

Response to Public Consultation on Ireland’s Third National Action Plan on Women, Peace and Security

Dr Catherine O’Rourke, Transitional Justice Institute, Ulster University

Dr Aisling Swaine, Centre for Women, Peace and Security, London School of Economics and Political Science

Thank you for the opportunity to offer input to the development of Ireland’s Third National Action Plan on Women, Peace and Security. Our response draws on our prior jointly authored work for UN Women, *Guidebook on CEDAW General Recommendation No. 30 and the UN Security Council Resolutions on Women, Peace and Security (2015)*¹ and ‘CEDAW and the UN Security Council: Enhancing Women’s Rights in Conflict’, *International and Comparative Legal Quarterly* 67, 167-159 (2018).² Our input will focus on Question 5 of the Consultation Document, **‘How can existing monitoring and evaluation mechanisms of the previous National Action Plans be improved?’**

The challenge of monitoring and evaluating progress of National Action Plans (NAPs) has been widely noted and is a challenge confronting all states with NAPs.³ One aspect of this challenge is that, while states adopt NAPs in order to honour commitments and priorities under the Security Council Women, Peace and Security (WPS) Agenda, there is no effective international monitoring mechanism for NAPs.⁴ One recommendation that emerged strongly from the UN’s Global Study on 1325,⁵ and has been given significant impetus by the monitoring Committee of the

1 Available at <http://www.unwomen.org/en/digital-library/publications/2015/8/guidebook-cedawgeneralrecommendation30-womenpeacesecurity>.

² Available at <https://bit.ly/2LkIML9>.

³ United Nations. (2015). *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325*, page 248.

⁴ See further O’Rourke, C., & Swaine, A. (2018). CEDAW and the Security Council: Enhancing Women’s Rights in Conflict. *International and Comparative Law Quarterly*, 67, 167–199.

⁵ United Nations. (2015). *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325*, Chapter 12, ‘Linkages between Human Rights Mechanisms and the Security Council Resolutions on Women, Peace and Security: Opportunities for Enhanced Accountability for Implementation’.

Convention on the Elimination of All Forms of Discrimination (CEDAW),⁶ is to more closely integrate NAP monitoring and evaluation with state party periodic reporting obligations under CEDAW.

In CEDAW General Recommendation No. 30 (GR30) on the rights of women in conflict prevention, conflict and postconflict situations, the CEDAW Committee made the following recommendations to states parties on the WPS Resolutions:⁷

- a) Ensure that national action plans and strategies to implement Security Council resolution 1325 (2000) and subsequent resolutions are compliant with the Convention, and that adequate budgets are allocated for their implementation;
- b) Ensure that the implementation of Security Council commitments reflects a model of substantive equality and takes into account the impact of conflict and post-conflict contexts on all rights enshrined in the Convention, in addition to those violations concerning conflict-related gender-based violence, including sexual violence;
- c) Cooperate with all United Nations networks, departments, agencies, funds and programmes in relation to the full spectrum of conflict processes, including conflict prevention, conflict, conflict resolution and post-conflict reconstruction to give effect to the provisions of the Convention;
- d) Enhance collaboration with civil society and non-governmental organizations working on the implementation of the UN Security Council agenda on women, peace and security.

Further, the General Recommendation makes the following specific recommendations to states parties in their reporting to the Committee:

- States parties should report on the legal framework, policies and programmes they have implemented to ensure the human rights of women in conflict prevention, conflict and post-conflict.
- States parties should collect, analyse and make available sex-disaggregated statistics, in addition to trends over time, concerning women, peace and security.

⁶ Most notably through the adoption of CEDAW General Recommendation No. 30 on the rights of women in conflict prevention, conflict and postconflict situations (2013).

⁷ CEDAW General Recommendation No. 30 on the rights of women in conflict prevention, conflict and postconflict situations (2013), paragraph 28.

- States parties' reports should address actions inside and outside their territory in areas under their jurisdictions, in addition to their actions taken individually and as members of international organizations as they concern women and conflict prevention, conflict and post-conflict situations.
- States parties are to provide information on the implementation of the UN Security Council agenda on women, peace and security, in particular resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).
- States parties should specifically report on compliance with any agreed benchmarks or indicators developed as part of that agenda.

It should be noted that the CEDAW Committee has already raised Ireland's NAP both in its List of Issues⁸ and Concluding Observations⁹ from the most recent periodic examination in 2017. Quite troubling was the fact that Ireland's initial report made no reference at all to the NAP, despite Ireland's global leadership on WPS. The CEDAW Committee is therefore actively scrutinising Ireland's NAP activities. The onus is now

8 CEDAW, List of Issues, 2016

Women and peace and security

18. Please provide information on progress made in implementing Security Council resolution 1325 (2000), including the national action plan thereto. Please provide information on the obstacles to women's participation in conflict prevention, management and resolution and the measures taken to overcome them. Please state the measures that have been taken to ensure that migration and asylum policies do not deter or limit opportunities for women and girls fleeing conflict-stricken countries to lawfully gain access to asylum, and thus decrease their vulnerability to trafficking and exploitation. Please state the measures that have been taken to ensure zero tolerance of sexual exploitation of women and girls by State security personnel, including peacekeeping forces, the border police, immigration officials and humanitarian actors.

9 CEDAW, Concluding Observations, 2017

Women, peace and security

36. The Committee welcomes the adoption of the second National Action Plan on Women, Peace and Security (2015-2018), which addresses domestic and foreign policy, and includes women affected by conflict in the State party. However, the Committee is concerned at the low representation of women in post-conflict reconstruction in the State party.

37. The Committee urges the State party to continue to give due consideration to the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by ensuring that the National Action Plan on Women, Peace and Security (2015-2018) is regularly reviewed so as to address all areas of concern in order to ensure durable peace. The Committee further recommends that the State party fully involve women at all stages of the post-conflict reconstruction process, including in decision-making, in line with Security Council resolution 1325 (2000).

on Ireland to improve alignment between its international obligations on gender equality by improving synergies between the NAP and CEDAW implementation, monitoring and reporting. The development of the third NAP offers unique opportunities to this end.

Our research points to four key benefits from more closely integrating CEDAW and WPS monitoring and evaluation:

First, the CEDAW Convention and Committee, as the international standard-bearer for women's rights globally, guarantee a strong women's rights and gender equality focus to NAP activities;

Second, as CEDAW obligations and monitoring principally address domestic application of the Convention, more closely integrating CEDAW obligations and monitoring can support Ireland's important domestic implementation element of the NAP;

Third, improving the collection and availability of gender-disaggregated data will mutually comply with CEDAW's specific recommendations to Ireland in that regard,¹⁰ as well as providing a more robust evidence base for monitoring and evaluating performance under the NAP;

Fourth, the CEDAW Committee offers an independent international perspective on WPS implementation by the state party. The CEDAW Committee is entirely unique in this regard. As the CEDAW Committee monitors NAP activities by all state parties, the Committee is distinctively placed to monitor and evaluate Ireland's NAP performance in the context of all such activities globally by 189 states parties to the CEDAW Convention.

Practical measures to enable improved integration of NAP monitoring and evaluation with state party periodic reporting obligations under CEDAW include:

1. Explicit inclusion of CEDAW obligations in NAP actions, including for example, article 2 obligation to amend all laws, policies and conventions that discriminate

¹⁰ CEDAW Concluding Observations to Ireland (2017), paragraph 18.

against women; article 4 permitting temporary special measures to accelerate gender equality; article 7 on improving women's domestic political participation and article 8 on improving the number of women representing the state party in international affairs;

2. Participation in the NAP Oversight Group of the unit or individual from the Department of Justice and Equality responsible for leading CEDAW periodic reporting;

3. Direct input from CRU into CEDAW periodic reporting, in particular to address the 'Checklist of Questions for States Parties Reporting to CEDAW'¹¹ developed by UN Women and endorsed by the UN Global Study on 1325, to ensure that reports to the CEDAW Committee maximize the reinforcement of the GR30 and WPS resolutions frameworks;

4. Participation by CRU/Oversight Group Secretariat in the DFAT Committee on Human Rights;

5. Encourage and support civil society shadow reporting on CEDAW to address also the Irish government's NAP activities.

¹¹ UN Women, *Guidebook on CEDAW General Recommendation No. 30 and the UN Security Council Resolutions on Women, Peace and Security* (2015), pages 22-24; United Nations. (2015). *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325*, pages 352-355.