

Resolutions of the Commission on Human Rights

Under the agenda item on economic, social and cultural rights the Commission adopted by roll call vote a resolution on toxic wastes and products (1998/12). The Commission, *inter alia*: affirmed that the illicit movement and dumping of toxic wastes and products constitutes a serious threat to the human rights to life and health, particularly in developing countries that do not have the technologies to process them; noted the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries in African and other developing countries; acknowledged that many developing countries do not have the national capacities and technologies to process such wastes to minimize their adverse effects; condemned the increasing rate of dumping in developing countries; urged all governments to take legislative and other appropriate measures to prevent illegal international trafficking in such wastes and products; invited UNEP and other international agencies and organs to intensify their coordination and cooperation in the area of environmentally sound management of toxic chemicals and hazardous wastes, including the question of transboundary movement; renewed the mandate of the Special Rapporteur for a further three years; and, repeated its request to the Special Rapporteur to include in the next report comprehensive information on persons killed, maimed or otherwise injured in developing countries as a result of such movement and dumping of wastes.

The resolution was adopted by a vote of 33 in favour, 14 opposed, 6 abstentions.



WOMEN

Violence against women

The mandate of the Special Rapporteur on violence against women, its causes and consequences was established by the Commission at its 1994 session and renewed in 1997. The Special Rapporteur (SR) in 1997 was Radhika Coomaraswamy.

The report to the 1998 Commission (E/CN.4/1998/54) analyses various forms of violence against women as perpetrated and/or condoned by the state and includes information on, *inter alia*: violence against women in times of armed conflict; custodial violence against women; and violence against refugee and internally displaced women.

In setting the context for consideration of violence against women in times of armed conflict the report states that such violence has been a widespread and persistent practice over the centuries. The SR also points out that: it has been posited that the military establishment is inherently masculine and misogynist; masculinity cults

that pervade military institutions are intrinsically anti-female and therefore create a hostile environment for women; laws drafted in the past few centuries have provided some measure of protection for women during armed conflict and play a significant part in the training of military personnel throughout the world; until recently, violence against women in armed conflict has been couched in terms of "protection" and "honour", reinforcing stereotypical concepts of femininity; and the nature of rape and the silence that tends to surround it makes it a particularly difficult human rights violation to investigate. The SR also noted: the perceived honour of the enemy is targeted in the perpetration of sexual violence against women; rape during warfare has also been used to terrorize populations and to induce civilians to flee their homes and villages; rape is often seen as a "perk" for soldiers and an inducement to display courage on the battlefield, viz. rape is accepted as a natural consequence of war; the alleged endemic nature of rape in war has been institutionalized by military establishments through forced prostitution and military sexual slavery; and, in some situations, forced impregnation has been used as a weapon of war to further humiliate the rape victim by forcing her to bear the child of the perpetrator.

The SR also noted that, increasingly, women are entering the ranks of the combatants and, for the first time, are being charged with war crimes; as a consequence, the standards set out in the Geneva Conventions need to be reformulated to take into account the needs of women prisoners of war and the challenges of women war criminals.

The section of the report dealing with the economic and social consequences on women of armed conflict notes that women experience armed conflict as direct victims, as refugees, and as widows whose husbands have been killed in the conflict. They emerge as the primary breadwinners. Yet without the necessary skills for this task, they become further disempowered. As well, they face special problems associated with the periods of conflict and post-conflict, *inter alia*: areas affected by armed conflict often do not have electricity, water or appropriate housing or medical services; food supply to these areas is also affected; and, as a result of a "brain drain", there is a shortage of qualified medical, psychological and legal professionals. The SR noted that the international community must address the economic empowerment of women, especially war widows and women heads of household, as one aspect of economic reconstruction. Further, the process of reconstruction and reconciliation must take into account the problem of psychological healing and trauma. Centres that employ a victim-centred methodology should be established as an aspect of the reconstruction and rehabilitation process.

The recommendations related to violence against women in times of armed conflict include, *inter alia*, that:

- existing humanitarian legal standards be evaluated and practices revised to incorporate developing norms on violence against women during armed conflict;