

High-Level Open Debate on Sexual Violence in Conflict

Tuesday, 23 April 2019
at 10:00 AM in the Security Council Chamber

Concept Note

1. Background

1.1. Introduction

2019 is an important year both in the fight against conflict-related sexual violence and for the overall Women, Peace and Security agenda. It leads up to the twentieth anniversary of landmark Security Council resolution 1325 in 2020 and marks the 10-year anniversary of the establishment of the mandate of the Special Representative on Sexual Violence in Conflict through Security Council resolution 1888 (2009). Over the last decade, there has been an important paradigm shift: today, sexual violence in armed conflict and post-conflict situations is understood as a threat to international peace and security, and diverse tools have been developed to prevent and respond to these horrific crimes.

One important aim of this Open Debate is to examine some of the root causes of such crimes, which are used as a tactic of war and terrorism as recognized by the Security Council. These include deeply entrenched gender inequality and discriminatory perceptions of gender roles, which contribute to the disproportionate effect of conflict on women and girls. Prevention of conflict-related sexual violence requires a collective effort to achieve gender equality in societies, including ensuring women's full and effective participation in political, economic and social life and ensuring access to and efficient justice and security institutions.

1.2. Accountability as a key factor to prevent conflict-related sexual and gender-based violence

Despite ongoing efforts and investment in the investigation and prosecution of conflict-related sexual violence, accountability for conflict-related sexual violence committed both by non-state and state actors remains a major challenge. The 10th Report of the Secretary-General on Conflict-Related Sexual Violence (S/2019/280) emphasizes that sexual violence continues to be part of a broader strategy of warfare and is used as a means of repression, terror and control, and to displace communities, seize territory and other resources. Non-state actors such as armed groups, local militias, and criminal elements account for 37 out of 49 parties listed in the Annex of the report. State actors were also implicated in all country situations. A collective effort is therefore urgently needed to strengthen accountability and compliance of parties to conflict with relevant

resolutions of the Security Council and their obligations under international law to prevent conflict-related sexual violence.

The fight against impunity for conflict-related sexual violence and the role of accountability in its prevention have been major themes of the Women, Peace and Security agenda. These topics are addressed particularly in the four existing Security Council resolutions on Sexual Violence in Conflict 1820 (2008), 1888 (2009), 1960 (2010) and 2106 (2013), as well as in resolution 2331 (2016) which recognizes that sexual violence can be used as a tactic of terrorism, and in resolution 2447 (2018) which includes a specific reference to prevention and response to conflict-related sexual violence in the context of police, justice and corrections sectors. Numerous country-specific and sanctions resolutions of the Security Council have also taken up the issue.

In his annual report, the UN Secretary-General calls on the Security Council to fully integrate the issue of conflict-related sexual violence into the work of its sanctions committees and include sexual violence as an explicit designation criterion for sanctions. He also urges the Security Council to include measures to prevent conflict-related sexual violence in security sector and justice reform initiatives. Furthermore, the Secretary-General recommends that the Security Council employ all means at its disposal to influence parties to a conflict to comply with international law, including by referring cases to the International Criminal Court. The Secretary-General identifies accountability for crimes of conflict-related sexual violence as a key element of his prevention strategy. The Security Council has highlighted in its resolutions 1820 (2008) and 2106 (2013) the need to exclude sexual violence crimes from amnesty provisions in the context of conflict resolution and transitional justice processes.

1.3. Towards a more holistic concept of justice and accountability: Survivor-centered approach

One of the major lessons learned through the implementation of Security Council resolution 1888 (2009) over the past decade is the crucial role civil society actors, particularly at the grass-roots level, play in prevention and in ensuring adequate and survivor-centered responses to conflict-related sexual violence. Yet women human rights defenders continue to face systematic and structural discrimination and remain at particular risk or are targeted for violence, including sexual and gender-based violence, in retaliation for their work.

The consequences of sexual and gender-based violence for survivors, their families and communities continue to impact them for years after such violations occur. Mothers of children that are born as a result of sexual violence may be ostracized by their own community. Their children may face high levels of stigma and as a result may suffer a lifetime of detrimental consequences. In addition to the immediate medical services that survivors require, more comprehensive psycho-social support is also needed to ensure the full recovery of survivors and their reintegration in communities. This critical work is often undertaken at the community level

through local service providers who serve on the frontlines of conflicts and are often supported by advocacy and funding of women's groups and other civil society organizations.

2. Objectives and guiding questions for the Open Debate:

The Open Debate aims to identify gaps and discuss opportunities at the national, regional, and international levels for improving efforts to prevent and respond to conflict-related sexual violence both through the empowerment of survivors and civil society actors and through strengthening compliance of state and non-state parties with their obligations under national and international law and with commitments they have undertaken to address conflict-related sexual violence in the framework of relevant Security Council resolutions.

We encourage interventions to address the following questions:

Accountability

- What strategies can be implemented for the strengthening of judicial mechanisms in order to hold those who are responsible for sexual violence accountable and to end impunity?
- How can the international community support Governments to respond effectively to sexual violence in conflict, including accountability efforts as a central aspect of deterrence and prevention?
- How can the Security Council strengthen its monitoring of compliance of parties to conflict, including persistent perpetrators listed in the Secretary-General's Report on Conflict-Related Sexual Violence?

Survivor-centered approach

- What other strategic approaches could be employed to ensure that a survivor-centered approach is at the heart of all the programmes, interventions and investments made in the fight against sexual violence in conflict?
- What are the existing challenges when it comes to ensuring effective participation and sufficient resources for civil society organizations, local women's rights organizations and human rights defenders as part of the efforts to ensure women's and girls' protection, as well as their economic recovery, empowerment and resilience, to prevent sexual violence in conflict?
- What specific efforts can Member States take to ensure a safe and enabling environment for civil society and local women's rights organizations?

3. Format and briefers

The Open Debate will take place on 23 April 2019 from 10 AM in the Security Council Chamber. It will be chaired by H.E. Mr. Heiko Maas, Federal Minister for Foreign Affairs of Germany.

The following speakers will brief the Security Council:

- H.E. Mr. António Guterres, UN Secretary-General
- Ms. Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict
- Dr. Denis Mukwege Mukengere, Nobel Peace Prize Laureate 2018
- Ms. Nadia Murad, Nobel Peace Prize Laureate 2018
- Ms. Amal Clooney, Barrister
- Ms. Inas Miloud, Co-Founder and Director of the Tamazight Women's Movement in Libya

➔ In order to make the discussion as outcome-oriented and interactive as possible, we ask all speakers to keep the following guidelines in mind:

- We encourage all speakers to restrict their remarks to **four minutes**.
- All speakers are strongly encouraged to **refrain from reading prepared remarks, and are invited to pose questions to the briefers**. Delegations are encouraged to outline specific steps to address conflict-related sexual violence.
- The Chair might invite briefers to **comment directly or respond to questions on issues related to their area of expertise**.

ANNEX: Background and normative developments in the Security Council

The Security Council has adopted a robust series of resolutions to raise awareness of, and generate action to combat, sexual violence during and in the wake of conflict:

- Resolution 1820 (2008): Recognized that sexual violence is often employed as a tactic of war, and can constitute a war crime, a crime against humanity, and/or an act of genocide, and, as such, cannot be amnestied. The Council called for the immediate and complete cessation of sexual violence against civilians, in particular women and girls who are disproportionately affected, and an end to the impunity enjoyed by perpetrators, expressing its deep concern that, despite repeated condemnation, sexual violence against civilians trapped in war zones was not only continuing, but, in some cases, had become widespread and systematic. This resolution built upon the foundational resolution 1325 (2000), by affirming that effective steps to prevent and respond to all forms of sexual violence can significantly contribute to the maintenance or restoration of international peace and security.
- Resolution 1888 (2009): Established new infrastructure and mechanisms to advance implementation of this agenda, including the creation of a Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), a Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) working out of her Office, and dedicated Women's Protection Advisers (WPAs) in field missions. The Council further committed to incorporate specific provisions on combating conflict-related sexual violence in the mandates of peacekeeping operations. The resolution encouraged Member States to increase health care, psychosocial support, and legal assistance for survivors of conflict-related sexual violence in remote and rural areas.
- Resolution 1960 (2010): Established a monitoring and compliance regime, including specific Monitoring, Analysis and Reporting Arrangements on conflict-related sexual violence (MARA), mandated the listing of parties to armed conflict credibly suspected of committing or being responsible for patterns of sexual violence in situations on the Council's agenda, and called upon parties to armed conflict to make specific and time-bound commitments to combat sexual violence, including by prohibiting such crimes through clear command orders, adopting codes of conduct and other measures, and investigating alleged abuses and holding perpetrators accountable in a timely manner.
- Resolution 2106 (2013): Emphasized prevention and the central role of civil society organizations in addressing these crimes, reiterating that all actors, including not only the Security Council and parties to armed conflict, but all Member States and United

Nations entities, must do more to advance implementation of this agenda and combat impunity for these crimes. This resolution also affirmed the centrality of gender equality and women's political, social, and economic empowerment to efforts to prevent sexual violence in armed conflict and post-conflict situations.

- Resolution 2331 (2016): Addressed the nexus between trafficking, sexual violence, terrorism, and transnational organized crime, paving the way for more systematic monitoring and reporting, as well as enhanced information-sharing and judicial cooperation. It further affirmed that victims of trafficking and sexual violence committed by terrorist groups and networks should be eligible for official redress as victims of terrorism. The acknowledgement of sexual violence as a tactic of terrorism, integral to recruitment, resourcing and radicalization strategies, linked this issue formally to global action aimed at curbing terrorist financing, including the work of relevant sanctions regimes.