THE NEGLECTED ASPECT OF WOMEN AND ARMED CONFLICT—PROGRESSIVE DEVELOPMENT OF THE LAW

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1. INTRODUCTION

A decade ago it was controversial to argue that the experience of women of armed conflict was in some ways distinctive and that specific strategies in response were needed. To go further and argue that women had been overlooked by the legal regime that regulates armed conflict was viewed at the very least as misguided if not as outright subversive.

In more recent times efforts have been made to better understand the way in which armed conflict impacts on women. Three detailed studies of women in times of armed conflict have been undertaken at the international level. In 2001 the International Committee of the Red Cross (ICRC) published *Women Facing War* (hereafter ICRC study). The major objective of the study is to identify the particular needs of women during periods of armed conflict. The ICRC is the Swiss based association with a special responsibility for the dissemination and development of International Humanitarian Law (IHL), the area of law of primary significance in protecting those affected by armed conflict. For many years the ICRC was resistant to arguments that it had not done as much as it could to address the situation of women in armed conflict. Despite a slow start, nowadays, the organisation is making concerted efforts to implement strategies that are directly targeted at women’s experiences.

The United Nations has also taken an active role in identifying the ways in which armed conflict impacts on the lives of women. Security Council resolution 1325 of 31 October 2000 called on the Secretary-General to ‘carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution’. Two major UN studies were undertaken in response to the Council’s request. The first ‘desk’ study, presented by the Secretary-General in 2002, was carried out under the supervision of the United Nations Division for

3.  The study also encompasses an evaluation of the relevant international law norms; see further below at n. 41 and accompanying text.
4.  For details of these undertakings see women and war section of the ICRC website at <www.icrc.org/web/eng/siteeng0.nsf/iwpList74/8B4D441BF5F484EA41256E4E00490BB8>.