



Women, Peace and Security An Agenda for the Human Rights Council

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Acronyms

BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DDR	Disarmament, demobilisation and reintegration
DRC	Democratic Republic of the Congo
GR30	General recommendation no. 30 on women in conflict prevention, conflict and post-conflict situations
HRC	Human Rights Council
LGBT	Lesbian, gay, bisexual and transgender
NGO	Non-governmental organisation
OP	Operational paragraph
SCR	Security Council resolution
SDGs	Sustainable Development Goals
SSR	Security sector reform
UN	United Nations
UNSCR	United Nations Security Council resolution
UPR	Universal periodic review
WPS	Women, peace, and security

WOMEN, PEACE AND SECURITY

An Agenda for the Human Rights Council

The differential impact of armed conflict on women, their exclusion from peacekeeping and peacebuilding processes, and the link between gender equality, peace and security have been recognised by the international community with the adoption of Resolution 1325 by the United Nations Security Council in 2000. However, even though the protection of women and prevention of sexual violence, sexual exploitation and other threats that women and girls experience in conflict and post-conflict settings have long been a Security Council matter, the challenges to implement 1325 and the subsequent four pillars of the women, peace, and security (WPS) resolutions remain.

This desk study assesses the potential of human rights mechanisms to help advance the WPS agenda. It argues that the WPS resolutions are part of an international tradition of human rights in that they reflect normative obligations from several major treaties, custom, and other sources of international law. It argues the relevance of two integrated approaches for eliminating human rights violations against women and girls in conflict prevention, during conflict, and in post-conflict settings: the integration of CEDAW General Recommendation 30 (GR30) with the WPS resolutions; and the integration of the three pillars of the UN (peace and security, development, and human rights). Thus, the Security Council cannot and should not address human rights violations of women and girls in isolation; the implementation of the integrated WPS agenda requires an integrated approach by the United Nations as indicated in the 2030 Sustainable Development Agenda. In particular, the Human Rights Council can play an important role in advancing the implementation of the WPS agenda through its Universal Periodic Review, special mandates and other procedures including a more comprehensive gender analysis in their work on conflict-affected countries and strengthening the ability of special rapporteurs to report on the violations of women's human rights in conflict and post-conflict settings.

The paper is structured as follows: It first provides an overview of the resolutions of the Security Council that make up the WPS agenda. It then reviews overlaps of WPS language with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action and its violence against women and women in armed conflict planks, and the Outcome Document of the 23rd Special Session of the UN General Assembly on Women 2000: Gender Equality, Development and Peace for the 21st Century (United Nations General Assembly 2005). In a next step, it assesses the different dimensions of human rights violations identified jointly in the resolutions and in GR30. After an assessment of the implementation deficits of the WPS agenda, it then first surveys the actions the Security Council has taken to address the issue, and second discusses the potential of different instruments of the Human Rights Council to move implementation forward. The paper ends with a discussion of the Sustainable Development Agenda, showing that the commitment to indivisibility of its goals makes the WPS agenda an integral aspect of achieving the Sustainable Development Goals (SDGs).

THE WOMEN, PEACE AND SECURITY RESOLUTIONS

United Nations Security Council Resolution (UNSCR) 1325 is a landmark resolution that recognises the disproportionate impact of armed conflict on women and girls, the important role women play in the prevention and the resolution of conflicts and in peacebuilding, and the significance of their participation and full involvement in all stages of decision-making processes. The resolution contains eighteen provisions that call upon states and other parties to take special measures to protect women from gender-based and sexual violence, increase their representation at all levels of decision-making institutions, protect and respect the human rights of women and girls, and address women's needs in disarmament, demobilisation and reintegration programmes. The eighteen provisions outlined in the resolution are grouped into four categories (also described as

pillars): participation and representation, prevention, protection, relief and recovery.¹

The resolution is built on the idea that women's presence and participation in peace processes is significant for improving the chances of attaining sustainable peace. The participation pillar aims to ensure that women participate and influence peace and security decision-making processes at national and international levels (Anderlini 2010, 10). It calls upon states and other parties to include women in decision-making mechanisms for the prevention and resolution of conflict, peace negotiations, and peace operations as soldiers and civilians and as Special Representatives of the United Nations Secretary-General (SCR 1325 OP 2; UNSCR 1325 OP 4 and OP 5). The protection pillar ensures that women's and girls' rights are protected in emergency and humanitarian situations especially when they face gender-based and sexual violence.

The prevention pillar, on the other hand, consists of two dimensions: the prevention of conflict and the prevention of all forms of violence against women and girls in conflict and post-conflict situations (UNSCR 1325 OP 5, OP 1; United Nations

Security Council 2011b). It aims to ensure that gender considerations are included into conflict early warning systems and that measures are taken to prevent gender-based violence against women. The last pillar, relief and recovery, emphasises the need to incorporate women's perspectives and their special needs in peacebuilding processes and the responsibility of all states to prosecute those responsible for crimes against humanity including cases of sexual and gender-based violence that are committed in conflict situations (UNSCR 1325 OP 11). It addresses the specific relief needs of women and girls particularly in disarmament, demobilisation and reintegration programmes and ensures that the civilian and humanitarian character of refugee camps is respected, and that women's and girls' special needs are addressed in these camps (UNSCR 1325 OP 12, OP 13).

Additional resolutions have deepened the Women, Peace and Security agenda: UNSCRs 1820, 1888, 1889, 1960, 2106, 2122, 2242, 2272, 2331, 2467 and have encouraged all parties to put emphasis on women's equal participation in decision-making institutions and to promote gender perspectives in all United Nations peace and security efforts (Box 1 outlines important points of these resolutions). UNSCR 1820 (2008) underlines the fact that women and girls are particularly targeted in conflict situations, focuses on the issue of sexual violence as a tactic of war and reaffirms that sexual violence and rape are war crimes (UNSCR 1820 OP 1, OP 4). UNSCR 1888 (2009) created the Office of

the Secretary-General's Special Representative on Sexual Violence in Conflict as a mechanism for implementation and enforcement of the WPS agenda (UNSCR 1888 OP 4). UNSCR 1889 (2009) underlines women's agency in conflict situations, the significance of their effective participation in all stages of peacebuilding efforts, and urges member states to take measures to improve women's participation in decision-making instruments (UNSCR 1889 PP 6, OP 1). UNSCR 1960 (2010) reveals the accountability gaps in UNSCR 1325 and emphasises the significance of gender-disaggregated data for measuring the impacts of conflict while UNSCR 2106 (2013) puts emphasis on the cases of HIV/AIDS in conflict and post-conflict settings. UNSCR 2122 (2013), on the

Box 1: Important points of the resolutions subsequent to UNSCR 1325

Resolution 1820 (2008)

- The first resolution that recognizes sexual violence as a tactic of war
- Highlights the significance of strengthening the efforts to implement the policy of zero tolerance of sexual exploitation in UN peacekeeping operations
- Urges the Secretary-General to invite women to participate in discussions related to the prevention and resolution of conflict.

Resolution 1888 (2009)

- Complements UNSCR 1820 in terms of sexual and gender-based violence
- Indicates the practical measures for the implementation of UNSCR 1820
- Creates the Office of the Secretary-General's Special Representative on Sexual Violence in Conflict.

Resolution 1889 (2009)

- Focuses on the effective participation of women in all stages of peace processes (women's empowerment in peacebuilding)
- Recognizes the particular needs of women and girls in post-conflict situations
- Points out the tendency to consider women solely as victims and stresses the need to recognize women as actors.

Resolution 1960 (2010)

- Provides measures aimed at ending impunity and prosecuting those responsible for sexual violence.

Resolution 2106 (2013)

- The first resolution that recognizes men and boys as targets of sexual violence
- Addresses the significance of women's political, social and economic empowerment and gender equality
- Stresses the disproportionate burden of HIV and AIDS on women and girls.

¹ The wording of the four pillars in this submission comes from United Nations Security Council (2011a).

other hand, focuses attention on women's participation and leadership in conflict prevention and peace processes. UNSCR 2242 (2015) addresses women's roles in countering violent extremism and UNSCR 2272 (2016) underlines the continuing sexual exploitation and abuse in peace operations. Finally, UNSCR 2331 (2016) highlights that trafficking in situations of armed-conflict and postconflict can be associated with sexual violence in conflict and UNSCR 2467 (2019) asserts the importance of a survivor-centred approach to sexual violence in armed-conflict and recognizes men and boys as targets of sexual violence in situations of armed-conflict.

WOMEN, PEACE AND SECURITY RESOLUTIONS AND THE INTERNATIONAL TRADITION OF HUMAN RIGHTS

Since the adoption of UNSCR 1325, a dispute exists regarding its binding nature. According to Appiagyei-Atua (2011), UNSCR 1325 is binding as it authorises acts that are *intra vires* in the UN Charter, major treaties, and other international law instruments. On the other hand, Boehme (2011) argues that UNSCR 1325 is not binding because it is not covered by Chapter VII of the UN Charter and that its implementation cannot be enforced. Miller, Pournik and Swaine (2011, 15) assert that the language UNSCR 1325 uses is solely "propositional" in nature as it "urges", "encourages", "requests", and "calls upon" states and other parties to act. Moreover, it is also argued, especially by diplomats, that the resolution is only a series of principles to guide state practice (Appiagyei-Atua 2011, 2).

Chapters V through Chapter VII of the UN Charter set out the Security Council's ability to fulfil its mandate, and there are significant distinctions between the Council's powers under these chapters (Genser and Ugarte 2014, 71). While Chapter VI solely permits the Council to make recommendations to settle disputes that it finds likely to endanger the maintenance of peace and security, Chapter VII provides the strongest powers to the Council and allows it to "take effective collective measures for the prevention and removal of conflict". Even though the Council passed the WPS resolutions under its recommendatory power, Lewis et al. (2015) show that UNSCR 1325 makes several references to the Geneva Conventions of 1949 and their two Additional Protocols of 1977, the Refugee Convention of 1951 and the Additional Protocols of 1977, the Refugee Convention of 1951, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 and its optional protocol 1999, the UN Convention on the Rights of the Child of 1989 and its two optional protocols 2000, and the Rome Statute of the International Criminal Court (UNSCR 1325, OP 9). Therefore, UNSCR 1325 and the other WPS resolutions are part of an international tradition of human rights as they incorporate normative

Box 1 (continued): Important points of the resolutions subsequent to UNSCR 1325

Resolution 2122 (2013)

- Asserts that the implementation of Resolution 1325 will only be guaranteed through dedicated commitment to women's empowerment, participation, and human rights
- Focuses on the full range of threats and human rights violations that women and girls experience in conflict and post-conflict settings
- Highlights the necessity to strengthen the links between the UN pillars (peace and security, development, and human rights) in order to address the security of women and girls
- Underlines the need for an implementation shift
- Invites the Secretary-General to commission a global study on the implementation of Resolution 1325.

Resolution 2242 (2015)

- Recognizes the differential impact of terrorism on the human rights of women and girls
- Highlights the need for greater implementation of the women, peace and security agenda.

Resolution 2272 (2016)

- Urges all troop-contributing countries to take the steps necessary to conduct investigations of allegations of sexual exploitation and abuse by their personnel
- Urges all non-United Nations forces authorized under a Security Council mandate to take adequate measures to prevent and combat impunity for sexual exploitation and abuse by their personnel.

Resolution 2331 (2016)

- Recognizes that trafficking in situations of armed-conflict and post-conflict can be associated with sexual violence in conflict.

Resolution 2467 (2019)

- Recognizes the need for a survivor-centred approach in preventing sexual violence
- Recalls that the accumulation and misuse of small arms and light weapons in armed-conflict exacerbates sexual and gender based violence
- Recognizes that men and boys are targets of sexual violence in armed-conflict

obligations from several major treaties, custom, and other sources of international law. The international human rights framework that the WPS Resolutions are grounded in includes:

- > CEDAW and the CEDAW Committee's General Recommendation 30
- > The Beijing Platform for Action and its violence against women and women in armed conflict planks
- > The Outcome Document of the 23rd Special Session of the UN General Assembly on Women 2000: Gender Equality, Development and Peace for the 21st Century (Lewis et al. 2015).

THE WPS RESOLUTIONS AND CEDAW GENERAL RECOMMENDATION 30 ON WOMEN IN CONFLICT PREVENTION, CONFLICT AND POST-CONFLICT SITUATIONS

8

As an international bill of rights that establishes legal standards on the discrimination against women, CEDAW is largely accepted as the normative heart of the WPS Resolutions. The adoption of CEDAW GR30 in October 2013 acted as a bridge between CEDAW and the WPS resolutions by strengthening the applicability of the Convention to various settings affected by conflict and by proposing an integrated approach to implement the Security Council agenda on women, peace and security (Lewis et al. 2015). The Committee recognised that the thematic resolutions of the Security Council are crucial frameworks for promoting and enhancing the women, peace and security agenda and placed the implementation of the Security Council's agenda into the broader implementation framework of the Convention and its Optional Protocol (CEDAW GR30 paras 25-26). Thus, the adoption of GR30 extended the enforcement mechanisms under the international human rights systems to the WPS resolutions. GR30's approach is to integrate the WPS goals with the GR30 in order to embed the women peace and security agenda in a broader framework. In particular, GR30 is more expansive in its attention to the violations of women's human rights in conflict and post-conflict settings (UN Women 2015a, 10). Moreover, the GR30 and the WPS resolutions reinforce each other in several important ways and are most effective when used together (Lewis et al. 2015).

The thematic issues covered by GR30 are very broad and include conflict prevention, gender-based violence, trafficking, participation, access to education, employment and health, displacement, refugees and asylum seekers, Security Sector Reform (SSR) and Disarmament, Demobilisation, and Reintegration (DDR), constitutional and electoral reform, access to justice, nationality and statelessness, marriage and family relations. These issues are also addressed by several WPS resolutions and constitute the broad range of human rights violations women experience in conflict and post-conflict settings.

Conflict Prevention

GR30 underlines that conflict prevention efforts largely exclude women's experiences considering them as not relevant for predicting conflict despite the correlation between the increased prevalence of gender-based violence and the outbreak of conflict. It asserts that gender-blind conflict prevention measures cannot predict and prevent conflict and recommends that states ensure women's equal participation in national, regional and international organisations, and local or community-based processes charged with preventive diplomacy, and that "states establish early warning systems and adopt gender-specific security measures to prevent the escalation of gender-based violence". Women's role in the prevention of conflict is also addressed by the WPS resolutions. The WPS resolutions call upon member states to ensure increased representation of women in all institutions and mechanisms for the prevention of conflict and urges the Secretary-General to report on progress in inviting women to the discussions about conflict prevention (UNSCR 1325 OP 1; UNSCR 1820 OP 12; UNSCR 2122 OP 2(c); UNSCR 2122 OP 7; UNSCR 2242 OP 1).

Gender-based Violence

GR30 asserts that conflicts exacerbate existing gender inequalities and place women at a heightened risk of gender-based violence. It underlines that women and girls are subjected to various forms of violence during armed conflict including torture and mutilation, forced marriage, forced prostitution, forced impregnation and sterilisation. It recommends that states parties prevent all forms of sexual and gender-based violence, ensure women's and girls' access to justice, adopt gender-sensitive investigative procedures, and adopt effective measures so that victims of sexual violence have access to comprehensive medical treatment and mental health care (GR30 OP 34, 38 (a), 38 (b), 38 (c), 38 (e)). Gender-based violence against women is also addressed by the WPS resolutions. They call upon parties to armed conflicts to cease sexual violence as a tactic of war, and to take effective measures to protect women and girls from sexual violence. They urge member states to ensure that all victims of sexual violence have equal protection under the law and equal access to justice and invite the UN Secretary-General to ensure training of all humanitarian personnel to prevent and respond to sexual violence (UNSCR 1325; 1820; 1888; 1960; 2106; 2272; 2467).

Trafficking

GR30 notes that conflict and post-conflict situations develop structures for women's sexual and economic exploitation and that conflict-affected areas can be areas of origin, transit and destination for the trafficking of women and girls. It recommends that states prevent, prosecute, and punish trafficking and adopt zero tolerance policies on trafficking based on international human rights standards (GR30 paras 39-41). Likewise, Resolutions 2331 and 2467 stress that trafficking of persons in armed conflict and sexual and gender-based violence in conflict can be part of the strategic objectives of terrorist groups.

Participation

The CEDAW Convention requires that states ensure women's equal participation in public and political life (CEDAW Articles 7 and 8). GR30 draws attention to the fact that women's voices are silenced and marginalised in post-conflict and recovery processes despite the leadership roles women assume during conflict. Moreover, it criticises that women's participation in decision-making processes in post-conflict settings is not seen as a priority (GR30 paras 42-43). It recommends that states ensure women's equal representation at all levels of decision-making and include women in negotiation and mediation activities (GR30 paras 46 (b), 47 (a)). The WPS resolutions also address participation in relation to multiple issues and call upon states to include more women at all levels of decision-making processes, particularly in peacekeeping activities, negotiation processes, and preventive diplomacy (UNSCR 1325; 1820; 1888; 1889; 2106; 2122; 2467).

Box 2: The legal frameworks in which WPS Resolutions are grounded

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention was adopted by the UN General Assembly on 18 December 1979. CEDAW is the human rights treaty that established legal standards for the discrimination against women and is often conceived as an international bill of rights for women. It creates binding obligations that require states to ensure women's equal enjoyment of civil, political, social, economic and cultural rights. State parties to CEDAW are required to incorporate the principle of gender equality and non-discrimination in their legal systems, create institutional protections against discrimination, and eliminate discrimination against women in the public as well as private spheres (UNIFEM 2006).

CEDAW GR30 on Women in Conflict Prevention, Conflict and Post-conflict Situations

GR30 was added to CEDAW in 2013 and it explains the application of CEDAW to situations of armed conflict, to prevention and resolution of conflicts, and to peacebuilding and post-conflict reconstruction. It is a significant step in the sense that it provides accountability mechanisms for the implementation of CEDAW and the WPS resolutions (UN Women 2015a).

The Beijing Platform for Action (BPfA) and its violence against women and women in armed conflict plank

The BPfA is the consensus document 189 UN Member States negotiated and signed at the Fourth UN World Conference on Women in 1995 in Beijing. The BPfA has a chapter on women and armed conflict that calls upon states to increase the participation of women in conflict resolution at all decision-making levels and ensure their protection in situations of armed conflict. The BPfA sets out three objectives:

(i) the adoption of integrated measures by governments to eliminate violence against women; (ii) the study of the causes of violence against women and the effectiveness of preventive measures; (iii) the elimination of trafficking in women and assistance for victims of violence due to prostitution and trafficking.

The UN General Assembly Outcome Document on "Women, Development and Peace", 2000

The UN General Assembly Document consists of recommendations on violence against women and recognises the links between peace and gender equality and the disproportionate impact of armed conflict on women. The document particularly focuses on the specific needs and the protection of refugee and displaced women.

Access to Education, Employment and Health

GR30 points out that the breakdown of state public and service provision infrastructure negatively impacts women's and girls' lives and impedes their access to basic human rights. It asserts that women's access to basic services such as health, education, basic medicines and health care supplies may be hindered in conflict situations and recommends that states develop programmes for conflict-affected girls who leave school prematurely, as well as to ensure that health care includes access to sexual and reproductive care. WPS resolutions also address the significance of women's access to basic services including education, reproductive and sexual health, and employment.

Displacement, Refugees and Asylum Seekers

GR30 notes that displaced women live in severe conditions and that their access to education, income generation, and reproductive health is negatively affected in conflict and post-conflict situations (GR30 paras 53-57). The WPS resolutions also address the difficulties displaced women and girls experience in conflict and their specific needs such as protection from violence in UN managed camps and promotion in their participation in decision-making processes (UNSCR 1325; 1820; 1889; 2467).

Security Sector Reform and Disarmament, Demobilisation and Reintegration

Both GR30 and the WPS resolutions highlight that women are excluded from positions within newly formed security sector institutions and that DDR programmes do not respond to the special needs of women and girls (GR30 paras 66-69; UNSCR 1325; 1889; 2106). They require states to develop a gender-sensitive security sector reform which addresses women's security needs and to design DDR programmes in which women are equal participants with men.

Constitutional and Electoral Reform

Underlining the significance of a gender perspective in post-conflict electoral and constitutional processes, both GR30 and the WPS resolutions focus particular attention on women's meaningful participation in constitution drafting and their equal representation in elections (GR30 paras 70-73; UNSCR 1325; 2122).

Access to Justice

GR30 and the WPS resolutions reinforce each other in terms of their emphasis on women's access to justice and their equality before the law in conflict and post-conflict situations (GR30 paras 74-81). While GR30 recommends that states ensure that judicial and non-judicial mechanisms promote the human rights of women and that gender-sensitive investigation procedures are available in the justice sector, the WPS resolutions call upon states to end impunity, prosecute sexual and gender-based violence, and implement legal and judicial reforms to ensure women's access to justice (GR30 paras 38, 74-81; UNSCR 1325; 1820; 1888; 2122; 2467).

Nationality and Statelessness

Recognizing the intersection between women's experience of conflict and discrimination with respect to nationality rights, GR30 notes that women's ongoing experience of discrimination in conflict settings increasingly impacts their lives. UNSCR 2122 also notes that unequal citizenship rights, lack of identity documents, and gender bias in asylum processes make women vulnerable to abuses in conflict and post-conflict situations (preambular paragraphs).

Marriage and Family Relations

Drawing on the Convention's provisions on the elimination of all kinds of discrimination against women, GR30 focuses attention on marriage and forced marriage in conflict situations. GR30 recommends that states prevent and punish forced marriage, forced pregnancy, abortion, and sterilisation (GR30 paras 62-65). The provisions GR30 elaborates on are also applicable to the WPS resolutions as forced marriage is identified as a rights violation.

The thematic issues covered by GR30 and the WPS resolutions illustrate that women and girls are exposed to a very broad range of severe human rights violations in conflict and post-conflict settings. However, despite the broad range of thematic issues that are addressed and the policies that are recommended by GR30 and the WPS resolutions, there is a significant gap between the normative advances of the women, peace and security agenda and the implementation on the ground.

THE IMPLEMENTATION OF THE WOMEN, PEACE AND SECURITY AGENDA: UNDER THE FOUR PILLARS

This section identifies the implementation problems using the Security Council Reports that have been published between 2011 and 2016, the Global Study on the Implementation of the United Nations Security Council Resolution 1325 (UN Women 2015b), and reports published by several organisations, as main sources. It evaluates the implementation of the thematic issues that are covered by GR30 under the four pillars of the WPS resolutions.

Participation

There are examples of good practices on women's participation in peacebuilding. In the Philippines the appointment of a woman as the head of the Office of the Presidential Adviser on the Peace Process in July 2010 led to a greater participation of women in the peace process, and so did the establishment of a quota of 30 per cent for women in public administration in Timor-Leste; however, women's participation at all levels of peace processes and their marginalisation in decision-making arenas remain (United Nations Security Council 2011b; 2012).

i. Women's exclusion from peace processes

Research undertaken by the Graduate Institute in Geneva from 2011 to 2015 has illustrated that women's effective participation in peace processes is crucial for the conclusion of talks and the implementation of agreements (Paffenholz et al. 2016). The analysis of 40 peace processes has shown that there is a higher chance to reach an agreement when women's groups exercise strong influence. Based on recent statistical analysis of 181 peace agreements signed between 1989 and 2011, it has also been illustrated that the peace agreements that included women led to a 20 per cent increase in the likelihood of a peace agreement lasting at least two years (UN Women 2015b, 42). However, in spite of the research findings that have underlined the positive impact of women's equal participation, women have largely been excluded from peace negotiations or their influence remains limited when they are present.

Women only comprise 2.4 per cent of signatories on peace agreements and less than 10 per cent of peace negotiators (Ellerby 2013, 435). The Comprehensive Peace Agreement between the Sudanese People's Liberation Military/Association (SPLM/A) and the Government of Sudan is one of the best examples that illustrate the exclusion of women's voices from peace negotiations. Women's exclusion from the negotiation process in developing the Comprehensive Peace Agreement led to a peace agreement that largely ignored women's security concerns and their priorities (Ellerby 2013, 436). Moreover, the implementation problems regarding the participation of women in peace processes are not only limited to their numbers. Even though women are present in peace negotiations, in some cases their voices are silenced and the decisions are largely made by male leaders. In 15 of the 16 national dialogues examined for *Preventing Conflict. Transforming Justice. Securing the Peace. A Global*

Study on the Implementation of United Nations Security Council Resolution 1325 (UN Women 2015b), it was demonstrated that decision-making was left to a group of male leaders. For instance, in the 2001 Somali peace process, even though women were allocated a quota and their participation was ensured, any decision required the authorisation of the male leaders (UN Women 2015b, 48).

ii. Women's parliamentary representation

Even though an increase can be identified in terms of women's parliamentary representation globally, there remains a significant variation between countries as indicated every year in the *Global Gender Gap Report* published by the World Economic Forum. As shown in the *Report of the Secretary-General on Women and Peace and Security* (United Nations Security Council 2014a, 13), electoral violence is a serious concern and negatively impacts the participation of women in electoral processes. According to data published by the World Values Survey in 2014, perception of insecurity at the polls is a major reason that deters women from voting in some countries (United Nations Security Council 2014a, 13). For instance, in Afghanistan and Iraq, many women politicians and their families experience significant difficulties and face threats and violence as a tactic to deter them from participating in public life. During governorate council elections in Iraq in April 2013, two women candidates were killed and during the second round of the presidential elections in Afghanistan in June 2014, there were 110 attacks targeting the electoral process resulting in 54 civilian deaths and 163 injuries including women and children (United Nations Security Council 2014a, 13). Moreover, even though quotas and special measures exist, they are mostly not met. For example, although the Transitional Federal Government of Somalia mandated a 12 per cent quota for women, only 6 per cent of parliamentarians were women in 2011 (United Nations Security Council 2011b, 10).

Measures to increase women's representation in regional and international organisations including the United Nations and their representation in police and military forces have been taken by the Security Council. However, despite the appointment of the first female Force Commander of a United Nations peacekeeping mission, men account for the majority of military peacekeepers (United Nations Security Council 2014a, 4).

Prevention

i. Prevention of conflict

As indicated in the Secretary-General's Report on Women and Peace and Security (United Nations Security Council 2011b), the Security Council's discussion on prevention mainly focuses on the prevention of sexual violence and abuse. The Report of the Advisory Group of Experts for the 2015 Review of the UN Peacebuilding Architecture underlined that limited attention is paid by the UN to the prevention of conflict, and it has been described as an "inverted U in which there is little effective UN attention to prevention, great attention to crisis response (though still frequently less than is needed), and again relatively little in the recovery and reconstruction phase" (UN Women 2015b, 195).

ii. Prevention of sexual violence and abuse

Incidents of sexual and gender-based violence continue to occur despite the Council's focus on the prevention of sexual violence. As indicated in the Report of the Secretary-General on Conflict Related Sexual Violence (United Nations Security Council 2015a) cases of sexual violence are recorded in Central African Republic, the Democratic Republic of the Congo, Colombia, and in many other countries. Abduction, rape and the sexual abuse of women and children by the *taliban* and other warlords continue to occur in Afghanistan. It is indicated that armed groups and tribal militias (*arbakis*), some of whom have also been employed in the local police force, have been sexually abusing women (United Nations Security Council 2015a, 4). In the Central African Republic, allegations of sexual violence against women and girls were recorded by armed actors such as CPJP, UFDR, FDPC (United Nations Security Council 2015a, 5).

The report of the Secretary-General on South Sudan (United Nations Security Council 2014a) illustrates that cases of sexual violence including gang rape, abductions, forced marriage and sexual slavery, and mutilation of sexual organs are widespread across the country, and these violations are perpetrated by all sides in the conflict (United Nations Security Council 2015a). In June 2015, the UN Mission in South Sudan reported that at least 172 women and girls had been abducted by the Unity State and 79 women had been subjected to sexual violence (UN Women 2015b, 68). It is estimated that in South Sudan 90 percent of such cases are resolved through customary law, which requires the victims to marry the perpetrator (United Nations Security Council 2016, 5). In Somalia and in North-East Nigeria “restitution” through marriage is largely accepted by victims’ families as a remedy to rape so as to avoid “shame” (United Nations Security Council 2016, 5). Moreover, in Syria and Iraq, it is reported that people smugglers demand sex as a “payment of passage” and that a criminal system is designed to exploit refugees in terms of sexual slavery and commercial sex (United Nations Security Council 2016, 7).

Sexual and gender-based violence have also been used as an explicit tactic of extremist groups. In UNSCR 2122, the Security Council focuses on terrorism as one of the critical areas where it intends to increase its attention. The Secretary-General’s 2015 report on conflict related sexual violence (United Nations Security Council 2015a) puts emphasis on the use of sexual violence by extremist groups. The examples include the Nigerian girls who have suffered sexual violence by Boko Haram and Yazidi women who have experienced horrific sexual abuses and are being traded as slaves among ISIS fighters (UN Women 2015b, 223).

Relief and recovery

i. Disarmament, demobilization and reintegration (DDR) programmes

The aims of the DDR projects are (i) to collect, register, and destroy all conventional weapons, (ii) to demobilize and (iii) to reintegrate ex-combatants (Coulter, Persson and Utas 2008, 20). However, the exclusion of women and girls from institutionalized DDR programmes has been reported in various cases. The stereotypical perception of female war victims as sex slaves, wives or camp followers limits the ways in which DDR programmes are created, excluding women’s lived experiences as agents of war. Even though women are perceived largely as peaceful and denied agency, women are present as fighters. For instance, in many African countries high numbers of women have fought in armed forces; however, women and girls who have registered for the African DDR programmes are few and do not represent the number of female combatants (Coulter, Persson and Utas 2008, 22). In the case of the DRC, Save the Children reported in 2005 that there were approximately 12,500 female fighters in the armed groups; however, while 130,000 fighters have been disarmed in the DDR process, women only accounted for 2,610 of them (Coulter, Persson and Utas 2008, 22). In case of Nepal, the majority of female combatants were left behind in the DDR programmes and they returned to their communities disempowered and stigmatised (UN Women 2015b, 179). Moreover, another critique directed against the DDR is their lack of gender sensitivity and disregard of the specific needs of female ex-combatants. For instance, in Sierra Leone, girls under the age of 18 were eligible to participate in the children’s DDR programmes. However, most girls considered themselves not as a child as many of them were already mothers or had taken adult roles years ago (UN Women 2015b, 179).

ii. Security Sector Reform

Bastick and de Torres (2010) define security sector reform (SSR) as a process which aims to ensure that “security and justice providers deliver effective and efficient security and justice services that meet people’s need, are accountable to the state and its people, and operate within a framework of democratic governance, without discrimination and with full respect to human rights and the rule of law”. It is essential that these programmes have a gender perspective, be more inclusive than simply enhancing the effectiveness of the traditional security and justice sectors, and designed also to ensure human security (Mobekk 2010; Bastick and de Torres

2010, 13). The WPS resolutions address the importance of the SSR for the WPS agenda. UNSCR 1325 Art. 8 and UNSCR 1889 Art. 19 underline the significance of gender-responsive policing that consists of measures to promote the human rights of women while UNSCR 1889 Art. 10 puts emphasis on the human rights of women and encourages the development of strategies to meet women's and girls' security needs. Despite the increase in the number of policy documents that address women's and girls' post-conflict needs, there remains a gap between policy and practice. Local security needs are largely overlooked by the police and many of the crimes that are directed against women are mostly ignored by the police and judiciary (Mobekk 2010, 287). For instance, in the DRC, although sexual violence and rape are major security threats for women, the Congolese police and judiciary neglect it and do not view it as crucial (Mobekk 2010, 283). Moreover, in many cases national police and armed services sexually harass local women, and military tribunals fail to investigate and prosecute the offenders (Bastick and de Torres 2010, 25).

Protection

In conflict situations parties to armed conflict continue to violate the human rights of women and prevent women's access to basic services including health care, food, education and nationality. Moreover, the rise of violent extremism exacerbates the threats women face in conflict situations in terms of access to their basic rights.

A study conducted by the International Committee of the Red Cross (ICRC) in 2014 illustrates that 1,800 incidents affecting the delivery of health services occurred in 2012 and 2013 (UN Women 2015b, 74). These attacks disproportionately hurt women and girls as they suffer from malnutrition, infectious diseases, lack of sanitation, and particularly reproductive health problems. In refugee camps, there are very few female doctors and almost no access to contraceptives, which is especially significant when pregnancy is a result of sexual violence (UN Women 2015b, 77). The Advisory Group of Experts for the 2015 Review of the UN Peacebuilding Architecture demonstrated that all ten worst performing countries in terms of maternal mortality and morbidity are either conflict or post-conflict countries (UN Women 2015b, 194). In countries such as South Sudan and Somalia the proportion of births attended by health professionals is very low (United Nations Security Council 2015b, 15). Moreover, it is also reported that during conflict situations women face a heightened risk of HIV and AIDS (UN Women 2015b, 74).

In conflict and post-conflict settings, education parity targets remain largely unachieved as a result of early and forced marriage, lack of security in schools, and threats of violence against those who want to attend schools (United Nations Security Council 2015b, 15). For instance, in Afghanistan, the *taliban* continue to bomb girls' schools, poison students' water supply, attack them with acid, and set up explosive devices on the school routes female students use (UN Women 2015b, 79). All these attacks have a severe impact on girls' access to education. In Afghanistan, Iraq, Mali, Somalia, Nigeria, or the Syrian Arab Republic, extremist groups continue to violate women's rights with regard to education as well as freedom of movement, employment, and dress (United Nations Security Council 2015b).

THE SECURITY COUNCIL AND THE WOMEN, PEACE AND SECURITY AGENDA

Only with the exception of resolutions 1889 and 2122, the WPS resolutions largely focus on the prevention of sexual and gender-based violence. Along with the resolutions the Council has adopted, it has taken various steps to prevent sexual violence in conflict and post-conflict settings. These steps include the creation of the Special Representative on Sexual Violence in Conflict, the Team of Experts on Rule of Law/Sexual Violence in Conflict, UN Action against Sexual Violence in Conflict, and also the assignment of women's protection advisors. Moreover, in 2015, the General Assembly adopted a resolution designating June 19 International Day for the Elimination of Sexual Violence in Conflict (Resolution 69/293).

Even though the Council focuses significant attention on the prevention of sexual violence in conflict and post-conflict settings, the agendas on conflict prevention, participation, peacebuilding and protection from human rights violations are underutilised. The WPS agenda encompasses broader violations of human rights

women and girls face in conflict prevention, conflict, and post-conflict settings as indicated in the section above on GR30 and the WPS resolutions. However, as echoed in the reports of the High-Level Independent Panel of United Nations Peace Operations and as noted by the Secretary-General in his report on Women, Peace and Security (United Nations Security Council 2011b), the Security Council's attention is primarily directed to the prevention of sexual violence and there is a particular lack of investment in conflict prevention. There is also little consistent recognition and systematic inclusion of women's and girls' participation in the Council's agenda. Moreover, the Council's emphasis on the prevention of sexual and gender-based violence largely excludes broader human rights violations against women and girls.

As the Global Study underlines (UN Women 2015b), the Security Council is not the implementing arm of the UN and it cannot achieve the WPS goals in isolation. The implementation of the WPS agenda requires a very significant effort by the broader UN system. The Human Rights Council, with its Universal Period Review (UPR), special procedures, and expert fact-finding bodies can serve as an important mechanism for oversight and can be utilised to address implementation problems (UN Women 2015b).

THE UN HUMAN RIGHTS SYSTEM AS A TOOL TO ADVANCE THE WPS AGENDA

The UN's human rights system can serve as an important tool to help implement GR30 and the WPS agenda. Indeed, the Secretary-General has highlighted the necessity of paying attention to the recommendations of the special procedures and other mechanisms of the Human Rights Council in order to enhance state accountability on the implementation of the WPS agenda (United Nations Security Council 2012). The mechanisms that can be used to advance such accountability include the Universal Periodic Review (UPR), special procedures, and expert fact-finding bodies (UN Women 2015b).

15

The UPR

The UPR was created on 15 March 2006 by Resolution 60/251 which established the Human Rights Council. It is defined as a "cooperative process" in which countries review the human rights records of one another in order to (i) address human rights violations all over the world, (ii) improve the human rights situation everywhere, (iii) encourage states to fulfil their human rights obligations, (iv) assess the improvements of each state and challenges they face, (v) provide technical assistance to states, (vi) share best practices between states, and (vii) promote states' capacity to ensure the enjoyment of human rights (OHCHR 2008). The Resolution underlines that the review shall be "a co-operative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs". The UPR is a unique process in the sense that it assesses the human rights situation in each member state on a regular basis and provides an opportunity for states to discuss which actions they have taken in order to enhance the human rights situation in their countries. It is an "interactive dialogue" where the states under review can receive questions and recommendations from other member states. As a "peer review mechanism", the UPR performs a crucial role in ensuring that human rights violations of women in conflict prevention, during conflict, and in post-conflict settings are discussed on an international stage among member states (UN Women 2015b, 358). A country assesses its progress in a national report, which is then reviewed against information provided by UN treaty bodies, independent experts, other UN bodies and also reports from NGOs. This three-dimensional approach makes the UPR a unique system of monitoring compliance with human rights violations.

Member states are willing to use this peer review mechanism constructively as they value gender equality and women's rights and are eager to hold their peers accountable on human rights commitments and obligations (UN Women 2015b, 358). For instance, in 2014, Nigeria urged the Democratic Republic of the Congo to ensure respect for women's rights, and Norway underlined the fact that women were poorly represented in political bodies and that gender-based violence remained a widespread

violation (United Nations General Assembly 2014). Ireland noted that the DRC should ensure full implementation of UNSCR 1325 and UNSCR 2122 and should increase women's participation in peacebuilding (UN General Assembly 2014). Moreover, Estonia, Luxembourg and France made recommendations to the Central African Republic to put more emphasis on the implementation of UNSCR 1325 and increase the participation of women in the transitional process (UN Women 2015b, 358). Recommendations that address the WPS agenda have a significant role in enhancing women's human rights situations everywhere as they encourage states to strengthen their capacity to protect women's human rights. The UPR provides a unique opportunity for states to discuss issues related to the human rights violations of women and girls in conflict and post-conflict settings and to hold themselves accountable on their activities to implement GR30 and the WPS resolutions. Accordingly, as underlined in the Global Study, it is important that states increase their efforts to report on the implementation of GR30 and WPS Resolutions and participate in the review of the other states by asking questions regarding the implementation of the WPS agenda. They also should make use of the recommendations they receive from other states and the civil society actors during the interactive dialogue in order to advance the women's human rights situations in their countries.

Special procedures and expert fact-finding bodies

The Human Rights Council's special procedures include the appointment of independent experts and special rapporteurs, special representatives who examine, monitor, and report on human rights-related thematic issues worldwide and human rights situations in specific countries (UN Women 2015a, 26). Country specific and thematic mandates are implemented through reports, communications on suspected violations on human rights, country visits, and press releases on specific matters of concern. The special procedures have focused extensively on women's human rights in conflict and post-conflict settings through their country specific and thematic reports. The findings and recommendations put forward by these experts through their reports provide an additional accountability tool that could be used to advance the implementation of the WPS agenda (Un Women 2015a, 26; 2015b, 359). The Special Rapporteur on Violence against Women, its Causes and Consequences, has already presented significant reports on violence against women in armed conflict and also issued a report on reparations that addresses the social inequalities that impact women and girls (UN Women 2015b, 359).

Special procedures have pointed out the cases that are related to human rights violations of women and girls. These cases include violations against survivors, killings of women's human rights defenders, intimidation of LGBT persons, trafficking, forced and early marriage, and extrajudicial execution (UN Women 2015b, 360). Thus, the issues addressed by the special procedures go beyond the Council's narrow approach that often focuses on sexual and gender-based violence to the exclusion of the broad range of human rights violations women and girls experience. For instance, the report of the Special Rapporteur on Violence against Women about Afghanistan asserts that women are minimally represented in peace negotiations and their rights continue to be a low priority in peace talks (Human Rights Council 2015, 17). It recounts that only 300 negotiators were women out of 1,600 individuals who attended the Peace Jirga in June 2010 hosted by the Government of Afghanistan and only 9 out of 70 members were women at the High Peace Council that was created to seek peace talks with the *taliban* in 2010 (Human Rights Council 2015, 17). Because the special procedures address the full range of human rights violations, they can be utilised to advance the WPS agenda, incorporating a more systematic approach to the violations women and girls experience in conflict and post-conflict situations.

As highlighted in the Global Study, expert reports provide an invaluable analysis of the human rights situations in specific countries and on specific themes and some of the reports produced by these experts bring to the attention of the United Nation the human rights issues that are not on the international agenda. Thus it is important that the HRC strengthen the ability of these experts to address women's and girls' human rights violations. Moreover, these mechanisms provide member states with an opportunity to engage with the Special Rapporteur both through individual complaints and by hosting country visits to report on progress made in implementing GR30 and the WPS resolutions (UN Women 2015a, 26).

Along with the accountability mechanisms it provides with the UPR and special procedures, the HRC has the power to create expert fact-finding bodies to investigate and report on situations of armed conflict or mass atrocity in the form of fact-finding missions, which adds another crucial tool for accountability under the WPS agenda (UN Women 2015b, 361).

2030 SUSTAINABLE DEVELOPMENT AGENDA

The 2005 World Summit outcome document declared the need for an integrated approach by the UN “in order to better address the challenges and threats confronting our world and to achieve progress in the areas of peace and security, development and human rights” (UN General Assembly 2005, 2). It is recognised that the three pillars of the UN, “development, peace and security and human rights are interlinked and mutually reinforcing” (UN General Assembly 2005, 2). The 2030 Agenda for Sustainable Development builds on this integrated approach. It underlines the significance of common action, and it adopts 17 sustainable development goals together with 169 associated targets, recognizing them as integrated and indivisible. The outcome document underlines: there can be no sustainable development without peace and no peace without sustainable development.

The 2030 recognises that these goals cannot be achieved in a situation of persistent inequalities including gender inequality. The Agenda underlines that an approach that integrates the three pillars of the UN is essential to dealing with gender inequality. With the adoption of UNSCR 2122 and 2242, the Security Council has affirmed the importance of an integrated approach in order to address persistent gender inequalities. UNSCR 2242 asserts that women’s empowerment and gender equality are critical to conflict prevention and international security and underlines that barriers to the full implementation of 1325 can only be dismantled through an enhancement of women’s human rights. Moreover, UNSCR 2122 also notes that sustainable peace requires an integrated approach based on coherence between security, development, and human rights and asserts that the implementation gap can only be addressed through strengthening the links between the UN peace and security, development, and human rights work. In this respect, as underlined in the 2005 World Summit (UN General Assembly 2005) and 2030 Sustainable Development Agenda, and by the WPS resolutions, an integrated approach is necessary to address gender inequalities, which would in turn serve to enhance the WPS agenda.

Thus, Agenda 2030 and the WPS resolutions reinforce each other in their commitments to addressing gender inequality and to bringing together the capacities of the UN’s three pillars. Together they can help dismantle barriers to the full implementation of the WPS agenda. In addition to the HRC’s crucial role in addressing the implementation problems regarding the WPS agenda, it also plays a role in ensuring that the SDGs, particularly goals 5 and 10, are implemented, which in turn would enhance the implementation of the WPS agenda.² Therefore, any more systematic attention of the HRC to the WPS agenda will also serve to support the achievement of the Sustainable Development Goals.

CONCLUSION

General Recommendation 30 and the WPS resolutions cover a broad range of human rights violations women and girls experience in conflict and post conflict settings, including among many other issues trafficking, gender-based violence, or exclusion from SSR and DDR processes. Despite the policy recommendations provided, there is a significant gap between the normative premises of the women, peace and security agenda and implementation on the ground. In order to solve this implementation deficit, this submission agrees with the integrated approaches proposed by GR30 and the 2030 Sustainable Development Goals and argues that the HRC has the power to play a crucial role in supporting the efforts to mitigate problems pertinent to the implementation of the agenda. The Human Rights Council can advance the implementation of the WPS agenda through its Universal Periodic Review, special mandates and other procedures by including a more comprehensive gender analysis

² Goal 5. Achieve gender equality and empower all women and girls and Goal 10. Reduce inequality within and among countries.

in their work on conflict-affected countries and strengthening these bodies' ability to report on violations of women's human rights in conflict and post-conflict settings.

The UPR is a cooperative process in which countries review the human rights records of one another. It provides a significant opportunity for states to discuss issues related to human rights violations and encourage each other to promote and fulfil the human rights of women and girls. It is crucial that all member states increase their efforts to report on the implementation of GR30 and the WPS resolutions in their countries and participate in the review of other states.

The findings and recommendations put forward by the special procedures through their reports provide an additional tool that could be used to advance the implementation of the WPS agenda. The special procedures address the full range of human rights violations as opposed to the Security Council's narrow focus on sexual violence and can be utilised to inform the Security Council regarding the full range of violations women and girls experience in conflict and post-conflict settings. Thus, it is important that the HRC strengthen the ability of these experts to report on violations of women's and girls' human rights.

A more comprehensive and systematic approach by the HRC to the human rights violations women and girls experience in conflict and post-conflict settings is also necessary to achieve the Sustainable Development Goals. World leaders have recognized that the Sustainable Development Agenda cannot be achieved in a situation where there are persistent inequalities including gender inequality, and that an integrated approach of the UN pillars is a prerequisite for resolving these inequalities. In this respect, the UPR and the special procedures can serve both to enhance the implementation of the WPS agenda and to support the Sustainable Development Goals, that are acceptable as indivisible and universal.

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