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Other matters important for achieving the aims of the Convention

Gender and diversity in the Convention of Cluster Munitions: enhancing impact through synergies with other international Conventions and policies

Sponsors: Australia, Austria, Belgium, Chile, Colombia, Ecuador, France, Finland, Germany, Ireland, Luxembourg, Italy, Mexico, Montenegro, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland.

Submitted by the Netherlands

1. By adopting the Lausanne Action Plan (LAP) States Parties commit to gender and diversity mainstreaming across the Convention on Cluster Munitions (CCM). This working paper identifies synergies with other legal and policy frameworks which have similar gender and diversity mainstreaming objectives. A holistic approach to gender and diversity will encourage the mine action sector to step outside its silo, promote inclusiveness and will ensure various commitments strengthen and reinforce each other, rather than duplicate and create additional work.

I. Background

2. The CCM text and the Dubrovnik Action Plan included some gender and diversity considerations making them both important milestones along the journey to a world without cluster munitions and where people critically injured, survivors, families of those killed and injured and affected communities exercise their rights on an equal basis with others.

3. Echoing the call in the United Nations Secretary-General's Agenda for Disarmament for the full and equal participation of women in all decision-making processes related to disarmament and international security, the LAP takes this further, with specific actions and related indicators on gender and diversity and by designating the Coordinators on General Status and Operation as focal points for gender mainstreaming in the committee structure. When committing to implement the LAP, States Parties will commit to do so in an inclusive, disability and age-appropriate, gender and diversity sensitive manner and to promote women and girls' full, equal and meaningful participation in the sector. To achieve this, they should take into consideration gender and diversity factors when designing, planning, implementing, monitoring and evaluating activities and assessing their impact.

4. Practical recommendations on how to do this were presented by Finland and 23 other States Parties of the Anti-personnel Mine Ban Convention (APMBC) at the Fourth Review Conference of the APMBC.¹ These are equally relevant for the implementation and monitoring of the LAP. They will help to promote a better understanding of different people's experiences, capacities, priorities and specific requirements in order to better address their needs and protect their rights under the CCM.
5. They revolve around the following principles:
 - Women and men, of all walks of life should be actively consulted and participate meaningfully in all processes, including disarmament decision making processes that affect them. The interests and needs of girls and boys should also be taken into consideration at all points, and where appropriate, girls and boys should be actively consulted and participate meaningfully in these processes;
 - Gender, age, and disability disaggregated data should be collected, shared, analyzed and used to inform policy making processes.
 - Mine Action (MA) pillars and all relevant aspects of this Convention should be implemented in a gender and diversity sensitive and inclusive way.
 - Reporting guidelines should be updated to facilitate reporting on gender and diversity mainstreaming in the implementation of the Convention.
6. This paper is meant to pave the way for a more effective gender and diversity mainstreaming across the CCM, by fostering synergies with other frameworks and supporting the work of the gender focal points within the coordination committee.

II. Fostering synergies with other international policies and conventions

7. Gender norms and diversity considerations often overlap and affect the way individuals or groups experience power or risk by affecting their exposure or response to an accident as well as the impact such an event may have on their life or their family. Incorporating the gender and diversity perspective requires a change in practices and policies from all stakeholders through a continuous process requiring improvement day by day. Fostering synergies between different international instruments regarding disarmament and human rights as well as thematic agendas of women's rights and diverse populations allows us to move towards a world free of cluster munitions. We must seek a world where all survivors, families of those killed and injured, and affected communities (i.e. victims) enjoy their human rights, effectively and inclusively and where the activities and actions taken respond to the real needs of the populations in these communities. Effective implementation of the CCM will involve recognizing the linkages between all programmes to address cluster munitions and all the pillars of mine action more broadly and a number of existing international agreements and agendas.
8. Practical recommendations on how to implement and monitor the LAP should go hand in hand with practices and actions undertaken under other policy and legal frameworks to identify synergies and minimise duplication of efforts. Synergies should be sought both in substance and implementation of these frameworks; as well as in monitoring and reporting.
9. Strengthening links between mine action and other agendas involves:
 - Demonstrating the intersection between existing work and how actions under one Convention may complement another framework;

¹ *How to implement and monitor gender mainstreaming in the APMBC. Practical recommendations*, Paper submitted by Finland, on behalf of Albania, Australia, Austria, Chile, Costa Rica, Ecuador, El Salvador, France, Germany, Ireland, Italy, Luxembourg, Montenegro, The Netherlands, Norway, Panama, Peru, Romania, Slovenia, Sudan, Sweden, United Kingdom and Uruguay at the of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. <https://bit.ly/34x7LFY>.

- Ensuring monitoring mechanisms exist under all relevant frameworks and are used to provide evidence;
- Providing reports under each relevant framework.

10. There are a number of other conventions and frameworks that offer synergies to the implementation of the Convention on Cluster Munitions.

(a) ***Anti-Personnel Mine Ban Convention:*** Many states affected by cluster munitions are also affected by anti-personnel mines and where this is the case, the same authority is responsible for dealing with both types of contamination. In addition, there are similarities in the types of commitments made under the two conventions and the LAP and the Oslo Action Plan adopted at the Fourth Review Conference of the APMBC set similar ambitions for gender mainstreaming across all pillars of mine action. Of the CCM's 110 States Parties, 107 are also States Parties to the APMBC. In this context, to achieve greater efficiency and effectiveness, States Parties should:

- Proactively seek synergies under the CCM and the APMBC by aligning the information provided in Article 7 reporting and by voluntarily including gender and diversity mainstreaming information in both reports.
- Foster dialogue amongst the appointed gender focal points under the CCM and the gender focal points established under the APMBC with the ultimate aim to document, share best practices of mainstreaming gender in convention implementation activities and challenging gender norms.

(b) ***Convention on the Rights of Persons with Disabilities:*** In implementing the CCM's commitment to provide assistance to survivors, families of those killed and injured and communities affected by cluster munitions in a gender sensitive way, States Parties should seek synergies with the Convention on the Rights of Persons with Disabilities (CRPD). Special attention should be given to Article 5 on non-discrimination and Article 6, which acknowledges that women with disabilities face multiple forms of discrimination and States should take all appropriate measures to ensure their full development and empowerment. The implementation of these articles of the CRPD will improve implementation of Victim Assistance under the CCM and vice versa. The CRPD also stresses the importance of recognizing diversity in communities and notes that persons with disabilities can face "aggravated or multiple forms of discrimination" based on other diversity factors. Out of the 110 States Parties of the CCM, 105 are also State Parties of the CRPD. As actions to empower women who have a disability as a result of cluster munitions accident contribute to the implementation of both the CCM and the CRPD, States Parties should:

- Encourage the relevant government authorities responsible for the implementation of the two Conventions to exchange information so that such actions are reported under both Article 7 of the CCM and Article 35 of the CRPD.
- Report on measures adopted to address the greater risk that women and girls with disabilities - including survivors - face, both within and outside the home, of different types of violence, injury or abuse, maltreatment or exploitation within the context of Victim Assistance reporting.
- Cooperate with the Implementation Support Unit in liaising with the Committee on the Rights of Persons with Disabilities and other CRPD related bodies to share good practices, challenges and lessons learnt.

(c) ***Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).*** The CCM already recognizes that discrimination against women is a concern through its specific references to age- and gender-sensitive assistance. These references have been further developed in the *Dubrovnik Action Plan*, which recognizes the vulnerable situation of women and children and requires States Parties to mainstream a gender and age sensitive approach, including by responding to the specific needs and barriers of women and girls to exercise their rights on equal basis with others. Additionally, it has been documented that women with disabilities are ten times more likely to be victims

of sexual violence²; and that discrimination is often worse for women and children because of a disability but also because of their gender, age or minority status. For the 94 CCM States Parties that are also States Parties to CEDAW, highlighting the linkages between Victim Assistance under the CCM and CEDAW will aid in the implementation of both treaties. Taking this into consideration, States Parties should:

- Carry out systematic gender training for all stakeholders involved in programmes to address cluster munitions (and mine action programmes more broadly) to avoid exposing women, particularly the most at risk -survivors and other women with disabilities- to gender-based violence and all forms of discrimination.
- Ensure programmes to address cluster munitions are truly gender-sensitive by establishing protection and safeguarding measures to prevent, and have mechanisms to respond to, situations of gender-based violence that women survivors and other women with disabilities face, including by adopting a survivor centered-approach, pursuant to Security Council Resolution 2467.
- Adjust Victim Assistance programmes and policies so that disability rights awareness work specifically covers the rights of women with disabilities to a life free of all forms of violence.
- Reports in the framework of the CCM could include actions to prevent violence against girls and women with disabilities, including survivors, implemented in the framework of CEDAW; while actions that are gender-sensitive and that aim to prevent and respond to violence against women survivors and other women with disabilities could be included in CEDAW reports.

(d) *Convention on the Rights of the Child (CRC)*. Age is one of the elements of diversity that should be considered when implementing the CCM and, as such, is mentioned several times in the LAP. Regarding specifically girls and boys, the Convention on the Rights of the Child intersects with CCM in several articles, including Article 2 on Non-discrimination; Article 19 on Protection from violence; Article 23 on Children with Disabilities and others on health, socioeconomic inclusion and access to education. Article 30 of the CRC also highlights the importance of taking a diversity approach to ensure that children can access services in their own language. All States Parties and signatories of the CCM are also States Parties to the CRC. Taking this complete overlap in membership into consideration, States Parties can benefit from highlighting the links between the CCM and the CRC in implementation and in monitoring and reporting, through actions such as:

- Establishing protection and safeguarding measures to prevent, and have mechanisms to respond to, situations of different types of violence against children.
- Ensuring that Victim Assistance programs include and respond to the needs, capacities and priorities of child survivors, the children of those killed by cluster munitions, and affected communities. Risk education should address the diverse needs of children and be provided in accessible formats that ensure that all children in all their diversity can access those messages on an equal basis with others.

² UNFPA, International Disability Alliance et al. (2016). Decidimos. Jóvenes con discapacidad por la igualdad de derechos y una vida sin violencia. Disponible en: https://www.msh.org/sites/msh.org/files/we_decide_infographic_es.pdf UNFPA, Women Enabled, We Decide. Women and Young Persons with Disabilities. Guidelines for Providing Rights-Based and Gender-Responsive Services to Address Gender-Based Violence and Sexual and Reproductive Health and Rights. 2018 https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-WEI_Guidelines_Disability_GBV_SRHR_FINAL_19-11-18_0.pdf Accessed 8 September 2021 Muñoz, W., Salas, D. Promising practices in response to violence against girls and women with disabilities in Latin America and the Caribbean. Humanity & Inclusion, Spotlight Initiative. 2021 <https://serviciosesencialesviolencia.org/wp-content/uploads/2021/08/DISC-Resumen-Ejecutivo-ENG.pdf> Accessed 8 September 2021.

- Including in Article 7 reporting under the CCM the specific actions that are taken to ensure girls and boys who are survivors, and those in affected families and communities, enjoy their rights on equal basis with others.
- Linking reports under the framework of the CCM with State Parties' reports to the CRC if these actions effectively include survivors and those in families and communities affected by cluster munitions.

(e) **Sustainable Development Goals:** States Parties should embrace synergies with the Sustainable Development Goals (SDGs) framework, particularly Goal 5 on gender equality and women's empowerment to ensure effective implementation of the CCM and the LAP. As the LAP mainstreams gender throughout and encourages women's participation in the convention implementation, actions undertaken to implement the LAP in a gender and diversity sensitive way will also contribute to the implementation of SDG 5 on gender equality and to advancing the pledge to "Leave No One Behind". States Parties should:

- consider reporting upon on results of CCM implementation in their voluntary national reviews under the SDGs in relation to gender equality but also to other aspects of mine action that contribute to the achievement of other SDGs, which are outside the scope of this paper, but have been covered elsewhere.³
- task the Implementation Support Unit with strengthening the links between the SDGs and implementation of the CCM.

(f) **Women, Peace and Security Agenda:** Recognizing synergies with the Women, Peace and Security (WPS) agenda allows States Parties to meet their obligations under United Nations Security Council Resolution 1325 and subsequent supporting resolutions while implementing the CCM. Each of the WPS pillars of protection, participation, prevention and relief/recovery, has a direct link to the implementation of the CCM. Ensuring women's full, equal and meaningful participation in programmes to address cluster munitions, especially in survey and clearance, contributes significantly to WPS goals. Security Council resolution 1325 and the subsequent resolutions addressing WPS are binding on all UN member states. Legal obligations and political goals will be met more efficiently when we consider the intersections between the CCM and the WPS agenda. At least 57 States Parties and 8 Signatories to the CCM have existing or expired National Action Plans on WPS (NAPs). WPS and CCM implementation will be strengthened by:

- Reflecting the gendered impact of cluster munitions and other explosive ordnances in the WPS NAPs of cluster munition affected states.
- Including WPS considerations in National Mine Action Plans and in treaty documents.
- Increasing coordination between national mine action authorities, National Mine Action Centers and State Ministries responsible for WPS NAP implementation should be fostered, so that measures which benefit both agendas can be reported in a more harmonized way.

11. With the aim to favor discussions across different legal and policy frameworks, States Parties to the CCM should proactively engage in bilateral and multilateral exchanges and promote international, bilateral, triangular and South-South cooperation through research, side events, seminars, workshops, panels and conferences held under different frameworks to share best practices, reflect on challenges and have a dialogue with different audiences and stakeholders. These actions should be implemented with the full participation of survivors and their families through their representative organizations, taking into consideration gender and diversity.

³ See for example, UNDP and GICHD, "Leaving no one Behind: Mine Action and the Sustainable Development Goals," 2017, <https://www.gichd.org/en/resources/publications/detail/publication/leaving-no-one-behind-mine-action-and-the-sustainable-development-goals/>.

12. Additional efforts should be implemented by State Parties to ensure the participation of survivors and the families of those killed and injured, including women, men, girls and boys, in all aspects of the Convention.

III. The role of the Gender Focal points

13. When taking up the role as a Coordinator on General Status and Operation in the Coordination Committee, States Parties should consider from the start their role as a focal point on gender mainstreaming. This might also include undertaking relevant training or study which may be of use in fulfilling the role of gender focal point.

14. The gender focal points should introduce themselves each year at the Coordination Committee's first meeting to ensure clarity and coordination on gender and diversity mainstreaming.

15. Gender focal points should engage in the following activities:

(a) Assessing the extent to which gender mainstreaming and women's participation has been addressed in the reports submitted by States Parties, considering the approaches and recommendations made above.

(b) Requesting additional information in bilateral meetings with affected states if insufficient information is reported voluntarily on gender and diversity mainstreaming.

(c) Providing advice and support in a cooperative manner to States Parties on the fulfilment of the gender-related targets set out in the Lausanne Action Plan. They may consult with gender experts in their own governments, the UN, international organizations, GICHD and civil society to come up with tailored recommendations, as required.

(d) Preparing and submitting to the States Parties in advance of Meetings of the States Parties an analysis of the information reported on, and summarize sector trends with regards to gender mainstreaming and women's empowerment. Committees should provide a summary of this analysis and any recommendations during each section of the plenary meeting relevant for their area of work.

(e) Exchanging information among themselves on the extent to which States are successfully mainstreaming gender in each area.

(f) Organizing side meetings or plenary sessions at intersessional meetings and Meetings of the States Parties to facilitate discussion and an exchange of information among States Parties on progress and challenges to implement gender sensitive mine action programs and promoting women's empowerment.

(g) Supporting regional or national dialogues on integrating a gender perspective in the implementation of the treaty.

IV. Conclusion

16. States Parties are encouraged to seek links with other conventions and policy frameworks, to share data, best practices and challenges and report on the gender and diversity mainstreaming initiatives they are undertaking. States Parties should also strengthen their efforts to involve women and survivors and their families, individually or through their representative organisations, in all aspects of the CCM's work, and in all the phases of programming to address cluster munitions (planning, implementation, monitoring and evaluation).

17. The incorporation of gender perspectives in all actions is a natural and necessary next step in our work.

18. By highlighting the connections between implementing gender and diversity considerations under the CCM and other obligations and commitments of States Parties under other treaties and international agendas, States Parties will strive to maximize their efforts and promote cross-sector advancement. Actions to implement the Lausanne Action Plan in a

gender and diversity sensitive manner can also contribute to meeting State responsibilities under the SDGs, the APMBC, the CRC, the CRPD, UNSC Resolution 1325 and other frameworks. Additionally, making these connections will facilitate the analysis by the gender focal points in each committee and help drive discussions and shared learning in the sector.

19. With the support of all States Parties to this Convention, the gender focal points will facilitate systematic action and report on gender and diversity mainstreaming, support the work of the Committee and foster synergies with other conventions and policy frameworks.

20. Gender and diversity mainstreaming requires a shift in practices and policies, from all stakeholders. This is a continuous process in which we need to keep improving day by day so that we advance towards a world free of cluster munitions, where all victims enjoy their human rights, in an effective and inclusive way.

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