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Women, Peace and Security

The Role of Institutions in Times of Peace
and War in the Arab Region

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and War in the Arab Region



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Acronyms

DDR	Disarmament, demobilization and reintegration
IDPs	Internally displaced persons
LDCs	Least developed countries
NDC	National Dialogue Conference (Yemen)
NWMs	National women's machineries
NHRIs	National human rights institutions
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
ODA	Official development assistance
WPS	Women, peace and security

Executive Summary

This study examines the role of institutions in the Arab region in response to the global women, peace and security agenda inspired by Security Council resolution 1325 (2000), which affirmed that gender equality and the empowerment of women are central to global peace and security, and vice versa. It was followed by other Security Council resolutions on preventing gender-based violence, prosecuting its perpetrators and protecting women in times of peace and conflict. The debate in the region on women, peace and security has intensified since 2011.

The study proposes a new paradigm for the agenda in the region, with three dimensions: justice and equality; peace and security; and the approaches, methodologies and tools for action. It discusses the role of national institutions, predominantly national women's machineries (NWMs), but also national human rights institutions (NHRIs), the security sector and civil society.

The paper first looks at the peacetime mandates of such institutions, how they are affected by conflict and the role they can play in advancing the agenda at such times. There follows an appraisal of the experience of institutions in Libya and Yemen, based on primary data collected for the study.

The final chapter presents conclusions and recommendations based on the preceding analyses, with particular emphasis on the need for institutions to reach out to all stakeholders,

including vulnerable groups and at the grassroots level.

Key findings of the study

The study reveals that:

- Although there is broad consensus on the importance of the agenda, mandates of the institutions concerned are limited. They lack sanctions and accountability frameworks, especially where there is no national action plan;
- NWMs are the principal State institutions for addressing women, peace and security issues, especially through their work on the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action. Civil society organizations play a key role, including in times of war. They often step in with specific programmes when other institutions are unable to react;
- There is little evidence of dialogue between State civilian institutions and law enforcement and security agencies with regard to women, peace and security (WPS) issues, except in some cases with regard to some aspects of violence against women, and then with inconclusive outcomes;
- Conflict tends to cripple institutions, rendering them largely incapable of responding to WPS issues when they are needed most. That can be attributed to limits on their mandates, fragmented approaches and weak coordination,

diminishing resources, and the lack of preventative measures or investment in resilience. Institutions lack the capacity to prevent conflict, deter violence or enhance conditions for peace. A proposed paradigm

takes a new approach considers the wider parameters of the WPS agenda, and requires action in three areas designed to build the response capacity of the institutions concerned.

1. Women, Peace and Security in the Arab Region

The Arab region continues to be racked by conflict, occupation and instability. With 5 per cent of the world's population, the region hosts one third of United Nations peacekeeping and political missions worldwide.¹ It also accounts for half of the humanitarian funding raised globally to help tens of millions of vulnerable persons.²

Women and girls outnumber men and boys among refugee populations and the internally displaced. In the case of the Syrian conflict, they make up more than three quarters of the total number of refugees.³ They are also subjected to discrimination and violence, including slavery, terrorism, trafficking, sexual violence and child marriage. Increasingly, the price of modern conflict is paid by civilians, especially women. They therefore have a clear stake in preventing conflict and sustaining peace. That holds true for women across the Arab region today.

A. The women, peace and security agenda

Security Council resolution 1325 (2000), largely the result of efforts by civil society organizations, establishes a new global framework that addresses peace and security challenges on the one hand, and violence against women, the empowerment of women, and gender justice issues on the other. It calls for measures to protect women and girls from violence in times of conflict, reaffirms the important role of women in the prevention and

resolution of conflicts and in peacebuilding, and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. The resolution also sets forth options that governments and other actors can pursue in order to prevent violence against women, punish perpetrators and provide reparations to survivors.

Box 1. The four pillars of resolution 1325

The contents of resolution 1325 have been clustered into four pillars: participation, protection, prevention, and relief and recovery.

Participation: The resolution calls for increased participation of women at all levels of decision-making, including with regards to political processes, peace negotiations and peacebuilding.

Protection: The resolution calls specifically for the protection of women and girls from sexual and gender-based violence.

Prevention: The resolution includes specific measures to prevent violence targeting women and girls, and ties gender justice to peace, stability and efforts to create more just societies.

Relief and recovery: The resolution stresses the importance of ensuring women's unobstructed access to humanitarian relief and post-conflict assistance, as well as their participation in transitional and post-conflict legal, political and economic processes.

The Security Council subsequently built on the women, peace and security (WPS) agenda with seven more resolutions (box 2).

General Assembly resolution 70/304 (September 2016) on strengthening

the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution cites resolution 1325 and highlights the role of women as peacemakers.

Box 2. Security Council resolutions on women, peace and security

1325 (2000):	Affirmed the importance of the participation of women and the inclusion of gender perspectives in peace negotiations, humanitarian planning, peacekeeping operations, and post-conflict peacebuilding and governance.
1820 (2008):	Recognized sexual violence as a tactic of war requiring a security response. Requested periodic reporting from the Secretary-General on sexual violence in conflict.
1888 (2009):	Called for the appointment of a Special Representative, the deployment of a team of experts on the rule of law and sexual violence in conflict and improved coordination between stakeholders involved in addressing that issue.
1889 (2009):	Called for the drafting of indicators to monitor the implementation of resolution 1325 and requested that the Secretary-General submit a report to the Security Council on women's participation and inclusion in peacebuilding in the aftermath of conflict.
1960 (2010):	Established a monitoring and reporting mechanism on sexual violence in conflict and set forth the role of United Nations peacekeeping missions in addressing it.
2106 (2013):	Focused on the accountability of the perpetrators of sexual violence in conflict, and stressed the importance of women's political and economic empowerment during and after conflict.
2122 (2013):	Recognized gaps in implementation of resolution 1325 by the Security Council, and reiterated its intention to undertake a global high-level review of implementation of the resolution.
2242 (2015):	Established an Informal Experts Group on Women, Peace and Security, addressed barriers to implementation of resolution 1325 and focused on greater integration of the agendas on women, peace and security, counter-terrorism, and countering violent extremism.

B. International law and the WPS agenda

The WPS agenda is grounded in obligations under international law, such as article 27 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), which states: “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”

Such crimes are also addressed in international criminal law. Under article 7(1)(g) of the Rome Statute of the International Criminal Court, “Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” are considered crimes against humanity. Under article 8 (b)(xxii), “Committing rape, sexual slavery, enforced prostitution, forced pregnancy... enforced sterilization, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions” are considered war crimes. Various international tribunals have upheld those principles.

The WPS agenda also finds echoes under international human rights law, particularly the Convention on the Elimination of all Forms of Discrimination against Women. In 2013, the Committee on Elimination of all Forms of Discrimination Against Women, the treaty body that monitors implementation of the Convention, issued general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations.

In its general recommendation, the Committee stresses that “advancing substantive gender equality before, during and after conflict and ensuring that women’s diverse experiences are

fully integrated into all peacebuilding, peacemaking, and reconstruction processes are important objectives of the Convention” (para. 2). It sets forth how the Convention is applicable to conflict prevention, management and resolution, and addresses issues dealt with under the Security Council resolutions discussed above. Indeed, the Committee requires States parties to include information in their periodic reports on how they are implementing those resolutions. It also invites civil society organizations to present shadow reports alongside those of the States parties. The Committee and the Security Council continue to look at how to implement the WPS agenda through the Convention, for instance through the Council’s “Arria-formula” meeting on the women, peace and security and the Committee’s role, which took place on 5 December 2016.

The Convention on the Rights of the Child refers to the right of the girl child to protection during conflict (article 38). The Optional Protocol to the Convention on the involvement of children in armed conflict elaborates on that point further. The Committee on the Rights of the Child has raised issues related to the WPS agenda with States parties to the Convention, such as programmes to assist children who suffer from conflict-related stress.⁴ The work of other treaty bodies, such as the Committee against Torture, and special procedures, such as the Special Rapporteur on trafficking in persons, especially women and children, and the Working Group on the issue of discrimination against women in law and in practice, also overlaps with aspects of the WPS agenda.

The implementation of resolution 1325 is also frequently raised under the Universal Periodic Review,⁵ from which especially strong recommendations on protection and accountability for conflict-related sexual violence have emerged.

The principles enshrined in the WPS agenda are addressed in other internationally agreed frameworks. Under chapter 4, section E (paras. 131 to 149), on women and armed conflict, the Beijing Platform for Action sets forth six strategic objectives for tackling the problems faced by women caught up in armed conflicts and measures for achieving them. The objectives include promoting women's contribution to fostering a culture of peace and increasing their participation in conflict resolution. The Plan of Action to Prevent Violent Extremism refers to the WPS agenda and includes a range of actions to empower women and support their efforts in countering violent extremism. The 2030 Agenda for Sustainable Development includes several relevant targets under its Sustainable Development Goals (SDGs), including under Goals 5, 10 and 16.

Figure 1. International legal framework for the WPS agenda



C. WPS in the Arab region

The Arab States respond to the WPS agenda and related international instruments and agreements broadly in three ways: by developing national action plans, incorporating elements of the agenda in sectoral strategies on gender equality and/or peace and security, and enacting specific policies and legislation.

In his September 2016 report on women and peace and security, the Secretary-General noted that 63 countries and territories had adopted national WPS action plans, while 45 had adopted monitoring frameworks with progress indicators.⁶

In 2013, the League of Arab States adopted a regional strategy on WPS, followed by a regional plan of action in 2015. Both were endorsed by member States of the League and are intended as a guiding framework for the development of national plans. The regional action plan specifies four areas for action: strengthening women's political participation; addressing violence against women; protecting women from conflict-related and post-conflict violence; and providing recovery and relief support.⁷

Only Iraq and Palestine have developed national action plans. Jordan, Somalia and the Sudan are reportedly well advanced in designing their policy responses to the WPS agenda. Other Arab States, such as Tunisia and the United Arab Emirates, are considering enhancing their responses to the agenda.

In Iraq and Palestine, civil society groups and national women's machineries (NWMs), especially ministries of women's affairs, have played a key role in having plans adopted, raising awareness of resolution 1325, and building the capacity of officials and

policymakers to pursue policies on the WPS agenda. NWMs are working to design action plans in other Arab countries too.

NHRIs are working to mainstream the agenda into national human rights policy and laws.⁸ In Morocco, for instance, the National Council for Human Rights highlighted the importance of participation in its 2011-2016 National Action Plan on Democracy and Human Rights. In Egypt, the National Council for Women has worked on a national strategy on combating violence against women, which was endorsed in June 2015, the establishment of a special unit in the Ministry of Interior to deal with cases of such violence,⁹ and awareness campaigns and capacity development for partners on the subject. In Saudi Arabia, Royal Decree M52/2014 on protection from harm addresses violence against women. The decree calls on security forces to prevent physical, sexual and emotional abuse and the threat thereof. It enshrines the observance of rights guaranteed under international treaties ratified by Saudi Arabia and establishes the responsibility of the Ministry of Social Affairs and Ministry of the Interior to ensure that that happens.

The emphasis placed by resolution 1325 on protection meant that the predominant view in the Arab region of women and girls as survivors, particularly of sexual violence, has continued to prevail over efforts to empower them. Since the adoption of resolutions 1889 and 2212, there have been signs of a change of attitude. In Jordan, for instance, a study released in early 2016 showed that women, and mothers in particular, had a pronounced impact on deradicalization and that they should

therefore become more involved in and lead such efforts.¹⁰

D. The way forward

National action plans in the region will increasingly need to be informed by resolution 2242 in order to meet peace, security, justice and equality objectives. Perhaps because of the overlap between the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the WPS agenda, work on the latter in Arab countries typically is assigned to NWMs. However, a study on the implementation of the Beijing Platform in the region shows that NWMs are frequently subject to shifts in national priorities and budget reshuffles, and resulting funding constraints.¹¹

The nature of the agenda requires a far broader response coordinated by a high-level government agency with political clout, adequate resources and technical capacity and the confidence of stakeholders, including the security sector.¹² It requires the cooperation of a broad range of State agencies and civil society partners, particularly when implementing and monitoring national action plans. Multisectoral and thematic partnerships will be needed to design WPS policies, programmes and actions. NWMs should be at the heart of such efforts and provided with adequate resources.

The 2016 Beirut Call for Action underlines the multifaceted nature of the WPS agenda. In chapters 2 and 3, the role of NWMs, NHRIs, the security sector and civil society in times of war and peace will be examined.

Box 3. The Beirut Call for Action**I. Localize the women, peace and security agenda**

1. Expand evidence-based research on WPS.
2. Promote a culture of peace and active protection of women from violence; and tackle issues of violent extremism, radical religious discourse and political repression.
3. Address knowledge gaps on the role of institutions in advancing the WPS agenda.
4. Document, publish and disseminate technical materials and information briefs on the role of various institutions in advancing the agenda.
5. Support cross-sectoral, grassroots-level activities on WPS across the region.

II. Promote women's activism in times of peace and war

6. Expand knowledge on the gender divide in the politics of conflict and peace-making.
7. Provide targeted training and long-term capacity development to advance the agenda.
8. Promote legislative and institutional reforms that place women in decision-making and peace processes.
9. Recognize the key role of civil society in all aspects of the WPS agenda.
10. Promote the design, funding and implementation of WPS national action plans.
11. Work to ensure that women have an influential role in policy discourse and in all global and regional discussions on peace and security.

III. Institutionalizing cooperation on WPS issues

12. Establish partnerships with security sector institutions, the judiciary, parliaments and civil society.
13. Promote partnerships that include traditional and non-traditional stakeholders.
14. Facilitate the exchange of knowledge, experiences and best practices.
15. Facilitate cross-sectoral cooperation to ensure the inclusion of women in all peace and security initiatives.

2. Institutions in Times of Peace

This chapter is informed by preliminary research undertaken by ESCWA on institutions involved in responding to the WPS agenda. The chapter focuses initially on NWMs, and then looks at NHRIs, the security sector and civil society. It concludes with a discussion on gaps and opportunities concerning how those institutions work in peace time.

A. National women's machineries (NWMs)

Under the Beijing Platform of Action, NWMs serve as the central State policy coordinating bodies on issues relating to gender equality and the empowerment of women. Their main task is to encourage the mainstreaming of a gender perspective in policy and its implementation, and in the work of government offices. That often includes designing, promoting, implementing and monitoring policies for the advancement of women.

In the Arab region, a variety of bodies play the role of NWM, including ministries, such as the Ministry for Women's Affairs in Palestine, and high-level governmental agencies, like the National Council for Women in Egypt. They also include autonomous government entities, such as the General Women's Union in the United Arab Emirates, or units reporting to the office of the Prime Minister, as in Libya. In some cases, bodies have been established as departments affiliated to specific ministries, such as the Women Affairs Department in the Ministry of Social Development in Oman.

Their mandates are largely informed by national political commitments and strategies relating to gender equality and the empowerment of women. Their role is often consultative, focusing on developing policy proposals, undertaking research and reporting on the status of women and girls, providing general technical support to other government entities, and liaising with civil society on relevant issues.

Aside from designing and proposing policy, NWMs strive to employ institutional administrative and tactical measures to achieve their aims. For instance, the Supreme Council for Women in Bahrain adopted a 10-year National Action Plan for the Advancement of Women (2013-2022) and a strategic plan for its implementation between 2015 and 2018. In Egypt, the National Council for Women worked to establish equal opportunities units in various ministries, allowing a tailored approach to gender mainstreaming according to the needs and priorities of each ministry. The Jordanian National Commission for Women carried out a gender budgeting exercise to improve the gender responsiveness of the work of partner government entities.¹³

With regard to WPS, NWMs focus on two areas: legislative and policy reform to address gender-based violence and discrimination against women; and the advancement of women in terms of access to education, health and employment opportunities, and participation in public life. Those efforts overlap with their work to implement the Convention on the Elimination of All Forms of Discrimination against Women.

The remainder of this section highlights the role of NWMs in advancing the WPS agenda and is based partly on reports submitted to ESCWA as part of the Beijing +20 Review Process and the responses of member States to a survey administered by ESCWA.

1. Gender equality and violence against women

Areas of specific concern to NWMs that overlap with the WPS agenda include prohibiting discrimination on the basis of sex, criminalising child marriage and marital rape, nationality rights of women, tackling domestic violence, and combating sexual harassment.

Although reform efforts by NWMs in the region are often hamstrung by such factors as limited mandates and capacities, poor accountability, and resistance to change and the principles of equality, some do report progress with regard to glaring forms of gender-based discrimination and laws that effectively sanction various forms of violence against women. In Lebanon, the National Commission for Lebanese Women joined civil society organizations to draft and lobby for Law 293/2014, on the protection of women from domestic violence. They are also striving to have article 522, under which a person accused of rape may be cleared of wrongdoing or obtain a reduced sentence if he marries the victim, struck from the Lebanese Criminal Code. In Yemen and Jordan, NWMs have teams of lawyers working with legislators, policymakers and pressure groups on legal reform. The NWMs of Egypt and Palestine have established operational units or liaison offices in various government entities tasked with supporting compliance with national legislation and policies on gender equality. In Morocco, the

Ministry of Solidarity, Women, Family and Social Development developed a Government-wide national plan for equality, which includes 56 specific targets and 156 actions, and monitoring indicators. An interministerial committee was set up to monitor and report on implementation of the plan. In Bahrain, the 2016 National Strategy to Protect Women from Domestic Violence includes six objectives on enacting legislation and taking executive action on prevention, mitigation and awareness-raising.

NWMs in Bahrain, Egypt, and Jordan have mechanisms for receiving complaints directly¹⁴ on a wide range of issues, which contributes to ensuring justice for individual survivors of violence. Dealing with individual cases often informs more general work on legislative reform and policy design.

Legislative reform initiatives at times take place in a vacuum. Some countries, such as Saudi Arabia, have put in place strategies to combat violence against women without broader constitutional or legislative reform. Others, such as Lebanon, have failed to translate legislative reform into practice. As a result, tangible results with regard to protecting women and girls from different forms of violence remain limited.

NWMs promote equal development opportunities for women and men, particularly in the context of the goals associated with the Beijing Platform for Action and Goal 5 of the SDGs, in national development policies, and the establishment of strategies for the advancement of women, such as the national strategy adopted in Oman to create educational, economic and political opportunities for women.

2. Peace and security

The work of NWMs on peace and security issues in the region is largely limited to focusing on women's access to justice and the role of law enforcement agencies in handling cases of violence against women. For instance, in Lebanon and Tunisia, the reporting of violence against women to the police and internal security agencies is tightly regulated. NWMs monitor compliance with legal requirements on privacy and protection from retaliation by law enforcement agencies in such cases. They also work to ensure that victims are made aware of their rights and have access to the appropriate social services available through government agencies and civil society partners.

In Egypt and Jordan, NWMs have worked with security forces on peace-keeping matters. The Jordanian National Commission for Women has run workshops with law enforcement agencies to raise awareness of resolution 1325 and to improve their responsiveness to gender issues. Initiatives included a visit to Finland to learn more about that country's approach to the WPS agenda and an event on the role of Jordanian women in peace-keeping. In Egypt, the National Women Council works with the Cairo Centre for Conflict Resolution and Peace-building in Africa, which is affiliated to the Ministry of Foreign Affairs, with a focus on making troops aware of their international legal obligations relating to the protection of civilians, particularly women.

In the Syrian Arab Republic, the National Authority for Family and Population Affairs has reported ongoing cooperation with the Ministry of Interior in areas such as capacity-building for officers working on women's matters and revamping the section responsible for dealing with female survivors of trafficking. In the Sudan, the national programme for the disarmament, rehabilitation and reintegration of

ex-combatants has tailored support to the specific circumstances of women combatants.

B. Other institutions

The following discussion on the work of NHRIs, law enforcement and security agencies, and civil society is based in part on national reports.

1. National human rights institutions

NHRIs are independent bodies financed by the State with a mandate to protect and promote human rights. Their role is set forth in the Principles relating to the Status of National Institutions (Paris Principles), which were adopted by the General Assembly in 1993.¹⁵ Their work includes handling complaints and carrying out investigations, collecting data, engaging in dispute resolution, providing advisory opinions, monitoring human rights violations by law enforcement agencies and security forces and reporting them to the judiciary, and conducting awareness-raising and capacity-building events. They work hand in hand with the human rights treaty bodies and, in some cases, have quasi-judicial powers. Many have special women's rights units and promote the adoption of laws against all forms of gender-based violence.¹⁶ NHRIs are categorized according to their level of compliance with the Paris Principles (box 4).

NHRIs compile data on gender-based violence and document its impact and the effectiveness of measures to tackle it. Many help victims to access remedies, including compensation, especially through their complaint mechanisms and the subsequent involvement of other agencies. They can play a key role in dealing with gender-based violence under post-conflict transitional justice arrangements.¹⁷ Research by NHRIs on vulnerable populations and their

needs is vital for implementation of the WPS agenda. In the Arab region, the national human rights councils of Egypt and Mauritania work with the respective NWMs of those countries to advance the WPS agenda. Although Yemen has no officially recognised NHRI, its Ministry of Human Rights has collaborated with that country's national women's committee to hold awareness-raising workshops on resolution 1325 since 2014.

2. Law enforcement and security agencies

The police, armed forces, intelligence services, coastguard, border guards, prison personnel, customs and immigration authorities have the task of maintaining law and order, and the security of the State. They generally come under the ministries of defence and/or the interior.

Interior ministries often have special human rights and gender issue units to monitor compliance with international rights standards and the law within the ministries and by the police and security forces. However, such units in the Arab region receive little legal support for holding security personnel accountable. In some countries, laws governing the role of the police predate the relevant international instruments. For instance, in Egypt, the laws governing the role of police at the time of the 2011 uprising dated to 1955, 1964 and 1971, predating the entry into force of the International Covenant on Civil and Political Rights and its due process requirements. That said, some law enforcement agencies have reportedly adopted voluntary codes of conduct that promote human rights. Little, however, has been done to address WPS issues in law enforcement bodies, the armed forces and security agencies.¹⁸

Box 4. Status of NHRIs in Arab countries

A. Status institutions (in full compliance with the Paris Principles):

Egypt: National Council for Human Rights

Jordan: National Centre for Human Rights

Mauritania: Commission nationale des droits de l'homme

Morocco: Conseil national des droits de l'homme

Qatar: National Human Rights Committee

State of Palestine: Independent Commission for Human Rights

B. Status institutions (not fully in compliance with the Paris Principles):

Algeria: Commission national des droits de l'homme

Bahrain: National Institution for Human Rights

Iraq: High Commission for Human Rights

Libya: National Council for Civil Liberties and Human Rights

Oman: National Human Rights Commission

Tunisia: Comité supérieur des droits de l'homme et des libertés fondamentales

Source: Accreditation status. Available from www.ohchr.org/Documents/Countries/NHRI/ChartStatusNHRIs.pdf. Accessed on 24 April 2017.

The existence of laws, directives and codes of conduct in the security sector does not mean that they are enforced. Anecdotal evidence suggests that law enforcement, security and intelligence agencies operate in a "culture of impunity and the related culture of belittling

human rights and, in particular, the rights of less fortunate social classes".¹⁹ A case in point is the virginity test allegedly ordered by the military for female detainees during the 2011 uprising in Egypt.²⁰

Nevertheless, some progress on WPS issues has been achieved in the region. The Lebanese Internal Security Forces, for instance, have stepped up efforts to recruit female officers and thereby strengthen their responsiveness to gender-based crimes.

3. Civil society

Civil society organizations contribute much to the design and implementation of responses to the WPS agenda. Their work includes awareness-raising, policy research and advocacy, documentation of human rights violations and of the abuse of authority, and the provision of services, including health-care assistance and legal counsel to women survivors of gender-based violence, humanitarian aid, microcredit and skills development.

In Iraq and Palestine, civil society has led the way in raising public awareness and advocating for the adoption of WPS national action plans. In Iraq, their work has included training of law enforcement and court officials on the WPS agenda. In the Kurdistan region of northern Iraq, civil society groups help to mitigate tensions between Kurdish host communities and Arabs displaced as a result of conflict with so-called Islamic State. The history of Arab-Kurdish tension in the area underlines the importance of their work for the long-term prospects for peace.

In Lebanon, the Institute for Women Studies in the Arab World (IWSAW), founded in 1973, was one of the first institutions outside North

America and Western Europe dedicated to the empowerment of women. Its biannual interdisciplinary journal, *Al-Raida*, showcases scholarship by and on women in the region. The Institute, which is affiliated to the Lebanese American University, works on issues such as gender rights and constitutional reforms in transitions, political participation, refugee women, and WPS.

C. Shortcomings and opportunities

This section presents key findings on gaps and opportunities for future action on the role of institutions in advancing the WPS agenda, based in part on input from member States.

1. Legislative and policy gaps

The legislative response to the WPS agenda in the Arab region, to the extent that there has been one, has been piecemeal. In some cases, laws address specific issues, such as sexual violence, support for victims or the role of women in combatting violent extremism. Moreover, a particular challenge in the region is to overcome resistance to the integration of a gender perspective into peace and security policies. The WPS agenda is still overwhelmingly seen as a gender issue rather than one encompassing peace and security across the region. Indeed, the regional WPS action plan and its strategic framework, adopted by the League of Arab States, take a reductionist approach. Of more than 50 interventions proposed under the framework, only two focus on women's role in peace and security. The lack of clear WPS mandates reinforces longstanding stereotypes regarding the roles of women and men in peace and security and stokes resistance among law enforcement agencies and security forces to the WPS agenda.²¹

2. Institutional gaps

Legislative and policy gaps hobble the institutions expected to play a role in advancing the WPS agenda. NWMs in particular have difficulty in carrying out their mandates in the region. In many Arab countries racked by conflict and economic hardship, NWMs are increasingly being sidelined as their work and goals are viewed as being of secondary importance. The Committee on the Elimination of Discrimination against Women has repeatedly expressed its concern about that and underscored the need to strengthen NWMs.²² In particular, they require research and monitoring capacity to track the status of women (in areas such as patterns of violence, how cases of violence are approached and participation in public life) and act as early warning systems, especially in times of political, economic, and social upheaval.²³ Such capacity is also central to keeping track of how cases of gender-based violence are resolved and monitoring the actions of the security forces.

The efforts of civil society groups are similarly circumscribed by such factors as unfavourable laws, a lack of resources, the prevalence of the charitable business model, poor coordination and the weight of local political interests. In Iraq, the only three shelters for abused or at-risk women are all in the Kurdistan region²⁴ and lack staff trained in the clinical management of rape and care for abused or at-risk women.

Some countries in the region are making efforts to coordinate support for refugees and internally displaced people (IDPs). However, with the exceptions of Jordan and Iraq, no permanent official structures are in place to build long-term institutional humanitarian response capacity. Even in Jordan, the pioneering systems in place remain starved of technical and financial support. In Iraq, the Ministry of Migration and Displaced was

established in 2010 to meet the needs of specific population groups, including refugees, IDPs and returnees.²⁵ It issues identity cards to beneficiaries, coordinates emergency response, and delivers cash and in-kind humanitarian support, camp management, repatriation and reintegration support. However, it is inadequately staffed and lacks the regional offices and management systems to fulfil its registration function. Moreover, in some governorates, such as Kirkuk, the registration of newly arrived displaced people is restricted, reportedly in order to discourage them from remaining because of concerns about demographic balance.²⁶

In general, the efforts of NWMs, NHRIs and civil society tend to be ad hoc and lack coordination. That can lead to duplication and the sending of mixed messages, and is sometimes attributable to institutional rivalry. That is especially so in the absence of national frameworks or action plans to guide their work. The one area in which such institutions enjoy a degree of cooperation with the security sector is in capacity-building for law enforcement officers in mainstreaming human rights into their work, including the need to address violence against women. The United Arab Emirates provides a rare example with its Joint Initiative on Sense of Security Indicator, in the context of which the Ministry of the Interior is working with partners to improve the sense of security among all nationals and non-national residents as part of that country's Vision 2021.²⁷

In the context of attempts by the United Nations to broker peace in Libya, the Syrian Arab Republic and Yemen, mechanisms have been established to facilitate women's participation and influence on those processes. They include the advisory boards for the United Nations Special Envoy for Syria and civil society groups,

such as the Yemeni Women Pact for Peace or those supporting the work of a parallel women's track to peace negotiations in Libya.²⁸

3. The way forward

The mandates of extant institutions must be expanded to fully incorporate the WPS agenda. They should be provided with the resources to build knowledge and capacity for cooperation,

and be held accountable for producing tangible results. Transition in the region also provides opportunities. Since 2010, six Arab countries have revised their constitutions. Many have engaged in processes of political and economic reform. Such changes create an unprecedented window of opportunity to place the WPS agenda at the heart of policy on gender equality and durable peace and security.

3. Institutions in Times of War

This chapter attempts to examine the effects of conflict on institutions with a mandate to implement the WPS agenda.

Across the Arab region, many laws and institutions are the result of a mix of colonial legacy, local tradition and the reforms that went into building the post-colonial Arab State. In recent decades, legislators and institutions have increasingly been influenced by international development frameworks designed to encourage States to focus on global development targets. That process, however, has carried a built-in assumption that institutions which work in situations of peace or relative stability to fulfil developmental mandates are inherently able to withstand temporary interruptions caused by

tensions. A country can experience various levels of peace, tension or conflict (table 1). The shift from one stage to another can be gradual or abrupt. A State may experience various stages simultaneously in different locations. A relatively stable country can slide quickly into civil war as a result of an attempted coup, for instance, and a situation of armed conflict can improve to one of fragile peace following a peace agreement.

This chapter looks at wartime institutions, how institutions mandated to advance WPS are affected by political instability and conflict, and how peacetime institutions adapt in times of war, touching on examples from the Arab region. There follows an in-depth examination of the situation in Libya and Yemen.

Table 1. The stages from peace to war

Stage	Description
Full-scale war	All-out sustained fighting among organized armed groups and/or the State(s).
Armed clashes	Fighting among organized armed groups and/or the State, limited by the number of parties involved or by geography.
Crisis and political violence	Confrontation among mobilized political and social groups, including regular protests and heavy policing. Institutions are often paralysed or even involved in the political violence.
Tensions	Visible popular grievances and limited cooperation between government and political and social groups. Usually associated with the failure of institutions to address structural political, economic and social problems.
Relative stability	The absence of systemic organized violence. Institutions are concerned with maintaining the status quo.
Fragile (negative) peace	The absence of all forms of violence. Institutions are able to respond to grievances as they emerge.
Durable (positive) peace	Peace with justice for all. Institutions are proactive in addressing the needs of all population groups, thereby reinforcing their legitimacy in a virtuous cycle while promoting a culture of inclusiveness.

Note: The categories are based on those used in USAID, Preventing and Mitigating Violent Conflicts: An Abridged Practitioners Guide (2007), p. 6.

Table 2. Three scenarios for institutional improvements required to achieve the SDGs

Business as usual		Modest improvement		Best-case scenario	
Will make it by 2030	Will not make it by 2030	Will make it by 2030	Will not make it by 2030	Will make it by 2030	Will not make it by 2030
-	Algeria	-	Algeria	Algeria	Somalia
	Comoros		Comoros	Comoros	Sudan
	Djibouti		Djibouti	Djibouti	Syrian Arab Republic
	Iraq		Iraq	Iraq	
	Libya		Libya	Libya	
	Mauritania		Mauritania	Mauritania	
	Somalia		Somalia	Yemen	
	Sudan		Sudan		
	Syrian Arab Republic		Syrian Arab Republic		
	Yemen		Yemen		

Source: Based on "The changing face of fragility and its implications post-2015", The State of Fragility (2015), p.50. Available from www.oecd.org/dac/states-of-fragility-2015-9789264227699-en.htm.

Note: Under the business as usual scenario, institutions improve at their historical trajectory. The second scenario assumes modest improvements over the business as usual scenario at the State's historical 70th percentile rate, while the third scenario assumes extraordinary improvements at the rate of the State's strongest historical performance.

A. Fragile institutions

The inherent fragility of certain peacetime institutions tends to be exacerbated in States beset by conflict. The Organization for Economic Cooperation and Development (OECD) has stated that institutional fragility must be addressed immediately if the SDGs are to be met by 2030, and that even in the most optimistic of three possible scenarios, some of the more fragile Arab countries may be unable to achieve them (table 2).

This fragility affects government, legislative and other bodies, including many that are mandated to protect women and girls from violence. It is compounded by challenges to their authority, the lack of resources allocated for such mandates, and the diversion of political attention and support to other issues that arise with the onset of instability and conflict. Those problems may indeed contribute to making institutions brittle and

unresponsive to precursor issues that contributed to the unrest in the first place.

Institutions already weak prior to conflict can end up working against the WPS agenda by becoming perpetrators of violence rather than custodians of order and peace, and thereby creating deep scars in society. The then Secretary-General Ban Ki Moon stated in 2016: "It is a sobering fact that the majority of serious violations of international humanitarian and human rights law, which could amount to atrocity crimes, are still committed by the armed forces and auxiliary militia of Member States."²⁹ The driving of economic activity underground in countries affected by prolonged conflicts is often accompanied by a flourishing in criminal activities, such as trafficking in humans and drugs, smuggling and corruption.

1. Peacetime institutions adapt to war

Wartime institutions are often peacetime institutions given temporary mandates to play a particular role in conflict, whether to initiate, contribute to, mitigate or resolve it. Those temporary mandates may be dictated by the political leadership, arise from grassroots demand, or be a result of the combination of both. The institutions concerned are usually ill-equipped to take on those mandates.

Such temporary mandates can range from the declaration of emergency or martial law, with the suspension of human rights, to specific decrees or administrative decisions directing the work of a particular unit or in a geographic region, such as those associated with counter-terrorism operations. In Egypt, for example, Law 162/1958 imposed emergency rule for most of the period between 1967 and 2011. It was reactivated in 2013, effectively restricting many human rights and contrary to obligations under international law. In Morocco, the 1973 Royal Decree on the Directorate-General for National Security gave law enforcement officers a free hand in their treatment of civilians.³⁰ That situation only changed with the entry into force in 2006 of the new Criminal Code, which prohibits torture.

There have been efforts to promote peace-building by State institutions. In the Sudan, the Ministry for Social Welfare established its Centre for Women, Peace and Security in 2006. In Bahrain, the Supreme Council for Women held roundtable discussions on “promoting positive behaviour in society” in response to the 2011 protests in the country.³¹

2. Grassroots reactions to conflict

The collapse of law and order as conflict takes hold of a country can lead to a grassroots

mobilization and, in turn, to the emergence of new institutions, whether political, military or humanitarian. Positive examples include the Syrian Civil Defence, also known as the White Helmets, in opposition-held areas in the Syrian Arab Republic. It carries out search and rescue operations after aerial bombardments of civilian areas. In Egypt, volunteers formed neighbourhood-watch committees to fill the vacuum caused by the sudden absence of police in January 2011.³²

However, the breakdown in law and order often leads to the emergence of armed groups threatening peace and security. In Libya, several such groups emerged as a result of that country’s civil war, such as the Benghazi Revolutionaries Shura Council and the Derna Mujahedeen Shura Council. Both are wartime institutions that led to the rise of a significant number of influential leaders who are having a direct impact on attempts to achieve peace and will influence local and national political processes in post-war Libya.

The difficulties facing WPS institutions in situations of conflict in the region have deepened. The emergence of formal, semi-formal and grassroots level institutions that challenge the WPS agenda could hold grave consequences for post-conflict Arab countries, given the inherent gender divide and disadvantages women face politically, economically, socially and culturally.

B. Impact of conflict on institutions

The success or failure of a State depends in great measure on the quality of its institutions. The following examination of the impact of conflict on institutions focuses on three key areas: segmentation of the operational space, changing mandates, and capacity and resources.

1. Segmentation

Conflict can create physical divisions that greatly limit the capacity of institutions to operate. Institutions respond differently to shocks, partly depending on how they are affected by such geographical segmentation. Their response is also influenced by how populations view them, that is, whether people see themselves as citizens of a State in which institutions play an important role, or as members of a sect, community or tribal group that is governed by a “rentier” State represented by those institutions.

In Iraq, one form of segmentation is caused by sectarian politics that have predominated since the 2003 United States-led invasion of the country. The spread of the so-called Islamic State, representing Sunni rejection of central State institutions, has been its most extreme expression. It has been claimed that the former prime minister, Mr. Nouri al-Malaki, encouraged segmentation by creating security bodies with an informal chain of command based on sectarian and tribal affiliations that bypassed State institutions.³³ However, such informal networks can reverse segmentation when formal institutions collapse, as General Khalifa Haftar and forces loyal to him have demonstrated in consolidating power in the East of Libya.³⁴

In Lebanon, the civil war of 1975-1991 left a legacy of political polarization and social fragmentation that continues to dominate Lebanese politics today. The resulting fragility is reflected in the capability of Lebanese society to withstand shocks. A 2013 survey of attitudes towards Syrian refugees showed that 52 per cent of respondents believes that Syrian refugees posed a threat to national security and stability, rising to 80 per cent in the north of the country. Some 90 per cent of respondents

thought that the Syria conflict diminished the capacity of the State to govern and protect Lebanese citizens.³⁵ Such segmentation also affects the institutional response to the refugees. In such a context, institutions find themselves unable to advance the WPS agenda.

In Palestine, the Israeli occupation and illegal settlements have encroached on more than half of Palestinian land. Checkpoints and movement barriers, particularly targeting residents in Area A under the control of the Palestinian Authority, reinforce sub-national identities for survival based on the formal and informal institutions that serve them.

Moreover, Israel declared 62,030 dunums of occupied land in the West Bank as Israeli State lands in 2015 alone, comparable to land occupied in the previous three years combined.³⁶ Israel has also increased the number of demolition orders for Palestinian homes and accelerated the creation of illegal settlements, the number of which has grown annually by 5.3 per cent, three times the rate of population growth in Israel, which stands at 1.8 per cent.³⁷ In resolution 2334, of 2016, the Security Council condemned the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, all of which it qualified as major obstacle to peace.

Such conditions make it particularly challenging for institutions to advance the WPS agenda in Palestine. The Palestinian Ministry of Women’s Affairs, as the lead institution for implementing the WPS agenda, is faced with geographical and political segmentation that limit its capacity to reach all Palestinians. For instance, movement restrictions make it difficult for girls and women to access education and health services. The

number of attacks on Palestinian children en route to school rose from 97 in 2012 to 273 in 2014. In Gaza, 258 schools and kindergartens were destroyed during the 2014 Israeli offensive.³⁸

2. Change in mandates, capacities, and resources

War, conflict and instability cause significant shifts in the mandates and structures of institutions. Three recurrent themes may be observed: State civilian agencies, particularly those dealing with human rights and the advancement of women, are often downsized, starved of resources or simply abolished; the security sector is expanded, including through the creation of auxiliary forces; and the focus of civil society shifts to humanitarian support.

In its general comment No. 29 on states of emergency and derogations from article 4 of the International Covenant on Civil and Political Rights, the Human Rights Committee notes that: "The Covenant requires that even during an armed conflict measures derogating from the Covenant are allowed only if and to the extent that the situation constitutes a threat to the life of the nation." States remain obliged to meet their responsibilities under international law and to uphold rights contained in the Covenant.

Nevertheless, examples of breaches abound. In Iraq, the Ministry of Human Rights and the Ministry for Women's Affairs were shut down in 2015, on the pretext that limited government resources were needed to fight the so-called Islamic State. The Syrian Commission for Family Affairs and Population, mandated to work for the advancement of women, was downgraded and placed under the Ministry of Social Affairs and Labour, a move criticised by the Committee on the Elimination of Discrimination against Women.³⁹

In Egypt, local and international civil society groups have been subject to investigation since 2012 with regard to foreign funding. Under an amendment to the Criminal Code, passed in September 2014, prison sentences of up to 25 years may be handed down for receiving funds from abroad. In February 2016, 37 Egyptian organizations were on a prosecution list.⁴⁰ Moreover, legislation passed in November 2016 could "destroy Egypt's foundation for peaceful, civil engagement at its very roots".⁴¹ That would clearly curtail the ability of civil society to advance the WPS agenda in that country.

Arab States invest heavily in security institutions. Four Arab countries were among the top ten recipients of arms transfers in 2015. Between 2011 and 2015, the region accounted for a quarter of global arms imports, an increase of 61 per cent over the preceding five years.⁴² In Oman, the military budget grew from 32.6 per cent of Government expenditure in 2011 to 44.2 per cent in 2012.

With the onset of crisis, the armed forces may benefit from institutional reforms, additional resources and expanded mandates. In Saudi Arabia, for instance, the Supreme Council for Political and Security Affairs was established in January 2015 as the leading armament and military affairs entity. In addition, army personnel engaged in the conflict in Yemen received promotions and bonuses in 2015, an annual bonus in 2016, and exemption from other austerity measures applied to other officials and the civil service.

In Iraq, the Popular Mobilization Forces (al-hashd al-sha'abi), which in mid-2014 became a State-sponsored paramilitary group reporting to the office of the Prime Minister, reportedly numbered 110,000 combatants under the 2016 budget. It received a little more than \$1.5 billion in direct funding that year, in addition to deductions and concessions from other budget lines and the

wage bill, at a time when social services and other institutions were downsized or abolished.⁴³

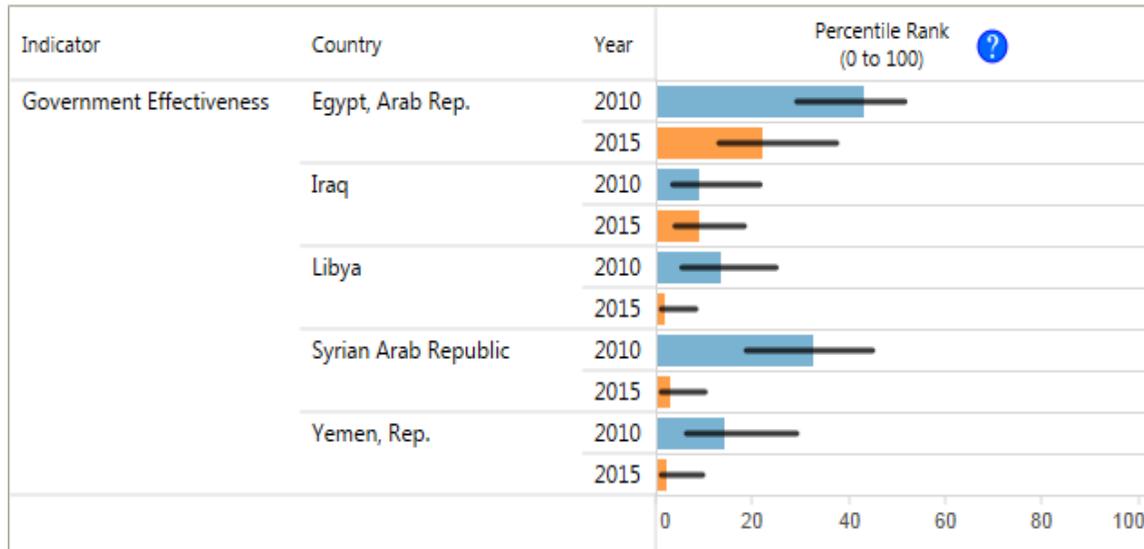
As part of its humanitarian plan in response to the Syrian crisis, Jordan requested \$1.3 billion from the international community for the period 2016-2018 to support its security forces, representing 16.7 per cent of the plan’s budgetary requirements.

Security sector agencies also encroach on other sectors. In Egypt, the armed forces have long been active in a parallel economy, focusing on mega-projects and benefiting from government policies.⁴⁴ Activities now even include producing food and other essential items.

The downsizing, deforming or abolition of other institutions not only hinders their capacity to fulfil their mandates. It also has a negative influence on public perceptions of government institutions (figure 2).

Human rights institutions can play a role in preventing a return to conflict. Providing access to justice, for instance, is instrumental in ending impunity and deterring the recurrence of discriminatory acts. The reverse is also true. The Ministry of Human Rights in Iraq kept a comprehensive database, updated daily by human rights inspection teams.⁴⁵ The fate of the database and the inspection teams is unknown now that the ministry has been closed. Such data is essential for designing policies and protection and prevention measures. It has been noted that NHRIs “are uniquely placed to assist in understanding the underlying causes of the conflict and propose ways forward that would accommodate internationally accepted human rights standards. [They] can assist in developing a better understanding of the linkages between a lack of respect for human rights and the causes of conflict... They can facilitate dialogue between a variety of national actors and promote peace-building institutions.”⁴⁶

Figure 2. Perceptions of government effectiveness in selected Arab States



Source: World Bank, Worldwide Governance Indicators. Available from info.worldwide.org/governance/wgi (accessed December 2016).

Civil society also experiences a change in roles and mandate in response to conflict, particularly when crisis and conflict push public systems beyond their capacity.⁴⁷ Civil society groups are often involved in providing humanitarian support to vulnerable and conflict-affected populations, and benefit from resources and structures created to respond to emergencies. Those structures include thematic clusters under a humanitarian response plan, which also provides a framework for resource mobilization and technical capacity, thereby creating a pull effect for civil society organizations.

In Jordan, many civil society organizations, including community organizations and faith-based organizations, were mobilized to bring humanitarian assistance to Syrian refugees.⁴⁸ They were involved in needs identification, resource mobilization, logistical management, and the delivery of in-kind supplies and social support. They also worked to establish partnerships with international NGOs.

This carries significant risks, starting with the dependency of civil society groups on short-term humanitarian funding, and the focus on emergency life-saving activities at the expense of long-term sustainable development efforts. The lives of humanitarian workers are also at risk, especially due to attacks on emergency medical and educational facilities by parties to the conflict. In resolution 2286, of 2016, the Security Council expressed grave concerns about the increased targeting of such facilities, which can lead to the collapse of service institutions and their civil society partners.

Rights-based civil society organisations report that the shift of national and foreign funding to address humanitarian crises is often coupled with a reduction in funding for ongoing work, for example on combating violence against

women or promoting political participation. This often starts a vicious cycle, whereby fragility of the State is reinforced by the failure of institutions to responding to the needs of the public, which itself is exacerbated by the collapse, weakening or undermining of those institutions. The relapse of countries into conflict is often associated with the failure of institutions to improve underlying economic and political conditions.⁴⁹

In refugee crises, the switch in focus of civil society groups to humanitarian relief generally comes at the expense of development activities of the host communities. In Lebanon, many organizations have expanded their relief and humanitarian support efforts.⁵⁰ In 2014, Lebanon received \$1.3 billion in humanitarian funding and \$800 million in official development assistance (ODA).⁵¹

Undermining institutions, including those mandated to advance the WPS agenda, by limiting their mandates, cutting resources and support, ultimately limits their ability to mitigate the consequences of conflict on women and society at large.

C. Country perspectives: Libya and Yemen

The following case studies discuss the role of institutions in Libya⁵² and Yemen,⁵³ how to advance the WPS agenda in those countries, and priorities for action.

1. WPS in Libya

The demise of the regime of Muammar Gaddafi in 2011 left a mixed legacy. Although men and women were, on paper, equal before the law, the regime did little to address discrimination

against women or advance their status. Libya had no NWM and submitted only two reports, in 1993 and 2009, to the Committee on the Elimination of Discrimination against Women after having ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1989.

In the uprising of 2011, women not only took to the streets to call on Mr. Gaddafi to step down. They also smuggled information and weapons to rebel forces from the earliest days. It has even been suggested that the Libyan uprising was inspired in June 2010, when “the mothers, sisters and widows of prisoners who had been killed in a massacre following the Abu Salim prison uprising of 1996 demonstrated in Benghazi”.⁵⁴

The National Transitional Council in Benghazi recognized the part played by women in the uprising and emphasized gender equality in its transitional Constitutional Declaration of February 2011. Under article 6, “Libyans shall be equal before the law, enjoy equal civil and political rights with, have the same opportunities in all areas and be subject to the same public duties and obligations, without distinction on the grounds of religion, belief, language, wealth, gender, kinship, political opinions, social status, or tribal, regional or familial adherence”.⁵⁵

However, many of those gains were short-lived. In the April 2016 draft of the revised Constitution, reference to equality without discrimination on the basis of gender was removed. The right of Libyan mothers to pass their nationality on to their children, which had figured in the Constitution of 1951, was also absent from the draft. Women and children have been the principle victims of the

violence since 2011, which has deeply divided Libyan society.

(a) Institutional architecture for WPS

In the four decades preceding the revolution, the philosophy and structure of the Government changed on several occasions. What started as a constitutional monarchy became a populist republican system under Mr. Gaddafi, the guiding principles of which oscillated between Arab and African nationalism, socialism, Islamic governance, and grassroots self-governance. The system proved disastrous. Between 1990 and 2010, the country’s score in the Human Development Index barely increased by 0.6 points, compared with 1.5 in neighbouring Algeria and Tunisia. That failure has been attributed in great part to the weakness or lack of independent institutions: “Libya had no political parties, regional or local governments, trade unions, independent legislators or judges, independent or robust civil society groups, or even prominent religious or traditional organizations.”⁵⁶

The Government of National Accord, formed in 2016 with the blessing of the United Nations, has established central and local-level institutions to address transition issues, including service delivery and reinstating the rule of law. In an effort to understand their priorities and where they stand with regard to the WPS agenda, ESCWA carried out interviews in August 2016 with representatives from the ministries of Planning, Justice, the Interior, Local Government, the Women’s Empowerment Unit at the Prime Minister’s Office, and several leading local NGOs. Except where otherwise noted, the following information was provided in the course of those interviews.

As the crisis continues, the Government and its institutions face considerable challenges to their authority and capacity to exercise control over Libyan territory.

(b) Ministry of Planning

The Ministry of Planning has had some success in advancing the WPS agenda, by setting a 10 per cent quota for the employment of women in civil service and coordinating efforts in education and social welfare, with particular emphasis on women and girls. However, given the decentralized structure of resource management, which has caused a shift from the national to the sub-national level, the ministry has limited power to enforce its recommendations. The technical cooperation department of the ministry works with the United Nations Support System Mission to Libya (UNSMIL), donors and international NGOs on ad hoc activities to advance the WPS agenda, such as a workshop held in early 2016 on women in detention centres. On a broader level, it works with NGOs and municipalities to rebuild destroyed cities.

(c) Ministry of Justice

Law enforcement has weakened significantly since 2011, but the Ministry of Justice has a project with the United Nations Development Programme (UNDP) that focuses on women, displaced populations and survivors of sexual violence. It is also developing measures to protect women from violence and deter perpetrators, notwithstanding the country's legislative legacy and present laws. They include a comprehensive compensation and support package for victims of rape perpetrated in the lead-up to and during the events of 2011. The ministry proposed the package to the General National Congress in 2012, and again in

2014, but to date no decision has been made to pass such legislation.

Some post-Gaddafi legislation, such as Law No. 29/2013 on Transitional Justice and Law No. 14/2015 on Marriage and Divorce, represent major setbacks for women. The former lacks important provisions on women's access to justice and the role of the courts system, while the latter lowers the minimum age of marriage from 21 to 18. Moreover, some transitional political leaders have reportedly stated that the main priority for women should be their reproductive role within the family.

(d) Ministry of the Interior

The Ministry of the Interior has substantial staff and resources but is being challenged by various non-State armed groups. The closure of some police stations, the failure of female police officers to return to work since the outbreak of fighting in 2011 and the closure of the women's police and military academies mean that little is being done on the ground to deal with violence against women. The image of women in the security forces remains tainted by the role they played in the Gaddafi era. Various State and non-State actors run a great number of detention facilities of all types. Female detainees are especially vulnerable to violence and abuse, particularly as little information is available on their number or whereabouts.

(e) Ministry of Local Government

The Ministry of Local Government was created and municipal councils established ad hoc during the uprising in 2011. Given official status under Law 59/2012 in the following year, the councils are gaining more power and recognition, mainly due to their ability to respond to issues quickly. In spite of limitations and immense challenges, including

the threat of being dissolved by local militias, the councils are proving more effective than the central authorities in handling WPS issues, including protection, participation and recovery. According to ministry officials, there is a token minimum quota of 1 per cent for women councillors, and no council may be formed without at least one women member.

(f) Other Institutions

The December 2015 political agreement included provision for the creation of a women's empowerment unit in the cabinet, following advocacy and pressure from civil society. The unit is headed by a Minister of State, and is formulating a programme that focuses on increasing women's participation in State-building processes and the revival of social services, with particular emphasis on the needs of women and girls.

Civil society organizations are a comparatively new phenomenon in Libya, and are focusing initially on the political empowerment of women and, in particular, their participation in the peace process. They are also working to improve service delivery and promote social cohesion at the grassroots level. However, the environment remains hostile to the development of civil society, given the organized political violence and the country's limited resources and technical capacity.

(g) Towards a WPS agenda for Libya

The ongoing conflict and deep segmentation of Libyan society, the lack of institutional capacity, and concerns about mandates and legitimacy are all impediments to the WPS agenda. Overcoming those challenges is central to gender equality and peace and security. The following principles for action

build on research, consultations with national experts, and a national workshop with Libyan civil society held in Tunis in November 2016.

A local agenda: The deep segmentation in parts of the country requires local responses. Different areas are experiencing varying conditions of peace and security, and the capacity to meet local needs varies from one institution to another. A bottom-up approach tailored to local needs is, therefore most likely to facilitate progress on the WPS agenda.

Advocacy and mobilization: It is critical to raise awareness of the agenda, particularly among parties to the conflict, in order to ensure their support. Mobilization of popular support for the agenda will also encourage the parties to engage.

Civil society: Given the concerns relating to the mandates, capacity and vested interests of various government agencies, civil society should step up to lead national and local responses to the WPS agenda. That will be crucial for maintaining momentum beyond the transitional period.

2. WPS in Yemen

In 2011, when political unrest engulfed Yemen, it was already the least developed country on the Arabian Peninsula, lagging behind in human development, corruption perception and gender indices. It has the world's second highest concentration of small arms per capita,⁵⁷ and in the previous decade had experienced a series of localized conflicts in various parts of the country.

The Gulf Cooperation Council brokered a resolution to the crisis in November 2011, under which President Ali Abdullah Saleh, who had

been in power since 1978, handed power over to Vice-President Abd Rabbu Mansour Hadi, who was then elected to the position in February 2012 in an uncontested election. The 2013 National Dialogue Conference (NDC), in which 565 delegates representing all political and social groups participated, formed the basis for a new Constitution and a new State structure. Just as the Constitution was being finalized, Mr. Saleh launched a military coup in September 2014, aided by a militia known as the Houthis. The country plunged into civil war, which has since led to regional involvement and an unprecedented humanitarian crisis.

Prior to the war, Yemen had inefficient but functioning institutions. They were plagued by patronage and promoted goals reflecting first and foremost the interests of those in power and only incidentally, if at all, those of the people. Nevertheless, Yemen had a relatively autonomous NWM, attached to the office of the Prime Minister and known as the Women National Committee (WNC). There is a Ministry of Human Rights. A multi-party political system allowed for the development of a noteworthy civil society sector.

Since the outbreak of war, the country has split into two camps: that of the coup authorities, which formed a government by virtue of their control of the capital Sana'a; and that of President Hadi, who set about building a State on territory under the control of forces loyal to his Government, along the lines set forth under the National Dialogue.

Yemen did not have a national strategy for the advancement of women or for combating violence against women. The NWM worked on mainstreaming those issues into national cross-sectoral development plans, such as the five-year development plan. Yemen has not submitted a report to the Committee on the

Elimination of Discrimination against Women since 2007.

(a) Institutional architecture for WPS

Yemen, considered a least developed country (LDC), failed to empower its institutions to carry out their mandates in the years prior to the outbreak of civil war. It also received little ODA, which barely increased from just \$11.20 per capita in 1995 to \$19.60 in 2011, much lower than the average for LDCs, which was \$29 in 1995 and \$52 in 2011.⁵⁸ Common reasons given for the limited support given to Yemen are a lack of absorptive capacity and institutional limitations in managing ODA.⁵⁹

The security sector in Yemen was characterized by parallel structures on the basis of patronage. From 2001, a republican guard, a central security force, and a national intelligence agency were created and placed under the management of President Saleh's son, nephew and office manager respectively, all of whom reported to him directly. They operated in parallel to the armed forces, which reported to the Minister of Defence, police and security forces affiliated to the Ministry of the Interior, and the political security service, which reported to the Supreme Security Council. Other specialized bodies were also created under the President's direct command, such as the counter-terrorism unit, special operational squad, and other similar entities.⁶⁰

The 2012-2014 Joint United Nations Framework to Support the Transition in Yemen identified 10 priority areas for reform, including institutional strengthening. The plan included a number of initiatives aimed at improving effectiveness and efficiency, and attracting public servants of the highest calibre in order to transform institutions. However, political polarization and, ultimately, civil war, largely stymied such efforts. The

country's NWM was obliged to stop the dissemination of the results of its study on violations of women's rights⁶¹ and the Yemeni Women Union was questioned regarding its work with the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) on tracking the movement of internally displaced populations.⁶²

What follows includes interviews from key informants from both camps in the civil war. It highlights how institutions have been affected by the conflict and interest in the WPS agenda in Yemen, which has been renewed in part because of the fighting itself.

(b) Women National Committee

The WNC is responsible for coordinating government efforts on issues relating to women and gender. It plays an important advisory and capacity development role and works mainly through a network of focal points in government agencies.

The WNC has developed proposals for legislative reform and policy, including a draft strategy for the advancement of women. It has reviewed more than 50 pieces of legislation to identify issues of concern and bring them to the attention of legislators. It also engages in advocacy initiatives, which have included publication of a booklet highlighting areas for the advancement of women and urging government action in those areas.

(c) Ministry of Human Rights

The Ministry of Human Rights launched a consultative process to develop a national action plan on resolution 1325 in 2014, starting with a series of awareness workshops with partners including the WNC, the Ministry of the

Interior, civil society organizations and media. The workshops were designed to raise awareness, build capacity and identify priorities for an action plan and the roles of stakeholders. The workshops were suspended in March 2015 with the escalation of hostilities, but resumed in August 2016 despite continuing military operations.

However, the ministry had serious capacity limitations, which became all the more visible with the conflict. It had to release a significant number of staff and dedicate more attention to complaints of human rights violations. The de facto authorities also subjected staff members to questioning over their investigative activities, as gross violations of human rights continued to be perpetrated by all parties to the conflict. All of this significantly reduced its capacity to advance the WPS agenda.

(d) Ministry of the Interior

The Ministry of the Interior was engaged with the NWM and the Ministry of Human Rights on a number of issues relating to gender and to human rights, including WPS. It had launched plans to mainstream gender sensitivity in its operations, but they were suspended with the onset of war. As parallel structures, including private militias, created by both parties to the conflict took over law enforcement in their respective areas of control, the role of the police was increasingly challenged and the functioning of the ministry diminished significantly.⁶³

(e) Civil society

Since 1990, the number of civil society organizations operating in Yemen has grown exponentially. For example, the Yemeni Women Union has led a movement to champion women's rights. However, most of that work is supported by

international development agencies and private donors, which influences the direction, role and capacities of civil society groups. Consequently, there has been a significant drop in their activities since the outbreak of civil war, as donors have cut back support or focused it on humanitarian support through the United Nations or international NGOs.

Nonetheless, a coalition of women leaders and activists formed the Women for Peace Pact, which works to exert pressure on the warring parties to stop targeting women and girls, engage in peace talks and ensure women's representation in them. Efforts are also being made to develop a civil society track for a WPS national action plan, following in the footsteps of civil society in Iraq and Palestine.

(f) Towards a WPS Agenda for Yemen

The National Dialogue Conference concluded with progressive and important directives relating to the WPS agenda, including a quota for women of 30 per cent in government, political parties and civil society organizations. Specific proposals also emerged for legislation to expand the participation of women

in security, military and intelligence agencies, and the mainstreaming of gender-based budgeting principles in the general budget of the State.⁶⁴ In order to implement the conference proposals and advance the WPS agenda, the following should be considered:

Promoting women's activism for peace: Support should be provided to women activists to ensure that the voice of women is heard in attempts to resolve the current conflict and that they are represented in any subsequent political process.

Mainstreaming WPS in State-building: Building on the negotiated outcomes of the National Dialogue Conference, the WPS agenda should be mainstreamed in State-building processes. Conference directives, particularly those on institutional development and reform, should be implemented.

Fostering institutional cooperation: Particularly in post-conflict recovery and reconstruction efforts, institutions will need to cooperate with incremental measures to enable smooth and meaningful progress towards the goals of the agenda.

4. WPS: A Transformative Agenda for the Arab Region

The WPS agenda is an integrated peace and security agenda that has gender equality at its core and is rooted in international law. It therefore requires a collective national response, entailing cooperation between various State institutions and civil society. Institutions with a mandate to work on WPS issues often lack the means to implement the agenda, particularly in the absence of a national action plan or similar to guide their efforts. In times of conflict, when efforts to advance the agenda are most needed, institutions mandated to work on gender equality and human rights are often sidelined, while law enforcement and security institutions receive additional attention and resources.

A new WPS paradigm is needed to ensure not only that institutions responsible for addressing specific WPS or related issues receive the support they need to function in peace and wartime, but particular attention should be paid to enabling the security sector to do its part to implement the WPS agenda, especially in times of unrest or conflict.

A. New WPS paradigm

“The UN must be at the forefront of the global movement towards gender equality, an inalienable and indivisible feature of all human rights and fundamental freedoms: progressively moving from perceiving women and girls

as a subject of protection to promoting their empowerment; from an isolated focus on women to gender mainstreaming.”⁶⁵

António Guterres, 2016

The WPS agenda reiterates the established notion that peace and security go hand in hand with equality and development, and that neither can be achieved without respect for and the realization of human rights. The agenda is complex, given the legal instruments that inform it and the responsibilities of the State and the international community for advancing it. Commitments by Arab States under international humanitarian, human rights, refugee, and criminal law, international customary law, and internationally agreed development frameworks underline their responsibilities with regard to gender equality, while the evolving body of Security Council resolutions on the agenda lays emphasis on the aspect of peace and security. It is being increasingly argued that States also have a legal responsibility to take pre-emptive action against foreseeable violations.

The WPS agenda serves as a reminder to the international community of the specific experiences of women and girls during conflict, and of the need to mitigate risks, protect women and girls, ensure that violations are not met with impunity, and maximise women’s agency.

That is especially pertinent in the Arab region today. As the WPS agenda transforms, a new paradigm that goes beyond the four pillars of resolution 1325 becomes necessary. The following section introduces a proposal for such a paradigm.

The proposed WPS paradigm presents States' obligations in a holistic, policy-oriented approach, highlighting three dimensions, each of which intends to marshal efforts towards the realization and protection of a number of human rights. Those dimensions are Gender Justice; Peace and Security; and Approaches,

Methodologies and Tools. They are interconnected and mutually reinforcing (figure 3). The first two dimensions are substantive, helping to understand the WPS agenda in a new way. The third is operational, focusing on practical means of implementing the agenda.

For a State to meet its obligations under international law, its institutions at the central and local levels, including all branches of government, must play a role and cooperate closely with each other and with civil society organisations and other stakeholders.

Box 5. Human rights obligations of States

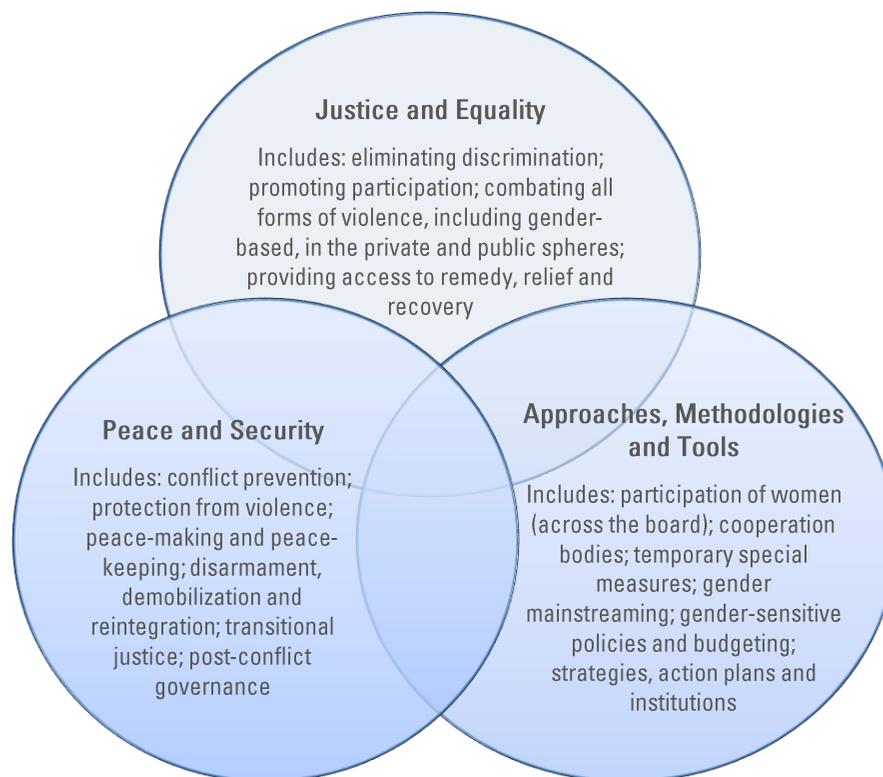
In its general recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee on the Elimination of Discrimination against Women states:

“States parties must address all aspects of their legal obligations under the Convention to respect, protect and fulfil women’s right to non-discrimination and to the enjoyment of equality. The obligation to respect requires that States parties refrain from making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights. The obligation to protect requires that States parties protect women from discrimination by private actors and take steps directly aimed at eliminating customary and all other practices that prejudice and perpetuate the notion of inferiority or superiority of either of the sexes, and of stereotyped roles for men and women. The obligation to fulfil requires that States parties take a wide variety of steps to ensure that women and men enjoy equal rights de jure and de facto, including, where appropriate, the adoption of temporary special measures in line with article 4, paragraph 1, of the Convention and general recommendation No. 25 on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures.”

Source: CEDAW/C/GD/28, para. 9.

Note: Authors' italics

Figure 3. Dimensions of the proposed WPS paradigm



1. Gender justice

This dimension is intended to encompass the broader issues of accountability, equality and dignity.⁶⁶ It stresses the inherent individual and collective responsibility to prevent violations and protect women and girls from their consequences, while reaffirming fundamental human rights, particularly wellbeing and dignity. Further, it proposes action to address injustice and inequalities along the following lines:

- (a) Institutional gender-accountable mechanisms: such mechanisms make it possible to hold institutions accountable for advancing gender equality and acting to protect human rights;
- (b) Effective gender justice strategies: rhetorical support for justice and equality alone will not deter and prevent discrimination and other violations of human rights, particularly against women and children. Rather, investment is needed in early warning systems for human rights violations and the generation of viable policy options to reinforce gender justice, focusing primarily on vulnerable populations at risk of exposure to violence, particularly against women. This has to be complemented by accountability systems that ensure the implementation of such strategies in accordance with international law and standards;
- (c) Capacity for timely and decisive response: increasing the capacity of institutions to carry out preventative, remedial and

recovery programmes at different times of peace and conflict requires a level of preparedness for responding to emerging issues, which means mandating, equipping and enabling institutions to play their allotted roles. This will include also strategies to increase the capacities of the justice and law enforcement systems to enable them to respond to violations in a timely and gender-sensitive manner.

2. Peace and security

This dimension refers to all actions that directly contribute to conflict mitigation and peace-building, from good governance and rule of law to disarmament and combating extremism. Moreover, the United Nations insists that “sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development”.⁶⁷ It follows that investing in efficient, responsible, accountable and capable security sector institutions is an investment in development.

The new paradigm emphasizes that WPS is the collective responsibility of various agencies and structures, including those concerned with law enforcement (legislature, judiciary and the various branches of the security forces. Their involvement is critical for the success of national WPS efforts.

3. Approaches, tools and methodologies

This dimension focuses on institutionalising policies, measures and processes to advance the goals set forth under the other two dimensions. Institutions must have the mandates and capacity to advance the WPS agenda, and thereby create opportunities for the empowerment of women and the facilitate their

upward social, economic and political mobility in all walks of private and public life. Such structures can include dedicated WPS agencies, mechanisms for gender mainstreaming, collaboration and reporting, and civil society. Equally important, mechanisms should be created to fulfil commitments to marginalized populations, such as women and girls affected by or at risk of being affected by conflict. Interventions in situations of conflict need to be tailored to three kinds of situation: persons at risk of becoming embroiled in conflict, those already affected by conflict, and those coping in post-conflict periods.

Focusing on institutions and processes in times of conflict, which may skew priorities in the other two dimensions, should aim to create a degree of resilience in terms of addressing WPS issues. In times of war, gender role reversal becomes more pronounced as a growing number of women join the workforce, come to head households and, often, become the sole breadwinners. They and women playing pivotal roles in conflict prevention and peacebuilding need institutions and processes that respond to their evolving roles, needs and aspirations, in order to preserve achievements and protect against slipping back into the pre-empowerment stages.

4. Relationship between the dimensions

Under this new paradigm, work on gender justice and equality would reinforce efforts to achieve and/or maintain peace and security, and vice-versa. Progress on tackling issues under one of the dimensions would contribute to achievement of issues under the other. Hence, institutions working to advance the WPS agenda would necessarily have to cooperate with each other in order to ensure that their activities contribute to achievement of the intended

results at the national level. That would also require of national institutions that they work with NGOs, the private sector and academia. In particular, cooperation with civil society will be crucial for success. Such cooperation requires an inclusive and participatory approach in the development of a national WPS agenda and action plans. Civil society has the flexibility to detect and respond to emerging issues, based on grassroots experience.

B. Principles for action

The following eight, interdependent general principles have been devised to guide policy on strengthening the role of institutions in advancing the WPS agenda, and should be mainstreamed in future WPS work across the Arab region.

1. Nothing for Women without Women

- (a) Leadership: The dimensions of the WPS paradigm require women to lead on policies and programmes in times of peace and of war. Not only should women be consulted in peace negotiations, but, given that women have the highest stake in peace and war, gender parity in setting the agenda and participation should be a primary goal. The participation of women contributes to more durable peace agreements.
- (b) Capacity: The capacity, organization and resources available to civil society groups, particularly those focusing on women, need to be expanded and improved in order to amplify their voice and underpin their role in advancing the WPS agenda. The WPS national action plans of Iraq and Palestine were the result of pioneering work of civil society groups led by women. That can be replicated across the region.

- (c) Special measures: Temporary special measures for achieving gender parity are critical and may include quotas, capacity-building programmes for women leaders, and rewards or other incentives for agencies and programmes that achieve gender parity.

2. Gender Mainstreaming in Institutions

- (a) Partnerships: Institutions should address any gender-based biases in their work practices and contribute to building multisectoral, gender-sensitive partnerships to advance the WPS agenda.
- (b) Gender analysis: Assessments should be carried out on the influence of institutions and their technical processes on the design of policy and programmes, and on the impact of the latter on women, men, gender relations, and the achievement of gender parity. Gender-sensitive budgeting is also important.
- (c) Institutional culture: Measures should be taken to eliminate biases resulting from stereotypical images of women and girls, particularly as survivors of violence, which limit the ability of institutions to empower women.

3. Engaging the Security Sector

- (a) Involvement of the security forces: There is a need to foster understanding and cooperation between civilian entities, on the one hand, and law enforcement and security bodies, on the other, building on the notion that peace and security, and justice, equality and development, are part and parcel of the same WPS package.

- (b) Cooperation mechanisms: Those same bodies should establish mechanisms to work together to address conflict-related issues such as gender-based violence, human trafficking, transitional justice and the rule of law.

C. Recommendations

The following policy recommendations are proposed.

1. Identify and Establish Mandates

- (a) Legislative reform is needed to provide a more robust legal foundation for institutions to pursue the WPS agenda and for related national policies, programmes and initiatives.
- (b) National action plans are crucial for triggering specific action by particular agencies to advance towards specific WPS goals, and form the basis for mainstreaming WPS more broadly across the State's institutions of government.
- (c) Mandates should be given to all institutions expected to play a role in addressing WPS issues. Such mandates would include sectoral policies, operational procedures and cooperation protocols.

2. Institutional Strengthening

- (a) The traditional functioning of institutions must be revisited to address the impact of conflict on them, and their potential for playing a role in conflict prevention, resolution and post-conflict recovery. That requires an

investment in data collection, research and capacity-building on WPS issues, such as early warning systems, gender-based violence and disenfranchisement among different population groups.

- (b) WPS mechanisms require enhanced institutional monitoring and follow-up capacity, which will facilitate more effective use of resources, constructive engagement between institutions, and partnerships across specialities, including for the development of collaborative rapid responses to emerging issues.
- (c) Efforts should be made to strengthen institutional capacities at the local level, where direct interaction with citizens is possible. That would involve integrating gender equality into the analysis, design, implementation, monitoring and evaluation of local development policies, programmes and projects.
- (d) More must be done to invest in civil society groups, preferably through national WPS mechanisms and across the three dimensions. Resources should be earmarked to support innovative approaches to WPS priorities.

3. Inter-agency cooperation

- (a) Truly effective partnerships require dedicated and permanent WPS mechanisms to facilitate synergies and cooperation, including in response to shocks. That applies equally to State civilian and security sector institutions.
- (b) Specialized services initiatives should be established to promote the WPS agenda through public advocacy and education, and humanitarian response. They should include programmes that target specific population groups.

Endnotes

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This publication explores what the women, peace and security agenda is, and how the Arab region is responding to it. It discusses the roles of national women's machineries, national human rights institutions, security sector institutions and civil society organizations in times of peace and war.

The publication features two case studies from Libya and Yemen on the role of institutions. It also proposes a range of recommendations for action.

