factors for Future Gender-Based Atrocities

- Instability, particularly in border areas with Myanmar.
- Weak mechanisms to promote and protect women's rights and address gender-based violence.

Current Situation

- Forced marriage used by the Khmer Rouge was recognised as a tool of genocide, war crimes and crimes against humanity, in a judgement handed down in 2018.²¹
- Discriminatory attitudes and gender stereotyping are prevalent in the justice system, while attitudes on marriage and family pressure women into informal mediation to resolve issues of domestic violence.²²
- 21% of women have experienced SGBV at the hands of a partner
- Law enforcement officers among the worst abusers of transgender women's rights.²³
- Growing restrictions on women's rights activists, and women human rights defenders routinely subjected to judicial harassment, imprisonment, and interrogations.²⁴

Laws Against Gender Based Discrimination and Violence

- Cambodia has introduced numerous laws on gender-based violence.²⁵ However Cambodian women's organisations have described these laws as inadequate and flawed as they do not address the complex and diverse ways women experience SGBV.²⁶ The stated goal of the Domestic Violence Law is to 'preserve within the household in line with the nation's good custom and tradition'.
- There are no explicit laws which prevent discrimination on the basis of gender and no legal protection for LGBTQ+ individuals.
- In July 2020 a law was proposed to ban women from wearing inappropriate clothes, in what was considered a new attempt to curtail Cambodian women's rights.²⁷

Risk Factors for Future Gender-Based Atrocities

- Weak promotion of human rights, rule of law and political accountability.
- Weak mechanisms to promote and protect women's rights and address gender-based violence.

Current Situation

- Credible allegations of widespread and systematic SGBV against Uighurs in re-education camps including rape, gang rapes, sexual torture, forced nudity, forced sterilisation and removal of children. These are considered crimes against humanity and may constitute genocidal acts.²⁸
- Similar patterns of rape with sticks and electric batons previously reported in 'transformation through education centres' in Tibet.²⁹
- Ongoing reprisals against women human rights defenders and their families.
- NGOs estimate that at least 25% of women have encountered domestic violence.³⁰

Laws Against Gender Based Discrimination and Violence

- Some laws preventing SGBV have been adopted but discrimination against women is not specifically legislated against.

Risk Factors for Future Gender-Based Atrocities

- Weak protections for women's rights and against SGBV.
- Presence of identity-based discrimination.
- Impunity for grave human rights violations including SGBV.

FIJI

Current Situation

- A 2016 survey found that over 60% of Fijian women had experienced physical or sexual violence by an intimate partner³¹
- 2 out of 3 women face difficulties reporting partner-related SGBV to police, often told to resolve the issue within the family or village.
- Fijian police and military have been accused of torture, rape and other forms of sexual violence against people in custody.³²
- LGBTQ+ individuals fear discrimination, harassment and violence, including by police.

Laws Against Gender Based Discrimination and Violence

- Fiji has enacted some laws relating to SGBV prevention and the constitution prohibits discrimination on the grounds of gender, sexual orientation and gender identity, however the constitution prevents this non-discrimination from being applied in marriage, adoption and inheritance.
- The Public Order Amendment Decree (POAD) provides security force members with immunity from prosecution for deaths and injuries resulting from use of force necessary to maintain public order.
- Fiji has yet to comply with UN request to implement a legal framework in cases of misconduct including sexual exploitation and abuse, of Fijian personnel deployed to UN peacekeeping missions.³³

Risk Factors for Future Gender-Based Atrocities

- Weak protections for women's rights and against SGBV.
- Impunity for grave human rights violations including SGBV.

INDONESIA

Current Situation

- Significant gender bias ingrained in sociocultural and political fabric and cultural opposition to the WPS agenda.³⁴
- Ongoing hate speech and discrimination towards ethnic or religious minorities including: Chinese Indonesians, Ahmadiyyah and Shia communities, and West Papuans.³⁵
- Doubling of domestic violence since the outset of the pandemic.
- Increase in hard-right Islamist rhetoric on social media.
- Active harassment and discrimination of LGBTQ+ individuals by police.

Laws Against Gender Based Discrimination and Violence

- Laws have been enacted to prevent and respond to SGBV however there are still over 400 laws or policies which discriminate against women and girls.

Risk Factors for Future Gender-Based Atrocities

- Weak mechanisms to promote and protect women's rights and address gender-based violence.
- Continuing tensions and violence in West Papua.
- Presence of identity-based discrimination.

MALAYSIA

Current Situation

- Covid-19 pandemic has seen increased backlash against refugee, asylum seeker, undocumented and migrant women.
- Increased reprisals in person and online of women activists and journalists
- Criminalisation of LGBTQ+ individuals, amongst the most persecuted communities.
- Shrinking civic space for NGOs, including women's organisations, and increased police intimidation.
- Widespread discriminatory stereotypes and attitudes concerning the role of women in society.

Laws Against Gender Based Discrimination and Violence

- No laws on gender equality and limited measures in place to combat SGBV

Risk Factors for Future Gender-Based Atrocities

- Weak mechanisms in place to promote and protect women's rights and address gender-based violence.
- Presence of identity-based discrimination.

MYANMAR

Current Situation

- Decades of sexual violence, in some cases amounting to genocide, against ethnic minority women and girls by Myanmar army, with total impunity.
- Systematic use of SGBV by the Myanmar army as a tactic of war.³⁶
- Legislatively prescribed ethnic and gender discrimination.
- Past and current track record of killing civilian protestors.
- Extensive surveillance and reprisals against women human rights defenders and women's organisations.

Laws Against Gender Based Discrimination and Violence

- Constitution grants government officials and security sector officers immunity from prosecution for human rights abuses
- No laws preventing and addressing SGBV
- Discriminatory gender provisions in the Citizenship Law based on ethnicity
- Restrictions on marriage and reproduction

Risk Factors for Future Gender-Based Atrocities

- Ongoing crisis, conflict and instability.
- Presence of identity-based discrimination.
- Impunity for gender-based crimes, including those committed by security sector personnel and ongoing official denials of SGBV.
- No mechanism in place to promote and protect women's rights and address gender-based violence.

PAPUA NEW GUINEA

Current Situation

- PNG's endemic levels of SGBV are among the highest in the world yet domestic violence is still considered a private matter.³⁷
- Ongoing inter-tribal conflicts further exacerbate risks of violence against women. In July 2019, 20 people were killed including children and pregnant women, in a massacre in the southern highlands.
- Tribal violence has led to torture, SGBV and murder of women, including those accused of witchcraft.
- Accessibility of deadly weapons and a lack of police presence / law enforcement in remote areas.
- PNG Police frequently accused of brutality, excessive use of force and rape.
- Security companies employed by mining companies also accused of SGBV.
- Harassment of LGBTQ+ individuals.

Laws Against Gender Based Discrimination and Violence

- No comprehensive laws on SGBV and a number of recent laws yet to be implemented in their entirety.
- Traditional village courts encourage the practice of compensating the victim's family instead of prosecuting perpetrators of SGBV.
- Criminalisation of same-sex relationships.

Risk Factors for Future Gender-Based Atrocities

- Ongoing conflict and instability.
- Impunity for gender-based crimes
- Limited mechanisms in place to promote and protect women's rights and address gender-based violence.

THE PHILIPPINES

Current Situation

- Increased rates of SGBV by security force personnel, especially by the Philippines National Police.
- President promised immunity for security force personnel accused of SGBV and has himself made repeated misogynist comments and condoned sexual violence.
- Women human rights defenders report of increased targeting of ethnic minority women and women activists since the Anti-Terror Law came into effect.

Laws Against Gender Based Discrimination and Violence

- Despite the 2009 Magna Carta of Women Act, a comprehensive women's human rights law and other laws on violence against women, there is limited enforcement of these laws.

Risk Factors for Future Gender-Based Atrocities

- Ongoing crisis and instability
- Impunity for gender-based crimes
- Lack of promotion of human rights, rule of law or political accountability
- Limited enforcement of mechanisms to promote and protect women's rights and address gender-based violence
- SGBV, kidnapping and sexual slavery also committed by violent extremist groups during the 2017 Marawi siege.³⁸

SOLOMON ISLANDS

Current Situation

- Sexual violence was used by all sides during the 1998-2003 conflict.
- According to its NAP on WPS 64% of women have experienced physical or sexual violence by a partner.

Laws Against Gender Based Discrimination and Violence

- Has enacted strong laws protecting vulnerable groups, particularly relating to SGBV.

Risk Factors for Future Gender-Based Atrocities

- Gaps in in the implementation of protection measures

TIMOR-LESTE

Current Situation

- Timor-Leste's Commission for Reception, Truth and Reconciliation adopted a gender-sensitive approach to its work, interviewed over 200 survivors and witnesses of sexual violence and reported on rape and sexual slavery, committed during the 1974-1999 conflict with Indonesia.³⁹
- Despite being described as one of the most comprehensive truth and reconciliation reports in the way it addresses and covers SGBV, the Timor-Leste government has yet to incorporate it into its post-conflict reconstruction work.
- No policies in place to provide redress for survivors of past atrocities including SGBV, despite the continuing impact for individual survivors, families and communities.⁴⁰
- SGBV being monitored as part of atrocity prevention efforts
- 60% of women have experienced SGBV.⁴¹

Laws Against Gender Based Discrimination and Violence

- Relatively strong domestic laws ensuring the promotion and protection of basic human rights and protection of vulnerable groups, though gender-based violence remains an ongoing concern⁴²
- Discriminatory laws exist still in relation to marriage and family relations
- Rape yet to be classified as a serious crime
- NAP on WPS seeks to eliminate GBV by 2025

Risk Factors for Future Gender-Based Atrocities

- Gaps in promotion and protection of women's rights and to address gender-based violence

THAILAND

Current Situation

- Risks of conflict-related sexual violence persist in the southern border provinces.
- High rates of SGBV across the country.
- Overall support in Thailand to end discrimination against women, however refugee and migrant women, and women from ethnic minorities continue to be discriminated against.⁴³
- Thailand has one of the highest rates of human trafficking, forced labour and sexual exploitation in the world. Senior officials have been found to be complicit in the human trafficking trade and some have been prosecuted.⁴⁴
- Women activists and women human rights defenders face intimidation, violence and harassment.

Laws Against Gender Based Discrimination and Violence

- Several laws have been enacted to prevent violence against women and to promote gender equality, however the Gender Equality Act provides exceptions to the prohibition on gender discrimination on grounds of religious principles and national security.⁴⁵

Risk Factors for Future Gender-Based Atrocities

- Ongoing conflict and instability in the southern border provinces.
- Weak mechanisms to promote and protect women's rights and address gender-based violence.

VANUATU

Current Situation

- Vanuatu currently has a low risk of atrocity crimes but a high rate of sexual and domestic violence against children.
- Over 60% of women in relationships have experienced sexual or physical violence by a partner and most of these cases are not reported to police.⁴⁶
- Domestic violence still seen as a private matter and is also prevalent among the Vanuatu Police Force.⁴⁷
- Entrenched gender stereotypes and lack of awareness of women's rights further hinder SGBV prevention efforts.
- Women's rights campaigners viewed as going against traditional values.

Laws Against Gender Based Discrimination and Violence

- Laws and policies have been enacted to codify CEDAW domestically.
- Family Protection Act was passed in 2008 however there are limited resources for its implementation.
- No anti-discrimination laws protecting LGBTQ+ individuals from discrimination.

Risk Factors for Future Gender-Based Atrocities

- Weak mechanisms to promote and protect women's rights and address gender-based violence.
- Impunity for gender-based crimes.

Regional Policy Landscape for Preventing Gender-Based Atrocity Crimes

CEDAW as a Mechanism for Atrocity Prevention

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has a high ratification rate across the Asia-Pacific region with Palau and Tonga the only countries in the broader region which have yet to ratify it.⁴⁸ Across the 13 focus countries for this report, the CEDAW Committee has made a raft of significant recommendations aimed at preventing and addressing SGBV and other gender-based violations, including in times of conflict and post-conflict.

Key informants interviewed for this report described CEDAW as having more traction in the region than the WPS agenda. This is due in part to advocacy undertaken by women's organisations before and after country reviews; the fact that CEDAW has a built in and cyclical monitoring process which is absent from the WPS agenda; and that it has a broader scope than conflict related issues (the WPS agenda is sometimes viewed as being a niche policy architecture and only applicable to conflict and post-conflict contexts). The CEDAW Committee has been attempting to strengthen the linkages between the women's rights framework and the WPS agenda.

Since its adoption of General Recommendation 30 in 2013 linking CEDAW to the WPS agenda⁴⁹ and to the need to protect women's rights before, during and after conflict, the CEDAW Committee has increasingly recommended nations:

- Strengthen their implementation of the WPS agenda;
- Ensure women's participation in prevention of conflict efforts;
- Protect civilians from conflict-related sexual violence;
- Ensure amnesty laws do not provide impunity for gender-based violence; and
- Prosecute gender-based violence as an element of genocide, war crimes and crimes against humanity, where applicable.

For instance, in 2019 the CEDAW Committee recommended that Cambodia provide effective redress to all victims of Khmer Rouge SGBV; that a National Action Plan on WPS be adopted; and that Cambodia ensure the participation of women in conflict prevention and peacebuilding efforts.⁵⁰ The Committee has asked Indonesia ahead of its 2021 review to provide information on steps taken to investigate, prosecute and punish all acts of conflict-related sexual violence, including acts committed by security forces against women from Papua and West Papuan Provinces.⁵¹ It has also sought an update on efforts to establish truth and reconciliation commissions and human rights courts, and for Indonesia to specify the number of outcomes of

complaints relating to gender-based violence against women and girls in conflict and post-conflict situations received by the Commission. In 2016, the CEDAW Committee called on the Philippines to prevent and punish all forms of gender-based violence perpetrated by state and non-state actors including in times of armed conflict and to collect disaggregated data on gender-based violence against women in displacement, armed conflict, disaster, migration and trafficking situations.⁵² In February 2019, the CEDAW Committee used its exceptional reporting procedure to review the situation facing Rohingya women and girls in Myanmar, following the August 2017 clearance operation undertaken by the Myanmar army in Rakhine state. Details on this exceptional review are outlined in the case study below on Myanmar.

All the focus countries for this report have been reviewed at least once since 2012. In addition to WPS-related concluding observations, other recommendations included:

- adopting gender equality laws and strategies in accordance with international human rights standards;
- removing discriminatory practices, laws and policies including those based on religious, cultural or traditional customs;
- increasing the gender-responsive capacity of the judiciary and law enforcement sectors;
- addressing harmful stereotypes relating to the role of women and girls;
- criminalising all forms of SGBV in accordance with international human rights law;
- improving the access to comprehensive services for survivors of gender-based violence;
- ensuring better protection for indigenous women, women from ethnic minorities, with disabilities and refugee, migrant and undocumented women;
- providing greater protection for women human rights defenders and activists;
- removing any barriers to women's ability to seek justice and redress;
- amending laws to abolish discriminatory practices against LGBTQ+ persons;
- improving data collection on gender-based violence disaggregated by age, ethnicity, geography and relationship between victim and perpetrator; and
- taking concrete steps to address the root causes of trafficking in women and girls.

The full list of recent country specific recommendations, as they relate to gender-based atrocity crime prevention, is included in Annex I, as well as formal responses from nations where available.

These recommendations, if implemented, represent significant opportunities for nations to improve their ability to prevent and respond to gender-based atrocity crimes. However, implementation remains inconsistent. A 2021 mapping of CEDAW recommendations in the Asia Pacific found that despite the high participation rate in CEDAW's review process, 61 percent of recommendations remain either unacknowledged or unimplemented.⁵³ These mostly relate to recommendations calling on legislative or policy changes; improved access to justice; health system strengthening; gender equality awareness campaigns or gender-sensitive data collection.⁵⁴ Key informants also raised the sporadic nature of implementation and the high level of resourcing required to establish and maintain state regulatory systems to address issues raised in CEDAW reviews. Resource constraints and a lack of political will are seen as key obstacles to the implementation of CEDAW recommendations.

Key informants also noted that the CEDAW Committee, as well as NGOs and UN entities which support shadow reporting, have yet to establish suitable participatory mechanisms to ensure the inclusion of women from ethnic and indigenous groups, who may be the most marginalised and impacted by conflict. Representatives of women's organisations usually invited to contribute to shadow reports or attend reviews in person tend to be based in the country capitals or major hubs, and speak English. Rarely are grassroots women able to participate in these processes, leading to an omission of issues, concerns and recommendations from diverse women's perspectives.

Another important observation made during key informant interviews was the increasing recognition and prevalence of discussions in the broader region relating the UN's Sustainable Development Goals (SDGs). It was suggested that there is a growing preference by the region's governments to focus on SDGs over international human rights treaty body mechanisms, because they provide states with a more flexible approach, do not outline state obligations in relation to rights holders, do not include naming and shaming elements, and enable governments to self-select the measures they will pursue to meet their commitments to the SDGs. It is critical that promotion and support for the SDGs not be interpreted as a substitute for CEDAW and its preventative recommendations. The international community, including donors committed to advancing gender equality as a way to achieve sustainable peace in the region, should leverage and endorse CEDAW's concluding observations and recommendations as part of their overseas aid partnerships. This includes by providing specific capacity building or helping to fund the implementation of CEDAW recommendations as they relate to gender-based atrocity crime prevention. One example is the support offered by Australia to Vanuatu in preventing violence against women, by funding safe houses and new research on violence against women, and supporting the implementation of provisions in the 2008 Family Protection Act.⁵⁵

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MYANMAR AS A SIGNATORY TO CEDAW

Between August and October 2017, the Myanmar military, or Tatmadaw, undertook a “clearance operation” in Rakhine state which resulted in well over 700,000 Rohingya fleeing into neighbouring Bangladesh. In April 2018, Rohingya lawyer and human rights lawyer Razia Sultana briefed the UN Security Council on her research working directly with Rohingya women and girls in the refugee camps in Bangladesh. She found widespread and systematically planned patterns of sexual violence, torture and mutilation against Rohingya women and girls, including girls as young as six, by Myanmar troops. She explained that the pattern of mutilation of women’s private parts after being raped indicated a specific directive not only to instil terror among the Rohingya people but to also destroy their means of reproduction. In her statement to the Security Council, she said that other ethnic women’s groups had been documenting similar patterns of sexual violence by the Myanmar army since 2002.⁵⁶

The UN’s Independent International Fact-Finding Mission on Myanmar similarly concluded that sexual violence had been a recurring feature of military operations against ethnic minorities in the past and was used as a tactic of war in the 2017 operations.⁵⁷ It found that the highest levels of military command seemed capable of controlling when and where their troops did commit sexual violence against civilian populations and that it was intentionally used to degrade and humiliate.

According to a genocide expert interviewed for this research report, such highly gendered and masculinised approaches to atrocities, particularly the systematic use of SGBV against a group targeted for genocide, has been witnessed in many historical and contemporary cases from Bosnia and Rwanda to the 2014 Yazidi Genocide in Iraq. SGBV as a tool of genocide causes immediate suffering and long-term shame to the victim, and secondarily to family and community members, and even future generations.

The UN mission considered the grave violations in Myanmar as amounting to war crimes, crimes against humanity and acts of genocide, and found that impunity for these crimes was exacerbated by underlying gender inequality. Myanmar’s legal framework not only fails to provide women legal protection or equal rights but entrenches discriminatory practices against them. For instance, laws seeking to ‘preserve race and religion’ restrict the marriage of Buddhist women to non-Buddhist men and implement population control mechanisms.⁵⁸ Rohingya women are also restricted by a two-child policy which came into effect in 2013 to prevent births within the Rohingya population.⁵⁹

A prominent women’s rights activist who works extensively with ethnic minority women across Myanmar noted the rampant rape culture is integral to the military but also extends to all parts of society. Unmarried women and girls who are raped usually move to different towns due to ongoing shame and stigma. Married women who have been sexually assaulted risk losing their husband as they are seen to bring dishonour to the families and undermine their husband’s masculinity. Women and girls are encouraged to stay silent as long as they do not need medical care, which leaves perpetrators knowing they will not be held accountable as long as they do not inflict too much physical damage.

Following the 2017 clearance operations, the CEDAW Committee utilised its exceptional reporting procedure to request the Government of Myanmar submit an exceptional report on the ongoing situation facing Rohingya women and girls. The

Committee expressed concern about the systematic and widespread acts of violence targeting Rohingya women and girls including rape, gang rape, sexual slavery, forced nudity, sexual humiliation, mutilation and sexual assault and that in many instances the victims were subsequently killed.⁶⁰ It further noted that similar patterns of abuse have been reported for over three decades; that the Myanmar government continues to deny that sexual violence occurred; and concluded that there were no genuine efforts to hold perpetrators accountable.

The CEDAW Committee recommended that the Myanmar Government:

- amend provisions of the constitution which grant government officials and military officers immunity;
- enact comprehensive legislation on SGBV;
- criminalise serious international crimes, including genocide, crimes against humanity and war crimes, such as conflict-related sexual violence, and establish civilian jurisdiction over those crimes;
- remove discriminatory provisions in the Citizenship Law based on ethnicity and restore citizenship rights to Rohingya women and girls;
- prosecute security personnel, including senior officials in the Myanmar army chain of command, with regard to the serious international crimes, crimes against humanity, war crimes and conflict-related sexual violence that have been perpetrated;
- call on the Commander-in-Chief of the military to issue an order expressly prohibiting rape and all forms of sexual violence;
- ensure the voluntary, safe and dignified return of Rohingya women and girls; and
- facilitate gender-inclusive consultations in refugee camps to ensure the full participation of women and girls in the repatriation process.⁶¹

Myanmar has yet to officially respond to the recommendations though in its own report to the Committee, it stated that there was no evidence to support the “wild claims and repeated accusations that Myanmar Security Forces had committed a campaign of rape and violence against Muslim women and girls in Rakhine State.”⁶²

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While Myanmar officials denied all claims of sexual violence against Rohingya women and girls, as well as other ethnic minority women and girls, it is unclear why Myanmar officials agreed to be submitted to this exceptional reporting process and for this additional scrutiny to be placed on the actions of the Myanmar army. Following previous reviews, the Myanmar government had sought to demonstrate how it was complying, even if selectively, with some of CEDAW's recommendations. For example, following its 2008 CEDAW review, the Myanmar government worked alongside civil society and UN entities to draft the Protection and Prevention of Violence against Women Bill which outlawed intimate partner violence, marital rape, sexual violence, harassment by stalking, harassment in the workplace and public places, and violence through traditional and customary practice.⁶³ This may indicate the level of credibility and significance afforded to CEDAW. It is therefore unfortunate that according to the key informants interviewed for this report, the CEDAW Committee's 2019 report and recommendations following the exceptional reporting process have not gained much traction or been incorporated into broader advocacy efforts calling for accountability for the gender-based atrocity crimes which were committed. This is a missed opportunity considering the recognition CEDAW carries in the region.

Myanmar's steadfast denials of systematic and widespread sexual violence against ethnic minorities calls into question the degree to which it is genuinely committed to addressing the six priority areas for cooperation it agreed upon with the UN's Special Representative of Sexual Violence in Conflict. The joint communiqué and framework of cooperation signed in December 2018, commits to developing an action plan to support legal reforms to better respond to sexual violence; training the justice and security sectors; ensuring strengthened access to service delivery for survivors of sexual violence; including the prevention of sexual violence in peace agreements; ensuring perpetrators of sexual violence are excluded from amnesty; and mitigating conflict-related trafficking for the purpose of sexual exploitation.⁶⁴

The 1 February 2021 coup by the Myanmar army against the democratically elected government, has increased the risk of further atrocities being committed, considering the army's record of violence against civilians including during protests.⁶⁵ As of 18 September 2021, 1109 people had been killed, 8265 had been arrested and 6613 were still detained.⁶⁶ It is estimated that 60 percent of the protesters are women and make up about 40 percent of individuals arrested.⁶⁷ There have also been reports of the military deliberately targeting and shooting women.⁶⁸ Women's organisations have expressed concern that the same patterns of rape and sexual torture which took place in 2017 could be repeated across the country as the same infantry divisions that took part in the clearance operation in Rakhine state have been deployed to respond to the protests.⁶⁹

At the time of writing this report, women human rights defenders in Myanmar, fearful of their safety and the safety of their families, were regularly changing locations, securing their data, and closing their offices in anticipation of military raids. The increased surveillance women's organisations are under is further limiting their ability to provide critical services, including supporting survivors of gender-based violence.⁷⁰ Prominent women's rights leaders, including Ah Khu, the Director of Women for Justice, are among those who have been killed during the protests.⁷¹

Inconsistent support for and implementation of the WPS agenda

COUNTRY-LEVEL IMPLEMENTATION OF THE WPS AGENDA

As outlined above, the WPS agenda is less established than CEDAW at the normative level across the region. However, there are signs that suggest this may be changing and that the agenda may be growing in recognition and prominence as a useful diplomatic mechanism. Of the 13 focus countries for this report, only five (38 percent) have National Action Plans on the implementation of resolution 1325 and subsequent WPS resolutions. The countries with WPS NAPs are: Bangladesh; Indonesia; the Philippines; Solomon Islands and Timor-Leste. The Autonomous Region of Bougainville also adopted a NAP on WPS in August 2016⁷² and the Bangsamoro Autonomous Region of Muslim Mindanao in the Philippines launched a regional plan in December 2020.⁷³

Common activities in these six publicly available NAPs that relate to gender-based atrocity crime prevention include:

- mapping data on gender-based violence including in times of conflict (Bangladesh; Indonesia; and Solomon Islands)
- implementing gender-responsive conflict monitoring and early warning mechanisms (Bangladesh; the Philippines; and Timor-Leste)
- ensuring WPS actions are aligned with violent extremism prevention policies (Bangladesh; Indonesia and the Philippines)
- enhancing the capacity of the judiciary and law enforcement to investigate, prosecute and convict on SGBV (Indonesia; Solomon Islands; and Timor-Leste)
- working with religious leaders and institutions, traditional and community leaders and local communities on promoting tolerance, ending violence against women, gender equality and non-discrimination as part of conflict prevention efforts (Bangladesh; Autonomous Region of Bougainville; Indonesia; Solomon Islands; and Timor Leste)
- providing more shelters and services for victims of SGBV (Autonomous Region of Bougainville; Indonesia; the Philippines); and
- strengthening gender-responsive transitional justice mechanisms (Autonomous Region of Bougainville; Indonesia; the Philippines; and Solomon Islands)

The National Action Plans for Indonesia and the Philippines are the only two to mention the need to increase protection for women civil society actors. Indonesia's NAP commits to increasing protection for women human rights activists in conflict zones while the Philippines NAP acknowledges the vulnerabilities of women from frontline agencies in responding to emergency situations, and proposes the inclusion of protection protocols for these women. However civil society in both countries, in particular representatives of women's organisations in the Philippines, speak of the need to strengthen measures to protect civic space and end the harassment and

intimidation of women's rights activists. A summary of the analysis contained in the six NAPs and the commitments relating to gender-based violence prevention and protection is listed in Annex II.

A common critique of WPS National Action Plans, including from women peacebuilders in the Pacific, is that they continue to emphasise a militarised concept of security rather than adopting a human security approach, often overlook the needs of local and diverse women, and lack support for women's participation in localised prevention strategies.⁷⁴

Cambodia does not have a WPS NAP per se but does have a five-year strategic plan, known as the Neary Rattanak plan, to promote gender equality and women's empowerment, along with a NAP to Prevent Violence Against Women which commits to collaborative approaches to prevent gender-based violence, human trafficking and sexual exploitation.⁷⁵ Thailand adopted National Measures and Guidelines on WPS (2017-2021) though this is not publicly available and there is no information on which national agencies are covered by the guidelines. The WPS agenda is considered politically sensitive and challenging to implement in Thailand, particularly in the Southern border provinces, although local WPS advocates are reportedly leveraging donor interest in the agenda, particularly as it relates to security and violent extremism.⁷⁶ Thailand did however co-chair the ASEAN Regional Forum Workshop on WPS in March 2021⁷⁷ and has signalled its desire to increase the number of female peacekeepers it deploys to UN peacekeeping missions.⁷⁸ Commitments to deploy more women to UN peacekeeping missions may be an entry point to discuss and encourage the broader implementation of WPS in countries which have yet to adopt NAPs.

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INDONESIA AND THE WPS AGENDA

In 2019 Indonesia was assessed as being the strongest ASEAN member in terms of its domestic mechanisms aimed at atrocity prevention.⁷⁹ The assessment found that while it is inconsistent in its commitment to international law, Indonesia has taken strong measures to enact and implement laws protecting vulnerable groups, particularly in relation to SGBV. These laws and policies include prevention and protection measures to curb violence against women, guidelines on the implementation of human rights standards in the execution of police duties, and gender mainstreaming requirements for the security sector.⁸⁰ However a 2014 report by the National Women Commission concluded that security sector reform had yet to prioritise violence against women in several contexts including armed conflict, religious conflict, and natural disasters.⁸¹ The WPS agenda is seen in some provinces as being contrary to cultural norms and practices, and in fact a 2016 study by the National Commission Against Violence Against Women identified 421 discriminatory policies against women, 33 of which directly targeted women's bodies.⁸²

There also remains entrenched racial discrimination, hate speech and incitement against West Papuans and other indigenous groups and there were reports of indigenous women in the Timor region of East Nusa Tenggara province being beaten by Indonesian police and soldiers in October 2020.⁸³ Further, anti-pornography laws are being used to justify police harassment of LGBTQ+ individuals against a backdrop of growing homophobia across Indonesia and a lack of police accountability which is fuelling discrimination, intimidation and violence against those suspected of being LGBTQ+.⁸⁴ The Covid-19 pandemic has also seen a doubling of partner-related domestic violence rates across Indonesia as well as a surge in other forms of SGBV. Women with disabilities have been especially at risk, with a *Jakarta Post* survey finding that 70 percent of women with disabilities had been sexually assaulted during the pandemic.⁸⁵

Despite these structural and more recent challenges, there have been important developments in Indonesia's approach to the WPS agenda, even if these have also been hindered by local resistance. Since the launch of Indonesia's National Action Plan on Protection and Empowerment of Women and Children During Social Conflicts in 2014 (also known as the RAN P3AKS), the Ministry of Women's Empowerment and Children Protection (MoWE) has worked to increase support for the role of women in conflict prevention and localise the WPS agenda across different Indonesian provinces. Local Action Plans (LAPs) on WPS have been established across 10 conflict-sensitive provinces including: Bengkulu, Lampung, West Kalimantan, Central Sulawesi, Nusa Tenggara Barat, Nusa Tenggara Timur, East Java and Papua.⁸⁶ Among the initiatives that have resulted from these LAPs are the establishment of women-led community programs, such as the Peace Villages in East Java and the Mothers' Schools, which enable women to facilitate community dialogues aimed at building resilience against intolerance and violent extremism.

A representative of the Asian Muslim Action Network (AMAN) Indonesia, who was interviewed for this research report, described the institutional progress that has occurred since the government enacted Presidential Decree no 18/2014 on the Protection and Empowerment of Women and Children in Social Conflict and subsequently established a related Working Group, as well as the National Action Plan. The key informant cited the development of gender indicators, which are now mainstreamed into all aspects of policy relating to social conflict, as being among

the most significant areas of progress to emerge since the development of the NAP. Following an extensive socialisation campaign after the adoption of the violence against women law in 2004, Indonesian police have reportedly become more aware of the criminal dimensions of gender-based violence. There has also been increased reporting of SGBV in the last few years. The establishment of a hotline to report SGBV, which is available at the provincial and district levels, the creation of women's desks within police stations to handle reports of sexual and gender-based violence, as well as the yearly reports issued by the National Commission on Anti Violence Against Women (Komnas Perempuan) are further examples of positive developments aimed at addressing and preventing gender-based violence in Indonesia. The Indonesian police are seen as being considerably more advanced in its gender reforms than the Indonesian military. The Indonesian Armed Forces remains a largely closed institution that still performs mandatory virginity tests for new women recruits and is suspected of harbouring perpetrators of SGBV. Indonesia's police force however, ended forced virginity tests of female applicants in 2017.⁸⁷

In 2020 AMAN Indonesia undertook digital consultations with over 2200 participants on the implementation of the NAP/ RAN P3AKS. The findings from these consultations revealed significant gaps between policy and implementation. It found that efforts to reduce and prevent conflict are still male-dominated and override women's experiences and participation; women are yet to be systematically included in conflict resolution and prevention efforts; and also that the NAP is unpopular among some regional governments as a result of weak guidance, knowledge and low levels of local commitment.⁸⁸ In Aceh for example, the LAP was viewed as an attempt to undermine the implementation of Islamic Sharia Law.⁸⁹ A gender-sensitive approach is largely missing from countering radicalisation and violent extremism policies in that they overlook the gendered incitement being used by radical groups. The NAP has yet to fulfill its potential for being a preventative tool for religiously motivated violence against women.

Efforts to reduce and prevent conflict are still male-dominated and override women's experiences and participation; women are yet to be systematically included in conflict resolution.

Key recommendations from the digital consultation process included:

- creating comprehensive data and analysis on the issues, root causes and triggers of conflict and their impact on women;
- formulating early warning indicators in conflict-prone regions;
- ensuring the participation of women in policy making, including young women and women with disabilities, in the prevention of conflict including violent extremism;
- promoting the principles of human rights and gender in the development of conflict management and resolution policies;
- minimising military involvement and preventing repressive militaristic responses to conflict resolution;
- providing gender training for the security sector and increasing the number of women in strategic positions within defence and security institutions;
- fostering community-based peace initiatives with inclusive processes;
- recognising the work of women human rights defenders and protecting them from criminalisation and other vulnerabilities;
- applying a women's rights perspective to countering violent extremism efforts and researching the root causes of violent extremism, including the dimension and construction of masculinity; and
- protecting minority groups and LGBTQ+ individuals from politicisation and persecution.

It is important to note the role Indonesia has recently played in championing the WPS agenda both within the ASEAN region as well as globally during its 2019-2020 term on the UN Security Council. The WPS agenda is currently described as a priority for Indonesian foreign policy.⁹⁰ In April 2019, Indonesia held a regional training on WPS which was attended by over 60 ASEAN diplomats. Later that year it held a dialogue on the role of women in peacebuilding designed to give Afghan women a platform to discuss the country's peace process.⁹¹ In December 2020, Indonesia launched the Southeast Asian Network of Women Peace Negotiators and Mediators (SEANWPNM) as a way to advance the WPS agenda in the region.⁹² During its presidency of the UN Security Council, Indonesia spearheaded the adoption of resolution 2538 in August 2020, which encourages Member States to develop strategies and measures to increase the deployment of uniformed women to peacekeeping operations and to address barriers in the recruitment, deployment and promotion of uniformed women peacekeepers.⁹³ This is the first Security Council resolution entirely dedicated to encouraging more women in peacekeeping missions. Indonesia's recent active engagement with and promotion of the WPS agenda is a significant opportunity to encourage the country to play an even greater leadership role in the implementation of the agenda as part of broader efforts aimed at preventing gender-based atrocity crimes.

THE PHILIPPINES AND THE WPS AGENDA

The Philippines was the first country in the Asia Pacific to launch a National Action Plan on WPS, in 2010. Its current NAP for 2017-2022, is the country's third iteration, following amendments being introduced in 2014 to update the first plan. The current NAP commits to protecting the rights of women and girls at all times, including before, during and after conflict situations, and preventing all instances of violence against women.⁹⁴ It also commits to implementing the gender-specific recommendations of the Transitional Justice and Reconciliation Commission (TJRC) on the Bangsamoro, particularly those related to emblematic mass atrocity crimes committed against Moro and indigenous women. Further, there is an undertaking to build the capacity of local women to develop and monitor community-based early warning protocols and to address the proliferation of small arms and light weapons. In another recent development, the Bangsamoro Autonomous Region of Muslim Mindanao adopted its own Regional Action Plan on WPS in December 2020.⁹⁵

The Philippines was originally considered a regional leader in advancing the WPS agenda. This was due not only to its successive NAPs but also because it designated gender focal points in each branch of the Armed Forces of the Philippines; worked systematically alongside women civil society organisations in the development of WPS policies and frameworks; and localised the NAP across three different local government areas.⁹⁶ The Philippines also enacted a suite of laws on eliminating violence against women and promoting women and girls' rights. Among these is the 2009 Magna Carta for Women Law which codifies CEDAW into national law.⁹⁷ Progress on the Philippines' implementation of the WPS agenda has however, stalled and receded since the election of President Duterte and his government's extra judicial killings as part of an anti-drug campaign. The July 2020 passage of the Anti-Terror Law, meant to strengthen domestic counter-terrorism laws, has resulted in a further escalation of arbitrary arrests, killings and enforced disappearances of many Muslims, suspected communist sympathisers, human rights defenders, indigenous people, journalists, and critics of the Duterte government.⁹⁸ At least 8,600 people have been killed in the anti-drug campaign and it is estimated that at least 160 political activists have also been killed, some of whom had been 'red-tagged' as communist sympathisers.⁹⁹ Women rights activists and organisations are among those being 'red-tagged' by government and security sector officials and then raped, threatened, or killed.¹⁰⁰

A prominent WPS activist working in the Indo-Pacific region who was interviewed for this research report, explained that the strategy of red-tagging women has recently increased, especially in Mindanao. She said this increase occurred after President Duterte claimed that women were equal perpetrators out to destroy the country and could be anyone, including local hairdressers. The WPS activist said in her recent discussions with security force officials, they refused to acknowledge that this practice of red-tagging already vulnerable women, especially those from ethnic minorities, could further exacerbate their vulnerability to violence including sexual violence.

A woman activist in Mindanao who was also interviewed for this report, reinforced how the anti-terror law is being used to justify all forms of human rights violations and that the space to talk about human rights, especially women's rights, has evaporated. She said Muslim people, including women, are being especially targeted. Earlier in 2021, she said that nine Bangsamoro women, including some who were

pregnant, were arrested on suspicion of planning terrorist activities and have not been heard of or seen since. Lawyers providing pro-bono legal services to those arrested under the Anti-Terror Law are also being silenced, killed or disappeared. Private group chats are revealing spikes in profiling of Muslims even in Manila, since the law came into effect. International NGO representatives and humanitarian aid workers are also being harassed. She added that women activists, lawyers, journalists and community leaders feel extremely unsafe as some women community leaders have been murdered at the suspected hand of the military operating with total impunity and even encouragement from the president. She believed there is a new sense of arrogance among uniformed personnel, following the president promising to protect military and police personnel and encouraging them to rape, kill or 'shoot women rebels in the vagina as this would render them useless'.¹⁰¹

In May 2017 President Duterte offered immunity to soldiers who rape women as part of counter terrorism operations in Mindanao.¹⁰² This is despite the UN Security Council having clearly stated that sexual violence to advance military or political objectives, including when used as a reward for soldiers, is a war crime.¹⁰³ In July 2017, Duterte said he would congratulate anyone who 'had the balls to rape Miss Universe'.¹⁰⁴ In 2019 he proudly admitted to having once raped a woman while she was sleeping.¹⁰⁵ Unsurprisingly, women's rights activists in the Philippines started documenting higher rates of violence by police and soldiers, including sexual violence against women and women activists, since the president started making such comments.¹⁰⁶ Women activists interviewed for this research report further noted that the militarised response to Covid-19 has seen even more heightened harassment of women by police and army officers at Covid-19 checkpoints.

The Mindanao activist who was interviewed expressed hope that the transitional justice components within the Bangsamoro Peace Process will provide a mechanism by which to document the human rights violations currently being committed by the Duterte Administration. While she said the 2020 Bangsamoro Autonomous Region of Muslim Mindanao Regional Action Plan on WPS has yet to be socialised at the local community levels, there are other local efforts aimed at preventing and responding to local conflicts, tension and violence. Among these are the community safety working groups made up of local Indigenous and Bangsamoro women supported by UN Women, which undertake local mediation efforts to quell possible conflict and outbreaks of violence. She explained that at the local level, a number of such community-led initiatives existed but these are not possible to replicate at the national level given the president's policies.

REGIONAL OPPORTUNITIES TO ADVANCE THE WPS AGENDA

ASEAN progress on WPS

Since the late 1980s, the Association of Southeast Asian Nations (ASEAN) has been increasing its policy discourse on the importance of promoting women's rights, gender equality and the need to address violence against women.¹⁰⁷ However its first statement on the WPS agenda was not adopted until November 2017 when ASEAN Heads of State and Government, as part of their commitment to promoting regional peace and stability, committed to addressing the root causes of armed conflicts including gender inequality; encouraging the integration of gender perspectives in all conflict prevention initiatives; and encouraging the inclusion the WPS agenda in policies addressing SGBV in times of conflict.¹⁰⁸

Following this, Australia hosted the inaugural ASEAN-Australia WPS dialogue in April 2018; the ASEAN Women for Peace Registry was formed in December 2018 listing regional experts on gender, peace and reconciliation; and an ASEAN WPS Advisory Group was established in October 2019 including members from the ASEAN Committee on Women (ACW) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). The ACWC has integrated the advancement of the WPS agenda into its workplan and has committed to seeking out opportunities to incorporate regional civil society organisations into this work.¹⁰⁹ In its 2019 progress report on women's rights and gender equality, the ACWC stated that not enough attention is being placed on ensuring the participation of women in decision-making in the area of peace and security and that there had been little movement towards the adoption of the WPS agenda, including through the development of national action plans.¹¹⁰

In November 2020, ASEAN members along with nations which make up the East Asia Summit adopted another statement on WPS which calls for the promotion of women's participation in security efforts addressing armed conflict and the protection of women and girls from all forms of gender-based violence.¹¹¹ There was disappointment among WPS practitioners and researchers, including key informants interviewed for this report, that the statement did not advance the agenda and its applications in the region, and did not seek to support the work being done by the ACWC. It was also noted that the statement was silent on the role of women's civil society organisations in preventing and resolving conflict or violent extremism, as well as on the recent backsliding that has occurred across the region on women's rights, or on protecting and empowering women from ethnic minorities.

An ASEAN funded study on the implementation of the WPS agenda across ASEAN published in March 2021, the first of its kind, highlighted the vital need for ASEAN Member States to work collaboratively to respond to gendered inequality and violence which can destabilise communities and undermine peace and security efforts.¹¹² It called for the strengthening of institutional mechanisms charged with implementing the WPS agenda, in order to ensure the development of gender-responsive security and prevention policies. The study found significant gaps in women's participation in security-sector decision-making and that seven out ten ASEAN members have yet to introduce formal avenues to integrate gender inclusion in peace and security leadership.¹¹³

Another key finding was that while a WPS lens is increasingly being applied, even if inconsistently, to preventing and countering violent extremism and counter terrorism efforts, there are significant gaps in the ways ASEAN members address SGBV in the context of conflict and in approaches to crisis prevention. While most ASEAN members have adopted laws to prevent and respond to SGBV, the implementation of these are challenging, particularly as they relate to reporting, investigating and prosecuting gender-based crimes. The lack of availability of robust data on the rates of SGBV across each ASEAN country makes it difficult to undertake ASEAN-wide policy comparisons to identify which initiatives may be more effective at addressing and curbing gender-based violence.¹¹⁴ Also concerning is the report's finding that funding and resources, including for women peacebuilders, have been redirected to Covid-19 efforts, which has resulted in some contexts in a rise in local conflicts and violence.

A key recommendation from the regional study is for the development of an ASEAN WPS Regional Plan of Action and a regional institutional mechanism to track the implementation and coordination of WPS actions across the region. It also calls for cross-cutting gender analysis to be integrated into all peace and security policies, including ASEAN frameworks which monitor risk and early warnings of conflict, terrorism or natural disasters; and for the scaling up of responses to gendered insecurity needs, including through increased WPS knowledge sharing and capacity building within ASEAN governments, security sectors, research institutions and civil society actors.¹¹⁵

A member of the ASEAN Inter-Governmental Commission on Human Rights (AICHR) who was interviewed for this report supported the recommendation of an ASEAN Regional Action Plan on WPS, noting it would set an important regional norm. She underscored the importance of the regional action plan outlining specific actions for Member States and ASEAN entities, as well as the need to strengthen the collective understanding and capacity among ASEAN member states on the WPS agenda and how it can provide an essential framework for sustaining peace and stability that goes beyond traditional notions of security or issues only relating to women. In her experience, capacity building can help with shared knowledge, which in turn can lead to stronger consensus decisions being taken by ASEAN members.

WPS advocates in the region, including in Myanmar, reportedly also support the establishment of an ASEAN Regional Action Plan. The Myanmar government was thought to previously take note whenever ASEAN raised issues of concern about the situation of women in the country. It is therefore thought that a regional action plan on WPS may provide a safer avenue for local activists to campaign on the WPS agenda within Myanmar.¹¹⁶

Funding and resources, including for women peacebuilders, have been redirected to Covid-19 efforts, which has resulted in some contexts in a rise in local conflicts and violence.

WPS in the Pacific

In 2010 a Pacific Regional Working Group on Women, Peace and Security was established and tasked by the Pacific Island Forum Regional Security Committee to develop a Regional Action Plan on WPS. This followed requests by Pacific Island countries to broaden the regional consideration of security include women's role in conflict prevention. It also aimed to enhance oversight and accountability mechanisms of security institutions and recognise SGBV as a regional security threat.¹¹⁷

The Pacific Regional Action Plan on WPS for 2012-2015 was endorsed by the Pacific Island Forum in 2012.¹¹⁸ Its stated purposes included providing an enabling environment at the regional level to improve women's leadership in conflict prevention and security policy making; to ensure the rights of women are protected; and to strengthen women's organisations' engagement with regional security and conflict prevention policy and decision-making. The Regional Action Plan noted that:

- Women and girls had been disproportionately impacted by conflict, insecurity and instability in the region;
- Harmful practices have severely impacted on the status of women and girls in the Pacific; and
- Unequal status and power relations have resulted in extreme forms of SGBV in the region including high rates of domestic violence, rape and sexual assault.

The plan's agreed actions included: promoting the incorporation of WPS commitments and obligations within national security, defence and justice policies; mainstreaming WPS within the work of the Secretariat's Political, Governance and Security Programme and Regional Law Enforcement Secretariats; developing a database of experienced Pacific women peacemakers; and holding annual WPS consultations with Pacific Island Forum members, UN representatives and women's groups. Additionally, the regional plan called for the protection of women's rights in times of humanitarian emergencies and recommended that humanitarian action must take into consideration pre-existing gender inequalities and discrimination, ensuring these are not exacerbated or exploited during humanitarian crises. Despite the optimism around the plan when it was first adopted, Pacific WPS experts interviewed for this research report advised that once completed, the Regional Action Plan never gained any further traction.

Pacific women peacebuilders have asserted that any new regional action plan will need to enforce normative frameworks protecting women human rights defenders, enhance the prevention of SGBV including in crisis situations, and take into consideration new gendered security vulnerabilities including those related to climate change.¹¹⁹ An updated plan must also put greater emphasis on the development of gender-responsive early warning systems and conflict prevention strategies which take into consideration the needs of diverse women and girls.¹²⁰

Prevention Strategies

This section highlights examples of preventative strategies which have been implemented across the 13 focus countries to prevent and respond to gender-based atrocity crimes. These are listed under three categories: those aimed at structural prevention; direct prevention; and late-stage prevention and protection efforts. The examples below are drawn from the reviewed documents and key informant interviews, and while they are not intended to encompass the full list of preventative efforts being implemented by various countries in the region, they do highlight a haphazard approach to gender-based prevention strategies. It does not appear that countries have strategies in place aimed at addressing all three levels of prevention. The degree to which strategies are implemented is not only impacted by different levels of resourcing but also whether local customs, laws and courts favour traditional dispute resolution avenues over those set by national standards. Across several contexts, there are also significant gaps between the rhetorical commitments, prioritisation and implementation.

Structural Prevention Strategies

Structural prevention strategies aim to address the culture of gender-based violence perpetuated by gender inequality and entrenched negative gender stereotypes which condone high levels of gender-based violence.¹²¹ Such strategies are designed to improve the protection and promotion of women's rights; strengthen and implement gender-sensitive laws, policies and institutions; and ensure justice, accountability and redress for past gender-based crimes.¹²²

Structural prevention strategies aim to address the culture of gender-based violence perpetuated by gender inequality and entrenched negative gender stereotypes

PROMOTING GENDER EQUALITY AND WOMEN'S RIGHTS

As highlighted in the UN Secretary-General's 2020 report on the Responsibility to Protect, promoting gender equality must be a central element of States' structural atrocity prevention efforts, including tackling the root causes of violence and discrimination against women.¹²³

The Government of Bangladesh, as outlined in its National Action Plan on WPS, has committed to developing and piloting a curriculum for all levels of education and institutions (including madrassas), that promotes social cohesion, tolerance and gender equality. It has also committed to establishing interfaith networks specifically focusing on advancing the role of women in the promotion of social cohesion.¹²⁴ Indonesia has similarly undertaken to build awareness of gender justice and the importance of protecting women and children during conflicts, within communities, local governments, traditional and religious institutions, and in the media.¹²⁵ The Solomon Islands has pledged to sensitise traditional and religious leaders on gender equality and women's rights to ensure traditional justice systems adequately protect the rights of women and girls. Cambodia, Malaysia, Timor-Leste and Thailand have undertaken to run anti-violence against women awareness campaigns in the national and local media.

Although there are no available evaluations of these various education and awareness raising initiatives, it is unlikely that they would be effective on their own in tackling the root causes of gender-based violence and inequality, if discriminatory practices on religious and cultural grounds remain unchallenged. For instance, a key informant from Bangladesh who was interviewed for this report, advised that while teaching gender equality in madrassas is now underway, this remains in the confines of religious teachings. She described how a UN agency had sought to implement sex education and child protection lessons and was extensively criticised for attempting to bring Western values into the country. The gender equality curriculum is therefore limited to non-religious issues and would not address discriminatory policies such as unequal inheritance laws which are based on religious provisions. She explained that there was a huge reticence among policy makers in Bangladesh to contradict or agitate religious leaders. This may be one reason why Bangladesh has yet to remove its CEDAW reservations to the articles condemning discrimination against women in all of its forms and affording women the same rights and responsibilities during marriage.

Likewise, in Indonesia it was raised during consultations with WPS practitioners that discriminatory regulations and practices remain unchallenged at the local level. These discriminatory practices are then being used by radical and extremist groups to incite hatred and continue to fuel religiously motivated violence against women.¹²⁶

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STRENGTHENING GENDER-RESPONSIVE CAPACITY OF SECURITY SECTOR AND JUDICIARY

Bangladesh, Cambodia, Fiji, Indonesia, the Philippines, the Solomon Islands, and Timor-Leste have all committed to or already enacted various measures aimed at strengthening the gender-responsive capacity of their security sectors and/or judiciary. In Bangladesh this includes piloting women-led and gender-sensitive community policing as part of localised efforts to prevent conflict and violent extremism in pilot districts.¹²⁷ Although Bangladeshi police have been trained in responding to gender-based violence cases, the judiciary is considered among the most conservative sectors in the country and few judges will try cases of violence against women.

The Cambodian military has instigated a Gender Mainstreaming Action Group. Within the police force, nearly 90 Cambodian female police officers at national and provincial levels have been trained to assist and accompany survivors of gender-based violence seeking justice through the legal system. The Cambodian Bar Association has developed a curriculum to help lawyers best represent survivors of gender-based violence.¹²⁸ In 2017, the Timor-Leste National Police updated its Standard Operating Procedures to integrate gender perspectives into its operations and subsequently developed a policing gender strategy to ensure gender-responsive approaches to cases of gender-based violence.¹²⁹ The Philippines Armed Forces have established standalone Offices of Gender and Development within the army, air force and navy. Security sector training sessions on preventing sexual and gender-based atrocity crimes have been provided, and since 2018 DFAT and UNFPA support the executive certificate course on the prevention of GBV delivered by the Ateneo de Manila University. The Philippines National Police has introduced women's desks across several police stations.

Indonesia has also established a number of women's desks within police stations, dedicated to handling gender-based violence complaints. As well as this, it enacted measures to protect women who have been arrested from sexual-violence while detained. For instance, a regulation enacted by the Head of Police in 2009 sets out that when a woman is arrested, wherever possible, she is to be processed by a female officer, examined in a separate room and kept separate from male suspects. Indonesia's National Commission for Eradication of Violence Against Women found that the application of this regulation is extremely rare due to the limited number of female officers, and that there are significant gaps in the implementation of national guidelines on gender-mainstreaming requirements for the security sector.¹³⁰ In general, gender sensitisation in the Indonesian police is significantly more advanced than within its armed forces.

Both Fiji and the Solomon Islands have introduced zero-tolerance policies for SGBV across their security sectors. In Fiji, the policy received significant positive media attention and is reportedly a central component of its community policing program and engagement with religious and cultural leaders. However researchers have noted considerable gaps between the reform's rhetoric and reality.¹³¹ Over the years there have been numerous reports of rape and sexual violence committed by Fijian police and military forces.¹³² A public order decree provides immunity from prosecution for members of the security forces who have caused injury or death deemed necessary to enforce public order. Fiji has also yet to comply with a UN request to implement a legal framework to handle cases of sexual exploitation and abuse by Fiji personnel deployed on UN peacekeeping missions.¹³³

GENDER-RESPONSIVE TRANSITIONAL JUSTICE AND ACCOUNTABILITY

Gender-responsive transitional justice mechanisms and truth and reconciliation processes are important avenues through which to foster accountability for gender-based atrocity crimes and to promote gender equality in post conflict settings.

In 2018 the Extraordinary Chambers in the Courts of Cambodia (ECCC), set up by the UN and the Government of Cambodia to prosecute the crimes of Khmer Rouge, found the accused guilty of genocide, war crimes, and crimes against humanity including overseeing an extensive policy of forced marriage.¹³⁴ Over 600 civil party applicants had identified themselves as victims of forced marriage. This was the first time an international court dealing with mass crimes allowed victims to appear as civil parties alongside the prosecution and defense. It was also the first time that forced marriage was recognised as a crime against humanity.¹³⁵

In the Solomon Islands, the investigation of gender-based crimes including sexual violence, was specifically included in the Truth and Reconciliation Commission's mandate. Two out of the five commissioners were women and the Commission, which ran from 2010 to 2012, adopted a gender-responsive approach across all its work. This included ensuring half of its witness statements were from women and investigating and reporting on the differentiated experiences of women during the 1998-2003 conflict. The Commission recommended: a 30 percent women parliamentary quota; strengthened legal frameworks, law enforcement and justice system to better protect women against violence; and proper vetting of the Solomon Islands police.¹³⁶ These recommendations are referred to in the Solomon Islands 2017-2020 WPS National Action Plan however are not listed as specific commitments of the Solomon Islands government. It is therefore unclear whether these form a formal strategy to advance women's rights and prevent gender-based violence in the Solomon Islands.

The report issued by the Commission for Reception, Truth and Reconciliation in East Timor (CAVR) in 2005, known as *Chega!*, was described by key informants as being the most comprehensive report of its kind in the way it chronicles the various forms of SGBV committed, mostly against women, during the 1974-1999 conflict with Indonesia. The Commission found that: Indonesian security forces and their auxiliaries were involved in widespread and systematic rape, sexual torture, sexual humiliation, sexual slavery and other forms of sexual violence directed mainly against Timorese women; that this was both tolerated and encouraged within the command structures; that extreme sexual violence against women was used as a tool to suppress and terrorise local populations; and that the practice of capturing,

raping and torturing women was conducted openly without any fear of sanction by senior officers.¹³⁷ The report further observed that survivors of this violence were often socially marginalised and mistreated by their families, communities and the Catholic Church as a result of their experiences. Key informants interviewed for this report described the disappointment among civil society that the Timor-Leste Government has yet to adopt the recommendations or incorporate the findings from the Chega! report into ongoing post-conflict reconstruction work, including providing reparations for survivors of sexual violence. The lack of official endorsement for the report's recommendations and their limited implementation is, in part, due to the view among Timor-Leste decision makers that the recommendations relating to accountability are the responsibility of the Indonesian government to address, and to a limited understanding of how the report's recommendations may also apply to Timor-Leste.¹³⁸

Women's organisations successfully advocated for the Aceh Truth and Reconciliation Commission, established in 2013, to include gender perspectives as a key component. A dedicated commissioner was assigned to women's issues and a working group was established to address issues that impacted on women. A gender mainstreaming guidance book was developed and the testimony of nearly 6000 women was heard. In 2020, the Governor of Aceh issued a decree on reparations which stated that 58 women survivors of sexual violence should receive reparations and compensation, along with 245 other victims of human rights violations.

Following the signing of the Comprehensive Agreement of Bangsamoro between the government of the Philippines and the Moro Islamic Front in 2014, a Transitional Justice and Reconciliation Commission was established to identify the human rights violations committed against the Bangsamoro people. The report, released in 2016, outlined the systematic use of rape and sexual violence against Moro and indigenous women during the martial law period.¹³⁹ The report also highlighted survivors' ongoing shame and stigma. The Commission's prioritisation of marginalised women's voices was recognised as an important practice in terms of how it considered the gender dimensions of the conflict.¹⁴⁰ The recommendations are said to have informed Philippines' 2017-2022 National Action Plan on WPS, particularly relating to measures to protect women in armed conflict and to promote women's participation in peacebuilding efforts. However, a bill to institutionalise a formal transitional justice and reconciliation program in Bangsamoro has stalled as of January 2021.¹⁴

PREVENTION AND LOCAL CUSTOMS IN PNG AND BOUGAINVILLE

Over the last decade, Papua New Guinea has introduced a raft of structural and direct measures aimed at curbing its endemic rates of gender-based violence, widely reported as being the highest in the world outside of conflict settings. These preventative measures include the passage of the Family Protection Action in 2013 outlawing domestic violence; the establishment of specialist services, such as 15 family and sexual violence units and six safe houses; the repealing of the Sorcery Act in 2013 and the development of the 2016–2025 Strategy to Prevent and Respond to Gender-Based Violence. Yet these reforms, which are extremely under-resourced, have yet to be socialised or implemented outside of Port Moresby and have not led to a reduction in gendered violence across the country.¹⁴²

Over 70 percent of PNG women have experienced physical or sexual violence and in a survey of PNG men, 80 percent admitted to having physically or sexually assaulted a partner and 71 percent of surveyed men said their motivation had been a feeling of entitlement. This widespread gendered-violence is fuelled by social and economic instability; tribal fighting; discriminatory practices and stereotypes; the prevalence of village courts applying customary laws and practices; and distrust in police and state institutions.¹⁴³

Reporting rates remain extremely low, in part due to a fear of partner retaliation and the widely held belief that these are private matters. Where allegations are made, police frequently encourage the cases to be resolved using traditional customs such as providing compensation for the victim's family. Police officers are themselves often accused of excessive use of force, perpetrating sexual violence, sexual exploitation and abuse, which further dissuades women from reporting cases to authorities.¹⁴⁴ Further, only 15 percent of the PNG population lives in urban areas and has access to formal district courts; the remainder of the population is reliant on village courts which favour customary dispute resolution solutions rather than implementing provisions in legal statutes. This is despite PNG Law specifying that criminal matters, including rape and murder cases, should not be determined by village courts.

Violence also continues to be customarily used as a mechanism to resolve inter-tribal conflicts. Women are particularly at risk from this tribal fighting which can include kidnapping, rape and the killing of pregnant women. In July 2019, more than 20 people, most of them women and children were massacred in a revenge attack in Karida village in the southern highlands.¹⁴⁵ A Pacific Islands gender specialist interviewed for this report explained that this occurred despite the reconciliation process among rival tribes to put an end to the conflict. Despite the repeal of the controversial sorcery act in 2013 which allowed for the suspicion of sorcery to be used as a plausible defence in murder cases, sorcery-related violence continues to occur, particularly against women. Between March and June 2021, five women were attacked, and one killed.¹⁴⁶ In one case, two women were set upon and tortured by a group of 20 men in Port Moresby and in Hela province, a woman was burned alive.

Women's rights organisations and researchers have asserted that focusing solely on legal and police reforms are insufficient prevention strategies if these are not accompanied by the expansion of services for survivors, including in rural and non-urban areas, and by support for local initiatives seeking to address harmful practices and stereotypes and those which engage men and boys.¹⁴⁷

The Autonomous Region of Bougainville

In 2016, the Autonomous Region of Bougainville adopted a policy for women's empowerment, gender equality, peace and security. The policy recognises the promotion of gender equality as central to peace and sustainability, and notes significant gender inequalities in the region relating to education, health, access to justice and employment. It highlights the continuing high rates of SGBV in Bougainville.¹⁴⁸ The National Family Protection Act was passed in 2013 which criminalises domestic violence and allows for the provision of interim protection orders, however the constitution still allows for human rights violations to be dealt with by customary methods. A Family Help Desk has been established which facilitates women's access to justice and grants protection orders 24 hours a day. There is only one such facility though, which has limited capacity to respond to increased demands for its services. There are only a handful of safe houses in Bougainville. These are run by NGOs that have to fundraise to keep safe houses open.¹⁴⁹

Women who participate in the formal work economy are susceptible to accusations of avoiding home and family duties and are at significant risk of domestic violence, according to research undertaken in 2018.¹⁵⁰ The research recommended identifying avenues to support women's right to earn an income.

Direct Prevention Strategies

There are three important components of gender-based direct prevention strategies. The first is the ability to monitor fluctuating rates of gender-based violence, changing attitudes towards gender equality and attempts to restrict or rescind women's rights as part of atrocity prevention early warning systems. The second key component to direct gender-based prevention strategies is ensuring survivor-centred and comprehensive access to psychosocial, medical and legal care including justice and accountability. The third relates to promoting and empowering civil society, in particular women's organisations working on gender equality, prevention and community resilience at the local levels.

GENDER-SENSITIVE EARLY WARNING MONITORING

The development of gender-sensitive early warning indicators was a key recommendation of the 2020 UN Secretary General report on the Responsibility to Protect. There is growing recognition of the need to enhance gender perspectives within early warning systems for atrocity prevention, conflict and violent extremism. This is especially so given two decades of empirical research linking the status of women and gender equality to a country's propensity for inter or intra-state violence.¹⁵¹

Recent research has further outlined the role of gender equality and gender norms on countering violent extremism and radicalisation. A study undertaken in 2017 across South-East Asia concluded that the promotion of gender equality, publicly and within the family home, is likely to be the single most powerful counter-discourse to extremist interpretation of religion.¹⁵² The researchers found that promoting gender equality at home is a primary preventative factor for extremist behaviour. Similarly, a research survey conducted in 2018-2019 in Bangladesh, Indonesia and the Philippines, found that hostile sexist attitudes towards women and support for violence against women are the factors most strongly associated with support for violent extremism. The survey illustrated that misogyny is integral to the ideology, political identity and economy of violent extremist groups.¹⁵³ These research findings demonstrate the importance of strengthening the monitoring of gender-based violations and addressing negative gender stereotypes, as potential risk factors for atrocity crimes, armed conflict and violent extremism.

Bangladesh, the Philippines and Timor-Leste in their respective National Action Plans on WPS, have all committed to developing gender-responsive conflict and or violent extremism indicators as part of early warning monitoring efforts. Gender-sensitive early warning was also among the recommendations of WPS practitioners to the Indonesian government during consultations on the current WPS National Action Plan. There is no available information detailing the efforts or progress of Bangladesh or the Philippines.

MONITORING OF GENDER-BASED VIOLENCE AS PART OF TIMOR-LESTE'S ATROCITY PREVENTION EFFORTS

In its 2016-2020 National Action Plan on Women, Peace and Security, the Government of Timor-Leste states that action to prevent violence against women must include improved legislative provisions; increased sensitisation of law enforcement on women's rights; and the integration of gender-sensitive indicators in conflict early warning and early response systems (EWER).¹⁵⁴ The country continues to have high rates of gender-based violence, low reporting rates and an enduring culture of silence, yet it is the only country thought to have integrated the monitoring of SGBV as part of its conflict and atrocity prevention EWER systems. These efforts are predominantly conducted by Belun, a Timorese NGO. Its work was acknowledged by the UN Secretary General in his 2020 report on the Responsibility to Protect, as an example of good practice.¹⁵⁵

In an interview with Belun representatives, they described their work as twofold: monitoring and preventing gender-based violence and other forms of violence in the community; and implementing women's empowerment programs in partnership with the government and other NGOs. Belun works with local monitors who collect information on gender-based violence and other forms of violence. Municipal coordinators then check the information, including whether incidents are verified by a minimum of two separate sources, before aggregating the data and compiling a monthly report. Due to low reporting rates, Belun consults with multiple sources to generate data, meaning that its figures often differ from official police statistics. It then engages with various stakeholders including local government authorities, traditional leaders, veterans, non-government organisations, community groups and women's organisations, and provides updates on monthly trends and recommendations for response. It also regularly holds workshops in areas which have recorded elevated rates of gender-based violence to raise awareness among various stakeholders of issues relating to women's rights and provisions in the 2010 Law Against Domestic Violence, which is still not well understood within the community.

Despite being internationally praised for its pioneering work on gender-responsive early warning systems, the organisation is impacted by significant funding shortfalls. It is now currently undertaking monitoring efforts in only two municipalities whereas it had previously been able to work across 13 municipalities. Support for the monitoring of these two municipalities is being provided by the Asia Pacific Partnership for Atrocity Prevention (APPAP). Several key informants raised the lack of resourcing as an issue of concern.

PROVISION OF SERVICES TO SURVIVORS OF GENDER-BASED VIOLENCE

Ensuring survivors of gender-based violence have access to comprehensive services, including emergency psychosocial, legal and medical support, is an essential element in a State's response to gender-based violence. Research for this report has however, highlighted differentiated levels of service provision along with varying levels of resourcing for these services. In Bangladesh for instance, there are only 36 crisis shelters to service a population of 80 million women and 64 million children.¹⁵⁶ According to a key informant, these are only available in provincial towns and not in rural areas. In contrast, Thailand has over 10,000 One Stop Crisis Centres working with over 800 provincial and communal hospitals to provide a range of different support services to survivors of gender-based violence.¹⁵⁷

While Indonesia has a hotline operating at both provincial and district levels which enables the reporting of gender-based violence and provides referral pathways, Indonesian women's organisations have outlined the need for more comprehensive and long-term services to improve psychosocial treatment and address stigmatisation.¹⁵⁸ In Vanuatu there are limited resources to implement the 2008 Family Protection Act including few registered counsellors and no standard protocols for police on how to handle domestic and sexual violence cases. Women living in rural areas in particular have little access to emergency services or health facilities.¹⁵⁹ When complaints are made, Vanuatu police have been known not to enforce court orders, considering these issues private family matters. In contrast, Sub-Working Groups have been established in eight provinces in Cambodia to improve coordination among key service providers and One-Stop Services Centers, similar to those in Thailand, are being piloted at two provincial hospitals. China has reportedly also provided more legal aid to women fleeing violence.¹⁶⁰ It would be worthwhile for bodies within regional mechanisms whose mandates are to advance women's rights, such as the ASEAN Committee on Women (ACW) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), to undertake a comprehensive mapping of services and responses to gender-based violence and to share best practice examples of these across ASEAN Member States.

COMMUNITY-LEVEL INITIATIVES BY WOMEN'S ORGANISATIONS

It is important to acknowledge the significant role women's organisations across the region play in advancing gender equality; preventing and mediating local hostilities and violence; facilitating inter-faith dialogues; and building community resilience and tolerance. Key informants interviewed for this report considered some of the most tangible progress in preventing and addressing gender-based atrocity crimes is evident at the grassroots and community levels, through the work of local women's organisations and women peacebuilders. Listed here are just a few examples of women's organisations undertaking this crucial work, in some circumstances under increasingly challenging or dangerous conditions.

In Myanmar, the Women's League of Burma translated founding WPS resolution 1325 and other documents into local languages as way to localise the agenda among

various groups of ethnic women. Separately, over 200 women from ethnic minorities in Myanmar have graduated from ALTSEAN-Burma's intensive internship on CEDAW, the WPS agenda and advocacy and local conflict resolution. In Thailand, women formed the Center for Women and Children in Southern Border Provinces (CCWC-SBP) to monitor local ceasefires and participate as observers in local peace dialogues. In Mindanao, Indigenous and Bangsamoro women have formed community safety working groups to help quell local tensions and unrest. The Women Peace Makers (WPM) peacebuilding network was formed in Cambodia to address community conflicts and prevent violence against women. Women Without Borders is working across different Indonesian provinces training local women on countering extremism and community resilience. Also in Indonesia, the Women Ulama Congress (KUPI) was established in 2017 to promote a progressive and gender-sensitive interpretation of Islam, to address SGBV and to provide a platform for inter-faith dialogue. The Women's Human Rights Defenders Network in PNG works in the most isolated parts of the country, participating in local conflict mediation processes and providing direct support to rural women escaping sorcery allegations and extreme gender-based violence.

In at least six of the 13 focus countries, women human rights defenders, activists and peacebuilders are working within rapidly shrinking civic spaces and facing increasing intimidation, harassment, or reprisals both by state and non-state actors, as their work is often considered to undermine traditional gender norms. For instance, in Cambodia, women human rights defenders are regularly subjected to judicial harassment including being arrested, imprisoned, interrogated and detained to prevent them from advocating for their rights.¹⁶¹ In Thailand, women's organisations reported to CEDAW that women human rights defenders are more likely to experience violence and abuse, both online and physically, as well as judicial harassment, than their male counterparts, due to institutionalised discrimination.¹⁶² Thai rural women human rights defenders working to protect land rights are at heightened risk of harassment and intimidation. Attacks on women human rights defenders in Malaysia can be conducted under the guise of upholding religious teachings, with women rights organisations often accused of deviating from Islam.¹⁶³ Malaysian women leaders from civil society and opposition parties have also been subjected to arbitrary arrests and social media trolling. Chinese women human rights defenders working on gender equality, ending violence against women and sexual harassment, or on gender-responsive approaches to environmental protection, risk police harassment, internet censorship and online smear campaigns, lawsuits, surveillance, arbitrary detention, enforced disappearances or prosecution.¹⁶⁴ Their family members can also be at risk of such treatment.

In November 2019, over 300 women's rights organisations from across the Asia Pacific region endorsed the Asia Pacific CSO Declaration on Beijing + 25. The declaration condemns the increasing attacks on women civil society representatives and the shrinking space within which they can advance women's rights and gender equality.¹⁶⁵ The declaration calls for urgent action to stop the persecution of women human rights defenders, for the establishment of effective protection measures, and for states to recognise the important role women human rights defenders play in promoting human rights.

Late-Stage Prevention and Protection Strategies

This last stage of prevention is directed towards preventing the further escalation of atrocities that are already occurring, and establishing protection mechanisms for survivors of atrocity crimes, including gender-based atrocity crimes.

REGIONAL RESPONSES TO UNFOLDING ATROCITY CRIMES INCLUDING GENDER-BASED ATROCITY CRIMES

The muted response from some states in the region following both the Myanmar 2017 clearance operation in 2017 and the 2021 coup is indicative of the region's limited capacity, or willingness, to engage in late-stage atrocity prevention efforts. This is despite ASEAN in 2017 adopting a declaration committing to a culture of prevention, which promotes moving from a reactive to preventative approach.¹⁶⁶ A special summit of ASEAN leaders, including senior representatives of the Myanmar army (despite protests from Myanmar activists), was held in Indonesia on 24 April 2021 to discuss the Myanmar crisis. The five-point consensus statement released at the conclusion of the summit called for an immediate cessation of violence and constructive dialogue among concerned parties, mediated by an ASEAN Special Envoy. It also committed ASEAN to providing humanitarian assistance and for the Special Envoy to visit Myanmar and meet with all concerned parties.¹⁶⁷ The statement makes no reference to the crimes being committed or the need for accountability, including for the gender-based crimes and the targeting of women protesters. There is also no mention of ensuring women's participation in dialogue or consultation with civil society. Women's organisations in Myanmar are calling for a comprehensive arms embargo on Myanmar; an international intervention mission to protect the Myanmar people from increasing violence; the establishment of targeted economic sanctions; and for the situation in Myanmar to be referred to the International Criminal Court and be investigated by the UN Independent Investigative Mechanism for Myanmar.¹⁶⁸

In response to atrocity crimes being committed against the Uighurs in China's Xinjiang province, Malaysia, Indonesia, Bangladesh, the Philippines and Pacific Island States all abstained from co-sponsoring a 2020 statement of condemnation at the UN Human Rights Council (though neither did they endorse a Cuba-led counter statement promoting China's position).¹⁶⁹ This is despite increasing evidence of crimes against humanity in the 're-education camps' including widespread and systematic sexual violence and torture against Uighur women.¹⁷⁰ There are also reports of Uighur women across Xinjiang being forcibly sterilised or fitted with contraception devices as way of suppressing birth rates.¹⁷¹ A legal opinion published in February 2021 concluded that crimes committed against the Uighurs may amount to genocide.¹⁷² Organisations working on the promotion of human rights and atrocity prevention in the Asia Pacific are calling for an independent UN mechanism to investigate the situation in Xinjiang and for UN Member States to formally recognise the atrocity crimes being committed there.¹⁷³

PROTECTION STRATEGIES

Following the clearance operations targeting the Rohingya population in Rakhine State by the Myanmar Army, the international community praised the actions of Bangladesh for opening its borders to the million refugees who fled across the border. Over 80 percent of Rohingya refugees living in the Cox's Bazar camps are women and children. In its response, Bangladesh has committed to considering the specific needs of Rohingya women and girls and engaging with Rohingya women as humanitarian agents against security threats, violent extremism and human trafficking.¹⁷⁴ Yet Rohingya women and girls continue to face high risks of trafficking, sexual exploitation and abuse and gendered-based violence within the camps. In addition, survivors of Tatmadaw sexual violence face ongoing stigma within their communities.

The highly conservative gender norms within the camps continue to put women and girls at risks, particularly adolescent girls and women heads of households. For instance, in 2020 UN Women described how groups of refugee men police the behaviour of women; question their presence in public spaces; enforce the wearing of burqas and restrict the mobility of women and girls.¹⁷⁵ Within the camps, rumours circulated among the refugee community that the Covid-19 pandemic had been triggered by women's dishonourable behaviour. These gendered perceptions further fuelled negative attitudes towards women and girls and saw an increase in policing of women's behaviour, and violence and discrimination against women and girls.¹⁷⁶

The Covid-19 pandemic also resulted in the skyrocketing of already high levels of gender-based violence within the camps. However international funding for gender-based violence protection services was simultaneously reduced.¹⁷⁷ At the same time, the Government of Bangladesh's Covid-19 containment strategy assessed gender-based violence clinics as being non-essential and these were either shut or significantly scaled-back. The limited number of gender-based violence protection workers in the camps led to a 'vacuum in conflict, mediation and legal services' and this triggered an increase in gender-based violence, child marriage and overall insecurity.¹⁷⁸ Bangladesh's ban on Rohingya refugees engaging in paid employment heightens the risks of sexual exploitation and trafficking. The Government of Bangladesh is being urged to facilitate access to self-reliance opportunities to women, girls, boys and men to counter the high rates of gender-based violence; to designate gender-based violence prevention and response services as essential services; and to continue working with the UN and other agencies on a localised

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strategy to respond to gender-based violence.¹⁷⁹ Furthermore, Rohingya refugees who have been transferred to Bhasan Char Island, an island in the Bay of Bengal where Bangladesh is planning to relocate up to 100,000 refugees, said they had been subjected to rape and sexual assault since being transferred to the island.¹⁸⁰ The ongoing protection risks faced by Rohingya refugees demonstrates the importance of international responses to unfolding crises being continually guided by gender-based atrocity prevention strategies.

Another integral component that needs to be factored into international prevention and protection responses is the ethical treatment of survivors of SGBV. In 2019, the UN Security Council adopted resolution 2467, its ninth on the WPS agenda and its first recognising the need for a survivor-centred approach in preventing and responding to sexual violence in conflict and post-conflict situations.¹⁸¹ As well as calling for non-discriminatory responses, the resolution emphasises that all efforts to document and investigate sexual violence in conflict should take into account the specific needs of survivors, be well-coordinated, and respect the safety, confidentiality and informed consent of survivors. States supporting gender-based violence services and protection efforts must ensure that aid entities and NGOs working with survivors are adhering to the World Health Organization's ethical and safety recommendations when documenting and monitoring sexual violence in emergencies¹⁸² to ensure survivors are neither exploited nor re-traumatised while recounting the sexual violence they endured. In Cox's Bazar, some Rohingya survivors of sexual violence were interviewed up to 70 times by different NGOs, UN entities, documentation collection agencies, lawyers and journalists.¹⁸³ In 2020, Nobel Peace Prize Winner Nadia Murad launched the Murad Code to improve practices to support and respect survivors' rights and ensure the safer, more effective and ethical collection of information relating to sexual violence.¹⁸⁴

Conclusion

At the normative level, all 13 focus countries have ratified CEDAW, albeit some with significant reservations, and adopted various national legislative instruments aimed at addressing gender-based violence. There are also encouraging signs that the WPS agenda is growing in recognition and acceptance as an important mechanism to enhance conflict prevention and countering violent extremism efforts. However, the capacity of countries in the Asia Pacific region to prevent and respond to gender-based atrocity crimes remains low in light of pervasive rates of gender-based violence in most countries; entrenched gender-based discrimination often on the grounds of religious and cultural practices; limited resources for the implementation of prevention measures, especially in non-urban areas; increasingly restrictive environments and opportunities for women's rights activism; and little to no accountability for grave human rights violations including SGBV committed by security sector personnel. While key informants interviewed for this report identified areas of progress occurring at the grassroots level by local women's organisations, the responsibility to prevent gender-based atrocity crimes cannot be the sole responsibility of civil society. Working alongside women's organisations, community and religious leaders, states committed to gender-based atrocity crime prevention need to embed gender equality in all short, medium and long-term prevention strategies. Measures that seek to curb rates of gender-based violence or provide emergency services to survivors will be ineffective as long as discriminatory practices on the basis of gender are condoned and perpetuated.

While key informants interviewed for this report identified areas of progress occurring at the grassroots level by local women's organisations, the responsibility to prevent gender-based atrocity crimes cannot be the sole responsibility of civil society.

Recommendations

To strengthen the capacity within the region to prevent gender-based atrocity crimes; enhance peace, security and stability; and strengthen peace-oriented values in the region, as described in the ASEAN Declaration on Culture of Prevention, states and regional organisations should:

- 1 Amplify the established links between the promotion of gender equality, conflict and atrocity prevention and countering violent extremism, and strengthen the implementation of the women, peace and security agenda at the local, national and regional levels;
- 2 Ensure the meaningful participation of women, including those from ethnic minorities, indigenous, migrant, and refugee women and others who are most vulnerable to gender-based atrocity crimes, in the development of prevention strategies and across all peace and security decision-making processes;
- 3 Seek to address the root causes of gender-based violence and discrimination including by supporting community-level efforts which address harmful practices and engage community and religious leaders, as well as men and boys in the prevention of violence;
- 4 Develop in consultation with women's organisations gender-responsive early warning indicators which monitor: 1) changing attitudes to gender equality and the enforcement of harmful gender stereotypes, norms and roles for women and men, including through sexist, homophobic and misogynist hate speech and propaganda; 2) gender-based violence in all of its forms including intimate partner violence, violence perpetrated by state officials - such as during arrests and protests, and non-state actors, online and in-person violence, and against women in public roles such as women activists, journalists and politicians; and 3) increased restrictions on women's freedoms and movement including attempts by state and non-state actors to limit women's rights, pressure women to leave the workforce or have more children, changes to land, movement, education, or sudden changes to limit women's economic independence;
- 5 Broaden responses to gender-based atrocity crimes beyond violence against women to include persecution, harassment and discrimination against LGBTQ+ individuals and strengthen protection for women and girls who are most vulnerable to gender-based atrocity crimes including migrant, refugee and undocumented women and girls, indigenous women, women from ethnic minorities, with disabilities and who are LGBTQ+;

- 6 Recognise the legitimate role ethnically diverse women human rights defenders, peacebuilders and activists play in promoting gender equality and preventing atrocity crimes, conflict and radicalisation; protect them from criminalisation, reprisals, threats and all forms of violence both online and physically; investigate and prosecute all incidents of violence and intimidation against them; and provide them with an enabling environment and financial support to ensure they can undertake their important preventative and peacebuilding functions;
- 7 Strengthen the collection and regular reporting of data on gender-based violence in all forms including domestic and intimate partner violence; physical, psychological and emotional abuse; or sexual violence including rape, attempted rape, sexual exploitation; trafficking; forced sex work; female genital mutilation; and reproductive coercion;
- 8 Ensure the provision of survivor-centred services to survivors of gender-based crimes encompassing comprehensive medical, legal, and psychosocial and livelihood services, including sexual and reproductive health services without discrimination;
- 9 Curb the flow of small arms and light weapons which exacerbate gender-based atrocity crimes; and
- 10 Strengthen the gender-responsive capacity of law enforcement and the judiciary including through the provision of mandatory training, development of preventative guidelines and the establishment of a zero-tolerance policy for gender-based violence; and ensure accountability for all serious human rights violations including gender-based violence committed by security sector personnel.

Annex One: CEDAW Concluding Observations and Responses

BANGLADESH

DATE OF LAST REVIEW

8th periodic report – November 2016²

RESERVATIONS

Article 2: condemning discrimination against women in all its forms

Article 16(1)(c): affording women the same rights and responsibilities during marriage and at its dissolution

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Review and repeal all discriminatory laws and accelerate adoption of anti-discrimination law.
- Ensure all women and girls, ie stateless, refugee women and women from ethnic minorities have access to justice.
- Judiciary and law enforcement officers receive mandatory capacity-building programmes on women's rights.
- Adopt without delay legislation criminalising all forms of violence against women and girls.
- Establish database to collect data and provide information on GBV
- Ensure effective implementation of the Prevention and Suppression of Human Trafficking Act.
- Address the root causes of trafficking and exploitation of prostitution by reducing poverty among women and girls and regularizing the status of Rohingya women and girls.
- Ensure no operational, financial or freedom of expression restrictions on NGOs working on women's rights and gender equality.

- Promptly investigate and prosecute cases of gender-based violence targeting ethnic minority women and girls, including the militarization of indigenous areas.

RESPONSE

Received by CEDAW July 2020³:

- Constitution provides that all citizens are equal before the law but as per the constitution, rights in the private sphere are governed by the religious codes of respective communities.
- There are various laws and High Court Directives which have identified and legislated forms of violence against women. In 2018 High Court laid down guidelines on police responsibilities in recording and supporting complaints of sexual violence.
- New NAP on VAWG published in 2018.

OVERALL IMPLEMENTATION RECORD

According to a CEDAW mapping published in 2021: Bangladesh has implemented 40% of its total CEDAW recommendations and partially implemented 25%.

CAMBODIA

DATE OF LAST REVIEW

6th periodic report – November 2019⁴

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/ GR30/ WPS

- Eliminate the stigmatisation of women and girls who submit complaints about violations of their rights by raising awareness among the public of those rights.
- Take specific steps to strengthen independence and impartiality of judiciary and ensure cases of gender-based discrimination and violence against women are thoroughly investigated, perpetrators prosecuted and remedies for victims.
- Provide effective redress to all victims of SGBV committed during the Khmer Rouge regime.
- Adopt a comprehensive NAP on UNSRC 1325.
- Ensure women participate in peacebuilding and conflict prevention efforts and integrate gender perspectives into peacebuilding and peacekeeping missions as per WPS resolutions and GR30.
- Fully guarantee the rights of women human rights defenders, trade union leaders, activists, members of opposition political party without harassment, surveillance, or undue restrictions.
- Adopt a strategy to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and society.
- Systematically assess the impact of measures adopted to combat gender-based violence against women and girls and undertake a review of the law on the prevention of domestic violence and the protection of victims and amend its provisions to define, prohibit and criminalize all forms of gender-based violence.

- Increase essential services and support to victims/survivors of gender-based violence.
- Systematically collect data on gender-based violence against women and girls.
- Address the root causes of trafficking in women.

RESPONSE

Response received by CEDAW (date unknown)⁵:

- National Action Plan on Violence Against Women 2019-2023 was released.
- Discussions leading to a planned review of the Domestic Violence Law were initiated.
- One-Stop Services Center (OSSC) is being piloted at two provincial hospitals, Kampong Cham and Stung Treng province
- Sub-Working Groups on Gender Based Violence were initiated in at least eight provinces to improve coordination between key service providers.
- Judicial police agents were trained in all provinces using the Legal Protection Guidelines.

OVERALL IMPLEMENTATION RECORD

Following its 2013 review, Cambodia was assessed as having implemented 71% of the total recommendations and partially implemented 18%.

DATE OF LAST REVIEW

7th and 8th periodic report November 2014⁶
(scheduled for next review in 2021)

RESERVATIONS

Article 11 (2), in respect to Hong Kong, preventing discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Change the social norms that reinforce the traditional roles of women and men and reinforce positive cultural traditions and practices that promote the human rights of women and girls.
- Intensify implementation of legal measures to address sex-selective abortions, forced abortions and sterilizations and the infanticide of girls.
- Elaborate law on violence against women to ensure that it comprehensively addresses violence against women, including domestic violence, and that it is adopted promptly.
- Ensure draft anti-domestic violence law provides for the use of protection orders and the availability of shelters for women who are victims of violence.
- Strengthen comprehensive data collection on all forms of violence against women, including femicides.
- Provide information on anti-trafficking legislation.
- Ensure all women who were subjected to the re-education through labour system receive adequate compensation, and consider abolishing the custody and education programme, which may be used to justify the arbitrary detention of women.

- Investigate violence and abuse against women who stand for election as independent candidates.
- Take all measures necessary to protect women human rights defenders, including those who have provided information to the Committee.

RESPONSE

Received by CEDAW 10 January 2017.⁷

- The Government of China has further promoted reform of the judiciary and has placed additional emphasis on the protection of women's rights. Providing legal aid to women has become a key aspect of legal aid work.
- China's election law contains clear provisions on the process for electing representatives to the people's congresses. Such elections, and all election-related activities, must take place within the scope of rules and regulations and be strictly carried out in accordance with the law and procedure.
- The Government has carried out activities to promote equality between men and women and safeguarded the equal rights and interests of ethnic minority women.

OVERALL IMPLEMENTATION RECORD

Following its 2014 report, it was assessed that China had implemented 28% of the total recommendations and partially implemented 11%.

DATE OF LAST REVIEW

5th periodic report March 2018⁸

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Adopt anti-discrimination and gender equality legislation.
- Comply with international human rights law prohibiting immunity for those responsible for serious human rights violations.
- Ensure NGOs, including women’s rights organizations, women human rights defenders and journalists can carry out their work effectively
- Adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society.
- Strengthen efforts to combat gender-based violence against women and its underlying causes and adopt a NAP on the prevention of gender-based violence.
- Strengthen capacity-building for law enforcement personnel to ensure that victims are not forced to accept traditional methods of dispute settlement in lieu of criminal proceedings against perpetrators.
- Strengthen training for law enforcement officers on the strict application of criminal law provisions regarding gender-based violence against women, increase the number of female police officers and set up a mechanism allowing victims who report violence to submit a complaint in the event of harassment, threat or pressure by law enforcement personnel.
- Establish appropriate services for women and girls who are victims of gender-based violence and provide adequate support to civil society organizations that supply such services.

- Enforce the prohibition of child marriage, prohibit all forms of pressure on victims of rape to marry perpetrators and increase efforts to prosecute and punish perpetrators and accomplices in cases of child marriage.
- Strengthen mechanisms to identify, protect and assist victims of trafficking and sexual exploitation and to provide them with legal support.
- Make the necessary legislative changes and implement a policy to eliminate discrimination, hate speech and violence against lesbian, bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to address stigma within society.

RESPONSE

N/A

OVERALL IMPLEMENTATION RECORD

Fiji has implemented 29% of the total recommendations and partially implemented 13%.

DATE OF LAST REVIEW

6th and 7th periodic report July 2012⁹

Expected to report in 2021¹⁰

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Repeal all discriminatory laws against women, in particular discriminatory provisions of Marriage Law No. 1/1974.

- Amend all discriminatory by-laws adopted at the provincial level, including those in the province of Aceh and certain

districts, which restrict women's rights in the conduct of their daily life, including in social and public life, impose dress

codes and restrict freedom of movement; and review the penal sanctions against alleged immoral relationships. Adopt, without delay, law on gender equality.

- Withdraw regulation authorising female circumcision and adopt robust legislation that will criminalize all forms of female genital mutilation, including female circumcision, and provide sanctions against offenders.

- Put in place a comprehensive strategy to eliminate harmful practices and stereotypes that discriminate against women and involve the school system, the media and community, and religious groups and leaders.

- Collect data on the relationship between the victim and the perpetrator in relation to sexual and gender-based violence,

- Encourage women and girls to report acts of violence to authorities by raising awareness of the criminal nature of violence against women, de-stigmatizing victims and training the judiciary, including judges of religious courts, prosecutors, lawyers and law enforcement and medical personnel on standardised and gender-sensitive procedures for dealing with victims and effectively investigating their complaints.

- Investigate, prosecute and punish all acts of violence against women, including acts of sexual violence, perpetrated by private actors and by the security and defence forces, the police and militant groups.
- Provide full and effective reparation, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, to all victims of human rights violations committed during the conflicts.
- Adopt the new draft law providing for the establishment of a national truth and reconciliation commission and to ensure that the commission has broad powers to receive complaints and investigate grave human rights violations.
- Include women in the post-conflict reconstruction and peacebuilding process.
- Implement effective measures to eliminate discrimination and violence, including sexual violence and intimidation, against women belonging to religious minorities, such as Ahmadiyah, Christians, Buddhists and Baha'is, and indigenous women.

RESPONSE

N/A

OVERALL IMPLEMENTATION RECORD

Indonesia was assessed as having implemented 38% of its total CEDAW recommendations and partially implemented 19%.

DATE OF LAST REVIEW

3rd to 5th periodic report 14 March 2018¹¹

RESERVATIONS

In 2010 Malaysia withdrew reservations to article 5 (a) on elimination of prejudices and customary and all other practices which are based on inferiority/ superiority of either sex;

7(b) ensuring women in equal terms with men can participate in formulation of government and hold public office; and 16 (2) that marriage of a child not having any legal effect. However Malaysia maintains reservations to:

16 (1) (a), (c), (f) and (g), on eliminating discrimination in marriage and family relations, having the same rights and responsibilities during marriage and dissolution; having same rights/ responsibilities for guardianship; and having same rights to choose family name, profession and occupation. It has not withdrawn reservation 9 (2) granting women equal rights with respect to nationality of their children and has not effected the withdrawal of 16 (2) that marriage of a child not having any legal effect despite committing to.

CONCLUDING OBSERVATIONS ON GBAC/ GR30/ WPS

- Adopt a gender equality act that defines and prohibits all forms of discrimination against women.
- Take effective measures to ensure that civil law and Syariah law are in full compliance with the provisions of the Convention at the local, state and federal levels.
- Identify and address the specific obstacles faced by women who are in disadvantaged situations, including migrant women, in particular undocumented migrant women, women held in immigration detention centres, and asylum-seeking and refugee women, so as to ensure that they have access to justice and recourse to effective remedies.
- Adopt a comprehensive strategy to eliminate discriminatory stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society
- Ensure that members of Parliament are held accountable for sexist or condescending remarks about women.
- Prohibit all forms of female genital mutilation and engage in a constructive dialogue with religious authorities, women's non-governmental organizations and the public to convey the point that female genital mutilation cannot be justified by religion.
- Establish a system to collect and publish statistical data on the number of complaints of all forms of gender-based violence against women.
- Harmonize Syariah law with section 289 of the Criminal Procedure Code to prohibit the whipping of women as a form of punishment.
- Adopt concrete measures to combat gender-based violence against women and girls, including the provision of mandatory, recurrent and effective capacity-building, education and training for members of the judiciary, lawyers and law enforcement officials and educational campaigns targeting men and boys.
- Establish a formal procedure to identify victims of trafficking and refer them to appropriate services for protection.
- Ensure that victims of trafficking are not punished for violations of immigration laws and that they obtain effective protection, irrespective of their ability or willingness to cooperate with law enforcement authorities.
- Adopt a national action plan for the implementation of Security Council resolution 1325 (2000).
- Ratify the Convention relating to the Status of Refugees and the Protocol and ensure that the specific needs of women and girls are addressed and codify the principle of non-refoulement.
- Amend all laws that discriminate against lesbian, bisexual and transgender women and

intersex persons, including the provisions of the Penal Code and Syariah laws that criminalize same-sex relations between women, and cross-dressing.

- Ensure that women human rights defenders can freely undertake their important work without fear or threat of arbitrary arrest, harassment or intimidation, including the issuance of fatwas by religious institutions, by fully guaranteeing their rights to freedom of expression, assembly and association.

RESPONSE

Received by CEDAW on 30 December 2020¹²:

- Government is drafting a Gender Equality Bill with experts on gender equality from government agencies, academia and NGOs
- The Government has actively conducted various engagements on female circumcision through constructive dialogues among government agencies, religious authorities, civil society organisations, medical experts and professionals as well as academics since 2018.
- Each State in Malaysia has its own laws under the Syariah law system including the establishment of the State's Fatwa Committee.
- The Government reiterates that even though Malaysia is not a State Party to the United Nations Convention relating to the Status of Refugees 1951 (Refugees Convention) as well as the 1967 Protocol Relating to the Status of Refugees (Refugees Protocol), the Government has adopted a national administrative measures to manage and provide temporary refuge to refugees and asylum seekers on humanitarian grounds, and has continued to cooperate with the United Nations High Commissioner for Refugees (UNHCR) to manage these groups of persons. Malaysia has also taken a decision to provide free testing and treatment for refugees and asylum seekers with COVID-19 symptoms, with the assurance that they will not face arrest for immigration offences during the screening period. Generally, Malaysia has integrated the specific needs of women, girls and children in its management of refugees.

- Malaysia remains committed to protect women against violation of their human rights in all family and marriage matters. The judgment of the Federal Court in the case of *Indira Gandhi a/p Mutho v Pengarah Jabatan Agama Islam Perak & Ors and Other Appeals* [2018] 1 MLJ 545 reflects that all women in Malaysia enjoy equal rights and equal access to justice irrespective of their religion, ethnic identity or community.
- Malaysia has also taken legal measures to further enhance safeguards against violations of women's human rights in family and marriage matters via the latest amendments to the Law Reform (Marriage and Divorce) Act 1976 [Act 164] which came into operation on 15 December 2018.

OVERALL IMPLEMENTATION RECORD

Malaysia was assessed as having implemented 38% of its total CEDAW recommendations and 25% partially implemented.

DATE OF LAST REVIEW

Exceptional Reporting Procedure 18 March 2019¹³

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Amend the provisions of the Constitution that grant government officials, including military and security officers, immunity for human rights abuses and to establish civilian jurisdiction over human rights violations.
- Amend the Penal Code to adopt a definition of violence against women, including rape and other forms of sexual and gender-based violence, in accordance with the Convention and international standards, and ensure that civilian courts have jurisdiction over the military for the prosecution of crimes of violence against women and girls.
- Adopt the draft law for the prevention of violence against women and the protection of women from violence and ensure that it covers conflict-related sexual violence, provides adequate protection and support to victims and witnesses of sexual violence and establishes civilian jurisdiction over those crimes, including when perpetrated by military or other security forces.
- Enact comprehensive legislation that protects women, in particular women belonging to various ethnic minority groups such as the Rohingya, from forced displacement.
- Review its Penal Code to criminalize serious international crimes, including genocide, crimes against humanity and war crimes, such as conflict-related sexual violence, and establish civilian jurisdiction over those crimes.
- Amend the Citizenship Law to remove discriminatory provisions based on ethnicity and restore citizenship to Rohingya women and girls. Ensure that Rohingya children are registered, provided with birth certificates and have the right to acquire a nationality where otherwise they would be stateless.
- Investigate and prosecute security personnel, including senior officials in the Tatmadaw chain of command, with regard to the serious international crimes, crimes against humanity, war crimes and conflict-related sexual violence that have been perpetrated, taking into consideration the findings of the independent international fact-finding mission on Myanmar providing sufficient information capable of constituting evidence in that regard
- The Commander-in-Chief of the military issues an order to all security forces detailing a policy expressly prohibiting rape and all forms of sexual violence and that reports of alleged violations will result in a credible investigation, fair trial and appropriate sanctions, such as dismissal and a term of imprisonment. Provide all security personnel with in-depth training regarding the new policy and methods for addressing and reporting possible human rights violations and create an enabling climate for reporting.
- Put an end to conflict-related sexual violence in northern Rakhine State.
- Grant the United Nations and other humanitarian organizations immediate and unrestricted access to northern Rakhine State to conduct needs assessments, provide humanitarian assistance and protection to the affected population and deliver life-saving services to women and girls affected by the conflict.
- Ensure the voluntary return in safety and dignity of Rohingya women and girls and facilitate gender-inclusive consultations in refugee camps to ensure the full participation of women and girls in the repatriation process.
- Develop a comprehensive national action plan for the implementation of the women, peace and security agenda of the Security Council.

RESPONSE

While Myanmar has not responded to the Concluding Observations from the Exceptional Reporting Procedure, in its report leading up to the review, it stated that there was no evidence to support accusations that Myanmar Security Forces committed a campaign of rape and violence in Rakhine State.¹⁴

DATE OF LAST REVIEW

1st, 2nd and 3rd combined reports 30 July 2010¹⁵

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Implement a law on gender equality and a prohibition of discrimination against women.
- Ensure that the village courts, in their decisions, apply the principles of equality and non-discrimination.
- Strengthen the legal complaints system to ensure that all women have effective access to justice.
- Put in place a comprehensive strategy, including legislation, to modify or eliminate customary practices and stereotypes that discriminate against women.
- Take immediate and effective measures to investigate the incidences of torture and killings of women and girls, especially old women, based on accusations of witchcraft or sorcery, to prosecute and punish the perpetrators of such acts and to prevent their reoccurrence in the future.
- Take steps to ensure that traditional apologies are abolished and to raise public awareness that all forms of violence against women, including domestic and sexual violence, are a form of discrimination and are unacceptable.
- Ensure that women and girls who are victims of violence have access to immediate and effective means of redress and protection, including shelters and safe houses.
- Implement training for the judiciary and public officials, in particular law enforcement personnel and health-service providers, in order to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims.

- Enhance data-collection efforts and establish a monitoring and evaluation mechanism in order to regularly assess the impact and effectiveness of measures aimed at preventing and redressing violence against women.
- Prepare and adopt a legislative framework on trafficking in human beings.
- Harmonise civil, religious and customary law with article 16 of the Convention and accelerate reform in respect of the laws relating to marriage and family relations. Such a process should be participatory and include local community and religious leaders, as well as women from civil society.
- Take necessary measures to ensure women's involvement in the establishment of peace and reconciliation in Bougainville.

RESPONSE

N/A

OVERALL IMPLEMENTATION RECORD

N/A

THE PHILIPPINES

DATE OF LAST REVIEW

7th and 8th periodic report 25 July 2016¹⁶

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Strengthen gender-sensitive approach to development, peace and security, transitional justice, migration, disaster risk reduction, preparedness and response, and mitigation of negative impacts of climate change, with special attention paid to women facing multiple and intersecting forms of discrimination.
- Ensure justice systems, both formal and informal, do not discriminate against women and are secure, affordable and physically accessible for women, including those who face intersecting forms of discrimination.
- Develop capacity-building programmes for justice system personnel, in order to strengthen gender responsiveness and gender sensitivity and ensure that the various religious, customary and indigenous justice systems harmonise their norms, procedures and practices.
- Put in place a comprehensive strategy aimed at both women and men at all levels of society, including political, traditional and religious leaders, to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society.
- Adopt comprehensive legislation on gender-based violence against women covering all forms of violence.
- Expedite the amendment of the Anti-Rape Law of 1997, putting lack of consent as the primary element of the definition of rape and raising the minimum age of sexual consent, currently set too low at 12 years, to at least 16 years.
- Prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors, apply a zero-tolerance policy to combat impunity and provide necessary support to women and girls who are at risk or victims of

such violence, including during times of armed conflict, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

- Systematically collect comprehensive and disaggregated data on gender-based violence against women in displacement, armed conflict, disaster, migration and trafficking situations, as well as on gender-based violence against women with disabilities.

RESPONSE

Received by CEDAW 9 October 2018¹⁷:

- The issue of GBV is too broad to be contained in one law. Each form of violence has its specific set of elements and nuances that require certain modes of redress/ penalties already provided for in existing laws and policies.
- The State expresses reservation in adopting a single comprehensive Anti-GBV legislation because separate/individual laws covering various forms of GBV are already in place. Instead, the State prefers to improve the implementation of existing GBV statutes, and to amend and/or repeal any discriminatory provisions.
- Bills amending the Anti-Rape Law are pending in Congress
- The State's regular trainings to enhance gender-responsiveness of court officers and prosecutors cover subjects such as basic concepts and gender sensitivity, use of gender-fair language, avoidance of gender discrimination in court decisions, laws relating to women's rights, handling cases involving children, multidisciplinary approaches in handling GBV cases to ensure holistic response, and human rights-based approach in the investigation and prosecution of GBV cases.

OVERALL IMPLEMENTATION RECORD

The Philippines was assessed as having implemented 61% of its total recommendations and partially implemented 11%.

SOLOMON ISLANDS

DATE OF LAST REVIEW

1st to 3rd periodic report 14 November 2014¹⁸

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Adopt a comprehensive definition of discrimination against women and adopt the principle of gender equality.
 - Adopt the new federal constitution and include provisions on equality between women and men, the prohibition of direct and indirect discrimination against women and multiple and intersecting discrimination in both the public and private spheres.
 - Establish specific remedies to provide redress for women in both the formal and traditional justice systems and raise public awareness of the importance of addressing violations of women's rights through judicial remedies.
 - Develop a strategy to ensure that traditional justice mechanisms comply with human rights standards when addressing complaints by women.
 - Implement capacity-building programmes for judges, prosecutors, lawyers and the police on gender equality and raise awareness to eliminate the stereotyping and stigmatization faced by women who claim their rights.
 - Adopt a national action plan for women, peace and security and give due consideration to the contributions of women in the maintenance of peace, and implement measures within the scope of the Pacific Regional Action Plan on Women, Peace and Security and engage in regional processes in the Pacific region.
 - Provide effective remedies for women who were victims of violence during the ethnic tensions that take into account international principles and standards of administration of justice and reparations.
 - Implement a strategy aimed at combating stereotypes through education and awareness-raising campaigns.
- Repeal customary laws that provide for child marriages and the payment of bride prices and carry out campaigns on those harmful practices with community leaders.
 - Disseminate information that is clear and easy to understand, including for women with disabilities, on the criminalization of different forms of violence under the Family Protection Act.
 - Ensure that the police respond to and investigate complaints regarding violence against women and that perpetrators are prosecuted and punished, and collect data on the number of prosecutions and convictions, including at the provincial level
 - Actively discourage the use of mediation in cases of domestic violence, monitor compensation and settlements under customary mechanisms.
 - Strengthen the Safenet referral system for women who are victims of violence, establish shelters for women in all provinces and ensure that they are accessible to all women, including women with disabilities.
 - Amend the Marriage, Separation and Divorce Acts to prohibit customary practices that discriminate against women in family relations.

RESPONSE

Received by CEDAW 12 February 2017¹⁹:

- The development of the draft federal constitution of Solomon Islands is led by the Constitutional Reform Unit (CRU) within the Office of the Prime Minister. There have been four nationwide consultations, and three consultations for Solomon Islanders in Fiji, Vanuatu and Papua New Guinea since 2004. Approximately 3,000 people including 1,620 women have been consulted since 2008. After four revisions, the current draft of the constitution is the 2nd 2014 Draft Federal Constitution of Solomon Islands. It is projected that a final draft will be completed by June 2017, and the constitution will be ratified and adopted by 2018.
- Chapter 3 of the Second 2014 Draft Federal

Constitution provides for “Our Human Rights.” This section has comprehensive provisions on civil, political, economic, social and cultural rights. Chapter 3 also takes into consideration principles integral to the fabric of Solomon Islands society including customary traditions fundamental to Solomon Islands, and democracy, justice and the rule of law.

- Clause 19(3) sets out the prohibited grounds for discrimination including intersectional discrimination. Prohibited grounds of discrimination are birth, age, ethnicity, social origin, race, colour, language, religion, conscience, belief or opinion, culture, sex, pregnancy, marital status, disability, social status or economic status. ‘Sex’ as a prohibited ground of discrimination is not to be interpreted to include ‘sexual orientation’. Solomon Islanders are not ready to concede on same sex marriage, as by extension sexual orientation connotes equal rights to marriage for persons in same sex relationships.
- The Royal Solomon Islands Police Force (RSIPF) is taking active steps to address violence against women and accelerate implementation of the Family Protection Act 2014. There have trainings on the FPA Act for the police, court officers and magistrates, local courts, and service providers on the Act before its commencement.

- The RSIPF has and is reviewing its policies to ensure gender equality and effective measures to address violence against women.
- A police officer who fails to carry out their duty under the Policy to investigate or prosecute a complaint is liable for a disciplinary offence.
- Police officers may also be liable for discipline if they are perpetrators of violence, fail to document family violence, fail to report violence involving another officer, or interfere with cases or intimidate or coerce victims or witnesses.

OVERALL IMPLEMENTATION RECORD

N/A

DATE OF LAST REVIEW

2nd and 3rd periodic report 24 November 2015²⁰

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Enact and implement a comprehensive law on gender equality and accelerate the implementation of the trafficking bill.
- Enact legislation to regulate the relationship between the ordinary and traditional legal systems, after an open dialogue with civil society, including women's organizations, on the impact of such legislation on the enjoyment of women's rights.
- Expeditiously adopt a comprehensive strategy, including clear goals and timetables, to eliminate discriminatory stereotypes and harmful practices such as bride price (barlake), child and/or forced marriage and polygamy.
- Reinforce awareness-raising programmes targeting the judiciary, law enforcement personnel, teachers, parents and community leaders, as well as women and men and girls and boys, especially in rural areas, on the negative effects of discriminatory stereotypes and harmful practices on women's enjoyment of their human rights.
- Ensure that the national action plan on gender-based violence (2015-2019) is adopted expeditiously and is adequately monitored and resourced
- Exercise due diligence to prevent, investigate, punish and provide redress for all crimes committed against women and girls, whether by State or non-State actors
- Ensure that cases of domestic violence are prosecuted and perpetrators adequately punished, that women who are victims of domestic violence are encouraged to report such cases to the police and that they are not directed to mediation by the formal or informal justice system
- Review the Penal Code and the law against

domestic violence so as to qualify rape as a serious crime, introduce adequate sanctions for cases of rape and specifically criminalize marital rape in civil, religious and customary marriages, as well as rape in de facto unions

- Establish a unified system of data collection and reporting on gender-based violence
- Ensure there will be no impunity for rape, sexual slavery and other forms of sexual violence committed during the Indonesian occupation in 1999;
- Implement the recommendations in the reports of the Commission for Reception, Truth and Reconciliation and the Commission on Truth and Friendship relating to redress for women and girls who were victims of violations during that period
- Expedite the adoption of the national action plan to implement Security Council resolution 1325 (2000) on women and peace and security, in cooperation with women's organisations
- Take measures to encourage women and girls to report sexual violence in educational institutions to the police, effectively implement the zero-tolerance policy with respect to sexual violence and sexual harassment at school and ensure that perpetrators, including teachers, are adequately punished.
- Review existing discriminatory provisions relating to marriage and family relations and remove the stipulation of a waiting period for remarriage after divorce or the death of a spouse, or ensure that the period is identical for men and women.

RESPONSE

4th periodic report submitted to CEDAW November 2019 (yet to be reviewed):²¹

- In lieu of a comprehensive law on gender equality, the Government systematically includes specific articles on discrimination and equality in key legal acts.
- Bill on trafficking was enacted.
- Awareness-raising is conducted through parenting education programmes conducted at community-level. These programmes,

implemented in two municipalities, promote harmony in the family and challenge traditional patriarchal values during community sessions. Social norm change programmes implemented by NGOs under the NAP GBV framework also contribute to reduce discriminatory stereotypes.

- The Women Machinery initiated the process of revision of the first NAP on GBV through a broad consultative process from April to July 2016. The new plan was officially adopted in February 2017.
- The awareness-raising strategy is provided under Pillar I ('Prevention of GBV'), covering various types of training and awareness-raising community sessions targeting security and justice actors, schools, community leaders and general community members. The revision of curricula and the distribution of related school materials was also undertaken under this pillar.
- In terms of investigation, the National Police (PNTL) General Command issued Standard Operating Procedures (SOP) in May 2017 which integrate a gender perspective and emphasize their role in prevention and response to GBV. The establishment in 2015 of a Working Group for the promotion of gender equality in PNTL allowed the development of the PNTL Gender Strategy 2018-2022 to ensure gender-sensitive service delivery to victims of GBV.
- A unified administrative data system for GBV has yet to be established.
- Since most primary perpetrators of sexual violence during the Indonesian occupation in 1999 remain outside the Timorese jurisdiction, no prosecution of perpetrators of sexual violence occurred during the reporting period. Nonetheless, the Government, in collaboration with civil society, has instead focused on responding to social justice and recognition aspirations of the National Victims Association.
- Survivors of sexual violence are considered among "the most vulnerable survivors of human rights violations" (Art. 6.a) and need to be considered a priority, consistently with the CAVR recommendations.
- The National Action Plan on UNSCR 1325 (NAP 1325) was officially adopted in 2016,

showing the commitment of the Government to implement the full spectrum of the WPS resolution.

- No amendment was processed related to art. 1494 of the Civil Code on the internuptial period during which a man or a woman is not allowed to marry again. As such, the internuptial period remains at 180 days for men and 300 days for women, unless the woman can provide a judicial declaration that she is not pregnant.

OVERALL IMPLEMENTATION RECORD

Timor-Leste was assessed as having implemented 43% of its total CEDAW recommendations and partially implemented 9%.

THAILAND

DATE OF LAST REVIEW

6th and 7th periodic report 24 July 2017²²

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Revise Gender Equality Act to ensure there are no exceptions to the prohibition of discrimination on the basis of gender.
- Ensure that all women and girls who live in areas that are subject to emergency laws are effectively protected from discrimination, both in law and in practice, recalling that the principle of non-discrimination is non-derogable and continues to apply even during times of armed conflict and in states of emergency.
- Eliminate the stigmatisation of women and girls who claim their rights, by raising awareness and enhancing women's legal literacy.
- Disseminate information about legal remedies available to women regarding violations of their rights, including among Muslim women in the southern border provinces about the remedies available under the criminal justice system in addition to Islamic law.
- Strengthen the gender responsiveness and gender sensitivity of the justice system, including by increasing the number of women in the justice system and providing systematic, capacity-building training to judges, prosecutors, lawyers, police officers and other law enforcement.
- Ensure that religious and customary justice systems harmonize their norms, procedures and practices with the Convention.
- Adopt a comprehensive strategy that targets women and men at all levels of society, including religious and traditional leaders, to eliminate stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and society and harmful practices that are discriminatory to women.
- Criminalize female genital mutilation and conduct awareness-raising campaigns, in particular in the southern border provinces.
- Conduct research on the extent of the practice of abduction of girls for the purposes of forced marriage, ensure that it is prohibited in law and in practice, and develop a comprehensive strategy to address the issue.
- Systematically assess the impact of measures adopted to combat gender-based violence against women and girls, and continue exploring and adopting innovative approaches to address the root causes of such violence, including those targeting men and boys.
- Increase the availability, accessibility and quality of essential services and support to victims of gender-based violence.
- Systematically collect data on gender-based violence against women and girls.
- Adopt temporary special measures targeting Muslim women in the southern border provinces to ensure their substantive equality with men in all areas.
- Increase efforts to end the conflict in the southern border provinces and ensure that the military, law enforcement officials and non-State armed groups abide by international humanitarian and human rights law, in particular with regard to the protection of women and girls who are not engaged in conflict from all forms of violence.
- Immediately discontinue the practice of DNA collection and provide effective remedies to women and girls who have been subjected to that practice under coercive conditions.
- Adopt, without further delay, a comprehensive national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security.
- Take concrete and specific measures to address the root causes of trafficking in women and girls.
- Adopt and implement, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear

or threat of lawsuits, harassment, violence or intimidation.

- Effectively investigate, prosecute and adequately punish all cases of harassment, violence and intimidation against women human rights defenders and provide effective remedies to victims.

RESPONSE

Received by CEDAW 24 April 2020:²³

- The situation in the Southern Border Provinces (SBPs) is rooted in various factors including socio-economic disparities, criminal elements and local political interests. Perpetrators of violence have caused incidents in the area against both security personnel and innocent people. The context of the SBPs concerns domestic law enforcement to ensure public safety and security for which domestic criminal law and human rights law are applied, whereas international humanitarian law is not applicable. Nonetheless, Thailand is committed to fulfill its obligations under core international human rights instruments.
- Thailand is a multicultural, multi-ethnic, and multi-religious society. A number of laws, regulations and policies are in place to ensure religious freedom and peaceful coexistence of its citizens regardless of gender.
- Several laws and policies are in place to promote and protect the rights and freedoms of women and children.
- Security personnel are instructed to strictly follow the rules and guidelines in accordance with relevant laws while providing safety in any area.
- Several government agencies have organized a series of programmes and training courses for government officers, including law enforcement and armed forces officers, in order to enhance the effectiveness of the implementation and the application of laws and regulations, as well as Thailand's obligations under international human rights treaties.
- On violence against women and children, the Government has established various protection and prevention measures and mechanisms to empower women and children in such cases. The many mechanisms include the 1300 telephone – hotline service and the Social Assistance Centre which provides social assistance to those in need across the country.
- Thailand firmly supports the UN's Women, Peace and Security (WPS) agenda under UNSC

Resolution 1325 (2000). The Government has established the Sub-Committee on Women, Peace and Security under the National Committee on the Policies and Strategies for Women Advancement as the primary policy body on the WPS agenda, comprising representatives from relevant government agencies and civil society members such as women advocacy groups.

- Since 2016 Thailand has adopted the National Measures and Guidelines on WPS (2017–2021), which is equivalent to a national action plan on WPS. With both an internal and external outlook, it provides a framework to enhance the role of women to address conflict, political and social unrest at national and international levels, as well as to promote the protection of women, access to justice for all, women's participation in peacebuilding and security.
- To review the National Measures and Guidelines Documents on WPS, organized annually a national consultation on WPS with the participation of more than 100 female leaders from the SBPs. These national consultations have addressed women's and girls' needs in their local context and advocated for economic opportunities, social cohesion and community resilience.
- Thailand is currently developing an Action Plan on the Elimination of Violence against Women and reviewing laws and regulations related to the promotion and protection of women's and children's rights, including women's empowerment, access to justice for women and the roles of women in the judicial system.
- Thailand recognizes that WPS and SDGs 5 and 16 are closely linked since a society can only achieve sustainable peace through an integrated, inclusive approach, incorporating development and human rights for all. Relating to paragraphs 20–23, the WPS Agenda is also a platform to boost women's catalytic role in advancing peace and security, which is the cornerstone of sustainable development.

OVERALL IMPLEMENTATION RECORD

Thailand was assessed as having implemented 44% of the total of its CEDAW recommendation and partially implemented 19%.

DATE OF LAST REVIEW

4th and 5th periodic report 9 March 2016²⁴

RESERVATIONS

N/A

CONCLUDING OBSERVATIONS ON GBAC/GR30/ WPS

- Amend Constitution and other legislation to incorporate fully and without delay the principle of equality between women and men, as well as a prohibition of discrimination on the basis of sex and gender.
- Establish effective remedies in both the formal and traditional justice systems to enable women to obtain redress for violations of their rights, provide capacity building to judges, lawyers and law enforcement officers on women's rights and undertake research on the impact of the dual justice system on women's access to justice.
- Put in place a comprehensive strategy to eliminate patriarchal attitudes and stereotypes that discriminate against women, in conformity with the provisions of the Convention.
- Ensure that women who are victims of domestic violence have full access to protection orders and legal remedies.
- Put an end to the application of customary law that provides for the payment of bride prices.
- Take immediate and effective measures to investigate incidents of violence and murder of women and girls based on accusations of witchcraft or sorcery, to prosecute and punish the perpetrators of such acts and to prevent their reoccurrence in the future.
- Enact a law to prevent, suppress and punish trafficking in persons, in particular women and girls.
- Expedite the review of discriminatory provisions in the area of family law and ensure that both spouses have equal rights and responsibilities during marriage and upon its dissolution.

RESPONSE

Received by CEDAW 3 April 2018:²⁵

- The Government implementation of the Family Protection Act of 2008 (FPA) has been progressed through the application of the protection order by the Courts through legal assistance and advice provided by the Vanuatu Women's Centre (VWC).
- Authorised Person and Registered Counsellors were appointed to provide referrals and given judicial power to grant protection orders.
- Due to the complex nature of lay people in communities being asked to intervene at points of crisis in domestic violence issues (some of whom have very little access to state justice services), there is a need to ensure a collaborative approach to key government and NGO partners taking active responsibility for aspects of implementation.
- The prevalence Study of 2010 by the Vanuatu Women's Centre in partnership with the Vanuatu Government showed that violence against women and children is widespread in Vanuatu with 60 per cent of women experiencing physical and/or sexual violence by an intimate partner in their lifetime.
- Through Pacific Women Shaping Pacific Development (Pacific Women), Australia has provided \$800,000 to the Vanuatu Women's Centre (VWC) to prevent violence against women through provision of safe-house costs, expansion of services and research on violence against women.
- The Government has amended the Penal Code to reflect the intention of Government to increase the penalties on all gender related offences, particularly sexual offences.

OVERALL IMPLEMENTATION RECORD

Vanuatu has implemented 18% of its total CEDAW recommendations and partially implemented 14%.

- 1 *Shantosh. J. 2021. Launching the CEDAW Implementation Map on Women's Health: Progress on the journey towards health and human rights for all women. The George Institute for Global Health.*
- 2 *CEDAW/C/BGD/CO/8.*
- 3 *CEDAW/C/BGD/FCO/8*
- 4 *CEDAW/C/KHM/CO/6.*
- 5 *Additional written information provided by Cambodia following the consideration of its sixth periodic report*
- 6 *CEDAW/C/CHN/CO/7-8*
- 7 *CEDAW/C/CHN/CO/7-8/Add.1*
- 8 *CEDAW/C/FJI/CO/5*
- 9 *CEDAW/C/IDN/CO/6-7*
- 10 *List of issues, Indonesia's state party report and 2020 reply to list of issues available online*
- 11 *CEDAW/C/MYS/COS/3-5*
- 12 *CEDAW/C/MYS/FCO/3-5*
- 13 *CEDAW/C/MMR/CO/EP/1*
- 14 *CEDAW/ C/MMR/4-5/Add.1*
- 15 *CEDAW/C/PNG/CO/3*
- 16 *CEDAW/PHL/CO/7-8*
- 17 *CEDAW/C/PHL/COZ-8/Add.1*
- 18 *CEDAW/C/SLB/CO/1-3*
- 19 *CEDAW/C/SLB/CO/1-3/Add.1*
- 20 *CEDAW/C/TLS/CO/2-3*
- 21 *CEDAW/C/TLS/4*
- 22 *CEDAW/C/THA/CO/6-7*
- 23 *CEDAW/C/THA/FCO/6-7*
- 24 *CEDAW/C/VUT/CO/4-5*
- 25 *CEDAW/C/VUT/CO/4-5/Add.1*

Annex Two: Overview of National Action Plans on Women, Peace and Security

BANGLADESH NATIONAL ACTION PLAN ON WOMEN, PEACE AND SECURITY (2019-2022)

GENDER ANALYSIS AND NARRATIVE

- Bangladesh has been sheltering over one million forcibly displaced Myanmar nationals, who are ethnic Rohingyas. More than half are women who, according to reports of the United Nations and other human rights organisations, faced systematic and widespread sexual violence in Myanmar.
- As women and girls account for 52 percent of the population in the camps, and one in six families is headed by a single mother, a gender-sensitive approach is crucial as the Government of Bangladesh looks to the next steps in its assistance to the Rohingya, until they can return to their home country in safety, security and dignity.
- The prevention of violence against women and girls has become a priority concern among government and civil society actors, and a National Action Plan to Prevent Violence Against Women and Children is in place. Nonetheless, it is important to recognise that concerns related to crisis and emergency settings have not been adequately addressed. There are also potential threats of religious and other forms of violent extremism that require a comprehensive strategy for prevention.
- The recommendations that emerged from consultations covered a wide range of issues ie: preventing gender-based violence (GBV) in emergency and humanitarian contexts, including displaced persons; PVE; conflict and the use of GBV as a means to destabilise communities; and developing a gender-sensitive security sector.

COMMITTED ACTIONS RE GBAC PREVENTION¹

In its NAP, Bangladesh commits to:

- Putting in place a gender-responsive conflict monitoring and early warning mechanism.
- Commissioning research on the root causes of conflict and violent extremism in Bangladesh and their effect on women, including a mapping of existing research on gender and violent extremism and the roles women play in preventing violent extremism.
- Developing a gender-responsive conflict monitoring and early warning mechanism to identify risk areas and prevent conflict escalation and violent extremism.
- Developing and piloting a curriculum for all educational levels and different types of education institutions including madrasas to promote tolerance and respect for diversity, non-discrimination and non-violence, gender equality and human rights.
- Establishing interfaith networks with specific focus on advancing the role of women in the promotion of social cohesion.
- Expanding women-led and gender-sensitive community policing that includes popularisation of a gender-sensitive early warning system to prevent conflict and violent extremism in pilot districts.

AUTONOMOUS REGION OF BOUGAINVILLE, POLICY FOR WOMEN'S EMPOWERMENT, GENDER EQUALITY, PEACE AND SECURITY. (AUGUST 2016)

GENDER ANALYSIS AND NARRATIVE

- The policy is centred on the promotion of gender as central to peace and sustainability.
- Women and girls are less educated, suffer high death rates related to pregnancy and maternal health issues, and have less access to law and justice services. Women grow most of Bougainville's food, but are unable to translate this into secure business ventures, partly due to limited access to markets and financial services.
- A significant proportion of the female population in Bougainville was widowed during the crisis and many children were orphaned. These women and children - as well as single mothers and disabled women - continue to face ongoing vulnerabilities in terms of safety, security, economic independence, access to education and basic services and access to land.
- Violence against women in Bougainville including domestic, family and sexual violence remains a significant risk not only to women's health but to their safety and security, and is a cross-cutting issue creating impediments to women's full participation in all aspects of social and political life.
- A 2012 UN survey on men's violence against women in the Asia Pacific region found that Bougainville had the highest rate of physical and sexual abuse with 80% of interviewed men admitting to committing either physical or sexual abuse against their female partners in their lifetime, while 40% admitted to raping a non-partner in their lifetime.
- Under reporting remains a challenge as do the under-resourcing of police and low prosecution/enforcement rates; and the cultural practices and power dynamics within gender relations that may lead to a preference for resolving issues of domestic violence within the home or village rather than through formal recourse to Police or Courts.

COMMITTED ACTIONS RE GBAC PREVENTION¹

- The policy shall address the following priority issues: gender-based violence, gender inequality in access to justice, socio-economic discrimination against women and limited awareness about rights among women and men.
- In order to address violence against women the ABG has established administrative office and the Family Help Desk at the Buka Co House, whose purpose is to consolidate all counselling services provided by NGO and government agencies and to facilitate women's access to justice. The Family Help Desk provides an avenue for victims of violence to get help in a neutral, safe and friendly setting and, where needed, contact the police to come and take the victim's statement and/or to examine the victim. The Family Help Desk also facilitates women's access to the Court where Magistrates are available 24 hours for the granting of Interim Protection Orders.
- The ABG recognizes that the services require recurrent commitments to continue and sustain the operations for the benefit of Bougainvilleans. The ABG is committed to engaging the private sector and the media in the battle to end violence against women.
- At present there are only a few operational safe houses for victims of gender-based violence across Bougainville and are supported through the NGOs' own fundraising activities.
- As yet, there have been no mechanisms established to deal with transitional justice, but it is not too late to establish a mechanism to ensure those guilty of violations against women and girls are held accountable for their crimes. Women endure threats of violence and charges of sorcery.
- The implementation of the Women, Peace and Security Action Plan which has been endorsed by the Bougainville Executive Council and is an integral part of the Policy, is to be overseen and monitored by the Office of Gender Equality (OGE) as the key gender equality mechanism in government.

REPUBLIC OF INDONESIA'S NATIONAL ACTION PLANS FOR THE PROTECTION AND EMPOWERMENT OF WOMEN AND CHILDREN DURING SOCIAL CONFLICTS (2014-2019)

GENDER ANALYSIS AND NARRATIVE

- The NAP aims to protect and empower women and children during social conflicts, as an integral part of social conflict resolution activities.
- The NAP includes three specific components: preventative programs, resolution programs, and empowerment and participation programs.
- Efforts to protect and empower women and children during social conflicts are not simple but are a lengthy and continuous process, needing sustained efforts from all parties ie, the central government, local governments, law enforcement, community organisations, NGOs, researchers and academics, religious leaders, traditional leaders, community leaders, peace activists and all levels of communities.

COMMITTED ACTIONS RE GBAC PREVENTION¹

- The Preventative Program aims to build awareness and intensify the role of the communities, local governments, traditional institutions, religious forums, mass media and woman service units to promote and protect women and children during conflicts, build local institutional capacity, and enhance the competence of the trainers in the prevention of violence against women and children during conflicts.

Activities include:

- Mapping data on women and children in conflict areas and conducting studies on gender-based violence cases from conflict;
- Disseminating information and advocating on the protection and empowerment of women and children during conflicts to communities, local governments, traditional institutions, mass media and religious community forums;
- Providing training on the prevention of violence against women and children during conflicts;
- Providing free health rehabilitation services, including reproductive health services; legal aid; reintegration services; and safe gender-responsive shelters to women and children who are victims of violence in conflict areas;
- Enforcing laws to protect and provide justice for women and children who are victims of violence in conflict areas, as well as rehabilitation, compensation and restitution;
- Increasing protection to women and children and human rights activists from becoming victims of violence in conflict zones;
- Implementing training on the women, peace and security agenda and involving women as mediators of peace in conflict areas;
- Promoting education on peace and gender justice for children and teenagers;
- Ensuring a connection between Indonesia's violence extremism prevention policy and the NAP on WPS.

GENDER ANALYSIS AND NARRATIVE

- The NAP commits to protecting the human rights of women and girls at all times, including before and after various conflict situations; and incidents of violence against women that violate human rights and international humanitarian law will be prevented.
- The current NAP, Philippines's third, builds on the first two NAPs and draws on findings from the study on the implementation of the 2010-2016 NAP on WPS. The third NAP adopts a broader framing to address the situation of women in armed conflict, recognising their contributions to conflict transition, and seeks to embed the language of women's human rights, specifically gender equality as per CEDAW. The NAP also integrates the concepts of women's human security as stipulated in CEDAW General Recommendation 30. The third NAP captures non-international armed conflict, as well as other situations of concern that may not necessarily be classified as armed conflict but which result in serious violations of women's rights and internal displacement ie: internal disturbances; protracted and low-intensity civil strife; political strife; ethnic and communal violence; states of emergency and suppression of mass uprisings; war against terrorism and organised crime.
- The NAP incorporates key recommendations from the 2015 Global Study on the implementation of UNSCR325 ie the prioritisation of conflict prevention; framing WPS from a human rights perspective; strengthening women's participation and leadership at all levels; combating extremism by supporting women peacebuilders and financing the WPS agenda.
- As well as highlighting women's agency, the third NAP aims to strengthen the coordination and harmonisation of protection and rehabilitation initiatives for women and girls in various situations of emergencies, including conflict-affected/ vulnerable communities in disaster situations. The NAP also acknowledges the vulnerabilities of women from frontline agencies that respond to various emergency situations and proposes the inclusion of protection protocols for these women.

COMMITTED ACTIONS RE GBAC PREVENTION¹

Action Points include:

- Women and girls affected and displaced by, and vulnerable to, different forms of conflict provided

with immediate and sustained protection from violence, including by identifying possible vulnerabilities of women in areas affected by or prone to conflict or violent situations; providing gender and culturally sensitive protection and security mechanisms for displaced women and girls; providing women-child friendly spaces in all evacuation areas; and developing culturally sensitive guidelines for responding to conflict related SGBV.

- Women and girls affected by and displaced by different forms of conflict provided with expeditious access to healing and services, including through the establishment of Women Peace Centres in various Provincial LGUs which will cater to the needs of women and girls from conflict-affected/ vulnerable communities.
- Women and girls who were victim of conflict related violence having access to legal remedies, including transitional and restorative justice. This includes ensuring immediate and efficient reporting/ documentation, investigation and prosecution of conflict related violence against women; inclusion of gender and transitional justice in negotiated peace agreements and their implementation; and implementing the gender-specific recommendations of the Transitional Justice and Reconciliation Commission on the Bangsamoro, particularly those related to emblematic mass atrocity crimes committed against Moro and indigenous women and those pertaining to reparations and land rights.
- Women from frontline agencies deployed in conflict-affected/ prone areas as situations of complex emergencies have access to security and protection.
- Preventative mechanisms and early warning systems are put in place for women and girls to avert conflict-related violence, including by developing the capacity of women to develop community-based early warning protocols; and the strengthening of initiatives to address the proliferation of small arms.
- Women and girls as former rebels/ or as members of former combatant families benefit from reintegration, rehabilitation and normalisation programs.
- Addressing the needs of children born from conflict-related rape.
- Mainstreaming gender perspectives in all conflict prevention, peacebuilding and conflict transformation initiatives.

SOLOMON ISLANDS WOMEN, PEACE AND SECURITY NATIONAL ACTION PLAN (2017-2021)

GENDER ANALYSIS AND NARRATIVE

- The NAP calls for special measures to protect women and girls from gender-based violence in general, and sexual violence in particular, in conflict, post-conflict, transitional and humanitarian situations. It also outlines the need to improve strategies for preventing conflict and all forms of violence against women and girls in conflict and post-conflict situations. It emphasises preventing GBV by fighting impunity and increasing prosecutions for perpetrators of conflict-related sexual violence. It also focuses on challenging discriminatory gender norms, attitudes and behaviour, including through working with men and boys.
- The NAP states that internal armed conflict from 1998-2003 had disproportionate consequences for women due to cultural and social norms, gender roles, and the unequal status ascribed to women. Women suffered increased levels of violence; lack of access to basic services and means of survival due to destroyed infrastructure; forced displacement; and lack of access to justice due to deterioration of already weakened criminal justice system.
- Sexual violence was widespread during the conflict, used as a deliberate tactic by all parties, and opportunistically in the context of the disrupted social norms and limited/absent security. While both women and men experienced sexual violence, the majority of victims were women.
- The NAP quotes a High Court Justice in Solomon Islands who worked on the Tension Trials from 2012 who said: *victims of sexual offences and family violence have been let down by the courts, let down by the police, let down by the prosecution and let down by the defence bar.*
- While there is no longer armed conflict, the legacy of violence endures, and one of the least safe places for women and girls is at home. Nearly 2 in 3 (64%) of women experience physical or sexual violence (or both) by their intimate partners, and sexual violence is more common than physical violence. Violence against women represents the highest proportion of crimes in Solomon Islands.
- While some women's groups and women leaders were present at the formal reconciliation ceremonies social and cultural gender stereotypes excluded women from taking active, public roles. Women were not participants in any formal peace negotiations and were explicitly excluded from consultation including those leading to the Townsville Peace Agreement. Women's absence from key decision-making spaces, and the lack of a gender perspective or advocacy among the actors (SIG, the militants, third-country mediators), contributed to omissions in the agreements and gender inequitable provisions that have influenced the nature of recovery to the present day. Disarmament and an end to hostilities were central concerns for both women and men in the peace negotiations, however the TPA reflected a model of security, reintegration and redress that excluded women, did not recognise their rights, and failed to adequately provide for their protection and recovery. By not explicitly exempting SGBV from the amnesty provisions, the agreement also contributed to perpetuating a culture of impunity. One of the provisions that reinforced this was the appointment of (ex)-militants in the Royal Solomon Islands Police Force (RSIPF) as 'Special Constables', a scheme that deepened insecurity for many women. Close to 2000 un-vetted former combatants were given status and a salary, legitimising the role that combatants played as (possible) perpetrators, and contributing to the normalisation of violence and in the post-conflict period.
- The Truth and Reconciliation Commission which went from 2010 to 2012 recognised that it was imperative to address gender-specific violations, and sexual violence was explicitly included in its mandate to ensure thorough investigation. Two of the five commissioners were women.

COMMITTED ACTIONS RE GBAC PREVENTION¹

Committed actions include:

- Strengthening the protection of women and girls by building the capacity of government and civil society actors, including traditional leaders and those responding to humanitarian crises. This includes through sensitising traditional and religious leaders on gender equality and women's rights principles, relevant national laws and international instruments, including CEDAW and UNSCR 1325 to ensure the traditional justice system consistently delivers equal protection for the rights of women and girls. Technical guidance and capacity building on gender and security issues will also be provided to all uniformed officers, including Immigration and border enforcement/protection staff. Women from border communities will be consulted to ensure the identification of women's protection and conflict prevention priorities, including issues related to economic security and cross-border trade, trafficking, arms and GBV.
 - Ensuring ongoing transitional justice processes respect women's rights and address gender-based violations and are inclusive of rural and remote women.
 - Combatting impunity for SGBV and ensuring protection of women's human rights, including through prosecuting perpetrators. This includes working with women victims/survivors to develop strategies to redress conflict related rights violations, with a specific focus on SGBV.
 - Strengthening capacities and increasing resources to ensure gender equality and women's empowerment are central to security institutions and mechanisms, peace building and conflict prevention activities. This includes providing training and technical guidance to security decision makers on the WPS Resolutions and CEDAW; building understanding of SGBV as a security priority in Solomon Islands; appointing and training gender advisers to be based in Peace Councils/ Offices;
- establishing agreed targets for increasing the proportion of female officers in the police force; resourcing and building the capacity of the Police Women's Network to institutionalise professional and leadership development for female officers; expanding gender analysis skills and formalising women's involvement in internal and external security policy development.
- Implementing reforms in security institutions that prioritise VAW prevention, responding to women's diverse security concerns, and respecting women's rights. This included developing and enforcing a Zero-Tolerance Policy on Gender-based Violence and Harassment within the RSIPF; undertaking and in-depth institutional Gender Audit of the RSIPF to assess gender-based barriers to women's recruitment, professional development, retention and promotion; setting specific targets for peace and security policy units to ensure qualified women with gender expertise are recruited, seconded and/or externally contracted to relevant policy units; and guaranteeing rural women's substantive engagement in community-based conflict prevention and peacebuilding processes.
 - Challenging discriminatory gender norms, attitudes and behaviour, including through working with men and boys.
 - Collecting and analysing sex-disaggregated data on the incidence and patterns of SGBV during disasters and humanitarian crises to inform program and policy responses.
 - Establishing a national WPS Steering and Monitoring Group to oversee progress on the implementation of the NAP on WPS.

GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE NATIONAL ACTION PLAN ON UN SECURITY COUNCIL RESOLUTION 1325 (2000) ON WOMEN, PEACE AND SECURITY (2016-2020)

GENDER ANALYSIS AND NARRATIVE

- The NAP states that action must be taken to prevent all forms of violence against women, through new and improved legislation and increasing the gender sensitivity of law enforcement, given existing gaps on equal rights and protection for women in legal frameworks, structures, mechanisms and policies. Prevention of gender-based violence, including sexual violence must be prioritised for sustaining peace. Prevention can be achieved by incorporating women's perspectives into early warning systems, public education, and the prosecution of violators of women's rights.
- Timor-Leste is a collectivist society meaning that group interests take precedence over individual interests. Many community conflicts originate in the family and household and later develop into a conflict between two families. Gender-based and domestic violence often appear to be triggers of such community conflicts.
- In addition to increasing the number of women mediators, dispute resolution practices need to be made more gender-sensitive. Cases of domestic violence, for example, often tend to be solved as matters of honour between families, rather than by addressing victim needs and preferences for recovery and safety. Likewise, land disputes tend to be settled without considering the impact of the decision on women's access to land and resources. To ensure that local dispute settlements do not discriminate against female victims and complainants, both customary and formal dispute resolution practices need to be reviewed with a gender dimension.
- Domestic violence remains one of the most pervasive human rights violations in Timor-Leste, with nearly 6 out of 10 women who had ever been in a relationship experiencing some form of physical or sexual violence in their lifetime. The 2010 Law Against Domestic Violence has been a great step forward in recognising domestic violence as a crime. Police officers are now obliged to process cases of

domestic violence. Barriers to reporting cases of domestic violence include fear, pressure to resolve the incident within the family/village and a lack of trust in the police and formal justice system. Data collection and monitoring systems also contribute to limited information on cases reported.

- Various transitional justice mechanisms have been established in Timor-Leste to support recovery and reconciliation processes for victims of human rights occurring in between 1974-1999. Although these mechanisms supported the peace and justice processes in Timor-Leste, they did not provide sustainable recovery and livelihoods to women who suffered from violations or played a role as combatants or independence supporters during the conflict. Women ex-combatants and veterans have not yet received reparations because they have not been recognised and valued for their contribution to the independence struggle and peace process.

COMMITTED ACTIONS RE GBAC PREVENTION¹

The NAP commits to:

- Integrating modules on gender in training manuals of defence, security and justice training institutions and providing mandatory courses on gender equality, human rights, WPS and HIV/AIDS awareness.
- Improving the gender sensitivity of the formal justice system through the implementation of gender-sensitive laws and the equal and gender-sensitive interpretation of laws and regulations. This includes building the capacity for judges, and public defenders regarding women's human rights, non-discrimination in laws and policies including issues relating to cultural practices that have a negative effect on women.
- Including a gender perspective in conflict prevention mechanisms.
- Promoting a culture of peaceful conflict resolution in the community.

- Improving the gender sensitivity of the formal justice system through the implementation of gender-sensitive laws and the equal and gender-sensitive interpretation of laws and regulations. Ensuring that laws and policies that guide conflict resolution and mediation are gender-sensitive.
- Strengthening (public) awareness of gender-sensitive conflict prevention through media.
- Improving the gender sensitivity of support programmes to counter discrimination against victims of sexual violence, for women's initiatives to prevent and resolve conflict, and for mainstreaming of gender equality and the full participation of women in the economic, social and cultural and political life of Timor-Leste.
- Undertaking consultations between members of Parliament and civil society organisations to analyse and conduct reviews of laws, policies and programs from a gender perspective and to ensure they are aligned with CEDAW, WPS and other human rights international obligations, and to ensure traditional conflict prevention/ traditional customs are gender sensitive.
- Evaluating and revising the conflict early warning system and disaster and conflict escalation risk reduction system to include/ incorporate further gender sensitive indicators and monitoring mechanisms.
- Disseminating information about gender-sensitive early warning systems to local authorities and community leaders and training mediators in gender-sensitive conflict resolution.
- Implementing the recommendations and provisions of the Timor-Leste CAVR and CVA regarding women's rights including women victims of sexual violence during the war.

1 Edited down in some instances for brevity but text taken directly from NAPs

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