

and armed conflict, human rights of women, and the situation of girls.

Annex I of the report contains summaries of the panel discussions that were held related to these four areas of concern.

Optional protocol to the Convention

By resolution 1995/29 (24 July 1995) the Economic and Social Council established an open-ended Working Group, to meet in parallel session to the CSW, to elaborate an optional protocol to the Women's Convention. Annex II of the report of the CSW 1998 session summarizes discussions of the draft protocol. Appendix I of the Annex contains the draft text in which some provisions were agreed and in which remaining points on which there was no agreement are bracketed. Appendix II of the Annex contains a summary of discussions prepared by the Chairperson of the Working Group. The points noted, included, *inter alia*: the Preamble would reaffirm the determination of states to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms; the optional protocol should entitle individuals and groups of individuals to submit communications to the Committee on the Elimination of Discrimination against Women (CEDAW); the protocol would be subject to ratification separate from the Convention; the doctrine of exhaustion of domestic remedies would be included and other grounds of admissibility would be stipulated; a reference to "interim measures" would be included; consideration of the confidentiality of the complainant; the time limit in which the state concerned would have to reply; consideration of whether only written information could be considered by the Committee; provisions related to follow-up to the Committee's views and recommendations; the advisability of including a provision on an "inquiry procedure"; language related to states' responsibilities and obligations, particularly with regard to protection for persons or groups using the protocol; formulations related to securing the widest possible dissemination of the protocol and its procedures; stipulations related to adoption and entry into force of the protocol; and the permissibility of reservations to the protocol.

Sub-Commission on Prevention of Discrimination and Protection of Minorities

Systematic rape and sexual slavery during armed conflict

At its session in 1993 the Sub-Commission appointed a special rapporteur to undertake an in-depth study into the question of systematic rape, sexual slavery and slavery-like practices during armed conflict. The final report (E/CN.4/Sub.2/1998/13) was submitted to the 1998 session of the Sub-Commission and contains information on, *inter alia*: definitions of sexual violence and slavery; the legal framework for prosecuting sexual slavery, including rape, under international law; holding

individuals responsible; obligations to search for and prosecute war criminals; the right to effective remedy and the duty to compensate; and prosecutions at the national level.

On the basis of the study conducted, the report concludes that, *inter alia*: a new attitude is evolving with respect to the prosecution of sexual violence committed during armed conflict as serious international crimes; increased efforts have been made to end the cycle of impunity for these crimes (e.g. the International Tribunals for Rwanda and the former Yugoslavia and the International Criminal Court); the existing international legal framework of humanitarian law, human rights law and criminal law clearly prohibits and criminalizes sexual violence and sexual slavery and provides universal jurisdiction in most cases; and the lack of political will poses the greatest obstacle to the effective prosecution and redress of sexual slavery and sexual violence during armed conflict.

The report states that concrete steps must be taken immediately, including in those countries currently experiencing internal armed conflict or violence, to ensure: (a) sexual violence and sexual slavery are identified and documented; (b) legal frameworks are applied to ensure that the perpetrators of such abuses are brought to justice; and (c) victims of such abuses receive full redress under both criminal and civil laws, including compensation where appropriate. The report further states that the international crime of slavery, including sexual slavery, is a particularly important and useful basis for addressing egregious acts of violence committed against women in armed conflict, given that its prohibition is a *jus cogens* norm which gives rise to pure universal jurisdiction.

The recommendations in the report address general areas within which more specific recommendations are made. These general areas are: legislation at the national level, removal of gender bias in municipal law and procedure, adequate protection for victims and witnesses, appropriate support services for victims, matters related to the International Criminal Court, documentation with a view to eventual prosecution, action at the cessation of hostilities, and the need for an effective, gender-sensitive response.

Resolutions of the Commission on Human Rights

Under agenda item 9 the Commission adopted by consensus a resolution on **integrating the human rights of women throughout the UN system** (1998/51). The Commission, *inter alia*, reaffirmed the normative framework related to equal rights of women; noted that the Fourth World Conference on Women called on states and others to give full, equal and sustained attention to human rights of women; emphasized the major role played by the Commission on the Status of Women in promoting equality between women and men; encouraged the High Commissioner, in collaboration with the Division for the Advancement of Women, to elaborate a gender mission statement and strategies for effectively