



# SECURITY COUNCIL RESOLUTION 1325

## ANNOTATED AND EXPLAINED

**The text:** [Recalling its resolutions 1261 \(1999\) of 25 August 1999, 1265 \(1999\) of 17 September 1999, 1296 \(2000\) of 19 April 2000 and 1314 \(2000\) of 11 August 2000, as well as relevant statements of its President and recalling also the statement of its President, to the press on the occasion of the United Nations Day for Women's Rights and International Peace of 8 March 2000 \(SC/6816\),](#)

**What it means:** Security Council Resolutions 1261 and 1314 are focused on the theme of Children and Armed Conflict. Resolutions 1265 and 1296 are focused on the theme of the Protection of Civilians in Armed Conflict. Each month the Presidency of the Security Council rotates alphabetically, giving each of the fifteen members an opportunity to facilitate discussions and guide the deliberations of the Council. The country holding the Presidency has the prerogative to propose thematic debates and open sessions of the Council that invite other UN Member States to contribute to the Security Council's deliberations on a particular topic, with the concurrence of other members. During its term on the Council, Namibia initiated the Open Debate of the Security Council on Women, Peace and Security, Canada initiated the debate on the Protection of Civilians in Armed Conflict, the Netherlands initiated the debate on Children and Armed Conflict, and Bangladesh held the Presidency when the Council issued a statement to the press marking International Women's Day in 2000.

Presidential Statement to Press, 8 March 2000:  
<http://www.un.org/News/Press/docs/2000/20000308.sc6816.doc.html>

**The text:** [Recalling also the commitments of the Beijing Declaration and Platform for Action \(A/52/231\) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the twenty-first century" \(A/S-23/10/Rev.1\), in particular those concerning women and armed conflict,](#)

**What it means:** The Beijing Declaration and Platform for Action were the consensus documents that governments negotiated and agreed to at the Fourth UN World Conference on Women in 1995 in Beijing, China. The Beijing Platform for Action has an entire chapter on Women and Armed Conflict. The twenty-third Special Session of the General Assembly is also known as "Beijing Plus Five" and brought governments together in 2000, five years after the Beijing conference to examine "further actions and initiatives to implement the Beijing Declaration and Platform for Action." After particularly lengthy and arduous negotiations, the General Assembly adopted a Political Declaration and outcome document, which included sections on Women and Armed Conflict.

Beijing Platform for Action – Women and Armed Conflict Diagnosis:  
<http://www.un.org/womenwatch/daw/beijing/platform/armed.htm>

Report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly: <http://www.un.org/womenwatch/daw/followup/as2310rev1.pdf>

**The text:** **Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,**

**What it means:** The United Nations Charter was negotiated in 1945 with the overarching goal of "saving succeeding generations from the scourge of war." The Charter assigned particular tasks to the 6 major organs of the institution - with the Security Council's roles and responsibilities to maintain international peace and security, "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf." The Security Council's roles and responsibilities are detailed in Chapters V, VI, VII, VIII and XII.

Charter of the United Nations: <http://www.un.org/aboutun/charter/>

**The text:** **Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and recognizing the consequent impact this has on durable peace and reconciliation,**

**What it means:** In this paragraph the Security Council is acknowledging the disproportionate impact of armed conflict on non-combatants, including women and children civilians, and the fact that they comprise the vast majority of displaced persons. Rather than accidentally being caught in the crossfire, the Council is also acknowledging that civilians are increasingly being specifically targeted by armed groups, thereby escalating the cycles of violence, with long-term impact on the prospects and conditions necessary for peace and reconciliation.

**The text:** **Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,**

**What it means:** This paragraph of the resolution repeats what the Council affirmed in its statement to the press in March of 2000, the need to increase the number of women in decision-making positions relating to peace and security issues. The Security Council first discussed its role in the prevention of armed conflict in an open session on 29 November 1999, and issued a Presidential Statement on the subject more... The second open session on Conflict Prevention was held all day on 20 June 2000, hearing statements from 30 governments. Another Presidential Statement was issued on 20 June 2000. more... Among other things, the Statement recognized the important role of women in the prevention and resolution of conflicts and in peace-building, and stressed the importance of their increased participation in all aspects of the conflict prevention and resolution process. Since the adoption of Resolution 1325, numerous publications and resolutions on women's contribution to early warning information collection and response mechanisms have been passed, including one by the G8 Foreign Ministers at

their 2001 Rome meeting on strengthening the role of women in conflict prevention. more... The June 2001 report of the Secretary-General on conflict prevention (S/2001/574) devotes a section on gender equality.

**The text:** Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

**What it means:** According to the International Committee of the Red Cross, international humanitarian law (IHL) is the body of rules, which in wartime, protects people who are not or are no longer participating in the hostilities. IHL's central purpose is to limit and prevent human suffering in times of armed conflict. The rules are to be observed not only by governments and their armed forces, but also by armed opposition groups and any other parties to a conflict. The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 are the principal instruments of humanitarian law. International humanitarian law has always accorded women general protection equal to that of men. At the same time the humanitarian law treaties recognize the need to give women additional special protection according to their specific needs. The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 protect women (and men) as members of the civilian population not taking part in an armed conflict. Women (and men) as members of the armed forces are also protected when captured by the enemy.

Fact Sheet on International Humanitarian Law:

<http://www.peacewomen.org/un/icj/warlaw.html>

The UN Charter was the first international instrument to acknowledge 'human rights.' Unlike many constitutional rights, the Charter does not invoke natural law as a basis for the existence of human rights. Rather, human rights are inherent in human dignity. The Universal Declaration of Human Rights (1948) along with the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social and Cultural Rights (1966) are often referred to by some western scholars as the "International Bill of Rights." Beginning with the Vienna Conference on Human Rights in 1993, women activists joined together to call for the recognition of women's rights as human rights. Women activists and women's organizations throughout the world have criticized the traditional human rights frameworks for tending to exclude the experiences of women. The traditional human rights framework and the way the international community had been operating within it, was horribly deficient in its capacity to address women's lived realities.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the "women's bill of rights," has been ratified by 174 countries. In its General Recommendation on violence against women, the CEDAW Committee recognizes that armed conflict situations lead to increased prostitution, trafficking in women and sexual assault of women. As well, in the General Recommendation on women and health, the Committee recommends that States parties ensure adequate protection and health services, including trauma treatment and counselling for women trapped in situations of armed conflict and women refugees. CEDAW's Optional Protocol contains two procedures: a communications procedure allowing individual women, or groups of women, to submit claims of violations of rights to the Committee on the Elimination of Discrimination against Women and an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Protocol.

**The text:** **Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,**

**What it means:** Women in some 80 countries live daily with the threat of uncleared landmines and unexploded ordnance. In this paragraph the Security Council emphasizes the need for mine clearance, awareness and rehabilitation initiatives to pay attention to the fact that women and girls have particular needs and insights regarding landmine action - including victim assistance. Women and girls who have lost limbs from mine injuries have faced social isolation and economic loss. In addition, women often shoulder the unpaid burden of caring for those injured by landmines. Although the numbers are not documented, indications are that women are much less likely than children and men to have access both to treatment and to rehabilitation and prostheses. More routine consultation with women on landmine clearance may reveal different areas for priority around water points, schools, farms and transportation routes used by civilians.

**The text:** **Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard noting the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),**

**What it means:** In this paragraph, the Security Council elevates the need to include a gender perspective in peacekeeping operations to "urgent" and takes note of the analysis and recommendations contained in the Windhoek Declaration and Namibia Plan of Action. In May 2000, in Windhoek, Namibia, participants of a review panel on 'Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations,' organized by the Lessons Learned Unit of the UN Department of Peacekeeping Operations and hosted by the Government of Namibia, completed a comprehensive review of gender issues in peacekeeping, and made useful, concrete recommendations.

Windhoek Declaration:

<http://www.peacewomen.org/un/pkwatch/WindhoekDeclaration.html>

**The text:** **Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,**

**What it means:** The Security Council statement to the press on 8 March 2000 was a broad statement that recognized that "peace is inextricably linked with equality between women and men." According to the statement, "if women are to play an equal part in security and maintaining peace, they must be empowered politically and economically, and represented adequately at all levels of decision-making, both at the pre-conflict stage and during hostilities, as well as at the point of peacekeeping, peace-building, reconciliation and reconstruction." In this paragraph of the resolution, the Council draws on elements of that statement specifically focused on its own mandate with regards to authorizing peacekeeping operations, underscoring the importance of providing training for personnel sent into the field so that women and children are protected and their special needs identified and addressed.

Security Council statement to the press, 8 March 2000:

<http://www.un.org/News/Press/docs/2000/20000308.sc6816.doc.html>

**The text:** Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

**What it means:** In this paragraph, the Security Council recognizes the need for institutions and actors to have the right information and understanding in order to protect and involve women in peace processes. Understanding the impact of armed conflict on women and their role in peace-building is crucial for effective response and action to protect and involve women in peace processes.

**The text:** Noting the need to consolidate data on the impact of armed conflict on women and girls,

**What it means:** In this short lead-in sentence the Security Council is drawing attention to the paucity of data available to inform their deliberations and action. No systematic approach is in place to analyze and collect sex disaggregated data on the impact of conflict on women. Such data is frequently lacking in assessments, monitoring, reporting, evaluation and research on the political, humanitarian and human rights aspects of conflicts. In addition, women's potential and actual role in relation to peace-building is often insufficiently understood or overlooked. Although there is a plethora of activity by women (autonomously and in mixed fora that contributes to peace), there remains a dearth of reliable, systematic and usable information on the range of activities that women undertake at local, national and regional levels towards building peace within their communities.

**The text:** 1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;

**What it means:** In this paragraph, the Security Council places much needed pressure on Governments to increase the number of women involved in decision-making at all levels on conflict prevention, management and resolution. In the 1995 Beijing Platform for Action, the world's governments agreed to a minimum quota of 30% women in positions at decision-making levels, a target that is far from being realized in peace and security decision-making bodies. On the international level alone, only two women have served as Ambassadors on the Security Council since 1992. Between 1992-2002, 5.4% of the Ambassadors sent to represent countries at UN Headquarters were women. At the General Assembly First Committee on Security and Disarmament between 1992-2002, women have headed 7% of country delegations. Women are consistently and significantly under-represented in peace negotiations and are often entirely absent.

**The text:** 2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;

**What it means:** The main goal of the 1999 Secretary General's strategic plan of action (A/49/587) is to achieve gender equality within the United Nations by the beginning of the twenty-first century, through a gradual, phased and focused strategy based on attrition and on targeting vacancies for the promotion and recruitment of women. An important feature of the strategic plan of action is its integrated approach. The plan sets out strategies as well as specific objectives and targets, and identifies simultaneous and interrelated actions required to achieve them. Corrective or new measures envisaged in the plan

relate to career development, management training and management culture change, including implementation of a new performance appraisal system, review and improvement of recruitment processes, including the application of technological innovation to increase the access of qualified women worldwide, support for women's training; the introduction of more effective systems to deal with mobility and spousal employment and measures and procedures to prevent sexual harassment. The strategy includes planning and database development, development of a specific roster of external candidates, a Secretariat-wide network of departmental focal points, broad advertising and communication, targeted recruitment missions, and review of the processes of recruitment and promotion and involvement of the departmental focal points in those processes.

**The text:** 3. Urges the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard calls on Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;

**What it means:** Since 1325 was adopted, the Secretary-General has appointed 31 additional Special Representatives of the Secretary-Generals (SRSGs) and Deputy SRSGs. Of these, five have been women: Lena Sundh - DSRSG DRC (appointed 19 April 2002), Angela Kane - DSRSG Ethiopia/Eritrea (appointed 15 January 2003), Laura Canuto - Deputy Chief of Mission, Guatemala (appointed 1 October 2001), Heidi Tagliavini - SRSG Georgia (appointed 1 July 2002), Roza Otunbayeva - DSRSG Georgia (appointed 2 May 2002). In this paragraph, the Security Council is acknowledging that it is the responsibility of Member States to put forward women as candidates as appointments arise and to continue to suggest names for the centralized roster for senior UN appointments.

**The text:** 4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;

**What it means:** In addition to high-level posts such as SRSGs, DSRSGs and Special Envoys, which are very much dependent on the candidates put forward by UN Member States, this paragraph urges the Secretary-General to use his discretion to place more women staff in UN field missions in those areas where they are traditionally under-represented. While there are requirements within the United Nations for equitable geographic balance, the Security Council urges the Secretary-General to ensure more gender balance, particularly in the field where the United Nations has an opportunity to provide a positive example of women's leadership potential to governments and communities rebuilding their war torn societies.

**The text:** 5. Expresses its willingness to incorporate a gender perspective into peacekeeping operations and urges the Secretary-General to ensure that, where appropriate, field operations include a gender component;

**What it means:** The Secretary-General provided a comprehensive elaboration of the various elements necessary to incorporate gender perspectives into peacekeeping operations in 2000. The Secretary-General said that "attention needs to be given to gender perspectives in all phases of the peace support operations, beginning with needs assessment missions through post-conflict peace-building. Gender perspectives should be considered in analyses, policy and strategy development and planning of peace support operations, as well as training programmes and instruments developed to support effective implementation of those operations, such as guidelines, handbooks and codes of conduct. All aspects and all levels of peace support operations require attention to

gender perspectives, including political analysis, military operations, civilian police activities, electoral assistance, human rights support, humanitarian assistance, including for refugees and displaced persons, development and reconstruction activities and public information. Training of troops and civilian police on gender issues is critical. In the context of complex missions where interim governments will be established, gender balance in interim bodies and development of capacity within those important bodies to work with gender perspectives need to be considered. Experience has shown that it is important to ensure attention to gender perspectives from the very outset of peace-building and peacekeeping missions, including through incorporation in the initial mandates. All reports of the individual mission to the Security Council should include explicit routine reporting on progress in integrating gender perspectives as well as information on the number and levels of women involved in all aspects of the mission." (from the Secretary-General's report on resource requirements for implementation of the report of the Panel on United Nations Peace Operations, 27 October, 2000 A/55/507/Add.1).

**The text:** 6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

**What it means:** Training of peacekeeping troops and personnel is the primary responsibility of individual governments, however the United Nations and regional organizations often provide supplementary training to ensure consistent approaches and encourage collaboration. In this paragraph, the Security Council indicates the need for the United Nations to share technical expertise with Member States so they can better prepare troops and personnel being sent to conflict zones. All staff working in conflict situations need training, including gender training, so they can carry out the wide range of tasks required of them. Training also helps staff adjust and be responsive to the cultural milieu in which they will function. Training peacekeeping personnel on gender issues can promote gender mainstreaming within an operation, irrespective of the number and level of women an operation may employ. Ideally, training takes place prior to deployment, but once a mission is assembled, in-service training initiatives can be extremely useful. The UN has included gender training in the induction courses for peacekeeping personnel in UNAMSIL, MONUC, UNTAET and UNMEE, involving UN agencies, humanitarian organizations, and local women's groups in the host country.

**The text:** 7. Urges Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the United Nations High Commissioner for Refugees and other relevant bodies;

**What it means:** This paragraph urges governments to increase the resources devoted to training efforts (the utility of which are elaborated above) on the national level and also requests that they support the efforts of UNIFEM, UNICEF and UNHCR with financial, technical and logistical resources.

**The text:** 8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia: (a) The special needs of women and girls during repatriation and resettlement and for

rehabilitation, reintegration and post-conflict reconstruction; (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements; (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

**What it means:** Having previously noted the need for greater involvement of women (i.e gender balance) in peace and security decision-making, the Security Council emphasizes the need to involve local women and value indigenous processes. Importantly, this paragraph suggests that the content of agreements needs to reflect gender issues, regardless of who is doing the negotiating or implementing. Peace processes and negotiations are not isolated events. The negotiations begin during war and persist throughout the various stages of changeover to peace. Peace agreements can include the following: power-sharing arrangements, economic reconstruction, demobilization and reintegration of soldiers, legislation on human rights, access to land, education and health, the status of displaced people and the empowerment of civil society. Therefore, they provide a unique opportunity to transform institutions, structures, and relationships within society, and can affirm gender equality through constitutional, judicial, legislative and electoral reform. By addressing reintegration, the Security Council is recognizing that refugee and IDP returns as well as return of demobilized soldiers to their homes requires particular care and attention. Refugee women and demobilized female soldiers as well as women and girls who are abducted by armed forces have specific protection needs. Refugee return must be voluntary and facilitated return must consider issues of security.

**The text:** 9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

**What it means:** This paragraph lists some international laws that refer to the rights and protection of women and girls and emphasizes that parties to armed conflict must respect international law as it relates to the protection of women and girls as civilians in armed conflict. The Four Geneva Conventions adopted in 1949 and their additional protocols adopted in 1977 form the main core of international humanitarian law. Each of the four Conventions is concerned with a different aspect of armed conflict: the first relates to the treatment of the sick and wounded on land; the second relates to the sick, wounded and shipwrecked at sea; the third relates to prisoners of war; the fourth relates specifically to civilian non-combatants. Two Additional Protocols were adopted in 1977. Protocol I expands protection to victims of international armed conflict [i.e. the civilian population, military and civilian medical workers and includes provisions for granting combatant and POW status to members of dissident forces], while Protocol II relates to the protection of victims of internal conflicts. The majority of the language in the Geneva Conventions and protocols consists of guidelines and rules for militaries or armed forces to follow during armed conflict. Some of these guidelines pertain specifically to the protection and treatment of women and children. Violations of these mandates do not entail the same obligations to prevent or punish as do grave breaches. For example, article 27 of the Fourth Geneva Convention provides that-: "women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault." The Convention contains no

corresponding obligation to investigate or punish individuals in the event women are not protected (or that "groups fail to protect women").

The 1951 Refugee Convention, which was drafted as a result of a recommendation by the newly established United Nations Commission on Human Rights, was a landmark in setting standards for the treatment of refugees. The Convention, in article 1, provides a general definition of the term "refugee". The term applies to any person who "as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it". The Convention sets the minimum standards of treatment of refugees, including the basic rights to which they are entitled. It also establishes the juridical status of refugees and contains provisions on their rights to gainful employment and welfare, on the issue of identity papers and travel documents, on the applicability of fiscal charges, and on their right to transfer their assets to another country where they have been admitted for the purposes of resettlement. The Convention prohibits the expulsion or forcible return of persons having refugee status. Article 33 stipulates that "no Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". Article 34 concerns the naturalization and assimilation of refugees. Other provisions deal with such rights as access to courts, education, social security, housing and freedom of movement. The 1951 Convention could benefit only persons who had become refugees as a result of events occurring prior to 1 January 1951. However, the years following 1951 showed that refugee movements were not merely the temporary results of the Second World War and its aftermath. Throughout the late 1950s and 1960s new refugee groups emerged, in particular in Africa. These refugees were in need of protection, which could not be granted to them under the limited time frame of the 1951 Convention. The 1967 Protocol extended the application of the Convention to the situation of "new refugees", i.e. persons who, while meeting the Convention definition, had become refugees as a result of events that took place after 1 January 1951.

OHCHR – Fact Sheet on Human Rights and Refugees:

<http://www.unhcr.ch/html/menu6/2/fs20.htm>

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the "women's bill of rights," has been ratified by 174 countries. In its General Recommendation on violence against women, the CEDAW Committee recognizes that armed conflict situations lead to increased prostitution, trafficking in women and sexual assault of women. As well, in the General Recommendation on women and health, the Committee recommends that States parties ensure adequate protection and health services, including trauma treatment and counselling for women trapped in situations of armed conflict and women refugees. CEDAW's Optional Protocol contains two procedures: a communications procedure allowing individual women, or groups of women, to submit claims of violations of rights to the Committee on the Elimination of Discrimination against Women and an inquiry procedure enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Protocol.

CEDAW: <http://www.un.org/womenwatch/daw/cedaw/>

The Rome Statute of the International Criminal Court is historic with respect to violence against women in armed conflict as well as during peacetime in that it includes a series of core crimes of sexual and gender violence, some of which are codified in an

international treaty for the first time ever. The core crimes include: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, other forms of sexual violence. These crimes are listed as crimes against humanity (Article 7) and war crimes in international armed conflict (Article 8(2)(b) ) as well as internal armed conflict (Article 8(2)(e)). Rape and enforced prostitution had been listed in the Geneva Conventions as acts, which women must be protected against but there was no specific recognition of these acts as grave breaches nor a recognition in any other sense of their gravity. The Rome Statute qualifies these crimes as among the most serious through its codification of them as a general matter and through language linking them to other grave breaches and other serious violations of Common Article 3. In addition to the core crimes of sexual and gender violence, gender-based persecution is included as a crime against humanity, which is another first. (Article 7(1)(h) Trafficking is included as a crime, under the general definition of enslavement, with an emphasis on trafficking of women and children. (Article 7(2)(c)). The Elements Annex, a document intended to define the crimes within the Court's jurisdiction in more detail, provides definitions for the crimes, i.e. the acts and mental elements that constitute the criminal activity. (See charts of definitions). In many respects, these definitions are progressive conceptualizations of crimes, which traditionally have had discriminatory and harmful elements in many jurisdictions.

Rome Statute of the International Criminal Court: <http://www.un.org/law/icc/>

**The text:** 10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

**What it means:** Gender-specific threats to women and girls compound the challenges of ensuring their protection. During armed conflict, women and girls are continually threatened by rape, domestic violence, sexual exploitation, trafficking, sexual humiliation and mutilation. Adolescent girls are specifically targeted for abduction and forced recruitment into armed forces and armed groups and they are targets for sexual exploitation and abuse. These practices put them at great risk of sexually transmitted diseases including HIV/AIDS. Women and girls are at heightened risk in all settings, whether at home, in flight or in camps for displaced people. More needs to be done to address the protection of women's human rights. All humanitarian responses in conflict situations must include systematic reporting on sexual violence, emphasise the special reproductive health needs of women and girls, and reflect strengthened policy guidance on responses to gender-based violence and sexual exploitation. Approximately 80 per cent of people displaced by conflict or human rights violations are women and children. Displacement, internally or across borders, is disruptive and dangerous. It deprives women of the security of their community and exposes them to hunger, disease, violence and sexual assault. Protection and assistance for refugee and internally displaced women should include measures to prevent sexual exploitation, physical abuse and other violations of their human rights. Humanitarian assistance should support women to protect themselves and their children. Bordering states may be directly or indirectly parties to a conflict. They may also be hosting refugees. They have a responsibility to ensure the humanitarian character of refugee camps, with protection and security provided by national police or military.

**The text:** 11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;

**What it means:** Amnesty clauses in peace agreements allow some parties to go unpunished for atrocities committed during the conflict and are usually inserted into agreements as an incentive for parties to come to the negotiating table and cease hostilities. In this paragraph, the Security Council alludes to one of the difficulties of transitional justice, which seeks national/regional/international reconciliation processes on one hand, but has a duty to prosecute perpetrators of gross human rights violations on the other hand. This paragraph of the resolution affirms the responsibility of all governments to put an end to impunity and to uphold the rule of law, specifying that crimes against women should not be included in amnesty provisions of peace treaties, where feasible. Peace agreements that include amnesty provisions are difficult to reconcile with the goal of ending the culture of impunity, which inspired the creation of the United Nations Tribunals for Rwanda and the Former Yugoslavia and the International Criminal Court. In the context of the 1999 Lome peace agreement that brought an end to the war in Sierra Leone, the United Nations did not recognize the blanket amnesty negotiated because it contradicted the internationally recognized imperative to prosecute crimes of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian law.

**The text:** 12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;

**What it means:** Camps for displaced people offer refuge in desperate situations. But camps can become extremely dangerous places for women, especially when armed groups store and move arms through the camp, continue making or planning war within that setting. Refugee camps should be placed at an appropriate distance from the border (note: While there are no international standards on the exact distance away from a border that a camp should be located, UNHCR's Handbook for Emergencies notes that "to ensure the security and protection of refugees, it is recommended that they be settled at a reasonable distance from international borders as well as other potentially sensitive areas such as military installations" (Chapter 12, Para. 31). The OAU Convention also states "For reasons of security, countries of asylum shall, as far as possible, settle refugees at a reasonable distance from the frontier of their country of origin," (Article II, Para. 6). Refugee camps and settlements should be designed to address the protection needs of refugee women, adolescents, and children. This includes ensuring the physical security of women and children, through sufficient lighting, appropriate placement of latrines, and convenient location of basic services and facilities (including food, water, and fuel) so that women and children are not at risk of attack when they utilize these services. In this paragraph, the Security Council agrees that women should actively participate in the design of camps and settlements. Resolution 1208 is focused on the situation of refugee camps in Africa more... and stresses "the particular security needs of women, children and the elderly who are the most vulnerable groups in refugee camps and settlements." National police and military personnel must ensure due security for camp residents.

**The text:** 13. Encourages all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

**What it means:** During the post-conflict period, prevention of new violence depends on the willingness of armed groups to lay down their arms, (disarmament) disband military structures (demobilization), and return to civilian life (reintegration). If armed groups or warlords do not put down their weapons, peace will never be possible. Each of the DDR processes involves and has implications for women, whether they participated in combat, have

family members who did, or are members of a community trying to integrate former combatants. While some women join armed groups of their own free will, large numbers are abducted into combat and/or forced to become sexual and domestic slaves. It is increasingly understood that women need and deserve inclusion in what DDR programmes have to offer - such as vocational alternatives, financial payments. In addition, planners are increasingly recognizing that women have a great deal to offer to the planning and execution of weapons collection, demobilization and reintegration programmes, and that such initiatives work better when women are involved. However, reports and analysis about DDR efforts recently completed and currently underway suggest that a large gap exists between broad policy commitment to the inclusion of gender perspectives and specific actions on the ground. Agencies and practitioners need more guidance and tools to assist them to appreciate what "gender perspectives" are in a given situation, and in designing and delivering programs to equitably benefit women and men in the DDR phase of post-conflict peace-building.

**The text:** 14. Reaffirms its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

**What it means:** Article 41 of the UN Charter refers to a range of measures that can be taken that do not involve the use of armed force, including sanctions. The Article dictates that "the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." This paragraph references the ongoing debate about the humanitarian impact of sanctions and the need to ensure minimal impact on the civilian population, also known as "smart sanctions." For more information on Security Council sanctions, see the documents and initiatives of the Security Council Working Group on General Issues on Sanctions: <http://www.un.org/sc/committees/sanctions/>

**The text:** 15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

**What it means:** Since 1999, the UN Security Council has resumed and increased the number of missions by its members to conflict areas, undertaking seven such missions during 2000-2001. Council members, and other observers, agree that these missions are useful in obtaining a ground's eye view of the situation and enabling the Council to better assess required action and to see the work of the UN and NGOs in the field. Since the passage of resolution 1325, Council missions have been under increased pressure to include consultations with women's organisations on their agenda. To read about the efforts of the NGO Working Group on Women, Peace and Security to secure such meetings and engagement, see <http://www.Peacewomen.org>.

Security Council members met with civil society organisations during the May 2001 visit to the Great Lakes Region, including women's organisations. The June 2001 Mission to Kosovo highlighted that a key factor in reconciliation efforts could be the role played by civil society, NGOs and women's group, who could prove helpful in reaching across the ethnic divide.

Report of the Security Council Mission to the Great Lakes Region, 15-26 May 2001 (S/2001/521): <http://www.un.org/Docs/sc/missionreports/521e.pdf>

Report of the Security Council Mission on the implementation of Security Council resolution 1244 (1999) (S/2001/600):

<http://www.un.org/Docs/sc/missionreports/600e.pdf>

For a complete list of Security Council field missions undertaken since 1946, see

<http://www.Globalpolicy.org>

**The text:** 16. Invites the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and further invites him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

**What it means:** The Secretary-General submitted the requested study and report to the Security Council in October 2002. The UN Inter-Agency Network on Women and Gender Equality Task Force on Women, Peace and Security, chaired by the Special Adviser on Gender Issues and Advancement of Women, coordinated the system-wide inputs to the Secretary-General's study and report, and also consulted members of civil society, women's organisations and academics.

Secretary-General's study on Women, Peace and Security (2002):

<http://www.un.org/womenwatch/daw/public/eWPS.pdf>

Report of the Secretary-General on Women, Peace and Security

(S/2002/1154): <http://www.peacewomen.org/un/UN1325/sgreport.pdf>

**The text:** 17. Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council, progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

**What it means:** The Security Council's actions and deliberations are informed by regular country specific and thematic reporting from the Secretary-General. In this paragraph, the Security Council makes a specific request to the Secretary-General to include information about gender mainstreaming efforts and "all other aspects relating to women and girls". (For detailed description of the relevance of gender mainstreaming in the context of peacekeeping missions, please see annotation under operational paragraph 5 of this resolution.) A recent analysis of 264 reports of the Secretary-General to the Security Council, dating from January 2000 to the present, was conducted by the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) to ascertain to what degree the reports address gender perspectives as required in Security Council resolution 1325 (2000). The analysis reveals that only 17.8 per cent of the reports make multiple references to gender concerns, 15.2 per cent make minimal reference and 67 per cent of the reports make no or only one mention of women or gender issues. In addition, the vast majority of reports citing gender concerns mention the impact of the conflict on women and girls, primarily as victims of conflict - not as potential dynamic actors in reconciliation, peace building or post-conflict reconstruction.

While the mandates of the various missions mandated by the Security Council may differ, each operation should conduct a gender analysis, have a plan for mainstreaming gender and an approach to incorporating information on women and men into the reports to the Security Council. "How does the impact of the conflict differ for men and women" and "do women and men have an equal share in the benefits and opportunities

supported by the mission" are just a few questions that should be addressed in all reports. Throughout all aspects of programme planning, implementation, monitoring and evaluation the mission should ensure gender equality.

Given the diversity of mission mandates, there is no blueprint or formula for reporting on gender perspectives in these reports. The aim would be to integrate information on men and women throughout the various sections of the report and, as appropriate, have a specific section on gender or women's issues.

**The text:** 18. Decides to remain actively seized of the matter."

**What it means:** This is a standard ending of many Security Council resolutions that is particularly significant when used with regard to country situations. According to Article 12 of the U.N. Charter, "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests." By remaining "seized of the matter," the 15-member Security Council is officially telling the 191-member General Assembly that it is engaged with the issue. When used in a thematic resolution, such as those on HIV/AIDS, children, the protection of civilians, and women, peace and security, the use of this phrase does not preclude other parts of the UN system addressing the issue, but indicates that the Security Council has recognized or elaborated the relevance of the issue to its particular mandate and responsibilities, and it remains on the agenda of the Security Council.