



ANA GABRIELA GODOY BRANDÃO

**From Stereotypes to Realities: A Critical Examination of Gender-Based
Violence against Women in Armed Conflicts through the Lens of
International Humanitarian Law**

Dissertation to obtain a Master's Degree
in Law, in the specialty of Social Law
and Innovation

Supervisor: Professor Veronica Corcodel

December, 2023



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Declaration

The body of the dissertation, including spaces and notes, occupies a total of 193.285 characters.

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When the name of the author or organization is part of the text, only the year and page numbers appear in parentheses in direct citations. Paraphrases of foreign works include the author's own translations into English, for which the author takes responsibility and which are duly identified.

References are listed according to the APA standard.

Acknowledgments

I enrolled in the Master's program in Social Law and Innovation at a time of professional uncertainty. I saw in this internationally oriented and interdisciplinary program a potential answer to the myriad questions surrounding my professional life. In search of these answers, I turned my life upside down and changed countries. My first course was on International Humanitarian Law, taught by Professor Veronica Corcodel, and since then I've taken other courses that have given me the opportunity to come into contact with subjects that previously seemed very distant to me. More than that: I've had the opportunity to deepen my study of subjects that have been of great interest to me since my bachelor's studies, and I've experienced invaluable intellectual growth. It is very special for me to end this academic journey with a dissertation that is directly related to the first class I took and the first paper I submitted, which was on gender-based violence against women in armed conflicts, a suggestion made by Professor Veronica herself when I asked for help in choosing my topic from a list provided on a platform. My first acknowledgement therefore goes to Professor Veronica Corcodel. For being such an integral part of this very important academic journey from the beginning until now. She has been a consistently available, responsible, and inspiring professional who has provided guidance that has been both present, challenging, and understanding.

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Abstract

This dissertation critically analyzes International Humanitarian Law's approach to gender-based violence against women in armed conflicts and seeks to understand whether IHL itself contributes in any way to its perpetuation. Grounded in a post-structuralist and intersectional theoretical perspective, the research interprets gender as an analytical category that emerges from systems of language and discourse that intersect with other forms of oppression. This theoretical framework guides the examination of constructions of masculinity and femininity in conflict, the Geneva Conventions and their Additional Protocols, and the UN Women, Peace and Security Agenda. The analysis delves into the role of language and discourse in International Humanitarian Law, recognizing them as influential tools that perpetuate gender norms and shape societal perspectives, and reveals that current IHL maintains the historical tendency to portray women primarily as victims, emphasizing motherhood and protection from sexual violence. This approach perpetuates gender stereotypes, hinders effective protection strategies and neglects a comprehensive response to gender inequality. The study emphasizes that International Humanitarian Law not only fails to recognize that women's vulnerability during and after conflicts is not inherent but rather the result of deep-rooted social inequalities, but also tends to lump all women and their needs into a single category, ignoring the differences among them and the diversity of their circumstances. Overall, the research concludes that IHL, represented by the Geneva Conventions and their Additional Protocols, and the UN Women, Peace and Security Agenda, does not adequately address the complexities of gender-based violence against women, as the victimization approach and the excessive focus on the protection of maternity and against sexual violence limit the recognition of the diversity of women's experiences and undermine their effectiveness. The dissertation proposes a critical analysis as a way to create legal systems that prioritize all women's needs and effectively promote their safety in armed conflict, urging comprehensive strategies to combat gender-based violence.

Key words: International Humanitarian Law, Gender-based violence against women, Post-structuralist Perspective, Intersectional Feminism, Geneva

Conventions and Additional Protocols, UN Women, Peace and Security Agenda,
Language and Discourse.

Resumo

Esta dissertação analisa criticamente a abordagem do Direito Internacional Humanitário à violência de género contra as mulheres em conflitos armados e procura compreender se o próprio DIH contribui de alguma forma para a sua perpetuação. Baseada numa perspetiva teórica pós-estruturalista e interseccional, a investigação interpreta o género como uma categoria analítica que emerge de sistemas de linguagem e discurso que se cruzam com outras formas de opressão. Este quadro teórico orienta a análise das construções da masculinidade e da feminilidade nos conflitos, das Convenções de Genebra e dos seus Protocolos Adicionais e da Agenda das Nações Unidas para as Mulheres, a Paz e a Segurança. A análise aprofunda o papel da linguagem e do discurso no Direito Internacional Humanitário, reconhecendo-os como ferramentas influentes que perpetuam as normas de género e moldam as perspetivas sociais, e revela que o atual DIH mantém a tendência histórica de retratar as mulheres principalmente como vítimas, enfatizando a maternidade e a proteção contra a violência sexual. Esta abordagem perpetua os estereótipos de género, impede estratégias de proteção eficazes e negligência uma resposta abrangente à desigualdade de género. O estudo sublinha que o Direito Internacional Humanitário não só não reconhece que a vulnerabilidade das mulheres durante e após os conflitos não é inerente, mas antes o resultado de desigualdades sociais profundamente enraizadas, como também tende a agrupar todas as mulheres e as suas necessidades numa única categoria, ignorando as diferenças entre elas e a diversidade das suas circunstâncias. Em termos gerais, a investigação conclui que o DIH, representado pelas Convenções de Genebra, e a Agenda da ONU Mulheres, Paz e Segurança, não abordam adequadamente as complexidades da violência de género contra as mulheres, uma vez que a abordagem de vitimização e o enfoque excessivo na proteção da maternidade e contra a violência sexual limitam o reconhecimento da diversidade das experiências das mulheres e prejudicam a sua eficácia. A dissertação propõe uma análise crítica como forma de criar sistemas jurídicos que priorizem todas as necessidades das mulheres e promovam eficazmente a sua segurança nos conflitos armados, apelando a estratégias abrangentes de combate à violência de género.

Palavras-chave: Direito Internacional Humanitário, Violência de gênero contra as mulheres, Pós-estruturalismo, Feminismo interseccional, Convenções de Genebra e Protocolos Adicionais, Agenda da ONU Mulheres, Paz e Segurança, Linguagem e Discurso.

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1. Introduction

A frequently neglected element of International Humanitarian Law (IHL) is the gendered aspect of human suffering in armed conflict. Within the complexity of legal provisions, the practical realities faced by conflict-affected women require closer examination. This dissertation critically analyzes gender-based violence against women in armed conflicts within International Humanitarian Law, focusing on its implications for the protection of women's rights and considering not only the failure of IHL to address this issue, but also the understanding that International Humanitarian Law itself plays an essential role in the generation of these crises.

Gender-based violence against women in armed conflicts is an extreme reflection and exacerbation of the global inequalities faced by women in peacetime¹. The extremity of this reflection is magnified because war acts as a catalyzer, reinforcing established patriarchal gender norms. In conflicts, women not only bear the multiple impacts of war, including the risks of death, injury and displacement, but also face the specific consequences of gender-based violence in this context. It is crucial to recognize that this phenomenon is deeply rooted in historical social and cultural structures that systematically oppress women, and that this oppression manifests itself through various forms of violence, which this dissertation views as interrelated components that function as mechanisms to maintain and perpetuate the subordinate status of women.

International Humanitarian Law was one of the earliest areas of international law to be codified in the late nineteenth and early twentieth centuries² and the first documents on war already recognized the need to protect women, meaning that that protection for women in times of armed conflict has long existed in most civilizations³. However, these provisions were overly and almost exclusively concerned with protecting women from sexual violence and their role in the family institution. These provisions are closely tied to society's stereotypical perceptions of women and concepts of female honor, morality, and dignity, as the direct link

¹ Jefferson (2004); Gardam and Jarvis (2001).

² Greenwood (1995).

³ Keegan (1993).

established between women, motherhood, and sexual violence has profound significance and symbolism when examining the influence of gender stereotypes in this context.

In terms of current International Humanitarian Law, it is crucial to recognize that women in war are protected by International Humanitarian Law in both general and specific ways⁴. The first is directed at all war victims⁵ and the second is specific to women, which can be a general protection for all women or a specific protection for certain groups of women, like pregnant women and mothers of young children. Notably, the tendency of earlier provisions persists in contemporary IHL regulations, which continue to portray women as victims and exhibit a notable emphasis on prioritizing pregnant women and mothers of children under seven – essentially, the role of motherhood – and/or protection against sexual violence.

In order to approach current International Humanitarian Law, it is also important to take note that it works in conjunction with other legal regimes, such as human rights and refugee law, but in order to provide a more unified analysis, this work will focus primarily on the main normative instruments of international humanitarian law⁶. To this end, the four Geneva Conventions of 1949 and their Additional Protocols of 1977 will be analyzed, as well as the UN's Women, Peace and Security Agenda. This comprehensive global initiative aims to advance the full and equitable involvement of women in all phases of peace processes and security efforts, and has its origins in Security Council Resolution 1325.

The analysis of the Geneva Conventions and their Additional Protocols is justified by their international recognition and widespread ratification. Moreover, international humanitarian law tends to address women in armed conflict primarily as victims, and the rules for protecting victims are primarily the four Geneva Conventions and the Additional Protocols.

⁴ Veuthey (2013).

⁵ All the provisions offering special protection to women during armed conflicts are located within the rules focused on safeguarding victims of armed conflicts.

⁶ It is important to note that the analysis does not focus on any specific conflict but adopts a comprehensive approach for a more concise and unified examination.

In addition, the review of Security Council Resolution 1325 is significant because it represents the Security Council's recognition, over more than fifty years, of the relevance of women's and gender issues to international peace and security. This goes beyond occasional references to women as a vulnerable group and recognizes the different experiences of men and women in conflict and post-conflict situations⁷. Moreover, the resolution represents a crucial moment, marking the inauguration of an entire session of the Security Council dedicated to examining women's experiences in conflict and post-conflict situations. Recognized as a landmark achievement in global security policy, it is the most frequently cited international security policy addressing gender concerns⁸.

In this sense, linking what has been said about current IHL, which maintains the tendency of earlier provisions to portray women as victims and exhibit a notable emphasis on prioritizing the role of motherhood and/or protection from sexual violence, with the main legal provisions designed to protect women from gender-based violence in armed conflict, this dissertation examines whether the Geneva Conventions and their Additional Protocols, as well as the UN's Women, Peace and Security Agenda, adequately take into account the multiple experiences, identities and roles that women assume in conflict contexts. It discusses whether these provisions are flawed and reflect prevailing gender stereotypes in society, perpetuating deep-rooted prejudices and reinforcing existing power imbalances.

In this context, it is crucial to emphasize that the critical analysis presented in this dissertation will investigate whether International Humanitarian Law uses language that reinforces an essentialist representation of women. In particular, the discussion will assess IHL's connection to gender-based violence against women and the influential role of discourse through the lens of post-structuralist and intersectional feminist perspectives⁹. In a dynamic where words carry significant meaning and power, language and dominant social discourse emerge as powerful tools used by dominant groups to control and shape societal views. This linguistic

⁷ Cohn (2008).

⁸ Klot (2015).

⁹ The theoretical framework is duly discussed in the following pages of this introduction.

power is a key factor in the perpetuation of gender-based violence against women, not only acting as a reflection of powerful groups but also perpetuating ideas that find their way into policy documents, often reproducing various forms of oppression and exclusion¹⁰.

Within this framework, the study closely examines the impact of language and discourse within International Humanitarian Law, emphasizing how language serves as a multifaceted tool, foundation, and safeguard for the legal framework. The analysis focuses on whether these provisions inadvertently contribute to the perpetuation of harmful gender stereotypes and play a role in shaping societal perceptions and behaviors, potentially affecting gender inequality and justice in armed conflicts settings.

The purpose of this study is to provide a critical analysis of International Humanitarian Law's approach to gender-based violence against women and how its specific language and terminology, particularly in the Geneva Conventions and their Additional Protocols and the UN Women, Peace and Security Agenda, contribute to the broader gender equality agenda. By closely examining these documents, the research aims to provide valuable insights into how common sense ideas are disseminated and perpetuated through policy writing and whether these provisions inadvertently contribute to the perpetuation of harmful gender stereotypes and influence societal attitudes and actions, with potential implications for gender inequality and justice in armed conflict scenarios.

This examination is crucial because the Geneva Conventions and their Additional Protocols serve as the primary legal sources for the specific protection of women in armed conflict, and the Women, Peace and Security Agenda of the United Nations Security Council, as a major institution, has significant influence on the development of norms related to armed conflict, shaping hegemonic discourses and influencing societal perceptions on the issue. Moreover, this research aims to identify if a specific and homogeneous identity of women prevails within the

¹⁰ Shepherd (2010).

discourse of International Humanitarian law, reflecting and reinforcing an ineffective approach to gender-based violence against women.

This study is grounded in the concepts of critical feminism, specifically drawing from poststructuralist feminist perspectives and the intersectional framework. By integrating these two perspectives into the analysis of gender-based violence against women in armed conflicts, this study advances our understanding of social constructions of gender and interconnected systems of oppression, paving the way for a more comprehensive and sensitive analysis of this crucial issue.

The poststructuralist dimension is informed by seminal works such as Butler's "Gender Trouble: Feminism and the Subversion of Identity" (1990) and Beauvoir's "The Second Sex" (1949). Feminist poststructuralism critically examines social and cultural constructions around gender, asserting that power and identity are products of systems of meaning and language, rather than inherent essences. Gender, in this context, is an analytical category intersecting with power relations such as ethnicity, economic class, or nationality, constructing social hierarchies and producing outcomes.

The intersectional feminist itself draws on influential works like Crenshaw's "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989) and Gonzalez et al.'s "For an Afro-Latin American Feminism - Lélia Gonzalez' (2020)"¹¹. This approach captures the structural and dynamic consequences of interactions between different axes of subordination, asserting that gender oppression cannot be understood in isolation, but must be considered alongside other forms of oppression, such as racism, patriarchy, and class oppression. Intersectionality explores how actions and policies can produce oppressions that intersect on multiple axes, creating dynamic elements of disempowerment.

By integrating these approaches, this study aims to comprehend the interactive and interconnected ways in which power relations and social hierarchies

¹¹ The name of the book is the author's translation from Portuguese into English.

are shaped and reproduced, and to provide a comprehensive understanding of gender-based violence against women in armed conflicts. These theoretical approaches provide a critical lens through which to analyze social constructions of gender and identity, and to examine the complex intersections between different systems of oppression in addressing the research question:

How do social constructions of gender impact gender-based violence in armed conflicts, and how do gender conceptions within the International Humanitarian Law contribute to the perpetuation of this issue?

In order to guide the reader through the critical analysis of the dissertation, this introduction now provides a roadmap that outlines the organizational structure of the work, which is divided into three chapters. Chapter I focuses on the study of gender-based violence against women in armed conflicts and its various manifestations, delving into concepts related to gender, masculinity, and femininity, with the aim of understanding gender as a social phenomenon that reproduces roles of domination and power. This analysis draws on legal, institutional and scientific sources, emphasizing the theoretical framework adopted to understand the complexity of the issue. It analyzes the multiple ways in which women are affected by war, examines the use of gender norms as a strategy of war, particularly in the context of sexual violence, and sheds light on the dynamics that contribute to gender-based violence and inequality during armed conflicts.

Chapter II contrasts the impact of war on women with the existing legal protections and the rights they seek to protect. In particular, given that International Humanitarian Law tends to treat women primarily as victims and the Geneva Conventions establish the rules for the protection of victims of international armed conflict, the work critically analyzes the four Geneva Conventions of 1949 and their Additional Protocols of 1977. The chapter highlights the emphasis on maternal roles and protection from sexual violence, a trend that has continued since the first regulations to protect women in armed conflict, and asks whether these provisions perpetuate gender stereotypes and whether this facilitates more violence and inequality. It also explores if these legal instruments inadequately address the

diverse experiences of women in conflict, thereby reinforcing societal gender biases. Chapter II concludes by highlighting the limited effectiveness of international humanitarian law in addressing gender issues, which contributes to the perpetuation of gender stereotypes and ultimately exacerbates gender-based violence in armed conflict.

Moving to Chapter III, the focus shifts to the United Nations' approach to gender-based violence against women in armed conflicts. This chapter examines UN entities, including the Security Council and UN Women, and in particular on the Women, Peace and Security (WPS) agenda - an overarching global initiative to promote the full and equal participation of women at all levels of peace processes and security efforts¹² that originated the adoption of Security Council Resolution 1325. Beginning with a historical analysis of the UN's approach to gender in armed conflict, the chapter traces the developments that led to the adoption of SCR 1325. Subsequent sections evaluate the goals and measures outlined in SCR 1325, assess its practical application, and critically examine the language used to address gender inequality. This chapter contributes to the overarching concern of the dissertation to explore dominant discourses within International Humanitarian Law and their role in perpetuating harmful gender stereotypes.

¹² UN Political and Peacebuilding Affairs (n.d.).

2. Gender-Based Violence in Armed Conflicts: A Post-Structuralist and Intersectional Feminist Analysis

The Chapter I of this dissertation will center on the examination of gender-based violence and gender-based violence in armed conflicts. For this purpose, initially, the work will delve into concepts related to gender, masculinity, and femininity, as well as identifying the groups affected by this kind of violence. This analysis draws from legal, institutional, and scholarly sources, with particular emphasis on post-structuralist and intersectional feminist perspectives, to comprehend the complexities of the subject. The paper will also explain the choice of approach to gender-based violence against women and its different manifestations.

In addition, this study will demonstrate how different forms of gender-based violence are interrelated and function as mechanisms to perpetuate women's subordinate status. The study will also examine the impact of language and discourse, which are recognized as key factors in the perpetuation of gender-based violence against women, as they have historically served as powerful tools used by dominant groups to control and shape societal views and expectations. This research will further examine the role of discourse and language in the realms of politics and law, emphasizing how language serves as a tool, foundation, and safeguard for the latter.

For this matter, it will be explained that, in a dynamic where words carry significant meaning and power, language and the prevailing social discourse act as more than a reflection of powerful groups, they perpetuate ideas that are written into policy documents, often reproducing different forms of oppression and exclusion. Examining discourse as a tool for the subjugation of women is crucial because of its profound influence in shaping social perceptions and expectations, which in turn influences the entire legal framework. This influence extends beyond judicial decisions to the creation of laws and the protection of rights.

All of these aspects will be further explored in the following chapters, which will focus primarily on analyzing the legal protections designed for women in armed conflict and evaluating existing international legal mechanisms and the specific rights they seek to uphold. In particular, the discussion will critically engage with international humanitarian law, assessing its connection to gender-based violence and the influential role of discourse through the lens of post-structuralist and intersectional feminist perspectives.

In the second topic of this chapter, after gender-based violence is defined and analyzed through a critical feminist approach, the study proceeds to discuss gender-based violence against women in armed conflicts. In particular, the investigation will clarify the most diverse ways that women are affected by war and identify how social constructions of gender are employed as a strategy of war, particularly in the context of sexual violence.

Moreover, the study will focus on analyzing the role of gender constructions of masculinity and femininity in conflicts, hierarchies, and stereotypes. In this regard, the focus will be on understanding the ways in which gendered norms contribute to the perpetuation of violence and inequality, shedding light on the complex dynamics at play during armed conflict situations and, in the upcoming chapters, analyzing how gendered norms are produced in international humanitarian law and discussing whether this facilitates more violence and inequality.

It is worth noting that throughout this study, we will elaborate on how this work comprehends the concepts of gender, violence, and feminist theories for addressing the topics, all this with the aim of analyzing it in the light of the research question.

2.1. Conceptual Foundations of Gender-Based Violence

As mentioned previously, the initial phase of this dissertation will focus on the study of gender-based violence, drawing on legal, institutional, and academic perspectives, particularly post-structuralism and intersectional feminism, to comprehend its complexities.

In this regard, the initial part of this chapter will explore concepts related to gender, masculinity, and femininity. It will also identify the affected groups and explain the decision to focus exclusively on gender-based violence against women, including its various manifestations. Moreover, this study will demonstrate how all different forms of gender-based violence are interconnected and function as mechanisms to uphold women's subordination. In addition, the analysis will examine the role of discourse and language, recognized as critical factors in the perpetuation of gender-based violence against women. This recognition stems from the inherent importance of language in politics, serving as both a powerful tool and a protective shield for political agendas, as social ideas often permeate the formulation of policy documents.

Initially, the study will address some reflections on gender, aiming not only to comprehend certain differentiations between sex and gender, but primarily to understand gender as a social phenomenon that reproduces roles of domination and power. Regarding the gender approach, it is worth noting that this study will be grounded in the concepts of critical feminism, particularly those related to poststructuralist feminist perspectives and the intersectional framework¹³. These theoretical approaches provide a critical lens to analyze social constructions of gender and identity, as well as examine the intricate intersections between different systems of oppression in addressing the research question. By integrating these approaches, this study aims to comprehend the interactive and interconnected ways in which power relations and social hierarchies are shaped and reproduced.

In this regard, since feminist poststructuralism is an approach that critically examines social and cultural constructions around gender and their impact on women's experiences and subjectivities, it asserts that power and identity are constructed through systems of meaning and language, rather than being inherent

¹³ The theoretical framework is drawn from works such as Butler's "Gender Trouble: Feminism and the Subversion of Identity" (1990), Beauvoir's "The Second Sex" (1949), Crenshaw's "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989), Gonzalez et al.'s "Por um feminismo afro-latinoamericano" translated into English by the author as "For an Afro-Latin American Feminism - Lélia Gonzalez" (2020), and will be elaborated on in the following pages.

essences or fixed structures. Thus, while sex is categorized as a biological category, most often classified as male and female, gender finds its definitions much more rooted in characteristics and behaviors, constituting a socially and discursively constructed concept that varies historically and culturally.

For example, in "Gender Trouble: Feminism and the Subversion of Identity" (1990), Butler introduces the concept of "gender performativity," explaining that gender is not an innate or biological essence, but rather a social performance characterized by repeated and ritualized acts that continually reaffirm it. Furthermore, in "The Second Sex" (1949), Beauvoir explains that patriarchal societies shape and perpetuate the notion of femininity by placing women in a subordinate position as the "Other", with a role that is inverse to men, who have been established as the universal standard. The author also argues that the subordinate view of women is a social construct, not a direct consequence of biological differences between the sexes, with gender being a culturally constructed category that perpetuates women's inequality and oppression.

In this sense, it is understood that gender does not necessarily relate to sexed physical bodies, but functions as an analytical category that intersects and combines with other power relations, such as ethnicity, economic class, or nationality, to construct social hierarchies and produce social outcomes. Here, it is necessary to make some remarks about the intersectional feminist approach, as gender oppression cannot be understood in isolation but must be considered in conjunction with other forms of oppression.

To this end, it is first necessary to conceptualize the term intersectionality, which was formalized by Kimberlé Crenshaw in 1989¹⁴. Crenshaw asserted that intersectionality aims to understand the structural and dynamic effects of the interplay between two or more axes of subordination. The author explains that intersectionality is specifically concerned with how racism, patriarchy¹⁵, class

¹⁴ See Crenshaw (2002).

¹⁵ The term "patriarchy" is used extensively throughout this dissertation. Walby (1990) defines it as a system in which men dominate, oppress, and exploit women through social structures and practices.

oppression and other discriminatory systems contribute to fundamental inequalities that shape the different positions of women, races, ethnicities, classes and other groups. In addition, Crenshaw clarifies that intersectionality examines how certain actions and policies create oppressions that follow along these axes, forming dynamic or active dimensions of disempowerment (Crenshaw, 2002).

In addition, Gonzalez¹⁶ presented pioneering ideas for articulating the categories of race, class, gender, and power to understand and reveal the structure of domination. The author, whose work focuses on colonized societies, provides valuable insights into the study of intersectionality. She explains that the phenomenon of the oppressed identifying with the oppressor involves the oppressed aspiring to assume the role of the oppressor. Such identification becomes possible with a comprehensive understanding of racism as a symptomatic marker of internalized domination, which, when combined with sexism, has particularly violent consequences, especially for black women¹⁷.

Intersectionality became significant for part of the feminist movement that understood that the category of "women", even when pluralized, did not represent the entire category, precisely because it did not consider the intersections of class and race, leading to a common identity that did not correspond to reality. In this context, intersectionality offers a comprehensive and nuanced framework for examining and addressing gender inequalities by recognizing the complex interplay of different social structures and identities that collectively shape women's lives. It emphasizes that gender is not the sole determinant of the inequalities experienced by women and girls, but rather highlights the role of intersecting factors such as culture, socio-economic status and legal rights in influencing the different lived experiences of different groups of women.

¹⁶ The work chosen for the study of the author is *Por um feminismo afro-latinoamericano* translated into English by the author as *For an Afro-Latin American Feminism* - Lélia Gonzalez (Gonzalez et al., 2020) in which Flávia Rios and Márcia Lima gathered the author's production between 1975 and the mid-1990s. It is also important to mention that the term intersectionality was only formalized in 1989 and that most of Gonzalez's works in the aforementioned book are from before this date. However, the fact is that Gonzalez, even though not formally and conceptually, was already internalizing the subject in her agendas by articulating the categories of race, class, and gender.

¹⁷ Gonzalez et al. (2020).

Within this framework, this paper provides an analysis of some studies that reveal the distinct realities of different groups of women. It will contribute to our understanding of intersectionality in the context of gender inequalities by demonstrating that women's vulnerabilities and experiences cannot be fully understood or addressed without considering the multiple dimensions of identity, power and privilege.

For instance, the University of Oxford's study "Violence against Women and Girls: A Global Overview" (2018) reveals that violence against women and girls is more common in countries with more patriarchal cultures and where women have fewer rights, revealing how gender, culture, and socio-political factors intersect to shape the prevalence of violence against women and girls in certain regions. Similarly, the "National Intimate Partner and Sexual Violence Survey" (Centers for Disease Control and Prevention, 2022) shows that in the United States, black women and Hispanic women are more likely to experience physical violence from an intimate partner than white women. In this sense, exploring how race and gender intersect can enrich our understanding of the disparities in intimate partner violence.

It is also crucial to understand that judicial proceedings may perpetuate social and racial injustice based on the intersection of gender, race-ethnicity, and class discrimination¹⁸. As an example of this, this paper would like to cite two systems: the Brazilian penal system and detention centers for immigrants in Europe.

First, with regard to the Brazilian penal system, it is important to mention that it is structurally selective and even harsher for black and poor women and girls¹⁹ and the data from Infopen Women Second edition (Santos, 2017) do not allow a contrary conclusion: while 62% of incarcerated women in Brazil identify as black, 66% have at most an incomplete elementary education. Although the theme of this work is international and calls for a globalized analysis, when we talk about

¹⁸ This theme will be explored in more detail below, not only in terms of the ways in which many legal provisions reinforce social roles, but also in terms of how legal processes serve as a means of challenging injustice.

¹⁹ See Mantelli, G. A. S., Mascaro, L. D. M., & Ninomiya, B. L. (2021).

intersectionality, the author believes it is valid to approach a country of continental proportions which still bears the reflections of many years of colonial slavery and exploitation in its incarcerated population, constituting a good example of the intersectional approach taken in this topic.

Next, with regard to immigrant detention centers in Europe, it is first important to clarify that this is relevant to this paper because, as discussed below, while all women experience gender-based violence in such contexts, some groups of women are also vulnerable to other forms of violence and discrimination due to other social markers, serving as a compelling illustration of the intersectional perspective adopted.

In addition, given the focus of the work on gender-based violence against women in armed conflicts and the approach of International Humanitarian Law to this issue, which will be explored in more detail below, the choice of the approach of detention centers for immigrants in Europe is also justified because studies indicate that a large number of illegal immigrants are people who have fled their countries because of war but have not succeeded in obtaining refugee status, which makes clear the link between IHL and immigrant detention centers in Europe. The United Nations High Commissioner for Refugees (UNHCR), for example, disputes the argument that the majority of foreigners arriving in Europe are migrants and not refugees, stating that eight out of ten migrants come from countries in conflict or under a regime of exception²⁰.

In this sense, this paper analyzes studies conducted with agents and women detained in European detention centers, which suggest that detained women are viewed through racialized perspectives as morally, culturally, and socially inferior to European citizens. These studies are relevant because, although they don't necessarily reflect the attitudes of all actors involved, the data revealed highlight racialized perspectives in at least some parts of these centers and prove the

²⁰ United Nations Women (2023); United Nations High Commissioner for Refugees (n.d.).

intersectional oppression suffered by some groups of women in these contexts. Esposito et al. (2020) conducted a study of women in a detention center in Portugal in 2019. They found that the demographic composition of the population in the detention center reflected Portugal's colonial history, with the majority of individuals being people of color, from impoverished backgrounds, and from Portugal's former colonies, particularly Brazil and Cape Verde, which indicates a pattern of penal selectivity.

Similarly, Bosworth et al. (2017), analyzing data from Greek immigration detention centers from 2011-2012, highlight prejudiced speeches made by migration officers that reveal how stereotypes affect women of different origins differently. For example, regarding women from Iraq, an officer of the center said: "that women have to be animals. I'm not saying this to offend them, but this is their way of thinking because of their religion, their culture, as a country, as a people." (Bosworth et al., 2017, p. 9).

Additionally, the same work exposes comments made by another officer about Nigerian women: "Nigerians create more problems... They are into voodoo and stuff, and you can't communicate with them. Moreover, they have a different mentality, a street mentality. They come here and become prostitutes and they become harder than other women. Basically, they are men."²¹

In the same vein, Esposito et al. (2019), conducted a research with women confined in Rome's detention center, explained how nationality is used to convey stereotypes in a racialized way in the center. The authors explain that individuals from Russia, Ukraine, and Georgia were perceived as reserved and disciplined prisoners, women who had come to Italy to take on domestic and caring roles that Italian women were increasingly avoiding due to their growing involvement in the labor market. On the other hand, Nigerian women, who often engage in sex work for a living, were characterized as aggressive and hypersexualized.

²¹ Bosworth et al. (2017, p. 10).

In this context, after analyzing gender through a post-structuralist perspective and understanding the importance of an intersectional analysis, we move on to examine the issue of gender-based violence while maintaining the theoretical framework that underlies the approach. From this critical perspective, the understanding of gender-based violence transcends the traditional notion of isolated events, and turns to the analysis of how social norms and power relations contribute to its perpetuation. In this way, by uniting poststructuralist theory with the analysis of gender violence, we can advance our understanding of the interconnectedness of systems of oppression and the social construction of this problem, paving the way for a more comprehensive and sensitive analysis of this crucial issue.

According to the Council of Europe (2021), gender-based violence involves harmful acts directed against individuals on the basis of their gender and is rooted in gender inequality, abuse of power and harmful norms. The Council of Europe (2021) also explains that, in addition to women and girls, LGBT+ people and even men also suffer from this kind of violence, although statistically the number of such cases is much smaller. For instance, a study conducted by the World Health Organization (2016) not only revealed that gender-based violence against men is often overlooked and underreported, but also found that 1 in 10 men worldwide have experienced physical or sexual violence by an intimate partner or non-partner in their lifetime.

On the other hand, a study carried out by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA, 2019) analyzed data from 49 European countries and found that LGBT+ individuals are more likely to experience violence than non-LGBT+ individuals, with 72% of LGBT+ people in Europe having experienced some form of violence or discrimination in their lifetime.

In the case of women, this number is also significant. The study "Global, regional, and national estimates for intimate partner violence against women and global and regional estimates for non-partner sexual violence against women" (World Health Organization, 2018), based on data from 2000 to 2018, reveals that one in three women globally experience physical and/or sexual violence.

Thus, these studies indicate that gender-based violence directly affects women and LGBTQIA+²² people. In this context, it is crucial to consider that although certain groups are most directly affected, gender-based violence is not limited only to them, but a general social issue that directly or indirectly affects the entire society. This understanding is important to comprehend how gender-based violence is a significant obstacle to human development and social and economic progress.²³

Although some groups, such as the LGBTQIA+ population, are also direct victims of gender-based violence as seen above, this work focuses specifically on gender-based violence against women/girls²⁴, which is deeply rooted in cultural norms and patriarchal structures.

The choice to specifically address gender-based violence against women is due to the fact that statistics and studies have consistently shown that women are disproportionately affected by gender-based violence²⁵. Therefore, focusing specifically on gender-based violence against women allows for the analysis of a significant and large-scale phenomenon.

Furthermore, by examining this specific form of violence, it becomes possible to explore the more direct and profound implications that disproportionately impact women. This focus is particularly relevant as in the

²² Regarding gender-based violence against the LGBTQIA+ population, see *Epistemology of the Closet* (1990) by Eve Kosofsky Sedgwick, where the author explores how the oppression faced by the LGBTQIA+ population is related to gender oppression and the maintenance of heterosexual and patriarchal norms in society; *Guyland: The Perilous World Where Boys Become Men* (2008) by Michael Kimmel, which addresses violence against gay men and the culture of masculinity, and *Terrorist Assemblages: Homonationalism in Queer Times* (2007) by Jasbir Puar, which discusses the systemic violence against the LGBTQIA+ population and the concept of “killable lives”. Furthermore, on the subject of gender-based violence against the LGBTQIA+ population in the context of International Humanitarian Law, see *Queering Asylum in Europe* (Danisi et al., 2021).

²³ The study "The Economic Cost of Violence Against Women" published by the United Nations in 2013 found that gender-based violence costs the global economy \$1.5 trillion each year, being a major obstacle to economic development.

²⁴ In this work, the use of the term 'women' refers to individuals who identify as women, regardless of their assigned sex at birth. We recognize the importance of an inclusive and respectful approach to gender identities, understanding that a person's identity goes beyond biological characteristics. This term is used with the intention of addressing specific issues related to the experiences and challenges faced by individuals who identify as women within the context of gender, without excluding or invalidating other gender identities.

²⁵ See ILGA (2019), World Health Organization (2018).

following topics this work delves into gender-based violence against women in armed conflicts and the shortcomings of International Humanitarian Law in addressing this aspect. Thus, analyzing this context allows for a comprehensive understanding of the unique challenges and vulnerabilities faced by women during times of conflict and sheds light on the gaps and inadequacies in the existing legal framework.

In addition, gender-based violence against women is a problem deeply rooted in social and cultural structures that historically oppress women. By focusing on gender-based violence against women, it will be possible to examine the relationship between traditional gender norms, unequal power roles, and the potential perpetuation of violence against women. This contributes to a more in-depth analysis of the underlying causes and coping strategies in addressing this issue.

Furthermore, considering that the second chapter of the thesis will focus on presenting an analysis of the legal protection aimed at women in armed conflicts, concentrating on gender-based violence against women also enables the identification and exploration of specific interventions and policies that can be implemented to prevent and combat this form of violence. By highlighting the specific needs and challenges faced by women, it is possible to contribute to a critical analysis of solutions directed towards protecting women in humanitarian crisis contexts.

Ultimately, it is important to emphasize that the choice to analyze gender-based violence against women does not imply a lack of recognition of gender-based violence as a complex and multidimensional phenomenon. Instead, it allows for a more in-depth and targeted examination of the issue.

In this regard, transitioning to the specific analysis of gender-based violence against women, the United Nations General Assembly, in its Declaration on the Elimination of Violence against Women, defined that violence against women is a manifestation of historically unequal power relations between men and women,

which have resulted in men's domination and discrimination against women and have prevented women's full advancement, and that violence against women is one of the key social mechanisms by which women are forced into a subordinate position in relation to men²⁶. The same document defines violence against women as any form of gender-based violence resulting in, or is likely to result in, physical, sexual or psychological harm or suffering to women, which includes threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

In addition, UNICEF (2021) explains that gender-based violence can include physical, sexual, mental or economic harm and take various forms, as sexual violence and child marriage and that this form of violence is identified as the most widespread yet often overlooked human rights violation in the world. In fact, several studies have addressed the different types of violence against women²⁷, providing valuable insights into this social issue. These studies, among others, demonstrate the need for a comprehensive and in-depth look at violence against women in order to develop effective prevention and protection strategies.

In this sense, it is believed that it is of utmost importance to know and discuss all forms of gender-based violence in order to identify and effectively combat them. This is because each form of violence has its own characteristics, manifestations, and impacts, both on the victims and on society. Beyond the aspect of discussing the nuances of different types of violence against women, in line with existing critical works, this thesis approaches all these forms of violence as interconnected, and serves as a means of maintaining women in positions of subordination.

²⁶ United Nations General Assembly (1993).

²⁷ See "The State of the World's Children 2014: Girls 2014", published by (UNICEF, 2014), which found that, each year, 15 million girls around the world get married before the age of 18 and that child marriage is more common in developing countries, with the highest number of cases in Sub-Saharan Africa.

For example, Heleieth Saffioti in “Power and Impotence” (1995), delves into the manifestations of gender-based violence, going beyond the conventional understanding of physical abuse to unveil the nature of psychological and economic violence, revealing the complex ways in which violence permeates women's lives, transcending the boundaries of personal relationships and extending into the social context. The author also underscores how oppressive ideologies and traditional gender roles function as enablers of violence, creating an environment in which women are subjugated and relegated to inferior positions. Therefore, it is understood that an intricate relationship exists between power and powerlessness, where patriarchal norms and structures establish an environment that fosters violence against women while also preventing them from seeking recourse and justice.

Moreover, in addition to highlighting that the various forms of violence are interrelated and function as mechanisms to uphold women's subordination, this work considers it crucial to analyze in more specific terms one of the most significant aspects of gender-based violence against women, which is through discourse. This is because it is believed that considering the various manifestations of gender-based violence against women inevitably involves considering the discourse surrounding masculinity and femininity, once it is inherently violent in itself.

This is due to the fact that traits associated with masculinity are often praised as positive, such as strength, independence, and assertiveness, whereas traits considered feminine, like fragility, dependence, and emotiveness, are devalued and viewed as signs of weakness²⁸. When praising a man for being "firm" or "assertive" in a negotiation, while simultaneously criticizing a woman for being "aggressive" or "bossy" in the same circumstances, we perpetuate the notion that leadership and confidence are inherent male traits but undesirable in women. This contributes to the marginalization and undervaluation of women in positions of power and authority.

²⁸ Mikkola (2023); Cerdán-Torregrosa, La Parra-Casado, and Vives-Cases (2023).

Another example is found in the use of misogynistic and offensive language specifically targeted at women, such as the employment of pejorative terms to diminish their sexual dignity. Words exclusively directed at women, such as "slut" or "whore," carry a historical burden of oppression and reinforce sexist stereotypes that perpetuate gender inequality by disseminating the idea that women have no control over their own bodies, thereby devaluing their autonomy as human beings²⁹. Thus, this type of discourse contributes to the maintenance of sexist stereotypes portraying women as sexual objects or mere instruments for the satisfaction of male desires, reducing them to a stereotyped and restricted role in their expression and freedom.

In addition to the positive and negative associations with masculinity and femininity, the discourse as a form of gender violence can also manifest through acts of discrediting and silencing women. For instance, when a woman is consistently interrupted during a conversation by men, her ideas and opinions may be suppressed, reflecting a power dynamic that devalues female contributions.

Without question, discourse has been used throughout history as a powerful instrument of control exerted by hegemonic groups, shaping social perceptions and expectations. From this point on, the dissertation will delve a bit deeper into discourse and language within politics and law, as the former serves as an instrument, support and protection for the latter.

First of all, we need to understand the relationship between discourse and language. Discourse incorporates language, but it is more than that. It is a system of "meaning production"³⁰ through which we can know and act on a particular reality, which, even with ideas and concepts, is not endowed with meaning in itself, since this derives from the concept of its articulation.

In fact, this is the basis of post-structuralism considering that, according to this theory, gender is not a product of biological sex, instead, our concepts of gender shape our understanding of biological sex. In this sense, the post-structuralist

²⁹ Sękowska-Kozłowska, Baranowska, and Gliszczyńska-Grabias (2022).

³⁰ Shepherd (2010).

approach adopted in this work is an important mechanism for understanding the relationship between discourse, language, power and law, because it challenges the notion that language serves as a transparent conduit to an external truth or reality, and instead views language as a structured code in which meanings are constructed through the contrast between its constituent elements. Within this framework, the poststructuralist perspective highlights the importance of language in relation to power structures, emphasizing that our understanding of the world is intricately intertwined with language, asserting that it not only shapes our interactions with the world, but also our sense of self within it. In this context, individuals who create meaning and knowledge accumulate significant influence³¹.

This way, in a dynamic where words carry meaning and value, language, and, therefore the dominant social discourse, are not only a social reflection of influential and powerful groups, but also an unreflective and unconscious reproduction of ideas that are written into policy documents, often reproducing different forms of oppression and exclusion. Shepherd (2010) offers important insights into this issue, explaining that the use of post-structural theories of language can help us understand not only what policy means, but how it means. Moreover, a critical engagement with language and discourse is important to learn how key documents are produced and how this can give us a better idea of how common sense notions circulate and are reproduced through the writing of policy itself³².

As such, discourses are systems of meaning production that influence thoughts, ideas, decisions, policies and laws that will be adopted and later implemented³³. Many authors have studied this theme and Foucault (1980), for example, explains that discourse is shaped by power relations and, consequently, influences the formation of identities, social hierarchies, and different possible forms of behavior. Thus, depending on the dominant discourse, certain ways of being and acting are valorized and legitimized, while others are excluded and

³¹ Tickner & Sjoberg (2007).

³² Shepherd (2010).

³³ Shepherd (2010), Kaitović (2013).

marginalized. Moreover, Butler (1988) explains how social actors shape the social reality through language, gestures, and various symbolic social manifestations, thus, a deeper understanding of how power is constructed and maintained can provide insight into strategies for promoting gender equality³⁴.

Thus, the dichotomy of gender discourse creates a power hierarchy that places men in a position of superiority and women in a position of subordination, leading to the legitimization of violence and male domination over women. In this way, discourse and its' reflection on policy and law, by contributing to the creation and maintenance of stereotypes and cultural norms that favor male power and control over women, constructs, naturalizes, and perpetuates inequality and oppression based on socially constructed norms, representing a strong mechanism for maintaining patriarchal social hierarchies.

The analysis of discourse as a mechanism of female domination is also highly relevant due to its impact on shaping social perceptions and expectations, which in turn influences the entire legal framework. This influence extends not only to judicial decisions but also to the formulation of legal provisions and the rights that are protected.

This topic will be further explored in the forthcoming chapters of this study, which will primarily focus on presenting an analysis of the legal protection aimed to women in armed conflicts. Specifically, the international legal instruments and the rights they seek to safeguard will be critically discussed, while examining the interrelation of this issue with gender-based violence and the influential power of discourse throughout this process.

2.2. Gender-Based Violence in Armed Conflicts: Exploring the Interplay Between Gender Constructions and Warfare

Now that gender-based violence has been defined through a critical feminist approach incorporating key aspects of post-structuralist and intersectional

³⁴ Butler (1988).

analysis³⁵, and the focus has been narrowed to examine gender violence against women, who, as mentioned earlier, constitute one of the most impacted groups by gender violence, the study proceeds to discuss gender violence against women in armed conflicts. In this sense, it is important to emphasize that the approach to the subject will be continued in the same analytical framework as before, focusing on gender aspects.

Moreover, the study will focus on analyzing the role of gender constructions of masculinity and femininity in conflicts, hierarchies, and stereotypes. In this regard, the focus will be on understanding the ways in which gendered norms contribute to the perpetuation of violence and inequality, shedding light on the complex dynamics at play during armed conflict situations. In particular, the investigation will clarify the most diverse ways that women are affected by war and identify how social constructions of gender are employed as a strategy of war, particularly in the context of sexual violence. This is important for a legal analysis and for this work, as all of this will be contrasted with the legal protection of women in armed conflict situations in the following chapters.

It should be noted that this discussion, which addresses the different forms of violence that women face in armed conflict and the link between gender-based violence in armed conflict and gender inequality in peacetime, has significant implications for international humanitarian law. This is because IHL includes restrictions on the conduct of hostilities and rules to protect victims, and it is critical that these norms promote the effective protection of women in this context. These issues will be further explored in the following chapters, which will contrast the multiple impacts of war on women made in this topic with the legal protection offered to women in armed conflict scenarios. This critical analysis will assess whether the current legal framework adequately ensures comprehensive protection, including an analysis of the language and discourse used in the legal provisions analyzed to determine whether they contribute to the propagation of gender stereotypes or effectively protect women.

³⁵ For further exploration of the theoretical framework, see Section 1.1 for a more comprehensive analysis.

In the first instance, it is necessary to remember the most diverse ways that women are affected by war. Initially, regarding death and injury, which are the most remembered consequences when we think of armed conflicts, it is a fact that women are more likely to be killed or injured as civilians, as they are more likely to be in areas where fighting occurs (United Nations, 2018). For example, in 2017, 51% of civilian casualties in Afghanistan were women and children.

Moreover, it is important to take notice that the physical health of women is not the only health that is affected by war. According to the World Health Organization³⁶, in 2015, 30% of women living in conflict-affected countries had a mental disorder related to stress.

Women and girls are also more likely to be displaced by conflict and political and religious persecution. In 2017, there were 68.5 million internally displaced persons worldwide, and 51% of them were women (United Nations High Commissioner for Refugees, 2017).

Another common consequence of war is hunger and poverty. Women are more likely to suffer from these problems because they have less access to education, healthcare, and financial resources than men. In 2015, 736 million women lived in extreme poverty, compared to 641 million men (World Bank, 2014). As properly stated in the colloquium “Women and Armed Conflicts and the Issue of Sexual Violence” organized by the International Committee of the Red Cross (ICRC) and the European Union Institute for Security Studies (EUISS), the impact of security concerns, infrastructure destruction, and separation from male relatives can significantly influence the socioeconomic status and personal safety of women³⁷.

It is noteworthy that, far beyond all these forms of violence in armed conflicts, women also experience gender-based violence in this context, which is both a reflection and an exacerbation of how women are treated in times of peace. As properly stated by Gardam and Jarvis (2001), armed conflict not only

³⁶ Charlson et al. (2019)

³⁷ European Union Institute for Security Studies (2014).

exacerbates the global inequalities faced by women, but also creates new forms of discrimination against them.

Moving on to a more specific approach to gender-based violence against women in situations of armed conflict and the intersectional approach adopted in this study, it is also necessary to make some observations that link the two issues. The study "Intersections of violence against women and girls with state-building and peace-building: Lessons from Nepal, Sierra Leone and South Sudan"³⁸ provides relevant data on this issue: In Nepal³⁹, seven percent of women and girls aged 15-49 have experienced some form of sexual violence since the age of 15, and 26 percent of ever-married women have experienced physical, sexual or emotional violence from their spouses. Additionally, 52 percent of women between the ages of 25 and 49 were married before the age of 18. These statistics highlight the complex interplay of gender-based violence against women in conflict situations with age and marital status in the Nepalese context.

Sierra Leone presents a similar intersectional landscape: 51 percent of ever-married 15-49 year olds have experienced various forms of violence by a partner since the age of 15. Half of women aged 25-49 were married before the age of 18, and a striking 90 percent of women and girls have undergone female genital mutilation (all this data are from Statistics Sierra Leone and ICF International, 2014). These figures demonstrate the interconnectedness of gender-based violence with both age and cultural practices in Sierra Leone.

In South Sudan, the lifetime prevalence of physical and/or sexual intimate partner violence (IPV) ranges from 54 to 73 percent among 15-65 year olds. Up to 33 percent of women between the ages of 15 and 64 report experiencing non-partner sexual violence in their lifetime. In addition, 64 to 78 percent of women and girls are married by the age of 19. These statistics highlight the interlocking dynamics of gender-based violence with age, marital status, and regional context in South Sudan (Global Women's Institute & International Rescue Committee, 2017).

³⁸ Global Women's Institute (2019).

³⁹ All of the following data are from surveys by Ministry of Health Nepal, New ERA Nepal and ICF International (2017).

The nuanced interplay of factors contributing to gender-based violence against women in conflict situations in Nepal, Sierra Leone and South Sudan underscores the complex nature of women's vulnerability in these settings. Tailored interventions are essential to address the unique challenges faced by women in each context and strategies must take into account diverse issues to effectively address the multifaceted nature of gender-based violence against women in conflict-affected regions. A comprehensive perspective that recognizes the intersection of factors provides a thorough understanding of women's challenges and highlights the need for context-specific interventions to address the different dimensions of gender-based violence in armed conflict.

This work now proceeds with an analysis of the influence of gender-based violence and gender social constructions in armed conflicts. Initially, it is important to take notice that gender-based violence in armed conflicts is a complex phenomenon with deep-rooted origins in power relations and existing social structures during times of peace. In this regard, first and foremost, the study aims to clarify that gender violence in armed conflicts is, in reality, not only a reflection of how women are treated in times of peace, but also an extreme manifestation of the existing gender norms within society. Thus, it becomes essential to understand the link between this specific type of violence and the treatment of women during peacetime, primarily because one mirrors the other.

According to Jefferson (2004), gender-based violence in armed conflict must be understood as a worse continuation of the various forms of discrimination and violence inflicted on women in times of peace. Moreover, Enloe (2000), emphasizes that gender violence during conflicts is not initiated in a war zone and persists even after the conflict has subsided.

Thus, as seen in the previous section of this study, constructions of masculinity and femininity play a crucial role in the process by which traditional gender norms reinforce inequality between men and women, creating a conducive environment for gender-based violence even outside of armed conflicts. Therefore,

in the context of armed conflicts, these gender constructions are intensified and used as a strategy of warfare.

This study will provide some examples of how social constructions of gender are used as a strategy of war, particularly in the context of sexual violence, followed by a discussion of the impact of masculinity stereotypes in armed conflicts. In this regard, the focus will be on understanding how gendered norms contribute to the perpetuation of violence and inequality, shedding light on the complex dynamics at play in armed conflict situations.

In this sense, a clear link between gender-based violence against women in armed conflicts and gender-based violence against women in peacetime is the abduction of women by combatants to force them to perform stereotyped forms of labor. For example, during the Rwanda's genocide, militia members detained women to rape and forced them to perform stereotyped gender-specific forms of labor, like cooking and cleaning⁴⁰. Thus, it is not difficult to conclude that gender stereotypes put women at great risk for abduction and violence during war.

For that matter, analyzing the link between sexual violence during wartime and the gender-based violence in peacetime, Jefferson (2004) mentioned the armed conflicts in DRC and Sierra Leone, where tens of thousands of women and girls have been assaulted. She explains that women and girls were already treated as second-class citizens and experienced a general discrimination well before the beginning of the armed conflict and it had an enormous impact in the combatants's tactics of war, such as wartime rape.

Examples of how women are affected by sexual violence in armed conflict are numerous⁴¹, during the Rwandan genocide, an estimated 500,000 women

⁴⁰ Jefferson (2004)

⁴¹ This theme will be revisited in the following chapters, with the aim of critically examining the significant concern within IHL legislation for the protection of women from sexual violence and explaining that incidents related to this concern have sparked considerable mobilization to specifically address the protection of women in armed conflict within the IHL agenda.

experienced sexual violence. In the Bosnian war, where ethnic cleansing tactics were used, more than 50,000 girls and women were victims of sexual violence⁴².

In fact, when we focus on sexual violence in armed conflicts, many experts believe that it became a powerful tool to displace and control people because it takes advantage of traditional gender roles, specifically those that reinforce male dominance and undermine social unity within communities. In Dr. Florika Fink-Hooijer words “even in today’s conflicts women’s bodies continue to be used as a battleground”⁴³. Furthermore, Cockburn (2010) explains that women often become targets of sexual violence as a means for aggressors to exert control and power over their communities and enemies. Thus, sexual violence not only serves as a tool of war but also reinforces existing power hierarchies.

As Wood (2009) said, more than an effective strategy of war (especially ethnic cleansing), rape is one form of atrocity that occurs with other atrocities, with male soldiers taking advantage of the opportunity war gives for widespread rape. Beyond that, Jefferson (2004) explains that, in places where the honor of a family or community is bound to the sexual activity of women and girls, the combatants know that targeting of women and girls causes significant harm to individuals and symbolically attacks the larger community of which the female victims are a part.

Discussing sexual violence against women in armed conflicts holds great significance and symbolism when analyzing the role of gender stereotypes in this context. This is because women are not only linked to motherhood and, consequently, the continuity of generations, but they are also perceived as possessions of men⁴⁴. Thus, by targeting women’s sexuality, the notion of generational succession and even the concept of protective and powerful masculinity are also attacked.

⁴² Schirch & Sewak (2005).

⁴³ Women & War - Woman & Armed Conflicts and the issue of Sexual Violence Report colloquium ICRC - EUISS, 30 September 2014, page 14.

⁴⁴ The notion that women are "property of men" intensifies the risk they face, as their bodies become a battleground for asserting control and reinforcing hierarchies of power.

In this regard, it is worth mentioning that even sexual violence against men and boys plays a significant role in understanding masculinity and gender roles in armed conflicts. This is because it carries an emasculating symbolic impact once the victim is metaphorically deprived of the masculine attributes of power, dominance and heterosexuality, which is, according to the expected standards of gender and masculinity stereotypes, the only acceptable sexual orientation.

An analysis of how gender constructions are intensified and utilized as a strategy of warfare, particularly concerning gender stereotypes and the use of rape as a weapon of war and domination, brings to the forefront a highly significant discussion on the intricate interplay between masculinity and warfare. It is argued that armed conflicts in the "new wars"⁴⁵ should be understood as an extension of patriarchal discourses prevalent during times of peace, perpetuating the associated gender constructions. In this context, the conditions under which war is imagined and carried out are created and nurtured by pre-existing patriarchal gender orders, in which men and masculinity are positioned in sharp contrast, as well as superior to women and femininity. Jefferson (2004), for example, argues that the dynamics of social dominance and deeply ingrained gender roles are powerfully manifested in times of war.

In this sense, it is crucial to comprehend that war strategies are developed by glorifying violent male stereotypes to the extent that masculinity becomes intertwined with the ability to be violent, while femininity is demeaned as being associated with weakness, delicacy, and peacefulness⁴⁶. Furthermore, this process is deeply ingrained, to the point that even as the number of women actively participating in war continues to rise, the gendered cultures of war and militarism persist in a manner where, even if recruits "live in female bodies," adherence to masculine standards is still expected.⁴⁷

⁴⁵ While most of the existing literature has focused on the novelty or extremity of the violence of new war Duriesmith (2016) indicated that the use of brutal violence was more a development from preexisting patriarchal violence than a distinct schism with previous practices.

⁴⁶ Cockburn (2010), Duriesmith (2016).

⁴⁷ Sjoberg (2013).

Durriesmith (2016) provides a compelling account of how the development of brutal violence in the civil wars in Sierra Leone (1991–2002) and Sudan (1983–2005) was made possible by the pre-existing culture of patriarchal violence and the social dynamics between older and younger men. It's explained that the success of molding young men into combatants is due to pre-existing social notions of masculinity, which promoted violence, emotional detachment, group cohesion, aggressive heterosexuality, and risk-taking behaviors. Thus, these young men were socialized to use violence, suppress weakness, and remain loyal to groups, receiving a preliminary training to be aggressive fighters, even before they received the proper training to the conflicts.

The author provides crucial insights into the role of masculinity in war by explaining that violent actions of combatants are socially constructed by masculinity, explaining that the use of extreme forms of violence, such as rape and torture, can be seen as an extension of the masculine logics of violence and domination that are already present in those social contexts. Moreover, Durriesmith (2016) argued that the existing gender constructions in society were essential not only for the recruitment but also for the socialization of combatants, and concluded that the fundamental driving force behind new war is the breakdown of patriarchal bargains⁴⁸.

Moreover, regarding the influence of masculine stereotypes in armed conflicts, Cockburn (2015) argues that it has been particularly true in societies where hegemonic masculinity is constituted by the so-called warrior masculinity, which is authoritarian, aggressive, and competitive, and where women accept and value these attributes in men.

As seen, gender-based violence in armed conflict is ultimately an extreme expression of what women already experience in peacetime, and a context in which women experience gendered violence in addition to all the violence that pervades armed conflict. Moreover, war is waged through pre-existing patriarchal gender

⁴⁸ 'Patriarchal bargains' is a term developed by Deniz Kandiyoti (1988) as an explanation for why some women cooperate with patriarchy in exchange for individual gains.

orders in which gender constructions are intensified and even used as a strategy of warfare.

All of this will be revisited in the forthcoming chapters, which will primarily focus on presenting an analysis of the legal protection aimed to women in armed conflicts, mainly exploring which international legal devices are in place and which rights they aim to protect. Specifically, the International Humanitarian Law will be critically discussed, while examining the interrelation of this issue with gender-based violence and the influential power of discourse throughout a post-structuralist and intersectional feminist perspective.

3. Unveiling Gender Biases: A Critical Analysis of Women's Protection in International Humanitarian Law

As illustrated in the preceding chapter, women not only experience the diverse impacts of war, including the risks of death, injury, and displacement, but they also bear the consequences of gender-based violence within this context. This is because gender-based violence in armed conflicts both mirrors and exacerbates the global inequalities faced by women during times of peace. Thus, it is crucial to examine the legal protections crafted for women in armed conflicts in International Humanitarian Law.

As a result, the primary focus of this chapter is to examine the provisions designed to protect women in armed conflict, specifically the Geneva Conventions and their Additional Protocols. To this end, the chapter explains that, historically, various civilizations have established protections for women in times of armed conflict, and this protection has always been intrinsically linked to protection against sexual violence and the role of women in the family institution.

From this, and considering that even the current International Humanitarian Law tends to deal with women mostly as victims and the Geneva Conventions establish the rules for the protection of victims of international armed conflicts, the work will analyze the Four Geneva Conventions of 1949 and their Additional Protocols of 1977. In this context, the chapter will also highlight that what stands out concerning the safeguards provided for women in the mentioned documents is the notable emphasis on maternal roles and the strong focus on safeguarding against sexual violence.

Moreover, this section of the paper will illustrate how the provisions pertaining to women in the Geneva Conventions insufficiently account for the diverse experiences, identities, and roles that women take on in conflict contexts, being not only deficient but also markedly reflect the prevailing gender stereotypes

in society, perpetuating deeply ingrained gender biases and further entrench existing power disparities.

Furthermore, the critical analysis presented in this work will also illustrate how IHL employs language that sustains an essentialist representation of women as a unified and undifferentiated category, characterized by vulnerability and passivity, in need of protection, or solely as mothers.

In conclusion, the final section of this chapter aims to gain a deeper understanding of how International Humanitarian Law contributes to the perpetuation of gender stereotypes, ultimately intensifying gender-based violence in armed conflicts. In this context, the research will illustrate that while International Humanitarian Law is often perceived as a response to crises, its limited effectiveness in addressing these crises underscores deeper systemic issues, particularly in its approach to gender-related matters.

Furthermore, the study will underscore that despite the prevalent perception of the law as an impartial institution, it can function as a mechanism for maintaining existing hierarchical structures and reinforcing stereotypes, largely due to the influence of power dynamics and prevailing societal norms. Conversely, it is important to recognize that beyond being an instrument of domination, law also has the potential to serve as a mechanism for liberation.

3.1. Historical Context

As seen in the previous chapter, women are affected by war in the most diverse ways, ranging from death and injuries to displacement, political and religious persecution, as well as confronting issues of hunger and poverty. Furthermore, it is imperative to take into account the repercussions of gender-based violence within this context, as, as observed in the Chapter I, gender-based violence in armed conflicts mirrors and exacerbates the worldwide disparities encountered by women during times of peace.

Therefore, it is important to consider the legal safeguards designed for women in armed conflicts, specifically delving into the nature of rights these statutes seek to uphold. Thus, the initial focus of this chapter will be on studying the provisions intended for women during armed conflicts.

In order to legally analyze the protection provided for women in armed conflicts, it is necessary to make some historical considerations on the subject. Greenwood⁴⁹ explains that the law of war⁵⁰, as IHL was previously known, was one of the earliest fields of international law to be codified between the late 19th and early 20th centuries and, even before that, some of the earliest documents on the subject already recognized the need to provide protection for women, which means that protections for women in times of armed conflict have long existed⁵¹.

However, these provisions were limited to matters such as protection against sexual violence and the role of women in the family institution⁵². As appropriately exemplified by Gardam and Jarvis (2001), the Lieber Code, which was drafted during the American Civil War and, as the authors explain, is considered one of the most influential early documents in the field of the law of war, prescribed in its Article XXXVII: “[t]he United States acknowledge and protect, in hostile countries occupied by them, religion and morality;... the persons of the inhabitants, especially those of women: and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished...” (The Lieber Code, 1863, Art. XXXVII:⁵³) (emphasis added). Moreover, the Article XXIII of the “Treaty of Amity and

⁴⁹ Greenwood (1995).

⁵⁰ Over time, the definition and scope of what is now commonly known as international humanitarian law (IHL) has changed and the term "IHL" itself is relatively new in describing this area of international law. In an era when warfare was considered a legitimate state activity, the rules governing its conduct were referred to as the "law of war". However, with the outlawing of war by the United Nations Charter, these rules evolved into what is now called the "law of armed conflict". The adoption of the term "IHL" gained prominence particularly under the influence of the International Committee of the Red Cross (ICRC) (Gardam & Jarvis, 2001).

⁵¹ Keegan (1993).

⁵² In fact, as shown in the next section of this chapter, the recent IHL regulations don't differ much in this aspect.

⁵³ General Orders No 100, 24 Apr 1863 (Reproduced in L Friedman, *The Law of War, A Documentary History*, voll (1972) 158), as cited in Gardam and Jarvis (2001).

Commerce”⁵⁴ between the United States and Prussia in 1785 stipulated that in the event of war between the two contracting parties, women and children should not be molested in their persons.

These provisions, which are overly and almost exclusively concerned with the protection of women against sexual violence and their familial roles, as seen in the Chapter I, are closely tied to the stereotypical way in which society perceives women and the concepts of female honor, morality, and dignity. This is because the direct link established between women, motherhood, and sexual violence holds profound significance and symbolism when examining the influence of gender stereotypes in this context, which will be explored in greater depth in the following sections.

Continuing with the historical approach to the protection of women by IHL, this chapter believes it is important to address the historical context that culminated in the publication of the Geneva Conventions and their additional protocols, which are the primary legal sources pertaining to the specific protection of women in armed conflicts. In this context, Krill (1985) explains that since 1929, when signatory countries of the Geneva Convention sought to address the significant participation of women in World War I (1914-1918), women began to receive special protection under international humanitarian law.

The same author explains that in the Second World War, not only did more women take part in hostilities, but there were many more civilian victims, including many women, than in the previous conflict. It was therefore essential to adopt new legal instruments that took these factors into account. The Swiss Federal Council therefore convened the “Diplomatic Conference for the Establishment of International Conventions for the Protection of War Victims”, which culminated in the drafting of the Geneva Conventions, that were adopted on August 12, 1949.

In addition, Krill (1985) explains that statistics show that more people have died in armed conflicts since the adoption of the four Geneva Conventions than in

⁵⁴ Treaties, Conventions, International Acts, Protocols and Agreements between the US and Other Powers (1910).

the whole of the Second World War, with the proportion of civilians among the dead in some conflicts reaching close to 90%. As a result, the Conventions needed to be supplemented, and the International Committee of the Red Cross (ICRC) took the lead. As a result of the Diplomatic Conference for the Reaffirmation and Development of International Humanitarian Law (1974-1977), the Additional Protocols were adopted in 1977. These protocols, designed to improve the legal protection of civilians in particular, served to supplement the Geneva Conventions.

3.2. Geneva Conventions and its Additional Protocols

After a brief historical analysis of the protection of women by the IHL, from this point forward, the study proceeds with a legal analysis of women's protection in current International Humanitarian Law. In this scenario, it is important to have in mind that International Humanitarian Law works in conjunction with other legal systems, such as human rights and refugee law, but, in order to seek a more uniform analysis, this chapter is based mainly on the main normative instruments used in International Humanitarian Law. For this purpose, the work will analyze the Four Geneva Conventions of 1949 and their Additional Protocols of 1977, which establish the rules for the protection of victims of international armed conflicts.

The choice to analyze the Geneva Conventions and their Additional Protocols is justified by several reasons. Firstly, these norms, as internationally recognized and ratified agreements by countries worldwide⁵⁵, provides a solid foundation for examining the protection of victims of gender-based violence in conflicts.

Furthermore, the primary rationale for selecting the analysis of the Geneva Conventions stems from the fact that IHL tends to address women in armed conflicts primarily as victims and International Humanitarian Law encompasses rules categorized into restrictions on the conduct of hostilities (primarily derived from the peace conferences held in The Hague) and rules aimed at safeguarding victims, mainly the Four Geneva Conventions and the additional protocols. As a

⁵⁵ The Geneva Conventions are binding on the 194 states that have ratified them.

result, the four Geneva Conventions and their Additional Protocols are the main legal basis for the specific protection of women in the context of armed conflict.

In theory, women benefit from all provisions of IHL because, similar to the entire civilian population, they enjoy regulations that provide protection against hostilities and when they are held by an adverse party to the conflict. Moreover, as combatants, they are covered to the same extent as men by provisions concerning legitimate means and methods of combat. We say this in theory because practical reality paints a different picture because, as said, IHL tends to perceive women predominantly as victims and all the provisions offering special protection to women during armed conflicts are located within the rules focused on safeguarding victims of armed conflicts. It means that there are no distinct provisions concerning women within the framework that establishes the legitimate conduct of hostilities.

The fact that IHL continues to have specific provisions for women solely as victims is concerning on multiple levels. This is because this approach not only reinforces gender stereotypes that confine women to passive and vulnerable roles but also overlooks other forms of violence and discrimination while limiting effective protection strategies.

In this sense, in order to effectively fight gender based violence in armed conflicts, it is extremely necessary that women are remembered not only as victims, but as active parts of combat too. In relation to this matter, Puechguirbal, in the EUISS - ICRC Colloquium (2014) defends that the portrayal of women primarily as victims in need of protection poses a major challenge to ensuring their participation in peace talks as independent actors, free from dependence on male entities.

Besides that, various authors point out that the priority of protecting victims in armed conflicts is often overshadowed by military necessity. Gardam and Jarvis (2001), for example, question the appropriateness of the term “international humanitarian law”, contending that it may be misleading due to its emphasis on military aspects rather than humanitarian principles. The authors argue that international humanitarian law is a legal framework built upon the differentiation

between combatants and civilians with a greater emphasis on safeguarding combatants over civilians, in a dynamic in which the protection afforded to women can sometimes be incomplete or lacking⁵⁶.

For example, the Articles 12 of the First and Second Geneva Conventions (1949) have identical provisions, stating that “Women shall be treated with all consideration due to their sex”. However, this wording, while emphasizing the importance of treating women with consideration, lacks specific details on how this treatment should be effectively carried out. This gap in specifying concrete measures represents a weakness in the protection of women under IHL, as it leaves room for inconsistent interpretations and application. This, in turn, raises uncertainty about the effectiveness of women’s protection in conflict situations, which could potentially fall short of adequate safeguards⁵⁷.

Continuing with the analysis of the protection afforded to women in the Geneva Conventions and their additional protocols, regarding the application of these provisions, we refer to Common Article 2, which stipulates that the Geneva Conventions encompass “all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them”, as well as “all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance” (1949).

The Geneva Conventions are also applied in non-international armed conflicts, primarily through Common Article 3, which sets out fundamental and non-derogable rules and serves as a mini-convention of condensed essential rules for conflicts of a non-international character. Common Article 3 also grants the International Committee of the Red Cross (ICRC) the right to offer its services to

⁵⁶ There are also other reasons why the provisions aimed at protecting women in the Geneva Conventions are considered to be lacking, and these will be duly pointed out at the end of this section.

⁵⁷ Gardam and Jarvis (2001) also explain that the vagueness of language in the Geneva Conventions is not restricted to the provisions relating to women but it is more prevalent in the “special” provisions. Thus, there is a tendency for imprecision in the provisions in relation to women and consequently the protection offered is unclear.

the parties to the conflict. In addition, it urges the parties to the conflict to give effect to all or parts of the Geneva Conventions through so-called special agreements. In addition, Protocol II deals with the protection of victims in non-international armed conflicts and develops the provisions of Article 3⁵⁸.

Furthermore, regarding the treatment of women, it's important to note that, while the regulations in the four Conventions and Additional Protocols establish an egalitarian system where no adverse distinction can be made between individuals, differentiated treatment is permissible if these distinctions result in positive benefits. Therefore, differentiated treatment based on gender is allowed in certain situations, as long as it leads to advantageous outcomes for women.

For instance, Article 14 of the Third Geneva Convention, which concerns the Respect for the person of prisoners, declares that prisoners of war are entitled to respect for their person and honor in all circumstances. Women, in particular, shall be treated with the utmost consideration for their sex, and shall in all cases receive treatment as favorable as that accorded to men.

Specifically concerning the special protections intended for women within the Geneva Conventions, it's important to note that there are provisions addressing women explicitly in all the Geneva Conventions and both the Protocols. In fact, only the Third Convention, focusing on the treatment of prisoners of war, and the Fourth Convention, dedicated to the safeguarding of civilians during wartime, encompass approximately thirty articles of particular concern to women. The foundation of this special protection lies in the requirement that women receive distinct respect and safeguarding with the aim of upholding their alleged modesty, honor, and vulnerability⁵⁹.

Moreover, women in war are protected by International Humanitarian Law in a general and specific manner⁶⁰. The first is aimed at all war victims and the second is specific for women, which can be a general protection for all women or a specific

⁵⁸ For more information regarding the application of the Geneva Conventions, see Fenrick (1999).

⁵⁹ Gardam and Jarvis (2001).

⁶⁰ Veuthey (2013).

protection for certain groups of women, like expectant and mothers of young children.

In this context, what catches the attention in relation to the protection destined for women in war in the Geneva Conventions and its Additional Protocols is that both the protection for all women and the protection to certain groups of woman are focused mainly in prioritizing pregnant women and mothers of children under the age of seven – in essence, the roles of motherhood – and/or protection against sexual violence, which is going to be explored in the next topic of this chapter.

3.3. Maternity and Sexual Violence in International Humanitarian Law: A Critical Analysis Focusing on the Geneva Conventions and Additional Protocols

In relation to what was mentioned about the protection of women in war in the Geneva Conventions and their Additional Protocols being mainly focused on prioritizing the roles of motherhood and the protection against sexual violence, this study now delves into a more specific exploration of these legal provisions.

This analysis has a particular focus on the nature of the rights these laws aim to safeguard and whether these provisions contribute to the perpetuation of harmful gender stereotypes. Consequently, this work seeks to identify the rights granted and whether these laws play a role in shaping social perceptions and behaviors, potentially influencing gender inequality and justice in armed conflict settings. We will examine the nuanced aspects of these legal mechanisms, particularly those that differentiate women from men in various contexts⁶¹.

Furthermore, we will scrutinize the intertwining of these provisions with the concept of maternal roles and the protection of women's honor, which is deeply ingrained in the perception of feminine vulnerability. This focused analysis aims to shed light on how these legal frameworks address maternity and sexual violence,

⁶¹ Regarding the protection against sexual violence, as discussed in the upcoming pages, it encompasses various legal mechanisms setting women apart from men in many occasions.

their implications for gender equality, and their potential impact on the experiences of women in armed conflicts.

As stated above, protections for women in times of armed conflict have existed in most civilizations, since the first documents on war already recognized the need to provide protection for women. However, as seen, these provisions were excessively and almost exclusively concerned with protecting women from sexual violence and their role in the family.

These provisions stem from the perception of women as intricately tied to the continuity of generations and often viewed as possessions of men. Therefore, considering what was said in Chapter I, the provisions concerning the protection of women in armed conflicts found in historical treaties and laws, reinforce societal expectations and stereotypes, ultimately reinforcing a cycle of violence and inequality that persists within conflict settings.

What is most striking about this is, as shown below, these concepts persist in current IHL regulations, which continue to depict women as victims and exhibit an excessive preoccupation with sexual violence and the role of motherhood.

3.3.1. Maternity in IHL

Following on from this, about the analysis regarding the protection of motherhood on the Geneva Conventions, we remember the article 16 of the Fourth Geneva Convention, which besides liken wounded, sick, informs and expectant mothers, determine that these groups shall be objects of particular protection and respect. The same happens to the article 14 of the same legal mechanism, which appoints that wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven may be protected from the effects of war.

Actually, the majority legislation applied in International Humanitarian Law has similar legal provisions in relation to specify maternity cases as a priority group in certain scenarios. See, as an example, the article 6, paragraph 4 from the Second

Additional Protocol to the Geneva Convention that defines: “The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offense and shall not be carried out on pregnant women or mothers of young children” (Protocol II, 1977, Art. 6, para. 3).

Similarly, Article 23 of the Fourth Geneva Convention, which deals with “Consignments of medical supplies, food, and clothing” in the section on the general protection of populations against certain consequences of war, it is stated that provisions should be made to allow the unrestricted passage of essential shipments, including food, clothing, and tonics specifically intended for children under fifteen, expectant mothers, and maternity cases.

As aptly pointed out by Gardam and Jarvis (2001), nineteen out of the forty-two provisions addressing women in the four Geneva Conventions and their Additional Protocols are oriented toward women in the maternal role. According to the authors, the protection of unborn children and young offspring serves as the underlying rationale for many of these provisions.

The prioritization of mothers in IHL laws has sparked significant debates and criticisms from various academics and experts. This is because this excessive emphasis perpetuates harmful gender stereotypes by reinforcing the traditional view of women as primary caregivers and suggests that female protection is most relevant when linked to their role as mothers, overlooking their multiple identities and experiences⁶².

Durham (2013) further highlights that this narrow approach leads to a simplistic view of women in armed conflicts, disregarding the many forms of gender-based violence and discrimination they face in conflict situations. Additionally, Enloe (2014) argues that this focus on motherhood can be a form of “feminization” of conflict, overshadowing other critical dimensions of women’s experiences in wartime. The same author strongly emphasizes that the focus on women as mothers serves not only as a means of protecting them, but also as a

⁶² Chinkin (2001).

mechanism for exerting control over them. According to the author, IHL reinforces the conventional view of women as primarily responsible for family and national reproduction. This perspective can be used to rationalize the subordination of women and the negation of their rights.

In relation to this matter, Puechguirbal in (EUISS & ICRC, 2014), articulating what she defines as “the “women-and-children” syndrome”, concludes that the direct participation of women in conflict will be affected while they are understood mainly as mothers. The author argues that it is challenging to advocate for women's active participation in peace negotiations or conflict resolution because they are primarily identified as caretakers of war-affected children, leaving little room for a distinct and more dynamic role.

3.3.2. Sexual Violence in IHL

Following an examination of the prioritization of motherhood within IHL provisions, the research now shifts its focus towards a critical analysis of another crucial aspect of IHL concerning the protection of women in armed conflict, the prevention of sexual violence. In numerous aspects, IHL demonstrates a significant concern for ensuring that women are safeguarded against sexual violence, reflecting a commitment to mitigate the devastating impacts of such human rights violations.

However, a critical analysis unveils potential issues with this emphasis. By characterizing sexual violence as an affront to women’s “honor” or “dignity”, IHL inadvertently reinforces gender stereotypes. Also, it not only fails to recognize the multiplicity of forms of violence and discrimination faced by women but also overlooks the diverse identities and roles assumed by women in conflict situations.

This is not to assert that the legislator’s concern for protecting women against sexual violence is unimportant, because it certainly is. However, the excessive focus of IHL on preventing sexual violence cannot be fully understood without considering how society has historically linked sexual violence to the notions of purity and dignity of women.

In this context, this work would like to make some remarks about the consistent concern of the Geneva Conventions with the separation of men and women, once it is interpreted as an effort to safeguard women from sexual violence, and about the legal devices that seek protection against sexual violence linking women's honor to sexual harassment.

Firstly, concerning the separation of men and women, the Four Geneva Conventions and the Additional Protocols contain remarkably similar provisions regarding the provision of separate quarters and facilities for female prisoners of war. Furthermore, these documents stipulate that these quarters should be supervised by women.

This is found towards the end of Article 25 of the Third Geneva Convention, which falls under the section titled "Quarters, Food, and Clothing of Prisoners of War", and states: "In any camps in which women prisoners of war, as well as men, are accommodated, separate dormitories shall be provided for them" (Third Geneva Convention, 1949, Art. 25). The wording of Article 29, which is in the "Hygiene and Medical Care" section of the same Convention, is identical in this respect.

The same happens with the Article 75, paragraph 5 of the First Additional Protocol to the Geneva Convention, that establishes rules relating to the protection of victims of international armed conflicts, and establishes that women whose liberty has been restricted for reasons related to armed conflict should be held in separate quarters from men and under the direct supervision of women.

Moreover, the Article 97 of the Third Geneva Convention, situated within the section on "Penal and Disciplinary Sanctions" and addressing the principles of the execution of punishment, states that female prisoners of war undergoing disciplinary punishment shall be kept in separate quarters from male prisoners of war and under the direct supervision of women. This underscores the importance of segregating women from men, particularly during disciplinary actions, and emphasizes the importance of female supervision in these cases.

It is believed that the separation of men and women in these contexts is intended to minimize the potential for sexual abuse and gender-based violence and to create a safer environment for women. This recognizes that living together in close quarters can increase the likelihood of sexual harassment and other forms of exploitation. Moreover, assigning women to supervise other women underscores the importance of gender sensitivity in managing complex situations and creating an environment conducive for women to express concerns and report incidents of violence.

In this regard, it is important to emphasize that this work does not negate the importance of these measures, nor does it advocate against the separation of men and women in accommodations. Rather, it emphasizes the analysis of these provisions within the same framework that examines other articles related to protection from sexual violence. It contends that the concern expressed in the Geneva Conventions is deeply tied to entrenched societal notions of female purity and honor and results in a lack of attention to other crucial aspects of women's protection.

In addition, there are several examples of legal provisions aimed at protecting against sexual violence that link women's dignity with protection against sexual harassment. An example of this is Article 27 of the Fourth Geneva Convention: “women must be especially protected against any **attack on their honor**, in particular against rape, enforced prostitution, or any other form of indecent assault” (emphasis added) (Fourth Geneva Convention, 1949, Art. 27).

The imperative to protect women from sexual violence is central to all these provisions. This emphasis arises from the recognition that sexual violence not only violates the individual but also deeply impacts societal perceptions of women's honor, the reputation of their families, and the wider community within which they reside.

In this regard, Gardam and Jarvis (2001), analyzing the Third Geneva Convention were precise to conclude that the provisions relating to female prisoners

of war are intended to conform to basic standards of decency or to protect the honor and modesty of female prisoners of war. Indeed, as mentioned in the previous chapter, many authors explain that in regions where the reputation of a family or community is intricately tied to the sexual conduct of women and girls, armed combatants are aware that targeting women and girls not only causes severe harm to individuals, but also symbolically attacks the broader community to which these female victims are connected⁶³.

In fact, as said previously, sexual violence is a powerful arm weapon in armed conflicts because it takes advantage of traditional gender roles, specifically within communities where the honor of a family or community is bound to the sexual activity of women and girls. In this way, when women's sexuality and their role in family and societal building are targeted, it not only undermines the notion of generational succession but also challenges the concept of protective and powerful masculinity.

It is crucial to revisit the discussion of the historical protection of women in armed conflict, which throughout history has been replete with provisions primarily concerned with protecting women from sexual violence and defining their roles within the family, which continues to this day. For example, the Lieber Code of 1863 explicitly prohibited rape and provided general protection for women in conflict⁶⁴. Despite such measures, crimes of sexual violence under international humanitarian law continued to be perceived primarily as attacks on the honor and rights of women and their families, rather than as attacks on women's physical integrity.

The references in international law that associate sexual violence with notions of morality and honor, rather than categorizing it as a violent crime, pose numerous challenges. The first Special Rapporteur⁶⁵ asserted that the honor paradigm, associated with notions of chastity, purity, and virginity, has been officially incorporated into humanitarian law. When rape is construed as a crime

⁶³ Jefferson (2004).

⁶⁴ Manjoo & McRaith (2011)

⁶⁵ U.N. Economic and Social Council, Commission on Human Rights (1998).

against honor or morality, victims often experience shame and may be perceived as "dirty" or "spoiled" by the community. As a result, many women refrain from reporting or discussing the violence they have suffered.

Moreover, the majority legislation applied in International Humanitarian Law and even international bodies and projects, shows a big concern about sexual violence against women in armed conflicts and has similar legal provisions, which, as said previously, have persisted since the early provisions concerning the protection of women in armed conflicts. For example, the UN Security Council⁶⁶ adopted Resolution 1820 (United Nations Security Council, 2008), a landmark measure that explicitly recognised sexual violence as a security threat. The resolution stressed that sexual violence, especially against women and girls, is used as a tactic of war to humiliate, dominate, instill fear, disperse or forcibly transfer civilian members of a community or ethnic group. It emphasized the detrimental impact of such violence on situations of armed conflict, which hinders the restoration of international peace and security. The Council stressed the urgent need for all parties to armed conflict to take effective measures to protect civilians, in particular women and girls, from various forms of sexual violence. These measures include enforcing military discipline, upholding the principle of command responsibility, instructing troops to unequivocally prohibit all forms of sexual violence against civilians, dispelling myths that perpetuate such violence, vetting armed and security forces on the basis of past acts of rape and other forms of sexual violence, and evacuating women and children to safety when they are at imminent risk of sexual violence.

Thus, what becomes evident is that the provisions of IHL related to protection against sexual violence reveal a complex interconnection between these legal norms and deeply ingrained social perceptions of female purity and honor. In this context, it is necessary to address certain aspects of the female socialization process, which contribute to women being confined to domestic and reproductive roles. For this purpose, it is important to delve into the discussion of social informal

⁶⁶ In the next chapter, the UN approach to gender-based violence against women in armed conflict will be analyzed in more detail.

control, a topic analyzed by the feminist movement and relevant to this debate. This concept explains that, historically, the law has primarily been directed toward men, while informal social control, especially within the family and through domestic education, has been used as a means of female subjugation.

For that matter Minella (2006), analyzes that this kind of dominance promoted by primary institutions, such as the family and community, makes up a decisive informal social control over women's behavior. Thus, this control also have an effect on the fact that women are mostly treated as victims and that sexual violence and/or the exercise of motherhood have some much space in the analysis and protection of women in armed conflicts.

All of these things are also related to the Patriarchy, what Puechguirbal in (EUISS & ICRC, 2014) had called "the problem that has no name", as it reaches issues related to female sexuality and leaves women trapped in the private space and in reproductive exercise. The author mentions Enloe (2014) explaining that patriarchy perpetuates the privileging of certain forms of masculinity, treats most women as inherently lacking in autonomy, and assigns less value to anything considered feminine when discussing important issues.

Also, authors such as Enloe (2014) explain that the laws of war have traditionally emphasized the protection of women against sexual violence, largely due to the traditional view that sexual violence tarnishes women's "honor" or "purity". This emphasis may inadvertently perpetuate the notion that women's primary concern in armed conflicts is the preservation of their dignity, overlooking the multiplicity of their identities and experiences in war contexts. Beyond that, the author argues that the focus of IHL on protecting women against sexual violence is heavily rooted in the traditional view of women as mothers and caregivers, responsible for the reproduction of the family and the nation. In this perspective, sexual violence is perceived as a threat to this role.

Furthermore, Heathcote (2021) argues that IHL has emphasized the protection of women against sexual violence through a stereotyped view of women

as passive victims, disregarding female agency and their experiences. The author goes further to explain that these regulations are not even sufficient to effectively protect women from sexual violence.

3.3.3. Analyzing Gaps in the Protection of Women in International Humanitarian Law

Also, it is worth noting that, as mentioned above, women's protection in armed conflicts can sometimes be incomplete or insufficient. This is because IHL's excessive focus on maternity and sexual violence, besides reinforcing gender stereotypes, results in a lack of attention to other crucial areas of women's protection, leaving the law with notable gaps.

For example, when we consider all the ways in which women are affected by war and the protection offered by the Geneva Conventions and their Additional Protocols, the conclusion of the study "Intersections of violence against women and girls with state-building and peace-building: Lessons from Nepal, Sierra Leone and South Sudan" (Global Women's Institute & International Rescue Committee, 2018) is remarkable, as it shows that in all three contexts, women and girls face violence in their daily lives, both during and after periods of conflict, with consequences that have a lasting impact on their well-being. It is important to note, however, that conflict-related sexual violence is only a small part of the overall violence experienced by women and girls in these contexts - in contrast, there are high levels of generalized violence, such as intimate partner violence, which, as we have seen, are not adequately protected by law. In this sense, the study shows that in the three contexts, various forms of pervasive violence, particularly intimate partner violence during and after conflict, are more prevalent than conflict-related sexual violence, with rates of intimate partner violence ranging from 26% to 74% in regions of the three countries. In addition, other forms of violence against women and girls, such as early and forced marriage and traditional practices, are also prevalent in these contexts.

In this regard, Gardam and Jarvis (2001) argue that within IHL, legal provisions pertaining to women are considered less important and are articulated in terms of protection rather than prohibition. To illustrate this point, the authors compare Article 76 (1) of Protocol I (1977), which states that women shall be treated with special respect and protected, especially against rape, forced prostitution, and any other form of indecent assault, with Article 13 of the Third Geneva Convention, which pertains to the humane treatment of prisoners and is formulated as follows:

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. Likewise, prisoners of war must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity. Measures of reprisal against prisoners of war are prohibited. (Third Geneva Convention, 1949, Art. 13).

What can be seen from this is that, while the forecast aimed specifically at women is very general and does not present specific actions, the forecast aimed at prisoners of war - and here it is worth remembering that, as duly explored throughout this chapter, IHL tends to view the active parties in conflicts as men - is much more detailed. The Geneva conventions provide a comprehensive protection regime granted to prisoners of war, which includes well-established rules guaranteeing humane treatment, regular visits by the International Committee of the Red Cross and provisions for repatriation after the end of the conflict. This discrepancy highlights a gendered gap in the application of humanitarian law,

underscoring the need for a more comprehensive and gender-sensitive approach to ensure the safety and well-being of all individuals affected by armed conflicts.

Besides that, what catches Gardam and Jarvis (2001) attention regarding the legal provision quoted above and is noteworthy in this study is that the provision of “Humane Treatment of prisoners” that does not specifically address women, do not mention sexual violence in the “serious breach” provisions, despite current interpretation of the capacity to prosecute rape under those sections.

So, although the article mentioned is notably more descriptive in relation to the protection of men, it still doesn’t give adequate focus to the issue of sexual violence. This raises some important questions, starting with the perpetuation of the perception that only women are recognized as victims of sexual violence, which is unequivocally linked to stereotypes of female fragility. Furthermore, this underlines the significant gap in IHL in relation to women, highlighting the need for more comprehensive and detailed laws aimed at effectively protecting women.

In the light of all the above, when examining the legal treatment and protection afforded to women in the four Geneva Conventions and their Additional Protocols, it becomes evident that there is an incomplete or lacking protection with a consistent emphasis on motherhood and the prevention of sexual violence. This highlights that these norms, rather than recognizing women as individuals with inherent rights, predominantly address them in relation to others - here, primarily children and potential abusers - in a dynamic in which “Generally, women are valued in IHL in terms of sexual and reproductive aspects of their lives. Even these, however, are viewed from a male perspective in IHL” (Gardam and Jarvis, 2001, p. 94).

As mentioned earlier, the provisions concerning women within the Geneva Conventions not only exhibit gaps but also exhibit a strong connection to the stereotypical perceptions of women prevalent in society. These provisions fail to account for the diverse experiences, identities, and roles that women undertake in

conflict contexts, consequently perpetuating entrenched gender stereotypes and reinforcing existing power disparities.

3.4. The Transformative Role of Law: Upholding or Challenging Social Norms?

In view of the problematizations made about IHL made in the previous topic, the work will now turn to an analysis of the role of law as an instrument for reproducing and maintaining social reality. The aim is to explore the role of International Humanitarian Law in perpetuating gender stereotypes and how this not only perpetuates but also amplifies gender-based violence in armed conflict.

In fact, one of the main points of the thesis is to understand how the apparent ineffectiveness of international law in dealing with crises is, in reality, inseparably linked to its own propensity to generate such crises. In other words, although international law is seen as a response to crises, its inability to deal with them adequately is indicative of the crisis of the system itself.

In this sense, when analyzing international humanitarian crises, it is necessary to consider not only the failures of international law in dealing with them, but also to understand that International Humanitarian Law itself plays an essential role in the very generation of crises, which becomes especially clear when thinking about the gender approach in the system.

The study by Engle, Nesiah and Otto (2021) provides important background for discussing this issue by highlighting the relevance of feminist approaches to international law as an analytical lens for examining the role of International Humanitarian Law in generating crises, suggesting that dominant feminist approaches contribute to the production and maintenance of crises through their calls for international legal action, which can create conflicts. At the same time, the study suggests that less conventional feminist approaches can offer enriching perspectives for understanding this production of crises and how this ends up

legitimizing specific feminist goals and the international law system itself and its failures.

In this sense, the authors argue that the feminist currents that have gained more prominence in international law have sought to use crises for feminist objectives and that has been done mainly by characterizing violence against women, especially sexual violence, as a crisis that should result in greater application of international law, especially international criminal law, intensified securitization and even military intervention. Thus, there has been increasing resistance in International Humanitarian Law to critical feminism⁶⁷.

From this, Engle, Nesiah and Otto (2021) present feminist “success stories” that have used crises for feminist goals, namely the development of international criminal law institutions and doctrines in relation to sexual violence in conflict, the United Nations (UN) Security Council's Women, Peace and Security (WPS) agenda⁶⁸ to make armed conflicts safer for women, and the integration of feminist and counter-terrorism agendas into “nation-building” and “securitization” policies.

For the authors, the success of these policies are related to “International Conflict Feminism” (ICF)⁶⁹ and reinforce many dangerous aspects of feminism and international law, as they have used the focus on harm to women - especially sexual harm - to help legitimize and extend the coercive power of the state. Similarly, the ICF and its focus on harm and crisis invocation not only represent dominant feminist perspectives, which makes critical feminist perspectives unviable, but also has effects such as what was said in the previous topic about the excessive approach to sexual violence in International Humanitarian Law - which, in turn, has negative effects for women's protection by reinforcing gender stereotypes and overlooks other forms of violence and discrimination, limiting effective protection strategies.

⁶⁷ Here it is important to remember that, as said in Chapter I, this study is grounded in the concepts of critical feminism, particularly those related to post-structuralist feminist perspectives and the intersectional framework.

⁶⁸ This topic will be discussed in detail in the next chapter.

⁶⁹ In the post-Cold War era, there was a notable surge in initiatives aimed at enhancing the incorporation of specific feminist agendas into International Humanitarian Law (IHL) responses and policies regarding armed conflicts. This approach, as coined by Vasuki Nesiah, is referred to as “International Conflict Feminism” (Engle, Nesiah and Otto, 2021).

Here it's important to recall a concept developed by Nancy Fraser in "Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis" (2013), where the author explains the phenomenon of neoliberalism selectively embracing feminist ideals in a distorted manner, thereby promoting agendas that ultimately perpetuate inequality and oppression.

Engle, Nesiah and Otto (2021) criticize the accepted narrative that there is a crisis in international law, especially with regard to sexuality and gender, and defend the idea that anti-imperialist, pro-sex feminism and queer theory offer important vehicles for challenging this narrative. Therefore, it is evident that the current approach in International Humanitarian Law (IHL), which still employs a language that perpetuates an essentialist portrayal of women as a singular and homogeneous group, formed by vulnerable and peaceful victims in need of protection, or as mothers, is insufficient for addressing this issue adequately.

In light of the critical analysis of women's protection in armed conflicts, International Humanitarian Law (IHL) appears to assume the absence of systemic gender inequality, thereby failing to acknowledge the unequal social status experienced by men and women. Although IHL's primary objective is to mitigate suffering during times of armed conflict rather than address social inequalities directly, it can perpetuate stereotypes and reinforce subordination due to its susceptibility to power dynamics and prevailing social norms.

Legal systems may inadvertently contribute to the maintenance of discrimination and inequality. Thus, the comprehensive examination of IHL is necessary to gain insight into how it functions within existing power structures and underscores the importance of transformative initiatives.

Furthermore, the critical analysis of the international humanitarian law is a necessary path to work towards creating legal systems that prioritize all women's needs and effectively promotes safety of women in armed conflicts, being essential for developing effective strategies to combat this problem

Considering all the points discussed, it can be concluded that despite the common perception of the Law as an impartial institution, due to the influence of power dynamics and prevailing social norms it can, in reality, serve as a mechanism to uphold hierarchical structures and perpetuate stereotypes.

On the other hand, it is believed that law, beyond being an instrument of domination, can also represent a mechanism of emancipation, and therefore, legal practitioners should claim the necessary transformations and effectively meet social demands. Thus, considering that social conditioning and gender stereotypes during peacetime have a significant impact on the treatment of women in armed conflicts, it is logical to conclude that progress in one area would lead to improvements in the other. Therefore, it is imperative that the international and domestic legal and civil systems take further steps to promote gender equality during peacetime, including establishing education and domestic and international measures that ensure not only the respect for women's rights but also the proper punishment for violations.

4. Deconstructing the United Nations' Approach to Gender-Based Violence against Women in Armed Conflicts: A Critical Analysis of the UN's Women Peace and Security (WPS) Agenda

After examining gender-based violence against women in armed conflicts through a critical feminist approach in the first chapter and analyzing the four Geneva Conventions of 1949 and their Additional Protocols of 1977 as the primary legal source for the specific protection of women in armed conflicts, this study moves on to assess the United Nations' approach to gender-based violence against women in armed conflict. The focus is on UN entities, including the Security Council and UN Women, and in particular on the Women, Peace and Security (WPS) agenda - an overarching global initiative to promote the full and equal participation of women at all levels of peace processes and security efforts⁷⁰, which originated with the adoption of Security Council Resolution 1325.

To this end, the first theme of this chapter delves into the historical evolution of the UN's approach to gender, specifically addressing women in armed conflict. It traces the UN's evolving position on these issues up to the crucial moment of the adoption of Security Council Resolution 1325.

The second section focuses on a detailed examination of SCR 1325, analyzing its specific provisions and objectives. The subsequent section examines the practical implementation of SCR 1325, providing insights into the challenges and successes of its real-world application. Finally, this study critically scrutinizes the language used in SCR 1325 to elucidate how it reflects the UN's approach to addressing gender inequality.

The analysis of Security Council Resolution 1325 is important because the document marks the Security Council's recognition, after more than fifty years, of the relevance of women's and gender issues to international peace and security,

⁷⁰ (UN Political and Peacebuilding Affairs, n.d.)

moving beyond occasional references to women as a vulnerable group⁷¹ and recognizing that men and women experience conflict and post-conflict situations differently. Moreover, as noted above, the document marks the beginning of the dedication of an entire Security Council session to the consideration of women's experiences in conflict and post-conflict situations, and is considered a landmark achievement in global security policy, becoming the most widely referenced international security policy addressing gender concerns⁷².

4.1. Tracing the UN's Historical Path on Women in Armed Conflict

The opening part of the third chapter of this work proposes a historical analysis of the United Nations (UN) approach to gender, with a particular focus on the issue of women in armed conflict, and provides an overview of what has happened in relation to women and armed conflict within the UN framework.

This is important because the UN has played an increasingly important role in the development of both “soft” and “hard” norms related to armed conflict, and has proven to be an effective mechanism for focusing international attention on an issue and formulating a coordinated strategy in response. In this sense, the UN presents itself as a promising forum for a comprehensive approach to the problem of women in armed conflict⁷³.

First, it's worth making some observations regarding the theme of gender within the United Nations since its inception. For this purpose, it's important to note that the UN was established in 1945 following the conclusion of World War II, with the primary objective outlined in its founding document as it follows:

⁷¹ Cohn (2008).

⁷² Klot (2015).

⁷³ United Nations Women (2023).

“To maintain international peace and security”; “develop friendly relations among nations (...) and to take other appropriate measures to strengthen universal peace”; “To achieve international co-operation in solving international problems (...) and in promoting and encouraging respect for human rights and for fundamental freedoms for all **without distinction as to race, sex, language, or religion**; and “To be a centre for harmonizing the actions of nations in the attainment of these common ends.” (emphasis added) (United Nations, 1945, Art. 1, para. 3).

In this context, according to the “Short History of the Commission on the Status of Women”⁷⁴, of the 160 signatories to the UN Charter, only 4 were women. Beyond that, when the UN Charter was adopted in 1945 and the Universal Declaration of Human Rights was adopted in 1948, some states initially excluded women from these foundational documents by using language that referred exclusively to men. It was only after considerable pressure and advocacy by women’s groups and organizations that the drafters finally included references to all persons, including women and men⁷⁵.

Following our historical analysis, it’s imperative to look at the Commission on the Status of Women (CSW) and its profound historical relevance to the subject of this work, as the CSW was the pioneering platform for addressing gender-based violence in armed conflict. The CSW was established in 1946 as a specialized body of the United Nations Economic and Social Council (ECOSOC), marking the formal inclusion of women on the international agenda. Its primary mandate was to promote gender equality and women’s rights within the United Nations, in response to concerns about gender discrimination and the global promotion of women’s rights, and, to this end, it immediately initiated research on the global status of women, with substantial input from NGOs and other UN bodies (United Nations, 2019).

⁷⁴ United Nations (2019).

⁷⁵ Tryggestad (2009).

CSW holds annual meetings in New York that bring together representatives of governments, non-governmental organizations, and other stakeholders to discuss issues related to women's rights and gender equality. Each year, CSW selects a specific theme for its discussions and develops recommendations and guidelines to address critical issues related to women. Some of the focus areas include gender-based violence, women's economic empowerment, access to education and health, women's political participation, and more.

Between 1946 and 1962, the Commission dedicated its efforts to promoting women's rights and equality. It focused on setting standards and formulating international conventions to change discriminatory laws and increase global recognition of women's issues (United Nations Women, 2019). In pursuit of this goal, the Commission initiated an extensive research and survey campaign to assess the global status of women, which gradually served as the basis for the drafting of human rights instruments.

In the 1960s and 1970s, the United Nations and its Commission expanded their attention from peace and security to development and economically disadvantaged nations, influenced by the wave of decolonization that granted independence to countries in Africa, Asia, and Latin America. This broadening of focus brought to the forefront of the UN's agenda and activities a more diverse set of viewpoints, experiences, and difficulties, especially those of marginalized groups, including women from underprivileged backgrounds⁷⁶.

It was in this context and after the 1968 Human Rights Conference in Tehran, that the UN's approach to gender-based violence against women in armed conflicts began, with the work of the Commission on the Status of Women (CSW) between 1968 and 1974 on the "Protection of Women and Children in Emergency Situations and Armed Conflict". The issue was first discussed in detail at the 23rd session of the CSW in 1970, and then at subsequent sessions in 1972 and 1974, which

⁷⁶ Kaitović (2013).

culminated in the adoption of the General Assembly Declaration on the Protection of Women and Children in Emergency Situations and Armed Conflict in 1974⁷⁷.

In fact, it is worth making some observations about the 1974 General Assembly Declaration (United Nations General Assembly, 1975), which, despite its vague language and focus on women's roles as mothers and caregivers, failing to address the unique impact of armed conflict on women, reaffirms the rights of women and children to shelter, food, health care and other basic rights in accordance with international human rights instruments, addressing at least some of the broader challenges faced by women in armed conflict.

As Gardam and Jarvis (2001) rightly point out, the reports⁷⁸ from CSW provide valuable insights into the attitudes of States towards the work of the CSW on the protection of women and children, which in turn is indicative of the limited understanding of the issue at the time. Indeed, there was considerable resistance to even including the issue on the agenda, with some delegations objecting to what they perceived as the granting of "special privileges" to female civilians, who they saw as no different from the rest of the civilian population. Meanwhile, countries that supported addressing the issue of women and children in emergencies and armed conflict emphasized that the intention was not to give women special privileges, but to protect a particularly vulnerable group. Moreover, even countries that supported the initiative tended to focus on women's roles as mothers and caregivers. Some signs of this include the grouping of women and children in the

⁷⁷ Gardam and Jarvis (2001).

⁷⁸ The reports cited by the authors are the Report of the Commission on the Status of Women, UN Doc E/CN.6/546 (UN Commission on the Status of Women, 1970); Report of the Commission on the Status of Women, UN Doc E/CN.6/568 (UN Commission on the Status of Women, 1972); Report by the Secretary-General on the Protection of Women and Children in Emergency or War Time, Fighting for Peace, National Liberation and Independence, UN Doc E/CN.6/536 (UN Commission on the Status of Women, 1970); Report by the Secretary-General on the Protection of Women and Children in Emergency or War-Time, Fighting For Peace, Self-determination, National Liberation and Independence; UN Doc E/CN.6/561 (UN Secretary-General, 1972).

same category and the subsequent General Assembly Declaration of 1974, which as said above, focus on the role of women as mothers⁷⁹.

In addition, there were other obstacles to the UN's approach to the issue, such as the opposition of some States to consideration of the issue on political grounds, the suggestion by the representative of the United Kingdom at the 25th session of the CSW that the International Committee of the Red Cross (ICRC) should be responsible for developing international humanitarian law (IHL), and concerns about possible duplication with the 1977 Additional Protocols to the four Geneva Conventions of 1949. In all of this, the unique impact of armed conflict on women and the importance of including women's perspectives in advancing the field have not been taken into account.

The Commission on the Status of Women (CSW) and the 1974 Declaration on the Protection of Women and Children in Emergency and Armed Conflict paved the way for the formulation of a women's agenda through the UN International Women's Year (IWY). This agenda then expanded into the UN Decade for Women, with a strong focus on promoting equality, peace and socio-economic development, the first UN Women's Conference in Mexico City in 1975 and the adoption in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁸⁰.

Here, a few remarks should be made about CEDAW, which is an international treaty that sets standards for the promotion of women's rights and the elimination of gender discrimination and has been ratified by 189 countries, often being described as the International Declaration of Women's Rights. CEDAW established legal standards and reaffirmed the belief in fundamental human rights,

⁷⁹ See, as an example, that the General Assembly Declaration of 1974 acknowledges its responsibility for the well-being of the upcoming generation and for the role of mothers, who hold significance in society, family, and particularly in the upbringing of children (United Nations General Assembly, 1975). Also, Gardam and Jarvis (2001) cite the Report of the Commission on the Status of Women, UN Doc E/CN.6/546 (UN Commission on the Status of Women, 1970), the Report of the Commission on the Status of Women, UN Doc E/CN.6/568 (UN Commission on the Status of Women, 1972) and the comments of the representative of Egypt during the 1974 debate of the CSW, UN Doc E/CN.6/SR.613-628 (UN Commission on the Status of Women, 1974).

⁸⁰ During this period, however, little attention was paid to the issue of women and armed conflict (United Nations, 2019).

declared that any discrimination against women violates the principles of equality and rights, and advocated for women's equality in the political, social, economic, and cultural spheres, recognizing the importance of women's equal participation in all spheres for the development of countries, global well-being, and peace⁸¹.

It is also important to understand the relationship between CEDAW and SCR 1325, which is the main object of analysis in this chapter, as the two documents are inextricably linked in their pursuit of gender equality and women's rights. While CEDAW provides a comprehensive legal framework for the promotion of women's rights and the elimination of gender discrimination, SCR 1325 provides a specific framework for the implementation of these rights in conflict and post-conflict contexts⁸². Moreover, the two instruments complement and reinforce each other. For example, SCR 1325 helps to broaden the scope of CEDAW by clarifying its relevance to all parties in conflict and peace. CEDAW, in turn, provides concrete strategic guidance for action based on the broad commitments outlined in SCR 1325.

See, for example, that at the 40th session of the Committee on the Elimination of Discrimination against Women (CEDAW), Resolution 1325 became an obligation for States' reports to CEDAW. Moreover, CEDAW General Recommendation No. 19, adopted at the Eleventh Session of the Committee on the Elimination of Discrimination against Women in 1992⁸³, directly address the issue of gender-based violence against women in armed conflict when referring to the particular risk of violence faced by categories of women, including women living in contexts of war, armed conflict and occupied territories. Besides that, Section 1.3 of the Committee's Country Guidance Report (CEDAW, 2008) directly address the SCR 1325, emphasizing the importance of including information on the

⁸¹ CEDAW has been criticized by some authors, such as Kaitović (2013), for focusing exclusively on women's rights, neglecting other gender inequalities, and excluding men from discussions on gender equality, which contributes to the perpetuation of gender stereotypes by accepting a binary division of gender, portraying women as victims and men as perpetrators, and thus not challenging traditional patriarchal and militarized structures.

⁸² (UNIFEM, 2006)

⁸³ (Division for the Advancement of Women, 1992)

implementation of Security Council Resolution 1325 and its outcomes in submissions to the Convention, when relevant⁸⁴.

Following our historical analysis, in the early 1990s, with the struggle of Asian women forced into sexual slavery by the Japanese army before and during World War II and the widespread media coverage of the sexual atrocities committed during the armed conflict in the former Yugoslavia at the end of 1992, the issue of sexual violence against women in armed conflict achieved prominence within the UN system⁸⁵.

In this sense, Kaitović (2013) explains that throughout the 1990s, the United Nations faced increasingly complex crises and conflicts related to humanitarian issues, sustainability, peace, security and development, especially after the end of the Cold War. The author explains that contemporary armed conflicts, often referred to as “new wars”⁸⁶ have begun to target civilian populations, with rape and other forms of violence against women being used as strategies of war and domination. As examples, the author recalls the Rwandan genocide, in which an estimated 500,000 women were raped, and the Bosnian war, in which more than 50,000 girls and women were victims of sexual violence⁸⁷.

Following these events, there were numerous developments that led to a renewed interest in the topic of women and armed conflict within the UN system. However, these initiatives primarily centered on the issue of sexual violence, with limited attention to other aspects of the matter.

⁸⁴ Committee on the Elimination of Discrimination against Women (2008).

⁸⁵ See, for example, the Resolution 820, adopted by the Security Council at its 3200th session on April 17, 1993, which states in its article 6: “Condemns once again all violations of international humanitarian law, including in particular the practice of “ethnic cleansing” and the massive, organized and systematic detention and rape of women, and reaffirms that those who commit or have committed or order or have ordered the commission of such acts will be held individually responsible in respect of such acts;” (emphasis added) (UN Security Council, 1993, Art. 6).

⁸⁶ This concept was originally introduced in the first chapter of this dissertation, where it was explained that while much of the literature has focused the analysis of “new wars” on the novelty or degree of violence, Duriesmith (2017) argued that the use of brutal violence was an evolution of pre-existing patriarchal violence rather than a distinctive break from previous practices.

⁸⁷ Schirch and Sewak (2005).

For example, the Vienna Declaration and Programme of Action (World Conference on Human Rights in Vienna, 1993), the document adopted at the World Conference on Human Rights in Vienna, acknowledges in article 38 that infringements on the human rights of women in situations of armed conflict constitute violations of the fundamental principles of international human rights and humanitarian law. All types of such violations, notably murder, systematic rape, sexual slavery, and forced pregnancy, demand a particularly effective response.

Continuing with the historical approach to gender analysis by the UN, a period that deserves to be highlighted is following the Fourth World Conference on Women (Beijing Conference) in 1995 (United Nations, 1995). For some authors⁸⁸, from that moment on the impact of armed conflict on women went beyond the issue of sexual violence, recognizing that women's vulnerability during armed conflict is a direct consequence of the discrimination women face throughout their lives.

The Beijing Declaration and Platform for Action states in its article 135: "While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex"⁸⁹. Beyond that, in pursuit of this objective, strategic action is encouraged in critical areas of concern outlined in paragraph 44 of the Beijing Platform for Action (United Nations, 1995), encompassing the impact of armed or other forms of conflict on women, including those residing in regions under foreign occupation.

According to Gardam and Jarvis (2001), this broader consideration of the impact of armed conflict on women's lives has been reflected in various United Nations initiatives. For example, women and armed conflicts was one of the four areas of the Beijing Platform for Action reviewed at the 42nd Session of the Commission on the Status of Women in 1998, when the issue of women and armed conflict was examined for the first time since the early 1970.

The authors compare the approach to gender in the two cases and note several noteworthy developments during this period, such as distinguishing the

⁸⁸ Gardam and Jarvis (2001).

⁸⁹ United Nations (1995, Art. 135).

issue from children; recognizing the diverse needs of women affected by armed conflict, which included women with disabilities and refugee women; addressing sexual violence and its physical and psychological consequences as a central issue; emphasizing the importance of achieving gender balance, gender expertise and gender-sensitive training within bodies dealing with armed conflict; recognizing the importance of women's participation in peace negotiations and post-conflict reconstruction; recognizing the social and economic impact of armed conflict on women, in particular heads of households and widows, as well as the impact of economic sanctions on women; focusing on remedies, including rehabilitation, and the obligations of governments and international organizations in providing redress to women affected by armed conflict.

Moving forward with the historical analysis of gender by the UN, in 1999, in response to the Security Council's request for a report on improving the physical and legal protection of civilians in armed conflict, the Secretary-General submitted a report that recognized the unique challenges faced by women in armed conflict and their differential impact compared to men, and made limited recommendations to address the specific needs of women. The recommendations include ensuring that the UN and parties to conflict address the specific protection and assistance needs of women during armed conflict and peacekeeping operations; training peacekeeping units on gender-related human rights and international humanitarian law provisions; the prohibition of rape, forced prostitution and sexual assault; emphasizing the special protection of women from these forms of violence; and the need to separate women from men under the direct supervision of women, in accordance with the Geneva Conventions, as discussed in the previous chapter.

These movements finally placed gender firmly at the center of the UN agenda, which sought to implement and integrate a gender perspective in all areas of its work, culminating in Security Council Resolution 1325 on Women, Peace and Security, which was adopted unanimously and will be further explored in the next

section of this chapter, and the adoption of the Millennium Development Goals⁹⁰ in 2000, which promoted gender mainstreaming⁹¹ and played an important role in mobilizing international, national and local efforts in the areas of peace, security and development⁹².

In fact, some observations need to be made about the relationship between these two documents. This is because both documents are considered significant in their own right. Resolution 1325 is notable for bringing the issues of women, peace and security onto the agenda of the Security Council, a body primarily charged with maintaining global peace and security. Meanwhile, the Millennium Development Goals have garnered considerable support and commitment from various stakeholders, including both state and non-state actors, in their efforts to alleviate and eradicate poverty. Besides that, although most international bodies have addressed these issues in isolation, peace, security and development are interdependent. The UNDP (United Nations Development Programme) (1994) suggests that the absence of peace may hinder development, and conversely, the absence of development may pose a threat to peace.

This section has provided an analysis of the United Nations' approach to gender-based violence in armed conflict before the introduction of United Nations Security Council Resolution 1325, delving into the historical context and challenges that preceded the SCR 1325 and its connection with the Millennium Development Goals (MDGs). Moving forward, this work will focus on understanding the core concepts and recommendations of SCR 1325, evaluating the goals and measures

⁹⁰ The Millennium Development Goals (MDGs) brought together representatives of 189 UN member states who agreed to work together on eight goals: Eradicate extreme hunger and poverty; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria and other diseases; ensure environmental sustainability; develop a global partnership for development. These goals, with targets and indicators, were set to be achieved by 2015 and, while not legally binding, greatly mobilized global efforts to help the world's poorest. For more information about the Millennium Development Goals (MDGs), see United Nations, *Millennium Development Goals*, (United Nations Millennium Development Goals, n.d.).

⁹¹ This subject is duly discussed in footnote 29.

⁹² Kaitović (2013).

outlined in SCR 1325, and furthering our comprehension of the UN's approach to addressing gender-based violence in armed conflicts.

4.2. Analyzing SCR 1325: The Formalization of UN's Response to Gender-Based Violence against Women in Armed Conflicts

As seen in the previous section, Security Council Resolution 1325 was adopted at a time when the UN had placed gender firmly at the center of its agenda. In this sense, there is an understanding that the SCR 1325 is the result of the advocacy efforts of a UN-initiated inter-agency network of women's advocates, a coalition of member states later recognized as the Friends of Women, Peace and Security, and a transnational advocacy network of women's and human rights NGOs⁹³.

At the outset, it is important to note that the document recalls other United Nations resolutions⁹⁴, relevant statements by its President, in particular on the United Nations Day for Women's Rights and International Peace 2000, the commitments of the Beijing Declaration and Platform for Action and the document "Women 2000: Gender equality, development and peace for the 21st century", in particular those relating to women and armed conflict, to recognize the importance of women's participation in the prevention and resolution of armed conflict and in peace-building (United Nations, 2000).

Regarding the Women Peace and Security (WPS) agenda, it is important to take note that, in addition to the foundational document (SCR 1325), the policy framework for the UN's WPS agenda includes nine other resolutions: Resolution 1820 (UN Security Council, 2008), which acknowledges sexual violence as a tactic of war and a concern for international peace and security requiring a security response; Resolution 1888 (2009), which enhances efforts to combat sexual violence in conflict by establishing a Special Representative of the

⁹³ Tryggestad (2009).

⁹⁴ The resolutions referenced by SCR 1325 include 1261 (UN Security Council, 1999), 1265 (UN Security Council, 1999), 1296 (UN Security Council, 2000) and 1314 (UN Security Council, 2000).

Secretary-General and a team of experts on the rule of law and sexual violence in conflict; Resolution 1889 (2009), introducing indicators to monitor Resolution 1325 and requesting a report from the Secretary-General on women's participation and inclusion in peacebuilding; Resolution 1960 (2010), establishing a monitoring and reporting mechanism on sexual violence in conflict; Resolution 2106 (2013), emphasizing accountability for perpetrators of sexual violence in conflict and promoting women's political and economic empowerment; Resolution 2122 (2013), which positions gender equality and women's empowerment as critical to international peace and security, recognizes the differential impact of all violations in conflict on women and girls, and advocates for the consistent application of WPS across the activities of the Security Council; Resolution 2242 (2015), which establishes the Informal Expert Group (IEG), addresses persistent challenges to the implementation of the WPS agenda, including financing and institutional reforms, focuses on greater integration of the WPS and counter-terrorism agendas, and calls for improved working methods of the Security Council on women, peace and security; Resolution 2467 (2019), which firmly places conflict-related sexual violence within the broader women, peace and security agenda, emphasizes justice and accountability efforts, calls for support and protection of women's civil society organizations, and draws attention to the issue of children born of rape; and Resolution 2493 (2019), which calls for the full implementation of all previous resolutions on women, peace and security, urges the UN to develop context-specific approaches to women's participation in all UN-supported peace processes, and calls on Member States to ensure and provide timely support for the full, equal and meaningful participation of women in all stages of peace processes, including in mechanisms established to implement and monitor peace agreements.

Despite the Women, Peace and Security (WPS) agenda containing 10 resolutions, its foundational element is undoubtedly Security Council Resolution 1325 (SCR 1325) (UN Security Council, 2000). The decision to focus primarily on SCR 1325 is therefore justified for several reasons. First, the document represents the Security Council's recognition, after more than half a century, of the relevance of women's and gender issues to international peace and security, which goes

beyond sporadic references to women as a vulnerable group and recognizes that both men and women experience conflict and post-conflict situations differently.

Moreover, as noted above, the document inaugurates the practice of dedicating an entire Security Council session to deliberations on women's experiences in conflict and post-conflict scenarios. It stands as a remarkable achievement in global security policy, emerging as the most frequently cited international security measure addressing gender issues⁹⁵. Besides that, the document is the first UN resolution to jointly address women and security issues and recognize the role of women and their functions in peace and security processes, setting a precedent for all subsequent resolutions on women, peace and security.

In addition, SCR 1325 is widely recognized and translated into several languages, demonstrating its global relevance and the acceptance of its principles by a wide range of cultures and societies⁹⁶. Thus, the resolution became an important tool to promote gender mainstreaming⁹⁷ in conflict, peace and security, providing immediate practical consequences for all participants involved in the negotiation and implementation of peace agreements⁹⁸.

Moving on to a more in-depth analysis of the document itself, it can be noticed that the Security Council Resolution 1325 addresses some points in a more concise manner, such as increasing women's participation at all levels of decision-making in conflict prevention and resolution and peacebuilding; preventing sexual and gender-based violence; extending international humanitarian

⁹⁵ Klot (2015).

⁹⁶ PeaceWomen (2000).

⁹⁷ Gender mainstreaming serves as a central organizational policy and currently occupies an important place in the discourse of the United Nations. The Economic and Social Council has defined the concept of gender mainstreaming as the systematic assessment of the impact on women and men of any intended action, including legislation, policies or programmes in all fields and at all levels. This approach serves as a strategic effort to integrate the concerns and experiences of both sexes seamlessly into the planning, implementation, monitoring and evaluation of policies and programmes in various political, economic and social fields. The overall goal of gender mainstreaming is to achieve gender equality, to ensure equitable benefits for both sexes and to prevent the perpetuation of inequalities. (Cohn, Kinsella, & Gibbings, 2004).

⁹⁸ Nordien (2008).

protection more effectively to women and girls; and finally, and what this paper considers most important, integrating the gender perspective at all other levels⁹⁹.

With regard to increasing women's participation at all levels of decision-making in conflict, the resolution contains 18 articles, 5 of which directly address the issue. This is the case with Article 1:

“Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict” (UN Security Council, 2000, Art. 1).

Another concern of Security Council Resolution 1325 is the protection of women and girls through measures to prevent sexual and gender-based violence. This is the case in Article 10, which emphasizes that all parties involved in armed conflict should implement specific measures to safeguard women and girls from gender-based violence, especially rape and other forms of sexual abuse, as well as all other types of violence in situations of armed conflict (UN Security Council, 2000).

Another focus is on making international humanitarian protection more effective for women and girls, particularly in terms of access to basic services such as health care, education and shelter. This is reflected in several points of the resolution, such as Article 9, that emphasizes the importance of all parties involved in armed conflict fully respecting the international laws applicable to the rights and protection of women and girls, particularly as civilians (UN Security Council, 2000).

Finally, the concern to include a gender perspective in peace and security actions can be seen in various points of the resolution, notably in Article 8, which suggests that all stakeholders engaged in negotiating and implementing peace agreements should integrate a gender perspective (UN Security Council, 2000). We

⁹⁹ Although this work considers the integration of a gender perspective at all levels to be extremely important, there are some problems in the development of the theme in the resolution, which will be examined in detail in the last topic of this chapter.

assert the significance of this initiative, as it acknowledges the potential for gender inequalities to intensify conflicts and impede the creation of sustainable peace. Nonetheless, as previously indicated, this approach is not without its drawbacks, which will be explored in the final section of this chapter.

Generally speaking, analyzing all the points above, and especially if we consider that it was through the resolution that the primary UN body for the maintenance of peace and security recognized women's experiences and roles in conflict and post-conflict processes, we can see that the resolution represents a major step forward in the fight against gender-based violence against women in armed conflicts.

The resolution has not only been translated into many languages and used as a tool by many civil society organizations to advocate for women's rights and by governments to implement a gender perspective and its other recommendations, but it has also been the starting point for several other subsequent Security Council resolutions that have expanded and strengthened the principles presented, as well as for the "Friends of Women, Peace and Security" or "Friends of 1325" group, which aims to advance the implementation of Security Council Resolution 1325 through information sharing, advocacy for the promotion of women, peace and security issues within and outside the Security Council, and the pursuit of concrete actions to implement SCR 1325¹⁰⁰.

However, while Resolution 1325 was an important step forward, significant challenges remain in implementing its principles in many parts of the world, and the struggle for gender equality and women's rights in peace and security remains a critical issue on the international agenda. This analysis of Security Council Resolution 1325 facilitated identification of its fundamental concerns and goals. The following section will shift attention to examining the practical implementation of these essential provisions, enabling an analysis of whether the resolution's objectives have been achieved through practical measures in the field.

¹⁰⁰ Tryggestad (2009).

4.3. Implementation of SCR 1325: Evaluating the Practical Implementation of the Resolution

This work now delves into a close analysis of the implementation and influences of SCR 1325, more specifically in peacekeeping, after it has been identified as one of the most effective tools of the UN for establishing and maintaining peace, and there have been some significant advances in the implementation of SCR 1325 within peacekeeping missions¹⁰¹.

Before moving on to a direct analysis of the implementation of SCR 1325, it is important to take some notes regarding its applicability. A distinction must be made between Security Council resolutions adopted under Chapter VI (non-coercive measures) and Chapter VII (coercive measures) of the UN Charter. Typically, resolutions adopted under Chapter VII are invoked in situations that threaten international peace and security and are binding on member states. In contrast, SCR 1325 falls under the category of Chapter VI thematic resolutions, which places it in the realm of non-coercive measures. This limits its effectiveness because it lacks enforcement mechanisms. Both UN Secretaries-General, Kofi Annan and Ban Ki-moon, have emphasized the need to strengthen its accountability mechanisms, as articulated in their reports to the Security Council on Women, Peace and Security.

Moreover, in order to understand the implementation of SCR 1325, it is important to recall some of the issues covered in the previous topic, mainly to bring to the table some of the keys of the document, which are to increase the participation of women at all levels, to prevent sexual and gender-based violence, to make international humanitarian protection more effective for women and girls, and to integrate a gender perspective at all other levels. In terms of increased women's participation at all levels, notable statistics summarized by Kaitović (2013) reveal significant trends. Between 1957 and 1989, only 0.1 percent of military personnel deployed in UN peacekeeping missions were women. At UN headquarters, between 1994 and 2000, only 18 percent of director-level positions were held by women, and

¹⁰¹ For more information about the UN Peacekeeping, see (United Nations Peacekeeping, n.d.).

none of the senior director positions were held by women. By 2012, women made up only 3 percent of military personnel and 10 percent of police personnel in UN peacekeeping missions. Over a span of six decades, from 1949 to 2009, only seven women have ever held the position of Special Representative of the Secretary-General.

In addition, the report “Text and Context: Evaluating Peace Agreements for their ‘Gender Perspective’”¹⁰² highlights that between January 1, 1990 and January 1, 2015, a total of 1,168 peace agreements were concluded in approximately 102 conflicts. Of these, 664 agreements were concluded before the adoption of SCR 1325 and 504 after. Out of these agreements, 211 agreements, or 18 percent, contained references to women or gender. Specifically, before SCR 1325, there were 664 peace agreements, of which 73 (11 percent) included references to women. After SCR 1325, there were 504 peace agreements, of which 138 (27 percent) included references to women. Thus, while there has been a significant increase in references to women and gender in peace agreements following SCR 1325, there is still a long way to go. Many authors noted that, while there has been an increase in the use of language related to women and gender, the resolution has had a greater impact on mobilizing women outside of formal peace processes¹⁰³.

This information can be interpreted in a number of ways. On the one hand, it suggests that SCR 1325 has had a significant impact on the promotion of gender equality and the inclusion of women in peace and security discussions and decisions. This is evidenced by the increased participation of women in peace negotiations, the increased representation of women in leadership positions in peace and security institutions, and the increased recognition and respect for women's rights in conflict contexts.

On the other hand, the fact that SCR 1325 has had a greater impact on the mobilization of women outside formal peace processes suggests that there is still much to be done to ensure the full and effective participation of women in all

¹⁰² Bell (2015)

¹⁰³ United Nations Women (2023).

aspects of peace processes. This could include, for example, ensuring that women are equally represented in negotiating teams, that gender issues are integrated into all discussions and decisions related to peace and security, and that sexual and gender-based violence is fully and effectively addressed.

In this sense, the document “Preventing Conflict Transforming Justice Securing the Peace - A Global Study on the Implementation of United Nations Security Council Resolution 1325” (UN Women, 2015) shows that while 27 percent is a low percentage, the trend is promising. Besides that, as monitored by the UN Department of Political Affairs using the Global Indicators of 1325 Implementation, 50 percent of peace agreements signed in 2014 included references relevant to women, peace and security, 21 up from 22 percent in 2010.

In addition, another important body in the implementation of SCR 1325 was the Department for Peacekeeping Operations (DPKO), which created gender units in peacekeeping missions and appointed gender advisors¹⁰⁴. According to UN Women (2015), while only six of the 12 Special Political Missions had a dedicated gender advisor post in 2014, all Special Political Missions had appointed Gender Focal Points.

However, as Kaitović (2013) rightly points out, the deployment of gender advisors has not been as successful as expected. This is due to the fact that gender offices have been burdened with numerous responsibilities, but have lacked funding and resources, and have often received limited or no support. In addition, the initiative has been isolated within the women’s sector, relegated to a lower position in the hierarchy, and isolated from other higher-level components within the mission. They have had difficulty coordinating with higher levels, such as heads of missions and UN Headquarters, and have been treated as separate entities from the missions.

In addition, progress on sexual and gender-based violence has been limited. A study shows that, although peacekeeping missions have provided assistance in

¹⁰⁴ Gender advisors have the task of ensuring that gender perspectives are integrated into policies, planning and implementation by all elements of the mission (UN Women, 2015).

drafting laws to combat sexual and gender-based violence, and have trained the judiciary, police, and other relevant actors to improve their response to such cases, sexual and gender-based violence persists and is widespread in many of the countries studied¹⁰⁵.

Another important outcome of SCR 1325 has been the introduction of National Action Plans (NAPs)¹⁰⁶ as part of national implementation efforts. According to UN Women (2015) by 2015, 54 countries had adopted a NAP, including 24 in Europe, 17 in Africa, nine in Asia, three in the Americas and one in Oceania. In addition, many existing NAPs were due to be updated, and nearly 20 other countries were in the process of developing their first action plans.

From this data it is possible to see that the implementation of SCR 1325 in peacekeeping has made progress in increasing women's participation in politics, facilitating the adoption of legal and judicial reforms, and establishing national policies and plans, including National Action Plans (NAPs).

However, Kaitović (2013) explains that, despite some progress, increasing women's participation in peace negotiations and agreements has been challenging and sexual and gender-based violence remain significant challenges for peacekeeping missions. Moreover, despite the improvements, gendered stereotypes and assumptions persist, reinforcing power imbalances and fostering discrimination, often disadvantageous to women in relation to men.

The successful implementation of thematic resolutions, such as the Resolution 1325, hinges on the concerted efforts of both the entire UN system and its member states. As it stands, the results pertaining to the resolution are varied. While certain segments of the UN system and some member states have seen notable advancements as a result of their individual action plans, there are also member states that accord the resolution limited importance. The sluggish implementation of Resolution 1325 cannot solely be attributed to discriminatory

¹⁰⁵ United Nations (2010).

¹⁰⁶ When effective, NAPs provide a platform for in-country stakeholders to identify key priorities, delineate roles and responsibilities, allocate resources, and launch strategic initiatives within a defined timeframe (UN Women, 2015).

practices against women, a claim often made. The UN's standard for change tends to be slow and advancements in areas like women, peace, and security commonly become casualties in the broader controversies of power politics¹⁰⁷.

In this sense, Tryggestad (2009) explains that many nations have criticized Resolution 1325 for being a representation of a broader collection of liberal ideas primarily promoted by wealthy Northern countries. These allegations have been a persistent source of contention at the UN for the past decade, particularly regarding the discussion on UN reform. The North-South divide has been reportedly exacerbated since September 11, 2001, and the subsequent war on terrorism, impeding efforts to advance thematic concerns like women, peace, and security.

Another reason for the slow implementation of Resolution 1325 could be what Judith Hicks Stiehm calls the three "I"s: inertia, implementation, and institutionalization, which constitutes obstacles to gender mainstreaming¹⁰⁸. The author explains that institutions often demonstrate inertia, which affects policy development and execution by adhering to the status quo.

Tryggestad (2009) argues that critics contend Resolution 1325's recognition has primarily been of a rhetorical nature, as there has been limited practical implementation despite widespread political and diplomatic endorsement. The author concludes that women's interests and direct involvement remain far from integral components of peace negotiations and processes.

The issue of women, peace and security has emerged as a notable priority for the United Nations and its member states. This success is due to the efforts of women activists within the UN, select member states, and NGOs, who will persist in playing a vital part in the execution of Resolution 1325, both at the UN headquarters and in the field.

¹⁰⁷ Tryggestad (2009)

¹⁰⁸ Stiehm (2001).

4.4. Analyzing Language in SCR 1325 and its Reflection of the UN's Gender Equality Approach

This paper now shifts its focus to an analysis of the language used in SCR 1325. This analysis is a continuation of the overarching concern of this dissertation, which is to examine the dominant discourses within International Humanitarian Law and their role in shaping power dynamics and perpetuating harmful gender stereotypes. By examining the language of SCR 1325, this work aims to uncover how the discourse of this resolution reflects the United Nations' approach to addressing gender based violence against women in armed conflicts and, consequently, gender inequality. This examination will provide valuable insights into how the resolution's specific language and terminology contribute to the broader gender equality agenda.

To fully comprehend the following analysis of SCR 1325, it is essential to review some of the points discussed in the first chapter, mainly because the work adopts a post-structuralist approach, emphasizing the significance of language and discourse in politics. In this sense, the thesis now brings back to the table some of the ideas developed in the first chapter, in the sense of recalling Shepherd (2010), to explain that language serves as a crucial tool, vehicle and shield within politics.

In this way, a critical analysis of the SCR 1325 is essential to understand how common sense ideas are disseminated and re-established through policy writing. Indeed, the study of discursive practices in UN documents is extremely important because the UN, as such a relevant institution, has a significant impact on the development of norms related to armed conflict and a great influence in shaping hegemonic discourses and social perceptions on the subject. By examining the text of UNSCR 1325, this paper aims to illustrate that a specific and homogeneous identity of women prevails in the UN discourse and that this both reflects and reinforces the UN's approach to gender-based violence, especially against women.

First, it is necessary to discuss the way in which, as in the Geneva Conventions and their Additional Protocols, women, whether as mothers or as

victims of sexual violence, are always seen as peaceful victims in need of protection. The term “women” is mentioned a total of 33 times in the resolution, five times in the context of naming the document or institution, twice in conjunction with “children”, ten times in conjunction with “girls”, and only twice in conjunction with “combatants” - once referring to women and children being targeted by combatants, and once emphasizing the importance of addressing the different needs of female and male ex-combatants during disarmament, demobilization, and reintegration. In other words, throughout the resolution, women as combatants are rarely mentioned, or only as exceptions. This tendency is not unique to SCR 1325 because Security Council documents on the protection of civilians from 1993 to 2003 use the phrase “women and children” a total of 163 times, while “women as combatants” is mentioned six times, and “men as vulnerable” only once¹⁰⁹.

Here, it’s worth recalling the concept of “women-and-children syndrome”, defined by Puechguirbal in (EUISS & ICRC, 2014) and highlighted earlier in this dissertation in the analysis of the excessive focus of the Geneva Conventions and their Additional Protocols on the protection of women as mothers, because UN documents also show a pattern that indicates a tendency to group women with children, often alongside girls. This further reinforces the notion of associating women and children, either by equating women and children as vulnerable and innocent victims, or by maintaining women as the sole bearers of reproductive responsibility and generational continuity.

Similarly, with regard to the constant association of women and vulnerability in the context of UNSCR 1325, it is striking that while the WPS agenda points to women's greater vulnerability during armed conflict, it only occasionally relates this greater vulnerability to gender oppression and gender-based violence in peacetime, which was duly discussed in chapter one. In this context, some authors claim that the vulnerability that the documents point to is constructed just as a consequence of physical differences¹¹⁰.

¹⁰⁹ Kaitović (2013); Carpenter (2016).

¹¹⁰ See Jansson & Eduards (2016).

Thus, the discourse on women in SCR 1325 reproduces stereotypes that influence how women and men are viewed through fixed identities¹¹¹: women as mothers and vulnerable civilians in need of protection who lack their own rights and agency, and men as aggressive warriors who are inherently militarized and, as defined by Connell (2005), power holders. All of this reinforces traditional gender roles and fails to comprehensively address gender inequality. Indeed, some authors explain that focusing on women, their absence, or their victimization as the core issue in the context of women, peace, and security fails to address the problematic influence of masculine identities in security discourse and real conflicts, as well as the systemic overrepresentation of men¹¹².

Another point worth highlighting about the approach of SCR 1325 is the strong focus on increasing women's participation - as noted above, of the 18 articles in the resolution, 5 relate directly to this issue. Not coincidentally, there is a strong emphasis on relatively peaceful roles, as opposed to active military roles, including as peacekeepers - another indication of the prevailing idea that women are naturally better suited to peaceful roles.

Statements of this kind that associate women's participation and representation with peacekeeping imply the idea that all women, by virtue of being women, share a unified set of interests and characteristics, and that these inherent qualities naturally contribute to the goal of peace¹¹³. This perpetuates the idea of a unified female subject with specific innate qualities and a natural orientation toward peace. Furthermore, the idea that women and peace are intrinsically linked is reinforced by their predominant representation in civilian roles, such as members of local women's groups - which directly relates to what was said earlier about SCR 1325 having a greater impact on mobilizing women outside of formal peace processes.

¹¹¹ Puechguirbal (2010).

¹¹² Cohn, Kinsella and Gibbings (2004).

¹¹³ Puechguirbal (2010); Shepherd (2010).

In this sense, Kaitović (2013) points out that remains a sense that the UN is trying to integrate women through an approach of “add and stir”¹¹⁴ into existing patriarchal organizational structures, rather than acknowledging and addressing gender inequalities and underlying attitudes. The author explains that simply increasing women’s participation does not guarantee a more peaceful society or a correction of gender inequality, and that this approach is insufficient to address the fundamental aspects of the prevailing male domination and militaristic rhetoric, since achieving gender equality requires not only reforming the organization’s structure, but also its culture.

Continuing the critical approach to the language used in SCR 1325, this paper now turns to the gaps left in the resolution. These include the use of the phrase “special needs of women”, which occurs four times in the resolution, and the lack of definitions of sexual violence, gender-based violence, and sex and gender.

Regarding the “special needs of women”, as Kaitović (2013) explains, by using the term “special”, the resolution reinforces the gendered paradigm that treats men’s needs as “normal”, while positioning women in a “special” category separate from the mainstream. In addition, what this work sees as the biggest problem with the expression is that it ends up lumping all women and their needs into a single category, ignoring the differences between women and the diversity of their circumstances, going in the opposite direction of an intersectional approach and failing to address the diverse needs that intersect between different systems of oppression.

Furthermore, when it comes to addressing the gaps in SCR 1325, particularly with regard to sexual violence, gender-based violence, and issues related to sex and

¹¹⁴ The “add women and stir” approach suggests that simply increasing the number of women in certain organizations or positions of power will eventually lead to gender equality. However, this approach has been criticized because it not only fails to address the underlying structural factors that drive gender inequality but also tends to marginalize women’s rights in favor of an instrumentalist argument based on the perceived “added value” of women. Under this approach, support for women’s participation is often based on common stereotypes of women, such as notions of their inherent compassion, peacefulness, maternal qualities, caring nature, and empathy. In some cases, women are expected to conform to these stereotypes once they are integrated into organizations, on the assumption that doing so will enhance the effectiveness of those organizations (Kaitović (2013); Jennings (2011)).

gender, it's important to note that while the resolution mentions these terms, it does not provide clear and precise definitions for them. As observed by Kaitović (2013), while the Resolution mentions violence three times, it neglects the importance of violence in the private sphere and doesn't comprehensively address its causes, despite its close connection to gender discrimination in the public and private spheres of women's lives. In this sense, the author explains that one reason why the private sphere of gender-based violence in armed conflicts is often overlooked, even though post-conflict violence of this kind, including domestic violence, trafficking, forced prostitution, rape and incest, increases, is that the private sphere is often seen as the "proper" place for women due to gendered power relations.

In addition, SCR 1325 uses the terms "gender" and "women" interchangeably, which creates confusion and hinders the effective integration of the gender perspective, as it blurs the distinction between "gender" and "sex" and tends to reduce the integration of the gender perspective to simply increasing women's participation, as discussed above. This confusion is evident in the fact that the term "gender" appears eleven times in the resolution, mostly in the context of "gender perspective", yet the document doesn't provide a precise definition of what this means. For example, Article 8 states: "Calls upon all actors involved to adopt a gender perspective in the negotiation and implementation of peace agreements" (UN Security Council, 2000, Art. 8), and in subparagraphs a, b, and c of this article, all provisions are limited to women and girls. Consequently, the call for a gender perspective is limited to women and girls, creating an unfortunate equivalence between "gender" and "women" and overlooking social constructions of gender.

More specifically, with regard to the gaps in protection against sexual violence, it is important to note that there is a reluctance to openly discuss sexual issues in UN forums, which has contributed to the limited attention given to the issue of sexual violence¹¹⁵. It is worth noting once again that even though the protection of women against sexual violence by UN bodies is lacking, the issue is still linked to the protection of "female honor". For example, the 1972 CSW

¹¹⁵ Kaitović (2013).

mentioned that “women in war-torn regions are often victims of various outrages upon their personal dignity”, which could be interpreted as a reference to sexual violence. In addition, the Secretary-General’s 1973 report addressed sexual violence during the Bangladesh war, and although the 1974 General Assembly Declaration did not explicitly mention sexual violence, it did refer to the need for States to take measures to prohibit “degrading treatment”¹¹⁶, a term historically associated with sexual violence.

Another issue that the resolution fails to address is gender equality. SCR 1325 only mentions “equality” or “equal” twice, once in the name of a session and once to affirm women’s equal participation, which shouldn’t be necessary if they were truly considered equal.

In general, given all of the above, it is possible to see how SCR 1325 not only fails to recognize that the vulnerability or victimization of women during and after conflicts is not inherent, but rather the result of deep-rooted social inequalities, but also reproduces patriarchal gender logics and stereotypes. This way, the UN’s capacity for meaningful change and effectiveness is compromised by its failure to openly acknowledge, thoroughly understand, address and confront gender inequality and gender-based power dynamics in both the public and private spheres.

¹¹⁶ UN Secretary-General (1973); Gardam and Jarvis (2001).

5. Conclusion

This dissertation provided a critical analysis of International Humanitarian Law's approach to gender-based violence against women in armed conflicts, seeking to understand whether IHL itself contributes in any way to its perpetuation. To achieve this, the dissertation first contextualized gender within a post-structuralist and intersectional theoretical perspective, understanding gender as an analytical category that emerges from a system of language and discourse that intersects with other systems of oppression. This theoretical framework provided a critical lens through which to analyze the main regulations aimed at protecting women in armed conflict, namely the Geneva Conventions and their Additional Protocols, as well as the UN Women, Peace and Security Agenda.

In this regard, certain conclusions were consistently drawn throughout the design of the study. First, it was observed that women experience not only the general violence inherent in conflict, but also specific forms of gender-based violence in the context of armed conflicts. Furthermore, gender-based violence against women in armed conflict was identified as an extreme manifestation of the challenges women already face in times of peace. This occurs in an environment where warfare operates within pre-existing patriarchal gender structures, reinforcing and strategically exploiting existing gender constructions.

Indeed, a recurring observation throughout the development of this study was the role of constructions of masculinity and femininity in conflict. The research explained how these constructions play a central role in perpetuating traditional gender norms and reinforcing inequality between men and women. This, in turn, fosters an environment conducive to gender-based violence that extends beyond armed conflict. In the context of armed conflict, these gender constructions are not only perpetuated but strategically used as tools of warfare. This includes the impact of sexual violence in conflict and the complex interplay between masculinity and warfare.

With regard to sexual violence in the context of armed conflict, it was concluded that discussing such violence is of great importance and symbolism when analyzing the impact of gender stereotypes in war, as it reinforces existing power hierarchies. By attacking women's sexuality, the concepts of generational succession and protective masculinity are also attacked. In addition, sexual violence is seen as a powerful tool to displace and control people because it takes advantage of traditional gender roles, specifically those that reinforce male dominance and undermine social unity within communities.

Furthermore, within the complex interaction of masculinity and warfare, it is evident that war strategies often glorify aggressive masculine stereotypes, closely associating masculinity with the capacity for violence. At the same time, femininity is marginalized and characterized as fragile, gentle, and peaceful. This dynamic is particularly pronounced in societies where the dominant notion of masculinity is the “warrior masculinity”, characterized by authoritarianism, aggressiveness, and competitiveness. In such contexts, women are socialized to embrace and value these attributes.

In this context, analyzing the link between the role of gender stereotypes in wars and the idea of gender as a social analytical construction maintained by systems of language and discourse, it became clear that words and discourse wield significant power, being used by dominant groups to control and shape social views. Gender discourse, in particular, establishes a power hierarchy where men are positioned superiorly, reinforcing violence and male dominance over women. This influence extends to policy and law, perpetuating stereotypes and cultural norms favoring male power, thereby constructing, naturalizing, and sustaining inequality and oppression based on socially constructed norms and being a key factor in the perpetuation of gender-based violence against women.

Within this framework, the study examined the impact of language and discourse within International Humanitarian Law's approach to gender-based violence against women, emphasizing its role as a tool and foundation for the legal framework. In this regard, it was found that current IHL maintains the tendency of

first documents on war, which portray women as victims and exhibit a notable emphasis on prioritizing the role of motherhood and/or protection from sexual violence.

With regard to the victimization of women, it is evident that International Humanitarian Law maintains specific provisions that portray women only as victims, raising concerns on several fronts. This approach not only reinforces gender stereotypes that confine women to passive and vulnerable roles, but also overlooks other forms of violence and discrimination, limiting effective protection strategies. To effectively address gender-based violence in armed conflict, it is imperative to recognize women not only as victims, but also as active participants in conflicts.

With regard to the priority given to motherhood, almost half of the provisions for the protection of women in the Geneva Conventions and their Additional Protocols, or nineteen out of forty-two, refer directly to women in their maternal role. This priority is alarming because it perpetuates harmful gender stereotypes and reinforces the traditional view of women as primary caregivers. It suggests that women's protection is most relevant when linked to their role as mothers, ignoring their multiple identities and experiences. Moreover, the excessive focus on maternal roles reveals a form of feminization of conflict that overshadows other critical dimensions of women's experiences in war. This focus serves not only as a means of protecting women, but also as a mechanism for exercising control over them, positioning them as the primary caretakers of the family and reproduction.

Moreover, the prioritization of motherhood as a legislative concern also reveals a form of feminization of the conflict, which ties in with what has been discussed about the interaction between gender constructions and war, and ends up overshadowing other critical dimensions of women's experiences in war. Thus, the focus on women as mothers serves not only as a means of protection, but also as a mechanism for exercising control over them, making women primarily responsible for the family institution and reproduction. This aspect is very relevant because as long as women are understood primarily as mothers and caregivers of war-affected

children, their direct participation in the conflict, and thus their protection in these contexts, will be compromised, leaving little room for a distinct and more dynamic role.

In addition, with respect to the protection against sexual violence, it has been seen that IHL has significant concerns about ensuring that women are protected from sexual violence. First, because by characterizing sexual violence as an affront to women's "honor" or "dignity," IHL inadvertently not only reinforces gender stereotypes regarding women's notions of purity, dignity and honor, but also fails to recognize the multiplicity of forms of violence and discrimination that women face, once again ignoring the multiple identities and roles that women assume in conflict situations.

Additionally, the legislator's excessive concern with protection from sexual violence has also been linked to the role of gender stereotypes in war contexts, as sexual violence violates not only the victim, but also her family and the wider community in which she lives. In regions where the reputation of a family or community is inextricably linked to the sexual behavior of women and girls, armed combatants are aware that targeting women and girls not only causes serious harm to individuals, but also symbolically attacks the wider community to which these female victims are linked and notions of protective and powerful masculinity. As a result, crimes of sexual violence under international humanitarian law continue to be viewed primarily as attacks on the honor and rights of women and their families, rather than as attacks on women's physical and psychological integrity. As a consequence, women who may be considered "dirty" or "spoiled" by the community do not report such violence, resulting in a lack of effective protection.

It was also observed that the legislator's excessive concern with protecting the exercise of maternity and against sexual violence results in a lack of attention to other crucial aspects of women's protection. This highlights the fact that these norms, instead of recognizing women as individuals with inherent rights, primarily address them in relation to others - in this case, mainly children and potential abusers - in a dynamic where International Humanitarian Law not only values

women based on their sexual and reproductive dimension, but also approaches these aspects through a male-centric lens.

It is important to note that these trends have been confirmed in the two norms analyzed, both the four Geneva Conventions of 1949 and their Additional Protocols of 1977 and the UN Agenda for Women, Peace and Security. In fact, more specifically with regard to the UN Agenda for Women, Peace and Security, it can be seen that SCR 1325 has had a significant impact on promoting gender equality and the inclusion of women in peace and security discussions and decisions. This is evidenced by increased participation of women in peace negotiations, increased representation of women in leadership positions in peace and security institutions, and increased recognition and respect for women's rights in conflict contexts. On the other hand, it was found that SCR 1325 had a greater impact on mobilizing women outside of formal peace processes, suggesting that there is still much to be done to ensure the full and effective participation of women in all aspects of peace processes, and further indicating the influence of gender stereotypes in war contexts, in the sense that the link made between women and peace as intrinsically linked is reinforced by their predominant representation in civilian roles.

Moreover, the implementation of the resolution's outcomes has been uneven. While certain segments of the UN system and some member states have made notable progress, there are also member states that attach limited importance to the resolution. In this sense, it was perceived that the pattern of change in the UN tends to be slow, and that progress in areas such as women, peace and security tends to fall victim to the broader controversies of power politics.

Overall, it can be concluded that the main legal provisions aimed at protecting women from gender-based violence in armed conflict use language and focus on the protection of women through a victimization approach, which not only fails to recognize that women's vulnerability or victimization during and after conflicts is not inherent but rather the result of deep-rooted social inequalities, but also reinforces traditional gender roles and does not comprehensively address gender inequality. Furthermore, IHL has serious shortcomings in addressing or at

least acknowledging the problematic influence of masculine identities on security discourses and actual conflicts, as well as the systemic overrepresentation of men.

This is the case, for example, with UNSCR 1325's focus on increasing women's participation at all levels of decision-making in conflicts. This is because simply increasing women's participation does not guarantee a more peaceful society or a correction of gender inequality. In fact, this approach is insufficient to address the fundamental aspects of male domination and the prevailing militaristic rhetoric, since achieving gender equality requires not only a reform of the organization's structure, but also of its culture.

In general, it has also been observed that norms tend to lump all women and their needs into a single category, ignoring the differences among them and the diversity of their circumstances, moving in the opposite direction of an intersectional approach and failing to address the multiple needs that intersect between different systems of oppression. It is therefore clear that the current approach of International Humanitarian Law (IHL), which still uses language that perpetuates an essentialist portrayal of women as a singular and homogeneous group made up of vulnerable and peaceful victims in need of protection or as mothers, is insufficient to adequately address this issue.

In light of the above, it is clear that the Geneva Conventions and their Additional Protocols, as well as the UN Agenda for Women, Peace and Security, are compromised in their capacity for significant change and effectiveness by their failure to openly acknowledge, fully understand, address and confront gender inequality and gender-based power dynamics in both the public and private spheres. In this context, critical analysis is a way of working towards the creation of legal systems that prioritize all women's needs and effectively promote women's security in armed conflict, and is essential for the development of effective strategies to address this problem.

6. References

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