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Women, Peace and Security and National Women Machineries

**Mervat Rishmawi
Human Rights Consultant**

National Women Machineries NWMs

Beijing Declaration and Platform for Action identified twelve critical areas of concern which require strategic actions.

One critical area is the need for establishing “Institutional mechanisms for the advancement of women” that are necessary for the realisation of the rest of the Platform for Action.

NWMs: what do they do?

- ❑ NWMs are created for the primary purpose of ensuring gender mainstreaming in the work of governments
- ❑ They are the central gender policy-coordinating unit inside government.
- ❑ Their primary role is generally to promote the advancement of women, and advocate and mobilize for support for policies and measures
- ❑ NWMs therefore must be appropriately mandated, tasked, resourced and enabled to carry out their various roles

Status and form

- ❑ The Beijing Platform for Action: NWMs must be located “at the highest possible level in the Government, falling under the responsibility of a Cabinet minister.”
- ❑ This in practice means that they must fall under the responsibility of the President, Prime Minister or Cabinet Minister.
- ❑ NWMs must be officially institutionalized with the overall responsibility for coordinating, facilitating, supporting, and monitoring the mainstreaming process in all ministries and agencies.
- ❑ So they have a cross-cutting, over-arching role.
- Therefore: the institutional status of the NWM must be sufficient for it to have full authority and capacity to effectively mainstream gender into all activities of governmental departments at the national, provincial and local levels.

Legal foundation

- ❑ CEDAW Committee has called on states to ensure the legislative establishment and effective functioning of one centralized independent national machinery with a clear, stable and sustainable framework for the efficient functioning, including a clear mandate and reporting lines, and necessary authority
- ❑ NWMs that are derived from constitutions or laws tend to give a greater sense of political legitimacy and stability

Mandate

NWMs should have mandates and authority clearly defined in law;

Critical elements include:

- Help to develop strategies, policies and measures on gender equality
- monitor policies for gender impact, and the situation of women in general
- Advise on the impact of all government policies on women;
- coordinate implementation of policies and plans;
- audit implementation of policies, plans and legislation;
- undertake advocacy and communication
- Propose, formulate and review legislation;
- Involve CSOs and others, as appropriate, in planning, implementation and monitoring

Roles and responsibilities

- ❑ take initiatives, (they do not wait to be called to join initiatives)
- ❑ coordinate and oversee the preparation and implementation of legislation, policies and programmes
- ❑ provide advice and analysis directly to the highest levels of Government and other related bodies

To be able to do this, NWMs carry out the following

- Gender training;
- Monitoring - including through sex disaggregated data and statistics;
- Research and analysis; and,
- Evaluation.

NWMs carry out their roles and responsibilities in coordination with other gender mechanisms and relevant civil society

Roles and responsibilities

Gender mainstreaming

- gender analysis/ auditing/ gender impact assessment
- gender-responsive budgeting
- complimented by clear qualitative and quantitative indicators to measure performance with regard to gender mainstreaming

Roles and responsibilities

Strategy, policy development, and national action plans

- play the lead role in developing and updating national policies on gender equality.
- ensure gender mainstreaming in sectoral plans that other ministries take lead on (ex. health, education, etc), as well as at sub-national levels in regional and local bodies.
- Ensure gender mainstreaming in other strategies and plans, for example national human rights strategies, national strategies on the implementation of the 2030 Agenda for Sustainable Development, national strategies for combatting human trafficking, etc

Roles and responsibilities

Constitutional and legislative reform

This includes a wide range of legal reform initiatives promoted or supported by NWMs to ensure gender equality, which is done through enacting new legislation as well as reforming existing legislation based on gender analysis of such legislation.

ratification of CEDAW, lifting reservations, and therefore incorporating CEDAW provisions in national legislation

adopting an overarching law on gender equality in line with CEDAW and ensuring that it fully conforms with and implements obligations under international treaties is an important step forward.

Constitutional and legislative reform (continued)

Examples

agreeing mandatory temporary special measures aimed at accelerating de facto equality

laws addressing the issues of equality within the family, employment, combating gender-based violence, as well as criminal and procedural laws, election laws

prohibition and punishment of sexual crimes, and effective access to remedy.

Roles and responsibilities

Research, data collection and analysis

NWMs carry out the functions of collecting data and statistics or guiding specialised bodies to collect such data disaggregated by sex, and other variables such as urban/rural residence, age, ethnicity and disability

Qualitative and quantitative performance indicators must also be set to monitor commitments and ensure implementation;

Research and analyses using these data, indicators and information, as well as other forms of analyses, for example analysing legislation, or analysing social trends, or analysing practices, or assessment of impact of policies or legislation on the ground guides much of the rest of NWMs work

Roles and responsibilities

Enabling and capacity building

NWMs play a central role in increasing knowledge and commitment among the executive government officials, as well as other branches, through capacity building

They increase capacities of officials to ensure gender mainstreaming in their work, and develop concrete recommendations

NWMs also play essential role in helping to formulate concrete recommendations with women leaders for ensuring gender equality

NWMs support women leaders to access and participate in various political, legislative and other processes

They play very important role in capacity building for cross-institutional processes for developing policies, strategies and NAPs

Roles and responsibilities

Monitoring and reporting for accountability

This includes monitoring the activities of ministries and providing recommendations to specific ministries.

In some countries, NWMs have presented annual reports or provided responses on progress towards gender equality to parliament.

To ensure implementation of the CEDAW obligations, they prepare reports on compliance of states to the CEDAW Committee and other international human rights treaties

They also engage with other human rights mechanisms, such as the UPR, special procedures, as well as other mechanisms including the submission of the VNRs on Sustainable Development Agenda 2030 (HLPF)

They also play an important role on following up on implementation of conclusions observations

Capacities and resourcing

It is essential for the state to finance NWMs in a sustainable manner through national budgets, especially to ensure core operational funding.

In addition to that, NWMs must be able to raise funds from other sources like UN bodies, development assistance aid from other states, other forms of assistance including by other NWMs (for example in the context of the implementation of their WPS NAP), and from independent bodies.

Capacity building for the staff of NWMs is essential to enable the machinery carry out its role effectively.

While a lot of training is available to NWMs in general, targeted and continuous training on technical areas is essential. This includes training on legislative reform, gender mainstreaming in legislation and plans, gender auditing, gender-responsive budgeting as well as the WPS Agenda.

Linkages and Support

Gender mainstreaming and advancing efforts in gender equality require efforts from many quarters and needs time.

It is therefore important that NWMs work closely with other actors, including

- other gender mechanisms, women leaders, community leaders, political parties, academic institutions, CSOs, trade unions, the media, the private sector, regional and international organizations

NWMs also must create linkages to enable them to work closely at the community level.

Therefore:

The broad agendas of NWMs on the one hand, yet the often small budgets and little influence they enjoy, requires that instead of trying to do everything by themselves, NWMs should act as catalysts for change and focus on building relationships with others who can help accomplish these goals.

Also, NWMs are not agencies implementing programmes/ service delivery

Other national mechanisms for gender mainstreaming

In many countries, NWMs exist alongside other gender mechanisms.

Difference:

Generally, mandates of NWMs are provided in broad terms encompassing a wide scope of work.

In contrast, mandates of other mechanisms are normally limited to their specific level and area of work.

For the NWMs to carry out their role effectively, they must coordinate closely with other state national women mechanisms in the country.

Other national gender mechanisms

Executive mechanisms

These include focal points or working groups in sectoral or line ministries, or high cross-government body

Legislative mechanisms

These include formal parliamentary commissions or committees, or informal structure such as a caucus or working group

Independent

In other cases, gender mechanisms are located outside the government but still within the state structure. This includes accountability institutions such as NHRIs

National Women Machineries and the WPS Agenda

The WPS Agenda

WPS is not limited to the Security Council resolutions that were adopted under the agenda item of the Security Council titled “Women, Peace and Security”.

These resolutions do not create new obligations on states and other parties.

Issues related to women, peace and security, as reflected in the four pillars, existed as obligations before SCR 1325 (2000)

Sources:

- SCR that were adopted under the agenda item titled “Women, Peace and Security”;
- Other relevant SC Resolutions
- Relevant sources of international law, particularly:
 - international human rights law,
 - international humanitarian law, and
 - international criminal law.
- Other frameworks like the 2030 Agenda for Sustainable Development is also relevant as it provides policy-oriented recommendations.

The WPS Agenda

Understanding the WPS Agenda through this wider, more encompassing approach allows for

- adoption of policies and measures grounded on obligations under international law
- developing targeted recommendations that are action-oriented, and
- results in a wide sphere of protection
- allows for looking into causes, early warning and avenues for solutions
- Standards related to non-state actors (IHL, ICL)

The four pillars



The four pillars and the three phases

The three pillars of prevention, protection and participation also run through the three phases of peace (pre conflict); conflict; and peace making and post conflict mechanisms

Peace/ pre-conflict:

- prevention, - protection, - participation

Conflict:

- prevention, - protection, - participation

Peace-making/ building, relief and recovery:

- prevention, - protection, -participation

Other important SC Resolutions

A number of other resolutions were adopted by the Security Council which are relevant to the WPS, although they were not adopted under the WPS Agenda of the Security Council. These include the following:

Security Council Resolution 1366 (2001): calls on states to take early warning measures including in relation to illicit transfer of small arms and light weapons.

Security Council Resolution 2331 (2016): is specifically on human trafficking

Security Council 2272 (2016): stresses that sexual exploitation and abuse by United Nations peacekeepers

Security Council Resolution 2417 (2018): deals with the impact of armed conflict on food security

Security Council Resolution 2419 (2018): refers directly to previous WPS resolutions, reaffirming specifically the important role of youth

Security Council Resolution 2427 (2018): focusses on protection of children affected by armed conflict

An Agenda for Action

All parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence

rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide

differential impact of terrorism and violent extremism on the human rights of women and girls, including in the context of their health, education, and participation in public life, and that they are often directly targeted

respect the civilian and humanitarian character of refugee camps and settlements,

sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, and rule of law and justice

Ensure and support the participation of CSOs

Ensure gender considerations are integrated in the development, prioritization, coordination, and implementation of policies and programmes

Donors countries - gender mainstreaming, prioritising participation, building capacities,

An Agenda for Action

Prevention

Reform of constitution, legislation, the electoral system, the police and the judiciary

Strengthen access to justice, including through the prompt investigation, prosecution and punishment of perpetrators as well as reparation for victims

All reports of sexual violence by military personnel are thoroughly investigated and the alleged perpetrators brought to justice

Civilian superiors and military commanders use their authority and powers to prevent sexual violence, including by combating impunity, enforce appropriate military disciplinary measures and uphold the principle of command responsibility; and train troops

Conduct and gather gender-sensitive research and data on 1) the drivers of radicalization for women, and 2) the impacts of counter-terrorism strategies on women's human rights and women's organizations

An Agenda for Action

Protection

Evacuate women and children under imminent threat of sexual violence to safety

Countries contributing troops and police in UN peacekeeping operations to consider steps to heighten awareness and the responsiveness, and deployment of a higher percentage of women peacekeepers or police

ensure the protection of all civilians inhabiting in refugee camps and other settlements

Integrate gender considerations across humanitarian programming by ensuring the provision of access to protection and the full range of medical, legal and psychosocial and livelihood services

An Agenda for Action

Increase women's role in decision-making with regard to conflict prevention and resolution

Guarantee participation through security and rule of law

need for greater resourcing, accountability, political will and attitudinal change to ensure women participation

Ensure the presentation of women in decision-making processes with regard to conflict resolution and peacebuilding, formal peace processes including as mediators and ceasefire monitors

Strengthen the knowledge of negotiating delegations to peace talks, and members of mediation support teams, on the gender dimensions of peacebuilding

Ensure the involvement of women in the development and implementation of post-conflict strategies

Donor countries to provide financial and technical assistance to women involved in peace processes, including training in mediation, advocacy, and technical areas of negotiation; and to develop dedicated funding mechanisms

An Agenda for Action

Conflict resolution, peacebuilding and post-conflict reconstruction

Address sexual violence issues from the outset of peace processes and mediation efforts

Exclude sexual violence crimes from amnesty provisions

Recognizing that in conflict and in post conflict situations national justice systems may be significantly weakened, undertake comprehensive justice sector reform initiatives without delay

Ensure bringing perpetrators of sexual violence in conflicts to justice and ensure that survivors have access to justice

Ensure security sector reform processes and arrangements

member States, international and regional organizations: improve women's participation during all stages of peace processes, particularly in conflict resolution, post-conflict planning and peacebuilding, including by enhancing their engagement in political and economic decision-making at early stages of recovery processes

Adopt a comprehensive approach to transitional justice in armed conflict and post-conflict situations, encompassing the full range of judicial and non-judicial measures