

Security Council Resolution 1820: A move to End Sexual Violence in Conflict

Sam Cook, PeaceWomen Project, WILPF

Extract from 1325 PeaceWomen E-News Issue 102, June 2008

On June 19, the Security Council under the Presidency of the United States held an Open Debate on women, peace and security. An Open Debate – in which non-Council members have an opportunity to address the Council – is not unusual in relation to this theme on their agenda. Each October for the last seven years there has been such a debate to mark the anniversary of the adoption of Security Council Resolution 1325. This debate was different however. For one this was June – and it was quite heartening that the Security Council was taking up this theme outside of what has become an almost habitual anniversary occasion. Another difference was that the outcome of the debate was not another Presidential Statement but a rather more binding document – a resolution that builds on SCR 1325 of October 2000 (some 7 1/2 years and 495 Security Council resolutions later). At the conclusion of the Open Debate, the Security Council unanimously passed Resolution 1820 on sexual violence in conflict, which was, through a procedural provision also co-sponsored by some 32 other UN member states.

This Resolution and advocacy for its adoption was not without controversy – a situation not helped by the fact that there was not broad and open consultation with women's groups on its drafting. In addition, the fact that the US was leading the debate was itself politically fraught. While this latter point was a difficult one for women peace activists, it was alleviated by the fact that the US was taking up an initiative driven by many women's groups and governments over a longer period of time than the US presidency of the Council in June. On the Resolution itself, there were several substantive debates. One important question was: why the focus on sexual violence? For one, Resolution 1325 provides a broad and fairly comprehensive framework for a range of issues. It was felt that selecting this issue was somewhat arbitrary and dangerous. It was argued that this focus would take away from the powerful breadth of SCR 1325 and reduce its importance by reducing the focus of the women, peace and security agenda to issues of sexual violence.

For many, focusing on sexual violence in conflict is seen as reducing the issues of women and conflict to the mere victimhood of women. As many rightly argue, Resolution 1325 represented an important recognition of women as agents in conflict prevention, resolution and peacebuilding. It should not simply be seen as a way to make war safe for women. On other occasions where advocacy was done to have the Council address the issue, there was opposition from some NGOs on this very ground. For many the more important issue is women's participation in decision-making at all levels – recognizing women as agents. It is undeniable that the larger goal is to ensure women's effective and full participation in peace and security issues. However, the reality is that women are not either victims or agents. This is a false dichotomy. Many women who are powerful agents of change have also been affected by sexual violence and have been victims of violence. That does not itself define them as mere victims. The issues of participation and violence are inextricably linked – sexual violence is both a cause and consequence of low levels of women's participation in all decision making and, in fact, participation in day-to-day life. Sexual violence does more than discourage political engagement, as a women's rights activist from the DRC explained, sexual violence holds communities hostage and prevents access to markets, water-points and schools. Getting women and gender equality concerns into the highest levels of decision-making is critical if we are to eliminate such violence. But, this is not an easy sequential or separable exercise. First, women's participation is not just a high level concept. Women must be included in discussions and decisions about their security needs and concerns and strategies and programs for protection. It is also necessary urgently and immediately to act to prevent and respond to sexual violence as it is happening.

It is undeniable that sexual violence is being used as a method of war and being perpetrated at levels that defy belief and with impunity. And as many studies, including the 2006 Secretary-General's Study on violence against women, have shown, ending such violence requires a multi-dimensional and integrated response from many different actors. The Security Council is one such actor. As the body whose mandate is to maintain international peace and security and as the body that through its resolutions sets the mandates of UN peacekeeping missions and which has the power to act against countries waging war through illegal methods, its role is vital. Women affected by violence in the DRC and elsewhere have called on the Security Council to fulfill this role. Many may agree with this assessment and still argue that what is needed is to fully implement Resolution 1325. Indeed 1325 does address the issue of sexual

violence and the implementation of its commitments must continue. Indeed, a new resolution was not needed to recognize that sexual violence can constitute a war crime or crime against humanity. International law's recognition of this has outpaced the response of the Security Council. The Security Council has done little to prevent such violence or to sanction the use of sexual violence as a method of war.

As WILPF and other NGOs have seen as we monitor the work of the Security Council, peacekeeping missions are not given explicit mandates to provide protection from sexual violence; high rates of violence are not considered in discussions on arms embargoes or sanctions; and the rates and patterns of such violence are not reported in the Secretary-General's reports to the Council on countries on its agenda. Where there is no information in country-specific reports, the Security Council, claiming a lack of credible information (the reports of human rights and humanitarian NGOs on the ground aren't counted) then does not include an explicit mandate to peacekeepers to prevent, protect and respond to sexual violence. Time and again members of the Security Council argue that the issue of sexual violence is not within their purview. It is not, they argue, a matter of international peace and security. While this argument may seem somewhat absurd, Resolution 1820 puts this debate to rest – as the US Secretary of State, chairing the debate, noted, on the question of whether systematic sexual violence belongs on the Council's agenda – the answer is a resounding yes.

Much work remains to be done to implement 1325 and now Resolution 1820 and 1820 is itself not a perfect response. As with most negotiated texts, provisos, passive language and sovereignty concerns make commitments weaker than they might have been. Certainly there are vital issues like the provision of comprehensive services to survivors and commitment of resources that are not comprehensively covered. In part this is because some of these issues must be taken up elsewhere in the UN system and by national governments. Also, because of the work done to link the issue to the protection of civilians – an explicit theme on the Council's agenda, Resolution 1820 at times conveys the idea that it is only sexual violence against civilians that is of concern. These various issues must be addressed but it is important at the same time to recognize this resolution is an important step forward:

- 1) The Resolution clearly establishes that sexual violence in conflict situations is a matter for the Security Council to consider and act upon. The Security Council in the resolution's first operative paragraph,

Stresses that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security, affirms in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and expresses its readiness, when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence.

In terms of actions to be taken, the Council affirms its intention when renewing sanctions regimes to consider taking measures against parties who commit rape and other forms of sexual violence in armed conflict (see OP 4) It also provides explicit examples of possible measures to provide protection from sexual violence (see OP3) – including vetting armed and security forces to take into account past abuses, evacuation of those under imminent threat of sexual violence and, in a first in terms of language and concepts for a resolution from this body – “debunking myths that fuel sexual violence.”

- 2) While this Security Council Resolution does not itself make rape and other forms of sexual violence a war crime, crime against humanity or constitutive act with respect to genocide, it does note that such violence can constitute such (see OP 4). It essentially explicitly takes note of existing international law, although it does not include explicit references to torture or to the inclusion of crimes of sexual violence in the statute for the International Criminal Court – no doubt an omission driven by the sponsoring US government's attitude to these two issues. It does, however, emphasize and reiterate previous calls to end impunity – both at the international and

national level – and, in language that is somewhat stronger than Resolution 1325, “stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes” (see OP 4).

- 3) The Resolution explicitly requests the Secretary-General to include information and recommendations on the protection of women and girls in his country-specific reports to the Council. It also requests the Secretary-General to provide an extensive report on the implementation of Resolution 1820, information on the use of sexual violence (including prevalence and trends), strategies to prevent such violence and benchmarks for measuring progress in this. A significant request here, and one which goes to the root of the problem of the Council’s inattention to the issue, is for the Secretary-General to report on his plans for improving the flow of information on sexual violence. This will hopefully then contribute to a significantly improved response.
- 4) The Resolution recognizes the importance of women’s participation and reaffirms their role in the prevention and resolution of conflicts and in post-conflict peacebuilding as well as the importance of their full participation in peace and security matters. Significantly these paragraphs also recognize the link between sexual violence and women’s participation where the Security Council notes that it is:

Deeply concerned also about the persistent obstacles and challenges to women’s participation and full involvement in the prevention and resolution of conflict as a result of violence, intimidation and discrimination, which erode women’s capacity and legitimacy to participate in post-conflict public life, and acknowledging the negative impact this has on durable peace, security and reconciliation, including post-conflict peacebuilding.

The inclusion of participation is also included to some extent in the operative parts of the resolution. In demanding that parties to armed conflict take appropriate protection measures and that the Secretary-General facilitate dialogue to address the issue in the context of conflict resolution, it requires “taking into account, inter alia, the views expressed by women of affected local communities” (see OP3). The Secretary-General and UN entities to are requested to develop protection mechanisms in relation to refugee and IDP camps and in DDR, justice and security sector reform processes. The development of these is to be “through consultation with women and women-led organizations” (albeit with the weakening proviso that this be done where appropriate) (see OP10). The role the Peacebuilding Commission can play is also stressed through “ensuring consultation and effective representation of women’s civil society in its country-specific configurations” (see OP11). More broadly the Secretary-General and his envoys are urged to include women in peace processes and encourages parties to such talks to facilitate women’s full and equal participation (see OP12). Finally, in developing his “global” report, the Secretary-General is requested to include “appropriate input from United Nations implementing partners in the field” – which could include women’s groups and other NGOs (see OP15).

Other important provisions include explicit requests for training of personnel including pre-deployment training and urging the development and strengthening of the response capacity of national institutions (including judicial and health systems) and local civil society networks

While this resolution is not perfect and while it alone does not constitute effective action to end sexual violence, it is an important and welcome step. It is another tool to bolster our broader work on Resolution 1325. We must remain vigilant in ensuring that implementation of Resolution 1325 continues and that Resolution 1820 is implemented in ways that include women and that place the well-being of survivors at the centre of all efforts. We look forward to the Security Council, in particular, putting into practice the words and notions of Resolution 1820.

For a printer friendly version of this analysis please visit:

For the full text of Resolution 1820, please visit:

http://www.peacewomen.org/un/sc/Open_Debates/Sexual_Violence08/SV_res_final_draft08.pdf