

# Strengthening synergies between CEDAW and Women, Peace and Security Resolutions

## Executive Summary

The adoption of the Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979 was a historical moment. The Convention, often described as the “international bill of rights of women”<sup>1</sup>, established a legal framework for the elimination of discrimination and establishment of gender equality.

Similarly, the passing of the groundbreaking United Nations Security Council Resolution (UNSCR) 1325 on Women and Peace and Security (WPS) in 2000 established a normative framework for women’s meaningful participation in decision-making, conflict resolution, conflict prevention and peacebuilding; protection of women and girls’ rights; and prevention of sexual and gender-based violence in conflict-affected situations. Over the years, UNSCR 1325 was followed by seven supporting WPS Resolutions.

CEDAW and the WPS Resolutions both provide a set of standards for gender equality; women’s rights; and women’s meaningful participation in decision-making at all levels. They were also both a result of unyielding work of women’s rights and peace activists around the world. Under Chapter V, Article 25 of the UN Charter which states, “[t]he Members of the United Nations agree to accept and carry out the decisions of the Security Council” UNSCR 1325 is a powerful instrument that all Member States should implement. CEDAW, on the other hand, derives its force from the 189 States parties that ratified the convention. Furthermore, its robust reporting framework, whereby all States parties are required to periodically report to the CEDAW Committee; and civil society groups submit shadow reports that are equally valued by the CEDAW Committee, attests to the strength of CEDAW as an accountability mechanism.

CEDAW and the WPS Resolutions, together with other human rights treaties and International Humanitarian Law, provide a comprehensive framework for the protection and promotion of women’s rights, including in armed conflict. Yet, while the expansion of international law provisions protecting women’s rights in conflict is a positive development, it may also lead to the emergence of incompatible rules, or risk that one agenda or set of priorities would lead to “de-

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<sup>1</sup> <http://www.unwomen.org/-/media/headquarters/media/publications/unifem/cedawandunscr1325eng.pdf?la=en&vs=1006>, p.6.

prioritizing” other women’s human rights obligations.<sup>2</sup> To avoid such pitfalls, it is necessary to examine the synergies between different international instruments, and ensure they mutually reinforce, rather than undermine, each other. This need for greater synergy was recognized in the General Recommendation 30 (GR 30) of CEDAW, on women in conflict-prevention, conflict and post-conflict, adopted by the CEDAW Committee in 2013, which instructed all 189 States parties to CEDAW to report on the implementation of the WPS resolutions.

This policy brief contributes to the discussions on synergies between CEDAW and the WPS resolutions, by responding to three key questions:

1. **What is the importance of reporting on WPS through CEDAW reports?** This question was explored through key informant interviews and literature review, which confirmed that CEDAW reporting not only provides a systematic platform for WPS reporting, which is lacking in the Security Council. Furthermore, reporting on the implementation of the WPS resolutions through CEDAW will also strengthen the links between peace and security, women’s rights and gender equality.
2. **How has the monitoring and reporting on the implementation of the UNSCR on WPS through CEDAW changed over the years?** This question was answered through both qualitative and quantitative analysis of the texts of State Party reports to CEDAW; CEDAW Committee concluding observations, and civil society shadow reports. It revealed an increasing trend in both the quantity and depth of references to the WPS agenda, and the status of women in conflict more broadly. However, it also revealed that women are still viewed primarily as victims, and not as agents of peace, and that the link between women’s participation at all levels of decision-making and preventing conflict or sustaining peace is still tenuous in most State Party reports.
3. **How can the synergy between CEDAW and WPS be strengthened?** This question is addressed through concrete recommendations to Member States, civil society, CEDAW Committee and the Security Council, as well as the international development partners on joint implementation of CEDAW and the WPS resolutions.

## Key Findings

1. Reporting on WPS through CEDAW can help ensure stronger implementation due to the breadth of CEDAW’s normative framework, which recognizes women’s right to equality as fundamental to the achievement of the WPS agenda; the robustness of CEDAW’s regular reporting cycle and feedback mechanisms; and CEDAW’s wide application.
2. WPS reporting through CEDAW can also encourage greater inter-sectoral cooperation and coordination on women’s rights and gender equality, and breaking down the “silos” within the governmental structures.
3. The WPS agenda can also be used to overcome some of the limitations of the CEDAW, including the fact that many of the States parties have acceded with reservations.

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<sup>2</sup> Ibid.

4. There is a clear upward trend in terms of the frequency of the use of CEDAW to report on the implementation of the WPS resolutions, especially following the adoption of the General Recommendation 30 in 2013.
5. The depth and nuance of the reporting on peace and security issues to CEDAW has also improved. In 1990s and early 2000s reporting on women in conflict situations has often been used to provide historical and situational background, and rarely to report on State Party's efforts to ensure women's rights in conflict-affected situations.
6. The reporting on women in conflict-affected situations is increasing. However, it is largely focused on women as victims, with less reporting on women's participation in decision-making on peace and security matters including conflict prevention.
7. The CEDAW Committee has consistently highlighted the applicability of CEDAW in conflict; and called for reporting on the status of women in conflict situation, and on women's participation in decision-making on security and in transition to peace. As a result, the depth and detail of the recommendations has increased over time.
8. National Action Plans remain a key implementation tool for the WPS resolutions, and are recognized as such by the CEDAW Committee. Thus, their adoption and effective implementation can contribute to strengthening synergies between CEDAW and the WPS resolutions.
9. Civil society shadow reports are also an important advocacy tool, and have informed the CEDAW Committee concluding observations and recommendations.

## Recommendations

### To States Parties to CEDAW

States parties should **review their reporting procedures to ensure that monitoring of WPS Resolutions' implementation is fully integrated into their CEDAW reports**, and that an intersectional approach to women's human rights is adopted. State parties should use CEDAW Committee recommendations, as well as other available guidance, including UN Women Guidebook on CEDAW general recommendation no. 30 and the UNSCRs on WPS<sup>3</sup> to appropriately integrate WPS into their CEDAW reports.

States parties should include references to CEDAW in their National Action Plans on WPS, and **include reporting through CEDAW as part of the monitoring scheme for NAP** implementation.

### To the UN Security Council and other UN entities

The UN Security Council (UNSC), in particular the **Informal Expert Group and the sanctions committee, should use CEDAW State Party reports and CEDAW Committee Concluding Observations** to inform their deliberations and decision-making.<sup>4</sup>

<sup>3</sup> Please see: <http://www.unwomen.org/en/digital-library/publications/2015/8/guidebook-cedawgeneralrecommendation30-womenpeacesecurity>

<sup>4</sup> O'Rourke and Swaine note that "the UNSC can maximize the potential of its own areas of authority, by more comprehensively integrating women's human rights in the interpretation of its mandate. For example, a High-Level Review of the UNSC's sanctions regime

The UN Security Council should establish a reporting system specifically on WPS, thereby strengthening accountability for the implementation of the agenda.

The UN Security Council should consider **broadening the interpretation of its scope of work**, to more comprehensively include issues of women's human rights, and recognize that their violations can amount to "threats" under the UNSC mandate.<sup>5</sup>

The UN Security Council should consider **adopting a UNSC Resolution on WPS, specifically addressing the issue of synergies between WPS and CEDAW**. The resolution should include concrete and practical calls for the use of CEDAW as a reporting mechanism on WPS, to ensure that it would concretely contribute to strengthening the implementation, rather than merely adding to the volume of the WPS resolutions.

**The office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and the CEDAW Committee** should continue their efforts to strengthen their cooperation and coordination, including through the implementation of the "Framework of Cooperation" agreement signed on July 20, 2018.

#### To the CEDAW Committee

The CEDAW Committee should **use the standardized monitoring, analysis and reporting arrangements (MARA) on Conflict-Related Sexual Violence**, other Security Council reports, as well as Secretary-General Reports to Security Council in reviewing State party reports and in formulating recommendations.

The CEDAW Committee should continue its good practice of **posing detailed questions and providing recommendations on the implementation of National Action Plans on WPS**, in particular ensuring that they fully integrate the principles of gender equality and women's rights.

The CEDAW Committee should consider **triggering its inquiry procedure in cases of States parties that consistently refuse to adhere to recommendations related to WPS**, recognizing such refusal as a grave and systematic violation of women's rights.<sup>6</sup>

#### To the civil society and international partners and donors

Civil society should continue to **raise WPS issues in their shadow reports**, and strive to **ensure greater coordination among reporting organizations**, and include WPS in joint civil society reports.

Women's groups should advocate for and request the **triggering of the inquiry procedure** towards the State parties that consistently refuse to implement CEDAW Committee recommendations related to WPS.

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in 2014 made specific recommendations for expanded sanctions criteria that would allow thematic areas of concern to be considered as 'threats' under the UNSC's mandate in respect of sanctions." Cf. O'Rourke, C., & Swaine, A. (2018). CEDAW AND THE SECURITY COUNCIL: ENHANCING WOMEN'S RIGHTS IN CONFLICT. *International & Comparative Law Quarterly*, 67(1), p. 168.

5 O'Rourke and Swaine note that "the UNSC can maximize the potential of its own areas of authority, by more comprehensively integrating women's human rights in the interpretation of its mandate. For example, a High-Level Review of the UNSC's sanctions regime in 2014 made specific recommendations for expanded sanctions criteria that would allow thematic areas of concern to be considered as 'threats' under the UNSC's mandate in respect of sanctions." Cf. O'Rourke, C., & Swaine, A. (2018). CEDAW AND THE SECURITY COUNCIL: ENHANCING WOMEN'S RIGHTS IN CONFLICT. *International & Comparative Law Quarterly*, 67(1), p. 168.

6 As O'Rourke points out, the inquiry procedure can be an effective accountability tool, leading to change in State party policies. <http://blogs.lse.ac.uk/wps/2018/04/19/uk-in-grave-and-systematic-violation-of-rights-due-to-restrictive-abortion-laws-in-northern-ireland/>

In countries that have NAPs on WPS, but have not ratified CEDAW, or have ratified with reservations, **civil society and international partners should use the commitments under the NAP to advocate for CEDAW ratification** and/or withdrawal of the reservations.

International development partners and donors should **continue to support and build capacity of national and local civil society** to effectively use CEDAW reporting as a monitoring mechanism on the WPS resolutions.

### **Background: CEDAW and Women, Peace and Security<sup>7</sup>**

The adoption of the CEDAW was a response to the call for a treaty specifically addressing the rights of women, to complement the existing human rights regime. It was an important development for a number of reasons. It elevated the goal of gender equality to the level of an international law. It redefined the concept of gender equality, highlighting that it does not mean applying the same standards to women and men to access their rights. It championed the idea that non-discrimination is a matter of not only law, but also practice, and obligated its States parties to ensure the protection of the rights of women both *de jure* and *de facto*. It highlighted the importance of changing social norms and challenging negative gender stereotypes.<sup>8</sup>

Moreover, CEDAW is unique because of its robust reporting structure and the existence of the CEDAW Committee – the body of 23 independent experts, charged with monitoring the implementation of the CEDAW, by reviewing and responding to State Party reports. The Committee is also tasked with clarifying the meaning and scope of CEDAW articles; and suggesting methodologies for their implementation through General Recommendations. This role means that CEDAW can adjust to the changing global context, and to the emergence of parallel human rights and women's rights treaties and agendas.

The Women, Peace and Security agenda is one such example. The adoption of UNSCR 1325 in 2000 was a historical moment and a culmination of many years of advocacy by women peace activists. In subsequent years, related resolutions were adopted to further strengthen the specific provisions focused on the use of sexual violence as a tool of war; the increased participation of women at all levels of peace negotiations and processes; zero tolerance policy for sexual abuse by United Nations personnel, including peacekeeping troops; end to impunity for sexual violence in conflict; and countering violent extremism. While some efforts have been undertaken to strengthen the monitoring of the implementation of the WPS agenda,<sup>9</sup> there remains a need for more systematic monitoring of UNSCR 1325 implementation progress. CEDAW can be a valuable tool in addressing this need.

There is an increasing recognition of the complementarities between the WPS agenda and CEDAW, and the need to strengthen the synergies between them. The adoption of the CEDAW Committee's landmark GR 30, explicitly examining the links between the Convention and WPS Resolutions, is perhaps

<sup>7</sup> The background draws on the presentation "Understanding CEDAW", delivered by Shanthi Dairiam at the Training Workshop on the Synergies between CEDAW and WPS for Palestinian women in Amman, Jordan, in March 2018. For more information please contact Agnieszka@gnwp.org. For more background on CEDAW, see also: <http://www.un.org/womenwatch/daw/cedaw/history.htm>.

<sup>8</sup> CEDAW, Article 5a

<sup>9</sup> Cf. United Nations Security Council Resolution 1889 (2010); United Nations. UN Strategic Results Framework on Women, Peace and Security: 2011-2020; United Nations Security Council Resolution 1325, Report of the Secretary General on Women and Peace and Security, S/2010/498 (28 September, 2010); Coomaraswamy, R. (2015). Preventing Conflict, Transforming Justice, Securing the Peace : A Global Study on the Implementation of United Nations Security Council Resolution 1325.

the clearest such initiative. Under GR 30, all 189 States parties to CEDAW are instructed to report on their implementation of the WPS Resolutions. Equally important, civil society can use the shadow reporting mechanism to report on the implementation of the WPS. Other steps have also been taken, such as the publication of a UN Women “Guidebook on CEDAW General Recommendation No. 30 and the UN Security Council Resolutions On Women, Peace and Security”<sup>10</sup>; and the Arria Formula meeting on the linkages between UNSCR 1325 and CEDAW GR 30.<sup>11</sup> A recent positive example of a synergy between the CEDAW Committee and entities responsible for WPS implementation, is the signing of a Framework of Cooperation agreement between the CEDAW Committee and the SRSG-SVC. The Framework of Cooperation is a major step towards strengthening the synergies between CEDAW and WPS Resolutions, and an instrument that will foster coordination, coherence and concerted effort to promote and protect the rights of women and girls, particularly those affected by conflict-related sexual violence. The areas of collaboration under the agreement include exchange of information on country situations; use of exceptional reports and visits by the Committee to address concerns about violations of women’s human rights in conflict and post-conflict situations; use of various platforms such as the Arria Formula to advance the WPS agenda; holding panel discussions to improve synergies between the CEDAW Committee and the SRSG-SVC’s mandates; and undertaking joint outreach activities to promote the work of both mandates, including under the CEDAW GR 30.

Nevertheless, more work to ensure strong synergies between the two policy frameworks is needed. The policy brief attempts to contribute to such strengthening, by analyzing the use of CEDAW reporting to monitor WPS implementation, and providing concrete recommendations on how it can be improved.

## **Why are synergies between CEDAW and WPS important?**

**Key Finding 1: Reporting on WPS through CEDAW can help ensure stronger implementation due to the breadth of CEDAW’s normative framework, which recognizes women’s right to equality as fundamental to the achievement of the WPS agenda; the robustness of CEDAW’s regular reporting cycle and feedback mechanisms; and CEDAW’s wide application.**

GNWP’s own experience of working with national and international actors engaged in CEDAW reporting, including GNWP’s involvement in organizing, and participation at the Arria Formula meeting on the synergies between CEDAW and the WPS resolutions held in December 2016 under the sponsorship of the Permanent Mission of Uruguay to the UN; key informant interviews; and literature review, point to how the strengthening of synergies between CEDAW and the WPS resolutions can improve implementation:

- ▶ **CEDAW provides a broader normative framework for the WPS resolutions**  
While WPS resolutions have made important contribution to recognizing the impact of conflict on women, and the way in which they can contribute

<sup>10</sup> See: <http://www.unwomen.org/en/digital-library/publications/2015/8/guidebook-cedawgeneralrecommendation30-womenpeacesecurity>

<sup>11</sup> Named after Ambassador Diego Arria of Venezuela who initiated the practice in 1992, an Arria Formula meeting is a meeting with relatively flexible procedural framework during which Security Council members are able to exchange views and engage in direct dialogue with government representatives and international organizations, as well as non-State parties. This Arria Formula meeting sponsored by the Permanent Mission of Uruguay was the first time that the Security Council engaged with a treaty body.

to preventing and resolving conflicts, nuanced language on gender equality is absent from the UNSC resolutions. In particular, they lack reference to structural inequalities and gender stereotypes, which are often the underlying cause of both the disproportionate impact of conflict on women; and of their limited participation in decision-making, especially on peace and security. CEDAW recognizes that achievements of gender equality and WPS can only be sustained if social norms and the legal status of women also change.

► **CEDAW provides a reporting mechanism for the implementation of WPS resolutions**

The regular reporting, and the existence of the independent expert committee to scrutinize the reports, provide an unparalleled opportunity to hold States parties accountable for the implementation of the WPS resolutions. CEDAW Committee Concluding Observations provide an opportunity to challenge vagueness of State Party reporting, and help ensure coherence and accountability for implementation. Moreover, civil society submits shadow reports to the CEDAW Committee which provides invaluable information and insights on how the conflicts and their aftermath impact on women; and how women are taking action to build peace and prevent conflicts (e.g. 2013 shadow report on “WPS approach” in DRC coordinated by WILPF; shadow reports on women and conflict in Nepal by International Center for Transitional Justice and Advocacy Forum and AWON in 2011; shadow report on “Iraqi Women in Armed Conflict and Post-Conflict situation submitted in 2013).

► **CEDAW’s wide application has the potential to broaden the traditional scope of understanding of WPS under the UNSC regime**

The CEDAW Committee has often emphasized the importance of including all women living within the territory of a State Party in the application of the Convention. This means non-discrimination against women refugees; asylum seekers; and those living under the occupation, is part of CEDAW implementation. This is further reiterated in GR 30, which reasserts the need for “Protecting women’s human rights at all times, advancing substantive gender equality before, during and after conflict”<sup>12</sup>; and states that the “Convention applies to a wide range of situations, including wherever a State exercises jurisdiction, such as occupation and other forms of administration of foreign territory.”<sup>13</sup>

An example of such application was the CEDAW Committee’s Concluding observations to Israel from November 2017, which called on Israel to “give full effect to the provisions of the Convention and implement its obligations under international humanitarian law with regard to all persons under its jurisdiction or effective control,”<sup>14</sup> including Palestinian women.

CEDAW approach is broader than the one adopted by WPS Resolutions. As O’Rourke and Swaine note, “the WPS agenda, for example, does not address trafficking, nationality and statelessness, or marriage and family relations.” Furthermore, “whereas the WPS resolutions advocate the increased participation of women in conflict prevention, the CEDAW Committee advocates conflict prevention per se in order to address the causes of conflict, for example by calling on States parties to robustly

<sup>12</sup> CEDAW/C/GC/30, para 1.

<sup>13</sup> CEDAW/C/GC/30, para 9.

<sup>14</sup> CEDAW/C/ISR/CO/6, para 15.

regulate the arms trade and to appropriately control the circulation of conventional and small arms.”<sup>15</sup>

This broader scope gives WPS advocates a framework to use when working towards a more comprehensive implementation of WPS.

**Key Finding 2: Calling for WPS reporting through CEDAW can also encourage a greater inter-sectoral cooperation and coordination on women’s rights, and breaking down of the “silos” within the governmental structures.**

As Dr. Catherine O’Rourke, Senior Lecturer in Human Rights and International Law at the Ulster University pointed out in an interview with the GNWP team, the failure to report on WPS-related issues in the CEDAW reports may sometimes be due to a lack of communication or coordination between the parts of government responsible for CEDAW reporting, and those responsible for WPS implementation. In such cases, the fact that the CEDAW Committee can and does include WPS in its Concluding Observations and “List of Issues” may encourage States parties to strengthen such coordination.

Coordination on CEDAW reporting is also a challenge for the civil society. GNWP’s qualitative analysis has shown that WPS issues are more often included in specifically dedicated shadow reports prepared by organizations working on WPS issues, than in the joint reports, which indicates that the coordination between different civil society sectors could be strengthened.

**Key Finding 3: The WPS agenda can also be used to overcome some of the limitations of the CEDAW, including the fact that many of the States parties have acceded with reservations.**

Despite its strengths, discussed in the previous parts of this policy brief, CEDAW faces several limitations to its implementation. The reservations of many of the States parties are among the most serious limitations. While, “more reservations to [CEDAW] have been modified or removed than those to any other human rights treaty,”<sup>16</sup> a number of States parties continue to refuse to report on the full scope of CEDAW provisions. Moreover, while only a few countries have not ratified CEDAW, the fact that the U.S. - one of the Security Council Permanent Members - is amongst them poses a significant challenge. This further emphasizes the need to strengthen synergies between the two policy frameworks, to overcome challenges faced by each of them.

A positive example of how WPS agenda and CEDAW application mutually reinforce each other is the case of Australia. Australia initially acceded to CEDAW with the following reservation: “The Government of Australia advises that it does not accept the application of the Convention is so far as it would require alteration of Defence Force policy which excludes women for combat and combat-related duties.” In August 2000, the Australian government amended the reservation to only include “combat” and not “combat-related duties”. In 2016, a reform removing all restrictions on women’s participation in Australian armed forces was fully implemented, thus setting stage for

<sup>15</sup> O’Rourke, C., & Swaine, A. (2018). CEDAW AND THE SECURITY COUNCIL: ENHANCING WOMEN’S RIGHTS IN CONFLICT. *International & Comparative Law Quarterly*, 67(1), 167-199.

<sup>16</sup> Connors, J. (2012). Article 28 in Freeman, M. A., Rudolf, B., & Chinkin, C. (Eds.). (2012). *The UN convention on the elimination of all forms of discrimination against women: A commentary*. Oxford University Press.



withdrawing the reservation.<sup>17</sup> While the decision to remove the gender restrictions on combat roles was first announced in 2011 and thus pre-dated Australia’s National Action Plan on UNSCR 1325 (2012-2018), the adoption of the NAP and the parallel work and advocacy of the civil society to implement WPS has contributed to a greater gender-awareness in Australian Defence Force (ADF), and the greater recognition of the need for a gender perspective. For example, the ADF recently initiated a training for gender advisors. Therefore, while there is not clear evidence that the WPS agenda contributed to better *de jure* implementation of the CEDAW (i.e. the removal of gendered restrictions on combat roles), it has contributed to better *de facto* implementation, by increasing gender awareness within the ADF.

## How has the monitoring of WPS implementation through CEDAW evolved over the years?

The below findings are based on a quantitative analysis of the mention of certain key terms in all State Party reports submitted between 1982 and 2018, and in-depth qualitative analysis of State Party reports, CEDAW Committee Concluding Observations; and civil society shadow reports from Azerbaijan; Colombia; Cyprus; DRC; Israel; Iraq; Jordan; Nepal; and Rwanda. GNWP used the NVivo software to probe for the frequency of the use of certain key words and phrases associated with WPS. GNWP then analyzed the generated statistics to identify trends in the change of key term use. In addition to analyzing the quantitative data, GNWP also reviewed the context in which the terms were used, to provide a qualitative analysis of the change in the depth and detail of references to peace and security over the years. The sample for the qualitative analysis was selected in such a way so as to guarantee a regional balance, as well as a balance between countries with higher and lower frequency of mention of the key terms, as revealed by the quantitative analysis.

**Key Finding 4: There is a clear upward trend in terms of the frequency of the use of CEDAW to report on issues of peace and security, especially following the adoption of UNSCR 1325 in 2000.**

GNWP has tested for the use of following key words and phrases: “conflict”; “peace”; “peace and security”; “refugee”; “1325”; “conflict prevention”; and “peacebuilding”. To produce a better comparison, the number of mentions in each year was then “weighted” by multiplying it by the percentage of the total number of reports that were submitted in the given year.

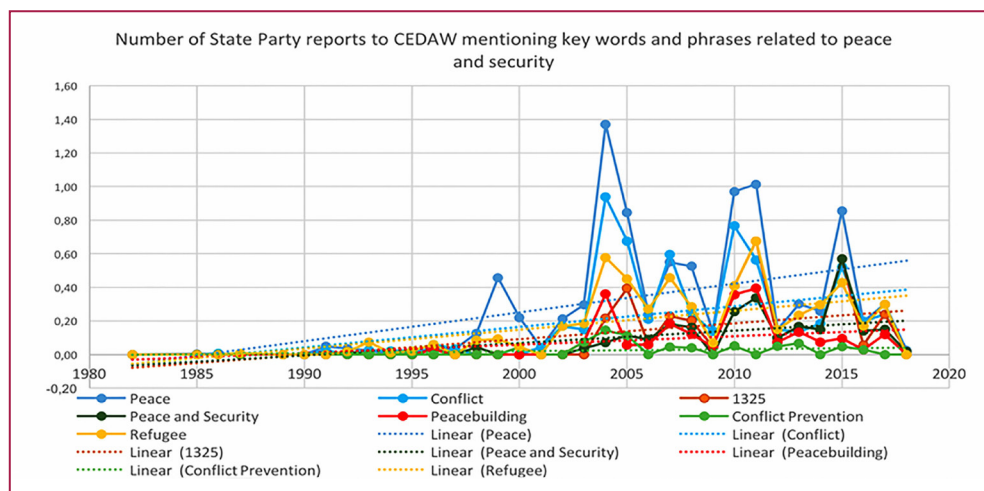


Figure 1: Change in the use of the key terms over time

17 <https://www.defenceconnect.com.au/key-enablers/844-australia-to-withdraw-reservation-barring-women-fro>

As Figure 1 demonstrates, the use of all key words and phrases has increased over time. For all terms except “peace”, the increase started after the year 2000. This suggests that the adoption of the UNSCR 1325 may have provided a framework needed to increase the awareness of States parties to include the situation of women in conflict; and the mention of women’s role in peacebuilding and conflict prevention, in their reports to CEDAW.

At the same time, it should be noted that the States parties did not always recognize the importance of UNSCR 1325 and other WPS resolutions as the framework for ensuring women’s greater participation in peacebuilding and peace processes. Especially prior to 2013 (that is, the adoption of the General Recommendation 30), it was not uncommon for States parties to report on the increase of the number of women in the military; or the role of women in peacebuilding, without referencing UNSCR 1325 (see, for example, Australia; Papua New Guinea; and Ukraine State Party reports from 2010). This is significant, since it suggests that even when they reported on peace and security issues in the CEDAW reports, the States parties still implemented CEDAW and the WPS Resolutions in silos, and there was little awareness of the synergies between the two sets of instruments

As Figure 2 demonstrates, the number of countries explicitly reporting on the implementation of UNSCR 1325 and the supporting WPS Resolutions in their reports to CEDAW Committee began to increase after 2012. As can be seen, a peak number of countries reported on the implementation of UNSCR 1325 during the 2013 CEDAW Committee Sessions. While the reports presented in 2013 would have been prepared at least a year earlier, it is conceivable that it was the discussions and advocacy around the GR 30 that stimulated greater awareness of the synergies between CEDAW and WPS, and therefore greater reporting.

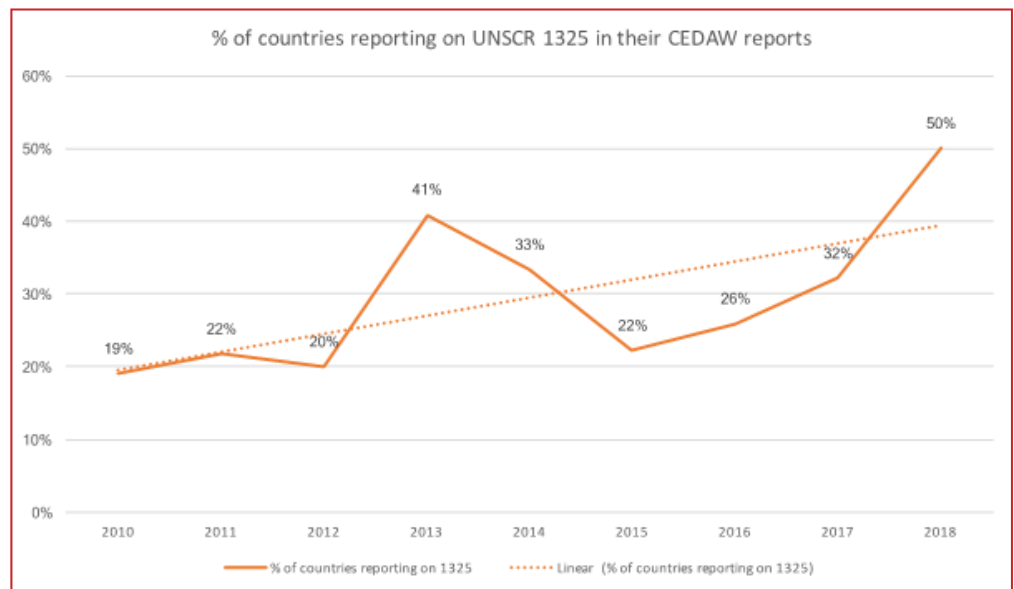


Figure 2: Increase in the percentage of States parties reporting on UNSCR 1325 implementation in their CEDAW reports

The number of States parties including progress on UNSCR 1325 in their reports to the CEDAW Committee continued to grow steadily between 2015 and 2018. Between 2014 and 2018, a total of 42 State Parties reported on the

implementation of UNSCR 1325 in their CEDAW reports. Moreover, GNWP's qualitative analysis has revealed that the depth of the reporting has also increased – more often detailing specific programs and measures undertaken to implement UNSCR 1325, and providing statistical data, rather than merely referencing the adoption of the NAP.

**Key Finding 5: The depth and nuance of the reporting on peace and security issues to CEDAW has also improved. In 1990s and early 2000s reporting on women in conflict situations has often been used to provide historical and situational background, and rarely to report on State Party's efforts to ensure women's rights in conflict-affected situations.**

In some early reports, such as the Bulgaria State party report from 1994; Iraq State Party report from 2000; Cyprus State Party report from 2004; Eritrea State Party report from 2004; and Azerbaijan State Party report from 2005, refer to the conflict situation and its adverse impact on women, as a justification for the limited implementation of its obligations under the CEDAW.

In later reports, the analysis of the impact of conflict on women has become more in-depth. Concrete statistics and data, for example on refugees or on human trafficking, has more often be collected and reported, although in some cases (such as the Jordan State Party report from 2010 and 2015) it remains not gender-disaggregated. Impact of conflict on specific groups (such as female-headed households; widows; women with disabilities; or refugee women) has also become more prominent in 2010s (e.g. in the Jordan State Party report in 2010; and DRC State Party report in 2013). In later years, States began to include a specific section on Women, Peace and Security (e.g. Nepal State Party report from 2010; Israel State Party report from 2017).

There is a clear trend towards including information on State Party's activities to address women's needs alongside the analysis of the impact of conflict to address women's needs, rather than simply use the impact as a justification for not implementing CEDAW Provisions.

**Key Finding 6: The reporting on women in conflict-affected situations is increasing. However, it is largely focused on women as victims, with less reporting on women's participation in decision-making on peace and security, including conflict prevention.**

As demonstrated by Figure 2, the reference to the situation of women as refugees has increased more quickly than the reference to peacebuilding, and much more quickly than the reference to conflict prevention, which has largely remained the same over the years. While the increase in the number of references to women refugees is a positive development, there is a need to increase the reporting on women's participation and roles as leaders and agents of peace.

Even in reports that include a strong and detailed analysis of women's participation in decision-making more broadly (such as the Rwanda State Party report from 2007; or Israel State Party reports from 1997 and 2005), the link between women's participation at all levels of decision-making and peace and security is not recognized nor explored. This is understandable given that CEDAW Articles 7 and 8, which refer to women's participation, do not specifically mention the security sector or peace processes. However, it is also a

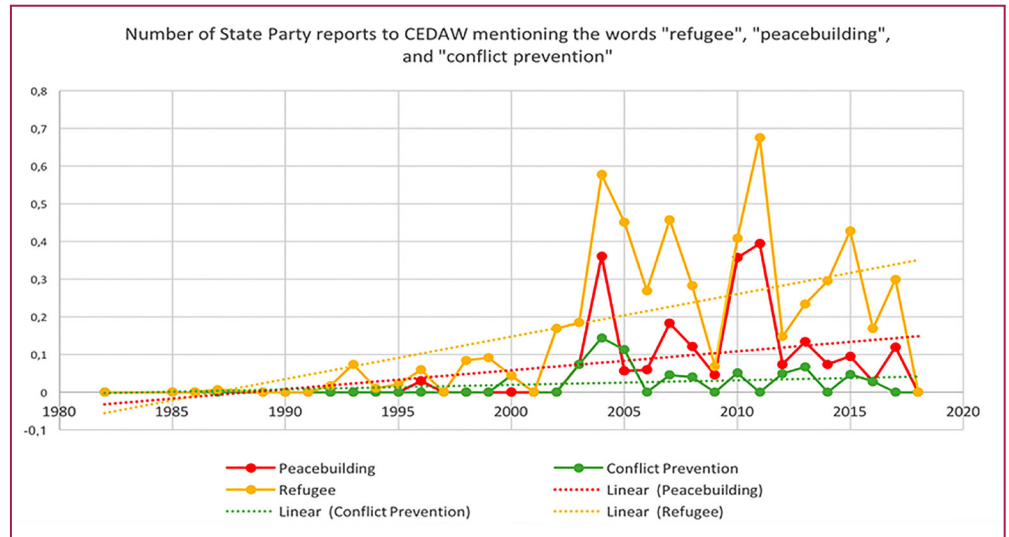


Figure 3: Increase in the use of terms "Refugee"; "Peacebuilding"; and "Conflict Prevention"

missed opportunity to apply the broader CEDAW gender equality framework to the situations of conflict, and to highlight the link between women's meaningful participation at all levels of decision-making, and the creation of peaceful societies.

An interesting exception is the DRC State Party report from 2004, which recognized gender equality and women's participation as prerequisites for peace, stating that "To ensure a peaceful transition, the institutions that will be put in place during the transition must guarantee appropriate representation of women at all levels of responsibility". However, the recognition was not complemented by a significant analysis of how the representation could be ensured. This was recognized by the CEDAW Committee, which noted its concern "about the small number of women in leadership positions in the transition process" in its Concluding Observations in 2006.

Over time, there has been an increase in mentions of women's participation in peace negotiations; and the link between women's inclusion in decision-making and peace and security. Most of the State Party reports from after 2010 analyzed by GNWP team included some provisions, data or at least recognition of the importance of women's participation in peace processes.

The Israel State Party report of 2010 recognized the need to include women in peace negotiations. Jordan State Party report from 2010 provided an analysis and data on women's participation in the security sector. Nepal State Party report from 2010 recognized women's participation in the peace process as one of the priorities, and provided statistics on their inclusion. Colombia State Party report from 2012 a policy on promoting "women as builders of peace and development was mentioned, and women's political participation emphasized as pivotal to peacebuilding. Rwanda State Party report from 2015 made a link between the appointment of women to various leadership positions, and the reconstruction process and provided statistics on women's participation in transitional structures, such as the Gacaca Courts. Similarly, Cyprus State Party report from 2017 included information about women's participation in the Technical Committee on Gender Equality.

Such development can be attributed to a number of factors, including the sustained advocacy by the civil society, and the CEDAW Committee persistent recommendations to report on WPS; the adoption of the General Recommendation 30; and the adoption and implementation of National Action Plans (NAPs) in a number of States parties.

Yet, despite this progress, the analysis of women's participation and data on the actual inclusion often remains insufficient, which has been consistently pointed out by the CEDAW Committee. For example, in its Concluding Observations on the Colombia report issued in 2013, the Committee noted that there is very little in-depth analysis and monitoring on the gender mainstreaming policies, including the one on women as peacebuilders. The Committee also expressed concern over limited acknowledgement of women's role during conflict. This points to the need for greater awareness of women's role not only as victims, but also as agents of peace.

**Key Finding 7: The CEDAW Committee has consistently highlighted the applicability of CEDAW in conflict; and called for reporting on the status of women in conflict situation, and on women's participation in decision-making on security and in transition to peace. As a result, the depth and detail of the recommendations has increased over time.**

As a member of the UN CEDAW Committee leading the Committee Task Force on GR 30, Ms. Bandana Rana pointed out, the Committee has made a "conscious efforts to ask concrete and detailed questions about WPS", both during the constructive dialogue with States parties and in its Concluding Observations. This conscious effort is reflected both in the number; and in the nature and depth of CEDAW Committee recommendations related to women, peace and security over time. For example, the number of Concluding Observations in which the CEDAW Committee referred to the WPS Resolutions increased from 5 in 2014 to 18 in 2017. Moreover, while in the 1990s and early 2000s, the reference to women in conflict was often limited to calls for reporting on the needs of women (including those belonging to minority groups) under conflict, in late 2000s and 2010s it more often referred to the need of including women in decision-making and peace processes. Following the adoption of General Recommendation 30, the CEDAW Committee also began to include concrete recommendations on response to conflict-related needs of women, their greater inclusion and the inclusion of marginalized groups of women. For example, the CEDAW Committee Concluding Observations on the report of Iraq in 2014, included a detailed section on refugee women; and on the need for gender-responsive reform of various State institutions, including the security sector; judiciary; and law-enforcement. Similarly, in the Concluding Observations to Colombia State Party report from 2012, the CEDAW Committee included a section dedicated to political participation of indigenous and Afro-Colombian women. Both case studies included detailed recommendations and a direct reference to GR 30. Importantly, the Committee also emphasized the link between GR 30 and ensuring rule of law, and women's participation at all levels of decision making. In its 2017 Concluding Observations to Ukraine, the Committee expressed its concern over the fact that women have been marginalized in the peace negotiations and the Minsk II agreement, and called on the State Party "place high priority on the meaningful and inclusive participation of women at all stages of the peace process and in all reconstruction initiatives".

In a number of cases, such as Nepal, Rwanda and Uganda, the CEDAW Committee recommendations for more detailed reporting on the conflict's impact on women (e.g. a recommendation to provide more data about women refugees in Nepal) were heeded by the States parties, and resulted in more detailed reports in the following years.

CEDAW Committee's reference to the impact of conflict on women, and recommendations related to addressing them has also become more detailed over time, especially after 2010. This can partially be attributed to the increase in the number of civil society shadow reports submitted after 2010, and the more detailed information included in State Party reports, providing the Committee with a stronger foundation to formulate concrete recommendations.

**Key Finding 8: National Action Plans remain a key implementation tool for the WPS resolutions, and are recognized as such by the CEDAW Committee. Thus, their adoption and effective implementation can contribute to strengthening synergies between CEDAW and the WPS resolutions.**

Changes in domestic law and policy, including the adoption of NAPs by States parties, can be seen as a contributing factor to the better and more in-depth reporting on WPS through CEDAW. In several instances, such as Jordan and Rwanda, the analysis of women's participation in peace processes accompanied the mention of the adoption or preparation of a NAP on UNSCR 1325, with participation as one of the key pillars. Thus, the adoption of the NAP became a trigger for more detailed analysis of women's participation.

The CEDAW Committee also recognizes the importance of the NAPs, and places them at the center of its questions and recommendations related to WPS. Particularly following the adoption of the GR 30 in 2013, the Concluding Observations have started to include detailed guidance and recommendations on NAP adoption and implementation. In the case of Colombia, the CEDAW Committee in its Concluding Observation issued in 2013 continued to push and expressed concern for the lack of interest and reluctance to adopt a NAP on UNSCR 1325. The Committee also asks concrete questions about NAP planning and implementation, including questions about the budget; monitoring mechanisms; the involvement of the civil society in drafting and implementation; and the institution/Ministry responsible for the NAP implementation. It also provides recommendations, for example, to ensure a gender-responsive budget for the NAP (in Iraq 2014; and Jordan 2017), or to include the civil society and marginalized groups in the process of drafting (Ibidem).

A National Action Plan is often an "entry point" for the CEDAW Committee to pose specific questions on Women, Peace and Security and its implementation. Conversely, the lack of NAP in Colombia poses a difficulty for the CEDAW Committee to promote the Women, Peace and Security agenda and its implementation because of the limited information that is provided. This further underlines the importance of the adoption of strong NAPs.

**Key Finding 9: Civil society shadow reports are also an important advocacy tool, and have informed the CEDAW Committee Concluding Observations and recommendations.**

The fact that the CEDAW Committee enables civil society to equally influence the Concluding Observations and ensure that States parties remain compliant to their obligations is one of the strengths of the CEDAW reporting process. Civil society can influence the reporting both through shadow reports and the complaints mechanism, established through the Optional Protocol. This emphasizes the role of the civil society in holding the government accountable that promotes the synergies between WPS and the CEDAW. It is therefore critical to ensure civil society awareness, capacity and confidence to submit shadow reports, and demand greater accountability for WPS.

Across all cases analyzed by the GNWP team, the shadow reports were an important tool in drawing attention to the issues of peace and security. In several instances, including DRC, Iraq and Israel, civil society produced reports directly focused on the situation and/or participation of women in conflict, which also explicitly referenced the Women, Peace and Security agenda and UNSCR 1325.


In several cases, including for example Azerbaijan, Cyprus and Nepal, the shadow reports were distinctly different than the State Party's reports, and pointed out to issues such as lack of access to justice for survivors of sexual violence not mentioned in the State Party report, or undermined the State Party's claims (e.g. about the inclusion of women in peace processes). Therefore, the submission of shadow reports by civil society organizations is crucial, because it provides the CEDAW Committee with an alternative perspective.

The shadow reports also more often than States party reports include detailed analysis and data/statistics, which is why the CEDAW Committee often relies on them in its Concluding Observations and recommendations.

## Conclusion

The adoption of CEDAW in 1977, which established an international legal framework for advancing gender equality, has laid the foundation for the adoption of other international laws protecting women's rights, including UNSCR 1325. Today, there is a robust framework of international laws and policies promoting women's rights. Yet, their multiplicity has also at times led to the creation of silos within governments, and among international entities, which have reservations in including certain issues in their mandates.

This policy brief advocates for breaking of these silos – especially between CEDAW and the UN Security Council. It provides international actors with the evidence on the benefits of synergies between CEDAW and WPS, including its strong reporting mechanism and feedback procedure, mandatory for all States parties. It also provides an analysis of the practical ways in which reporting on WPS implementation has been built into CEDAW reporting.

The policy brief notes that despite CEDAW's potential to strengthen WPS implementation, the use of CEDAW reporting to provide updates on WPS implementations by States parties; as well as the use of CEDAW reports to inform the work of the UNSC, remain limited. It calls on States parties to strengthen their reporting procedures, to ensure that CEDAW implementation and reporting does not take place in silos, and fully integrates issues of peace and security. It further calls on CEDAW Committee and the UN Security Council to use the tools that are at their disposal to urge States parties to use report on WPS implementation through CEDAW reporting, and hold them accountable for non-implementation; and to continue exploring avenues for stronger cooperation, and information exchange. One such avenue may be the creation of a Working Group on WPS within the Security Council, and subsequent creation of a reporting mechanism on WPS within UNSC. Finally, the brief calls on the civil society to continue including WPS content in its shadow reports; and on international development partners and donors to provide support and capacity-building for such reporting. 

This policy brief is part of GNWP's ongoing advocacy for the joint implementation of the UN Security Council Resolutions on Women, Peace and Security and CEDAW. GNWP is grateful for the financial support of the Federal Department of Foreign Affairs (FDFA) of Switzerland, Directorate of International Law (DIL) Human Rights Section for the production of the policy brief.