A Call to Action on the Women, Peace, and Security Agenda

A Report on the Implementation of Security Council Resolution 1325 and Related Resolutions

Report Commissioned By

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Abbreviations

CAR	Central African Republic
CEDAW	UN Convention on the Elimination of Discrimination Against Women
CRSV	Conflict-Related Sexual Violence
DDR	Disarmament, Demobilization, and Reintegration
DFS	Department of Field Support (within DPKO)
DOCO	Development Operations Coordination Office
DPA	UN Department of Political Affairs
DPI	UN Department of Public Information
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
ECOSOC	Economic and Social Council
FAO	Food and Agriculture Organization
HRC	Human Rights Council
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
IOM	International Organization for Migration
IANWGE	Inter-Agency Network on Women and Gender Equality
INSTRAW	UN International Research and Training Institute for the Advancement of Women
MARA	Monitoring, Analysis, and Reporting Arrangements
M&E	Monitoring and Evaluation
MDGs	Millennium Development Goals
MINURSO	UN Mission for the Referendum in Western Sahara
MINUSMA	UN Multidimensional Stabilization Mission in Mali
MINUSTAH	UN Stabilization Mission in Haiti
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
MPTF	Multi-Partner Trust Fund
NAP	National Action Plan
NGO	Non-Governmental Organization
OCHA	UN Office for Coordination of Humanitarian Affairs
OECD	Organisation for Economic Co-Operation and Development
ODA	Office of Disarmament Affairs
OHCHR	Office of High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services
OSAGI	Office of the Special Advisor on Gender Issues and Advancement of Women
PRST	Presidential Statement
PBSO	Peacebuilding Support Office
RAP	Regional Action Plan
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender-Based Violence

SRVAW	Special Rapporteur on Violence Against Women, Its Causes and Consequences
SRSG-CAC	Special Representative of the Secretary-General on Children and Armed Conflict
SRSG-SVC	Special Representative of the Secretary-General on Sexual Violence in Conflict
SSR	Security Sector Reform
SWAP	System-Wide Action Plan
TOE	Team of Experts
TCC	Troop-Contributing Country
UN	United Nations
UNAIDS	Joint United Nations Program on HIV/AIDS
UNAMID	African Union-UN Hybrid Operation in Darfur
UNDESA	UN Department of Economic and Social Affairs
UNDP	UN Development Programme
UNESCO	UN Educational, Scientific, and Cultural Organization
UNFPA	UN Population Fund
UNFYCIP	UN Peacekeeping Force in Cyprus
UNICEF	UN Children's Fund
UNIFEM	UN Development Fund for Women
UNIFIL	UN Interim Force in Lebanon
UNITAR	UN Office for Training and Research
UNHCR	UN High Commissioner for Refugees
UNMIK	UN Mission in Kosovo
UNMIL	UN Mission in Liberia
UNMISS	UN Mission in South Sudan
UNOCI	UN Operation in Côte d'Ivoire
UNODC	UN Office on Drugs and Crime
UNISFA	UN Interim Security Force for Abyei
UNTAET	UN Transitional Administration in East Timor
UNTSO	UN Truce Supervision Organization
WHO	World Health Organization
WFP	World Food Programme
WPA	Women Protection Advisors
WPS	Women, Peace, and Security

Executive Summary

The adoption of United Nations Security Council Resolution 1325 on October 31, 2000, was historic in its recognition of the gendered impacts of war on women and the role women play in conflict prevention, resolution, and peacebuilding. Resolution 1325 is based on three interconnected "pillars": (1) *prevention* of armed conflict by including women in all levels of decision making, (2) *protection* of women and girls from sexual and gender-based violence during conflict, and (3) meaningful *participation* of women in negotiating and implementing peace after conflict. Over the last 15 years, subsequent Security Council resolutions, presidential statements, open debates, and reports by the Secretary-General have built an ambitious women, peace, and security agenda.

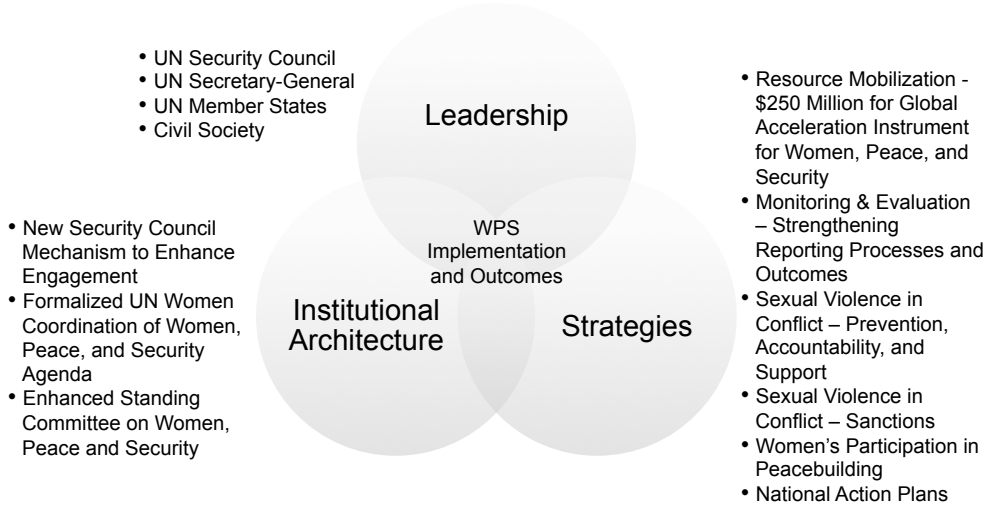
There is a strong global consensus about the importance of this agenda, which is built on the foundation of decades of work to advance peace and security more broadly. With respect to prevention, women's meaningful participation in all levels of decision making results in less armed conflict. In regards to protection, there is strong agreement that the use of rape as a weapon of war is a war crime; victims deserve justice, help, and support, while perpetrators must be held accountable. And with respect to participation, experience shows the involvement of women in negotiating and implementing peace is critical for the peace to last.

Despite the historic importance of the women, peace, and security agenda, results that have come directly from implementation of Resolution 1325 have been limited. In short, this report explains that after the adoption of Resolution 1325, the UN and its members have collectively failed to follow through. The Security Council has not taken sufficient ownership of the agenda, displaying a lack of political will and leadership in developing substantive monitoring mechanisms, and failing as an institution to focus efforts of the UN Secretariat and Member States on concrete strategies that would result in more meaningful results. Although both Secretary-General Ban Ki-moon and former Secretary-General Kofi Annan have spoken publicly about the importance of advancing the women, peace, and security agenda, neither mobilized substantial resources to ensure its implementation. **All together, there has been a substantial gap between the promise of Resolution 1325 and its implementation in practice.**

In preparing this report, the authors have endeavored to complete a thorough, comprehensive, and independent review of the implementation of the women, peace, and security agenda. **Our conclusion is disappointing, but it is also a clarion call to action.** The forthcoming 15-year anniversary of the adoption of Resolution 1325 presents a critical moment in history for the UN Security Council, Secretary-General, Member States, and civil society to declare together that new and bold action must be taken to close the gap between the promise of the women, peace, and security agenda and its implementation in practice.

This report recommends bold actions that would yield dramatically different and measureable results.

A NEW APPROACH TO ADVANCE THE WOMEN, PEACE, AND SECURITY AGENDA



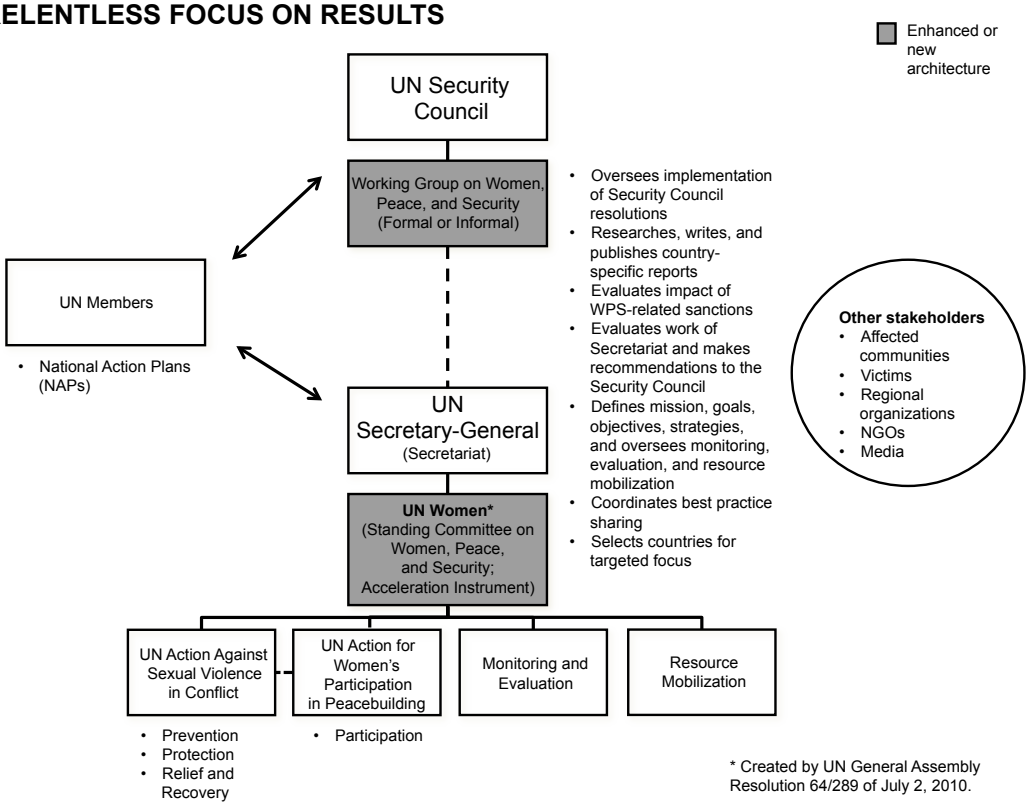
Our specific recommendations, which are described in much further detail later in the report, are as follows:

LEADERSHIP

Recommendation 1. The UN Security Council, UN Secretary-General, UN Member States, and civil society must together declare that new and bold action must be taken to close the gap between the promise of the WPS agenda and its implementation in practice.

INSTITUTIONAL ARCHITECTURE

PROPOSED ARCHITECTURE FOR WOMEN, PEACE, AND SECURITY AGENDA: A RELENTLESS FOCUS ON RESULTS



Recommendation 2. The WPS agenda requires a proper and well-resourced infrastructure to support its ambitious goals.

- Recommendation 2A. There should be a new Security Council Working Group on Women, Peace, and Security to oversee implementation of the WPS agenda, including contributing to the work of UN Sanctions Committees and researching and writing country-specific reports. It could be either a formal committee or an informal body.

- Recommendation 2B. The UN Secretary-General should formally appoint UN Women as the Coordinator within the Secretariat for implementing the WPS agenda.

- Recommendation 2C. The Standing Committee on Women, Peace, and Security, chaired by UN Women, must be given additional resources and individual UN agencies must be given resources to appoint full-time WPS coordinators to serve on the Standing Committee and drive implementation agency by agency.

STRATEGIES

Recommendation 3. The international community should raise and invest $250 million over five years into the new Acceleration Instrument for Women, Peace, and Security, housed within UN Women, which will support the infrastructure to implement the WPS agenda and direct most of its resources into programs in the field.

Recommendation 4. The Standing Committee on Women, Peace, and Security should commission the completion of a baseline study on the WPS agenda, revisit and develop data for measuring results, and re-conceptualize and develop a new set of performance indicators grounded substantially in measureable results achieved in the field.

Recommendation 5. The Standing Committee on Women, Peace, and Security must reinvigorate and renew UN Action Against Sexual Violence in Conflict to go beyond the development of policies, procedures, and trainings to outcome-based programs that measure success in preventing sexual violence, holding perpetrators accountable, and providing support to victims.

- Recommendation 5A. The UN Department of Peacekeeping Operations should have a strategic plan to increase women's leadership of and participation in peacekeeping operations, as well as integrate the prevention of sexual violence into its operations by combatants, in coordination with other UN agencies and host governments.

- Recommendation 5B. The UN Department of Peacekeeping Operations should renew its efforts to train peacekeepers about appropriate conduct, enhance internal accountability mechanisms, and proactively engage with troop and police-contributing countries to help them provide better training in their own militaries on these issues.

- Recommendation 5C. The SRSG on Sexual Violence in Conflict should commission a report to identify the early warning signs of the potential occurrence of sexual violence, expand efforts on gathering information from civil society and victims, and implement measures to ensure reporting reaches senior decision-makers in the UN system.

- Recommendation 5D. The SRSG on Sexual Violence in Conflict should oversee a major effort to identify best practices for building domestic legal systems, including enhancing capacity of police, prosecutors, defense attorneys, and judges. The aim should be to develop programs whose results can be measured and which can be replicated in conflict and post-conflict environments.

- Recommendation 5E. Each peacekeeping mission should assess the needs for victim support for sexual violence in conflict. If necessary, specific assistance should be provided in-country for specialized health care and psychosocial support, as well as programs to assist victims to reintegrate into society.

Recommendation 6. The UN Security Council should declare that the use of sexual violence as a weapon of war is a war crime and that its use constitutes a threat to the peace as described in the UN Charter.

- Recommendation 6A. The new Working Group on Women, Peace, and Security, whether formal or informal, should develop and improve access to and sharing of information relating to sexual violence in conflict and sanctioned individuals and entities. It should also develop more effective ways to communicate publicly about sanctions imposed for the use of sexual violence in conflict.

- Recommendation 6B. The UN Security Council should broaden its application of sanctions for conflict-based sexual violence and through the adoption of a thematic resolution that would enable it to narrowly sanction individual entities engaging in the use of sexual violence in conflicts where the states are not directly on the Security Council's agenda.

- Recommendation 6C. The new Working Group on Women, Peace, and Security, whether formal or informal, should develop, implement, and report on a monitoring and evaluation system for the impact of sanctions imposed on individuals and entities committing sexual violence in conflict.

Recommendation 7. The UN must completely rethink, reinvent, and reinvigorate a new approach to the women's participation pillar of the WPS agenda. It must begin with the UN Secretary-General directly and dramatically addressing the disconnect between the rhetoric and reality of the lack of women in senior roles throughout the UN system. It should place special emphasis on developing new measures for assessing the impact of women's participation, women's engagement in peace negotiations, and societal discrimination.

Recommendation 8. All UN Member States should adopt National Action Plans (NAPs) to implement the WPS agenda. In addition, the UN Secretary-General should both publicly and privately urge UN Member States to adopt NAPs, allocate necessary resources to their development, and monitor their implementation. The Standing Committee for Women, Peace, and Security should develop and implement a training and technical assistance capacity to enable Member States to develop NAPs, facilitate connections and sharing of best practices between Member States, and provide resources for their development and implementation.

Recommendation 9. The WPS agenda should be integrated more fully and substantially into the discussions on the responsibility to protect and in the development of UN and Member State atrocity prevention and response strategies.

Recommendation 10. The WPS agenda should be fully integrated into the UN Counter-Terrorism Strategy, acknowledging the different roles women play as victims, perpetrators, and change agents.

2015 marks the 70th anniversary of the United Nations, the 20th anniversary of the Beijing Platform, and the 15th anniversary of the *Brahimi Report*, *Windhoek Declaration,* and critically, Resolution 1325. Finally, 2015 will see the launch of the new global development agenda as the MDGs cede way to the Sustainable Development Goals (SDGs). The convergence of these anniversaries will bring international governments and civil society together to address, assess, and strategize future goals aimed at peace and security for men and women. As the UN reflects on and draws lessons from the past while contemplating the future, it has the opportunity to redefine the way it looks at peace and security in general and women's participation in particular. Without women, there is no peace and security. 2015 provides an historic opportunity for developing a comprehensive agenda for advancing women's role in peace and security based on coordination and complementarity of goals.

Our recommendations are bold and will require a serious renewal of the UN framework in place to implement the WPS agenda. The issues presented are complex and multi-faceted, and the authors understand there will be legitimate and reasonable debates over the merits of these recommendations. But if real progress on the women, peace, and security agenda is important to the international community, there is no doubt that change is needed and there should be no disagreement about the direction to head.

I. Background and Current Context

A. Historical Antecedents

The international focus on women in conflict first gained wide recognition as one of the pillars of the UN Decade for Women: Equality, Development and Peace (1976-1985),[1] and was later elaborated on in the *Nairobi Forward-Looking Strategies for the Advancement of Women* (1985), which provided a policy framework for advancing the status of women to be implemented by 2000.[2]

The next major milestone was the Beijing Declaration and Platform for Action (Beijing Platform), which was adopted at the Fourth World Conference on Women in September 1995. The platform highlighted twelve special areas of ongoing concern and provided a broad-ranging agenda for the achievement of gender equality and women's rights.[3]

B. UN Security Council: Resolution 1325 & Subsequent Resolutions

On October 31, 2000, after an Open Debate on Women, Peace, and Security that included statements by heads of state,[4] the UN Security Council adopted by consensus Resolution 1325, the first UN Security Council resolution that acknowledged the unique effects of war on women and the important role that women play in conflict resolution.[5]

Resolution 1325 laid out three pillars of engagement for the women, peace, and security (WPS) agenda: women's *participation*, women's *protection*, and the *prevention* of violence. This resolution also announced the need for increased attention to gender mainstreaming, and urged Member States to increase women's representation "at all decision-making levels in national, regional and international institutions."[6]

Over the past 15 years, the WPS agenda has expanded to include six more Security Council resolutions:

- **Resolution 1820 (2008)** formally recognized that sexual violence was not just a by-product of war, but also a "[deliberate] tactic of war."[7] It called for special

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[1] *United Nations Decade for Women*, General Assembly Res. 31/136, A/RES/31/136, Dec. 16, 1976.
[2] *Nairobi Forward-Looking Strategies for the Advancement of Women*, *adopted at* The UN World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, A/CONF.116/28/Rev., Jul, 26, 1985.
[3] *Report of the Fourth World Conference on Women* (Beijing Platform), UN Fourth World Conference on Women, Beijing, China, Sep. 4-15, A/CONF.177/20, ¶¶ 131-164 (Oct. 17, 1995).
[4] Open Debate Statement, Oct. 24, 2000, *available at* http://www.peacewomen.org/security-council/security-council-debate-women-peace-and-security-october-2000.
[5] Security Council Res. 1325, S/RES/1325, (2000).
[6] *Id*., at ¶ 1.
[7] Security Council Res. 1820, S/RES/1820, at ¶ 1 (2008).

training for troops, a zero-tolerance policy regarding sexual abuses by DPKO personnel, consulting with women and women-led NGOs, and collecting reliable information on the use of sexual violence in armed conflict.[8]

- **Resolution 1888 and Resolution 1889 (2009)** addressed some of the shortcomings of 1820. Resolution 1888 expressed concern "over the lack of progress on the issue of sexual violence in situations of armed conflict,"[9] and called for the creation of the Special Representative on Sexual Violence in Conflict.[10] Furthermore, 1888 emphasized that Member States are responsible for fighting impunity,[11] and urged them to build judicial capacity and reform laws so as to ensure women are included in peace negotiations and peacekeeping operations.[12] Resolution 1889, which immediately followed, stressed the "participation" pillar of 1325, encouraging Member States to develop new strategies to prioritize the participation of women and "ensure gender mainstreaming" in all peacebuilding efforts.[13] 1889 also called on the Secretary-General to appoint more women to senior UN positions,[14] increase women's participation in UN missions,[15] and submit to the Security Council a set of global indicators for tracking implementation of Resolution 1325.[16]

- **Resolution 1960 (2010)** returned to the subject of gender-based violence, encouraging partnerships between Member States and the international community to increase resources for victims of sexual violence and calling on parties in armed conflict to make concrete commitments to end sexual violence.[17] Additionally, for the first time the Secretary-General was asked to list parties "credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence" in his annual reports so that the Security Council could refer to this list when developing sanctions.[18]

- **Resolution 2106 (2013)** continued the focus on protection from sexual violence, breaking new ground by advocating for the incorporation of men and boys in the fight to end sexual violence in conflict.[19] The resolution also highlighted the need for expanded delivery of medical and psychological support for survivors of

[8] *Id*., at ¶¶ 6,7,10,12,15.
[9] Security Council Res. 1888, S/RES/1888, at op. ¶ 3 (2009).
[10] *Id*., at. ¶ 4.
[11] *Id*., at op. ¶ 7.
[12] *Id*., at op. ¶ 9.
[13] Security Council Res. 1889, S/RES/1889, at ¶ 8 (2009).
[14] *Id*., at ¶ 4.
[15] *Id*., at op ¶. 14.
[16] *Id*., at ¶ 17.
[17] Security Council Res. 1960, S/RES/1960, (2010).
[18] *Id*., at ¶ 3.
[19] Security Council Res. 2106, S/RES/2106, (2013).

sexual violence in conflict, in particular the "disproportionate burden of HIV and AIDS on women and girls."[20]

- **Resolution 2122 (2013)** shifted attention from women as victims of sexual violence to women's leadership and participation in conflict resolution and peace building.[21] Recommendations included increasing the number of women delegates in peace negotiations[22] and militaries,[23] consulting women's organizations in conflict and post-conflict zones,[24] and promoting women's economic participation and empowerment as integral to post-conflict stabilization.[25]

In addition to the creation of resolutions, the Security Council has also officially adopted various statements of the President of the Security Council on the WPS agenda on a nearly annual basis.[26] These statements generally reaffirm the Council's commitment to Resolution 1325, recognize progress made with respect to the implementation, and identify areas of concern. While these statements may raise important points, they are however non-binding and largely aspirational.

Additionally, the Security Council has contributed to the implementation of Resolution 1325 through annual debates on women, peace and security. These discussions are a platform to provide updates on implementation, discuss the recommendations in the Secretary-General's reports, and call for further action and commitments.

C. Focused UN Engagement

1. UN Secretary-General

Since 2000, the UN Secretary-General has issued periodic reports summarizing the key events, developments, and progress on the WPS agenda.[27] The Secretary-General

[20] *Id*., at ¶¶19–20.
[21] Security Council Res. 2122, S/RES/2122 (2013).
[22] *Id*., at ¶ 7(c).
[23] *Id*., at ¶ 9.
[24] *Id*., at ¶¶ 6, 7(a).
[25] *Id*., at op. ¶ 15.
[26] *See e.g*., *Statement by the President of the Security Council,* S/PRST/2010/18, Sept. 23, 2010 (affirming the role of women in peacekeeping, prevention, and resolution of conflict); *Statement by the President of the Security Council*, S/PRST/2011/19, Oct. 11, 2011 (encouraging the participation of women in the national armed forces); and *Statement by the President of the Security Council*, S/PRST/2009/27, Oct. 28, 2009 (urging the increase in women in the mediation and decision-making process in conflict resolution in West Africa).
[27] *See, e.g*., *Report of the Secretary-General on Women, Peace, and Security*, S/2002/1154, Oct. 16, 2002; *Report of the Secretary-General on Women, Peace, and Security*, S/2004/814, Oct. 13, 2004; *Report of the Secretary-General on Women and Peace and Security*, S/2006/770, Sept. 27, 2006; *Report of the Secretary General on Women and Peace and Security*, S/2008/622, Sept. 25, 2008; and *Report of the Secretary-General on Women and Peace and Security*, S/2010/498, Sept. 28, 2010.

has also been called on submit a number of special reports on specific topics, including sexual violence in conflict[28] and women's participation in peacebuilding.[29]

2. UN General Assembly

While its direct role on the WPS agenda has been limited, the UN General Assembly has historically been a strong advocate for women's rights around the world. The General Assembly has hosted critical public discussions on women's rights generally, and more specifically on ending sexual violence in armed conflict. In 2007 it adopted Resolution 62/134 on the elimination of sexual violence in conflict situations, which made constructive recommendations to Member States.[30]

Perhaps most critically to the WPS agenda, the General Assembly created UN Women in 2010, bringing together four disparate UN entities that had been working separately on related issues.[31]

3. UN Women

UN Women – formally the United Nations Entity for Gender Equality and the Empowerment of Women – has played the leading role in coordinating the implementation of Resolution 1325 among various UN agencies, ensuring women's leadership and participation in peace and security. Its mission is to assist Member States and the UN system in achieving gender equality and the empowerment of women through the development of standards that hold the UN system accountable for its commitments on gender equality and through supporting states' policy implementation.[32]

UN Women chairs and provides staff support to the Standing Committee on Women, Peace, and Security, an inter-agency group of UN agencies and civil society representatives that coordinates WPS implementation.[33] The Standing Committee was originally established as a Task Force in February 2001 by the Inter-Agency Network on

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[28] *Report of the Secretary-General on the Implementation of Security Council Resolutions 1820 (2008) and 1888 (2009)*, A/65/592-S/2010/604, Nov. 24, 2010; and *Report of the Secretary-General on Sexual Violence in Conflict,* A/67/792-S/2013/149, Mar. 14, 2013.

[29] *Report of the Secretary-General on Women's Participation in Peacebuilding*, A/65/354-S/2010/466, Sept. 7, 2010 [hereinafter *Women's Participation in Peacebuilding*].

[30] *Eliminating Rape and Other Forms of Sexual Violence in All Their Manifestations, Including in Conflict and Related Situation*, UN General Assembly Resolution 62/134, A/RES/62/134, Feb. 7, 2008.

[31] *System-Wide Coherence [Establishing UN-Women]*, UN General Assembly Resolution 64/289, July 2, 2010.

[32] Executive Board for the United Nations Entity for Gender Equality and the Empowerment of Women, *United Nations Entity for Gender Equality and the Empowerment of Women Strategic Plan 2011-2013*, UNW/2011/9, May 16, 2011, at 1.

[33] The Standing Committee does not maintain a current website, but as of May 2011, its members included: DOCO, DPA, DPI, DPKO/DFS, FAO, IOM, OCHA, OHCHR, ODA, OSA-Prevention of Genocide, SRSG-CAAC, SRSG-SVC, PBSO, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNITAR, UN Women, and WFP. Observers include the NGO Working Group on Women, Peace and Security, ICRC, and OECD.

Women and Gender Equality (IANWGE) and was converted into the Standing Committee in June 2011. UN Women's Under Secretary-General/Executive Director has repeatedly briefed the Security Council on women, peace, and security issues. Additionally, UN Women has had responsibility for tracking member-state level implementation of National Action Plans.

In addition to its work on women's leadership and participation in peacebuilding, UN Women supports efforts to prevent sexual violence in conflict, providing training to both DPKO and Member States.[34]

Most recently, UN Women has also served as the secretariat for the 2015 Global Study on the Implementation of Resolution 1325,[35] which has involved consultations, country visits, commissioned research, and a civil society survey that ultimately seeks to highlight "examples of good practice, implementation gaps and challenges, and priorities for action."[36] However, UN Women was not allocated any resources to prepare the study and had to conduct its own fundraising to support research and drafting.

4. Special Representative on Sexual Violence in Conflict

The Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) serves "as the United Nations' spokesperson and political advocate on conflict-related sexual violence."[37] The role of the SRSG-SVC is to strengthen existing UN coordination mechanisms and engage in advocacy with governments, parties to armed conflict, and civil society. The most significant work undertaken by the SRSG-SVC consists of country-level engagement, technical assistance and inter-agency coordination, and awareness-raising activities. The SRSG-SVC is required to actively engage in fundraising campaigns to finance the UN-wide Team of Experts (TOE) that provides technical assistance and inter-agency coordination in implementing the Resolution 1325 agenda. And the SRSG-SVC briefs the Security Council on issues relating to sexual violence in conflict.

5. UN Action Against Sexual Violence in Conflict

UN Action Against Sexual Violence in Conflict (UN Action) brought together the work of 13 UN agencies with the goal of ending sexual violence during and after conflict.[38] Operational in 2008, it represents a concerned effort by the UN to amplify advocacy, improve coordination and accountability, and support country efforts to prevent conflict-related sexual violence.

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[34] *See e.g.*, UN Women, *Setting the Scene: Using Audiovisual Tools to Train Peacekeepers*, Oct. 25, 2013.
[35] *Preparations for the 2015 High-level Review and Global Study*, UNWomen.org, *available at* http://www.unwomen.org/en/news/in-focus/women-peace-security/1325-review-and-global-study.
[36] *Id.*
[37] *About the Office,* UN.org, *available at* http://www.un.org/sexualviolenceinconflict/about-us/about-the-office/.
[38] *Stop Rape Now: UN Action Against Sexual Violence in Conflict*, *available at* http://www.stoprapenow.org.

6. UN Peacekeeping Operations

UN Security Council Resolution 1325 recommends the "mainstreaming" of gender perspectives into UN peacekeeping operations, and calls for the inclusion of a gender component in each mission. To comply with Resolution 1325, DPKO has created Gender Advisers and Gender Units, assigned to work with individual missions,[39] and Women's Protection Advisers, deployed to countries with evidence of conflict-related sexual violence (CRSV).[40] Gender Units have also established partnerships with other UN entities and external partners. In addition, DPKO has created Gender Focal Points, staff members assigned to missions without full-time Gender Advisers who, while not responsible for gender mainstreaming, act as a resource and advise mission personnel on gender issues and ensure that personnel observe gender equality in their areas of work.[41]

Yet the current situation of women's participation in DPKO peacekeeping operations is concerning. Consider simply the participation of women in peacekeeping operations in 2009 (the first year disaggregated statistics were available) with 2014: a mere increase from 1.96 percent[42] to 3.82 percent.[43]

Furthermore, DPKO has been plagued with reports of sexual exploitation and misconduct in UN peacekeeping operations dating back to abusive acts of UN peacekeepers in Sierra Leone, Guinea, and Liberia in the early 1990s.[44] Following similar allegations in relation to a peacekeeping operation in the Democratic Republic of Congo in 2004, the UN Secretary-General requested a full investigation. As an initial response, the Secretary-General issued mandatory rules for all UN staff prohibiting explicit exploitation and abuse.[45] However, these rules are only binding on UN staff and do not apply to military contingents supplied by Troop-Contributing Countries (TCCs) against whom the majority of accusations of abuse during peacekeeping operations are leveled. Furthermore, the UN has yet to properly address the lack of accountability for

[39] UN Department of Peacekeeping Operations Department of Field Support, *Guidelines for Gender Advisers and Gender Focal Points in United Nations Peacekeeping Operations*, Apr. 15, 2008, at 13; UN Department of Peacekeeping Operations Department of Field Support, *Policy on Gender Equality in UN Peacekeeping Operations*, July 26, 2010, at 8.
[40] UN Department of Peacekeeping Operations Department of Field Support, *DPKO/DFS Gender Forward Looking Strategy 2014-2018*, Aug. 20, 2014, at 7 [hereinafter *Gender Forward Looking Strategy*] at 7-8.
[41] *Id.*, at 8.
[42] *DPKO/OMA Statistical Report on Female Military and Police Personnel in UN Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325*, *available at* http://www.un.org/en/peacekeeping/documents/gender_scres1325_chart.pdf.
[43] Gender Statistics By Mission For the Month of December 2014, *available at* http://www.un.org/en/peacekeeping/contributors/gender/2014gender/2014.zip.
[44] *See, e.g., Child Refugee Sex Scandal,* BBC NEWS, Feb. 26, 2002, *available at* http://news.bbc.co.uk/2/hi/africa/1842512.stm.
[45] *Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, ST/SGB/2003/13, Oct. 9, 2003, at § 2.2.

peacekeeping-related perpetrators of sexual violence by UN personnel who are often afforded immunity from criminal prosecution.[46]

7. UN Human Rights Council (Former UN Commission on Human Rights)

Both on its own initiative as well as through collaboration with other partners in the UN system, the UN Human Rights Commission undertook various initiatives to implement Resolution 1325. On an annual basis, the Commission issued a resolution on the topic of the elimination of violence against women, which contained language recognizing Resolution 1325 and various implementation efforts.[47] In addition, the Commission was a member of the Women, Peace and Security Task Force of the United Nations Inter-Agency Network on Women and Gender Equality.[48]

Perhaps the Commission's most significant contribution to advancing the implementation of Resolution 1325 was the creation and appointment of a Special Rapporteur on Violence Against Women, Its Causes and Consequences.[49]

8. Special Rapporteur on Violence Against Women, Its Causes and Consequences

The Special Rapporteur on Violence Against Women, Its Causes and Consequences (SRVAW) has been charged with collecting information, making recommendations and working with other UN entities to eliminate violence against women.[50] In 2008, the Human Rights Council expanded the mandate of the SRVAW to adopt a comprehensive and universal approach to the elimination of violence against women."[51] The SRVAW discharges this mandate by receiving information on specific allegations and following up on the information by sending communications to implicated governments, conducting country visits, consulting with civil society, and

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[46] *Convention on the Privileges and Immunities of the United Nations*, A/43, 1 U.N.T.S. 15, *entered into force* Feb. 13, 1946, at §§ 11, 14, 18-20, 22, 23.

[47] *See e.g.*, UN Commission on Human Rights, *Report on the Sixtieth Session*, E/2004/23 - E/CN.4/2004/127, at 180-181; UN Commission on Human Rights, *Report to the Economic and Social Council on the Fifty-Ninth Session of the Commission*, E/CN.4/2003/L.11/Add.4, Apr. 24, 2003, at 75-76; UN Commission on Human Rights, *Report to the Economic and Social Council on the Sixty-First Session of the Commission,* E/CN.4/2005/L.10/Add.12, Apr. 19, 2005.

[48] The Task Force was established in February 2001 with an initial focus on assisting in the preparation of the Secretary-General's 2002 study and report on the topic. Inter-Agency Network on Women and Gender Equality, *IANWGE Standing Committee on Women, Peace and Security, available at* http://www.un.org/womenwatch/ianwge/taskforces/tfwpsecurity.htm. The Task Force soon expanded its work to encompass other activities to strengthen advocacy. UN Inter-Agency Network on Women and Gender Equality, *Report of the Third Session of the Inter-Agency Network on Women and Gender Equality*, IANWGE/2004/REPORT, Apr. 13, 2004.

[49] UN Commission on Human Rights, *Report of the Second International Workshop on National Institutions for the Promotion and Protection of Human Rights*, E/CN.4/1994/45, Dec. 23, 1993.

[50] UN Commission on Human Rights, *Question of Integrating the Rights of Women into the Human Rights Mechanisms of the United Nations and the Elimination of Violence Against Women*, Res. 1994/45, E/CN.4/1994/45, Mar. 4, 1994, at ¶ 7.

[51] *Elimination of Violence Against Women*, Human Rights Council Res. 7/24, A/HRC/7/L.22/Rev.1, Mar. 27, 2008, at ¶ 6(d) (2008).

submitting annual thematic reports. Like other Special Rapporteur counterparts in the UN system, the SRVAW is appointed by the Council and serves in a volunteer capacity.

D. Role of Civil Society

Civil society has always been central to the WPS agenda. Civil society organizations were instrumental to the initial drafting and adoption of Resolution 1325 and have continued to be involved in its implementation in multiple ways. Members of civil society testify to the Security Council during annual debates[52] and Arria formula briefings (meetings held in an informal format that allows Council members to hear the views of a diverse and informed range of actors), participate on the Task Force on Women, Peace and Security, and have helped Member States develop National Action Plans (NAPs) to address implementation at the domestic level.

E. Role of Member States

In adopting Resolution 1325, the Security Council called on Member States to develop National Action Plans (NAPs) or other national level strategies to implement Resolution 1325.[53] Some 15 years later, out of 193 countries, only 48 have adopted NAPs. Several governments and multinational organizations have provided support for experts to serve in post-conflict countries and provided funding for NAP development, but the process has been slow.

F. Current Context

1. The Responsibility to Protect

The 21st century presents new and fundamentally different challenges from those faced in 1945 when the UN was founded. "As new realities have emerged, so too have new standards of conduct in national and international affairs."[54] Human rights now have been fully embraced in international law, and respect for human rights has become a central tenet and responsibility of states.

In his Millennium Report to the UN General Assembly, Secretary-General Kofi Annan challenged UN members to reconcile their need for the preservation of sovereignty with the need for protection of global human rights. The Secretary-General asked "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty,

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[52] For examples, in 2004, Agathe Rwankuba, a lawyer from the DRC, was the first person from civil society to be invited to speak to the Council during the annual debate about her country's particular experience with gender-based violence UN Security Council, 5066th Meeting, S/PV.5006, Oct. 28, 2004.
[53] *See, e.g.,* Statement by the President of the Security Council, S/PRST/2002/32, Oct. 31, 2002; Statement by the President of the Security Council, S/PRST/2004/40, Oct. 28, 2004; Statement by the President of the Security Council, S/PRST/2005/52, Oct. 27, 2005.
[54] *See, e.g., The Responsibility to Protect*, INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY, Dec. 2001, at ¶ 1.10.

how should we respond . . . to gross and systematic violations of human rights that offend every precept of our common humanity?"[55] For the better part of the last 20 years, the UN has been grappling with balancing the preservation of members' sovereignty rights with the international community's obligation to protect a member's citizens when the member cannot or will not do so.

The traditional understanding of sovereignty emphasized a state's duty of non-interference in the internal affairs of other states. Nevertheless, the world's experiences with the tragic consequences of otherwise internal conflicts and systematic violations of human rights such as the Rwandan Genocide have raised serious questions about how this concept should be understood.

In the wake of the report of the International Commission on Intervention and State Sovereignty, Secretary-General Kofi Annan formed a High-Level Panel to focus primarily on threats to peace and security. In December 2004, it issued its report entitled *A More Secure World: Our Shared Responsibility*. The Panel's report provided numerous recommendations to strengthen the international security framework and explicitly endorsed the responsibility to protect doctrine. The High-Level Panel reaffirmed "there is a collective international responsibility to protect, exercisable by the Security Council . . . in the event of genocide and other large-scale killing, ethnic cleansing or serious violations of international humanitarian law which sovereign Governments have proved powerless or unwilling to prevent,"[56] such as the increasing use of gender-based sexual violence as a weapon of war, which has been deemed both a war crime and a crime against humanity.

In October 2005, at the World Summit, the responsibility to protect was formally adopted by the heads of state and government assembled for the opening of the 60th General Assembly as part of its Outcome Document. Specifically, the General Assembly determined:

> **Responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity**
>
> Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.

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[55] Secretary-General Kofi Annan, *We the Peoples: The Role of the United Nations in the Twenty-First Century*, A/54/2000, Apr. 3, 2000, ch. 4, at 48.
[56] Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, Dec. 2, 2004, at ¶ 203.

> The international community, through the United Nations, has also the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.[57]

On April 28, 2006, the Security Council unanimously adopted Resolution 1674 on the Protection of Civilians in Armed Conflict.[58] Resolution 1674 contains the first Security Council endorsement of the responsibility to protect doctrine. In reference to the responsibility to protect, Resolution 1674 states the Security Council's reaffirmation of support for: "[t]he provisions of paragraphs 138 and 139 of the World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."[59]

Despite the clear differential impact of mass atrocity crimes on women, there has been little emphasis on these distinctions. In 2009, the Secretary-General presented his first comprehensive report on implementing the responsibility to protect and he described in detail the three-pillar strategy built into the doctrine, including (1) the protection responsibilities of Member States, (2) international assistance and capacity-building, and (3) timely and decisive response.[60] The report notes that further research and analysis is needed as to why it is "so difficult to stem widespread and systematic sexual violence in some places."[61] The international community has a responsibility to protect the women affected by these atrocities, regardless of why it is happening.

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[57] *2005 World Summit Outcome*, UN General Assembly Res. 60/1, A/RES/60/1, Oct. 24, 2005, at ¶¶ 138–39.
[58] Security Council Res. 1674, S/RES/1764, (2006).
[59] *Id*., at ¶ 4.
[60] *Report of the Secretary-General on Implementing the Responsibility to Protect*, A/63/677, Jan. 12, 2009.
[61] *Id*., at ¶ 15.

Yet, the Secretary-General did not mention the WPS agenda again until his 2013 report where he briefly referenced WPS in a single paragraph on state responsibility and prevention:

> It is important to recognize that genocide, war crimes, ethnic cleansing, and crimes against humanity affect men and women and girls and boys differently. Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010) on women and peace and security affirm the importance of combating sexual violence as a method of warfare, as well as the full and equal participation of women in decision-making and peace processes . . . The principles outlined in those resolutions can be incorporated into atrocity prevention strategies.[62]

This reference was reaffirmed in the 2014 report of the Secretary-General on international assistance and there were also references to the importance of donor support for women protection advisors in UN peacekeeping and the need for the provision of services to victims of sexual violence.[63] Yet no mention of the need to protect and prevent sexual violence in conflict as the war crime and crime against humanity that it has been recognized to be.

2015 also marks the 10th anniversary of the responsibility to protect. Over that time there has been an extraordinary amount of work invested in developing the doctrine.[64] Yet despite these most minimal references, there is little evidence that the work on the three pillars regularly and systematically considers and addresses the different ways in which atrocity prevention and response requires a special focus on the impacts on women. A conflict does not have to be deemed genocide in order to trigger the responsibility to protect. The mass sexual violence in conflict perpetrated against women, as a war crime and a crime against humanity, should trigger the responsibility to protect on its own, but – like the Rwandan Genocide – the world has chosen rhetoric over action.

2. MDGs/SDGs

The evolution of the women, peace, and security agenda has always taken place against the backdrop of the broader international agenda for development and human rights, which is why it has been easy to sideline and ignore. As highlighted in the remarks of Angela King, Assistant Secretary-General and Special Advisor on Gender Issues and Advancement of Women, on the first day of UN Security Council debate for Resolution 1325:

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[62] *Report of the Secretary-General on the Responsibility to Protect: State Responsibility and Prevention*, A/67/929-S/2013/399, Jul. 9, 2013, at ¶ 32.
[63] *Report of the Secretary-General on Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect*, A/68/947-S/2014/449, Jul. 11, 2014, at ¶¶ 35, 58, 69.
[64] *See, e.g.*, Jared Genser and Irwin Cotler, eds., THE RESPONSIBILITY TO PROTECT: THE PROMISE OF STOPPING MASS ATROCITIES IN OUR TIME, Oxford University Press, 2011.

> The fundamental human right to have and to enjoy equality is a given. It was emphasized by the Beijing Conference and reaffirmed again in the Beijing + 5 outcome document and even more so at the Millennium Declaration. There can be no peace without gender equality and no development without both peace and security.[65]

While this is an accurate statement, as soon as WPS is placed in the equality/human rights framework, it tends to be ignored. States have repeatedly shown that human rights and the equality of women are low priorities that continually take a back seat to national security and economic concerns. But this is precisely why Resolution 1325 is so important – when women participate fully in the economy and development projects, GDP goes up, the projects are more successful while costing less, and states are far less likely to engage in armed conflict.[66] There is no peace, security, or economic stability without the full participation of women to balance the decisions of men.

On September 18, 2000, the UN General Assembly unanimously adopted the Millennium Declaration, which grew out of Secretary-General Annan's *We the Peoples – The Role of the United Nations in the 21st Century* Report.[67] The Declaration reflected a statement of values, principles, and objectives for an international development agenda for the 21st century.[68] Importantly the Declaration proposed a set of eight development goals, known as the Millennium Development Goals (MDGs), with targets to be achieved by 2015 that explicitly focused on the issue of "development and poverty eradication."

While laudable, the MDGs did not explicitly reference women, peace and security. Instead, women's issues were framed as women's empowerment in MDG 3: "promote gender equality and empower women." The specific targets within this goal included monitoring of gender disparity in primary and secondary education, women's status in the labor market, and women's political participation.[69]

The 2015 deadline for the MDGs means that many of the goals are still unmet. Acknowledging the lack in intended progress early on, the international community gathered again in 2012 to develop a post-2015 agenda, which includes a new set of goals.

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[65] *Remarks of Angela King, Assistant Secretary-General and Special Advisor on Gender Issues and Advancement of Women to the UN Security Council*, Session 1, S/PV.4208, Oct. 24, 2000, at 6.
[66] Valerie M. Hudson, Bonnie Ballif-Spanvill et al, *Sex and World Peace* (Columbia Univ. Press 2012); *See also* Carlos Cueva, Ed Roberts, et al, *Cortisol and testosterone increase financial risk-taking and may destabilize markets*, July 2, 2015, *available at* http://www.ncbi.nlm.nih.gov/pubmed/?term=Carlos+Cueva.
[67] UN Secretary-General, *We the Peoples - The Role of the United Nations in the 21st Century*, Mar. 2000.
[68] *United Nations Millennium Declaration*, General Assembly Res. 55/2, A/RES/55/2, Sept. 18, 2000; *see also Millennium Summit (6-8 September 2000), available at* http://www.un.org/en/events/pastevents/millennium_summit.shtml.
[69] *The Millennium Development Goals Report*, Inter-Agency and Expert Group on MDG Indicators, 2014, at 20–23.

On June 20-22, 2012, the United Nations Conference on Sustainable Development was held in Rio de Janeiro, Brazil (Rio +20). The outcome document of the Summit, *The Future We Want*, endorsed by the General Assembly on September 11, 2012,[70] set out a mandate to establish an Open Working Group (OWG) to develop a new set of goals: the Sustainable Development Goals (SDGs). The proposal was presented to and adopted by the General Assembly on September 10, 2014,[71] with final adoption of the SDGs set for September 25-27, 2015.[72] The proposal contains 17 goals with 169 targets covering a broad range of sustainable development issues.[73]

Yet again however, women's issues were placed squarely within the framework of women's empowerment, with no reference to their roles in peace and security. Proposed SDG 5 is to "[a]chieve gender equality and empower all women and girls."[74] Among other things, this goal encompasses ending all forms of discrimination against women and girls, eliminating all forms of violence against women and girls, and ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.

3. Terrorism and Violent Extremism

Despite the evolution of modern warfare and violence, there has been little attention paid to integrating a gender dimension into UN and national efforts to address the problems of terrorism and violent extremism.[75] In 2006, the UN General Assembly adopted the UN Global Counter-Terrorism Strategy, which made no mention of women at all.[76]

The perception of women in this context has historically been one of victim. Recent global news on the repression and violence committed by such groups as the Islamic State of Iraq and Levant (ISIL) and Boko Haram only reaffirms this, showing how these groups are patriarchal, driven by extreme religious ideology, and are especially repressive and violent in their treatment of women and girls. In the recent White House Summit to Counter Violent Extremism, Secretary-General Ban Ki-moon noted women and girls are particularly subject to systemic abuses – rape, kidnapping, forced marriage

[70] *The Future We Want*, General Assembly Res. 66/288, A/RES/66/288, Sep. 11, 2012.
[71] *General Assembly Adopts Resolution on SDGs Report*, UN DEPT. OF ECONOMIC AND SOCIAL AFFAIRS, Sept. 17, 2014.
[72] *United Nations Sustainable Development Goals*, *available at* https://sustainabledevelopment.un.org/topics/sustainabledevelopmentgoals.
[73] *Report of the Open Working Group of the General Assembly on Sustainable Development Goals*, A/68/970, Aug. 12, 2014 (Hereinafter *Report of the Open Working Group*).
[74] *Id*., at 14.
[75] Naureen Chowdhury Fink, Rafia Barakat, and Liat Shretret, *The Roles of Women in Terrorism, Conflict, and Violent Extremism: Lessons for the United Nations and International Actors*, Center on Global Counterterrorism Cooperation, Apr. 2013.
[76] *United Nations Global Counter-Terrorism Strategy*, General Assembly Res. 60/288, A/RES/60/288, Sept. 20, 2006.

and sexual slavery.[77] The 2015 Secretary-General's 2015 report on conflict-related sexual violence also discusses how sexual violence is used in the context of violent extremism, noting that "sexual violence is not incidental, but integrally linked with the strategic objectives, ideology and funding of extremist groups."[78] Unfortunately, women are subject to these abuses from both sides in a conflict, and often even from the police and peacekeeping personnel sent to protect them.

Women are not only victimized in situations of violence, and simplifying their roles fails to capture the complex dynamics of their participation. Some women directly participate in violent extremism, either by free will or coercion, in a multitude of capacities.[79] Others are "powerful preventers and participate in innovative efforts to inform, shape, and implement policies and programs to reduce the appeal of violence and extremism and mitigate the effects of terrorism on communities,"[80] playing a substantive role in preventing the radicalization and extremism that often leads to violence since they are the most often targeted and perpetrated.

Oversimplifying the role of women in the arena of terrorism and violent extremism obscures the power of women's agency and hinders the process of developing effective strategies. Developing research has started to recognize the dramatic effect women can have in preventing violent extremism,[81] but more detailed and contextualized research needs to be conducted on the reality and motivations of women joining terrorist and extremist organizations. It is also urgent to deepen the understanding of the gender-specific dimension of terror and violence to increase support for women in the wake of rampant violent extremists groups and enable women to play substantial roles in countering cycles of violent extremism. Given the unique experiences of women, theirs may be the most consistent voice against extremism.[82]

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[77] *Preventing Violent Extremism, Promoting Human Rights Go Hand-in-Hand Ban Tells Washington Summit*, UN NEWS CENTRE, Feb. 19, 2015.
[78] *Report of the Secretary-General on Conflict-related Sexual Violence*, S/2015/203, Mar. 23, 2015, at ¶ 83.
[79] Nimmi Gowrinathan , *Motivations of Female Fighters*, Women Preventing Violent Extremism- Charting a New Course, 2015, *available at* https://www.usip.org/sites/default/files/files/Women-Preventing-Violent-Extremism-Charting-New-Course.pdf.
[80] Naureen Chowdhury Fink & Rafia Barakat, *Strengthening Community Resilience against Violence and Extremism* 5, CENTER ON GLOBAL COUNTERTERRORISM COOPERATION, Nov. 2013, available at http://globalcenter.org/wp-content/uploads/2013/12/13Nov27_Women-and-CVE-in-South-Asia_Policy-Brief_Final.pdf.
[81] *Women and Countering Violent Extremism*, UNITED STATES INSTITUTE FOR PEACE, July 21, 2015.
[82] Sanam Naraghi-Anderlini, *Listen to the Women Activists*, Women Preventing Violent Extremism-Charting a New Course, 2015, *available at* https://www.usip.org/sites/default/files/files/Women-Preventing-Violent-Extremism-Charting-New-Course.pdf ("Given deliberate and systematic targeting, it is not surprising that women represent the most consistent voices against extremism).

II. Assessment of the Implementation of the Women, Peace, and Security Agenda

Despite the historic importance of the WPS agenda, it is difficult to identify meaningful results in the field that have come directly from its implementation. In short, after the adoption of Resolution 1325, the UN and its members have not taken sufficient action to follow through. The Security Council's engagement has been limited to biannual discussions, it has not been engaged in developing substantive monitoring mechanisms, and it has not focused as an institution on urging the UN Secretariat and Member States to develop concrete strategies that would result in meaningful results. Although both Secretary-General Ban Ki-moon and former Secretary-General Kofi Annan have spoken publicly about the importance of advancing the agenda, neither mobilized substantial new resources to ensure its implementation.

In preparing this report, the authors have endeavored to complete a thorough, comprehensive, and independent review of the implementation of the women, peace, and security agenda. Our conclusion is disappointing, but it is also a clarion call to action. The forthcoming 15-year anniversary of the adoption of Resolution 1325 presents a critical moment in history for the Security Council, Secretary-General, Member States, and civil society to declare together that new and bold action must be taken to close the gap between the promise of the WPS agenda and its implementation in practice.

This conclusion is grounded in numerous specific findings that resulted from our research, review of thousands of pages of reporting and literature, and interviews with experts on women, peace, and security around the world. Our specific findings are organized around a simple framework, which asserts that WPS implementation and outcomes results from leadership, institutional architecture, and the strategies deployed to achieve the articulated goals.

FRAMEWORK FOR ANALYSIS

These are the report's findings:

A. Leadership

1. UN Security Council

- **Historic Action.** The Security Council adopted Resolution 1325 and a series of subsequent resolutions on the WPS agenda, created the position of the Special Representative of the Secretary-General on Sexual Violence in Conflict, adopted presidential statements, held regular Open Debates, and requested and received numerous reports on implementation. The adoption of the resolutions themselves and their regularly being revisited have enhanced the global visibility of the WPS agenda.

- **Lack of Follow Through.** The Security Council has, however, failed as an institution to focus the efforts of the Secretariat and Member States on implementation that would result in meaningful results in the field.

2. UN Secretary-General

- **Lack of Personal Engagement.** Although both Secretary-General Ban Ki-moon and prior Secretary-General Kofi Annan have spoken publicly about the importance of advancing the WPS agenda, their personal and managerial engagement on implementation has been limited.

- **Failure to Mobilize Resources.** It has been a major obstacle to implementation that neither Secretary-General Ban nor Secretary-General Annan focused Member States on the need to mobilize substantial new resources to advance WPS implementation. Only a little more than $20 million of extra-budgetary support has been spent on implementation from the UN Fund for Action Against Sexual Violence in Conflict (Multi-Partner Trust Fund), with no new resources raised for other aspects of the WPS agenda. This lack of resources has had a profound impact in the last 15 years, resulting in the huge gap between the commitments made by the international community and the results in the field.

3. UN Member States

- **Importance of National Action Plans and Regional and Sub-Regional Plans.** Overall, the development of National Action Plans on the WPS agenda has been viewed as very positive development, despite there only being 48 countries which have adopted them. In addition, regional and sub-regional efforts to develop plans or integrate WPS issues into their ongoing work have been valuable, including those from the European Union and African Union.

- **Lack of Overall Leadership.** Despite a handful of countries being outspoken internationally on advancing the WPS agenda, many Member States have not engaged seriously. In addition, UN Members States have neither raised collective

resources for the WPS agenda nor insisted on implementation that would yield meaningful results in the field.

4. Civil Society

- **Civil Society Needs More Support.** Civil society played a critical role in advocating for the adoption of Resolution 1325. In addition, it has monitored and reported on developments in the WPS agenda. Nevertheless, advocacy by civil society over the last 15 years has been unable to change the trajectory of implementation of the WPS agenda at the UN-level in meaningful ways.

- **Lack of Funding.** Despite the positive record of civil society and activists in the field in addressing a range of issues on the WPS agenda, there have not been additional resources provided to build on and strengthen their important efforts.

B. Institutional Architecture

- **Lack of Regular Engagement by the Security Council.** Although the Security Council launched this historic effort, its ongoing engagement is limited to periodic resolutions, presidential statements, open debates, and reporting. The lack of a more substantive monitoring mechanism and a lack of political will within the Security Council has resulted in its failure to hold the UN system accountable for implementation of the WPS agenda in practice.

- **Lack of Strong UN System-Wide Coordination.** Since its founding in 2010, UN Women has served as a de facto coordinator of implementation of the women, peace, and security agenda. Because of a lack of additional resources, coordination has been an unfunded additional burden on top of pre-existing responsibilities for both the coordination agency and participants on inter-agency committees.

- **Positive Impact of Special Representative of the Secretary-General on Sexual Violence in Armed Conflict.** There is widespread consensus of the importance of the roles that Special Representative Zainab Hawa Bangura and previously Margot Wallström have played in advancing global efforts to address sexual violence in conflict. That said, Special Representatives are volunteers and receive only minimal staff support.

- **Lack of Institutional Support for Women's Peacebuilding.** Although advancing the role of women peacemakers and peacebuilders was an integral component of Resolution 1325, it has until recently not been a focus in implementation. This is due to a range of factors, including the complexity of the challenge and a lack of resources, but there has also not been an institution owning responsibility for this part of the WPS agenda.

C. Strategies

- **Failure of Resource Mobilization.** The single greatest reason for the gap between the promise of the WPS agenda and its implementation in practice has been the collective decision of the Security Council, Secretary-General, and Member States to expect that the WPS agenda could be implemented primarily within the constraints of existing budgetary capacities. One extraordinary illustration of this phenomenon is that UN Women was tasked with researching and writing a "global study on the implementation of [R]esolution 1325 (2000)",[83] but was given no additional budgetary funds for this purpose. This was despite the fact that the Security Council itself made the request to the Secretary-General, who then brought in UN Women. As a result, UN Women had to spend time over a number of months raising what amounted to a very small amount of money so it could complete this critical task.

- **Substandard Implementation.** In reality, implementation of the WPS agenda has been substandard. This is because rather than developing a proactive agenda with clear goals, securing significant resources for its implementation, and measuring results from this new activity, the UN system has instead actually been collating and categorizing activities by numerous UN agencies that relate to the WPS agenda and then asserting that this showed the collective success of its implementation. This claim is flawed. Although some UN agencies have secured limited new resources or reallocated existing resources because of the WPS agenda, most of the activities conducted appear to have been planned for by UN agencies to achieve their own goals regardless of their overlap with the WPS agenda. There has been no assessment undertaken as to which activities would not have otherwise been conducted but-for the WPS agenda. In addition, claimed successes have primarily been measured by the UN as public and policy statements made, reports written, trainings conducted, and a very small group of new individuals actually hired (e.g., Gender Advisors and Women Protection Advisors by DPKO), not by measurable results showing changed outcomes in the field.

- **Lack of Meaningful Monitoring and Evaluation.** The lack of a rigorous monitoring and evaluation system has made it impossible to know what impact the WPS agenda has had in practice. First, there has never been a baseline study completed to assess where the world is currently on these issues. Establishing a baseline is a prerequisite so as to have a point of reference by which to evaluate whether progress is made. Second, there have been changing criteria, benchmarks, and approaches to evaluating implementation of the WPS agenda. Third, the current set of evaluation measures that have been used by the Secretary-General in the last few years are almost exclusively process-based and not outcome-based. Fourth, as noted previously, there has been no evaluation of what new actions and new outcomes have been achieved because of the WPS agenda. And finally, when there have been studies completed, they have consistently expressed serious concern about

[83] Security Council Res. 2122, *supra* note 21, at ¶ 16.

the disconnect between the articulated goals, claimed measures of success, and impact in the field.

- **Limited Application of Sanctions.** The Security Council has not declared the use of rape as a weapon of war as a threat to international peace and security, nor has the Security Council authorized the imposition of sanctions for that purpose. In practice, only a handful of country-specific sanctions allow for designation under this category and the number of states and non-state actors actually sanctioned is an extraordinarily small percentage of actual perpetrators.

- **National, Regional, and Sub-Regional Action Plans Are Important.** Different analyses of plans that have been completed show that their quality and outcome measures are varied. In most cases governments have not allocated new resources for the development of plans or their implementation. The Secretary-General and the Member States that have completed plans have not generally urged other countries to adopt their own. There has been significant interest by governments in partnering or cross-learning on NAP development and implementation, which should be built on going forward.

III. Recommendations

In addressing the women, peace, and security agenda, the international community is presented with a paradox.

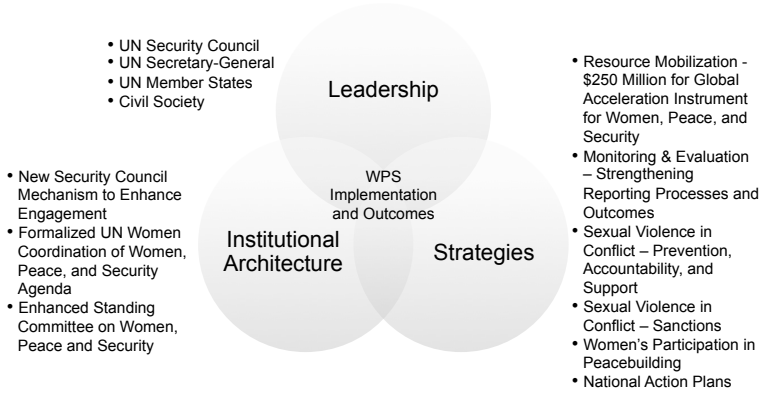
There is a stated global consensus on the importance of the WPS agenda, which is built on decades of work to advance women's rights more broadly. There is agreement that building sustainable peace in conflict and post-conflict situations requires the integration of women as partners and decision-makers. There is growing understanding of the critical role women play in rebuilding societies after conflict. And there is strong agreement, most recently articulated in the Rome Statute establishing the International Criminal Court, that the use of rape as a weapon of war is a war crime. Victims deserve justice, help, and support, while perpetrators must be held accountable.

And yet despite the aspirations of the international community enshrined in the WPS agenda and the innumerable resolutions, statements, reports, trainings, NAPs, and evaluations more broadly in the past 15 years, there is limited evidence to show that these collective actions have had a demonstrable impact in the field.

The 15-year anniversary is the perfect moment to reflect on the past, learn from it, and chart a new way forward. For the next 15 years to turn out differently will require new leadership, new institutional architecture, and new strategies. Grounded in the premise that the international community understands the critical importance of the WPS agenda and wants to achieve its articulated goals, this report recommends bold actions that would surely yield dramatically different and measureable results. There will, undoubtedly, be legitimate and reasonable policy debates over the merits of these proposed recommendations. But if advancing the WPS agenda is important to the

international community, then there should be no disagreement about the direction to head.

A NEW APPROACH TO ADVANCE THE WOMEN, PEACE, AND SECURITY AGENDA



A. Leadership

Recommendation 1. The UN Security Council, UN Secretary-General, UN Member States, and civil society must together declare that new and bold action must be taken to close the gap between the promise of the WPS agenda and its implementation in practice.

The forthcoming 15-year anniversary of the adoption of Resolution 1325 presents a critical moment in history, which requires a dramatic and profoundly different approach to be taken to achieve the goals of the WPS agenda. Although major resource mobilization alone will not be sufficient and will not guarantee results unless wisely expended, it is required to achieve different results and it will also be a critical measure to understand if the international community's commitments are aspirational or real.

In its *2015 Civil Society Women, Peace, and Security Roadmap*, the NGO Working Group on Women, Peace, and Security noted "[d]espite the rhetoric and repeated commitments, the WPS agenda is far from being comprehensively implemented in policy and practice . . . Initiatives . . . including the High-Level Review, must be more than ceremonial and about recommitments to principles and transformative potential, and effective implementation, of the WPS agenda."[84]

[84] *2015 Civil Society Women, Peace, and Security Roadmap*, NGO Working Group on Women, Peace, and Security, Mar. 25, 2015, available at http://womenpeacesecurity.org/media/pdf-2015WPSRoadmap.pdf [hereinafter *Civil Society Roadmap*].

With the forthcoming review by the Security Council itself, it is especially appropriate to consider its unique role. In that regard the NGO Working Group further observed that it is important that the Security Council:

- Integrate WPS concerns when considering crisis situations and emerging threats, and uniformly request that [UN staff] address these in their Council briefings;
- Ensure all Security Council mandates include specific language related to WPS issues…;
- Mandate all reports contain analysis regarding the differentiated impact of conflict on women, women's role in addressing the situation and outline ongoing barriers to their participation including in relation to political, electoral and transitional justice processes, security sector reform, and disarmament, demobilization, and reintegration…;
- Incorporate WPS elements into the TORs [terms of reference] of Commissions of Inquiry…;
- Institutionalize civil society briefings…during open debates and formal meetings as well as ensure [key UN personnel covering WPS] systematically brief the Council on country situations…;
- Ensure all field missions fully incorporate WPS within their TORs…; and
- Conduct Arria Formula meetings on WPS, focusing on implementation and accountability.[85]

B. Institutional Architecture

Recommendation 2. The WPS agenda requires a proper and well-resourced infrastructure to support its ambitious goals.

After the adoption of the Resolution 1325, the UN collectively failed to create a proper institutional architecture to oversee the women, peace, and security agenda. As a result, implementation over the past 15 years has been fragmented, inconsistent, and disorganized. Most critically, there has only been limited ownership and accountability for results, division of responsibilities, and a lack critical reflection processes and direct resources to support its implementation.

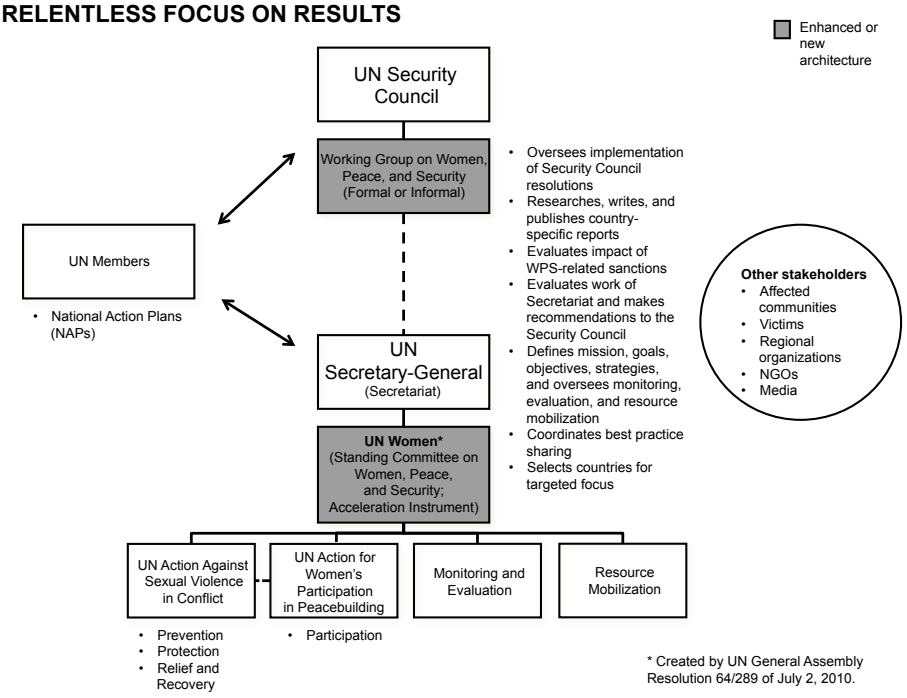
The UN needs a proper and well-resourced infrastructure to support the ambitious goals of the WPS agenda. In its current form, there is only loose coordination and no clear proactive agenda. Implementation currently consists of reporting on the sum total of activities completed by individual UN agencies. With this structure, the Security Council has also completely delegated responsibility to implement the WPS agenda to overworked and under-resourced UN agencies. Currently, UN Women carries much of the coordination function on a de facto basis, working with the Special Representative of

[85] *Id*., at 8.

the Secretary-General on Sexual Violence in Conflict. Although UN Women is most substantially engaged on advancing the WPS agenda, it does not have the resources to oversee, facilitate, and drive implementation in the focused manner required. Indeed, UN Women has a very broad mission, which is to advance gender equality and the empowerment of women. More must be done to better centralize, organize and coordinate implementation of the WPS agenda, while simultaneously creating accountability mechanisms to ensure meaningful action at the highest level of the UN.

Our recommendation, in summary, is to restructure how the WPS agenda is implemented within the UN system.

PROPOSED ARCHITECTURE FOR WOMEN, PEACE, AND SECURITY AGENDA: A RELENTLESS FOCUS ON RESULTS



This proposed approach will require creating new entities, and better institutional coordination between those newly created and those already in existence. First, the Security Council should create either a formal or informal Working Group on Women, Peace, and Security, which would invest greater time and energy in overseeing and advancing the agenda. Second, the UN Secretary-General should formally appoint UN Women as the agency responsible for facilitating implementation of the WPS agenda across all UN agencies.

Finally, the Secretary-General should provide the resources to UN Women for a full-time staff support for the Standing Committee for Women, Peace, and Security. Putting in place a clear coordination mechanism and accountability framework for the WPS agenda within the Secretariat is necessary to address the serious problems that have hampered implementation over the last 15 years.

1. New Security Council Working Group on Women, Peace and Security

- **Recommendation 2A.** There should be a new Security Council Working Group on Women, Peace, and Security to oversee implementation of the WPS agenda, including contributing to the work of UN Sanctions Committees and researching and writing country-specific reports. It could be either a formal committee or an informal body.

As noted previously, the Security Council has limited its involvement with the WPS agenda to its resolutions, presidential statements, and annual open debates. While its leadership has been critical to establishing the importance of this agenda, its lack of regular engagement when combined with the unfunded and changing coordinating efforts within the Secretariat has limited implementation. If the WPS agenda is to be taken seriously, the Security Council should assume a more proactive role in its implementation.

Specifically, while overall responsibility for day-to-day implementation would rest with the UN Women, the Standing Committee for Women, Peace, and Security, and SRSG-SVC, a new Working Group on Women, Peace, and Security would be the clear hub of focus for advancing work within the Security Council. Such a Working Group would include representation from all Security Council members and be staffed by WPS experts. Specific responsibilities of this new Working Group could include:

- Overseeing the implementation of the Security Council's resolutions and making sure that reforms adopted by the Council translates into actual practice;
- Making recommendations on measures to ensure accountability and redress for violations, including contributing to the work of country-specific Sanctions Committees;
- Evaluating the impact of WPS-related sanctions and making recommendations for improving them;
- Researching, writing, and publishing country-specific reports focused on the WPS agenda as it relates to countries on the Security Council's agenda; and
- Evaluating the work of the UN Secretariat and making recommendations to the Security Council as to how it can more effectively contributed to advancing the WPS agenda.

With a general consensus about the need for greater Security Council engagement on the WPS, the question is whether the best approach would be to create a formal committee or informal body. The NGO Working Group on Women, Peace, and Security has said the Security Council should "consider the establishment of an informal mechanism or group that would evaluate practical ways of integrating the full agenda across the entire work of the Council."[86] Currently the Security Council has informal

[86] *Civil Society Roadmap*, *supra* note 84, at 8.

working groups on Protection of Civilians in Armed Conflict, International Tribunals, and Documentation and Other Procedural Questions that could serve as a model.[87]

The most relevant analogy here would be to the informal thematic Expert Group on the Protection of Civilians. It was created in 2009 at the initiative of the UK, which is the lead on the protection of civilians thematic mandate in the Security Council. The Office for Coordination of Humanitarian Affairs (OCHA) is the secretariat for these meetings and remains the sole briefer, though various other UN agencies also participate. OCHA focuses on protection considerations, actions being taken to address these concerns, and suggestions for Council action. The presence of various UN agencies allows Council members to ask questions and be informed. Although resolutions cannot be negotiated through an informal body, the discussions inform further diplomatic discussions. The Expert Group on Protection of Civilians has generally met about 10 times a year.

While the informal Expert Group has played a constructive role, the biggest problem with informal groups generally, as with this one, is that there is no expectation of participation by Council members. In this case, China is one Council member whose diplomats do not attend these meetings.[88] Unfortunately, there is substantially less consensus within the Council on the need to advance women, peace, and security concerns, particularly within different religious and cultural traditions. If an informal working group is established, it could easily become a much more narrow group of like-minded countries than the informal Expert Group on the Protection of Civilians. This would make it more difficult for a WPS working group influence dynamics and outcomes at the Council level. Beyond the challenge of participation, there is also a question regarding the outputs of informal working group. While they provide a positive forum for private exchange and dialogue, they typically do not produce written work products.

To be sure, however, there is no perfect or easy solution. Creating a formal Working Group on Women, Peace, and Security would be impossible without the strong support of the United States, United Kingdom, and France, and would have to overcome likely objections from China and the Russian Federation, which have historically been much less enthusiastic about the Council's thematic work. Here, the most relevant analogy would be the Working Group on Children and Armed Conflict. Although formal Working Groups are established by Council resolution and consist of representatives of all Council members, they face criticism for their slower-moving approach to producing their formal reporting. That said, however, relative to informal groups, they typically meet more frequently. In 2014, for example, the Working Group on Children and Armed Conflict met about 10 times formally and 20 times informally and held a variety of bilateral consultations as well. In addition, the Working Group on Children and Armed Conflict produces written annual reports to the Security Council about its activities, produces conclusions and press statements regarding country-specific situations reported

[87] *Working Groups*, REPERTOIRE OF PRACTICE OF THE SECURITY COUNCIL, available at http://www.un.org/en/sc/repertoire/subsidiary_organs/working_groups.shtml.
[88] *Protection of Civilians in Armed Conflict*, Security Council Report, May 15, 2015, at 8.

on by the Special Representative on Children and Armed Conflict, and examines national action plans on children and armed conflict. In this sense, a formal working group has more direct, clear, and unambiguous ways to urge the Council to take meaningful action.

Those who support the WPS agenda agree on the need to enhance the Council's engagement. It is important, however, to be realistic that, although an informal working group can be easily created, its outcomes are likely to fall far short of what is required. If that occurs, then it will be important to revisit this structural question in short order.

2. Formal Appointment of UN Women to Coordinate Women, Peace, and Security Agenda

- **Recommendation 2B.** The UN Secretary-General should formally appoint UN Women as the Coordinator within the Secretariat for implementing the WPS Agenda.

As discussed previously in this report, a major challenge in implementing the WPS agenda has been the lack of leadership and accountability within the UN Secretariat. In short, there has been no one in charge. This report recommends that the UN Secretary-General formally appoint UN Women as responsible for coordination and implementation of all aspects of the WPS agenda.

Since its creation, UN Women has had a de facto role coordinating implementation of the WPS agenda through its roles chairing the Standing Committee on Women, Peace, and Security, briefing the Security Council on WPS issues, and monitoring implementation of NAPs. Both Security Council resolutions and presidential statements as well as annual reports of the Secretary-General have referred to important contributions of UN Women to the WPS agenda. And UN Women's role is about to be become more important in its taking on responsibility for the new Acceleration Instrument for Women, Peace, and Security, which will raise and fund substantial efforts to advance the WPS agenda.

Although much of the implementation of the WPS agenda will occur agency by agency, it is essential that UN Women be formally designated as responsible for all aspects of coordination. It is only with such a change and new resources to support this coordination function that there can be a relentless focus on achieving results in the field.

3. Enhanced Standing Committee on Women, Peace, and Security

Recommendation 2C. The Standing Committee on Women, Peace, and Security, chaired by UN Women, must be given additional resources and individual UN agencies must be given resources to appoint full-time WPS coordinators to serve on the Standing Committee and drive implementation agency by agency.

This report recommends substantial additional resources be provided to UN Women as the chair and staff coordinator for the Standing Committee on Women, Peace, and Security. It will be equally critical that each UN agency be provided with the funding support to have a focal point within each agency for coordinating WPS-related activities, even if implementation of specific projects within each agency already have their own staffing structure. These agency coordinators would facilitate development of joint projects between agencies, bring important developments on the WPS agenda back to their agencies, and focus exclusively on implementing the WPS agenda in their agency's context.

As envisioned, the Standing Committee would play an enhanced role as a coordinating mechanism, responsible for defining the mission, setting goals and objectives, and formulating concrete strategies for UN system-wide implementation of the WPS agenda. While its work would develop as appropriate, sub-committees could include:

- **UN Action Against Sexual Violence in Conflict.** This subcommittee would oversee ongoing efforts to implement this interagency program, including addressing the recommendations of its independent evaluation, which highlighted the need to move beyond progress on policy to direct impact in the field.

- **UN Action for Women's Participation in Peacebuilding.** This subcommittee would oversee a new interagency program focusing on implementing the participation part of the WPS agenda.

- **Monitoring and Evaluation.** This subcommittee would oversee the conduct of a baseline study (see below) and then also the development of a new outcome-based monitoring and evaluation system to measure direct results in the field. Additionally, it would facilitate the sharing of best practices around the world.

- **Resource Mobilization.** The biggest obstacle to implementing the WPS agenda in the last 15 years has been the utter lack of resources raised and invested. While there have been many activities conducted by numerous UN agencies that have been classified as comprising implementation, there has not ever been a centralized and serious strategic plan with clear goals and strategies with the resources to foster cross-agency collaboration and new focus on implementing the agenda. This subcommittee's critical effort would focus on mobilizing joint resources that could be provided to UN agencies, Member States, and civil society from the new Acceleration Instrument for Women, Peace, and Security housed within UN Women.

In approaching its work strategically and systematically and with adequate resources, the Standing Committee will provide the strategy, oversight, coordination, and focus that a serious and proactive implementation of the WPS agenda requires.

C. Strategies

With the changes discussed above put into place, the UN system will be more clearly and efficiently organized to advance the WPS agenda. But a new structure will not have a meaningful impact without serious additional resources being raised and expended on implementation, not only by UN agencies, but by investments in building institutions and capacity within Member States in conflict and post-conflict situations, and supporting critical civil society initiatives to enable women and men in these countries to take charge of their own futures. Ironically, the UN system has at its disposal many tools that should be employed to further implementation of the WPS agenda, yet because of a lack of resources, none of these tools are being fully or efficiently utilized. The Security Council and Secretary-General must not only ensure that strategic plans are developed and implemented, but that those plans are comprehensive, outcome-driven, and fully make use of the strengths of UN system. Specific recommended strategies include:

1. Resource Mobilization – $250 Million Fund Over Five Years For Acceleration Instrument on Women, Peace, and Security

Recommendation 3. The international community should raise and invest $250 million over five years into the new Acceleration Instrument for Women, Peace, and Security, housed within UN Women, which will support the infrastructure to implement the WPS agenda and direct most of its resources into programs in the field.

The complexity and breadth of issues covered by the WPS agenda is immense. If the WPS agenda is going to be implemented differently in the next 15 years, it must start with Member States deciding to invest in its implementation. This requires a recognition that there is a large gap between the commitments made by the international community and results achieved in the field – and that this gap merits a dramatically different and new approach.

In short, the current situation with resource mobilization is not remotely sufficient to match the need. Other than a very small focused program supported by the UN Fund for Action Against Sexual Violence in Conflict out of the Multi-Partner Trust Fund Office, the expectation has been that UN agencies will implement the WPS agenda within the constraints of existing resources. In practice, this has meant that UN agencies have no incentive or resources to prioritize this work and that their level of engagement depends on the interest of each agency's leadership.

We propose a $250 million investment by the international community – $50 million a year over five years – into the new Acceleration Instrument for Women, Peace, and Security.

In October 2014, countries such as Japan and Sierra Leone, civil society, UN Women, and the UN Peacebuilding Support Office met to discuss the creation of a multi-

stakeholder financing mechanism, which would focus on implementation of the WPS agenda. Out of these discussions a WPS Financing Discussion Group, comprised of a wide variety of stakeholders, came to propose the Acceleration Instrument, which would offer "technical and programmatic support to existing funds, donors, and partners in tracking financing for implementation of the WPS agenda to improve reporting, and support coordination."[89]

Funding from the proposed Global Acceleration Instrument, which will be housed within UN Women, will serve numerous critical purposes, such as (a) supporting the additional infrastructure within the Security Council and UN Secretariat; (b) funding agency coordinators; (c) developing new data and analytical tools by which to monitor WPS implementation; (d) funding interagency programming; (e) creating new capacity in critical UN agencies such as DPKO; and (f) funding country-specific action plans that would not only support the work of UN agencies, but equally important significant investments in government institution building and civil society initiatives.

To be clear, while important investments in a permanent and effective UN infrastructure to implement the WPS are required, this must be a small percentage of the expenditures of the new Acceleration Instrument. Such a fund will only be successful if it invests the substantial majority of resources in joint programming that is deployed in the field and in directly supporting major country-based initiatives that seek to build successful projects that demonstrate outcome-based success that can then be replicated in other countries.

2. Monitoring & Evaluation – Strengthening Reporting Processes and Outcomes

Recommendation 4. The Standing Committee on Women, Peace, and Security should commission the completion of a baseline study on the WPS agenda, revisit and develop data for measuring results, and re-conceptualize and develop a new set of performance indicators grounded substantially in measureable results achieved in the field.

A recurring criticism of the UN's work in implementing the WPS agenda is the persistent gap between words and action. This frustration often stems from the issuing of annual reports from the Secretary-General on the WPS agenda that not only fail to put into place actionable, concrete strategies for positive change, but also fail even to assess the current situation faced by women in conflict – measuring only high-level process-oriented indicators, rather than directly connecting actions to outcomes in the field.

Moving forward, reporting on the WPS agenda must be more targeted, better resourced, coordinated, outcome-oriented, and relentlessly focused on results –

[89] *Global Acceleration Instrument for Women, Peace, and Security*, GLOBAL NETWORK OF WOMEN PEACEBUILDERS, *available at* http://www.gnwp.org/news/global-acceleration-instrument-women-peace-and-security-gai-wps.

demonstrably empowering women and improving their lives in conflict and post-conflict environments.

The Secretary-General's reports must also realize both their potential and their limitations. As a foundation, the reports must include a strong analysis of current situations in the field, beginning with a comprehensive baseline study. The reports must then focus on achievable goals for concrete, measurable improvement that are directly related to those realities. Ongoing reports must be honest and critical, evaluating progress against clear indicators. Where there has been success, the reports are an opportunity to put forth actionable future steps that will build on that progress. Where there are failures, critical self-reflection is necessary. Unfortunately, the incentives in the UN system highlight claimed successes, even if the measures are wrong, and minimize failures. While the relentless focus must be on meaningful results in the field, there will be and should be failures. The key is understanding what went wrong and learning from mistakes.

The following recommendations focus on improving every stage in the monitoring, evaluation, and reporting process. Furthermore, this renewed focusing of attention on results-oriented reporting must also engender an attitudinal shift among staff at all levels across the UN:

a. Pre-Reporting

Before the Standing Committee can redesign a strategy to advance the WPS agenda, there must be a baseline study and needs assessment conducted which honestly and clearly evaluates where the situation stands today in conflict and post-conflict societies. This will require revisiting the very constructive analysis that was previously completed by the Secretary-General of existing and required data that would need to inform such a review. It will also need to be informed by wide stakeholder consultations, especially of civil society and women in the field.

While such a baseline study can be informed by the *Global Study on the Implementation of Resolution 1325*, which is being prepared by UN Women for the 2015 High-Level Review by the Security Council, it remains to be seen how self-reflective the UN system is capable of being. Ultimately, some of the best reports about the implementation of different aspects of the WPS agenda have been by outside consultants commissioned by UN agencies. It may be most effective to have a baseline study completed by such an external party, which will consult intensively with UN agencies, Member States, and civil society, but will also approach the WPS agenda objectively and without preconceived views or biases. A critical part of such a study will require a thorough review of the various uses of indicators over the last 15 years and the development of a new, improved, and substantially data-driven approach to measuring success.

In 2005, a System-Wide Action Plan (SWAP) was introduced in an attempt to remedy the lack of success in achieving concrete implementation of Resolution 1325.

Unfortunately, the subsequent evaluations of SWAPs over the years have shown that they were largely unsuccessful. It was hamstrung, as the Secretary-General noted in his reports, by "the absence of baseline information, performance standards and indicators, time frames, and results focus. Such shortcomings detracted from its overall utility as a planning and programming document and made it difficult to have an accurate assessment of what progress was being made."[90] This ultimately led the Secretary-General to recommend the development of a re-conceptualized action plan. While this candid self-reflection by the Secretary-General on the problems of the SWAP were very useful, these identified gaps and challenges (and many others) unfortunately remain the same today.

Important lessons can be learned from several case studies of National Action Plans where the conducting of baseline studies before the drafting of NAPs has been shown to produce more detailed and effective National Action Plans. The same can be expected when it comes to reporting.

b. Reporting

Reporting to date is characterized by an almost exclusive focus on a description of processes undertaken rather than measurable outcomes achieved, and an absence of any correlation or analysis of how the reported results relate to implementation efforts of the WPS agenda. Anecdotal reporting, which has deteriorated to the point where reports now even look at the number of times topics were mentioned – as if this is an outcome in and of itself – are of little value in improving the lives of women.

A new approach to reporting must begin with a baseline study, use existing data or develop new sources of data by which to measure results, be outcome-oriented, and maintain a constant focus on measurably improving the lives of women affected by conflict. This necessitates not only a focus on on-the-ground outcomes themselves, but also on how these outcomes directly result from implementation of the WPS agenda. This is essential so that responsive changes can be made and lessons learned as to what results in meaningful progress and what does not. Correlation with positive outcomes is not sufficient; causation that the outcomes resulted from specific actions must be proven. Achieving specific quantifiable results will then assist in the more effective distribution of resources among various activities across the WPS agenda.

c. Follow Up on Reporting

Reports are only worthwhile in so far as they set out the path to making positive improvements in the lives of women affected by conflict. The failure of reports to do any more than make very general recommendations, with no strategy in place to systematically and substantively act upon these recommendations, has undermined their ability to achieve such demonstrable outcomes in the field. For example, the Secretary-General's rather positive first review of SWAP was based entirely on processes used

[90] *Report of the Secretary-General on Women and Peace and Security*, S/2006/770, Sept. 27, 2006.

rather than results achieved, and this flawed approach has been a recurrent feature of WPS reporting ever since. This focus must be reversed, with a focus on outcome measures and process measures only used if they can legitimately connect to outcomes in the field.

Once a meaningful report has been produced – one that uses outcome-oriented indicators and is accompanied by analysis of the correlation of the impact with UN actions – it must then reach the right people who hold senior positions within the UN and can thus action the report's recommendations and hold accountable those identified as failing to meet their goals. As discussed above, UN Women, the UN agencies working as part of the Standing Committee, and SRSG-SVC can play a role in greatly improving the likelihood that the reports and their recommendations reach senior UN members and decision-makers, which in turn increases the likelihood that concrete actions will be implemented accordingly.

Moreover, the recommendations issued by the Secretary-General in his reports must be more than merely hortatory. They must focus instead on specific actions, both proactive and reactive, to be taken by clearly identified actors. Again, the Standing Committee will need to play a vital role in ensuring a systematic apportioning of actions among various UN actors and following up on progress made on these actions in subsequent reports.

3. Addressing Sexual Violence in Conflict – Prevention, Accountability, and Support

Recommendation 5. The Standing Committee on Women, Peace, and Security must reinvigorate and renew UN Action Against Sexual Violence in Conflict to go beyond the development of policies, procedures, and trainings to outcome-based programs that measures success in preventing sexual violence, holding perpetrators to account and providing support to victims.

In the past 15 years, there has been significant progress made in raising to public attention the issue of sexual violence in conflict and integrating specific mention of the phenomenon into UN resolutions, statements, reports, and debates. But this rhetoric has not translated into significant or measurable gains in the field in preventing sexual violence. Indeed, the Security Council's repeated calls to action have not resulted in meaningful action or measurable outcomes. It is not enough that frameworks have been adopted, policies developed, and trainings conducted. There must be a strategic approach to preventing sexual violence in conflict that comes with measurable outcomes and implementation must be accompanied by assessing successes and failures and addressing challenges and gaps. This focus on prevention was echoed by the NGO Working Group

on Women, Peace, and Security, as it focused on the need to address the root causes of conflict.[91]

a. Develop a Strategic Plan with Meaningful Action Steps Identified

Recommendation 5A. The UN Department of Peacekeeping Operations should have a strategic plan to increase women's leadership of and participation in peacekeeping operations, as well as integrate the prevention of sexual violence into its operations by combatants in coordination with other UN agencies and host governments.

DPKO has stated its desire to prioritize the prevention of sexual violence in conflict in its most recent *Gender Forward Looking Strategy 2014-2018*.[92] Nevertheless, it makes no mention of the profoundly serious issue that only a handful of missions are led by women and less than four percent of more than 104,000 military advisors, military, and police engaged in UN peacekeeping are women.[93] This is about much more than having representation for representation's sake. It is about modeling for host countries gender equality, force acceptance by local populations, and the reality that women peacekeepers are much more likely to be able to engage effectively with local women on issues of sexual violence in conflict and women's participation.

Finally, the report fails to indicate even a single preventative measure it plans to take in the next four years, beyond having Women Protection Advisors (WPAs) "engage in dialogue with all parties to the conflict."[94] It further fails to mention that WPAs are only deployed to conflict areas that already have existing sexual violence violations – meaning that their engagement only comes after sexual violence is identified, not prevented.

b. Prevention of Sexual Abuse by Peacekeepers and Others

Recommendation 5B. The UN Department of Peacekeeping Operations should renew its efforts to train peacekeepers about appropriate conduct, enhance internal accountability mechanisms, and proactively engage with troop and police-contributing countries to help them provide better training in their own militaries on these issues.

The DPKO relies on voluntary contributions of Member States military and police forces, which means it must work with and rely on national military structures to develop a culture of prevention at the domestic level for troop and police contributing countries.

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[91] *Civil Society Roadmap*, *supra* note 84, at 4.
[92] *Gender Forward Looking Strategy*, *supra* note 40.
[93] Gender Statistics By Mission For the Month of December 2014, *available at* http://www.un.org/en/peacekeeping/contributors/gender/2014gender/2014.zip.
[94] *Gender Forward Looking Strategy*, *supra* note 40, at 8.

First and foremost, sexual exploitation by DPKO forces must end. Although a zero-tolerance policy has been implemented, there is a significant gap between the promise of the policy and implementation. And given the very low numbers of reported annual claims relative to the number of peacekeepers in the field, it is reasonable to question if current mechanisms for reporting abuses actually are well known.

Second, DPKO should make every effort to not work with contributing countries whose militaries and police have records of sexual violence or exploitation. DPKO should provide guidelines to contributing countries and set strict vetting requirements based on successful enforcement of accountability measures within national military and police forces.

Finally, it is critical for DPKO and the UN Secretariat to urge Member States to follow through on investigating and prosecuting advisors, military, or police who are implicated in sexual exploitation or violence while deployed to a UN peacekeeping operation. Unfortunately, despite the public attention on such abuses: "little appears to have changed; accountability remains the exception to the rule, new abuses continue to be reported, and the business of sexual exploitation and abuse in peacekeeping continues."[95]

These recommendations were echoed by the NGO Working Group on Women, Peace, and Security, which emphasized that all investigations and prosecutions should be conducted in accordance with international standards; no immunity should be granted for international personnel; the use of transfer out of the host state to help peacekeepers evade accountability should stop; and humanitarian law should be fully implemented to ensure women have equal and effective access to accountability mechanisms and all relevant services for victims.[96]

c. Improved Information-Gathering and Coordination of Information

Recommendation 5C. The SRSG on Sexual Violence in Conflict should commission a report to identify the early warning signs of the potential occurrence of sexual violence, expand efforts on gathering information from civil society and victims, and implement measures to ensure reporting reaches senior decision-makers in the UN system.

The creation of the Special Representative of the Secretary-General on Sexual Violence in Conflict was a significant accomplishment, both symbolically and in practice; however, much more can and must be done to understand the conditions that predict the potential occurrence of sexual violence before it happens so that prevention steps can be taken.

[95] Carla Ferstman, *Special Report: Criminalizing Sexual Exploitation and Abuse by Peacekeepers* 2, US INSTITUTE OF PEACE, Sept. 2013, available at http://www.usip.org/sites/default/files/SR335-Criminalizing%20Sexual%20Exploitation%20and%20Abuse%20by%20Peacekeepers.pdf.
[96] *Civil Society Roadmap*, *supra* note 84, at 6.

First, it would be especially valuable to commission a study into the ways that sexual violence emerges in conflict situations to develop early-warning systems, identify and report on trends, and report on areas for further research. This type of forward-looking reporting is especially important as conflicts takes on new characteristics in post-9/11 world.

Second, the contributions of civil society organization cannot be understated, as their on-the-ground experiences and expertise are crucial. Additionally, there must be more concerted efforts to involve women in the consultation at all levels of reporting, as their experiences are most valuable in understanding realities in the field.

And finally, there must be coordination in getting the information into the right hands. A process must be developed to provide the Security Council with updates, briefings and documentation so that it can call for changes in policy, prioritize projects and funding, and, as discussed below, effectively implement sanctions against perpetrators of sexual violence.

d. Building Capacity of Domestic Legal Systems

Recommendation 5D. The SRSG on Sexual Violence in Conflict should oversee a major effort to identify best practices for building domestic legal systems, including enhancing capacity of police, prosecutors, defense attorneys, and judges. The aim should be to develop programs whose results can be measured and which can be replicated in conflict and post-conflict environments.

Historically, both the international community and domestic legal systems have been singularly ineffective, unwilling and unable to hold perpetrators of sexual violence to account for their crimes. As discussed below, one way to address this chronic failure and send a clear deterrent signal is to strengthen the Security Council's sanctions regimes. However, that mechanism should be just part of the solution. Member States have a responsibility, morally and legally, to prosecute and punish offenders who commit sexual violence in conflict. Accordingly, Member States must not only be encouraged to develop and strengthen their domestic legal systems, but those in conflict and post-conflict societies should be provided critical support to enable them to do so.

Although building legal systems and instilling a culture of the rule of law in societies is an enormous challenge, there must be a special focus by UN country teams at building a special capacity of police, prosecutors, defense attorneys, and judges to solicit, receive, investigate, prosecute, and conduct trials regarding claims of sexual violence in conflict. In addition, with a new infrastructure in place in the UN system, there should be particular efforts undertaken to build and replicate successful programs that engage various parts of the domestic legal systems of countries to hold perpetrators to account for their criminal behavior. Without meaningful progress in this area, it will be

impossible for local populations, especially women, to ever believe that the promise of the WPS agenda can ever be realized.

e. Ensure Targeted Support is Provided for Victims of Sexual Violence

Recommendation 5E. Each peacekeeping mission should assess the needs for victim support for sexual violence in conflict. If necessary, specific assistance should be provided in-country for specialized health care and psychosocial support, as well as programs to assist victims to reintegrate into society.

Given the incidence of sexual violence in conflict is not well understood or documented, there are few needs assessments that have been completed and the provision of victims' services have not been a real priority for UN agencies or Member States. It is absolutely crucial that this change. Specifically, in all conflict and post-conflict situations, the UN should be looking explicitly at the incidence of sexual violence in conflict and assist the host country in determining the needs. Once determined, victims will need access to health care and psychosocial support, assistance with reintegration, and support to avoid stigmatization and marginalization.

4. Addressing Sexual Violence in Conflict – Sanctions

Recommendation 6. The Security Council should declare that the use of sexual violence as a weapon of war is a war crime and its use constitutes a threat to the peace as described in the UN Charter.

To date, much of the WPS agenda has focused on sexual violence in conflict. This is evidenced by the amount of resources expended on this issue, as compared to other components of the agenda. The only UN position created by a subsequent resolution is the SRSG on Sexual Violence in Conflict. Subsequent resolutions specifically address the issue, while only Resolution 2122 (2013) looks at the participation pillar in particular. The work of UN Action Against Sexual Violence in Conflict has been commended, though it is primarily policy, not practice-based. The DPKO, in the wake of multiple reports of sexual exploitation and misconduct in UN peacekeeping operations, responded by issuing mandatory rules and setting up pre-deployment trainings – though there is still much work to be done both in address past harm and preventing future abuse.

Despite all of these activities, however, the Security Council has never described the use of rape as a weapon of war as a war crime and that its use by a country or non-state actor should bring a situation within the jurisdiction of the Security Council as a threat to the peace.

Flowing from this specific action, the Security Council would then be able to utilize its most efficient tool to address sexual violence in conflict: the use of targeted sanctions in a way that is systematic rather than piecemeal. This should include sanctions on groups and individuals, and also on enablers of activities that facilitate serious abuses of human rights. Specifically, this should include governments, arms companies, and arms dealers, who transfer small arms and weapons to situations that fuel conflict and further enable serious human rights abuses.[97]

Currently, the Security Council includes in country-specific sanctions programs on a selective basis the use of rape as a weapon of war. Only three of the current 15 country-specific sanction regimes in place have criteria relating to sexual violence (though two more list human-rights abuses more broadly), and only 18 individuals and entities (out of 1,000) sanctioned in those countries are subject to sanctions based on those sexual violence criteria. There mere fact that only 18 individuals and groups have been sanctioned for their use of rape as a weapon reflects a huge gap between the actions of the Security Council and the scourge of the commission of these international crimes that have yet to be seriously addressed.

As a model, there is already a comparable, but much more comprehensive regime already in place to address the use of children as soldiers in armed conflict. As described in substantial detail in Appendix C, the Security Council's approach to imposing sanctions against individuals and entities that recruit and use child soldiers and its approach to imposing sanctions against perpetrators of sexual violence share various similarities. In particular, in the context of tackling both thematic issues, the Security Council has:

- Adopted relevant designation criteria in Council resolutions;
- Created groups of experts to assist each sanctions committee; and
- Imposed targeted sanctions – typically, a travel ban and asset freeze – rather than comprehensive sanctions.

The same conflicts also appear to raise both sets of concerns, as shown by the fact that these two thematic issues have been raised by the same five country-based sanctions regimes. In fact, some resolutions mention both adding the child soldier and sexual violence designation criteria. Unfortunately, with respect to both issues, the Council and relevant sanctions committees have not imposed sanctions against a significant number of individuals and entities listed in the annexes to the Secretary-General reports, or individuals otherwise credibly suspected of committing or being responsible for the recruitment and use of child soldiers and/or acts of sexual violence.

The parallels between the approaches of the Council and the sanctions committees in these two areas can inform consideration of the current status of sexual violence-related sanctions activity and our proposed recommendations for sanctions

[97] *Civil Society Roadmap*, *supra* note 84, at 5.

improvements. Acting under its Chapter VII authority and following the model of children and armed conflict thematic resolutions, the Security Council should adopt and impose an enhanced thematic sanctions regime related to the WPS agenda, including the following specific actions:

a. Improve Access to and Sharing of Current Information to Inform Sanctions

Recommendation 6A. The new Working Group on Women, Peace, and Security, whether formal or informal, should develop and improve access to and sharing of information relating to sexual violence in conflict and sanctioned individuals and entities. It should also develop more effective ways to communicate publicly about sanctions imposed for the use of sexual violence in conflict.

It is important to ensure that all Security Council sanctions committees have a clear capacity to obtain and check information that they are receiving on sexual violence in conflict. The new Working Group would be best positioned to serve in this capacity. It may also be useful to institute a process for sharing information between Security Council subsidiary bodies. This could be modeled on the Côte d'Ivoire Sanctions Committee (in Resolutions 1980 (2011), 2045 (2012), and 2101 (2013)), in which the Security Council and other sanctions committees formally call for information sharing between the Special Representative on Sexual Violence in Conflict, the relevant Group of Experts, and the relevant sanctions committee.[98]

The Security Council should also consider how it publicized information about sanctions to increase transparency and credibility of UN sanctions. Under current practice, sanctions committees can (and do) update their sanctions listings, including personal identifier information, as well as the justification for the listing, and announce these updates in a press release that is posted on the UN's website. This practice should be encouraged and done more frequently. For example, when the ICC issues an arrest warrant or other charges related to sexual violence, the relevant sanctions committee – to the extent not done already – should consider the new information/charges and update its narrative justification for any sanction imposed on the individual.[99] More generally, while some of the narrative justifications are quite detailed, others are only one or two sentences, and may be limited to general statements, such as the individual threatening the peace and security of a particular area. To the extent supported by credible evidence, from a sanctions committee's group of experts or otherwise, the sanctions committees should be encouraged to provide a more detailed and complete explanation of the specific factual reasons for the sanctions imposed.

[98] *Women, Peace and Security: Cross-Cutting Report* 37, 41, SECURITY COUNCIL, Apr. 16, 2014, at 34, [hereinafter *SCR: Women, Peace and Security*].
[99] *See., id*.

b. Broadening the Application of UN Sanctions

Recommendation 6B. The Security Council should broaden its application of sanctions for conflict-based sexual violence and through the adoption of a thematic resolution that would enable it to narrowly sanction individual and entities engaging in the use of sexual violence in conflicts where the states are not directly on the Security Council's agenda.

The Special Representative on Sexual Violence in Conflict has called on the Council

> To increase pressure on perpetrators of sexual violence in conflict, including the individuals, parties and States named in my reports, through the adoption of targeted and graduated measures by relevant sanctions committees, and to consider means by which such measures may also be taken in relevant contexts where no sanctions committees are in place. Such actions by the Security Council should apply to those who commit, command or condone (fail to prevent or punish) sexual violence, consistent with the stipulations under international criminal law regarding those bearing direct, command or superior responsibility[.][100]

Currently, the relevant country-specific sanction regimes cover a distressingly small number of actors. To show that it takes sexual violence in conflict seriously, the Security Council must expand and enforce its sanctions regime to all those responsible for such abuse. This is not to say that the Security Council should reach beyond its authority or mandate; but rather that it must relentlessly use the tools it has to hold all those responsible to account. If the Security Council wants to demonstrate that it is serious about sanctioning individuals and entities that use rape as a weapon of war then it should develop a system to enable this to occur.

Relying on the annexes to the Secretary-General's annual reports on sexual violence in conflict is an insufficient source for identifying sanctions targets because the annexes only address situations on the Council's agenda (and thus do not include situations not on the Council's agenda).[101] In addition, the Secretary-General's reports only include one appendix, which lists parties – not individuals – credibly suspected of committing or being responsible for sexual violence in situations of armed conflict on the agenda of the Security Council.

By contrast, the Secretary-General's annual reports on children in armed conflict include two annexes:

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[100] *Recommendations*, Office of the Special Representative for Sexual Violence in Conflict, UN.org, *available at* http://www.un.org/sexualviolenceinconflict/our-work/recommendations/.
[101] Janet Benshoof, *Women, Peace and Security*, in THE UNITED NATIONS SECURITY COUNCIL IN THE AGE OF HUMAN RIGHTS (Jared Genser and Bruno Stagno Ugarte ed., 2014), at 86.

- Annex I: A list of parties that "recruit or use children, kill or maim children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/or hospitals in situations of armed conflict on the agenda of the Security Council"; and
- Annex II: A list of parties committing the same acts "in situations of armed conflict not on the agenda of the Security Council, or in other situations[.]"[102]

Helpfully, the annexes include a key that specifies which parties are listed for committing "rape and other forms of sexual violence against children" (as opposed to other acts) and also underlines the parties that are considered "persistent perpetrators" (because they have been listed in the annex for at least five years).[103] For example, the 2014 report includes one party in Annex II (Boko Haram in Nigeria) that commits rape and other forms of sexual violence against children and which – even though Nigeria is not on the Council's agenda – should be strongly considered for sanctions.

Therefore, the Security Council should (1) ask the Secretary-General to provide a more comprehensive list of individuals and entities using sexual violence in conflict, including in countries not on the Council's agenda; (2) ensure that all such parties in a country on the Council's agenda be added to the relevant country's sanctions regime; and (3) adopt a Chapter VII resolution giving authority to the Working Group on Women, Peace, and Security to impose sanctions on individuals and groups in countries not on the Council's agenda. While this last proposal would be a real departure from the Security Council's past practice of imposing sanctions through country-specific sanctions committees and would be challenging politically to move forward, its implementation would send an extraordinary signal around the world about the seriousness with which sexual violence in conflict is being addressed.

c. Evaluating the Sanctions Imposed and Improving Their Effectiveness after Imposition

Recommendation 6C. The new Working Group on Women, Peace, and Security, whether formal or informal, should develop, implement, and report on a monitoring and evaluation system for the impact of sanctions imposed on individuals and entities committing sexual violence in conflict.

Consistent with all other recommendations discussed in this report, an improved and systematic approach to imposing sanctions for the use of sexual violence in conflict will only be valuable if its impact can be assessed and the approach improved over time. For example, the imposition of a travel ban or asset freeze may be ineffective for those

[102] *See*, *e.g.*, *Report of the Secretary-General: Children and Armed Conflict*, A/68/878–S/2014/339, May 15, 2014, at 47–50.
[103] *Id*.

individuals who do not travel or hold assets overseas.[104] This issue is particularly apparent with respect to "persistent perpetrators" who have been listed on a child soldier annex for at least five years. The Security Council must therefore critically consider how to best target individual sanctions so that they have the most impact possible. Additionally, ongoing monitoring and evaluation of the effectiveness of sanctions will be required to ensure they have the desired impact.

5. Women's Participation in Peacebuilding

Recommendation 7. The UN must completely rethink, reinvent, and reinvigorate a new approach to the women's participation pillar of the WPS. It must begin with the Secretary-General directly and dramatically addressing the disconnect between the rhetoric and reality of the lack of women in senior roles throughout the UN system, but especially in heading peacekeeping missions. It should place special emphasis on developing new measures for assessing the impact of women's participation, women's engagement in peace negotiations, and societal discrimination.

Though women are proven agents of change whose participation is vital to achieving and sustaining peace, women's potential to participate and influence decision-making to prevent and resolve conflicts remains unfulfilled. It is helpful at the 15-year anniversary to revisit what Resolution 1325 said with regards to women's participation in peacebuilding:

> *Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional, and international institutions and mechanisms for the prevention, management, and resolution of conflict;
>
> *Encourages* the Secretary-General to implement his strategic plan of action calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
>
> *Further urges* the Secretary-General to seek and expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights, and humanitarian personnel;
>
> *Expresses* its willingness to incorporate a gender perspective into peacekeeping operations, and *urges* the Secretary-General to ensure that, where appropriate, field operations include a gender component;
>
> *Requests* the Secretary-General to provide to Member States training guidelines and materials on the protection, rights, and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding

[104] *Children and Armed Conflict: Cross-Cutting Report*, Security Council Report, Feb. 21, 2014, at 38.

measures, *invites* Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programs for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, *inter alia*:

(a) The special needs of women and girls during repatriation and resettlement for rehabilitation, reintegration, and post-conflict resolution;
(b) Measures that support local women's peace initiatives and indigenous processes or conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police, and the judiciary;

Encourages all those involved in the planning for disarmament, demobilization, and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependents;

Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

Requests the Secretary-General, where appropriate, to include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls.[105]

Historically, the participation pillar of the WPS agenda has yielded to the protection component of the agenda. This is reflected in the language used by the Security Council in the WPS resolutions themselves; the language used to discuss protection is notably stronger than that used to discuss participation. For example on the one hand, Resolution 1820 "*Demands* that all parties to armed conflict immediately take appropriate measures to protect" but only "*Requests"* the Secretary-General and relevant UN agencies to consult with women.[106]

Unsurprisingly then, women are almost entirely missing from formal peace negotiations.[107] Exclusion from peacebuilding limits access to opportunities to recover, the ability to secure justice for human-rights abuses, and participation in shaping new

[105] Security Council Res. 1325, *supra* note 5, at op. ¶¶ 1, 2, 4, 5, 6, 8, 13, 15, 17.
[106] Security Council Res. 1820, *supra* note 7, at op. ¶¶ 3,10.
[107] *Peace and Security*, UN Women, *available at* http://www.unwomen.org/en/what-we-do/peace-and-security.

laws and public institutions.[108] If the participation pillar of the WPS agenda is going to be implemented differently in the next 15 years, it must start with Member States recognizing that women's participation in peacebuilding is essential to prevent and resolve conflicts in a manner that promotes inclusive, egalitarian societies.

The current situation with women's participation in peacebuilding and the lack of efforts or resources to address this issue seriously is a profound disappointment. To date, there has been just one Security Council Resolution that focuses directly on the participation pillar of the WPS agenda – Resolution 2122, only adopted in 2013, which addresses gaps in WPS implementation with a special focus on women's participation.[109] Additionally, there has been just one report of the Secretary-General on the WPS agenda that addresses women's participation in peacebuilding – submitted by the Secretary-General in 2010 in response to Resolution 1889, which discusses women's protection and empowerment in post-conflict situations and requests the Secretary-General to develop key performance indicators.[110] Much of this report focused on explaining why the role of women in peacebuilding was so important and what the needs of women in post-conflict situations were and what challenges existed to their participation. Five specific peacebuilding priorities were identified, including: (1) providing security for women; (2) confidence in the political process, including respect for the rule of law; (3) restoring basic services; (4) restoring public administration and finance systems, including a gender perspective; and (5) economic revitalization.[111]

Despite these lofty ambitions, this report did not make explicit what measures and further activities would be conducted to achieve these commitments.[112] This lack of follow-through has been typical of efforts to expand women's participation in peacebuilding. And those indicators that have been established to track alleged progress on this issue are process-based rather than outcome-based and fail to establish that these outcomes resulted from implementation of the WPS agenda. Reviewing a sampling of these measurements focused on participation and the impact that has been measured illustrates the problem.

For example, the Secretary-General reported that in 2011, women had 86 percent representation among mediators, negotiators, and technical experts in formal peace negotiations (and consultations with civil society). By 2012–2013, women had 100 percent representation.[113] However, the Secretary-General's reports do not explain or analyze how many women were on each team, what percent of the size of the team that was in each case, and whether the women were in leadership or merely a driver or a secretary.[114] Most importantly, they also fail to explain any direct connection between

[108] *Id*.
[109] Security Council Res. 2122, *supra* note 21.
[110] *Women's Participation in Peacebuilding*, *supra* note 29.
[111] *Id*.
[112] *Id*.
[113] *Id*.
[114] *Id*.

the presence of women on these teams and direct impacts on peace treaties, which led to specific results in the field.[115]

The Secretary-General also reports that from 2012–2013, the percentage of women in governance bodies of national human rights bodies saw a two percent increase, from 25 percent to 27 percent; between 2013–2014, there was a described increase to 31 percent.[116] This statistic is so narrowly constructed that it is meaningless. There is no context provided to explain why it matters that women are in these roles, what happened differently as a result of women in these positions, what impact these difference made in the field, and whether there is any connection between these alleged improvements and specific actions the UN is taking in conflict and post-conflict societies to encourage the establishment of national human rights institutions, including ensuring women are in leadership positions.[117]

In short, the claimed "progress" made on women's participation is devoid of real meaning. In light of this reality, it is essential for the UN to reevaluate its entire approach to women's participation in peacebuilding.

While there are many areas of development related to women's participation, special attention should be placed on:

- **New Measures.** Given the lack of real indicators, new measures must be established to assess women's participation in peacemaking and peacebuilding. Even based on its minimal existing measures, the UN is failing its responsibility to implement the participation pillar of the WPS agenda. When developing new indicators, it is important to remember that merely having women represented at the table of national, regional, and UN institutions does not necessarily correlate with changed outcomes. Thus, there must be a relentless focus on measuring results, rather than process.

- **Women's Roles in Peace Negotiations.** A special focus must be placed on women's roles in peace process negotiations and mediations. The UN can bolster women's roles in mediation and negotiations by requiring all UN negotiation teams to be co-chaired by a man and a woman and providing intensive training and ongoing support for women leaders, focusing on gender-responsive budgeting, and engaging in advocacy efforts with governments, as well as with all parties to armed conflict and civil society on further steps towards women's increased participation.

- **Societal Discrimination.** Here, the UN must lead by example by increasing representation of women as the heads of UN peacekeeping missions, special representatives, and in other senior positions throughout the system. The gap between the rhetoric acknowledging the importance of representation at senior levels of the United Nations and the reality is appalling. In addition, Member States must

[115] *Id*.
[116] *Id*.
[117] *Id*.

proactively address societal discrimination against women through their domestic legal systems. Ultimately, Member States must seek and promote participation in national parliaments and human rights bodies. Empowering women at the domestic level to undertake important governance decisions is critical to domesticating the WPS agenda.

By focusing on these measures, the UN can substantially improve its implementation of the participation pillar of the WPS agenda.

6. UN Member States: National Action Plans

Recommendation 8. All UN Member States should adopt National Action Plans (NAPs) to implement the WPS agenda. In addition, the UN Secretary-General should both publicly and privately urge Member States to adopt NAPs, allocate necessary resources to their development, and monitor their implementation. The Standing Committee for Women, Peace, and Security should develop and implement a training and technical assistance capacity to enable Member States to develop NAPs, facilitate connections between Member States, facilitate sharing of best practices, and provide resources for their development and implementation.

Governments are urged to implement Resolution 1325 by initiating strategic actions, identifying priorities and resources, and determining responsibilities and timeframes.[118] However, NAP progress on the WPS agenda has lagged and greater effort needs to be placed on encouraging countries to adopt NAPs moving forward. In 15 years, only 48 countries (of 193) have adopted a NAP for Resolution 1325 – meaning more than 140 countries have yet to draft plans. And many of the NAPs that do exist are weak because they did not involve civil society in their development, do not include a monitoring and evaluation process for implementation, or do not allocate sufficient or any human or financial resources – all important aspects of a NAP. In essence, countries should focus not simply on having a NAP, but rather on having a quality, high-impact NAP. A number of countries have revised their NAPs after learning from their strengths and weaknesses – this type of continuous monitoring and evaluation of NAP outcomes is critical for all countries with existing NAPs.

In general, an effective and sustainable NAP should comprehensively address the Members States' progress to date and, more critically, in light of its concrete goals. More specifically, NAPs should include discussions on political will and leadership[119]; financial support[120]; priority areas[121]; monitoring and evaluation[122]; participation of

[118] *See, e.g., Statement by the President of the Security Council*, S/PRST/2002/32, Oct. 31, 2002; *Statement by the President of the Security Council*, S/PRST/2004/40, Oct. 28, 2004; *Statement by the President of the Security Council*, S/PRST/2005/52, Oct. 27, 2005; *Resolution to Act: National Action Plan Monitoring and Evaluation Guide*, INSTITUTE FOR INCLUSIVE SECURITY, Jul. 2014.
[119] *Id*.
[120] *Id*.

women and civil society; and the use of baseline studies.[123] Substantively, issues surrounding property, education, and employment as well as laws that protect and promote women's empowerment must also be taken into account.[124] The NGO Forum for Women, Peace, and Security has a similar set of strategies that it articulated for regional and national implementation.[125]

To achieve clarity, comparability, and consistency among NAPs, outside assistance may be required throughout the NAP development process. Notably, several multinational organizations and governments have provided funding for NAP development; collaboration on NAP development as a means of accountability and information sharing has proven effective.

Despite the importance of high-quality NAPs, their development and implementation can be a costly process, requiring considerable human and financial resources and capacity. This can pose a challenge, particularly for Member States with limited resources and political will. Each country context determines priorities, the sources and usages of funds, staffing requirements, and other resources required to address WPS issues at the national level.[126] As countries face austere financial climates and look to juggle competing priorities, the importance of the WPS agenda cannot be overstated. Addressing this issue in a proactive manner is in the interest of all countries and the international community at-large because building lasting peace and security requires the participation of women at all-levels of decision-making, including in national, regional, and international institutions; protection of women from sexual and gender-based violence; prevention of violence against women by means of improved intervention strategies; and relief and recovery measures to address international crises through a gendered lens – as encapsulated in Resolution 1325.[127]

Further, while development of NAPs is important, it is urgent for countries to mainstream gender into their overall national policies and training programs. Though NAPs are certainly a useful tool for advancing WPS agenda at the national level, they are not a panacea. Notably, there is concern that the adoption of NAPs risks segregating women's issues into a security box rather than mainstreaming them throughout all government activities.[128]

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[121] *Id*.
[122] *Id*.
[123] *Id*.
[124] *Id*., at 48–49.
[125] *Civil Society Roadmap*, *supra* note 84, at 3.
[126] Mavic Cabrera-Balleza and Nicola Popovic, *Costing and Financing 1325: Examining the Resources Needed to Implement UN Security Council Resolution 1325 at the National Level as well as the Gains, Gaps, and Glitches on Financing the Women, Peace, and Security Agenda,* Corcaid, May 2011, at 1.
[127] *What is UN Security Council Resolution 1325 and Why is it so Critical Today*, UNITED STATES INSTITUTE OF PEACE, *available at* http://www.usip.org/gender_peacebuilding/about_UNSCR_1325; Valerie Norville, *The Role of Women in Global Security*, UNITED STATES INSTITUTE OF PEACE, Jan. 2011, at 1.
[128] F. Belgin Gumru, *An Analysis of the National Action Plans: Responses to the United Nations Security Council Resolution 1325 on Women, Peace and Security,* MA Thesis in Community Planning, UNIV. OF CINCINNATI, 2008, *available at* http://rave.ohiolink.edu/etdc/view?acc_num=ucin1227252286.

Ideally, the NAP development and implementation process should go as follows: with oversight from the Security Council, Member States implement NAPs, involving women and civil society in the process. To ensure implementation, Member States should mandate the assignment of resources at the national level, both financial and human resources. Collectively, Member States should introduce clear standards to ensure all NAPs are high impact and include concrete implementation measures and should collaborate to share best practices and hold each other accountable for national-level implementation of Resolution 1325. There are two specific ways in which the United Nations can assist Member States in implementing the WPS agenda.

a. Stronger Call For Action From the Secretary General

Resolution 1325 requests the Secretary-General "to provide to Member States training guidelines and materials on the protection, rights, and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measure."[129] Yet the Secretary-General has not been publicly and privately outspoken about the need for action. While commentary during the Security Council's annual Open Debates on Sexual Violence in Conflict regularly encourages those governments that have not yet developed NAPs to do so, the Secretary-General has yet to make a call to action for Member States to develop NAPs. This should include writing to the Presidents and Prime Ministers of all Member States who have not adopted NAPs asking them to develop them, raising this issue directly in bilateral meetings, and providing updates in his annual reports about this issue.

b. Allocate Funding to Assist Member States with NAP Development and Implementation

The Standing Committee for Women, Peace, and Security should provide increased support for national-level implementation of the WPS agenda with resources provided by the new UN Fund for Women, Peace, and Security. This has been a major area of missed opportunity – the UN Secretariat should have been encouraging the development of effective NAPs by offering UN Members States the resources and technical support for their development, something that is contemplated in the rest of Resolution 1325 itself ("*Requests* the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peacebuilding measures").[130] Considering the limited financial and human resources and competing priorities faced by many Member States, increased funding and capacity-building resources would have the potential to expand national-level implementation of the WPS agenda significantly.

[129] Security Council Res. 1325, *supra* note 5, at op. ¶¶ 6.
[130] *Id*., at op. ¶ 6.

7. Integration Into Other Critical Discussions

Recommendation 9. The WPS agenda should be integrated more fully and substantially into the discussions on the responsibility to protect and in the development of UN and Member State atrocity prevention and response strategies.

Although mass atrocity crimes have a different impact on women and girls, global discussions on the responsibility to protect have only recently begun to acknowledge that reality. It is very important for the UN efforts focused on advancing the responsibility to protect to integrate a gender perspective into its work. To that end, it would be valuable for Jennifer Welsh, the current Special Advisor to the Secretary-General for the Responsibility to Protect, to prepare a specific report focused on integrating gender into these discussions.

Recommendation 10. The WPS agenda should be fully integrated into the UN Counter-Terrorism Strategy, acknowledging the different roles that women play as victims, perpetrators, and change agents.

As described previously, the role of women in terrorism and violent extremism is both exceptionally important and not currently a central part of the discussion. It is very important for the UN Counter-Terrorism Strategy to reflect this reality and for the Security Council, Secretary-General, and Member States to integrate gender issues into strategies for addressing this critical threat to the world. The NGO Working Group on Women, Peace, and Security, for example, urged the establishment of a consultative mechanism with WPS-related civil society groups prior to each biennial review of the UN Global Counter-Terrorism Strategy.[131]

[131] *Civil Society Roadmap*, *supra* note 84, at 5.

Conclusion

Despite the historic importance of the WPS agenda, it is difficult to identify meaningful results in the field that have come directly from its implementation. All together, there has been a large gap between the promise of Resolution 1325 and its progeny and implementation in practice. Our conclusion is devastating, but it is also a clarion call to action.

2015 marks the 70th anniversary of the United Nations, the 20th anniversary of the Beijing Platform, and the 15th anniversary of the *Brahimi Report*, *Windhoek Declaration,* and critically, Resolution 1325. Finally, 2015 will see the launch of the new global development agenda as the MDGs cede way to the Sustainable Development Goals (SDGs). The convergence of these anniversaries will bring international governments and civil society together to address, assess, and strategize future goals aimed at peace and security for men and women. As the UN reflects on and draws lessons from the past while contemplating the future, it has the opportunity to redefine the way it looks at peace and security in general and women's participation in particular.

Without women there is no peace and security. 2015 provides an historic opportunity for developing a comprehensive agenda for advancing women's role in peace and security based on coordination and complementarity of goals. Regardless of any policy disagreements that may come from this report's recommendations, anyone who cares about the importance of the WPS agenda should agree that it is time for dramatic action.

Appendix A – Analysis of Last 15 Years of Implementation of the Women, Peace, and Security Agenda

I. Background and Normative Framework

The United Nations (UN) Security Council's adoption of Resolution 1325 on October 31, 2000, built upon and expanded prior efforts to advance the role of women in peace and security. The international focus on women in conflict first gained wide recognition as one of the pillars of the UN Decade for Women: Equality, Development and Peace (1976-1985),[1] and was later elaborated on in the *Nairobi Forward-Looking Strategies for the Advancement of Women* (1985),[2] which assessed the achievements of the UN Decade for Women and provided a policy framework for advancing the status of women to be implemented by 2000, including the area of women in conflict. The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in September 1995, highlighted special areas of concern based on a review of progress since Nairobi.[3]

In addition to this historical backdrop, Resolution 1325 was also shaped by the convergence of a series of related global initiatives that were taking place at the time of its adoption, including reviews of the UN Department of Peacekeeping Operations (*Brahimi Report* and *Windhoek Declaration*) and the launch of the Millennium Development Goals. Understanding where Resolution 1325 fits within broader international initiatives is key to understanding its unique role.

A. Beijing Declaration and Platform for Action

The 1995 Beijing Declaration and Platform for Action (Beijing Platform), adopted at the close of the Fourth World Conference on Women in September 1995, was a seminal moment for advancing women's rights generally, reinforcing the idea that "the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights."[4]

However, while the Beijing Platform galvanized both national governments and civil society groups on the importance of women's issues, the Platform did not explicitly link women's issues with peace and security.

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[1] *United Nations Decade for Women*, General Assembly Res. 31/136, A/RES/31/136, Dec. 16, 1976.
[2] *Nairobi Forward-Looking Strategies for the Advancement of Women*, *adopted at* The UN World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, A/CONF.116/28/Rev., July, 26, 1985.
[3] *Report of the Fourth World Conference on Women* (Beijing Platform), UN Fourth World Conference on Women, Beijing, China, Sep. 4-15, A/CONF.177/20, Oct. 17, 1995, ¶¶ 131-164.
[4] UN 4th World Conference on Women, Mission Statement, *available at* http://www.un.org/womenwatch/daw/beijing/platform/plat1.htm#statement.

Nevertheless, the Beijing Platform, adopted by 189 countries, has provided a foundational policy framework for women's empowerment for the last two decades. It identified 12 specific areas of concern for governments and civil society to address in prevention and response to violence against women and girls, including a specific strategic objective for women in conflict.

The Beijing Platform highlighted that women must be empowered politically and economically and be fully represented at all levels of decision-making in order for peace to be secured and maintained. It focused on promoting women's contribution to fostering a culture of peace[5] and providing protection, assistance and training to refugee and internally displaced women.[6] It called for the protection of women living in situations of conflict and for integrating a gendered perspective by increasing the participation of women in all decision-making levels during conflict resolution,[7] including preventive diplomacy, peacekeeping, mediations, negotiations, [8] and in international bodies like the UN Tribunals for Rwanda and the former Yugoslavia.[9] The Beijing Platform made promoting non-violent forms of conflict resolution and reducing the incidence of human rights abuses a strategic objective.

Although women in conflict was only one aspect of the Beijing Platform's broad agenda, in many ways the Beijing Platform was the catalyst for Resolution 1325. At the five-year review of the Beijing Platform, *Women 2000: Gender Equality, Development and Peace for the Twenty-First Century* (Beijing + 5), held just months before 1325 was adopted, it was agreed that the issue of women in conflict needed to be addressed.[10]

B. United Nations' Panels on Peacekeeping Operations

The year 2000 marked a targeted focus on the role of UN peacekeeping operations, both generally and with respect to the role of women. On March 7, 2000, Secretary-General Kofi Annan convened a High-Level Panel on UN Peace Operations to "undertake a thorough review of the United Nations Peace and security activities, and to present a clear set of specific, concrete and practical recommendations to assist the United Nations in conducting such activities better in the future."[11] Secretary-General Annan presented the resulting *Report of the Panel on United Nations Peace Operations (Brahimi Report*) and recommendations to the General Assembly on August 21, 2000.[12]

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[5] *Id*., at ¶ 146(c).
[6] *Id*., at ¶ 147(c).
[7] *Beijing Declaration and Platform for Action*, at ¶ 141, *available at* http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf, at ¶ 141.
[8] *Id*., at ¶ 144(c).
[9] *Id*., at ¶ 142(b).
[10] UN General Assembly, *Five-Year Review of the Implementation of the Beijing Declaration and Platform for Action (Beijing + 5)*, Jun. 5-9, 2000, at ¶ 40 ("Emphasis was placed on women's access to decision-making particularly in peace keeping processes, gender-sensitive approaches to[…] humanitarian crises, […] violence against women, including […] in armed conflict[.]").
[11] UN Security Council, *Note by the Secretary-General Transmitting the Report of the Panel on United Nations Peace Operations*, A/55/305-S/2000/809, Aug. 21, 2000 [Hereinafter *Brahimi Report*].
[12] *Id*.

Although the report and its recommendations contained several wide-ranging provisions related to peacekeeping, it did not clearly highlight the gender dimension of peacekeeping and peace support operations, a point that was noted during the UN Security Council debate for adoption of Resolution 1325 two months later.[13]

Separately, the UN Department of Peacekeeping Operations (DPKO) and the Office of the Special Advisor on Gender Issues and the Advancement of Women (OSAGI) organized a seminar at Windhoek, Namibia from May 29-31, 2000, with a focus on mainstreaming a gender perspective in peace support operations.[14] The resulting *Windhoek Declaration and Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations* (*Windhoek Declaration*) was submitted by the Permanent Representative of Namibia to the Secretary-General for consideration by the Security Council when it reviewed the potential adoption of Resolution 1325. The *Windhoek Declaration* specifically addressed the lack of a gender dimension in peace support operations and offered specific recommendations to ensure the participation of women as equal partners and beneficiaries in peacekeeping, reconciliation, and peace-building.[15] It was later specifically referenced in Resolution 1325 in the Security Council's recognition of "the urgent need to mainstream a gender perspective into peacekeeping operations."[16]

With the 15th anniversaries of both of these important peacekeeping reform initiatives approaching, Secretary-General Ban Ki-moon established a new High-Level Panel on UN Peace Operations to make a "comprehensive assessment of the state of UN peace operations today, and the emerging needs of the future."[17] Initially, the Secretary-General appointed eleven men and only three women to the panel, reflecting a gap between rhetoric and action that has plagued implementation of 1325 from the beginning.[18]

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[13] "Like other countries represented here, Namibia laments the Brahimi report's lack of clear and categorical emphasis on gender perspectives and on an effective role for women in conflict resolution, peacekeeping and peacebuilding." Comments of Permanent Representative of Namibia and President of the fifty-fourth session of the General Assembly, Dr. Theo-Ben Gurirab, Resumption 2, S/PV.4208, Oct. 25, 2000, at 13.

[14] UN General Assembly, *Letter Dated 12 July 2000 From the Permanent Representative of Namibia to the United Nations Addressed to the Secretary-General*, A/55/138-S/2000/693, Jul. 14, 2000 (Windhoek Declaration). This Declaration was critical because increased participation of women in peacekeeping operations cannot happen without DPKO on board as evidence by the Security Councils specifically referencing the Windhoek Declaration in Resolution 1325.

[15] Dr. Theo-Ben Gurirab, then Permanent Representative of Namibia and President of the General Assembly, opened the first day of debate for Resolution 1325 by drawing the attention of the members to S/2000/293, which contained the text of a letter dated 12 July 2000 from the Permanent Representative of Namibia to the UN addressed to the Secretary-General, transmitting the Windhoek Declaration at the opening of the discussion. Security Council Res. 1325, S/RES/1325, Oct. 31, 2000, at ¶ 2.

[16] Security Council Res. 1325, S/RES/1325, Oct. 31, 2000, at ¶ 2.

[17] *Secretary-General Establishes Eminent Panel to Review UN Peace Operations*, UN NEWS CENTRE, Oct. 31, 2014.

[18] In early November 2014, the Secretary-General acknowledged the organization had made a mistake in not appointing more women to the panel, and announced that three additional women would be added,

C. United Nations General Assembly

The UN General Assembly is the only one of the six principal organs of the UN where all member states have equal representation and therefore its public discussions about WPS have been critical in addressing sexual violence in armed conflict. Crucial to the WPS agenda, the General Assembly oversees the UN budget, including any money allocated (or not) to WPS. It appoints the 10 rotating non-permanent members to the Security Council, receives reports from other UN organs, and passes non-binding resolutions.

In 1994, the General Assembly adopted Resolution 48/104, the first public call for the elimination of violence against women. The resolution briefly highlighted that "women in situations of armed conflict" were especially vulnerable to violence.[19]

Partly in response to the adoption of the Beijing Declaration and Platform for Action, which highlighted the need to increase women's participation in decision-making, protect women living in armed conflict, reduce and control arms, promote non-violent conflict resolution, reduce the incidence of human-rights abuses in conflict, and protect and train refugee and displaced women, the Secretary-General presented a report to the General Assembly on advances in women's rights from the previous World Conferences on Women, but with only a brief mention of WPS.[20]

Five years later, at a special General Assembly session entitled *Women 2000: Gender Equality, Development, and Peace for the 21st Century*, the Secretary-General presented a report to the body that briefly but more broadly described ways women are impacted by armed conflict and the need for greater prevention, protection, and participation.[21]

D. UNIFEM

The January 2011 creation of UN Women merged under one umbrella the disparate UN entities that had previously dealt with women: The United Nations Development Fund for Women (UNIFEM), the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the Special Adviser on Gender Issues (OSAGI), and the Division for the Advancement of Women (DAW). Only two of these predate Resolution 1325, UNIFEM and INSTRAW, and neither one of them were concentrating on women, peace and security *per se* prior to Resolution 1325.

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along with the eleven men. Barbara Crossette, *The UN Backs Down a Little, Adds More Women to Its Peacekeeping Panel*, THENATION.COM, Dec. 3, 2014.

[19] *Declaration of the Elimination of Violence Against Woman*, General Assembly Res. 48/104, A/RES/48/104, Feb. 23, 1994.

[20] *Report of the Secretary-General on Implementation of the Fourth World Conference on Women: Action for Equality, Development, and Peace*, A/50/744, Nov. 10, 1995.

[21] *Report of the Secretary-General on Implementation of the Outcome of the Fourth World Conference on Women*, A/55/341, Aug. 30, 2000.

UNIFEM was established in December 1976, as the Voluntary Fund for the United Nations Decade for Women in the International Women's Year. It provided financial and technical assistance to programs that promote women's human rights, political participation, and economic security. It has worked to increase awareness throughout the UN system of gender responsive budgets as a tool to strengthen economic governance in all countries.

INSTRAW created in 1979, was the leading UN body for the research and capacity development on gender equality and women's empowerment. INSTRAW's research has been used to design training and capacity-building programs and to strengthen the effective integration of gender perspectives in all UN policies and projects. INSTRAW partners with governments, civil society, academia, and the UN system at large.

E. United Nations Department of Peacekeeping Operations

The UN Department of Peacekeeping Operations (DPKO) has existed in some form since 1948 and is charged with the planning, preparation, and direction of UN peacekeeping operations. The DPKO has historically been dominated by men, and therefore been, if not blind, somewhat unaware of the unique issues women face in times of conflict. In an effort to combat this challenge, in 1994 the Secretary-General gave DPKO the "target of 50 percent of women and men" across the UN Secretariat's posts by 2000,[22] but unfortunately that goal still is not close to being reached.

Importantly, a study commissioned by the Norwegian Ministry of Foreign Affairs in 1999 showed female peacekeepers were "seen by locals as less threatening, more willing to listen, and better able to diffuse potentially violent situations."[23] Acceptance of peacekeepers and better communication with the local population are critical to addressing sexual violence in conflict (SVC), especially when local women are more likely to report incidents of sexual violence to women officers.[24]

F. Human Rights Council

The UN Human Rights Council (HRC) is an inter-governmental body within the United Nations system responsible for "strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations

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[22] *Report of the Secretary-General on the Improvement of the Status of Women in the Secretariat*, A/50/691, Oct 27, 1995, at ¶ 59.
[23] Anita Helland, Kari Karame, Anita Kristensen, and Inger Skjelsbaek, *Women and Armed Conflict: A Study for the Norwegian Ministry of Foreign Affairs*, NORWEGIAN INSTITUTE OF INTERNATIONAL AFFAIRS, 1999.
[24] *Id*.

and making recommendations on them."[25] The prior Commission on Human Rights created in 1946 was renamed the Human Rights Council on March 15, 2006, by General Assembly Resolution 60/251. The body consists of 47 Member States, which are elected "by secret ballot by the majority of the members of the General Assembly."[26]

The HRC's procedures and mechanisms include the Universal Periodic Review, which assesses and reports on the status of human rights in Member States; the Advisory Committee, which provides expertise and advice; and the Complaint Procedure, through which complaints on human rights violations can be relayed to the HRC.[27] In addition, the HRC works with the various "special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries."[28] While the prior Commission on Human Rights had addressed human rights violations, it did not address the WPS agenda prior to Resolution 1325.

G. Special Rapporteur on Violence Against Women, Its Causes and Consequences

The Special Rapporteur on Violence Against Women, its Causes and Consequences was created by UN Resolution 1994/45, and adopted by the Commission on Human Rights on March 4, 1994.[29] The mandate of the Special Rapporteur is to:

- Seek, receive, and respond effectively to information on violence against women, its causes and its consequences;
- Recommend ways to eliminate violence against women and its causes at all levels, and to remedy its consequences;
- Work closely with other special rapporteurs, special representatives, working groups and independent experts of the HRC and Commission on the Status of Women to address the issue;[30]
- Continue to adopt a comprehensive and universal approach to eliminate physical as well as structural violence against women.[31]

The Special Rapporteur discharges this mandate by receiving information on specific allegations; sending communications to implicated government(s); conducting country visits; consulting with civil society; and submitting annual thematic reports. Like

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[25] *Welcome to the Human Rights Council*, OHCHR.ORG, *available at* http://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx [Hereinafter *About the Human Rights Council*].
[26] *Human Rights Council*, General Assembly Res. 60/251, A/60/L.48, Apr. 3, 2006, at art. 7.
[27] *About the Human Rights Council*, *supra* note 25.
[28] *Id*.
[29] UN Commission on Human Rights, *Question of Integrating the Rights of Women Into the Human Rights Mechanisms of the United Nations and the Elimination of Violence Against Women*, Res. 1994/45, E/CN.4/1994/45, Mar. 4, 1994.
[30] *Id*., at ¶ 7.
[31] *Elimination of Violence Against Women*, Human Rights Council Res. 7/24, A/HRC/7/L.22/Rev.1, Mar. 27, 2008, at ¶ 6(d) (2008).

certain other Special Rapporteur counterparts in the UN system, the Special Rapporteur is appointed by the HRC and serves in a volunteer capacity. The Special Rapporteur mandate is dramatically broader than Resolution 1325 issues.

II. Adoption of UN Security Council Resolution 1325

On October 24, 2000, in its first Open Debate on Women, Peace and Security, the UN Security Council confronted the notion that "intertwining forces of conflict and gender inequality threaten international peace and security."[32] Several months before the Open Debate, Ambassador Anwarul K. Chowdhury of Bangladesh, speaking on behalf of the Security Council in a presidential statement, stated "the equal access and full participation of women in power structures" as well as women's "full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security." He noted, however, that women remained, "under-represented in decision-making" and still had a long journey to becoming, "empowered politically and economically, and represented adequately at all levels of decision-making . . . ."[33]

During the Open Debate, members of the Security Council recognized that women continue to be victims of sexual and gender-based violence (SGBV), especially in conflict and post-conflict zones, and are either consistently excluded from peace processes, or their contributions are largely unacknowledged.[34] The discussion also emphasized the capacity and potential of women to act as agents of change. Russia's Permanent Representative noted that women were "not merely helpless victims" but that they were invaluable in "reconciling belligerents" and their "peace-making potential is just starting to become a reality."[35] China's Permanent Representative said, "[w]ithout the full participation of women . . . our efforts to maintain international peace and security can be neither fruitful nor lasting."[36]

On October 31, 2000, the Security Council[37] adopted Resolution 1325, which merged "two vital parts of the United Nations mission," to "save succeeding generations from the scourge of war" and to ensure "the equal rights of men and women."[38]

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[32] Statement by UNIFEM Director Noeleen Heyzer, Oct. 24, 2000, *available at*, http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2000/Statements/unifem_wps_2000.pdf.
[33] Funmi Olonisakin, Karen Barnes, and Eka Ikpe eds., WOMEN, PEACE AND SECURITY: TRANSLATING POLICY INTO PRACTICE, Routledge, 2011.
[34] Open Debate Statement, Oct. 24, 2000, *available at* http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/WPS%20SPV%204208.pdf.
[35] *Id*.
[36] *Id*.
[37] Security Council, 4213th Meeting, S/PV.4213, Oct. 31, 2000.
[38] Open Debate Statement by Secretary-General Kofi Annan, Oct. 24, 2000, *available at* http://www.un.org/News/Press/docs/2000/20001024.sgsm7598.doc.html.

Resolution 1325 marked the first Security Council Resolution that acknowledged the unique effects of war on women, and the important role women play in conflict resolution. Three pillars formed the focal point of Resolution 1325: the necessity of women's participation in the *prevention* of conflict, the *protection* of women during conflict, and women's *participation* in the peace processes post conflict; collectively known as "The Three Ps." To achieve these aims, the resolution emphasized the need for increased gender mainstreaming, and urged UN Member States to increase women's representation "at all decision-making levels in national, regional and international institutions."[39]

To encourage greater participation, Resolution 1325 urged the Secretary General to "appoint more women as special representatives and envoys," and increase the number of female "military observers, civilian police, and human rights and humanitarian personnel."[40] In other words, the resolution emphasized the vital importance of increasing the proportion of women in the halls of power where the decisions to engage in conflict are made as well as in efforts on the ground in order to stem conflict once it happens. Furthermore, Resolution 1325 committed the UN to consulting local and international women's groups on "gender considerations and the rights of women" to improve gender sensitivity in its missions.[41]

The protection pillar of Resolution 1325 aimed to ensure that women and girls are safe from gender-based violence in conflict zones. As with the prevention pillar, this encompassed strengthening rule of law on sexual and gender-based violence, and actively prosecuting those responsible for such crimes.[42] In particular, the resolution stressed that Member States should *not* include these crimes in amnesty provisions, a trend that had been all too common in peace negotiations and a contributing factor to their frequent failure.[43] Resolution 1325 also called upon "all parties to armed conflict to respect the civilian and humanitarian character of refugee camps, and to take into account the particular needs of women and girls . . . ."[44]

The Security Council expressed a commitment to "incorporate a gender perspective into peacekeeping operations" and where appropriate, "include a gender component" in all UN field operations.[45] To that end, Resolution 1325 urged Member States to increase their "financial, technical, and logistical support for gender-sensitive training efforts" in the UN System,[46] and requested the Secretary-General provide Member States with "training guidelines . . . on the protection, rights, and particular needs of women, and on the importance of involving women in all peacekeeping and

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[39] Security Council Res. 1325, *supra* note 15, at op. ¶ 1.
[40] *Id*., at op. ¶¶ 3-4.
[41] *Id*., at op. ¶ 15.
[42] *Id*., at op. ¶ 11.
[43] *Id*.
[44] *Id*., at op. ¶ 12.
[45] *Id*., at op. ¶ 5.
[46] *Id*., at op. ¶ 7.

peacebuilding measures."[47] Additionally, Resolution 1325 called upon all actors to adopt a "gender perspective" when negotiating peace agreements and in "planning for disarmament, demobilization and reintegration (DDR)."[48]

While Resolution 1325 represented a seminal step forward in the realization of the WPS agenda, it was far from perfect in its design and implementation. Most notably, the resolution failed to include any monitoring or enforcement mechanisms. As a result, meaningful implementation of 1325 has been slow.

To assess the scope of the participation gap and protection problems facing women and girls, Resolution 1325 commissioned a study on "the impact of armed conflict on women and girls, the role of women in peacebuilding, and the gender dimensions of the peace processes and conflict resolution."[49] The Secretary-General published the first such report on Women, Peace, and Security in 2002.[50]

III. Analysis of Last 15 Years of Implementation of the Women, Peace and Security Agenda

A. The First Five Years

This first WPS report spoke in great detail about the culture of discrimination and violence directed against women in war. Specifically, it discussed how women are excluded from power and decision-making and lose safety, security, livelihoods, and the ability to care for their families, in addition to being disadvantaged and silenced by laws, policies, politics, and practices. It is telling that the actions the Secretary-General proposed then are virtually identical to those under discussion today.[51]

The Secretary-General noted the failure of the international community to incorporate the existing knowledge of gender-specific impacts on women and girls during conflict "into policies, planning, and implementation processes in all peace operations, humanitarian activities, and reconstruction efforts."[52] A few efforts were made by the international community to include women in the peace process and create gender-aware policies, most notably in the peacekeeping missions within Kosovo and East Timor, both of which supported women's participation within the political institutions and post-conflict reconstruction processes.[53] However, these efforts did not indicate a systematic incorporation of gendered perspectives into all peace and security activities.[54]

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[47] *Id*., at op. ¶ 6.
[48] *Id*., at op. ¶ 13.
[49] *Id*., at op. ¶ 16.
[50] *Women, Peace and Security: Study Submitted by the Secretary-General Pursuant to Security Council Resolution 1325*, No.E.03.IV.1, Oct. 2002.
[51] *Report of the Secretary-General on Women, Peace, and Security*, S/2002/1154, Oct. 16, 2002.
[52] *Id*.
[53] *Id*.
[54] *Id*., at 4.

The dismal findings in the Secretary-General's report highlight the Security Council and Secretary-General's failure to educate UN Member States at the outset on why women's participation was so vital to peace and security. Research is clear that women's full participation in all levels of decision making is critical to preventing conflict, ending conflict, and creating a lasting sustainable peace after conflict. Instead, the Council gave little explanation of why it was important, provided little funding and no means of monitoring for success, leaving UN organizations and Member States to try and shoe-horn WPS into already existing processes. If Member States had understood the vital importance of women's participation to national security, implementation may have been taken more seriously.

Additionally, the President of the Security Council, which rotates monthly, routinely issues official non-binding statements including almost one per year on Resolution 1325. The first Resolution 1325 Presidential Statements (PRSTs) were opportunities to explain why the Security Council was adopting Resolution 1325 and why it was important for Member States to get on board. Subsequently, the PRSTs focused almost entirely on implementation, calling for concrete, systematic action on implementation of Resolution 1325 through "clear strategies and action plans with goals and timetables." [55]

Only a few months after the adoption of Resolution 1325, the Annual Report of the Special Rapporteur on Violence Against Women focused on violence against women perpetrated and/or condoned by the State during times of armed conflict between 1997 and 2000.[56] This Report provided important context for the climate in which Resolution 1325 was adopted, and begins with two disheartening sentences: "[v]iolence against women and girls continued unabated during the period covered by this report (1997-2000). Unimaginable brutality was perpetrated against women and girls in conflicts ranging from Afghanistan to Chechnya, from Sierra Leone to East Timor."[57] The Report notes the significant gap between the international community's recognition that those who commit SVC must be punished, and the political will of Member States to hold them accountable.[58] The Report "expresses concern about the growing number of reports of rape" and other sexual and gender-based violence committed by UN peacekeepers "[59] while lamenting the severe underrepresentation of women in rehabilitation and reconstruction processes.

The Special Rapporteur's Report commends *ad hoc* tribunals such as the International Tribunals for the Former Yugoslavia and Rwanda for "set[ting]

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[55] *Statement by the President of the Security Council*, S/PRST/2002/32, Oct. 31, 2002 [Hereinafter *October 31, 2002 Statement*]; *Statement by the President of the Security Council*, S/PRST/2011/20, Oct. 28, 2011 [Hereinafter *October 28, 2011 Statement*].
[56] Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, *Violence Against Women Perpetrated and/or Condoned by the State During Times of Armed Conflict*, E/CN.4/2001/73, Jan. 23, 2001.
[57] *Id*., at 4.
[58] *Id*., at 5.
[59] *Id*., at 18.

jurisprudential benchmarks for the prosecution of wartime sexual violence,"[60] while praising the definition of "rape and other gender-based violence as constituent acts of crimes against humanity and war crimes."[61] The report gives the same recommendations as other UN entities, namely, increased representation of women at all levels of the UN system; gender mainstreaming; holding peacekeepers accountable for SGBV through the creation of "an ombudsperson or other disciplinary and oversight mechanism;" conducting impact studies on SVC; and increased participation of women in ceasefire and peace processes and the incorporation of their "wartime experiences and post-conflict needs" in disarmament, demobilization and reintegration processes.[62]

During these first five years, the UN struggled to address alarming reports of sexual violence by UN peacekeeping personnel. Reports of sexual abuse and exploitation by UN peacekeepers date back to the early 1990s, but it was not until the abusive acts of peacekeepers in Sierra Leone, Guinea, and Liberia in 2002 that the issue received significant public attention.[63] A study conducted in refugee camps in these three countries reported a widespread practice of peacekeepers forcing women into sex in return for food or favors. The majority of the victims were under the age of 18, and some were much younger. Following abuse by peacekeepers in the Democratic Republic of the Congo (DRC) in 2004, the UN Secretary-General appointed Prince Zeid bin Ra'ad, the Permanent Representative of Jordan to the UN, to conduct an investigation of the issue.

Ambassador Zeid's report described a system of "pervasive abuse and exploitation of women and girls, most of which involved trading sex for money, food or jobs." Equally disturbing were "acts of rape disguised as prostitution, where victims were given gifts after being assaulted to give the impression the rape was consensual."[64] As noted by the *New York Times*: "[w]hen United Nations peacekeepers rape the people they were sent to protect and coerce women and girls to trade sex for food . . . they defeat the purpose of their mission and exploit some of the world's most vulnerable people."[65] Another scholar observed that forced prostitution "exploits the vulnerability and extreme poverty of the [victims], thereby exacerbating the emotional trauma already inflicted on the members of the local community."[66]

As an initial response to the reports of abuse, the Secretary-General issued mandatory rules for all UN staff prohibiting explicit exploitation and abuse (referred to as the 2003 Bulletin).[67] The rules define sexual exploitation as "any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes,

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[60] *Id*.
[61] *Id*.
[62] *Id*., at 31-33.
[63] *See, e.g., Child Refugee Sex Scandal,* BBC NEWS, Feb. 26, 2002.
[64] Elizabeth F. Defeis, *UN Peacekeepers and Sexual Abuse and Exploitation: An End to Impunity*, 7(2) WASHINGTON U. GLOBAL ST. L. REV. 188.
[65] *The Worse UN Scandal*, NEW YORK TIMES, Oct. 24, 2005.
[66] Defeis, *supra* note 64, at 202.
[67] *Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, ST/SGB/2003/13, Oct. 9, 2003, at § 2.2.

including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another." This broad definition would also cover instances of forced prostitution. However, these rules are only binding on UN staff and do not apply to military contingents supplied by Troop-Contributing Countries (TCCs), against whom the majority of accusations of abuse during peacekeeping operations are leveled.

As a step toward implementing the Secretary-General's 2003 Bulletin for military contingents, DPKO required a pre-deployment training on preventing sexual abuse and exploitation for all military and civilian personnel.[68]

Realizing there was no formal investigation process following accusations of misconduct, DPKO assigned Conduct and Discipline Teams to most missions to receive and assess complaints. Serious offenses are then referred to the Office of Internal Oversight Services (OIOS). However, they are under-resourced, resulting in a backlog of serious misconduct cases yet to be investigated.[69] This lack of funding implies the UN does not take the abuse by its representatives seriously and, by extension, the protection of women and girls. The overall lack of funding is an overriding obstacle to full implementation of the WPS agenda and Resolution 1325.

PRSTs expressed the Security Council's "condemnation, in the strongest terms, of all acts of sexual misconduct by all categories of personnel in UN Peacekeeping Missions."[70] In directives to all relevant actors, including troop-contributing countries, the PRSTs called for enhanced monitoring mechanisms, pre-deployment awareness training, development and implementation of codes of conduct and disciplinary procedures, increased deployment of "female military and police personnel" and Women Protection Advisers, and effective investigation and prosecution of alleged misconduct.[71] The PRSTs also requested SGBV receive "appropriate attention" in Secretary-General[72] and country reports[73] to the Security Council.

After the horrific SGBV committed by both combatants and UN peacekeeping personnel in the DRC, the Security Council finally realized it could not address the issue without the participation of civil society. In 2004, Agathe Rwankuba, a lawyer from the DRC, was the first person from civil society to be invited to speak to the Council during

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[68] UN Secretary-General, *Comprehensive Report Prepared Pursuant to General Assembly Resolution 59/296 on Sexual Exploitation and Sexual Abuse, Including Policy Development, Implementation and Full Justification of Proposed Capacity on Personnel Conduct Issues*, A/60/862, May 24, 2006, at ¶ 15 [Hereinafter *Comprehensive Report*].
[69] Defeis, *supra* note 64, at 197; *Comprehensive Report*, *supra* note 68, at ¶ 20.
[70] *Statement by President of the Security Council*, S/PRST/2005/52, Oct. 27, 2005, at 3 [hereinafter *October 27, 2005 Statement*].
[71] *October 31, 2002 Statement, supra* note 55; *October 27, 2005 Statement, supra* note 70; *Statement by the President of the Security Council*, S/PRST/2006/42, Nov. 8, 2006 [hereinafter *November 8, 2006 Statement*]; *Statement by the President of the Security Council,* S/PRST/2012/3, Feb. 23, 2012; *Statement by President of the Security Council*, S/PRST/2012/32, Oct. 31, 2012.
[72] *Statement by the President of the Security Council*, S/PRST/2004/40, Nov. 2, 2004, at 2.
[73] *Statement by the President of the Security Council*, S/PRST/2010/8, Apr. 27, 2010.

the annual debate about her country's particular experience with gender-based violence.[74] Since 2004, the goal of having civil society participate in the annual debates has been to create greater momentum for commitments and action from Member States.

Finally, the Secretary-General's 2004 WPS report reflected on the progress made in mainstreaming women's needs and engagement in UN activities since Resolution 1325 was adopted, noting in "15.6 percent of Security Council resolutions adopted from January 2000 to June 2004 attention was paid to women or to gender concerns."[75] But there was no assessment as to whether mere mention in resolutions had any substantive impact on outcomes. Instead, the report acknowledged insufficient on-the-ground action and major gaps remaining in all areas, and indicated both prevention and response had been ineffective in stemming massive gender-based violence during conflict. It is difficult to see how such a claimed paradigm shift could occur in only three years when the report specifically noted that physical violence during conflict is an extension of peacetime physical and structural violence and discrimination against women by state and non-state actors.[76] If SGBV is not addressed during times of peace it will continue to be dismissed during times of conflict.

In addition, the report detailed meetings between UN Missions and women's groups in conflict areas including Liberia, Burundi, the Great Lakes Region, Afghanistan and the DRC, as well as adoption of resolutions on gender issues, debates, and statements by the Security Council President calling for the development of clear strategies. It indicated that a draft checklist had been developed on how to incorporate gender into Security Council activities, and especially peacekeeping.[77]

According to the report, the range of entities already involved was impressive. By fall 2004, ECOSOC had requested gender mainstreaming by all UN entities. The General Assembly had condemned sexual violence as a weapon of war, and called for an end to women's rights violations and improvements in the political participation of women. The 48th session of the UN Commission on the Status of Women (CSW) had made recommendations on the participation of women and the inclusion of gender perspectives at all stages. UNIFEM had tested early-warning protocols developed by the Government of Switzerland in Colombia, Solomon Islands, DRC, and Central Asia, and disseminated guidelines for ensuring a gender lens in humanitarian programs. The UN's Department of Economic and Social Affairs (UN DESA) had established a Conflict Prevention Task Force. UNICEF advocated for inclusion of gender responses into peace processes in Liberia and elsewhere.[78] The DPKO had developed a Gender Resource Package for Peacekeeping. And many member states had ratified the UN Convention on

[74] UN Security Council, 5066th Meeting, S/PV.5006, Oct. 28, 2004.
[75] *Report of the Secretary-General on Women, Peace and Security*, S/2004/814, Oct. 13, 2004, at 2.
[76] *Id*.
[77] *Id*.
[78] *Id*.

the Elimination of All Forms of Discrimination Against Women (CEDAW), but few national implementation reports had been prepared.[79]

While this work was laudable, the report showed it was not translating into results on the ground. The report considered the potential benefits of using truth and reconciliation bodies to address gender violence and whether the UN should formally support "set asides" for women in constitutions and elections – like Rwanda successfully did, resulting in the greatest share of women in parliament in the world. The report made clear that DDR activities still focused on male combatants and military leaders, resulting in only one percent of the military and five percent of police personnel in UN peacekeeping missions being female. That has changed little[80] in spite of the PRSTs that consistently expressed concern about the significant lack of women in senior leadership positions within the UN. The PRSTs urged member states "to ensure increased representation of women at all decision-making levels in national, regional and international institutions,"[81] and provide candidates to the Secretary-General for inclusion in a roster or database. [82]

In spite of UN efforts in the first five years after adoption of Resolution 1325, the 2004 WPS report indicated human rights and humanitarian laws continued to be "blatantly disregarded" on the ground mainly due to ad hoc and inadequate efforts and resources. The report concluded that an end to impunity and a higher degree of transitional justice was needed to enable women to thrive, not simply survive, after conflict. Unfortunately these issues and conclusions carried over into the next five years and still remain highly relevant today.

B. The Next Five Years

Five years after 1325 was adopted, and following the revelations of sexual abuse and exploitation by peacekeepers, especially in the DRC,[83] a UN System-Wide Action Plan (SWAP) was created to craft an accountability mechanism for abusers as well as

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[79] *Report of the Secretary-General on Women, Peace, and Security*, S/2004/814, Oct. 13, 2004.
[80] *Id*.
[81] *Id*., at 1; *October 28, 2011 Statement, supra* note 55.
[82] *Statement by the President of the Security Council*, S/PRST/2001/31, Oct. 31, 2001; *October 27, 2005 Statement, supra* note 70; *Statement by the President of the Security Council*, S/PRST/2007/5, Mar. 7, 2007 [Hereinafter *March 7, 2007 Statement*].
[83] The report o peacekeeping authored by Prince Zeid Ra'ad Al-Hussein, then Permanent Representative of Jordan, highlighted the lack of gender perspectives within the UN's peacekeeping framework. Specifically, a lack of training on gender-specific issues as well as a lack of effective accountability mechanisms and different sets of rules for different types of peacekeepers resulted in the sexual abuse and exploitation of women and girls by peacekeepers within the DRC. The 2005 Secretary-General's report on Women, Peace, and Security provided an action plan for the UN to integrate Resolution 1325 further by establishing accountability mechanisms, enhancing intergovernmental oversight, and the monitoring of the implementation of Resolution 1325. Letter from the Secretary-General Kofi Annan to the President of the General Assembly, Mar. 24, 2005; *A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations*, A/59/710, Mar. 24, 2005; *Report of the Secretary-General on Women, Peace and Security*, S/2005/636, Oct. 10, 2005.

institute a monitoring and reporting process on the implementation of Resolution 1325. The WPS Reports had found the main challenge to implementation of Resolution 1325 within the UN system was the lack of effective monitoring and accountability mechanisms. Without the capability of assessing policies in relation to gender mainstreaming, the implementation process would be perpetually stalled.[84]

The Secretary-General's 2005 WPS report discussed the Inter-Agency Task Force on Women, Peace, and Security and its SWAP to implement Resolution 1325. That task force, chaired by the Special Advisor on Gender Issues and Advancement of Women, comprised 22 UN entities, observers from intergovernmental organizations, and civil society. According to the report, the SWAP was supposed to be used by UN entities to (1) formulate concrete strategies to advance the WPS agenda; (2) ensure more support to UN members; (3) strengthen the commitment and accountability of the UN system at the highest levels; and (4) enhance inter-agency cooperation. The plan, as devised, was to cover the years 2005-2007, and addressed the following areas: (a) conflict prevention and early warning; (b) peacemaking and peacebuilding; (c) peacekeeping operations; (d) humanitarian response; (e) post-conflict reconstruction and rehabilitation; (f) disarmament, demobilization, and reintegration; (g) preventing and responding to gender-based violence in armed conflict; (h) preventing and responding to sexual abuse by UN staff; (i) gender balance; (j) coordination and partnership; (k) monitoring and reporting; and (l) financial resources.[85] The Report concluded that merely having such a plan "should result in measureable improvement in the UN system's contributions to the empowerment of women in conflict areas."

Unfortunately, without a well-resourced overall coordination mechanism that could focus on delivering specific outcomes, each UN agency undertook divergent strategies to implement SWAP that were not well coordinated with other agencies and which were primarily process-oriented rather than outcome oriented. In short, many of the strategies and actions were focused on developing plans, policies, and procedures, engaging in consultations, expanding capacity, publishing reports and manuals, and developing and conducting trainings – without creating an explicit, clear, and unequivocal way to measure whether any of these actions resulted in demonstrable changes in the field.[86] The gross lack of dedicated funding became apparent not only in the ineffective and haphazard implementation of SWAP but also in the inability to train personnel.

This lack of capacity to properly train units due to a dearth of resources dedicated to implementation of Resolution 1325 was underscored by Jean-Marie Guéhenno, the Under-Secretary-General for Peacekeeping Operations at the time, who said, "a significant proportion of peacekeeping personnel still do not have a conceptual

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[84] Open Debate Statement by the Permanent Representative of the United Kingdom to the United Nations, Oct. 26, 2006, *available at* http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2006/uk_wps_06.pdf.
[85] *Report of the Secretary-General on Women and Peace and Security*, S/2005/636, Oct. 10, 2005.
[86] *Id*.

understanding of what gender mainstreaming entails, nor have they grasped that it is more than just about hiring more women. This may explain in part why we have yet to institutionalize many of our gender mainstreaming strategies."[87] The need for gender specialists within the training process of peacekeepers was deemed vital to ensuring gender-aware practice and performance throughout the UN missions. Besides a lack of funding, the report indicated a possible reason for these challenges stemmed from the low representation of women at the decision-making levels within the UN, and the lack of full-time gender experts within UN entities.[88] Unfortunately, because the Security Council has still not dedicated funding to implement Resolution 1325, this lack of capacity continues to grow.

Separately, a review of the 2005 SWAP by the UN Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) found UN entities within Afghanistan, Colombia, the DRC, Indonesia, Iraq, Kosovo, Sri Lanka, and Tajikistan included gender perspectives within reconstruction policies and programs.[89] Furthermore, the UN Population Fund (UNFPA) trained 750 health-care workers in Darfur, Sudan to implement gender-aware humanitarian response policies. And within Indonesia, East Timor, Kosovo, Sierra Leone, and the Palestinian Territories, the UN Refugee Agency (UNHCR) had implemented standard operating procedures within field operations "to prevent and respond to gender violence . . . and conducted relevant gender training."[90]

In 2006, a number of UN entities revisited the WPS agenda. The General Assembly considered WPS again in a report on peacekeeping operations that referenced parts of Resolution 1325.[91] The PRST on WPS again condemned the "pervasiveness of all forms of violence against women in armed conflict,"[92] reiterating the need for "monitoring and enforcement mechanisms based on a zero-tolerance policy."[93] And later the same year, the Secretary-General presented an *In-Depth Study on All Forms of Violence Against Women* to the General Assembly that contained descriptions of the range of abuses women faced, and the high incidence of sexual violence directed at women in conflict zones.[94]

Additionally, the Secretary-General's 2006 WPS report responded to the Security Council request to update, monitor, and review implementation of SWAP and report

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[87] Open Debate Statement by Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, Oct. 27, 2005 *available at* http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2005/dpko_wps_05.pdf.
[88] *Id.,* at 6.
[89] *Id*.
[90] *Id*.
[91] *Report of the Special Committee on Peacekeeping Operations and Its Working Group at the 2006 Substantive Session*, A/60/19, Feb. 27-Mar. 17, 2006.
[92] *November 8, 2006 Statement*, supra note 71; *March 7, 2007 Statement*, *supra* note 82.
[93] *November 8, 2006 Statement*, supra note 71, at 2.
[94] *Report of the Secretary General, In-Depth Study on All Forms of Violence Against Women*, A/61/122/Add.1, Jul. 6, 2006.

back. The report looked at specific achievements, identified gaps and challenges, and recommended future actions based on information gathered through an online questionnaire to the 39 UN agencies that had contributed to the plan, interviews with UN officials and experts, and discussions with UN members and civil society.[95]

The Report concluded that "a significant amount of work . . . is under way . . . Progress . . .has been achieved, albeit to a different extent in each area." The full report, however, was only a dozen pages and offered scant detail. The achievements described were almost exclusively of processes undertaken and not measurable outcomes achieved. As an example, the report states that DPKO, UNDP, and UNIFEM "supported women's participation in elections in Haiti, Burundi, Liberia, and DRC, including through the provision of leadership training, resulting in an increase in women's involvement in electoral processes."[96] Yet this "outcome" relates back to a generic output in the SWAP under peacemaking and peacebuilding of "increased participation of women in all political processes."[97] However, the report fails to explain a number of glaring omissions that would explain their claims:

- What does supported mean beyond "leadership training"?
- How many women were trained in each country?
- What was the training and how long did it last?
- Were there pre- and post-surveys enabling a measurement of the effectiveness of the training?
- Were the women surveyed after the elections to see whether the training actually "increased women's involvement in electoral the process"?
- To what extent was this specific set of trainings and theoretical outcomes directly related to implementing the WPS agenda? In other words, was this project already underway and now just re-characterized or was it created and implemented because of the WPS agenda?

While most of the claimed "progress" is subject to these kinds of questions, there are a handful of concrete examples presented, such as noting that UNFPA provided rape survivor kits in Darfur that enabled health facilities to provide clinical care to 20,000 rape survivors. But again, it is unstated whether these outcomes resulted from implementation of the WPS agenda or were just a re-characterization of existing activities as helping to achieve goals described in SWAP.[98] With respect to SWAP, the Secretary-General reported, "a significant number of respondents noted the absence of baseline information, performance standards and indicators, timeframes, and a focus on results. Such shortcomings detracted from its overall utility as a planning and programming document and made it difficult to have an accurate assessment of what progress was being made."[99]

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[95] *Report of the Secretary-General on Women and Peace and Security*, S/2006/770, Sept. 27, 2006.
[96] *Id*.
[97] *United Nations Systemwide Action Plan for the Implementation of Security Council Resolution 1325*, S/2005/636, 10 Oct. 2005 *available at* http://www.un.org/womenwatch/ods/S-2005-636-E.pdf.
[98] *Id*.
[99] *Id*.

This ultimately led the Secretary-General to recommend the development of a re-conceptualized action plan. While this candid self-reflection by the Secretary-General on the gaps and challenges was very useful, the gaps and challenges unfortunately remain the same today.

In 2007, a second review of SWAP was released. Some progress was achieved, most notably with entities reporting higher levels of political commitment to women's empowerment in peace processes, stronger capacity-building programs, and new mechanisms for monitoring and reporting women's contributions to peace processes.[100] For example, within the realm of peacekeeping, the report highlighted how DPKO consulted with the governments of the DRC, Haiti, Liberia, and Afghanistan to facilitate women's inclusion in the electoral process. Additionally, the DPKO implemented a policy on gender equality to standardize gender mainstreaming within both the field operations and in headquarters; the result was the appointment of 11 full-time gender advisers within the 18 active peacekeeping missions of DPKO and the deployment of an all-female contingent to Liberia in February 2007.[101] The DPKO further implemented procedures to monitor and investigate all peacekeeping operations to prevent sexual exploitation or abuse.[102]

Unfortunately, while the 2007 WPS report indicated more progress towards gender mainstreaming, there still remained many challenges within the UN system. A continued lack of funding for WPS activities severely undermined the implementation and sustainability of gender-focused policies.[103] Furthermore, the work of UN entities was hampered by a lack of national mechanisms focused on advancing the role of women within society. While the role of civil society was found to be important in aiding UN entities providing women with access to political participation and peace processes, without support from national institutions, the impact of their efforts was limited.[104]

Additionally, the General Assembly adopted a resolution confirming the need to end sexual violence generally and more specifically the elimination of sexual violence in conflict situations. Resolution 62/134 provided a good analysis of the breadth and depth of the problem and made constructive recommendations to address SVC. While the General Assembly resolution can only encourage action by UN members, [105] the UN itself brought together the work of 13 UN agencies into UN Action Against Sexual Violence in Conflict (UN Action), with the goal of ending sexual violence during and after conflict.

UN Action was endorsed by the Secretary-General's Policy Committee in June 2007 and represents a concerted effort by the UN to amplify advocacy, improve

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[100] *Report of the Secretary-General on Women, Peace and Security*, S/2007/567, Sept. 12, 2007.
[101] *Id*.
[102] *Id*.
[103] *Id*.
[104] *Id*.
[105] *Eliminating Rape and Other Forms of Sexual Violence in All Their Manifestations, Including in Conflict and Related Situation*, UN General Assembly Resolution 62/134, A/RES/62/134, Feb. 7, 2008.

coordination and accountability, and support country efforts to prevent conflict-related sexual violence.[106]

UN Action is guided by the following principles:

- Rape is not an inevitable consequence of conflict. It must be prevented.
- Sexual violence is a violation of fundamental human dignity and rights.
- Attempts to end sexual violence must address gender-based inequalities by empowering women, and promoting their human rights.
- Women must guide advocacy and programming efforts to end sexual violence and secure peace.
- Constructive involvement of men and boys is vital.
- Sexual violence in conflict, and the impunity of the perpetrators, are among history's greatest silences. We all have a duty to act.[107]

UN Action supports UN country teams and peacekeeping operations, raises public awareness and generates political will, and creates a knowledge hub of the scale of effective responses to SVC.[108]

The program is governed by a steering committee, chaired by the SRSG-SVC and comprised of principals from DPA, DPKO, OCHA, OHCHR, PBSO, UNAIDS, UNDP, UNHCR, UNICEF, UN Women, UNODC, and the WHO.[109] It is funded by the UN Fund for Action Against Sexual Violence in Conflict, and has raised approximately $29 million transferring roughly $22 million to partner organizations.

As UN Action and the Secretary General's 2007 WPS report highlights, if the UN and its member states really believed that sexual violence in combat is among history's greatest silences it would have provided meaningful financial resources to implement Resolution 1325 and the WPS agenda instead of forcing the organizations tasked with its implementation to first expend precious time and resources raising money.

Besides the efforts of UN Action, and in response to concerns raised about the prior SWAP, the Secretary-General noted that all activities in the 2008-2009 SWAP would be around five thematic areas: (1) prevention; (2) participation; (3) protection; (4) relief and recovery; and (5) normative. Within those five areas, there were five strategies identified that would be drawn upon for developing the plan, including (1) policy development; (2) advocacy; (3) capacity building; (4) partnership and networking; and (5) provision of goods and services. The Secretary-General stated the new plan would be predicated on delivering concrete and measureable results and would implement accountability measures. In addition, it was reported that a database on best practices

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[106] *Stop Rape Now: UN Action Against Sexual Violence in Conflict*, *available at* http://www.stoprapenow.org.
[107] *Id*.
[108] *Id*.
[109] *Id*.

would be developed.[110] While ultimately a new 2008-2009 SWAP was adopted through a laborious consultative process, the approach was generally unchanged.

The following year, the Secretary-General provided a brief update in his annual WPS report, explaining measures taken by UN members, UN agencies, and civil society. Reporting, however, continued to be anecdotal and not focused on outcomes. This report began the practice of looking at the number of times topics were mentioned as outcomes in and of themselves. Thus, for example, 61 percent of reports from the Secretary-General to the Security Council over a four year timespan made no mention or one mention of gender equality, a six percent decrease from a prior period of roughly equal length. There was no explanation as to why the mere mention of gender issues would have or has had a direct result on what has occurred in the field.[111] Ultimately, the Security Council realized more concrete steps had to be taken to address sexual violence in conflict.

1. Resolution 1820 (2008)

On June 19, 2008, eight years after the adoption of Resolution 1325, the Security Council held an Open Debate on Sexual Violence in Conflict, which resulted in the adoption of Resolution 1820. Introduced by the United States, Resolution 1820 focused almost exclusively on sexual violence against women in armed conflict. The Security Council noted recent conflicts where sexual violence was widespread including Liberia where it was reported 75 percent of women and girls were raped,[112] Rwanda where an estimated 500,000 women and girls were raped during the 1994 genocide - 66 percent of whom became infected with HIV, [113] the former Yugoslavia, Darfur, and the DRC.

The Council recognized the need for the international community to condemn the use of sexual violence as not just a by-product of war, but a "[deliberate] tool of warfare"[114] that "demands a security response."[115] The resolution affirmed that rape and other forms of SGBV, when directed at civilians can constitute war crimes, crimes against humanity or genocide[116] and "significantly exacerbate(s) situations of armed conflict and may impede the restoration of international peace and security."[117]

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[110] *Report of the Secretary-General on Women and Peace and Security*, S/2007/567, Sept. 12, 2007.
[111] *Report of the Secretary-General on Women and Peace and Security*, S/2008/622, Sept. 25, 2008.
[112] Patrick Worsnip, *UN Council Urges Action on Sexual Violence in War*, REUTERS, Jun. 19, 2008, *available at* http://www.reuters.com/article/2008/06/19/us-un-women-idUSN1946295420080619.
[113] Statement by Oseph Nsengimana (Rwanda), Jun. 19, 2008, *available at* http://www.un.org/News/Press/docs/2008/sc9364.doc.htm.
[114] Statement by Patricia Scotland, Attorney General for England and Wales of the United Kingdom, Jun. 19, 2008, *available at* http://www.un.org/News/Press/docs/2008/sc9364.doc.htm.
[115] *Id*.
[116] Security Council Res. 1820, S/RES/1820, Jun. 19, 2008, at op. ¶ 4 [Hereinafter Security Council Res. 1820].
[117] *Id*., at op. ¶ 1.

The resolution called for a number of actions, including: Enforcing appropriate military discipline measures, training troops, debunking myths that fuel sexual violence, vetting armed and security forces, evacuating women and children under imminent threat,[118] training personnel deployed by the UN,[119] fully implementing a zero-tolerance policy regarding sexual abuses committed by personnel deployed by the UN, [120] deploying a higher percentage of women peacekeepers or police,[121] consulting with women and women-led NGOs,[122] and collecting timely, objective, accurate, and reliable information on the use of sexual violence in situations of armed conflict.[123]

The Secretary-General's 2008 WPS report indicated improved women's participation in Colombia, Nepal, Somalia, and Sudan, and emphasized the importance of women's engagement in the peace process, with the UK's Security Council representative Karen Pierce pointing out that, "Peace processes in which women are fully engaged are more likely to generate lasting solutions."[124] Still, UNIFEM noted that out of 15 peace agreements in 2008, only 2.7 percent of signatories were women.[125]

Similar to the positive rhetoric versus the bleak reality of women's participation in peace processes, the lack of successful protection of women in armed conflict was catastrophic. UN data indicated 75 percent of women in eastern DRC had been raped, in large part due to impunity for perpetrators.[126] Similar issues of impunity for perpetrators of sexual violence existed within East Timor, Somalia, Darfur, and Côte d'Ivoire.[127] The PRSTs continued to push for ending "impunity for acts of SGBV in situations of armed conflict" by excluding such crimes from amnesty provisions.[128]

Resolution 1820 neglected to address other forms of gendered violence that women and girls experience, such as indentured servitude, forced pregnancies, torture, and coerced participation in combatant roles. Of crucial significance, there is no official accountability mechanism in Resolution 1820 that would ensure effective implementation of its provisions.[129]

In response to the adoption of Resolution 1820, the Secretary-General submitted a special report in 2009 examining situations of armed conflict where sexual violence had

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[118] *Id*., at op. ¶ 16.
[119] *Id*., at op. ¶ 6.
[120] *Id*., at op. ¶ 7.
[121] *Id*., at op. ¶ 8.
[122] *Id*., at op. ¶ 10.
[123] *Id*., at op. ¶ 15.
[124] Open Debate Statement by the Permanent Representative for the United Kingdom to the United Nations, Oct. 29, 2008, *available at* http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2008/uk_wps_08.pdf
[125] *Id*.
[126] *Id*.
[127] *Id*.
[128] *March 7, 2007 Statement, supra* note 82, at 2.
[129] However, operative clause ¶ 5 does "affirm [the Security Council's] intention to consider sex and gender based violence when establishing and reviewing mandates for sanctions regimes. *Id*., at op. ¶ 5.

been systematically employed against civilians, including an analysis of prevalence and trends, proposals for action, and benchmarks for measuring progress. The report notes that there are generally inadequate measures in conflict and post-conflict situations to (1) prevent sexual violence and protect civilians; (2) combat impunity for sexual violence; and (3) address discrimination against women and girls in law and practice. While the need to strengthen the response of the UN and its members to violence against women and girls in armed conflict is addressed, the Secretary-General also provided a series of specific recommendations to the Security Council for further action.

Most of these recommendations were hortatory, such as having the Security Council call for all parties in armed conflict to comply with relevant international law. But two specific recommendations are worth revisiting.

Specifically, the Secretary-General recommended that the Security Council take action to ensure:

- Sanction committees are mandated to address sexual violence and receive information and lists of names and parties who perpetrate such violence.
- A Commission of Inquiry is established, supported by the Office of the High Commissioner for Human Rights, to investigate and report on sexual violence in ongoing conflict situations and to recommend effective mechanisms for accountability. No such inquiry was ever created.

The Secretary-General's 2009 regular WPS Report indicated some progress in gender mainstreaming. While women were excluded from peace talks in the DRC, they "had a direct and visible impact on peace negotiations and post-conflict reconstruction efforts,"[130] in Liberia. The Report noted, "progress in implementation [of Resolution 1325] is limited, and armed conflict continues to have a devastating impact," with sexual violence rampant within the conflicts in the DRC, Somalia, Burundi, Myanmar, Côte d'Ivoire, Chad, and East Timor.[131] Disturbingly, the report found that "even after [a] conflict had ended, high levels of sexual and gender-based violence tend to persist."[132] The report called for both "legislation to end impunity" and "greater participation of women in all peace, humanitarian and reconstruction processes."[133]

Even though the Annual Debate had again reiterated the need for effective monitoring and implementation, with the representative from Bosnia and Herzegovina pointedly remarking that "[c]larity, comparability and consistency are necessary in order

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[130] Open Debate Statement by United States Alternate Representative for Special Political Affairs, Oct. 5, 2009, *available at* http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2009/Statements/usa_wps_09.pdf.

[131] *Report of the Secretary-General on Implementing the Responsibility to Protect*, A/63/677, Jan. 12, 2009, at 13.

[132] *Id*.

[133] *Id*.

to monitor the impact of various efforts on women's empowerment and their rights;"[134] the WPS Report again noted descriptions of specific achievements in implementation that were mostly process-based, and lacked an outcome focus. A good example is the "achievement" of the INSTRAW, which held two virtual dialogues on women, peace, and security with academics and practitioners from around the world.

In an effort to address the apparent gaps in the WPS agenda, the Security Council passed additional resolutions and called for a Special Representative to address SVC.

2. Resolution 1888 (2009)

One of two additional resolutions adopted in 2009, Security Council Resolution 1888 built upon the Resolution 1325 framework while addressing some shortcomings. On September 30, 2009 the Security Council held an Open Debate on Sexual Violence in Conflict and unanimously adopted Resolution 1888, calling for the appointment of a Special Representative of the UN Secretary-General to oversee the UN's efforts to combat sexual violence in conflict.[135]

Resolution 1888 illustrated the Security Council's continued concern "over the lack of progress on the issue of sexual violence in situations of armed conflict," an issue that overwhelmingly affects women and girls.[136] The resolution also provided for new "Women Protection Advisors" in peacekeeping operations to lend gender expertise to missions in hopes of enhancing protection mandates.[137]

Resolution 1888 stressed that more women should be included in peace negotiations and peacekeeping operations,[138] and urged Member States again to build judicial capacity;[139] conform laws with international standards;[140] engage traditional leaders;[141] increase access to services for victims;[142] increase the number of women as peacekeepers and security forces;[143] and consider sexual violence "from the outset of peace processes."[144]

Resolution 1888 is also the first WPS resolution to mention sexual violence issues when designing DDR and Security Sector Reform (SSR) arrangements.[145] However,

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[134] UN Security Council, 6642nd Meeting, S/PV.6005, Oct. 29, 2008.
[135] *Id*., at op. ¶ 4.
[136] Security Council Res. 1888, S/RES/1888, Sept. 30, 2009 [Hereinafter Security Council Res. 1888].
[137] *Id*., at op. ¶ 12.
[138] *Id*., at op. ¶ 16.
[139] *Id*., at op. ¶ 9.
[140] *Id*., at op. ¶¶ 6-8.
[141] *Id*., at op. ¶ 15.
[142] *Id*., at op. ¶ 13.
[143] *Id*., at ¶ 19.
[144] *Id*., at op. ¶ 17.
[145] *Id*.

broader considerations of DDR and SSR were not included and Resolution 1888 failed to announce concrete accountability and implementation strategies.

In response to Resolution 1888, the Secretary-General presented a follow-up report on sexual violence in conflict. The report is mostly a restating and updating of prior observations. The Report also addresses mechanisms to improve data collection, sexual violence in peace and mediation processes, improving access to services, and strengthening protection and prevention.[146] In addition, it describes some of the activities of the newly appointed Special Representative of the Secretary-General on Sexual Violence in Conflict, Team Of Experts (TOE), and the role of women's protection advisors.

3. Special Representative on Sexual Violence in Conflict

Security Council Resolution 1888 requested the Secretary-General appoint a Special Representative on Sexual Violence in Conflict (SRSG-SVC), which serves "as the United Nations' spokesperson and political advocate on conflict-related sexual violence."[147] The role of the SRSG-SVC is to strengthen existing UN coordination mechanisms and engage in advocacy with governments, parties to armed conflict, and civil society. Pursuant to Resolution 1888, the SRSG-SVC chairs UN Action.[148]

a. Mandate

The work of the SRSG-SVC is guided by the following six priorities:

1. End impunity for sexual violence in conflict by assisting national authorities to strengthen criminal accountability, responsiveness to survivors and judicial capacity;
2. Protect and empower civilians who face sexual violence in conflict, in particular, women and girls who are targeted disproportionately by this crime;
3. Mobilize political ownership by fostering government engagement in developing and implementing strategies to combat sexual violence;
4. Increase recognition of rape as a tactic and consequence of war through awareness-raising activities at the international and country levels;
5. Harmonize the UN's response by leading UN Action Against Sexual Violence in Conflict; and
6. Emphasize greater national ownership.[149]

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[146] *Report of the Secretary-General on the Implementation of Security Council Resolutions 1820 (2008) and 1888 (2009)*, A/65/592-S/2010/604, Nov. 24, 2010.

[147] *About the Office,* UN.org, *available at* http://www.un.org/sexualviolenceinconflict/about-us/about-the-office/ [Hereinafter *About the Office*].

[148] *Report on the Activities of the Special Representative on Sexual Violence in Conflict; see also About UN Action*, StopRapeNow.org, *available at* http://www.stoprapenow.org/about/.

[149] *About the Office, supra* note 147. The sixth priority was included by Zainab Hawa Bangura upon taking her position on September 2012. *See, e.g., Interview with Zainab Hawa Bangura*, *Special Representative*

The SRSG-SVC has identified the following priority countries where sexual violence in both conflict and post conflict is widespread: Bosnia and Herzegovina, Central African Republic, Colombia, Côte d'Ivoire, DRC, Liberia, South Sudan, and Sudan. The selection of these countries does not preclude the SRSG-SVC from engaging with other countries that pose risk or concern, as is the case with Cambodia (residual cases from the Khmer Rouge period), Somalia, and Syria.[150]

b. Efforts and Work Undertaken

The SRSG-SVC has brought much needed focus, energy, and attention to sexual violence in conflict. The most significant work undertaken by the SRSG-SVC falls within the following categories: country-level engagement; technical assistance and inter-agency coordination; and awareness-raising activities.

Country-Level Engagement: Since its inception, the SRSG-SVC has conducted numerous country visits to engage government officials, parties to armed conflict, civil society, and the victims themselves. These country visits have been primarily, but not exclusively, targeted at priority countries.[151] Country-level engagements have provided substantial opportunities to assist governments with the establishment of priorities to combat sexual violence in conflict and the development and implementation of strategies to accomplish such priorities, such as the Joint Communiqué between the DRC and the United Nations dated 30 March 2013.

Moreover, country-level engagements have also led to increases in international financial support to some priority countries, improved deterrence mechanisms, and convictions for sexual violence crimes. For example, repeated visits by the SRSG-SVC to the DRC served not only to secure the execution of the *Joint Communiqué* and more funding for its implementation but also helped enable recent convictions of police and military officials engaged in the commission of sexual violence crimes.[152]

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of the Secretary-General on Sexual Violence in Conflict, UN News Centre, UN.Org, Feb. 1, 2013, *available at* http://www.un.org/apps/news/newsmakers.asp?NewsID=80 (when referring to the priorities for her mandate, the Special Representative on Sexual Violence in Conflict stated ". . . this issue of national ownership, responsibility and leadership. A solution cannot be imposed from above. This is why we are now engaging more and more with national governments to see what they're doing and what we'd like them to do and how we can support them.").

[150] *About the Office, supra* note 147.

[151] *Report of the Secretary-General on the Implementation of Security Council Resolutions 1820 (2008) and 1888 (2009)*, A/65/592-S/2010/604, Nov. 24, 2010, at ¶ 25 [Hereinafter *Report on Resolution 1888 Implementation*]; *Report of the Secretary-General on Sexual Violence in Conflict,* A/67/792-S/2013/149, Mar. 14, 2013, ¶¶ 22, 28. *See also Report of the Secretary-General on Conflict-Related Sexual Violence*, S/2014/181, Mar. 13, 2014, at ¶¶ 14, 31. The SRSG-SVC has also engaged in other non-priority countries such as Somalia. *Id*., at 43.

[152] *Press Releases: Recent Convictions of Military and Police Officials in DRC Send Clear Message That Impunity for Sexual Violence in Conflict Will Not Be Tolerated*, UN.org, *available at http://www.un.org/sexualviolenceinconflict/press-release/recent-convictions-of-military-and-police-officials-in-drc-send-clear-message-that-impunity-for-sexual-violence-in-conflict-will-not-be-tolerated/* . For more information on the country visits and funding made to the DRC *see generally Report of the*

Technical Assistance and Interagency Coordination: Resolution 1888 also called upon the creation of a Team of Experts on the Rule of Law/Sexual Violence in Conflict (TOE).[153] Established in 2010, the TOE team leader overseas a team of professionals with rule of law expertise from DPKO, OHCHR, and UNDP, and reports to the SRSG-SVC.[154] The TOE is deployed upon request from national authorities[155] to (i) build capacity to address impunity, (ii) make recommendations to improve coordination between domestic and international efforts, and (iii) cooperate with other UN agencies on implementation of the Resolution 1325 agenda.[156] Consequently, the TOE complements and supports the country-level engagement of the SRSG-SVC, as can be seen in the recent engagement of the TOE in the DRC where they assisted in the investigation of sexual violence crimes committed by military personnel and rebel armies and supported the prosecution of these cases before the courts of the DRC.[157]

The work of the SRSG-SVC and TOE require continuous coordination and close cooperation with other UN entities like the UN Action network, and the Office of the Special Representative for Children and Armed Conflict (SRSG-CAC). In this regard, both SRGR-SVC and SRSG-CAC must ensure that their mandates are implemented in a "mutually reinforcing manner" to avoid duplicating efforts.[158] Such coordination is required, for example, when engaging with government officials on issues of child protection.

Awareness-Raising Activities: Considerable efforts have been made by the SRSG-SVC to raise awareness about the use of sexual violence as a tactic or weapon of war. The SRSG-SVC has been successful in coordinating efforts with other UN agencies and especially with gaining commitments of financial support from other governments to combat SGBV. One example of these efforts is the Global Summit to End Sexual Violence in Conflict, held in London on June 10-14, 2014. Importantly, this Summit brought together all major stakeholders: survivors, over 100 governments, various NGOs and more than 1,700 experts.[159] The attendance of UN Special Envoy Angelina Jolie

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Secretary-General on the Implementation of Security Council Resolutions 1820 (2008) and 1888 (2009), A/65/592-S/2010/604, Nov. 24, 2010, at ¶ 25; *Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of The Congo* 8, 2009, *available at* http://stoprapenow.org/uploads/features/CSonDRCforweb.pdf*;* and *Key Initiatives*, UN.org, *available at* http://www.un.org/sexualviolenceinconflict/our-work/key-initiatives/.

[153] Security Council Res. 1888, *supra* note 136.

[154] *Report on Resolution 1888 Implementation*, *supra* note 151, at 26; *see also Annual Report 2013,* Team of Experts: Rule of Law/Sexual Violence in Conflicts, Jul. 9, 2014, at 9 [Hereinafter *Annual Report 2013*]. Drawing from existing human resources within specialized UN agencies helps provide a multidisciplinary approach to the TOE.

[155] *Report on Resolution 1888 Implementation*, *supra* note 151, at 9.

[156] *Id*., at 5.

[157] *Id*., at 15-23.

[158] *Report on Resolution 1888 Implementation*, *supra* note 151, at 23.

[159] *Global Summit to End Sexual Violence in Conflict,* Gov.UK, *available at* https://www.gov.uk/government/topical-events/sexual-violence-in-conflict [Hereinafter *Global Summit to End Sexual Violence in Conflict*].

ensured significant media attention for the event, which was the biggest of its kind ever held. Several positive developments came from the Summit, including the launch of the first International Protocol on the Documentation and Investigation of Sexual Violence in Conflict,[160] and the pledging of significant sums of money from governments around the world to help tackle the issue.[161]

c. Enhancing the Effectiveness of the SRSG-SVC

The UN established the SRSG-SVC with funding from the UN Action Multi-Donor Trust (MDTF) [162] with post and running costs coming from the UN's regular budget and the TOE's funding coming solely from voluntary contributions.[163] As a result, the SRSG-SVC is required to actively engage in fundraising campaigns.[164] Given the importance of the TOE's tasks in assisting States in their fight against impunity, a sustained commitment by States to TOE's mandate is critical.[165] To effectively fight sexual violence in conflict, political commitment must be accompanied by financial support.

4. Resolution 1889 (2009)

As an immediate follow-up to Resolution 1888, the Security Council unanimously adopted Resolution 1889 one week later, on October 5, 2009. Resolution 1889 focuses

[160] Foreign & Commonwealth Office, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*, Jun. 2014, *available at* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf.

[161] The UK, for example, pledged £6 million to support survivors of sexual violence in conflict, (£4.25 million for the United Nations Fund for Action Against Sexual Violence in Conflict, £1 million for the International Criminal Court Trust Fund for Victims and £750,000 for the International Organization for Migration); Australia committed AUD$ 5.95 million (3.3 million to support the Afghan Women's Network and its member organizations to help to end violence against women in Afghanistan, 1 million in partnership with UN Women in Timor Leste, Liberia and Uganda to support women's engagement in decision-making on peace-building and gender responsive security sector reform and 1.65 million in assistance to humanitarian and emergency initiatives through the Women's Refugee Commission, the United Nations Children's Fund and United Nations Population Fund); the United Arab Emirates announced US$ 1 million in support of Somalia's National Action Plan for addressing sexual violence; Finland announced € 2 million to the United Nations Fund for Action Against Sexual Violence in Conflict and Bahrain announced US$ 100,000 to the United Nations Fund for Action Against Sexual Violence in Conflict. *Global Summit to End Sexual Violence in Conflict*, supra note 159.

[162] UN Action Against Violence in Conflict, *Progress Report 2010-2011*, Jun. 1, 2011, at 6.

[163] *Annual Report 2013,* Team of Experts: Rule of Law/Sexual Violence in Conflicts, Jul. 9, 2014, at 52.

[164] Governments such as the UK and Estonia just to name a few examples have provided funding to the SRSG-SVC. *G8 Declaration on Preventing Sexual Violence in Conflict*, *G8 Declaration on Preventing Sexual Violence in Conflict*, April 11, 2013, *available at* https://www.gov.uk/government/news/g8-declaration-on-preventing-sexual-violence-in-conflict; *Estonia Supports Work of UN Special Representative in Combating Sexual Violence in Armed Conflicts*, Peterburg.Estemb.RU, Feb. 4, 2013 (donating US$ 10,000).

[165] *Report of the Secretary-General on Sexual Violence in Conflict,* A/67/792-S/2013/149, Mar. 14, 2013, at 130(f) (urging Member States, donors and regional organizations to ensure "sustainable funding" for the TOE since it is a "valuable resource.").

attention on women's participation in post conflict zones, and notes their perspectives and needs are still not fully captured by the Security Council's WPS agenda.

The Security Council requested the Secretary-General "appoint more women to senior UN positions, particularly as Special Representatives and Special Envoys,"[166] and "take measures to increase women's participation in all UN missions."[167] In addition, Resolution 1889 noted the importance of directing funding towards women and peace efforts to increase women's participation.[168]

Of crucial importance, Resolution 1889 sought to increase monitoring and improve implementation by requiring the Secretary-General to "submit to the Security Council within 6 months, a set of indicators for use at the global level to track implementation of its resolution 1325 (2000)" which would "serve as a common basis for reporting by relevant United Nations entities, other international and regional organizations, and UN Member States. In compliance, the Secretary-General created the Technical Working Group on Global Indicators for Resolution 1325, coordinated by OSAGI with UNIFEM/UN Women as the technical lead. Through a consultative mapping process, the Working Group identified more than 2,500 indicators that were in use across the UN system. Ultimately, the Working Group decided that across four pillars – prevention, participation, protection, and relief and recovery – there would be 31 indicators on which data would be gathered to measure the effectiveness of specific actions in the plan.[169]

For each proposed indicator, a chart in the report explained how feasible it would be to collect the data. Unfortunately, only four of the 31 indicators had easily accessible data, but these were only a narrow part of the agenda (e.g., sexual abuse committed by peacekeepers). Ten of the most important indicators required data described as inaccessible, requiring system wide changes or direct data collection (e.g., incidence of sexual violence in conflict-affected countries).[170] For greater analysis and illustrations of the problematic metrics see Appendix B.[171]

The PRSTs for 2012 also acknowledged the need for "timely, verified, and accurate data collection through Monitoring, Analysis and Reporting Arrangements (MARA)."[172] Without meaningful monitoring and evaluation mechanisms, the frustrations with effective implementation of Resolution 1325 continued.

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[166] *Id*., at op. ¶ 4.
[167] *Id*.
[168] *Id*., at op. ¶ 9.
[169] *Report of the Secretary-General on Women and Peace and Security*, S/2010/173, Apr. 6, 2010.
[170] *Id*.
[171] *Report of the Secretary-General on Women and Peace and Security*, S/2011/598, Sept. 29, 2011; *Report of the Secretary-General on Women and Peace and Security*, S/2012/732, Oct. 2, 2012; *Report of the Secretary-General on Women and Peace and Security*, S/2013/525, Sept. 4, 2013; *Report of the Secretary-General on Women and Peace and Security*, S/2014/693, Sept. 23, 2014.
[172] *Statement by the President of the Security Council*, S/PRST/2012/23, Feb. 23, 2012.

In response to Resolution 1889, the Secretary-General submitted his first focused report on women's participation in peacebuilding in 2010. While women's participation had been included as a small part of prior reports, it was generally acknowledged there was not sufficient focus on this important question.[173]

Much of this report focused on explaining why the role of women in peacebuilding was so important and what the needs of women in post-conflict situations were and what challenges existed to their participation. Five specific peacebuilding priorities were identified, including: (1) providing security for women; (2) confidence in the political process, including respect for the rule of law; (3) restoring basic services; (4) restoring public administration and finance systems, including a gender perspective; and (5) economic revitalization.[174]

Flowing from these specific priorities, the Secretary-General then put forward what was described as an action plan for gender-responsive peacebuilding, which included seven "commitments," each of which was supposed to correspond with a set of specific measures and supporting activities. These specific commitments included:

- **Promoting women's greater engagement in peace processes and addressing gender issues in the context of peace agreements** – a study of 585 peace agreements over a decade showed only 16 percent contained references to women and that women constituted less than eight percent of negotiation delegations in UN-mediated peace processes and less than three percent of the signatories.

- **Making peace agreements and post-conflict planning more gender responsive** – in a survey of UN Development Assistance Frameworks in six post-conflict countries, only four percent of budgets were allocated to address women's needs or advance gender equality.

- **Financing gender equality and women's empowerment** – a background study conducted in six post-conflict countries that analyzed 394 projects in multi-donor trust funds allocated just 5.7 percent of resources to activities directly related to women's needs or gender equality.

- **Increasing deployable civilian capacities** – this commitment is focused on ensuring the capacity of deployed civilians includes specialized skills to meet women's urgent needs, make them more accessible to women and girls, and less prone to gender-based discrimination.

- **Increasing proportion of women decision-makers in post-conflict governance institutions** – research has shown that once women reach critical mass, a quarter to a third of a body's membership, they participate fully as women, until then they

[173] *Women's Participation in Peacebuilding*, supra note 29.
[174] *Id*.

behave the way they think they should behave, either deferring to or behaving like men.

- **Supporting development of the rule of law, including institutions which provide security, administer justice, and determine the legislative framework** – this relates to justice and accountability for perpetrators of sexual violence and increasing female police officers in peacekeeping operations.

- **Improving economic recovery** – when women are allowed to fully participate in a country's workforce, the economy is stronger and more stable.[175]

Ultimately, however, while there were many ideas proposed, it was unclear from this report what measures and further activities would be conducted to achieve these commitments.

Similarly, in May of 2009, the Special Rapporteur on Violence Against Women issued a comprehensive review of the work of the position over the course of its fifteen-year history.[176] While the 63-page report devoted only a few pages to sexual violence in times of conflict, lauding Resolutions 1325 and 1820 as noteworthy, [177] it added nothing new to the discussion or furthered implementation of the WPS agenda.

5. Resolution 1960 (2010)

Once again, the Security Council turned its attention to gender-based violence at its Open Debate on Sexual Violence in Conflict, unanimously adopting Resolution 1960 on December 17, 2010. Frustrated by the "slow progress" on ending the sexual violence women and children experience in conflict, Resolution 1960 encouraged partnerships between states and the international community "to increase access to…services for victims."[178]

Additionally, Resolution 1960 called upon parties in armed conflict to make "specific and time-bound commitments" to end sexual violence, by prohibiting this behavior in their military Codes of Conduct, and through "timely investigation[s] of alleged abuses."[179] Resolution 1960 repeated Resolution 1888's appeal to UN Member States to increase the recruitment of female military and police personnel for UN peacekeeping operations, signaling a continued lack of progress in implementing the WPS agenda.[180]

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[175] *Id*.
[176] Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, *15 Years of the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences (1994-2009) - A Critical Review*, A/HRC/11/6/Add.5, May 27, 2009.
[177] *Id*., at 25.
[178] *Id*., at 2.
[179] *Id*., at op. ¶ 5.
[180] *Id*., at op. ¶ 10.

The Security Council also encouraged the Secretary-General to list parties "credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence" in his annual reports so that the Security Council may refer to this list when developing sanctions.[181]

Finally, 2010 marked the creation of UN Women, a new entity established to, "enable [the UN] to better assist Member States in addressing all issues of gender equality and the empowerment of women, including those related to women and peace and security."[182]

C. The Last Five Years

The 2010 WPS report marked the tenth anniversary of Resolution 1325 and showed just how little change had occurred. The Report described various efforts being made to implement the WPS agenda and how the UN and its members were going to secure data to implement the new SWAP.[183] Unfortunately, the updated 2008-2009 SWAP did little better than the prior plan in moving towards results-based analysis. An evaluation by OSAGI noted "attempting to…give an overview of the work of 32 UN entities to implement SCR 1325, all having different mandates and capacities, in one planning document, was extremely ambitious…."[184] OSAGI's overall assessment was damning. The evaluation concluded, "there is little evidence that the SWAP supported achievement of concrete and measureable results at the country level." Further, "no references could be found to the SWAP in any of the country-level literature reviewed."[185] Because there was no baseline assessment of UN capacity, it was impossible to say whether the SWAP goal of capacity building had been met.[186] Ultimately, the evaluation recommended yet another new SWAP be developed, but in this case that a clear decision be made as to whether it was supposed to be a communication and networking tool or a strategic planning tool.

In his 2012 WPS report, the Secretary-General revisited the role of Women's Protection Advisors but spent most of the report examining countries where parties were using sexual violence during armed conflict, in post conflict situations, and during times of political strife, and civil unrest. There were brief mentions of specific initiatives such as the development of early warning indicators. Importantly, the Secretary-General's report included an annexed list of parties suspected of using rape and sexual violence in

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[181] *Id*., at op. ¶ 3.
[182] Open Debate Statement by Secretary-General Ban Ki-moon, Oct. 26, 2010 *available at* http://www.peacewomen.org/assets/file/SecurityCouncilMonitor/Debates/WPS/WPS2010/sg_wps_2010.pdf.
[183] *Report of the Secretary-General on Women and Peace and Security*, S/2010/498, Sept. 28, 2010.
[184] *Evaluation of 2008-2009 SWAP*, Office of the Special Advisor on Gender Issues and the Advancement of Women, Jul. 26, 2010, at iii.
[185] *Id*., at v.
[186] *Id*., at iv.

armed conflict. The 2013 report basically provided an updated view on the same issues.[187]

As the Secretary-General's reports show, violence against women in conflict was rampant in 2012 and 2013, prompting the latest WPS resolutions from the Security Council.

1. UN Women

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) was established by UN General Assembly Resolution 64/289 on July 2, 2010.[188] As previously stated, UN Women merged into a single body four previously disparate UN entities: DAW, INSTRAW, OSAGI, and UNIFEM.[189] UN Women became operational in January 2011.[190]

UN Women describes its mission as assisting Member States and the UN system "to progress more effectively and efficiently towards the goal of achieving gender equality and the empowerment of women."[191] UN Women pursues its mission by assisting intergovernmental bodies in the development of "policies, global standards and norms," supporting states' implementation of such policies, and holding "the UN system accountable for its own commitments on gender equality, including regular monitoring of system-wide progress."[192]

The UN Women strategic plan identifies one of its six "programmatic priorities" as ensuring that "[p]eace and security and humanitarian action are shaped by women's leadership and participation."[193] The group implements the Secretary General's plan for gender-responsive peacebuilding,[194] and serves as the secretariat for the Global Study on the Implementation of Resolution 1325.[195] It chairs and staffs the Standing Committee on Women, Peace, and Security. Additionally, it will house the new Acceleration Instrument on Women, Peace, and Security. But UN Women does not give any

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[187] *Report of the Secretary-General on Conflict-Related Sexual Violence*, A/67/792-S/2013/149, Mar. 14, 2013.
[188] *Strategic Plan 2011-2013*, *supra* note 32, at 1.
[189] *About UN Women*, UNWOMEN.ORG, *available at* http://www.unwomen.org/en/about-us/about-un-women.
[190] *United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)*, PeaceWomen.org, *available at* http://peacewomen.org/peacewomen_and_the_un/un-implementation/programmes-and-funds/entity/78/united-nations-entity-for-gender-equality-and-the-empowerment-of-women-un-women.
[191] *Strategic Plan 2011-2013*, *supra* note 32, at 1.
[192] *About UN Women*, *supra* note 189.
[193] Executive Board for the United Nations Entity for Gender Equality and the Empowerment of Women, *United Nations Entity for Gender Equality and the Empowerment of Women Strategic Plan, 2014-2017*, UNW/2013/6*, July 23, 2013, at ¶ 29.
[194] *Id*., at ¶ 9.
[195] *As Nature of Conflicts Change, UN Women Urges Swifter Action to Protect Targets of Violence*, Oct. 28, 2014, *available at* http://www.unwomen.org/en/news/stories/2014/10/press-release-wps-open-debate.

indication in its publications as to how it holds the UN accountable, how it monitors progress, or how and where the UN is succeeding or failing on these issues.

a. Women's Leadership and Participation in Peace and Security

UN Women seeks to counter the exclusion of women from conflict prevention and peace processes by working to achieve the following goals:

- "[B]uild women's participation and influence in decision-making to prevent and resolve conflicts;"
- "[S]upport women's engagement in all aspects of peacebuilding;"
- "[F]oster women's peace coalitions" and prepare women "to engage in peace processes;"
- "[R]each out to peacekeepers to detect and stop conflict-related sexual violence;" and
- "[S]upport justice and security institutions that protect women and girls from violence and discrimination, public services fully responsive to women's needs, women's greater access to economic opportunities, and women's engagement in all forms of national and local public decision-making."[196]

Unfortunately, these goals are not objective standards that can be effectively quantified. With such vague goals, UN Women has no way of knowing how and when they have achieved success and therefore will continue to fall short of effective implementation of Resolution 1325 and most importantly of effecting real change in the lives of affected women and girls in situations of armed conflict.

According to UN Women's own "Thematic Evaluation" of the "Contribution of UN Women to Increasing Women's Leadership and Participation in Peace and Security and in Humanitarian Response," it concentrated on security and justice, protection, peacebuilding and recovery, post conflict governance, national planning, and humanitarian response, but had "few programming activities that related to peace negotiations, post-conflict constitution-making, transitional elections, post-conflict recovery, disarmament, demobilization, reintegration, or human trafficking."[197]

The prominence of the WPS agenda in the strategic objectives of UN Women (and its predecessor entities) grew between 2008 and 2012.[198] According to the Evaluation, UN Women's expenditure on peace and security programs grew 67 percent, from USD 15 million in 2010 to USD 25 million in 2012.[199] Both of the UN Women strategic plans for 2011-2013 and 2014-2017 emphasize the programmatic priority of

[196] UN Women, *In Brief: Peace and Security*, Nov. 7, 2013.
[197] *Id.,* at 3.
[198] *Id.,* at 3.
[199] *Id.,* at 3-4.

ensuring the leadership of women in peace and security. Importantly, both strategic plans articulate specific goals for progress, many of which are measurable.

b. Training UN Peacekeepers on Sexual Violence Prevention and Response

With respect to peacekeeping in particular, it is worth highlighting that UN Women and DPKO together offer a scenario-based training pilot program regarding the threat of sexual violence in conflict, best practices for preventing or responding to such violence, and the roles of key UN actors in addressing sexual violence.[200] This pilot program has been "embedded in DPKO's standard training on protection of civilians and will be disseminated to all peacekeeping training academies and staff colleges."[201] It has been used to train more than 500 military officers from seven of the top UN troop-contribution countries since April 2011, and hundreds more in over a dozen additional countries.[202] Separately, UN Women has also supported efforts to conduct sexual violence training for troops from key countries that provide significant numbers of peacekeepers.

These training efforts are particularly important given the substantial gender imbalance among peacekeeping forces. Although 2014 marked the first year in which a woman took command of a UN peacekeeping force (in Cyprus),[203] 97 percent of UN peacekeepers are men.[204] Unfortunately, without quantifiable metrics, there is no way to determine what impact, if any, these trainings are having on actually preventing violence in conflict situations whether perpetrated by combatants, or peacekeepers themselves.

c. Standing Committee on Women, Peace, and Security

UN Women chairs and provides staff support to the Standing Committee on Women, Peace, and Security, an inter-agency group of UN agencies and civil society representatives that coordinates WPS implementation.[205] The Standing Committee was originally established as a Task Force in February 2001 by the Inter-Agency Network on Women and Gender Equality (IANWGE). In its original conception, it was created:

> To play a catalytic role in global policy development, advocacy, strategic policy advisory support to global programming, coordination, monitoring and reporting of the United Nations systems joint response to women, peace

[200] UN Women, *Setting the Scene: Using Audiovisual Tools to Train Peacekeepers* 1, Oct. 25, 2013.
[201] *Id.*, at 2.
[202] *Id.*, at 2.
[203] *UN Appoints First Female Commander of Peacekeeping Force*, THE GUARDIAN, May 13, 2014.
[204] *As Nature of Conflicts Change, UN Women Urges Swifter Action to Protect Targets of Violence*, Oct. 28 2014, *available at* http://www.unwomen.org/en/news/stories/2014/10/press-release-wps-open-debate.
[205] The Standing Committee does not maintain a current website, but as of May 2011, its members included: DOCO, DPA, DPI, DPKO/DFS, FAO, IOM, OCHA, OHCHR, ODA, OSA-Prevention of Genocide, SRSG-CAAC, SRSG-SVC, PBSO, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNITAR, UN Women, and WFP. Observers include the NGO Working Group on Women, Peace and Security, ICRC, and OECD.

and security, in partnership with Member States, regional organizations and non-governmental organizations, based on Security Council resolution 1325 (2000) and its ensuing resolutions on women, peace and security and in line with the Beijing Platform for Action and CEDAW.[206]

The Task Force was converted into a Standing Committee in June 2011. The Standing Committee meets quarterly or as necessary and has over the years assisted in preparing the Secretary-General's annual reports on WPS, coordinated briefing notes and checklists of Security Council missions, analyzed the Security Council's work from a gender perspective, and mapped UN resources on women, peace, security. But UN Women is not provided additional budgetary support for staffing the Standing Committee. In addition, only DPKO and DPA's representatives are focused on gender and WPS-related issues full-time. For this coordination mechanism to achieve its potential, UN Women will require substantial resources to follow through on initiatives of the Standing Committee and each UN agency participating will need its designees to have implementation of WPS in their respective agency as a substantial or full-time part of their day-to-day responsibilities. Without these improvements, it will be difficult to drive implementation throughout the UN system.

d. Global Study on Implementation of Resolution 1325

UN Women has also been tasked with serving as the secretariat for the Global Study on the Implementation of Resolution 1325.[207] Commissioned by the UN Secretary-General, the Global Study is led by Radhika Coomaraswamy, former Special Representative of the Secretary-General on Children and Armed Conflict and former Special Rapporteur on Violence Against Women.[208] The Global Study is based on consultations, country visits, commissioned research, an online portal, and a civil society survey, among other components, and ultimately seeks to highlight "examples of good practice, implementation gaps and challenges, and priorities for action."[209] The results of the Global Study will be included in the Secretary-General's annual report to the Security Council in Fall 2015, and will inform the Security Council's High-Level Review of the Implementation of Resolution 1325, which is planned for October 2015, as well as the work of the High-level Independent Panel on Peace Operations.

e. Evaluation of UN Women's Contributions to the Women, Peace, and Security Agenda

UN Women has established an independent evaluation office to regularly assess its work in order "to enhance accountability, inform decision-making and contribute to

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[206] *IANWGE Standing Committee on Women, Peace, and Security*, *available at* http://www.un.org/womenwatch/ianwge/taskforces/tfwpsecurity.htm.
[207] *Preparations for the 2015 High-level Review and Global Study*, UNWomen.org, *available at* http://www.unwomen.org/en/news/in-focus/women-peace-security/1325-review-and-global-study.
[208] *Id*.
[209] *Id*.

learning on the best ways to achieve women's empowerment and gender equality."[210] The Evaluation Office reports directly to the Executive Director of UN Women, presents an annual evaluation report to the UN Women Executive Board, and is supported by the UN Women Evaluation Advisory Committee.[211] As this "independent" evaluation office is created and supported by UN Women and reports to UN Women, it is an in-house auditing team, not an independent evaluator, and thus runs the risk of producing the same style of self-congratulatory reports of its efforts as the Secretary-General's reports on WPS to the Security Council.

As an example, in January 2014, the Evaluation Office published a follow-up "Evaluation Brief" to the Thematic Evaluation already discussed above, which touted UN Women's key achievements as having:

- Contributed to "shaping global policy and norms that advance women's leadership and participation in peace and security;"
- Established itself "as a lead actor within the UN system on women, peace and security;"
- Contributed to "changes in laws and policies of Member States that advance women's leadership and participation in peace and security;"
- Contributed to "increasing access to mechanisms or institutions enabling women to participate in peacebuilding and post-conflict reconstruction;"
- Provided "overall strategic coherence on women's leadership and participation in peace and security;"
- Produced "rich and authoritative knowledge on women, peace and security;" and
- Demonstrated "an improved ability to forge strategic relationships with key stakeholders, particularly within the UN system . . . ."[212]

In April 2014, the Executive Director of UN Women issued a report evaluating progress toward the goals articulated in UN Women's 2011-2013 strategic plan. The report found UN Women had fallen short of its goal of developing a joint UN system of data collection on indicators on WPS, but had met or exceeded all five of its other goals:[213]

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[210] *Evaluation*, UNWomen.org, *available at* http://www.unwomen.org/en/about-us/evaluation. Separate from the Evaluation Office, UN Women maintains a "Virtual Knowledge Center to End Violence Against Women and Girls," which makes available "the leading tools and evidence on what works to address violence against women and girls." The Virtual Knowledge Center is available at http://www.endvawnow.org/en/.

[211] *Id*.

[212] Evaluation Office of UN Women, *Evaluation Brief: Women's Leadership and Participation in Peace and Security,* Jan. 2014, at 2.

[213] Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women, *Progress Made on the United Nations Entity for Gender Equality and the Empowerment of Women Strategic Plan, 2011-2013, Including Operational Activities in 2013: Report of the Under-Secretary-General/Executive Director,* UNW/2014/2, Apr. 22, 2014, at ¶ 61.

- Percentage of peace agreements with specific provisions to improve the security and status of women and girls: 2013 target was 20 percent, 2013 achievement was 30 percent.
- Percentage of formal peace negotiations that include women as mediators, negotiators, and technical experts: 2013 target was 10 percent, 2013 achievement was 100 percent.
- Percentage of transitional justice processes supported by the UN that include provisions to address the rights and participation of women and girls: 2013 target was 30 percent, 2013 achievement was 50 percent.
- Number of countries in which peace talks, recovery/peacebuilding planning processes and transitional justice processes incorporate demands of gender equality advocates: 2013 target was 7, 2013 achievement was 20.
- Number and types of measures for detecting and preventing sexual violence in conflict: 2013 target was 8, 2013 achievement was 9.[214]

Setting aside whether these indicators are appropriate measures for evaluating progress in addressing the impact of conflict on women and girls, it is clear from the evaluation reports that although UN Women can point to some tangible contributions to the women, peace, and security agenda, namely in achievements on policy and process and hiring and deploying additional staff. more must be done to reach operational goals yielding tangible results for women impacted by conflict. Furthermore, the evaluation lacks specificity as to "how" UN Women reached their vague goals given the one goal that would have allowed them to determine if they had effectively achieved any of the other goals went unmet – developing a system of data collection. Without the necessary data from the field, how can UN Women say they have achieved their plethora of process goals let alone actual results on the ground?

UN Women recognizes some of these serious problems, which mirror those that apply to the broader implementation of the WPS agenda more generally. The September 2013 Thematic Evaluation critiqued UN Women for reporting program results at the "output and, to a lesser degree, outcome level[s]" while failing to "systematically assess or report on their contribution to . . . higher-level" results.[215] The evaluation concluded, "there is insufficient strategic planning within UN Women's country and project offices,"[216] and "there are weaknesses in the M&E [monitoring and evaluation] systems of UN Women country programmes, which limit their ability to demonstrate results and learn lessons from experience."[217] And in a dramatic understatement, it noted "financial resources for peace and security are insufficient to meet the expectations . . . ."[218]

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[214] *Id*.
[215] Evaluation Office of UN Women, *The Contribution of UN Women to Increasing Women's Leadership and Participation in Peace and Security and in Humanitarian Response, Final Synthesis Report*, Sept. 2013, at 5.
[216] *Id*., at 37.
[217] *Id*., at 40.
[218] *Id*., at 39.

One year later, in September 2014, UN Women Executive Director Phumzile Mlambo-Ngcuka stated in announcing the launch of the Global Study that "too often, policy gains, rather than real impact, have been our indicator of success. This must change. We must take stock, and ensure that plans are action-oriented and adequately funded. Simply put, we need more results for women and girls."[219] The test for UN Women in 2015 and beyond will be its ability to energize the UN system to aggressively pursue the tangible results that the Executive Director has rightly identified as wanting.

It is clear UN Women is plagued by the same barriers to effective implementation of 1325 as the rest of the UN – a lack of resources, political will, and effective monitoring mechanisms. Despite efforts, the rest of the UN did not fair much better in the last five years.

2. Resolution 2106 (2013)

Resolution 2106, adopted unanimously on June 24, 2013 at the Security Council's Open Debate on Sexual Violence in Conflict,[220] focused almost exclusively on sexual and gender-based violence. In Resolution 2106, the Council reaffirmed that sexual violence in conflict and post-conflict zones is not inevitable,[221] and importantly discussed the oft-overlooked crucial need to incorporate men and boys in prevention.[222]

Several speakers complained that not enough work had been done to combat impunity, noting many of those who committed sexual violence in Rwanda continue such practices in the DRC today."[223] The Council proposed targeted sanctions "against those who perpetrate and direct sexual violence in conflict,"[224] because "[c]onflict-related sexual violence, when left unaddressed by justice and reparations, can have a profound impact on the sustainability of peace and the prospects for development."[225] Yet, no such action has been taken; unless the Council follows through on its proposals, the violence will continue.

Resolution 2106 highlighted the need for expanded medical and psychological support for survivors.[226] In particular, the Security Council acknowledged the "disproportionate burden of HIV/AIDS on women and girls"[227] because of sexual

[219] *New Study to Examine Women's Role in Peace and Security Over the Past 15 Years*, Sept. 10, 2014, *available at* http://www.unwomen.org/en/news/stories/2014/9/launch-of-global-study-on-resolution-1325.
[220] The resolution was adopted under the leadership of then UK Foreign Secretary William Hague.
[221] Security Council Res. 2106, S/RES/2106, Jun. 24, 2013 [Hereinafter Security Council Res. 2106].
[222] *Id*., at 1.
[223] Statement by Eugène-Richard Gasana, Permanent Mission of Rwanda to the United Nations, Jun. 24, 2013.
[224] Security Council Res. 2106, *supra* note 221, at op. ¶ 13.
[225] Statement by Zainab Hawa Bangura, Special Representative of the Secretary General of the United Nations, Jun. 24, 2013.
[226] Security Council Res. 2106, *supra* note 221, at op. ¶ 19.
[227] *Id*., at op. ¶ 20.

violence in conflict, and the need to assist survivors. The Security Council also highlighted the work of NGOs for their role in protecting women against sexual violence during conflict and assisting survivors post conflict.[228]

While the Security Council requested women be included in DDR and SSR processes, Resolution 2106 still viewed women primarily as a population needing protection.

Importantly, the October 2013 Open Debate emphasized the need to secure justice for conflict-affected women. The UN Secretary-General issued a stirring challenge at the opening of the session:

> The rule of law, women's access to transitional justice and women's participation are deeply connected. Women must be involved at every stage of efforts to reassert the rule of law and rebuild societies through transitional justice. Their needs for security and justice must be addressed. Their voices must be heard. Their rights must be protected.
>
> I urge the Council to deal with the full range of women's rights violations that occur during conflicts. The mandates of political and peacekeeping missions should support national prosecutions for serious international crimes against women, and special measures should be taken to provide women with opportunities to engage in the design and delivery of transitional justice. Gender-responsive transitional justice measures can also help to redress historic gender-based injustices and combat the security threats and other obstacles that often restrict women's full engagement in public life."[229]

The Secretary-General also called for "a more determined global effort to improve the protection of women and girls and enhance women's participation and leadership." Tellingly, many debate participants again linked SGBV in times of war with socially accepted gender inequalities that allow for private SGBV in times of peace.

In 2015, the Secretary-General released a report pursuant to Resolution 2106 on conflict-related sexual violence.[230] The report focuses on 19 country situations, and discusses in particular sexual violence in the context of rising extremism in five of those settings.[231] As part of the recommendations, the report states "countering extremism, and the flow of funds and fighters to these groups, must include efforts to empower women and address the spectrum of crimes of sexual violence that extremists groups propagate."[232]

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[228] *Id*., at op. ¶ 21.
[229] UN Security Council, 7044th Meeting, S/PV.7044, Oct. 13, 2013.
[230] *Report of the Secretary-General on Conflict-related Sexual Violence*, S/2015/203, Mar. 23, 2015.
[231] *Id*., at ¶¶ 82–85.
[232] *Id*., at ¶ 85.

3. Resolution 2122 (2013)

On October 18, 2013, in the shadow of the Syrian conflict, the Security Council unanimously adopted Resolution 2122. In this resolution, the Security Council emphasized the need for women's participation. Gary Quinlan, Australia's Permanent Representative to the Security Council observed:

> It has long been recognized that women's engagement in conflict prevention, resolution, and peace building efforts is more likely to lead to sustainable peace and security. Of the over 2 million refugees from Syria today, 78 percent are women and girls…[We] must not prevent their vital contribution to reconstructing a safe and functioning Syrian society, and we must ensure that their leadership is harnessed as part of the solution.[233]

These remarks highlight 2122's increased attention to women's empowerment[234] and the unique "exacerbated" vulnerabilities women face related to forced displacement.[235]

Resolution 2122 called for increasing the number of women delegates and mediators in peace negotiations,[236] national militaries,[237] and peacekeeping operations;[238] electoral and constitutional reform that ensure women's civic participation;[239] and consulting women and women's organizations in conflict and post-conflict zones.[240] The Security Council also drew attention to women's economic participation and empowerment as integral to the "stabilization of societies emerging from armed conflict."[241]

In addition to this renewed, and robust call for women's effective and full participation, the Security Council called upon Member States to hold perpetrators of egregious crimes accountable through prompt investigations and prosecutions,[242] and also recalled victims' right to reparations under international law.[243] Yet, the Security Council

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[233] Statement by Gary Quinlan, Ambassador and Permanent Representative of Australia to the United Nations, Oct. 18, 2013, *available at* http://www.un.org/press/en/2013/sc11149.doc.htm.
[234] Security Council Res. 2122, S/RES/2122, Oct. 18, 2013 [Hereinafter Security Council Res. 2122] ("Women's and girls' empowerment and gender equality are critical to efforts to maintain international peace and security.").
[235] *Id*., at p. 2 ("As a result of unequal citizenship rights, gender-biased application of asylum laws, and obstacles to registering and accessing identity documents.").
[236] *Id*., at op. ¶¶ 1, 7(c).
[237] *Id*., at op. ¶ 9.
[238] *Id*., at op. ¶ 7.
[239] *Id*., at op. ¶ 10.
[240] *Id*., at op. ¶¶ 2(c), 6.
[241] *Id*.
[242] *Id*., at op. ¶ 12 ("…thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law.").
[243] *Id*., at op. ¶ 13.

did not install a mechanism to hold Member States accountable for protecting their citizens.[244] However, at the 68th Session of the General Assembly in 2013, over 120 member states stepped up and endorsed the Declaration of Commitment to End Sexual Violence in Conflict.[245]

Acknowledging there is still an "implementation deficit" regarding women's protection from human-rights violations and access to leadership positions in conflict and post-conflict settings,[246] the Security Council requested DPKO, Department of Political Affairs (DPA), relevant senior officials, and the Secretary-General to include information related to WPS in their regular briefings.[247] The Security Council also requested DPKO and DPA address WPS in their recommendations submitted to the Council.[248]

Additionally, hosted by then UK Foreign Secretary William Hague, G8 Foreign Ministers adopted a joint Declaration on Preventing Sexual Violence in Conflict. The G8 Declaration could be a foundation for mobilizing new resources and new political will for concrete action, especially given their focus on ensuring justice and ending impunity. The Declaration explicitly referenced Resolutions 1325 and 1820.

The Ministers stressed sexual violence is both a "war crime" and a "grave breach" of the Geneva Convention and that international law both enables and requires action against conflict-related violence against women and girls. The G8 Ministers proposed development of an International Protocol on the Investigation and Documentation of Sexual Violence to harmonize "investigation and documentation" by different responders so that "efforts do not overlap or weaken or destroy evidence or information."

The Ministers agreed to increase funding for a best practices database; promised to include women in peacekeeping and peacebuilding and to preclude amnesty for perpetrators; and offered to assist "conflict-affected countries" in establishing effective national security and justice systems and in creating National Action Plans (NAPs). They urged expanded deployment of Women and Child Protection Advisors within UN missions, and definitively urged their inclusion in the UN central budget.

Unfortunately, while there was further discussion about violence against women and girls in conflict situations in the 2014 WPS report, no mention was made of the G8 Joint Declaration. There was also a palpable recognition the international community has yet to fulfill the aspirations of Resolution 1325 and its successors. The Secretary-General's report covered 20 countries of concern devoted entirely to conflict-related sexual violence.

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[244] *Id*., at ¶ 2.
[245] *Declaration of Commitment to End Sexual Violence in Conflict*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274724/A_DECLARATION_OF_COMMITMENT_TO_END_SEXUAL_VIOLENCE_IN_CONFLICT.pdf
[246] *Id*.
[247] *Id*., at op. ¶ 2.
[248] *Id*., at op. ¶ 2(d).

Sadly, the reports of the Secretary-General make for a depressing read on the situation of the use of rape and sexual violence in conflict situations. There are, anecdotally, terrible descriptions of its prevalence and use around the world, the annexed list of parties is growing, and the recommendations being made to the Security Council are both very general and, for the most part, not being addressed systematically and substantively by the Security Council or the Secretary-General. It is clear that the strategy and approach must be revisited and refocused to achieve demonstrable outcomes in the field.

Despite the prior focus on utilizing outcome indicators, the Secretary-General's reports from 2011-2014 focused repeatedly on process-based measures, with no indication of what substantive impact has been felt in the field nor what, if any, correlation there is between these "outcomes" and action taken within the UN system under the WPS agenda. In addition, there is a complete disconnect between these measurements and the indicators described in the Secretary-General's 2010 report. It is essential to understand and appreciate the abject lack of rigor in the way the Secretary-General has been presenting the impact of the WPS agenda to the Security Council. Not only are these measurements almost exclusively process-based but there is no evidence presented to suggest anything done by the UN is having any impact in the field.

Regrettably, the rest of the UN system has not faired much better than the Secretariat. In January 2013, Eleanor O'Gorman of the University of Cambridge Centre for Gender Studies published a five-year review of UN Action (2007-2012).[249] While the report found UN Action to be well structured, rapidly mobilized, and an effective advocacy mechanism, it highlighted, once again, how the achievements were primarily policy focused.[250] The report concluded that UN Action should move to a new phase of commitments to implement the mission more clearly defined in the review itself – "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 [Conflict-Related Sexual Violence] . . . at the international and national levels."[251]

Although the report proposed a comprehensive plan and approach to improving the architecture and strategy of UN Action, they have either ignored the recommendations of the report or are indifferent to the fact their website still displays the old Framework and has not been updated in three years.

Similarly, the Special Rapporteur on Violence Against Women's 2014 annual report detailed developments in the UN system with respect to violence against women, its causes and consequences over the preceding two decades.[252] The Report goes on to

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[249] *Review of UN Action Against Sexual Violence in Conflict 2007-2012 – Final Report*, University of Cambridge Center for Gender Studies, Jan. 2013.
[250] *Id*.
[251] *Id*., at 81.
[252] Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences, *Violence Against Women: Twenty Years of Developments Within the United Nations*, A/HRC/26/38, May 28, 2014.

explain that sexual- and gender-based violence in conflict situations is regarded "as being different and exceptional, as opposed to it being a continuation of a pattern of discrimination and violence that is exacerbated in times of conflict . . . ."[253] Noting the privileging of SVC comes at "the detriment and ignoring of the low-level 'warfare' that women and girls experience in their homes and communities on a daily basis."[254] The Report recommends the Secretary-General undertake a study on the impact of this challenge.[255] This report points out an obvious hurdle to full implementation of the WPS agenda, namely, if UN Member States are ambivalent to violence against women during times of peace, they will be reticent to address it in times of conflict.

Additionally, the Special Rapporteur has addressed the issue of women, peace, and security in its mission reports by documenting the violence, and providing recommendations to host governments, the ICC, the UN, and the international community. The recommendations are similar to the general recommendations the Special Rapporteur has made on these issues such as respecting and complying with international humanitarian and human rights obligations; ending impunity by investigating and prosecuting alleged perpetrators; conducting education of and training for relevant actors; enhancing the independence and capacity of the judiciary; providing compensation, support and protection to survivors; and including women's needs and interests, as well as their participation, in the post-conflict and peace processes. But, like too many organs of the UN system, these are recommendations only and because there is no effective accountability system in place to track meaningful progress, who knows if these recommendations are having any impact on the ground.

Unlike other UN entities that have failed to affect real change, one of the few success stories has been the SRSG-SVC. In the five years since the SRSG-SVC was established, considerable improvements have been achieved in addressing sexual violence in conflict and post-conflict situations. The establishment of the SRSG-SVC has played an important role in raising visibility of this issue, pressing for commitments at the national level and securing meaningful gains in bringing perpetrators of these crimes to justice. More remains to be done to expand this work beyond SRSG-SVC priority countries and ensure commitments by Member States are being met.

Finally, the attempts of the DPKO and the HRC to implement 1325 and the WPS agenda have been admirable, if not wholly successful.

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[253] *Id*. The theme of "continuity of violence against women" was discussed in previous reports of the SRVAW. Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, *Towards an Effective Implementation of International Norms to End Violence Against Women*, E/CN.4/2004/66, Dec. 26, 2003.
[254] *Id*.
[255] *Id*., at 21.

4. Human Rights Council

The HRC (and the Commission before it) has undertaken various initiatives to implement Resolution 1325, including issuing an annual resolution on the elimination of violence against women; being an active member of the Women, Peace and Security Task Force of the UN Inter-Agency Network on Women and Gender Equality; and by creating a Special Rapporteur on Violence Against Women, its causes and consequences.[256] Resolutions of the HRC have recognized Resolution 1325 and urged States to "provide gender-sensitive training to all actors, as appropriate, in peacekeeping missions" while strongly condemning violence against women committed in situations of armed conflict and calling for "effective responses" including the elimination of impunity for these human rights violations;[257]

Through resolutions and country reviews, the HRC has addressed various issues related to implementation of Resolution 1325.

a. Eliminating Violence Against Women

As previously mentioned, the HRC has identified violence against women as a matter of high priority in their annual resolutions. These resolutions generally have been complimentary of the UN's progress on the implementation of Resolution 1325 as well as praising the International Criminal Court, and other international criminal tribunals for including conflict related sexual violence crimes within the scope of their jurisdiction.[258] In addition to recognizing "efforts to develop a non-binding international protocol on the investigation and documentation of sexual violence in conflict," the resolutions have indicated the HRC's intention to ensure "the mandates of future fact-finding missions or commissions of inquiry require them to devote specific attention to violence against women and girls."[259]

Notably, the HRC has supported an expansive definition of the term "violence against women" so as to include "any act of gender-based violence that results in, or is

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[256] UN Commission on Human Rights, *Report of the Second International Workshop on National Institutions for the Promotion and Protection of Human Rights*, E/CN.4/1994/45, Dec. 23, 1993.
[257] UN Commission on Human Rights, *Report on the Sixtieth Session*, E/2004/23 - E/CN.4/2004/127, at 180-181; UN Commission on Human Rights, *Report to the Economic and Social Council on the Fifty-Ninth Session of the Commission*, E/CN.4/2003/L.11/Add.4, Apr. 24, 2003, at 75-76; UN Commission on Human Rights, *Report to the Economic and Social Council on the Sixty-First Session of the Commission,* E/CN.4/2005/L.10/Add.12, Apr. 19, 2005.
[258] UN Human Rights Council, *Report of the Human Rights Council on its Eleventh Session, Resolution 11/2 6*-9, A/HRC/11/37, Oct. 16, 2009 (Accelerating efforts to eliminate all forms of violence against women); *Accelerating Efforts to Eliminate All Forms of Violence Against Women: Ensuring Due Diligence in Prevention*, Human Rights Council Res. 14/12, A/HRC/RES/14/12, Jun. 18, 2010; *Accelerating Efforts to Eliminate All Forms of Violence Against Women: Ensuring Due Diligence in Protection,* Human Rights Council Res. 17/11, A/HRC/RES/17/11, Jul. 14, 2011.
[259] *Accelerating Efforts to Eliminate All Forms of Violence Against Women: Preventing and Responding to Rape and Other Forms of Sexual Violence,* Human Rights Council Res. 23/25, A/HRC/RES/23/25, Jun. 25, 2013, at arts 16-17 (2013) [Hereinafter *Preventing and Responding to Rape and Sexual Violence*].

likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty."[260] It has also recognized other concerns -- such as arms transfers to those involved in armed conflicts -- may have a disproportionate impact on women and "may increase the risk of sexual- and gender-based violence."[261]

Despite its encouragement of the progress on these issues, the HRC has indicated a "need to intensify efforts to prevent such violence in accordance with international humanitarian law and human rights law,"[262] and has provided a litany of measures States should follow to ensure remedies are available, accessible, and effective.[263] The HRC has also demonstrated continued support of the Special Rapporteur on Violence Against Women, its causes and consequences by extending its mandate.[264]

b. Increasing Gender Participation

Increased gender participation has been another focus issue in the resolutions of the HRC, directing its statements to both the UN and its Member States. The resolutions have called for a realization of "the goal of fifty/fifty gender distribution" in the UN system, and "full participation of women in higher levels of decision-making in the Organization."[265] Similarly, the resolutions have urged UN Member States "to guarantee the full participation of women in medium- and high-level ranks" including by "regularly nominating more women candidates for election and appointment to the human rights treaty bodies and mechanisms, international courts and tribunals, the specialized agencies and other organs…."[266]

The resolutions have called for "the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building…."[267] With respect to transitional justice, the

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[260] *Human Rights and Transitional Justice,* Human Rights Council Res. 21/15, A/HRC/RES/21/15, Oct. 11, 2012, at art 17 (2012).
[261] *Impact of Arms Transfers on Human Rights in Armed Conflicts*, Human Rights Council Res. 24/35, A/HRC/RES/24/35, Sept. 27, 2013, at art 2.
[262] *Accelerating Efforts to Eliminate All Forms of Violence Against Women: Preventing and Responding to Rape and Other Forms of Sexual Violence*, Human Rights Council Res. 14/12, A/HRC/RES/14/12, Jun. 10, 2010, at preamble.
[263] *Accelerating Efforts to Eliminate All Forms of Violence Against Women: Preventing and Responding to Rape and Other Forms of Sexual Violence,* Human Rights Council Res. 20/12, A/HRC/RES/23/L.28, Jun. 11, 2013.
[264] *Elimination of Violence Against Women*, Human Rights Council Res. 7/24, A/HRC/7/L.22/Rev.1, Mar. 27, 2008; *Mandate of the Special Rapporteur on Violence Against Women, its Causes and Consequences*, Human Rights Council Res. 16/7, A/HRC/16/L.26, Mar. 21, 2011; *Preventing and Responding to Rape and Sexual Violence*, *supra* note 259.
[265] *Integrating the Human Rights of Women Throughout the United Nations System*, Human Rights Council Res. 6/30, A/HRC/6/L.32/Rev.1, Dec. 12, 2007, at art. 3.
[266] *Id*., at art 2.
[267] *Id*., at art. 8.; *Human Rights and Transitional Justice,* Human Rights Council Res. 12/11, A/HRC/RES/12/11, Oct. 12, 2009 [Hereinafter *Human Rights and Transitional Justice, 2009*].

resolutions have recognized "the important role" that women's organizations have played "in the design, establishment and implementation of transitional justice mechanisms."[268] Unfortunately, issuing the resolution is only the first step, if it produces no tangible change; it is not exactly moving the WPS agenda forward.

Finally, on July 2, 2015, at the 29th Session of the HRC, it adopted a resolution urging the acceleration of efforts to eliminate all forms of violence against women, including domestic violence.[269] The resolution recognizes that "violence against women and girls is rooted in historical and structural inequality in power relations between women and men," and that domestic violence is the "most prevalent form of violence affecting women of all social strata across the world."[270] It further recognizes violence against women and girls is "exacerbated in armed conflict and humanitarian crisis situations," and urges member states to condemn violence against women and "refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination."[271]

5. Peacekeeping Operations

There are various ways in which WPS issues impact the way in which DPKO should conduct its operations. Today there are 16 peacekeeping missions with more than 120,000 field personnel and an annual budget of approximately $7.83 billion.[272] There are three specific WPS areas that are unique to DPKO – (a) the overall participation of women in peacekeeping missions, (b) the role of gender and women protection advisors, and (c) the ongoing challenge of sexual exploitation and misconduct in UN peacekeeping operations.

a. Participation of Women in Peacekeeping Missions

The leadership by or participation of women alone in any peacekeeping mission is not a sufficient condition by which to ensure gender sensitivity in a mission's operations. That said, however, the substantial absence of women raises serious questions about a mission's specific sensitivity to these concerns. In every respect, the current situation of women's participation in DPKO peacekeeping operations is deeply troubling.

Consider simply the participation of women in peacekeeping operations comparing 2009,[273] the first year disaggregated statistics were available, where women

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[268] *Human Rights and Transitional Justice,* Human Rights Council Res. 9/10, A/HRC/9/L.22, Sept. 19, 2008, at arts. 7-8 (2008); *Human Rights and Transitional Justice, 2009, supra* note 267, at arts. 14-15.
[269] *Accelerating efforts to eliminate all forms of violence against women: eliminating domestic violence*, Human Rights Council Res. A/HRC/29/L.16/Rev.1, 1 July 2015.
[270] *Id*.
[271] *Id*.
[272] *UN Peacekeeping*, *available at* http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml.
[273] *DPKO/OMA Statistical Report on Female Military and Police Personnel in UN Peacekeeping Operations Prepared for the 10th Anniversary of the SCR 1325*, *available at* http://www.un.org/en/peacekeeping/documents/gender_scres1325_chart.pdf

made up almost two percent of the total force, with 2014,[274] where women made up almost four percent of the total force.

It is concerning there has been so little progress in the past five years. Unfortunately, this was completely predictable. The Secretary-General's 1994 "target of 50 percent of women and men" across the Secretariat's posts by 2000[275] was extended and downgraded when unachieved to merely "improving" gender balance in UN peacekeeping, with a target of equality in managerial and decision-making positions in the missions by 2015.[276] While efforts have been made, such as the DPKO requesting TCCs to double the number of female peacekeepers in 2006,[277] which led to positive developments, such as India deploying an all-women team of peacekeepers to Liberia in 2007,[278] this was a one off result that has seldom been duplicated.

b. Gender and Women Protection Advisors

Resolution 1325 recommends the "mainstreaming" of gender perspectives into UN peacekeeping operations, and calls for the inclusion of a gender component in each mission.[279] To comply with Resolution 1325, DPKO has created Gender Advisers and Gender Units. These "aim to ensure a broad range of activities on gender both within the mission and with host populations," including training peacekeeping personnel on the gender dimensions of their operations, integrating gender perspectives in operating procedures, and "planning, implementation and evaluation of gender activities in all functional areas."[280] Advisors can only be effective to the extent their work directly informs decisions made by the Special Representative of the Secretary-General overseeing each peacekeeping mission.

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[274] Gender Statistics By Mission For the Month of December 2014, *available at* http://www.un.org/en/peacekeeping/contributors/gender/2014gender/2014.zip.
[275] *Report of the Secretary-General on the Improvement of the Status of Women in the Secretariat*, A/50/691, Oct 27, 1995, at ¶ 59.
[276] Francesco Bertolazzi, *Women With a Blue Helmet: The Integration of Women in UN Peacekeeping Missions*, UN-INSTRAW Working Paper Series, 2010, at 8.
[277] *Id*., at 199 (citing United Nations Peacekeeping Operations Year in Review 2006: New Challenges, New Horizons 18, 2007, *available at* http://www.un.org/Depts/dpko/dpkp/pub/year_review06/YIR2006.pdf).
[278] *Female Peacekeepers Reach Liberia*, BBC NEWS, Jan. 30, 2007, *available at* http://news.bbc.co.uk/2/hi/africa/6314263.stm.
[279] "Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels." UN Department of Peacekeeping Operations Department of Field Support, *Guidelines for Gender Advisers and Gender Focal Points in United Nations Peacekeeping Operations*, Apr. 15, 2008, at 13 [Hereinafter *DPKO/DFS Guidelines for Gender Advisers and Gender Focal Points*]; *Policy on Gender Equality in UN Peacekeeping Operations*, supra note 38, at 8. In peacekeeping environments, gender mainstreaming involves "identifying the various impacts of conflict on the lives of women and men and on that basis propos[ing] practical solutions to respond to the specific rights and needs of all." UN Department of Peacekeeping Operations Department of Field Support, *Gender Advisory Team: Annual Progress Report 2010* 11-12, Sept. 26, 2011 [Hereinafter *Annual Progress Report 2010*].
[280] *Ten-Year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in Peacekeeping*, UN Department of Peacekeeping Operations Department of Field Support, Dec. 17, 2011, at 36.

i. Gender Advisers

In peacekeeping missions, Gender Advisers provide guidance on gender issues to staff working in different functional areas of peacekeeping, including DDR, police, military, mine action, human rights, elections, and rule of law. They also provide capacity-building and training support to counterpart institutions in government and civil society in host countries.[281] Specifically, Gender Advisers support implementation of Resolution 1325 by:

- Training peacekeeping personnel on gender mainstreaming. They also establish a Gender Task Force of representatives from various functions of the mission to provide technical support to senior management, and to ensure both women's and men's concerns and experiences are considered when designing, implementing, monitoring, and evaluating policies and programs.[282]
- Training peacekeeping personnel on sexual and gender-based violence and supporting national women's movements to develop action plans to eliminate rape and other forms of sexual violence. Developing strategies for the protection of women and girls from sexual violence, such as establishing protection patrols.[283]
- Working with DDR units to ensure the special needs of women are taken into account, such as ensuring separate and secure quarters for women in demobilization camps.[284]
- Advocating for the increased participation of women in political decision-making by encouraging women's participation in constitutional conventions as well as political campaigns and elections.[285]
- Partnering with local civil society to provide them with resources to aid in their gender mainstreaming efforts.
- Advocating for greater substantive participation of women in all functional areas of peacekeeping, including at UN headquarters.[286]

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[281] UN Department of Peacekeeping Operations, *Gender and UN Peacekeeping Operations*, Feb. 3, 2006, at 4.

[282] *Annual Progress Report 2010*, *supra* note 279, at 12. Gender Teams use the Policy on Gender Equality in UN Peacekeeping Operations as a guideline to mainstream gender into the work of the mission. *Policy on Gender Equality in UN Peacekeeping Operations*, *supra* note 38, at 2.

[283] *Annual Progress Report 2010*, *supra* note 279, at 17. Gender Teams are also involved in advocating for changes in legislation to combat sexual violence (*e.g.*, laws against domestic violence). *Id.*, at 18.

[284] *Id.*, at 23; *see also Policy on Gender Equality in UN Peacekeeping Operations*, *supra* note 38, at 4.

[285] The Gender Advisory team at Headquarters has developed guidelines for UN Field Personnel to assist the government during elections to encourage the women's political participation. *DPKO/DFS Joint Guidelines on Enhancing the Role of Women in Post-Conflict Electoral Processes*, UN Department of Peacekeeping Operations Department of Field Support, Oct. 2007; *see also Annual Progress Report 2010*, *supra* note 279, at 13.

[286] *Women in Peacekeeping*, UN.org, *available at* http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml.

- Coordinating with UN partners on global gender mainstreaming mechanisms.[287]

The impact of Gender Advisors on the ground is unknown. Given they are often individual staff in missions with thousands of people, it will be very challenging for them to achieve these critically-important goals in light of the extraordinary challenges DPKO itself identified in its ten-year review on implementation of Resolution 1325 in peacekeeping operations.[288]

Gender Advisors are not to be confused with Gender Focal Points, who are not gender experts but staff members assigned to missions without full-time Gender Advisers. Gender Focal Points are not responsible for gender mainstreaming, but act as a resource and advise mission personnel on gender issues and ensure that personnel observe gender equality in their areas of work.[289]

ii. Women's Protection Advisers

Women's Protection Advisers (WPAs) are deployed to countries with evidence of conflict-related sexual violence (CRSV) and have complementary roles to the Gender Advisers. WPAs (i) advise mission leadership and military, police, and civilian components regarding CRSV issues; (ii) deliver training on CRSV to peacekeeping personnel; (iii) focus on integrating CRSV considerations into the activities of the mission, including monitoring, analyzing, and reporting on sexual violence; and (iv) engage with parties to the conflict with respect to their obligations to prevent and ensure accountability for incidents of CRSV.[290] Currently, there are 17 WPAs deployed to six UN peacekeeping operations and embedded in the Offices of the Special Representatives.[291]

While DPKO's *Gender Forward Looking Strategy 2014-2018* identifies the critical role that WPAs will play, its strategic plan looks exclusively at deploying them and ensuring there is a roster of highly-qualified ones available for deployment. The strategy talks about the need to address sexual violence in conflict, but none of the indicators put forward focus on actual outcomes in the field.[292] It is almost impossible to imagine how a single WPA per mission will be able to have a substantial impact in the field because there is simply not a framework for success laid out.

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[287] *Gender Forward Looking Strategy*, *supra* note 40, at 7.
[288] *Ten-Year Impact Study on Implementation of UN Security Council Resolution 1325 (2000) on Women, Peace and Security in Peacekeeping*, UN Department of Peacekeeping Operations Department of Field Support, Dec. 17, 2011, at 36.
[289] *Gender Forward Looking Strategy*, *supra* note 40, at 8.
[290] *Id*., at 7-8. Security Council Resolution 1880 identified WPAs among gender advisers and human rights protection units. Security Council Res. 1888, *supra* note 136, at ¶ 12.
[291] *Scourge of Sexual Violence in Armed Conflict "Far From Being Rooted Out," Security Council Told*, Jan. 30, 2015.
[292] *Gender Forward Looking Strategy*, *supra* note 40.

iii. Partnerships and Gender Advisers in other UN Entities

Gender Units, staffed with gender experts,[293] have also established partnerships with other UN entities, government agencies, NGOs, and donors. The Inter-Agency Network on Women and Gender Equality has a broad mandate to coordinate gender issues. The Inter-Agency Task Force on Women, Peace and Security is one of 10 task forces of the Inter-Agency Network, and serves as a focal point for inter-agency consultations on the implementation of Resolution 1325.[294]

Moreover, other UN agencies also have Gender Advisers. The Office of Coordination for Humanitarian Affairs (OCHA) has a Gender Advisory Team responsible for mainstreaming gender equality into all aspects of humanitarian response.[295] UNICEF has established a network of gender focal points to promote gender issues and awareness. UNAIDS has a gender adviser that provides technical advice to mainstream women's and HIV/AIDS issues into national AIDS programs. Finally, the WFP has established gender focal teams.[296]

While Gender Advisors, Gender Focal Points, and Women's Protection Advisors all perform different jobs, their actual job descriptions are very broad, which leaves room for substantial overlap. One has to wonder if the Advisors and Focal Points from DPKO, OCHA, UNICEF, UNAIDS, WFP, and any other area of the UN that employs them have a way of coordinating to eliminate duplication of effort, time, and resources.

c. Sexual Exploitation and Misconduct in UN Peacekeeping Operations

First and foremost, the UN's commitment to Resolution 1325 and the WPS agenda cannot just be righteous rhetoric and endless processes that never actually impact women on the ground. It must be backed up with the financial resources required for full implementation, including for peacekeeping missions.

Second, the UN has yet to properly address the lack of accountability for peacekeeping-related perpetrators of sexual violence. The 2003 Bulletin is almost useless if it is not also binding on the military contingents supplied by TCCs, against whom most accusations of sexual violence by peacekeepers are leveled. Currently, TCCs retain exclusive jurisdiction to discipline and prosecute their own personnel, but they have a very poor track record in this area.[297] As long as TCC personnel are representing the UN, they should be held to the same 2003 Bulletin rules as every other UN employee. Whether the UN takes a supervisory role of states' compliance with human-rights

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[293] Gender Units in missions are responsible for overseeing the coordination of gender activities and providing technical guidance to staff. *Annual Progress Report 2010*, *supra* note 279, at 31.
[294] *Report of the Secretary General on Women and Peace and Security,* S/2005/636, Oct. 10, 2005, at 4 [Hereinafter *Report of the Secretary General October 10, 2005*].
[295] *Policy Development and Studies Projects: Assessment and Classification of Emergencies Project*, UNOCHA.org, *available at* http://www.unocha.org/ochain/2008/html/policy_devp_studies.htm.
[296] *Report of the Secretary General October 10, 2005*, *supra* note 294, at 55-56.
[297] Defeis, *supra* note 64, at 206-207.

obligations, including sexual violence in conflicts;[298] screens TCCs prior to deployment;[299] or simply imposes monetary sanctions, such as a forfeiture of pay for individuals guilty of abuse in the course of their duties, the UN must address this issue. By continuing to grant immunity from criminal prosecution by national authorities to UN personnel for criminal acts performed in the course of their duties, the Secretary-General, who has the authority to waive such immunity, signals that the women and girls attacked, and the WPS agenda, is of little importance.[300]

Recent events have highlighted the inadequate response of the UN to the sexual violence perpetrated by its peacekeeping forces. The presence of continued violence in host countries demonstrates that the need for real accountability and inclusion of women peacekeeping operations is paramount. A 2015 report found peacekeepers engaged in transactional sex with over 200 Haitian women, of whom, about a third were underage. Current UN Under-Secretary-General, Atal Khare, and the head of DKPO, Hervé Ladsous, responded by pointing out that the number of peacekeepers has increased while the number of allegations of sexual exploitation and abuse has gone down.[301] This does not reflect the UN policy of zero tolerance for sexual exploitation articulated by the Security Council.[302] Despite a lack of action previously, Secretary-General Ban Ki-moon's reaction to renewed claims of sexual assault within the troubled PKO in Central African Republic is more appropriate; the head of operations was fired and the Secretary-General was "anguished, angered and ashamed."[303]

IV. Member State Engagement - National Action Plans

In adopting Resolution 1325, the Security Council called on UN Member States to develop National Action Plans (NAPs) or other national level strategies to implement Resolution 1325.[304] Some 15 years later, out of 193 countries, only 48 have adopted

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[298] Rachel A. Opie, *Human Rights Violations by Peacekeepers: Finding a Framework for Attribution of International Responsibility*, NEW ZEALAND LAW REV. 32 (2006) ("[a]s the overarching authority in UN-mandated operations, the UN should be in a position to take on a supervisory role of contributing states' compliance with their human rights obligations. This will include the states' sanctioning procedures when violations of human rights are committed by state organs.").

[299] Alexandra R. Harrington, *Prostituting Peace: The Impact of Sending State's Legal Regimes on UN. Peacekeeper Behavior and Suggestions to Protect the Populations Peacekeepers Guard*, 17.2 JOURNAL OF TRANSN'L LAW & POLICY 299 (Spring 2008).

[300] *Convention on the Privileges and Immunities of the United Nations*, A/43, 1 U.N.T.S. 15, *entered into force* Feb. 13, 1946, at §§ 11, 14, 18-20, 22, 23.

[301] Rahul Sur, *Evaluation Report* 4, 21, Office of Internal Oversight Services, June 12, 2015.

[302] *Security Council Press Statement on Sexual Exploitation, Abuse in Central African Republic*, Aug. 18, 2015, *available at* http://www.un.org/press/en/2015/sc12010.doc.htm.

[303] Sophie Pilgrim, *UN troops in Central African Republic hit with new sex abuse claims*, FRANCE 24, Aug. 20, 2015, *available at* http://www.france24.com/en/20150819-un-peacekeepers-central-african-republic-force-new-sex-abuse-claims.

[304] *See, e.g.,* Statement by the President of the Security Council, S/PRST/2002/32, Oct. 31, 2002; Statement by the President of the Security Council, S/PRST/2004/40, Oct. 28, 2004; Statement by the President of the Security Council, S/PRST/2005/52, Oct. 27, 2005.

NAPs.[305] Several governments and multinational organizations have provided support for experts to serve in post-conflict countries and provided funding for NAP development, but the process has been slow. Denmark was the first to adopt a NAP and it took them five years to do so.

It must be noted though that many countries and regional organizations are instead pursuing gender equality or the principles of Resolution 1325 more broadly and without a formal NAP structure. The Institute for Global and International Studies (IGIS) at George Washington University analyzed the current NAPs during a recent study and concluded that a "1325 NAP or Regional Action Plan (RAP) is neither necessary for promoting gender mainstreaming nor is it sufficient."[306] Meaning, while it is very important for countries to develop NAPs, it is even more urgent to mainstream gender into their overall national policies and training programs to ensure that implementation is sustainable and efficient. Which is why some countries are currently instructing senior representatives to address gender issues, encourage women's representation, and reach out to women in conflict and post-conflict zones, even without NAPs.

Analysis conducted on existing NAPs shows several interesting facts that reflect the realities and experiences of the countries that drafted them. Plans by developed nations are usually more outward looking compared to the more inward looking ones drafted by post-conflict developing countries. For example, Denmark's NAP is implemented primarily by the Ministry of Foreign Affairs, and details plans for incorporating more women and mainstreaming gender into international relief and peacekeeping missions.[307] Nepal, in comparison, focuses on domestic issues in their NAP and is implemented notably by a wide array of coordinating governmental departments.[308] When countries conduct baseline studies prior to drafting, their NAPs are more detailed and effective, as is the case in Nepal and Rwanda. Of course, experience demonstrates that particular attention should be paid to each country's realities; in some countries ethnic or religious differences may be most important, while in others it may be human trafficking or other types of gender-based violence.

Regardless of country specific needs, all National Action Plans need several elements to be effective and taken seriously by all parties involved, which includes:

- Political Will and Leadership
- Financial Support
- Specified Priority Areas
- Monitoring and Evaluation Strategies

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[305] As of December 2014, of the 193 active UN Members, only 48 have adopted NAPs. Five are currently developing their plans.

[306] Barbara Miller, Milad Pournik, and Aisling Swaine, *Women in Peace and Security Through United Nations Security Resolution 1325: Literature Review, Content Analysis of National Action Plans, and Implementation,* Institute for Global and International Studies, The Elliott School of International Affairs, The George Washington University, May 2014.

[307] Denmark 1325 National Action Plan, *available at* http://www.peacewomen.org/content/denmark-nap.

[308] Nepal 1325 National Action Plan, *available at* http://www.peacewomen.org/content/nepal-nap.

- Transparency and Participation of Civil Society.

A. Political Will and Leadership

Country leaders should ensure that NAPs are treated as an important national policy, such as the Australian NAP, which commits the government to report to the Federal Parliament on implementation progress every two years;[309] the German NAP, which included 'Criminal Prosecution' as a separate priority area;[310] and the Italian NAP, which focuses on changing particular legislation at the local level in order to achieve domestic goals.[311]

B. Financial Support

By not allocating targeted funding for implementation of Resolution 1325, the UN signals its unimportance and sets a bad example for member states who must also allocate funding if an effective NAP is to be created and utilized. Only the Netherlands and Serbia identify concrete sources of funding in their NAPs.[312] Country budgets are usually very specific and officials in charge of making funding decisions may, due to a lack of knowledge, fail to understand that the "women's issues" they relegate to the bottom of the pile actually can and will help them solve the more pressing concerns mistakenly viewed as more important.

C. Specified Priority Areas

Most countries with NAPs have made their priorities based on the three pillars of Resolution 1325: prevention, protection, and participation. Some have even expanded beyond these pillars to reflect their realities and needs more accurately, like Australia and Canada who included Relief and Recovery.

In stating priorities, member states necessarily must think about the overriding principles relied upon, plus the objectives they wish to achieve by creating the NAP. Rwanda's NAP establishes enumerated objectives for each national priority, articulates measurable goals for each objective, and designates institutions in charge responsible for meeting the goals, and coordinating partners. Each goal is accompanied by a budget and quarterly timelines. In addition, the authorizing statutes and executing laws are cited to enforce the obligations.[313] Including the relevant law relied on for the authority or obligation to carry out these actions may empower domestic and international partners to fully engage the priorities expressed in the NAP.

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[309] Australia 1325 National Action Plan, *available at* http://www.peacewomen.org/content/australia-nap.
[310] Germany 1325 National Action Plan, *available at* http://www.peacewomen.org/content/germany-nap.
[311] Italy 1325 National Action Plan, *available at* http://www.peacewomen.org/content/italy-nap.
[312] Netherlands 1325 National Action Plan, *available* at http://www.peacewomen.org/content/netherlands-nap; Serbia 1325 National Action Plan *available at* http://www.peacewomen.org/content/serbia-nap.
[313] Rwanda 1325 National Action Plan *available at* http://www.peacewomen.org/content/rwanda-nap.

D. Monitoring and Evaluation

The most effective NAPs will build on a National Baseline Assessment (NBA) to determine where the country stands with regards to their international and legal WPS obligations so they can then accurately monitor any improvement.[314] For example, Estonia's NAP is founded on an analysis of the current state activities so implementation of the expressed priorities have historical and political context.[315] These strategies are also used by Liberia's NAP, which lays out monitoring and evaluation strategies that expand the role of civil society in holding the government accountable.

Like Resolution 1325 itself and the Secretary-General's reports, the first NAPs lacked any kind of measuring and evaluation mechanisms, but over time some countries have come to appreciate the necessity of effective M&E provisions with quantifiable indicators that provide an accurate assessment of real improvement on the ground, not just processes taken.

E. Transparency and the Participation of Civil Society

One way to guarantee the Resolution 1325 NAP development process is public and transparent is to engage in consultation with as many relevant stakeholders as is feasible, especially civil society and affected women and girls. Not only is this process a means by which to ensure the public is aware of the development process, but it is also an opportunity for the State to get valuable feedback and insight, which is invaluable in making sure the final NAP is responsive to the needs of those stakeholders. Consultations can take place with federal government officials (ministers and agency/department officials), parliamentary and legislative members, judiciary representatives and judges, local government officials (such as mayors and community leaders), NGOs (both local and international), civil society organizations, private sector representatives, and members of other States.

Additionally, meaningful consultation must include allowing stakeholders to give feedback on draft documents. Depending on the exact process, this type of solicitation might be done in tandem with stakeholder consultations, or it may be post-consultation.

Finally, only a quarter of the 193 UN countries have NAPs. Out of the top ten largest countries by population, only the US and Nigeria have them. It is clear that both Secretaries-General Ban Ki-moon and Kofi Annan struggled to coordinate a strategy among the activities undertaken by the UN as it related to WPS and that the UN's repeated efforts to identify, monitor, and report outcome metrics generally failed to connect with and drive impacts in the field. At this critical moment in the history of the

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[314] Barbara Miller, Milad Pournik, and Aisling Swaine, *Women in Peace and Security Through United Nations Security Resolution 1325: Literature Review, Content Analysis of National Action Plans, and Implementation,* Institute for Global and International Studies, The Elliott School of International Affairs, George Washington University, May 2014.

[315] Estonia 1325 National Action Plan *available at* http://www.peacewomen.org/content/estonia-nap.

WPS agenda, it will be essential for the UN to reevaluate its entire approach in light of these realities and chart a path forward which yields the results that a broad consensus of UN members claim they wish to achieve.

Appendix B – Samples of the Secretary-General's 2010 WPS Metrics and Outcomes

Below is a sampling of the Secretary-General's 2010 WPS metrics and outcomes that continued to be collected and presented annually.

Indicator: Extent to which United Nations peacekeeping and special political missions include information on violations of women's and girls' human rights in their periodic reporting to the Security Council.

	2013	2012
Political Missions	96% (26/27)	95% (21/22)
Peacekeeping	67% (31/46)	72% (23/32)

While it is of course interesting to observe how often reports to the Security Council include references to violations of the rights of women and girls, there is no assessment of the quality of the reference and no evidence that has been presented by the Secretary-General that such references, or lack thereof, have an impact in the field.

Indicator: Number and type of actions taken by the Security Council related to Resolution 1325.

	2013	2012
Resolutions	77% (36/47)	66% (35 of 53)

Again, what impact does the Security Council making reference to Resolution 1325 have in the field?

Indicator: Sexual exploitation or abuse committed by UN peacekeepers or civilians affiliated with the UN

	2013	2012	2011
Number Reported	96	88	102

This reported data appears to have no useful purpose beyond just reported incidents of claimed abuse. There is no discussion as to what kind of training is being provided to UN personnel, what impact that training is having, and how that number relates to the overall number of UN peacekeepers or civilians affiliated with the UN. In addition, there is no analysis of what the level of sexual exploitation or abuse might go unreported.

Indicator: Extent to which violations of women's and girl's human rights are reported, referred, and investigated by human rights bodies.

	2013	2012	2011
Communications	14	14	14
Number of Countries	9	8	9

Communications refer to individual communications sent by UN special procedure mandate holders (e.g., UN Special Rapporteur on Torture and Other Cruel, Inhuman, and Degrading Treatment). Not only is this a miniscule fraction of the number of violations taking place in the more than 30 countries in conflict or post-conflict situations on the Security Council's agenda, but the fact a communication has been sent says nothing about whether it was taken seriously by the government receiving it or ever acted upon at all.

Indicator: Number and share of women in governance bodies of national human rights bodies.

	2014	2013	2012
Accredited Institutions	13	12	11
Number of Countries Examined	33	31	32
Percent of women in leadership positions	31%	27%	25%

While the Secretary-General's reports also talk about the number of human rights institutions with gender units and issuing gender-specific reports, there is no discussion or analysis of the quality of reporting, the impact in the field, or what the United Nations is doing to encourage more countries in conflict and post-conflict situations to create national human rights institutions.

Indicator: Representation of women among mediators, negotiators, and technical experts in formal peace negotiations (and consultations with civil society).

	2013	2012	2011
Number of UN Mediations	11	12	14
Teams with representation	100%	100%	86%

The Secretary-General's reports do not explain or analyze how many women were on each team, what percent of the size of the team that was in each case, or whether the women were in leadership or lower-level positions. Most importantly, they also fail to explain any direct connection between the presence of women on these mediation teams and any impact on peace treaties or impact in the field.

Indicator: Percentage of peace agreements with specific provisions to improve the security and status of women and girls.

	2013	2012	2011
Peace agreements with provisions	54% (7/13)	30% (3/10)	22% (2/9)

Again, there is no analysis of the substantive value of these provisions nor of any actual impact in the field. In addition, the Secretary-General's reports fail to explain what the UN is doing to improve these percentages and ensure quality provisions are included in such agreements that have a demonstrable impact. Indeed, it is worth recalling that DPKO noted in its 10-year review of Resolution 1325 implementation that despite some positive examples, women have been "underrepresented in peace negotiations both in numbers and in status, where they often constitute 'informal' participants." It goes on to say that the support provided by peacekeeping missions has been uneven and often lacks a coherent strategy. It then concluded "peacekeeping missions have not significantly increased women's participation in peace processes."[1]

Indicator: Women's political participation in parliaments (in approximately 33 countries in conflict or post-conflict)

	2013	2012	2011
Peace agreements with provisions	18%	16%	18%

This statistic does not break out how countries are performing individually and where there are highlights and particular challenges, let alone analyze the impact of the presence of these women in parliaments on national policies.

Indicator: Women's share of senior positions in United Nations field missions.

	2014	2013	2012
Women head of Missions	19% (5/27)	15% (4/27)	21% (6/28)

This statistic seems to suggest that there is little effort being made to improve this situation. But again, there is no analysis of how having a woman running a mission has a direct impact on policies and impacts in the field.

[1] *Ten-Year Impact Study on Implementation of UN Security Council Resolution (1325) on Women, Peace, and Security in Peacekeeping*, Department of Peacekeeping Operations, 2010, at 16-17.

Appendix C – Analysis of Child Soldier and Sexual Violence Sanctions Regimes: Recommendations for Sexual Violence Sanctions Enhancements

In this Appendix, Section I provides background information on UN sanctions, including their legal basis and an overview of their current implementation. Section II provides an overview of sanctions activity related to child soldiers, and Section III surveys the current state of UN sanctions related to WPS, particularly with respect to perpetrators of sexual violence.

I. Background on UN Sanctions

The UN Security Council derives its authority to impose sanctions under Chapter VII of the UN Charter. Specifically, under Article 39 of the Charter, the Security Council is empowered to "determine the existence of any threat to the peace, breach of the peace, or act of aggression" and to make recommendations "or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."[1] Under Article 41, the Council "may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures[,]" which specifically include -- but are not limited to -- "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."[2]

The Security Council has implemented this authority through a structure that involves, among other elements:

- Resolutions adopted by the Security Council, including resolutions that create a "sanctions committee" (individually, the "Committee"),[3] create qualitative criteria for designating state and non-state actors for sanctions (so-called "designation criteria"), and actually impose sanctions (such as an asset freeze or travel ban) on named parties;
- Detailed investigations and reporting by various "groups of experts" (also known as a "panel of experts or "monitoring group"), one of which supports many of the sanctions committees;

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[1] United Nations, Charter of the United Nations, Oct. 24, 1945, 1 UNTS XVI, at Art. 39, *available at* http://www.un.org/en/documents/charter/chapter7.shtml.

[2] *Id*. at Art. 41.

[3] Sanctions committees are sometimes referred to by the number of the Council resolution that established the sanctions committee. *UN Sanctions: Special Research Report*, SECURITY COUNCIL REPORT, Nov. 25, 2013, at 3, *available at* http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/special_research_report_sanctions_2013.pdf [Hereinafter *UN Sanctions*].

- Consideration by the sanctions committees of group of expert-generated reports, as well as other reports from the Secretary-General, his or her Special Representatives, and/or other reporting; and
- Imposition of sanctions by the Council (via a resolution, as mentioned above) or by a sanctions committee (which are announced via a press release).

Sanctions committees are subsidiary organs of the Security Council, created under Article 29 of the Charter or Rule 28 of the Provisional Rules of Procedure of the Security Council, for the purpose of administering a sanctions regime.[4] While a sanctions committee is not necessary to impose sanctions, historically, the majority of UN sanctions "regimes" have had a dedicated sanctions committee, and all of the 15 UN sanctions regimes currently in force have a sanctions committee.[5] The composition of each sanctions committee is the same as the Security Council as a whole, the committees operate by consensus, and each committee typically is chaired by a representative of one of the ten non-permanent members of the Security Council.[6]

Within each sanctions regime, the sanctions imposed may be "comprehensive" (*i.e.*, applying broadly, although perhaps with certain exceptions) or "targeted" (*i.e.*, applying only to named groups, entities, and/or individuals). To avoid or minimize collateral harm to innocent parties, targeted sanctions are generally preferred in current UN practice.[7] Depending on the procedures of a specific sanctions committee, sanctions targets may be proposed by a UN Member State, the Secretary-General, the High Commissioner for Human Rights, and/or a panel/group of experts, and after consideration by the sanctions committee, the target(s) may become "listed"/"designated" (*i.e.*, subject to UN sanctions) if there is no objection within a designated timeframe.[8]

The Security Council first imposed "voluntary" sanctions in 1963, when the Security Council in Resolution 181 "solemnly call[ed] upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles" to the Republic of South Africa.[9] A few years later, the Council adopted "mandatory" sanctions against Southern Rhodesia.[10]

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[4] *Id*., at 6-7.
[5] *Id*., at 7; *see also Subsidiary Organs*, UN.org, *available at* http://www.un.org/en/sc/subsidiary/. Specifically, 15 sanctions regimes currently are in force, with the Somalia regime dating back to 1992 and the Yemen regime – established in 2014 – being the most recent. *Active Security Council Sanctions Regimes: An Abridged History*, SecurityCouncilReport.org, *available at* http://www.securitycouncilreport.org/images/homepage/security_council_sanctions_regimes.pdf. Additional sanctions committees have been established and terminated over the prior decades. *See Security Council Sanctions Committees: An Overview*, UN.org, *available at* http://www.un.org/sc/committees/index.shtml.
[6] *UN Sanctions*, *supra* note 3, at 7.
[7] *Id*.,, at 9.
[8] *Id*., at 7-8.
[9] Security Council Res. 181, S/5386, Aug. 7, 1963, at ¶ 3.
[10] Security Council Res. 232, S/7610, Dec. 16, 1966, at ¶ 2 (in which the Council, acting in accordance with Articles 39 and 41 of the UN Charter, "[d]ecide[ed] that all [UN Member States] *shall* prevent" the import into their territories of certain items originating in Southern Rhodesia, among other activities).

To date, the UN has not created a "Child Solder" or "Women, Peace, and Security" sanctions regime. Instead, as described in Section II and Section III below, sanctions for the recruitment and use of child soldiers or acts of sexual violence have been addressed under the framework of country-specific sanctions regimes. Currently, the sanctions imposed often involve an asset freeze, travel ban, and/or arms embargo, although the Council and sanctions committees have authority under Article 41 to impose other types of sanctions.

II. Child Soldier-Related Sanctions

The Security Council has created a relatively well-developed structure to address state and non-state actors that recruit and use children as soldiers in armed conflict. Below, Section II.A provides an overview of the various aspects of the UN system that impose, support, and inform the imposition of sanctions for child soldier violations. Section II.B provides detail on the current sanctions regimes that include child-soldier related designation criteria (Section II.B.1) and sanctions regimes that have imposed sanctions on individuals or entities for recruiting and using child soldiers (Section II.B.2).

A. Overview of Relevant UN Activities

Child soldier-related sanctions activities (discussed in Section II.B below) are imposed, supported, and informed by various UN (and non-UN) activities, including the following:

- Security Council Resolutions. Council resolutions have served various functions, including (i) expressing the Council's disapproval of the use of child soldiers in specific countries/contexts; (ii) creating and renewing sanctions committees; (iii) adding the recruitment and use of child soldiers as a designation criteria; and (iv) imposing sanctions on specific parties.[11]

- Security Council Working Group on Children and Armed Conflict. This Working Group, which was established by Resolution 1612 in 2005, is composed of all Council members.[12] Under Resolution 1612, the Working Group was tasked with reviewing reports and making recommendations to the Council, including "recommendations with respect to the parties to the conflict[.]"[13] Currently, the Working Group, among other activities:
  (i) reviews reports of the Secretary-General, including annexes to certain reports that list parties that recruit or use children in armed conflict and/or commit rape and other forms of sexual violence against children (*i.e.*, so-called "name and shame lists");

[11] *See, e.g.*, *Children and Armed Conflict: Cross Cutting Report*, SECURITY COUNCIL REPORT, 2014.
[12] *Security Council Working Group on Children and Armed Conflict*, UN.org, *available at* http://www.un.org/sc/committees/WGCAAC/.
[13] Security Council Res. 1612, S/RES/1612, Jul. 26, 2005, at ¶ 8.

(ii) assesses progress in the development and implementation of "action plans" by these parties (to address these issues with the goal of being removed from the annex);
(iii) adopts "conclusions," including recommendations for actions to be taken by the parties on the annexes; and
(iv) makes additional statements through press releases.[14]

- Special Representative of the Secretary-General for Children and Armed Conflict. This Special Representative, a position currently occupied by Leila Zerrougui, has various roles, including briefing the Working Group and working with partners "to propose ideas and approaches to enhance the protection of children" and "to promote a more concerted protection response."[15]

- Action Plans. An action plan may be developed by a party listed in the Secretary-General's annual report on children and armed conflict at the request of the Security Council.[16] The action plan is a written, signed commitment between the UN and the party, and which is designed to "address a specific party's situation, and outlines concrete, time-bound steps that lead to compliance with international law, de-listing [from the annex to the annual report], as well as a more protected future for children."[17] The Council first called for such action plans in Resolution 1539, and the resolution expresses "its intention to consider imposing targeted and graduated measures, through country-specific resolutions, such as, inter alia, a ban on the export or supply of small arms and light weapons and of other military equipment and on military assistance, against these parties if they refuse to enter into dialogue, fail to develop an action plan or fail to meet the commitments included in their action plan, bearing in mind the Secretary-General's report[.]"[18] According to the Special Representative's webpage, to date, 23 listed parties have signed action plans, including 11 government forces and 12 non-state armed groups; of those, nine parties have fully complied with their action plan and have subsequently been de-listed.[19]

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[14] Shamala Kandiah Thompson, *Children and Armed Conflict*, in THE UNITED NATIONS SECURITY COUNCIL IN THE AGE OF HUMAN RIGHTS (Jared Genser and Bruno Stagno Ugarte eds., 2014) [Hereinafter *Children and Armed Conflict*]; *see also Country Situations Where Parties to Conflict are Listed in the Annexes of the Annual Report of the Secretary-General on Children and Armed Conflict*, UN.org, *available at* http://www.un.org/sc/committees/WGCAAC/Table%20of%20WG%20documents.html (providing links Secretary-General reports, Working Group conclusions, and Working Group press statements).
[15] *About Us*, childrenandarmedconflict.un.org, *available at* https://childrenandarmedconflict.un.org/about-us/.
[16] *Id.*, at ¶ 5(c).
[17] *Action Plans with Armed Forces and Armed Groups*, childrenandarmedconflict.un.org, *available at* https://childrenandarmedconflict.un.org/our-work/action-plans/ [Hereinafter *Action Plans*].
[18] Security Council Res. 1539, S/RES/1539, Apr. 22, 2004, at ¶¶ 5(a), (c).
[19] *Action Plans*, *supra* note 17. The groups were or are in the following countries: one in Chad (Armée Nationale Tchadienne (ANT)); five in Côte d'Ivoire (Forces Armées des Forces Nouvelles (FAFN), Front de libération du Grand Ouest (FLGO), Mouvement Ivoirien de Libération de l'Ouest de la Côte d'Ivoire (MILOCI), Alliance patriotique de l'ethnie Wè (APWé), and Union patriotique de résistance du Grand Ouest (UPRGO); one in Nepal (Unified Communist Party of Nepal Maoist (UCPN-M)); one in Sri Lanka

- Proceedings in the International Criminal Court (ICC). The ICC, an independent international organization that is not part of the UN system, is seated at The Hague in the Netherlands.[20] The ICC is governed by the Rome Statute. Under the Rome Statute, the jurisdiction of the ICC is limited to "the most serious crimes of concern to the international community as a whole"; specifically, "genocide"; "crimes against humanity"; "war crimes"; and "crime[s] of aggression."[21] In particular, the Rome Statute defines "war crimes" to include, among other serious acts, "[c]onspiring or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities."[22]

In addition to the above, the recruitment and use of child solders also is addressed in Secretary-General reports to the Security Council; Security Council presidential statements (which are heavily negotiated and which require agreement by all 15 Security Council members to be adopted); priorities during Security Council "visiting missions" to certain countries/areas; and activities of child protection advisers in UN peacekeeping and political missions.[23]

B. Designation and Imposition of Sanctions

1. Designation Criteria

Of the 15 current sanctions regimes, only three have "designation criteria" that specifically include the recruitment and use of children as soldiers in armed conflict.[24] Specifically:

- Democratic Republic of the Congo ("DRC"). In March 2008, the Council adopted a resolution that permitted the application of financial and travel sanctions to "[p]olitical and military leaders operating in the [DRC] and recruiting or using children in armed conflict in violation of applicable international law[.][25] This designation criterion was subsequently expanded in January 2014 to any individual or

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(Tamil Makkal Viduthalai Pulikal (TMVP)); and one in Uganda (Uganda People's Defence Force (UPDF)). *Id*.

[20] *About the Court*, ICC-CPI.int, *available at* http://www.icc-cpi.int/en_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx.

[21] UN General Assembly, *Rome Statute of the International Criminal Court*, ISBN. No. 92-9227-227-6, Jul. 17, 1998, Arts. 5-8 *bis*.

[22] *Id*. at Art. 8:2(b)(xxvi); *see also Children and Armed Conflict: Cross-Cutting Report*, Security Council Report, Feb. 21, 2014 [Hereinafter *SCR: Children and Armed Conflict*]

[23] *Id*., at 19-37.

[24] *Id*., at 37-38. This report was issued in February 2014, and thus was likely close to publication when the Security Council adopted Resolution 2134, which created a child solider designation criterion for the Central African Republic, as explained further below.

[25] Security Council Res. 1807, S/RES/1807, Mar. 31, 2008, at ¶ 13.(d) [Hereinafter Security Council Res. 1807].

entity (not only political and military leaders) operating in the DRC and recruiting or using children in armed conflict."[26]

- Somalia. In 2011, the Council expanded the list of criteria under which the Somalia Sanctions Committee could designate individuals and entities for sanctions -- including a travel ban (for individuals) and an asset freeze and arms embargo (for individuals and entities) -- to include "political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law."[27]

- Central African Republic ("CAR"). Finally, in January 2014, the Council expanded the designation criteria under the CAR sanctions regime to include "recruiting or using children in armed conflict in the CAR, in violation of applicable international law[.]"[28]

For other sanctions regimes, the Council has not explicitly listed the recruitment and use of children in armed conflict as a sanction designation criterion, but does permit the imposition of sanction on parties under the more general criteria of violating "human rights" or "international humanitarian law."[29] This is the case for Côte d'Ivoire,[30] as well as for Sudan, which permits sanctioning individuals or entities that "commit violations of international humanitarian or human rights law or other atrocities."[31]

2. Sanctions Imposed

As discussed further in Section IV below, neither the Security Council nor each sanctions committee publishes a comprehensive and detailed explanation of why sanctions were imposed on each individual and entity. In addition, an exhaustive review to identify parties sanctioned for recruiting and using child soldiers is beyond the scope of this report and appendix. Nevertheless, based on justifications that are available – including "narrative summaries" available on sanction committee webpages and Committee press releases – it is possible to identify certain sanctions regimes under which one or more parties are subject to UN sanctions, at least in part, because of the recruitment and use of children in armed conflict. Specifically:

- Democratic Republic of the Congo. On June 30, 2014, the DRC Sanctions Committee imposed sanctions -- specifically, an asset freeze and travel ban -- on the Allied Democratic Forces ("ADF"). According to the Committee's press release and

[26] Security Council Res. 2136, S/RES/2136, Jan. 30, 2014, at ¶ 4.(d).
[27] Security Council Res. 2002, S/RES/2002, Jul. 29, 2011, at ¶ 1(d) [Hereinafter Security Council Res. 2002].
[28] Security Council Res. 2134, S/RES/2134, Jan. 28, 2014, at ¶ 37.(c) [Hereinafter Security Council Res. 2134].
[29] *See SCR: Children and Armed Conflict*, *supra* note 22, at 37.
[30] Security Council, Res. 1572, S/RES/1572, Nov. 15, 2004, at ¶ 9 [Hereinafter Security Council Res. 1572].
[31] Security Council Res. 1591, S/RES/1591, Mar. 29, 2005, at ¶ 3(c) [Hereinafter Security Council Res. 1591].

narrative summary explaining the reasons for ADF's listing, the ADF has "recruited and used child soldiers in violation of applicable international law," among committing other "serious violations of international law[.]"[32] Similarly, the DRC Sanctions Committee listed the Forces Democratiques de Liberation du Rwanda ("FDLR") on December 31, 2012 based on, among other reasons, "documented evidence of the FDLR actively conducting child recruitment."[33] The ADF and FDLR listings are only illustrative; the DRC sanctions list includes other individuals and entities that are subject to sanctions for recruiting and using child solders.[34]

- Côte d'Ivoire. On February 7, 2007, Martin Kouakou Fofié, Chief Corporal New Force Commandant, Korhogo Sector, was sanctioned because "[f]orces under his command engaged in recruitment of child soldiers," among other violations of international humanitarian law.[35] Mr. Fofié appears to be the only individual (or entity, since no entities have been listed) currently listed under the Côte d'Ivoire sanctions regime for actions specifically related to the recruitment or use of child soldiers.

- Somalia. The Somalia Sanctions Committee currently has listed 13 individuals for sanctions, although none of the individual justifications refer to the recruitment or use of child soldiers.[36] In addition, before the child soldier designation criterion was added (in 2011), the Somalia Sanctions Committee initiated sanctions against Al-Shabaab (in April 2010).[37] Al-Shabaab was listed pursuant to paragraph 8 of Resolution 1844, which authorizes sanctions against individuals and entities for "engaging in or providing support for acts that threaten the peace, security or stability of Somalia," among other acts, although the current narrative explanation references a Secretary-General report, dated July 20, 2009, which states: "Insurgent groups, such as Al-Shabaab, are alleged to be . . . recruiting young people to join the fight against the Government in Mogadishu, including child solders."[38]

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[32] *Security Council Committee Concerning Democratic Republic of Congo Updates List of Individuals and Entities Subject to Travel Ban, Assets Freeze*, Jul. 1, 2014, *available at* http://www.un.org/press/en/2014/sc11459.doc.htm; *Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/1533/CDe001.shtml.

[33] *Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/1533/CDe005.shtml,

[34] *Id*.

[35] *Id*.

[36] *Id*. One sanctioned individual, Abubaker Shariff Ahmed, is described as a "leading facilitator and recruiter of young Kenyan Muslims for violent militant activity in Somalia" and as a "leader of a Kenya-based youth organization in Mombasa with ties to al-Shabaab," but it is not clear from the description whether these activities involved recruitment or use of individuals under 18 or 15 years of age. *See Narrative Summaries of Reasons for Listing*, UN.org, *available at http://www.un.org/sc/committees/751/SOi012.html*.

[37] *Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/751/SOe001.html.

[38] *Id.;* Security Council Res. 1844, S/RES/1844, Nov. 20, 2008, at ¶ 8(a).

- Central African Republic. Currently, only three individuals (and no entities) have been sanctioned by the CAR Sanctions Committee. Although none of the three individuals are described on the Committee's website as having been sanctioned under the child soldier-specific designation criteria, one of the three individuals -- Levy Yakété -- is described as having "recruit[ed] young militiamen to attack those hostile to the regime with machetes" and "is also suspected of promoting the distribution of machetes to young unemployed Christians to facilitate their attacks on Muslims."[39] (The age of these "young" people is not clear from the descriptions.) The narrative explanation ends by noting that Yakété "is reported to have died in a car accident in France" in November 2014.[40]

Similar to the CAR, and in contrast to the explicit child soldier-related sanctions above, the Sudan Sanctions Committee currently has four individuals and zero entities listed for sanctions, and none are explicitly listed for violations related to child soldiers (although, as explained above, the Sudan sanctions regime does not explicitly include the recruitment and use of child soldiers as a sanctions designation criteria).[41]

While it is beyond the scope of this appendix to describe and analyze the extent to which the UN has *not* imposed sanctions for child soldier-related activities, it is worth noting that the UN has not imposed sanctions against every individual or entity against whom credible evidence of recruiting and using child soldiers exists. For example, the most recent Secretary-General report on children and armed conflict lists in Annex I six "parties" – some of which cover broad groups, such as "Pro-Government militias" and "Government forces," including the Sudanese Armed Forces, the Popular Defense Forces, and the Sudan police forces – for recruiting and using children in situations of armed conflict, although as stated above, the Sudan Sanctions Committee has added child soldier-related designation criteria nor listed any of these parties for sanctions.[42] Moreover, five of the six Sudanese parties are identified in the annex as "persistent perpetrators," which means each of the parties has been listed in the annex for at least five years.[43]

III. Sexual Violence-Related Sanctions

According to the most recent Secretary-General report on women, peace, and security, 5 of the 15 current UN sanctions regimes have designation criteria "relating to human rights and sexual violence."[44] In addition, of the more than 1,000 individuals and

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[39] *Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/2127/CI.003.shtml.
[40] *Id*.
[41] *Id*.
[42] *Report of the Secretary-General on Children and Armed Conflict*, A/68/878-S/2014/339, May 15, 2014, at ¶ 49.
[43] *Id*., at 47, 49.
[44] *Report of the Secretary-General on Women and Peace and Security,* S/2014/693, Sept. 23, 2014, at ¶ 9.

entities subject to UN sanctions, the report states that only 18 individuals – who are not listed by name – have been designated based on these criteria.[45]

The report also does not name the sanctions regimes that have sexual violence as a designation criterion. However, further analysis appears to show that the report was referring to the DRC, CAR, Somalia, Côte d'Ivoire, and Sudan, which – interestingly – are the same five sanctions regimes that were discussed in Section II above in relation to sanctioning parties for recruiting and using child soldiers.

Further detail on these five sanction regimes in the context of sexual violence-related sanctions is as follows:

- Democratic Republic of the Congo. According to Security Council Report, "[s]exual violence has been rampant and widely used as a tactic of war, and in the last decade the DRC has probably been the country-specific situation where the Council has paid most attention to gender-based violence."[46] The DRC Sanctions Committee responded by designating Jérôme Kakwavu Bukande in November 2005, before sexual violence became a designation criterion (although Bukande's listing was modified in August 2010 to include the fact that he was a senior officer of *Forces Armées de la République Démocratique du Congo* ("FARDC"), DRC's national armed forces, accused of sexual violence).[47] And, in 2008, the Council – in the same resolution as it added the child soldier designation criterion – added criteria to designate individuals "operating in the [DRC] and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including . . . sexual violence . . . [.]"[48] By late 2012, the DRC Sanctions Committee had listed two entities and nine individuals due to allegations of rape, sexual abuse or sexual violence.[49] On December 31, 2012, two entities – 23 March Movement ("M23") and the *Forces democratiques de liberation du Rwanda* ("FDLR") – were added to the sanctions list, along with two individuals associated with M23, based on acts of sexual violence or targeting of women."[50] While no new

[45] *Id*.
[46] *Women, Peace and Security: Cross-Cutting Report*, Security Council Report, Apr. 16, 2014, at 34.
[47] *Security Council Committee Issues List of Individuals and Entities Subject to Measures Imposed by Resolution 1596 (2005)*, SC/8546, Nov. 1, 2005, *available at* http://www.un.org/press/en/2005/sc8546.doc.htm ; *Id*., at 35; *Security Council Committee Concerning Democratic Republic of the Congo Updates List of Individuals and Entities Subject to Travel Ban, Asset Freeze*, SC/10018, Aug. 31, 2010, *available at* http://www.un.org/press/en/2010/sc10018.doc.htm (adding, under the "Designation/Justification" field "According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002" and "One of five senior FARDC officers who had been accused of serious crimes involving sexual violence and whose cases the Security Council had brought to the Government's attention during its visit in 2009").
[48] Security Council Res. 1807, *supra* note 25, at ¶ 13.(e).
[49] *SCR: Women, Peace and Security*, *supra* note 46, at 34.
[50] *Sanctions Committee Concerning Democratic Republic of Congo Adds Two Individuals, Two Entities to Sanctions List,* SC/10876, Dec. 31, 2012; *see also SCR: Women, Peace and Security*, *supra* note 46, at 34.

parties were sanctioned in 2013,[51] as explained above, ADF was listed in July 2014 for recruiting and using child soldiers, as well as committing "numerous violations of international human rights and international humanitarian law against women and children, including . . . sexual violence[.]"[52]

- Central African Republic. In the same resolution in which the Council added a child solider designation criterion, the Council also added designation criteria for individuals and entities "involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence . . . [.]"[53] Of the three individuals currently sanctioned by the CAR Sanctions Committee, none of the narrative descriptions specifically indicate that any of the three individuals were sanctioned because of sexual violence.[54] This lack of sanctions stands in stark contrast to information in a briefing by the Special Representative for Sexual Violence (Zainab Hawa Bangura) to the Council, in which Special Representative Bangura stated that sexual violence "continues to be pervasive" in the CAR conflict and "[b]etween Janaury and November 2013, the United Nations recorded at least 4,530 cases of sexual violence perpetrated by armed men, largely believed to be Séléka, in Bangui, Boali, Bossembélé, Damara, Mbaiki, Sibut and Prefecture de l'Ouham Pende."[55]

- Somalia. As with the CAR, the Council – in the same resolution in which the child soldier designation criterion was added – added criteria to impose sanctions against individuals and entities who are "responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including . . . sexual and gender-based violence . . .[.]"[56] To date, however, none of the currently listed individuals, or the one listed entity (Al-Shabaab) are described as being listed because of acts of sexual violence.[57]
  By contrast, the most recent report of the Somalia Monitoring Group includes a section on "[s]exual and gender-based violence," which begins: "Sexual and gender-based violence is widespread in Somalia." It then states that 2,703 cases were reported to service providers -- and not the scale of sexual and gender-based violence

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[51] *See Press Releases Concerning the Security Council Committee Established Pursuant to Resolution 1533 (2004) Concerning the Democratic Republic of the Congo*, UN.org, *available at http://www.un.org/sc/committees/1533/pressreleases.shtml; see also SCR: Women, Peace and Security*, *supra* note 46, at 36.

[52] *Security Council Committee Concerning Democratic Republic of Congo Updates List of Individuals and Entities Subject to Travel Ban, Assets Freeze*, SC/11459, Jul. 1, 2014, *available at* http://www.un.org/press/en/2014/sc11459.doc.htm.

[53] Security Council Res. 2134, *supra* note 28, at ¶ 37.(b).

[54] *See Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/2127/individuals_associated_with_CAR.shtml.

[55] UN Security Council Meeting, *The Situation in Central African Republic, S/PV.7098*, Jan. 22, 2014, at 6; *see also SCR: Women, Peace and Security*, *supra* note 46, at 39.

[56] Security Council Res. 2002, *supra* note 27, at ¶ 1.(e).

[57] *See Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/751/narrative.shtml.

in Somalia as a whole -- including 529 cases of rape, 226 cases of sexual assault, and 1518 cases of physical violence.[58] Further detail then is provided in Annex 8.3.[59] According to Security Council Report, "[t]he lack of any [sexual or gender-based violence] listings may reflect hesitancy by the Committee to target individuals or entities affiliated with the government [of Somalia] since the Monitoring Group's report lays a great deal of blame for the preponderance of sexual violence in Somalia at the feet of the authorities--both as perpetrators and ineffective bystanders."[60]

- Côte d'Ivoire. The Côte d'Ivoire sanctions regime does not include sexual violence as a specific designation criteria, although, as described above with respect to child soldiers, the regime does permit sanctions against any person "determined as responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire on the basis of relevant information[.]"[61] This human-rights basis for sanctions was invoked in 2006, when the Côte d'Ivore Sanctions Committee imposed sanctions against three individuals: Charles Blé Goudé and Djué N'goran Eugène Kouadio (both for direction of and participation in acts of violence by street militias, including rapes) and Martin Kouakou Fofié (because forces under his command engaged in sexual abuse of women, among other acts).[62] In addition, in March 2011, the Council (rather than the Côte d'Ivoire Sanctions Committee) imposed sanctions against Laurent and Simone Gbagbo, as well as three associated persons.[63] Annex I to the Council resolution does not state that sexual violence was a basis for these sanctions, but according to Security Council Report, "[v]iolent clashes between Gbagbo forces and Ouattara supporters resulted in considerable civilian casualties, and serious violations of human rights and humanitarian law were committed including sexual violence."[64] In addition, the resolution reiterates the Council's condemnation of, among other acts, "rapes and other forms of sexual violence."[65] When the ICC later issued an arrest warrant for Former President Gbagbo, the arrest warrant included four counts of crimes against humanity, including "rape and other forms of sexual violence."[66] In spite of these prosecution

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[58] Monitoring Group on Somalia and Eritrea, *Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council resolution 2111 (2013): Somalia*, S/2014/726, at 41; *see also SCR: Women, Peace and Security*, *supra* note 46, at 32-33.
[59] *Id*., at 315-20.
[60] *SCR: Women, Peace and Security*, *supra* note 46, at 33.
[61] Security Council Res. 1572, *supra* note 30.
[62] A corrected and updated list of the entries for the three individuals was issued in June 2006. *See Security Council Committee Concerning Côte d'Ivoire Updates List of Individuals Subject to Measures Imposed by Resolutions 1572 (2004) and 1643 (2005)*, SC/8739, Jun. 5, 2006, *available at* http://www.un.org/press/en/2006/sc8739.doc.htm.
[63] Security Council Res. 1975, S/RES/1975, Mar. 30, 2011, at ¶ 12 and Annex I [Hereinafter Security Council Res. 1975].
[64] *SCR: Women, Peace and Security*, *supra* note 46, at 36.
[65] *Id*.; Security Council Res. 1975, *supra* note 63, at ¶ 5.
[66] ICC, *Warrant of Arrest for Laurent Koudou Gbagbo*, Pre-Trial Chamber III, No.: ICC-02/11, Nov. 23, 2011, at 7, *available at* http://www.icc-cpi.int/iccdocs/doc/doc1276751.pdf; *SCR: Women, Peace and Security*, *supra* note 46, at 37. The ICC charges against Charles Blé Goudé and Simone Gbagbo also include rape-related charges. *See Situation in the Republic of Côte d'Ivoire*, ICC-CPI.int, *available at*

proceedings in the ICC, the Sanction Committee's designation justification for Laurent and Simone Gbagbo has not been updated to reference rape or other forms of sexual violence.[67]

- Sudan. As with Côte d'Ivoire, the Sudan sanctions regime does not include sexual violence as an explicit designation criterion, but parties can be sanctioned for committing "violations of international humanitarian or human rights law or other atrocities."[68] As explained by Security Council Report, "all publicly available Panel of Experts reports to the 1591 Sudan Sanctions Committee have included extensive reporting on women, rape, rape as an instrument of war and sexual and gender-based violence[,]" including, starting in September 2007, a dedicated section on sexual and gender-based violence.[69] In addition, the 2012 and 2013 Secretary-General's reports on sexual violence describe sexual and gender-based violence in Darfur (by government forces and/or armed groups).[70] However, currently, only four individuals (and no entities) have been sanctioned under the Sudan sanctions regime. None of the justifications for the four sanctioned individuals explicitly mention sexual violence, and only one (Musa Hilal Abdalla Alnsiem) refer to responsibility for "violations of international humanitarian and human rights law and other atrocities" (which could refer to non-sexual actions).[71] And, in a recent (November 2014) briefing by the Chair of the Sudan Sanctions Committee to the Council, the Chair did not mention listing additional individuals or entities for sanctions.[72] Finally, the ICC currently has rape charges (in the context of war crimes and/or crimes against humanity) against four individuals related to the situation in Darfur, Sudan, but none of these individuals -- all four of whom appear to be currently at large -- have been sanctioned under the Sudan sanctions regime.[73]

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http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/icc0211/Pages/situation%20index.aspx.

[67] *See Narrative Summaries of Reasons* for *Listing*, UN.org, *available at* http://www.un.org/sc/committees/1572/individuals.shtml; *SCR: Women, Peace and Security*, *supra* note 46, at 37.

[68] Security Council Res. 1591, *supra* note 31.

[69] *SCR: Women, Peace and Security*, *supra* note 46, at 38.

[70] *Report of the Secretary-General on Sexual Violence in Conflict*, A/67/792-S/2013/149, Mar. 14, 2013, at 16-18 [Hereinafter *2014 Secretary-General Report on Sexual Violence*]; Report of the Secretary General on *Conflict-Related Sexual Violence*, A/66/657-S/2012/33, Jan. 13, 2002, at 15-16; *SCR: Women, Peace and Security*, *supra* note 46, at 37.

[71] *Narrative Summaries of Reasons for Listing*, UN.org, *available at* http://www.un.org/sc/committees/1591/Individuals.shtml; *SCR: Women, Peace and Security*, *supra* note 46, at 38. All four individuals were sanctioned in April 2006 in Council Resolution 1672, which indicated only that the four individuals threatened the peace in Sudan, and did not mention sexual violence. *See* Security Council Res. 1672, S/RES/1672, Apr. 25, 2006, *available at* http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1672(2006).

[72] *Briefing by the Chair of the Security Council Committee Established Pursuant to Resolution 1591 (2005) concerning the Sudan*, S/PV.7320, Nov. 24, 2014, *available at* http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.7320.

[73] *Darfur, Sudan*, ICC-CPI.int, *available at* http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200205/Pages/situation%20icc-0205.aspx; *SCR: Women, Peace and Security*, *supra* note 46, at 38.

IV. Comparison of Child Soldier and Sexual Violence Sanctions Regimes

As illustrated in the sections above, the UN's approach to imposing sanctions against individuals and entities that recruit and use child soldiers and its approach to imposing sanctions against perpetrators of sexual violence share various similarities. In particular, in the context of tackling both thematic issues, the Security Council has:

- Adopted relevant designation criteria in Council resolutions;
- Created groups of experts to assist each sanctions committee; and
- Imposed targeted sanctions – typically, a travel ban and asset freeze – rather than comprehensive sanctions.

The same conflicts also appear to raise both sets of issues, as shown by the fact that these two thematic issues have been raised by the same five country-based sanctions regimes, including sometimes adding the child soldier and sexual violence designation criteria in the same resolution.

Unfortunately, with respect to both issues, the Council and relevant sanctions committees have not imposed sanctions against all or even most individuals and entities listed in the annexes to Secretary-General reports and/or otherwise credibly suspected of committing or being responsible for the recruitment and use of child soldiers and/or acts of sexual violence.

The parallels between the approaches of the Council and the sanctions committees in these two areas therefore can inform our consideration of the current status of sexual violence-related sanctions activity and our proposed recommendations for sanctions improvements.

V. Recommendations

A. Improve Access to and Sharing of Current Information to Inform Sanctions Considerations

- Obtain More Frequent Reporting. Some have argued that the reports of the Secretary-General and the Special Representative for Children and Armed Conflict, and the conclusions of the Working Group on Children and Armed Conflict, are not sufficiently frequent to accurately represent the realities on the ground.[74] Similar concerns also could be raised related to the frequency of reporting on sexual violence.

- Codify Information Sharing Between Council Subsidiary Bodies. As exists with the Côte d'Ivoire Sanctions Committee (in Resolutions 1980 (2011), 2045 (2012), and 2101 (2013)), the Council and other sanctions committees should formally call for

[74] *SCR: Children and Armed Conflict*, *supra* note 22, at 107-108.

information sharing between the Special Representative on Sexual Violence in Conflict, the relevant Group of Experts, and the relevant sanctions committee, including welcoming target suggestions by the Special Representative and formally requiring expert groups to report on sexual and gender-based violence, where relevant to a sanctions regime.[75]

- Update and Expand Narrative Justification for Sanctions. Under current practice, sanctions committees can (and do) update their sanctions listings, including personal identifier information as well as the justification for the listing, and announce these updates in a press release that is posted on the UN's website. This practice should be encouraged and done more frequently. For example, when the ICC issues an arrest warrant or other charges related to sexual violence, the relevant sanctions committee – to the extent not done already – should consider the new information/charges and update its narrative justification for any sanction imposed on the individual.[76] More generally, while some of the narrative justifications are quite detailed, others are only one or two sentences, and may be limited to general statements, such as the individual threatening the peace and security of a particular area. To the extent supported by credible evidence, from a sanctions committee's group of experts or otherwise, the sanctions committees should be encouraged to provide a more detailed and complete explanation of the specific factual reasons for the sanctions imposed. This will increase the transparency and credibility of UN sanctions. The dissemination of information about these individuals has also educational and other benefits.

B. Add Sexual Violence as Designation Criterion in All Relevant Sanctions Regimes

- As discussed in Section III above, only three sanctions regimes -- the DRC, Somalia, and the CAR -- include sexual violence as an explicit criterion for imposing sanctions. While the Côte d'Ivoire and Sudan sanctions regimes include human rights-related designation criteria, the lack of sexual violence-specific designation criteria may be a factor in the lack of sexual-violence related sanctions imposed by these regimes. The Council therefore should explicitly add sexual violence as a designation criterion in these regimes. In addition, the most recent Report of the Secretary-General on conflict-related sexual violence lists (in its Annex) parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council's agenda in Mali, South Sudan, and the Syrian Arab Republic (in addition to the CAR, Côte d'Ivoire, and the DRC).[77] While UN sanctions committees currently do not exist for Mali, South Sudan, or Syria, the Council nevertheless could adopt resolutions declaring that sanctions will be applied for perpetrators of sexual violence in these three countries.

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[75] *SCR: Women, Peace and Security*, *supra* note 46, at 37, 41.
[76] *Id*.
[77] *2014 Secretary-General Report on Sexual Violence*, at 32-33; *SCR: Women, Peace and Security*, *supra* note 46, at 41.

C. Broadening the Application of UN Sanctions

- Parties on Secretary-General Annexes But Not Sanctioned. The Secretary-General's recent reports on sexual violence list various parties who are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence, but against whom neither the Council nor a committee has imposed sanctions.

- Parties Not On the Council's Agenda. Some argue that relying on the annexes to the Secretary-General annual reports is an insufficient source for identifying sanctions targets because the annexes only address situations on the Council's agenda (and thus do not include situations not on the Council's agenda).[78] In particular, while the Secretary-General's reports on sexual violence and women, peace, and security only include one appendix (which lists parties – not individuals – credibly suspected of committing or being responsible for sexual violence in situations of armed conflict on the agenda of the Security Council). By contrast, the Secretary-General's annual reports on children in armed conflict include two annexes:
  - Annex I: A list of parties that "recruit or use children, kill or maim children, commit rape and other forms of sexual violence against children, or engage in attacks on schools and/or hospitals in situations of armed conflict on the agenda of the Security Council"; and
  - Annex II: A list of parties committing the same acts "in situations of armed conflict not on the agenda of the Security Council, or in other situations[.]"[79]

Helpfully, the annexes include a key that specifies which parties are listed for committing "rape and other forms of sexual violence against children" (as opposed to other acts) and also underlines the parties that are considered "persistent perpetrators" (because they have been listed in the annex for at least five years).[80]

The 2014 report includes one party in Annex II (Boko Haram in Nigeria) that commits rape and other forms of sexual violence against children and which – even though Nigeria is not on the Council's agenda – should be strongly considered for sanctions.

As recommended by the Special Representative for Sexual Violence in Conflict, the Special Representative has called on the Council "[t]o increase pressure on perpetrators of sexual violence in conflict, including the individuals, parties and States named in my reports, through the adoption of targeted and graduated measures by relevant sanctions committees, and to consider means by which such measures may also be taken in relevant contexts where no sanctions committees are in place. Such actions by

[78] Benshoof, *supra* note 101, at 86.
[79] *See*, *e.g.*, *Report of the Secretary-General: Children and Armed Conflict*, A/68/878–S/2014/339, May 15, 2014, at 47-50.
[80] *Id*.

the Security Council should apply to those who commit, command or condone (fail to prevent or punish) sexual violence, consistent with the stipulations under international criminal law regarding those bearing direct, command or superior responsibility[.]"[81]

D. Evaluating the Sanctions Imposed and Improving their Effectiveness after Imposition

As shown in Sections II and III above, the Security Council generally imposes a travel ban and asset freeze on its sanctions targets, as well as an arms embargo to [countries/regions] in conflict. However, as some have argued, the threat of these sanctions may not be effective for certain targets, including individuals who do not travel or hold assets overseas.[82] This issue is particularly apparent with respect to "persistent perpetrators," who have been listed on a child soldier annex for at least five years.

E. Create a Working Group on Women, Peace, and Security

As noted previously, the Security Council has limited its involvement with the WPS agenda to its resolutions, presidential statements, and annual open debates. While its leadership has been critical to establishing the importance of this agenda, its lack of regular engagement when combined with the unfunded and changing coordinating efforts within the Secretariat has limited implementation. If the WPS agenda is to be taken seriously, the Security Council should assume a more proactive role in its implementation.

Specifically, while overall responsibility for day-to-day implementation would rest with UN Women, Standing Committee for Women, Peace, and Security, and SRSG-SVC, the Working Group on Women, Peace, and Security would be the clear hub of focus for overseeing their work within the Security Council. Modeled after the Working Group on Children in Armed Conflict, it would have representation from all Security Council members and be staffed by WPS experts. Specific responsibilities of this new Working Group would include:

- Overseeing the implementation of the Security Council's resolutions and making sure that reforms adopted by the Council translates into actual practice;
- Making recommendations on measures to ensure accountability and redress for violations, including contributing to the work of country-specific Sanctions Committees;
- Evaluating the impact of WPS-related sanctions and making recommendations for improving them;
- Research, write, and publish country-specific reports focused on the WPS agenda as it relates to countries on the Security Council's agenda;

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[81] Office of the Special Representative for Sexual Violence in Conflict, *Recommendations*, UN.org, *available at* http://www.un.org/sexualviolenceinconflict/our-work/recommendations/.
[82] *See*, *e.g.*, *SCR: Children and Armed Conflict*, *supra* note 22, at 38.

- Evaluate the work of the UN Secretariat and make recommendations to the Security Council as to how it can more effectively contributing to advancing the WPS agenda.

Some, such as Janet Benshoof, argue that the Security Council should establish a permanent Working Group on Women, Peace, and Security, as the Council established with the Working Group on Children and Armed Conflict.[83] Bernshoof argues that the Working Group's mandate should include "making recommendations on measures to ensure accountability and redress for violations of WPS mandates[,]" including "the adoption and renewal of sanctions, even where a sanctions regime does exist, and recommendations to refer situations to the ICC."[84]

Others have provided reasons why the Working Group on Children and Armed Conflict may not be a perfect model for any other Working Group. For example, Shamala Kandiah Thompson has noted that the average negotiating time for the child soldier Working Group to reach country-specific conclusions, after reviewing reports of the Secretary-General, has more than tripled (from 3.4 months in 2006 to 12.9 months in 2012)."[85] In addition, Thompson argues that "there is now a certain rigidity built into the Working Group's working methods, making it difficult for the Group to react rapidly to new situations in which children are affected."[86] Thompson points to Syria and Mali, where there "was information of atrocities being commited against children[,]" but there was "no reaction from the Working Group[.]"[87] She continues by noting that "both situations are now in the Secretary-General annexes, but Syria will only come before the Working Group toward the end of 2013, while there is unlikely to be a report on Mali for another two or three years."[88]

Ultimately, this is less about the mechanism than it is about such a mechanism's functionality. Currently, the Security Council is not sufficiently engaged in overseeing implementation of the WPS agenda. The most obvious way to increase its engagement would be through the creation of a Working Group. But this would be an imperfect mechanism as any other. The critical measure for success of any new approach is whether it succeeds in transforming the Security Council's engagement to being ongoing and systematic rather than *ad hoc* and intermittent.

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[83] Benshoof, *supra* note 101, at 96.
[84] *Id*.
[85] *Children and Armed Conflict*, *supra* note 22, at 107.
[86] *Id*. at 108.
[87] *Id*.
[88] *Id*.

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