



Bridging IHL and WPS: untapped potential to advance the wellbeing of women in conflict settings

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The International Criminal Court recently issued its first conviction for gender persecution as a crime against humanity, alongside related convictions for rape as a war crime under international humanitarian law (IHL). These convictions signal expanding efforts to hold perpetrators accountable for violations committed during conflict, including against women and girls as well as on the basis of gender. This recognition aligns with the Women, Peace and Security (WPS) agenda created by UN Security Resolution 1325. Yet, despite the clear intersection of IHL and WPS, these two frameworks have been largely siloed from one another. With the WPS agenda celebrating its twenty-fifth anniversary against a backdrop of global anti-rights and anti-gender backlash, it's more urgent than ever these frameworks are brought together.

In this post, Jessica Anania, a Conflict & Security Fellow at the Georgetown Institute for Women, Peace and Security, outlines the strategic advantages of closer coordination between IHL and WPS when it comes to strengthening protection and accountability for women and girls. Key benefits of bridging IHL and WPS include filling in gaps within IHL's existing protections to better reflect the realities of women and girls before, during and after conflict; expanding IHL's impact through stronger recognition of gender crimes; countering non-compliance; and strengthening awareness of women and girls' needs by addressing gender stereotypes inherent to IHL.

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On 6 October 2025, the International Criminal Court issued its first ever [conviction](#) for gender persecution as a crime against humanity. The case involved a janjaweed militia leader, Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb"), who was found to have committed war crimes and crimes against humanity – including sexual violence – in Sudan's Darfur region. His conviction signals expanding recognition and accountability within international law, including international humanitarian law (IHL), for the unique harms women and girls suffer during war.

The successful use of IHL to enable justice for these crimes aligns with the goals of the Women, Peace and Security (WPS) agenda, first codified in the 2000 UN Security Council Resolution 1325 and affirmed in numerous subsequent resolutions. WPS seeks to advance four pillars related to women's involvement in security and peacebuilding: participation, protection, prevention of violence, and relief and recovery. IHL can contribute to each of these pillars by holding perpetrators to account and deterring similar behavior by them and others. Although IHL's codification began more than *130 years* before the WPS agenda, IHL and WPS have significant overlap in theory yet often remain siloed in practice.

Bringing together IHL and WPS is vital to advance the wellbeing of women and girls in conflict settings. Implementers – including militaries and policymakers – are increasingly *recognizing* these benefits, whereas nearly half of WPS National Action Plans *include* at least one reference to IHL. This post outlines the strategic advantages of tighter integration of IHL and WPS when it comes to strengthening protection and accountability for women and girls in conflict settings. With armed conflict at the *highest levels* since 1946 and mounting anti-gender backlash, leveraging the complementarity of these two frameworks is now more urgent than ever.

Enhancing IHL protections for women and girls

Greater integration of WPS and IHL can strengthen overall protections, particularly for women and girls, given the WPS agenda's comparatively broad scope. Although IHL can *apply* to sexual violence perpetrated by civilians, the framework primarily recognizes violence committed by combatants, including members of armed forces and of non-state armed groups. Yet, women frequently report attacks by *other actors* both during and after conflict. Societal breakdown, trauma, and greater access to weapons enable civilians to perpetrate crimes – including sexual violence – at higher rates compared to peacetime. Mass displacement further increases vulnerability, enabling aid workers, civilians, and even organized criminal groups in host countries to commit abuses against those fleeing conflict. These acts may lack sufficient nexus to armed conflict to invoke IHL, despite being enabled by the conflict context. For many women, there may not even be a distinct delineation between conflict-related violence and other forms of harm. Additionally, for IHL to apply to nonstate armed actors, their groups must meet a minimum *degree of organization*, including having a chain of command. This raises questions about armed groups which fall short of this threshold yet enact violence against women and girls.

Furthermore, when war terminates, many of the protections of IHL no longer apply. Yet, the reality for women is far messier. Current and former combatants may continue to commit sexual violence even after a peace agreement is signed. Intimate partner violence often *spikes* in the aftermath of conflict – a finding documented across diverse settings and conflict dynamics. Trafficking, forced marriage, and sexual exploitation also often carry on into so-called peacetime. While IHL *continues* to apply to limited issues like detentions and weapons contamination after hostilities cease, continued applicability falls short of capturing the ways women and girls are most likely to experience post-conflict harm. Crucially, international human rights law is always applicable, yet states are the primary duty-bearers; therefore, these frameworks may still struggle to adequately account for violence perpetrated by non-state actors.

The WPS agenda – which recognizes the full spectrum of sexual and gender-based violence – can help strengthen alignment between protections and women's realities. WPS is not bound by the same restrictions on actor or timing as IHL. Although the agenda, unlike IHL, is non-binding and lacks specific enforcement mechanisms, it can powerfully spotlight where IHL falls short and commit states to addressing these gaps. It also provides an immediate hook for advocacy and response, even in settings in which it is unclear whether the threshold of armed conflict has been crossed. WPS can amplify and extend recognition of mutually promised protections under these frameworks – such as protection from conflict-related sexual violence – as well as providing language and tools to address the complex ways women and girls experience conflict-related violence during and in the aftermath of conflict.

Advancing accountability for wartime violations

The WPS agenda has advanced awareness of disparate impacts of conflict on women and girls and strengthened condemnation of gender-based crimes. These normative developments can powerfully shape how IHL is interpreted and applied, including in ways which strengthen accountability for conflict-related violations.

This power can be seen retroactively: for instance, gender crimes – including conflict-related sexual violence and gender-based violence – were not explicitly enumerated as grave breaches of the Geneva Conventions or their Additional Protocols, which is key to unlocking jurisdiction and obligating state parties to prosecute. International criminal tribunals circumvented this issue by *reading in* gender crimes to existing categories of grave breaches, reflecting the influential power of strong accountability norms for these violations. Closer incorporation of the WPS agenda can promote further recognition of violations against women and girls within interpretation and enforcement of IHL. WPS Security Council resolutions also *provide* important evidence of customary international law and the political goals of the Security Council, in turn advancing efforts to hold actors accountable for IHL violations like sexual violence and countering impunity for such crimes.

Today, new developments related to recognizing gender persecution as a crime are emerging – as demonstrated by the International Criminal Court's recent *conviction* of Ali Kushayb. This follows advances made in the 2024 Al Hassan case, in which the International Criminal Court *recognized* for the first time in its history gender persecution as a crime against humanity. In that case, Al Hassan – a member of the Ansar Dine armed group in Mali – was prosecuted for violence that specifically targeted women based on their identity as women. Violations included rape, sexual slavery, and forced marriage as well as restrictions on their behavior and dress. Although Al Hassan was not convicted of any gender-based crimes, the Court created a new precedent. The advances made in both the Ali Kushayb and Al Hassan cases could potentially enable similar charges in states, such as Afghanistan, under *ICC investigation* for alleged war crimes and crimes against humanity during conflict. While crimes against humanity are distinct from war crimes solely covered by IHL, these developments set an influential model for how violations against women and girls during conflict are criminally prosecuted.

Impunity, including under IHL, is also *closely linked* to post-conflict violence against women and girls. Failing to recognize and condemn wartime violations can *normalize* and reinforce gender-based discrimination and violence, undermining the effectiveness of frameworks like WPS. On the other hand, charging and convicting individuals for gender crimes can send a powerful signal, strengthening normative development and possibly the implementation of WPS protections.

Improving awareness of women's needs

Considering IHL and WPS in tandem reveals opportunities to deepen the understanding of women's needs during and after conflict as well as more inclusive interpretation and application of IHL. Historically, IHL has been rooted in gendered assumptions about men and women's roles during armed conflict – essentially, that men fight and women are vulnerable. IHL is, in theory, gender neutral, with women and girls covered by IHL's general protections and *adverse distinction* based on sex prohibited. *Recent efforts* have been made in IHL interpretation to expand recognition of the specific needs of women and girls. WPS frameworks can help illuminate the persistent challenges women and girls still face in benefitting from the protections they are guaranteed under IHL, while also advancing comprehensive, non-discriminatory implementation.

Although perceptions are *evolving*, historically narrow considerations have reinforced *stereotypes* about gendered roles during conflict and defined women's protections primarily by their relationships to others. As a result, IHL's engagement on violations against women and girls has been primarily focused on sexual violence. International human rights provisions – most notably the Convention on the Elimination of Discrimination against Women (CEDAW) – offer a more fulsome understanding of discrimination and harms experienced by women and girls; however, *CEDAW's* original text does not refer to armed conflict nor interrogate how

differentiated needs or challenges emerge amid conflict conditions. Although this is changing, notably through CEDAW’s general recommendation no. 30, WPS still has a *crucial role* to play in broadening CEDAW’s application to conflict-affected settings and bridging IHL and international human rights obligations regarding women and girls. WPS can provide a lens through which to identify and *expand* into gendered harms beyond sexual violence which are related specifically to armed conflict, as well as translate IHL’s broadening recognition of women’s diverse experiences into practice.

Several pillars of WPS also remain under-theorized in terms of how they may overlap with protection under IHL. These are ripe opportunities for theoretical and practical expansion. Most notably, the WPS agenda’s pillar for Relief and Recovery calls for objectives like the specific relief needs of women and girls to be met, women’s equitable access to humanitarian assistance, and the strengthening of women’s agency and decision-making in relief, response and recovery efforts. This pillar relates directly to IHL – for instance, the prohibition against using the starvation of civilians as a tactic of warfare or depriving civilians of objects indispensable to their survival. The Relief and Recovery pillar of WPS can provide a template for thinking about the specific risks and vulnerabilities women face accessing water, food, and other necessary infrastructure, as well as what objects may be uniquely indispensable to their survival.

Additionally, women and girls make up the majority of those severely hungry, and amidst war, women-headed households are often the hardest hit by food insecurity. Women are more likely than men to skip meals or adopt other negative coping strategies. Recovery efforts that fail to recognize women and girls’ needs can also increase forced and early marriage, sexual exploitation, and negative health outcomes in the short-term, while widening the overall gender gap long-term. Recognizing and addressing these disparities – as illuminated by the WPS agenda – is necessary to ensure all civilians truly benefit from the protections guaranteed to them under IHL.

IHL and WPS: the way ahead

Finally, amid global anti-rights and anti-gender backlash, there is strength in unity. Recognizing the shared goals of WPS and IHL can provide a larger platform for a broader coalition of activists, civil society members, and policymakers pursuing these common outcomes. Advocates can invoke both the language of IHL and WPS to pursue complementary priorities, while integrating WPS principles can also help strengthen nondiscriminatory implementation of IHL to better reflect women and girls’ realities amid conflict as well as promote greater compliance with IHL. Improving compliance has been linked to better *humanitarian results* and can support *post-conflict reconciliation* – outcomes which further benefit women and girls.

WPS resolutions already have limited acknowledgement of this synergy, as resolutions 1325, 1820, 1888, 1889, 1960, 2106, 2122, 2242, and 2467 all *mention* the Geneva Conventions or IHL protections. For instance, *UNSC Resolution 2467*, which calls for a survivor-centered approach when addressing conflict-related sexual violence, explicitly references the Geneva Conventions and the importance of investigating IHL violations in its advancement of WPS principles. Resolutions have achieved progress primarily around recognition of and accountability for conflict-related sexual violence, which has been recognized as a violation of IHL and codified in the WPS agenda. Yet, these intersections remain minimal; discussion of IHL within WPS resolutions often comprises no more than a line or two.

Further elucidating and codifying the shared priorities of IHL and WPS could help strengthen ties between the two frameworks and advance non-discriminatory implementation within the international system. Such bridging of IHL and WPS is a critical next step towards ensuring their respective commitments are upheld and that safety and justice for women and girls is prioritized.

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