

Security Council Resolution 1820



Women, Peace and Security



Overview:



- Background – **women** and the **changing face of war**
- **Content** and **purpose** of SCR 1820
- **Key elements** of operative paragraphs
- **Complementarity** with SCR 1325; GA Res 62/134; other instruments
- **Reactions** and arising issues of concern
- **Implementation** and **reporting**

Women & War:



- Wartime sexual violence has been one of history's greatest silences (*Women, War, Peace*).
- Civilians account for the vast majority of victims in contemporary “wars among the people”; those *least* empowered suffer *most*.
- Sexual violence under the radar of national, regional, international security institutions – challenges conventional notions of “a security threat”; side-lined as a “gender/women’s issue”; invisible; under-reported; a “random, private, inevitable by-product of war”.
- Evidence suggests increasing scale and brutality of sexual violence: Dr Mukwege of Panzi Hospital, DRC, called it “*the monstrosity of our century*”.
- Historical absence of formal accountability – communities blame/shame victims.
- Women/girls targeted as a tactic of war to humiliate, dominate, instil fear in, punish, disperse and/or forcibly relocate members of a community/ethnic group.
- Sexual violence exacerbates conflict; perpetuates insecurity in the wake of war.
- Spectrum of sexual violence offences included in *Rome Statute of the International Criminal Court*; International Criminal Tribunals for the former Yugoslavia (ICTY), Rwanda (ICTR).
- Sexual violence holds entire communities hostage: economic, social, cultural, inter-generational impact – women cannot access water-points/markets; children cannot safely get to school; fuels vicious cycles of reprisal; “war babies” ostracised.

Historical Backdrop:

- **20,000 – 50,000** women raped during war in Bosnia and Herzegovina, early 1990s.
- **250,000 – 500,000** women raped during 1994 Rwandan genocide.
- **50,000 – 64,000** internally displaced women in Sierra Leone sexually attacked by combatants.
- An average of **40** women raped every day in South Kivu, DRC.



The Challenge:



- **USG Jan Egeland, 2005:** *“The recurrent use of sexual violence is arguably one of the worst global protection challenges due to its scale, prevalence and profound impact.”*
- **USG Jan Egeland, 2006:** *“I am outraged at our almost complete inability to address this scourge.”*
- **USG Jean-Marie Guehenno, 2007:** *“If we look at the range of interventions necessary to address sexual violence in conflict and post-conflict situations, it becomes clear how pressing is the need for a concerted and integrated approach.”*
- **UN S-G Ban Ki-moon, 2007:** *“In no other area is our collective failure to ensure effective protection for civilians more apparent...than in terms of the masses of women and girls, but also boys and men, whose lives are destroyed each year by sexual violence perpetrated in conflict.”*
- **Maj. Gen. Patrick Cammaert, 2008:** *“It is now more dangerous to be a woman than to be a soldier in modern conflict.”*
- **ASG Kathleen Cravero, 2008:** *“Rape is too often seen as “collateral damage” of conflicts...we are missing the point: rape is a crime and must be stopped.”*

3 Distinct Sexual Violence Environments:

Widespread & Systematic	Widespread & Opportunistic	Isolated & random/relational
Deployed as a method of warfare by armed groups.	Armed groups and ordinary civilians exploit conflict and chaos to attack women.	Domestic criminal matter, unrelated to political strategy or to international peace and security.
Requires disciplinary measures by belligerents and peacekeeping efforts to prevent, deter, respond to attacks, attuned to violence in unconventional physical space/ time.	Requires integrated mission response; efforts to encourage domestic judicial/ security system to prioritize prevention, protection, prosecution.	Requires a national law and order response; public information campaigns to raise awareness of women's rights, etc.

Purpose & Response:



- US statement of intent in sponsoring SCR 1820: *“This world body now acknowledges that sexual violence in conflict zones is indeed a security concern. We affirm that sexual violence profoundly affects not only the health and safety of women, but the economic and social stability of their nations”* – US Secretary of State, Condoleeza Rice, 19 June 2008.
- Aimed to end – once and for all – debate on whether sexual violence is within the remit of the world’s paramount security institution.
- Broad support base: unanimously adopted, 50 co-sponsors.
- Statements by 42 countries; 27 expressly referenced the ICC/ending impunity.
- Open Debate: countries described implementation of SCR 1325 as “uneven”: progress evident in some areas, yet sexual violence prevention/ response remains weak.
- Resounding recognition that peace cannot be built on women’s silent suffering – as long as women/girls live under this threat, security will remain elusive.
- High-level, principled signal that sexual violence is a peacekeeping priority.
- Raises the political, military and economic cost of such crimes: Sexual violence has been a tactic of choice for armed groups – cheaper, more destructive, easier to get away with than other methods of warfare – until now.

4 Key Elements:



1. Explicitly links sexual violence as a tactic of war with the maintenance of international peace and security. It will no longer be possible to portray rape in war as an issue that does not warrant the Council's attention.
2. To recognise sexual violence as a security issue is to justify a security response. The Council now has a clear mandate to intervene, including through sanctions and empowering field staff. Requesting a comprehensive report from the S-G on implementation and strategies for improving information flow to the Council, means better data to inform better responses.
3. Demands parties to armed conflict to adopt concrete protection/prevention measures to end sexual violence, including training troops, enforcing military discipline, upholding command responsibility, vetting past perpetrators.
4. Asserts the importance of women's participation in all processes related to ending sexual violence in conflict, including peace talks.

Other Elements:



- Affirms legal status of sexual violence as a war crime, crime against humanity and constituent act of genocide, in certain circumstances [OP 4]
- Calls for effective guidelines to help peacekeepers respond [OP 9]
- Requires exclusion of sexual violence from any amnesties reached at the end of conflict [OP 4] – States must prosecute or extradite alleged offenders
- Calls for States to strengthen their judicial and health-care systems to better support survivors/ capacity-building for sustainable assistance [OP 13]
- S-G to strengthen efforts to implement “zero tolerance” policy on sexual exploitation and abuse [OP 7]; include protection of women/girls in country-specific reports [OP 9]; increase percentage of women peacekeepers [OP 8]
- S-G/UN agencies, through consultation with women, to develop protection mechanisms in/around camps; during DDR; in justice/SSR processes [OP 10]
- Peacebuilding Commission to include strategies for addressing sexual violence in advice and recommendations [OP 11]

Complementarity:



- Reaffirms commitment to continuing and full implementation of:
 - SCR 1325 (2000) on *Women, Peace and Security*;
 - SCR 1612 (2005) on *Children and Armed Conflict*;
 - SCR 1674 (2006) on *Protection of Civilians in Armed Conflict*;
 - 2005 *World Summit Outcome Document* (resolves, *inter alia*, to eliminate all forms of violence against women and girls);
 - International humanitarian law (e.g. 1949 *Geneva Conventions*; 1977 *Additional Protocols*);
 - International human rights law (e.g. *Convention on the Elimination of All Forms of Discrimination against Women*; the *Convention on the Rights of the Child*);
 - 1995 *Beijing Declaration and Platform for Action* (Section E).
- SCR 1820 covers countries on the Council's agenda; other countries:
 - GA Res 62/134 (2007) on *Eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations*.
- Also relevant:
 - 1994 International Conference on Population and Development;
 - 2006 Report of the Secretary-General, *In-depth study on all forms of violence against women*.

What does 1820 Add to 1325?

SCR 1325

- First SCR to link women to the peace and security agenda: addressing the impact of war on women and their contribution to conflict resolution and sustainable peace
- Avoid amnesty “where feasible” [OP 11]
- Training on protection rights and needs of women [OP 6]
- Need to maintain civilian character of refugee/IDP camps and design them in a way that helps prevent sexual violence [OP 12]
- No reference to sanctions for perpetrators; mentions impact of sanctions on women [OP 14]
- No strategy for improving information-flow to the Council
- “Special measures” to protect women and girls from SGBV [OP 10]
- No mention of coordination
- No reference to root causes of war-time rape
- No reference to Peacebuilding Commission (est. 2005)

SCR 1820

- First SCR to recognise sexual violence as a self-standing security issue, linked with reconciliation and durable peace
- Exclusion of sexual violence crimes from amnesty provisions [OP 4]
- Specific training of troops on categorical prohibition of sexual violence [OP 3; 6; 7]
- Develop mechanism for protecting women/girls in/around UN-managed camps [OP 10]
- Sexual violence relevant to country-specific sanctions regimes [OP 5]
- Global report due 30 June 2009 [OP 15]
- Itemises measures that can concretely improve protection and assistance [OP 13]
- Welcomes coordination efforts of UN Action Against Sexual Violence in Conflict [pp xiv]
- Scope for addressing root causes: “debunking myths that fuel sexual violence” [OP 3]
- Peacebuilding Commission to advise on ways to address sexual violence [OP11]

Civil Society Response:



- **Letter from coalition of 71 women's groups in DRC to the Council (June 12, 2008, Kinshasa) signals resolution's significance for women:**
"...while we applaud your recent condemnation of the sexual violence we suffer, and your actions in that regard, we remind you that we have suffered for decades without any notable action on your part. You must ensure that this situation will never repeat itself in Congo or elsewhere. The Security Council cannot keep silent while thousands of women suffer indescribable sexual violence."
- **Human Rights Watch (June 19, 2008) called the resolution:**
"a historic achievement for a body that has all too often ignored the plight of women and girls in conflict"; "applauds the council for setting out in the resolution a clear path to systematic information-gathering on sexual violence. Until now, [it] has only asked for information on such violence in selected cases."
- **NGO Working Group on Women, Peace & Security (June 19, 2008) stated:**
"we are glad that the UN's most powerful body has now recognised what many women worldwide have argued for so long: stopping sexual violence in conflict zones is important to the maintenance of international peace and security."

Arising Issues of Concern:

1. *Will the focus on sexual violence risk fracturing SCR 1325, portraying women as victims and obscuring other forms of civilian suffering?*

2. *In saying that sexual violence ‘can’ constitute a war crime, crime against humanity or constituent act of genocide, does 1820 dilute existing international law?*

1. 1325 and 1820 are mutually-reinforcing. 1820 is a focused response to a weak area of 1325 implementation. Positioning sexual violence as a security issue broadens its constituency making it easier to engage security actors for meaningful impact. While situated within the protection of civilians agenda, sexual violence has characteristics that make it particularly difficult to address: shrouded in silence and shame; less visible on the battlefield than other injuries. By recognising sexual violence as crime of concern to the international community, 1820 signals that women should never bear the blame/shame of rape. Mandate authorizations/renewals should now systematically empower peacekeepers to respond with the same alacrity as they would to any other atrocity. 1820 links sexual violence prevention with women’s participation in peace processes, stressing women’s leadership and participation [OP 3; 10; 11; 12]

2. 1820 brings policy squarely into alignment with international law. ‘Can constitute’ is also the language used in GA Res 62/134. Under the *Rome Statute of the ICC*, whether sexual violence amounts to a war crime, crime against humanity or form of genocide, depends on the elements of the offence, e.g., for sexual violence to constitute a crime against humanity, it must first be shown to have been committed as part of a widespread, systematic attack against the civilian population.

Arising Issues of Concern:

- 3. Why is the focus limited to countries on the Council's agenda?*
 - 4. Women don't need another resolution, but rather full implementation of SCR 1325.*
 - 5. Why wasn't the process more consultative and transparent?*
 - 6. Why did the debate focus only on Africa when women also suffer sexual violence in other regions?*
3. Systematically considering sexual violence in relation to all countries on the Council's agenda would be significant progress. This formula serves to distinguish conflict-related rape from domestic criminal matters, as the Council can only consider situations related to its mandate. Sexual violence in other settings must continue to be addressed elsewhere in the UN system and by governments. These other settings fall within the scope of GA Res 62/134, which is an important complement to 1820.
 4. 1820 reminds the world of 1325's aims, moving beyond the commemorative October debate and into peacekeeping operations. Implementing 1820 would bolster the weakest pillar of 1325: sexual violence prevention and response. By outlining targeted, concrete actions and calling for improved information-flow, it also advances implementation of 1325.
 5. Council processes are not always open to civil society, though briefings did occur through the 'Friends of 1325' and Arria formula meeting. The resolution itself calls for collaboration: the requested study invites input from the UN's NGO partners [OP 15].
 6. While the contexts most frequently cited were DRC and Darfur, some Asian countries were also spotlighted. Sexual violence prevention and the protection of women/girls has been recognised as endemic to armed conflict and should be regarded as part of any comprehensive conflict-resolution strategy.

Media Commentary:



- Advocacy groups pushed the issue back onto the council agenda after China, Russia and South Africa said last year that sexual violence was an unfortunate byproduct of war and one that was addressed by a number of UN agencies, but was not a matter of international peace and security.
 - *Los Angeles Times*, 20 June 2008
- [Backers of the resolution] argue that if the Security Council defines the issue as a security matter – as it has done with issues such as climate change and AIDS – the resolution would fill a "doctrinal gap" and give peacekeepers the high-level, principled support needed.
 - Reuters Africa, 30 May 2008
- The resolution demands that all parties immediately stop sexual violence against civilians and begin taking measures, from the training of troops and upholding of military discipline procedures, to protect women and girls.
 - UN News Centre, 19 June 2008
- This session, sponsored by the United States and backed by a Security Council resolution calling for regular follow-up reports, just may help mass rape graduate from an unmentionable to a serious foreign policy issue.
 - *The New York Times*, 15 June 2008

Governmental Statements:

- **South Africa** called for “the silence” around sexual violence to be broken, saying many women were afraid to speak out about their ordeal because they were so traumatized and stigmatized by the crimes they endured.
- **China** backed the Secretary-General’s zero-tolerance policy against sexual exploitation and abuse and urged troop-contributing countries to boost their training and monitoring of blue helmets.
- **DRC** said sexual violence was leading to the “feminization of poverty”, meaning women were no longer able to work the land or work at all. The Government is trying to introduce a range of measures – economic, security, psychosocial – to ameliorate the situation.
- On behalf of the **EU**, **Slovenia** stressed the need for gender-sensitive post-conflict reconstruction, including awareness-training for judges and increased efforts to ensure that women’s voices are heard in decision-making processes.

Implementation & Reporting:

- Establishes UN procedures to monitor sexual violence in armed conflict.
- Requests that the S-G prepare an action plan for collecting information on the use of sexual violence in armed conflict and reporting that information periodically to the Council.
- Calls for the S-G to report on implementation in one year: including a list of conflicts where sexual violence is widely-used, and a list of measures to help minimise the risk.
- Calls for the S-G to formulate guidelines to improve the ability of peacekeepers to protect women and children from all forms of sexual violence.
- Calls for the S-G to systematically include observations and recommendations related to the protection of women and girls in written reports to the Council .
- Urges the UN to impose sanctions on violators.
- Requires strong, specific mandates: 18, MONUC mandate extension, SC Res 1794, 2007 should serve as a precedent for future mandates.

Practical Challenges:

- Engaging non-State actors/rebel groups
- Establishing command responsibility for rape
- Absence of a mechanism: no appetite to replicate the working group on children and armed conflict
- Building public trust in post-conflict institutions – perpetrators of rape become charged with public protection
- Normalisation of rape as chronic social problem, including by demobilised combatants
- Threat of SGBV as a barrier to participation in public life
- Gender balance among peacekeeping personnel vital to achieving mission objectives/ community liaison
- Sexual violence statistics notoriously unreliable
- Humanitarian access/proximity to victims: the world's least visible people, in the world's least accessible places
- Peacekeepers increasingly mandated to protect civilians – this must be matched with resolve and resources
- Logistical, infrastructure challenges, varied terrain, splintered armed factions
- Human Rights Watch, 15 June 2008: “Rape in War: Will the United Nations Walk its Talk?” While the UN is now legally empowered to provide information, it still needs to be appropriately structured and resourced to do so. The resolution asks the S-G for a lasting solution.



Key Messages:

- 1820 is an essential supporting element for full implementation of 1325.
- Sexual violence in conflict can never again be dismissed as ‘collateral damage’.
- Sexual violence can be prevented through effective military/police tactics and efforts to end impunity.
- Women’s physical security – *even in the midst of war* – is a right in itself and a pre-requisite to the realisation of all other rights.
- Sexual violence prevention is inseparable from the empowerment of women. Women must be consulted and closely involved in all measures taken on their behalf.
- Sexual violence prevention and punishment is an *obligation*, not an *aspiration*.

Stop Rape Now

www.stoprapenow.org

