Mapping the Global Policy Landscape on Conflict-Related Sexual Violence:

Opportunities for UN Action Against Sexual Violence in Conflict

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Acronyms

ACHPR African Commission on Human and People's Rights

AoR Area of Responsibility

C-34 Special Committee on Peacekeeping Operations

CAR Central African Republic

CDU Conduct and Discipline Unit

CPA Child Protection Adviser

CRSV Conflict-related Sexual Violence

CTITF Counter-Terrorism Implementation Task Force

DDR Disarmament, demobilization and reintegration

DPA Department of Political Affairs

DPKO Department of Peacekeeping Operations

GBV Gender-based Violence

GBVIMS Gender-based Violence Information Management System

ISIL Islamic State in Iraq and the Levant

LGBT Lesbian, gay, bisexual and transgender

MARA Monitoring, Analysis and Reporting Arrangements

MRM Monitoring and Reporting Mechanism

OHCHR Office of the High Commissioner for Human Rights

OIOS The Office of Internal Oversight Services

PBSO Peacebuilding Support Office

SCR Security Council Resolution

SRSG-CAAC Special Representative of the Secretary-General on Children and Armed Conflict

SRSG-SVC Special Representative of the Secretary-General on Sexual Violence in Conflict

TCC Troop-contributing Country

UNAIDS Joint United Nations Programme on HIV/AIDS

UNDP United Nations Development Programme

UNFPA United Nations Population Fund

UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

UNODC United Nations Office on Drugs and Crime

UN Women United Nations Entity for Gender Equality and the Empowerment of Women

WHO World Health Organization

WPA Women's Protection Advisor

WPS Women peace and security

Introduction

Objective of the Mapping

This booklet is a summary of the results of a mapping of the women peace and security (WPS) landscape, presented at the United Nations Action Against Sexual Violence in Conflict (UN Action) Technical Planning Workshop in February 2016. The mapping served as a backdrop for guiding conversations during the workshop. Additionally, the mapping aims to provide preliminary answers to the following question: *Given the current WPS landscape and UN Action's mission and theory of change, what are key considerations and opportunities for the network in 2016 and beyond?*

UN Action brings together 13 UN entities with the aim of fostering a coordinated and comprehensive response to conflict-related sexual violence (CRSV)[1]. Since its launch in 2007 it has sought this objective through improved coordination and accountability, innovative advo-

[1] UN Action member entities: Department of Political Affairs (DPA), Department of Peacekeeping Operations (DPKO), Office for the Coordination of Humanitarian Affairs (OCHA), Office of the High Commissioner for Human Rights (OHCHR), Peacebuilding Support Office (PBSO), Joint United Nations Programme on HIV/AIDS (UNAIDS), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Office on Drugs and Crime (UNODC), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the World Health Organization (WHO).

cacy and country level support for prevention and improved services for survivors. The independent five-year review of UN Action found the theory of change for the network to be "that improved and effective UN coordination and advocacy across a range of UN entities will enhance understanding, policy and mandate, response and prevention of CRSV at international and national levels."[1] The report identified the core accomplishments of the Network to be its ability to drive normative change through innovative advocacy and to assist policy change on sexual violence through the coordination of a wide range of entities, incorporating several different mandates. The nature of UN Action's mission and accomplishments therefore requires continuous analysis of the normative and policy climate surrounding CRSV. This mapping aims to contribute to the analysis. The intended audience is UN Action member entities, along with the broader women peace and security community, including Member States and donors.

"The nature of UN Action's mission and accomplishments requires continuous analysis of the normative and policy climate surrounding conflict-related sexual violence."

Methodology

The mapping was conducted during the period of December 2015 to January 2016. The adopted method included a combination of interviews with focal points representing UN Action's member entities, Secretariat staff, and the NGO Working Group on WPS; attendance to relevant meetings and events; and the review of reports and policy documents related to WPS and CRSV. The analysis was primarily built on inputs provided by the UN Action focal points.

Acknowledgements

The initial draft of this exercise was developed by Inga Helgudóttir Ingulfsen, M.Sc. Draft content of the Mapping was reviewed and further guided by organizations part of the United Nations Action Against Sexual Violence in Conflict.

Conflict-related Sexual Violence and Global Policy

This section is centered on three ongoing global policy processes: The High-level Independent Panel on Peace Operations, the Global Study on the Implementation of Security Council resolution (SCR) 1325 and the Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic. The mapping provides an opportunity to explore their implications for UN Action's mandate, advocacy and operational activities.

High-level Independent Panel on Peace Operations

On 31 October 2014, Secretary-General Ban Ki-moon appointed a High-level Independent Panel on Peace Operations (the Panel) to take stock of the current state of UN peace operations and assess their readiness to address emerging and future international security concerns.[2] The results of the assessment, along with the Panel's recommendations, were submitted to the Secretary-General on 17 June 2015.[3] While the recommendations have yet to be fully operationalized, the initial endorsement of the Report and preliminary guidance on its implementation can be found in the Secretary-General's report of 2 September 2015.[4]

Two recommendations from the report of the Panel were emphasized as particularly relevant for UN Action:

1. The Panel recommends that countries with parties listed in the Secretary-General's annual reports for grave violations against children or CRSV be barred from contributing troops.

> Governments whose forces are listed in the annual reports of the Secretary-General on children and armed conflict for engaging in grave violations against children and on conflict-related sexual violence for being credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict should be barred from contributing troops to United Nations missions until they are delisted.[5]

The Secretary-General has endorsed this recommendation, specifying that he has requested troop and police contributing countries currently listed to engage with the respective Special Representatives to implement specific commitments and actions to address the violations for which they are listed, noting that failure to cease violations and implement action plans will result in suspension from peace operations.[6]

2. The Panel details the concerted efforts in recent decades to bolster protection frameworks in peace operations, noting the proliferation of special protection and human rights mandates and the increase

in specially trained personnel to facilitate implementation of these mandates.[7] The Panel concludes that the "growth in concepts, standards, advocacy and specialized personnel has yet to transform reality on the ground, where it matters".[8] The Panel emphasizes the dispersed and fragmented monitoring and reporting on human rights issues in peace operations, sometimes resulting in overlapping structures and duplication of reporting, including when numerous sections are involved in interviewing survivors. The result is the lack of a coordinated and strategic human rights approach in UN missions. The Panel therefore recommends that:

"The proposed consolidation raises concerns regarding how the WPAs will be able to continue implementing their broad mandate to advance the implementation of Security Council resolutions on CRSV."

> Mission management arrangements ensure coherence and avoid duplication of effort among human rights and protection functions and monitoring and reporting requirements and schedules for the specialized protection mandates be streamlined.[9]

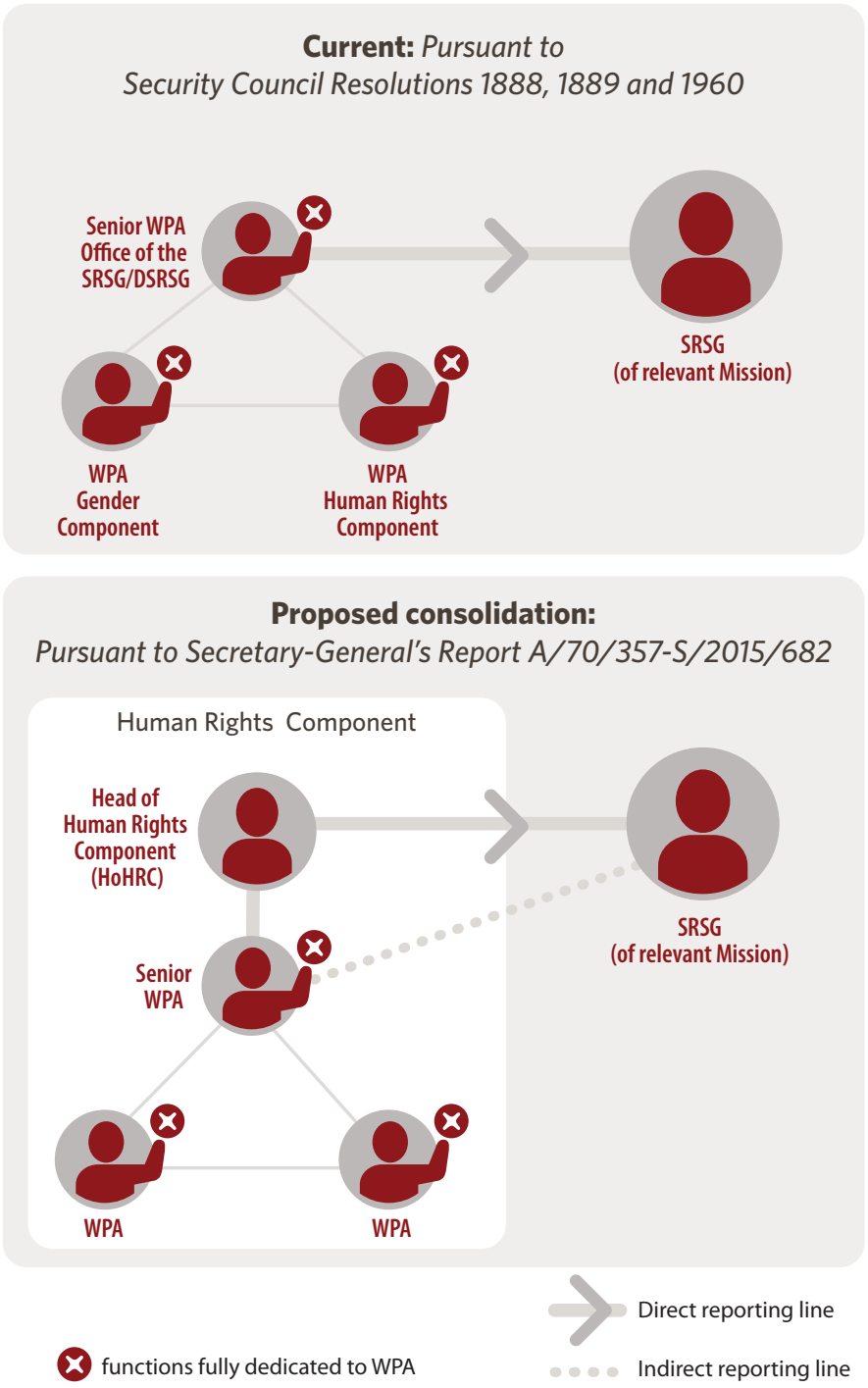
The Secretary-General, while stressing the importance of providing necessary support and capacity for the Special Representatives on Children and Armed Conflict and SVC to carry out their respective mandates, recommends that the specialized protection capacities be consolidated within mission human rights components. Under

the proposed structure, there will be one Senior Protection of Civilians Advisor in the office of a mission's Special Representative, and specialized capacity for functions related to child protection and CRSV will be consolidated within the human rights component. The head of the human rights component, through the head of the mission, will thereby be responsible for the implementation of the specialized mandates.[10]

Women attend an Open Day workshop to discuss the principles and progress related to SCR 1325 on WPS

UNAMID/Sojoud Elgarrai

Proposed changes to the Women's Protection Adviser (WPA) Structure



Implications for UN Action

During the informal briefing by the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to the Special Committee on Peacekeeping Operations (C-34) on 18 January 2016, **Member States requested information** about the process for listing and delisting credibly suspected parties in the Secretary-General's annual reports, particularly in cases where governments have listed parties and are troop contributors. The adoption of the first recommendation is a positive outcome for UN Action and the SRSG-SVC, as it adds an additional **accountability** measure for governments with parties listed in the reports, and demonstrates increased interest by Member States and **visibility** of the reports.

On the second recommendation, the **impact** of the consolidation of special mandates on **existing monitoring mechanisms**, such as the Monitoring, Analysis and Reporting Arrangements (MARA) on CRSV,[11] Monitoring and Reporting Mechanism (MRM) on grave violations against children in armed conflict,[12] and monitoring and investigation by the human rights component of missions, was raised. Similarly, the potential impact on existing **specialized positions** was considered, including Protection of Civilians Officers, Women's Protection Advisors (WPAs), and Child Protection Advisers (CPAs). The proposed consolidation raises concerns regarding **how the WPAs will be able to continue implementing their broad mandate**. The role of WPAs is to advance the implementation of Security Council resolutions on CRSV by: supporting the MARA; facilitating dialogue with parties and relevant government bodies with a view to protection commitments; coordinating the development and implementation of comprehensive strategies to combat sexual violence; capacity building; and mainstreaming sexual violence considerations into policies, operations and advocacy of peacekeeping and special political missions.[13]

- It was also noted during the mapping that the consolidation will take place in a context of increased gender and protection expertise within the United Nations system as a whole. The Gender-based Violence (GBV) Area of Responsibility and UN Women have regional advisors, and UNICEF, UNFPA, and UNHCR have increased the number of regional and national level protection advisors.

Global Study on the Implementation of SCR 1325

In October 2015, at the 15 year anniversary of the adoption of SCR 1325 on Women Peace and Security, the Security Council convened a High-level Review to assess the progress at the global, regional and national levels. To inform this discussion, the Secretary-General commissioned a Global Study, led by Radhika Coomaraswamy, on the implementation of resolution 1325 and recommendations on the way forward for WPS.[14]

Two recommendations from the Global Study are directly linked to the CRSV mandate:

"The Global Study on 1325 highlights the need to clarify and communicate the CRSV mandate and the role of WPAs."

1. The Global Study recommends that an **informal expert group on WPS** be established, modelled on the protection of civilians and children and armed conflict.

   - The group would simultaneously be tasked with mainstreaming gender concerns in all Council outcomes, and connecting the Council more concretely to the security challenges and participation barriers women face in country-specific situations.[15]

   - The group should: track country-specific briefings and reporting to the Council for gender content, conduct assessment visits ahead of Council visits to missions to identify key stakeholders, and monitor the implementation of SCR 2122 by making sure elements of the WPS agenda are reflected in the Council's work in all thematic areas and when establishing new peace operations or political missions.

   - This recommendation was formalized in **SCR 2242:**

> 5. … (a) *Expresses its intention* to convene meetings of relevant Security Council experts as part of an Informal Experts Group on Women, Peace and Security to facilitate a more systematic approach to Women, Peace and Security within its own work and enable greater oversight and coordination of implementation efforts;

> (b) *Decides* to integrate women, peace and security concerns across all country-specific situations on the Security Council's agenda, taking into account the specific context of each country, *expresses its intention* to dedicate periodic Security Council consultations on country situations, as necessary, to the topic of Women, Peace and Security implementation, progress and challenges, and *reiterates its intention* to ensure Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups.[16]

2. The Global Study recommends a **strengthened role for WPAs**.

- The Study provides language to clarify the role initially envisioned for WPAs, responding to the concerns raised by the High-level Panel on Peace Operations, emphasizing their role in coordinating and convening reporting under the MARA *and* their operational security function. Initially, WPAs were meant to advise and engage with mission leadership and force commanders to ensure women's protection against CRSV. The Study notes that this operational security function has yet to be implemented and calls for the integration of WPAs and gender advisors in the core parts of missions' budgets and operational structures.[17]

Implications for UN Action

- **The recommendation to establish an informal working group on WPS represents an additional opportunity for UN Action to engage with the Security Council on country-specific situations and represents a new forum for information sharing on CRSV. This new line of communication and accountability may require the Network to re-think the way it currently collects information on specific country situations on the Security Council's agenda.**

- **The Global Study also highlights the need to clarify and communicate the CRSV mandate and the role of WPAs, taking into consideration other ongoing policy processes, such as the consolidation of special mandates recommended by the High-level Panel on Peace Operations.**

Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic

On 17 December 2015, the ***Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*** (CAR Report) was published. The CAR Report applies a human rights framework to Sexual Exploitation and Abuse (SEA), in contrast with the conventional understanding of SEA where it was considered a matter of conduct and discipline:

> If the Secretary-General's zero tolerance policy is to become a reality, the UN as a whole—including troop contributing countries ("TCCs")—must recognize that sexual abuse perpetrated by peacekeepers is not a mere disciplinary matter, but a violation of the victims' fundamental human rights, and in many cases a violation of international humanitarian and criminal law.[18]

This framework informs the recommendations of the panel, the most notable being the first recommendation, which calls for SEA to be recognized as CRSV and to be addressed under the UN's human rights policies:

Recommendation #1: "Acknowledge that sexual exploitation and abuse by peacekeepers, whether or not the alleged perpetrator is under UN command, is a form of conflict related sexual violence to be addressed under the UN's human rights policies".[19]

Can and should SEA be considered as a form of CRSV?

While the recommendations have not yet been operationalized, it is crucial for UN Action to start a conversation about how this framework relates to the mandate of the Network. The first recommendation raises the question of whether SEA can and should be recognized as CRSV and merits a comparison between the two types of violations.

Sexual Exploitation and Abuse (SEA)

The UN's conventional definition of SEA can be found in the Secretary-General's 2003 Bulletin:

> For the purposes of the present bulletin, the term "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term "sexual abuse" means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.[20]

Under this framework, actions amounting to SEA are considered human rights violations *and* serious, prohibited acts of misconduct, with grounds for disciplinary measures.[21] The 2003 definition is

United Nations Operation in Côte d'Ivoire (UNOCI) peacekeepers participate in Sexual Exploitation Awareness Training

UN Photo/July 2005

thereby a broad prohibition, covering a wide range of misconduct. Anything ranging from attempted abuse of a position of power for sexual purposes, to transactional sex, to sexual relationships between UN staff and beneficiaries, *all the way* to systematic sexual abuse and rape of children falls under this definition.

Table 1: *UN Policy Framework on SEA*

- United Nations Staff Regulations and Rules.[22]
- The Secretary-General's 1999 Bulletin: Observance by United Nations forces of international humanitarian law.[23]
- The Secretary-General's 2003 Bulletin: Special measures for protection from sexual exploitation and sexual abuse.[24]
- The Secretary-General's 2005 Bulletin: UN 'Whistleblower' Policy (Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations).[25]
- 2006 Statement of Commitment on Eliminating SEA (endorsed by 22 UN and non-UN entities).[26]
- 2007 General Assembly and Troop Contributing Countries (TCCs) Memorandum of Understanding (includes specific provisions on SEA).[27]
- 2007 General Assembly Resolution: "United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel."[28]
- 2007 General Assembly Resolution: "Criminal accountability of United Nations officials and experts on mission." [29]
- The February 2015 Secretary-General's Report to the General Assembly on SEA: Measures to strengthen the Zero-Tolerance policy.[30]

The policies listed in **Table 1** inform the UN Conduct and Discipline Unit's three-pronged strategy to eliminate SEA: *Preventing* misconduct through training, awareness-raising activities and preventive measures at mission level; *enforcing* UN standards of conduct through investigations by the Office of Internal Oversight Services and disciplinary

action by the Office of Human Resources Management for civilian staff and by the TCCs for military personnel; and *providing remedial action* through victim support and assistance.[31] The list is not comprehensive, since individual UN entities, refugee camps and NGOs have distinct codes of conduct or standard operating procedures with accountability mechanisms for SEA. The wide range of policies and actors illustrates the evolution of conduct and discipline policies on SEA over the years. As evidenced by the CAR Report, current frameworks have failed to effectively address SEA. The fact that most of the policies were already in place before the emergence of international frameworks on CRSV, partially explains why there has not been substantial integration between policies addressing SEA and CRSV.

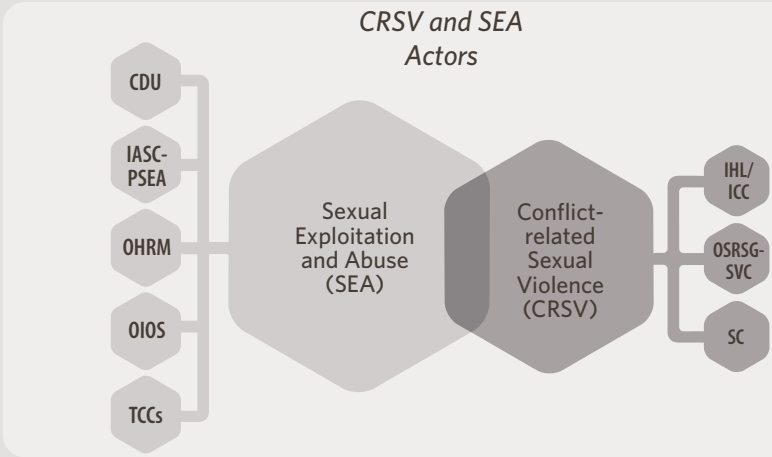
Conflict-related Sexual Violence (CRSV)

DEFINITION

Conflict-related sexual violence refers to incidents or (for SCR 1960 listing purposes) patterns of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g., political strife). They also have a direct or indirect nexus with the conflict or political strife itself, i.e. a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (that can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of torture or genocide), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/weakened State capacity, cross-border dimensions and/or the fact that it violates the terms of a ceasefire agreement.[32]

The ***Analytical & Conceptual Framing of Conflict-Related Sexual Violence*** defines the scope of CRSV, primarily for the purpose of reporting through the MARA.[33] It is evident from the synthesis definition that there are thresholds related to the character and context of the violations, which

rule out much of the conduct prohibited under the SEA framework from being considered as CRSV. The *threshold for listing* in the Annex of the Annual Reports of the Secretary-General on CRSV is higher, and limited to "parties credibly suspected of patterns of sexual violence", where pattern refers to a "methodical plan or system that implicates a collectivity of victims".[34] As of today, the listing mandate is understood to refer exclusively to belligerent parties to conflict and ***not to peacekeeping forces.*** However, ***for the purpose of monitoring and reporting and relevance to the Security Council's agenda, CRSV is not limited to patterns of sexual violence by parties to conflict.*** Instead, the link to conflict can be determined by a combination of the victim or perpetrator profile, elements and method of the crime, and/or the motive behind the crime. Further considerations include the requirements of temporal-, geographical- and causal links between the crime and violent conflict or "'other situations of concern' in the sense of the UN Charter".[35] The *Conceptual Framing* makes clear that even in the absence of jurisdiction, the MARA can report on the "objective elements of" CRSV, centered on these broader considerations and thresholds. Examples provided in SCR 1820 include sexual violence in and around UN refugee camps and sexual violence during DDR processes.[36]



CDU: Conduct and Discipline Unit

IASC-PSEA: Inter-Agency Standing Committee on Protection from Sexual Exploitation and Abuse

IHL/ICC: International Humanitarian Law/ International Criminal Court

OHRM: UN Office of Human Resource Management

OIOS: UN Office of Internal Oversight Services

OSRSG-SVC: Special Representative of the Secretary-General on Sexual Violence in Conflict

SC: Security Council

TCC: Troop-contributing Country

This means that SEA and CRSV are distinct, but overlap in instances where UN peacekeepers or other UN/NGO staff members commit violations that meet the legal or political thresholds of CRSV. While CRSV has a higher threshold, it should be clear that both types of transgressions are always prohibited, always amount to human rights violations and always require an appropriate response by the UN and/or TCCs. In line with the comprehensive definition of CRSV, sexual violence perpetrated by peacekeepers was included in the narrative section of the 2015 Report of the Secretary-General on CRSV.

"Country-level support for prevention and service delivery cannot make distinctions between survivors based on perpetrator profiles."

The CAR Report fails to provide an analysis of the distinction between SEA and CRSV. While the authors recommend that SEA be recognized as CRSV, and note that SEA is "not a mere disciplinary matter, but a violation of the victims' fundamental human rights, and *in many cases* a violation of international humanitarian and criminal law", they fail to identify the legal thresholds for a violation to fall under international humanitarian and criminal law. Further, the Report fails to provide clear recommendations as to which legal frameworks and accountability mechanisms apply in each instance. Instead, the Report recommends a series of new mechanisms to bolster the overall response to SEA, including but not limited to:

- **Recommendation #2** Create a Coordination Unit in OHCHR reporting directly to the High Commissioner for Human Rights to oversee and coordinate responses to CRSV.

- **Recommendation #3** Create a working group to support the Coordination Unit made up of experts (including specialists skilled in addressing sexual violence by international forces), and representatives of TCCs.

- **Recommendation #4** Require mandatory and immediate reporting of all allegations of sexual violence to: The head of the *human rights component* in the field or mission, or the reporting officer; and; in the case of sexual violence against *children*, the *child protection officer*,

as well as UNICEF and the Special Representative of the Secretary-General on Children and Armed Conflict; and in the case of sexual violence against *adults*, the *SRSG-SVC*; and the Coordination Unit.

Recommendation #7 Establish a Trust Fund to provide specialized services to victims of CRSV.

Recommendation #9 Negotiate the inclusion in agreements with TCCs of provisions ensuring transparency and cooperation in accountability processes.

To support the Secretary-General in ensuring the effective and timely review and implementation of the Panel's recommendations and other measures deemed necessary to strengthen system response, the Secretary-General has appointed a Special Coordinator on improving the UN's response to SEA.

Implications for UN Action

It is clear from reactions to the CAR Report by UN Action member entities, member states and other stakeholders that there is a need to clarify the scope of the CRSV mandate and its mechanisms, especially as they relate to SEA:

- **During the informal briefing by the SRSG-SVC to the Special Committee on Peacekeeping Operations (C-34) on 18 January 2016, member states, including TCCs, raised questions about whether reporting on SEA can trigger the listing mandate, and thereby bar countries from contributing troops to peacekeeping operations.**

- **Unlike what is proposed in recommendation #4, all instances of CRSV, whether the victim is an adult or a child, should be reported through the MARA.**

- **The survivor-centered approach as one of the six core guiding principles for UN Action emerged as a recurring theme throughout the mapping. Systematic monitoring and reporting through the MARA is meant to guide strategic advocacy, prevention and**

increased access to services for survivors. Country-level support for prevention and service delivery cannot make distinctions between survivors based on perpetrator profiles.

- The actual and potential **adverse impacts of the confusion surrounding SEA and CRSV on operational activities** were also mentioned. Whether it is preventive work such as training and capacity building or support for national strategies and service delivery, the perception that UN entities are making this distinction, especially with regards to survivors, can cause confusion and have adverse impacts on the work being done in the field.

Risk assessment: Proliferation and further fragmentation of accountability and information management was repeatedly raised as a likely outcome.

- A core question for the Network going forward is, therefore, ***how to respond to the proliferation and fragmentation of reporting, accountability and funding mechanisms?*** What is the additionality of these mechanisms to existing ones, such as the MARA, the WPA architecture, existing SEA policies, the Team of Experts on the Rule of Law, or existing trust funds? How can the Network advocate for and increase the visibility of existing mechanisms and promote coordination with new initiatives?

Conflict-related Sexual Violence and the WPS Landscape

This section is focused on emerging and dominant issue areas on the WPS agenda, as they relate to UN Action's mandate. An overview of existing initiatives and funding mechanisms related to CRSV is also included.

Countering Violent Extremism (CVE)

The most dominant emerging trend on the WPS agenda is a focus on Countering Violent Extremism (CVE). In February 2015, the United States convened a summit on CVE, marking a shift in global counter-terrorism policy towards a stronger emphasis on preventive measures.[37] In his statement, Secretary-General Ban Ki-moon outlined a prevention agenda focused on combatting root causes through strengthened governance, respect for human rights, political participation and accountability institutions.[38] With regards to CRSV and UN Action's mandate, the following developments on CVE are particularly relevant:

Counter-terrorism is now included **in mission mandates**, such as in Somalia and Mali. This is a new component of missions, and the impact, including the impact on protecting civilians and preventing sexual violence, is not yet fully understood.

The **UN Global Counter-Terrorism Strategy**, adopted in 2006, is currently undergoing a 10-year review and will be presented in June 2016. The Counter-Terrorism Implementation Task Force (CTITF) is comprised of 12 working groups, three of which are directly related to UN Action's mandate: gender mainstreaming, victim support, and criminal justice.[39]

The ***Secretary-General's Plan of Action on Preventing Violent Extremism (the Plan)*** was presented to the General Assembly in December 2015.[40] The strategy marks a general shift toward prevention and builds on two pillars under the UN Global Counter-Terrorism Strategy: measures to address conditions conducive to the spread of terrorism, and measures to ensure the protection of human rights for all and the rule of law as the fundamental basis for the fight against terrorism. Gender equality and women's empowerment is one of the seven key areas of the Plan. The Plan specifically mentions CRSV and sexual enslavement among the international crimes committed by extremist groups and in conjunction with preventive measures and survivor support.[41] Recommendations are mainly directed at the regional and national levels. To that end, SRSG-SVC is engaging with member states to advocate for the mainstreaming of CRSV concerns in national and regional plans.

Security Council resolution 2178 (2014) recognizes women's roles in countering the violent extremism narrative.[42]

Security Council resolution 2242 (2015) recognizes CRSV as a tactic of terrorism:

> *[E]xpressing deep concern* that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power through supporting financing**,** recruitment, and the destruction of communities, as described in the Secretary-General's Report on Sexual Violence in Conflict of 23 March 2015 (S/2015/203), and further noting the Global Counterterrorism Forum's good practices on Women and Countering Violent Extremism.[43]

Security Council resolution 2253 (2015) recognizes the role of CRSV in the financing of terrorism and as a designation criteria for listing by sanctions committees:

- SCR 2253 expands and strengthens the Al-Qaida sanctions framework to include a focus on the Islamic State in Iraq and the Levant (ISIL/Da'esh).

- In the preamble, the Council condemns abduction, abuse and enslavement of women and children by ISIL and associated groups:

> *[E]xpressing* outrage at their exploitation and abuse, including rape, sexual violence, forced marriage, and enslavement by these entities, *encouraging* all State and non-state actors with evidence to bring it to the attention of the Council, along with any information that such human trafficking may support the perpetrators financially, *emphasizing* that this resolution requires States to ensure that their nationals and persons within their territory do not make available any funds, financial assets or economic resources for ISIL's benefit, and *noting* that any person or entity who transfers funds to ISIL directly or indirectly in connection with such exploitation and abuse would be eligible for listing by the Committee.[44]

- The Global Study on 1325 recommends that **gender considerations be more systematically considered** in the designation criteria, referral process, delisting process, and humanitarian exemptions of sanctions regimes.[45]

> The Global Study *found that five of the 16 United Nations sanctions regimes have human rights and sexual violence related designation criteria, but only 16 individuals and four entities, out of over 1,000 listings, have been listed based on these criteria*. One notable example is the 2014 Al-Qaida Sanctions Committee listing of Boko Haram "following a series of terrorist attacks, including the mass kidnapping of schoolgirls."[46] The office of SRSG-SVC Zainab Hawa Bangura, is currently advocating for the inclusion of CRSV

as a reason for listing members of other terrorist groups, including ISIL.

The ***Compendium of the High-level Review of United Nations Sanctions*** was presented to the Security Council in June 2015. The Review recommends measures to strengthen the protection of women and children through enhanced cooperation, bolstered by the credible threat of sanctions for those who impede those protection measures.[47]

Implications for UN Action

Respondents welcomed the shift in emphasis toward prevention and noted that the CVE agenda has provided entry points for mainstreaming gender and CRSV in counter-terrorism policies, including by recognizing women's agency in CVE. Specific opportunities included listing by sanctions committees and engagement with the working groups of the CTITF.

Risk assessment:

- Concerns regarding **absorption of other agendas into CVE**:
  - » **CVE as a condition for funding.**
  - » **Women's organizations as sources of counter-terrorism intelligence, with associated risks posed to women, including increased risk of sexual violence.**
- **Gendered effects of sanctions:**
  - » **Sanctions may have negative gendered impacts, best documented in the case of the comprehensive economic sanctions regime in Iraq.[48] Advocacy to include CRSV as a reason for listing by sanctions committees should consider these gendered impacts and be informed by the recommendations set forth in the Global Study and the Compendium of the High-level Review of United Nations Sanctions.**

Human Trafficking

In December 2015, the **Security Council held its first-ever meeting** on human trafficking in situations of conflict. An Iraqi woman of the Yazidi faith and a victim of abduction and torture by ISIL, testified before the Council.[49] This meeting marked the formal introduction of human trafficking on the agenda of the Council, which concluded with the adoption of a **Presidential Statement,** requesting a progress report in 12 months, and **explicitly linked human trafficking, CRSV and financing for terrorism, noting the particular impact of human trafficking on women and children**:

"While the human trafficking and CRSV agendas have evolved as separate agendas, the Presidential Statement, along with recent conflict dynamics, suggest that further integration between the agendas is timely."

> The Security Council deplores all acts of trafficking in persons undertaken by the Islamic State of Iraq and the Levant (ISIL), also known as Da'esh, in particular of Yazidis, as

A young visitor to the Palais des Nations in Geneva adds her name to a symbolic signature panel in support of the "50 for Freedom" campaign to end modern slavery

UN Photo/June 2015

well as ISIL's violations and abuses, and deplores also any such trafficking in persons and violations and abuses by Boko Haram, Lord's Resistance Army, and other terrorist or armed groups including for the purpose of sexual slavery and sexual exploitation which may contribute to the funding of such groups, and underscores that acts associated with trafficking in persons in the context of armed conflict may constitute war crimes...

> The Security Council notes the particular impact that trafficking in persons in situations of conflict has on women and children. The Security Council expresses its intention to continue to address this impact in the context of its Working Group on Children and Armed Conflict, and in the framework of its agenda to prevent and address conflict related sexual violence.[50]

Implications for UN Action

- The inclusion of human trafficking on the Security Council's agenda was considered by respondents as an **additional opportunity for UN Action to engage with the Council** and to mainstream CRSV throughout Council outcomes.
- While the human trafficking and CRSV agendas have evolved as separate agendas, the Presidential Statement, along with recent conflict dynamics, suggest that further **integration between the agendas** is timely.
- Should this Statement give rise **to periodic or annual reporting** to the Council on human trafficking, respondents both questioned the **additionality** of such a mechanism, and emphasized the importance of **coordination** with other mechanisms, including the Annual Report of the Secretary-General on Sexual Violence in Conflict.

Youth, Peace and Security

The youth agenda has gained momentum, with the first-ever Security Council resolution on youth, peace and security, and recognition of the important contributions of youth to peacebuilding and conflict prevention.

Security Council resolution 2250, adopted on 9 December 2015 recognizes the differential impacts of conflict on youth, the contribution of youth to peacebuilding, and their vulnerability to recruitment by extremist groups:

> *Expressing* concern that among civilians, youth account for many of those adversely affected by armed conflict, including as refugees and internally displaced persons, and that the disruption of youth's access to education and economic opportunities has a dramatic impact on durable peace and reconciliation,
>
> *Recognizing* the important and positive contribution of youth in efforts for the maintenance and promotion of peace and security,
>
> *Affirming* the important role youth can play in the prevention and resolution of conflicts and as a key aspect of the sustainability, inclusiveness and success of peacekeeping and peacebuilding efforts,
>
> *... Recognizing* that the rise of radicalization to violence and violent extremism, especially among youth, threatens stability and development, and can often derail peacebuilding efforts and foment conflict, and stressing the importance of addressing conditions and factors leading to the rise of radicalization to violence and violent extremism among youth, which can be conducive to terrorism.[51]

Youth empowerment is featured as one of the seven key areas in the ***Secretary-General's Plan of Action to Prevent Violent Extremism***, which recommends that member states:

- Support and enhance young women's and young men's participation in CVE, including by providing a safe environment for such participation;

SRSG Zainab Hawa Bangura meeting with children in Iraq during her mission to the Middle East

UNAMI/Fabienne Vinet, April 2015

- Include young men and women in decision-making processes, including by establishing youth councils;
- Foster dialogue and trust between decision makers and youth;

"The danger of framing youth as targets of recruitment by extremists was emphasized, especially if this framing is not also accompanied by sustained support and funding for youth peacebuilding initiatives."

- Involve underrepresented or hard-to-reach groups of young men and women in preventing violent extremism;
- Establish a national mentoring programme for youth, including opportunities for community service and leadership;
- Ensure that financing for CVE appropriately addresses the needs of young men and women.[52]

Implications for UN Action

Risk Assessment:

- The concern of fragmentation of agendas was voiced among respondents when discussing the youth, peace and security agenda and the importance of maintaining a link between youth and gender concerns was highlighted.
- The youth agenda was considered to be particularly at risk of **absorption into the CVE agenda**, as evidenced by the language in SCR 2250.
- The **danger of framing youth as targets of recruitment** by extremists was emphasized, especially if this framing is not also accompanied by **sustained support and funding for youth peace-building initiatives**.

Other Initiatives and Funding Mechanisms Related to CRSV

Global/UN:

- Special Representative of the Secretary-General on Children and Armed Conflict (CAAC).[53]
- Special Adviser on the Prevention of Genocide.[54]
- Special Adviser on the Responsibility to Protect (R2P).[55]
- Council reporting mechanisms: WPS, Protection of Civilians, CAAC, Trafficking.
- Inter-Agency Task Force on Women, Peace and Security.[56]
- Informal Expert Group on Women, Peace and Security.[57]
- Gender-Based Violence Area of Responsibility.[58]
- AIDS-Free World's Code Blue Campaign to end sexual exploitation and abuse by UN military and non-military peacekeeping personnel.[59]
- Commission on the Status of Women (CSW).[60]
- Violence Against Women Agenda/UNiTE.[61]
- Human Rights Up Front.[62]
- Sustainable Development Goals 3, 5 and 16.[63]
- World Humanitarian Summit.[64]
- Rule of Law Coordination and Resource Group.[65]
- International Campaign to Stop Rape and Gender Violence in Conflict.[66]
- Sexual Violence Research Initiative.[67]

Member State-Led

- Call to Action on GBV in Emergencies (UK, US, Sweden).[68]
- Preventing Sexual Violence Initiative (UK).[69]
- National Sexual Violence Resource Center Review of Prevention Strategies (US).[70]
- Safe from the Start (US).[71]

Funding Mechanisms

- Fund for Gender Equality.[72]
- UN Trust Fund to End Violence Against Women.[73]
- Global Acceleration Instrument on Women Peace and Security.[74]
- Trust Fund for Victims of SEA suggested by CAR Panel.[75]
- UN Trust Fund for Victims of Human Trafficking.[76]

"Respondents emphasized the core principle of the survivor-based approach, noting that UN Action is strategically positioned to advocate for improved access to health services for survivors of sexual violence, including those who may have contracted HIV or become pregnant."

Sexual violence victim's sector in Goma

MONUSCO/Sylvain Liechti

Gaps and Opportunities

The foregoing section on emerging issues and existing mechanisms within the WPS field demonstrate the proliferation of initiatives that are closely related to CRSV. Two areas were identified as strategic entry points for UN Action: reproductive health rights in the context of conflict and emergency settings, where UN Action is well positioned to facilitate coordination and contribute to advocacy; and LGBT rights in the context of conflict and emergency settings, where UN Action can lead on an issue that has largely been neglected by the WPS community.

CRSV and Reproductive Health Rights

Delivering health services to survivors of sexual violence and protecting women's reproductive rights in emergency contexts requires advocacy and coordinated humanitarian action. There are two specific interlinked aspects of this work that relate to UN Action's mandate: **HIV/AIDS** treatment and **abortion** in conflict and emergency settings, including for survivors of sexual violence.

Both issues are on the **Security Council's agenda**:

- **HIV/AIDS:**
  - » Resolution **1308** (2000), on HIV/AIDS and peacekeeping operations.[77]

» Resolution **1983** (2011), linking HIV/AIDS to the WPS agenda.[78]

- **Sexual and reproductive rights/abortion:**

» Resolution **2106** (2013):

> *Recognizing* the importance of providing timely assistance to survivors of sexual violence, urges United Nations entities and donors to provide non-discriminatory and comprehensive health services, including sexual and reproductive health.[79]

» Resolution **2122** (2013):

> *Recognizing* the importance of Member States and United Nations entities seeking to ensure humanitarian aid and funding includes provision for the full range of medical, legal, psychosocial and livelihood services to women affected by armed conflict and post-conflict situations, and noting the need for access to the *full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination.*[80]

The Global Study on SCR 1325 provides an analysis of the health risks faced by women in conflict and emergency settings, such as life threatening injuries during pregnancy and high rates of maternal mortality, particularly as a result of CRSV. Further, it finds the **denial of safe abortions and post-abortion care** in conflict and emergency settings to be in **violation of international law**:

- The "**prohibition on 'adverse distinction'**, found in Common Article 3, the Additional Protocols to the Geneva Conventions and customary international law", where one medical service is excluded from the comprehensive medical service provided, and the service is needed by only one gender.

- **International human rights law**, according to the Committee on the Elimination of all forms of Discrimination against Women,

where a state party refuses to legally provide reproductive health services for women.

- The **prohibition on torture**, according to the Human Rights Committee, the Committee against Torture and the UN Special Rapporteur, where services were denied to survivors of rape.[81]

The Global Study **recommends** that

> ...all global humanitarian and local healthcare workers are trained in basic life-saving sexual and reproductive health care, in accordance with international human rights standards, as well as emergency response for survivors of domestic and sexual violence, including emergency contraception and abortion/post-abortion services.[82]

In January 2016, **WHO** launched an interactive website based on their 2015 **guideline for health workers** on providing safe abortion care and post-abortion contraception.[83]

Implications for UN Action

- **Two events represent opportunities for UN Action engagement on HIV/AIDS and abortion in conflict and emergency setting:**
  - **May 2016 World Humanitarian Summit.[84]**
  - **June 2016 High-level meeting on HIV/AIDS.[85]**
- **Respondents emphasized the core principle of the survivor-based approach, noting that UN Action is strategically positioned to advocate for improved access to health services for survivors of sexual violence, who may have contracted HIV or become pregnant.**
- **Respondents also mentioned UN Action's role in mainstreaming HIV and reproductive health concerns throughout the WPS and CRSV agendas.**

LGBT, Peace and Security

Lesbian, gay, bisexual and transgender (LGBT) rights and protection needs in the context of conflict represent a **neglected area of WPS**: Advocacy, media coverage, Security Council discussions, monitoring and reporting mechanisms (MARA, MRM, GBVIMS, SCR 1325 indicators), programming, staff training and service delivery are not LGBT-sensitive. LGBT individuals are particularly vulnerable to CRSV and have distinct protection needs. The 2015 Report of the Secretary-General on CRSV presented evidence on the targeting of LGBT individuals, including by extremist groups as a tactic of war or terror or for the imposition of moral and social control.[86] Further, UNHCR and OHCHR have emphasized that the protection needs of LGBT individuals are impacted by the fact that 77 countries still have laws that discriminate against LGBT individuals or criminalize same-sex relations. However, some mechanisms are available and recent developments suggest that the issue is gaining political momentum.

Existing Mechanisms and Initiatives:

- **General Assembly resolutions** on extrajudicial, summary and arbitrary executions mention protection for individuals targeted based on their sexual orientation or gender identity.[87]
- **Human Rights Council Resolution 17/19 (2011) and 27/32 (2014)** on Human Rights, Sexual Orientation and Gender Identity.[88]
    - » Both resolutions request that the High Commissioner report to the Council on patterns of discrimination and violence directed at people in all regions on the basis of their sexual orientation and gender identity.
    - » The **most recent report from June 2015** includes evidence of CRSV directed at LGBT individuals by non-state armed groups and security forces in Syria.[89]
    - » As of now, this reporting mechanism remains ad-hoc and no annual or systematic reporting has been requested.

» OHCHR's booklet *Born Free and Equal* on the legal obligations of states to protect the rights of LGBT individuals, including from violence.[90]

» In May 2014, the **African Commission on Human and People's Rights** (ACHPR) adopted the continent's first resolution condemning violence against LGBT people on the basis of their imputed or actual sexual orientation or gender identity.[91]

» **LGBT Core Group** is a growing group of member states and organizations actively engaged in multilateral efforts to tackle discrimination on the basis of sexual orientation.[92]

» **Free and Equal Campaign** is the UN's global advocacy campaign against homophobic violence and discrimination.[93]

Unveiling of Commemorative UN Postage Stamps Promoting LGBT Equality

UN Photo

Recent Developments:

- The 2015 Report of the Secretary-General on CRSV included sections on sexual orientation and gender identity.
- The **Security Council has debated** the targeting of LGBT individuals:
  - » During the thematic debate in March 2015 on the Protection of Minorities in the Middle East, on protection concerns for LGBT individuals.
  - » Between 2011 and 2015, sexual orientation and gender identity were raised *two times*, during Security Council open debates on the protection of civilians.[94]
  - » Arria Formula in August 2015: members of the UN Security Council held their first **Arria Formula meeting on LGBT issues**, particularly in the context of ISIL's crimes against LGBT individuals in Iraq and Syria. Co-sponsored by Chile and the United States, the event was seen as a sign that the issue is slowly getting more visibility at the United Nations.
- The **Colombia peace talks** were the **first-ever to be LGBT inclusive** and included sexual minority organizations at the negotiating table.
- In September 2015, 12 UN entities, 9 of which are UN Action members, issued an unprecedented **Joint Call to Action** on ending violence and discrimination against LGBT adults, adolescents and children.[95]
- The **Secretary-General's Plan of Action on CVE** discusses the systematic targeting of the LGBT community by extremist groups: abductions, murder, torture and sexual violence.
- In December 2015, **UNHCR** published a **Global Report on UNHCR's Efforts to Protect LGBT Asylum-Seekers and Refugees**:

» Nearly all participating offices *called for more extensive training* on sexual orientation and gender identity issues, noting that these trainings must explicitly take into account the difficult cultural, religious, and legal contexts in which the offices operate, calling for a "training of trainers" model to allow for more effective information sharing on LGBT issues, including through a global platform to share best practices.[96]

» In September 2015, the **International Organization for Migration (IOM) and UNHCR** issued a training package designed to address this knowledge gap: a **comprehensive training package** on the protection of LGBT persons of concern for IOM and UNHCR staff members as well as the broader humanitarian community. The training's modules cover a wide variety of topics, including terminology, international law, communication, operational protection, resettlement and Refugee Status Determination, all with a focus on practical guidance for offices and partner organizations.[97]

Implications and Planned Activities for UN Action

- The analysis above clearly demonstrates the **demand for expertise, training, programming, funding, and information sharing on LGBT issues**, something that was echoed throughout the mapping. UN Action is responding to this demand, including through the following proposed activities for 2016:

  » A **pilot project** funded by UN Action, to be implemented by UNHCR and two partner organizations in Lebanon. The project combines psychosocial and livelihood support and service delivery for LGBT individuals at heightened risk of SGBV with volunteer-based outreach to the LGBT community and the creation of an LGBT youth group. This pilot project will serve as a reference project for the Network and contribute to lessons learned on best practices for LGBT sensitive programming.

» A **seminar on the protection of LGBT civilians and international peace and security**. The seminar has a primarily practical orientation, namely to inform more targeted and effective interventions, as well as helping to generate ideas, clarify positions and define strategies. The strategic objectives of the seminar are: raise awareness about the prevalence and specific dynamics of CRSV against LGBT persons; ensure that policies, programmes, action plans and monitoring arrangements are inclusive of LGBT survivors of sexual violence, thereby addressing a major "blind-spot" in monitoring and reporting to date; sensitivities around the issue, including how to collect data on violations without stigmatizing or further endangering survivors; ensure that staff and partners working in conflict-affected areas (including peacekeeping personnel) are trained and sensitized on the specific protection needs and rights of LGBT persons; review and share best practices and lessons learned in addressing this issue during and in the wake of war; build consensus around the full and equal application of the series of robust Security Council resolutions on CRSV to LGBT individuals, including related enforcement mechanisms and strategies to convert these resolutions into real-world solutions; begin to build the skill and the will to prevent and deter CRSV and other forms of violence against LGBT persons, as part of broader efforts to protect civilians under imminent threat of physical violence; prompt governments and representatives of international and regional security institutions to take follow-up action to institutionalize these commitments.

Conclusion

The overarching conclusion of the mapping is the proliferation of mechanisms and initiatives that are related to or overlap with UN Action's mandate. This can to a certain extent be regarded as a sign of success, in that sexual violence concerns are being mainstreamed across different issue areas and sectors. However, it also raises questions about the role and added value of the Network going forward. A recurring theme throughout conversations with focal points and stakeholders was the core principle of the survivor centered approach: Is the Network ultimately contributing positively to the work on the ground, in terms of access to and improved services for survivors? These concerns echo the findings of the 2012 five-year review of UN Action, which concluded that norm evolution and innovative advocacy had been a key area of success for the Network, while norm absorption, implementation, and internal advocacy were considered remaining challenges.

The question therefore still remains: How can the Network continue to drive the CRSV agenda forward, while simultaneously facilitating knowledge generation, information sharing, coordination and implementation, ultimately strengthening prevention and improving services for survivors? In this regard, participants found the process to be of particular concern. The proliferation of new actors and initiatives on the WPS agenda means that UN Action must continuously evaluate what the best method of advancing its mandate is. This requires critical

thinking, not just around which locations and issues to prioritize, but also around *how* the Network works. UN Action activities focused on LGBT issues can serve as an example: how can UN Action leverage its strategic position as a multi-agency network to make sure that these activities simultaneously contribute to *improved protection and services* for LGBT individuals in conflict or emergency settings; production and dissemination of *knowledge and best practices* on LGBT sensitive programming; improved *coordination* between actors providing protection for LGBT individuals in conflict or emergency settings; and innovative advocacy to drive *norm evolution* and *mainstreaming* of LGBT concerns throughout the WPS agenda?

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