

Gender and Economic Sanctions: An Analysis of the Gendered Consequences of Economic Sanctions and Gender Empowerment Programs

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Résumé de l'article

Les sanctions économiques demeureront probablement la méthode privilégiée de coercition pacifique. Les conséquences genrées qui en résultent doivent donc être traitées et atténuées dans le cadre des sanctions existantes. Malheureusement, les civils ne peuvent pas être complètement protégés des conséquences de ces dernières. Toutefois, les effets genrés des sanctions économiques peuvent être minimisés afin de protéger les femmes contre des préjudices disproportionnés. Pour atténuer les conséquences genrées, la communauté internationale, lorsqu'elle impose un régime de sanctions, doit simultanément autoriser et financer la mise en oeuvre de programmes d'autonomisation du genre, en anglais "*gender empowerment programs*" (GEP), dans l'État ciblé. Même si les GEP ne protégeraient pas les femmes de tous les effets des sanctions, ils fourniraient des programmes visant à minimiser les conséquences des sanctions sur l'indépendance économique et la santé des femmes. Premièrement, les GEP aideraient les femmes à acquérir ou à retrouver une indépendance économique grâce à l'accès à l'éducation et aux marchés du travail formels, améliorant ainsi leur bien-être économique global et leur capacité à résister aux chocs économiques créés par les sanctions. Deuxièmement, les GEP fourniraient des programmes visant à améliorer l'accès des femmes à la santé et à l'eau, à l'assainissement et à l'hygiène (WASH en anglais), ainsi qu'à améliorer la sécurité alimentaire et les services de soutien pour réduire la prévalence et/ou minimiser les effets de la violence sexuelle et basée sur le genre (VSBG). Les GEP contribueraient à réduire les conséquences genrées cycliques et à long terme des sanctions et à réduire la dépendance financière de nombreuses femmes, en particulier les ménages dirigés par des femmes, à l'égard des programmes de soutien gouvernementaux et de l'exploitation des revenus informels. Cet article est présenté en trois parties. La première partie examine les conséquences des sanctions économiques et discute du processus d'approbation des exemptions humanitaires. Ensuite, il décrit la programmation d'autonomisation des femmes, en se concentrant sur deux composantes de l'indépendance économique des femmes et sur l'impact des sanctions économiques, des exemptions humanitaires et des GEP sur cette indépendance. Enfin, cet article se concentre sur l'impact des sanctions économiques, des exemptions humanitaires et des GEP sur la santé des femmes, y compris l'accès aux soins de santé, les VSBG, l'alimentation et la nutrition, ainsi que l'eau, l'assainissement et l'hygiène.

GENDER AND ECONOMIC SANCTIONS: AN ANALYSIS OF THE GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS AND GENDER EMPOWERMENT PROGRAMS

*Airianna Murdoch-Fyke**

Economic sanctions will likely remain the preferred method of peaceful coercion. Therefore, the resulting gendered consequences must be addressed and mitigated within the existing framework of sanctions. Unfortunately, civilians cannot be completely protected from the consequences of sanctions. However, the gender specific effects of economic sanction can be minimized to protect women from suffering disproportionate harms. To abate gendered consequences, the international community, when imposing a sanction regime, must simultaneously permit and fund the implementation of gender empowerment programs (GEP) in the targeted state. While GEP would not protect women from all the effects of sanctions, GEP would provide programming to minimize the consequences sanctions have on female economic independence and women's health. First, GEP would assist women gain, or regain, economic independence through access to education and formal labor markets, improving their overall economic wellbeing and ability to withstand economic shocks created by sanctions. Second, GEP would provide programs to improve women's access to health and water, sanitation and hygiene (WASH), as well as improved food security, and support services to reduce the prevalence of, and/or minimize the effects of, sexual and gender-based violence (SGBV). GEP would help reduce the long-term and cyclical gendered consequences of sanctions and reduce the financial dependency many women, especially female-headed households, have on government support programs and exploitative informal income. This article is presented in three parts. The first part examines the consequences of economic sanctions and discusses the humanitarian exemption approval process. Next, this article outlines gender empowerment programming, focusing on two components of female economic independence and the impact economic sanctions, humanitarian exemptions, and GEP have on this independence. Finally, this article focuses on the impact economic sanctions, humanitarian exemptions, and GEP have on women's health, including access to healthcare, SGBV, food and nutrition, and appropriate water, sanitation, and hygiene.

Les sanctions économiques demeureront probablement la méthode privilégiée de coercition pacifique. Les conséquences générées qui en résultent doivent donc être traitées et atténuées dans le cadre des sanctions existantes. Malheureusement, les civils ne peuvent pas être complètement protégés des conséquences de ces dernières. Toutefois, les effets générés des sanctions économiques peuvent être minimisés afin de protéger les femmes contre des préjudices disproportionnés. Pour atténuer les conséquences générées, la communauté internationale, lorsqu'elle impose un régime de sanctions, doit simultanément autoriser et financer la mise en œuvre de programmes d'autonomisation du genre, en anglais "*gender empowerment programs*" (GEP), dans l'État ciblé. Même si les GEP ne protégeraient pas les femmes de tous les effets des sanctions, ils fourniraient des programmes visant à minimiser les conséquences des sanctions sur l'indépendance économique et la santé des femmes. Premièrement, les GEP aideraient les femmes à acquérir ou à retrouver une indépendance

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économique grâce à l'accès à l'éducation et aux marchés du travail formels, améliorant ainsi leur bien-être économique global et leur capacité à résister aux chocs économiques créés par les sanctions. Deuxièmement, les GEP fourniraient des programmes visant à améliorer l'accès des femmes à la santé et à l'eau, à l'assainissement et à l'hygiène (WASH en anglais), ainsi qu'à améliorer la sécurité alimentaire et les services de soutien pour réduire la prévalence et/ou minimiser les effets de la violence sexuelle et basée sur le genre (VSBG). Les GEP contribueraient à réduire les conséquences générées cycliques et à long terme des sanctions et à réduire la dépendance financière de nombreuses femmes, en particulier les ménages dirigés par des femmes, à l'égard des programmes de soutien gouvernementaux et de l'exploitation des revenus informels. Cet article est présenté en trois parties. La première partie examine les conséquences des sanctions économiques et discute du processus d'approbation des exemptions humanitaires. Ensuite, il décrit la programmation d'autonomisation des femmes, en se concentrant sur deux composantes de l'indépendance économique des femmes et sur l'impact des sanctions économiques, des exemptions humanitaires et des GEP sur cette indépendance. Enfin, cet article se concentre sur l'impact des sanctions économiques, des exemptions humanitaires et des GEP sur la santé des femmes, y compris l'accès aux soins de santé, les VSBG, l'alimentation et la nutrition, ainsi que l'eau, l'assainissement et l'hygiène.

Es probable que las sanciones económicas sigan siendo el método preferido de coerción pacífica. Por lo tanto, las consecuencias de género resultantes deben abordarse y mitigarse dentro del marco de sanciones existente. Lamentablemente, no se puede proteger completamente a los civiles de las consecuencias de las sanciones. Sin embargo, los efectos específicos de género de las sanciones económicas pueden minimizarse para proteger a las mujeres contra daños desproporcionados. Para mitigar las consecuencias de género, la comunidad internacional, al imponer un régimen de sanciones, debe permitir y financiar simultáneamente la implementación de programas de empoderamiento de género (GEP por sus siglas en inglés) en el Estado objetivo. Si bien los GEP no protegerían a las mujeres de todos los efectos de las sanciones, sí proporcionarían programas para minimizar las consecuencias que las sanciones tienen sobre la independencia económica y la salud de las mujeres. En primer lugar, los GEP ayudarían a las mujeres a obtener, o recuperar, la independencia económica a través del acceso a la educación y a los mercados laborales formales, mejorando su bienestar económico general y su capacidad para resistir los choques económicos creados por las sanciones. En segundo lugar, los GEP proporcionarían programas para mejorar el acceso de las mujeres a la salud y al agua, sanitización e higiene (WASH por sus siglas en inglés), así como una mayor seguridad alimentaria y servicios de apoyo para reducir la prevalencia y/o minimizar los efectos de la violencia sexual y de género (VSG). Los GEP ayudarían a reducir las consecuencias cíclicas y de largo plazo de las sanciones en materia de género y reducirían la dependencia financiera que muchas mujeres, especialmente los hogares encabezados por ellas, tienen de los programas de apoyo gubernamentales y de los ingresos informales de explotación. Este artículo se presenta en tres partes. La primera parte examina las consecuencias de las sanciones económicas y analiza el proceso de aprobación de exenciones humanitarias. A continuación, este artículo describe la programación de empoderamiento de género, centrándose en dos componentes de la independencia económica femenina y el impacto que las sanciones económicas, las exenciones humanitarias y el GEP tienen en esta independencia. Finalmente, este artículo se centra en el impacto que las sanciones económicas, las exenciones humanitarias y las GEP tienen en la salud de las mujeres, incluido el acceso a la atención médica, la VSG, la alimentación y nutrición, y el agua, saneamiento e higiene.

Economic sanctions are a coercive tool used by the international community to withdraw from financial or trade relations due to policy or security concerns¹. They can either be comprehensive, by prohibiting all commercial activity relating to the sanctioned State, or targeted, by blocking only specific transactions with specific groups or individuals.² The imposition of sanctions can either be done collectively, by the United Nations (UN) and Member States, or unilaterally, by individual States, against violators of international law. Currently, all active UN sanctions target developing or least developed countries.³ Targeted States are often incapable of absorbing the negative economic shock caused by a sanction regime, which leads to a ripple of damaging consequences for civilians. Economic sanctions also result in serious gender specific consequences for women in targeted areas, and existing humanitarian exemptions are often inadequate to respond to the specific needs of these women. Economic sanctions have short- and long-term casual effects on women and can lead to increased violations of women's economic rights as well as further violations of women's basic rights.⁴ Furthermore, economic sanctions negatively affect women's economic independence through reduced access to formal employment and education, which increase income inequality and female participation in the sex trade and exacerbates the gendered effects of poverty.⁵ Sanctions also reduce the accessibility of health services and appropriate water, sanitation and hygiene (WASH) facilities, increase food insecurity among female populations, and intensifies the prevalence of sexual and domestic violence.⁶ Economic sanctions change the economic and social structures of targeted States, reducing government expenditures on healthcare and education, further aggravating the gendered effects of sanctions. Although a system to grant humanitarian exemptions exists, obtaining an exemption is a lengthy process, which involves high operational costs and imposes constraints on humanitarian assistance, making it an unfavourable option among humanitarian actors.

Economic sanctions will likely remain the preferred method of peaceful coercion. Therefore, the resulting gendered consequences must be addressed and mitigated within the existing framework of sanctions. Unfortunately, civilians cannot be completely protected from the consequences of sanctions. However, the gender-specific effects of economic sanctions can be minimized to protect women from suffering disproportionately great harm. To abate gendered consequences, the international community, when imposing a sanction regime, must simultaneously permit and fund the implementation of gender empowerment programs (GEP) in the targeted State. While GEP would not protect women from all the effects of sanctions, it would provide programming to minimize the consequences sanctions

¹ Jonathan Masters, "What Are Economic Sanctions?" (12 August 2019), online: *Council of Foreign Relations* <www.cfr.org/background/what-are-economic-sanctions>.

² *Ibid.*

³ United Nations Security Council, "Sanctions" (last visited 27 March 2023), online: *Sanctions* <www.un.org/securitycouncil/sanctions/information>.

⁴ A Cooper Drury & Dursun Peksen, "Women and Economic Statecraft: The Negative Impact International Economic Sanctions Visit on Women" (2014) 20:2 *European J Intl Relations* 463 at 465 [Drury & Peksen].

⁵ Charlotte Lindsey, *Women Facing War* (Geneva: International Committee of the Red Cross, 2001) at 79, online (pdf): *International Committee of the Red Cross* <www.icrc.org/en/doc/assets/files/other/icrc_002_0798_women_facing_war.pdf>.

⁶ *Ibid.*

have on female economic independence and women's health. First, GEP would assist women gain or regain economic independence through access to education and formal labour markets, improving their overall economic wellbeing and ability to withstand economic shocks created by sanctions. Second, GEP would provide programs to improve women's access to health and WASH, as well as improved food security and support services to reduce the prevalence of, and/or minimize the effects of, sexual and gender-based violence (SGBV). GEP would help reduce the long-term and cyclical gendered consequences of sanctions and reduce the financial dependency many women, especially female-headed households, have on government support programs and exploitative informal income. This article is presented in three parts. The first part examines the consequences of economic sanctions and discusses the humanitarian exemption approval process (I). Next, this article outlines gender empowerment programming, focusing on two components of female economic independence and the impact economic sanctions, humanitarian exemptions and GEP have on this independence (II). Finally, this article focuses on the impact economic sanctions, humanitarian exemptions and GEP have on women's health, including access to healthcare, SGBV, food and nutrition, and WASH (III).

While we recognize sanctions have adverse impacts that harm men and women equally and that harm men specifically, this article only addresses the consequences of economic sanctions that harm women specifically. Further, it is recognized that economic sanctions impact socioeconomic classes differently, and women are not a homogeneous population that experiences identical consequences. Additionally, it is acknowledged that gender specific consequences are not the objective of economic sanction regimes, but these consequences nevertheless result, whether directly or indirectly, from the imposition of unilateral or collective sanctions. Moreover, it is noted that economic sanctions are not the only available type of sanction and gendered consequences may also arise from arms embargoes and travel bans; however, this article will only address the gendered consequences of economic and trade sanctions. Furthermore, it is recognized that certain gendered impediments and inequities may exist prior to the imposition of a sanction and will attempt to separate existing inequalities from those stemming from sanctions. Finally, this article recognizes the COVID-19 pandemic has altered the delivery of humanitarian aid and highlights the detrimental impact sanctions have on healthcare. However, the impact of COVID-19 will not be addressed in this article because the long-term effects of the pandemic on sanctions are unclear.

I. Sanctions: Categorization of Consequences

Economic sanctions have devastating short-term and long-term consequences, especially for women. In the short-term, the imposition of sanctions increases the rate of SGBV, lowers formal employment rates, reduces access to healthcare, and reduces income among female-headed households. In the long-term, sanctions negatively affect female literacy rates and increase gender inequality. Sanctions can affect women in two ways:

directly, whereby the imposition of a sanction directly leads to a specific outcome⁷, and indirectly, whereby the consequences occur as a result of other, possibly unanticipated, actions that stem from the imposition of a sanction.⁸ These direct and indirect consequences impact men and women differently and it is important to understand the intersectionality of gender and sanction regimes to ensure more vulnerable civilians, such as women, are not disproportionately impacted. Finally, the consequences of economic sanctions can be categorized as core or systemic consequences. Core consequences are those that impact employment, women's health, food and nutrition, water and sanitation, education, and physical and sexual integrity.⁹ In comparison, systemic consequences impact State governance, economic status, the physical environment and demography, often resulting in long-term adverse societal changes.¹⁰ This article only addresses core consequences. While it is acknowledged that economic sanctions are not solely responsible for the aforementioned consequences, the presence of sanctions creates an environment in which it is more likely that gendered issues, whether they were present or not before the imposition of sanctions, are more acute. Before understanding the gendered consequences of economic sanctions, it is important to understand how existing humanitarian exemptions operate and how they are inadequate and flawed solutions to the gendered harm caused by sanctions.

A. General Overview of Humanitarian Exemptions

Humanitarian exemptions can be incorporated into a sanction regime to provide non-governmental organizations (NGOs) with an avenue to distribute humanitarian aid and essential goods without violating the sanction regime.¹¹ Although exemptions can be requested for a variety of goods or services, the most frequent requests are for medical supplies, food and education equipment.¹² Despite the availability of these exemptions, many NGOs find it challenging to effectively and efficiently deliver humanitarian aid in targeted states through this system. The following sections outline the process to receive approval, which is complex, time consuming, not inclusive of all necessary goods, thus deterring many NGOs and third parties from engaging in humanitarian efforts in sanctioned states. These impediments make the humanitarian exemption process ineffective and thus a new system must be implemented that is more responsive and less burdensome for NGOs.

⁷ Manuel Besler, Richard Garfield & Richard McHugh, *Sanctions Assessment Handbook: Assessing the Humanitarian Implications of Sanctions* (New York: United Nations Office for the Coordination of Humanitarian Affairs, 2004) at 17.

⁸ *Ibid.*

⁹ *Ibid* at 12.

¹⁰ *Ibid.*

¹¹ Katie King, Naz K Modirzadeh & Dustin Lewis, "Understanding Humanitarian Exemptions: UN Security Council Sanctions and Principled Humanitarian Action" (2016) Harvard Law School Program on International Law and Armed Conflict Working Group Briefing Memorandum at 8, online: *Reliefweb* <reliefweb.int/report/world/understanding-humanitarian-exemptions-un-security-council-sanctions-and-principled>.

¹² Jun Matsukuma, "The Legitimacy of Economic Sanctions: An Analysis of Humanitarian Exemptions of Sanctions Regimes and the Right to Minimum Sustenance" in Hilary Charlesworth & Jean-Marc Coicaud, eds, *Fault in Lines of International Legitimacy* (Cambridge, UK: Cambridge University Press, 2009) 360.

B. The Approval Process

The process to obtain a humanitarian exemption is onerous and requires a considerable amount of time and resources.¹³ Depending on the sanctioning body, the requirements to obtain approval vary drastically and NGOs must ensure they are compliant with all existing exemption procedures. For example, under the United States (US) sanctions, NGOs can seek a general or specific licence to receive an exemption from a sanction regime. The general licence will apply if the activity falls under the parameters of that licence. However, a specific licence may only be granted after an application is filed with the Office of Foreign Assets Control and is only issued to the specific organization for the specific activity identified.¹⁴ For example, to obtain an exemption from US imposed sanctions on Syria, an NGO must ensure compliance with at least four national regulatory agencies. The costs associated with these compliance processes are excessive and divert funds from humanitarian efforts towards legal and administrative costs.¹⁵

Furthermore, under the European Union (EU) sanction regime, select activities require the authorization of the EU Member States.¹⁶ For example, to obtain an exemption from EU sanctions on Syria, organizations must engage with national authorities that are members of the EU, as well as with the EU's office located in Beirut.¹⁷ Moreover, for an organization from the United Kingdom (UK) to provide aid in Syria, not only must the organization comply with EU sanctions, it must also comply with UK sanction regimes, as well as US sanctions with extraterritorial effect.¹⁸ Already, this process has the ability to deter many NGOs from attempting to deliver humanitarian aid and reduces the timeliness with which aid can be delivered.

Finally, if an NGO applies for a humanitarian exemption under a UN-imposed sanction, the process is even more complex. To be considered for a humanitarian exemption under most sanction regimes, the United Nations Security Council requires the following elements to be contained in a letter of request:

Nature of humanitarian assistance proposed to be provided to the sanctioned state for the benefit of the civilian population;

Explanation of the sanction state recipients and criteria employed to select beneficiaries;

Reasons for requiring a Committee exemption;

¹³ Agathe Sarfati, "The Impact of Sanctions on Humanitarian Response to COVID-19" (27 April 2020), online: *IPI Global Observatory* <theglobalobservatory.org/2020/04/impact-of-sanctions-on-humanitarian-response-to-covid-19/>.

¹⁴ Justine Walker, "Navigating Humanitarian Exceptions regarding International Sanctions" (14 April 2020), online: *In-House Community* <www.inhousecommunity.com/article/navigating-humanitarian-exceptions/>.

¹⁵ Human Rights Council, *Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights on his mission to the Syrian Arab Republic*, UNHRCOR, 39th Sess, UN Doc A/HRC/39/54/Add.2 (2018) at para 27 [*Special Rapporteur—Syrian Arab Republic*].

¹⁶ Walker, *supra* note 14.

¹⁷ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15.

¹⁸ *Ibid* at para 17.

Detailed description with quantities and relevant specifications of the goods and services to be provided within the next six months to the sanction state for what purpose and to whom;

Planned date(s) of proposed transfer to the sanction state within the next six months;

Planned route(s) and method(s) of transfer including ports of departure and entry to be used for shipments;

All parties involved in the transfers that can be identified at the time of submission of the application;

Financial transactions associated with the transfers;

Annex containing itemized list of all planned transfers of goods and services with quantities and planned shipment date;

Confirmation whether the Committee approval letter and its annex can be published on the Committee website upon issuance, and

Measures to ensure that assistance to be provided to the sanction State are used for the intended purposes and not diverted for prohibited purposes.¹⁹

These requirements create further steps for NGOs operating in sanctioned States and slow down the delivery of humanitarian assistance, placing already vulnerable civilians at a heightened risk. Furthermore, UN humanitarian exemptions are only valid for six months, forcing ongoing projects to continually apply for exemptions. This limitation period diverts human and financial capital away from humanitarian projects and reduces the flexibility and responsiveness of programming, which limits its effectiveness and deters NGOs operations.²⁰ In Syria, only UN agencies and large NGOs have successfully received exceptions and licences to operate in the region.²¹ It is administratively and financially burdensome for smaller NGOs since they are excluded from the process, and this could deter smaller NGOs who offer specialized services, from operating in sanctioned regions.

C. Time Delays Associated with the Approval Process

The second notable issue associated with the humanitarian exemption process is the considerable amount of time the process requires. NGOs require a generous lead time to plan shipments, locate suppliers and find financial agents willing to bid or supply the goods before they can apply for an exemption.²² Any changes to shipping routes, suppliers or variations in materials may render the exemption invalid, forcing

¹⁹ United Nations Security Council, “Humanitarian Exemption Requests” (last visited 29 January 2023), online: *United Nations Security Council* <www.un.org/securitycouncil/sanctions/1718/exemptions-measures/humanitarian-exemption-requests>.

²⁰ *Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)*, UNSCOR, UN Doc S/2019/171 (2019) at Annex 85, para 4 [*Panel of Experts—Res 1874 (2019)*].

²¹ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15.

²² *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 85.

the NGO to restart the entire process. If an NGO can navigate through the exemption application requirements, they then face significant delays in receiving approval, thus putting projects on hold and placing civilians at a heightened vulnerability. Approval delays are frequent for exemptions related to the Democratic People's Republic of Korea (DPRK), with the UN Panel of Experts noting in 2018 that approvals for exemptions in the region took on average three months, with the approval period only slightly improving in 2019 to an average of one month.²³ However, despite this improvement, the Panel of Experts estimates DPRK sanctions have delayed humanitarian aid delivery by 9–10 months, resulting in harsh humanitarian consequences.²⁴ For example, NGOs working on clean water projects in the DPRK experienced delays in obtaining exemptions, resulting in 229,235 of the 367,618 targeted civilians not receiving clean drinking water.²⁵ Delays in the approval process also hampered the delivery of emergency reproductive health kits in DPRK, resulting in 150,000 pregnant women not being able to access a safe delivery and approximately 22,000 pregnant women not being able to access necessary blood transfusions during delivery, thus negatively impacting the maternal mortality rate in the region.²⁶ Despite the panel's recommendation that more flexible methods of granting exemption requests and renewing requests be adopted, the United Nations Security Council Committee has not taken any further action to change the overall structure of this system.²⁷

D. Prohibition, Dual Usage and Composition of Goods

The humanitarian exemption process is also a flawed system because it does not include all goods potentially required by NGOs. Each sanction regime can have lists of prohibited goods with which NGOs must ensure compliance. Additionally, NGOs must be aware of any dual-use goods, which creates a unique challenge because components of goods can be used for multiple uses. Finally, NGOs must be aware of a good's composition to ensure compliance with sanctions.

No humanitarian exemptions are provided for strictly prohibited goods. The list of prohibited goods varies depending on the targeted country, but often includes goods that are essential to humanitarian activities. For example, the sectoral sanctions imposed against the DPRK prohibit the transfer of “all industrial machinery, transportation vehicles, and iron, steel, and other metals, also affecting a number of

²³ *Report of the Panel of Experts Established Pursuant to Resolution 1874 (2009)*, UNSCOR, UN Doc S/2020/151 (2020) at Annex 70.

²⁴ James Fretwell & Oliver Hotham, “Humanitarian Exemptions for North Korean aid work: Crunching the numbers”, *NK News* (16 July 2019), online: <www.nknews.org/2019/07/humanitarian-exemptions-for-north-korean-aid-work-crunching-the-numbers/> [Fretwell & Hotman].

²⁵ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 86.

²⁶ *Ibid.*

²⁷ It is worth noting the COVID-19 pandemic has sped up the approval process, but for the purposes of this paper, COVID will not be discussed because the long-term effects of how this will change the approval process are unclear.

humanitarian-sensitive items.”²⁸ However, within this list are goods vital to agriculture and public health programs. Furthermore, machinery and parts for food processing factories, as well as pumps, filters, pipes and drilling equipment, all of which are necessary to address critical humanitarian needs, are also prohibited. Prohibitions on these essential goods not only increase malnutrition rates and the prevalence of waterborne disease-related deaths, but they also negatively impact clean water and food security projects, as well as the overall effectiveness of humanitarian aid.²⁹

Additionally, the humanitarian exemption process makes it challenging to use dual-use goods. First, the broad categorization of dual-use goods creates confusion due to the inclusion of goods such as pipes, water pumps and essential construction equipment. Second, NGOs have no opportunity to provide input on what is categorized as dual use, forcing NGOs to obtain specific licences to transport dual-use goods into the region.³⁰ Third, obtaining specific licences for each transaction involving a dual-use good results in long processing delays, increased costs and further financial difficulties for organizations.³¹ For example, in 2011, the EU sanctioned the Syrian oil sector, therefore prohibiting the export of dual-use products that may be exploited for military purposes or internal repression.³² However, in 2019, three Belgian companies, unaware of the prohibition and licensing requirements, were fined, and a manager was jailed for selling 168 tons of isopropanol to Syria, which can be used either as a medical disinfectant or to manufacture sarin gas.³³ Although it was unclear for what purpose the isopropanol was to be used, this provides an example of how humanitarian transactions can lead to severe consequences for those involved.

Finally, NGOs must be aware of the composition of a good before it enters a sanctioned state to ensure compliance with sanction regimes, which places a huge onus on NGOs. For example, US sanctions against Syria prohibit any goods with 10% or more American content to be exported to Syria.³⁴ This means almost all electronics are prohibited. Most alarming to humanitarian actors is the prohibition on US sourced radio telecommunications equipment, which is standard across many UN agencies. This requires NGOs to complete the exemption process and obtain a licence to bring their technological devices into the region. This causes delays to humanitarian programming, increases the cost of sanction compliance and increases the personal safety risk for humanitarian actors who may not have access to proper communication devices.

²⁸ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 85, para 7.

²⁹ *Ibid* at para 8.

³⁰ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 29.

³¹ *Ibid*.

³² Aron Lund, “Briefing: Just how ‘smart’ are sanctions on Syria?”, *The New Humanitarian* (25 April 2019), online: <www.thenewhumanitarian.org/analysis/2019/04/25/briefing-just-how-smart-are-sanctions-syria>.

³³ *Ibid*.

³⁴ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 47.

E. Deterred Third Party Involvement

The complex, time consuming and confusing process of obtaining a humanitarian exemption has caused many NGOs and other third parties to halt their projects in sanctioned States and distance themselves from organizations operating within targeted States. First, financial institutions are wary to engage with NGOs operating in sanctioned States, thus reducing banking channels for funding. Second, shippers and suppliers are also cautious to engage with humanitarian efforts in sanctioned States for fear of violating the sanction regime.

Financial transactions into Syria are interrupted by US and EU sanctions against all state-owned banks and central banks, the use of the US dollar, EU credit facilities, and the development of new partnerships between EU banks and Syrian financial institutions.³⁵ This creates a notable challenge for NGOs because the sanction regimes are unclear about the level of due diligence expected of exporters or financial intermediaries, thus making the process to apply for and receive exemptions challenging. Thus, in an attempt to minimize liability, exporters and financial intermediaries are less willing to engage with NGOs operating in Syria. Additionally, NGOs struggle to transfer funds into Syria to pay local staff salaries, which forces many humanitarian workers to access money outside Syria and then carry large sums of cash on their person. This significantly increases the risk to their personal safety and increases the likelihood that the cash will be stolen and will not reach the staff or program for which it was intended. The lack of functioning banking channels has forced many NGOs to use informal money traders, known as the Hawala system, to move cash across borders.³⁶ This creates significant risks because these same informal systems are also used by smugglers, money launderers and terrorists.³⁷ Many organizations also have difficulties auditing these transactions, which has created concerns among donors and has reduced donation opportunities.³⁸ Moreover, on a personal level, some humanitarian staff have been denied personal bank accounts or mortgages by European banks because the word “Syria” appears in their job title.³⁹ Moreover, if a financial transaction is found to violate a sanction, it appears absolute liability applies under US and EU legal regimes for the subsequent civil and criminal penalties, which significantly deters any entities from engaging with NGOs.⁴⁰

In the DPRK, sanctions have also posed an impediment in relation to banking channels. The DPRK sanction regime prohibits establishing or maintaining correspondent accounts with DPRK financial institutions unless approved by the Sanction Committee. In August 2016, the Committee approved an exemption for Russia-based Bank Sputnik CJSC to maintain a correspondent relationship with the

³⁵ *Ibid* at para 30.

³⁶ *Ibid* at para 36.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid* at para 35.

⁴⁰ *Ibid* at para 33.

DPRK's Foreign Trade Bank (FTB) to facilitate transactions for UN agencies in the country.⁴¹ The Committee permitted the UN Secretariat in New York to, on an ongoing basis, transfer US dollars to Commerzbank AG in Germany, which would convert US dollars to euros and remit payment in rubles to Bank Sputnik in the Russian Federation. Bank Sputnik would then hold the payment in the FTB correspondent account and remit cash to Pyongyang for deposit and use by UN agencies. However, in September 2017, Commerzbank cancelled its participation in DPRK-related transactions and no alternative arrangements were found, effectively closing the humanitarian banking channel.⁴² This resulted in a shortage of cash available to NGOs in the DPRK, making it difficult to implement projects and forcing many NGOs to increasingly rely on staff to carry large amounts of cash on their person.⁴³

Furthermore, sanctions reduce the willingness of private companies to engage with NGOs operating in the region.⁴⁴ Although the EU has not imposed blanket prohibitions on commercial trade with Syria, the US has, thus making EU investors fearful of violating EU and US sanctions, which apply to any transaction involving a US connection.⁴⁵ NGOs report US sanctions have a big impact on humanitarian work in Syria.⁴⁶ Private companies are unwilling to go through the approval process and have thus reduced their ability to supply funds or equipment for medical purposes in Syria.⁴⁷ In fact, several shipping companies refuse to travel to Syria, which makes the process of delivering goods more complicated as they must be delivered to neighbouring countries and then transported across the border, therefore increasing delays, costs and risks to humanitarian staff.⁴⁸

F. A New System Envisioned

The humanitarian exemption process is riddled with delays and costly hurdles, making it an ineffective and unresponsive option. NGOs are unable to provide the level of assistance needed in sanctioned regions because the prohibitive exemption process makes it nearly impossible for NGOs to function. Moreover, although some larger organizations do receive approval, many smaller organizations do not, thus limiting the scope of deliverable aid. Even the UN Special Rapporteur—on the negative impact of unilateral coercive measures in Syria—noted that the humanitarian exemption process does not work and recommended modifications to remedy the situation. These modifications included creating a procurement office operated by the UN to facilitate the authorization of humanitarian transactions under all sanction regimes, thus reducing the burden of ensuring compliance and providing reassurance to third parties. The

⁴¹ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 85, para 10.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 47.

⁴⁵ *Ibid* at para 14.

⁴⁶ Lund, *supra* note 32.

⁴⁷ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 39.

⁴⁸ *Ibid* at para 45.

Special Rapporteur also suggested creating a whitelist of humanitarian goods.⁴⁹ Therefore, it is evident that a new system for delivering aid to civilians in targeted States must be developed to adequately respond to the humanitarian needs in these States, and that this system must be acutely aware of the unique issues women in sanctioned states are facing and ensure proper gendered programming.

II. Gender Support Programming: A Recommended Strategy

Economic sanctions have been solidified as a valuable tool to coerce wrongdoers into compliance, despite their modest success rate. One observer estimates the success rate of sanctions to be as low as 30%.⁵⁰ Although sanction regimes have incorporated humanitarian exemptions, the existing humanitarian exemption process often blocks the ability of gender focused NGOs to properly provide humanitarian assistance to women in targeted States. These affected women are thus impacted twice: first, by the consequences that affect the general population, and second, by the specific gendered consequences. In order to effectively and efficiently address these gendered consequences, the UN must empower a UN agency, preferably UN Women, to provide unencumbered gender empowerment programs (GEP) to women in sanctioned States, and these programs must be exempt from the current humanitarian exemption process. Through the implementation of GEP, the gendered consequences created and perpetuated by economic sanctions can be minimized, thus curtailing the overall impact of sanctions on civilians. GEP have already been shown to have widespread effects, not just for women but for the population at large and, with an increased focus on GEP, economic sanctions can continue to be effective at a macro level, while not causing micro consequences. However, it is necessary to note that the implementation of GEP in sanctioned States is not without significant barriers. Most sanctioned States are unwilling to permit external actors in and the NGOs that currently operate within States such as Syria are severely limited by domestic and international pressures. Notwithstanding these impediments, the need for GEP remains and therefore, this article will now outline how GEP can be effective at reducing the gendered consequences of economic sanctions in targeted States.

Gender-specific NGOs exist in many regions around the world and provide valuable programs and aid to women. However, given the time-consuming process and substantial delays associated with receiving humanitarian exemptions, it would be advantageous for one large organization, exempted from the humanitarian exemption process, to provide GEP to women in targeted States. Preferably, this organization would have the infrastructure and capacity necessary to respond quickly to emergencies and be able to provide humanitarian aid through a gendered lens. UN Women could be the appropriate organization given its experience with gender empowerment programs

⁴⁹ *Ibid* at para 14.

⁵⁰ Emily Cashen, "The Impact of Economic Sanctions" (20 April 2017), online: *World Finance* <www.worldfinance.com/special-reports/the-impact-of-economic-sanctions>.

and humanitarian response.⁵¹ Although UN Women does not have established programming in the DPRK, UN Women co-chairs and serves as the Secretariat of the Inter-Agency Standing Committee (IASC) Reference Group on Gender in Humanitarian Action, which, among other things, ensures humanitarian action delivered by the UN and other actors responds to gendered needs.⁵² Moreover, UN Women recognizes the need for the integration of gender perspectives into humanitarian aid. Specifically, in a 2015 study by UN Women on the effects of GEP on humanitarian outcomes, it was noted that “despite general agreement among humanitarian actors that gender perspectives should be integrated into humanitarian preparedness, response and recovery activities, however, GEP implementation remains inconsistent and unsystematic.”⁵³ Overall, UN Women has demonstrated that GEP does “contribute to improving access to and use of services and increases the effectiveness of humanitarian outcomes and reduces gender inequalities.”⁵⁴ Therefore, to mitigate the gendered consequences of economic sanctions, UN Women should be tasked with implementing GEP in sanctioned states.

Economic independence for women is essential to mitigate the adverse gendered consequences of economic sanctions. Women in sanctioned states are often economically vulnerable, experiencing higher rates of poverty and reduced economic and educational opportunities. The economic vulnerabilities exacerbated by sanctions make women more likely to experience exploitation, abuse and aggravated health consequences. Female economic independence in sanctioned States can be improved through two types of gender empowerment programming. First, GEP that focuses on improved access to education for women can help alleviate impoverished situations and help women access formal labour markets. Second, GEP that promotes female participation in the formal labour force will improve economic independence, support female-headed households, and shield women from the exploitative practices of the informal labour market.

A. Education

Female education is essential not only for health and wellbeing, but also to generate income and participate in the formal labour market.⁵⁵ Women with access to education have greater decision-making power within their household and experience reduced poverty.⁵⁶ Unfortunately, the provision of education in many developing countries suffers from a gender divide and female education is not prioritized in comparison to male education.⁵⁷ This is a contributing factor as to why women compose

⁵¹ UN Women, *The Effect of Gender Equality Programming on Humanitarian Outcomes* (New York: UN, 2015) at 4 [UN Women, *Effect of Gender Equality Programming*].

⁵² UN Women, “Humanitarian Coordination” (last visited 29 January 2023), online: *UN Women* <www.unwomen.org/en/what-we-do/humanitarian-action/humanitarian-coordination>.

⁵³ UN Women, *Effect of Gender Equality Programming*, *supra* note 51.

⁵⁴ *Ibid* at 8.

⁵⁵ UN Women, “Facts and Figures: Economic Empowerment” (last modified July 2018), online: *UN Women* <www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures> [UN Women, “Facts and Figures 2018”].

⁵⁶ UN Women, “Facts and Figures” (2012), online: *UN Women* <www.unwomen.org/en/news/in-focus/commission-on-the-status-of-women-2012/facts-and-figures> [UN Women, “Facts and Figures 2012”].

⁵⁷ UNICEF, “Girls’ Education” (2021), online: *UNICEF* <www.unicef.org/education/girls-education> [UNICEF].

more than two thirds of the world's 781 million illiterate people.⁵⁸ The presence of economic sanctions exacerbates the educational gender gap as household incomes contract and prioritize male education.⁵⁹ This lack of accessible education for women and girls leads to an increase in poverty, child marriages, exploitation in informal labour markets and the risk of sexual violence.

1. GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS ON FEMALE EDUCATION

Economic sanctions deleteriously affect education for children, which can produce generational consequences. Economic sanctions negatively impact household income, which in many regions is a major source of funding for education, especially in Iran.⁶⁰ Economic sanctions also reduce the availability of government loans for post-secondary school by restricting government revenues and access to financing.⁶¹ For example, after the UN imposed economic sanctions on Iran in 2006, the average real income of Iranian households dropped by 35% between 2007 and 2013, which led to a 43% reduction in household spending on education.⁶² This spending reduction on education led to lower levels of girls attending school. In fact, 75% of students deprived of an education in Iran are girls.⁶³ During the Iraqi sanction regime, women's access to education was also negatively affected, as government resources were diverted away from financing public education. Teachers and university professors who were able to, left Iraq to seek better opportunities, and families that could afford private tutors or private education elected to have their male children receive an education over their female children.⁶⁴ As a result, many women and girls were forced to abandon their education to support their families.⁶⁵ As a result of reduced access to education, by 2000, 77% of adult women in Iraq were illiterate.⁶⁶ Over the decade during which sanctions were imposed on Iraq, there was a 10% drop in primary school enrollment, while enrollment in vocational and technical schools dropped by 50%.⁶⁷

⁵⁸ UN, *The World's Women 2015: Trends and Statistics* (New York: UN, 2015) at 59, online (pdf): *UN Department of Economic and Social Affairs* <unstats.un.org/unsd/gender/downloads/worldswomen2015_report.pdf> [UN, *The World's Women 2015*].

⁵⁹ UNICEF, *supra* note 57.

⁶⁰ Safoura Moeeni, "The Intergenerational Effects of Economic Sanctions" (2019) University of Calgary Job Market Paper at 2, online (pdf): *University of Calgary Faculty of Arts* <arts.ucalgary.ca/sites/default/files/teams/27/moeeni-sjob-market-paper.pdf>.

⁶¹ *Ibid* at 3.

⁶² *Ibid*.

⁶³ NCRI Women's Committee, "Education in Iran — Obstacles of Female Students at Schools, Universities" (22 September 2019), online: *National Council of Resistance in Iran* <women.ncr-iran.org/2019/09/22/education-in-iran-obstacles-of-female-students-at-schools-universities/>.

⁶⁴ Yasmin Husein Al-Jawaheri, *Women in Iraq: The Gender Impact of International Sanctions* (Cambridge, UK: Cambridge University Press, 2009) at 66 and 69 [Al-Jawaheri].

⁶⁵ *Ibid* at 70.

⁶⁶ *Ibid*.

⁶⁷ IRIN, "Iraq 10 years on: Education; Schools try to play catch up" (26 April 2013), online: *Refworld* <www.refworld.org/docid/517f96364.html>.

2. GENDERED CONSEQUENCES OF HUMANITARIAN EXEMPTIONS ON FEMALE EDUCATION

While the consequences may not be explicit, humanitarian exemptions indirectly affect female education. For example, delays in the attainment of medical supplies due to the confusing and complex exemption approval process reduces the overall health of children, increases school absences, and places a further burden on female caregivers to care for sick children, making it more challenging for women who are caring for their family at the same time as trying to receive an education. Further, these delays disproportionately impact girls because families with limited resources in sanctioned States often prioritize the health of their male children at the expense of their female children.⁶⁸ Further, delays to gender specific medical supplies, feminine hygiene products result in more absences for girls due to menstruation.

Another example of the gendered educational consequences of humanitarian exemptions can be seen in delays associated with sanctioned States receiving agricultural equipment. These delays result in agricultural work becoming more labour intensive, which reduces productivity and overall production capabilities. Since women and girls often make up a significant portion of the agricultural sector in sanctioned States, equipment delays result in more girls working in fields in order to support and feed their families. This, coupled with the ability of many families in sanctioned States to only be able to educate their male children, leads to a significant gender divide in education in sanctioned States.⁶⁹ Moreover, since these delays cause agricultural work to be more labour intensive, families who rely on agriculture as their income source are unable to generate as much revenue, reducing their ability to pay for all their children to attend school, which often results again in only their male children receiving an education.

3. GENDERED EMPOWERMENT PROGRAMMING FOR FEMALE EDUCATION

Access to education is an essential component of any GEP and is the key to reducing poverty among women. Education empowers women to make informed health decisions and participate in formal labour markets.⁷⁰ However, education is often inaccessible for girls due to a myriad of obstacles such as poverty, conflict, sexual violence and government fragility, especially in sanctioned States.⁷¹

In order to minimize the gendered consequences of economic sanctions in targeted States, GEP must focus on providing education for women and girls in these regions. The 2015 UN Women study noted GEP is “strongly associated with improvements in access to education, and with positive education outcomes for boys

⁶⁸ UN, *The World's Women 2015*, *supra* note 58 at 166.

⁶⁹ Al-Jawaheri, *supra* note 64 at 45 and 70.

⁷⁰ World Bank, “Girls’ Education” (Last updated 10 February 2022), online: *International Bank for Reconstruction and Development* <www.worldbank.org/en/topic/girlseducation>.

⁷¹ *Ibid.*

and girls.”⁷² In fact, in a refugee camp in Dadaab Kenya, where GEP was implemented, programming included incentives for families to send their daughters to school such as free sugar, free uniforms and scholarships for girls. These incentives were successful at minimizing the gender divide in education and when compared to a refugee camp with no GEP, there were 10% more girls enrolled in school in the camp with GEP.⁷³ Additionally, GEP in Nepal focused on providing new schools and income-earning opportunities for women, which enabled female headed households to be able to afford school fees and materials for their children, especially girls.⁷⁴ Overall, in Dadaab and Nepal, GEP led to increased access to education for girls. Direct programming supplied materials while indirect programs helped to improve women’s control over household resources and empowered women to be involved in decision-making processes, increasing the probability that more resources would be spent on education.⁷⁵ While it is acknowledged that no economic sanctions are currently imposed in the studied area, the impact of the GEP is likely to be similar in sanctioned States. However, it is noted that there exists a significant challenge in the ability to implement GEP effectively in sanctioned States.

B. Employment

The ability of women to obtain meaningful employment in formal labour markets has widespread positive effects, not just for the individual but for the community and economy as well. Increasing women’s economic empowerment through an accessible labour market improves income equality and economic diversification.⁷⁶ According to UN Women, “when income is put into the hands of women, child nutrition, health, and education improves”, all of which reduce poverty.⁷⁷ Unfortunately, access to employment is a struggle for many women around the world. According to UN Women, “Of 189 economies assessed in 2018, 104 economies still have laws preventing women from working in specific jobs, 59 economies have no laws on sexual harassment in the workplace, and in 18 economies, husbands can legally prevent their wives from working.”⁷⁸ Globally, approximately “2.7 billion women are legally restricted from having the same choice of jobs as men.”⁷⁹ Forced out of the formal labour markets, many women resort to informal employment to support their families, with the share of women in informal employment 7.8% higher than men in developing countries.⁸⁰ Accessing formal labour markets is particularly challenging in sanctioned States where unemployment rates are higher and women tend to experience higher rates of employment discrimination.⁸¹ In the World Bank’s report, *Women,*

⁷² UN Women, *Effect of Gender Equality Programming*, *supra* note 51 at 8.

⁷³ *Ibid.*

⁷⁴ *Ibid* at 9.

⁷⁵ *Ibid.*

⁷⁶ UN Women, “Facts and Figures 2018”, *supra* note 55.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Drury & Peksen, *supra* note 4 at 467.

Business and the Law 2020, of the 190 economies surveyed, Syria, Yemen, Iran and Sudan, all of which have economic sanctions, are ranked the most gender inequitable, in terms of the legal differences between men and women in various aspects of employment and business.⁸²

1. GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS ON FEMALE EMPLOYMENT

Economic sanctions have deleterious effects on employment, especially for women. First, sanctions restrict exports, reducing production and increasing unemployment among low-skilled workers, typically women.⁸³ Second, sanctions restrict progressive agriculture, forcing many women to work in the informal agriculture sector. Furthermore, women experience less job security and are often faced with discriminatory hiring and promotion practices, as well as arbitrary firing and layoffs.⁸⁴ As a result, not only are there fewer women in the formal workplace, but the economic status of these women and their households also declines.⁸⁵

Economic sanctions are especially damaging on women living in States heavily reliant on exports, especially textiles.⁸⁶ Women make up a large proportion of export-oriented industries, approximately 80%, and when sanctions are imposed, production is shutdown or dramatically reduced, and as a direct consequence, women lose their source of income.⁸⁷ For example, during the US economic sanction regime imposed on Burma, all imports from the region were prohibited, including textiles. As a result of these US imposed sanctions, approximately 180,000 women lost their jobs and were forced into the informal labour market, including illegal sex trade and entertainment industries, to support their families.⁸⁸ This challenge was also highlighted during the imposition of economic sanctions on the former Yugoslavia between 1992 and 1995, during which more women than men were unemployed because of the impact the sanctions had on trade and tourism, two industries dominated by female employment.⁸⁹ During the Iraqi sanction regime in the nineties, women experienced greater employment insecurity than men for two reasons. First, women were unable to find work in the private sector because social restrictions deterred women from being hired. Second, women suffered from job losses in the public sector because sanctions affected the salaries of workers in the public sphere.⁹⁰ In Syria, economic sanctions coupled with armed conflict have had serious effects on

⁸² World Bank, *Women, Business and the Law 2020* (Washington, DC: International Bank for Reconstruction and Development, 2020) at 44–48.

⁸³ Drury & Peksen, *supra* note 4 at 468.

⁸⁴ *Ibid* at 466.

⁸⁵ *Ibid*.

⁸⁶ *Ibid* at 467.

⁸⁷ *Ibid*.

⁸⁸ *Ibid* at 464.

⁸⁹ *Ibid* at 467–68.

⁹⁰ Elham Taheri, *The Impact of Economic Sanctions on Women's Economic Rights in Case of Iran* (M.Sc. Thesis, Eastern Mediterranean University, 2015), at 17 [unpublished].

the economy and female employment. Prior to 2011, the EU was Syria's largest trading partner. However, following the eruption of violence in 2011, the EU imposed sanctions on Syria. Between 2011 and 2016, EU imports from Syria dropped by 97% and EU exports to Syria declined by 85%.⁹¹ This trade reduction caused severe economic deterioration in the region as industries shut down, salaries in both the public and private spheres fell, and unemployment rose drastically.⁹² As sanctions and armed conflict forced the economy to contract, female participation in the labour force also "dropped from 22% in 2010 to 14% in 2015."⁹³ Total unemployment rose dramatically from 8.6% in 2010 to 52.9% in 2015.⁹⁴ In 2020, female employment was 9.31%.⁹⁵ However, this decline in formal female employment does not indicate women stopped working; instead, it highlights that women shifted towards informal sectors of the economy, such as agriculture or the sex trade.⁹⁶

Prior to the start of conflict in Syria, agriculture was an economic resource for over 46% of the population and accounted for 31% of total exports out of Syria.⁹⁷ However, after the imposition of EU sanctions, agriculture imports from the EU declined by 18.4% and exports to the EU increased by 50.4%.⁹⁸ This means less food was coming into Syria and more was leaving, thus reducing local supplies and increasing domestic prices.⁹⁹ The increased demand on the domestic agriculture sector increased female participation in agriculture from 59% in 2009 to 65% in 2015.¹⁰⁰ However, sanctions limit the availability of agricultural inputs such as machinery, fertilizers, fuel and seeds, making the agricultural industry more labour intensive and less productive.¹⁰¹ Therefore, the imposition of sanctions has a myriad of economic consequences that specifically impact women and female-headed households. Women are pushed out of formal labour markets and forced to find substandard informal employment that is often exploitative and more physically demanding jobs.

⁹¹ European Commission, "Syria" (last visited 2 April 2023), online: *European Commission; Trade* <policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/syria_en>.

⁹² Erica Moret, "Humanitarian Impacts of Economic Sanctions on Iran and Syria" (2015) 24:1 *European Security* 120 at 129.

⁹³ Beatrix Buecher & James Aniyamuzaala, *Women, Work & War: Syrian women and the struggle to survive five years of conflict* (Amman: CARE International, 2016) at 15, online (pdf): *CARE* <www.care-international.org/sites/default/files/files/CARE_Women_Work_War_report.pdf> [Buecher & Aniyamuzaala].

⁹⁴ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 9.

⁹⁵ "Syria—Population, Female" (March 2020), online: *Trading Economics* <tradingeconomics.com/syria/population-female-percent-of-total-wb-data.html>.

⁹⁶ Daniel Hilton, "The Shifting Role of Women in Syria's Economy" (22 December 2017), online: *The Tahrir Institute for Middle East Policy* <timep.org/syrias-women/economy/the-shifting-role-of-women-in-syrias-economy/> [Hilton].

⁹⁷ Safwan A Mohammed et al, "Syrian Crisis Repercussion on the Agriculture Sector: Case study of wheat, cotton and olives", *Regional Science Policy & Practice* 12:3 (June 2020) 519 [Mohammed et al].

⁹⁸ European Commission, *supra* note 91.

⁹⁹ *Ibid.*

¹⁰⁰ Buecher & Aniyamuzaala, *supra* note 93.

¹⁰¹ Mohammed et al, *supra* note 97.

2. GENDERED CONSEQUENCES OF HUMANITARIAN EXEMPTIONS ON FEMALE EMPLOYMENT

The humanitarian exemption system is inadequate to respond to the harmful effects of economic sanctions on female employment. Humanitarian exemptions are only designed to permit NGOs to continue humanitarian projects and do not provide a direct avenue to empower female employment. Moreover, reduced access to formal employment for women leads to a myriad of humanitarian concerns such as increased sexual violence and reduced health. Furthermore, as noted above, the inability of many sanctioned States to import agricultural equipment makes agrarian employment more physically demanding for women and reduces their productivity. The humanitarian exemption process is not equipped, nor does it assert to be equipped, to deal with these challenges. Therefore, to mitigate the gendered consequences of economic sanctions, female employment must be safeguarded, and the humanitarian exemption process is not the appropriate avenue to achieve this.

3. GENDERED EMPOWERMENT PROGRAMMING FOR FEMALE EMPLOYMENT

Gender empowerment programs must be implemented simultaneously when economic sanctions are imposed in a region because GEP will mitigate the gendered consequences created by the sanction regime. Any GEP must specifically focus on improving female employment not only to safeguard women's access to formal labour markets, but also to protect their access to health and education, and their decision-making capabilities. GEP must focus on providing women with skilled training to remove them from informal and low-skilled labour markets where economic volatility and exploitation are more prevalent. GEP must also focus on increasing the percentage of women led businesses, which includes improving women's access to financial institutions to promote entrepreneurship, as well as increasing the availability of micro-credits to women and women led businesses. Accessing financial institutions is a major barrier that continues to repress women's economic independence in developing countries with only 58% of women globally having an account at a formal financial institution.¹⁰² Women must be encouraged to become entrepreneurs and must be provided with opportunities to access credit and formal financing. However, economic sanctions on banking channels make accessing credit and financial institutions challenging and thus create the need for GEP to be exempt from sanctions and be able to provide women with channels to engage in reputable financial relationships.

Although the presence of armed conflict and economic sanctions make it challenging for women to fully participate in the formal economy, access to formal labour markets and increased female economic participation is essential because living in poverty increases women's vulnerability to violence and reduces her capacity to engage in poverty reduction activities or to improve her political and

¹⁰² UN Women, "Facts and Figures 2018", *supra* note 55.

social status.¹⁰³ Therefore, any GEP implemented into a sanctioned State must provide programming to support female economic independence through formal employment, which would not only provide much needed economic independence, but would also improve the health and wellbeing of women and their families, as discussed in the following section.

III. Women's Health

Women's health is essential to a healthy society, and the ability to access proper healthcare is imperative for women to be productive in the labour market, to access education, to support their family and to mitigate the impact of SGBV. However, women in developing countries, particularly those living in sanctioned States, suffer from inadequate access to medical care and proper nutrition, which exacerbates gender inequality and furthers the cycle of poverty among women. Poverty creates unequal health consequences between men and women, with women suffering more.¹⁰⁴ In fact, the World Health Organization (WHO) notes that this gender inequity is often related to feeding practices and malnutrition, sexual violence, increased rate of HIV/AIDS and the use of unsafe cooking fuels.¹⁰⁵ Further, women's access to health is often "disadvantaged by discrimination rooted in sociocultural factors."¹⁰⁶ In many developing States, the burden of caring for sick and injured family members falls on women, with women and girls accounting for 66–90 % of all AIDS caregivers, which can increase their own vulnerability to infection.¹⁰⁷ Gender inequality is also apparent in global hunger rates with estimates noting that 60% of all chronically hungry people are women and girls.¹⁰⁸ However, if this gendered health inequity was assuaged and women were granted equal or more equal access to productive resources in agriculture, UN Women predicts women could increase yields on their farm by 20–30 %, which would reduce the number of hungry people in the world by 12–17 %.¹⁰⁹ However, when economic sanctions are imposed, women's health is negatively impacted in four ways: by reducing women's access to healthcare, supporting an environment in which SGBV is more prevalent, limiting agricultural inputs thus reducing food security, and by reducing the availability of water, sanitation and hygiene facilities, which increases the risk of disease.

¹⁰³ Lucky Fiske & Rita Shackel, "Gender, Poverty, and Violence: Transitional Justice Responses to Converging Processes of Domination of Women in Eastern DRC, northern Uganda and Kenya" *Women's Studies International Forum* 51:1 (2015) 110 at 113.

¹⁰⁴ World Health Organization, "Women's Health" (last visited 2 April 2023), online: *World Health Organization* <www.who.int/health-topics/women-s-health>.

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ UN Women, "Facts and Figures 2012", *supra* note 56.

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

A. Gendered Consequences of Economic Sanctions

1. GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS ON HEALTHCARE

Economic sanctions negatively impact healthcare for women in several ways. First, economic sanctions deteriorate public health conditions by reducing the accessibility to publicly funded healthcare due to economic contractions, restricting access to medical supplies,¹¹⁰ interrupting the maintenance of medical equipment, disrupting water and electrical supplies, and reducing the willingness of third parties to engage with NGOs that are providing healthcare. Finally, sanctions lead to increased maternal mortality rates.

Economic sanctions negatively impact the accessibility of healthcare by causing the economy to contract, thus reducing government revenues and spending on healthcare services.¹¹¹ As a result, the State will spend significantly less on medical infrastructure projects, such as hospitals or training for health professionals.¹¹² As a vulnerable section of the population with specific health needs, women experience more short-term and long-term suffering as a result of reduced spending on healthcare in targeted States.¹¹³

Second, sanctions limit the availability of medical supplies and medicine, increasing the risk of disease and preventable deaths. For example, in Syria, sanctions severely reduced the availability of medicine and medical supplies. Prior to 2011, 90% of medicines used in Syria were produced locally.¹¹⁴ Unsurprisingly, armed conflict increased the demand for medicines and pharmaceutical products, but current sanctions on pharmaceutical inputs dramatically reduce supplies. Additionally, sanctions restrict the ability to import medicines into Syria, especially medicines patented in the US or EU that cannot be substituted. As a consequence, the availability of certain medicines is unable to meet the demands of the Syrian population.¹¹⁵ The lack of adequate vaccination supplies has caused the child vaccination rate to fall from 95% in 2006 to 60% in 2016, allowing diseases like polio, typhoid and measles to reappear in Syria.¹¹⁶ Limited availability of medical supplies and medicine have a significant and disproportionate impact on women. During the Iraqi sanction regime, the “lack of fulfilment of some essential basic needs had led to a deep sense of insecurity for many of the surveyed women, manifested in a permanent increase of tension both physical and inside the family.”¹¹⁷ Approximately 95% of women surveyed experienced “stress, depression, anxiety, insomnia, and health problems such as irregular menstruation,

¹¹⁰ Dursun Peksen, “Economic Sanctions and Human Security: The Public Health Effect of Economic Sanctions” *Foreign Policy Analysis* 7:3 (July 2011) 237 at 240 [Peksen].

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ Drury & Peksen, *supra* note 4 at 468.

¹¹⁴ *Special Rapporteur—Syrian Arab Republic, supra* note 15 at para 40.

¹¹⁵ *Ibid* at para 39.

¹¹⁶ *Ibid* at para 6.

¹¹⁷ Al-Jawaheri, *supra* note 64 at 121.

severe headaches, and high blood pressure.”¹¹⁸ Furthermore, women often take on the role of primary caregiver and are responsible for the wellbeing of their family, a reduced availability of medicine and medical supplies increases this burden for women. It was documented that during the Iraqi sanction regime, “Women sat openly in the streets, with their tiny malnourished children lying quietly in their laps, begging for the fees of a private physician and medicines for their decisions ill children.”¹¹⁹ Women also faced increased complications during pregnancy and birth due to a lack of available medical supplies and medicine. Again, during the Iraqi sanction regime, the WHO reported that “many caesarean operations were performed with a minimum of anesthetics because of the lack of medicines and called for international awareness of the health conditions of Iraqi women and children under sanctions.”¹²⁰

Third, sanctions interrupt the maintenance of medical equipment and reduce the availability of spare parts.¹²¹ This interruption impacts the functionality of medical equipment, reduces the overall level of healthcare available, and impedes responsiveness to emergencies.¹²² The impact of these interruptions was noted by the World Health Organization (WHO) in relation to Syria. During site visits, the WHO noted that due to sanctions, there is interrupted maintenance and a lack of spare parts, which impacts the functionality of medical equipment.¹²³ For example, CT scanning machines manufactured by Toshiba, a Japanese company, contain parts originating from the US. Therefore, a special licence is required to receive these machines or parts for repairs. Obtaining this licence takes up to six months.¹²⁴ Finally, many softwares used by medical equipment contain US content, which prevents software updates or repairs.¹²⁵ The interruptions in the maintenance of medical equipment and the lack of required parts also had significant gendered consequences. Again, women are the primary caregivers within their households and interruptions in the responsiveness of medical care due to inadequate medical equipment increased the responsibility of mothers to care for sick children. One survey conducted during the Iraqi sanction regime revealed that “lack of adequate antenatal care had resulted in the doubling of neonatal mortality rates [...] and bleeding, ectopic pregnancies and prolonged labour were found to be among the main causes of the rise in maternal mortality.”¹²⁶

Furthermore, economic sanctions on non-healthcare-related goods may nevertheless negatively affect the provision of healthcare to women and the overall health of women. For example, US trade restrictions against Cuba, Iraq and Haiti impacted the ability to import goods related to domestic water and electrical systems.¹²⁷ These restrictions had a direct deleterious effect on the provision of health services in

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.* at 123.

¹²⁰ *Ibid.*

¹²¹ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 42.

¹²² Peksen, *supra* note 110 at 240.

¹²³ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 42.

¹²⁴ *Ibid.* at para 43.

¹²⁵ *Ibid.*

¹²⁶ Al-Jawaheri, *supra* note 64 at 124.

¹²⁷ Peksen, *supra* note 110 at 240.

these regions because “health services are dependent on the water and electric supply systems including the sanitation infrastructure and functioning of medical equipment such as X-ray facilities and ambulances.”¹²⁸ Disruptions in the supply of clean drinking water and material necessary for critical infrastructure increase the gendered consequences of sanctions because women are yet again faced with an increased burden to care for their dependents without the necessary resources to do so. In many sanctioned States, women are responsible for collecting water. However a lack thereof, increases the distance many women are required to travel, increasing the risk of violence while they are away from their home.¹²⁹ Furthermore, inadequate sanitation infrastructure increases the occurrence of disease. Following the imposition of sanctions in Iraq, “people began to suffer from an unprecedented decline in nutritional status, as well as from inadequate water supplies, appalling sanitation, and falling immunization levels. The breakdown of health services during the sanctions era led to a huge increase in diseases that previously had been easily treated.”¹³⁰ Additionally, fuel embargoes against Haiti and Sierra Leone led to the inability to distribute medicine to rural populations, a group of people already cut off from urban healthcare, compounding the gendered consequences for women living in rural settings.¹³¹ Moreover, sanctions imposed against the DPRK that prohibit the transfer of all industrial machinery, transportation vehicles, iron, steel and other metals cover several goods vital to public health programs.¹³² This prohibition also encompasses goods, such as machinery and parts for food processing factories, pumps, filters, pipes and drilling equipment necessary to address critical humanitarian needs, such as clean water projects to prevent diarrhea, one of the leading causes of child mortality in the DPRK.¹³³

Additionally, the presence of a sanction regime increases unwillingness among private actors to face liability for violating a sanction and to go through the rigorous approval process. This unwillingness to go through this process has reduced the ability of many NGOs to engage with private actors to supply funds or equipment for medical purposes.¹³⁴ Moreover, a lack of reliable transportation channels and actors willing to navigate those channels poses a significant challenge to the delivery of medicine in Syria, especially when it comes to temperature sensitive medicines.¹³⁵ As stated above, this places an increased burden on women as the care providers in the region and increases the health consequences for women who require specialized treatment or medicine during pregnancy.

Finally, as a result of the above consequences, economic sanctions can lead to indirect health consequences for women, such as increased maternal mortality rates. Sanctioned States are at a heightened risk for increased maternal mortality rates because women are unable to access proper healthcare, experience increased food insecurity,

¹²⁸ *Ibid.*

¹²⁹ UN, *The World's Women 2015*, *supra* note 58 at xiii.

¹³⁰ Al-Jawaheri, *supra* 64 at 122.

¹³¹ Peksen, *supra* 110 at 240.

¹³² *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 85, para 7.

¹³³ *Ibid* at para 8.

¹³⁴ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 39.

¹³⁵ *Ibid* at para 45.

and many NGOs lack the necessary equipment to respond to pregnancy emergencies. For example, the DPRK sanctions prohibit various types of medical equipment including sterilizers, syringes and X-ray machines. Consequently, many pregnant women are unable to receive medical treatments and care.¹³⁶

2. GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS ON SEXUAL AND GENDER BASED VIOLENCE

Economic sanctions indirectly lead to increased rates of sexual and gender-based violence. First, economic sanctions reduce formal sector employment opportunities for women, forcing many into the sex trade, thus increasing their risk of suffering physical and sexual violence. Economic sanctions also lead to increased rates of SGBV because family dynamics are altered. Additionally, financial pressures force young girls into early marriages, where they are more likely to experience abuse. Finally, sanctions increase women's vulnerability and expose them to increased exploitation.

Economic contractions caused by sanctions are felt most prominently by women and despite them being forced out of the formal labour markets, women, especially female-headed households, are still required to generate income to support their family. As a result, many women resort to the sex trade.¹³⁷ For example, in Syria, as sanctions forced men and women to lose their employment and caused prices to soar, more women resorted to the sex trade to support their family.¹³⁸ In 2018, more than 25,000 women were employed as sex workers in Syria.¹³⁹ Out of 119 surveyed countries, Syria placed 41st with more women engaged in the sex trade than Afghanistan, South Sudan, Lebanon and Liberia combined.¹⁴⁰ However, Syria is not the only region that experienced more women working in the sex trade during a sanction regime. During the Iraqi sanction regime, as families were unable to support themselves, many women were also forced into prostitution.¹⁴¹

Further, economic sanctions alter family dynamics and as a result of this shift in attitudes, many women experience more SGBV from their partners. In a study focusing on the prevalence of gender-based violence in Syria, domestic violence was reported as the most commonly mentioned type of GBV women experienced.¹⁴² Participants reported an increase in domestic violence since the start of the crisis and the imposition of sanctions in 2011 due to changing family dynamics and more women

¹³⁶ Fretwell & Hotham, *supra* note 24.

¹³⁷ Buecher & Aniyamuzaala, *supra* note 93 at 15.

¹³⁸ *Ibid.*

¹³⁹ "Syrian Arab Republic" (2021), online: *UNAIDS* <www.unaids.org/en/regionscountries/countries/syria>.

¹⁴⁰ *Ibid.*

¹⁴¹ Al-Jawaheri, *supra* note 64 at 114.

¹⁴² Whole of Syria Gender-Based Violence Area of Responsibility, *Voices from Syria 2018: Assessment Findings of the Humanitarian Needs Overview*, 2nd ed (2017) at 23, online (pdf): *Humanitarian Response* <www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2017-12_voices_from_syria_2nd_edition.pdf> [GBV AoR Whole of Syria].

assuming income generating responsibilities.¹⁴³ While domestic violence was present prior to 2011, sanctions and armed conflict increased their prevalence, severity and consequences.¹⁴⁴ Additionally, sanctions and armed conflict altered how Syrian women could respond to domestic violence with 59% of communities reporting the need for women and girl centers to respond to the influx of GBV.¹⁴⁵ The risk that women would experience domestic violence was increased if they had low education, were exposed to the abused suffered by their mothers, experienced abuse during childhood, and were surrounded by attitudes of male privilege and female subordination.¹⁴⁶ Moreover, the presence of conflict or post-conflict situations can exacerbate existing violence and also leads to increased rates of SGBV from men outside the household.¹⁴⁷ During the Iraqi sanction regime, women reported an upsurge in domestic violence caused by economic uncertainty.¹⁴⁸ This economic uncertainty and abuse left women more vulnerable and unable to engage in decision-making or poverty alleviation. Moreover, Iraqi women noted that because cultural norms placed the burden of caring for divorced women on her family, there was increased intra-family pressure to remain in abusive relationships for financial reasons.¹⁴⁹

Economic sanctions also increase financial strains for households, which result in more girls being forced into early marriages. For example, as households in Syria experienced increased financial pressure, more young girls were forced into early marriages to alleviate the economic burden they placed on family finances.¹⁵⁰ Prior to 2011, less than 12% of registered marriages in Syria involved a girl under 18; however, in the first quarter of 2014, more than 31.7% of marriages involved a girl under 18.¹⁵¹ Additionally, among Syrian refugees in Lebanon, child marriage rates were more than 40% during 2015–2016.¹⁵²

Finally, many Syrian women pointed to armed conflict and reduced employment caused by sanctions as a contributing cause of increased sexual violence. Conflict and sanctions increase displacement and create unsafe environments for women. Displacement camps lack privacy, are overcrowded and lead to lawlessness among inhabitants. Additionally, poverty and financial desperation place women in dangerous situations where they are more prone to abductions, rape and sexual exploitation.¹⁵³ SGBV survey participants note that men in positions of power often abused their authority and exchanged essential goods and services for sex. Women,

¹⁴³ *Ibid.*

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid* at 53.

¹⁴⁶ “Violence Against Women” (last modified 9 March 2021), online: *World Health Organization* <www.who.int/news-room/fact-sheets/detail/violence-against-women>.

¹⁴⁷ *Ibid.*

¹⁴⁸ Al-Jawaheri, *supra* note 64 at 110.

¹⁴⁹ *Ibid* at 105.

¹⁵⁰ GBV AoR Whole of Syria, *supra* note 142 at 25.

¹⁵¹ UNICEF et al, “Child Marriage in Humanitarian Settings” (2018), online (pdf): <www.unicef.org/mena/sites/unicef.org.mena/files/2018-08/CM%20in%20humanitarian%20settings%20MENA.pdf>.

¹⁵² *Ibid.*

¹⁵³ GBV AoR Whole of Syria, *supra* note 142 at 26.

especially female-headed households, report they felt they must resort to survival sex out of desperation to access humanitarian aid or shelter.¹⁵⁴ One victim reported she would be provided free shelter if the landlord was allowed to sleep with her daughters whenever he wanted.¹⁵⁵ Moreover, female-headed households experience higher rates of SGBV and exploitation by humanitarian workers or through forced prostitution because no alternatives seem to exist.¹⁵⁶ Trading sex for essential services is a direct consequence of sanctions and armed conflict because women are forced to generate income but are continually shut out of the formal economy. Some women refuse aid hoping it will alleviate the sexual exploitation they experience. Others avoid displacement camps and humanitarian services, which places them at a greater risk for malnutrition and other forms of violence.¹⁵⁷

3. GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS ON FOOD AND NUTRITION

Economic sanctions restrict the flow of goods to and from sanctioned States, which leads to a dramatic increase in food insecurity in targeted States. First, sanctions limit the supply of goods, which increases the price of food, thus increasing food insecurity among the impoverished. Second, sanctions reduce the availability of agricultural inputs, which reduces yields and food supplies, increasing the price of food and further harming food security in the region.

First, sanctions limit the availability of food in the region as imports are reduced. For example, EU sanctions restrict the flow of goods in and out of Syria and cause the price of basic commodities to increase, affecting those on fixed incomes, which are typically female-headed households.¹⁵⁸ Between 2008 and 2011, the food annual inflation rate in Syria averaged 12%. However, it reached an all-time high of 121% in 2013 and still remains elevated at 30% in 2018.¹⁵⁹ Some food items increased eightfold during this period.¹⁶⁰ Higher prices and fewer employment opportunities caused the percentage of the population living in poverty to increase. In 2016, over 80% of the population lived below the poverty line and at least 50% suffered from extreme poverty.¹⁶¹ Additionally, female-headed households were more likely to live below the poverty line, and during this period, the percentage of female-headed households increased to approximately 15% of domestic households and 33% of Syrian refugee households.¹⁶² Increased poverty led to food insecurity and malnutrition rates among vulnerable sectors of the population, including women and children.¹⁶³

¹⁵⁴ *Ibid* at 30.

¹⁵⁵ *Ibid* at 61.

¹⁵⁶ *Ibid* at 37.

¹⁵⁷ *Ibid*.

¹⁵⁸ *Special Rapporteur—Syrian Arab Republic, supra* note 15 at para 10.

¹⁵⁹ *Ibid*.

¹⁶⁰ *Ibid*.

¹⁶¹ Hilton, *supra* note 96.

¹⁶² Buecher & Aniyamuzaala, *supra* note 93 at 4.

¹⁶³ UN Women, “Facts and Figures 2012”, *supra* note 56.

Second, economic sanctions can reduce the availability and productivity of cultivated land. Sanctions that restrict the flow of agricultural inputs, such as those imposed in the DPRK, has led to the overall reduction in agricultural activities in the region, increasing food insecurity and malnutrition in the DPRK.¹⁶⁴ In Syria, lower production, resulting from less productivity, led to an estimated 4.3 million women and children in need of nutritional support.¹⁶⁵ Moreover, armed conflict and economic sanctions in Syria have reduced available cultivated land and crop productivity, which therefore increasing food insecurity. Between 2010 and 2018, domestic wheat production in Syria declined from 4.1 million tons to 1.2 million tons.¹⁶⁶ This reduction was largely due to sanctions imposed against agricultural inputs and equipment. Moreover, as more women moved into the agrarian sector of the economy, inputs and equipment dramatically declined, agriculture became extremely physically intensive, thus increasing the risk of sexual violence and exploitation experienced by women because they worked alone in isolated fields.

4. GENDERED CONSEQUENCES OF ECONOMIC SANCTIONS ON WASH

Economic sanctions lead to serious reductions in the accessibility of clean water, sanitation and hygiene. Reduced access to WASH leads to increased rates of preventable diseases and deaths, as well as acute gendered consequences. Sanctions reduce the availability and accessibility of WASH by reducing government revenues and disrupting household incomes. Inaccessible WASH forces women to travel further to access WASH facilities, increasing their risk of SGBV. Inadequate WASH also results in many girls being absent from school, thus reducing their human capital.¹⁶⁷ Finally, the lack of adequate WASH facilities can increase violence directed towards women and lead to damaging health consequences.

Economic sanctions reduce government revenues and expenditures, leading to a reduction in the quality and accessibility of WASH.¹⁶⁸ Women and girls are responsible for approximately 80% of water collection in households that do not have water facilities on the premises.¹⁶⁹ If inadequate WASH facilities exist, women are forced to travel further, often alone, to access WASH, increasing their risk for SGBV.¹⁷⁰ While sanctions do not directly contribute to increased rates of SGBV, prohibitions on equipment essential to clean water projects do.

¹⁶⁴ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 86.

¹⁶⁵ *Special Rapporteur—Syrian Arab Republic*, *supra* note 15 at para 7.

¹⁶⁶ Food and Agriculture Organization of the United Nations, *Special Report: 2021 FAO Crop and Food Assessment Mission to the Syrian Arab Republic* (December 2021), online (pdf): <<https://www.fao.org/3/cb8039EN/cb8039en.pdf>>.

¹⁶⁷ WaterAid, *Water, Sanitation and Hygiene: A Pathway to Realizing Gender Equality and the Empowerment of Women and Girls* (last visited 2 April 2023) at 16, online (pdf): [WaterAid <archive.ids.ac.uk/clts/sites/communityledtotalsanitation.org/files/wash-a-pathway-to-gender-equality-and-empowerment.pdf>](http://archive.ids.ac.uk/clts/sites/communityledtotalsanitation.org/files/wash-a-pathway-to-gender-equality-and-empowerment.pdf) [WaterAid, *Water, Sanitation and Hygiene*].

¹⁶⁸ Peksen, *supra* note 110 at 240.

¹⁶⁹ UN Women, “Facts and Figures 2018”, *supra* note 55.

¹⁷⁰ WaterAid, *Post-2015 Toolkit* (2017) at chapter 8, online (pdf): WaterAid <washmatters.wateraid.org/sites/g/files/jkxooof256/files/8-leah-et-lgalit-hommes-femmes.pdf> [WaterAid, *Post-2015 Toolkit*].

Furthermore, sanctions increase the price of goods and reduce the supply of gender-specific hygiene products. Impoverished households cannot afford to spend income on feminine care products, making feminine care inaccessible for many girls. Additionally, UN Women notes, “Menstrual hygiene management is difficult without access to water, soap and gender-responsive sanitation facilities.”¹⁷¹ As a result, many girls lack access to proper hygiene products and facilities and suffer more gender-related school absences.

Finally, women experience increased vulnerability when inadequate WASH facilities exist. Women are forced to share bathroom facilities and often wait until nighttime to defecate, which in both situations increases the risk of SGBV.¹⁷² Moreover, the lack of proper WASH forces many women to “hold it” or limit their consumption of food or water to delay the need to relieve themselves, which can increase the chance of urinary tract infections.¹⁷³ While these consequences are not a direct result of economic sanctions, the sanction regime creates an environment in which government expenditures are unable to provide proper facilities and many NGOs are prohibited from supplying the equipment necessary to remedy these gendered problems.

B. Gendered Consequences of Humanitarian Exemptions on Women’s Health

Humanitarian exemptions, although designed to alleviate the harmful impact of economic sanctions, nevertheless have a deleterious effect on women’s health in targeted States. The exemption process negatively affects maternal health, healthcare, food security and WASH.¹⁷⁴

1. DELAYS IMPACT MATERNAL HEALTH

First, the humanitarian exemption approval process has significant damaging effects on women’s health. For example, as noted in a previous section, delays in receiving humanitarian exemptions resulted in approximately 150,000 pregnant women in the DPRK not having access to a safe delivery.¹⁷⁵ Moreover, during that same period, roughly 22,000 women faced pregnancy-related complications and did not have access to necessary blood transfusions.¹⁷⁶ It was estimated that there were more than 3,968 sanctions-related deaths in the DPRK during 2018, with pregnant women composing a significant percentage of those deceased.¹⁷⁷ In 2020, the DPRK maternal

¹⁷¹ UN Women, “Facts and Figures 2018”, *supra* note 55.

¹⁷² WaterAid, *Water, Sanitation and Hygiene*, *supra* note 167 at 12.

¹⁷³ WaterAid, *Post-2015 Toolkit*, *supra* note 170.

¹⁷⁴ Peksen, *supra* note 110 at 240.

¹⁷⁵ Fretwell & Hotham, *supra* note 24.

¹⁷⁶ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 86.

¹⁷⁷ Juliana DeSimone, “The Humanitarian Impacts of Sanctions on Women” (5 August 2020), online: *Massachusetts Peace Action* <masspeaceaction.org/the-humanitarian-impacts-of-sanctions-on-women/>.

mortality rate was estimated at 107 deaths per 100,000 live births.¹⁷⁸ In comparison, South Korea's maternal mortality rate in 2020 was 8 deaths per 100,000 live births.¹⁷⁹ In August 2018, a UN agency requested an exemption for medical equipment for maternal and neonatal emergencies. Although the exemption request was approved 49 days later, the Panel of Experts on the impact of sanctions on humanitarian operations in DPRK noted this delay will increase mortality because of the non-availability of program supplies.¹⁸⁰ Moreover, the Panel of Experts noted that "because requests for exemptions can only be submitted once every 6 months, offshore procurement can only be initiated then and not before. Considering that lead time for offshore procurement is 6–8 months, it can take up to 9 [months] to fully equip the maternity wards."¹⁸¹

2. DELAYS IMPACT HEALTHCARE

Second, the humanitarian exemption process delays access to medical equipment and supplies, increasing the negative health consequences. For example, a UN body operating in the DPRK requested nine ambulances and spare parts to distribute tuberculosis (TB) and malaria supplies as well as to conduct site visits to health clinics.¹⁸² The DPRK has one of the highest rates of TB in the world, and thus rapid access to TB vaccinations is essential. Unfortunately, the exemption process for these ambulances was significantly delayed. The request was submitted to the exemption committee on August 21, 2018, and was approved on January 18, 2019, a waiting period of 140 days.¹⁸³ This resulted in vaccination delays and likely increased rates of TB. As discussed above, delays in the provision of healthcare have disproportionate impacts on women.

3. DELAYS IMPACT FOOD INSECURITY

Humanitarian exemption delays also reduce food security. Delays in exemption approval for agricultural equipment have devastating effects in the DPRK because "agricultural activities are time-bound, the implementation will be delayed by at least one cropping season with impacts on food security and food diversity of the affected population, raising the risk of increased rates of undernutrition, especially among the most vulnerable people."¹⁸⁴ For example, one NGO requested several pieces of agricultural equipment including potato storage systems, plastic round arc type greenhouses and a diesel generator. The request was submitted in May 2018 and as of

¹⁷⁸ US, Central Intelligence Agency, "North Korea Factbook" (last modified 28 March 2023), online: *CIA* <www.cia.gov/the-world-factbook/countries/korea-north>.

¹⁷⁹ "Maternal mortality ratio" (2019), online: *World Bank* <data.worldbank.org/indicator/SH.STA.MMRT>.

¹⁸⁰ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at 366.

¹⁸¹ *Ibid.*

¹⁸² *Ibid* at 365.

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid* at 366.

January 2019, the NGO was still awaiting approval.¹⁸⁵ The delay resulted in the inability to produce vegetable seeds during the winter, which meant farmers could not produce vegetables during the 2019 growing season, resulting in higher malnutrition rates. Additionally, delays relating to the diesel generator meant the NGO could not run essential agricultural equipment.¹⁸⁶ Delays in necessary agricultural equipment increase malnutrition and the risk of maternal mortality. In Iraq, it was reported that during the sanction regime, the high rate of miscarriages was attributed to poverty and poor nutrition and that 95% of pregnant women were anemic because of malnutrition.¹⁸⁷

4. DELAYS IMPACT WASH

Economic sanctions and humanitarian exemption delays in the DPRK have led to higher rates of diarrhea in the region because NGOs are unable to obtain the essential equipment to clean water projects.¹⁸⁸ In 2018, clean water projects were supposed to reach 367,618 people in the DPRK. However, due to humanitarian exemption delays, at least 229,235 civilians did not benefit from these initiatives.¹⁸⁹ Furthermore, a request for essential supplies required for gravity-fed water systems were delayed by nearly five months, placing 61,284 people at risk of diarrheal death associated with drinking contaminated water.¹⁹⁰ Another safe water project was still pending approval as of January 31, 2019, after being submitted on May 17, 2018. This delay led to 35 wells unable to be completed, leaving rural schools and healthcare centers without clean water.¹⁹¹ As noted above, women are largely responsible for the collection of water and providing care for children who are ill. Delays in essential supplies that aid in the collection of water or delivery of necessary sanitation facilities increase the burden experienced by women and reduce their overall health and wellbeing as they also suffer from a lack of services and supplies.

C. Gendered Empowerment Programming for Women's Health

Gender empowerment programming that focuses on improving women's health and access to healthcare services is essential to reduce the adverse gendered effects of economic sanctions. Existing GEP that focused specifically on women's health issues saw positive outcomes not just among women and girls, but among all members of the household.¹⁹² Therefore, if GEP is implemented into targeted states, it must focus on two main areas of health: improved access to healthcare and improved food and nutrition.

¹⁸⁵ *Ibid* at 367.

¹⁸⁶ *Ibid.*

¹⁸⁷ Al-Jawaheri, *supra* note 64 at 124.

¹⁸⁸ *Panel of Experts—Res 1874 (2019)*, *supra* note 20 at Annex 85, para 8.

¹⁸⁹ *Ibid* at Annex 86.

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

¹⁹² UN Women, *Effect of Gender Equality Programming*, *supra* note 51 at 9.

1. GENDER EMPOWERMENT PROGRAMMING TARGETING HEALTHCARE

First, in a UN Women led study on the impact of GEP, it was noted that in regions with GEP focusing on improved health, there was a notable difference in maternal and child health. GEP implemented in Dadaab encouraged safer delivery in health centers and resulted in better health outcomes for mothers and children with 90% of deliveries attended to by skilled personnel.¹⁹³ However, GEP that focused on non-natal health services did not see a significant difference largely due to safety concerns for women in Dadaab, which highlights the need to bolster safer access to non-natal services. UN Women noted other challenges, such as a lack of facilities and staff, and a lack of female doctors and nurses.¹⁹⁴ However, GEP in Turkana, Kenya, had a significant impact on the health of women, girls and their households.¹⁹⁵ UN Women reported that households reached by GEP “were less likely to experience illness, with the ratio of sick children decreasing by 11.2%.”¹⁹⁶ Additionally, in Nepal, health-centric GEP focused on health infrastructure and educational campaigns about health and hygiene, both of which had a positive effect on the community’s maternal and child health, decreasing prenatal and natal mortality.¹⁹⁷ Finally, in Mindanao, which is located in the Philippines, GEP that focused on pregnant and lactating women, as well as on providing gender-sensitive items, such as hygiene kits, had huge positive effects on the health of adults in general and particularly women who were less likely to report being sick.¹⁹⁸

Therefore, any GEP implemented into sanctioned States must specifically focus on improving women’s health through increased access to healthcare, medical supplies and gender-sensitive products. This improved access would not only improve the health of the affected women, but also of their children, household and the community at large. Healthier women are more productive in the economy and are less reliant on government assistance.

2. GENDER EMPOWERMENT PROGRAMMING TARGETING SEXUAL AND GENDER BASED VIOLENCE

Gender empowerment programming in sanctioned States must specifically address sexual and gender-based violence. SGBV has severe social, economic and psychosocial impacts on women and the community at large, which can be mitigated through GEP. Incidents of sexual violence are often kept quiet and victims go without remedies or treatment for their attack. This leads to increased mental and physical health consequences and increases the likelihood that women will suffer further abuse

¹⁹³ *Ibid* at 10.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*

and impoverished conditions.¹⁹⁹ GEP must focus on encouraging and facilitating safe reporting of SGBV. While UN Women noted high levels of SGBV still occur in Dadaab, services have “helped bring the issue into the open [...] families used to hide it but now they tell the GBV unit.”²⁰⁰ In Turkana, despite the presence of GEP, this programming has had no effect on the level of physical violence. However, GEP has reduced the number of women reporting emotional abuse from their husbands.²⁰¹ In Mindanao, GEP has reduced the prevalence of SGBV. The programming focused on creating women and child-friendly spaces in evacuation centers, as well as on providing psychosocial supports.²⁰² Additionally, awareness programming, child protection measures and separated hygiene facilities were all implemented in Mindanao with positive effects.²⁰³ These initiatives led to “increased security among women and girls, reduced GBV and cut the prevalence of verbal abuse of women.”²⁰⁴ Therefore, while these regions are not under economic sanctions, the principles applied in these regions can also be applied in targeted States. Through gender-centric programming SGBV and its effects can be mitigated by GEP.

3. GENDER EMPOWERMENT PROGRAMMING TARGETING FOOD SECURITY

GEP must also increase food security among women. Women are more likely to experience food insecurity and suffer from additional nutritional challenges due to breastfeeding and familial inequality. In high conflict areas or confrontational settings, women are more likely to have their food taken from them in favour of men.²⁰⁵ For example, in the Dadaab refugee camp, women reported they often lost their rations to men who would stop them and take their food.²⁰⁶ However, outside refugee camps, food for assets programs that “prioritized women as the main household member registered for working and collecting food” had a positive effect on food security among these women and their children.²⁰⁷ In Nepal, UN Women noted GEP that focused on ensuring women participated in economic activities led to families being able to buy sufficient and healthy food and programs were developed for women to receive seeds and grow vegetables.²⁰⁸ Through this programming, women are able to grow their own food, therefore reducing the strain on food programming. Moreover, women were provided a level of self-sufficiency within the community, while also increasing nutritional intakes. Therefore, the overall goal of any GEP must be to achieve self-sufficiency among women, in order to allow them to provide not only for themselves, but also for their families.

¹⁹⁹ Jennifer Scott et al, “A qualitative analysis of psychosocial outcomes among women with sexual violence related pregnancies in eastern Democratic Republic of Congo” *International Journal of Mental Health Systems* 11:64 (18 October 2017) at 5.

²⁰⁰ UN Women, *Effect of Gender Equality Programming*, *supra* note 51 at 11.

²⁰¹ *Ibid.*

²⁰² *Ibid.*

²⁰³ *Ibid.*

²⁰⁴ *Ibid.*

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.* at 10.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

4. GENDER EMPOWERMENT PROGRAMMING TARGETING WASH

Access to water, sanitation and hygiene is another essential element of anyGEP. Access to WASH can reduce the destructive gendered impacts of economic sanctions because it provides women with more time to engage in other economic activities and improve food security.²⁰⁹ Traditionally, women face a plethora of barriers in regard to WASH and often risk physical violence in order to access clean water or sanitation facilities. Moreover, many girls face school absences and fall behind if hygiene products are inaccessible. UN Women noted that in Turkana, a 10% increase in GEP was associated with a 21.7% reduction in the walking distance to water points, which not only improved women's wellbeing, but also reduced their vulnerability to sexual violence.²¹⁰ Moreover, UN Women highlighted that GEP in the Dadaab refugee camps led to improved access to running water and washing areas. Additionally, bathrooms and washing stations in safer locations led to better health outcomes among women and girls in the camp.²¹¹ The effect of improved WASH on women's health was particularly notable when compared to older camps in which inadequate water and toilet facilities posed substantial security threats to women and girls and increased the risk of water-related disease outbreaks.²¹²

Furthermore, GEP must include women in any and all aspects of the humanitarian aid process to ensure its success. This is especially true when discussing the WASH sector. The successfulness of female inclusion was demonstrated in Turkana, where women were included in the water and infrastructure committee. This inclusion resulted in water points being located in more suitable locales with the specific needs of women and their safety in mind. Women who benefited from strong GEP were 56% more likely to walk less than one hour each way to access drinking water.²¹³

Finally, education about feminine hygiene must be included in any GEP. Effective programming can reduce stigma, promote safe and healthy hygiene practices among young girls and reduce the stigma around feminine health.²¹⁴ Therefore, reliable access to water, sanitation and hygiene for women in sanctioned States are essential requirements for reducing the gendered consequences of sanctions and must be included in all GEP implemented in targeted States.

Economic sanctions have devastating gendered consequences. Moreover, it is likely the international community will continue to utilize this method of peaceful coercion, despite its suboptimal success rate. Therefore, a solution to these gendered

²⁰⁹ WaterAid, *Water, Sanitation and Hygiene*, *supra* note 167 at 27.

²¹⁰ UN Women, *Effect of Gender Equality Programming*, *supra* note 51 at 8.

²¹¹ *Ibid* at 9.

²¹² *Ibid*.

²¹³ *Ibid*.

²¹⁴ WaterAid, *Water, Sanitation and Hygiene*, *supra* note 167 at 2.

consequences that works within the current framework of economic sanctions must be developed. As demonstrated above, the current system of providing humanitarian exemptions is flawed. It deters NGOs and third parties from engaging in humanitarian activities in sanctioned States and reduces the capacity and capabilities of existing NGOs. A new approach must be created to deal with these gendered consequences and must operate outside the purview of the humanitarian exemption process. This approach would seek to implement gender empowerment programming in two key areas: economic independence and health. First, GEP would improve economic independence by increasing educational and formal employment opportunities for women in sanctioned States. Second, GEP would improve women's access to healthcare, food security, and female-centric water, sanitation and hygiene programs, as well as reduce the prevalence and/or mitigate the effects of SGBV, all of which would improve the overall health of women in sanctioned States. This approach would not seek to completely eliminate the consequences of economic sanctions, but it would reduce the gender shocks of sanction regimes and place women in an equitable position, compared to their male counterparts.