

High level panel discussion to commemorate the 30<sup>th</sup> anniversary of CEDAW

*“Promoting and protecting women’s rights in conflict and post-conflict situations: the case of French speaking Africa”*

*Addressing the situation of internally displaced women in post conflict situations: reflections on a recent visit to Côte d’Ivoire*

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**Displaced Persons**

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Dear Colleagues, Ladies and Gentlemen,

I am very pleased to be here today and to be able to contribute to this important topic. Since assuming my mandate on the human rights of internally displaced persons (IDPs) at the end of 2010, the situation of internally displaced women has been one of my chief mandate priorities. I will be dedicating my next report to the Human Rights Council (June 2013) to this issue, and have sought to raise awareness, as well as to better mainstream the human rights of internally displaced women in a number of other ways. Last month for example, my mandate held an expert workshop in Geneva, during which we sought to review the achievements in relation to women and displacement over the last 20 years, and assess the challenges and possible directions for the future. Some of the conclusions stemming from that workshop are very relevant to our discussion today on women in conflict and post conflict situations, and I will take the opportunity to speak about a few of these. I have also had the opportunity to provide inputs and cooperate closely with CEDAW on the elaboration of a new General Recommendation on women in conflict and post conflict situations. It represents an excellent opportunity for mainstreaming the human rights of internally displaced women within the UN and human rights system, which I am grateful for.

The focus of this panel discussion on promoting and protecting the rights of women in conflict and post conflict situations is especially relevant to my mandate, since internally displaced women are one of the groups most gravely affected by conflict and its aftermath. Today, I would like to speak in particular about the rights of internally displaced women in post-conflict situations, and more especially, of how we can improve responses to their assistance, protection and durable solutions needs. It is my firm belief that improving our response requires first that we recognise the fundamental role that women play in their communities and families in crisis situations. Too often, internally displaced women continue to be referred to solely or primarily within the category of ‘vulnerable persons’, or victims. While it is imperative that we redouble our efforts in terms of effective prevention and protection of women from violence, including sexual and gender-based violence (SGBV) in conflict situations, it is also imperative that we recognise and actively build upon the incredible resources that internally displaced women bring to bear, and facilitate their participation at all levels of decision making, including in the context of peace, reconciliation and durable solution and reconstruction processes.

As you may know, a key aspect of my mandate includes country visits. During these visits, I also endeavour to look into the particular situation of internally displaced women, through contact with them when I visit IDP camps or affected communities, as well as through structured group discussions. I have more recently conducted two country missions to post conflict countries, namely Kenya in September 2011 (A/HRC/19/54/Add.2) and Côte d’Ivoire in July 2012. While I will focus on Côte d’Ivoire for the purposes of our discussion today, there are patterns in relation to displacement and the problems affecting internally displaced women (IDP women) in these post conflict settings which are common to both countries.

In March 2011, at the height of the crisis in Côte d'Ivoire, there were an estimated 1 million IDPs, and an estimated 200 000 persons who also sought refuge in neighbouring countries. Thanks in part to an overall improvement in the security situation with the investiture of the new President, by May 2011, only two months later, half the IDP population had returned home or otherwise found a solution. By July 2012 when I went on mission to Cote d'Ivoire, the UN estimated that only between 50,000 and 80, 000 IDPs remained. In addition to the improved security situation, many IDPs received a small amount of assistance for a few months (to help them cover essential costs such as housing for the first three months or so) which enabled them to move out of the camps. However, as I observed during my visit, this assistance alone was no sufficient to help them find a sustainable solution, and was not followed by the micro credit and small livelihood projects, which I understand had been planned, and would have been necessary to enable IDPs to resume their lives.

At the time of my visit, I found that IDPs continued to live in a very difficult situation, and many of the communities and individuals I met with, particularly in the west of the country but also in and around Abidjan, had not yet achieved a durable solution, and lacked livelihood opportunities as well as confidence in the security sector. Although, IDPs were no longer visible in camps and the camps had been dismantled, their needs and those of their host or return communities were no less urgent. In parenthesis, I should note the very disturbing attack of 20<sup>th</sup> July on the last IDP camp remaining, namely the Nahibly camp, which was destroyed in that attack, only two days before my arrival. It is an unacceptable attack which must be condemned and which reflects the need for dialogue and reconciliation in the country.

In the west of the country I found that many IDPs had returned to communities and host families which were in a very dire situation themselves, with little if any access to many services, and who were now forced to share a small one room hut with not one but two families. In many cases, IDPs returning to their areas of origin found that their homes had been destroyed. Others, who were unable to return to their original towns or villages due to trauma or fear, generally chose to resettle in communities where they had family ties and therefore frequently relied on their hosts for shelter as well. Access to land for many IDPs was also a serious impediment to resuming independent livelihoods, as the land that they had once cultivated was now being farmed by others. This is in a context where land issues remain a highly political and contentious topic. We know from experience that for IDP women and girls, such situations of dependency and close living spaces aggravate the risks of sexual and gender based violence, including from within the community and family.

In many of the affected communities I visited, there appeared to be a high percentage of early pregnancies and very young mothers –some appearing as young as 13 or 14 years of age. While some had gotten pregnant once they returned to their host or original communities, for others it occurred during the crisis and period of displacement. During a cluster coordination meeting in Abidjan for example, we were informed that approximately 40 per cent of

pregnancies that occurred during the crisis were by under-age girls, especially in parts of the west of the country.

Although complete figures are not available, UNICEF also identified at least 814 children IDPs who were unaccompanied minors in 2011, and who were being assisted to trace their families. New incidents, including more recent cross border attacks in the West of the country also resulted in more displaced and unaccompanied children. In past country visits, including in Kenya, I have seen that separated and unaccompanied children who have become displaced as a result of a conflict, often resort to living on the streets, where they are vulnerable to abuse and exploitation, and tend to fall through the cracks in terms of receiving adequate assistance. While it is unclear in the case of Côte d'Ivoire whether the number of street children has significantly increased due to displacement and the effects of the crisis, it is a phenomena which deserves much closer attention. I would recommend that surveys of street children be carried out in strategic locations in order to assess potential increases in their numbers due to displacement and conflict, and in order to provide more effective responses, including for IDP girls. It is noteworthy for instance, that some NGOs (e.g. DRC) have reported an increase in street women in parts of the country, even though they note that women tend not to complain because they are too busy simply trying to survive.

Incidents of sexual and gender based violence were reported both during the crisis itself as well as more recently in the context of ongoing insecurity (e.g. during incidents of community violence, robberies) and poverty (a factor which exacerbates the risk of sexual exploitation) as well as during sporadic attacks on villages such as on the village of Sakré in April 2012, in Duékoué, and at checkpoints particularly in the west of the country. According to NGOs and UN actors I spoke to, IDP women and merchant women in particular have been targets of SGBV. Yet, according to UNFPA, very few if any survivors have come forward officially due to the stigma attached to being a survivor. WHO also reported that very few cases were ever filed for sexual crimes. Some of the reasons cited include the prohibitive cost of the medical certificates necessary to access the legal system, the fact that survivors would be compelled to appear in public in court, and the fact that society in general did not appear to view this as a significant problem. As such, in most cases survivors either got no assistance, or restricted themselves only to essential medical treatment. The need for more psycho-social support was also stressed. It was estimated that approximately 50 per cent of all persons affected by the crisis were in need of this type of support, especially in the west of the country. This was considered an important element in rebuilding social cohesion in affected communities. However, the mental health sphere in affected communities and in the country as a whole is very under developed, with nearly all psychologists being located only in Abidjan.

The report of the High Commissioner for Human Rights on the situation of human rights in Côte d'Ivoire (A/HRC/17/49) of June 2011, documented various cases of sexual and gender based violence perpetrated by different parties to the conflict. It also documented violations of human rights and international law, including rapes and killings of women in the west, and

the shooting death of seven women in Abobo on March 3, 2011, during a peaceful demonstration by 3000 women. Following the reports of rapes during the crisis, the Special Representative of the Secretary-General on Sexual violence in Conflict, Margot Wallström also issued a statement, expressing concern and condemning the use of sexual violence as a means to political ends in the conflict. Unfortunately, we know that violence against women, including in the form of SGBV is not a phenomena which ends with the conflict, but tends instead to also affect women in the post conflict stage. This is especially the case in areas where social cohesion tends to be weak and where inter-community violence persists. Some of the villages I visited in the western part of the country, and especially villages close to forested areas, continue to live in fear of attacks by various groups, and some including women and children continue to resort to hiding in the forest at night and return to their village in the daytime to tend to their crops. During my visit, I stressed the importance of implementing the ongoing security and justice sector reforms; of ensuring that the national disarmament, demobilization and reinsertion strategy is an inclusive process which includes displacement affected communities, including IDP women; and of ensuring that vetting mechanisms include consideration of the full human rights record of an prospective soldier in the new army, including sexual and other crimes against women IDPs.

The conflict as well as the poverty, social upheaval and displacement it provoked also affected women and girls in other ways. For example, according to reports I received during my visit to the country, female illiteracy rates have risen significantly both during and after the conflict, as did the gap in access to education between girls and boys. The lack of identity papers and especially of birth registrations, a longstanding issue in the country which has been aggravated by the conflict, has also had a negative impact with regard to access to education for unregistered children. Although all persons are negatively affected by the lack of identity cards, IDPs in particular can be especially affected. Already in a dependant and socially vulnerable position, they are rendered even more vulnerable to abuse and exploitation within receiving communities, and often have less access to services and to key rights, such as the right to education, to vote and to access to justice.

Women can be especially affected by this, as very often their access to certain rights is already more tenuous due to discriminatory laws or practices. For IDP women this is often the case with respect to access to justice, to marital rights, and to property and land rights for example. IDP women who lose their identity documents during the crisis, or who are unable to obtain or replace vital documents such as birth registrations due to the conflict and their displacement, will often be unable to marry legally, to purchase, inherit or claim property, to undertaken business activities or to take a case to the courts. In the context of Côte d'Ivoire, addressing the chronic lack of personal identity cards and in particular birth registrations, is essential for IDPs, for women, and for the population in general, in order to provide effective human rights protection for all and in order to address both past and possible future causes of conflict and displacement.

In addition to IDP women I met in the various villages I visited in the western part of the country and who were in most cases hosted by communities or families, I also met IDP women who had elected either alone or with their families to remain in or around Abidjan. In particular, I visited an informal settlement or slum in Abidjan in which a significant proportion of the population appeared to be IDPs who had moved there and rented tiny one-room huts for a few months with the assistance they had received when leaving the camp. For the most part however, this financial assistance was now completely or nearly exhausted and they faced imminent eviction. Two of the IDP women I spoke to revealed critical vulnerabilities and the lack of any durable solutions. For example, in one case, a young girl of about 16 years lived alone in the slum with her young child. Having become pregnant out of wedlock while being displaced, she could not return to her village as her family would not accept her. In another case, an elderly woman who was taking care of a mentally disabled adult female child, had also exhausted the small funds that had been provided for rent and faced imminent eviction with no alternative solutions and no medical care for her disabled daughter. Other IDP families I met in the slum, had lived there or in other slums in Abidjan for many years after losing their house and lands during their initial displacement many years back –indicating that they had never been sufficiently assisted in achieving a durable solution to their initial displacement. While UNHCR and some NGOs tried to identify and provide a minimum follow up to the most vulnerable cases in this particular slum, a much more systematic response to the durable solutions and protection needs of IDPs, including women, in such situations is required.

There are a number of positive opportunities and initiatives that we can look to however. This year, the UN Secretary-General has issued a decision on a ‘Framework for Ending Displacement in the Aftermath of Conflict’. Côte d’Ivoire, together with Afghanistan and Kyrgyzstan, is one of the 3 pilot countries selected for the implementation of this framework. I will be following this process carefully and strongly recommending a systematic integration of gender analysis through the piloting, refining and implementation of this framework in order to ensure that IDP women participate and benefit from durable solutions and relevant recovery and reconstructions processes. I will also be strongly advocating for the development of a national action plan for the implementation of resolution 1325 and for the inclusion of IDP women in such plans. These are two of the recommendations that also came out of the workshop on IDP women we held this September in Geneva. Finally, as many of you may know, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention), which is the first regional legally binding instrument on IDPs, has now received 14 out of the 15 ratifications necessary to come into force. In the case of Côte d’Ivoire, as with other countries in Africa that have not yet ratified this important Convention, I will continue to lobby for this and for the protection of the rights of IDP women and girls in all domestic implementing legislation.

More broadly, I will also continue to engage closely with CEDAW, with Governments, with donors, with IDP women, and with all other relevant stakeholders in order to strengthen women’s rights and social status in society more generally. It is often the pre-existing discrimination, weak social status,

and lack of access to their rights that renders women vulnerable to human rights violations, to SGBV, to displacement, and to impoverishment with little or no accountability. In post conflict situations, they rarely have the opportunity for meaningful participation in peace process, in reconciliation and reconstruction. By mainstreaming women's rights and gender considerations throughout the work of my mandate, I hope to be able to contribute to addressing some of the root causes of displacement of women, to help strengthen assistance and protection responses, and to promote the meaningful participation of IDP women in all decisions which impact on them at all levels.

I thank you for the opportunity to be here today, and look forward to a fruitful discussion.