

REPORT
ON
UNSC MECHANISMS AND ACTIONS
FOR
THE IMPLEMENTATION OF UNSCR 1820

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LIST OF ACRONYMS

AU	African Union
DDR	Disarmament, Demobilization and Reintegration
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ECOWAS	Economic Organization of West African States
GEST	Gender Expert and Support Team
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IDPS	Internally Displaced Persons
MONUC	United Nations Mission in the Democratic Republic of the Congo
NGOS	Non Governmental Organizations
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PBC	Peacebuilding Commission
PKO	Peacekeeping Operation
POC	Protection of Civilians
RRM	Rapid Response Mechanism
R2P	Responsibility to Protect
SRSG	Special Representative to the Secretary-General
SSR	Security Sector Reform
SV	Sexual Violence
SVC	Sexual Violence in Conflict
TCCS	Troop-Contributing Countries
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNMIL	United Nations Mission in Liberia
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
UNSG	United Nations Secretary-General
WG	Working Group

I. PURPOSE AND SCOPE OF THE REPORT

The following report has been prepared in order to address the role of the United Nations Security Council (UNSC) in implementing United Nations Security Council Resolution (UNSCR) 1820 of 19 June 2008 on Sexual Violence in Conflict (SVC). UNSCR 1820 has emphasized the link between sexual violence in conflict and the maintenance of international peace and security — primary objective of the UNSC. Although the linking of women to the international peace and security agenda first appeared in UNSCR 1325 of 31 October 2000, UNSCR 1820 goes further. It is the first UNSCR to recognize sexual violence in conflict as a self-standing international security issue; moreover, it constitutes an attempt to take implementation seriously since it “requests the Secretary-General to submit a report to the Council by 30 June 2009 on the implementation of this resolution in the context of situations which are on the agenda of the Council.”¹

II. MAIN CHALLENGES CONFRONTING UNSC MECHANISMS AND ACTIONS

Any efforts to advance protection issues via the UNSC will have to take into considerations certain problems in the UNSC and the corresponding challenges that affect its mechanisms. These are:

Concerns about Participation, Transparency and Accountability: Beginning in the early 1990’s, there has been a substantial increase in the workload of the UNSC. This increase has had an adverse “impact on the willingness and capacity of members to accommodate new ideas, especially if those ideas would place additional time burdens on the shoulders of already overworked delegations and Secretariat staff.”² As a response to this heavy workload, the UNSC has been delegating parts of substantive issues to subsidiary bodies (working groups, informal groups of experts, e.t.c.). This “delegation” trend, however, has reinforced long-standing concerns about transparency and accountability in the mechanisms and processes of the UNSC. The World Outcome Summit Document (2005) recommended that the UNSC “adapt its working methods so as to increase the involvement of States not members of the Council in its work, as appropriate, enhance its accountability to the membership and increase the transparency of its work.”³ The UNSC has tried to address some of these issues through its Informal Working Group on Documentation and other Procedural Questions, but, so far, with limited success.

Resources: The implementation of 1820 cannot be achieved at the current level of resource allocation. Absent a flag agency with the clout and the resources of UNICEF

¹ UNSCR 1820 (2008): Operative paragraph 15.

² Security Council Report. Special Research Report. *Security Council Transparency, Legitimacy and Effectiveness: Efforts to Reform Council Working Methods* 1993-2007, 18 October 2007, p.11.

³ United Nations General Assembly Resolution 60/1, 2005 World Summit Outcome, 24 October 2005.

(for the protection of children), effective implementation of 1820 is highly problematic. Scarce resources will continue to be an issue in the near future, and some of the main contributors to the UN system (especially Japan) will insist that whatever initiatives are undertaken should be accommodated within existing resources.

Intersections between the protection agenda and Responsibility to Protect (R2P):

Several UNSC members will see any attempt at effective implementation of the protection agenda as a potential trigger for R2P-related intrusive action.

III. FURTHERING THE IMPLEMENTATION OF UNSCR 1820: UNSC SUBSIDIARY BODIES/MECHANISMS AND ACTIONS

Among the subsidiary bodies/mechanisms of the UNSC, the following are the ones that can play a relevant role in implementing UNSCR 1820:

RELEVANT UNSC SUBSIDIARY BODIES/MECHANISMS

- **Working Group on Conflict Prevention and Resolution in Africa**
- **Working Group on Peacekeeping**
- **Working Group on Sanctions**
- **Working Group on Children and Armed Conflict**
- **Sanctions Committees** especially those that relate to countries in which Peacekeeping missions with a Protection of Civilians (POC) mandate have been established. For example:
 - **MONUC (DRC)**
 - **MINURCAT (Chad and Central African Republic)**
 - **UNAMID (African Union/United Nations Hybrid Operation in Darfur)**
 - **UNMIL (Liberia)**
 - **UNMIS (Sudan)**
 - **UNOCI (Côte D'Ivoire)**
- **Peacebuilding Commission**
- **Group of Experts**
 - **Formal**
 - **Informal.** For example, the informal group of experts on POC which met for the first time at the beginning of this year.
- **Ad Hoc Tribunals**
 - **ICTY (International Criminal Tribunal for the Former Yugoslavia)**
 - **ICTR (International Criminal Tribunal for Rwanda)**

Given the dynamics within the UNSC, as well as the aforementioned challenges, the available subsidiary bodies/mechanisms and actions should cover a spectrum ranging from less intrusive/consensual to more intrusive/non-consensual mechanisms, processes and actions. The UNSC tool box provides a range of options which should be used with four overarching concerns in mind: (1) creation of multiple entry points into the protection of civilians/sexual violence agenda, so as to maximize the multiplier effects of the ensuing intersections (see Appendix A); (2) emphasis on less intrusive/consensual mechanisms and initiatives; (3) substantive correspondence

between UNSC decisions and field operations; and (4) fostering a sense of participation in and ownership of resulting initiatives among non-UNSC entities, including regional and subregional organizations.

What follows is a brief discussion of the relevant UNSC mechanisms and actions that could contribute to the implementation of UNSC 1820:

Expert Group on the Protection of Civilians. The Expert Group recently held its first meeting in which 14 out of the 15 UNSC members participated. The purpose of this group, whose establishment was recommended in the UN Secretary-General's sixth report on the protection of civilians, is to "facilitate a comprehensive and consistent approach to the protection of civilians in all circumstances."⁴ The expert group is expected to work closely with OCHA on protection issues, especially in the context of the establishment and renewal of peacekeeping mandates. Key document in this interaction is the recently issued third edition of OCHA's Aide Memoire⁵ which resulted from ongoing consultations between the UNSC, OCHA, other UN departments and agencies and humanitarian organizations. The Aide Memoire has extensive references to protection concerns relating to children and women affected by armed conflict, as well as to the full involvement of women in the prevention and resolution of armed conflict. In addition to strengthening the links among UNSC-OCHA-humanitarian organizations, this Aide Memoire should inform the work of the UNSC Working Group on Peacekeeping Operations.

Potential spill-over effects: promote the idea of using the Children and Armed Conflict agenda as an entry point for monitoring and reporting initiatives in the area of sexual violence (more on this on the Working Group on Children and Armed Conflict). Last, but not least, the Expert Group should be encouraged to hold regular Arria-Formula meetings with UN entities and civil society actors, especially prior to UNSC open debates on POC-related issues.

Working Group on Children and Armed Conflict (UNSCR 1612). By all accounts the main, if not the only, success story in the realm of the protection agenda (though the most noticeable achievement, the release of 1,200 children to UNICEF in Côte d'Ivoire antedates the activities of the 1612 mechanism). Main reasons cited for this positive assessment: (1) System-wide action plan to stop recruitment of children (trigger) and other violations. It provides for a monitoring and reporting mechanism; (2) Data collection by UNICEF in collaboration with DPKO, UNDP, NGOs and other civil society groups; (3) Working group chaired until recently by a permanent member (France) which could devote energy and resources to this task (we were told that the French Mission had assigned two staff members on an almost full-time basis on this issue). Effective January 2009, the WG is chaired by Mexico; (4) UNSG's report to the UNSC

⁴ UNSC Open Debate on the Protection of Civilians in Armed Conflict. *Statement by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs*, 14 January 2009.

⁵ Office for the Coordination of Humanitarian Affairs (OCHA) *Protection of Civilians in Armed Conflict. Aide Memoire for the consideration of issues pertaining to the protection of civilians in armed conflict*, S/PRST/2009/1.

which includes two annexes of parties in violation of the provisions of 1612; and (5) important advocacy focal point in the UN system (SRSG for Children and Armed Conflict). Potential use of this mechanism for sexual violence issues: expand the trigger to include sexual violence as a basis for monitoring and reporting. It would constitute an entry point for data collection, monitoring and reporting, and the multiplier effect could be quite substantial. In particular, it would mainstream sexual violence concerns and would make it increasingly difficult to argue that these concerns should stop once the vulnerable reach adulthood.

Ad Hoc Working Group on Conflict Prevention and Resolution in Africa. This group currently chaired by Uganda, though not very active, does have a potential for several reasons: (1) its very emphasis on proactive protective initiatives. A key aspect of its mandate is to offer recommendations to the UNSC to enhance cooperation in conflict prevention and resolution (while conflict prevention and the prevention of mass atrocities are not the same, most mass atrocities do take place in the context of conflict situations); (2) This cooperation is expected to materialize in the context of growing interactions between the UN and regional (African Union) and subregional organizations (ECOWAS). Cooperation with regional organizations constitutes a key thematic concern of the UNSC; (3) many of the conflicts characterized by high rates of sexual violence have taken place in Africa (a few examples: in Sierra Leone, more than 50,000 internally displaced women have been victimized by combatants; in Rwanda, it is estimated that between 250,000-500,000 women were raped during the genocide; and in DRC, an average of 40 women are raped every day in South Kivu and 350 rape cases are reported every month in North Kivu);⁶ and (4) it has recently devoted a substantive meeting to R2P with the intention of rendering the concept less “radioactive.” In proposing the meeting, the then Chair of the WG (the Permanent Representative from South Africa) felt “that conflict prevention, a critical component of the responsibility to protect, was not being adequately addressed.”⁷ The WG’s focus on R2P ties in with one of our key recommendations relating to the intersections between R2P and the protection agenda.

Peacebuilding Commission (PBC). PBC can be a useful forum for substantive as well as procedural reasons. First, the PBC has a major role in Security Sector Reform (SSR) initiatives. The UNSC is increasingly including matters relating to SSR in its mandates (examples include Burundi, Sierra Leone, DRC, Côte d’Ivoire, Kosovo, Liberia, Haiti, Timor Leste, and Sudan; Burundi, Sierra Leone, Côte d’Ivoire, Liberia, and Haiti are also receiving assistance from the PBC fund). The potential role of the PBC is also highlighted in op. 11 of UNSC 1820 (“important role the PBC can play by including...ways to address sexual violence committed during and in the aftermath of armed conflict.”). Moreover, the PBC has issued provisional guidelines for the participation of civil society in its formal, as well as informal, meetings. In its Guidelines, the PCB reaffirms “the important role of women and women’s organizations in the

⁶ These figures are drawn from Letitia Anderson, *When is sexual violence a threat to international peace and security?* presentation at the Graduate Center Human Rights Seminar Series, February 23, 2009.

⁷ United Nations Security Council, *Report on the activities of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa for the period 2008*, S/2008/836, 31 December 2008.

prevention and resolution of conflicts and in peacebuilding, and stresses the importance of their equal participation and full investment in all relevant peacebuilding efforts.”⁸

Working Group on Peacekeeping Operations. Currently chaired by Japan, this is another group that has not been very active but has some potential. Last year, its main activity was an informal meeting to exchange views on issues relating to the United Nations Mission in Ethiopia and Eritrea (UNMEE). However, it can play a role in the major review that DPKO is conducting this year. According to Under Secretary-General Alain Le Roy, one of the major challenges that PKOs face is “the requirement to use force to protect civilians in areas beset by continuing conflict such as Darfur and the eastern Democratic Republic of the Congo (DRC).”⁹ This major review process would be an opportunity for substantive input on mandates and resources relating to civilian protection issues in PKOs.

The Ad Hoc International Tribunals (ICTY and ICTR). Although both tribunals have issued completion strategies and they are supposed to be phased out within the next two to three years, they can play an important role in promoting accountability for perpetrators of acts of sexual violence. Key initiatives: in line with its completion strategy, the ICTY is preparing, in collaboration with the UN Interregional Crime and Justice Research Institute, a compilation of the Tribunal’s best practices. Likewise, and as part of its completion strategy, the ICTR has stepped up capacity-building programs for the judiciary in Rwanda, and “has put in place a joint archives strategy with the ICTY, UN Headquarters and the main stakeholders.”¹⁰ The ICTY’s best practices initiative, as well as the joint ICTY-ICTR archives strategy constitute an important repository of knowledge for accountability stakeholders (for example, in the form of information necessary for preparing indictments, for developing effective prosecuting strategies, and for ensuring due process in criminal proceedings, among others) Potential beneficiaries could include UN-led rule of law and security sector reform (SSR) initiatives (for example, initiatives developed by the PBC), national judiciaries, and national human rights institutions.

Informal Working Group on General Issues of Sanctions. This group dealt with a variety of issues relating to sanctions including working methods of sanctions committees and inter-committee coordination; pre and post-assessment reports; monitoring and enforcement of sanctions; and adverse impact of sanctions. In 2006, the UNSC noted in a resolution that the WG had completed its agenda. While this is not true, it does not seem likely that the group will be reactivated anytime soon. However, there are several **country-specific sanctions committees** whose work is relevant in accordance with op. 5 of UNSCR 1820 (“affirms its intention, when establishing and renewing state-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated measures against parties...who commit

⁸ United Nations Peacebuilding Commission, *Provisional guidelines for the participation of civil society in meetings of the Peacebuilding Commission, submitted by the Chairperson on the basis of informal consultations*; PBC/1/OC/12, 4 June 2007.

⁹ UN News Service, *Peacekeeping under severe strain, to undergo thorough review*, 23 February 2009.

¹⁰ United Nations Report of the Security Council 1 August 2007-31 July 2008, A/63/2/2008, p. 227.

rape and other forms of sexual violence against women and girls in situations of armed conflict”).

A good example of the latter is UNSCR resolution 1698 concerning the DRC in which the Council expanded the scope of targeted sanctions to include political and military leaders recruiting or using children in armed conflict. In addition, in op13 of UNSCR 1856, the Council requested MONUC to “strengthen its efforts to prevent and respond to sexual violence...and to regularly report...on actions taken in this regard, including data on instances of sexual violence and trend analyses of the problem.” Here the partnership between the Sanctions Committee, the Working Group and DPKO is strengthened and the information collected can potentially be used by either the Sanctions Committee, or the Working Group in a request to the UNSC for referring specific cases to the International Criminal Court (see also Appendix A).

IV. FURTHERING THE IMPLEMENTATION OF UNSC RESOLUTION 1820: RELEVANT PARTNERS IN THE UN SYSTEM

Outside the subsidiary bodies/mechanisms and actions of the UNSC, several entities in the wider UN system are well positioned to work with the UNSC in furthering the implementation of UNSCR 1820. These entities, which are members of the UN Action against Sexual Violence in Conflict, are:

DPKO is in charge of operationalizing peacekeeping operations. Among its duties, it develops the mandates of peacekeeping operations and the training materials of peacekeeping personnel. Since DPKO considers its “Gender Resource Package for Peacekeeping Operations” “a work in progress . . . and [invites] users . . . to submit comments or additional information and materials to the DPKO Peacekeeping Best Practices Unit (PBPU) at the following e-mail address: dpko-bpuwebmaster@un.org,” this package can incorporate explicit references to sexual violence in conflict with a focus on prevention, which could be very effective on the ground.¹¹

OCHA, as aforementioned, has suggested that the UNSC convene an informal meeting of experts on the protection of civilians (POC). Since POC, according to the OCHA-sponsored updated Aide Memoire on the Protection of Civilians includes “the prohibition against violence to life and person, in particular . . . rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence,”¹² its input is relevant in designing the mandates of the peacekeeping missions with POC clauses. The recommendations against sexual violence are significant and include “condemn[ing] and call[ing] for the immediate cessation of . . . rape and other grave sexual abuse of children,”¹³ and “call[ing] on parties to armed conflict to take appropriate measures to refrain from, prevent and protect all persons

¹¹ Peacekeeping Best Practices Unit, DPKO, “Gender Resource Package for Peacekeeping Operations,” United Nations, 2004: xii.

¹² Annex to “Statement by the President of the Security Council,” S/PRST/2009/1,* 14 January 2009: 4.

¹³ Ibid: 13.

from all forms of sexual violence, including by: enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence, debunking myths that fuel sexual violence, vetting armed and security forces.”¹⁴

OHCHR is involved in advocacy and accountability initiatives on the broader issue of violence against women. For example, in October 2007 it brought forth violence against women “in connection with the discussion, by the Security Council, of follow up to resolution 1325.”¹⁵ These advocacy interventions should be extended to as many UNSC meetings as possible. Regarding accountability for SV, which is a priority of the OHCHR, “the OHCHR conducted a feasibility mission to the Democratic Republic of Congo to determine the most effective manner for contributing to ensuring accountability for crimes of sexual violence against women.”¹⁶

UNDP has focused on supporting national structures so they can adopt policies geared toward preventing sexual violence. For example, its “Regional Bureau for Asia and the Pacific is working with UNFPA and UNIFEM to implement a joint Programme . . . [which] has a specific focus on engaging men and boys in prevention.”¹⁷ Moreover, the UNDP “provides an operational framework for its country offices to address gender-based violence across its four focus areas . . . [including] crisis prevention and recovery.”¹⁸

UNHCR has focused on the rights of displaced persons. This agency secured the language that appears in par. 10 of UNSCR 1820.¹⁹ In addition, the UNHCR is working together with the United Nations Population Fund (UNFPA) and the International Committee of the Red Cross (ICRC) in the development of “The Gender-based Violence Information Management System (GBVIMS) in humanitarian and recovery settings,” which will facilitate the effectiveness of data gathering. This system “is a first attempt to systematize management of reported data related to gender-based violence, with a focus on humanitarian and recovery contexts.”²⁰

¹⁴ Annex to “Statement by the President of the Security Council,” S/PRST/2009/1, * 14 January 2009: 13.

¹⁵ United Nations Division for the Advancement of Women of the Department of Economic and Social Affairs, “Preventing and Eliminating Violence against Women: United Nations System Activities on Violence against Women: Update, July 2007 to January 2008.” 9, <http://www.un.org/womenwatch/daw/vaw/Inventory%20Feb%202008.pdf>

¹⁶ Ibid.

¹⁷ United Nations Division for the Advancement of Women of the Department of Economic and Social Affairs, “Preventing and Eliminating Violence against Women: United Nations System Activities on Violence against Women: Update, July 2007 to January 2008.” 17, <http://www.un.org/womenwatch/daw/vaw/Inventory%20Feb%202008.pdf>

¹⁸ UNDP, “Empowered and Equal: Gender Equality Strategy 2008-2011,” (December 2007), <http://www.undp.org/women/docs/Gender-Equality-Strategy-2008-2011.doc>

¹⁹ “Requests the Secretary-General and relevant United Nations agencies . . . through consultation with women and women-led organizations as appropriate, to develop effective mechanisms for providing protection from violence, including in particular sexual violence, to women and girls **in and around UN managed refugee and internally displaced persons camps**. . . .” (Emphasis added).

²⁰ United Nations Division for the Advancement of Women of the Department of Economic and Social Affairs, “Preventing and Eliminating Violence against Women: United Nations System Activities on Violence against Women: Update, February to September 2008.”

UNICEF, as the lead agency in the implementation of UNSCR 1612 and through the compilation of hard data on the recruitment of children soldiers, could be helpful in convincing the UNSC to add sexual violence in conflict against boys and girls as one of the triggers for inclusion in the annex of the UNSG's Report on Children and Armed Conflict.

UNIFEM has suggested including in each peacekeeping and police mission a **women protection advisor** (which would be more proactive) and increasing the number of female peacekeepers at all levels. In addition, it also suggests incorporating Gender Expert and Support Teams (GESTS) as an integral component of peace talks. GESTS will facilitate including SVC concerns as priorities in any peace negotiation.

WHO organized a meeting on "Sexual Violence in Conflict: Data and Data Collection Methodologies" in Geneva on December 18 and 19 of last year "to develop consensus on what data is needed, which methodologies are best and to make recommendations for a research agenda" with the objective of fostering the implementation of UNSCR 1820. The meeting was cosponsored by UNFPA, UNICEF and UN Action against Sexual Violence in Conflict. The 2007 WHO's "Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies" is also significant for future advancement of UNSCR 1820.²¹

V. MAIN RECOMMENDATIONS²²

1. Given the agenda overload at the UNSC, resource constraints, and the complaints about the lack of transparency and participation in UNSC processes, the main recommendations at this stage are: **(a) to emphasize prevention; in particular, to strengthen the preventive-protective aspects of the anti-sexual violence discourse and (b) proceed with and make more effective use of already existing mechanisms emphasizing the least intrusive ones.** Primary candidates in this effort are the Expert Group, the Working Group on Conflict Prevention and Resolution in Africa, the Peacebuilding Commission, the Working Group on Peacekeeping Operations, and the Working Group on Children and Armed Conflict (the most intrusive of this lot).
2. As a corollary to the previous recommendation, the tools at the UNSC's disposal should include briefings, formal and informal meetings (especially Arria-Formula meetings), public statements from the President of the UNSC and the Chairs of the relevant Working Groups, mediation initiatives, and more comprehensive monitoring and reporting before moving into sanctions, referrals for prosecution and ultimately the use of force for protection purposes. In this context, it is worth mentioning that a note issued by the President of the Security Council (S/2006/507) and approved by the UNSC stated that UNSC members invite Chairs of the subsidiary bodies "to give, on a regular basis, informal briefings, when appropriate, on their activities to interested Member States."

²¹ UNGA, "Eliminating Rape and Other Forms of Sexual Violence in All their Manifestations, Including in Conflict and Related Situation," Report of the Secretary-General, A/63/216, 4 August 2008: Par. 55.

²² Additional recommendations on mechanisms and actions are included in Appendix B.

3. **The Working Group on Children and Armed Conflict should be the main vehicle for more intrusive initiatives in the area of sexual violence. This can be achieved by advocacy to add sexual violence as a trigger for listing in the annexes of the UNSG's report.** This strategy will increase attention to the issue of sexual violence and, if successful, will make it increasingly difficult to argue that concerns about sexual violence should be confined to children (potential multiplier effects). In addition, it may strengthen the argument of making countries listed in Annex II automatically subject to the monitoring and reporting mechanism. Last, but not least, it would deepen the partnership between the field and headquarters (in particular the interactions among UNICEF, UNIFEM, DPKO, UNDP, Working Group, and Sanctions Committees). **One final note on this: it is recommended that serious consideration be given to adding the killing and maiming of children as a trigger. This is recommended on both normative and strategic grounds (the latter in order to increase the likelihood of enlisting the Russian Federation's support).**
4. **The proposal of a Working Group on Sexual Violence (which Austria seems eager to advance) should not be discarded. However, its main use at this stage seems to be purely tactical: i.e. to use it as a bargaining chip to strengthen the 1612 process.**
5. **Canvass UNSC members to provide more opportunities for all UN entities which are members of the UN Action against Sexual Violence to address the UNSC on issues pertaining to their mandates in both formal and informal settings.**
6. Last, but not least, a precautionary note on the intersections between the POC agenda and R2P. In advancing the anti-sexual violence agenda, advocates should expect certain member states to view it as another trigger for eventual enforcement action. Advocates should not dismiss the actual and/or potential intersections between R2P and the protection from sexual violence agenda. This is both erroneous and unconvincing. In addition, and from a practical standpoint, it will be increasingly difficult to do so in the context of the ongoing UNGA debate on R2P. **Rather, the argument is to emphasize that R2P rests on three pillars (a) the responsibility of the state to protect its own people; (b) the responsibility of the international community (IC) to assist a State in meeting its protection responsibilities; (c) the responsibility of the IC to respond to the failure of a state to meet its protection responsibilities. Mechanisms and actions should emphasize the contribution of initiatives to pillars a and b.** A useful entry point is SSR, as envisaged in the work of the Office of the UN Senior Adviser and Coordinator on Sexual Violence in the DRC. As part of the development of a comprehensive strategy to strengthen prevention, protection and response to SV, efforts are being made to ensure that the SSR agenda focuses on (a) training and awareness raising among the DRC security forces and its agents (b) the need for a vetting mechanism. Another useful entry point, especially for pillar (b) is the proposal for gender mainstreaming in PKOs and increase in the number of females deployed at all levels (officers, troops, mediators, advisors).

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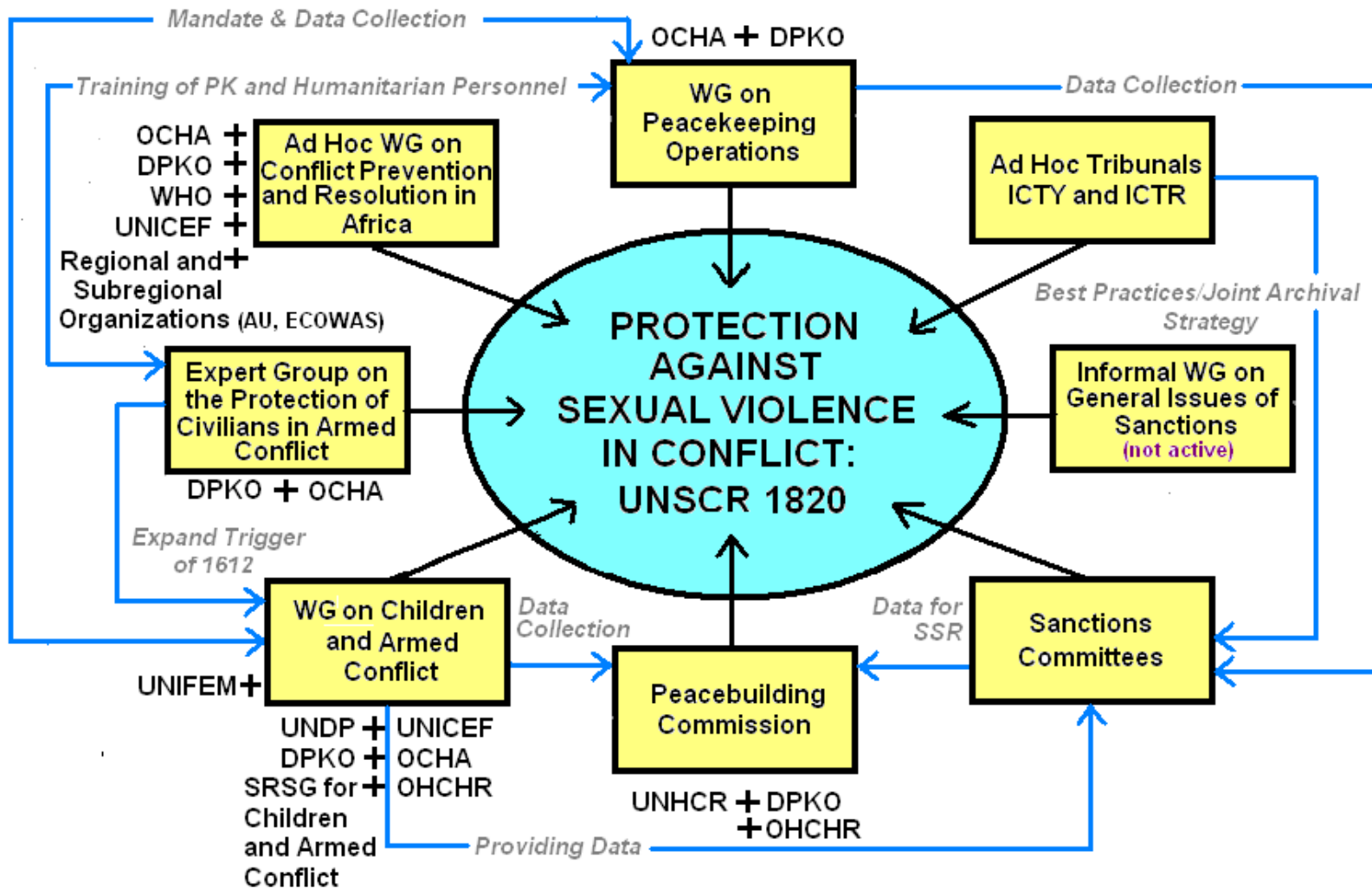
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VII. APPENDICES

- A. Diagram of Plausible Mechanisms and Actions for the Implementation of UNSCR 1820
- B. UNSCR 1820 (2008): Implementation Mechanisms and Actions with an Emphasis on Prevention-Oriented Language

A. Diagram of Plausible UNSC Mechanisms and Actions for the Implementation of UNSCR 1820



B. UNSCR 1820 (2008): Implementation Mechanisms and Actions with an Emphasis on Prevention-Oriented Language

In order to enhance the prevention elements in the Resolution, we recommend that advocacy emphasize the broader expressions of protection in the Resolution and link them to prevention.

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p>SVC “used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations . . . affirms in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security,” (Par. 1)</p>	<p>Very broad: Prevention and response is not linked to “situations on the agenda of the Council.” However, data are needed to back up the existence of genocide, crimes against humanity and/or war crimes in connection to SVC. “Effective steps” can be understood as increasingly more onerous tasks and their effectiveness has to be backed up with data.</p>	<ul style="list-style-type: none"> • Request that the UNSC appoint a D-1 level person for an initial term of one to two years to work with UN Country Teams in order to compile data on SVC. • Expert Group on POC can determine what has worked as prevention for the countries in the agenda of the Security Council; can work with OCHA to develop a manual of best practices for preventing SVC. • Network of UN departments and agencies [UNICEF, UNDP and DPKO] and NGOs gathering data on crimes not only to use as evidence for accountability but also to find patterns and establish adequate preventive measures. • PK Mandates to incorporate the establishment of ground security patrols with locals (safety corridors). E.g. UNSCR 1856 (2008) on DRC (Par. 13: action but also reporting of actions taken). 	<p>Focusing on “<i>steps to prevent</i>,” it is necessary to back up any initiative with hard data on abuses and their deleterious impact on the social (rule of law) and economic well-being of the affected communities. Peace and security cannot be obtained when crimes are widespread. Emphasize the preventive potential of accountability mechanisms.</p>
<p>The UNSC “<i>expresses its readiness, when considering situations on the agenda of the Council, to, where necessary, adopt appropriate steps to address widespread or systematic sexual violence.</i>” (Par. 1)</p>	<p>Language is expressly geared toward countries in the agenda of the UNSC.</p>	<ul style="list-style-type: none"> • Incorporate specific mandate to PK missions <ul style="list-style-type: none"> ○ To protect individuals from SVC, following the precedent of UNSCR 1856 (2008), par. 13, as aforementioned. ○ Urge members of the PK missions to prioritize meetings with women who will know where most of the attacks are likely to occur. • Country reports should include a section on SVC. <ul style="list-style-type: none"> ○ Scope of the crimes. ○ Steps taken by the national authorities to address SVC. 	<p>Countries in the UNSC agenda have to be urged to adopt preventive measures themselves and to listen to women’s concerns in this area. Add language emphasizing the vetting of members of peacekeeping missions and of national security forces and its agents.</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p>“Demands that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence, which could include, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence, vetting armed and security forces to take into account past actions of rape and other forms of sexual violence, and evacuation of women and children under imminent threat of sexual violence to safety;” (Par. 3)</p>	<p>Broad responsibility toward civilians – especially women and girls, but also children in general – of the parties to the conflict. The Resolution provides specific examples of a wide range of actions that the parties to a conflict can adopt regarding POC: disciplinary measures, command responsibility, training, gender sensitizing, vetting and evacuation of potential victims.</p>	<ul style="list-style-type: none"> • WG on Children and Armed Conflict (UNSCR 1612). Since 1820 mentions “girls” and “children,” the scope of the WG on Children and Armed Conflict could be expanded to include sexual violence as one of the triggers together with recruitment of soldiers. <ul style="list-style-type: none"> ○ A strong reporting mechanism could provide a blueprint of how a report on SVC should look like and also technical support to produce it. • Use of experts from the Sanctions Committees to collect data in countries where there is a sanctions regime and peacekeeping operations with POC mandates. • Establish links with local groups who will act as watchdogs. • Earmark money for women’s associations on SVC to provide gender mainstreaming training and support for the victims. • Rapid Response Teams to evacuate the victims. 	<p>The measures listed in this paragraph are clearly preventive. However, particular emphasis should be placed on the reference in the Resolution to the root causes of SV (“debunking myths that fuel SV”).</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p>“and <i>requests</i> the Secretary-General, where appropriate, to encourage dialogue to address this issue in the context of broader discussions of conflict resolution between appropriate UN officials and the parties to the conflict, taking into account, inter alia, the views expressed by women of affected local communities;” (Par. 3)</p>	<p>The Resolution narrows dialogue encouraged by the UNSG to “where appropriate,” and in this context to listen to “the views . . . expressed by women of affected local communities.”</p>	<ul style="list-style-type: none"> • Include a section on SVC in all peace talks with active female participation. Include standard text on what types of crimes constitute SVC. • Incorporation of women (“of affected local communities”) to peace talks, early warning teams and protection teams. • On-site training of all peacekeeping troops including commanders. 	<p>Place emphasis on on-site training of peacekeeping troops. Emphasize the need for inclusive peace processes.</p>
<p>“<i>Notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes;</i>” (Par. 4)</p>	<p>Statement regarding the types of international crimes SVC can constitute.</p>	<ul style="list-style-type: none"> • Emphasize in meetings and to peace mediators and negotiators that amnesty for grave breaches of the Geneva Conventions, crimes against humanity and genocide is not recognized by the UN. 	<p>The prohibition of amnesty will weaken the culture of impunity.</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p>“and <i>calls upon</i> Member States to comply with their obligations for prosecuting . . . to ensure that all victims of [SV], particularly women and girls, have equal protection under the law and equal access to justice, and <i>stresses</i> the importance of ending impunity . . . as part of a comprehensive approach to seeking sustainable peace, justice, truth, and national reconciliation;” (Par. 4)</p>	<p>Wide mandate with which Member States have to comply because their goals have to be “<i>peace, justice, truth, and national reconciliation.</i>”</p>	<ul style="list-style-type: none"> • Duty to prosecute domestically and internationally. Thus, the full gamut of judicial solutions is available, i.e. ad hoc/hybrid courts, ICC, universal jurisdiction and domestic courts. • Security Sector Reform (SSR) and Rule of Law Initiatives <ul style="list-style-type: none"> ○ The role of the Peacebuilding Commission (PBC) which can work with national institutions to strengthen the rule of law and advance security sector reform. ○ Best practices 	<p>Effective accountability mechanisms are the ultimate tool of prevention. Ensure that they are part and parcel of SSR and Rule of Law initiatives.</p>
<p>“<i>Requests</i> the SG, in consultation with the SC, the Special Committee on PKO and its WG and relevant States . . . to develop and implement appropriate training programs for all peacekeeping and humanitarian personnel deployed by the UN . . . as mandated by the Council to help them better prevent, recognize and respond to SV and other forms of violence against civilians” (Par. 6)</p>	<p>Very broad. It calls on the UNSG + UNSC + Special Committee on PKOs and its WG + Relevant States (where the conflict is happening or where best practices can be found). For example, due to the positive experience of the all female Indian civilian police unit in Liberia, it would be interesting to test it in other conflict situations).</p>	<ul style="list-style-type: none"> • Training manuals and programs should be informed by OCHA’s 2009 Aide Memoire. • WG on PKOs: It seems the Japanese mission is interested in reactivating it. This WG is potentially significant because it can shape the training materials with actual data from the field. 	<p>Training materials are clearly a preventive mechanism. Emphasize the importance of updated and comprehensive training manuals and of the corresponding training programs.</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p><i>“Requests the SG to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in . . . PKOs;” (Par.7)</i></p>	<p>Regarding abuses by peacekeepers, it does not seem too forceful (“to continue and strengthen efforts to implement”)</p>	<ul style="list-style-type: none"> • Emphasize the zero-tolerance policy regarding SVC in every mandate and training • Establish a database with the names of PK personnel accused of these crimes. 	<p>Vetting PK personnel.</p>
<p><i>“and urges troop and police contributing countries to take appropriate preventative action, including pre-deployment and in-theater awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;” (Par. 7)</i></p>	<p>Clearly in favor of prevention through training plus accountability after the fact.</p>	<ul style="list-style-type: none"> • Role of TCCS: They interact with the UNSC through the WG on Peacekeeping. • Training manuals. • Uniformity in the consequences in case peacekeepers are accused of a crime. This is quite difficult because punishment is left to individual countries. At least establish a blacklist of peacekeepers to be able to exempt them from future missions (See above). • Incentives if there is a follow up of these cases, e.g., money for installations, new equipment. 	<p>Pre-deployment responsibilities of TCCS regarding training of peacekeepers and other humanitarian personnel.</p>
<p><i>“Encourages T&PCCS, in consultation with the SG, to consider steps . . . to heighten awareness and the responsiveness of their personnel participating in UN PKOs to protect civilians, including women and children, and prevent SV against women and girls in conflict and post-conflict situations, including . . . the deployment of a higher percentage of women PKS or police;” (Par. 8)</i></p>	<p>Clearly preventive. Ref. to POC. Extended to post-conflict situations. Suggestions, not imposition.</p>	<ul style="list-style-type: none"> • UNSG plus TCCS. • Recruitment of more females. Need for incentives, shorter duration of deployment, possibility of family leave, etc. • Gender protection specialists. • Mandate with explicit ref. to SVC and their duty to protect women. 	<p>POC language with a focus on SV against women and girls. Include in the mandate of PKOs precise reference to the duty to protect civilians against SV. Pre-deployment and on-site training.</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p><i>“Requests the SG to develop effective guidelines and strategies to enhance the ability of relevant UN PKOs, consistent with their mandates, to protect civilians, including women and girls, from . . . SV and to systematically include in his written reports to the Council on conflict situations his observations concerning the protection of women and girls and recommendations;”</i> (Par. 9)</p>	<p>POC: “develop effective guidelines and strategies to enhance the ability of relevant UN PKOs.” Gathering of evidence will be needed “to systematically include in the UNSG’s] written reports to the Council on conflict situations his observations concerning the protection of women and girls and recommendations”</p>	<ul style="list-style-type: none"> • UNSG <ul style="list-style-type: none"> ○ Develop guidelines and strategies ○ Include section on SVC in his reports on conflict situations • Need for good reporting in the field <ul style="list-style-type: none"> ○ Common standards 	<p>Based on the Aide Memoire, it is possible to develop common standards for reporting on Protection of women and girls: actions taken, what worked, and scope of the abuses. A unified way of reporting in the field and in the report to the UNSC will help to advance the implementation of 1820.</p>
<p><i>“Requests the Secretary - General and relevant UN agencies through consultation with women and women-led organizations as appropriate, to develop effective mechanisms for providing protection from violence, including in particular SV, to women and girls in and around UN managed refugee and IDPS camps, as well as in all DDR processes, and in justice and SSR efforts assisted by the UN;”</i> (Par. 10)</p>	<p>Preventive because the UNSG and UN agencies are asked to exchange information with women organizations “to develop effective mechanisms for providing protection from violence.” It refers to refugee and IDPS camps and also for rebuilding purposes.</p>	<ul style="list-style-type: none"> • UNSG + UN relevant agencies <ul style="list-style-type: none"> ○ Special reference to UNHCR (Refugee and IDPS camps). • Specialists to gather information • Experts to design mechanisms based on information gathered by specialists • DDR • Peacebuilding Commission (Security Sector Reform) 	<p>Empowerment of women and women-led organizations</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p><i>“Stresses the important role the Peacebuilding Commission can play by including in its advice and recommendations for post-conflict peacebuilding strategies, where appropriate, ways to address SV committed during and in the aftermath of armed conflict, and in ensuring consultation and effective representation of women’s civil society in its country-specific configurations, as part of its wider approach to gender issues;” (Par. 11)</i></p>	<p>Peacebuilding- oriented provision. SVC as linked to the wider approach to gender.</p>	<ul style="list-style-type: none"> • PBC. • Women’s representation. 	<p>SV-sensitive peacebuilding strategies contribute to effective prevention.</p>
<p><i>“Urges the Secretary-General and his Special Envoys to invite women to participate in discussions pertinent to the prevention and resolution of conflict, the maintenance of peace and security, and post-conflict peacebuilding, and encourages all parties to such talks to facilitate the equal and full participation of women at decision-making levels;” (Par. 12)</i></p>	<p>Broad participation of women.</p>	<ul style="list-style-type: none"> • Women’s representation and participation (see also above). 	<p>Women as key stakeholders in prevention (see also above).</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p>“Urges all parties concerned, including Member States, UN entities and financial institutions, to support the development and strengthening of the capacities of national institutions, in particular of judicial and health systems, and of local civil society networks in order to provide sustainable assistance to victims of SVC and post-conflict situations;” (Par. 13)</p>	<p>Broad participation in capacity building.</p>	<ul style="list-style-type: none"> • Know-how through training. • Provide resources for healthcare and justice. • Partnership btw public and private sectors; btw UN system and NGOs 	<p>Enhancing local capacities</p>
<p>“Urges appropriate regional and sub-regional bodies in particular to consider developing and implementing policies, activities, and advocacy for the benefit of women and girls affected by sexual violence in armed conflict;” (Par. 14)</p>	<p>Broad policy and advocacy network.</p>	<ul style="list-style-type: none"> • Regional and subregional organizations. 	<p>Emphasis on regional fora for purposes of advocacy</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p><i>“Also requests the Secretary-General to submit a report to the Council by 30 June 2009 on the implementation of this resolution in . . . situations . . . on the agenda of the Council, utilizing . . . UN sources, including country teams, PKOs, and other UN personnel, which would include, inter alia, information on situations of armed conflict in which SV has been widely or systematically employed against civilians; analysis of the prevalence and trends of SV in . . . armed conflict; . . . strategies to minimize the susceptibility of women and girls to such violence; benchmarks for measuring progress in preventing . . . SV; appropriate input from UN implementing partners in the field; information on his plans for facilitating the collection of [data] . . . on . . . SV in . . . conflict, (Par. 15)</i></p>	<p>UNSG Report. Due: 30 June 2009. Restricted to situations on the agenda of the UNSC.</p>	<ul style="list-style-type: none"> • Content of the UNSG Report <ul style="list-style-type: none"> ○ Situations of armed conflict in which sexual violence has been widely or systematically employed against civilians; ○ analysis of the prevalence and trends of sexual violence in situations of armed conflict; ○ proposals for strategies to minimize the susceptibility of women and girls to such violence ○ benchmarks for measuring progress in preventing and addressing sexual violence; • Improve the quality of the data compiled. 	<p>Emphasize types of actions that peacekeepers and other actors can undertake to enhance prevention.</p>

TEXT OF UNSCR 1820 SEXUAL VIOLENCE IN CONFLICT (SVC)	SCOPE	MECHANISMS & ACTIONS	PREVENTION-ORIENTED LANGUAGE
<p>including through improved coordination of UN activities on the ground and at Headquarters; and information on actions taken by parties to armed conflict to implement their responsibilities as described in this resolution, in particular by immediately and completely ceasing all acts of sexual violence and in taking appropriate measures to protect women and girls from all forms of sexual violence;” (Par. 15)</p>			<p>In addition, highlight the role of national and local authorities in supporting preventive action.</p>