

Guidance Note

## Women, Peace & Security and the United Nations Global Focal Point for the Rule of Law

Promoting Gender Justice for Peaceful and Inclusive Societies





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The Global Focal Point for the Rule of Law (GFP) is a United Nations coordination arrangement, established in 2012 by the Secretary-General to enhance the predictability, coherence, accountability and effectiveness of the United Nations' delivery in the area of the rule of law, at country and international levels. At Headquarters, DPO and UNDP are responsible for co-chairing the GFP. The GFP includes as partners the Executive Office of the Secretary-General (EOSG), OHCHR, UNHCR, UNODC, UNOPS and UN Women. In country, the senior United Nations official is responsible and accountable for guiding and overseeing United Nations rule of law strategies, resolving political obstacles, and coordinating United Nations country support on the rule of law.

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The research was developed by Dr. Amrita Kapur (independent consultant), with inputs from Emily Kenney (UN Women) and Katarina Sydow (DPO) based on valuable contributions from colleagues from the GFP Core Team, the GFP partners and other rule of law entities: DPO, EOSG, OHCHR, the Team of Experts on Sexual Violence and the Rule of Law, UNDP, UNHCR, UNICEF, UNODC, UNOPS, and UN Women.

#### **Acronyms**

CAR Central African Republic

**CEDAW** Convention on the Elimination of Discrimination Against Women

CRSV Conflict-related sexual violence

DCO Development Coordination Office

DPO Department of Peace Operations

**DPPA** Department of Political and Peacebuilding Affairs

**DRC** Democratic Republic of the Congo

FOSG Executive Office of the Secretary-General
GFP Global Focal Point for the Rule of Law
GPP Government-provided personnel

IATF-P Interagency Taskforce on Policing

LGBTIQ+ Lesbian, gay, bisexual, transgender, intersex and queer

MINUSMA Multidimensional Integrated Stabilization Mission in Mali

MONUSCO United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

**OHCHR** Office of the High Commissioner for Human Rights

**PBF** Peacebuilding Fund

**PBSO** Peacebuilding Support Office

PROSMED Support Program for the stabilization of Mali through the strengthening of the Rule of Law

**ROLSHR** Rule of Law, Security and Human Rights

SOGIESC Sexual orientation, gender identity, gender expression and sex characteristics

SRSG-SVC Special Representative of the Secretary-General on Sexual Violence in Conflict

**ToE** Team of Experts on Sexual Violence and the Rule of Law

**UN Action** UN Action Against Sexual Violence in Conflict

**UNCT** United Nations Country Team

**UNDP** United Nations Development Programme

**UNESCO** United Nations Educational, Scientific and Cultural Organization

**UNFPA** United Nations Population Fund

**UNHCR** United Nations High Commissioner for Refugees

UNMISS United Nations Mission in South Sudan
UNODC United Nations Office on Drugs and Crime
UNOPS United Nations Office for Project Services

UN-SWAP UN System Wide Action Plan on Gender Equality and the Empowerment of Women

**UN Women** United Nations Entity for Gender Equality and the Empowerment of Women

WPS Women, peace and security



## Introduction

This guidance note was co-sponsored by UN Women and the United Nations Global Focal Point for the Rule of Law (GFP) as part of a dedicated partnership between UN Women and the United Nations Development Programme (UNDP) on gender justice. This partnership was initiated in 2020, with a focus on closing the justice gap for women and girls in crisis, fragility and complex contexts.

Increasingly, research demonstrates the correlation between gender inequality and the vulnerability of societies to violent conflict. Inclusive and accessible rule of law systems have the potential to address individual women's and girls' rights violations *and* to contribute to the transformation of gender inequality in societies – and by doing so, to promote sustaining peace and the implementation of the women, peace and security (WPS) agenda. Rule of law institutions can advance gender equality through the meaningful participation – as rights-holders and beneficiaries, and as leaders and decisionmakers – of diverse women and girls in justice and security institutions and processes, including those who face intersectional discrimination based on their race, ethnicity, religion, age, disability, sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC), and other factors. Rule of law institutions can also advance gender equality by being responsive to the gender-specific justice needs of women and girls for justice and security, including by preventing and responding to gender-based violence and other gender-based human rights violations.

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Ardo Djibo Fadimatou (centre, in blue and yellow), 64, lost eight of her 15 children during the conflict in CAR. She speaks for the over 12,000 women in the Gado refugee camp as their elected President and leads meetings in UN Women's Social Cohesion Space, where survivors of gender-based violence can access services, including legal assistance.

The GFP, which convenes and coordinates the United Nations system on rule of law, has a critical role to play in ensuring that United Nations rule of law support contributes to the transformation of gender inequality and the implementation of the WPS agenda.

The purpose of this brief is to provide guidance and recommendations to the United Nations system on how to leverage the GFP platform to advance the implementation of the WPS agenda. To this end, the brief synthesizes good practices and lessons learned from the experience of GFP partners and allies. The brief highlights the existing and potential value of the GFP as a coordination mechanism for gender-responsive rule of law support, through which the United Nations can more effectively and efficiently promote the implementation of the WPS agenda, including the advancement of gender equality and women's human rights. The brief was prepared based on a desk review of existing literature and focus group discussions with nine GFP partner entities (see annex 2).

- The brief **first** describes the structure and objectives of the GFP. It then explores the importance of the rule of law within the WPS agenda, identifying the relevant normative framework. The brief reflects on the progress made in implementing the rule of law objectives in the WPS agenda, before illuminating the potential role of the GFP in promoting these goals.
- Second, drawing on focus group discussions with GFP partners, the brief identifies examples of good practice, challenges, gaps, and lessons learned in funding and programming gender-responsive rule of law support, particularly in conflict-affected and fragile settings. In this section, the brief also makes recommendations to the GFP and its partner entities, on how to strengthen gender-responsive rule of law support through the GFP arrangement, to better leverage the GFP platform to advance women's rights and gender equality, and the implementation of the WPS agenda.
- Third, the brief concludes with reflections on how the contents and recommendations it contains might contribute to centering gender equality and implementation of the WPS agenda in ongoing processes of the United Nations to advance the rule of law, human rights, sustaining peace and sustainable development.



## Understanding the WPS agenda in the context of the GFP

#### 1 Goals and activities of the GFP

The GFP was established in 2012 by a decision of the Secretary-General. Its mandate is to enhance the predictability, coherence, accountability, and effectiveness of United Nations delivery in the area of rule of law at country and international levels, and to ensure that such delivery is fully grounded in international law.<sup>2</sup>

At headquarters, the Department of Peace Operations (DPO) and United Nations Development Programme (UNDP) are co-chairs of the GFP. The official partners of the GFP are the Executive Office of the Secretary-General (EOSG), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNODC), the United Nations Office for Project Services (UNOPS) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). In addition, the GFP regularly collaborates with other United Nations entities working in the rule of law area, including the United Nations Children's Fund (UNICEF), the Development and Coordination Office (DCO), the Peacebuilding Support Office (PBSO), the Department of Political and Peacebuilding Affairs (DPPA), and the Team of Experts on Rule of Law and Sexual Violence in Conflict (ToE) which is comprised of staff from DPO, OHCHR, and UNDP. GFP partners promote United Nations norms and standards, including

© UN Women/ Ryan Brown Thelma Aldana, Attorney General of Guatemala from 2014 to 2018. gender mainstreaming and human rights-based approaches, in crisis and conflict-affected settings. All joint rule of law initiatives among GFP partners reflect the integrated "One UN" approach. In the field, the senior United Nations official in the country is responsible and accountable for guiding and overseeing rule of law strategies, for resolving political obstacles, and for coordinating United Nations country support.

The GFP arrangement achieves impact by:

- Conducting joint assessment missions;
- Supporting joint design and implementation of rule of law projects and programmes;
- Providing seed funding to joint rule of law projects and programmes;
- O Supporting resource mobilization efforts for joint rule of law initiatives at headquarters and in the field;
- O Deploying expertise in response to requests at the country level;
- Facilitating information-sharing among United Nations rule of law entities;
- Developing knowledge products and facilitating consultations on policy and guidance documents; and
- Organizing regular meetings both at the technical and political level to improve coordination.

#### Box 1: Composition of the United Nations Global Focal Point for the Rule of Law

Co-Chairs:	lr	cluding other expertise, as relevant, from:
O UNDP		Team of Experts (comprised of staff from DPO,
O DPO		OHCHR, UNDP and the Office of the Special
		Representative of the Secretary-General on
Partner entities:		Sexual Violence in Conflict)
		UNICEF
O EOSG		DCO
OHCHR		PBSO
O UNHCR		DPPA
O UNODC		
O UNOPS		
O UN Women		

#### 2 The WPS agenda and its relationship to the rule of law

The first resolution of the United Nations Security Council on women, peace and security (WPS), resolution 1325 (2000), recognized that gender equality is inextricably linked with peace and security. The WPS agenda is now comprised of ten Security Council resolutions that call upon States, with the support of the United Nations, other regional and international organizations, and civil society, to take measures that include: supporting the meaningful **participation** of women in all aspects of peace and security, including at decision-making levels; the **protection** of women and girls from violence and human rights violations, particularly conflict-related sexual violence (CRSV); the **prevention** of conflict and human rights violations; and promoting **peacebuilding and recovery** that advances gender equality. Collectively, these areas of focus comprise the four pillars of the WPS agenda. Each of the ten WPS Security Council resolutions includes commitments and requests related to the rule of law, examples of which are elaborated in box 2.

#### Box 2: Excerpts from the Security Council's WPS resolutions related to the rule of law

#### **UN Security Council resolution 1325 (2000)**

→ 11. Emphasizes the responsibility of all States to **put an end to impunity** and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, where feasible from amnesty provisions;

#### **UN Security Council resolution 1820 (2008)**

4. Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes, and calls upon Member States to comply with their obligations for prosecuting persons responsible for such acts, to ensure that all victims of sexual violence, particularly women and girls, have equal protection under the law and equal access to justice, and stresses the importance of ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation;

#### **UN Security Council resolution 1888 (2009)**

8. Calls upon the Secretary-General to identify and take the appropriate measures to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law, and recommends making use of existing human resources within the United Nations system and voluntary contributions, drawing upon requisite expertise, as appropriate, in the rule of law, civilian and military judicial systems, mediation, criminal investigation, security sector reform, witness protection, fair trial standards, and public outreach;

#### **UN Security Council resolution 1889 (2009)**

10. Encourages Member States in post-conflict situations, in consultation with civil society, including women's organizations, to specify in detail women and girls' needs and priorities and design concrete strategies, in accordance with their legal systems, to address those needs and priorities, which cover inter alia support for greater physical security and better socio-economic conditions, through education, income generating activities, access to basic services, in particular health services, including sexual and reproductive health and reproductive rights and mental health, gender-responsive law enforcement and access to justice, as well as enhancing capacity to engage in public decision-making at all levels;

#### **UN Security Council resolution 1960 (2010)**

Reaffirming that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses, drawing attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals and truth and reconciliation commissions, and noting that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims,

#### **UN Security Council resolution 2106 (2013)**

16. Requests the Secretary-General and relevant United Nations entities to assist national authorities, with the effective participation of women, in addressing sexual violence concerns explicitly in: (c) justice sector reform initiatives, including through legislative and policy reforms that address sexual violence; training in sexual and gender-based violence of justice and security sector professionals and the inclusion of more women at professional levels in these sectors; and judicial proceedings that take into account the distinct needs and protection of witnesses as well as survivors of sexual violence in armed conflict and post-conflict situations, and their family members;

#### **UN Security Council resolution 2122 (2013)**

Reaffirming that sustainable peace requires an integrated approach based on coherence between political, security, development, human rights, including gender equality, and rule of law and justice activities, and in this regard emphasizing the importance of the rule of law as one of the key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding;

#### **UN Security Council resolution 2242 (2015)**

Urges Member States to strengthen access to justice for women in conflict and post-conflict situations, including through the prompt investigation, prosecution and punishment of perpetrators of sexual and gender-based violence, as well as reparation for victims as appropriate, notes that the fight against impunity for the most serious crimes of international concern committed against women and girls has been strengthened through the work of the International Criminal Court, ad hoc and mixed tribunals, as well as specialized chambers in national tribunals and reiterates its intention to continue forcefully to fight impunity and uphold accountability with appropriate means;

#### **UN Security Council resolution 2467 (2019)**

16(d) Encourages concerned Member States to ensure the opportunity for the full and meaningful participation of survivors of sexual and gender-based violence at all stages of transitional justice processes, including in decision-making roles, recognizes that women's leadership and participation will increase the likelihood that transitional justice outcomes will constitute effective redress as defined by victims and will respond to important contextual factors;

#### **UN Security Council resolution 2493 (2019)**

Strongly encourages Member States to **create safe and enabling environments for** civil society, including formal and informal community women leaders, women peacebuilders, political actors, and **those who protect and promote human rights**, to carry out their work independently and without undue interference, including in situations of armed conflict, and to address threats, harassment, violence and hate speech against them;

The ten resolutions that comprise the WPS agenda are complemented by country-specific United Nations Security Council resolutions, such as those mandating or extending the mandates of peacekeeping operations and special political missions,<sup>3</sup> and thematic resolutions that incorporate elements of the WPS agenda, such as resolutions on sexual violence and trafficking as a tactic of terrorism,<sup>4</sup> and resolutions on women in peacekeeping.<sup>5</sup> The WPS agenda is also closely linked to other related Security Council agendas, including on children and armed conflict, peacebuilding, sustaining peace, counter-terrorism and countering violent extremism, and youth, peace and security.<sup>6</sup>

The Security Council's resolutions on WPS have created an infrastructure within the United Nations and among Member States to support implementation of the WPS agenda. This infrastructure includes: the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict,<sup>7</sup> the Team of Experts on the Rule of Law and Sexual Violence in Conflict,<sup>8</sup> senior women protection advisors in peacekeeping mission settings,<sup>9</sup> and the Security Council Informal Expert Group on WPS.<sup>10</sup>

The normative and operational framework on WPS created by the Security Council is complemented by other international and regional conventions, frameworks, and guidance. These include, but are not limited to:

- International human rights conventions, including the Convention on the Elimination of Discrimination Against Women (CEDAW) and its Optional Protocol, as well as the general recommendations (GR) of the CEDAW Committee, particularly GR 19 on violence against women; GR 30 on women in conflict prevention, conflict and post-conflict situations (see box 3); GR 33 on women's access to justice; and GR 35 on gender-based violence against women;
- Regional human rights conventions, including the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, the American Convention on Human Rights, and the European Convention on Human Rights, and related regional frameworks, such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol");Regional human rights conventions, including the African Charter on Human and Peoples' Rights, the American Convention on Human RightsAfrican Charter on Human and Peoples' Rights, the American Convention on Human Rights, the European Convention on Human Rights, and related regional frameworks, such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo Protocol");
- The <u>Beijing Declaration and Platform for Action</u> (1995), which includes "Women and Armed Conflict" among its twelve areas of concern;
- Annual Reports of the Secretary-General on Women, Peace and Security (since 2002) and on Conflict-Related Sexual Violence (since 2012);
- The report of the Secretary-General on Rule of Law and Transitional Justice in Conflict and Post-Conflict
   Societies (S/2004/616) and the report of the Secretary-General on Women's Participation in Peacebuilding
   (S/2010/466), the latter of which includes the Secretary-General's Seven-Point Action Plan on Gender-Responsive Peacebuilding;
- Guidance Notes of the United Nations Secretary-General on the United Nations Approach to <u>Rule of</u>
   <u>Law Assistance</u> (2008), <u>Transitional Justice</u> (2010), and <u>Reparations for Conflict-Related Sexual Violence</u>
   (2014); and
- The 2030 Agenda for Sustainable Development, including sustainable development goal 5 (gender equality) and goal 16 (peace, justice and strong institutions) and the recent Secretary-General's report, Our Common Agenda (A/75/982), which recommends actions to accelerate the achievement of all sustainable development goals.

## Box 3: Excerpt from CEDAW General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (2013)

"Challenges related to access to justice are especially aggravated and acute in conflict and post-conflict situations as formal justice systems may no longer exist or function with any level of efficiency or effectiveness. Existing justice systems may often be more likely to violate women's rights than to protect them and this can deter victims from seeking justice. All barriers faced by women in accessing justice before the national courts prior to the conflict, such as legal, procedural, institutional, social and practical, and entrenched gender discrimination are exacerbated during conflict, persist during the post-conflict period and operate alongside the breakdown of the police and judicial structures to deny or hinder their access to justice."

Additionally, in 2021, the Women, Peace and Security and Humanitarian Action Compact was created as an inter-generational, inclusive movement for action on women, peace and security and gender equality in humanitarian action. The Compact framework assembles existing commitments related to the WPS agenda and sets out key "actions," to which States, United Nations entities, regional organizations, civil society, academic institutions and the private sector may commit, in order to close implementation gaps. The Compact includes an action to "strengthen the capacity of national rule of law institutions, the security sector, and national human rights institutions in an inclusive and survivor-centered manner, including through women's meaningful participation in the design, implementation, monitoring and evaluation of these capacity measures."<sup>11</sup>

© UN Women/Catianne Tijerina Members of the national gendarmerie in the Central African Republic.



#### 3 The United Nations, rule of law and the WPS agenda

Over the past decade, several reviews of the work of the GFP and subsequent changes to its operations reflect an increasing commitment to integrate WPS considerations within its work. For example, a review conducted in 2018 found that the GFP could benefit from more substantively engaging the expertise of UN Women and OHCHR on gender and human rights issues, 12 and that gender should be included across all terms of reference for assessments and missions coordinated by the GFP, as well as in guidance for programmes. 13 As the rest of this section of the brief and the accompanying examples demonstrate, many of these recommendations have been implemented, such that there is an emerging collection of best practices on the implementation of the WPS agenda through the GFP's support to rule of law programming.

The United Nations system has also produced reviews and studies that look generally at the Organization's progress in its implementation of the WPS agenda and identify challenges and recommendations for improving delivery. Findings and recommendations that relate to the WPS agenda's rule of law goals are set out in the chart in box 4.

#### Box 4: Excerpts of findings and recommendations from previous UN studies on WPS and the rule of law

Key findings from Rule of Law and Sustaining Peace: Towards More Impactful, Effective Conflict Prevention

UN University Center for Policy Research, 2021

- United Nations programming and responses that were based on a gender analysis and which were centred on women's meaningful participation were more effective at protecting and promoting women's rights and gender equality and at advancing the rule of law in societies generally; and
- By far the most evolved approaches to inclusion within United Nations rule of law work are in the field of gender, and the growing role of UN Women has both created momentum for this work and contributed to a body of good practice to help place inclusion at the forefront of United Nations interventions.

Recommendations from Preventing Conflict, Transforming Justice and Securing the Peace: A Global Study on UN Security Council resolution 1325 (2000)

UN Women, 2015

- Ensure the presence of gender expertise at the senior decision-making level and in all relevant substantive units by placing senior gender advisors in all peacekeeping operations from the outset and for the whole duration of missions. These advisors should be situated directly in the office of the Special Representative of the Secretary-General, supported by hybrid gender expertise in each of the technical units of the mission (e.g. rule of law, human rights, disarmament, demobilization and reintegration, security sector reform, elections); <sup>14</sup>
- Earmark a minimum of 15 per cent of all funding relating to peace and security for programmes whose principal objective is to address women's specific needs and advance gender equality, including in peacemaking, peacekeeping, and peacebuilding in post-conflict societies;<sup>15</sup>

- Adopt a transformative justice approach to programming for women's access to justice, including by
  developing interventions that support legal orders to challenge the underlying sociocultural norms and
  contexts of inequality that perpetuate discrimination against women and enable conflict-related violations
  to occur; and
- Invest in gender-responsive capacity building of the justice sector by: providing gender-sensitive training for all justice sector actors, especially those involved in justice-related service delivery including traditional leaders, health professionals and police; and supporting increasing the participation of women at all levels in justice service delivery, across both formal and informal systems, through measures that can include quotas and support to women's legal education, including scholarships.

#### Recommendations from Progress of the World's Women: In Pursuit of Justice

#### UN Women, 2012

- Extend support from training and other forms of capacity development to infrastructure, administrative reforms, and helping local actors mobilize resources;
- More effectively engage informal justice systems to promote gender equality;
- Extend the programming focus on gender issues to include economic and social justice;
- Identify and address the cultural, economic, and institutional barriers to women's and girls' legal education, and all levels of decision-making in peacebuilding;
- Integrate gender marker tracking systems to the financing and planning of rule of law programming so that sex-disaggregated data can be used to inform the design and monitoring of all rule of law programming; and
- Ensure joint programming translates to better coordination on the ground.

## Recommendations from Improving Women's Access to Justice During and After Conflict: Mapping UN Rule of Law Engagement

#### UNDP and UN Women, 2012

- Grow the knowledge base for coherent programming design and tracking of programming and funding, including by establishing a centralized repository of programming on women's access to justice and budget allocations in order to track the implementation of the Secretary-General's commitment on rule of law under the Seven-Point Action Plan on Gender Responsive Peacebuilding;
- Link field and headquarters efforts further, including by leveraging the GFP to create integrated programming on post-conflict gender justice issues that maximizes the coherence between strategic approaches developed at headquarters and practical implementation on the ground; and
- Improve resource allocation, including by ensuring that 15 per cent of funding of rule of law and access to justice programming is dedicated to gender equality and women's empowerment by 2014, in line with the Secretary-General's Seven Point Action Plan on Gender-Responsive Peacebuilding.



## Promoting the WPS agenda through the GFP

This section of the guidance note sets out areas where the joint approach of the GFP on rule of law support is already operating, explores why the GFP is an effective forum for promoting the WPS agenda, and makes recommendations on how the GFP could be further harnessed to implement the WPS agenda, thereby supporting the work of the United Nations to advance gender equality and build sustaining peace through rule of law support. The areas explored in this section of the brief are:

- 1 The convening power of the GFP, and facilitating partnerships to advance gender justice;
- 2 Sharing and building gender expertise and knowledge on the rule of law and the WPS agenda;
- 3 Analysis, planning and programming for gender-transformative rule of law support;
- 4 Funding and resource mobilization for gender-transformative rule of law support; and
- 5 Inherent and circumstantial constraints on the GFP's success in promoting the WPS agenda.

© UNMIL/Staton Winter Liberian Acting Minister of Justice, Honorable Wheatonia Dixon Barnes (2014).

#### 1 Convening the system and facilitating partnerships to advance gender justice



The GFP creates opportunities to implement the WPS agenda by bringing together all relevant United Nations entities working on rule of law programming. The convening power of the GFP has specific benefits for the implementation of the WPS agenda, as different United Nations entities have unique strengths in relation to the various issues under the WPS agenda, including women's human rights, accountability for CRSV, women's leadership and participation, gender parity in rule of law institutions, and gender-responsive procurement practices. Partners can leverage the convening power of the GFP for consultations on rule of law and gender-related initiatives, and to connect United Nations entities with shared or complementary programming goals.

The coordination platform of the GFP facilitates the development of partnerships between entities, which can deepen the work of the United Nations on rule of law support that seeks to transform gender inequality. Focus group discussions showed that GFP partners work together through a range of modalities, depending on the purpose of the joint work. These approaches include joint programming on gender justice, the sharing of gender expertise, joint reviews of policies and programmes from a gender perspective, and building and disseminating knowledge on gender equality and the rule of law. Examples of these modes of engagement across United Nations entities offer some insight into successful strategies that could be upscaled to ensure a more systematic approach to placing gender equality at the center of United Nations work on rule of law.

In some instances, GFP partner entities engage through formal bilateral memoranda of understanding (MOU) and framework agreements between entities, while other joint work takes place more informally, including through national and headquarters-level coordination mechanisms, such as the interagency coordination mechanisms mentioned later in this section, and joint workplans. Bilateral or framework agreements between GFP partners are one way of facilitating closer and more productive partnerships to advance gender equality through rule of law support. One example is the partnership between UN Women and UNDP, which is addressed in greater detail in box 5. The two entities signed a MOU in 2018 and began a formal partnership on gender justice in 2020, under which this publication was produced.

© UN Women
Police at a one-stop center for survivors of gender-based violence in Mali, built through a joint project by
UN Women, UNDP and MINUSMA, with funding from the GFP.



## Box 5: The UNDP-UN Women Gender Justice Platform: A global partnership to advance access to justice for women and girls

Since 2020, UN Women and UNDP have partnered together, to enable access to justice for women and girls, focusing on complex and conflict-affected contexts. UN Women and UNDP implement joint initiatives that seek to close the gender justice gap and empower women to know and exercise their rights. In 2020 and 2021, the partnership enabled access to justice for 42,000 individuals in 11 countries and territories across Africa and the Middle East, including women and girls with disabilities and survivors of conflict-related sexual and gender-based violence.

In 2022 the partnership between UN Women and UNDP evolved into the <u>Gender Justice Platform</u> to expand the scope of the partnership and to reinvigorate joint efforts in closing the justice gap. The Gender Justice Platform emphasizes the links between the WPS agenda, the rule of law, and peaceful and inclusive societies, including through the development of innovative knowledge products. For example, the 2022 UNDP and UN Women report, <u>Women's Meaningful Participation in Transitional Justice: Advancing Gender Equality and Building Sustainable Peace</u>, finds that 'meaningful' participation in transitional justice is not limited to women simply being present—it involves the convergence of several elements: women's access to justice systems and spaces, safely and without obstacles; women's presence, in order to seize opportunities; and women's ability to influence outcomes by representing their diverse interests.

The activities of the Gender Justice Platform are implemented through the UNDP Global Programme for ROL-SHR, and under the framework of the memorandum of understanding signed between UN Women and UNDP in 2018, in coordination with the GFP and with the financial support from the Ministry of Foreign Affairs of the Government of the Netherlands.

Focus group discussions revealed that bilateral and multilateral partnerships helped to advance gender equality through the rule of law in several ways: first, partnerships create an institutional impetus to work collaboratively, and they create a common understanding of available modes of collaboration, including through the GFP; and second, partnerships encourage entities to work in a complementary manner, drawing upon the comparative advantages and expertise of each entity on issues related to the WPS agenda and rule of law.

Co-location of GFP partners' staff, whether at the headquarters or country level, can also promote more unified and cohesive inter-entity modes of engagement, including through **functional information-sharing and action toward shared goals on gender equality**. This insight is echoed in UN Women and UNDP reflections on the effects of co-location in-country: the interagency divisions between identities and interests are reduced and working as "One UN" is enhanced, promoting the interests of beneficiaries. Co-location also promotes the efficient allocation of resources, including in-country common costs such as rent and joint activity costs.

Focus group participants recognized that the GFP functions alongside other coordination mechanisms and networks within the United Nations system, which are also important spaces for conversation around the rule of law and gender equality. At headquarters, this includes country-specific interagency taskforces that convene regularly to share humanitarian and political updates, and thematic networks. For example, all partner entities of the GFP participate in United Nations Action Against Sexual Violence in Conflict (UN Action), a network of 21 United Nations entities focused on preventing CRSV, enhancing accountability, and meeting the needs of survivors. As another convening structure, UN Action shares information on programming to prevent and address CRSV and produces guidance and policy documents on the topic.

For example, UN Action has formed a working group to develop a common, interagency survivor-centered approach to CRSV, including a compilation of good practices and lessons learned. Once finalized, this policy guidance, and other resources developed through UN Action, could also be utilized in GFP rule of law programming. Many GFP partner entities also participate in the UN Inter-Agency Task Force on Policing, established in mid-2021 to create policy coherence within the United Nations system on police issues, which complements the work of the GFP.<sup>16</sup> Discussions in this forum, as well as policies and guidance developed and disseminated there,<sup>17</sup> are also directly relevant for the work of GFP partners.

At the country level, GFP partners also engage through **established interagency thematic cooperative mechanisms**. One practice to facilitate the sharing of information and gender expertise is the regular meeting of gender focal points across all agencies. In the Democratic Republic of the Congo (DRC), such meetings created a useful platform to discuss and reach a common approach on key issues, including the transition document for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), providing a more systemic framework within which to integrate gender. In Colombia, the interagency gender group cooperates through a roundtable mechanism on WPS that includes United Nations entities, embassies, and NGOs. This group creates an annual workplan that identifies action points for high-level political dialogue and communication of specific issues. Working group initiatives that have arisen from this mechanism include a partnership between UNDP, UN Women, and the government to support women human rights defenders, and another between UN Women, OHCHR, and national women's organisations, funded by the United Nations Peacebuilding Fund (PBF), to promote access to justice for survivors of sexual violence and forced disappearance.<sup>18</sup>

© UN Women
A survivor of violence at a one-stop center in Palestine, opened with support from the joint *Sawasya* programme, where she can access services including legal assistance.



#### Box 6: Co-location of GFP partners' staff to improve country-level programming: The experience of the Sawasya programme in Palestine

The "Sawasya" joint programme in Palestine between UNDP and UN Women has reaped the benefits of co-location. The programme was launched in 2014, with the objective of strengthening the rule of law by developing efficient, accountable and harmonised justice and security institutions, which are gender-sensitive and rights-based while improving access to justice and security services for disadvantaged social groups, particularly women and girls. During the first phase of the programme, UN Women and UNDP staff worked in separate offices and had little contact with one another. Staff reported that they felt that there was tension and competition between these entities at both an international and national level, even though they were implementing the same programme. When the second phase of the joint programme was launched in 2018, United Nations leadership took the decision to co-locate UN Women, UNDP and UNICEF staff. Staff were assigned to office space based on the thematic areas they were working on, rather than the agencies by which they were employed. This quickly resulted in a more comfortable working relationship. Staff now state that they have forgotten they are employed by different agencies, and there is little differentiation across the entities on issues that were previously divisive.



#### **Recommendations:**

The GFP core team and Co-Chairs, with the support and engagement of partner entities, should enhance consultations among partners on initiatives related to rule of law and gender. This includes raising gender and WPS-related questions, issues, successes and challenges within meetings of the GFP, and regularly discussing joint programmes that mainstream gender or have a gender focus, to identify potential problems and ensure continuous improvement in implementing the WPS agenda. For example, GFP partners briefing at meetings of the GFP could systematically be requested to address gender considerations in their presentations, and the meeting chair should raise questions on these points if unaddressed.

GFP partner entities should consider the full range of potential avenues for deeper interagency partnership in a given context, including bilateral or multilateral agreements and memoranda of understanding, joint programming, and the co-location of staff, to advance the goals of the WPS agenda through rule of law support.

The GFP core team and partner entities should leverage and consult with other existing networks and coordination mechanisms, both at headquarters and at the country level, to coordinate the integration of gender, and WPS issues specifically, in knowledge-sharing, programme development, monitoring and evaluation, and resource mobilization. For example, at headquarters, this might include inviting the Secretariat of UN Action to meetings of the GFP, particularly when CRSV will be addressed; and sharing materials disseminated to the UN Action mailing list to GFP representatives, and vice-versa. At the country level, this might include the strategic engagement of gender-focused interagency networks in the development of programmes, and in monitoring and evaluating programme impact.

## 2 Sharing and building gender expertise and knowledge on the rule of law and the WPS agenda



More than two decades after the passage of United Nations Security Council resolution 1325 (2000), numerous barriers remain to the full implementation of the WPS agenda, including in relation to rule of law systems and institutions. At the same time, GFP partners have built up vast expertise on approaches to overcoming those challenges, whether they are political, cultural, or operational in nature. The GFP can serve as a **centralized platform to identify the most specialized and appropriate partner entities, and their relevant staff, for analysis, programming, and knowledge-building and sharing**. Engaging entities with specific expertise early, within the framework of the GFP, will promote better and more consistent programming. Further, having a clear understanding of the various sources within the United Nations system with specific expertise on gender and rule of law issues can ensure that the relevant entities are engaged to support processes in which they will add value.

The importance of gender expertise, and the value of the GFP in identifying and deploying the relevant expertise to advance gender justice, was a common theme in focus group discussions held for this publication. By identifying and deploying appropriate gender expertise in each stage of programming, the GFP can help to ensure that rule of law interventions go further in implementing the WPS agenda. Most United Nations entities have in-house gender expertise on topics as varied as women's human rights and the rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people; intersectional approaches to the justice challenges faced by women and girls, including young women, women and girls with disabilities, and girls from minority groups; survivor-centered approaches to justice; and women's meaningful participation in rule of law institutions, including transitional justice processes and the security sector. This expertise can be pooled and utilized through the GFP mechanism in order to include experts in assessment missions, to support the development of knowledge products, or to provide hands-on support through deployments.

UN Women offers expertise on WPS issues both within the GFP at headquarters as a partner entity, and through bilateral and multilateral engagement with other entities at the country level, in coordination with the GFP. Focus group participants expressed the view that, when UN Women has a country presence, even if it is limited in resources or scope, the involvement of UN Women throughout the programming cycle of other agency missions or programmes can achieve a higher degree of gender responsiveness. This is consistent with the finding of the UNU-CPR report, *Rule of Law and Sustaining Peace*, that the increased presence of UN Women in the field was correlated with more gender-responsive rule of law programming, <sup>19</sup> reinforcing the value of strategic gender integration in the program design phase.

Another valuable source of expertise on a specific issue under the umbrella of the WPS agenda is the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, which is co-led by UNDP, DPO, OHCHR, and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), and is comprised of experts from each of these institutions. The ToE works to assist national authorities in strengthening the rule of law, with the aim of ensuring criminal accountability for perpetrators of conflict-related sexual violence. The ToE participates in meetings of the GFP, regularly briefs the GFP partners on its work, and contributes expertise and resources to joint rule of law programming (see box 7).

### Box 7: Harnessing diverse specialist expertise to enhance access to justice for CRSV survivors in the DRC

In 2021, MONUSCO, UNDP and the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (the Team of Experts) initiated a joint programme to reform the justice sector in the Democratic Republic of the Congo (DRC). The joint programme aims to strengthen rule of law and stabilization efforts, increase security and protection of the local population, and foster accountability and fight against impunity for serious human rights violations and international crimes, including CRSV, while preparing for the gradual withdrawal of MONUSCO.

The joint programme permits a wide range of expertise to be harnessed. For example, the MONUSCO Justice Support Section and its Prosecution Support Cells provide technical advice to military justice authorities and civilian justice actors to investigate and prosecute grave crimes. The Joint Human Rights Office (JHRO) MONUSCO – OHCHR supplies expertise on survivor and witness protection and, informs planning and implementation of activities aimed at addressing CRVS, through the CRSV Unit placed under the purview of the Senior Women Protection Adviser, informs planning and implementation of activities aimed at addressing CRSV, thanks to the data on CRSV incidents and trends in conflict-affected areas collected by the Monitoring, Analysis and Reporting Arrangement (MARA) working group. JHRO also contributes to the promotion and protection of women's rights and gender and provides training on CRSV. The MONUSCO Police unit (UNPOL) provides training on criminal investigations for the national judiciary police, whilst the MONUSCO Corrections Unit builds the capacities of corrections personnel, improving prison conditions and management. In addition to providing substantive knowledge on rule of law, UNDP coordinates and supports activities to promote the justice response. Finally, the Team of Experts provides technical expertise and financial resources to bolster the investigation, prosecution and adjudication of CRSV, and supports political engagement and coordination around this issue through the good offices of the SRSG-SVC.

Together, these entities work under the joint programme to ensure the provision of technical capacity-building and logistical support to national judicial authorities to strengthen the rule of law response to CRSV, including by assisting the national judicial authorities to formulate prioritization strategies; planning joint investigative missions; providing logistical support for mobile court hearings; organizing workshops for judicial personnel on strategic issues, international law and CRSV; and encouraging national high-level political support to improve the judicial response to CRSV. In combination, this diversity of expertise increases the effectiveness of the project, ensures the streamlining of the CRSV mandate, and strengthens the implementation of the WPS agenda.

Leveraging the specific expertise offered by each partner agency is essential to ensure more cohesive, impactful, and context-appropriate programming on gender and rule of law issues. The GFP platform is particularly important for entities that do not typically operate in conflict-affected countries but have significant gender and rule of law programming and expertise to share, such as UNODC. Through a joint approach, GFP partners can better respond to requests for support that extend beyond the mandate of a single entity, and set comprehensive and coherent agendas with Member States, civil society partners and donors, permitting a more holistic response to the multi-faceted challenge of implementing the WPS agenda. Accordingly, further integrating the substantive and programmatic WPS experience and knowledge of all GFP entities, including those with limited presences in countries where the GFP is typically engaged, into joint rule of law programming under the GFP umbrella is likely to improve the UN's impact under the GFP.

In addition to convening personnel and teams with relevant expertise, the GFP also serves as a platform for building and sharing knowledge related to the WPS agenda and rule of law. This publication, developed through the partnership between UN Women and UNDP under the umbrella of the GFP, is one such example. Knowledge-sharing can take place within the GFP network at headquarters, but the important target audience of this information also includes rule of law project designers and managers – that is, operationally-focused staff who are often situated in country offices and peace or political missions. Rule of law resources and policies generated by GFP partners should be centrally accessible through the GFP, enhancing consistency with respect to all rule of law programming, including on WPS-related issues.



#### **Recommendations:**

The GFP core team, with the support of partner entities, should consider **mapping the gender expertise among GFP partners on rule of law issues**, including (1) the types of gender expertise, guidance materials, and modes of assistance that are available from respective partner entities, including those that do not typically operate in conflict-affected countries; and (2) when and how this has, or could be, utilized in GFP-led or other joint initiatives.

The GFP core team and co-chairs should encourage all partners to utilize the **specific gender expertise offered by other partner entities**, to ensure more cohesive, effective, and context-appropriate programming on gender and rule of law issues. This may be achieved by consulting with entities with specific gender expertise, including UN Women, whether at the country, regional or headquarters level, or by requesting dedicated gender expertise and support through a GFP deployment or assessment mission.

The GFP core team and co-chairs should invite regular briefings from partners on knowledge products, including reports, guidance materials and policies developed by GFP partners on gender and WPS-related issues, and encourage GFP partners to circulate these resources to colleagues working outside of headquarters, in country and regional offices, as relevant, to enhance the consistency of the United Nations with respect to rule of law programming and WPS.

#### 3 Programming for gender-transformative rule of law support



For United Nations programming on the rule of law to advance gender equality and the WPS agenda, programming must be based on a robust gender analysis, followed by focused programme planning, implementation, and monitoring and evaluation, with gender equality at the center.

It is critical to integrate gender at the analysis and planning stage of developing rule of law programmes. Programmes that are based on a gender analysis are more effective at protecting women's rights and promoting gender equality and at advancing the rule of law in societies, generally.<sup>20</sup> One way that the GFP adds value is by supporting programme analysis and planning through assessment missions. In recent years, the GFP has developed a practice of including gender expertise in its assessment missions and ensuring that issues relating to the WPS agenda are included in the terms of reference for these missions. For example, in 2021, the GFP supported two "virtual" rule of law assessment missions, to Libya and to Somalia. The terms of reference for both missions incorporated elements of the WPS agenda, and both missions incorporated gender expertise.

"In all cases, UN interventions and programming [on the rule of law] should be informed by a country-specific gender analysis, highlighting the rule of law issues where the UN contribution could help advance women's rights and gender equality as a basis for an adequate prioritization and gender-responsive programming."

– UN University Center for Policy Research, The Rule of Law and Sustaining Peace: Towards a More Impactful, Effective Conflict Prevention (2021)

## Box 8: The importance of including gender analysis in GFP partners' programme design to ensure effectiveness: Supporting justice and truth in CAR

In the Central African Republic (CAR), UNDP, MINUSCA and UN Women implemented a joint project on "Support for victims and Central African populations to access justice and truth under the umbrella joint rule of law programme on "Support to the Rule of Law and Reform of the Justice and Security Sector." UNDP and MINUSCA supported transitional justice mechanisms, including the Special Criminal Court (SCC) and the Truth, Justice, Reparation and Reconciliation Commission (CVJRR), as well as the ordinary judicial institutions through mobile hearings, legal clinics, and free legal aid. UN Women conducted campaigns and community mobilization to increase awareness of the project and developed a "one-stop center" where counselling and psychosocial support were provided to survivors, as well as economic empowerment services and referrals for medical appointments. At this center, survivors could also be referred to the legal aid clinics provided by a local NGO supported by the joint programme.

This holistic and complementary interagency approach enhanced the effectiveness of the project. Many of the barriers to women accessing justice in CAR are socio-cultural. Therefore, supplementing support for the formal justice architecture through increased awareness, education, and the access to support services enabled survivors and witnesses to bring complaints about serious crimes.

## Box 9: Facing and overcoming the challenges of joint programming by GFP partners: Supporting survivor-centered reparations in Guatemala

From 2017 to 2020, UN Women, OHCHR and FAO, alongside eight civil society organizations, implemented a programme with support from the United Nations Peacebuilding Fund, focused on supporting indigenous survivors of conflict-related sexual violence and their communities to lead transitional justice efforts. Among its achievements, the project resulted in the establishment of a survivor-led mechanism to monitor the implementation of the reparations sentence emanating from the Sepur Zarco case by the State.

Alongside its achievements, the programme encountered implementation challenges that are highly relevant to other contexts, including that: different entities had different capacities to implement and spend funding, which were not well accounted for in the initial programming; there were significant differences across agencies as to what constituted a human rights-based approach, and the extent to which women's participation should be centred in the programme. Political dynamics, including on gender-related issues, also affected agencies and their mandates differently. Despite challenges, the joint programme is regarded as positive and innovative, particularly regarding its emphasis on survivor-centered approaches.

Focus group discussions showed that approaches to implementing the WPS agenda at headquarters should be distinguished from practices in the field, especially in relation to gender-responsive planning and programming. At the country level, when rule of law programming occurs, a high level of integration across GFP partner entities in planning, implementation, monitoring and evaluation has proved to be challenging but rewarding. Cross-entity conversations around funding allocation, "programming territory," implementation resources, and reporting modalities have proved worthwhile because they contribute to more coherent, coordinated, and effective action by the United Nations. The diverse country experiences gathered in focus group discussions for this publication provide a wealth of knowledge to pre-empt challenges to more integrated interagency coordination and programming. One case study discussed by the focus groups, which encountered problems that are typical for many projects, was a joint programme to support access to justice for indigenous CRSV survivors in Guatemala, described in box 9. Despite the challenges joint programmes may face, collaboration is preferable to unilateral programming, because it reduces the chance of overlapping programming or inconsistent engagement with external actors by different United Nations entities.

To mainstream gender across all aspects of rule of law programming, all relevant pieces of the United Nations system must be engaged. Although technical expertise from parts of the system with specific mandates relating to the WPS agenda, such as UN Women, can play a valuable role in shaping and implementing programming, all entities in the United Nations system have a responsibility to further the WPS agenda, and will add value by bringing their mandates to bear on gender issues. Achieving this requires **strong internal leadership to ensure gender mainstreaming and increased funding for gender mainstreamed programming**, allowing for more comprehensive implementation of the WPS agenda.

### Box 10: Effective gender mainstreaming to advance the WPS agenda in a joint rule of law programme: The PROSMED project in Mali

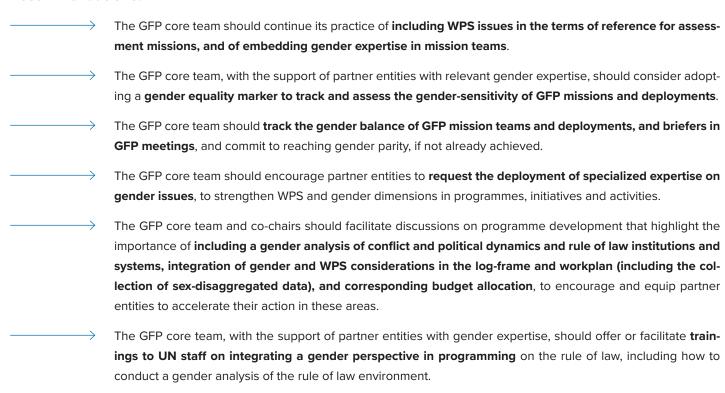
In Mali, UNDP, UN Women, and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) are implementing a joint programme under the GFP titled "Support Program for the stabilization of Mali through the strengthening of the Rule of Law" (PROSMED). The project's aim is to provide support to the Malian population to improve their resilience to conflict, and enable them to live in a secure environment that respects the rule of law and is more favorable to lasting peace and inclusive development. PROSMED seeks to contribute to this objective through the achievement of four results, which are focused on (1) building peace infrastructures and mechanisms for conflict prevention and management; (2) helping populations regain trust and have effective access to security services, justice and human rights institutions that are more representative, efficient, accountable and transparent; (3) reducing corruption in public services, particularly those of security and justice; and (4) improving community resilience to radicalization and violent extremism.

This is not a project with an exclusive gender focus. However, gender is mainstreamed across the programme's activities, and several of the results summarized above include specific gender-focused outputs. For example, output 1.3 requires strengthening the presence and capacities of women and young people in conflict management and prevention mechanisms; output 2.4 provides that the gender sensitivity of security and justice systems should be strengthened; and output 4.3 requires strengthening the active participation of women and young people in all efforts to prevent and combat extremist violence. To advance these results, planned activities include awareness raising and capacity-building actions for women; lobbying and advocacy for women's participation; and improving the supply of security and justice services for women, facilitating their accessibility, strengthening the representativeness and role of women within these institutions, and supporting the deployment of focal points and gender units of the police and gendarmerie.

An intentional and strategic commitment is necessary to guarantee the systematic integration of gender and WPS goals into rule of law programming; this cannot be perceived as secondary or optional. Whether at headquarters or at the country level, United Nations entities must also reflect the principles and values of the United Nations system, including diversity and inclusion. The composition of United Nations staff working on the rule of law should be representative, and aim to reach the gender parity goals of the organization.



#### **Recommendations:**



© UN Women/Ryan Brown
The abuelas (grandmothers) of Sepur Zarco, survivors of conflict-related sexual violence and champions for justice in Guatemala, who received support through a United Nations joint programme.



## 4 Funding and resource mobilization for gender-transformative rule of law support



In 2010, the Secretary-General issued a Seven-Point Action Plan for Gender-Responsive Peacebuilding.<sup>21</sup> The Seven-Point Action Plan included a commitment for 15 per cent of United Nations-managed funds in support of peacebuilding to be dedicated to projects which have the advancement of gender equality as the principal objective. This commitment, which applies to all funds within the UN system working on peacebuilding, across the Secretariat, agencies, funds and programmes, was seen as a necessary step to make visible and reduce the existing resource gap on gender issues. However, twelve years later, **this commitment has yet to be fully realized, including in the United Nations' rule of law support.**<sup>22</sup>

In recent years, however, the United Nations has increased efforts to strengthen the pool of resources for gender equality and to review and improve systems for tracking gender equality allocations, including in peacebuilding contexts.<sup>23</sup> **GFP partners are each responsible for reaching goals around financing for gender equality, and have developed positive examples of increasing funding and resource mobilization for gender equality in rule of law programming.** UNDP has reached the 15 per cent minimum for projects specifically advancing gender equality, including projects under the UNDP Global Programme on ROLSHR. The GFP maintains limited extra-budgetary funding, administered through the UNDP Global Programme on ROLSHR; therefore, the gender equality marker of UNDP is applied to all GFP funding.<sup>24</sup> The UNDP Gender Equality Strategy for 2022-2025 includes a commitment to "...progressively achieve having 70 per cent of allocations to advancing gender equality and/or empowering women..." as either a principal objective or significant objective.<sup>25</sup> The Peacebuilding Support Office has also met and surpassed commitments through the United Nations Peacebuilding Fund, described in box 11.

© UN DPO Justice and Corrections Service
Participants at an assessment and recruitment exercise in Senegal for women corrections officers for deployment to UN Peace
Operations, supported by the Gender Parity Project with funding from the GFP.



#### Box 11: Tracking funding for gender equality in programming: Lessons learned from the Peacebuilding Fund

In 2021, the PBF achieved a historic high, approving 47 per cent of its total investments in support of gender-responsive peacebuilding, <sup>26</sup> including through projects funded through its Gender and Youth Promotion Initiative. The PBF has developed its own gender marker system to track financial allocations to projects that promote gender equality and women's empowerment. <sup>27</sup> Notably, Gender Marker 3 projects have gender equality as a principal objective (80-100 per cent of the total budget) while Gender Marker 2 projects have gender equality as a significant objective (30-79 per cent of the total budget). Furthermore, all budgets in PBF-funded projects are broken down by outcomes, outputs, and activities. This permits the PBF to track what percentage of every budget is allocated to interventions that contribute to gender equality, so that monitoring can be carried out at a highly granular level. When comparing the work of different entities, it is important to consider whether the same gender markers are being used, as this may have an impact on each entity's reported progress towards the target in the Secretary-General's Seven-Point Action Plan. For example, although 47 per cent of PBF investments approved in 2021 were in support of gender responsible peacebuilding, the proportion of Gender Marker 3 projects approved, which have gender equality as a principal objective, was lower at 21 per cent, although still comfortably surpassing the Secretary-General's target. <sup>28</sup>

While it is essential that a minimum amount of funding be allocated specifically to projects that advance gender equality, it is also important for gender and WPS issues to be considered in all rule of law projects. Ensuring that WPS considerations are integrated across rule of law budgets would direct more funding toward WPS issues and promote harmonisation and cross-entity consistency. Gender mainstreaming and gender-responsive budgeting are already-used pathways to achieve this. For example, the experience from Mali in box 10 suggests that mainstreaming gender issues in a programme's budget is key to achieving adequate funding for gender programming. In this respect, field colleagues responsible for assembling budgets and proposals are critical actors to ensure the WPS agenda is integrated into both funding and programming. While it can be challenging to secure large amounts of funding for gender-focused programs, a commitment to gender mainstreaming would ensure that WPS considerations will be integrated in the United Nations largest rule of law programmes that look to tackle a range of systemic issues. The GFP, as a coordination and knowledge-sharing mechanism, has an important role to play in empowering, equipping and encouraging partner entities to set and reach their own goals around gender mainstreaming in rule of law programming.

Focus group discussions revealed that **GFP technical support can also create opportunities to mobilize resources at the country level, including for WPS-related or focused projects and programmes;** for example, as has been seen in Mali, Somalia and Haiti, where the development of GFP-supported joint programmes and joint advocacy have permitted programmatic funding and donor funding to be pooled. By joining forces, GFP partners have been able to attract and combine resources that would not have otherwise be available to joint programming. At the country level, **pre-existing joint programming might encourage further substantial funding by donors for ad-hoc opportunities** that arise from context-specific developments. This was the case in Palestine, where successful joint programming on the rule of law resulted in an additional donation of over \$1.6 million USD to the Sawasya joint programme, as set out in box 12.

#### Box 12: Attracting donors through diverse and effective programmes

The Sawasya joint programme is addressed in box 6 above. This project seeks to support the Palestinian government in building a progressively functioning and increasingly inclusive rule of law system that respects, protects and fulfils human rights and gender equality and promotes peace and security. The first phase from 2014-2017 was a joint programme between UNDP and UN Women. For the second phase commencing in 2018, UNICEF was joined to the project to ensure comprehensive consideration of all rights holders, including children and young people.

This is a broad-based programme that aims to strengthen the quality, effectiveness, accountability and inclusivity of security and justice institutions and services in Palestine. Gender is mainstreamed across the programme through a gender strategy and gender indicators and targets. The programme's four outcomes also include one outcome explicitly dedicated to gender justice, requiring that "women's access to justice and security are improved through gender-responsive service delivery and empowerment of women."

Staff involved with the project express the view that it has been particularly effective at attracting donors due to (1) its achievements, and the perception that the entities involved are working well together in a cost-effective way; and (2) the broad variety of thematic areas covered by the project, including rule of law, gender justice, juvenile and children's justice. It is unlikely that the programme would have been so appealing to donors if it had been exclusively gender focused.

Furthermore, the existence of the joint programme, and its success, encouraged the Netherlands to provide substantial "on top" funding of \$1,685,393 USD, of which UN Women received \$333,708 USD. Around the same time, United Nations headquarters provided \$100,000 USD, through the global programme "Addressing stigma, discrimination and violence for empowering women with disabilities" (ASDWD), to the UN Women country office to direct to legal aid support for women laborers affected by COVID-19.

This example reinforces the importance of effective joint working, and the advantages of gender mainstreaming, to facilitating implementation of the WPS agenda.

At Headquarters, the GFP receives donor funding, which is used to provide seed funding for joint rule of law projects and programmes, as well as deployments and expertise in response to request for assistance from the field. GFP funding is relatively flexible, as it is loosely earmarked and allows to respond to unforeseen needs, bridge resources gaps and assist projects' start-up. Several reflections follow from the account of GFP funding for the Gender Parity Project, set out in box 13: that the flexibility of GFP funding offer considerable gains, particularly on gender equality issues, where other donor funding may be limited; that there may be scope to leverage the funding capacity of the GFP platform more systematically to support programming which is focused on or mainstreams gender issues; and that this might be framed to donors to encourage ongoing funding through the platform, especially for donors interested in WPS. Another benefit of having a wide array of entities as members of the GFP, is the possibility that resources may be mobilized by certain entities, but portions channelled to other partners for joint implementation.

#### Box 13: The Gender Parity Project: a partnership between GFP entities to improve gender equality in justice and corrections

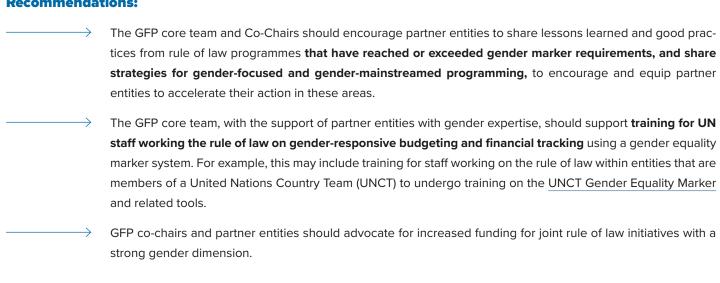
This Gender Parity Project which started in 2021 is led by the Justice and Corrections Service (JCS) of DPO and funded by the GFP. The Project has contributed to a significant increase of women government-provided personnel (GPP) working as justice and corrections officers in United Nations peace operations. Currently, 43 per cent of deployed GPP are women, thereby exceeding the goals of the DPO Uniformed Gender Parity Strategy. The project focuses not only on increasing numbers but also on empowering women in these sectors by creating an enabling environment, including specific networks for women justice and corrections officers. In October 2021, the project received special recognition from Ms. Sima Sami Bahous, Executive Director of UN Women, for outstanding achievements in the area of gender parity.

The project provided funding for the implementation of the first in-person assessment and recruitment exercise for women corrections officers from across the African region as well as for the review and updating of pre-deployment training materials for corrections officers, ensuring gender-responsiveness of the training materials. In addition, the project enabled JCS to develop a series of gender dialogue sessions with deployed GPP addressing issues of gender bias, stereotyping and allyship while sharing good practices from across missions.

JCS described the GFP funding process as efficient, straightforward, and administratively easy. Requirements for project proposals and outlines were simpler than with most external donors and the decision-making process was swift.



#### **Recommendations:**



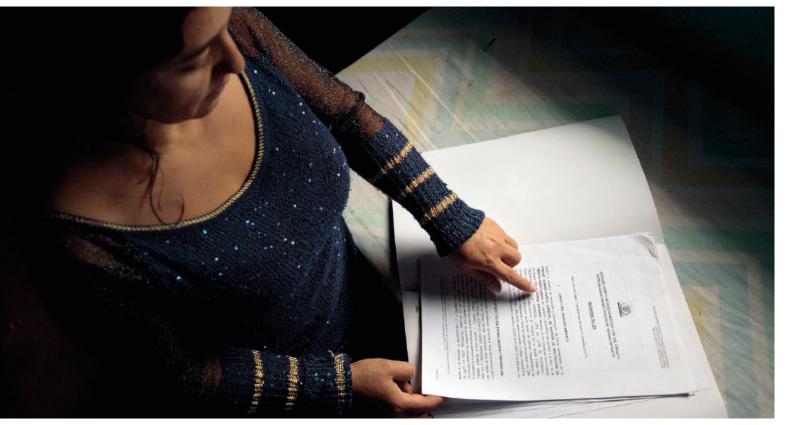
## 5 Inherent and circumstantial constraints on the GFP's success in promoting the WPS agenda



Notwithstanding the growing body of good practice among GFP partners and across contexts, there remain gender and WPS considerations that are not as well integrated in the work of the GFP. As highlighted in section 2(c) above, previous reports identified aspects of rule of law programming that were typically not well addressed from a gender perspective, and where WPS considerations could be better incorporated. Some of the key thematic areas where focus group participants identified ongoing limitations and tensions were: the gender dimensions of rule of law infrastructure; informal justice; intersectional gender analysis; women's justice needs and priorities; the interconnectedness of gender inequality in the rule of law area and in societies in general; and gender-responsive monitoring and evaluation and the collection of sex-disaggregated data.

Focus group discussion participants **highlighted rule of law-related infrastructure as an area without system-ic gender integration**. One reason for this is that infrastructure planning is often considered as an independent and subsequent stage to rule of law program design and planning, not integral to it. However, gender responsive infrastructure, such as separate detention rooms, interview spaces, and toilets for women and men, are critical to ensuring that women and girls can safely access and work in rule of law institutions.<sup>29</sup> For example, the UNOPS Modernization and Improvement of Policing Project in Nepal sought to ensure women and children have access to justice through resilient infrastructure and a police force trained to engage with the community. The project trained over 10,000 police personnel, engaged thousands of community members, and built 58 gender-sensitive police buildings, including barracks for female police officers, separate toilets for women and men, and a special room dedicated to dealing with cases of gender-based violence and counselling.

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Cielo Gomez participated in Colombia's land restitution process, part of the country's transitional justice system to respond to human rights violations in the context of the country's internal armed conflict.



Focus group participants also emphasized that **delivering better justice also requires adopting an intersectional gender analysis**, recognizing that diverse structural inequalities affect access to justice, necessitating programming that recognises and responds to these compounding challenges. Women's meaningful participation in, and access to, rule of law institutions must not be limited to elite women, but extend to women with disabilities, young women, indigenous women, widows, rural women, and any other marginalized group. An intersectional gender analysis also includes consideration of discrimination and barriers in access to rule of law institutions on the basis of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) and the distinct, gendered needs of people under the age of 18.

Focus group participants also highlighted the **complex relationship between rule of law, formal justice, other justice systems and gender justice**. Many women survivors of sexual violence – particularly those living in conflict-affected contexts – experience physical, social and emotional barriers to access to the formal justice system. Instead, many women rely on mediation through customary traditional and religious justice systems, although these also may not afford due process rights nor comply with international women's rights standards. Addressing this tension requires more systematic and comprehensive consultation with women in local communities to better understand how local formal and informal justice systems and processes work, whether they 'work' for women and girls, and how to promote compliance with human rights in partnership with local communities, including women community leaders.

GFP partners with a focus on State institutions are more likely to program for a narrow, criminal form of accountability. However, for women and girl victims and survivors of violence, criminal justice may not be their primary justice "need." Rather, priorities often include amendments discriminatory laws, legal assistance for civil claims, access to livelihood opportunities, reparations, truth-telling and memorialization. **Mandates, strategies and operational frameworks vary greatly across GFP partners, and a difference in priorities – what "accountability" is, what it should achieve, and how success should be measured – is inevitable, but can potentially be reconciled through a platform such as the GFP, because of the GFP's convening function and capacity to influence rule of law programming.** 

Gender inequality is systemic and influences all of society, not only rule of law systems. Focus group participants emphasized that initiatives and programmes that are not technically "rule of law support" can play a critical role in supporting a more gender-responsive rule of law environment, such as programmes focused on women's and girls' social, economic and cultural rights, and on women's political participation and participation in public life. Sustained support to local women's organizations, women peacebuilders and women human rights defenders is also critical to creating an environment where rule of law institutions are accessible, accountable and inclusive. Although the GFP is only meant to coordinate the United Nations system on rule of law issues, a gender-transformative approach to rule of law support necessitates a comprehensive approach that operates outside State institutions and the traditional boundaries of the rule of law space.

These reflections about the distinct justice needs of women and girls, and the importance of an intersectional and comprehensive approach to supporting gender-responsive rule of law institutions, raise a broader question about the methodologies used to measure gender and WPS-related results. United Nations entities vary in their approaches. While the use of gender markers is increasingly a common tool to track funding, focus group participants emphasized that we must not stop at measuring our "intentions" and also measure the extent of gender-transformational results. For example, within the UNDP Gender and Crisis Facility, rule of law programmes that focuses on formal justice without seeking to engage with informal justice mechanisms and challenge the structural and socio-political roots of gender inequality will be assessed as less impactful. There is a need for more **gender-responsive monitoring and evaluation, including the collection of sex- and age-disaggregated data**, and consultation with diverse women and girls who participate in programmes, to truly assess results and understand and enhance the impact of the United Nations.



#### **Recommendations:**

- The GFP core team and co-chairs should encourage partner entities to share lessons learned and good practices from programmes and initiatives that:
  - Consider the gender dimensions of infrastructure support to rule of law institutions;
  - Are focused on informal justice systems, where they support responsiveness to women's and girls' justice needs, and compliance with international human rights norms and standards;
  - Are focused on non-judicial forms of accountability, including truth-telling, reparations and guarantees of non-repetition;
  - Are not traditional "rule of law" programmes, but which make a significant contribution to the genderresponsiveness of rule of law institutions, including initiatives on economic, social and cultural rights, and women's participation in politics and public life.
  - Include support to women's civil society organizations, women human rights defenders, and women survivors, including refugee and IDP survivors, to enhance the gender-responsiveness of rule of law institutions:

The GFP core team and co-chairs should also consider providing seed funding to the aforementioned types of programmes and initiatives.

The GFP core team and co-chairs should work closely with partner entities to ensure that programmes and initiatives which receive seed funding from the GFP include a gender-responsive monitoring and evaluation plan, and should highlight and share good practices and resources on gender-responsive monitoring and evaluation and data collection.

© UN Women/Ishaq Ali Anis Justice Anisa Rasooli was the first woman to sit on the Supreme Court of Afghanistan (2018).





## Conclusions

The ten-year anniversary of the establishment of the GFP in 2022 offers an important opportunity to reflect on the work of the coordination mechanism over the past decade. Although there have been significant advancements in the policy and programming of the United Nations on rule of law and gender equality, the gap between the vision of the United Nations for a just, peaceful and equal world, and the reality on the ground for women and girls, remains stark. The COVID-19 pandemic has exacerbated the justice gap for women and girls, particularly those living in conflict and crisis-affected countries, where rule of law systems were already under strain or non-existent, and especially for women and girls who experience intersectional discrimination.

This guidance note is being published at a time when several United Nations system-wide processes are converging. In 2022, the United Nations is expected to finalize a new "vision" for the rule of law, following the Secretary-General's report on "Our Common Agenda" in 2021. The United Nations is also acting on the Secretary-General's "Call to Action for Human Rights," issued in 2020, with a thematic area focused on gender equality, and another on rights in times of crisis. And, the United Nations is approaching the mid-point of the timeline to achieve the 2030 Agenda for Sustainable Development, with system-wide attention to the principle of "leaving no one behind," goal 5 on gender equality, and goal 16 on peaceful, inclusive and just societies.

Each of these processes offers a significant opportunity for the United Nations to place gender equality at the center of our efforts on the rule of law, to ensure that the Organization is responding to the rights, needs and demands of entire populations, and that our actions are as effective as possible. Through the coordinated endeavour of the GFP and its partner entities, and by acting on the recommendations contained in this brief, the United Nations efforts on rule of law can support the transformation of gender inequality, and advance peaceful and inclusive societies for all.

© UNMIL/Christopher Herwig Judge Munah C Sio of Liberia (2009).

## Annex 1:

## List of recommendations

#### Convening the system and facilitating partnerships to advance gender justice

- 1. The GFP core team and Co-Chairs, with the support and engagement of partner entities, should enhance consultations among partners on initiatives related to rule of law and gender. This includes raising gender and WPS-related questions, issues, successes and challenges within meetings of the GFP, and regularly discussing joint programmes that mainstream gender or have a gender focus, to identify potential problems and ensure continuous improvement in implementing the WPS agenda. For example, GFP partners briefing at meetings of the GFP could systematically be requested to address gender considerations in their presentations, and the meeting chair should raise questions on these points if unaddressed.
- 2. GFP partner entities should consider the full range of potential avenues for deeper interagency partnership in a given context, including bilateral or multilateral agreements and memoranda of understanding, joint programming, and the co-location of staff, to advance the goals of the WPS agenda through rule of law support.
- 3. The GFP core team and partner entities should leverage and consult with other **existing networks and coordination mechanisms**, both at headquarters and at the country level, to coordinate the integration of gender, and WPS issues specifically, in knowledge-sharing, programme development, monitoring and evaluation, and resource mobilization. For example, at headquarters, this might include inviting the Secretariat of UN Action to meetings of the GFP, particularly when CRSV will be addressed; and sharing

materials disseminated to the UN Action mailing list to GFP representatives, and vice-versa. At the country level, this might include the strategic engagement of gender-focused interagency networks in the development of programmes, and in monitoring and evaluating programme impact.

#### Sharing and building gender expertise and knowledge on the rule of law and the WPS agenda

- 4. The GFP core team, with the support of partner entities, should consider mapping the gender expertise among GFP partners on rule of law issues, including (1) the types of gender expertise, guidance materials, and modes of assistance that are available from respective partner entities, including those that do not typically operate in conflict-affected countries; and (2) when and how this has, or could be, utilized in GFP-led or other joint initiatives.
- 5. The GFP core team and co-chairs should encourage all partners to utilize the specific gender expertise offered by other partner entities, to ensure more cohesive, effective, and context-appropriate programming on gender and rule of law issues. This may be achieved by consulting with entities with specific gender expertise, including UN Women, whether at the country, regional or headquarters level, or by requesting dedicated gender expertise and support through a GFP deployment or assessment mission.
- 6. The GFP core team and co-chairs should invite regular briefings from partners on knowledge products, including reports, guidance materials and policies developed by GFP partners on gender and WPS-related issues, and encourage GFP partners to circulate these resources to colleagues working outside of headquarters, in country and regional offices, as relevant, to enhance the consistency of the United Nations with respect to rule of law programming and WPS.

#### Programming for gender-transformative rule of law support

- 7. The GFP core team should continue its practice of including WPS issues in the terms of reference for assessment missions, and of embedding gender expertise in mission teams.
- 8. The GFP core team, with the support of partner entities with relevant gender expertise, should consider adopting a gender equality marker to track and assess the gender-sensitivity of GFP missions and deployments.
- 9. The GFP core team should track the gender balance of GFP mission teams and deployments, and briefers in GFP meetings, and commit to reaching gender parity, if not already achieved.
- 10. The GFP core team should encourage partner entities to request the deployment of specialized expertise on gender issues, to strengthen WPS and gender dimensions in programmes, initiatives and activities.
- 11. The GFP core team and co-chairs should facilitate discussions on programme development that highlight the importance of including a gender analysis of conflict and political dynamics and rule of law institutions and systems, integration of gender and WPS considerations in the log-frame and workplan (including the collection of sex-disaggregated data), and corresponding budget allocation, to encourage and equip partner entities to accelerate their action in these areas.
- 12. The GFP core team, with the support of partner entities with gender expertise, should offer or facilitate trainings to UN staff on integrating a gender perspective in programming on the rule of law, including how to conduct a gender analysis of the rule of law environment.

#### Funding and resource mobilization for gender-transformative rule of law support

- 13. The GFP core team and Co-Chairs should encourage partner entities to share lessons learned and good practices from rule of law programmes that have reached or exceeded gender marker requirements, and share strategies for gender-focused and gender-mainstreamed programming, to encourage and equip partner entities to accelerate their action in these areas.
- 14. The GFP core team, with the support of partner entities with gender expertise, should support training for UN staff working the rule of law on gender-responsive budgeting and financial tracking using a gender equality marker system. For example, this may include training for staff working on the rule of law within entities that are members of a United Nations Country Team (UNCT) to undergo training on the UNCT Gender Equality Marker and related tools.
- 15. GFP co-chairs and partner entities should advocate for increased funding for joint rule of law initiatives with a strong gender dimension.

#### Inherent and circumstantial constraints on the GFP's success in promoting the WPS agenda

- 16. The GFP core team and co-chairs should encourage partner entities to share lessons learned and good practices from programmes and initiatives that:
  - a) Consider the gender dimensions of infrastructure support to rule of law institutions;
  - b) Are focused on **informal justice systems**, where they support responsiveness to women's and girls' justice needs, and compliance with international human rights norms and standards:
  - c) Are focused on **non-judicial forms of accountability**, including truth-telling, reparations and quarantees of non-repetition;
  - d) Are not traditional "rule of law" programmes, but which make a significant contribution to the gender-responsiveness of rule of law institutions, including initiatives on economic, social and cultural rights, and women's participation in politics and public life.
  - e) Include support to women's civil society organizations, women human rights defenders, and women survivors, including refugee and IDP survivors, to enhance the genderresponsiveness of rule of law institutions;
- 17. The GFP core team and co-chairs should also consider providing seed funding to the aforementioned types of programmes and initiatives.
- 18. The GFP core team and co-chairs should work closely with partner entities to ensure that programmes and initiatives which receive seed funding from the GFP include a gender-responsive monitoring and evaluation plan, and should highlight and share good practices and resources on gender-responsive monitoring and evaluation and data collection.

## Annex 2:

# List of entities that participated in a Focus Group Discussion

- O DPO
- O EOSG
- OHCHR
- Team of Experts on Sexual Violence and the Rule of Law
- O UNDP
- UNICEF
- UNODC
- UNOPS
- UN Women

#### **Notes**

- World Bank and the United Nations, <u>Pathways for Peace: Inclusive Approaches to Preventing</u>

  Violent Conflict (2018), p. xxiii
- 2 UN Secretary-General, Decision No.2012/13 Rule of law Arrangements (September 2012).
- Today, almost all Security Council resolutions establishing or extending the mandates of peacekeeping operations reference specific gender elements. For example, the Security Council extended the mandate of the United Nations Mission in South Sudan (UNMISS) in March 2021 (S/RES/2567), with cross-cutting attention to gender issues. The Security Council specifically requested UNMISS to support the capacity of the Government of South Sudan to restore and reform the rule of law and justice sector, including on the investigation and prosecution of gender-based violence and CRSV (para. 3(a)(vii)).
- 4 UN Security Council resolution 2331 (2016).
- 5 UN Security Council resolution 2538 (2020).
- 6 UN Women, <u>Young Women in Peace and Security: At the Intersection of the YPS and WPS</u>
  Agendas (April 2018).
- 7 UN Security Council resolution 1888 (2009).
- 8 UN Security Council resolution 1888 (2009).
- 9 UN Security council resolution 1888 (2009).
- 10 UN Security Council resolution 2242 (2015).
- 11 Women, Peace and Security and Humanitarian Action Compact Framework (2021), action E.3.1.
- 12 Review of the Global Focal Point for Police, Justice and Corrections (2018), p. 22, 43.
- 13 Ibid., p. 25.
- In resolution 2242 (2010), para. 7, the Security Council addressed the importance of gender expertise in mission settings, urging "DPKO and DPA to ensure the necessary gender analysis and technical gender expertise is included throughout all stages of mission planning, mandate development, implementation, review and mission drawdown, ensuring the needs and participation of women are integrated in all sequenced stages of mission mandates."
- This call to earmark funds came from the Secretary-General's Seven-Point Action Plan on Women's Participation in Peacebuilding (2010), in which the Secretary-General requested "... each UN entity to initiate a process to track gender post conflict financing, and to work toward a goal of ensuring that at least 15 percent of UN-managed funds in support of peacebuilding is dedicated to projects whose principal objective (consistent with existing mandates) is to address women's specific needs, advance gender equality or empower women."

- The Inter-Agency Taskforce on Policing (IATF-P) is co-chaired by DPO and UNODC, with participation from CTED, DPPA (including PBSO), DPO, IOM, OHCHR, the UN Team of Experts on the Rule of Law and Sexual Violence in Conflict, UNDP, UNDSS, UNHCR, UNICRI, UNITAR, UNOCT, UNODC, UN WOMEN and WFP.
- See, for example, DPO, <u>United Nations Police Gender Toolkit</u> (2015); and UN Women and UN-ODC, <u>Handbook on Gender-Responsive Police Services for Women and Girls Subject to Violence</u> (2021).
- See https://mptf.undp.org/factsheet/project/00113215 for more information.
- 19 UN University Center for Policy Research, *Rule of Law and Sustaining Peace: Towards More Impactful, Effective Conflict Prevention* (2021), pp. 24-25.
- UN University Center for Policy Research, *Rule of Law and Sustaining Peace: Towards More Impactful, Effective Conflict Prevention* (2021), p. 17
- 21 Report of the Secretary-General on Women's Participation in Peacebuilding (S/2020/466).
- In 2021, only 40 United Nations entities (40 per cent) implemented a tracking system to quantify all investments (not limited to peacebuilding) on gender equality, which is a performance indicator of the UN System Wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP). See Report of the Secretary-General on Mainstreaming a gender perspective into all policies and programmes in the United Nations system (April 2021, S/2022/62, figure V). Of the 100 United Nations entities, 13 had financial resource tracking that exceeded requirements, and 27 met requirements; 52 entities were approaching requirements, and 4 were missing financial resource tracking requirements. Financial resource tracking was not applicable for 4 entities.
- Report of the Secretary-General on Women and Peace and Security (October 2021, S/2021/827, para. 93).
- Multiple gender equality markers are in use across the UN system, which meet the UN-SWAP, 
  "requirement for [the Performance Indicator on Financial Resource Tracking." See "Performance Indicator 09: Financial Resource Tracking" from UN-SWAP 2.0 (2018). The co-chairs of the GFP, in 2019, UNDP received "exceeds requirements" for the indicator on financial resource tracking, while DPO received a "meets requirements" rating.
- 25 UNDP Gender Equality Strategy, 2022-2025 (April 2022, DP/2022/18), para. 84.
- 26 Report of the Secretary-General on the Peacebuilding Fund (February 2022, A/76/687).
- 27 United Nations Peacebuilding Fund, Guidance Note on Gender Marker Scoring (2019).
- See forthcoming 2022 annual report of the Secretary-General to the Security Council on Women and Peace and Security.
- 29 UNOPS, Infrastructure for Gender Equality and the Empowerment of Women (2020)





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