



## Women, Peace and Security: sexual violence in situations of armed conflict

### Expected Council Action

The US, which has the presidency in June, has advocated for an open thematic debate on “women, peace and security: sexual violence in situations of armed conflict.” Council members have now agreed to schedule this for 19 June. Secretary of State Condoleezza Rice is expected to chair the debate. It seems that Secretary-General Ban Ki-moon, Deputy Secretary-General Asha-Rose Migiro, Liberia Foreign Minister Olubanke King-Akerele and Major General Patrick Cammaert (former Force Commander of the UN Mission in the Democratic Republic of the Congo (MONUC)) will brief the Council.

In a concept paper, the US suggested several areas of focus for the debate:

- information gathering and reporting by the UN on the scope of sexual violence in armed conflict;
- prevention and protection through strengthening peacekeeping missions’ mandates; and
- accountability for perpetrators.

The US also emphasised what it sees as a link between sexual violence and instability which can undermine confidence in a peace process.

A draft resolution on sexual violence has been circulated by the US. At press time, the first draft included the following elements:

- the recognition that sexual violence, when used as a weapon of war, can significantly exacerbate armed conflict and, therefore, effective steps to prevent and respond to such violence would contribute to the maintenance of international peace and security;
- the demand that all parties to armed conflict should immediately cease acts of sexual violence and take measures to protect women and girls;
- the recognition that sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide and that ending impunity for such acts is important;

- the intention to consider targeted and graduated measures;
- a request to the Secretary-General to develop mechanisms to increase peacekeeping operations' ability to protect civilians including women and girls from sexual violence, including in refugee camps, to be reported in country-specific reports; and
- a request to the Secretary-General to submit a report to the Council by 31 June 2009 on implementation of this resolution, including an action plan for a mechanism to collect information on sexual violence in situations of armed conflict.

### **Key Recent Developments**

The UK held an arria formula meeting on 11 June on the role of peacekeepers in addressing sexual violence, with a view to identifying practical measures that can be taken by the Council. This followed a conference on the same topic held in the UK from 27 to 29 May at Wilton Park and jointly sponsored by the UN Development Fund for Women (UNIFEM) and the UN Department of Peacekeeping Operations. The speakers were: Lieutenant General Jasbir Singh Lidder, former Force Commander of the UN Mission in Sudan; Julienne Lusenge, Coordinator SOFEPADI-DRC (*Solidarité féminine pour la paix et le développement intégral*); and Victoria K. Holt, senior Associate and Co-Director of the Future of Peace Operations programme at the Henry L. Stimson Center. A number of non-governmental organisations emphasised the need for systematic quality and comprehensive data collection on sexual violence, the need to ensure accountability, and to link the issue of sexual violence with women's participation at all levels of peace efforts.

On 27-29 May in the UK, a Wilton Park conference was organised to discuss "Women targeted or affected by armed conflict: what role for military peacekeepers?" It seems that participants emphasised that although peacekeepers already do address the threats and effects of sexual violence, their responses tend to be on an ad hoc basis. In her keynote address, Kathleen Cravero, Director of UNDP's Bureau for Conflict Prevention and Recovery, said that the UN should establish sexual violence as a security issue, clarifying the circumstances under which sexual violence is a national and international security threat. She also argued that this should be reflected in mandates for peacekeeping missions. Other issues included: the challenge of data collection and how to bring data to the attention of force commanders and to the Council; reducing gender inequality; impunity and, in particular, the effect of amnesty and the role of the International Criminal Court (ICC); sexual violence as a method of warfare; peacekeeping mandates sometimes leaving too much room for interpretation; the training of peacekeepers; and the role of sanctions against perpetrators.

On 23 October 2007, the Council held an open debate on women, peace and security. A major focus both in briefings and in delegations' statement was the issue of sexual violence. Gender-based violence in situations of armed conflict was also strongly reflected in a presidential statement (S/PRST/2007/40) adopted by the Council at the end of the debate. The statement asked the Secretary-General to include in his next report due in October 2008, information on measures taken by member states to implement resolution 1325, information on the impact of armed conflict on women and girls "in situations that are on the agenda of the Council", and information on their protection and the enhancement of their role in peace processes. This was interpreted as a small but useful achievement because the Secretary-General's previous reports had been seen as focusing too much on implementation of resolution 1325 within the UN

system itself. In the presidential statement, the Council also said that it may request an oral briefing on progress of the report, and the upcoming open debate has been linked to that paragraph of the presidential statement. The Council also requested the Secretary-General to include in his reporting on situations of armed conflict: progress on gender mainstreaming in peacebuilding and peacekeeping missions, data on the impact of armed conflict on women and girls, including in instances of violence against them, and measures taken to protect women from gender-based violence. The Secretary-General, until then, had only dedicated a few lines to these issues in his country-specific reports. (This first attempt at “unpacking” resolution 1325 to specifically address sexual violence was only partly successful. Although there were strong references in the statement to sexual violence, they were always associated with other forms of violence against women, including killing, maiming, exploitation and abuse.)

On 1 October 2007, an Arria formula meeting was convened in preparation for the 23 October open debate. It was hosted by France and took place at the occasion of the visit to New York of the French Foreign Affairs and Human Rights Secretary Rama Yade. The theme of the meeting was the situation of women in armed conflict in Africa. Participants included former High Commissioner for Human Rights Mary Robinson and NGOs with accounts of sexual violence against women in Chad, Darfur and the DRC.

On 12 September 2007, the Secretary-General reported on women, peace and security. His report focused on progress achieved by the UN system-wide action plan for the implementation of resolution 1325 on women, peace and security across the UN system, for the period 1 July 2006-1 July 2007. The action plan includes obligations by UN entities to mainstream gender perspective—in particular, to increase women’s participation—in the following areas of UN activities:

- conflict prevention;
- peacemaking and peacebuilding;
- peacekeeping operations;
- humanitarian action;
- post-conflict reconstruction and rehabilitation; and
- disarmament, demobilisation and reintegration.

The Secretary-General also reported on progress achieved by UN agencies in preventing and responding to gender-based violence in armed conflict, with a focus on prevention and impunity, including when committed by UN personnel. Although he reported that progress had been made in all those areas, the Secretary-General identified that major challenges remained including incoherence, inadequate funding of gender-related projects, and lack of capacity for oversight and accountability as well as for gender mainstreaming. Finally, a major issue is the absence of linkage between actions reported by UN agencies and their direct impact on women.

An updated 2008-2009 action plan was also provided, in which activities would be consolidated into five thematic areas: prevention, participation, protection, relief and recovery, and normative issues. The Secretary-General also identified implementation strategies such as policy development, advocacy, capacity-building, partnership and networking, and provision of goods and services, with a results-based management framework. He also announced the creation of a database on good practices and lessons-learned for the implementation of the action plan.

Finally, he made a number of recommendations to the UN system and stakeholders, in particular:

- that member states in conflict and post-conflict situations develop national action plans to implement 1325;
- that the Secretary-General ensures the inclusion of progress in all country-specific reports to the Council; and
- the establishment of a Council mechanism to monitor national implementation of resolution 1325.

## **The Issue of sexual violence**

### **1. International framework**

International human rights law, humanitarian law and refugee law, including universal non-treaty standards specific to women, provide a body of rules to prevent violence against women, including sexual violence, in armed conflict. For instance:

- The 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War mentions in article 27 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 1974 Declaration on the Protection of Women and Children in Emergency and Armed Conflict, adopted by the General Assembly, represented the first recognition within the UN system of the need to address the specific threats to women in armed conflict—although it did not make a specific reference to sexual violence.
- In the 1977 Second Geneva Protocol, rape was specifically mentioned along with “enforced prostitution and indecent assault” as prohibited acts.
- The 1993 General Assembly Declaration on the elimination of violence against women condemns all violence against women including sexual violence.
- The 1995 Beijing Declaration and platform for action following the fourth world conference on women recognised that violence against women, including rape, sexual slavery and forced pregnancy is an obstacle to equality, development and peace.
- The 1998 Rome Statute of the ICC recognised rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity as war crimes and crimes against humanity when committed as part of a widespread or systematic attack on a civilian population, in times of peace as well as war, and by non-state actors as well as officials.

### **2. Recent developments within the UN**

In 2006, the Secretary-General submitted an in-depth study on all forms of violence against women mandated by the General Assembly (A/61/122/Add.1). At an interagency event at the occasion of International Women’s day in 2007, he said that the Council should develop a monitoring mechanism to improve its contribution to preventing and redressing violence against women in armed conflict.

A joint initiative was launched in 2006 by ten UN entities entitled UN Action against sexual violence in conflict, chaired by the UN Development Programme and the World Health

Organisation (WHO) to improve the quality of organisations' programming to better address sexual violence, reinforce coordination efforts among UN agencies for prevention and responses services and improve accountability.

The General Assembly on 7 February 2008 adopted resolution 62/134 without vote entitled "eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations." This was a US initiative, focusing on sexual violence whether or not committed during conflict, by state, non-state actors and private individuals. In particular, the resolution urged states to take special measures to protect women and girls from gender-based violence. It also requested the Secretary-General to report to the General Assembly at its next session on the implementation of the present resolution.

Finally, in February 2008 the Secretary-General launched a multi-year global campaign bringing together the UN, governments and civil society to end violence against women. He called it an issue that "cannot wait".

### 3. Security Council

Within the Council, there has been a growing awareness that sexual violence is becoming a prevalent factor in many conflict situations. Resolution 1325 on women, peace and security began to address this issue. It:

- recognised that an understanding of the impact of armed conflict on women and girls, their protection and participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security;
- called on 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; and
- emphasized the responsibility of all states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including when related to sexual and other violence against women and girls.

The Council has also recognised that the issue of sexual violence in conflict is in fact a subset of wider abuses against non combatants in conflict situations. Accordingly the Council has also addressed the issue within the framework of other themes, in particular:

- Resolution 1674 on protection of civilians condemned in the strongest terms all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and undertook to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact.
- The Secretary-General, in his latest report on protection of civilians in armed conflict, made specific recommendations on sexual violence, in particular:
  - the systematic provision of comprehensive information on sexual violence as an annex to all reports to the Council on peacekeeping operations and other relevant missions;
  - referring situations of grave incidents of sexual violence to the ICC and/or considering the imposition of targeted sanctions against states or non-state armed groups that perpetrate or support such crimes; and

- support the establishment of ad hoc judicial arrangements to address sexual violence, where necessary.
- The Secretary-General has recommended in his recent reports on children and armed conflict that the Council give equal weight to all categories of grave violations against children, including not only the recruitment and use of children, but also rape and other grave sexual violence. Country reports on children in armed conflict all have a section on rape and other forms of sexual violence.
- The Council has also addressed the issue of sexual exploitation and abuse by peacekeeping personnel in two separate meetings and in various country-specific reports and resolutions (see our *Update Report* of 20 February 2006).

Our research shows that from 1 November 2007 to 15 May 2008, out of 43 country reports to the Council, only 3 contained a special paragraph on sexual or gender-based violence, and out of the forty remaining reports, 15 made a reference to cases of sexual violence (particularly in the DRC). None had an annex with comprehensive information on sexual violence.

The Council has made some efforts in addressing sexual violence in specific conflict situations. MONUC has been cited as an example of a clear and well framed mandate for addressing sexual violence. Resolution 1794 of 21 December 2007:

- reiterated its call upon the Congolese authorities to bring to justice perpetrators of grave violations of human rights and of international humanitarian law, in particular sexual violence, and to establish a vetting mechanism to take into account when they select candidates for official positions the candidates' past actions with regard to international humanitarian law and human rights;
- provided MONUC with a specific mandate to pursue a comprehensive mission-wide strategy in close cooperation with the UN Country Team and other partners, to strengthen prevention, protection, and response to sexual violence, including through training for the Congolese security forces, and to regularly report, including in a separate annex if necessary, on actions taken in this regard, including factual data and trend analyses of the problem.

Resolution 1807 of 31 March imposed a travel ban and asset freeze on individuals operating in the DRC committing serious violations of international law including sexual violence against children and women.

But the Council has never taken up the issue of sexual violence in conflict as a major theme in its own right. The Council has condemned the use of sexual violence as a tool of warfare in resolution 1468 of 2003 on the DRC and subsequently referred to it in resolution 1493 of 2003 on the DRC, resolution 1509 of 2003 on Liberia and resolution 1590 of 2005 on the Sudan. Recognition of the systematic use of rape and other forms of sexual violence also appeared in the 23 October 2007 presidential statement on women, peace and security. However, it has always linked it to other types of violence. The idea of focusing on one aspect of resolution 1325 ("unpacking" the resolution) stems not only from the technical observation that the goals of 1325 have still not been achieved and that protection of women and girls from sexual violence remains an urgent priority, but more importantly, from the conclusion that in some conflicts sexual violence has been not so much an incidental by-product of war but rather an actual method of warfare.

The Council responded to the issue of children and armed conflict as a specific issue when it became clear that recruitment of children had become an actual method of conducting warfare. And this led to the Council's current work on children and armed conflict.

## Options

The Council could:

- affirm its commitment to provide specific mandates for peacekeeping operations to address sexual violence on an ad-hoc basis;
- request the Secretary-General to establish protection and response mechanisms for peacekeepers;
- request the Secretary-General to develop an action-plan for a mechanism to collect information on sexual violence and to report to the Council regularly;
- affirm its commitment to systematically address reports of sexual abuse in country-specific reports; and
- refer to the role of the ICC for accused perpetrators.

A more assertive approach might include the following options:

- establish a Council working group on sexual violence with the mandate to review information provided by the Secretary-General on instances of sexual violence in country-specific reports and make recommendations for Council action;
- request specific meetings between the Council and Special Representatives of the Secretary-General be convened to examine the components of country-specific reports related to gender-based violence.
- designate a Council member as a focal point or lead actor with the task to ensure that all Council discussions and outcomes include special consideration for sexual violence; and
- request a global report to the Council on gender-based violence in situations of armed conflict.

Another possible mechanism could include:

- an action plan to ensure permanent monitoring of the implementation of this resolution, or simply determine a date for a follow-up.

## Key Issues

### 1. Link between sexual violence and international peace and security

The link was first established in resolution 1296 on protection of civilians in armed conflict: the Council recognised that violence against civilians during armed conflict, especially women, children and other vulnerable groups, has an impact on durable peace, reconciliation and development. As seen above, in subsequent resolutions on the protection of civilians, the Council recognised and strongly condemned sexual violence, therefore it could be argued that a link was already indirectly established between sexual violence and peace and security. An issue, though, is whether to further strengthen language in the resolution (which currently only notes that sexual violence, when used as a method of warfare to deliberately target civilians, can exacerbate situations of armed conflict) and recognise that sexual violence as such can be a threat to peace and

security. It seems that some Council members, however, believe that there is no such link and therefore prefer restricting the Council's role.

2. Link between sexual violence and women's participation

An issue is whether the other main component of resolution 1325—the need to enhance women participation at all levels of peace efforts— should be mentioned or even reinforced in the resolution, as many believe that a link also exists between widespread sexual violence and women's participation.

3. Monitoring mechanisms

The Council, when it addressed the issue of children and armed conflict, followed a specific path: it first requested the Secretary-General to establish a monitoring and reporting mechanism to provide for a more systematic and coherent process for information gathering on children in armed conflict, then created a Council working group to review the reports on violations and make recommendations to the Council for specific action. The issue is whether following the same path for sexual violence would help implementing the women, peace and security agenda or whether, to the contrary, this would be an obstacle. There seems to be reluctance within the Council to reproduce the same scheme. Some Council members (Russia and China in particular) seem weary of the creation of other mechanisms to address thematic issues fearing that conflicts that are not currently on the agenda of the Council may end up being discussed.

4. Impunity

Accountability is a crucial component of any action to combat sexual violence. The current draft resolution addresses impunity but somewhat vaguely. An issue therefore may be whether to strengthen the provision and include a reference to ad-hoc tribunals and/or the ICC. A related issue is whether to strengthen language on the Council's intention to consider sanctions against perpetrators.

5. Peacekeeping mandates

An important issue is the possible strengthening and clarification of peacekeeping operations' mandates with regard to sexual violence. Until now peacekeepers have only provided protection from sexual violence on an ad-hoc basis, and with a flexible interpretation of their mandates. General principles to be used as a basis for concept of operations may be useful. Doctrine already exists for the protection of civilians (the Council usually refers to protection from imminent threat); responding to threats of or incidents of sexual violence necessitate a more specific mandate.

## **Council Dynamics**

It seems that during the first round of negotiations which was held on 6 June, a wide majority of Council members strongly supported the US draft resolution.

Russia and China have always had specific views on the issue of women, peace and security and these may be reflected in the ongoing discussions on the current draft resolution. During the October 2007 debate on women, peace and security, Russia said that an artificial connection between gender questions and questions under the exclusive purview of the Council would



impede the effective implementation of resolution 1325. Russia added that in its opinion there were attempts to promote the concept of responsibility to protect within the Council through the issue of sexual violence although responsibility to protect is an issue that first requires discussion within the General Assembly. Russia also said that it was important not to reduce the scope of resolution 1325 to the problem of sexual violence and ignoring other forms of violence against women, as with the issue of children and armed conflict, where there is a need to pay equal attention to all serious cases of violence against women and children, including murder and mutilation. Russia also rejected the Secretary-General's recommendations to create a new mechanism within the Council to monitor the implementation of resolution 1325 on a national level as it would exacerbate the problem of duplication and lack of coherence. During the same debate China said that the work of the Council on women's issues should not duplicate or seek to replace the work and mandate of other UN organs such as the General Assembly, the Economic and Social Council, the Human Rights Council and the Peacebuilding Commission. Both Russia and China proved reluctant to address specific measures to be included in the presidential statement adopted on 24 October.

During the first two rounds of negotiations on the current draft, it seems that the format also became an issue. China and Russia argued that a Council presidential statement would be sufficient. They also seem to have concerns with the establishment of a new mechanism. Others such as Indonesia and Vietnam share the same analysis.

The European and Latin American members of the Council seem to support reporting, monitoring and protection mechanisms and to believe that the language on impunity should be strengthened with a reference to the role for the ICC (Costa Rica in particular). They also believe that the Council should more directly indicate its willingness to adopt sanctions against perpetrators. The US by contrast may be hesitant about such amendments and Libya seems to have reservations as well. Making a link between sexual violence and women's participation in peace processes also is a priority.

## UN Documents

### Selected Resolutions

- S/RES/1807 (31 March 2008) imposed sanctions against individuals involved in serious violations on international law including sexual violence in the DRC.
- S/RES/1794 (21 December 2007) requested MONUC to pursue a mission-wide strategy to strengthen prevention, protection and response to sexual violence and to regularly report on actions taken and progress achieved.
- S/RES/1674 (28 April 2006) reiterated the link between violence against civilians and peace and security, condemned in the strongest terms all sexual and other forms of violence committed against civilians in armed conflict, in particular women and children, and undertook to ensure that all peace support operations employ all feasible measures to prevent such violence and to address its impact.
- S/RES/1590 (24 March 2005) on the Sudan recalled the need to address violence against women and girls as a tool of warfare.

- S/RES/1509 (19 September 2003) on Liberia recalled the need to address violence against women and girls as a tool of warfare.
- S/RES/1493 (28 July 2003) on the DRC recalled the need to address violence against women and girls as a tool of warfare.
- S/RES/1468 (20 March 2003) condemned the massacres and other systematic violations of International Humanitarian Law and human rights perpetrated in the DRC, in particular sexual violence against women and girls as a tool of warfare.
- S/RES/1325 (31 October 2000) was the resolution on women, peace and security, in particular expressing the Council's willingness to incorporate a gender perspective into peacekeeping missions, calling on all parties to protect women and girls from gender-based violence and to put an end to impunity for such crimes.
- S/RES/1296 (19 April 2000) on protection of civilians in armed conflict, established a link between violence against civilians during armed conflict, especially women, children and other vulnerable groups, and peace.

#### **Latest Council Presidential Statements**

- S/PRST/2008/18 (27 May 2008) was the latest statement on the protection of civilian in armed conflict, expressing its deepest concern that civilians continue to account for the majority of victims of acts of violence committed by parties to armed conflicts, including as a result of sexual and gender based violence.
- S/PRST/2007/40 (23 October 2007) was the latest statement on women, peace and security.

#### **Latest Secretary-General's reports**

- S/2007/643 (28 October 2007) was the latest report on the protection of civilians in armed conflict.
- S/2007/567 (12 September 2007) was the latest report on women, peace and security.

#### **Other**

- S/2008/364 (4 June 2008) was a letter from the US enclosing a concept paper for the 19 June Council debate on "Women, peace and security: sexual violence in situations of armed conflict."
- S/PV.5766 and S/PV.5766 resumption 1 (23 October 2007) was the record of the last Council open debate on women, peace and security.
- A/RES/62/134 (7 February 2008) was a General Assembly resolution on the elimination of rape and other forms of sexual violence in all their manifestations, including in conflict and related situations.
- A/61/122/Add.1 (6 July 2006) was a Secretary-General in-depth study on all forms of violence against women.
- A/RES/48/104 (20 December 1993) was the General Assembly Declaration on the elimination of violence against women.

## Useful Additional Sources

- Office of the UN Special Adviser on Gender Issues and the Advancement of Women, Department of Economic and Social Affairs  
<http://www.un.org/womenwatch/osagi/>
- Sexual violence portal, WHO  
[http://www.who.int/gender/violence/sexual\\_violence/en/index.html](http://www.who.int/gender/violence/sexual_violence/en/index.html)
- Violence against women portal, UNIFEM  
[http://www.unifem.org/gender\\_issues/violence\\_against\\_women/](http://www.unifem.org/gender_issues/violence_against_women/)
- Stop Rape Now, UN action against sexual violence in conflict  
<http://www.stoprapenow.org/>
- “Violence against women in armed conflict: making rights a reality” A guide to international legal standards relating to violence against women in armed conflict, Amnesty International, 1 July 2005  
<http://www.amnesty.org/en/library/info/ACT77/050/2005>