REDEFINING PEACE:

INTERLINKAGES OF CONFLICT, GENDER, AND SRHR

Biplabi Shrestha

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Redefining Peace: Interlinkages of Conflict, Gender, and SRHR

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This thematic paper unpacks and examines the gendered impact of conflict on women and girls in Asia and on their sexual and reproductive health and rights (SRHR). The author uses a feminist lens to analyse conflict and peace. The paper would not have been possible without the overall guidance and support provided by Sivananthi Thanenthiran, ARROW's Executive Director. The author sincerely acknowledges her insightful contributions, inspirations, and encouragement during various stages of the development of this paper.

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LIST OF ACRONYMS

BPfA	Beijing Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSOs	Civil Society Organisations
GR	General Recommendation
ICPD	International Conference on Population and Development
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Persons
GAM	Gerakan Aceh Merdeka
PoA	Programme of Action
LTTE	Liberation Tigers of Tamil Eelam
MISP	Minimum Initial Service Package
MMR	Maternal Mortality Rate
MNLF	Moro National Liberation Front
NAP	National Action Plans
RH	Reproductive Health
SDG	Sustainable Development Goals
SOGIE	Sexual Orientation, Gender Identity and Gender Expression
SRH	Sexual and Reproductive Health
SRHR	Sexual and Reproductive Health and Rights
SRSG-SVC	Special Representative of the Secretary-General on Sexual Violence in Conflict
STI	Sexually Transmitted Infections
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolutions
USAID	United States Agency for International Development
WPS	Women, Peace, and Security

REDEFINING PEACE: INTERLINKAGES OF CONFLICT, GENDER, AND SRHR

Biplabi Shrestha

INTRODUCTION

Conflict prevention,[1] conflict resolution and peacebuilding[2] are critical issues that need to be addressed to achieve sustainable development and global peace. The unprecedented and repeated crises, the scale of destruction and innumerable casualties as a result of conflicts, not only pose demanding challenges, but also expose the deep-rooted structural inequalities and violence in the world.

During the Second World War, nationalist ideologies drove conflicts. However, in present history, conflicts are increasingly driven by religious and ethnic ideologies.[3] In several former colonies, ethnic identities became dominant in the socio-political discourse in determining citizenship and belonging. Religion was used by governments and others to marginalise certain segments of the population (an amalgamation of ethnic politics and religion that results in ethno-nationalism) on the grounds of being inferior to the majority. Women's bodies are used for upholding the values of one religion and using it as a source to ensure continuity of a race, to abolish threats to the wellbeing of the race by another religious group, and many more. Minority ethnic groups were not recognised, largely ignored, or viciously targeted through the national discourse as "the other." Wars perpetrated either in the name of religion or in the name of rooting out religious terrorism have also caused countless deaths. Constitutional guarantees to protect a religion are increasingly used to limit the rights of minorities and justify marginalisation and oppression on various fronts.

The nature, effect, and impact of conflicts are gendered and affect men and women differently. Men and boys are usually targeted for conscriptions, but women and girls suffer disproportionately, and in many ways, the cost of conflict adversely affects their sexual and reproductive health and rights.

Conflicts have a far-reaching devastating impact, resulting in a humanitarian crises because of widespread displacement; suffering due to the cumulative impact on basic services, and livelihoods; even as people's security and respect for their dignity remain essential needs.[4] Protracted conflicts in many parts of the world have led to the total breakdown of social, political, economic, and judicial systems and have resulted in violence being normalised, forcing states to remain fragile[5] for long periods of time.[6] The world today has the largest number of internally displaced peoples (IDPs)[7] and refugees[8] since the Second World War.[9] According to the United Nations High Commissioner for Refugees (UNHCR), there were nearly 65.6 million forcibly displaced people worldwide in 2016, of which 22.5 million were refugees and 10 million were stateless.[10] About 55% of refugees came from three countries: Afghanistan, South Sudan, and Syria.[11] Women and girls make up around 50% of any refugee, internally displaced, or stateless population.[12]

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The nature, effect, and impact of conflicts are gendered and affect men and women differently. Men and boys are usually targeted for conscriptions, but women and girls suffer disproportionately, and in many ways, the cost of conflict adversely affects their sexual and reproductive health and

rights (SRHR).[13] However, women are not a homogenous group and their experiences of conflict can be diverse. Women are not just victims of conflict; they play active roles during conflicts and in peace-building. Despite this, women and girls' experiences are often undocumented, and they are made invisible at peace negotiation tables. As their voices and experiences are not heard, this very often results in a gender-blind approach to peace that is unsustainable and one that perpetuates the cycle of violence and conflict. Gender blind approaches also ignore women and girls' SRHR during conflict and humanitarian crises.

As a response to the wars in Rwanda and Bosnia in the 90s, several international and intergovernmental initiatives were taken to provide access to basic health care including sexual and reproductive health (SRH) services and family planning for refugees and IDPs.[14] Such responses have led to a surge in both efforts and studies addressing the gender dimensions of conflict with a focus on SRH and sexual violence.[15] Despite this progress, studies focusing on comprehensive SRHR through a gender and rights-based lens are limited. To address this gap, this thematic paper analyses the gendered impact of conflict on women and girls in Asia. The paper draws upon existing studies

BRIEF OVERVIEW OF CONFLICTS IN ASIA

Asia continues to see the longest running conflicts more than anywhere else in the world, with some going on for multiple generations, at an average length of 45 years.[16] As of February 2016, the Asia- Pacific region was home to over 8.5 million persons of concern to UNHCR, including some 3.9 million refugees and 2.9 million IDPs.[17]

Most of the conflicts in the region are internal (82%) rather than across borders, although many have inter-state, regional, and even international dimensions.[18] Subnational conflicts in the region constitute 60% of the world's active conflicts and many are recurring conflicts.[19] Most result from deep-rooted structural problems such as discriminatory policies and practices by the state or local authorities, collusive relations between national and local elites, who marginalise some minority populations, and entrenched horizontal inequalities[20] that lead to concentration of power and resources in some ethnic groups.[21] While some conflicts are a manifestation of frustration due to asymmetrical power relations between authorities and minorities demanding their rights, others are for equal distribution of resources, control over natural resources and land, as well as for equal access in decision-making, power, and authority.

The perceived grievances between ethnic groups are usually over power and resources, which are often linked to historical differences and demands by minority ethnic groups to maintain their language, culture, and identity.[22] Countries such as Indonesia, Myanmar, Philippines and Sri Lanka have experienced internal strife caused by ethnic tensions in the last few decades.[23] India continues to experience tribal uprising against mining companies, whereas Nepal saw a decade long Maoist insurgency, also known as People's War against feudalism and social, economic, and political inequalities.

In South Asia, the territorial dispute between India and Pakistan over Kashmir is known as the region's longest war with no sign of ending. Southeast Asia is more prone to conflict over territorial and maritime boundaries than other regions. Disputes over the South China Sea, which is rich in natural resources is one of the longest running conflicts involving both islands and maritime claims have emerged from Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam. They are all competing for territorial and jurisdictional claims, especially over rights to exploit the extensive reserves of oil and gas,[24] fishing areas, and shipping lanes. In addition, the US has been backing countries that oppose Chinese claims to certain islands in the area[25] through military support. Amidst rising tensions between the Philippines and China, a recent international tribunal has ruled that China's claim over some of the islands is illegal.[26] However, China has refused to recognise the ruling despite it being legally binding to both the countries and this has kept the issue unresolved to date.

to examine the impact of conflict on SRHR, analyse existing international instruments that address the impact of conflicts on women and girls, and to outline recommendations.

The understanding of gender should not be limited to just men and women even in times of conflict. Though experiences of people with different sexual orientations and gender identities (SOGIE) in conflict are unique, the scope of this paper will cover primarily women and girls with some examples of its impact on people with different sexual orientations and gender identities. Due to lack of data on SRHR violations such as maternal mortality and early child and forced marriages that is specific to Asia, some examples from the Middle East are used to provide a picture of scale of SRHR violence in times of conflict.

The intended readers of the paper are the international community for peace and security, member states of the United Nations (UN), national governments, civil society organisations (CSOs) and individuals engaged in conflict prevention, resolutions and peace-building processes, and SRHR activists.

Southeast Asia has also witnessed a range of separatist movements, many of which are still on going. All these separatist movements are the result of religious, cultural, or ethnic marginalisation. There are no signs of resolution in the Mindanao conflict in the Philippines despite various peace agreements since 2001. The region continues to be marred by armed conflicts with the rise of the Abu Sayyaf Group, which broke away from the Moro National Liberation Front (MNLF) in 1991 as it disagreed with their policy of pursuing autonomy for Mindanao and wanted to establish an independent Islamic state.[27]

In Indonesia, a peace agreement was signed in 2005 to end 29 years of unrest involving the Free Aceh Movement, also known as Gerakan Aceh Merdeka (GAM), which resulted in Aceh becoming a special autonomous province. However, the province is not free from violence due to the animosity between Muslims and the Christian minority. In Myanmar, despite the installation of a civilian government, fighting between the government and the Kachin Independence Army continues.[28] Similarly, the Muslim Rohingya minority are victims of communal violence and persecution by the Myanmar government, causing it to be dubbed one of the gravest humanitarian crises today. With the wave of violence since August 2017 and the extent of atrocities perpetrated especially against Rohingya women and girls, it is now referred to as the "textbook example of ethnic cleansing" and the Rohingyas are described as the "world's most persecuted minority." The International Crisis Group has listed the Rohingya crisis as one of the 10 conflicts around the world to watch for in 2018 for both Myanmar and Bangladesh, due to the scale of assault that led to at least 655,000 Rohingyas fleeing to Bangladesh in August 2017.[29] The other country from Asia on the list is Afghanistan, due to its absolute military strategy and increase in US forces against the Taliban insurgency with stronger airstrikes and more aggressive ground offensives by the Afghan forces.[30]

Asia is also witnessing terror attacks from extremist groups at an alarming rate. The political climate in the region—akin to its global counterparts—is dominated by the war on terror, which started post-9/11 and accelerated with the invasion of Iraq in 2003. These gave rise to ideologies that are restrictive and at odds with liberalism, pluralism, women's rights, and sexuality rights[31] in countries such as Afghanistan, Bangladesh, and Pakistan. These also point to intersections between religious fundamentalisms, extremism, and conflict.

Though causes of the conflict are diverse, the consequences are universal—be it displacement, loss of lives and property, or unabated violence. They have resulted in human rights violations especially against minorities, because of their resistance, including denial of access to basic needs and services,[32] further widening the inequality gap based on, but not limited to, age, class, caste, ethnicity, and gender and sexual orientation.

UNDERSTANDING CONFLICT AND PEACE THROUGH A FEMINIST LENS

Conflict is a clash or confrontation between two or more parties seeking different, usually opposite outcomes. According to Peter Wallensteen, there are three forms of conflict in the field of international relations: interstate, internal, and state-formation.[33] Currently, discussions around conflict focus more on terrorism and counter terrorism, particularly after 9/11 when there was a significant increase in global militarisation and emphasis on national security. The 'Axis of Evil,' christened so by the former US President George Bush post-9/11, further divided the world causing fear and xenophobia that led to increased military confrontations, global militarisation, and warfare in the name of security. These frames resulted in conflict becoming very narrowly defined, and largely within a masculine norm.

The masculine norm leads to approaches that largely exclude women by undermining their experiences of conflict, militarisation, and national security as well as by silencing SRHR violations against them. This results in an incomplete analysis of the necessary issues, circumstances, incidents and responses—all of which need be captured as solutions integral to creating sustainable peace. Women are not necessarily safe even when the guns are silent as they often experience various forms of insecurities, such as domestic violence and sexual assault in their own homes and neighbourhoods,[34] even during post-conflict periods.

Women are not necessarily safe even with the silencing of guns, as they often experience various forms of insecurities such as domestic violence in their own homes and neighbourhoods even during the so-called post-conflict periods.

Conflict needs to be more broadly defined to include not only armed conflicts, but also situations of foreign and other forms of occupation, the post-conflict phase,[35] and conflicts arising from structural inequities, including gender inequality. This broad definition is a crucial platform for building a comprehensive approach to conflict resolution. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee has urged the definition of armed conflict to include: "internal disturbances, protracted and low-intensity civil strife, political strife, ethnic and communal violence, states of emergency and suppression of mass uprisings, war against terrorism and organised crime, that may not necessarily be classified as armed conflict under international humanitarian law and which result in serious violations of women's rights and are of particular concern to the Committee."[36]

Peace cannot be achieved without an inclusive political process, commitment to human rights in the post-conflict period, and attempts to deal with issues of justice and reconciliation. Inclusion and integration of a gender perspective into all spheres — political and personal — are central to feminist concepts of peace.

On the other hand, peace is defined as a political state where citizens enjoy social stability and justice through the means of formal and informal institutions, practices, and norms.[37] However, due to the narrow and simplistic interpretation of conflict, peace, for many today, is limited to the laying down of arms and a stable government. Hence, most current approaches to peace are focused on ceasefire,[38] political arrangements, and conflict management[39] rather than on conflict transformation.[40] Conflict transformation[41] helps address structural violence, which contextually is both the cause and consequence of conflict.

Peace has to be understood as something far more than just the absence of violence and physical war. Peace cannot be achieved without an inclusive political process, commitment to human rights in the post-conflict period, and attempts to deal with issues of justice and reconciliation.[42] Inclusion and integration of a gender perspective into all spheres—political and personal—are central to feminist concepts of peace.[43] The concept is also premised on the equal participation of women, men, and people of diverse gender identities at all levels and processes; and that it addresses structural violations of human rights and patriarchy by eliminating unjust social relations including unequal gender relations.[44]

UNPACKING INTERLINKAGES: CONFLICT, GENDER, AND SRHR

The definition of peace, hence, should be expanded further to emphasise gender equality including the realisation of SRHR for all, particularly women and other marginalised groups and communities. Gender equality and upholding of SRHR for all should be at the heart of peacebuilding.

While conflict affects everyone, as established above, the impact of conflict is gendered in nature. It affects men, women, and people of other gender identities and sexual orientation differently due to pre-existing, deep rooted patriarchal norms compounded with socio-cultural inequalities, which become even more pronounced during times of conflict and post-conflict. Women and girls experience systemic violence due to existing structural inequalities in our societies. Patriarchal systems that breed structural violence escalate gender-based violence even more visibly with the onset of conflict. While men are targeted for forced recruitments and arbitrary detentions, women become more vulnerable to gender-based

DEFINITIONS

REPRODUCTIVE HEALTH[46]

Reproductive Health implies that people are able to have a responsible, satisfying, and safe sex life, and that they have the capacity to reproduce and the freedom to decide if, when, and how often to do so. Implicit in this are the right of men and women to be informed of, and have access to safe, effective, affordable, and acceptable methods of fertility regulation of their choice and to appropriate healthcare services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of a healthy infant (WHO).[47]

REPRODUCTIVE RIGHTS

Reproductive rights embrace certain human rights that are already recognised in national laws, international human rights documents, and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion, and violence as expressed in human right documents.[48]

SEXUAL HEALTH

A state of physical, emotional, mental, and social wellbeing in relation to sexuality; it is not merely the absence of disease, dysfunction, or infirmity. Sexual health requires a positive and respectful approach to sexuality and sexual relationships, as well as the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination, and violence. For sexual health to be attained and maintained, the sexual rights of all persons must be respected, protected, and fulfilled. The fulfilment of sexual health is tied to the extent to which human rights are respected, protected, and fulfilled.[49]

SEXUAL RIGHTS

Sexual rights "embrace certain human rights that are already recognised in international and regional human rights documents, other consensus documents, and national laws. Rights critical to the realisation of sexual rights include: the right to equality and non-discrimination; the right to be free from torture or to cruel, inhumane, or degrading treatment or punishment; the right to privacy; the right to the highest attainable standard of health (including sexual health) and social security; the right to marry and to found a family and enter into marriage with the free and full consent of the intending spouses, and to equality in, and at the dissolution of marriage; the right to decide the number and spacing of one's children; the rights to information, as well as education; the rights to freedom of opinion and expression; and the rights to an effective remedy for violations of fundamental rights.

The responsible exercise of human rights requires that all persons respect the rights of others. The application of existing human rights to sexuality and sexual health constitute sexual rights. Sexual rights protect all people's right to fulfil and express their sexuality and enjoy sexual health, with due regards for the rights of others and within a framework of protection against discrimination."[50]

violence like the use of rape as a weapon of humiliation and the deterrent that this pose results in limitations to women's rights and women's mobility in communities. Because women have lower access to resources and less decision-making power within patriarchal systems, their access to health, aid, and legal recourse become severely limited during the time of crises.

Conflicts, however, can also transform gender roles for some women. In the absence of men, they take on decision-making and bread-winning roles in the household and in the communities. However, these experiences of women often get undermined in the peace process that lead to gender-blind approaches. Gendered impact of conflict on women and girls, with a focus on their SRHR, is further unpacked in this section with examples from Asia. The interlinkages are also explored under various subheads including violations of SRHR.

VIOLATION OF SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

SRHR, the right to sexuality and reproduction, are fundamental human rights. Violation of women's SRHR during conflict is largely a result of patriarchal forms of control against women and infringes on women's autonomy to exercise choice in matters related to sexuality and fertility.[45]

Sexual Violence Perpetrated Against Women and Girls: Sexual violence against women and girls in the context of conflict is systemic. It continues to be employed as a tactic of war and terrorism, torture and repression, to humiliate and instil fear in a community, ethnic, religious or political groups, as a means of ethnic cleansing, a means of enjoying the spoils of war for military men, and a means to produce more children to replace dying ones by husbands.[51] Rape, assault, trafficking, sexual slavery, forced pregnancy, forced abortion, forced sterilisation, forced marriage, "forced prostitution,"[52] and sexual slavery are often perpetrated by both state and non-state actors.

Even peacekeepers are not an exception when it comes to sexual violence against women. According to the UN, between 2004 and 2016 the United Nations received almost 2,000 allegations of sexual exploitation and abuse against its peacekeepers.[53] They were reported to have forced local women to have sex in exchange for food and humanitarian aid.[54] Sexual misconduct by the senior level officials of Oxfam during Oxfam's humanitarian response to the 2010 Haiti earthquake made headlines recently.[55]

Women and girls are further exposed to and are more vulnerable to sexual violence while escaping conflict and seeking refuge. They face greater risks in transit and displacement settings. The UN Secretary General in his 2017 report, on conflict-related sexual violence, highlighted that many women and girls were subjected to sexual extortion by camp officials or by migrant smugglers in exchange for their assistance and the fear of rape as a factor inhibiting the return of displaced communities to their homelands.[56]

Reports of young Rohingya girls and women being raped during their boat journeys to Malaysia and Thailand, as well as in makeshift camps on the Malaysia-Thai border,[57] further exemplify their vulnerability at all stages of conflict. In some cases, the level of violence they may experience is determined by caste, class, ability, mobility, civil status, sexual and gender identity, religion, nationality, ethnicity, and location.

The Special Rapporteur on the rights of indigenous peoples, at the 2014 World Conference on Indigenous Peoples in New York, expressed concerns that such acts of violence had not been investigated and prosecuted despite evidence of gang rape, sexual enslavement, and killing of tribal women and girls in a number of countries.[58] For women and girls, camps and shelters are supposed to be safer than the place they fled, but are ironically not a "refuge" in its true sense. They often face blatant violence and mutilation, demoralisation, and dehumanisation.[59] The Philippines President Rodrigo Duterte's recent remark to soldiers on Mindanao Island, where he has imposed martial law, that they were allowed to rape three women[60] is a disturbing example of how the objectification of women is normalised even by state leaders.

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Though the nature of conflict since the time of the Second World War has changed, the nature of atrocities perpetrated against women remains similar, sexual violence being one of them. One of the most deplorable examples of sexual violence in Asia are the comfort women, who were forced into sexual slavery in Southeast Asian countries for the pleasure of the Imperial Japanese Army. An estimated 200,000 to 400,000 women from all over Asia were forced to become comfort women to the Japanese soldiers during World War II. The women were brutally beaten, raped, and imprisoned throughout Asia under the direct control of the Japanese military.[61] Some of those who are alive are still seeking justice from the government of Japan and its response has been patchy and ad hoc. In 1971, during a nine-month conflict between East and West Pakistan, Bangladeshi women experienced brutal violence as sexual violence was used as an instrument of war to disrupt the racial integrity of Bangladeshis.[62] An estimated 200,000 to 400,000 Bengali women and girls suffered from some form of sexual and gender-based violence, ranging from abductions to being held in rape camps to forced pregnancy, abortions, and sterilisations.[63]

In Timor-Leste, a Commission for Reception, Truth, and Reconciliation to study violence perpetrated during the 24-year occupation of the Indonesian military, documented 853 counts of sexual violence, including 393 rapes, 229 instances of sexual slavery, and 231 other forms of sexual violence such as forced birth control, torturing pregnant women and resulting miscarriages, and forced abortions.[64] Gender-based violence, during the Maoists insurgency in Nepal between 1996-2006, such as rape, forced abortions, sexual abuse, and torture, among other violations was significant despite the fact that women constituted 20% of the combatants.[65] During the civil war in Sri Lanka, violence by the state military and police against Tamil women in Northern and Southern Sri Lanka was rampant.[66]

For some women, sexual violence does not end with conflict. According to a report by the Women's League of Burma, multiple acts of sexual violence against women were perpetrated even as the ceasefire was being implemented.[67] Human Rights Watch reported that the Burmese security forces had committed widespread rape against Rohingya women and girls as part of their ethnic cleansing campaign in Myanmar's Rakhine state.[68] The rapes were accompanied by further acts of violence, humiliation and cruelty, where women were beaten with fists or guns, slapped and kicked with boots.[69]

For many of the victims, the impact of the violence is still fresh as they continue to face stigma from their families and communities. They are subjected to physical violence, ostracisation, and victim blaming especially when they have endured sexual abuse. Sexual violence has physical and psychological consequences, such as injuries and disabilities, increased risk of HIV infections and unwanted pregnancies.[70] Often, the impact of conflict on their SRHR are life-threatening and have long term negative consequences on women.[71] CEDAW committee General Recommendation (GR) 30 recognises that there is a strong association between sexual violence and HIV, including the deliberate transmission of HIV—used as a weapon of war—through rape.[72] With complete lack of support systems, be it social, psychological, or legal, the victims resort to remaining silent even after the conflict.

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Increased Child, Early, and Forced Marriages: This form of violation of SRHR is not specific to the context of conflict. In many cultures and religions, child, early, and forced marriages are accepted, but it is further exacerbated during conflict. This may be due to shrinking economic resources within the family or using marriage as a safety net, i.e., to "protect" their daughters from sexual violence and abduction.[73] Marriages are also seen as a way to avoid conscription of girls into the military such as in Sri Lanka, where parents feared forced recruitment of girls by the Liberation Tigers of Tamil Eelam (LTTE) in the North and East of the country, and believed that the armed group would not recruit married girls.[74] There is also evidence of Rohingya girls being forced by smugglers, during their boat transportation to seek refuge in other countries, to marry older men willing to pay off their debts.[74] In Cambodia, under the Khmer Rouge regime women endured forced labour and forced marriages along with brutal beatings and rape including gang rape.

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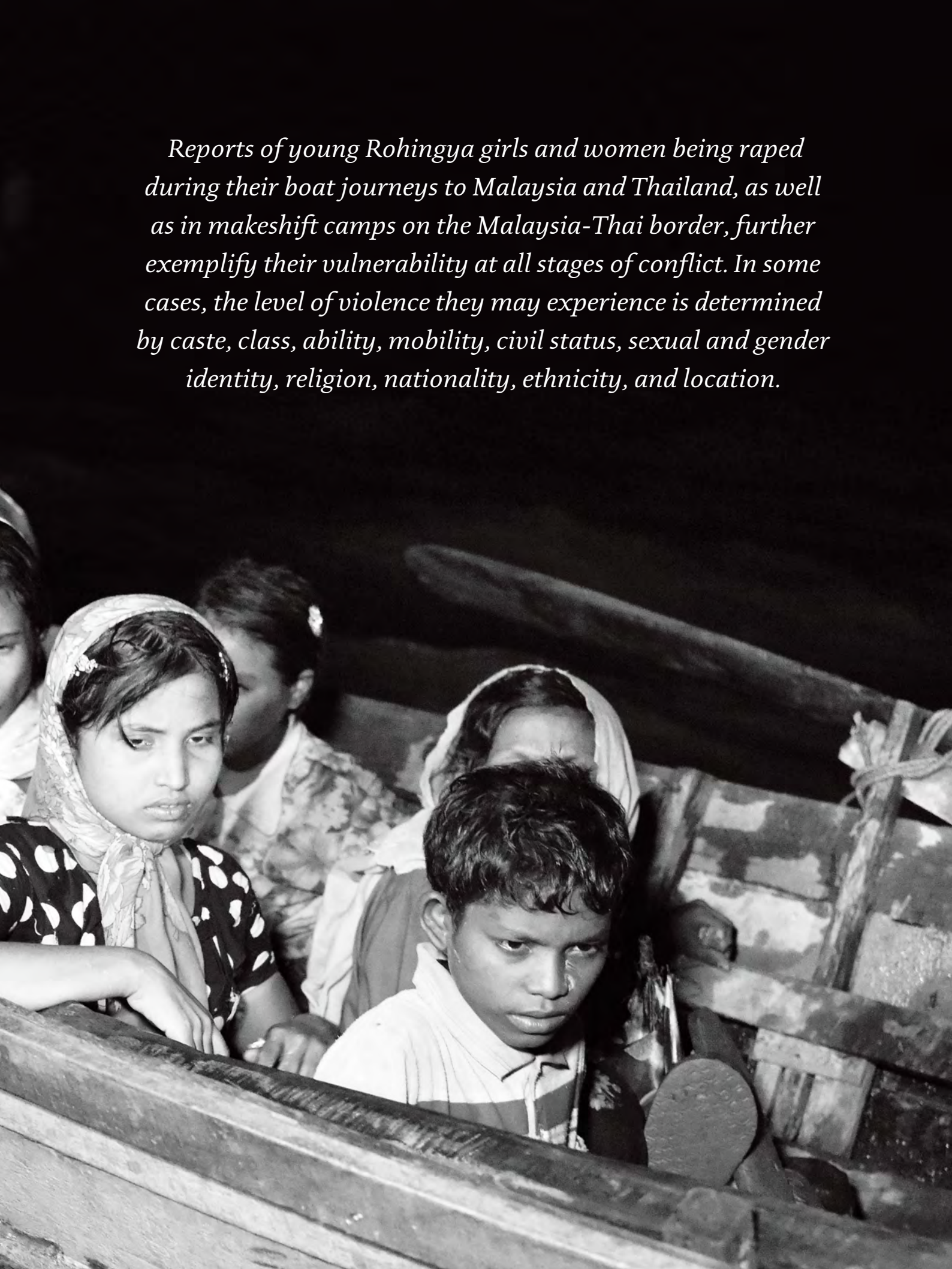

Forced Pregnancies and Involuntary Contraceptive Implants: Women's bodies are seen as modes of increasing the number and perpetuation of the population of certain groups. In many cases, this is backed by religious ideologues or community leaders, who reinforce women's roles in childbearing.[76] Women, therefore, are entrapped by this stereotype and are forced into frequent childbirths. In Myanmar where ethnic communities are facing conflict, young people and women are discouraged from using contraception. Instead, having children is promoted.[77] During the civil war in Sri Lanka, the LTTE had forced women against using contraception and to give birth, with very little spacing, to increase the Tamil population.[78] Such politicisation of SRHR by both state and non-state actors risk the lives and the health of women and girls. States also use the population control measure to perpetrate ethnic cleansing of minorities even in post-conflict situations. In post-conflict Sri Lanka, Tamil women in the Kilinochchi district had to undergo coercive population control through sterilisation that put their lives at risk.[79]

LACK OF SERVICE PROVISIONS FOR SEXUAL AND REPRODUCTIVE HEALTH

Disintegration of health infrastructure continues to be common in most conflict settings leading to a lack of health services, especially for women and girls.

High Maternal Mortality: Violence perpetrated against women and girls has dire consequences and can lead to a significant number of deaths including maternal deaths. According to the United Nations Security Council (UNSC) Report of the Secretary General on Women, Peace and Security, the maternal mortality rate is 60% higher in conflict and in post-conflict countries than the global Maternal Mortality Rate (MMR) of 210 deaths per 100,000 live births.[80] About 60% of these maternal deaths involve women struggling to survive conflicts, natural disasters and displacement.[81] In Syria, the MMR has increased alarmingly from 49 to 68 per 100,000 live births since the start of the conflict in 2011.[82] The rise in MMR is also triggered by unmet need of contraception, increased sexual violence and a lack of SRH services.

Limited or No Access to SRH Services and Information: Due to the lack of basic amenities like water and sanitation in humanitarian crises, women and girls face health repercussions, particularly reproductive and urinary tract infections. This is further made worse by the absence of sanitary supplies and private toilet facilitates.[83] Because of the gendered expectations that involve shame in even talking about sexual and reproductive health, most of the SRH issues go unnoticed causing severe and chronic health problems. Additionally, with the disintegration of health systems, access to SRH services becomes even more challenging. In places with escalating conflict, healthcare workers may be forced to abandon their service sites.[84] Hence, there is a huge gap in delivery of these services in a comprehensive and systematic manner.

Pregnancy related deaths and disabilities are high due to the lack of services, such as obstetric, prenatal, and postnatal care in conflict areas. Furthermore, contraceptive information and services, including emergency contraception, post-exposure prophylaxis, safe abortion, and post-abortion care, as well as comprehensive emergency obstetric care may not be accessible or universally available.

Pregnancy related deaths and disabilities are high due to the lack of services, such as obstetric, prenatal, and postnatal care in conflict areas. Furthermore, contraceptive information and services, including emergency contraception, post-exposure prophylaxis, safe abortion, and post-abortion care, as well as comprehensive emergency obstetric care may not be accessible or universally available. This situation becomes aggravated for survivors of rape and sexual violence in environments that are restrictive and instigate fear of further violence and stigmatisation that make costs prohibitive; and that do not have information available in a language that the survivors understand.[85] In places where services are available, women face accessibility issues such as transport and fear of sexual violence during travel, thereby limiting women's mobility to SRH services. For internally displaced women and those seeking refuge in other countries, language is a key barrier to accessing SRH services and expressing their specific SRH needs.

As contraception does not get prioritised in an emergency situation, women and girls endure unwanted pregnancies and widespread Sexually Transmitted Infections (STI). Unsafe abortion rates too are higher causing threats to the lives of women.[86] During the civil war in Sri Lanka and the state

embargo on Jaffna (the site of the conflict), restriction on contraceptives, drugs, and sanitary products for women led to frequent pregnancies, which had consequences on women's physical and psychosocial health.[87]

Providing services for HIV prevention and treatment is also extremely challenging due to limited diagnostic services, lack of privacy, high level of stigma, and lack of access to antiretroviral.[88] SRH information and education are also non-existent in humanitarian situations and in the IDP camp curriculum. Such situations, combined with not just limited supplies but also stigma towards contraception, make women and girls more vulnerable to violation of their SRH.[89]

There are several initiatives in place to address SRH needs in crises situations. For example, there is the work of the Inter-Agency Working Group[90] on Reproductive Health in Crises and its Field Manual on Reproductive Health in Refugee Situations. The Minimum Initial Service Package[91] (MISP) is designed to prevent and manage consequences of sexual violence, prevent excess maternal and new-born morbidity and mortality, reduce HIV transmission and plan for comprehensive reproductive health (RH) services beginning from the early days and weeks of an emergency. The Sphere Project[92] has introduced "essential health services--sexual and reproductive health standard" at the onset of an emergency and comprehensive RH as the situation stabilises.[93] Similarly, "Dignity Kits" introduced by the United Nations Population Fund includes basic hygiene items like sanitary pads and panties for women to support their mobility during humanitarian settings.

However, implementation of these initiatives is not seen across all crises situations. The services should include but not be limited to comprehensive sexuality education, access to contraceptive choices and services, protection from gender-based and sexual violence, access to safe abortion and maternal health services and accessible and affordable legal and judicial services in case of violation of SRHR.

UNFAVOURABLE AND INACCESSIBLE LAWS, POLICIES AND JUDICIAL SYSTEMS

The breakdown of law and order during crises increases the vulnerability of women and girls to sexual violence, leading to more risks of unwanted pregnancy, unsafe abortions, and STIs, including HIV. Countries also impose strict laws and policies on certain groups to control their mobility and their sexual and reproductive functions. Given the complete lack of law enforcement and legal systems in these areas, violence against women and girls is unreported and unaddressed and has a long-term impact on their health and wellbeing.

Systemic Violation of SRHR Through Regressive and Restrictive Laws and Policies: When conflicts arise due to strong religious, cultural and ethnic conservatism, reproductive rights of women from minority groups and marginalised communities are systematically violated through disparate applications of laws and policies. The Population Control Healthcare Bill[94] in Buddhist majority Myanmar seeks to control and restrict Muslim Rohingya women's choices in the number of children they want to have. In 2013, Myanmar also reaffirmed the discriminatory "Two-Child Policy" of 1994 on Rohingya families of the Rakhine State,[95] which rights groups said was consistent with the wider persecution of the largely stateless Rohingya, violating international human rights protections, and endangering women's physical and mental health.[96]

When conflicts arise due to strong religious, cultural and ethnic conservatism, reproductive rights of women from minority groups and marginalised communities are systematically violated through disparate applications of laws and policies.

The policy criminalises having more than two children, leading to an increase in women, pregnant with their third child, seeking unsafe abortions.[97] These were in addition to the 2005 Population Control measures that enforced the use of contraceptives by Rohingya families.[98] In 2011, an estimated 14.3% of Rohingya women had undergone at least one abortion and 26% of the women had multiple abortions due to restrictive laws.[99] In the aftermath of the conflict in Poso[100] in Indonesia, SRHR needs such as abortion, access to treatment to HIV and other STIs for displaced women were completely denied,[101] owing to narrow interpretations of SRH services that were only confined to family planning and maternal services. Similarly, in post-conflict Sri Lanka, Tamil woman were forcefully given contraceptive implants to control the population of the Tamil minorities.

Research by Fortify Rights found that random checks by law enforcements agents, encouraged by the state for record keeping of individual household members, are used as an excuse by security forces to commit sexual violence against Rohingya women and girls, including incidents of gang rapes and forced breastfeeding of babies in front of uniformed police and army soldiers.

Inaccessibility of Legal Recourse: Many women and girls do not report sexual violence because of a lack of legal services and when they are indeed available, there are no measures in place to provide safety and confidentiality of the victims.[102] For IDPs and refugee women, barriers also come in the form of a foreign language that they are not necessarily well versed in. In many cases, there is a lack of institutional policies to support the prosecution of charges against perpetuators of sexual and gender-based violence in conflicts.[103] Constitutional guarantees allow blanket amnesty for military personnel and leaders, absolving them from any accountability for war crimes including sexual violence against women.[104] Attitudes encouraging victim blaming and the culture of impunity for military still exists in many states.

For instance, sexual violence perpetrated by the Khmer Rouge cadre in Cambodia went without trial.[105] Reporting such crimes or seeking justice is even lesser among women combatants as they are perceived to have transgressed traditional and accepted gender and societal norms.[106] In countries like Bangladesh where women have testified before tribunals set up for war crimes, they have faced backlash and reprisals in their homes and communities.[107] When the rape of ethnic minority women by the military was reported in Myanmar, the cases are heard by military tribunals, without transparent processes[108] and they often acquit the perpetrators.

SYSTEMIC INEQUALITIES

During conflicts, systemic inequalities can negatively impact women and girls' access to services. This is particularly true for women and girls dependent on their male counterparts for their citizenship, as they have the least or no access to protection that comes from being citizens. This includes access to health care, legal services, employment and other socio-economic and cultural rights. They also bear the repercussions of weak regulatory systems and frameworks that allow non-state actors to violate human rights.

Statelessness, Threats to Nationality, and Systemic Violence: Statelessness can be both the cause and consequences of a conflict. It can be the result of intersections between conflict and discrimination against women in nationality rights, such as laws that require women to change their nationality after marriage, denying them the right to pass on their nationality to their children.[109] When people are forced to flee their homes during conflicts, there are high chances of them losing identity documents to prove their nationality. As their status is dependent on their male counterparts, it is not considered important for them to hold citizenships in their own names, which denies them individual identity, citizenship, and access to many services including, health and SRH even during conflict and humanitarian crises.

Rohingya Muslim women in Myanmar have experienced a wide range of sexual and gender-based violence[110] with no access to complaint, redress or justice mechanisms. They are also subjected to severe monitoring and control, and restrictions on their freedom of movement, marriage, and family planning.[111] Research by Fortify Rights found that random checks by law enforcements agents, encouraged by the state for record keeping of individual household members, are used as an excuse by security forces to commit sexual violence against Rohingya women and girls, including incidents of gang rapes and forced breastfeeding of babies in front of uniformed police and army soldiers.[112]

The state also interferes in marriages involving Rohingyas, where Muslim couples have to obtain official approval by paying a large amount of fees and it can take up to two years to secure the approval.[113] According to section 188 of the penal code, Rohingya women having children out of wedlock are subject to imprisonment for up to 10 years or fines or both, forcing women to seek unsafe abortions.[114]

Meanwhile, there are tens of thousands of women from Myanmar living as undocumented migrants in Thailand, who have limited access to health services due to their statelessness and are exploited in informal sectors.[115] As statelessness excludes them from political processes, their experiences are

not reflected in the peace processes. Statelessness, therefore, creates a vicious cycle of violence that needs to be addressed before sustainable peace can be achieved.

For some women and girls who assume non-traditional leadership roles, conflict can be a transformative process such as being the head of the household, making decisions and taking care of the financial needs to feed the family, as well as being commanders of troops and breaking gender stereotypes.

Human Rights Violations by Transnational Corporations Perpetuate Conflict: Weak regulatory systems and frameworks caused by conflicts allow different types of non-state actors such as transnational corporations, especially in extractive industries, to make substantial investments.[116] Multinational corporations are engaged to develop countries through extractive industries at the expense of the local people.[117] The Global Report on the implementation of the United Nations Security Council Resolution (UNSCR) 1325 has highlighted that private security forces attached to these industries perpetrate violence against women including sexual violence, which then go unreported due to dismantled judicial and legal systems. The report further mentions that they displace populations, have their own systems of intrusive security, encourage rampant corruption, and have enormous influence on the government at all levels, causing many women to be displaced with little or no compensation.

Increased Military-centric Approach is a Threat to the Democratic Rights of People, Including their SRHR: We have witnessed a surge in the use of military force in countries in the region with protracted conflicts. Global military expenditure in 2014 was 1.7 trillion, which is 13 times higher than the amount allocated for development aid.[118] Militarisation is a threat to the democratic rights of people and it perpetuates a cycle of violence. The presence of military increases the risk of violence against women and threatens their bodily security. States have also used the military to take away wealth and resources from communities' control, especially from indigenous and local people.[119] In inter-governmental debate and discussion spaces, where women remain largely under represented, negotiations are solely focused on military and high-level processes and often result in further empowering "men with guns."[120] As a result, export and trade in arms has increased significantly in the region and there has been a huge proliferation of arms including small arms, which has contributed substantially to heightened levels of violence in communities, especially against women.[121]

All these illustrate the lack of seriousness paid to issues related to women and girls in the peace processes. Equal and meaningful participation of women in all levels of peace processes is key to sustainable peace and development.

Conflict as a Transformative Process for Women: For some women and girls who assume non-traditional leadership roles, conflict can be a transformative process such as being the head of the household, making decisions and taking care of the financial needs to feed the family, as well as being commanders of troops and breaking gender stereotypes. A study carried out by the United States Agency for International Development (USAID) in Colombia, Indonesia, the Philippines and Sri Lanka concluded that while conflict can cause suffering, they also presented opportunities for women to take up leadership roles in the wake of disruption of traditional local structures, livelihoods and gender norms and they continued to play more active economic roles as they struggled to recover and rebuild.[122] With these roles, they experience gains and opportunities to weaken patriarchy, which is crucial for lasting peace. Women have also organised themselves to ensure that facilities in the times of crises are accessible to them. In Sri Lanka, during the time of conflict, displaced Muslim women fought for latrines to be built in spaces of their convenience, which would have otherwise had them make the long and dangerous walk in the dark.

However, such experiences are often silenced and left out during the transition from conflict to peace, thereby losing the gains made because traditional structures and systems come into play again.

Exclusion of Women and Girls from Conflict Resolution and Peacebuilding Processes: Despite international human rights instruments recognising the importance of women's participation at decision making levels, women and their experiences continue to be made invisible, and their voices silenced and marginalised, in conflict prevention, resolution and peace negotiation processes. Peace is feminised and

women's roles in the peace processes are seen within an essentialist realm—to bring a "social order" by pushing women to maintain their role as caregivers,[123] despite the fact that women often take leadership roles as heads of households, political leaders, and combatants during the time of conflict.[124]

Women were significantly affected not just as victims but also as human rights defenders, fighters, and leaders as was the case during the 10-year insurgency in Nepal. Despite their active role in the conflict, the Nepalese government officials, political party leaders, and Maoists rebel leaders failed to ensure women's participation in formal talks and negotiations.[125] Similarly in Myanmar, women's voices are hampered by the way peace processes are designed and the focus continues to be on neutralising perpetrators of violence rather than investing in resources for peace.[126] In Indonesia, ten years after the memorandum of understanding between the Government of Indonesia and the Free Aceh Movement, GAM, gender-based violence continues to be normalised in post-conflict Aceh, with regular attacks on gender and sexual minorities, female human rights defenders, women and gender studies lecturers.[127] As a result, gender hierarchy continues in the post-conflict phase. Women's absence at the negotiation tables and during peace talks prevents sustainable peace from being a reality.

Peace is feminised and women's roles in the peace processes are seen within an essentialist realm—to bring a "social order" by pushing women to maintain their role as caregivers, despite the fact that women often take leadership roles as heads of households, political leaders, and combatants during the time of conflict.

EXISTING INTERNATIONAL INSTRUMENTS

There are several international instruments that guarantee the rights of women and girls during conflict and peacebuilding processes. It is crucial for advocates of SRHR to be aware of these instruments, examine their efficacy and implementation and ensure that the relevant instruments are part of the advocacy. This section lists and provides details of some of the most relevant instruments. This, however, is not an exhaustive list. Discussed in this are select international instruments that have relatively strong linkages between conflict, gender, and SRHR.

Adoption of UNSCR 1325 and Subsequent Resolutions: In 2000, the UN Security Council unanimously adopted resolution 1325 on Women, Peace and Security (WPS). This was a landmark resolution passed following the wars in Bosnia and Rwanda that saw unprecedented violence against women during a conflict. The resolution is by far the most powerful tool and was a result of tireless efforts by a global constituency of women's organisations and advocates.[128] It recognises women's agency in building peace. The resolution entails four pillars:

- **Participation:** It calls for increased participation of women at all levels of decision-making; in mechanisms for the prevention, management and resolution of conflict; in peace negotiations; in peace operations as soldiers, police, and civilians; and as Special Representatives of the UN Secretary-General.
- **Protection:** It calls specifically for the protection of women and girls from sexual and gender-based violence, including in emergency and humanitarian situations, such as in refugee camps.
- **Prevention:** It calls for improving intervention strategies by prosecuting those responsible for violations of international law; strengthening women's rights under national law; and supporting local women's peace initiatives and conflict resolution processes.
- **Relief and Recovery:** It calls for advancement of relief and recovery measures to address international crises through a gendered lens, including by respecting the civilian and humanitarian nature of refugee camps, and taking into account the particular needs of women and girls in the design of refugee camps and settlements.

Subsequently, 1820 was adopted in June 2008 reinforcing resolution 1325 and highlighting that sexual violence in conflict constitutes a war crime and demands parties to armed conflict to immediately take appropriate measures to protect civilians from sexual violence, including training troops and enforcing disciplinary measures. Addressing the same topic, resolutions 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013) and 2242 (2015) were adopted.[129]

Regional documents, such as the outcome document of the Asia Pacific Population Conference (APPC),[130] also recognise the importance of the implementation of UNSCR 1325 and subsequent resolutions and commits to develop peace by engaging women in peace negotiations among others.

National Action Plans (NAPs), as mandated by UNSCR 1325, are one of the ways to implement the WPS commitments at the country level and to advance accountability.[131] As of 2016, only 60 member states—eight from Asia[132]—have adopted the NAPs.[133] But, according to the UN Secretary General's report, only 11 NAPs have budgets for implementation.[134] The report also goes on to admit that the UN falls short of its set target to allocate a minimum of 15% of peacebuilding funds to projects whose principal objective is to address women's specific needs and to advance gender equality. In addition, the global report on the implementation of 1325 has highlighted that the NAPs have had limited impact on improving real opportunities and outcomes on women's lives on the ground. Besides, the majority of countries with on going or protracted conflicts have not shown any political will to develop NAPs or implement UNSCR 1325.[135]

Adoption of UNSCR 2250 on Youth, Peace, and Security: The unanimous adoption of UNSCR 2250 in December 2015 identified five key pillars for action: participation, protection, prevention, partnerships and disengagement, and reintegration. This is a landmark resolution that recognised the agency of young people in conflict resolution and peacebuilding processes, calling for their participation during the negotiation and implementation of peace agreements. It urged member states to give the youth a greater voice in decision-making at the local, national, regional and international levels and to consider setting up mechanisms that would enable young people to participate meaningfully in the peace processes. As a next step, the resolution requested the Secretary General to carry out a progress study on the youth's positive contribution to peace processes and conflict resolution to recommend effective responses at all levels. It further requested the Secretary General to make the results of this study available to the Security Council and all UN member states.

On SRHR, for the first time, the committee strongly and explicitly called on states to provide safe abortion services including post-abortion care as a part of their obligation to provide SRH services.

Establishment of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC): Following the adoption of the Security Council resolution 1888 on WPS, the office of the special representative of the Secretary General was established and became operational in April 2010. The SRSG-SVC serves as the UN's spokesperson and leading advocate on conflict-related sexual violence. It is responsible for mobilising global political will and action and for preparing the annual report of the Secretary General covering all relevant situations of concern and naming and shaming perpetrators. The SRSG works with the Security Council to propose sanctions and other measures against those who commit, command or condone crimes related to sexual violence. It also works with state and non-state parties of conflict to obtain specific commitments to prevent and respond to sexual violence. The UN Team of Experts on the Rule of Law/ Sexual Violence in Conflict was also established pursuant to resolution 1888 to support countries to strengthen prevention and response efforts.[136]

Adoption of CEDAW General Recommendation 30: In 2013, the CEDAW committee adopted the landmark GR 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations. This is the only legally binding document that recognises women's participation in conflict resolution and peacebuilding processes. It provides authoritative guidance to state parties on legislative, policy and other appropriate measures to ensure full compliance with their obligations under the convention to protect, respect and fulfil women's human rights[137] and provides guidance for non-state actors to address women's rights in conflict-affected areas.

The committee highlights the persisting concern of gendered impact of conflict and exclusion of women from conflict prevention and peacebuilding efforts as well as the insufficient

information on the application of the CEDAW convention in such situations.[138] Protecting women's human rights at all times, advancing substantive gender equality before, during, and after conflict, and ensuring that women's diverse experiences are fully integrated into all peacebuilding, peace-making, and reconstruction processes are important objectives of the convention.

On SRHR, for the first time, the committee strongly and explicitly called on states to provide safe abortion services including post-abortion care as a part of their obligation to provide SRH services. The committee reiterated that forced pregnancies, abortion, and sterilisation of women in conflict-affected areas violated a myriad of women's rights, including the right to decide freely and responsibly on the number and spacing of their children. The committee further recommended that the states parties prevent, investigate and punish gender-based violations such as forced marriages, forced pregnancies, abortions or sterilisation of women and girls in conflict-affected areas.

Other key recommendations were access to SRHR information, psychosocial support, family planning services (including emergency contraception), maternal health services (including antenatal care), skilled delivery services, prevention of vertically-transmitted infections and emergency obstetric care, prevention and treatment of HIV/AIDS and other sexually transmitted infections (including post-exposure prophylaxis), and care to treat injuries, such as fistula arising from sexual violence, complications of delivery, or other reproductive health complications, among others.

In terms of reporting, the committee asks the state parties to report on the legal framework, policies and programmes that 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 WPS.

Adoption of Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development: Goal 16 of the SDGs recognises that sustainable development can only be realised when our societies and countries are in peace and are secure. The agenda focuses on promotion of peaceful and inclusive societies for sustainable development, providing access to justice for all and on building effective, accountable, and inclusive institutions at all levels. The 2030 Agenda outlines follow-up and review processes that will be voluntary and country-led, while being open, inclusive, participatory, and transparent for all people and stakeholders.

One of the indicators identified for the achievement of the goal is the development of effective, accountable, and transparent institutions at all levels. Though the 2030 Agenda recognises the importance of women's presence in peacebuilding and state-building, the indicators do not include gendered impacts of conflicts and the need to bring perpetrators of gender-based violence to justice. It also fails to recognise the need for punitive action against perpetrators and their advantages and disadvantages to conflict-affected women. It further ignores the growing militaristic nature of conflicts and the violence it perpetrates and none of the targets indicate any form of commitment to end military occupation or the use of military forces.[139]

Beijing Platform for Action (BPfA): Women and armed conflict were one of the 12 critical areas of concern flagged by and adopted by the BPfA in 1995 to ensure urgent action was taken, and to lay out concrete ways for countries to bring about change. It emphasised that states should ensure greater quality and opportunities for women and men, girls and boys.[140] The progress and gaps of implementing the landmark BPfA are reviewed annually by the Commission on the Status of Women (CSW). The BPfA recognises the importance of participation of women in conflict resolution at decision making levels; protecting women living in situations of armed and other conflicts or under foreign occupation; reducing excessive military expenditure and controlling the availability of armaments; promoting non-violent forms of conflict resolution and reducing the incidence of human rights abuse in conflict situations; promoting women's contribution to fostering a culture of peace; providing protection, assistance, and training to refugee women, other displaced women in need of international protection, and internally displaced women; and providing assistance to the women of the colonies and non-self-governing territories.

The BPfA encourages both women and men to take responsibility for their sexual and reproductive behaviour, ensures full respect for the integrity of the person, takes action to ensure the necessary conditions for women to exercise their reproductive rights, and to eliminate coercive laws and practices. It further recognises the specific needs of adolescents and implements appropriate programmes such as

education and information on sexual and reproductive health issues, and on sexually transmitted diseases including HIV/AIDS. In 2015, the report of the Secretary General on the 20-year review of the implementation of the BPfA highlighted that conflict-related sexual and gender-based violence continued to remain a serious concern, and women remained underrepresented in the security sector, decision-making, and leadership positions.[141]

The ICPD PoA recognises the impact of conflict on women and girls —that they may be subjected to rape and sexual assault in situations of armed conflict. The PoA is also committed to providing refugees with access to health services including family planning.

International Conference on Population and Development Programme of Action (PoA): Despite being non-binding, the ICPD PoA is a landmark document that put SRHR at the centre of development. The ICPD PoA recognises the impact of conflict on women and girls—that they may be subjected to rape and sexual assault in situations of armed conflict. The PoA is also committed to providing refugees with access to health services including family planning.[142] Member states that adopted the ICPD acknowledged the need for involvement of women in the leadership, planning, decision-making, management, implementation, organisation and evaluation of services in reproductive health programming.[143]

Geneva Conventions: The Geneva Conventions and their additional protocols that regulate the conduct of armed conflicts are at the core of International Humanitarian Law. Arising from the experiences of World War II, the fourth Geneva Convention adopted in 1949 and its additional protocols seek to protect people who do not take part in the fighting and those who can no longer fight. Among approximately 560 articles in the Geneva Conventions of 1949 and the Additional Protocols of 1977, about 40 are of specific concern to women.[144] Some of them include, under protection of women as members of the civilian population; protection against abuses by the Party to the conflict into whose power women have fallen; protection of women as members of the civilian population, including pregnant women or maternity cases, nursing mothers and mothers of young children; and treatment of women combatants and prisoners of war.

In addition, Article 27 of the Fourth Convention provides special protection for women against any attacks on their honour, and in particular against rape, enforced prostitution, or any form of indecent assault. The content of this article, repeated in different protocols of the conventions, further substantiates that violence against women, specifically in the context of conflict, continue to be committed[145] and needs to be addressed by all parties. According to the International Committee of the Red Cross (ICRC), "women are in the greatest danger of such assaults at the time of their arrest or capture and during the interrogation, which follows, assaults ranging from the threat of rape to obtain "confessions" to the act itself."[146] However, adoptions of the conventions are not sufficient to address the issue unless state parties take responsibilities for their implementation.

Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention): The Istanbul Convention is a Council of Europe Convention, which guarantees the fundamental right of every woman to be protected from gender-based violence at the individual, institutional, and structural level, regardless of her legal status. It was adopted by the Council of Europe's Committee of Ministers in April 2011, and Turkey became its first signatory in May 2011 on the occasion of the 121st Session of the Committee of Ministers in Istanbul.

The convention is seen as a crucial legal instrument that demands that states grant legal recognition to stateless persons. The convention further ensures that victims of gender-based violence across different countries will have access to the same rights, protections, and resources when dealing with various forms of physical and psychological abuse. It recognises and addresses the structural and systemic problem of gender-based violence that disproportionately targets women.[148] Article 60 of the convention addresses issues related to gender-based asylum claims and provides the following:

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A(2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm, giving rise to complementary/subsidiary protection.

2. Parties shall ensure that a gender-sensitive interpretation is given to each of the convention grounds, and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.
3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

CONCLUSIONS

Despite existing international instruments and commitments, gender inequality is a major issue and women and girls generally continue to face violations of their SRHR, especially during conflict and post-conflict. Though conflicts can also play transformative roles for women, providing opportunities to break gender stereotypes, they are expected to resume gender roles post-conflict under the pretext of "restoring peace." Experiences of women's transformation to leadership roles should be consolidated and their gains sustained, so that women are not pushed back to their subservient roles to reassert patriarchal ideology when the war has, so called, "ended."[149]

Because women are excluded from conflict resolution and peace processes, their experiences of conflict, especially relating to their SRHR, are often invisible and hence, remain unaddressed. It is important to acknowledge that the experiences of women and girls in conflict are different to that of men and boys, and it is critical to ensure that conflict resolution and peace processes reflect the needs of women and girls as well.

Sustainable peace cannot be achieved unless structural inequalities and human rights violations including SRHR are addressed. Achieving gender equality and upholding SRHR, through human rights approaches, should be the priority of development plans and programmes at all levels. Gender quality and SRHR for all are crucial to prevent conflict in many of these contexts. The feminist definition of peace and the broadened definition of conflict, provided by the CEDAW committee in GR 30, should be recognised by UN member states. This is important to address sub-national armed conflicts and other conflicts in formal peace negotiations or efforts to end violence and at the same time, address their deep-rooted origins as a part of peace initiatives.[150]

Experiences of women's transformation to leadership roles should be consolidated and their gains sustained so that women are not pushed back to their subservient roles to reassert patriarchal ideology when the war has, so called, "ended."

MOVING FORWARD

Political will to address issues related to gender and SRHR is the starting point for sustainable peace. Every section of the society plays a pivotal role in contributing to peace. This section identifies some major actions that different actors are responsible for, to ensure gender equality and SRHR for women and girls, especially in conflict and humanitarian settings.

POLICY AND DECISION MAKERS (GOVERNMENT/DONORS/ UN AGENCIES)

- **Ensure women's participation in conflict resolution and peace processes:** Policy/decision makers should recognise the agency of women and girls. Their participation is crucial in all phases of conflict resolution and peace processes. Women's equal and meaningful participation at all decision-making levels, including at national institutions and mechanisms such as justice institutions, and at transitional justice mechanisms, should be ensured.[151] That women are not a homogenous group, and their experiences of conflict can be diverse, should also be reflected in all decision-making processes. Strengthening women's capacity and enabling them to make effective interventions at these processes is essential.
- **Implementation and effective monitoring of international instruments including UNSCR on Women, Peace and Security:** Member states should ensure the implementation of international instruments with proper plans and adequate budget allocation both at the national, regional and international levels. The most demanding is the implementation of the UNSCR 1325 and subsequent resolutions on WPS, and UNSCR 2250 on Youth, Peace and Security. At the national level, the first step towards the implementation of WPS is to ensure that NAPs are in place. The NAPs should be supported with adequate resource allocation with effective implementation plans and monitoring mechanisms. The SDGs must also fully integrate commitments made to accelerate BPfA, ICPD PoA, UNSCR on WPS, and CEDAW GR 30 across all 17 goals[152] and their review. All the components in the recommendations including safe abortion should be upheld by states irrespective of religious beliefs and cultural practices.

Only 3% of peace and security funding targets gender equality and women's empowerment, as a principal objective. This is likely due to the continued failure to adequately fund programmes for empowerment of women during non-conflict years or before the start of a conflict.

- **Ensure justice to all, including stateless persons, who have suffered war crimes:** States should take responsibility to provide justice to all those who have endured war crimes, including forced sexual slavery and rape. No post-conflict or peacebuilding effort can be successful until this is achieved. Countries should ensure that measures are taken, and systems are put in place, for victims of rape and other gender-based violence to testify and seek justice for the crime perpetrated against them. States should end the culture of impunity for perpetrators irrespective of their position and power. States are also obligated to put measures in place to protect human rights including SRHR of stateless women within their territory without any discrimination. This also includes guaranteeing women and girls affected by conflict the equal right to obtain the documents necessary for the exercise of their legal rights, and the right to have such documentation issued in their own names.[153]
- **Ensure adequate funding for SRHR in conflict prevention, resolution, and peace processes:** Currently funding for gender equality in peace and security is under prioritised. Only 3% of peace and security funding targets gender equality and women's empowerment, as a principal objective.[154] This is likely due to the continued failure to adequately fund programmes for empowerment of women during non-conflict years or before the start of a conflict. Root causes such as gender inequality and violation of SRHR must be addressed through adequate funding to organisations and movements in the region. Components of SRHR are supported more from a health perspective and in the context of humanitarian need. Adequate funding, for comprehensive SRHR approaches, during conflict helps minimise the impact, especially for women and girls.

- **Ensure humanitarian aid and services adopt human rights approaches and that they reach all during crises:** Even though current approaches of humanitarian efforts attempt to fulfil the need of people in crises, it tends to be disempowering and paternalistic, treating people like passive victims.[155] Humanitarian efforts should adopt a rights-based approach and reach out to people to assess their needs and offer options. This, in the long run, will contribute to sustainable peace. UN agencies such as UNHCR and other organisations providing humanitarian aid should ensure that initiatives, such as MISP and the Sphere Project, are expanded to be more comprehensive and are made universal to reach all women and girls in crises, and not just the identified priority areas by aid organisations.

A feminist approach draws attention to the efforts and resilience of women and girls to survive, negotiate, and rebuild, and builds on these experiences and examples for mainstream efforts to conflict resolution and peacebuilding.

CIVIL SOCIETY ORGANISATIONS AND GOVERNMENTS

- **Gender disaggregated data and SRHR needs:** Both states and CSOs, especially working in the humanitarian context, should ensure that data is gender disaggregated both during collection and analysis of the conflict situation. Studies should also analyse SRHR needs of those who are impacted by the conflict. Gender-disaggregated data should also recognise the existence of people with diverse sexual orientation, gender identities and expressions and their experiences of conflict, which can be different than those who identify as men and women. Diverse experiences of women in conflict should also be part of the studies. Similarly, there is also a need to study women's involvement in peace processes and their impact, as these studies provide the evidence-base for conflict resolution and peacebuilding efforts.
- **Advocate and uphold SRHR for all:** Upholding SRHR of all is key for conflict prevention, resolution, and peacebuilding. This requires a comprehensive approach and from the perspective of health and rights. Barriers to SRHR in the context of conflict and post-conflict situations should be identified and addressed. The barriers are also posed by structural inequalities and narrow or misinterpretation of religious beliefs and cultural practices, particularly in providing contraception and safe abortion services. Intersectionalities of SRHR with such issues, therefore, need to be further studied to address and uphold SRHR for all. As stipulated in the CEDAW GR 30, in addition to family planning services, access to SRHR information and safe abortion services should be provided. The provision of SRHR in the context of conflict should also reflect government commitments to all international legal instruments, as highlighted in the previous sections.

CIVIL SOCIETY ORGANISATIONS:

- **Multiple roles:** CSOs can play multiple roles in conflict prevention, resolution, and building peace depending on where they are located, level of their reach to conflict affected women and girls, and their area of work. They can provide support and services, conduct awareness programmes on SRH and SRHR, document rights violations and lived-in experiences of conflict affected women, men youth and children, contribute to Shadow Reports to the CEDAW Committee as well as regional and international SDG processes, highlight the SRHR situation of women and girls in conflict, and give recommendations.
- **Domestication of progressive international and national norms and standards:** Domesticating international and national human rights instruments pertaining to WPS is important, considering Asia is vulnerable to increasing conflicts and their impact. Engaging the community, specifically women and girls, in the process of localising and contextualising human rights instruments not only strengthens their capacity but also allows them to take ownership for achieving peace and security.
- **Advocate for a feminist approach to peace including demilitarisation:** A feminist approach to peace calls for non-violent means to resolve conflict. As highlighted in the global study on the implementation of the UNSCR, prevention of conflict and ensuring security through non-violent means should be emphasised by international systems, and more resources should be dedicated to this endeavour. Resources allocated for the military should also be rechannelled to social spending to addresses the basic needs and rights of people, which can prevent the emergence or escalation of conflict in many contexts. A feminist approach draws attention to the efforts and resilience of women and girls to survive, negotiate, and rebuild,[156] and builds on these experiences and examples for mainstream efforts to conflict resolution and peacebuilding.

ENDNOTES

1. Conflict prevention recognises that to avoid the catastrophes associated with strife, particularly violent upheaval, change is usually necessary through new institutions, revitalised processes or by the sharing of power. Conflict prevention as an approach relies heavily on the accurate analysis of any latent or minor disputes in the hope of identifying appropriate strategies for resolution or intervention. See: Christopher E. Miller, *A Glossary of Terms and Concepts in Peace and Conflict Studies* (University for Peace, 2005), https://www.upeace.org/pdf/glossaryv2.pdf.
2. Policies, programmes, and associated efforts to restore stability and the effectiveness of social, political, and economic institutions and structures in the wake of a war or some other debilitating or catastrophic event. Peacebuilding generally aims to create and ensure the conditions for 'negative peace' – the mere absence of violent conflict engagement, and for 'positive peace' – a more comprehensive understanding related to the institutionalisation of justice and freedom. See: Christopher E. Miller, *A Glossary of Terms and Concepts in Peace and Conflict Studies*.
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5. A "fragile state" is a state significantly susceptible to crisis in one or more of its subsystems. It is a state that is particularly vulnerable to internal and external shocks and domestic and international conflicts. In a fragile state, institutional arrangements embody and perhaps preserve the conditions of crisis: in economic terms, this could be institutions (importantly, property rights) that reinforce stagnation or low growth rates, or embody extreme inequality (in wealth, in access to land, in access to the means to make a living); in social terms institutions may embody extreme inequality or lack of access altogether to health or education; in political terms, institutions may entrench exclusionary coalitions in power (in ethnic, religious, perhaps regional terms), or extreme factionalism or significantly fragmented security organisations. See: "Crisis, Fragile and Failed States," The London School of Economics and Political Science, accessed November 21, 2017, http://www.lse.ac.uk/internationalDevelopment/research/crisisStates/download/drc/FailedState.pdf.
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20. Horizontal Inequality (HI) is defined as in equality among culturally defined (or constructed) groups, in contrast to Vertical Inequality (VI) which is inequality among households or individuals. HIs are multidimensional, including a political and social dimension, as well as economic, and a range of elements in each of these dimensions. See: Frances Stewart and Arnim Langer, *Horizontal Inequalities: Explaining Persistence and Change*. https://www.ifw-kiel.de/konfer/2006/preg/stewart_langer.pdf.
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Redefining Peace: Interlinkages of Conflict, Gender, and Sexual and Reproductive Health and Rights

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ARROW is a regional and non-profit women's NGO based in Kuala Lumpur, Malaysia, and has consultative status with the Economic and Social Council of the United Nations. Established in 1993, it envisions an equal, just, and equitable world, where every woman enjoys her full sexual and reproductive rights. ARROW promotes and defends women's rights and needs, particularly in the areas of health and sexuality, and to reaffirm their agency to claim these rights.

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