

# PROTECTING WOMEN'S RIGHTS IN CONFLICT: NEW DEVELOPMENTS AND NEXT STEPS IN THE SYNERGY BETWEEN CEDAW AND THE WPS AGENDA

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In 2013, the Committee on the Elimination of All Forms of Discrimination Against Women adopted its landmark General Recommendation No. 30 on the rights of women in conflict prevention, conflict and post-conflict situations.<sup>1</sup> The General Recommendation was significant for several reasons, not least because – for the first time – it brought the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Committee into direct conversation with the Women, Peace and Security agenda (WPS) of the UN Security Council. Writing in 2015<sup>2</sup> and in 2018,<sup>3</sup> we identified the pursuit of synergies between CEDAW and WPS as a unique and important new opportunity to redress several of the identified shortcomings of the WPS agenda as defined and implemented by the UN Security Council. Principally, we identified these as, first, to enhance state accountability for the WPS agenda; second, to refocus WPS on women's equality and rights, and to challenge narrower and more securitised definitions of women's rights in the WPS agenda; and finally, to offer broader and more meaningful opportunities for civil society participation in influencing and implementing the WPS agenda.

We commence with an introduction to the legal, institutional and practical relationships between CEDAW and its Committee and the UN Security Council and its WPS agenda. Since our initial writings, the pursuit of CEDAW-WPS synergies has gathered significant

momentum in three essential directions: from within the UN, most notably from the Secretary-General's Special Representative on Sexual Violence in Conflict and the Informal Experts Group on WPS; from CEDAW state parties, in particular through their National

Action Plans on WPS; and from civil society. In this working paper, we outline these developments, reflect on their efficacy, and offer suggestions for their further strengthening.

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## LEGAL AND INSTITUTIONAL CONTEXT

### Monitoring and Enforcing Women's Rights in Conflict under CEDAW

It was in response to the shortcomings in evolving human rights law in respect of women's rights that CEDAW was adopted in 1979 and that the CEDAW Committee was established to monitor its implementation.<sup>4</sup> The Convention radically departed from the established human rights treaties at the time of its adoption through its inclusion of a definition of discrimination against women encompassing both public and private life (article 1), its integration of civil and political (articles 7-9) and social and economic rights (articles 10-13), the provision for temporary special measures to remedy gender inequality (article 4), and its requirement on state parties to modify discriminatory social and cultural patterns (article 5).

The entry into force of CEDAW in 1981 established a treaty-based system of state accountability for women's human rights involving periodic review of state compliance (article 18) by an independent committee of experts (article 17). The Committee has led the review of state compliance through pursuing a constructive dialogue with state parties based on the Committee's compliance concerns, as well as hearing from civil society through their shadow reporting. The Committee's written "Concluding Observations" detail specific recommendations to the state party, which are reviewed on subsequent reporting cycles. Over time, the Committee has enhanced these reporting procedures through generating what might be termed monitoring-plus activities, in the form of issuing statements addressing particular women's human rights situations of

concern, and requesting exceptional reports from state parties, outside of the normal reporting cycle, where the circumstances merit such a request (article 18).

The Committee plays a unique and critical role in advancing feminist-informed interpretations of CEDAW's provisions and ultimately in shaping normative development of international human rights law. It undertakes this work by issuing interpretations of the Convention through General Recommendations which provide guidance to states on implementation of, and reporting under, the Convention (article 21). General Recommendations are informed by the Committee's state monitoring activities where it identifies systematic or structural issues that are best dealt with by a more general statement (recommendation), rather than only specific comments to state parties. General Recommendation No. 30 (2013) on the rights of women in conflict prevention, conflict and post-conflict situations was adopted to address the application of CEDAW to the specific context of armed conflict. The CEDAW Convention does not specify its application to armed conflict, in contrast, for example, to the Convention on the Rights of the Child.<sup>5</sup> However, CEDAW does not provide for derogation during periods of conflict and public emergency and the Committee has consistently affirmed the Convention's application to conflict, civil strife and public emergency.<sup>6</sup> The adoption of General Recommendation No. 30 (2013) therefore guides state parties reporting on their obligations on women's rights in conflict and in addressing challenges to women's rights in such settings.

Thematically, General Recommendation No. 30, in line with all of the Committee's General Recommendations, takes the Convention as its starting point. The General Recommendation articulates the ways that the rights guaranteed under CEDAW

- 1 Committee on the Elimination of All Forms of Discrimination Against Women, *General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations*, CEDAW/C/GC/30, 18 October 2013.
- 2 Catherine O'Rourke, and Aisling Swaine, *Guidebook on CEDAW General Recommendation 30 and the UN Security Council WPS Resolutions* (New York, NY: UN Women, 2015).
- 3 Catherine O'Rourke, and Aisling Swaine, "CEDAW and the UN Security Council: Enhancing Women's Rights in Conflict", *International and Comparative Law Quarterly* 67 (2018): 167–199.
- 4 Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights", *Human Rights Quarterly* 12 (1990): 486–498; Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester: Manchester University Press, 2000), 62–69.
- 5 *Convention on the Rights of the Child*, 1577 UNTS 3, 20 November 1989, article 38, and its *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict*, 2173 UNTS 2, 25 May 2000.
- 6 Committee on the Elimination of All Forms of Discrimination Against Women, *General Recommendation No. 30*, paragraph 11.

are impacted by conflict, specifically the prohibition of discrimination in law, policy and custom; the obligation on states to challenge discriminatory social and cultural patterns; the prohibition on trafficking; the right to political participation in domestic and international affairs; access to education, employment, health, and the rights of rural women; right to nationality; right to equality in marriage and family relations; and the right to enter into contracts. General Recommendation No. 30 outlines the obligations on states to address violations caused by conflict and makes several recommendations to state parties to this end.

General Recommendation No. 30 specifically addresses the relationship between CEDAW and the WPS resolutions: substantively, in terms of implementing the resolutions in line with state obligations under CEDAW and, procedurally, in terms of the obligations on states to include WPS activities in their reporting to the CEDAW Committee. General Recommendation No. 30 further addresses the territorial application of the Convention, to state party activities within their borders, but also in bilateral relations with neighbouring states, in donor activities and foreign affairs, and in multilateral memberships of UN and regional organisations. As such, General Recommendation No. 30 not only addresses states currently or recently in conflict, but addresses all state parties.

General Recommendation No. 30 responds to concerns about the legal status and under-enforcement of UN Security Council Resolution (UNSCR) 1325. It interprets implementation of the WPS resolutions as constitutive of state obligations under CEDAW. It states that “all areas of concern addressed in those resolutions find expression in the substantive provisions of the Convention” (paragraph 26). It also brings the domestic implementation of the resolutions under the monitoring role of the Committee by requesting states as follows:

State parties are to provide information on the implementation of the Security Council agenda on women, peace and security, in particular resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013), including by specifically reporting on compliance with any agreed United Nations benchmarks or indicators developed as part of that agenda (paragraph 83).

General Recommendation No. 30 thereby establishes a clear means for state party reporting on implementation of the WPS resolutions in line with obligations under CEDAW; invokes the Committee monitoring process to enhance accountability on WPS; and opens up an express avenue for communication between instruments on women’s rights in conflict emerging through the CEDAW Committee and the Security Council.

### **Monitoring and Enforcing Women’s Rights in Conflict under the Security Council’s WPS Agenda**

Resolution 1325, which inaugurated the WPS agenda in 2000, came about in response to civil society demands that the Security Council redress its persistent silence on violations of women’s human rights in armed conflict and critical gaps in gender equality in international peace and security. The WPS agenda brought about recognition of women’s rights concerns across a range of thematic areas over which the Security Council has a shared as well as distinctive role within the UN system. Its power to make decisions on country situations of concern, on peacekeeping and political missions where the UN’s largest budget is held and in the realm of peace processes is significant. The WPS resolutions all prescribe a range of duties for UN member states, UN entities and high-level officials, and for civil society.



The Security Council's primary response to criticism over the lack of enforcement of the WPS resolutions has largely been to adopt subsequent resolutions, a response that serves often to replicate rather than resolve gaps in enforcement and accountability.

Concerns for its practical implementation have come to characterise the overall WPS agenda since its inception. The Security Council does not act as a monitoring body on state-level implementation of its resolutions or thematic issues, as it lacks a mandate, function and means for holding all UN member states accountable to its thematic resolutions.<sup>7</sup> The Security Council has, however, used some of its procedural methods to advance implementation of the WPS agenda within and across the UN system. The Security Council has held an annual open debate on WPS since 2002 (with a Presidential Statement delivered since 2001) and from 2009 a second annual open debate per year on sexual violence in conflict. The Security Council also requests that the UN Secretary-General update it on implementation of the WPS resolutions through thematic annual reports.<sup>8</sup> Important to note is that, while these reports are compiled on the basis of information provided by member states on their implementation of the resolutions, state submissions to the reporting process are to the UN Secretary-General (not the Security Council) and cooperation with reporting is not mandatory. The reports are important informative outputs and offer significant observations on progress towards implementation. They are not, however, a modality through which member states are directly accounting to the Security Council for implementation of the resolutions.

The Security Council's primary response to criticism over the lack of enforcement of the WPS resolutions has largely been to adopt subsequent resolutions, a response that serves often to replicate rather than resolve gaps in enforcement and accountability. For example, Resolution 1889 (2009) requested the Secretary-General to develop a set of global indicators to track the implementation of the resolutions.<sup>9</sup> It was intended that both member states and UN entities would voluntarily report against the indicators through the aforementioned UN Secretary-General's annual reports (with the majority of indicators aimed at the UN system).<sup>10</sup> Although the final indicators were presented to the Security Council in 2010, some members contest their relevance and their application has been far from universal, with UN agencies engaging with them much more than states.<sup>11</sup>

Engagement by the Security Council on the issue of sexual violence in armed conflict has been accompanied by more robust implementation measures, but focusing on the UN system – as distinct from member states' – activities. Resolution 1820 (2008), which formally introduced sexual violence in armed conflict as a defining issue of WPS, was quickly followed by Resolution 1888 (2009), which established mechanisms for the earlier resolutions' implementation and enforcement. Such mechanisms included the appointment of a Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to advance the UN's work on addressing that issue,<sup>12</sup> as well as an annual thematic report from the Secretary-General to the Security Council on Sexual Violence in Armed Conflict<sup>13</sup> distinct from his report on WPS. Importantly, Resolution 1960 (2010) established a monitoring, analysis and reporting framework (MARA) to document and track patterns of conflict-related sexual violence.<sup>14</sup> Resolution 1960 was also significant for establishing the "listing" procedure

7 See further O'Rourke and Swaine, CEDAW and the UN Security Council; see also Catherine O'Rourke, *Women's Rights in Armed Conflict under International Law* (New York: Cambridge University Press, 2020).

8 UN Security Council Resolution 1325 (2000), S/Res/1325, paragraphs 16–17.

9 UN Security Council Resolution 1889 (2009), S/Res/1889, paragraph 7.

10 Security Council Report, *Women, Peace and Security, Cross-Cutting Report No. 1* (New York, NY: Security Council Report, 2012), 41.

11 Security Council Report, *Women, Peace and Security, Cross-Cutting Report No. 1*, 41.

12 UN Security Council Resolution 1888 (2009), S/Res/1888, paragraph 4.

13 UN Security Council Resolution 1820 (2008), S/Res/1820, paragraph 15.

14 UN Security Council Resolution 1960 (2010), S/Res/1960, paragraphs 6, 8.

whereby the Secretary-General was requested to, in the annex to his annual thematic reports, list perpetrators of sexual violence in armed conflict.<sup>15</sup> This listing procedure, however, is explicitly confined to situations on the agenda of the Security Council and is intended to inform, *inter alia*, relevant sanctions regimes.<sup>16</sup>

The Security Council's power to enact sanctions is a distinct strength in terms of monitoring and accountability.<sup>17</sup> The use of mandatory sanctions is intended to apply pressure on a state or entity to comply with the objectives set by the Security Council without resorting to the use of force. The Council has resorted to mandatory sanctions as an enforcement tool when peace has been threatened and diplomatic efforts have failed. The range of sanctions has included comprehensive economic and trade sanctions and/or more targeted measures such as arms embargoes, travel bans, financial or diplomatic restrictions.<sup>18</sup> Since the end of the Cold War, enforcement action under article 41 has become a common instrument of peace maintenance. The link between the WPS agenda and the sanctions committee was first made in Resolution 1820 (2008) and reiterated in Resolutions 1888 (2009), 1960 (2010), 2106 (2013) and 2242 (2015).<sup>19</sup> The Security Council created a formal role for the SRSG-SVC, who regularly briefs the sanctions committee. The mandate of the Special Representative extends to naming and proposing individuals or entities to be sanctioned by the Council.<sup>20</sup>

To date, the Security Council has included sexual violence as a criterion in over half of its sanctions regimes.<sup>21</sup> Sanctions regimes are only invoked, however, where there is a distinct threat to the peace and where other measures have failed. It is thereby distinctly and solely tied to the Security Council's own definition of "sexual violence, when used or commissioned as a tactic of war", and to the small number of country situations on



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its agenda.<sup>22</sup> While this offers significant progress in respect of enforcement of standards of protection of women's rights, the potential to use sanctions to enforce decisions of the Security Council regarding WPS are thereby restricted to situations that reach a certain threshold and are on its agenda.<sup>23</sup>

While the WPS resolutions all prescribe a range of commitments for UN member states, UN entities and civil society, an overall system of obligation and state accountability has, to date, not emerged. This gap reflects essential institutional aspects of the Security Council in terms of its own mandate and working methods, as well as broader deficiencies in political will. These complexities and the clear need to strengthen implementation makes the examination of the potential for synergies with the CEDAW Committee particularly compelling.

## THE PURSUIT OF NEW SYNERGIES

A key practical difference between CEDAW and the Security Council's WPS resolutions is that, while CEDAW has a mechanism for monitoring state accountability of all state parties through its Committee, the Security Council has no comparable accountability mechanism for UN member state implementation of the WPS resolutions. CEDAW and the

15 UNSCR 1960, paragraph 3.

16 UNSCR 1960, paragraph 3: ...and to list in an annex to these annual reports the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda; expresses its intention to use this list as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees;

17 Ulrich Beyerlin, "The United Nations Sanctions Regime", in *United Nations: Law, Policies and Practice*, Vol. 2., ed. Rüdiger Wolfrun and Christiane Philipp (Leiden: Martinus Nijhoff Publishers, 1995): 1111–28.

18 See further United Nations Security Council website: <https://www.un.org/sc/suborg/en/>

19 For full discussion, see Security Council Report, *Women, Peace and Security: Sexual Violence in Conflict and Sanctions* (New York, NY: Security Council Report, 2013).

20 UNSCR 1960, paragraphs 3, 7, 8; UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, *Provisional Guidance Note: Implementation of Security Council Resolution 1920 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence)* (New York, NY: UN Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 2011), <http://www.refworld.org/docid/4e23ed5d2.html>.

21 Security Council Report, *Women, Peace and Security, Cross-Cutting Report No. 1*, 71.

22 See, for example, UNSCR 2262 (2016), S/Res/2262, on the situation in the Central African Republic.

23 Attempts to broaden these criteria have been rebutted by some permanent and non-permanent member states. See, for example, "Statement by Russia", UN Security Council Meeting Record S/PV.6948, 17 April 2013. For broader analysis, see Security Council Report, *Women, Peace and Security, Cross-Cutting Report No. 1*.



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WPS resolutions emerge from distinct UN organs, with distinct mandates and compositions. In formal institutional terms, CEDAW's roots lie in the Economic and Social Council, established by the UN Charter in 1948 with a mandate to, *inter alia*, make and initiate studies and recommendations on human rights, as well as set up commissions for the promotion of human rights. The Commission on the Status of Women took a lead role in drafting CEDAW, which was adopted by resolution of the General Assembly. UN member states separately accede to CEDAW obligations by ratifying the Convention.

This contrasts greatly with the adoption of the WPS resolutions in the Security Council. The Security Council was also established under the UN Charter but as an enforcement body that responds to threats to international peace and security. Its membership is highly selective; five states have permanent membership while the remaining 10 rotating non-permanent seats are taken on an elected basis of two-years' duration. The structures and procedures of the Security Council are thereby considered exclusive and exclusionary. Its resolutions cannot be appealed or judicially reviewed and therefore have little required democratic input, broader state consent, or formal connection to the human rights mandate of the UN. Given the concentration of formal decision-making within a handful of states, there remains broad exclusion of civil society

from its procedures, despite attempts by some states, particularly elected members, to try and increase civil society participation, both in the open debates on WPS as well as, increasingly, the debates on country situations.

The adoption of General Recommendation No. 30 prompted a number of efforts from both civil society and responsible UN actors to harness the potential synergies between CEDAW and the WPS agenda. Very quickly after its adoption, UN Women commissioned a Guidebook to inform states how to achieve synergies between the implementation of both their CEDAW and WPS obligations.<sup>24</sup> The UN Secretary-General, in his 2016 annual report on WPS, specifically addressed the CEDAW Committee's activities under General Recommendation No. 30 and requested further guidance to states from the Committee on how WPS commitments could be implemented as part of broader CEDAW compliance activities.<sup>25</sup> Finally, and perhaps most importantly, in December 2016 an Arria Formula meeting was held between the Security Council and members of the CEDAW Committee to discuss how synergies could be advanced. The holding of such a meeting was, in international law terms, unprecedented. That the two bodies would pursue cooperation and collaboration in this manner is potentially very significant for the mutually reinforcing implementation of both agendas. There are multiple opportunities for cross-regime accountability on women's rights in conflict, between CEDAW and the Security Council, within other treaty bodies' monitoring activities and with other bodies such as the UN Human Rights Council (see Table 1 for a select overview of those modalities). Recently, the pursuit of synergies has gathered pace at three essential levels: within the UN, at the national level by CEDAW state parties, and at the grassroots level by civil society.

24 O'Rourke and Swaine, *CEDAW and the UN Security Council*.

25 *Report of the Secretary-General on Women, Peace and Security, S/2016/822, 29 September 2016*, paragraph 73.

26 On UN Security Council country visits, see <https://www.securitycouncilreport.org/un-security-council-working-methods/visiting-mission.php>.



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### Distinctive and cross-regime opportunities to enhance accountability for women’s rights in conflict

UN Human Rights System	UN Security Council
<p><b>CEDAW Committee</b></p> <ul style="list-style-type: none"> <li>• State parties’ reporting to the CEDAW Committee</li> <li>• UN mission reports to state party examinations</li> <li>• Shadow reports by civil society</li> <li>• Exceptional reports to the CEDAW Committee</li> <li>• Individual communications and inquiries under the Optional Protocol</li> </ul> <p><b>UN Human Rights Council (HRC)</b></p> <ul style="list-style-type: none"> <li>• State reporting under the Universal Periodic Review</li> <li>• HRC Resolutions</li> <li>• Special Procedures including country level monitoring and reporting and thematic reports</li> </ul>	<p><b>Reporting to the Security Council</b></p> <ul style="list-style-type: none"> <li>• UN Secretary-General annual reports on WPS to the Security Council (covering the WPS Global Indicators)</li> <li>• UN Secretary-General annual reports on conflict-related sexual violence to the Security Council</li> <li>• Civil Society briefings to the Security Council</li> <li>• Informal implementation and monitoring tools related to the WPS resolutions:               <ul style="list-style-type: none"> <li>• Global indicators on WPS</li> <li>• Monitoring and Reporting Framework on Conflict-Related Sexual Violence (MARA)</li> <li>• Joint and unilateral communiqués on conflict-related sexual violence led by Office of SRSG-SVC</li> <li>• SRSG-SVC contributions to the Sanctions Committee</li> <li>• National Action Plans for the implementation of the WPS resolutions</li> <li>• Informal Expert Group (IEG) on WPS</li> <li>• UN Mission and Peacekeeping mission reports to the Security Council</li> <li>• Security Council country monitoring visits<sup>26</sup></li> </ul> </li> </ul>



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## FROM WITHIN THE UN

### Informal Experts Group

The Informal Expert Group (IEG) on Women, Peace and Security was established under Resolution 2242 “to enable greater oversight and coordination of implementation efforts”.<sup>27</sup> The IEG provides space for Security Council members to hear from ‘Security Council experts’ on key country situations as well as, increasingly, thematic items on the Security Council’s agenda.<sup>28</sup> The meetings of the IEG are organised and administered by UN Women in conjunction with two rotating member state co-chairs. UN Women consults *inter alia* with civil society, to prepare the background reading and key recommendations, which provides some space for civil society input.

Whilst there is no reference to CEDAW in the *Guidelines for the Informal Expert Group on Women and Peace and Security*,<sup>29</sup> CEDAW has in fact featured in its discussions and outputs. Early on in its operation, the IEG made use of reports by the CEDAW Committee in its briefing on Mali, for example.<sup>30</sup> Further, CEDAW is mentioned when pointing to the international obligations of states (and non-state actors as provided in General Recommendation No. 30) to prevent and protect against violence against women.<sup>31</sup> CEDAW is also mentioned with respect to states’ responsibility to implement women’s rights and freedoms (specifically relating to integration of women in political and social life, electoral processes, children’s rights).<sup>32</sup> When discussing Sudan (one of only five UN member states not party to CEDAW), the issue of signing and ratifying CEDAW was raised in the Group discussions.<sup>33</sup> When discussing Syria, the issue of reporting on implementation of the Convention was raised.<sup>34</sup> When discussing Colombia, input documents to the IEG refer to the CEDAW Committee’s

recommendations, and with respect to General Recommendation No. 30, the need for indicators, and respect of rights of people of different background and special needs, as raised by the CEDAW Committee.<sup>35</sup> Further, the CEDAW Committee’s Concluding Observations to state parties under discussion have been used as evidence when making claims about WPS in the country.<sup>36</sup>

On the whole, the IEG’s utilisation of CEDAW Committee outputs and recommendations evidence broadly positive trends in mutual implementation of WPS and CEDAW obligations. The critical challenge going forward is ensuring that the discussions within the IEG, and any resulting recommendations, are followed up on and implemented by those countries under discussion, by the UN experts involved and by the Security Council itself. The latter requires inclusion of analysis, findings and recommendations arising from the IEG in Security Council meetings, following up on recommendations during country visits and, importantly, using the evidence generated by the IEG to inform language in resolutions. Whether that comes to include language on concurrent CEDAW and WPS implementation remains to be seen.

### Framework of Cooperation between CEDAW and the SRSG on SVC

A “Framework of Cooperation” was established between the CEDAW Committee and the Office of the SRSG-SVC. The latter was established under Resolution 1888 (2009) “to provide coherent and strategic leadership, to work effectively to strengthen existing United Nations coordination mechanisms, and to engage in advocacy efforts, *inter alia* with governments, including military and judicial representatives, as well as with all parties to armed conflict and civil society, in order to address, at both headquarters

27 UN Security Council Resolution 2242 (2015), S/Res/2242, paragraph 5 (a).

28 UN Security Council, *Letter dated 22 December 2016 from the Permanent Representatives of Spain and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General and Annex to the letter dated 22 December 2016 from the Permanent Representatives of Spain and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, Guidelines for the Informal Expert Group on Women and Peace and Security*, S/2016/1104, [https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2016\\_1106.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_1106.pdf).

29 Ibid.

30 Statement by UN Women Deputy Executive Director for Policy and Programmes, Yannick Glemarec, Arria Formula Meeting on Linkages between Security Council Resolution 1325 and CEDAW GR 30, 5 December 2016.

31 Security Council Informal Expert Group on Women, Peace and Security, “Background Note, Afghanistan”, 13 July 2016), 8.

32 See, e.g., Security Council Informal Expert Group on Women, Peace and Security, “Update on Women, Peace and Security in Afghanistan”, 5 December 2017; Security Council Informal Expert Group on Women, Peace and Security, “Summary of the meeting on Afghanistan held on July 10th 2019”, 10 July 2019.

33 Security Council Informal Expert Group on Women, Peace and Security, “Background Note, Sudan”, 16 December 2019.

34 Security Council Informal Expert Group on Women, Peace and Security, “Background Note, Syria”, 26 February 2020.

35 Security Council Informal Expert Group on Women, Peace and Security, “Background Note, Colombia”, 29 July 2020.

36 See, e.g., Security Council Informal Expert Group on Women, Peace and Security, “Update on Women, Peace and Security in Mali”, 4 May 2017; Security Council Informal Expert Group on Women, Peace and Security, “Update on Women, Peace and Security in Iraq”, 5 March 2020 (on evidence submitted in shadow reports); Security Council Informal Expert Group on Women, Peace and Security, “Background Note, Myanmar”, 4 June 2019.

and country level, sexual violence in armed conflict".<sup>37</sup>

The role of the SRSG-SVC offers some potential for improved coherence between the Security Council and the Committee, at least in respect to sexual violence in conflict and trafficking for the purposes of sexual exploitation. The adoption of the Framework of Cooperation is significant in terms of enabling mutual implementation of legal and normative frameworks for the enhanced protection of women's rights in conflict. The cooperation framework notes the "mutually-reinforcing mandates" with the expressed intention to advance implementation of WPS on the basis of "human right standards".<sup>38</sup> The framework outlines the potential for mutually-reinforcing "areas of collaboration"<sup>39</sup> in several ways, including: the exchange of information on country situations under mutual scrutiny; use of CEDAW "exceptional reports" to enhance ways of addressing women's rights in conflict situations; and exploiting existing mechanisms, such as Arria Formula, to advance WPS through each set of mandates.

Importantly, there is evidence of this mutual and complementary implementation taking place. For example, in both of the SRSG-SVC's subsequent annual reports to the Security Council, CEDAW Committee evidence has been used to inform country analysis and recommendations. The 2019 recommendations to the Security Council to "strengthen prevention by reinforcing the compliance of state and non-state parties with Security Council resolutions on conflict-related sexual violence" include specific reference to CEDAW:

Recognising the existence and plight of thousands of children born of wartime rape who often face a lifetime of marginalisation and vulnerability to recruitment

by armed groups, I recommend giving due consideration to the specific protection needs of such children, including for undocumented forcibly displaced children and the clarification of their legal status as quickly as possible; *ensuring the right of mothers to confer their nationality upon their children, in line with the Convention on the Elimination of All Forms of Discrimination against Women*, so as to avoid possible statelessness; and making additional resources available for services that support the survivors of sexual violence and their children and that support women and girls wishing to terminate an unwanted pregnancy resulting from rape in being able to do so.<sup>40</sup>

Further, in the 2020 report, it is clear that the SRSG-SVC has relied on the CEDAW Committee's country-specific activities to inform her engagement and analysis of conflict-related sexual violence in both Colombia and Myanmar. In noting that implementation of the gender provisions of the 2016 peace agreement in Colombia had lagged, the SRSG-SVC relies on and specifically cites the CEDAW Committee's Concluding Observations to Colombia in 2019.<sup>41</sup> Even more meaningfully, the update of the country situation in Myanmar in the 2020 report notes the state's failure to implement the CEDAW Committee's recommended revisions to the Constitution and Penal Code to the draft law on the prevention of violence against women.<sup>42</sup> In this latter regard, the SRSG-SVC functioned as an additional – and reinforcing – monitoring and implementation mechanism for CEDAW recommendations to a state party.

This dynamic of mutual reinforcement is even more strongly evident in the CEDAW Committee's 2019 periodic examination and Concluding Observations to Myanmar. For example, the CEDAW Committee formally commended the

37 UNSCR 2242, paragraph 4.

38 Committee on the Elimination of All Forms of Discrimination Against Women and the Office of the Special Representative of the United Nations Secretary-General on Sexual Violence in Conflict, "Framework of Cooperation", 20 July 2018, 4.

39 Ibid.

40 *Report of the Secretary-General on Conflict-related Sexual Violence*, S/2020/487, 3 June 2020, paragraph 140 (emphasis added).

41 *Report of the Secretary-General on Conflict-related Sexual Violence*, S/2019/280, 29 March 2019, paragraph 24.

42 Ibid, paragraph 23.

- 43 Committee on the Elimination of All Forms of Discrimination Against Women, Concluding Observations to Myanmar, CEDAW/C/MMR/CO/EP/1, 18 March 2019, paragraph 12.
- 44 Committee on the Elimination of All Forms of Discrimination Against Women, Summary Report: Myanmar Hearing, CEDAW/C/MMR/CO/EP/1, 18 March 2019, paragraph 22.
- 45 Ibid, paragraph 33. See also ibid, paragraph 18: The Committee recommends that the State party promptly adopt the draft law for the prevention of violence against women and the protection of women from violence and ensure that it covers conflict-related sexual violence, provides adequate protection and support to victims and witnesses of sexual violence and establishes civilian jurisdiction over those crimes, including when perpetrated by military or other security forces. The Committee also recommends that the State party circulate it for public consultation and seek the technical cooperation of the United Nations, including the United Nations country team and the Special Representatives on Sexual Violence in Conflict and for Children and Armed Conflict, to ensure its compliance with the Convention and international standards.
- 46 Ibid, paragraph 32.
- 47 Neil A. Englehart and Melissa K. Miller, "The CEDAW Effect: International Law's Impact on Women's Rights", *Journal of Human Rights* 13 (2014), 22.
- 48 Andrew Byrnes and Marsha A. Freeman, *The Impact of the CEDAW Convention: Paths to Equality, A Study for the World Bank* (Washington DC: World Bank, 2011), 51; Marilou McPhedran, Susan Bazilli, Moana Erickson and Andrew Byrnes, *The First CEDAW Impact Study: Final Report* (Toronto: Centre for Feminist Research, York University and International Women's Rights Project, 2000); Beth Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009).
- 49 Simmons, *Mobilizing for Human Rights*, 253–54.
- 50 McPhedran et al, *The First CEDAW Impact Study*, 18.
- 51 Committee on the Elimination of All Forms of Discrimination Against Women, *Summary Record (Partial) of the 1143rd Meeting, Consideration of Reports Submitted by States Parties under Article 18 of the Convention (Continued) Seventh Periodic Report of the United Kingdom of Great Britain and Northern Ireland (Continued)*, CEDAW/C/SR.1143, 17 July 2013, paragraphs 14 and 26; Committee on the Elimination of All Forms of Discrimination Against Women, *Summary Record (Partial) of the 844th Meeting, Consideration of Reports Submitted by States Parties under Article 18 of the Convention (Continued) Fifth and Sixth Periodic Reports of the United Kingdom of Great Britain and Northern Ireland (Continued)*, CEDAW/C/SR.844, 10 July 2008, paragraphs 4 and 15.

Myanmar government for signing a Joint Communiqué with the SRS-GVC, committing to a number of measures to address conflict-related sexual violence.<sup>43</sup> Further, in the Committee's "constructive dialogue" with the Myanmar representatives, the Committee inquired specifically into the state party's progress in implementing measures agreed by the state with the SRS-GVC to address conflict-related sexual violence:

With regard to the joint communiqué between the State party and the Special Representative of the Secretary-General on Sexual Violence in Conflict, [the Committee member] wished to know what specific time-bound commitments had been made and implemented to combat sexual violence, including the issuance of clear orders through chains of command prohibiting sexual violence and accountability for breaching those orders and the prohibition of sexual violence in codes of conduct and military and police field manuals. In addition, [the Committee member] would appreciate an update on the commitment made by the State party to appoint an interministerial committee to oversee the implementation of the joint communiqué and to draft an action plan for that process. What time frame had been set for the establishment of the committee and the appointment of its members?<sup>44</sup>

Further, the Committee used its role to advocate for an ongoing role by the SRS-GVC in informing the government's response to conflict-related sexual violence:

[Could] the delegation clarify ... whether the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict would be given the opportunity, through its team of experts, to review the

bill and confirm its compliance with international law and standards. The Committee would suggest that a review of that kind could be one of the specific measures to be included in the action plan under the joint communiqué.<sup>45</sup>

In addition, the Committee specifically called on the Myanmar government to permit access to the SRS-GVC to the northern Rakhine state to investigate human rights violations within her mandate.<sup>46</sup>

Given the newness of these developments, it is difficult to draw conclusions yet about their efficacy and impact. Nevertheless, we draw on our discussion of CEDAW efficacy in earlier work to signpost the potential impacts of these new SRS-GVC and CEDAW synergies. For example, in their comparative study of the relative efficacy of human rights treaties, Englehart and Miller concluded that the CEDAW was even more effective than its counterparts in achieving a statistically significant and positive effect on human rights, what they termed "the CEDAW effect".<sup>47</sup> The most consistent finding across this scholarship is that the CEDAW Committee's activities are effective domestically where they connect with local reform constituencies, in particular women's civil society.<sup>48</sup> In the most wide-reaching and academically significant of such studies, Beth Simmons concludes that human rights treaties' impacts lie less in their direct relationship with state parties, but rather in the mobilising framework that they offer to domestic reform constituencies.<sup>49</sup> Thus, NGO use of shadow and complaint reporting procedures, and further utilisation of Concluding Comments and General Recommendations to hold governments to account, has been found to be critical to the Committee's efficacy on the ground.<sup>50</sup> Importantly, these conclusions were drawn from studies involving both conflict-affected and non-conflict states.

One illustrative example concerns the CEDAW Committee's repeated criticism of the UK's failure to include Northern Ireland within its National Action Plan on Women, Peace and Security.<sup>51</sup> This consistent attention by the Committee has proven important in supporting and sustaining local women's advocacy for an improved and better-coordinated state response to the impact of the conflict and its legacy on women's rights.<sup>52</sup>

## FROM CEDAW STATE PARTIES

### National Action Plans on Women, Peace and Security<sup>53</sup>

National Action Plans (NAPs) – planning tools used by willing member states to translate the WPS resolutions into a matrix of implementable actions – are lauded by many civil society advocates as a critical means of accountability for the WPS agenda. The plans vary in their content and the extent to which they advance a rights-centred and transformative interpretation of the WPS agenda.<sup>54</sup> Yet, the plans do offer a means for concurrent or at least complementary implementation of both CEDAW and the WPS resolutions, and some of the more recently adopted NAPs offer some hope in that regard.

Drawing on the LSE Centre from Women, Peace and Security/University of Sydney online analysis tool for WPS NAPs for the underpinning evidence, it is possible to discern five broad ways to categorise CEDAW references in NAPs. First, there are several NAPs in which CEDAW does not feature at all. In this category, we identified 39 NAPs across 32 countries, spanning Europe, North America, Asia and Africa<sup>55</sup> In the second category, there is rhetorical reference to CEDAW, with little ostensible significance either for the underlying commitments or monitoring processes of the NAP. Such references typically appear in footnotes,



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where countries express the fact that they acknowledge their obligations with respect to CEDAW or mention that the WPS agenda is based on the principles of CEDAW (and especially General Recommendation No. 30).<sup>56</sup> Overall, the majority of NAPs fall into one of these two categories. They either do not mention CEDAW at all, or mention CEDAW in one or two sentences, mostly giving the date of ratification or stating that Resolution 1235 is based on CEDAW and other international documents.

In the third category, CEDAW is invoked as complementary to the WPS framework and expressly recognised as part of the overall commitments in the NAP, thus acknowledging the Convention's normative and interpretative significance for the NAP. States will articulate their commitment to CEDAW being intrinsically linked to their commitments under the WPS agenda.<sup>57</sup> States reaffirm that CEDAW and the WPS resolutions are complementary and mutually reinforcing.<sup>58</sup> In certain cases, states mention that they have ratified CEDAW to demonstrate their commitment with respect to WPS.<sup>59</sup> The NAP of Paraguay, for example, states that Resolution 1325 is "an ally for the implementation" of CEDAW (among other international conventions).<sup>60</sup> Norway in its NAP provides that CEDAW "reinforces" the Security Council resolutions, particularly stressing the role of General Recommendation No. 30 in "harmonis[ing]" the commitments under the WPS resolutions and CEDAW, "thus reinforcing their impact and

52 For a full account of these dynamics, see Catherine O'Rourke, "Feminist Strategy in International Law: Understanding its Legal, Normative and Political Dimensions", *European Journal of International Law* 28 (2017): 1019–1045.

53 The research underlying this section of the paper relies on the LSE-University of Sydney Tool on National Action Plans: Caitlin Hamilton and Laura J. Shepherd, WPS National Action Plans: Content Analysis and Data Visualisation, v1 (2019), <https://www.wpsnaps.org/>.

54 For commentary see, for example: Aisling Swaine, "Addressing the Gendered Interests of Victims/Survivors of Conflict-Related Sexual Violence and Their Children Through National Action Plans on Women, Peace and Security", *Journal of Asian Security and International Affairs* 7 (2) (2020): 145–176.

55 NAPs: USA (2011, 2016); Canada (2010); Brazil (2017); Chile (2015); Iceland (2008, 2013); UK (2006); Portugal (2014); Spain (2007); Norway (2006, 2019); The Netherlands (2007, 2012); Sweden (2000, 2009); Estonia (2015); Lithuania (2011); Austria (2007); Switzerland (2007); Ukraine (2016); Moldova (2018); Slovenia (2018); Georgia (2012, 2016); Armenia (2019); Palestine (2017); Kyrgyzstan (2013, 2018); Mali (2012); Niger (2016); Côte d'Ivoire (2008); South Sudan (2015); Namibia (2019); Kenya (2016); Nepal (2011); Indonesia (2014); Republic of Korea (2014); Bougainville (2016).

56 See, e.g. NAPs: Paraguay (2005, 3), Spain (2007, 7), Ireland, (2015, 2019), UK (2018), Guatemala (2017).

57 See, e.g., NAPs: Uganda (2008), Rwanda (2009), Democratic Republic of Congo (2010), Mozambique (2018), Philippines (2009) on how UNSCR 1325 is built on or is in support of CEDAW and other international instruments.

58 Belgium (2008, 8), Czech Republic (2017).

59 Poland (2008, 14).

60 Paraguay (2005, 3).



## There is evidence of a more progressive measure of formal integration between state reporting and monitoring on the NAP and state reporting and monitoring for CEDAW.

strengthening the implementation of policy in this area”.<sup>61</sup> The NAP of Germany points to the fact that Resolution 1325 contains elements of CEDAW and its Optional Protocol.<sup>62</sup> Some states, like Romania, draw on the interrelation between CEDAW and Resolution 1325:

Both CEDAW and UNSCR 1325 are basic tools for addressing gender issues in both conflict and post-conflict situations. Resolution 1325 helps to achieve the CEDAW goal, as it emphasises its importance for all parties involved, both during conflict and peacetime. In turn, CEDAW provides concrete strategic guidance for the actions stipulated by UNSC 1325.<sup>63</sup>

In another example, Switzerland quotes the CEDAW Committee in the preamble of its NAP, referring to the Committee’s statement that conflict and post-conflict situations provide for transformative possibilities with respect to women’s rights.<sup>64</sup> Bosnia and Herzegovina’s NAP states that the recommendations of the CEDAW Committee served a basis for its plan and its implementation.<sup>65</sup>

In the fourth category are NAPs that draw on CEDAW to point to the relevance of temporary special measures with respect to implementation of WPS provisions related to women’s participation, reform of legislation and enactment of equality measures in law. Temporary special measures as provided by the CEDAW Committee are mentioned in several NAPs.<sup>66</sup> For example, the Finland NAP

“promotes the possibilities of women to participate in and influence legal reform efforts” and “temporary special measures as provided for by the CEDAW Committee, could be used” in this regard.<sup>67</sup> The Tajikistan NAP, which reviews its commitments to CEDAW and other international instruments, summarises the measures it is taking to address its most recent set of CEDAW Concluding Observations, including the monitoring and oversight of the use of temporary special measures as part of overall commitments to gender equality and to CEDAW implementation.<sup>68</sup>

Finally, in the fifth category, there is evidence of a more progressive measure of formal integration between state reporting and monitoring on the NAP and state reporting and monitoring for CEDAW. NAPs articulate their commitment to CEDAW by concrete actions, which often include indicators and submission of reports to the CEDAW treaty-based monitoring system.<sup>69</sup> Some of the NAPs in this category emphasise explicitly that they aim to link the NAP with CEDAW implementation (see Box 1 for details).<sup>70</sup> Ireland, for example, views its obligations under international conventions, namely CEDAW, and the Security Council WPS resolutions holistically, as one implies the implementation of the other.<sup>71</sup> Moreover, the Ireland NAP states that the WPS resolutions reaffirm its obligations under CEDAW.<sup>72</sup> Ireland, compared to other states, has one of the most comprehensive provisions with respect to CEDAW, making a direct link between the WPS agenda and obligations under CEDAW.<sup>73</sup> Some states articulate a commitment to report on implementation of their NAP in periodic reports to CEDAW.<sup>74</sup>

61 Norway, (2015, 14).

62 Germany (2013, 3), see also Nigeria (2013, 6).

63 Romania (2014, 10).

64 Switzerland (2013, 4).

65 Bosnia and Herzegovina (2014, 5); see also Georgia (2018, 2).

66 See, e.g., Finland (2008), Tajikistan (2014), Guatemala (2017), Germany (2013).

67 Finland (2012, 21).

68 Tajikistan (2014, 41).

69 Estonia (2010, 15).

70 Switzerland (2018, 7, 11).

71 Ireland (2011, 5).

72 Ireland (2011, 5).

73 Ireland (2015, 7); NAPs of Ireland provide that the UN WPS initiatives are ‘complementary’ to the obligations as outlined under CEDAW.

74 See, e.g., Bosnia and Herzegovina (2010, 2014); UK (2012); Ireland (2019); Finland (2008, 2012), Switzerland (2018, 5), Nigeria (2013).

## BOX 1 CEDAW in NAPs: Commitments to Implementation and Reporting of CEDAW

**The Lebanon NAP-WPS** was adopted as a direct response to the CEDAW Committee's recommendation that the government adopt a plan "in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, [and that it] seek the support of the international community for the implementation of its obligations".<sup>75</sup> Lebanon's National Action Plan for Human Rights is linked to the NAP on WPS as it "includes lifting all reservations to CEDAW",<sup>76</sup> which offers a hopeful sign for full implementation of CEDAW and WPS concurrently in that context.

**Ireland's third NAP** (2019–2024) makes provisions for the reporting of their NAP within Ireland's reporting obligations under CEDAW and the Universal Periodic Review, with an expectation that civil society organisations will "shadow report" on Ireland's performance in respect of CEDAW General Recommendation 30. Specifically, Ireland's NAP's action matrix includes an output to achieve "Better alignment of WPS and CEDAW" which will involve "reporting including but not limited to Recommendation 30" and support for CEDAW implementation globally through its NAP (output 4.1.8).<sup>77</sup>

## FROM CIVIL SOCIETY

There is also evidence that the pursuit of CEDAW-WPS synergies has informed new directions in civil society engagement with the international system for the protection of women's rights in conflict. Most notably, the influential NGO, Global Network for Women Peacebuilders (GNWP), in 2016 commenced its campaign "Amplifying Local Voices in Global Policy Forums: WPS-CEDAW Synergies".<sup>78</sup> This strategy aimed to promote "the joint implementation of CEDAW and the WPS resolutions" with General Recommendation No. 30 as the guiding basis for that work.<sup>79</sup> Most significantly as a result of their lobbying, they worked with then non-permanent Security Council member Uruguay to convene the 2016 Arria Formula meeting between the Security Council, civil society and members of the CEDAW Committee. Further, in 2019, a CEDAW side event panel discussion on "Strengthening

Synergies Between CEDAW and Women, Peace and Security Resolutions" centrally involved GNWP.<sup>80</sup> The membership of GNWP also undertakes capacity-building with local grassroots women's organisations across Africa, Asia and the Pacific, Latin America, Eastern and Western Europe and the Middle East and Arab states specifically to engage with the CEDAW Committee on the impact of conflict.<sup>81</sup> Specifically, GNWP began holding trainings with their in-country partners on how to utilise shadow reporting in order improve international scrutiny of state performance on implementing WPS commitments.

## CONCLUSION

When we made our initial research intervention on WPS and CEDAW in 2015, we were very much motivated by the conceptual and practical shortcomings of WPS implementation at the Security Council. We viewed

75 Committee on the Elimination of All Forms of Discrimination Against Women, *Concluding Observations on the Combined Fourth and Fifth Periodic Reports of Lebanon*, CEDAW/C/LBN/CO/4-5, 24 November 2015.

76 National Commission for Lebanese Women, *Lebanon National Action Plan on United Nations Security Council Resolution 1325: The Path to a Fair and Inclusive Society Through the Women, Peace and Security Agenda, 2019-2022* (Beirut: National Commission for Lebanese Women, 2019), 12.

77 Government of Ireland, *Ireland's Third National Action Plan for the Implementation of UNSCR 1325 and Related Resolutions 2019–2024* (Dublin: Government of Ireland, 2019), 44–45.

78 See further, Global Network of Women Peacebuilders, *Amplifying Women's Voices Towards Sustainable and Inclusive Peace: Global Network of Women Peacebuilders Strategic Plan, 2018–2022* (New York, NY: GNWP, 2018), 11, [https://gnwp.org/wp-content/uploads/2017-GNWP-StratPlan2018-22\\_FINAL.pdf](https://gnwp.org/wp-content/uploads/2017-GNWP-StratPlan2018-22_FINAL.pdf).

79 Ibid, 11.

80 UN Office of the High Commissioner for Human Rights, "CEDAW Side Event: Panel Discussion on 'Strengthening Synergies Between CEDAW and Women, Peace and Security Resolutions', *United Nations Human Rights: Office of the High Commissioner*, <https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/StrengtheningSynergies.aspx>.

81 Global Network of Women Peacebuilders, *Strengthening Synergies Between CEDAW and Women, Peace and Security Resolutions* (New York, NY: GNWP, 2018), [https://gnwp.org/wp-content/uploads/PolicyBriefGNWP-2018\\_13Sept\\_2018-1-1.pdf](https://gnwp.org/wp-content/uploads/PolicyBriefGNWP-2018_13Sept_2018-1-1.pdf).



There is also evidence that the pursuit of CEDAW-WPS synergies has informed new directions in civil society engagement with the international system for the protection of women's rights in conflict.



Writing now, with perceived Security Council paralysis even more acute – as evidenced for example in its inability to lead an agreed response to the Covid-19 pandemic – we view this pursuit of synergies and partners outside the Security Council for WPS implementation and advancement of women’s rights in conflict, as even more urgent.

synergies with CEDAW as a potential ameliorative to those gaps. Writing now, with perceived Security Council paralysis even more acute – as evidenced for example in its inability to lead an agreed response to the Covid-19 pandemic<sup>82</sup> – we view this pursuit of synergies and partners outside the Security Council for WPS implementation and advancement of women’s rights in conflict, as even more urgent.

The resistance by some permanent Security Council members to a perceived “expansion” of the WPS agenda beyond the confines of the Council only serves to illustrate the greatest challenges the WPS agenda has experienced over the last 20 years, and what is urgently needed in the next: deep and strengthened cross-regime and whole-of-UN approaches to advancing women’s rights in conflict. That kind of approach will serve to address critical gaps in the WPS agenda, particularly, as noted, in implementing WPS through the more equality-focused and transformative provisions offered by CEDAW, and in addressing deeply held and intersecting racial, ethnic, economic and broader inequalities in understanding and implementing the agenda.<sup>83</sup> In turn, it will also serve to make specific human rights provisions explicitly relevant to the work of the Security Council by enhancing the linkages and constructive interactions between the Council and the CEDAW Committee.

## RECOMMENDATIONS

On the basis of the research outlined here, we propose the following policy recommendations to advance women’s rights through enhanced synergies between CEDAW and the Security Council:

**1** Enhanced institutional interactions through sharing of data, intelligence and recommendations arising out of Security Council and CEDAW Committee activities must be taken to advance strengthened fulfilment of UN system-wide engagement on women’s rights.

For example, data gathered by the CEDAW Committee through its periodic and exceptional state party reports, civil society shadow reports and the Committee dialogues with state parties, should be shared with and used by the Security Council to inform its decisions on situations on its agenda. Further, the IEG should draw CEDAW Concluding Observations more systematically into its data generation and information sharing on country situations on the agenda of the Security Council. UN country experts, such as the Special Representatives of the Secretary-General heading up UN Missions, Resident Coordinators and Special Envoys that often brief the IEG, should include CEDAW obligations and CEDAW reporting, including the shadow reports submitted by UN missions to constructive dialogues, to inform their briefings to the IEG and in their mission-level decision-

82 See for e.g. Catherine O’Rourke, “International Law, COVID-19 and Feminist Engagement with the United Nations Security Council: The End of the Affair?”, *Feminist Legal Studies Issue* 28 (3) (2020); see also Colum Lynch, “U.N. Security Council Paralyzed as Contagion Rages”, *Foreign Policy*, 27 March 2020, <https://foreignpolicy.com/2020/03/27/un-security-council-unscc-coronavirus-pandemic/>, accessed 27 March 2020.

83 On the CEDAW Committee and intersectionality, see Meghan Campbell, “CEDAW and Women’s Intersecting Identities: A Pioneering Approach to Intersectional Discrimination”, *Oxford University Working Paper* 2 (3) (2016): 1–48, <https://ohrh.law.ox.ac.uk/wordpress/wp-content/uploads/2015/07/Working-Paper-Series-Vol-2-No-3.pdf>; Loveday Hodson, “A Feminist Approach to Alyne da Silva Pimentel Teixeira (Deceased) v Brazil”, in *Research Methods for International Human Rights Law: Beyond the Traditional Paradigm*, ed. Damian Gonzalez-Salzberg and Loveday Hodson (Abingdon: Routledge, 2019): 42–68.

84 O’Rourke and Swaine, *Guidebook on CEDAW General Recommendation 30*.

85 UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of the United Nations Security Council Resolution 1325* (New York, NY: UN Women, 2015), [http://wps.unwomen.org/pdf/en/GlobalStudy\\_EN\\_Web.pdf](http://wps.unwomen.org/pdf/en/GlobalStudy_EN_Web.pdf).

making with respect to peace and security concerns. The efficacy of these measures will be reliant on Security Council members following up on IEG outcomes with states and experts consulted, including monitoring CEDAW as well as WPS implementation, including in their country visits.

**2** Reports of peacekeeping missions and the UN Secretary-General's annual reports on peacekeeping and on WPS should be shared with the CEDAW Committee, reinforcing joint reporting, data-sharing and approaches to addressing issues like conflict-related sexual violence and sexual exploitation within the UN system by both institutions.

Further Arria Formula between the CEDAW Committee and the Security Council should be used to assess and deepen the potential for engagement and could be arranged around thematic areas of concern or gaps in implementation identified through CEDAW or WPS reporting structures.

**3** CEDAW state parties should commit to explicit inclusion of CEDAW obligations in their NAPs, specifically in the action matrices so that follow-up and implementation is assured.

Joined up implementation of CEDAW and WPS will deepen the potential for fulfilment of both sets of instruments. CEDAW inclusion in NAPs could specifically be framed under, for example, CEDAW's article 2 obligation to amend all laws, policies and conventions that discriminate

against women; its article 4 permitting temporary special measures to accelerate gender equality, which, as noted, has been seen in some NAPs to date; its article 7 on improving women's domestic political participation, which holds direct relevance to the participation pillar of the WPS agenda; and its article 8 on improving the number of women representing the state party in international affairs.

**4** Specific modalities for coordination between sections of government overseeing human rights compliance, and specifically CEDAW implementation, and the NAP oversight mechanism should be established.

Similarly, the structures established to provide oversight of CEDAW should include the leads on WPS implementation. This will enable congruence and coherence across government on global obligations on gender equality, allow for synergistic implementation of both sets of obligations and, importantly, allow for reporting on each to inform the other.

**5** State periodic reporting on CEDAW should make use of the "Checklist of Questions for State parties Reporting to CEDAW" provided in the UN Women Guidebook<sup>84</sup> and endorsed by the UN Global Study on 1325.<sup>85</sup>

This will maximise the reinforcement measures available in General Recommendation No. 30 for the WPS resolutions, bringing CEDAW's substantive equality provisions to bear on WPS implementation.

**6** Civil society organisations should continue to advocate for complementary and congruent implementation of the UN and member states' obligations on gender equality as captured in CEDAW and the WPS resolutions.

Key messaging should be focused on the substantive equality provisions that CEDAW lends to the WPS resolutions and the need for states to show leadership on taking transformative approaches to implementation of their commitments under WPS. Civil society shadow reporting on CEDAW, as above, should include specific reference to NAPs where they exist, and highlight gaps in WPS implementation and the need for NAPs where there are none.

**7** Relatedly, states and UN agencies should support civil society shadow reporting on CEDAW to address also the government's NAP activities.

This will further congruence and accountability available under General Recommendation No. 30.



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