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## Commission on the Status of Women

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**Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”: gender mainstreaming, situations and programmatic matters**

### **Release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts**

#### **Report of the Secretary-General**

##### *Summary*

The present report has been prepared in response to the request contained in resolution 62/1 of the Commission on the Status of Women on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. It includes information from Member States and provides an update on attention given to issues relating to the topic in intergovernmental processes and offers recommendations for the consideration of the Commission.

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\* E/CN.6/2020/1.



## **I. Introduction**

1. At its sixty-second session, held in 2018, the Commission on the Status of Women adopted resolution 62/1 on the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts. Recalling its previous resolutions on the topic, as well as related provisions in international legal instruments and normative frameworks, the Commission continued to express its grave concern at the continuation of armed conflicts in many regions throughout the world and at the human suffering and humanitarian emergencies that they caused. The Commission also noted the impact of such armed conflicts, whether international or non-international, specifically on women and children who were taken hostage, including those subsequently imprisoned, in violation of international law, including international humanitarian law and human rights law.

2. In resolution 62/1, the Commission requested the Secretary-General to submit to the Commission at its sixty-fourth session a comprehensive report covering all aspects of the resolution, including relevant recommendations, taking into account the information provided by States. The present report has been prepared in response to that request. It includes information from six Member States, provides an update on attention given to issues relating to the topic by human rights treaty bodies and in intergovernmental processes and offers recommendations for the consideration of the Commission.

## **II. Context and background**

3. Despite the efforts of the international community noted in resolution 62/1 and previous resolutions, acts of hostage-taking continue to be perpetrated and have even increased in many regions. They occur in different forms and manifestations, including those committed by terrorists and armed groups. States that are parties to an armed conflict have a responsibility not to take hostage and subsequently imprison women and children in armed conflicts. States are required by relevant international and national mechanisms, policies and laws to protect women and children and to ensure accountability for the implementation of such resources.

4. The Commission has reiterated the particular impact that trafficking in persons and hostage-taking in situations of armed conflict has on women and children, including their increased vulnerability to sexual and gender-based violence, and has stressed both the need for increased accountability and the responsibility of all States to prosecute or bring to justice, in accordance with international law, those responsible for war crimes, including those crimes involving hostage-taking and sexual violence. It is therefore important to address the issue of the release of women and children taken hostage in armed conflict, including those subsequently imprisoned, as part of broader peace processes, wherever applicable. This should be done with reference to all justice and rule of law mechanisms and on the basis of transparency, accountability and public involvement and participation.

## **III. Information from Member States**

5. The Governments of Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Turkey and Ukraine provided information regarding the implementation of resolution 62/1. States stressed the importance of effective, gender-responsive strategies and prompt institutional responses coordinated by empowered national mechanisms and bodies to secure the release of women and children taken hostage, including those subsequently imprisoned, in armed conflicts.

6. Armenia described efforts taken by its Inter-Agency Commission on the Captured, Hostages and Missing Persons to organize the search for and release of women and child hostages. Azerbaijan, a sponsor of resolution 62/1, described efforts taken by the State Commission on Prisoners of War, Hostages and Missing Persons, which is mandated to clarify the fate of all citizens registered missing, including women and children. Both Armenia and Azerbaijan detailed the essential role of the International Committee of the Red Cross in supporting parties to conflict in clarifying the fate of missing persons, including women and children.

7. Bosnia and Herzegovina described efforts to implement Security Council resolution 1325 (2000) on women and peace and security through three related national action plans, and emphasized the importance of a comprehensive, gender-responsive approach to preventing and countering violent extremism and terrorism. This includes the safe return to the country of Bosnian women and children from foreign battlefields.

8. Bulgaria highlighted the recruitment and use of children in armed conflict as a serious violation of international law and the worst form of child labour, and stressed the importance of national policies and legislation to ensure that women and children were not taken hostage.

9. Turkey reported on actions taken by the Working Group on the Release of Detainees/Abductees, Handover of Bodies and Identification of Missing Persons, established within the framework of the Astana process with the participation of Iran (Islamic Republic of), the Russian Federation, Turkey and the United Nations, which has resulted in the release of 11 women and two child detainees from the Syrian Arab Republic.

10. Ukraine highlighted measures taken by public bodies aimed at ensuring an effective process for the release of persons illegally deprived of liberty in Ukraine, including the important role played by the parliament and parliamentary bodies in ensuring the rights and freedoms of citizens.

11. Member States emphasized that the problem of missing persons should remain a priority for relevant mandates, human rights mechanisms and special procedure mandate holders, especially with regard to women and children taken hostage, including those subsequently imprisoned, in armed conflicts. They also reiterated the need for effective regional processes to support national responses.

#### **IV. Attention given to issues relating to the topic in human rights bodies and intergovernmental processes**

12. Since the issuance of the previous report of the Secretary-General to the Commission (E/CN.6/2018/7), human rights treaty bodies, the Human Rights Council, the Security Council and the General Assembly have continued to receive information on and consider a range of issues relating to the topic, including enforced disappearances and missing persons, trafficking in persons in situations of armed conflict and abduction and forced recruitment of children in armed conflict.

13. The Committee on Enforced Disappearances has continued to emphasize the particularly cruel effect of enforced disappearances on women and children. In its concluding observations to States parties, the Committee routinely urges them to ensure that gender perspectives and child-sensitive approaches are used in implementing the rights and obligations set out in the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>1</sup> The Committee on the

<sup>1</sup> See, for example, CED/C/PRT/CO/1, CED/C/CHL/CO/1 and CED/C/ITA/CO/1.

Elimination of Discrimination against Women has also addressed violations related to hostage-taking. In paragraph 23 of its concluding observations on the seventh periodic report of Iraq ([CEDAW/C/IRQ/CO/7](#)), the Committee expressed concern that women and girls had been kidnapped or trafficked in Iraq for purposes of sexual exploitation or had been held for ransom. The Committee recommended that the State party intensify its efforts to prevent and combat trafficking in women and girls, including by effectively implementing the relevant law, conducting prompt and impartial investigations into cases of trafficking and ensuring that those found guilty were adequately punished and all trafficking victims obtained redress. The Committee also recommended that the State party provide training to the judiciary, law enforcement officers and border police.

14. The special procedure mandate holders of the Human Rights Council have addressed the situation of women and children taken as hostages. The Working Group on Enforced or Involuntary Disappearances is guided by its general comments on women affected by enforced disappearances ([A/HRC/WGEID/98/2](#)) and on children and enforced disappearances ([A/HRC/WGEID/98/1](#)). In paragraphs 92 (a) and (b) of the report on its country visit to Ukraine ([A/HRC/42/40/Add.2](#)), the Working Group recommended the development of a national reparations policy that took into account the specific needs of women and children, and a gender-sensitive policy and plan of action to provide support to families of disappeared persons and rehabilitation for them.

15. Investigations established by the Human Rights Council also documented grave human rights and international humanitarian law violations related to the taking of women and children as hostages. The Group of Eminent International and Regional Experts gathered evidence of Houthi fighters in Sana'a and Hudaydah who had kidnapped and detained women and girls for periods of up to eight months in order to blackmail relatives. The Group of Experts noted that kidnapping had placed the women and girls concerned at risk of sexual violence and had attracted stigma in Yemen, placing them at further risk of gender-based violence. It also noted that the cases presented as verified indicated broader patterns of such violence involving all parties to the conflict. The Group of Experts suggested that perpetrators might be held responsible for war crimes, as such acts amounted to serious violations of international humanitarian law ([A/HRC/42/17](#), paras. 78 and 96 (e)). The independent international fact-finding mission on Myanmar found that Rohingya women and girls of reproductive age had been abducted and gang-raped at a military compound during the Tatmadaw "clearance operations" in August 2017. The mission called upon the Government of Myanmar to promptly investigate and prosecute Tatmadaw and other security personnel, including senior officials in the Tatmadaw chain of command, for sexual and gender-based violence, including as serious crimes under international law, such as crimes against humanity, war crimes and genocide ([A/HRC/42/CRP.4](#), para. 261). The Independent International Commission of Inquiry on the Syrian Arab Republic found that countless Syrian civilians, including women and children, continued to experience persecution, including arbitrary arrest, unlawful detention and kidnapping, and called for the Government of the Syrian Arab Republic to release all arbitrarily detained persons, especially women and children ([A/HRC/42/51](#), paras. 8 and 98 (c)).

16. The Security Council has continued to address trafficking in women and girls as a threat to international peace and security. In its resolution [2388 \(2017\)](#), the Council expressed grave concern over the high numbers of women and children subjected to trafficking in armed conflicts and recognized that acts of trafficking in persons were often associated with other violations and abuses, including sexual violence. It called upon all Member States to hold perpetrators accountable and to assist victims in their recovery and reintegration. It also reaffirmed its condemnation in the strongest terms of all instances of trafficking in persons, especially women and

children, who made up the vast majority of all victims of trafficking in areas affected by armed conflicts. It further stressed that such trafficking undermined the rule of law and contributed to other forms of transnational organized crime, which could exacerbate conflict and foster insecurity and instability and undermine development.

17. Reports to the Security Council have reflected the extremely difficult experiences of women and children taken as hostages. Pursuant to resolution 2388 (2017), the Secretary-General submitted a report to the Council on trafficking in situations of armed conflict (S/2018/1042), in which he detailed the impact of trafficking on women and girls committed by State and non-State actors in the Horn of Africa, Iraq, Libya, Myanmar, Nigeria and the Syrian Arab Republic. Paragraph 37 of the report of the Secretary-General on women and peace and security in 2019 (S/2019/800) specifically addressed the enforced disappearance of Siham Sergewa, a lawmaker of the Libyan House of Representatives, who was taken by force from her home in Benghazi, as an example of increasing violence against women human rights defenders.

18. The Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict have also remained seized of the matter and have reflected women and children taken hostage and related violations in their reporting to the Security Council and General Assembly. In paragraph 55 of the 2019 report of the Secretary-General on conflict-related sexual violence (S/2019/280), a description is given of how, in Libya, migrant women are detained and subjected to sexual abuse by uniformed armed men. The ongoing conflict in Nigeria, described in paragraph 118 of the report, is characterized by the abduction of women and girls for sexual slavery, among other violations against civilians, all of which are attributed primarily to Boko Haram. In paragraph 136 (b) of the report, the Secretary-General recommended the delivery of multisectoral assistance for all survivors of sexual violence, including the clinical management of rape, medical, psychosocial and legal services, and including comprehensive sexual and reproductive care such as access to emergency contraception and safe termination of pregnancy, and HIV prevention, awareness and treatment, as well as reintegration support for survivors, including shelters, where appropriate, and economic livelihood programmes. He also called for special attention to be paid to the diverse range of victims: ethnic or religious minorities; women and girls in rural or remote areas; those living with disabilities; female heads of households; widows; male survivors; women and children associated with armed groups; women and children released from situations of abduction, forced marriage, sexual slavery and trafficking by armed groups; children born of wartime rape; and lesbian, gay, bisexual, transgender and intersex persons, who may require specialized responses.

19. In paragraph 10 of the 2019 report of the Secretary-General on children and armed conflict (A/73/907-S/2019/509), it is stated that some 2,493 children were known to have been abducted in 2018 from homes, schools and public spaces by parties to conflict, often as a precursor to other grave violations, notably recruitment and use, and sexual abuse, including sexual slavery. In order to ensure a child-rights based approach, paragraphs 15 and 16 of the report highlight the importance of prevention and reintegration. The prevention of violence against children in armed conflict is a crucial element in building and sustaining peace, as well as in ensuring that children and young people realize their rights and tap into their potential as agents of change, as identified in Youth 2030: the United Nations Strategy on Youth. Reintegration programmes must include mental health and psychosocial support, education and vocational training, as well as community-based interventions and access to a civil registry and to justice, taking into account the specific needs of girls and boys, including children with disabilities, so as to enable all children affected by armed conflict to return to their communities and regain their childhood.

## V. Conclusions and recommendations

20. Hostage-taking, abductions, enforced disappearances and kidnappings of women and children by State and non-State actors have continued to receive attention from human rights treaty bodies and intergovernmental bodies, including the Human Rights Council, the Security Council and the General Assembly. The reports, resolutions and observations emanating from these bodies demonstrate that these grave violations are far from resolved, and have serious implications for peace and security, the rule of law, development and human rights.

21. Member States should enforce the relevant provisions contained in the instruments of international human rights and humanitarian law to advocate the protection of the civilian population, and should call upon all parties to conflict to take immediate steps to release all those taken hostage, including those subsequently imprisoned, in armed conflicts.

22. Member States should take urgent measures to create an enabling environment for the implementation of global commitments and normative frameworks and to prevent, investigate, prosecute and punish violations of international law related to hostage-taking. In all cases, States should take concrete steps to have data disaggregated by sex, age, disability and other relevant factors, systematically highlighting cases of women and girls who have been taken hostage. States should also apply a survivor-centred approach when dealing with their return, ensuring that the victims of hostage-taking have access to non-discriminatory and comprehensive health-care services, including sexual and reproductive health, psychosocial, legal and livelihood support. Any reintegration programme should include adequate education and vocational training, as well as community-based interventions and access to a civil registry and to justice.

23. The Commission may wish to consider reiterating the importance of addressing gender inequality among the root causes of women's vulnerability to abduction, hostage-taking, exploitation and abuse, and prioritizing an agenda based on conflict prevention, women and peace and security and the rule of law as part of its preventive strategies. The Commission may wish to consider referring these issues to the Human Rights Council, the Security Council and the General Assembly and to make an explicit call before those bodies for systematic reporting on gender-specific concerns in related reports.

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