INTERNATIONAL HUMANITARIAN LAW AND A GENDER PERSPECTIVE IN THE PLANNING AND CONDUCT OF MILITARY OPERATIONS

REFERENCE

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CONTENTS

Executive summary **4**

Foreword **8**

List of terms **10**

Introduction **12**

Chapter 1: Applying a gender perspective in the planning and conduct of military operations **16**

A. Making the case for a gender perspective 17

B. Conveying leadership commitment 20

C. Starting at home: Internal discipline influences external conduct 20

D. Conducive law, doctrine, policy and procedure 21

E. Fixing gender gaps in operational data 27

F. Not just any civilian-military cooperation 29

G. The role of gender advisers and focal points 29

H. Considering force demographics 31

I. Education and training: Engaging men on gender 31

J. Getting logistics right 32

K. Resource allocation, monitoring and evaluation 33

L. Example: A gender perspective in action 33

Chapter 2: Locating IHL in the Women, Peace and Security (WPS) agenda **36**

A. IHL and WPS: Taking stock of the overlap in 2023 37

B. Opportunities for added value: Applying the WPS agenda and IHL together 40

C. Caution: Five approaches when IHL and the WPS agenda converge 47

D. IHL recommendations for WPS national action plans 49

Chapter 3: Incorporating a gender perspective in partnered military operations in armed conflict **50**

A. Why a gender perspective is important in partnered military operations (PMO) 51

B. Managing partnerships: An ICRC framework of practical measures 51

C. A gender perspective when preparing to engage 53

D. A gender perspective in PMO implementation 56

E. A gender perspective in the transition away from a PMO 58

Annexes **59**

Annex 1: List of participants 60

Annex 2: Scenarios discussed at the expert meeting 62

O. Loshakova/ICRC

Security drill at a school in Shchastia, Ukraine.

EXECUTIVE SUMMARY

International humanitarian law (IHL) is designed to protect humanity from the worst excesses of war. This objective is best realized when parties to armed conflict take account of the daily reality of gender inequality that significantly shapes the lives of diverse women, men, girls and boys in every country, worldwide. Deplorably, studies reveal that gender bias and stereotypes still prevail across the globe, influencing decision-making including in conflict-affected contexts.

This report provides guidance as to how gendered harm arising from military operations can be better understood and sets out good practices to avoid and reduce it. It draws in particular from applicable international law, including IHL and international human rights law (IHRL), as well as policies, directives, and practices both at national level and within the framework of the United Nations (UN) Women, Peace and Security (WPS) agenda. Its intended audience is practitioners engaged in national security or defence who are seeking to better protect civilians and improve compliance with non-discrimination obligations using a gender perspective.

Chapter 1 addresses the application of a gender perspective in the planning and conduct of military operations in order to understand and reduce the gendered risks faced by diverse women, men, girls and boys in armed conflict. A number of components can, cumulatively, equip an armed force to do this, and this chapter includes real examples of good practice as well as an illustrative case study. Enabling factors begin with a clear 'business case' for a gender perspective: legal, strategic, and ethics-based reasoning can be used to explain its importance to internal stakeholders (see legal basis in Box 1). Leadership should convey their commitment on the issue, including by modelling appropriate behaviour and seeking intelligence regarding the gendered landscape in the area of operations. Internal discipline also influences external conduct, meaning notably that the right codes of conduct, and similar internal culture-shaping documents, are important foundations. More broadly, conducive law, doctrine, policy and procedure are critical to institutionalize a gender perspective at suitable intervals throughout the planning, execution and evaluation phases of an operation (see examples in Box 2).

The integration of a gender perspective into military operations will also entail fixing pervasive gender gaps in operational data. Civilian-military cooperation, where appropriate, can help if done right: militaries should consult with a variety of stakeholders and local women should be at the table – if they want to be – for example, through liaison with women's organizations. When trained and in positions of influence, gender advisers or focal points can also play pivotal roles, and today a number of states and organizations have introduced these roles. They can provide the injection of expertise and capacity needed to make gender-related information actionable for commanders and planning teams. Finally, states should also consider the implications of force demographics, get logistics right and allocate sufficient resources – human, material and financial – to effectively implement a gender perspective in military operations. An example of this in action is provided in Box 3.

Chapter 2 moves on to explain the overlap between IHL and the WPS agenda. It makes recommendations to strengthen progress towards their shared goals. IHL is embedded within all ten UN Security Council WPS resolutions primarily in three ways: the resolutions call on states to respect and implement IHL that protects women and girls, prevent and respond to sexual and gender-based violence (SGBV), and emphasize the responsibility of states to prosecute war crimes (see Box 4). In addition, IHL features in a number of WPS national action plans adopted by states at the domestic level. Of the 93 plans assessed for this report, 43 (46 per cent) contained at least one express reference to IHL, and 29 of these contained clear commitments, objectives or indicators related to IHL. The substantive IHL-related content of national action plans can be grouped into four categories: prevention, investigation and prosecution of SGBV; promotion, dissemination and implementation of IHL at the international or national level; express references to IHL training more specifically; and commitments to apply a gender perspective to IHL (see Box 5).

Beyond these existing intersections between IHL and WPS – links which should be reinforced and maintained – there are five additional areas where the convergence between the frameworks could be strengthened. Under the WPS framework, some states have set objectives to increase the meaningful participation of women in their armed forces, and some militaries consider this relevant to their ability to protect civilians and comply with certain legal obligations under IHL – though calls for increased participation continue to be debated.

Second, the WPS framework's general promotion of a gender perspective in matters related to security and peace has encouraged some states to establish gender advisers, gender focal points, or other similar roles or offices in national militaries; when trained and in positions of influence, personnel in these roles can make positive contributions to IHL compliance. Third, some states have committed to incorporating a gender perspective into the application and interpretation of IHL in their WPS national action plans (see Box 6). Fourth, more deliberate cross-mainstreaming of WPS and IHL national implementation could reinforce awareness of both frameworks among their shared audience of military practitioners. Finally, the sustainable peace objective of the WPS agenda is shared by IHL, and this complementarity would benefit from greater awareness.

These links between IHL and WPS implementation could be strengthened, but certain aspects should be kept in mind to guide this convergence. Caution is needed so that simplistic gender stereotypes of women are not perpetuated in armed forces. Influencing objectives should be tailored to context – meaning the WPS national action plan may not always be an appropriate vector for granular IHL recommendations. When actors use a gender perspective, it should be with the objective of improving protection for all persons in armed conflict, and for women and girls in particular. It is critical that the views of women from a given context be reflected in national-level policies on this topic. Finally, consideration of IHL and WPS synergy should go hand in hand with a hard look at how monitoring and evaluation of commitments will take place.

In consultation with civil society, states should consider incorporating IHL commitments – which would be adapted to national contexts, resources and priorities – into their WPS national action plans or other national policies related to the WPS agenda. The commitments could be taken from the following menu of examples: a short, general commitment to applying and interpreting IHL with a gender perspective; appoint appropriately trained gender advisers in positions of influence in armed forces; cross-train military gender advisers and legal advisers; include a gender perspective in military training and exercises related to IHL; integrate strong and clear provisions addressing non-discrimination and gender in military manuals; ensure that domestic laws reflect international obligations regarding sexual violence and create the conditions for survivors to disclose sexual violence in a safe and dignified manner; investigate war crimes, including the war crime of sexual violence, allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecute the suspects.

Chapter 3 provides guidance on the incorporation of a gender perspective in partnered military operations, examining implications of this common type of support relationship for understanding and reducing gendered harm. It sets out the ICRC's framework of practical measures for managing partnerships and outlines how a gender perspective could be mainstreamed throughout the partnership lifecycle.

When preparing to engage in a partnered military operation, actors should consider whether their internal readiness reflects a gender perspective, including in terms of the personnel involved in the support relationship (notably whether gender advisers or focal points will be involved) and how their own forces' behaviour towards partner forces will be monitored. Getting on the same page about the applicable normative framework governing the operation with the partner could include assessing whether and to what extent gender equality and the prevention of gender-based harm is a norm both partners will factor into their joint work, and whether they have existing WPS national action plans or policies (many do). Preparation also involves ensuring that partners know each other. Incorporating a gender perspective into this assessment could include asking what women's participation looks like for the other actor, whether the partner's code of conduct adequately regulates sexual misconduct, whether there are cultural or social norms regarding gender that differ, and whether partners have a track record of gendered violations.

During the implementation of a partnered military operation, a gender perspective can be incorporated into personnel vetting as well as training and education. Supporting actors may be able to assist with establishing and systematically implementing robust, standardized processes for selecting and vetting in a manner that helps exclude persons convicted of IHL violations or serious criminal behaviour, including sexual violence, when data are available. The integration of gender considerations into collective training and exercises can influence each partner's conduct, and there are a variety of tailored ways this can be achieved. In addition, a gender perspective should be reflected in the monitoring of a partner's actions and, where necessary, in calling

that partner to account for problematic conduct. Ideally at the outset of a partnership, actors should establish mutual reporting procedures for alleged violations of the law or of codes of conduct, and be clear about which laws and codes will be monitored, including those addressing sexual misconduct and sexual violence. Finally, where support involves equipping a partner to conduct military operations, including equipping them to detain and/or provide medical care as part of the operation, actors should consider whether the equipment and logistical support they provide will facilitate detention and access to medical care that take age- and gender-differentiated needs into account.

Today, there are more than 100 armed conflicts taking place around the world. Many of these conflicts involve partnered military operations. More than 100 states have also put in place WPS national action plans. All still contend with gender inequality. With a focus on practical recommendations, this report hopes to support parties to armed conflict to strengthen links between regulatory frameworks and better attune military operations to the pervasive facts of gendered impacts of armed conflict.

A.R. Yaou Diaouga/ICRC

The village of Anzourou in the Tillaberi region of Niger. The ICRC, in collaboration with the Red Cross Society of Niger, is distributing food to alleviate the food crisis in the country.

FOREWORD

At the current rate of progress, it will take 131 years to reach global gender equality – and the rate of progress has slowed.[1] Worldwide, gender bias and stereotypes prevail, influencing the decisions that individuals make. The Gender Social Norms Index (GSNI) of the United Nations Development Programme (UNDP) reports that 91 per cent of men and 86 per cent of women show at least one clear bias against gender equality,[2] and militaries are no exception. During combat, blind spots – including those related to gender – can lead to wasted resources, mission failure and lost lives. Whether with or without intention, gender norms shape internal discipline, external action and legal compliance.

When gender bias and norms influence behaviour in war, the stakes are high. Gender-based discrimination can affect the treatment of detainees or health-care provision. It drives gendered violations of the law, including sexual violence. Gender bias might skew what civilian harm "counts" for those planning operations. Given these impacts, there are legal, ethical, and strategic reasons for integrating a gender perspective into the planning and conduct of military operations.

International humanitarian law (IHL) seeks to protect humanity from the worst excesses of war. This objective is best realized when parties are mindful of the reality of civilian life in the conflicts in which they intervene, and take account of the daily struggles arising from the gender inequalities that shape the lives of diverse women, men, girls and boys. As mandated by states, the International Committee of the Red Cross (ICRC) seeks to ensure that the rules and norms aimed at restraining the destructive forces of armed conflict are known and applied faithfully by warring parties. The Swedish Red Cross has long championed the inclusion of a gender perspective in this work. This report is a contribution to that endeavour: the civilian harm that IHL is concerned with is more likely to be accurately assessed if considered from a gender perspective.

For over a decade, the Nordic Centre for Gender in Military Operations (NCGM) has provided advice for and supported the integration of a gender perspective in military organizations and in the planning and execution of military operations, primarily through education and training. The NCGM has trained thousands of gender advisers, gender focal points and gender trainers from all over the world, and can attest to the effort needed to connect law and policy with practical implementation.

To ground this report in practice, we relied on the experience and expertise of 21 military practitioners from across the world, convened at an expert meeting by the ICRC, NCGM, and Swedish Red Cross in October 2022. We are grateful to them for having shared their experience and expertise. Based on the meeting, the content of this report aims to assist states and parties to armed conflict to make the changes needed to better protect civilians using a gender perspective.

Sometimes we hear that gendered impacts are "too complex" or too cumbersome to take into account in military operations. To this, we feel compelled to offer a reminder that we live in a world of astonishing technological advancement, and significant national spending on defence and security. When arguments are made that it is too complicated, or cumbersome, to integrate a gender perspective into military operations, our response is: this is a question of priority and resource attribution, not capability. Reducing the gendered impacts of armed conflict on humanity is under-prioritized. With this report, we ask armed forces to take seriously the protection of all civilians, equally.

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Chief Legal Officer and
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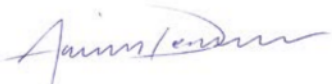

Anders Pedersen
Secretary-General (acting)
Swedish Red Cross

1 World Economic Forum (WEF), *Global Gender Gap Report 2023*, WEF, Geneva, 2023, p. 5: https://www.weforum.org/publications/global-gender-gap-report-2023/.

2 UNDP, *2020 Human Development Perspectives: Tackling Social Norms: A Game Changer for Gender Inequalities*, UNDP, New York, 2020, pp 8–9.

Richard Kjaergaard, Swedish Armed Forces

Timbuktu, Mali, 2015

LIST OF TERMS

Disaggregated data: Data that have been broken down by detailed subcategories. Those subcategories can include sex, age and disability.

Diversity: All forms of difference based on social background and identity that make up a population, including but not limited to differences in sex, gender, age, disability, race, national, ethnic or social origin, religion or belief, political or other opinion, language, socio-economic status, sexual orientation or gender identity.

Gender adviser: A military gender adviser (GENAD) advises the command group on operationalizing the WPS agenda and supports comprehensive integration of a gender perspective and gender mainstreaming in all military activities. These activities include, but are not limited to, operations/missions in both peacetime and conflict, crisis/conflict analysis and advice regarding policy, concept development, capability, doctrine, procedure, exercises and education and training. The GENAD reports to the commander and where possible, the GENAD office is organizationally placed within the command group.

Gender focal point: Military gender focal points (GFPs) are nominated personnel, often dual-hatted, in HQs, divisions/directorates, branches and offices. GFPs support the integration of a gender perspective and facilitate gender mainstreaming in their functional area and daily work. GFPs report through the chain of command and maintain a functional dialogue with the GENAD in order to ensure coherent and consistent integration of a gender perspective and gender mainstreaming throughout the command structure and its activities.

Gender perspective: For the purpose of this report, a "gender perspective" refers to the ability to detect if and when men, women, boys and girls are being affected differently by a situation due to their gender.

Intersectional approach: Different dimensions of an individual's identity – including sex, gender, age, disability, sexual orientation and gender identity, nationality, religion and ethnicity – overlap and interact with each other. Combined with prevailing social power dynamics, they influence individuals' and groups' inclusion or exclusion. This overlap of dimensions of diversity is referred to as "intersectionality", and their consideration throughout an analysis, project cycle or other activity is referred to as an "intersectional approach".

Military operation: The term "military operation" is broader than "attack" and should be understood to mean any movements, manoeuvres and other activities whatsoever carried out by the armed forces with a view to combat. The focus of this report is military operations taking place in armed conflict, to which international humanitarian law (IHL) applies.

Partnered military operations: Partnered military operations (PMOs) refer to formal arrangements between partners to achieve a specific military aim in a conflict. PMOs may include training and advising partner forces, providing intelligence or logistics support, offering kinetic support such as air support, or partnered detention activities.

Women, Peace and Security (WPS) agenda: In 2000, United Nations Security Council Resolution 1325 linked gender equality to international peace and security, establishing an influential framework for action that has since been built upon by nine subsequent Security Council WPS resolutions. Together, they establish the WPS agenda. They consist of four pillars: the role of women in conflict prevention; women's participation in peacebuilding; protection of the rights of women and girls during and after conflict; and women's specific needs during repatriation, resettlement and post-conflict reconstruction, and for rehabilitation and reintegration.

M.B. Seck/ICRC

Lower Casamance in the Ziguinchor region of Senegal. The woman standing in the bow of the pirogue is the president of the sacred forest's priestesses. She is on her way to visit the village of Djirack, where landmines have caused extensive damage.

INTRODUCTION

THE NEED FOR A GENDER PERSPECTIVE IN MILITARY OPERATIONS

In 2023, the ICRC assessed that there are over 100 armed conflicts taking place around the world, involving over 60 states and over 100 non-state armed groups.[3] These conflicts harm diverse women, men, girls and boys in different ways, but certain trends are predictable. Where there is conflict, there also tend to be higher levels of gender inequality: though it remains a reality for all countries, gender inequality is typically more pronounced in conflict-affected states.[4] Reflecting this reality, the report addresses gendered impacts of armed conflict on women, men, boys and girls – because gender can dramatically affect the experiences of all persons in armed conflict – while also drawing particular attention to the issue of inequality for women and girls.

Gender inequality is evident in many experiences of people living through war: for example, the United Nations (UN) reports that in humanitarian settings one-third of all households are, typically, headed by women, and those households report higher risks of malnutrition and food insecurity.[5] In 2022, the UN verified 2,455 cases of conflict-related sexual violence, of which 94 per cent of victims/survivors were women and girls.[6] Research suggests that more people die in armed conflict from the indirect rather than the direct effects of combat, and that men are more likely to die in combat while women and children die at higher rates from its indirect effects.[7]

Armed forces have legal, policy-based and ethical responsibilities to address how military operations contribute to gendered impacts of armed conflict such as these.[8] Moreover, a number of militaries now consider it to be in their strategic interest to mainstream gender expertise into their forces.

OBJECTIVE AND AUDIENCE

This report provides information and guidance as to how gendered harm arising from military operations can be better understood, sets out good practices to avoid and reduce it, and considers associated challenges that confront militaries in contemporary armed conflicts. It draws in particular on obligations and guidance from applicable international law, including international humanitarian law (IHL) and international human rights law (IHRL), as well as policies, directives, and practices both at national level and within the framework of the UN Women, Peace and Security (WPS) agenda.

The report seeks to inform practitioners engaged in national security or defence, who are concerned with how military operations cause gendered impacts in situations of armed conflict. To do this, it also fleshes out overlaps between IHL and the WPS agenda. IHL and the WPS agenda share tenets of non-discrimination, and seek to influence the behaviour of parties to armed conflict for the better protection of civilians. Both frameworks are familiar to militaries throughout the world. Yet the obligations they contain are too often violated, and their implementation undercut or under-resourced. This report considers how mutual reinforcement might improve that track record. It makes recommendations as to how the synergy between IHL and the WPS agenda can be better leveraged to improve the protection of women and girls – and all civilians impacted by gendered harm – in armed conflict.

3 ICRC, *Appeals 2023: Overview*, ICRC, Geneva, 2023, p.8: www.icrc.org/en/document/icrc-appeals-operations-2023.

4 For a recent overview of research on this correlation, see D.K. Cohen and S. M. Karim, "Does more equality for women mean less war? Rethinking sex and gender inequality and political violence", *International Organization*, Vol. 76, Issue 2, Spring 2022, pp. 414–444.

5 UN Secretary–General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2021/827, 27 September 2021, para. 43.

6 UN Secretary-General, *Conflict-Related Sexual Violence: Report of the Secretary-General*, UN Doc. S/2023/413, 22 June 2023, para. 16 and accompanying factsheet with summary statistics: www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/07/factsheet2022-2.pdf. See also UN Security Council (UNSC) Resolution 2467 (2019), operative para. 32, on disproportionate impact on women and girls.

7 S. Savell, *How Death Outlives War: The Reverberating Impact of the Post-9/11 Wars on Human Health*, Brown University's Watson Institute for International & Public Affairs Costs of War project, 15 May 2023, pp. 33 and 39; ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, ICRC, Geneva, January 2022, pp. 56–59.

8 The international law and policy grounds for the inclusion of a gender perspective in military operations are set out in Box 1 in Section D of Chapter 1. Practical examples of the need to include a gender perspective in order to comply with certain IHL obligations can be found, for example, in ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, regarding the obligations of humane treatment and non-adverse distinction in Article 3 common to the Geneva Conventions and Art. 12 and relating to obligations in Arts 6, 11, 23 and 31 of the First Geneva Convention (GC I): see e.g. paras 578, 766, 966, 1293, 1362, 1373, 1395, 1426–1435, 1931, 2273.

METHODOLOGY

On 13 and 14 October 2022, the ICRC, NCGM and Swedish Red Cross jointly organized a meeting of experts to examine measures to better understand and avoid the gendered harm caused by military operations in armed conflict. The meeting brought together 21 practitioners (listed in Annex 1) from armed forces and government authorities across the world with specific expertise in gender in military operations. The report's content is informed by the contributions and discussions at the meeting. These insights were supplemented by the resources and examples cited throughout. An earlier draft of the present report was submitted to experts for comment prior to its publication. The report does not attribute statements made during the meeting to specific experts nor does it purport to reflect their consensual view; the final content of the report is the sole responsibility of the ICRC, NCGM and Swedish Red Cross. However, participating experts have subsequently authorized the use of certain quotes that are included throughout the report. These are clearly indicated with their names in pop-out boxes.

The report also builds on the respective work of the ICRC, NCGM, and Swedish Red Cross in this field:

- Legal advisers seeking guidance on how a gender perspective can be integrated into IHL interpretation can find further elaboration in the ICRC's report, *Gendered Impacts of Armed Conflict and Implications for the Application of International Humanitarian Law*.[9]
- Operational examples of how a gender perspective may be applied to the conduct of military operations in order to identify and adapt to such risks are available in *Whose Security? Practical Examples of Gender Perspectives in Military Operations* from the Nordic Centre for Gender in Military Operations.[10]
- Examples of activities, good practice and implementation tools encouraging the consideration of genuine gender aspects in practical application are also available in *IHL and Gender – Swedish Experiences*, from the Swedish Red Cross and the Swedish Ministry for Foreign Affairs.[11]

STRUCTURE OF THE REPORT

Chapter 1 addresses the application of a gender perspective in the planning and conduct of military operations in order to understand and reduce the gendered risks faced by women, men, girls and boys.

Chapter 2 identifies where IHL features within the WPS agenda, and how this overlap can be leveraged to better understand and reduce gendered harm arising from military operations.

Chapter 3 provides guidance on the incorporation of a gender perspective in partnered military operations in armed conflict, examining the implications of this common type of support relationship for understanding and reducing gendered harm.

While the various points made in the discussion summarized here are not attributed to the experts who made them, a list of participants is provided in Annex 1. The discussion-prompt scenarios used during the expert meeting are provided for background in Annex 2.

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9 ICRC, *Gendered Impacts of Armed Conflict and Implications for the Application of International Humanitarian Law*, ICRC, Geneva, 2022: https://shop.icrc.org/gendered-impact-of-armed-conflict-and-ihl-pdf-en.html. The 2022 report was the first of two ICRC reports on this topic, the second being the present report. With the first report, the ICRC sought to engage in a critical reflection on the role of IHL in addressing gendered impacts of armed conflict. Conscious of the significant work that has been conducted on this topic by academia, civil society and international organizations, it was based on an experts' meeting with legal experts from these fields to take stock of existing analysis and inform the ICRC's future engagement. This second report is based on an experts' meeting convened with armed forces and government authorities. The reports should be read together to inform both legal and practical approaches to incorporating a gender perspective into the interpretation and application of IHL.

10 Nordic Centre for Gender in Military Operations (NCGM), *Whose Security? Practical Examples of Gender Perspectives in Military Operations*, NCGM, Stockholm, 2015: www.forsvarsmakten.se/siteassets/english/swedint/engelska/swedint/nordic-centre-for-gender-in-military-operations/whose-security-2015-low-resolution.pdf.

11 C. Tengroth and K. Lindvall (eds), *IHL and Gender – Swedish Experiences*, Swedish Red Cross and Swedish Ministry for Foreign Affairs, Stockholm, 2015: www.rodakorset.se/globalassets/rodakorset.se/dokument/krigets-lagar/ihl-and-gender-151110.pdf.

C. Lumingu/ICRC

Kakenge, in the Kasai province of the Democratic Republic of the Congo. Members of the Women's Platform of Kakenge.

CHAPTER 1

APPLYING A GENDER PERSPECTIVE IN THE PLANNING AND CONDUCT OF MILITARY OPERATIONS

Applying a gender perspective in the planning and conduct of military operations involves conducive conditions – both cultural and practical – "upstream" and practitioners "downstream" with the right information, tools and skills to mitigate gendered harm. This chapter sets out components that can, cumulatively, enable an armed force to apply a gender perspective, using examples of good practice from contemporary armed forces and an illustrative case study.

A. MAKING THE CASE FOR A GENDER PERSPECTIVE

From leadership to troops on the ground, many military personnel will need convincing that a gender perspective is relevant to the planning and conduct of a military operation at all. Practitioners can use legal, strategic, and ethics-based reasoning to demonstrate its value.[12]

From a legal standpoint, incorporating a gender perspective can help ensure better respect for IHL. Legal advisers in armed forces may not always view gender issues as within the remit of their work, but this perception can and should be changed. This is not to say legal advisers have the main or sole responsibility for the implementation of a gender perspective in military operations. But it is not possible to apply IHL in good faith without taking into account the reality of the different impacts hostilities can have on the civilian population on the basis of gender, and without considering the particular impacts on women and girls. Legal advisers should connect the integration of a gender perspective with respect for IHL's rules governing the protection of civilians and its obligations of non-discrimination (see Box 1 on the international legal basis for the integration of a gender perspective in military operations).

> *"Present it as an enabling factor – how to become a better soldier by being aware of context-specific differences between men and women, e. g. security needs and to take those differences into account when conducting and planning military operations."*
>
> *Maj. Sander Agterhuis,*
> *Gender Adviser, Ministry of Defence, Netherlands*

12 See also "Why and how gender is vital to military operations" in Partnership for Peace Consortium of Defense Academies and Security Studies Institute (PfPC) Security Sector Reform Working Group (SSRWG) and Education Development Working Group (EDWG), *Handbook on Teaching Gender in the Military*, The Geneva Centre for Security Sector Governance (DCAF) and PfPC, Geneva, 2016, p. 9.

A gender perspective can also be presented as strategic, operational and tactical added value – a tool enabling armed forces to achieve their mission more efficiently or successfully. It will unlock a fuller picture of the human environment in an area of operations, and therefore might contribute to a more accurate assessment of threats and risks to the mission (in other words, improving force security and potentially contributing to mission success).[13] This added value is emphasized by existing policies[14] and practitioners,[15] on the basis that the implementation of a gender perspective enhances military effectiveness, in particular by increasing situational awareness. This is best illustrated with real examples from previous operational experience – including potentially where opposition forces have used concepts of gender to their advantage. Moreover, when possible, a gender perspective should be connected to the mission mandate: for example, if a mandate is to restore peace and security, avoiding adverse impacts on gender equality in the civilian population could be explicitly mentioned, with the reasoning that higher rates of gendered violence, and low representation of women, are correlated with less sustainable peace.[16] Similarly, if the mission involves a component of upholding human rights, it would be self-defeating to eschew gender equality.

> *Unless you make a business case for integrating gender into doctrine, it is not likely to get into military education. If it is not in education, it will not be in training or operations.*
>
> *– Col. (Retd) Jody Prescott*

13 For an illustrative example, see J. M. Prescott, "Why militaries need a theory of gender's operational relevance", in ICRC, *Humanitarian Law and Policy Blog*, 7 July 2022.

14 UN, Gender Responsive United Nations Peacekeeping Operations Policy, 2018 (as revised on 1 February 2021), Section D.1. The Policy states that one of its goals is to increase "operational effectiveness and efficiency of peacekeeping operations by responding to the differentiated needs, concerns and contributions of women and men".

15 R. Egnell, "Gender perspectives and military effectiveness: Implementing UNSCR 1325 and the national action plan on Women, Peace, and Security", *PRISM*, Vol. 6, No.1, 2016, p. 77; R. Egnell, P. Hojem and H. Berts, *Gender, Military Effectiveness, and Organizational Change: The Swedish Model*, Palgrave Macmillan, New York, 2014; PfPC SSRWG and EDWG, *Handbook on Teaching Gender in the Military*, DCAF and PfPC, Geneva, 2016. For different views on the argument, see also S. von Hlatky and A. Lacoursiere, "Why gender matters in the military and for its operations", *Centre for International and Defence Policy*, March 2019, pp. 6 ff.

16 UNSC Resolution 1889 (2009), preambular para. 6; UNSC Resolution 2122 (2013), preambular para. 4; UNSC Resolution 2242 (2015), preambular para. 11; UNSC Resolution 2467 (2019), paras 11–12. See also UN Secretary–General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2022/740, 5 October 2022, para. 2; UN Secretary–General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2021/827, 27 September 2021, paras 3 and 110; UN Secretary–General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2020/946, 25 September 2020, para. 2; UN Secretary–General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2021/827, 27 September 2021, paras 3 and 110; UN Secretary–General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2019/800, 9 October 2019, para. 2; UNDP, UN Women, *Women's Meaningful Participation in Transitional Justice: Advancing Gender Equality and Building Sustainable Peace*, UNDP, New York, March 2022, p. 17; UN Women, Generation Equality Forum, Women, Peace and Security and Humanitarian Action Compact Framework, 2021, pp. 2–3; United Nations and World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, World Bank, Washington DC, 2018, pp. 116 ff; PfPC SSRWG and EDWG, Handbook on Teaching Gender in the Military, DCAF and PfPC, Geneva, 2016, p. 13. See also J. Klugman *et al.*, *Can the Women, Peace and Security Agenda and International Humanitarian Law Join Forces?*, Georgetown Institute for Women, Peace and Security, 2021, pp. 10 and 15; R. U., Nagel, Conflict-Related Sexual Violence and the Re-Escalation of Lethal Violence, *International Studies Quarterly*, Vol. 65, Issue 1,March 2021, pp. 66–67; R. U., Nagel, "Gendered preferences: How women's inclusion in society shapes negotiation occurrence in intrastate conflicts", *Journal of Peace Research*, Vol. 58, Issue 3, May 2021, p. 13; S. Dahlum and T. Wig, Peace Above the Glass Ceiling: The Historical Relationship between Female Political Empowerment and Civil Conflict, *International Studies Quarterly*, Vol. 64, Issue 4, December 2020, pp. 881–882. See further on the relationship between gender equality and peace: D. K. Cohen and S. M. Karim, "Does more equality for women mean less war? Rethinking sex and gender inequality and political violence", *International Organization*, Vol. 76, Issue 2, Spring 2022, pp, 414–444.

Invoking ethics and characterizing gender-perspective capabilities as part of the identity of the force – part of military personnel's principles and values – is another important catalyst for behavioural change. Personnel will comply more readily when they want to; when it is a part of who they are and their beliefs. Linking the ability to take a gender perspective seriously with dignity, military professionalism and internal discipline bears powerful promise,[17] and depends on exemplary behaviour from leadership, among other things. Similarly, drawing on identity-based motivation – that is, presenting a gender perspective as an asset in the protection and defence of one's own nation – might resonate with some states planning for scenarios of defensive warfare on their own territory or collective-defence scenarios; an armed force with gender capabilities will have greater inbuilt knowledge of the population it represents and seeks to protect.

In reality, depending on the nature of the military operation at hand – whether large-scale, counter-insurgency, and in which domains (land, air, maritime, cyber and/or outer space) – personnel are likely to have different views on the relevancy of a gender perspective. Is it really essential in large-scale military operations? Is it relevant when operations are not in the vicinity of civilians? Where combat will have impacts on civilians, the case is more easily made: civilian impacts vary with gender. But even in the relatively rare cases where combat is not reasonably expected to impact civilians, a gender perspective remains relevant to the functioning of militaries, particularly as it relates to discipline, training, and logistics. For instance, in accordance with IHL an armed force must treat captured combatants without discrimination,[18] supervision by women is legally required for certain women detainees,[19] and gendered violations are prohibited. At minimum, to meet these obligations, an armed force needs to ensure that women personnel are available to supervise women detainees, that military personnel are meaningfully trained in the prohibition of violations such as sexual violence and gendered inhumane treatment,[20] and in legal accountability, and that detention facilities and medical services are ready to meet the needs of opposition forces, which are likely to include women.[21]

Finally, when making the case for a gender perspective, it may be that the term "gender perspective" itself may be counter-productive or opaque in some military environments. What is important is not the label as such, but rather that leadership and personnel are able to accurately assess risks to all civilians and treat them and captured combatants or other detainees without discrimination. This is inherently connected to practising non-discrimination internally within the organization.

17 For an example of this approach, see the Australian Defence Force (ADF), *Philosophical Doctrine – Military Ethics*, ADF, 2021, pp. 24 and 33: https://theforge.defence.gov.au/military-ethics/adf-philosophical-doctrine-military-ethics. Among other things, this doctrine emphasizes specifically that the principle of humanity rejects disproportionate or discriminatory treatment on the basis of gender.

18 ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 1747–1748, 1761 and 1770.

19 Third Geneva Convention (GC III), Arts 97(4) and 108(2); Fourth Geneva Convention (GC IV), Arts 76(4) and 124(3); Protocol I additional to the Geneva Conventions (AP I), Art. 75(5); Protocol II additional to the Geneva Conventions (AP II), Art. 5(2)(a); ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 2102, 3939 and 4210.

20 The ICRC's Commentary to common Article 3 observes that the meaning of humane treatment is context-specific and that "[s]ensitivity to the individual's inherent status, capacities and needs, including how these differ among men and women due to social, economic, cultural and political structures in society, contributes to the understanding of humane treatment under common Article 3" (para. 587); and that severity of pain or suffering must be assessed with consideration for "a number of factual elements, such as the environment, duration, isolation, physical or mental condition of the victim, cultural beliefs and sensitivity, gender, age, social, cultural, religious or political background, or past experiences" (para 670). See ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021.

21 In relation to detention facilities, see GC III, Art. 25(4); ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 2099–2104. In relation to medical services, see GC I, Arts 12(4) and 15 and GC III, Art. 30; ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, paras 1426–1437 and ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 1685, 1730 and 2230.

B. CONVEYING LEADERSHIP COMMITMENT

Leadership is responsible for the effective integration of a gender perspective in military operations, and for the adherence of their personnel to related applicable law, policies and direction.[22]

The expectation and example set by commanders can cement or obstruct the integration of a gender perspective into the planning and conduct of military operations. A commander's objective is to achieve the mission within the designated mandate, resources and constraints. The challenge is how best to achieve this as well as force protection and the protection of civilians (including associated legal obligations), among various other considerations. At the outset of an operation, the commander should set out the intent and obligations regarding the protection of civilians within the wider strategic context,[23] and ideally be explicit that the operation will impact diverse women, men, girls and boys differently and that this should not come as a surprise: personnel should plan, train and prepare accordingly.

Commanders should expect and ask for intelligence that reflects the gendered landscape of the area of operations, i.e. this should be an information requirement. This is not to say that gender-specific information gathered will then determine or change a commander's decision regarding a subsequent course of action; just that it is a factor that should be considered as standard practice during all stages of the operational planning process.

EXAMPLES: The WPS Chief of Defence Network brings together chiefs of defence from over 60 states and organizations for the purpose of advancing the implementation of WPS commitments. The network supports states to translate the WPS agenda from policy to military practice.

The NATO Key Leader Seminar on Gender focuses on how to implement a gender perspective in military operations and how this will contribute to the achievement of overall political and military (strategic and operational) objectives. Directed towards flag officers (OF 6-9), key leaders (senior leaders or senior non-commissioned officers (NCOs)), ambassadors or senior civilian representatives, the seminar aims to increase key leaders' knowledge of how to integrate gender perspectives in operational planning, execution and evaluation at strategic and operational levels and how to argue in favour of integrating gender perspectives at strategic levels, political and military.

C. STARTING AT HOME: INTERNAL DISCIPLINE INFLUENCES EXTERNAL CONDUCT

Together with force demographics (see Section H in Chapter 1), the internal culture of an armed force can either foster or hamper the ability of staff to apply a gender perspective in the planning and conduct of military operations. If behaviour in the barracks involves discriminatory jokes about gender, sexual orientation or gender identity, or sexual harassment, or the enforcement of gender-biased social norms, military personnel are less likely to have the skills, understanding, and motivation to apply a gender perspective externally, for instance, to better protect civilians. For example, if women are routinely characterized as sexual objects, sexual misconduct or violence by troops is more likely to be committed and tolerated.[24] If gender-specific needs are dismissed as "soft", gender advisers are less likely to have influence in the rooms where decisions are made.

22 See, for example, UN, Gender Responsive United Nations Peacekeeping Operations Policy, 2018 (as revised on 1 February 2021), Section E.1.

23 See further, ICRC, *Reducing Civilian Harm in Urban Warfare: A Commander's Handbook*, ICRC, Geneva, October 2021, p. 15.

24 Research generally indicates that a greater degree of gender-biased social norms increases the risk of gender-based violence. See for example: UNDP, *2023 Gender Social Norms Index: Breaking Down Gender Biases*, UNDP, New York, 2023, pp. 6–7: https://hdr.undp.org/content/2023-gender-social-norms-index-gsni#/indicies/GSNI.

The content and enforcement of codes of conduct for armed forces, and similar internal culture-shaping documents, are therefore important enablers that set the foundation for the integration of a gender perspective in military operations. Codes of conduct, standards of military ethics, policies or instructions on sexual exploitation and abuse or misconduct, and investigation, disciplinary or sanction policies that frame the enforcement of military discipline and accountability can all be such enablers.[25] These should specify that professional behaviour constitutes equal respect for all persons, including on the basis of gender; clarify types of behaviour that are prohibited; specify appropriate sanctions for transgressions, including criminal sanctions where appropriate; and set out the rights of victims when relevant.

The example set by leadership and the enforcement of sanctions for code violations are two of the most important factors driving internal discipline. Personal adherence to, and visible promotion of, such codes by senior members of the forces sets the tone for troops. Consistent and fair sanctioning of bad behaviour can, over time, signal meaningful change in organizational values.

D. CONDUCIVE LAW, DOCTRINE, POLICY AND PROCEDURE

A gender perspective, if it is considered at all, is sometimes an ad hoc "add on" in military planning and conduct of operations. When it is relegated to a box-ticking exercise, it is unlikely to influence decision-making among commanders, staff officers or troops. Instead, a gender perspective should be systematically integrated into the law, doctrine and policies that govern military operations in armed conflict (either by governments or by militaries, depending on their respective remits). Institutionalizing it will ensure that it is considered at suitable intervals throughout the planning, execution and evaluation phases of an operation, including as a "reflex" when combat is dynamic and complex. This means that the law applying to, and the doctrine and policy used at, strategic, operational and tactical levels should appropriately reflect requirements of non-discrimination and equal protection for all civilians; this will entail the attention of government and military actors within their respective remits.

For example, the Gender Responsive UN Peacekeeping Operations Policy provides that gender equality and WPS principles shall be reflected in all strategic documents, policies and guidelines on peacekeeping operations, and in all missions' planning processes.[26] The Australian Defence Force's *Philosophical Doctrine – Military Ethics* affirms that "[t]he principle of humanity rejects disproportionate or discriminatory treatment on the basis of gender, age, ethnicity, religion or political opinion. In particular, it insists on the full humanity of our adversaries—whomever they might be, whatever they might do" and observes that "[a] consistent element in many of the ethical failures that have occurred within the ADF is an abuse of power by a person or group over another. These power imbalances can be formal differences in rank and position, or other power disparities due to age, gender, ethnic background, intellect, strength or experience".[27]

Precision and clarity in doctrine and policies regarding the legal requirements for a gender perspective is an important starting point: what international and national law applies to a given operation, and what does it entail for gender?

25 For guidance on investigation of potential IHL violations, see ICRC, *Guidelines on investigating violations of IHL: Law, policy and good practice*, ICRC, Geneva, 16 September 2019: www.icrc.org/en/document/guidelines-investigating-violations-ihl-law-policy-and-good-practice. For an example of a ministry of defence zero-tolerance policy on sexual exploitation and abuse, see: United Kingdom, *JSP 769: Zero Tolerance to Sexual Exploitation and Abuse*, UK Ministry of Defence, 19 July 2022: www.gov.uk/government/publications/jsp-769-zero-tolerance-to-sexual-exploitation-and-abuse.

26 UN, Gender Responsive United Nations Peacekeeping Operations, 2018 (as revised on 1 February 2021), Section E.2.

27 ADF, *Philosophical Doctrine – Military Ethics*, ADF, 2021, pp. 24 and 33: https://theforge.defence.gov.au/military-ethics/adf-philosophical-doctrine-military-ethics.

Box 1. International law and standards for a gender perspective in military operations

IHL requires parties to armed conflict to **anticipate and avoid, or at least minimize, civilian harm in certain ways** as they conduct military operations. These obligations notably include the IHL rules governing the conduct of hostilities, including those on distinction, proportionality, and precautions.[28] IHL prohibits attacks directed at civilians and civilian objects, as well as indiscriminate attacks – that is, attacks of a nature to strike military objectives and civilians or civilian objects without distinction.[29] IHL also prohibits attacks that may be expected to cause incidental civilian harm (including reasonably foreseeable indirect effects) that would be excessive in relation to the concrete and direct military advantage anticipated – in other words, disproportionate attacks.[30] In addition, IHL requires parties to conflict to take a range of precautions in attack, and against the effects of attacks, to protect civilians and civilian objects.[31] Beyond attacks, parties to conflict must take constant care to spare the civilian population in all military operations.[32] The civilian population is composed of diverse persons and armed conflict often affects groups differently based on their gender. Parties to armed conflict should integrate a gender perspective including by utilizing a gender analysis, as a practitioner's tool, in the planning and conduct of military operations when feasible, for the purpose of reducing gendered civilian harm.

IHL also contains rules governing the treatment of persons in the power of a party to the conflict – including obligations to **treat them humanely and without adverse distinction, meaning without discrimination** on the basis of sex, gender, and any other similar criteria.[33] Non-discriminatory treatment has different implications for diverse women, men, girls and boys, so a gender perspective will help ensure that these obligations are respected.

A number of IHL rules requiring **specific treatment for women** further operationalize the obligation of non-discrimination.[34] These include obligations that women combatants be treated "with all consideration" or "with all regard" due to their sex.[35] There are specific rules for women deprived of their liberty,[36] and for the protection and treatment of pregnant women, maternity cases and nursing mothers.[37] More specific provisions require that account be taken of "sex" in the labour carried out by prisoners of war,[38] separate accommodation in detention,[39] and disciplinary punishments for civilian internees.[40]

28 For further information regarding the application of a gender perspective to the IHL principles of distinction, proportionality and precautions, see: ICRC, *Gendered Impacts of Armed Conflict and Implications for the Application of International Humanitarian Law*, ICRC, Geneva, 2022, pp. 11-19: https://shop.icrc.org/gendered-impact-of-armed-conflict-and-ihl-pdf-en.html.

29 AP I, Arts 48, 51(2) and 51(4); AP II, Art. 13(2); Rules 1–13 of the ICRC study on customary IHL.

30 AP I, Art. 51(5)(b); Rule 14 of the ICRC study on customary IHL.

31 AP I, Arts 57(2) and (3) and 58; Rules 15–24 of the ICRC study on customary IHL.

32 AP I, Art. 57(1); Rule 15 of the ICRC study on customary IHL: https://ihl-databases.icrc.org/en/customary-ihl.

33 Common Article 3 and commentary thereto in ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, paras 553 and 577–578; GC I, Art. 12(2) and ICRC Commentary thereto, para. 1373; GC II, Art. 12(2); GC III, Art. 16; GC IV, Art. 27(3); AP I, Art. 75(1); AP II, Art. 4; Rule 88 of the ICRC study on customary IHL.

34 Notably GC III, Art. 14(2); GC IV, Art. 27(2); AP I, Art. 76 . For a comprehensive overview of the IHL rules regarding the specific treatment of women, see ICRC, Addressing the Needs of Women Affected by Armed Conflict: An ICRC Guidance Document, ICRC, Geneva, 2004, Annex on IHL, pp. 167–206.

35 GC I and GC II, Art. 12(4); GC III, Art. 14(2); and the ICRC Commentaries thereto.

36 Notably, GC III, Arts 25(4), 29(2), 88(2), 97(4) and 108(2) regarding women prisoners of war; GC IV, Arts 76(3), 85(4), 97(4) and 124(3) regarding civilian women; AP I, Arts 75(5) and 76(2); AP II, Art. 5(2).

37 GC IV, Arts 14(1), 16(1), 17, 18(1), 23(1), 35(5), 50(5), 89(5), 91(2), 127(3) and 132(2); AP I, Arts 70(1) and 76(3); AP II, Art. 6(4).

38 GC III, Art. 49(1).

39 GC IV, Art. 85(2).

40 GC IV, Art. 119(2).

Moreover, IHL contains prohibitions of gendered violations, including the **prohibition of rape and all other forms of sexual violence** against all persons.[41] States must take various steps to prevent and respond to these violations.[42]

While at times some of the rules of the Geneva Conventions of 1949 regarding sex and gender are articulated in terms that do not meet today's standards, the treaty provisions can and should be interpreted with a contemporary understanding of gender.[43]

It is widely recognized that provisions of **IHRL** applicable in armed conflict complement the protection afforded by IHL. The principle of gender equality is recognized in treaties of human rights law. Depending on the operation, the **Convention on the Elimination of All Forms of Discrimination Against Women** and the **Maputo Protocol on the rights of women in Africa** contain important requirements for states parties.

The **UN Security Council's Women, Peace and Security resolutions** urge states to ensure increased **representation of women at decision-making levels** in the management of conflict (UNSCR 1325, OP 1). The resolutions recall that IHL affords general protection to women as part of the civilian population and special protection because of the particular risks they can face,[44] and call upon parties to armed conflict to respect fully international law applicable to the **rights and protection of women and girls**, including their IHL obligations under the Geneva Conventions and their Additional Protocols.[45] In particular, the framework calls parties to armed conflict to: take measures to **protect women and girls from gender-based violence in situations of armed conflict**;[46] and prosecute those responsible for war crimes, including those relating to sexual and other violence against women and girls.[47] See Box 4 below for more detail.

The integration of a gender perspective into military doctrine, including military manuals, will underpin more specific operational processes and decision-making. Doctrine informs standard operating procedures (SOPs). A simple check on whether and in what detail such foundational documents refer to "gender," "sex" and/or "women" can indicate the current degree of integration. A number of good examples of military manuals that set out clear obligations relevant to a gender perspective are included in Box 2.[48]

In addition, organization-wide directives and policies that frame armed forces' action can deepen and guide gender-related measures. These might include express elements of a protection-of-civilians policy, a civilian-harm-mitigation policy, or a WPS policy. Such policies help by clarifying principles, measures, roles and responsibilities within armed forces, so that a gender perspective is approached in a coherent manner across

41 Common Article 3; AP I, Arts 75(2)(b) and 76(1); AP II, Art. 4(2)(e); Rule 93 of the ICRC study on customary IHL.

42 GC I, Arts 49 and 50; GC II, Arts 50 and 51; GC III, Arts 129 and 130; GC IV, Arts 146 and 147; AP I, Art. 85; Rules 151–158 of the ICRC study on customary IHL. For an overview, see ICRC, Legal factsheet: Prevention and criminal repression of rape and other forms of sexual violence during armed conflicts, ICRC, Geneva, 2015.

43 See this approach in ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, Introduction, para. 24; Commentary on Art. 14, paras 1682 and 2680.

44 UNSC Resolution 1888 (2009), preambular para. 6; UNSC Resolution 1960 (2010), preambular para. 10.

45 UNSC Resolution 1325 (2000), operative para. 9; UNSC Resolution 1820 (2008), operative para. 3; UNSC Resolution 2242 (2015), operative para. 2; UNSC Resolution 2467 (2019), preambular para. 3.

46 UNSC Resolution 1325 (2000), operative para. 10; UNSC Resolution 1820 (2008), operative para. 3; UNSC Resolution 1888 (2009), operative paras 3 and 7; UNSC Resolution 1960 (2010), operative para. 5.

47 UNSC Resolution 1325 (2000), operative para. 11; UNSC Resolution 1820 (2008), operative para. 4; UNSC Resolution 1888 (2009), preambular para. 7 and operative para. 6; UNSC Resolution 1889 (2009), operative para. 3; UNSC Resolution 1960 (2010), preambular para. 6; UNSC Resolution 2106 (2013), operative para. 2; UNSC Resolution 2122 (2013), operative para. 12; UNSC Resolution 2242 (2015), operative para. 14; UNSC Resolution 2467 (2019), operative para 15.

48 Others are available in the repositories of state practice for rules 88 (non-discrimination) and 134 (women) of the ICRC study on customary IHL.

operations, and can be integrated with other whole-of-government activities adjacent to or incorporated within an operation. They could also put in place standard analytical processes to assess how different groups are influenced by government policies, including military planning: this is the case, for example, in the Canadian Armed Forces.[49] The Gender Responsive UN Peacekeeping Operations Policy is an emblematic example: it sets out how the planning and conduct of peace operations will take account of the specific needs of men, women, boys, and girls, to ensure that its work is gender responsive. The European Union (EU), North Atlantic Treaty Organization (NATO), and the Organization for Security and Cooperation in Europe (OSCE) also have guidance on mainstreaming gender into their respective operations.[50]

Such framing directives or policies are also helpful for coordinating gender capability across different military functions: for example, capturing and treating women prisoners of war without discrimination will require doctrine to specify the applicable IHL rules; personnel to be trained in the consequent procedures, including separate facilities and access to health care for women; engineers to establish detention facilities that can accommodate women separately; logistics to provide appropriate women's clothing and sanitary items. A cross-cutting directive and/or policy can improve efficiency and coherence in this respect. The incorporation of a gender perspective into doctrine associated with joint planning is another good approach.

Box 2. Examples of military manuals with specific provisions on non-discrimination and gender

Argentina's Law of War manual (1969) provides that, as prisoners of war, "women shall be treated with due consideration to their sex and must in no case receive treatment less favourable than that granted to the men".

- Argentina, Leyes de Guerra, RC-46-1, Público, II Edición 1969, Ejército Argentino, Edición original aprobado por el Comandante en Jefe del Ejército, 9 May 1967, § 2.013(2).

Canada's Law of Armed Conflict (LOAC) Manual (2001) states that "the LOAC is to be applied without any adverse distinction founded on race, colour, religion or faith, gender, birth or wealth, or any other similar criteria."

- Canada, The Law of Armed Conflict at the Operational and Tactical Levels, Office of the Judge Advocate General, 13 August 2001, § 204.3.

Djibouti's Manual on International Humanitarian Law (2004) states: "Women [who have been] the victims of crimes or abuses of power … have the right to be treated with compassion and respect for their dignity … and to be protected from … intimidation and reprisals".

It also provides the following:
"Special protection is granted to detained women:

- Physical searches must be carried out by female officials.
- Female detainees must be separated from male detainees.
- Women must be placed under the immediate supervision of women."

- Djibouti, Manuel sur le droit international humanitaire et les droits de l'homme applicables au travail du policier, Ministère de l'Intérieur, Direction Générale de la Police, 2004, pp. 23 and 48; see also p. 22.

49 See, for example, the Gender Based Analysis Plus tool used in Canada's Defence Policy ("Strong Secure Engaged"); Chief of Defence Staff Directive for Integrating UNSCR 1325 and Related Resolutions into CAF Planning and Operations; Integrating Gender Perspectives in Operations: A Gender Aide-Memoire for the CAF; and Thinking about Gender in Military Planning and Operations.

50 See European Union (EU) Military Common Security and Defence Policy (CSDP), *Operational Guidance on Gender in Mainstreaming to the Military Common Security and Defence Policy*, 2022; North Atlantic Treaty Organization (NATO) Bi-Strategic Command, *Directive 040-001: Integrating Gender Perspective into the NATO Command Structure*, latest revision 2021; first version adopted in 2009; Organization for Security and Co-operation in Europe (OSCE), *Gender in Military Operations: Guidance for Military Personnel Working at Tactical Level in Peace Support Operations*, 2018.

Mexico's Army and Air Force Manual (2009), in a section on the Third Geneva Convention, states: "Women must be treated with all the regard due to their sex and benefit by treatment as least as favourable as that granted to men."

- Mexico, Manual de Derecho Internacional Humanitario para el Ejército y la Fuerza Área Mexicanos, Ministry of National Defence, June 2009, § 151; see also § 163.

The Military Manual (2005) **of the Netherlands states:**
"Individuals should be treated without detrimental discrimination on the grounds of race, gender, nationality, language, status, health, political, philosophical or religious conviction or any other such criteria. This principle does not prejudice the distinction which may be made in the treatment of individuals in order to remedy irregularities arising from their personal circumstances, needs or emergency situation." The manual also lists the "[p]rohibition of discrimination" as one of the standards derived from the principle of "[h]umane conduct".

- The Netherlands, Humanitair Oorlogsrecht: Handleiding, Voorschift No. 27-412, Koninklijke Landmacht, Militair Juridische Dienst, 2005, § 0224(e) and p. 34.

Peru's IHL and Human Rights Manual (2010), in a section on prisoners of war, states:
"Women must be treated with all the regard due to their sex and in all cases benefit by treatment as favourable as that granted to men. This means that due attention must be given to their physical resistance, the need to protect their honour and intimacy and special requirements relating to biological factors, such as menstruation and pregnancy."

- Peru, Manual de Derecho Internacional Humanitario y Derechos Humanos para las Fuerzas Armadas, Resolución Ministerial No. 049-2010/DE/VPD, Lima, 21 May 2010, § 41(j), p. 256; see also § 37(c), p. 254.

Senegal's IHL Manual (1999) provides that one of the fundamental guarantees common to IHL conventions and the Universal Declaration of Human Rights is that, in the treatment of persons deprived of their liberty, "except when men and women of the same family are accommodated together, women shall be held in separate quarters and under the immediate supervision of women".

- Senegal, Le DIH adapté au contexte des opérations de maintien de l'ordre, République du Sénégal, Ministère des Forces Armées, Haut Commandement de la Gendarmerie et Direction de la Justice Militaire, Cabinet, 1999, pp. 3 and 24.

Building on doctrine, the documents determining the framework for a specific operation can also anchor a gender perspective in express, tailored terms: this could be in the mandate, operational orders, operational plans, standard operating procedures or rules of engagement (if and where relevant).

The strategic objective and/or mandate assigned to an operation can feature express instructions entailing the prevention of gendered impacts. In some mandates, gender considerations and the prevention of and response to sexual and gender-based violence are explicitly incorporated.[51] However, sometimes mandates are somewhat generic or general: for example, they might include a brief reference to "protect civilians" or "take into account sexual violence". Because the implications of this can be subject to interpretation, objectives and/or mandates should ideally specify more clearly what troops can and cannot do (if appropriate for such a document) – be it prevent with use of force, provide assistance, report – in environments where conflict-related sexual violence is taking place and where it impacts the nature and duration of the conflict.

51 See, for instance, UNSC Resolution 2666 (2022), operative paras 29-30, on MONUSCO's mandate, and UNSC Resolution 2659 (2022), operative paras 43 and 49.

Beyond mandates, at the operational level directives, policies and procedures are numerous and diverse in scope and audience. They can include planning procedures, targeting policies, civilian-military-cooperation policies, and policies on civilian evacuation.[52] These can integrate a gender perspective in specific ways, such as:

- integrating a gender perspective into targeting processes (including, for example, proportionality assessments and battle-damage assessments), which could involve specifying a role for gender advisers in targeting or in integrating gender data into assessments of reasonably foreseeable harm resulting from an attack. This might assist with the accuracy of target selection and might also give a more complete assessment of incidental damage.
- more specifically, in assisting with proportionality assessments. Some militaries employ sophisticated, technology-based models that project expected damage from an attack using overlays of data, for example, on essential services such as health, electricity and sanitation, and information regarding the civilian population. Deepening the data regarding civilians to include gender-inequality data, for example, could be considered.
- timely and objective after-action reviews (AAR) should be conducted after a battle, and data on civilian casualties and other civilian harm should be tracked and recorded. Where armed forces conduct evaluation and assessment following an operation, a gender perspective can be incorporated by disaggregating data by sex, age and disability where feasible.[53] However, while disaggregated data on civilian harm might inform future approaches to reduce this harm, care should be taken to avoid perpetuating gender-biased views among personnel privy to this data: civilian casualties are not "more acceptable" if they are men and boys; all civilians are protected equally.

Operational directives, such as rules of engagement, authorize and limit the use of force and the employment of specific capabilities.[54] Forces may target only those military objectives permitted by the relevant directives (which necessarily must be compliant with IHL in armed conflict and national law as applicable). More specifically, rules of engagement can also be used to give certain specific instructions, though their scope and purpose have limits. In some cases, such as when an armed force has a history of perpetrating sexual violence, it could be worth expressly including an order not to commit sexual violence in the rules of engagement (on top of the express prohibition against committing sexual violence in codes of conduct or standards of behaviour, and depending on the scope of the rules of engagement). In addition, some now authorize the use of force to prevent the commission of serious crimes, including sexual violence. At the same time, the usefulness of rules of engagement in preventing gendered harm has limits; they are not intended to capture the context-specificity often required for assessing and mitigating gendered harm in a particular setting.

Finally, it is not uncommon to hear that when "push comes to shove," the "nice to have" of a gender perspective will quickly be discarded by military personnel facing high-pressure situations – for example, when armed forces are engaged in so-called "dynamic targeting" or when ground troops are engaged in combat. However, dynamic targeting and worst-case combat scenarios are military activities that are often prepared and trained for: no-strike lists are defined, targets are validated in advance, and engagement occurs when certain pre-identified conditions are met. Operational directives still control the behaviour of troops, if they have been successfully trained; and troops will normally have been briefed on what to expect regarding the human terrain and threats in the theatre of operations. Thus, while the nature of such engagements is undoubtedly dynamic, good preparation and training based on conducive law, doctrine, policy and procedure should facilitate the reduction of gendered harm.

52 For further explanation of military doctrine that informs planning, targeting, and standard operating procedures, see ICRC, *Reducing Civilian Harm in Urban Warfare: A Commander's Handbook*, ICRC, Geneva, October 2021, pp. 18–21.

53 Regarding this recommendation see also ICRC, *Reducing Civilian Harm in Urban Warfare: A Commander's Handbook*, ICRC, Geneva, 2021, p. 22 and ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, ICRC, Geneva, 2022, pp. 59 and 145 (on data collection).

54 Rules of engagement can also be more restrictive than IHL, reflecting a combination of legal, political, diplomatic, or strategic considerations. For further information on the definition, status, and law and policy of rules of engagement, see International Institute of Humanitarian Law (IIHL), *Sanremo Handbook on Rules of Engagement*, IIHL, Sanremo, 2009, pp. 1–2.

E. FIXING GENDER GAPS IN OPERATIONAL DATA

> *A gender perspective enables a more comprehensive understanding of the human terrain across all domains, informing the overall understanding of the operating environment.*
>
> *– Commander Tyson Nicholas, Royal Australian Navy*

A lack of actionable data (or "intelligence") related to gender in an area of operations is a major impediment to the integration of a gender perspective in the planning, execution and evaluation of military operations.[55] What are the demographics of the civilian population likely to move through screening points, or be left behind and encountered if military personnel go door to door? Are reports or risks of sexual violence higher in certain locations? Do social norms create different behavioural expectations for military men and women interacting with civilians? Which hospitals provide sexual and reproductive (including maternal) health care and paediatric care? What is the civilian pattern of life around a military objective, and how does it vary by gender and age? Without concrete information, military operators will not be positioned to make decisions to minimize the gendered impacts of their actions.

To equip military planners with better information, operational staff could collect better data. They could:[56]

- identify civilian demographics, location and density in the operational environment, and take into consideration the gender norms prevailing in the area.
- analyse different considerations when assessing patterns of life, including to understand how civilian behaviour differs by age, gender, and other relevant criteria.
- disaggregate data by sex, age and other diversity criteria to the extent feasible.
- identify the main risks facing civilians, including variation by gender. Gender-related early- warning indicators – for example, regarding risks of sexual and gender-based violence – are useful, where available.
- consider existing power relationships within the community or society (including on the basis of information sourced in the ways listed below, both open-source and on the ground): can women and girls freely communicate the threats they face (and if so, to whom)? Are they financially vulnerable?
- check open-source information, such as basic metrics about in-country gender inequality from the UNDP Gender Inequality Index, the annual Global Gender Gap Report, or the Organization for Economic Cooperation and Development (OECD) Social Institutions and Gender Index.
- source information from women as well as men on the ground.
- look to existing resources for military gender analysis, such as the NCGM Military Gender Analysis Tool.
- incorporate information from civilian agencies, including those with gender expertise, such as women's organizations.

55 Also in this regard, see UN, Gender Responsive United Nations Peacekeeping Operations Policy, 2018 (as revised on 1 February 2021), which highlights that a gender analysis of the context and situation on the ground is a condition to any gender responsive action or programme.

56 Similar recommendations are made with a focus on child-specific risks in ICRC, *Childhood in Rubble: The Humanitarian Consequences of Urban Warfare for Children*, ICRC, Geneva, 2023, pp. 34–38 and 54–57. Regarding evaluation of factors for operational planning, see also ICRC, *Reducing Civilian Harm in Urban Warfare: A Commander's Handbook*, ICRC, Geneva, 2021, pp. 33–44.

Once data are collected, analysed, and integrated into planning, they should be communicated in an actionable manner to both commanders and relevant personnel involved in the operation. Gender advisers can be a good conduit to ensure that the information is "translated" to influence decisions that mitigate gendered harm caused by the operation.

A reality check on gender bias

Even with better operational data on gender in an operational environment, gender bias might influence what information is considered to matter:

The Gender Social Norms Index, covering 85 per cent of the global population, reveals that close to 9 out of 10 men and women hold biases against women. For example, nearly half the world's people believe that men make better political leaders than women do.

UNDP, 2023 Gender Social Norms Index, p. 3.

S. Ab El-Ouf/ICRC

Southern Gaza Strip. Because of recurrent electricity cuts, this mother and her children have to rely on an oil lamp – without it the children can't do their homework.

F. NOT JUST ANY CIVILIAN-MILITARY COOPERATION

Compared with armed forces, local civilian agencies and humanitarian organizations working in areas affected by conflict are likely to have a better grasp of gender-specific needs and risks among civilians. Armed forces should engage with them to discuss those needs, in order to assess and/or assist the population during armed conflict, as well as following the conclusion of hostilities, in line with applicable legal obligations and mission objective, and with due respect for humanitarian agencies' principles (neutrality, impartiality and independence) and the concerns of local organizations (who may be against cooperation).[57]

But more precisely, which civilian groups are being engaged matters. Militaries should consult with a variety of stakeholders. Local women should be at the table – if they want to and if it is safe for them – for example, through liaison with women's organizations. Where military personnel cannot liaise directly with civilian women, the resultant blind spot should be proactively reckoned with: direct and indirect impacts on half the civilian population will remain obscured if other measures are not taken to patch the data gap and enable analysis and integration of these considerations in operations.

To provide civilian-military cooperation personnel with a tool for integrating a gender perspective into their work, the Civil-Military Cooperation Centre of Excellence has produced the *Gender Makes Sense: A way to improve your mission tool*.

G. THE ROLE OF GENDER ADVISERS AND FOCAL POINTS

A number of states and multinational forces have appointed gender advisers and focal points to assist with the integration of a gender perspective in military operations.[58] These personnel have subject-matter expertise regarding how the social norms and expectations attributed to diverse women, men, boys and girls influence conflict dynamics and impacts. They have received training or education that qualifies them for the position: importantly, being a woman is neither a necessary nor a sufficient criterion for the role.[59]

These personnel can crucially influence an armed force's capacity to take gender into account, by providing the injection of expertise and capacity needed to make gender-related information tailored and actionable for commanders and planning teams. To be clear, while gender advisers and focal points can provide advice, responsibility for the integration of a gender perspective remains with all military personnel and ultimately, with the commander. The role of the gender focal points and advisers should be understood to be advisory, that is, providing advice to other personnel (such as intelligence personnel, the planning team, commanders).

57 In contexts, including negotiation of agreements and conciliation procedures between parties to a conflict, and the appointment of prisoner-of-war representatives, the ICRC encourages parties to include people of different genders and backgrounds. See ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, paras 966, 1293, 1931, 2273; ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, para. 3468.

58 Including Australia, Burundi, Canada, Denmark, Finland, Ghana, Greece, Ireland, Jordan, Montenegro, the Netherlands, New Zealand, Norway, Romania, Rwanda, Serbia, Sweden, Thailand, Viet Nam, Ukraine, the United Kingdom, the United States, and EU advisory, military and training missions, NATO operations and command structure, and various UN peace operations. For an in-depth analysis of military gender-adviser capabilities, see S. Brown *et al.*, *A Global Review of the Development of Military Gender Advisor Capabilities*, Monash University, Melbourne, 2022.

59 Training and educational courses available for gender advisers or focal points include those delivered or developed by the NCGM, such as the NATO Gender Advisor course and the NATO Gender Focal Point course; and the Military Gender Adviser training programme designed by the United Nations Institute for Training and Research (UNITAR) in partnership with the UN Department of Peace Operations (DPO). In addition, some states – such as Australia and Canada – have developed or are developing national training for gender advisers or focal points. The European Security and Defence College, in collaboration with Spain and the Netherlands, provides a broader course entitled "A Comprehensive Approach to Gender in Operations".

For example, the Gender Responsive UN Peacekeeping Operations Policy establishes gender advisers, units and focal points as entities responsible at different institutional levels for supporting and facilitating the implementation of the policy, including by providing strategic advice and technical and operational support, and by assisting the leadership in monitoring, compliance and accountability processes.[60]

In other cases, staff advisers with broader thematic responsibility are put in place whose scope of responsibility covers gender issues. These include protection-of-civilians advisers, human security advisers and in some cases, legal advisers. The degree to which their role is understood to cover gender issues can vary, but particularly when there is no dedicated gender adviser, the gender-related remit of the role should be made explicit both in the job description and to their colleagues.

Staff with gender expertise should be involved in providing advice both at the planning stage and in operational activities such as targeting. The work they do includes actioning data into advice for commanders and operators. Otherwise, assessing direct and indirect impacts on different civilians can be a difficult task for military personnel; a gender perspective should be seen as a way to improve the effectiveness of this task.

The environment in which a gender adviser works will determine whether they can actually do their job. Success hinges on support from leadership, structures that facilitate the delivery of gender-related advice (such as the position of the gender advisers in the command structure), and an understanding that gender is not solely the responsibility of the gender adviser (or worse, of women). Doctrine that builds the gender adviser's role into the conduct of operations helps, as do standard operating procedures that do the same thing. A realistic job description for the gender adviser is needed, clarifying that the role is not responsible for everything gender-related within the organization, while also specifying their mandate, which should be primarily to "advise". Budget also needs to be considered: for example, if there is no budget for female interpreters to liaise with civilian women, the gender adviser's ability to provide actionable information will be compromised.[61] In sum, gender expertise must be backed up with training, resources, policy and implementation tools to support command-driven implementation.

Among these structural factors, the dynamics of collaboration with other advisers can significantly help or hamper the impact of a gender adviser within an armed force. Gender advisers can work together with other specialist staff such as political advisers, child-protection advisers, protection-of-civilians advisers, cultural advisers, and legal advisers. Advisers should work as a team: collaboration is recommended, to amplify impact and share workload in resource-strapped environments. If done right, this can alleviate some of the heavy-workload pressure typical for specialist roles. It can take the form of working on joint documents and projects, and regularly sharing information or analyses with each other.

In practice, the advice given by gender advisers and legal advisers does not always align. For example, a troop manoeuvre that is legal in the view of the legal adviser may have adverse gendered impacts in the view of the gender adviser. Armed forces' legal advisers advise on what is permissible action within the bounds of the law – i.e. what a commander may do – while protection-of-civilians or gender advisers may be perceived to give more restrictive advice (i.e. what the military force should do). At the same time, legal advisers should be providing advice on commanders' legal obligations to take care to spare civilians from harm in the conduct of military operations. Ensuring legal advisers and gender advisers are in the same room, working together, and building synergy between them is advisable, in order to create greater coherence in advice. Ultimately, an order at tactical level can be informed by both legal and policy considerations, and guidance provided by the gender adviser may contribute to strategic advantages, including force protection.

60 UN, Gender Responsive United Nations Peacekeeping Operations Policy, 2018 (as revised on 1 February 2021), Section E.1.c.

61 For further detail regarding the work of military staff with gender expertise, see DCAF, OSCE/ODIHR, UN Women, *Gender and Security Toolkit, Tool 3: Defence and Gender*, DCAF, Geneva, 2020, p. 41.

H. CONSIDERING FORCE DEMOGRAPHICS

Some militaries consider the participation of women in the armed forces to be relevant to their ability to protect civilians, comply with certain legal obligations, and meet mission objectives. The participation of women in militaries raises matters of law, policy and context addressed more fully in Section B.I of Chapter 2.

I. EDUCATION AND TRAINING: ENGAGING MEN ON GENDER

Men continue to be a significant majority in militaries. For example, in 2019 the percentage of women troops in the top 12 troop-contributing countries to UN missions ranged from zero to 12.6 per cent.[62] The percentage of active-duty women military personnel of NATO member and partner states ranges from less than 1 to 19.3 per cent, according to 2017 data, and women tend to be concentrated in support roles such as logistics, medical services and administration.[63]

It will therefore be necessary to engage men in the military on gender-related issues, whether in the context of promoting internal discipline, convincing commanders, or rolling out a gender perspective in operational plans. This presents a challenge: men often consider gender to be a "women's issue", and on average hold a greater degree of gender bias (biases in gender social norms are prevalent among both men and women, but higher in men).[64] The fast-paced, traditionally masculine, environment of military operations makes it even easier to discard or dismiss the importance of gender-related risks for the civilian population.

> *"In high-level meetings, we are often one of two women in the room and even this is a rarity. The challenge of toxic masculinity is relevant here."*
>
> *– Lt. Commander Lisa Steel, Military Gender and Protection Adviser, United Nations Mission in South Sudan*

Education and training of the armed force are therefore key. Training involving a gender perspective should not be confined to a specific course on gender; it should instead be mainstreamed throughout training in a pedagogically sound manner, and tailored to rank and role. The requisite training should also be provided at all levels.[65] It will be important to get practical: for example, civilian-military coordination components, including engagement with women's civil-society organizations where feasible, could be built into practical problem-solving in military education and training, including exercises.[66] The Geneva Centre for Security Sector Governance (DCAF) has developed a comprehensive handbook: *Teaching Gender in the Military*;[67] and the International Institute of Humanitarian Law (IIHL) has prepared a training handbook entitled *Integrating Gender Perspectives into International Operations (the Sanremo Handbook on Gender)*.[68]

62 See corresponding graph in DCAF, OSCE/ODIHR, UN Women, *Gender and Security Toolkit, Tool 3: Defence and Gender*, DCAF, Geneva, 2020, p. 10.

63 See graphs for percentage of women per armed force, and main areas of employment, in DCAF, OSCE/ODIHR, UN Women, *Gender and Security Toolkit, Tool 3: Defence and Gender*, DCAF, Geneva, 2020, p. 12 and 36.

64 UNDP, *2023 Gender Social Norms Index*, UNDP, New York, 2023, p. 7.

65 For example, the Gender Responsive United Nations Peacekeeping Operations Policy (Section E.8.c) provides for requisite training for all senior management and peacekeepers, to enhance the implementation and operationalization of gender equality and WPS mandates.

66 For example, NATO includes gender advisers and gender focal points, as well as gender-related injects, in several of their large-scale exercises.

67 PfPC SSRWG and EDWG, *Handbook on Teaching Gender in the Military*, DCAF and PfPC, Geneva, 2016.

68 *IIHL, Integrating Gender Perspectives into International Operations: A Training Handbook with Commentaries*, IIHL, Sanremo, 2019: https://iihl.org/sanremo-handbook-on-gender/.

Training should aim at fostering both individual motivation (the "why") and knowledge of the appropriate course of action (the "how") regarding mitigation of gendered harm. The first question is about mindset – why care? – and is the most foundational. Both formal and informal norms play a critical role in influencing the behaviour of armed forces. An exclusive focus on the law is not as effective as a combination of the law and the values underpinning it; linking the law to local norms and values gives it greater traction. The role of law is vital in setting standards, but encouraging individuals to internalize the values it represents through socialization is a more durable way of promoting restraint.[69]

J. GETTING LOGISTICS RIGHT

Integrating a gender perspective into the planning and conduct of military operations will require not only measures by combat units, but also that combat support and combat service support teams integrate a gender perspective in their work, such that they can logistically support differentiated gender-related needs. Aside from the question of an armed force equipping its own personnel without discrimination (for example, with personal protective equipment and uniforms designed and adapted to enable personnel equally), logistical planning is also needed to procure the equipment needed to respond to the diverse women, men, girls and boys expected to come into contact with the operation, notably as injured civilians and/or detainees.

Preparing to comply with IHL obligations to treat detainees without discrimination (including treating women with due respect), and provide equal access to medical care without distinction except on medical grounds, depending on the circumstances, can include:

- planning for detention facilities to accommodate women,[70] men, and children separately, unless accommodated as family units.
- ensuring that detention facilities are equipped to provide appropriate clothing for men, women and children[71] and meet gender- and age-specific needs, including feminine hygiene products and food for babies and small children.[72]
- readying military medical services to provide health care to men, women, and children, which may include sexual- and reproductive-health care and paediatric care.[73]
- preparing medical teams with the supplies, equipment and skills to respond to sexual violence against all persons in a timely manner, including post-exposure prophylaxis (PEP) kits for both adults and children. This should include training for medical teams in detecting and responding to sexual violence; while a grimly frequent occurrence during armed conflict, sexual violence does not always leave visible wounds and is consequently sometimes addressed with less priority than combat wounds (without correct regard for medical urgency).

69 ICRC, *The Roots of Restraint in War*, ICRC, Geneva, 2018.
70 ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 2099–2104.
71 ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, para. 2151.
72 ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 2101, 2206, 2215, 2223–2224.
73 ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 1685, 1747, 2230; see also ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, paras 766 and 1426–1437.

K. RESOURCE ALLOCATION, MONITORING AND EVALUATION

Procurement and allocation of sufficient resources – human, material, and financial – is crucial for the effective implementation of a gender perspective throughout the structure of an armed force.[74] Budgeting can incorporate a gender perspective throughout its cycle, including planning, formulation, implementation, and control of decisions on resource allocation. This could include the use of different tools, such as gender tags or markers for appropriate monitoring and impact assessment.[75] To inform this process, appropriate data collection and disaggregation are key.[76]

Integrating a gender perspective in military operations will also require careful monitoring and evaluation of the associated processes. Using specific targets and indicators will be helpful for measuring progress on specific objectives,[77] and can enhance transparency and internal responsibility.

L. EXAMPLE: A GENDER PERSPECTIVE IN ACTION

This section provides an example of measures that armed forces can take to integrate a gender perspective into a planned military operation. Other examples are available in resources from the NCGM and the Swedish Red Cross.[78] The measures would, of course, have to be adapted to the specific characteristics of the context and the operation in question.

The table is based on a hypothetical case study addressed during the expert meeting and described in Annex 2. The scenario envisages an armed force preparing to retake a city currently under the control of a non-state armed group. As part of the planned military operation, the forces will conduct air strikes on specific targets within the city, including a bridge that, once destroyed, will significantly limit the options for evacuating civilians. A ground assault accompanied by artillery fire is also planned. The following outlines points that may be considered in conducting military operations such as this in armed conflict:

74 For instance, the Gender Responsive United Nations Peacekeeping Operations Policy (Section E.8.a) provides for budget and financial resources to facilitate the implementation of the policy.

75 See in general, Organization for Economic Cooperation and Development (OECD), "OECD Best Practices for Gender Budgeting", *OECD Journal on Budgeting*, Vol. 2023, Issue 1, pp. 9 ff.

76 See UN Beijing Declaration and Platform for Action, para 206 ff.

77 See in general, UN Women, *Handbook on Gender Mainstreaming for Gender Equality Results*, UN Women, New York, 2022.

78 See recommendations overview in C. Tengroth and K. Lindvall (eds), *IHL and Gender – Swedish Experiences*, Swedish Red Cross and Swedish Ministry for Foreign Affairs, Stockholm, 2015, pp. 150–151: www.rodakorset.se/globalassets/rodakorset.se/dokument/krigets-lagar/ihl-and-gender-151110.pdf; see also NCGM, *Whose Security? Practical Examples of Gender Perspectives in Military Operations*, NCGM, Stockholm, 2015: www.forsvarsmakten.se/siteassets/english/swedint/engelska/swedint/nordic-centre-for-gender-in-military-operations/whose-security-2015-low-resolution.pdf.

Box 3. Practical considerations for a gender perspective in an example of a military operation

Planning attacks/Targeting

- Consider if there is a military necessity for the use of force: can other means achieve the same objective?
- Consider gender bias in target selection; in targeting decisions, men and boys of a particular race and age may be too quickly assumed to be taking a direct part in hostilities if they are located within a particular area.
- Civilian harm caused by an attack on an object may vary for diverse women, men, girls and boys. Assess whether this variation has implications for whether the expected incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof would be excessive in relation to the concrete and direct military advantage anticipated.
- Disaggregate battle-damage assessment by age and sex if feasible, while being clear that this is not to establish a hierarchy of civilian casualties.
- Check if warnings will be effective for different civilians; when feasible, take a variety of measures to give advance warning.

Example: The Royal Australian Air Force doctrine note on gender in air operations recommends analysis of "sex-disaggregated data to identify the second and third-order impacts on communities that result from targeting".

Evacuations

- Expect and plan for evacuation and onward accommodation to meet the needs of women, men, girls and boys of different ages[79] and with different disabilities (physical, visual, hearing, and intellectual and psychosocial impairments).
- Consult with and facilitate the work of civil-society organizations that may be aware of people requiring evacuation, and to ensure that age-, gender- and disability-based needs are met in shelters and during evacuation (if they are not, civilians may be hesitant to leave).
- Appoint focal points for disability, age and gender to ensure that the evacuation is inclusive.
- Create separate spaces for men and women and avoid family separation.
- Accommodate those with caregiving responsibilities for children, persons with disabilities, older people etc.
- Keep in mind the civilians who will be or are at risk of being left behind (for example, men and boys prevented from leaving or persons who are immobile), including groups in institutional care.

Good practice: The Philippines' 2017–2022 National Action Plan on Women, Peace and Security makes the following commitment (on p. 14): "'Women-child-friendly spaces' (WCFS) in all evacuation areas and internally displaced peoples (IDP) camps established as a standard procedure."

79 For guidance, specifically on evacuating children, see ICRC, *Childhood in Rubble: The Humanitarian Consequences of Urban Warfare for Children*, ICRC, Geneva, 2023, pp. 50–51.

Medical services

If the medical services of an armed force encounter injured civilians or combatants, or treat detainees, they should:[80]

- provide, within 72 hours, access to PEP kits for individuals who report themselves to be, or are identified as, victims of sexual violence, and if possible give the option of signposting to a health-care facility
- if possible, identify and be ready to signpost to the hospital with maternity services, as pregnancy and childbirth do not stop for military operations
- make female medical staff available, as access to medical care for women and girls may be impeded in contexts where they are required to be treated only by female medical workers
- be trained in the specificities of trauma linked to sexual violence (for both women and men)
- include the perspectives of women and men from different ages and backgrounds in needs assessments relating to medical care, taking into account possible limitations such as physical access, security, financial constraints and socio-cultural constraints, as well as possible solutions.[81]

Screening and detention

- Women and girls should be screened by women in a location that affords them the appropriate level of privacy, safety and respect for cultural norms. Pregnant, breastfeeding and menstruating women may require additional assistance – including access to food, water, toilets and health care – for themselves and for their children. Persons with caregivers should remain with caregivers.
- Adequately resource detention facilities – including with sufficient staff (male and female security personnel, medical staff, etc.) and material resources (water, food, health-care facilities, electricity and ventilation) – in a manner that is age- and gender-sensitive, disability-inclusive and culturally appropriate for the detainee population.
- For detainees, plan spaces such that women, men, and children can be separate (in line with legal requirements), unless they are family members.

Communication and civilian-military coordination

- Establish channels of communication with civil society and humanitarian organizations, including women's organizations, when feasible, in order to better understand civilian risks and needs; consider the demographics of those you are liaising with. (Avoid liaising only with men.)
- When communicating with the civilian population – for example, for the purpose of giving warnings of attacks or information on evacuation routes – provide information in a variety of ways, for example, through a combination of radio or other media messages, phone communication, leaflets with image-based (instead of solely written text) warnings, and/or persons in key locations.

80 The legal obligations incumbent on a party to armed conflict to provide medical care in a situation of armed conflict, as well as their capacity to respond to medical need, will vary depending on the population in question (i.e. civilians, combatants, and/or detainees).

81 ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, commentary on common Art. 3, para. 766 and commentary on Art. 12, para. 1435.

Richard Kjaergaard, Swedish Armed Forces

Timbuktu, Mali, 2015.

CHAPTER 2

LOCATING IHL IN THE WOMEN, PEACE AND SECURITY (WPS) AGENDA

This chapter explains the overlap between IHL and the WPS agenda for the purpose of raising awareness of their interconnected objectives and encouraging greater consolidation between their substantive synergies. It subsequently identifies five areas of added value to be gained from applying the WPS agenda and IHL to contemporary armed conflicts together, as well as five approaches to manage tensions risked by their joint application. It concludes with recommendations for the IHL aspects of WPS national action plans.

This chapter does not address the normative and practical overlaps of the WPS agenda with the field of arms control and disarmament. That is addressed in the United Nations Institute for Disarmament Research's 2020 publication entitled Connecting the Dots: Arms Control, Disarmament and the Women, Peace and Security Agenda.82

A. IHL AND WPS: TAKING STOCK OF THE OVERLAP IN 2023

In 2000, UN Security Council Resolution 1325 established an influential framework for action on WPS with which many military practitioners are familiar today. IHL is embedded within this founding resolution and the nine subsequent Security Council WPS resolutions in three prominent ways.[83]

Box 4. IHL in UN Security Council WPS resolutions

Compliance with IHL: WPS resolutions call on states to respect and implement IHL that protects women and girls. The resolutions thereby promote respect for all of the rules of IHL set out in Box 1 above, as part of its "protection" pillar.	See UNSC Resolution 1325 (2000), preambular paragraph (PP) 6 and operative paragraph (OP) 9; UNSC Resolution 1820 (2008), PP 3; UNSC Resolution 1888 (2009), PP 6; UNSC Resolution 1889 (2009), OP 2; UNSC Resolution 1960 (2010), PP 10; UNSC Resolution 2106 (2013), PPs 11 and 12; UNSC Resolution 2242 (2015), PP 9and OP 2; UNSC Resolution 2467 (2019), PP 3.
Prevention of and response to sexual and gender-based violence (SGBV): WPS resolutions call on states to take measures to protect women and girls from SGBV, including as a violation of IHL. While this element of the resolutions is also a part of the calls for respect for IHL more generally, the WPS resolutions have succeeded in shining a spotlight on this particularly gendered crime.	See UNSC Resolution 1325 (2000), OP 10; UNSC Resolution 1820 (2008), PPs 3 and 6 and OPs 1, 3 and 4; UNSC Resolution 1888 (2009), PP 10 and OPs 1, 3 and 7; UNSC Resolution 1960 (2010), PP 5 and OP 5; UNSC Resolution 2106 (2013), OP 1; UNSC Resolution 2242 (2015), OP 6.

82 H. Myrttinen, *Connecting the Dots: Arms Control, Disarmament and the Women, Peace and Security Agenda*, United Nations Institute for Disarmament Research, Geneva, 2020: https://unidir.org/publication/connecting-the-dots/

83 Beyond IHL, the WPS resolutions and agenda also address a swathe of broader issues, including conflict prevention and peacebuilding. While this chapter focuses on IHL aspects of WPS action plans, this focus does not suggest that such other elements of the WPS agenda are of less significance. The content of WPS national action plans will naturally vary according to the specificities of different domestic contexts.

Combating impunity: WPS resolutions emphasize the responsibility of states to put an end to impunity and prosecute war crimes, which are serious violations of IHL. These include but are not limited to the crime of sexual violence.

See UNSC Resolution 1325 (2000), OP 11;
UNSC Resolution 1820 (2008), OP 4;
UNSC Resolution 1888 (2009), PP 7 and OP 6;
UNSC Resolution 1889 (2009), OP 3;
UNSC Resolution 1960 (2010), PP 6;
UNSC Resolution 2106 (2013), OPs 2 and 12;
UNSC Resolution 2122 (2013), OP 12;
UNSC Resolution 2242 (2015), OP 14;
UNSC Resolution 2467 (2019), PP 16 and OP 15.

IHL IN WPS NATIONAL ACTION PLANS

WPS national action plans are adopted by states to guide the implementation of WPS commitments in national law, policy and practice. Reflective of its place in WPS resolutions, today IHL also features expressly in several existing WPS national action plans. This cross-fertilization and mutual amplification of the WPS agenda and IHL implementation at the national level was encouraged by UN Security Council Resolution 2242 in 2015, which "calls upon Member States to further integrate the women, peace and security agenda into their strategic plans such as national actions plans and other planning frameworks, with sufficient resources, including implementation of relevant obligations under international humanitarian law and international human rights law, through broad consultation, including with civil society, in particular women's organizations" (operative paragraph 2).

States undertake a variety of actions at the national level to implement IHL obligations into domestic frameworks. Measures include the adoption of implementing legislation, the dissemination of IHL to the civilian population, the integration of IHL into military doctrine, education, training and disciplinary systems, and the criminal repression and suppression of IHL violations.[84] Box 5 below is not therefore a comprehensive reflection of states' efforts to implement IHL beyond the context of WPS national action plans; rather, it focuses specifically on areas of overlap between IHL and WPS national implementation.

Of the 93 national action plans assessed for this report, 43 (46 per cent) contained at least one express reference to IHL.[85] Of these, 29 contained clear commitments, objectives or indicators related to IHL,[86] as opposed to IHL being referred to in the background or narrative but less prominent in implementing actions.

84 For guidance on the national implementation of IHL, see, for example ICRC, *Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law*, ICRC, Geneva, 2021: www.icrc.org/en/document/bringing-ihl-home-guidelines-national-implementation-international-humanitarian-law.

85 National action plans were accessed using the database maintained by the Women, Peace and Security Programme of the Women's International League for Peace and Freedom, including the translations available therein. This database is available at: https://1325naps.peacewomen.org/. Some national action plans were made available in unofficial English translations in this database, funded by ARC DP160100212 (CI Shepherd). National action plans available in this database in August 2022 were searched for the terms "humanitarian law", "IHL", "law of war", and "Geneva Convention" or the equivalent in the relevant language. Where a country has had more than one national action plan, only the most recent publicly available document in August 2022 was assessed. Four national action plans (Cyprus, Kosovo, Tajikistan and Tunisia) were not assessed owing to lack of public availability or English-language translation.

86 The national action plans of Armenia, Australia, Belgium, Bulgaria, Burkina Faso, Cameroon, Chile, Croatia, Denmark, Estonia, Gabon, Gambia, Guinea-Bissau, Ireland, Italy, Montenegro, New Zealand, North Macedonia, Norway, the Philippines, Portugal, Serbia, Slovenia, South Sudan, Spain, Sweden, Switzerland, Timor-Leste and the United States.

IHL features in the plans in a number of different ways. Many refer to IHL in a general manner, as a source of protection for – and legal basis defining violations against – women and girls, or as part of the legal underpinning for the WPS agenda.[87] Beyond this, the IHL-related content of national action plans can be grouped into four categories, as shown in Box 5 below.

Box 5. State WPS national action plans that substantively address IHL (2022)

	IHL topic	Content of WPS national action plans (NAPs)
1	Prevention, investigation and prosecution of SGBV	Included in NAPs of Armenia, Denmark, Guinea-Bissau, Italy, the Netherlands, the Philippines, Portugal, Slovenia, South Sudan and Switzerland Through vetting of own forces (Slovenia) and promoting compliance with the prohibition of SGBV by non-state armed groups (Switzerland)
2	Promotion, dissemination and implementation of IHL at international or national level	Commitments to raise awareness of and promote compliance with IHL: NAPs of Australia, Belgium, Cameroon, Gambia, Italy, Mexico, Serbia and Spain Commitments to reviews of national legislation or policies to implement IHL: NAPs of Bulgaria, Gambia, North Macedonia and South Sudan Through the translation of IHL instruments into local languages (Gambia) and preparation of a report on the status of the domestic implementation of IHL (Bulgaria) Two NAPs – those of Bulgaria and Yemen – refer to national IHL committees as relevant implementation actors for the WPS agenda
3	Express references to IHL training (as a more specific sub-set of the previous category)	IHL training for national police, military, or other security forces: NAPs of Burkina Faso, the Central African Republic, Czech Republic, Estonia, Gabon, Ireland, Italy, Montenegro, New Zealand, Portugal, Timor-Leste and the United States IHL training for judicial officials or other legal professionals: NAPs of Croatia, Spain and Timor-Leste Training more generally for civilian institutions such as diplomatic academies or civil society: NAPs of Chile, Estonia, Ireland, Italy, Portugal and the United States
4	Application of a gender perspective to IHL	Three NAPs refer to the application of a gender perspective in connection with IHL: NAPs of Norway, Sweden and Switzerland

87 For example, the national action plans of Argentina, Australia, Belgium, Burkina Faso, Cameroon, Canada, Finland, France, Gambia, Guatemala, Guinea-Bissau, Mexico, New Zealand, North Macedonia, Norway, Palestine, the Philippines, Poland, Republic of the Congo, Serbia, South Sudan, Spain, Sudan and Yemen.

B. OPPORTUNITIES FOR ADDED VALUE: APPLYING THE WPS AGENDA AND IHL TOGETHER

Perhaps surprisingly, given the normative overlap addressed in the previous section, the relationship between IHL and the WPS agenda is not always immediately evident to armed forces. WPS workstreams for armed forces tend to focus either on women's participation in the military and/or civilian-military cooperation with women, without reference to respect for IHL. Of the 93 WPS national action plans reviewed, 50 (54 per cent) contained no express reference to IHL (though this is not to say that parallel work to implement IHL is not ongoing outside the scope of the WPS national action plans).[88]

The potential power of robust complementarity – and the pressing need for it – to improve impact is common across different bodies of international law and policy, and IHL and the WPS agenda are no exception. Beyond the existing intersections explored in the previous section – intersections that should be reinforced and maintained – this section identifies five additional areas where the convergence between the frameworks could be further strengthened. The system of global governance for gender equality in armed conflict is stronger when practitioners utilize IHL and WPS frameworks together, rather than as disparate, air-gapped parts.

i. Women's meaningful participation in armed forces

> *"The WPS agenda and IHL are intertwined and have strong linkages, especially on the pillars of protection and participation. This means that the WPS agenda could be used to strengthen a gender perspective in IHL in military operations."*
>
> *– Lt-Col. Tambudzai Kanengoni, Senior Military Officer, Zimbabwe Defence Forces*

In its first operative paragraph, UN Security Council Resolution 1325 urges states to ensure increased representation of women at decision-making levels in the management of conflict, among other areas. Subsequent WPS resolutions have continued to encourage increased participation of women in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.

Whether the WPS agenda call for improved women's participation includes participation in armed forces has been subject to different interpretations. There has been no consensus to call for the greater inclusion of women in national militaries in WPS resolutions (outside of peace operations) per se. Some states have, under the WPS framework, set objectives to increase the recruitment of women into their national militaries,[89] but others have not. It has also been noted that the increased participation of women in UN peace operations – explicitly called for by the WPS agenda – logically entails a larger pool of women in national militaries in troop-contributing states. The UN Department of Peace Operations' Uniformed Gender Parity Strategy,

88 National action plans were searched for the terms "humanitarian law", "IHL", "law of war", and "Geneva Convention" or the equivalent in the relevant language. Where a country has had more than one national action plan, only the most recent publicly available document was assessed in August 2022. Four national action plans (Cyprus, Kosovo, Tajikistan and Tunisia) were not assessed owing to lack of public availability or English-language translation at the time.

89 See, for example, the national action plans of Azerbaijan (p. 7); Burundi (p. 15); Canada (p. 9); Djibouti (p. 20); Moldova (p. 8); New Zealand (p. 14); Poland (p. 23); South Sudan (p. 52).

for example, identifies policies and practices of states that pose challenges for the increased participation of women in peace operations: these include gender-based restrictions on combat (or other operational) roles and low numbers of women in national armed forces.[90]

Some militaries consider that the meaningful participation of women in the armed forces is relevant to their ability to protect civilians, comply with certain legal obligations, and meet mission objectives. The participation of women in militaries raises matters of law and policy best addressed in a context-specific manner. Questions regarding whether participation is meaningful, concerns regarding gender stereotyping, and the views of implicated women in a given context also need consideration.[91]

Two issues have to be considered separately in this regard: the first is about the equal and meaningful participation of women in the armed forces; the second is whether the participation of women can improve the protection of civilians and respect for certain provisions of IHL.

Regarding equal opportunity, the WPS's focus on promoting meaningful and equal participation of women has a basis in IHRL: Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires that states parties "take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights".

In the two decades since UN Security Council Resolution 1325 was adopted, states, international organizations and civil-society stakeholders have refined policies around the increased participation of women in militaries, clarifying that "participation" alone is an inadequate metric for gender equality. Rather, women's participation needs to be meaningful.[92] In the context of armed forces, this entails:

- ending gender-based discrimination against women participating in armed forces (including sexual harassment and violence, and unlawful gender-based restrictions on roles and responsibilities)
- representation of women throughout military leadership
- refraining from equating "being a woman" with having gender expertise; being a woman does not automatically mean an individual has skills related to the gender dynamics of a given conflict-affected context[93]

90 UN Department of Peace Operations (UNDPO), *Uniformed Gender Parity Strategy 2018–2028*, UNDPO, New York, 2018, p. 3: https://peacekeeping.un.org/en/uniformed-gender-parity-strategy-2018-2028-full-text.

91 See Section C of Chapter 2 for further discussion of these elements.

92 See in this regard UNSC Resolution 1325 (2000), preambular para. 5, and UNSC Resolution 1820 (2008), preambular para. 10 (on equal participation and full involvement in all efforts for the maintenance and promotion of peace and security); UNSC Resolution 1889 (2009), preambular para. 6 (on full and equal participation in peacebuilding processes); UNSC Resolution 2122 (2013), operative para. 4 (on full participation in security sector reforms); UNSC Resolution 2242 (2015), preambular para. 7 (on meaningful involvement in efforts to prevent, resolve and rebuild from conflict); UNSC Resolution 2467 (2019), operative para. 23 (on full and effective participation in security sector reforms); and UNSC Resolution 2493 (2019), operative para. 2 (on full, equal and meaningful participation in all stages of peace processes), and operative para. 10(b) (on full and effective participation in security sector reforms). See also UN Secretary-General, *Women and Peace and Security: Report of the Secretary-General*, S/2022/740, 5 October 2022, para. 106(a). For a discussion of women's meaningful participation in armed forces or peacekeeping operations, see UNDPO, *Gender Equality and Women, Peace and Security: Resource Package*, UNDPO, New York, 2020; M. Bastick, *Gender and Complaints Mechanisms: A Handbook for Armed Forces and Ombuds Institutions to Prevent and Respond to Gender-Related Discrimination, Harassment, Bullying and Abuse*, DCAF, Geneva, 2015, pp. 2 ff; R. U., Nagel, K., Spears and J., Maenza, *Culture, Gender, and Women in the Military: Implications for International Humanitarian Law Compliance*, Georgetown Institute for Women, Peace and Security (GIWPS), GIWPS, Washington DC, 2021, p. 24; I. Munch and A. Holvikivi, *Saving the World, One Gender Training at a Time*, DCAF, Geneva, 2021, p. 3; V. F. Newby and C. Sebag, "Gender sidestreaming? Analysing gender mainstreaming in national militaries and international peacekeeping", European Journal of International Security, Vol. 6, Issue 2, May 2021, pp. 149–152; J. Klugman *et al.*, *Can the Women, Peace and Security Agenda and International Humanitarian Law Join Forces?*, GIWPS, Washington DC, 2021, p. 26.

93 For example, placing women personnel in civilian-facing patrols or engagement teams will not always make a difference, in and of itself: factors to be assessed include whether women personnel are appropriately trained, what their objective is, and intersectional aspects such as language skills. There might also be knock-on risks to consider for the civilian population: for example, if personnel increasingly engage with local women in a given area, this may raise suspicions or generate problems for those civilians. Some research suggests that the use of mixed-gender teams is preferable to female-only engagement teams: R. Egnell, ""Gender perspectives and military effectiveness: Implementing UNSCR 1325 and the national action plan on Women, Peace, and Security", PRISM, Vol. 6, No.1, 2016, p. 84.

- refraining from essentializing women as necessarily "good"; women are individuals who play many different roles in armed conflict
- training and equipping women appropriately to facilitate their equal participation and non-discriminatory force protection
- considering which women are participating by looking at intersecting factors including race and religion – i.e. considering whether certain women are further excluded based on criteria additional to gender.

The second issue – the relationship between women's participation in armed forces and the fulfilment of IHL obligations – has been less clear. In one respect, women are required for an armed force to comply with certain IHL obligations regarding the supervision of women detainees.[94] Beyond this limited scope, IHL treaty text is silent on how an armed force should be constituted; this is left to the discretion of parties to conflict. Without essentializing women as inherently "more law-abiding", several considerations have been put forward which could indicate that women's meaningful participation in decision-making could bring additional experience and perspective to increase respect for IHL.

First, women's meaningful participation in decision-making in an armed force might improve understanding and data, for example, when women are needed to directly liaise with women and children in a conflict-affected community. A more accurate understanding of the human operating environment and coordination with civilian agencies can contribute to a fuller assessment of expected civilian harm. It might also contribute to a better understanding or application of what constitutes non-discriminatory treatment of persons under a force's control and/or when engaging with women at checkpoints, in search operations or during evacuations.

It is relevant in this respect that, gender bias exists in the social beliefs of most people, and it stands to reason that this general trend extends to personnel in armed forces. UNDP's GSNI reports that 91 per cent of men and 86 per cent of women show at least one clear bias against gender equality, with women skewed towards less bias against gender equality and women's empowerment across the seven indicators of bias measured.[95] So, both men and women hold gender-biased views, and men on average hold a greater number of gender-biased views. In tandem, research indicates that gender can influence the outcome of decision-making by national policymakers: women tend to consider a wider scope of social issues impacting a community.[96] For example, the inclusion of women in peace negotiations has been documented to lead to wider accord content: agreements without female signatories include more provisions with regard to military reform and withdrawal of troops, while agreements with female signatories include more provisions with regard to political, social and economic reform.[97]

94 GC III, Arts 97 and 108; GC IV, Arts 76(4) and 124(3); AP I, Art. 75(5); AP II, Art. 5(2). See also ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, Commentary on Art. 25(4), para. 2102.

95 UNDP, *2020 Human Development Perspectives: Tackling Social Norms: A Game Changer for Gender Inequalities*, UNDP, New York, 2020, pp 8–9.

96 C. Bolzendahl and C. Brooks, "Women's political representation and welfare state spending in 12 capitalist democracies", *Social Forces*, Vol. 85, No. 4, June 2007, pp. 1509–1534; L. Chen, "Female policymakers and educational expenditures: Cross-country evidence", *European Journal of Law and Economics*, Vol. 51, No. 1, February 2021, pp. 129–155, cited in C. Criado Perez, *Invisible Women: Exposing Data Bias in a World Designed for Men*, Chatto and Windus, London, 2019, p. 265.

97 J. Krause, W. Krause and P. Bränfors, "Women's participation in peace negotiations and the durability of peace", *International Interactions*, Vol. 44, No. 6, 2018, p. 17. See also S. Shair-Rosenfield and R. Wood, "Governing well after war: How improving female representation prolongs post-conflict peace", *The Journal of Politics*, Vol. 79, No. 3, July 2017, pp. 995–1009.

Second, having women in the medical staff of armed forces could contribute to better access to medical services in compliance with IHL's related obligations to care for the sick and injured,[98] including in contexts where women and girls need to be treated by female medical staff because of social norms and expectations. In the best case, there would be a permanent presence of women medical personnel (whether military or civilian) available to treat wounded or sick women and girls who wish to be treated by women.[99]

> *The participation of more women in operations not only may reinforce the accuracy of intelligence, screening and targeting, but also increase patrolling efficiency, military observing capacity, and health services accessibility. All these operations contribute to militaries' compliance with IHL.*
>
> *– Lt-Col. Khadessa Sy, Chief of Gender Department and IHL Coordinator, Senegalese Armed Forces*

Finally, in armed conflict sexual violence is most commonly – though not exclusively – committed by men against women.[100] Having a more gender-balanced armed force might help reduce the perpetration of SGBV by military personnel, and also improve risk identification and mitigation (for example, when women personnel will be better placed to hear community concerns on SGBV).

On the other hand, calls for increased participation remain controversial.[101] Some have raised concerns over the "militarization" or "securitization" of the WPS agenda being the antithesis of the origins of the agenda, i.e. peace and demilitarization,[102] and are calling instead for transformational change of institutions.[103] In addition, there are no comparative studies evidencing that state armed forces or armed groups with a higher rate of women have a record of better respect for IHL.

In summary, in some circumstances the participation of women may be relevant to the fulfilment of certain IHL obligations, for instance when women are required for the supervision of detainees. However, increased participation of women in armed forces also requires context-specific consideration of factors, including critiques of securitization, whether participation is meaningful, concerns regarding gender stereotyping, and the views of implicated women in a given context.

98 Rule 110 of the ICRC study on customary IHL provides that the wounded, sick and shipwrecked must receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. No distinction may be made among them founded on any grounds other than medical ones.

99 ICRC, *Commentary on the Third Geneva Convention*, Cambridge University Press, Cambridge, 2021, paras 2230 and 2792; see also ICRC, *Commentary on the First Geneva Convention*, ICRC, Cambridge University Press, Cambridge, 2016, para. 766.

100 M. Bastick, K. Grimm and R. Kunz, *Sexual Violence in Armed Conflict. Global Overview and Implications for the Security Sector*, DCAF, Geneva, 2007, p. 14. Regarding the disproportionate impact of sexual violence on women and girls, see CEDAW, *General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations*, CEDAW/C/GC/30, 1 November 2013, paras 34–35; WHO, *Violence against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women*, WHO, Geneva, 2021.

101 See J. Klugman *et al., Can the Women, Peace and Security Agenda and International Humanitarian Law Join Forces? Emerging Findings and Promising Directions*, GIWPS, Washington DC, 2021, p. 13; G. Baldwin and T. Hynes, The Securitization of Gender: A Primer, *The Global Observatory*, 11 October 2022.

102 J. Klugman *et al., Can the Women, Peace and Security Agenda and International Humanitarian Law Join Forces? Emerging Findings and Promising Directions*, GIWPS, Washington DC, 2021, p. 14.

103 See the discussion in G. Baldwin, Considering the Future of Gender and Peace Operations: Strategic Debates and Operational Challenges, Stockholm International Peace Research Institute (SIPRI), Stockholm, 2022.

ii. Gender advisers in armed forces

The WPS framework's general promotion of a gender perspective in matters related to security and peace has encouraged some states to establish gender advisers, gender focal points, or other similar roles or offices in national militaries.[104]

When trained and in positions of influence, gender advisers (or other similar personnel) can play an important role in promoting IHL compliance, for the reasons addressed in Section G of Chapter 1. Knowledge, skills and practical tools are required to integrate gender analysis into the planning, execution and evaluation of military operations; consequently, dedicated staff can make a difference in contexts where decisions are fast-paced and require tailored analysis.

To maximize the convergence between IHL compliance and gender expertise, a number of state armed forces have seen value in training their legal advisers in gender competencies, and in giving their gender advisers IHL training up to a certain level. Australia, for example, has armed forces legal advisers who are also trained as gender focal points. In the French armed forces, the role of "gender adviser" does not exist as such (rather, there are personnel trained in gender-related matters but without the designated role of gender adviser), but armed forces legal advisers can have certain responsibilities to ensure that a gender perspective is taken into account, particularly in matters related to accountability. A number of possible synergies might result from such cross-mainstreaming:

- Gender advisers should be familiar with the legal basis and requirements of the WPS agenda, of which IHL is an important component, including in order to be able to give advice about what is a legal obligation and what is a less binding recommendation, in cooperation with the legal adviser.
- Measures to prevent and respond to sexual violence in conflict are put in place both via IHL and via WPS directives or policies in armed forces; legal and gender advisers can draw from both frameworks and collaborate to maximize information-sharing on risks and work more efficiently towards shared goals.
- Response to sexual exploitation and abuse is often judicial, and both advisers ideally work in close coordination to make sure that any abuse will be investigated, and that proper care is provided to the victim/survivor.
- What constitutes lawful treatment of detainees involves consideration of non-discrimination based on sex, gender, age and any other similar criteria. Drawing from gender expertise to inform detainee treatment can be a part of complying with IHL in this context.

104 See, for example, the national action plans of Australia (p. 44); Paraguay (p. 8); Romania (p. 15); Serbia (p. 12); and South Sudan (p. 58). More specifically, regarding the inclusion of gender advisers in peace operations, see the following UNSC WPS Resolutions: Resolution 1888 (2009), operative para. 12; Resolution 1889 (2009), operative para. 7; Resolution 1960 (2010), operative para. 10; Resolution 2106 (2013), operative para. 8; Resolution 2122 (2013), operative para. 4; Resolution 2242 (2015), operative para. 7; Resolution 2467 (2019), operative para. 23; and Resolution 2493 (2019), operative para. 10b.

iii. Applying IHL with a gender perspective

The WPS agenda has helped mainstream the approach of integrating a gender perspective when applying policy and programming. UN Security Council Resolution 1325 expresses "its willingness to incorporate a gender perspective into peacekeeping operations" (paragraph 5) and calls on all actors involved to adopt a gender perspective "when negotiating and implementing peace agreements" (paragraph 8). Subsequent WPS resolutions have continued to urge action around the use of a gender perspective,[105] most recently in encouraging work to "continue mainstreaming a gender perspective in the Secretariat and United Nations agencies" (UN Security Council Resolution 2493 of 2019, paragraph 9(c)). This builds on the Beijing Platform for Action of 1995, wherein 186 states agreed that the mainstreaming of a gender perspective should be promoted in decisions addressing armed conflict.[106]

The resolutions have not expressly called for the inclusion of a gender perspective in the application of IHL. However, it stands to reason that incorporating a gender perspective into the application and interpretation of IHL can facilitate progress towards the alleviation of harm inflicted by armed conflict.[107] This does not create new obligations: instead, ***a gender perspective is a necessary interpretative prism to attune the notion of "civilian harm" and the requirement of non-discrimination to the reality of the lives of diverse men, women, girls and boys as war rages***. It can be understood as a methodological approach to improve respect for relevant IHL obligations. To date, Norway, Sweden and Switzerland have made related commitments (Box 6).

Box 6. WPS national action plan good practices: Incorporating a gender perspective into the application and interpretation of IHL

Three WPS national action plans have adopted versions of commitments to apply a gender perspective in connection with IHL obligations:

1. **Norway's** Action Plan on Women, Peace and Security, states that armed forces should endeavour to "develop their competence in how controlled power can be used to create security in relation to **different forms of vulnerability that can arise among women, men, girls and boys** in areas of operations, both in the short and long term. It is important to continue to work on reducing the negative consequences of operations. **Women, peace and security must be seen in connection with** protecting civilians, civil-military cooperation and **compliance with international humanitarian law**" (Chapter 3).
2. **Sweden's** 2016–2020 National Action Plan for implementation of the UNSC Resolutions on WPS, included this as a priority: "strive to contribute to that **international humanitarian law** and international criminal law are interpreted and applied from a **gender perspective** with the aim of ensuring that their [women and girls] protection, obligations and rights are implemented effectively and without discrimination" (Priority 4.3). The 2024 plan does not repeat this commitment.
3. **Switzerland's** Fourth National Action Plan to implement UNSC Resolution 1325, establishes this as one of its goals: "Promote the systematic consideration of a **gender perspectiv**e in political and operational-level efforts to prevent serious violations of human rights and **international humanitarian law**" (Goal 1.4).

105 See UNSC Resolution 2106 (2013), operative para. 8; UNSC Resolution 2242 (2015), operative para. 4; UNSC Resolution 2493 (2019), operative paras 2 and 9.

106 UN, Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, 27 October 1995, para. 141.

107 ICRC, *Gendered Impacts of Armed Conflict and Implications for the Application of International Humanitarian Law*, ICRC, Geneva, 2022, pp. 5, 7 and 39. See also, A. Barrow, "UN Security Council Resolutions 1325 and 1820: Constructing gender in armed conflict and international humanitarian law", *International Review of the Red Cross*, Vol. 92, No. 877, March 2010, pp. 228–229, which contains the observation that WPS resolutions "have increasingly been used as gender mainstreaming tools and may help to develop key norms on women and armed conflict, thus enhancing understandings of gender in international humanitarian law".

iv. Accelerating domestic implementation

The biggest challenges facing both IHL and the WPS agenda are not – as with many areas of international law and policy – substantive gaps, but lack of awareness of their norms and standards, inadequate implementation, and failed compliance. When silos can be broken between mechanisms and platforms, whereby IHL and WPS are respectively disseminated and integrated into domestic systems, there is potential for their respective systems to amplify each other. Notably, both IHL and the WPS agenda share an audience of military practitioners to a certain extent, but each also has specialist communities: gender advisers for WPS and legal advisers for IHL.

IHL implementation actors and mechanisms that bear particular potential to improve awareness of WPS norms include national IHL committees and IHL military training and exercises. Similarly, WPS national action plans are ripe for clearer and more tailored commitments regarding IHL. ***States should consider better cross-mainstreaming of IHL dissemination and training with a gender perspective, and WPS national action plans with more concrete legal elements***.

v. Striving for peace

Prevention of conflict and promotion of peace is a leitmotif of the WPS agenda, and one of its four pillars.[108] Its civil-society proponents argue against militarization, call for a reduction in military expenditure and for disarmament, and seek to boost the bargaining power of women civil society within related processes.[109]

At times, IHL – commonly referred to as the "law of war" – is misconstrued as being at odds with the promotion of peace; on the contrary, IHL's objective of preserving humanity in dark times is best served when the violence, death and injury caused by armed conflict subside. It is the responsibility of all states party to the Geneva Conventions to prevent war from occurring in the first place.[110] Thus, though IHL does not address how peace can or should be achieved, it does not stand in the way of – on the contrary, it shares an objective with – the promotion of sustainable peace by the WPS agenda.

108 One of the pillars of the WPS is conflict prevention. The promotion of peace is addressed throughout the text of the founding WPS resolution, UNSC Resolution 1325 (2000). The preamble of CEDAW also identifies peace as a feminist issue, affirming that "the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament … will contribute to the attainment of full equality between men and women" and provides that "the cause of peace require[s] the maximum participation of women on equal terms with men in all fields".

109 See, for example, UN Secretary General, *Women and Peace and Security: Report of the Secretary-General*, UN Doc. S/2021/827, 27 September 2021, paras 6–16.

110 The preamble of AP I proclaims states parties' "earnest wish to see peace prevail among peoples", recalls states' duty to refrain from the use of force contrary to the UN Charter, and expresses the conviction that nothing in IHL treaties "can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations". The ICRC has relatedly stated that "gender equality is a marker of peace and security" and that "the greater the inequality, the greater the instability and the likelihood that conflict erupts or intensifies": Statement on Gender Equality and War, speech given by Mirjana Spoljaric, President of the ICRC at Columbia University Law School, 2 March 2023: www.icrc.org/en/document/women-conflict-and-international-humanitarian-law.

C. CAUTION: FIVE APPROACHES WHEN IHL AND THE WPS AGENDA CONVERGE

In the preceding sections, this report has addressed how more and better links could be made between IHL and WPS. Five aspects should be kept in mind to guide this convergence.

1. **Avoid perpetuating gender stereotypes.** While there is some basis to suggest that increased participation of women could in some cases be relevant to aspects of IHL compliance (Section B.i. of this chapter), caution is needed to prevent this proposition from being converted into a de-contextualized, overly broad generalization that perpetuates simplistic characterizations of women. First, women's meaningful participation in the military is a matter of rights. At the same time, feminist positioning on increases in women's involvement in the conduct of military operations is complex and diverse, with many calls for caution and nuance.[111] Concerns about the harm that is caused, when women join structures designed to wield military violence, merit deep consideration and tailored policy responses. But this should and can be paired with the sine qua non condition of genuine choice: women should have equal choice to be at every table, including the tables of military power. Article 11 of the CEDAW requires states to eliminate discriminatory barriers blocking women's access to employment, and breaking these down in militaries is not incompatible with simultaneously promoting peace. All are needed to achieve gender equality.

2. **Tailor the influencing strategy to the objective and context.** Top-level WPS agenda documents – whether resolutions or national action plans – will not always be impactful vectors for improving a gender perspective in IHL. WPS national action plans, for example, can be quite high-level and intended to speak plainly to a general audience and engage cross-governmental entities, while IHL implementation can quickly become technical and opaque to non-practitioners and those in other spheres. Political capital spent inserting IHL into national action plans may be better aimed at integrating tailored, appropriate gender components into military doctrine, policies and other documents (as outlined in Section D of Chapter 1). These will necessarily be more tailored to military operations and thus of greater practical use to IHL practitioners and operators. Thus, while this report makes IHL-based recommendations for WPS national action plans, it also recognizes that their inclusion in national action plans might not be a priority in every context.

> *"In my personal experience there is a difference between integrating a gender perspective in security and actually using that perspective to implement the WPS agenda."*
>
> *– Ms Cori Fleser, Nonresident Senior Fellow, Transatlantic Security Initiative at the Atlantic Council's Scowcroft Center for Strategy and Security*

111 See, for example, S. von Hlatky, *Deploying Feminism: The Role of Gender in NATO Military Operations*, Oxford University Press, 2022; N. Berlatsky, "The feminist objection to women in combat", *The Atlantic*, 25 January 2013: www.theatlantic.com/sexes/archive/2013/01/the-feminist-objection-to-women-in-combat/272505/; S. Stachowitsch, "Feminism and the current debates on women in combat", *E-International Relations*, 19 February 2013: www.e-ir.info/2013/02/19/feminism-and-the-current-debates-on-women-in-combat/#_edn1, notes that "uncritically participating in celebrations of women's new opportunities in the military could have unintended consequences"; C. Enloe, "Combat: The zone of women's liberation?", *WILPF International*, 28 January 2013: www.peacewomen.org/content/usa-combat-zone-womens-liberation.

3. **Be clear about the objective of the gender perspective.** This report encourages the integration of a gender perspective in the application and interpretation of IHL in order to improve the protection of all persons, and in particular women and girls, in armed conflict. At the same time, parties to armed conflict, and military operations specifically, do not apply a gender perspective exclusively in service of better respect for their IHL obligations. A gender perspective and/or women's participation is also applied to strategic advantage, in service of security objectives.[112] For example, some gender advisers in militaries do not solely have the function of reducing gendered harm; they also work to understand adversary gender dynamics in service of their military strategic objective. Simply put, a gender perspective can be utilized to make fighting more efficient. By contrast, the scope of this report's policy recommendation for WPS national action plans to utilize a gender perspective is focused on improving the application of IHL obligations of non-discrimination and obligations involving reduction of civilian harm, rather than the furtherance of military efficiency as such.

4. **Value of consulting civil society, in particular local women's organizations.** It is important that the views of women from the given context are represented and reflected. The budget implications and risks of greater involvement of defence ministries or departments in the development of the WPS agenda at the national level should be assessed in each context. Many WPS national action plans are formulated with cross-ministry collaboration, and active civil-society participation. If in a particular context the involvement of defence ministries or departments would divert WPS funding or influence from civilian agencies or civil society, particularly women's organizations, it could be at cross purposes with certain objectives of the WPS agenda (which will vary with context).

   The pros of having defence ministries or departments involved in the development and implementation of national action plans is that they are important stakeholders with considerable impact on the protection of women and girls in armed conflict. They are less likely to be influenced if not at the table to begin with. The emphasis within WPS resolution texts on respect for applicable obligations in IHL and IHRL also suggests that they should be engaged as the bearers of those obligations. In the context of the experts' meeting on which this report is based, practitioners working on gender in armed forces felt a WPS "hook" helped further their work; linking the application of a gender perspective in military operations with strategic or national WPS commitments can help generate leadership will. Creating buy-in within armed forces can provide a new platform for dialogue, oversight of agreed actions, and create political pressure and visibility around armed-force performance on these topics. However, depending on the context, more space for defence ministries and militaries in WPS forums, policies, and (potentially) budgets, may risk shifting the focus away from the work of peace building or compromise the safety and security of individuals in civil society.[113]

   Therefore, when a state is drafting a WPS national action plan and considering promoting a gender perspective in relation to IHL obligations within the plan, it is key that civil society is engaged to share their views on whether such a commitment should feature in the plan.

5. **Plan to monitor, report, and evaluate.** Finally, any consideration of IHL and WPS synergy should go hand in hand with a hard look at how monitoring and evaluation of commitments will take place. Well-defined roles and responsibilities for implementation, and clear objectives and timelines, will make all the difference between paper and practice. All too often, box-ticking exercises replace qualitative problem analyses, needs assessments and assessments of progress. States should be encouraged to regularly report on implementation and progress regarding IHL and the WPS agenda, respectively. Voluntary national IHL reports and WPS report cards are critical tools that could, once again, make cross-references to one another.

112 For an overview of these security incentives and dynamics, see J. Greenburg, *At War with Women: Military Humanitarianism and Imperial Feminism in an Era of Permanent War*, Cornell University Press, Ithaca, 2023.

113 On assessing this risk, see, among others, L. J. Shepherd, "Making war safe for women? National Action Plans and the militarisation of the Women, Peace and Security agenda", *International Political Science Review*, Vol. 37, No. 3, June 2016, pp. 324–335.

D. IHL RECOMMENDATIONS FOR WPS NATIONAL ACTION PLANS

IHL and the WPS agenda have existing areas of overlap and potential for strengthened complementarity. Based on these – and adapted to national context, resources and priorities – states could consider incorporating commitments from the following menu of examples into their WPS national action plans or other national policies related to the WPS agenda, including in consultation with civil society involved in the development of national action plans:

- a short, general commitment to applying and interpreting IHL with a gender perspective – allowing armed forces to tailor this to specific operations (See Section K of Chapter 1 for more detailed examples).
- appointing gender advisers to positions of influence in armed forces, with responsibilities to advise on the integration of a gender perspective to enhance the protection of civilians, including though not limited to the integration of measures to prevent sexual violence and mitigate risks.
- cross-training military gender advisers and legal advisers.
- including a gender perspective in military training and exercises related to IHL (for example, by building in civilian-military cooperation with women's organizations or assessing the indirect effects of attacks through a gender lens).
- integrating strong and clear provisions addressing non-discrimination and gender in military manuals (see Box 2 for examples).
- ensuring that domestic laws reflect international obligations regarding sexual violence and creating the conditions for survivors to disclose sexual violence in a safe and dignified manner. IHL requires states to adopt and implement legislation to institute penal sanctions for war crimes and take measures to suppress other violations of the Geneva Conventions. Sexual violence must therefore be criminalized in domestic law by all states, given that all states are parties to the Geneva Conventions.[114] The ICRC recommends sexual violence be expressly criminalized as a war crime.
- investigating war crimes, including the war crime of sexual violence, allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, prosecuting the suspects.[115]

114 It is well established in international law that rape and other forms of sexual violence are serious violations of IHL, constituting war crimes in both international and non-international armed conflict. ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, Commentary on Art. 2, para 199; GC I, Art. 49(3); GC II, Art. 50(3); GC III, Art. 129(3); GC IV, Art. 146(3); AP I, Arts 85(1) and 86(1); for further detail, see ICRC, *Commentary on the First Geneva Convention*, Cambridge University Press, Cambridge, 2016, Commentary on Art. 49, paras 2896–2898. See also the ICRC's legal tools to support this implementation: ICRC, *Domestic Implementation of International Humanitarian Law Prohibiting Sexual Violence: A Checklist for States and the International Red Cross and Red Crescent Movement*, ICRC, Geneva, 2020: https://www.icrc.org/en/document/checklist-domestic-implementation-internationalhumanitarian-law-prohibiting-sexual; ICRC, *Prevention and Criminal Repression of Rape and other Forms of Sexual Violence during Armed Conflicts* (legal factsheet), ICRC, Geneva, 2015: https://www.icrc.org/en/document/prevention-and-criminal-repression-rape-and-other-forms-sexual-violence-during-armed.

115 Rule 158 of the ICRC study on customary IHL. See also related practice. Rule 158, together with Rule 157, means that states must exercise the criminal jurisdiction that their national legislation confers upon their courts.

D. Lucas/ICRC

The city of Montepuez, in the Cabo Delgado province of Mozambique. Women who fled Palma, after the crisis in March 2021, fetching water from the outskirts of the city. Internally displaced people in Montepuez have limited access to safe water.

CHAPTER 3

INCORPORATING A GENDER PERSPECTIVE IN PARTNERED MILITARY OPERATIONS IN ARMED CONFLICT

A. WHY A GENDER PERSPECTIVE IS IMPORTANT IN PARTNERED MILITARY OPERATIONS (PMO)

The incorporation of a gender perspective into the conduct of PMOs merits close consideration because many contemporary conflicts feature webs of allies, partners and proxies that influence or determine the behaviour of parties to conflict. This presents both risks and opportunities as to whether a gender perspective can be used to reduce civilian harm.

Based on the ICRC's legal reading, around 100 armed conflicts are being fought around the world, to which around 60 states and more than 100 non-state armed groups are parties. The steady multiplication and fragmentation of parties and the increasing prevalence of partnered warfare have contributed to many of today's conflicts becoming increasingly protracted.[116] In many instances, the responsibility for respecting IHL is being diluted, with devastating humanitarian consequences.

As a supporting actor, a state may provide different types of support to another state, or to a non-state actor, to increase the latter's capacity to operate in an armed conflict. More specifically, PMOs refer to formal arrangements between partners to achieve a specific military aim in a conflict. PMOs may include training and advising partner forces, providing intelligence or logistical support, offering kinetic-strike support such as air support, or partnered detention activities. Such support relationships can represent an opportunity to reduce the gendered human cost of war. Allies, partners and proxies can exert a positive influence on partners and take measures to ensure that their support contributes to increasing protection of civilians and other people protected by IHL. Incorporating a gender perspective in PMOs is one such factor that can result in better protection for those affected.

Partners either giving or receiving support may well need to make the case to their partner as to why a gender perspective needs to be built into their protection-of-civilians approach. In this respect, they can draw from the legal, strategic, and ethical reasoning set out in Section A of Chapter 1. This includes presenting a gender perspective as an enabler for achieving the shared strategic objective, using appropriate language on gender tailored to the values of the partner, and conveying that the partnership is at risk if the other commits violations of IHL.

B. MANAGING PARTNERSHIPS: AN ICRC FRAMEWORK OF PRACTICAL MEASURES

Actors preparing to provide or receive such support should be doing more to factor the risks to people affected by military operations into their decision-making. There are numerous practical steps that actors in PMOs can take to maximize compliance with IHL and otherwise reduce negative humanitarian consequences.

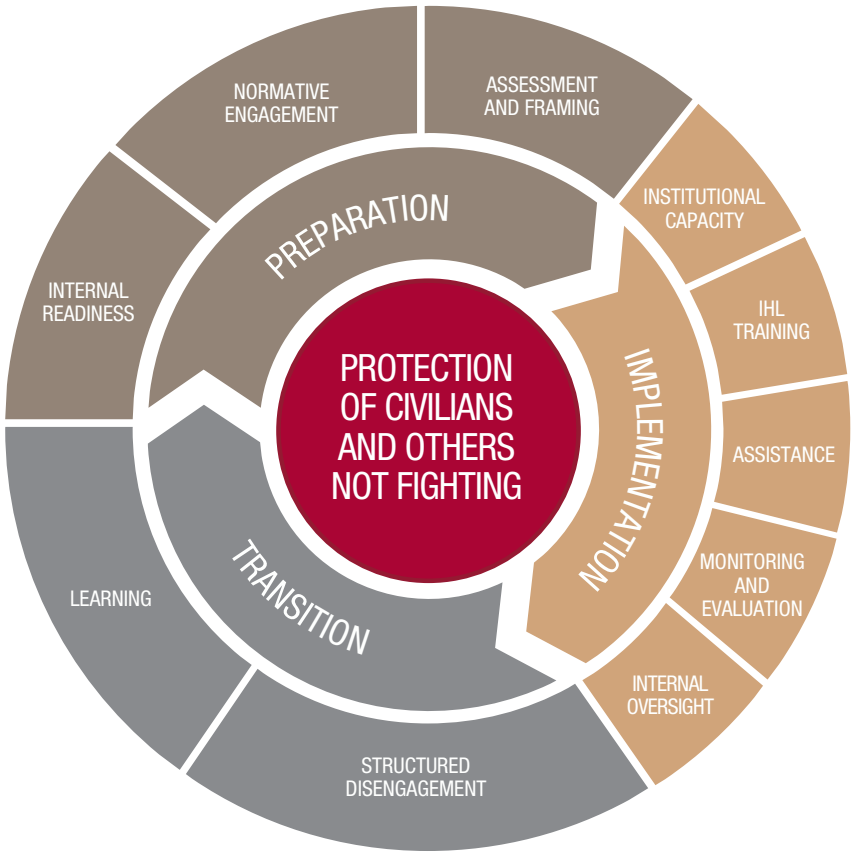
The ICRC uses a framework that divides those practical measures into ten functional groups.[117] This section provides an overview of the framework and how it can be applied by decision makers in support relationships, and the subsequent sections delve more specifically into how a gender perspective could be integrated at each stage.

116 ICRC, *Allies, Partners and Proxies: Managing Support Relationships in Armed Conflict to Reduce the Human Cost of War*, ICRC, Geneva, 2021, p. 19.

117 See the ICRC's website on the Support Relationships in Armed Conflict Initiative for further background: https://sri.icrc.org. See also ICRC, *Preventing Civilian Harm in Partnered Military Operations: A Commander's Handbook*, ICRC, Geneva, 2022, pp. 15–17, 19–23 and 36–41 for background material: https://shop.icrc.org/preventing-civilian-harm-in-partnered-military-operations-a-commander-s-handbook-pdf-en.html.

Phase	Measure	Example of activities
Preparation to engage in a partnership	1. Internal readiness to engage – Improving an actor's own internal functions before engaging in a support relationship	• Framework • Systems and processes • Personnel • Culture and intent
	2. Normative engagement – Engaging with actual or prospective partners to clarify and encourage behaviour that complies with armed-conflict-related norms (legal or otherwise)	• Strategic argumentation • Contribution to norm development and practical guidance • Engagement and influencing • Socialization • Dissemination • Mobilization
	3. Assessment and framing the relationship – Ensuring that the potential partners' intent, capacity and leadership are aligned	• Support assessment • Agreements (e.g. status of forces agreements, memoranda of understanding or technical agreements) • Specific operational readiness • Transition strategy
Implementation of the partnership	4. Institutional capacity building – Preparing a supported party's authorities to protect and assist people during an armed conflict and help them to deal with its associated consequences	• Framework • Systems and processes • Personnel • Culture and intent
	5. Training and education – Helping partner forces understand and operationalize IHL and other relevant rules	• Training • Mentoring • Monitoring and evaluating training and mentoring
	6. Assistance in IHL compliance – Helping a partner to fulfil its IHL obligations or otherwise improve its protection of civilians and others not fighting	• Capacity multiplication • Resources • Substitution of functions
	7. Monitoring and evaluation – Monitoring a partner's actions and, where necessary, calling that partner to account for any problematic conduct	• Monitoring and evaluation • Recording • Investigations (or support for partner's investigations) • Oversight • Accountability
	8. Internal oversight – Ensuring that an actor's own armed forces and other governmental organs operate within the law and are accountable to their own government and constituents	• Internal oversight • Investigations

Transitioning away from the partnership	9. Structured disengagement – Properly planning the process of ending the support, such as by tapering it, in order to minimize disruption of the protection of civilians and others not fighting	• System sustainability • Ongoing protection of civilians and others not fighting • Responsible resource disengagement • Managing the aftermath
	10. Learning – Identifying and incorporating lessons learned from the support relationship, i.e. the knowledge and insight gained from the experience	• Systematic learning to ensure affected people are better protected • Learning together • Incorporating lessons into doctrine and future practice



Different stages of planning throughout a military operation to protect civilians and others not fighting.

C. A GENDER PERSPECTIVE WHEN PREPARING TO ENGAGE

i. Internal readiness

Preparing to partner with other actors in military operations first entails establishing the internal conditions needed to manage such a partnership. A gender perspective should be considered at the outset, in the framework, systems and processes governing the partnership, the personnel involved, and the internal culture and intent driving it.

With regard to personnel, this should involve determining the staff positions that will be involved in support relationships, and selecting and training the individuals for these positions. States should consider whether and how gender advisers will play a role, for example, in partnership management or via options to embed

personnel (such as secondment). If a potential partner has a poor track record on gender equality and violence, states could also consider how best to leverage male colleagues to pass messages that may have the most influence if they were to come from senior male leaders.

The culture and intent of a state vis-à-vis the partner for the military operation will also shape the conduct of the relationship. Leading by example is crucial, including with respect to compliance with international law, internal codes of conduct, and leadership's positioning on gender issues. States should also put in place mechanisms to monitor their own forces' actions within the context of the partnership.

> *"It is important that our forces are exemplary in committing zero violations and showing good practice when it comes to sexual violence. That is important if we want to tell our partners not to commit violations – we have to be exemplary."*
>
> *– Col. Nathalie Durhin, Operational Law Branch Head, NATO/SHAPE Office of Legal Affairs*

ii. Normative engagement

Getting on the same page about the normative framework with the partner can include assessing whether and to what extent gender equality and the prevention of gender-based harm is a norm both partners will factor into their joint work. The relevant norms may be found in international law (both treaty and customary), domestic law, soft law or other guidance, or derived from practice.[118]

Partners should take steps to identify their understanding and implementation of IHL to ensure compliance with their obligations throughout the partnership. For gender perspective purposes, the WPS agenda is a pre-made framework expressly addressing armed conflict that might boost interoperability between partners. Partners' existing WPS national action plans or policies could be reviewed and drawn from to identify existing, shared approaches to gender in how partners talk, train and fight. Some military actors have explicitly acknowledged that the inclusion of a gender perspective and the implementation of the commitments in the WPS agenda should be considered in their cooperative security efforts.[119]

In this vein, some states have set objectives to increase the participation of women in partner armed forces, and have corresponding commitments in their WPS national action plans.[120] This involves being transparent and explicit about this with a potential partner, establishing whether there is political will, working collaboratively to identify and remove obstacles for women's participation within their systems, and assessing potential adverse impacts this may have on women in a particular context.

More generally, actors should consider what reward and recognition systems a prospective partner relies on, and what social and cultural frameworks they adhere to, in order to be able to most effectively influence compliance with shared norms.

118 ICRC, *Support Relationships in Armed Conflict*: https://sri.icrc.org/practical-measures/preparation/normative-engagement.

119 See, for example, NATO Bi-Strategic Command, *Directive 040-001: Integrating Gender Perspective into the NATO Command Structure*, latest revision 2021; first version adopted in 2009, p. 5: https://natolibguides.info/ld.php?content_id=33969175.

120 The following states have made commitments in their WPS national action plans to promote meaningful participation of women or to integrate gender-related issues into technical cooperation with partner governments: Portugal (National Action Plan, p. 40) and the United States (National Strategy, p. 6).

iii. Assessing and framing the relationship

Preparation of any PMO involves ensuring you know your partner. Actors should carefully analyse potential partners and plan support in a manner that more closely aligns the partners in order to reduce the risk of harm to people affected by armed conflict. Conducting a thorough support assessment allows actors to identify risks and opportunities in relation to compliance with IHL and other standards, including the protection of civilians and others not fighting. Any significant concerns can be identified and addressed – and the relationship itself can be reconsidered – before implementation. Based on that assessment, the actors can agree on the parameters of the support relationship, incorporating any measures to address the risks and opportunities identified in the assessment.

Integrating a gender perspective into this assessment could involve asking questions, such as:

- What are the armed forces' regulations regarding women's participation? Are women restricted to certain roles or ranks?
- Does the partner have a code of conduct and/or other codes of military ethics that prohibit sexual harassment and sexual exploitation and abuse, and promote equal treatment in their own forces?
- Are there cultural or social norms regarding gender that differ from yours, and what are the implications of this for women on either side of the partnership?
- Is the partner's leadership open to dialogue on IHL and/or IHRL? On gender and WPS?
- Have serious acts of gender-based violence against women, men, boys or girls, including serious acts of violence against women and children in the context of an armed conflict, been committed in the partner's country and/or by the partner? If violations are known to have occurred, has the partner taken measures to prevent, hold accountable, and suppress such violations by its nationals, by people under its command or on its territory?
- Has the partner agreed to external or other forms of independent monitoring and/or investigations of alleged IHL violations, including gendered violations?
- Has the partner committed serious violations of IHL or IHRL? What is the nature of the violations or the harm suffered across different groups of women, men, girls and boys? What is the scale of the violations? Are certain groups affected disproportionately?

Moreover, regarding the framework for the partnership, actors should consider whether express references to compliance with applicable IHL and IHRL, including gender-related protections and women's rights, can be incorporated into agreements (including international agreements such as Status of Forces Agreements (SOFAs) and non-binding arrangements or other agreements). This would recall the partner's legal obligations and establish a basis for financial or other support to end, or be altered, if a partner perpetrates unlawful gendered harm or other violations. For example, some states that provide equipment to partners conducting military operations include a clause in the agreement or arrangement specifying that the use of such equipment must be in compliance with IHL/IHRL, or that the continuation of the relationship is contingent on IHL/IHRL compliance.

A gender perspective can be built also into other documents used between partners: for example, reporting templates can include standard entry fields related to sexual violence, and where feasible, information-sharing could be standardized to disaggregate by sex, age and disability.

D. A GENDER PERSPECTIVE IN PMO IMPLEMENTATION

i. Institutional capacity building and vetting

Institutional capacity building is one of the activities that might take place in the implementation of a PMO. It refers to the group of measures taken to prepare the institutions that constitute a supported party to undertake activities associated with the conduct and consequences of an armed conflict. A key concern in support relationships is the supported party's institutional capacity to manage and utilize the support it receives in a manner conducive to the protection and assistance of people during armed conflict and in its aftermath.

Partner personnel is one aspect of potential capacity building relevant to gender. Each actor has primary responsibility for selecting and vetting its own personnel. Where these processes do not already exist, supporting actors may be able to assist with establishing and systematically implementing robust, standardized processes for selecting and vetting the members of the armed forces of the party they support. Such processes can help exclude persons convicted of IHL violations or serious criminal behaviour, including sexual violence, when data are available. A state or military coalition may thus implement policies preventing it from partnering with, or rendering support to, actors that engage in proscribed conduct, such as conflict-related sexual violence.[121]

ii. Training and education

Training and education is a common – and critical – area where partners can influence each other's conduct in military operations. Relevant support to partners may include relevant education and training of individuals, pre-deployment training, in-theatre training, and the integration of gender considerations into collective training and exercises. Specific training and education programmes targeting institutional leaders and those at command level, as agents of change, may be particularly valuable.

Actors should consider incorporating a gender perspective into all aspects of such training.[122] "Gender- blind" training can have a negative impact on both the military mission and the ability to protect affected people. Conversely, incorporating a gender perspective into the training can increase situational awareness and result in better protection for those affected. When a gender perspective is included in training it should be aimed specifically at identifying and addressing the particular risks faced by diverse men, women, boys and girls in situations of armed conflict and violence. Joint exercises on a tactical level also bear the promise of building both the knowledge and trust to be able to raise difficult gender-related issues – such as allegations of sexual violence – with greater transparency and shared understanding.

In joint military training exercises with partners, incorporating a gender perspective could entail good practices such as:

- featuring civilians that are men, women, boys and girls, and combatants that are both men and women; training in the implications of this in test scenarios of capture, search, detention, and handover to a partner (how to separate men and women, identify and care for unaccompanied minors, etc.), or in targeting scenarios where the aim is to assess the possible effects (including the indirect ones) of a kinetic strike on the civilian population
- including culturally distinct requirements, intersecting with gender needs, in scenarios
- including a hypothetical incident of sexual violence in the training; testing procedures for responding to and reporting an allegation of sexual harassment or violence
- specifically training partner forces' gender advisers and legal advisers, so that these key personnel can improve implementation.

121 NATO Policy on Preventing and Responding to Conflict-Related Sexual Violence (2021), at [21]: https://www.nato.int/cps/en/natohq/official_texts_184570.htm.

122 The Georgetown Institute for Women, Peace and Security has proposed that "joint military training exercises between partner militaries should be encouraged, to facilitate diffusion/adoption of norms that encourage compliance with IHL, and encourage partner militaries to adopt policies and plans that advance the meaningful participation of women in all peace and security processes and decision-making". See J. Klugman *et al.*, *Can the Women, Peace and Security Agenda and International Humanitarian Law Join Forces?*, GIWPS, Washington DC, 2021, p. 26: https://giwps.georgetown.edu/wp-content/uploads/2021/01/Can-WPS-and-IHL-Join-Forces.pdf.

iii. Gender advisers and focal points

Regardless of whether it is to assist institutional capacity building or training and education, or to advise on IHL compliance, states should consider involving a gender adviser in the implementation of a PMO.

iv. Monitoring, reporting and investigating

A gender perspective should be reflected in the monitoring of a partner's actions and, where necessary, in calling that partner to account for problematic conduct. This tends to be easier when the partnership revolves around training: gender advisers and legal advisers can insert indicators on gender and IHL competencies into mission-assessment processes. Active partnering in the conduct of operations can pose greater challenges for effective monitoring, reporting and investigating, but the stakes are high: violence against civilians, loss of credibility of the mission, and failure to meet connected strategic objectives.

At the outset, partners should establish mutual reporting procedures for alleged violations of the law or of codes of conduct, and be clear about which laws and codes will be monitored. This might help manage the damage to trust that tends to arise in the context of allegations. Partners must be prepared to report possible violations to one another in a neutral way. It is advised to create a reporting channel focusing on security and sexual-violence issues for the civilian population, and to take proactive steps to make it accessible to women and girls. It may be appropriate to implement a dual reporting system, whereby potential violations are reported within the chain of command of each actor in the relationship.

Military personnel on both sides should be instructed that potential violations must be reported. To that end, personnel in supervisory or command positions should be trained to recognize breaches of applicable bodies of law and understand their responsibility. It is also crucial that these personnel be authorized to respond to allegations made by external persons or organizations.

When faced with allegations or possible information regarding a partner committing violations, including gender-related violations such as sexual violence, it is important to establish that there is a duty to report, conduct an investigation, gather first-hand evidence and apply appropriate disciplinary or criminal procedures. Often, establishing your own facts is key: trust your partner, but verify their information. Using information from local stakeholders and actors to "ground truth" can help ensure accuracy of evidence. Proposing support and expertise (through investigators and medical staff trained in the response to sexual violence) in the conduct of the partner's investigations – ideally, leading to a joint investigation – could also be an option.

Sometimes a partner's influence can, of course, be limited. When issues exist but perceived influence is limited, partners could consider if it's relevant and appropriate to point to third-party criticism (where it exists), particularly where it will be viewed as more legitimate or credible (for example, national NGO reports), or to escalate the issue to the political level.

v. Equipment and logistics

Where a PMO involves equipping a partner to conduct military operations, and this includes equipping them to detain and/or provide medical care as part of the operation, actors should consider whether the equipment and logistical support they provide will facilitate detention and access to medical care that take account of age- and gender-differentiated needs. This could involve:

- equipping partners with PEP kits
- considering what training medical personnel have, including in triage for sexual violence and specific responses to it (including psychological support)
- ensuring that appropriate training or awareness accompanies the relevant equipment, if needed
- checking that, in cases where support is provided for detention operations, female sanitary kits, formula for children and appropriately separated facilities are provided.

E. A GENDER PERSPECTIVE IN THE TRANSITION AWAY FROM A PMO

Identifying and incorporating lessons learned from the PMO into doctrine and future practice is important, and has already been a vector for progress on a gender perspective within armed forces in the context of peace operations. The WPS agenda sets out clear requirements for gender integration for peace operation deployments, and this carries forward when troops return home.

Partnering militaries should capitalize on the gender capabilities and skills their armed forces acquire in the course of PMOs. Good practice should be disseminated, standardized and normalized. Peace operation deployments with WPS aspects can be drawn from to adapt policies and procedures at the national level. This includes gender skills learned in peace operation training; drawing lessons from the field such as when troops meet survivors of sexual violence (trained to recognize, respond to and refer); reporting possible violations; and mapping civil-society actors who can help mitigate civilian harm.

More generally, the credibility, trust and sustainability of PMOs tends to depend on long-term commitment, presence and relationship-building among the partners. A challenge in this respect is that staff rotations tend to be short – for example, six months or a year. Mitigation of this rotation is possible by, for example, staged rotations, so that there is always some institutional memory in the personnel present, though the core issue remains that partnerships require sustained investment to have impact. Partner forces who are ending a given military operation should carefully consider and plan for transition, including with respect to what organizations, including civil-society organizations, can fill gaps and meet gender-related needs.

K. Hayeri/ICRC

Kabul, Afghan Red Crescent Society District Hospital. Instructors prepare the room for the COVID-19 training session.

ANNEXES

ANNEX 1

LIST OF PARTICIPANTS

The following experts took part in the meeting on 13 and 14 October 2022:

1. Brigadier-General Fadzillah binti Abdullah, Royal Malaysian Air Force, Director-General of Defence Training Department, Malaysian Armed Forces HQ, Defence Operations and Training Division, Ministry of Defence, Malaysia (*virtual attendance*)
2. Maj. Sander Agterhuis, Gender Adviser, Ministry of Defence, Netherlands
3. Ms. Joanne Crouch, Human Security Policy Lead, Ministry of Defence, United Kingdom
4. Col. Nathalie Durhin, Operational Law Branch Head, NATO/SHAPE Office of Legal Affairs
5. Ms Cori Fleser, Nonresident Senior Fellow, Transatlantic Security Initiative at the Atlantic Council's Scowcroft Center for Strategy and Security
6. Commander Heather Fogo, Director, Strategic and Operational Law, Office of the Judge Advocate General, Canadian Armed Forces
7. Lt-Col. Lausanne Nsengimana Ingabire, Office of Military Affairs, Military Gender Focal Point, United Nations Department for Peace Operation (*virtual attendance*)
8. Sen. Col. Liang Jie, Associate Professor, Department of Military Law, Political Academy, National Defence University of the Chinese People's Liberation Army (*virtual attendance*)
9. Lt-Col. Tambudzai Kanengoni, Senior Military Officer, Zimbabwe Defence Forces (*virtual attendance*)
10. Dr Maike Kuhn, Legal Adviser, Federal Ministry of Defence, Germany
11. Col. Deng Mabior, Legal Adviser, Office of Chief of Defence Forces, South Sudan People's Defence Forces
12. Ms Elin Malmsköld, Gender Adviser, Joint Forces Command, Swedish Armed Forces
13. Sr Lt. Sa Minh Ngoc, Staff Officer, Vietnam Department of Peacekeeping Operations, Ministry of National Defence, Viet Nam
14. Commander Tyson Nicholas, RAN, Staff Officer for Gender, Peace and Security, Royal Australian Navy
15. Maj. Irini Pantzou, Legal Adviser, Deputy Head of the International Law Department, Hellenic National Defence General Staff, Greece (*virtual attendance*)
16. Mr Jody M. Prescott, Lecturer, University of Vermont (*virtual attendance*)
17. Maj. Rawan Hasan Moh'd Rashaideh, Peacekeeping Coordinator, Directorate of Military Operations, Jordanian Armed Forces

18. Lt. Commander Gustavo Schneider, Coordinator of the Global Organizations Section, Ministry of Defence, Brazil (*virtual attendance*)

19. Maj. Tavga Ibrahim Hama Sharif, Deputy of Gender Unit, Ministry of Peshmerga, Iraq Kurdistan Region, Iraq

20. Lt. Commander Lisa Steel, Military Gender and Protection Adviser, United Nations Mission in South Sudan

21. Lt. Col Khadessa Sy, Chief of Gender Department and IHL Coordinator, Senegalese Armed Forces

International Committee of the Red Cross
- Dr Lindsey Cameron, Head of the Unit of Thematic Legal Advisers
- Dr Cordula Droege, Chief Legal Officer and Head of the Legal Division
- Carin Naike Kohl, Global Affairs Adviser
- Vanessa Murphy, Legal Adviser
- Abby Zeith, Legal Adviser

Nordic Centre for Gender in Military Operations
- Lt-Col. Olov Kesselmark, Commandant
- Maj. Linda Johansson, Officer in Command of the Capability and Cooperation Department
- Paula Iwanowska, Legal Expert
- Julia Dalman, Legal Analyst

Swedish Red Cross
- Kristina Lindvall, Senior Legal Adviser
- Angelica Widström, Legal Adviser

ANNEX 2

SCENARIOS DISCUSSED AT THE EXPERT MEETING

BACKGROUND FOR SCENARIOS

Nepi is a coastal country with a population of ten million and has for many years been a busy regional hub. An armed conflict exists between a non-state armed group and the government of Nepi. The wealth and power of Nepi is located in the port city of Agul, with a population of 2.5 million people. Agul is home to the region's major hospital and maternity ward and university, along with numerous local NGOs, including women's organizations.

Agul is currently under the control of a non-state armed group. The Nepi military is in position to begin a military operation to take back control of Agul.

The most recent census demographic data on the city of Agul, dated 2015, indicates that approximately 51 per cent of the population is female, meaning about 1.25 million; some 57 per cent of the population is below the age of 18 – meaning 1.425 million children and, of these, 726,750 are girls.

According to government sources, prior to the occupation there used to be several markets in Agul that were mostly used by women, and school attendance by boys and girls was generally high. Since the armed group took control of Agul, it is known that most schools are closed and the government suspects that women are also remaining at home to take care of them, due to safety concerns. There is little government data as to other gender or age-based variations in the use of the urban space. The women's organizations, on the other hand, have significant knowledge and information regarding the needs and patterns of movement of women and girls in Agul, and there is an informal communication network connecting the women's organizations.

Relevant treaties to which Nepi is party: The Geneva Conventions of 1949 and their Additional Protocols of 1977, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), and the Convention on the Rights of the Child (CRC).

SCENARIO ONE

As part of the planned military operations to retake Agul, the Nepi forces will first conduct air strikes on specific strategic targets within the city, including a bridge that connects the northern and southern districts. Once the bridge is destroyed, the evacuation options will be significantly limited to rough roads and inhospitable terrain.

In preparation for the air strikes and ground operations, the Nepi military forces, in line with their IHL obligations, have begun dropping leaflets warning of the impending attack and sending SMS text messages to inhabitants' mobile phones. The locations, times, and instructions on how to access escape routes for civilians are included in the leaflets and SMS text messages. Within the city of Agul, the pre-existing civil authorities have set up some shelters for those individuals who do not wish or are unable to leave.

Currently, there is no coordination between the civil authorities in Agul and Nepi military to provide transportation to and through the escape routes, though communication between them is possible. In addition, there has not been any planning or attempts by any of the authorities to provide specific evacuations processes for persons who are less physically mobile, such as the elderly, those with young children or people with disabilities.

As the civilians start to evacuate the city, the Nepi military has set up internally displaced people (IDP) sites outside the city to house them. In preparing these IDP camps, the Nepi government has not consulted with the

women's organizations or civil authorities to determine the specific needs and demographics of the population they will be receiving. Moreover, the process of registration at the IDP camps requires formal ID and the completion of long forms, and does not ask individuals whether they require any specific assistance.

In the planning and preparation, the Nepi military has not specifically sought to address gender-distinct needs. Nonetheless, the Nepi military states that it has been compliant with all IHL requirements.

SCENARIO TWO

As the Nepi forces prepare for air strikes and ground assault on the city of Agul, the military commanders have convened their legal advisers to ensure compliance with IHL obligations, and in particular to ensure that all feasible precautions are taken by commanders in the field. The Nepi military employs a number of weapon systems and platforms, including some drones and a variety of munitions.

It is standard practice for the Nepi military to conduct targeting assessments before carrying out air strikes or artillery strikes, especially in urban environments to minimize harm to civilians and civilian objects. The Nepi military is relying on demographic data from the last census in 2015, personal knowledge and information of the area among commanders and their advisers, and Google Earth to determine the areas to avoid striking. While there is some limited technological and human intelligence capacity, there are no plans to conduct surveillance or observation of the civilian presence in the areas of operation to assess their current daily activities and patterns of movement, or to determine their reactions to and challenges caused by a military operation. Importantly, women, men, boys and girls do not generally follow the same daily activities or patterns of movement in Agul.

Prior to the conflict, women faced several barriers to accessing transportation and health care. Women were less likely to have a driver's licence, have fewer financial resources combined with primary responsibility to ensure children are fed, and social norms are such that women are expected to be treated by female medical workers. With the impending attack, the services relied on by civilians have ceased operation or have been severely hindered. The electricity and water supply have become intermittent due to fighting near the power sub-station and water plant near the city. This interruption of services has meant women and children have begun to collect water from specific city collection points once a day. Furthermore, this lack of essential services means that the hospital's maternity centre and the paediatric ward are operating with significantly reduced capacity.

The Nepi military is planning to use explosive weapons with wide area effects in their attack on Agul, based primarily on the assumption that the civilian population will have evacuated or sought shelter in designated areas. However, the non-state armed group has released a directive stating that all men between the ages of 18 and 60 must not leave Agul, and prevented some from doing so. Many of this group have been forced into roles performing support functions for the non-state armed group, including acting as messengers and preparing defensive positions. Furthermore, because of the lack of accessible transport and warnings that were not received, some women and children have yet to make it to safety. This has placed some civilians on the path of the impending ground assault, even though a significant number of the civilian population has left and is waiting to register at the IDP sites.

The Nepi military has begun its attack on the city of Agul. While the main force of the non-state armed group has been pushed out of the northern district of the city, air strikes and heavy fighting continue, and about 400,000 civilians still remain in the city. The Nepi military, in an effort to secure the northern outskirts, has begun a house-to-house clearing operation. As this is carried out, a reality becomes clear to the commanders. A larger than expected number of persons injured seem to be civilian men, women, boys and girls. In a number of instances, the situation escalates into violence as soldiers are feared to be abducting injured women, when in fact they are attempting to get them to medical care. Without guidance or training, the commanders are unsure what to do.

SCENARIO THREE

It is now six months following the battle of Agul, when Nepi military forces successfully retook the port city from the non-state armed group. Since retreating from Agul, the non-state armed group has regrouped in rural areas of Nepi. The group continues to have a strong guerrilla presence in these areas, where it regularly carries out attacks against Nepi military installations.

As the Nepi government struggles to maintain territorial control in rural areas, it requests support from a foreign state partner, Ipen. You are the commander or a senior planner of the military unit who is deployed from Ipen to advise and assist the Nepi military. Ipen is providing military training, advice and equipment including small arms to the Nepi military in the ongoing armed conflict with the non-state armed group. Nepi is a party to the armed conflict, with corresponding IHL obligations, while Ipen is not a party to the armed conflict.

The vast majority of Nepi's soldiers are conscripts and the non-commissioned officer corps is weak. Many of Nepi's senior officers have attended foreign staff and war colleges, and therefore follow the same or similar approaches to your own officers.

Reports begin to emerge in media and from human rights organizations regarding sexual violence carried out by Nepi soldiers in the rural areas. Local and international media have also begun to criticize the high number of civilian casualties resulting from clashes in villages between Nepi forces and the non-state armed group. While you are concerned by these reports since Nepi soldiers have undergone training conducted by Ipen, your government does not want to end its relationship with Nepi armed forces, because the partnership has strategic value and contributes to Ipen's national security objectives. Furthermore, the allegations of sexual violence indicate that it takes place sporadically rather than as a coordinated strategy of warfare. You do however want to put in place mitigating measures to address problematic behaviour of your Nepi partner and prevent further issues.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

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