

point, a set of Guiding Principles on the situation of women in armed conflict could be a useful tool in addressing all the impacts of armed conflict on women, not just those of sexual violence. These Guiding Principles could address some of the gaps in IHL pertaining to women, and could also address the flawed nature in which they are considered in the Geneva Conventions. The Guiding Principles could provide guidance to a wide range of actors including states, non-state actors, humanitarian agencies, and actors within the UN system on the situation of women in armed conflict, their needs and experiences.²⁴³

Conclusion

The general critiques of the ICTR are well known. It is slow, with court hearings beginning almost three years after its establishment in 1994; the problems of its location and logistical difficulties; absence of proper security for judges or witnesses; and a lack of funds which means that the ICTR and the ICTY share the same Chief Prosecutor and Appeals Court. These are all problems that can be remedied in the short term if not immediately. These are also primarily problems of efficiency which can be addressed through greater financial and resource commitment. Of course the successful prosecution of war criminal is also an issue of international will.

A gender critique of IHL, the ICTR and UN investigative teams suggests that these responses will be insufficient. Certainly by requiring that all UN investigators of gender-based crimes undergo mandatory sensitization training, and that women staff some of these positions will address some of the problems. The provision of proper protection and counselling services to rape victims so that they can testify and so that they can continue with their lives is another important part of the solution. These are all lessons that can be adopted by the UN rather quickly and implemented in an effective manner.

A more fundamental project is also necessary; one which facilitates critical thinking about how women and crimes against women, including sexual violence are codified in international humanitarian law and how legal discourse informs the way we think about the role of women in times of armed conflict. The real challenge is in understanding how inequality which is rooted and firmly entrenched within these provisions informs the way that violence against women, among other things, is understood by members of the international community. Part of this rethinking should include debunking the myth that gender based crimes are *only* unfortunate phenomena of war. They need to be understood as deliberate strategies used to destroy women and populations. Second, crimes against civilians, including crimes of violence against women during times of conflict needs to be placed on the international agenda and in international humanitarian law on an equal footing with crimes against combatants.

²⁴³ Judith Gardam, "Draft Guiding Principles on the Protection of Women and Girl Children in Times of Armed Conflict", Unpublished, June 1999.