MODULE NINE

Using International and National Laws to Advocate on Gender and Security Sector Reform

A Women’s Guide to Security Sector Reform Training Curriculum
Acknowledgements

Over the last decade, Inclusive Security and DCAF have conducted dozens of training workshops with women and men in countries undergoing security sector reform processes. We wish to thank all those who have participated in these trainings, sharing their stories, their wisdom and their experience, and helped us in turn to develop the training approaches reflected in this curriculum.

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DCAF

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector. DCAF develops and promotes norms and standards, conducts tailored policy research, identifies good practices and recommendations to promote democratic security sector governance, and provides in-country advisory support and practical assistance programmes.

DCAF’s Gender and Security Division works through research, technical advice and regional projects to support the development of security sectors that meet the needs of men, women, boys and girls; and promote the full participation of men and women in security sector institutions and security sector reform processes.

Visit us at: www.dcaf.ch. Contact us at: gender@dcaf.ch.

Inclusive Security

Inclusive Security is transforming decision making about war and peace. We're convinced that a more secure world is possible if policymakers and conflict-affected populations work together. Women's meaningful participation, in particular, can make the difference between failure and success. Since 1999, Inclusive Security has equipped decision makers with knowledge, tools, and connections that strengthen their ability to develop inclusive policies and approaches. We have also bolstered the skills and influence of women leaders around the world. Together with these allies, we're making inclusion the rule, not the exception.

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MODULE OVERVIEW:
Using International and National Laws to Advocate on Gender and Security Sector Reform

Learning Objectives

• Participants are able to recall specific international legal standards that require that SSR address gender equality and involve women.

• Participants are able to identify state and/or local laws, policies, and procedures relevant to gender and SSR.

Background Resources for Trainers


### Time | Description
--- | ---
5 minutes | **9.1 Introduction to the Module**
  | 9.1.1 Facilitator Talking Points

30 minutes | **9.2 International and Regional Standards for Gender Equality and Women's Inclusion**
  | 9.2.1 Activity: International Standards Quiz
  | 9.2.2 Facilitator Talking Points: International and Regional Standards

55 minutes | **9.3 National Legal Standards for Gender Equality and Women's Inclusion**
  | 9.3.1 Activity: Identifying Laws, Policies, and Procedures as Tools and Entry Points for Advocacy

5 minutes | **9.4 Wrap up**
  | 9.4.1 Facilitator Talking Points: Points to Take Away

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**Adapting the Module**

**Assessment Questions**

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**Total Time: 1 hour 35 minutes**
9.1 Introduction to the Module

9.1.1 Facilitator Talking Points

**Background for Facilitator**
This section introduces the purpose and learning objectives of the module.

**Facilitator Talking Points**

- In Module 3 we talked about what gender and gender equality mean, and in Module 4 we looked at how a person’s security and justice needs are affected by the gender roles in their society. In Modules 5 and 6, we focused on security sector reform and the important contributions that civil society can make to SSR processes and to security sector oversight more broadly. In Module 7 we explored why gender and gender equality are important for SSR, and why it is important—for both effectiveness and accountability—to involve women in any SSR process. We also started identifying practical ways to ensure that SSR promotes gender equality. In Module 8 we focused on supporting women working within security sector institutions as one particular area where civil society can promote gender equality within SSR.

- A number of international and regional legal standards refer to gender equality and women’s inclusion in security decision-making and security sector institutions; these standards establish specific SSR responsibilities for the government and for security sector institutions. In this module, we discuss using these international, regional, and national laws to advocate for a focus on gender equality and women’s participation in SSR.

- After this module, you will be able to:
  - Recall specific international legal standards that require that SSR address gender equality and involve women.
  - Identify state and/or local laws, policies, and procedures relevant to gender and SSR.

**Materials Needed**
None

**Learning Objectives**
Participants are able to identify the purpose and learning objectives of this module.

**Time** 5 minutes
9.2 International and Regional Standards for Gender Equality and Women’s Inclusion

9.2.1 Activity: International Standards Quiz

Background for Facilitator
This activity will assess participants’ baseline knowledge of international instruments on gender equality, women’s participation, and SSR.

The quiz lists several international legal standards, but if you are able to add relevant regional legal instruments, do so.

Instructions
Distribute the Quiz on International Legal Standards Relating to Gender Equality, Women’s Participation, and SSR (see annex). Explain that the first column on the handout contains a list of international standards relating to gender equality and SSR, and the second column contains summaries of those standards. Have participants match the titles of the legal standards with the correct summaries and mark their answers in the answer grid.

Debrief

Facilitator Instructions
Ask the participants if anybody got three (or more) correct. Distribute small prizes, if you wish.

Highlight that even these short summaries demonstrate that international laws and standards require gender equality and women’s inclusion in SSR.

Materials Needed
Presentation slides; Quiz on International Legal Standards Relating to Gender Equality, Women’s Participation, and SSR handout

Learning Objectives
Participants are able to recall specific international legal standards that require that SSR address gender equality and involve women.

Time 10 minutes
9.2.2 Facilitator Talking Points: International and Regional Standards

Background for Facilitator

This presentation is a short overview of international and regional standards related to gender equality and security. Participants experienced in using these standards in their advocacy may not require it. Adapt any references to regional standards to the participants’ context. Also, check for any newly-adopted UNSCRs on women, peace and security, or other international norms that you might need to add to the presentation.

Instructions

Distribute the International and Regional Laws and Standards on Women, Peace, and Security handout (see annex), referring participants to it as needed during your presentation. Depending upon your training audience, present the session as interactively as possible. For example, ask “What specific international or regional laws do you refer to in your advocacy?” or “What do the UNSCRs on women, peace, and security say about women’s participation?” and use the below talking points to fill the gaps in your participants’ knowledge.

Facilitator Talking Points

- Following World War II and the establishment of the United Nations in 1945, a number of international conventions (legal standards) were adopted detailing the rights and freedoms of human beings, and the obligations of states to ensure these rights and freedoms. Also important are the Universal Declaration of Human Rights (UDHR) of 1949 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979.

- The UDHR affirms that all human beings are born free and equal, and that everybody is entitled to all the rights and freedoms set forth in the Declaration without distinction due to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

- CEDAW was developed by the UN Commission on the Status of Women. It addresses the advancement of women, describes the meaning of equality, and sets forth guidelines on how to achieve women's equality. CEDAW holds States Parties responsible for adopting the appropriate legislation and other measures to prohibit discrimination against women and establish legal protections for women's equal rights. With regard to security sector reform, CEDAW requires States to ensure the right of women: “[t]o participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government” (Art.7-b). With regard to women’s participation in the security sector, CEDAW requires States to ensure women’s rights to the same employment opportunities, promotion, job security, equal remuneration, and equality before the law. As of April 2017, 189 countries had ratified CEDAW.
• Another important normative instrument, adopted in 1995 at the Fourth World Conference on Women, is *The Beijing Declaration and Platform for Action*. It is a political commitment rather than a convention, so it is not legally binding, but it is nonetheless influential. It identifies 12 areas of “critical concern” and hundreds of actions to be taken to advance and empower women, including numerous obligations related to the security sector. These obligations include ensuring access to free or low-cost legal services; striving for gender balance in government bodies, public administrative entities, and the judiciary; and providing gender-sensitive human rights education and training for police, military, corrections officers, and members of the judiciary, amongst others.

National Action Plans for the Implementation of UNSCR 1325 on Women, Peace and Security

• Since 2000 a number of **UN Security Council Resolutions (UNSCRs)** have been adopted addressing women, peace, and security.

• Many countries have now adopted National Action Plans to help direct national-level implementation of these resolutions. National Action Plans can be useful tools to ensure that governments are held accountable to the commitments they have made. *If applicable, mention that the participants’ home country’s National Action Plan(s) will be examined in the following activity.*

• The UNSCRs on women, peace, and security refer to security sector reform both directly and indirectly. They emphasize that SSR must be gender-responsive, and specifically underscore the importance of: women’s equal and effective participation and full involvement in all stages of SSR, the inclusion of more women in the security sector, and effective vetting processes in order to exclude perpetrators of sexual violence from the security sector.
UNSCRs on Women, Peace & Security: themes related to SSR

- Preventing and responding to sexual violence
- Protection of women, men, girls and boys in post-conflict and SSR processes based on their different needs
- Participation of women in decision-making
- Participation of more female staff in peacekeeping activities and the security sector
- Promoting gender perspectives in peacekeeping and peacebuilding activities

- These resolutions specifically commit the UN to:
  - Including provisions that facilitate women’s full participation and protection in SSR.
  - Assisting national authorities to address sexual violence in SSR processes and arrangements, including by providing adequate training for security personnel, encouraging the inclusion of more women in the security sector, and effectively vetting personnel to exclude from the security sector those who have perpetrated sexual violence.

- There are also regional legal standards and instruments that ensure gender equality and women’s involvement in SSR. For example:
  - The Economic Community of West African States Protocol on Democracy and Good Governance stipulates that “Member States shall take all appropriate measures to ensure that women have equal rights with men ... to participate in the formulation of government policies and the implementation thereof and to hold public offices and perform public functions at all levels of governance” (Art. 2-3).
  - The African Union Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa from 2003 states that “States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures” (Art. 2-1); “States Parties will ensure “increased and effective representation and participation of women at all levels of decision-making” (Art. 9-2); and that “women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace” (Art. 10-1).
9.3 National Legal Standards for Gender Equality and Women’s Inclusion

9.3.1 Activity: Identifying Laws, Policies, and Procedures as Tools and Entry Points for Advocacy

Background for Facilitator

This activity uses the security risks and barriers to justice flipchart from Module 4. If this activity has not been done (or did not work well), a simple brainstorming and identification of issues to work on can be done instead.

In advance, review the flipchart from Module 4. If it is too difficult to read, rewrite the key points on a fresh flipchart or presentation slide.

Research the participants’ national legal framework concerning specific protections for women and/or girls, other gender-related security issues, and women’s equal participation in public and/or security decision-making. Include any National Action Plan or strategy to implement UNSCR 1325. You will need to understand to what extent the laws concerning these matters are national or sub-national (i.e., regional or local). This may be a good session in which to engage a local legal expert as a co-facilitator.

Facilitator Talking Points

- Many of you will already be familiar with your nation’s laws related to gender-based violence and women’s participation and may already refer to them in your advocacy. In this exercise, you are going to think specifically about how these laws address gender in relation to security sector reform: how you can use them to advocate for making gender equality an explicit objective of SSR and for measures that ensure women’s equal participation in SSR. For example, criminal laws and laws on police procedure define which types of gender-based violence are recognized as crimes and set requirements for police investigation. Policy commitment to “community-based policing” might require the police to consult with local organizations about problems and services. Constitutional guarantees of equality in public life could be invoked to argue for women’s involvement in all high-level decision-making processes. Inadequate laws, policies, and procedures could themselves be the subject of your gender and SSR advocacy.

Materials Needed
- Security risks and barriers to justice flipchart from Module 4; flipcharts; tape; markers

Learning Objectives
- Participants are able to identify state and/or local laws, policies, and procedures relevant to gender and SSR.

Time 55 minutes
Instructions

Present the flipchart from Module 4, upon which participants identified different security needs and barriers to justice for groups of men, women, boys, and girls in their communities. Remind participants how they created this map, then, using it as a reference, facilitate a group brainstorm to develop a list of six issues to focus on in this activity. Aim for a mix of issues related to gendered security needs and women’s participation in the security sector or security decision-making. (15 minutes)

Divide participants into six groups, assigning one issue to each. Ask each group to discuss state and/or local laws, policies, or procedures that they are aware of that relate to their assigned issue. If relevant, remind them to think about their country’s National Action Plan on women, peace, and security. They should identify local laws, policies, or procedures that:

• Could be used to advocate for making gender equality an explicit objective of SSR and/or to argue for measures ensuring women’s equal participation in SSR (“tool”); and

• Are inadequate in meeting international commitments related to gender, security, and women’s participation and thus could be the subject of advocacy to revise and improve them (“entry point”).

Each group should note the laws, policies, and procedures they identify on a flipchart, highlighting whether they are a tool or an entry point. (20 minutes)

Have the groups display their flipcharts and assign one or two group members to stand by each one, explaining it to their fellow participants as they circulate around the room. (15 minutes)

Debrief

Facilitator Instructions

Bring the group back together and close by asking the group what ideas for gender and SSR advocacy this activity has inspired. (5 minutes)
9.4 Wrap Up

9.4.1 Facilitator Talking Points: Points to Take Away

Background for Facilitator
This section highlights the main points of the module.

Facilitator Talking Points

• This module focused on how international and regional laws and norms refer to women's equality, women's participation, the security sector, and SSR. These laws, instruments, and norms establish specific responsibilities for the security sector. They affirm women's right to participate in SSR processes.

• In this module, you identified national laws, policies, and procedures that contain similar commitments and highlighted the ways in which certain national laws, policies, and procedures fall short of meeting international commitments regarding gender, security, and participation.

• International, regional, and national laws and norms can all be used as advocacy tools to advocate for making gender equality an explicit objective of SSR, to argue for measures ensuring women's equal participation in SSR, or simply to argue for better local level security services and consultation processes.
Adapting the Module

Less Time

9.3.1 Activity: Identifying Laws, Policies, and Procedures as Tools and Entry Points for Advocacy *(SAVE 30 MINUTES)*

The identification of relevant laws, policies, and procedures could be set as an overnight “homework task” (perhaps using the internet) to save time during the training session.

More Time

9.3.2 Activity: Identifying Laws, Policies, and Procedures as Tools and Entry Points for Advocacy *(ADD 60 MINUTES)*

If you have an additional 60 minutes, participants could role play an advocacy action. Explain the activity as follows:

Imagine your civil society organization has been invited to present at a parliamentary committee hearing. Select two people from your group to play members of this committee. They will come up with two critical questions regarding the gaps you identified in the laws and policies that pertain to your topic.

The rest of the group’s participants will play the CSO representatives. In the committee meeting, these organization members have three minutes to present the key gaps they have identified, explain what they can do to address them, and what support they will need from the parliament.

Give each group 15 minutes to prepare (separately).

Once each group is ready, let them role play the committee hearing in front of the rest of the participants (10 minutes each = at least 40 minutes, depending on the size of the group).

Alternative advocacy actions that could be added to Activity 9.3.1 include developing an advocacy plan (following a template) to change this policy/law or drafting a press release for the media aimed at convincing the general population how this law/policy needs to be changed.
Assessment Questions (Blank)

Q.9.1 Which international law establishes women’s right to equal participation in the formation of government and explicitly prohibits discrimination against women? (select one)

d. The Universal Declaration of Human Rights.

Q.9.2 UN Security Council Resolutions (UNSCRs) on Women, Peace, and Security: (select one)

a. Call on States to eliminate gender disparity in primary and secondary education and actively support women’s participation in political processes on all levels.
b. Call on States to prevent violations of women’s rights, to support women’s participation in peace negotiations and in post-conflict reconstruction, and to protect women and girls from sexual and gender-based violence in armed conflict.
c. Call on States to disarm and commit to rely on peaceful negotiation to resolve international disputes.
d. Address domestic violence, which is known to increase during and after conflict.

Assessment Questions (Answer Key)

Q.9.1 Which international law establishes women’s right to equal participation in the formation of government and explicitly prohibits discrimination against women? (select one)

d. The Universal Declaration of Human Rights.

Q.9.2 UN Security Council Resolutions (UNSCRs) on Women, Peace, and Security: (select one)

a. Call on States to eliminate gender disparity in primary and secondary education and actively support women’s participation in political processes on all levels.
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c. Call on States to disarm and commit to rely on peaceful negotiation to resolve international disputes.
d. Address domestic violence, which is known to increase during and after conflict.
ANNEX
Quiz on International Legal Standards Relating to Gender Equality, Women’s Participation, and SSR

The table below contains:

- In the first column: a list of international standards relating to gender equality and SSR; and
- In the second column: a summary of one of these standards.

Match the international standards with their correct summaries (A to E), and mark your answers in the grid below.

<table>
<thead>
<tr>
<th>International standard</th>
<th>Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 United Nations Security Council Resolution 1325 (2000)</td>
<td>A Addresses the advancement of women, describes the meaning of equality and sets forth guidelines on how to achieve it. It holds States responsible for adopting the appropriate legislation and other measures to prohibit discrimination against women and establish legal protection of their equal rights.</td>
</tr>
<tr>
<td>2 Universal Declaration of Human Rights (1948)</td>
<td>B Calls on the parties to armed conflict to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and to end impunity and prosecute those responsible for crimes, including sexual and other violence. Also calls on parties to include a gender perspective in peace negotiations and increase women’s participation in peace negotiations, with particular attention to supporting local women’s peace initiatives.</td>
</tr>
<tr>
<td>3 United Nations Security Council Resolution 1888 (2009)</td>
<td>C States’ commitments include ensuring access to free or low-cost legal services; striving for gender balance in government bodies, public administrative entities, and the judiciary; and providing gender-sensitive human rights education and training for police, military, corrections officers, members of the judiciary, members of parliament, and people who deal with migration issues.</td>
</tr>
<tr>
<td>4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)</td>
<td>D This is the most comprehensive international treaty on women’s rights. States that are party to this treaty are legally obligated to undertake measures to end all forms of discrimination against women, including incorporating the principle of equality of men and women in their legal systems, abolishing discriminatory laws and adopting laws prohibiting discrimination against women, ensuring access to justice and equal protection of the law, and taking measures to ensure women are protected from discrimination by others in society. Specific provisions on the participation of women in political and public life, in government, and at the international level exist, as do provisions regarding the realization of all human rights. A committee is in place to monitor State compliance.</td>
</tr>
<tr>
<td>5 Beijing Declaration and Platform for Action (1995)</td>
<td>E Focuses on sexual violence as tactic of war, urging member States to take effective steps, also in peacekeeping missions with a comprehensive prevention and response, to halt the use of sexual violence in war. It calls for the appointment of a Special Representative of the Secretary General to drive forward response efforts and in particular provide leadership and coordination of UN efforts to address sexual violence.</td>
</tr>
</tbody>
</table>
### Answer Key

<table>
<thead>
<tr>
<th>International standard</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Universal Declaration of Human Rights (1948)</td>
<td>D</td>
</tr>
<tr>
<td>4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)</td>
<td>A</td>
</tr>
<tr>
<td>5 Beijing Declaration and Platform for Action (1995)</td>
<td>C</td>
</tr>
</tbody>
</table>
International and Regional Laws and Standards on Women, Peace and Security (WPS)¹

**Universal Declaration of Human Rights (1948)**

The United Nations General Assembly states that each individual should enjoy his/her freedoms and rights “without distinction of any kind” (article 2) and that “all are equal before the law and are entitled without any discrimination to equal protection of the law” (article 7).

**Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979)**

CEDAW was adopted in 1979 by the UN General Assembly. As of April 2017, 189 countries are party to the Convention. The Convention emphasises the equality of men and women and their equal entitlement to fundamental freedoms and human rights (article 1). Based on these premises the Convention holds state parties responsible for the adoption of appropriate legislation and other measures, such as repealing discriminatory national penal provisions. It also highlights women’s right “to participate in the formulation of government policy and implementation thereof and to hold public office and perform all public functions at all levels of government” (article 7 b). Equal employment opportunities and remuneration are also among the commitments made in the Convention.

**Declaration on the Elimination of Violence against Women (1993) adopted by the UN General Assembly**

This is the first international human rights instrument to exclusively and explicitly address the issue of violence against women (VAW). It affirms that VAW violates, impairs or nullifies women’s human rights and their exercise of fundamental freedoms. Until this instrument was passed, governments tended to regard VAW largely as a private matter between individuals and not as a pervasive human rights problem requiring state intervention. The Declaration provides a definition of gender-based abuse as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

**The Beijing Declaration and Platform for Action (1995)**

While not legally binding, The Beijing Declaration and Platform for Action is a set of international commitments by governments to combat gender-based violence and achieve gender equality in all spheres of society, including the security sector. It has a specific focus on women affected by armed conflict.

**UN Security Council Resolutions (UNSCRs) on women, peace and security**

The resolutions on women, peace and security cover five broad themes:

- The inclusion of women in leadership positions and at all levels of decision-making processes related to SSR and the prevention, management and resolution of conflict.
- The integration of gender perspectives into peacekeeping and peace building activities.
- The inclusion of more female professionals in peacekeeping and in the security sector.
- The consideration of the different needs of women, men, girls and boys in all post-conflict processes.
- The creation, in consultation with women, of reforms and mechanisms to prevent and respond to sexual violence.

**UN SCR 1325 (2000)**

UN SCR 1325 was the first resolution to acknowledge the role of women in conflict resolution and peacekeeping as critical for international peace and security. The resolution urges Member States to increase the number of women at all decision-making levels in national, regional, and international institutions as well as in conflict prevention, management, and resolution mechanisms.

**UN SCR 1820 (2008)**

UN SCR 1820 condemns the use of rape and other forms of sexual violence in conflict situations, stating that rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide. The resolution calls on Member States to comply with their obligations to prosecute the perpetrators of sexual violence, to ensure that all victims of sexual violence have equal protection under the law and equal access to justice and to end impunity for sexual violence.

**UN SCR 1888 (2009)**

UN SCR 1888 builds on UN SCR 1820 and requests the UN Security General to rapidly deploy a team of experts to situations of particular concern regarding sexual violence. The resolution further calls for the appointment of a special representative to lead efforts to end conflict-related sexual violence against women and children and to include information about the prevalence of sexual violence in reports by UN peacekeeping missions to the Security Council.

**UN SCR 1889 (2009)**

UN SCR 1889 reaffirms the provisions of UN SCR 1325, stressing the need for Member States to effectively implement it. UN SCR 1889 also calls on the Secretary General to develop a strategy, including through appropriate training, to increase the number of women appointed to pursue good offices on his behalf and tosubmit with six months a set of indicators to track implementation of the resolution.
UN SCR 1960 (2010)
UN SCR 1960 builds on UN SCRs 1820 and 1999, further strengthening monitoring and reporting relating to sexual violence. The resolution establishes institutional tools to combat impunity and outlines specific steps needed for both the prevention of and protection from sexual violence in conflict.

UN SCR 2122 (2013)
UN SCR 2122 puts in place a roadmap for a more systematic approach to the implementation of commitments on women, peace and security. Concretely, these measures include: the development and deployment of technical expertise for peacekeeping missions and UN mediation teams supporting peace talks; improved access to timely information and analysis on the impact of conflict on women and women's participation in conflict resolution in reports and briefings to the Council; and strengthened commitments to consult as well as include women directly in peace talks.

The resolution addresses the rights of women who are pregnant as a result of rape during conflict and recognizes the need to ensure that humanitarian aid includes support for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape.

UN SCR 2242 (2015)
UN SCR 2242 encourages assessment of strategies and resources in regards to the implementation of the women, peace and security agenda. It highlights the importance of collaboration with civil society; and calls for increased funding for gender-responsive training, analysis and programmes. The resolution urges that gender be considered a cross-cutting issue within the approaches to countering violent extremism and counter-terrorism.

Regional instruments with provisions protecting gender equality and women’s involvement in SSR include:

- The Economic Community of West African States *Protocol on Democracy and Good Governance* (2001)