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DISSERTATION TITLE

Advancing international standards on reproductive rights through the Women, Peace and Security Framework

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Introduction

In April 2019, the UN Security Council passed Resolution 2467, the latest addition to the Women, Peace and Security (WPS) agenda. Spearheaded by Germany, the stated purpose of this resolution was to address and combat sexual violence in conflict settings, but negotiations on the language of the resolution were quickly derailed by certain member-states (led by the United States) who opposed any mention of 'reproductive health' being included within the resolution.¹ This opposition was motivated by fears that the use of language on 'reproductive health' would provide an entry point for further integration of reproductive rights (particularly access to safe abortion) into the WPS agenda - an integration that has been increasingly advocated for by several groups of civil society organizations, service providers and certain member-states both within and outside of UN spheres.

Faced with this impasse, many have begun to question whether the movement to integrate sexual and reproductive rights into the WPS agenda has hit a dead end. However, this failure to integrate sexual and reproductive rights arguably undermines the WPS agenda's central mission of providing a gendered perspective on the impacts of conflict and humanitarian emergencies, and mainstreaming gender across the different stages of peace negotiations, humanitarian planning, peacekeeping operations and post-conflict peacebuilding.² This perceived 'dead end' is also meaningful for reasons that extend beyond the sphere of the Security Council, as it highlights the continued silo-ing of peace and security issues and human rights issues within UN structures that prohibits much-needed collaboration between the different entities that have a role to play in facilitating the implementation of the WPS agenda. Furthermore, the exclusion of reproductive rights from the language of the WPS resolutions contributes to weakening protections for these rights in contexts where significant barriers to their realization already exist, resulting in increased threats to the health, lives and wellbeing of millions of women and girls living in conflict and humanitarian settings.³ In a time where sexual and reproductive rights face increasing global backlash, it is crucial to learn from these challenges and

¹ See Zoe Gillard, 'In pursuing a new resolution on sexual violence, Security Council significantly undermines women's reproductive rights' *LSE Blog* 25.04.2019 < <https://blogs.lse.ac.uk/wps/2019/04/25/in-pursuing-a-new-resolution-on-sexual-violence-security-council-significantly-undermines-womens-reproductive-rights/> > accessed 25 September 2019.

² UN Women, 'Women, peace and security experts look ahead to 2020' 18.03.2019 <<https://www.unwomen.org/en/news/stories/2019/3/news-women-peace-and-security-experts-look-ahead-to-2020>> accessed 28 September 2019.

³ United Nations Population Fund (UNFPA), *Humanitarian Action 2019 Overview*, pp. 3 (January 2019) <https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_HumanitAction_2019_PDF_Online_Version_16_Jan_2019.pdf> [hereinafter UNFPA, *Humanitarian Action 2019*].

identify new entry points to integrate strong principles on reproductive health and rights into the WPS agenda.

The following discussion will first explore the core tenets of the WPS framework that relate to reproductive health and rights by conducting a textual analysis of the WPS resolutions adopted by the UN Security Council, as well as the complementary regional and domestic-level strategies and action plans that have been developed to facilitate WPS implementation. It will then draw from different branches of feminist political and legal scholarship to produce a critique of the WPS' simplified framing of the reproductive health needs of women and girls in conflict and humanitarian settings. Building on this critique, the discussion will then explore alternative 'rights-centric' framings of sexual and reproductive health that centre on the individual and varied experiences of women and girls as rights-holders with agency to determine what would constitute a comprehensive and holistic approach to reproductive rights for the WPS agenda. Finally, the discussion will conclude with a few key recommendations on how to implement this updated vision of sexual and reproductive rights across different spheres of international security and human rights.

1. The Women, Peace and Security Agenda: Background, Framings and Current Mechanisms for Implementation

1.1. Contemporary realities and gendered experiences of conflict, displacement and humanitarian emergencies

Over the last decade, the number of individuals affected by conflict, crisis and forced displacement worldwide has grown exponentially. By early 2019, there were an estimated 70.8 million people forcibly displaced due to conflict or violence, and an estimated 132 million people in need of some form of humanitarian assistance or protection.⁴ Recent data indicates that of these 132 million people, 35 million are women and girls.⁵

The disproportionate effects of conflict and crises on women and girls have been widely documented and reported on by various humanitarian actors and international agencies.⁶ These settings particularly

⁴ See UNHCR, *Global Trends 2018*, pp. 2; UNFPA, *Humanitarian Action 2019*, *supra* note 3, pp. 3.

⁵ UNFPA, pp. 3.

⁶ See, *generally, id.*

exacerbate inequalities in access to essential sexual and reproductive health care, information and services, which encompass contraception, comprehensive abortion care, maternal and newborn health, prevention of and remedies for sexual and gender-based violence, treatment of HIV and sexually transmitted infections (STIs).⁷ Despite several international bodies authoritatively designating sexual and reproductive health as a human right,⁸ it is often treated as constituting an ‘extra’ non-essential service or as an afterthought in conflict and crisis settings. This is especially worrying as recent data suggests that due to the extended scope and duration of contemporary humanitarian crises and increasingly protracted conflicts, displacement and humanitarian emergencies are becoming a new norm for many, with individuals living within these settings for an average of seventeen years.⁹ The need to integrate a holistic approach to reproductive health and rights across conflict and crisis settings has therefore become increasingly clear and yet remains a contentious issue across legal and policy spheres. It is a challenge that scholars and practitioners have sought to tackle through a number of mediums, including by leveraging different branches of international law and emphasizing the role and responsibilities of humanitarian actors.¹⁰ However, the absence of comprehensive, integrated reproductive health policies and programmes in these settings is not only a matter of oversight, nor does it derive solely from a lack of clear legal standards or resources. These obstacles are firmly anchored within a context of gender bias and discrimination that actively encourages the exclusion of the experiences and needs of women and girls and strips them of decision-making power and agency. This means that strategies geared towards the respect and fulfilment of reproductive health and rights for women and girls in these settings must comprehensively engage with logistical obstacles on-the-ground, as well as push social and legal norms forward. Through the lens of the Women, Peace and Security (WPS) agenda, the following section will focus on what shape this normative leadership has

⁷ See, generally, Inter-Agency Working Group on Reproductive Health in Crises, *Inter-Agency Field Manual on Reproductive Health in Humanitarian Settings* (2018).

⁸ Committee on Economic Social and Cultural Rights, *General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)*, para. 1, U.N. Doc. E/C.12/GC/22 (2 May 2016) [hereinafter CESCR, *General Comment 22*]; Human Rights Committee, *General Comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life*, para. 8, U.N. Doc. CCPR/C/GC/36 (30 October 2018).

⁹ IAWG, *Inter-Agency Field Manual*, at ii.

¹⁰ See, e.g., Akila Radhakrishnan, et al., ‘Protecting safe abortion in humanitarian settings: overcoming legal and policy barriers’, *Reproductive Health Matters* vol. 25(51) (November 2017), pp. 40-47; Centre for Reproductive Rights, *Ensuring Sexual and Reproductive Rights of Women and Girls in Conflict Settings* (2017) [hereinafter CRR, *SRHR in Conflict*]; Christine Chinkin & Natasha Lewis, ‘Making the Normative Case: Implementing Security Council Resolution 1325 as part of a Legal Framework on Women, Peace and Security’ *LSE Pro Bono Matters* (April 2015) <<http://www.lse.ac.uk/women-peace-security/assets/documents/2016/SC1325ProBono.pdf>> accessed 21 August 2019 [hereinafter Chinkin & Lewis].

taken at the international level and how it has (or hasn't) been translated into regional and domestic frameworks for implementation.

1.2. The WPS agenda: institutional background and key documents

Recent debates within feminist scholarship have questioned whether the UN Security Council's WPS agenda could serve as an influential medium through which international standards and strategies surrounding women's rights in conflict and crisis settings could be improved, including on the issue of SRHR.¹¹ On one hand, it presents an encouraging transformative potential through its ability to shape not only UN initiatives,¹² but also in the way it has trickled into regional security policy frameworks and domestic-level programmes. Furthermore, the agenda's key objective of promoting women's meaningful and equal participation across different phases of conflict prevention, conflict resolution and during post-conflict recovery¹³ seems to lend itself well to the promotion of a holistic approach to SRHR in these settings as it is difficult to conceive of women's meaningful and equal participation within contexts of on-going violations of their sexual and reproductive rights. Despite this, on the eve of its twentieth anniversary, the WPS agenda is still struggling to present a holistic and comprehensive approach to SRHR in conflict and crisis settings that adequately captures the lived experiences and needs of women and girls. The following section will present an overview of key documents from UN, regional and domestic sources and outline how they have, or have not, contributed to integrating SRHR concerns into the WPS framework.

i. UN Security Council

A natural starting point for any discussion on the Women, Peace and Security agenda is the UN Security Council Resolution 1325, unanimously adopted on 31 October 2000.¹⁴ This inaugural text marked the beginning of the Security Council's efforts to institutionalize a new approach to integrating gender

¹¹ See, e.g., Catherine O'Rourke & Ainsley Swaine, 'CEDAW and the Security Council: Enhancing Women's Rights in Conflict' *International and Comparative Law Quarterly* 67(1) (January 2018) pp. 167-199 [hereinafter O'Rourke & Swaine, *CEDAW and the Security Council*]; Jennifer Thomson & Claire Pierson, 'Can abortion rights be integrated into the Women, Peace and Security agenda?' *International Feminist Journal of Politics* 20(3) (2018), pp. 350-365 [hereinafter Thomson & Pierson, *Abortion rights in WPS*].

¹² See, e.g., UN Women, *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325* (2015) [hereinafter UN Women, *2015 Global Study*];

¹³ UN Women, 'In Focus: Women, peace and security' <<https://www.unwomen.org/en/news/in-focus/women-peace-security>> accessed 01 September 2019.

¹⁴ 'Security Council Resolution 1325' (*Peace Women*) <<https://www.peacewomen.org/SCR-1325>> accessed 21 August 2019.

perspectives across key aspects of its mandate, such as conflict prevention, conflict resolution and peacebuilding. Guiding principles of this new approach were sorted into key thematic pillars - included reaffirming the importance of women's equal participation in these aspects of the Security Council's mandate, mainstreaming a gender perspective into peacekeeping operations, and, importantly, emphasizing the "need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts".¹⁵ The operational clauses of Resolution 1325 further include language calling upon all parties in an armed conflict to "protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse", as well as emphasize the responsibility of States to "prosecute those responsible for ... war crimes including those relating to sexual and other violence against women and girls".¹⁶ Resolution 1325 does not in itself contain any further language on sexual or reproductive health, but subsequent WPS resolutions adopted by the Security Council have expanded somewhat on the framework initially set in 1325. For example, Resolution 1888 references the need for "holistic national approach[es] to address sexual violence in armed conflict... [that enhance] criminal accountability, responsiveness to victims, and judicial capacity"¹⁷ and Resolution 1889 contains overt recommendations made to member states to ensure access to basic health services in post-conflict situations that include sexual and reproductive health and account for reproductive rights.¹⁸ It is important to note at this stage, however, that most WPS resolutions present a very partial view that focuses almost exclusively on sexual violence as the only impact women and girls experience on their sexual and reproductive health in conflict and post-conflict settings. Out of the nine WPS resolutions that have passed since 2000, only one resolution explicitly references the respect and fulfilment of SRHR as integral to improving socio-economic conditions generally in post-conflict settings.¹⁹ The other (limited) mentions of sexual and reproductive health appear only in clauses dealing with sexual violence, and even in these instances the language tends to be either perpetrator-oriented as it remains mostly concerned with the criminalization and prosecution of those accused of engaging in this conduct²⁰ or exhibits a certain protectionism that reduces women and girls entirely to victims.²¹ While Chapter 2 will delve more deeply into the detrimental imagery and

¹⁵ UN Security Council (UNSC) Res. 1325, preamble, U.N. Doc. S/RES/1325 (2000).

¹⁶ *Id.*, paras. 10-11.

¹⁷ UNSC Res. 1888, para. 8(b), U.N. Doc. S/RES/1888 (2009).

¹⁸ UNSC Res. 1889, para. 10, U.N. Doc. S/RES/1889 (2009).

¹⁹ UNSC Res. 1889, para. 10.

²⁰ See, e.g., UNSC Res. 1960, paras. 3, 16, 18(c), U.N. Doc. S/RES/1960 (2010); UNSC Res. 2106, para. 19, U.N. Doc. S/RES/2106 (2013)

²¹ UNSC Res. 1888, paras. 3, 8(b), 13, 15.

norms that are bolstered by this type of language, the purpose here is not to say that there is no need for protective mechanisms against sexual violence in conflict and post-conflict settings, but rather to highlight the issue of solely viewing women's sexual and reproductive health as an issue worthy of concern in the aftermath of sexual violence. Even in this context, the language in the most recent addition to the corpus of WPS resolutions (Resolution 2467, passed in April 2019) completely erases any mention of reproductive health despite its focus on addressing sexual violence in conflict.²² Instead, it heavily emphasizes women's victimhood and need for protection,²³ thus further highlighting the considerable imbalance in the WPS agenda between the recurring language emphasizing punishment and protection and the dearth of language on accountability for the sexual and reproductive health and wellbeing of women.²⁴ This development is particularly problematic - when terms like 'reproductive health' and 'reproductive rights' are omitted from WPS resolutions, what is lost in the process is more than elements of language. These omissions amount to an erasure of the full breadth and complexity of women and girls' day-to-day experiences with issues related to their reproductive health, autonomy and bodily integrity, and contribute to reducing them to victims of sexual violence with limited agency. Even within the narrower objective of addressing conflict-related sexual violence, omitting mentions of reproductive health denies the need for this kind of essential health care as a way of preventing further trauma that may ensue from future negative health outcomes resulting from the acts of sexual violence.²⁵

Nonetheless, taken together the WPS resolutions do offer a few interesting entry points for developing a holistic approach to SRHR in conflict and post-conflict settings that will be expanded on in the following chapters. For example, the limited language on reproductive health contained in Resolutions 1889 (2009), 2106 (2013) and 2122 (2013) does still explicitly recognize the importance of ensuring access to sexual and reproductive health care.²⁶ Finally, despite its considerable shortcomings, Resolution 2467 (2019) does encourage states to adopt a 'survivor-centred' approach to preventing and responding to sexual violence that "respects the rights and prioritizes needs of survivors... and notably

²² UNSC Res. 2467, preamble, U.N. Doc. S/RES/2467 (2019).

²³ *Id.*, preamble, paras. 13-15, 16(d), 19.

²⁴ Thomson & Pierson, *Abortion rights in WPS*, *supra* note 9, pp. 356.

²⁵ See 'Madeleine Rees on UN Security Council Resolution 2467' (*Women's International League for Peace and Freedom*) <<https://www.wilpf.org/madeleine-rees-on-un-security-council-resolution-2467/>> accessed 22 August 2019.

²⁶ UNSC Res. 1889, para. 10; UNSC Res. 2106, para. 19; UNSC Res. 2122, preamble, U.N. Doc. S/RES/2122 (2013).

in the context of their health”.²⁷ This language is somewhat encouraging as it emphasizes the need to place the woman’s experience at the centre of response efforts.

ii. Regional Security Frameworks

Since the establishment of the WPS agenda under the auspices of the UN Security Council, there have been efforts to integrate certain aspects of the agenda across the work of different regional inter-governmental organizations. These regional initiatives are important to consider as well, as they form part of the WPS architecture and have an important role in contributing to the realization of the WPS agenda through their ability to develop more concrete implementation strategies.²⁸ Regional initiatives also offer a more nuanced perspective on how different regional blocs interpret the nature of their commitments under the WPS framework. While parts of the following discussion are more technical, it is deemed relevant to look at the indicators selected by regional blocs to measure progress on WPS because indicators reflect what will and won’t be measured, and therefore what will and won’t be seen.

The African Union (AU) has promoted institutional efforts towards WPS objectives through the creation of the office of the Special Envoy on Women, Peace and Security within the AU Commission in 2014 and the passage of the AU Solemn Declaration on Gender Equality in Africa (SDGEA).²⁹ Through the Office of the Special Envoy, the AU adopted a continental results framework (CRF) for monitoring progress and reporting on commitments towards women, peace and security, inspired by UNSC Resolution 1325 but also adapted to the specific needs and contexts of AU member-states.³⁰ The CRF covers the period of 2018-2028 and includes 41 indicators that are sorted amongst four pillars replicating those set out in Resolution 1325: prevention, protection, participation, relief and recovery.³¹ Overall, the CRF indicators largely focus on women’s political participation and representation at various stages of decision-making and contain similar language to the UNSC WPS resolutions on the

²⁷ UNSC Res. 2467, para. 16.

²⁸ See Katherine AM Wright, ‘NATO’s adoption of UNSCR 1325 on Women, Peace and Security: Making the agenda a reality’ *International Political Science Review* 37(3) 350-361 (2016).

²⁹ Office of the Special Envoy on Women, Peace and Security of the Chairperson of the African Union Commission (AUC), *Continental Results Framework: Monitoring and Reporting on the Implementation of the Women, Peace and Security Agenda in Africa (2018-2028)*, pp. 3 (2019), <https://au.int/sites/default/files/documents/35958-doc-continental_results_framework_wps_.pdf> [hereinafter AU Special Envoy, *Continental Results Framework*].

³⁰ Office of the Special Envoy on Women, Peace and Security of the Chairperson of the African Union Commission (AUC), *Implementation of the Women, Peace, and Security Agenda in Africa*, pp. 6 (2016), <<https://www.un.org/en/africa/osaa/pdf/pubs/2016womenpeacesecurity-auc.pdf>>.

³¹ AU Special Envoy, *Continental Results Framework*, *supra* note 27, pp. 11.

prevention and protection of women from sexual and gender-based violence. Interestingly, however, the CRF includes explicit language on maternal mortality and reproductive health under its 'relief and recovery' pillar, recognizing the important threat that pregnancy and childbirth-related complications pose to women's health and lives in post-conflict contexts.³² Furthermore, the CRF calls on AU member-states to provide data on maternal mortality rates in order to "indicate whether progress is being made towards enhancing women's reproductive rights, including access to maternal health care".³³

The European Union (EU) has also demonstrated a certain commitment to integrating the WPS agenda into different facets of its own foreign and security policy work. Since 2008, the Council of the EU has approved different iterations of an EU-wide strategy for implementing UNSC Resolution 1325 and the broader WPS agenda.³⁴ Most recently, in December 2018, the Council of the EU launched an updated 'EU Strategic Approach to UNSCR 1325' which contains encouraging language recognizing that the provision of comprehensive sexual and reproductive health care and services is relevant to objectives across different pillars of the WPS agenda. For example, the EU Strategic Approach includes a commitment to upholding the right to access "comprehensive healthcare information and healthcare services ... [including] access to reproductive health, justice and reparations" for those who have suffered from sexual violence, while also pledging to promote gender mainstreaming in humanitarian and development aid in a way that encompasses sexual and reproductive comprehensive health information and services.³⁵

Other regional frameworks with security mandates such as the North Atlantic Treaty Organization (NATO) and the Organization for Security and Co-operation in Europe (OSCE) have also adopted initiatives or plans to implement the WPS agenda, although these largely focus on women's political and economic empowerment without addressing the underlying factors that may inhibit their participation in economic and political life such as poor health.³⁶ The extent to which these organizations

³² *Id.*, pp. 24.

³³ *Ibid.*

³⁴ See Council of the EU, *Women, Peace and Security – Council conclusions* 15086/18 (10 December 2018) [hereinafter Council of the EU, *WPS conclusions*]; Council of the EU, *Revised indicators for the Comprehensive approach to the EU implementation of the UN Security Council Resolutions 1325 and 1820 on women, peace and security*, pp. 7 12525/16 (22 September 2016).

³⁵ Council of the EU, *WPS conclusions*, *supra* note 39, paras. 8, 41.

³⁶ See, e.g., NATO, *NATO/EAPC Policy on Women, Peace and Security: Policy and Action Plan 2018* (September 2018) <https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2018_09/20180920_180920-WPS-

integrate concerns that may fall within the remit of SRHR is limited to the prevention and response to conflict-related sexual and gender-based violence, although the OSCE has used this as an entry point to call for measures that ensure the “well-being and health” of those who have experienced sexual violence and that this includes “appropriate and accessible healthcare”.³⁷ While these organizations evidently cannot be used as examples of trailblazers on the question of SRHR in conflict settings, it is important to note that the recognition of accessible healthcare being a feature of long-term WPS-related planning and implementation strategies is starting to seep through even into these international security institutions traditionally recognized as conservative and hard power-oriented forums.

This brief overview of regional approaches to implementing the WPS agenda offers a few important takeaways. On the AU side, it is noteworthy that its recent monitoring mechanism has interpreted the WPS agenda as encompassing a commitment to reducing maternal mortality rates in post-conflict settings, which is a facet of reproductive health and rights that is not explicitly mentioned in the original UNSC Resolutions. Similarly, the EU’s new Strategic Approach uses language that builds from SRHR-related clauses in UNSC Resolutions but also pushes standards further by recognizing the importance of the long-term fulfilment of women’s rights to access reproductive healthcare services and education and how this intertwines with the success of peacebuilding and development initiatives.³⁸ These different interpretations demonstrate that there is room to expand on the substantive understanding of SRHR reflected in the Security Council’s initial WPS framework and that practices surrounding the WPS agenda may evolve even when its language lags behind. At the same time, the relationship between the WPS agenda and these international security institutions presents a number of challenges in terms of furthering holistic SRHR standards within a feminist framework. On one hand, certain feminist scholars have questioned whether organizations with significant military capabilities like the EU and NATO only demonstrate a commitment to WPS objectives in order to “make war safe for women”.³⁹ This is particularly relevant in terms of their efforts to prevent and address conflict-related sexual and gender-based violence, which may be interpreted as an attempt to make war more palatable to a wider

[Action-Plan-2018.pdf](#)>; OSCE, *Women’s Economic Empowerment: Trends & Good Practices on Women’s Entrepreneurship in the OSCE region* (December 2010) <<https://www.osce.org/gender/75553>>.

³⁷ OSCE, *Combating violence against women in the OSCE region*, pp. 19 (August 2017) <<https://www.osce.org/secretariat/286336>>.

³⁸ Council of the EU, *WPS conclusions*, *supra* note 33, para. 22.

³⁹ Laura J Shepherd, ‘Making war safe for women? National Action Plans and the militarisation of the Women, Peace and Security agenda’, *International Political Science Review* vol. 37(3), pp. 332 (2016).

audience and remove resistance to military objectives. This aim goes against the foundational principles of demilitarisation that underlie the feminist approaches to international security and peace within which holistic SRHR standards are firmly embedded.⁴⁰ Moreover, the most advanced language on SRHR presented by these institutions is usually located in the post-conflict phases pertaining to reconstruction and development, reflecting the aforementioned problematic view that SRHR-related policies and programmes constitute ‘extra’ services that are provided for after more basic guarantees are ensured. However, threats related to poor sexual and reproductive health outcomes are at their most dire in situations of on-going conflict due to the collapse of basic health services and infrastructures that most often accompany environments of heightened insecurity.⁴¹ The impact of de-prioritizing sexual and reproductive health services in these settings is clear: unsafe abortions, severe childbirth-related complications and maternal mortalities exponentially increase and pose significant and immediate threats to the lives and wellbeing of women and girls in these contexts.⁴²

iii. Domestic Frameworks

In addition to the different global and regional structures explored above, states are also encouraged to devise their own National Action Plans (NAPs), which help guide their implementation of the WPS agenda at the domestic level. The Security Council first recommended the development of NAPs in the context of the WPS agenda through a Presidential Statement in 2004, which designated NAPs as a fundamental tool for facilitating collaboration between states and civil society on implementation of Resolution 1325.⁴³ While NAPs are not compulsory, as of September 2019 eighty-two countries had adopted their own NAP in support of WPS implementation, representing 42% of all UN member states.⁴⁴ Therefore, NAPs are not a conclusive representation of states’ approaches to WPS implementation in and of themselves, but they do offer some interesting material for the purposes of this analysis in terms of presenting another perspective on how certain states prioritize and define the key issues affecting

⁴⁰ Women’s International League for Peace and Freedom: International Programme 2018-2021, pp. 2 (21 August 2018) <http://wilpf.fi/wp-content/uploads/2019/02/WILPF-International-Programme-2018-21_ENG_FINAL_ADOPTED.pdf>.

⁴¹ See, e.g., Catherine N. Morris et al., ‘When political solutions for acute conflict in Yemen seem distant, demand for reproductive health services is immediate: a programme model for resilient family planning and post-abortion care services’ *Sexual and Reproductive Health Matters* vol 27(2) (23 May 2019).

⁴² CRR, *SRHR in conflict*, *supra* note 7, pp. 8-9.

⁴³ UNSC, Statement by the President of the Security Council, pp. 3, U.N. Doc. S/PRST/2004/40 (28 October 2004).

⁴⁴ Peace Women, *Member-States: National Action Plans for the Implementation of UNSCR 1325 on Women, Peace and Security* (updated September 2019) <<https://www.peacewomen.org/member-states>> last accessed on 30 September 2019.

women in conflict and post-conflict settings, and particularly how SRHR-related language in WPS resolutions is or isn't translated into concrete policy objectives on-the-ground.

As discussed above, interpretation of the WPS agenda arguably varies by geographical, social, economic and political context at the regional level, and this pattern is replicated at the domestic level in terms of the content and focus of different states' NAPs. For example, Western countries tend to present very "outward looking" strategies in their NAPs that involve foreign and security policy initiatives towards settings outside their own borders.⁴⁵ For the purposes of this discussion, however, it is crucial to note that internal domestic contexts within these countries heavily impact the importance given to SRHR-related issues within NAPs, as demonstrated by the Swedish or U.S. models (see Chapter 3). SRHR language remains sparse amongst the NAPs that have been adopted, with most references being limited to general mentions of 'sexual and reproductive health' largely in the context of protecting women and girls from sexual violence.⁴⁶ Certain NAPs do contain encouraging guidance that goes beyond general mentions of sexual and reproductive health and includes more specific plans for the provision of SRHR services and information. For example, the NAP adopted by Kenya in 2016 includes commitments that interpret "holistic" and reproductive health care as an integral part of a comprehensive service package delivered to women and girls in settings affected by conflict or insecurity.⁴⁷ Namibia's recently released NAP also includes more specific action points related to bolstering institutional support for health facilities to address rising maternal mortality rates, which include indicators designed to measure improvements in "overall reproductive health".⁴⁸

The fact that some NAPs contain no mention whatsoever of SRHR while some do is both problematic and encouraging. Once again, it illustrates that the contents of the WPS agenda and how these translate to policy initiatives is defined by how each state chooses to put into practice its WPS commitments. This echoes the trend observed at the regional level and supports the idea that there is room to improve

⁴⁵ Thomson & Pierson, *Abortion rights in WPS*, *supra* note 9, pp. 351.

⁴⁶ See, e.g., Government Offices of Sweden, 'Sweden's National Action Plan for the implementation of the UN SC Resolutions on Women, Peace and Security 2016-2020', pp. 13 <<https://www.peacewomen.org/sites/default/files/Sweden%20NAP%202016-2020.pdf>>; Norwegian Ministries, 'Women, Peace and Security (2019-2022)', pp. 9 <https://www.peacewomen.org/sites/default/files/actionplan_wps2019.pdf>.

⁴⁷ Kenya 2016-2018 National Action Plan for the Implementation of UNSC Resolution 1325 and Related Resolutions, pp. 46, 56.

⁴⁸ Republic of Namibia, National Action Plan on Women Peace and Security 2019-2024, pp. 29 (March 2019) <www.mod.gov.na/documents/264813/283588/NAP_Newsletter_05June_1.pdf>.

practices surrounding the respect and fulfilment of SRHR within the WPS framework even if the language in the UNSC Resolutions is lacking. However, this approach cannot be relied on entirely as it is by definition piecemeal and would therefore contribute to furthering inequalities in access to sexual and reproductive health care and services between the states that recognize the importance of these services and those that don't. Therefore, it remains crucial to cement an overarching global normative structure that reflects a holistic and comprehensive approach to SRHR in conflict and post-conflict settings that may then be used to guide implementation of NAPs at the domestic level.

1.2. Re-thinking WPS framing and implementation: the 2015 Global Study and beyond

Over the past five years, the WPS agenda has been under increased scrutiny in terms of whether it is effectively contributing to the realization of its own objectives. In 2015, UN Women released a comprehensive assessment of implementation efforts under UNSC Resolution 1325 (2015 Global Study), which provided more in-depth insight on the adverse impacts that weak SRHR standards had on the lives of women and girls in conflict and humanitarian settings.⁴⁹ While the contents of the 2015 Global Study arguably reiterate facts that had already been brought to light by other UN agencies and humanitarian actors, the Study itself is extremely significant in that it presents some of the strongest language on SRHR to be explicitly tied to WPS implementation. Notably, it openly designates access to safe abortions and post-abortion care as an integral and lifesaving part of reproductive health care and contends that excluding this service from medical care packages violates different sets of international law, including international humanitarian law and international human rights law.⁵⁰ In doing so, the 2015 Global Study provided an important entry point to discuss the inclusion of certain SRHR-related issues that had remained conspicuously absent from WPS framings and implementation projects up until that point.

The absence of comprehensive SRHR language in international, regional and domestic WPS strategies also means that SRHR is left out of states' long-term policy planning and SRHR provision is left out of funding pools available to government and civil society actors for WPS implementation. This reality produces situations where humanitarian organizations and agencies are overwhelmingly relied on to

⁴⁹ UN Women, *2015 Global Study*, *supra* note 12, pp. 69, 71, 76.

⁵⁰ *Id.*, pp. 77, citing the right to medical care and the prohibition on "adverse distinction" contained in common Article 3 of the Additional Protocols to the Geneva Conventions, as well as guidance established by the CEDAW Committee in its General Recommendation No. 24.

provide these services and renders women and girls in need of these services reliant on the fluctuating resources, will and capacities of these organizations.⁵¹ These forms of humanitarian intervention are problematic in terms of long-term health impacts as they are remedial by nature and cannot provide long-lasting, comprehensive answers to the crisis of SRHR in conflict and humanitarian settings.⁵² This crisis spans multiple, overlapping and intersecting forms of discrimination, harm and barriers, of the kind that humanitarian action cannot address alone.

The 2015 Global Study was merely a starting point, shedding light on current shortcomings of the WPS framework without necessarily providing solutions to them all. The following section will engage in a more in-depth discussion on the conceptual underpinnings of the WPS agenda that arguably contributed to producing these shortcomings in the realm of SRHR and begin to set out certain targets for improvement.

2. Towards a Feminist Security Architecture: Re-thinking the WPS Agenda and Its Approach to SRHR

2.1. Feminist Institutionalism and Binary Visions of the WPS Agenda

International legal and policy regimes have for a long time failed to capture and account for the breadth of experiences faced by women and girls worldwide and particularly in conflict and humanitarian settings. The WPS framework is no exception in this regard, as it exhibits quite an un-nuanced understanding of the complexities of conflict and post-conflict settings and how women and girls experience impacts on their sexual and reproductive health in a multitude of ways. The WPS agenda's shortcomings on matters related to comprehensive sexual and reproductive healthcare can be in part attributed to the gendered power dynamics present within the Security Council itself, and building a feminist critique of the WPS agenda must first start by critically discussing the institution that produced it.⁵³ There is a substantial body of feminist scholarship that has critically assessed the ways in which both domestic and international legal and policy spheres operate in ways that serve to legitimate forms of power that are considered traditionally 'male' and to depict women as inherently needing greater

⁵¹ See, e.g., Therese McGinn and Sara E. Casey, 'Why don't humanitarian organizations provide safe abortion services?' in *Conflict and Health* 10(8) (2016).

⁵² Alicia Yamin, *Power, Suffering and the Struggle for Dignity: Human Rights Frameworks for Health and Why They Matter*, pp. 154-55 (UPenn Press, 2016).

⁵³ Laura J. Shepherd, 'Power and Authority in the Production of United Nations Security Council Resolution 1325' in *International Studies Quarterly* vol. 52, 383-404, pp. 384 (2008).

protection than men.⁵⁴ Mandated by the UN Charter to carry primary responsibility for issues relating to “international peace and security”,⁵⁵ the UN Security Council is no exception to this rule as a historically male-dominated space replicating the types of gendered power structures that can be observed at the domestic level.⁵⁶ Textual analyses of documents produced by various actors within the Security Council prior to and following the adoption of Resolution 1325 have highlighted that gender essentialism continues to permeate this body’s outlook on women, who are overwhelmingly depicted as vulnerable, as mothers or as civilians in need of protection.⁵⁷ Despite the unprecedentedly high rate of participation from civil society organizations with thematic focuses on women’s rights in the drafting process that led to the adoption of Resolution 1325,⁵⁸ the contents of this and subsequent WPS resolutions (highlighted in the previous chapter) struggle to completely break away from this paradigm of women as vulnerable victims. This mentality shapes the way key concepts such as security and equality are conceptualized and what policies are prioritized in conflict and humanitarian settings.

The WPS agenda’s treatment of sexual and gender-based violence presents a compelling example of the difficulties involved in overcoming the Security Council’s patriarchal roots in the pursuit of a feminist approach to security. While this discussion recognizes that conflict-related sexual violence is not exclusively deployed against women and girls and constitutes an equally grave harm perpetrated against men and boys, it will focus here on the specific discourse surrounding sexual violence perpetrated against women and girls as this constitutes the focus of the WPS agenda. On one hand, the fact that multiple UNSC resolutions include a specific focus on sexual and gender-based violence is an outcome that emerged as a result of decades of critiques denouncing the failure of international judicial and security bodies to recognize the severe impacts of targeted conflict-related sexual and gender-based violence against women.⁵⁹ Beginning in the 1990s, a few landmark judgments from

⁵⁴ See, e.g., Catherine MacKinnon, *Towards a Feminist Theory of the State*, pp. 159 (HUP 1989); Janet Rifkin, ‘Toward a Theory of Law and Patriarchy’ (1980), 3 *Harv. Women’s L.J.*, at 86.

⁵⁵ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI N Charter, Arts. 1, 24 (UN Charter).

⁵⁶ See Anne-Marie Slaughter and Hilary Charlesworth, *The Gender of International Institutions*, in Proceedings of the Annual Meeting (American Society of International Law) vol. 89, pp. 80 (April 1995); Hilary Charlesworth, Christine Chinkin & Shelley Wright, ‘Feminist Approaches to International Law’, in Joseph Weiler & Alan T. Nissel (eds) *International Law* (Routledge 2011), pp. 12.

⁵⁷ Nadine Puechguirbal, ‘Discourses on Gender, Patriarchy and Resolution 1325: A Textual Analysis of UN Documents’ in *International Peacekeeping* 17(2), pp. 172 (2010).

⁵⁸ NGO Working Group on Women, Peace and Security (NGO WG on WPS), NGO Statement to the Press (2000) <<http://www.peacewomen.org/un/sc/arria/pngo.pdf>>.

⁵⁹ See Doris E. Buss, ‘Rethinking ‘Rape as a Weapon of War’ in *Feminist Legal Studies* 17(2), 145-163 (August 2009).

international criminal courts and tribunals that emerged out of the conflicts in Rwanda and the former Yugoslavia started to shift the legal framework by recognizing and prosecuting rape as potentially constituting a war crime, a crime against humanity and, in certain instances, a genocidal act.⁶⁰ These judgments significantly contributed to the recognition of rape and sexual violence “in law as it was in life”:⁶¹ as violent acts extending beyond individual isolated instances and forming part of a deliberate strategy to repress or destroy certain ethnic or religious groups. Importantly, this was the result of sustained engagement from feminist legal scholars and advocates, and their desire to shape international law in a way that better accounted for the distinctive experiences of women in these settings.⁶² Reports from recent fact-finding missions in South Sudan and Myanmar have demonstrated that these types of crimes in conflict-settings are persistent, and that women and girls continue to be the primary targets of widespread and systematic sexual and gender-based violence.⁶³ In Myanmar’s Rakhine state, the type of sexual violence perpetrated against Rohingya women and girls was used as evidence of the genocidal intent of the state military forces and their desire to “destroy the Rohingya people in whole or in part”.⁶⁴ These examples illustrate the deliberate and brazen instrumentalization of women and girls by both state and non-state armed groups to serve conflict-related military or political objectives, and underscore the importance of maintaining a certain focus on sexual and gender-based violence within the WPS agenda. However, the response of many international legal and political bodies – including the Security Council – has remained quite static since the criminal prosecutions of the 1990s, with most approaches still largely focused on the criminalization of sexual violence and the prosecution of those accused of perpetrating such violations. This prosecutorial, perpetrator-focused approach places emphasis on the ‘duty bearer’ – the state or individual under the obligation to refrain from or prevent the criminal conduct – over the ‘right holder’, in this case the women and girls experiencing the acts of sexual violence. While the intention of this framing was, at least partially, to combat the type of

⁶⁰ See International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu*, Case No. ICTR 96-4-T (2 September 1998); International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-A (19 April 2004).

⁶¹ Catherine MacKinnon, ‘Defining Rape Internationally: A Comment on *Akayesu*’ in Columbia Journal of Transnational Law 44:940, pp. 944 (2006).

⁶² Judith Gardam, ‘More of the Same — Feminist Interactions with IHL’, pp. 3 (Paper presented at Centre for International Governance and Justice Workshop: Recent Developments in Feminist Thinking in International Law and International Rights, Australian National University, 3 December 2014) [hereinafter Gardam, *Feminist Interactions with IHL*].

⁶³ UN Human Rights Council, *Report of the Commission on Human Rights in South Sudan*, para. 124, U.N. Doc. A/HRC/40/69 (12 March 2019); *Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts*, para. 255, U.N. Doc. A/HRC/42/CRP.4 (22 August 2019) [hereinafter *SGBV in Myanmar*].

⁶⁴ *SGBV in Myanmar*, *supra* note 64, para. 255.

impunity that had allowed these types of violations to be carried out unabated for so long, it also beckoned a certain narrative that reduced women to passive victims and permanently weak objects, rather than subjects, of the law.⁶⁵

The impact of this is quite visible in the way the WPS framework tends to fixate on sexual violence as the universal and exclusive source of harm to women's sexual and reproductive health, and how it struggles to grapple with SRHR-related needs outside of the context of sexual and gender-based violence.

2.2. Re-Centring Women and Girls as Rights-Holders

Faced with these challenges, many have begun to question whether the WPS agenda has hit a dead end on the question of integration of comprehensive SRHR standards into its mandate. Indeed, the WPS framework appears to be stuck in place – dragged down by a binary understanding of gender and an Edwardian mindset that “women and children” are a homogenous fragile group that must be packed into the same Titanic lifeboat. Building on the critiques of the previous section, the following paragraphs will explore an alternative model for the WPS agenda's treatment of SRHR that would fit more comfortably into a feminist international security architecture. Drawing from existing international legal instruments addressing SRHR, this section will highlight that normative standards promoting the comprehensive respect and fulfilment of sexual and reproductive rights already exist within different bodies of law such as IHL and IHRL and that the WPS framework should draw from these sources to expand its normative framework on SRHR. Furthermore, it should also integrate lessons from human rights-based approaches to health and recognitions of the underlying social and economic determinants of health in order to address the persistent implementation gaps that undermine this body of rights in conflict and humanitarian settings.

Thankfully, the present discussion on integrating a holistic approach to SRHR into the WPS agenda does not take place in a normative desert – there are in fact many progressive legal standards to draw from, albeit with varying levels of direct enforceability. Certain aspects of feminist discourse have over

⁶⁵ Nicola Henry, 'The Fixation on Wartime Rape: Feminist Critique and International Criminal Law' in *Social & Legal Studies* vol. 23(1), pp. 97 (2013).

time contributed to shaping human rights bodies' interpretations of state obligations with respect to SRHR, as evidenced by the various sources that have developed international standards & language on sexual and reproductive rights. This provides a basis for the argument that feminist discourse has an important role to play in progressively, albeit slowly, pushing forward IHRL norms on contentious issues such as SRHR in conflict settings. It has been authoritatively argued that the WPS resolutions should be read in conjunction with other seminal international legal sources that present more advanced language on women's rights and that the UNSC resolutions alone should not be considered as the whole framework on women, peace and security.⁶⁶ Indeed, Resolution 1325 does make explicit reference to the 1949 Geneva Conventions and 1977 Additional Protocols, the Convention on the Elimination of Discrimination Against Women (CEDAW) and its Optional Protocol, the Convention on the Rights of the Child (CRC) and its Optional Protocols and the Rome Statute.⁶⁷ Furthermore, through the WPS Resolutions' explicit reference to the CEDAW framework, it may be considered that the general recommendations later produced by the CEDAW Committee can also be used to clarify commitments under the WPS agenda.⁶⁸ Through this lens, the CEDAW Committee's General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations provides excellent guidance to serve as the basis for the WPS agenda's comprehensive approach to SRHR. In its Recommendation, the CEDAW Committee qualifies sexual and reproductive health care in the following terms:

“... sexual and reproductive health care includes access to sexual and reproductive health and rights information; psychosocial support; family planning services, including emergency contraception; maternal health services, including antenatal care, skilled delivery services, prevention of vertical transmission and emergency obstetric care; safe abortion services; post-abortion care; prevention and treatment of HIV/AIDS and other sexually transmitted infections, including post-exposure prophylaxis; and care to treat injuries such as fistula arising from sexual violence, complications of delivery or other reproductive health complications, among others.”⁶⁹

The CEDAW definition is useful as it presents an expanded understanding of the services that fall under the ambit of sexual and reproductive rights and as such broadens the scope of the limited language on

⁶⁶ Chinkin & Lewis, *supra* note 10, pp. 9.

⁶⁷ UNSC Res 1325, para. 9.

⁶⁸ See Chinkin & Lewis, *supra* note 10, pp. 14; UN Women, *Guidebook on CEDAW General Recommendation No. 30 and the UN Security Council Resolutions on Women, Peace and Security* (2015) <<https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2015/guidebook-cedaw-general-recommendation-30-women-peace-security-en.pdf>> [hereinafter UN Women, *CEDAW WPS Guidebook*].

⁶⁹ CEDAW Committee, *General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, para. 52(c), U.N. Doc. CEDAW/C/GC/30 (1 November 2013) [hereinafter CEDAW Committee, *Gen. Recommendation 30*].

medical care contained within the WPS resolutions.⁷⁰ It also explicitly grounds this understanding in states' obligations to eliminate discrimination against women in the field of health care and ensure equal access to health care services under Article 12 (1) of the Convention.⁷¹ Soft law sources, such as the Beijing Platform for Action (Beijing Platform) adopted in 1995, further round out this more comprehensive and nuanced understanding of the varied needs and experiences of women in conflict settings. The Beijing Platform embraces an intersectional approach to violence by designating the underlying patterns of discrimination that limit women's power over their sexual and reproductive lives as contributing to the violence they experience.⁷² The Platform recognizes that these discriminatory patterns manifest themselves in a variety of ways that are not limited to physical violence, but also include economic marginalization and dependence, gender-biased education, inequitable distribution of food and inadequate access to safe water and sanitation facilities.⁷³

Far from being at odds with the comprehensive and holistic approaches to SRHR expressed by CEDAW and the Beijing Platform, this paper will argue that the successful implementation of the WPS agenda inherently depends on its adoption of these approaches. Indeed, there is a need for the WPS agenda to better align itself with the Beijing Platform in terms of what it understands as constituting violence against women as these multiple and intersecting forms of violence all impede the realization of the agenda's other objectives that relate to women's political participation and equal representation in decision-making spheres. In more explicitly drawing from the aforementioned sources, the WPS agenda would also contribute to bridging the divide between peace & security and human rights.

3. Theory of Change for Implementing a New Approach to SRHR within the Women, Peace and Security Framework

Translating feminist thought into effective legal and policy tools within a deeply patriarchal system has always been and continues to be a monumental challenge. This challenge is particularly acute when it comes to issues surrounding sexual and reproductive freedom and agency, and this is not limited to conflict and post-conflict settings. As has been reiterated many times across different academic and

⁷⁰ UN Women, *CEDAW WPS Guidebook*, *supra* note 68, pp. 13.

⁷¹ Convention on the Elimination of Discrimination Against Women (CEDAW), 18 December 1979, U.N.T.S., vol. 1249, art. 12(1); CEDAW Committee, *Gen. Recommendation 30*, *supra* note 69, para. 50.

⁷² UN Women, Beijing Declaration and Platform for Action, pp. 56 (1995).

⁷³ *Id.*, pp. 56-58.

practitioner spaces, situations of conflict and humanitarian crises do not produce new gender inequalities but rather exacerbate pre-existing patterns of discrimination.⁷⁴ These patterns of discrimination are equally entrenched in the political and legal systems of societies not currently experiencing conflicts within their own borders, and influence SRHR outcomes both domestically and abroad.⁷⁵

Furthermore, this final discussion on implementing a new approach to SRHR within the WPS framework cannot take place in a vacuum and must acknowledge that the United Nations has increasingly transformed into an ideological battleground where drastically opposing views on SRHR compete against one another in various forums. In recent years, most of its political bodies including the General Assembly, Security Council and Human Rights Council have been host to attempts by member-states and civil society organizations to peel back hard-won key norms and standards on SRHR.⁷⁶ Coupled with the WPS agenda's slow responsiveness to evolving norms on SRHR, these realities lend themselves to the preliminary conclusion that the battle to push forward international standards on SRHR in conflict and humanitarian settings must be simultaneously waged on multiple fronts.

The highly contested adoption of the most recent WPS resolution in April 2019 served as a reminder that the Security Council simply cannot, at present, serve as the main conduit through which to push for better definition and implementation of SRHR care and services in international security policy. Building on previous guidance on constructing a legal framework for women, peace and security that expands beyond the UNSC core resolutions and incorporates different branches of international law,⁷⁷ it will instead be argued here that different international, regional and domestic bodies and actors all have a role to play in building a WPS framework that comprehensively accounts for the different SRHR needs of populations in conflict and humanitarian settings. This reflects a recent pattern of thinking within the broader field of human rights that has recognized that the full and meaningful implementation

⁷⁴ UN Women, 2015 Global Study, *supra* note 12, pp. 69.

⁷⁵ See, e.g., Center for Reproductive Rights, *Fact sheet: the Global Gag Rule and Human Rights* (2018) <<https://reproductiverights.org/document/fact-sheet-the-global-gag-rule-and-human-rights>>.

⁷⁶ See, e.g., Liz Ford, 'Letter suggests US is rallying UN member states to oppose abortion' *The Guardian* 23.09.2019 <<https://www.theguardian.com/global-development/2019/sep/23/leaked-letter-suggests-us-is-rallying-un-member-states-to-oppose-abortion>> accessed 25 September 2019; Susan Hutchinson, 'U.S. undermines UN Security Council resolution against wartime rape' *The Interpreter* 24.04.2019 <<https://www.lowyinstitute.org/the-interpreter/us-undermines-un-resolution-against-wartime-rape>> accessed 25 September 2019.

⁷⁷ See Chinkin & Lewis, *supra* note 2.

of human rights across civil, political, economic, social and cultural spheres requires the deployment of a wide range of initiatives by a number of different entities that are not just restricted to those with an explicit human rights-oriented mandate.⁷⁸ Within the UN structure, in the specific context of SRHR in conflict and humanitarian settings, there needs to be a continuous, concerted effort at an institutional level to build synergies between the work undertaken by the UN Security Council under the 1325 framework, human rights bodies such as the Office of the High Commissioner for Human Rights (OHCHR), the treaty-monitoring bodies and the Special Procedures, and health-oriented agencies such as the World Health Organization and the UN Population Fund (UNFPA). Furthermore, governments of UN member-states whose domestic legal and social contexts embrace progressive and comprehensive SRHR standards must explicitly incorporate these into their WPS-related NAPs.⁷⁹ Within the NAP-formulation process, governments should further ensure that indicators developed to assess progress on sexual and reproductive health outcomes are developed in close consultation with domestic and local women's groups and include measures geared towards the comprehensive assessment of the availability, accessibility, affordability, acceptability and quality of the sexual and reproductive healthcare and services provided.⁸⁰ At the same time, states should increase their advocacy efforts and strengthen coalitions working to pass thematic SRHR-oriented resolutions within forums such as the Human Rights Council, which has previously demonstrated leadership potential in terms of the ways it has framed issues affecting women and girls and its endorsement of human rights-based approaches to health interventions in humanitarian settings.⁸¹

As was the case with most of the seminal texts on women's rights and SRHR explored throughout this discussion, transnational civil society also has a pivotal role to play now in terms of bolstering support for and acceptance of new comprehensive SRHR norms within the WPS framework.⁸² In particular, there is space for transnational feminist solidarity to exert influence at different levels of decision-making

⁷⁸ See Paul Hunt, 'Configuring the UN Human Rights System in the "Era of Implementation": Mainland and Archipelago' in *Human Rights Quarterly* vol. 39(3).

⁷⁹ Claire Pierson & Jennifer Thomson, 'Abortion and Reproductive Rights in the Women, Peace and Security Agenda' *LSE Centre for Women, Peace and Security* 14/2018, pp. 7 <<https://researchportal.bath.ac.uk/files/169234477/wps14PiersonThomson.pdf>>.

⁸⁰ CESCR, *General Comment 22*, *supra* note 8, paras. 12-21; see also Monica Adhiambo Onyango & Shirin Heidari, 'Care with dignity in humanitarian crises: ensuring sexual and reproductive health and rights of displaced populations' *Reproductive Health Matters* 25(51) (2017), pp. 5.

⁸¹ See, e.g., Human Rights Council, *Preventable maternal mortality and morbidity and human rights in humanitarian settings*, preamble, para. 20, U.N. Doc. A/HRC/39/L.13/Rev.1 (26 September 2018).

⁸² Julie Mertus, 'Kitchen Table Lessons: Why the Local Matters' in *Proceedings of the Annual Meeting (American Society of International Law)* vol. 94, pp. 308 (5-8 April 2000).

related to the WPS agenda's implementation mechanisms. Once again, the country-level NAPs provide a good entry point for this, due to the fact that governments are compelled to develop WPS NAPs in close consultation with civil society groups and there have been encouraging examples of women's rights-focused groups inputting into these processes in transformational ways.⁸³ Coalitions of civil society groups should also engage in advocacy on necessary institutional reforms of key UN bodies that currently control the narrative of the WPS framework, such as the Security Council, which would include opening further avenues for institutionalized collaboration between these bodies and civil society and ensuring the meaningful, non-tokenized participation of women in these spheres.⁸⁴

Conclusion

On the eve of the twentieth anniversary of WPS Resolution 1325, the focus of the international community has largely turned to the urgency of addressing long-lasting implementation gaps in the WPS agenda's commitments and objectives.⁸⁵ This anniversary will also coincide with the 2020 Global Forum celebrating the twenty-fifth anniversary of the Beijing Declaration and Platform for Action, making the year 2020 a particularly opportune moment to reinvigorate transnational efforts to build strong normative and practical standards for SRHR within conflict and humanitarian settings. The significant shortcomings of the WPS agenda on this issue, paired with resolution fatigue within Security Council spaces,⁸⁶ suggest that the WPS framework as originally conceived by Resolution 1325 may not be the most strategic space within which to situate these efforts. However, an expanded WPS framework such as the one described throughout the last two sections of this discussion that is diffused across different security and human rights spaces and operates at different levels of governance could arguably serve as a useful tool in advancing comprehensive SRHR standards by bridging traditional divides and integrating human rights and gender perspectives into security, development and humanitarian concerns.

⁸³ See, e.g., GAPS UK, *Assessing UK Government Action on Women, Peace and Security in 2017* (December 2017) < <https://wilpf.org/wp-content/uploads/2018/01/ShadowReport-AssessingUkGovernmentActionOnWPS2017.pdf> >.

⁸⁴ WILPF, *Towards a Feminist Security Council: a Guidance Note for Security Council Members*, pp. 2 (November 2018).

⁸⁵ UN Women, 'Women, peace and security experts look ahead to 2020' 18.03.2019 < <https://www.unwomen.org/en/news/stories/2019/3/news-women-peace-and-security-experts-look-ahead-to-2020> > accessed 28 September 2019.

⁸⁶ Sheila Goishabib, 'What we think about the new Women, Peace and Security Resolution' WILPF 29.04.2019 < <https://www.wilpf.org/what-we-think-about-the-new-women-peace-and-security-resolution/> > accessed 28 September 2019.

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