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Applying IHL with a gender perspective in the planning and conduct of military operations

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Gender can still be a confusing and contested subject for international humanitarian law (IHL) and military practitioners. But just as practitioners keep abreast of astonishing technological advancement, and states continue to dedicate significant – and, in numerous contexts,

increasing – national spending on defence and security, it is high time that the equal protection of civilians is invested in, too. Gender inequality remains ingrained across today’s conflict-affected contexts, and gender-specific harms shape some of the horrors inflicted on civilians.

To encourage parties to armed conflict to take more and better measures to reduce this harm, in 2024 the ICRC, the Swedish Red Cross, and the Nordic Centre for Military Operations published a new report – International Humanitarian Law and a Gender Perspective in the Planning and Conduct of Military Operations – based on an expert meeting with state and military practitioners. In this post, the report’s co-authors set out ten legal, policy and operational recommendations to equip armed forces to reduce the gendered risks faced by diverse women, men, girls and boys in armed conflict, and identify good practices from modern militaries. It’s time for these to be part-and-parcel of how militaries comply with IHL and related civilian harm reduction measures.

ICRC Humanitarian Law & Policy Blog · Applying IHL with a gender perspective in the planning and conduct of military operations

War impacts women, men, girls, and boys in different ways. In humanitarian settings, the UN Secretary General reports that female-headed households face higher risks of malnutrition and food insecurity. Women and girls are disproportionately victims or survivors of conflict-related sexual violence (95% of those recorded in 2023), and the *direct* and *indirect* effects of hostilities can affect people differently based on gender.

The core concern that connects these gendered impacts is the fact that gender inequality *exists in every country*, tending to be *more pronounced* in those experiencing war. Contributing to this, gender bias and stereotypes *prevail across the globe*, influencing decision-making – including in conflict. With over 100 ongoing armed conflicts around the world, the intersection of gender inequality, war, and civilian harm is the reality for millions of people.

International humanitarian law is designed to protect humanity from the worst excesses of war. Its rules require parties to armed conflict to anticipate and avoid, or at least minimize, civilian harm in certain ways as they conduct military operations. It also requires that parties to armed conflict treat people *without discrimination*, contains rules requiring *specific treatment for women*, and *prohibits sexual violence* against all persons. These obligations are best realized when parties to armed conflict can detect and take account of the daily reality of men, women, boys, and girls being affected differently by a situation due to their gender. In other words – when they apply a gender perspective in the planning and conduct of military operations and activities.

Guidance as to how gendered harm arising from military operations can be better understood, and good practices on how to avoid and reduce it, should therefore be part-and-parcel of how militaries comply with IHL and related civilian harm reduction measures.

Yet gender remains a fraught issue for many militaries. To understand how practitioners are tackling it, in 2022 the ICRC, the Swedish Red Cross, and the Nordic Centre for Military Operations convened an expert meeting of government and military experts. This post highlights some key insights from the resulting new report, IHL and a Gender Perspective in the Planning and Conduct of Military Operations. It outlines ten components that can cumulatively equip an armed force to reduce the gendered risks faced by diverse women, men, girls and boys in armed conflict, and highlights good practices from modern militaries.

Ten steps to better protect all civilians, equally

1. Making the case for a gender perspective is a leadership issue.

Armed forces have legal, policy-based, and ethical responsibilities to address the gendered impacts of military operations. Many militaries also see gender expertise as strategically beneficial; a gender perspective can be presented as strategic, operational and tactical added value – a tool enabling armed forces to achieve their mission more efficiently or successfully. Effective leadership is key to make this case and ensure compliance with applicable laws, policies, and directives. This is a complex task, balancing force protection and civilian protection among other considerations. But high-level military ranks are increasingly investing in it, demonstrated for example by the *Women, Peace and Security Chief of Defence Network*, which brings together over 60 states and organizations to translate gender-related policies into military practice.

From a legal standpoint, incorporating a gender perspective can help ensure better respect for IHL, given its obligations addressing non-discrimination and civilian harm reduction. It is not possible to apply these rules in good faith without considering the reality of the different impacts hostilities can have on the civilian population based on gender. Commanders should expect and ask for intelligence that includes information to better understand the needs and risks faced by diverse women, men, girls and boys in the operational area. This will also improve operational efficiency, including by contributing to a more accurate assessment of threats and risks to the mission. This is also inherently connected to practising non-discrimination and discussing ethics and gender capabilities internally within the organization.

2. Internal discipline influences external conduct.

The internal culture of an armed force can either foster or hamper the ability of staff to apply a gender perspective in the planning and conduct of military operations. If behaviour in the barracks involves discriminatory jokes or sexual harassment, or the enforcement of gender-biased social norms, military personnel are less likely to have the skills, understanding, and motivation to apply a gender perspective externally to better protect civilians. Conversely, when non-discrimination and gender awareness are ingrained in the identity of the force, compliance with such values becomes more natural and widespread.

Leadership and enforcement of conduct codes are critical in this work. Codes of conduct and similar internal culture-shaping documents should emphasize equal respect for all individuals, regardless of gender (see, for example the *Australian Defense Force Doctrine on Military Ethics*, pp. 24 and 33). When senior members of the military adhere to and promote codes of conduct, it sets a standard for troop behaviour. Consistent leadership focusing on these issues, along with fair and firm sanctioning of violations, can drive meaningful change in organizational values over time.

3. Conducive law, doctrine, policy and procedure are critical.

Conducive law, doctrine, policy and procedure are critical to institutionalize a gender perspective throughout the planning, execution and evaluation phases of an operation. The integration of a gender perspective into military doctrine, including military manuals, will underpin more specific operational processes and decision-making, including in relevant Standard Operating Procedures and Rules of Engagement. Ensuring such considerations are reflected in foundational military documents may positively influence dynamic assessments and decisions in combat theatre. Conversely, merely adding a gender perspective requirement *ad hoc* should be avoided – it then runs the risk of being seen as either optional or an unduly burdensome additional task.

The *United Nations*, the European Union, the *North Atlantic Treaty Organization* and the *Organization for Security Cooperation in Europe* are examples of organizations that have adopted dedicated policies on mainstreaming gender into their respective military operations. States including Argentina, Canada, Djibouti, Mexico, the Netherlands, Peru,

and Senegal have specific provisions on non-discrimination and gender integrated into their military manuals (see Box 2 of the *new report*).

4. Fixing pervasive gender gaps in operational data.

On a more practical level, a gender analysis also requires fixing pervasive gender gaps in operational data. Data and intelligence collection are the cornerstone of understanding a military operation environment. So a lack of actionable data (“intelligence”) related to gender in an area of operations is a major impediment to the integration of a gender perspective in the planning, execution and evaluation of operations and activities. What are the demographics of the civilian population likely to move through screening points, or be left behind and encountered if military personnel go door to door? Are reports or risks of sexual violence higher in certain locations? Do social norms create different behavioural expectations for military men and women interacting with civilians? Which hospitals provide sexual and reproductive (including maternal) health care and paediatric care? What is the civilian pattern of life around a military objective, and how does it vary by gender and age?

In order to collect better data, staff should, among other things listed in the report, disaggregate data by sex, age and other diversity criteria (such as disability and race) to the extent feasible. They can further analyze different considerations when assessing patterns of life, including to understand how civilian behaviour differs by age, gender, and other relevant criteria. Data may be collected first-hand on the ground from representative sources (including both men and women), from open-source information on in-country gender inequality (for example *here*, *here*, or *here*), as well as from relevant stakeholders, agencies and organizations.

5. Not just any civilian-military cooperation.

One way to enhance situational awareness and improve operational data collection is through civilian-military cooperation. Compared to armed forces, local civilian agencies and humanitarian organizations working in areas affected by conflict are likely to have a better grasp of gender-specific needs and risks among civilians. Armed forces should engage with them to discuss those needs, in order to assess and/or assist the population during armed conflict as well as following the conclusion of hostilities, when in line with applicable legal obligations and mission objective (and with due respect for humanitarian agencies’ principles and the concerns of local organizations, who may be against cooperation).

But crucially, such engagement itself should be assessed from a gender perspective to ensure that the voices of all relevant stakeholders – both men and women, whose roles and needs in a given context may differ – are taken into account. To provide civilian-military cooperation personnel with a tool for integrating a gender perspective into their work, the Civil-Military Cooperation Centre of Excellence has produced the *Gender Makes Sense: A way to improve your mission tool*.

6. Appointing Gender Advisers and Focal Points.

An increasingly common measure to ensure gendered dynamics are properly understood and assessed is to establish a structure of military Gender Advisers (GENADs) and Gender Focal Points (GFPs). These have been appointed within militaries including Australia, Burundi, Canada, Denmark, Finland, Ghana, Greece, Ireland, Jordan, Montenegro, the Netherlands, New Zealand, Norway, Romania, Rwanda, Serbia, Sweden, Thailand, Viet Nam, Ukraine, the United Kingdom, and the United States. Such personnel have subject-matter expertise regarding how the roles and needs of men, women, boys and girls influence conflict and its impacts.

While GENADs have this as their main tasks, GFPs may be dual-hatted, striving to integrate a gender perspective in their respective functional areas (e.g. across the J/G functions, as they are known in numerous military organizations). To ensure that they are successful in their tasks, GENADs and GFPs should be provided proper training on the topic – such roles should not automatically be assigned to women merely because of their gender. Significantly, while GENADs and GFPs have important advisory duties, it is ultimately the commander’s responsibility to ensure that a gender perspective is considered where relevant.

7. Force demographics.

The participation of women in militaries raises complex matters of law and policy best addressed in a context-specific manner. Some militaries consider the participation of women in the armed forces to be relevant to their ability to protect civilians, comply with certain legal obligations, and meet mission objectives – including for example through external engagement capabilities, where Female- or Mixed Engagement Teams may have unique access.

Two issues can be parsed separately in this regard: the first is about the legal rights of women to equal and meaningful participation in the armed forces; the second is whether the participation of women can improve the protection of civilians and respect for certain provisions of IHL. Both are multi-layered issues, considered in further detail in Chapter 2.B.i of *the new report* as well as in recent scholarship by Nagel, Sullivan and Klugman, among others.

8. Education and training.

Men continue to be a significant majority in militaries: for example, in 2019 the percentage of women troops in the top 12 troop-contributing countries to UN missions ranged from only *zero to 12.6 per cent*. It will therefore be necessary to engage men in the military on gender-related issues, and this presents a challenge: men often consider gender to be a “women’s issue”, and on average hold a *greater degree of gender bias* (biases in gender social norms are prevalent among both men and women, but higher in men). Conversely, neither will all female military personnel automatically be skilled in gender analysis and considering a gender perspective. Effective education and training of an armed force is therefore key.

Training involving a gender perspective will be most effective if mainstreamed in a pedagogically sound manner, tailored to rank and role, drawing from both formal and informal norm frameworks. It will be important to get practical: for example, civilian-military coordination components, including engagement with women’s civil-society organizations where feasible, could be built into practical problem-solving in military education and training, including exercises. Training handbooks such as *Teaching Gender in the Military* from DCAF, the *Sanremo Handbook on Integrating Gender Perspectives into International Operations*, and *Integrating Gender Perspectives in Military Exercises* from the NCGM provide topical guidance.

9. Getting logistics right.

Integrating a gender perspective into the planning and conduct of military operations will require not only measures by combat units, but also that combat support and combat service support teams integrate a gender perspective in their work. Aside from the question of an armed force equipping its own personnel without discrimination (for example, with personal protective equipment and uniforms designed and adapted to enable personnel equally), logistical planning is needed to procure equipment involved in responding to the diverse women, men, girls and boys expected to come into contact with the operation, notably as injured civilians and/or detainees.

Preparing to comply with IHL obligations to treat detainees without discrimination (including treating women with due respect), and provide equal access to medical care without distinction except on medical grounds, can include:

- planning for detention facilities to accommodate women, men, and children separately, unless accommodated as family units (on this, see ICRC Commentary on the Third Geneva Convention *paras 2099–2104*).
- Ensuring that detention facilities are equipped to provide appropriate clothing for men, women and children (see *2151*) and meet gender- and age-specific needs, including feminine hygiene products and food for babies and small children (see *paras 2101, 2206, 2215, 2223–2224*).
- readying military medical services to provide health care to men, women, and children, which may include sexual- and reproductive-health care and paediatric care (see *paras 1685, 1747, 2230*).
- preparing medical teams with the supplies, equipment and skills to respond to sexual violence against all persons in a timely manner, including post-exposure prophylaxis (PEP) kits for both adults and children.

10. Resource allocation, monitoring and evaluation.

Procurement and allocation of sufficient resources – human, material, and financial – is crucial for the effective implementation of a gender perspective throughout the structure of an armed force. For instance, the *Gender Responsive UN Peace Operations Policy* (Section E.8.a) explicitly identifies budget and financial resources to facilitate the implementation of the policy. Budgeting can incorporate a gender perspective throughout its cycle, using tools such as gender tags or markers for appropriate monitoring and impact assessment. Beyond budgeting, using specific targets and indicators is generally helpful for measuring progress on specific objectives, and can enhance transparency and internal responsibility.

Conclusion: preparing for push-back

We encounter critiques that gendered impacts are “too complex” or too cumbersome to take into account in military operations. Other times, a gender perspective is characterized as an overly theoretical “nice to have” without much of a “so what”.

When faced with push-back, we find two lines of argument particularly useful. First, cutting quickly to practical implications and demonstrating that it “can be done”. For example, NCGM’s *Whose Security? Practical Examples of Gender Perspectives in Military Operations* sets out numerous real-life situations where troops have adapted their conduct in situations such as roadblocks, troop patrol, and community consultation to mitigate gender-related risks to civilians. Based on a hypothetical case study addressed during the expert meeting, Chapter 1.L of the report also provides a table of concrete measures that armed forces can take when planning attacks, evacuations, provision of medical care, and screening and detention.

Second, we point out that we live in a world of astonishing technological advancement, and significant – in numerous contexts, increasing – national spending on defence and security. So when arguments are made that it is too complicated, or cumbersome, to integrate a gender perspective into military operations, our response is – this is a question of priority and resource attribution, not capability. Reducing the gendered impacts of armed conflict on humanity is under-prioritized. This report asks armed forces to invest in the protection of all civilians, equally.

See also:

- Maria Carolina Aissa de Figueredo, *Forced to report: mandatory reporting of sexual violence in armed conflict*, July 4, 2024
- Peixuan Xie, *What are the transformative potentials of sexual and reproductive health and rights in humanitarian assistance: a feminist inquiry*, April 18, 2024

- Elias Dehnen, *What can the humanitarian community learn from the Colombian Truth Commission's LGBTIQ-subchapter?*, March 21, 2024

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