

- ♦ UN peacekeepers be given necessary training in gender issues before they are sent to troubled areas, and offences committed by peacekeepers be considered international crimes and tried accordingly;
- ♦ the international legal responsibility of non-state actors be clarified under international human rights and humanitarian law so that violations by non-state actors do not meet with impunity;
- ♦ states make every effort to: end impunity for criminal acts under international humanitarian law that occur within their borders and committed by their security forces, including crimes of sexual violence; provide redress for victims, including compensation for injuries and costs, within national mechanisms; and provide economic, social and psychological assistance to victim-survivors of sexual violence during times of armed conflict;
- ♦ every state ensure that evidentiary procedures do not discriminate against women and that they provide protective mechanisms for victims and witnesses in cases of sexual assault;
- ♦ every state ensure that all military and law enforcement personnel undergo systematic gender sensitization training; similar and other training on how to address problems of sexual violence be provided to individuals working in the criminal justice system;
- ♦ non-governmental organizations work towards increasing awareness of the actual situation of women during times of armed conflict through education and training, provide support services for women victims of armed conflict, assist women to become aware of their legal rights and help these women to come forward as victims so that they may end the cycle of impunity; and
- ♦ gender-sensitive documentation methodologies be further refined to protect against retraumatizing or placing at risk victim-survivors of violence against women during the fact-finding process.

The report also included a number of recommendations related to the International Criminal Court. [These recommendations were drafted prior to the Rome conference in June 1998 at which the statute for the ICC was agreed and in which rape and sexual violence were included as punishable offences and within the jurisdiction of the ICC.]

The section of the report dealing with custodial violence against women sets the context by stating that custodial violence against women is a particularly egregious violation of a woman's human rights. The SR acknowledged that violence against women by the state occurs in situations of state psychiatric custody, medical custody, educational custody, and police or penal custody, but focussed on the last form — violence against women which occurs at the hands of the police or military for criminal justice or pseudo-criminal justice purposes.

The report notes that forms of police custody include arrest, detention, preventive detention, pre-trial detention and penal custody. Referring to other forms of custody, the report notes that actions by police or military — such as searches, questioning, intimidation and/or harassment in homes — generally include either an unspoken presumption or direct order that those within the home cannot leave, thereby placing them in de facto, although in many cases unofficial, custody of the state. The report also comments on “psychological confinement”, that is, the fear that was instilled during time in custody which carries over into private lives. The report states that psychological custody must be recognized as a distinct form of custody, for which the state maintains the responsibility for remedy and redress.

On the question of custodial violence against women the report recommends, *inter alia*, that:

- ♦ states abolish “protective custody” and assist non-governmental organizations, in particular by providing financial resources, to create alternatives for women in need of shelter;
- ♦ states work towards the abolition of laws and emergency regulations that curtail the rights of suspects and grant state authorities wide discretionary powers of detention and interrogation, thereby creating a situation conducive to custodial violence;
- ♦ states develop mechanisms of redress for custodial violence and hold perpetrators of custodial violence accountable under national laws;
- ♦ states provide ongoing gender-sensitization training for police and prison personnel; states abolish discriminatory laws and evidentiary rules that lead to disproportionate levels of incarceration of women for crimes like adultery; states provide legal literacy training for women; upon arrest or detention by a state authority, states immediately provide attorneys or advocates for women; and
- ♦ traditional human rights mechanisms make an effort to investigate violence against women in custody, giving such violations the same priority as violence against men in custody, and, in their reporting, consistently incorporate a gender analysis.

The section of the report dealing with violence against refugee and internally displaced women approaches the question from two aspects: first, the persecution such women fear or have suffered which has caused them to leave their home; and second, the risk of the violence they face after having become refugees. The report notes, *inter alia*: gender-based violence serves not only as a basis for flight, but also as a consequence of flight within countries of asylum and/or refugee camps; harmful traditional practices affecting the health of women and girls, especially female genital mutilation; the risk of being killed by their own family members as a result of what is known as “crimes against honour”; and the failure of authorities to protect women from physical abuse,