

# MONEX

## Essex Fourth Annual Model United Nations Conference 2011

### Human Rights Council Committee Guide



Salle des droits de l'homme et de l'alliance des civilisations  
Palais de Nations, Genève

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## Welcome Note

Dear Delegates,

On behalf of the MUNEX 2011 Secretariat, we would like to welcome you to the fourth annual MUNEX Conference. We would like to introduce ourselves as the Chairs, and welcome you to the Human Rights Council.

It is our hope that you will find the debate stimulating, the topics that have been chosen for discussion this year are very current, and perhaps controversial in nature. The guides to the topic later in this guide are designed to give you a general introduction and overview, in order for you to get the best out of the conference, it is important that you do some supplementary reading. You will find some in the topic guides. It is our hope that you will take away from the conference a new perspective on human rights, and that by the end you will know a lot more about the topics of discussion.

Debate is an important aspect of conference, but it is not the only one, socialising and network, delegates for this conference have come from far and wide. As people, we can learn a lot from others. Conferences like these can create the foundations for new and long lasting friendships, which can last for years to come.

Once again, we wish you all pleasant and productive conference. It would be our pleasure to offer any assistance you may require throughout the conference.

Best Wishes,

Lena Ebe

Oli Killeen

UNHRC Chairs MUNEX 2011

## The Human Rights Council: History, nature, mandate



United Nations Human Rights Council

Following the end of the Second World War the International Community came together recognising the need for action in order to prevent the repetitions of atrocities such as the Holocaust that “outraged the conscience of mankind”<sup>1</sup>. A plethora of human rights declarations, conventions and covenants were drafted beginning from the Universal Declaration of Human Rights (UDHR) in 1948. The non-binding declaration was then followed by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. As a consequence the United Nations developed a system for the protection of human rights. This included both the creation of a “treaty based monitoring system” composed by committees that monitor the implementation of the different Human Rights Conventions and a “Charter Based” system which includes the UN Human Rights Council (UNHRC) that was established in 2006 by a the General Assembly Resolution 60/251 in April 2006.<sup>2</sup>

### Establishment of the UNHRC

The UNHRC was created to replace and improve the former UN human rights body, the United Nations Commission on Human Rights (UNCHR). Many changes and improvements were made to this new organ where the most significant of which were:

- The status of the UNHRC was raised to that of a subsidiary body of the GA;
- The state membership number changed from 53, originally in the UNCHR to 47;
- Members are elected from equal geographic distribution: 13 from Africa, 13 from Asia, 13 from Eastern Europe, 6 from Latin America, 8 from the Caribbean and 7 from Western Europe and Other States;
- Members are voted in the GA by an absolute majority. Of particular importance is the fact that it is now possible to suspend a member in cases of human rights violation by a two-thirds majority vote;
- Members serve for three year terms and are not automatically eligible for re-election after two consecutive terms. This prevents situations of de facto permanent membership, which had proven to be an issue with the UNCHR;
- The UNHRC with at least three sessions per year, for a minimum duration of 10 weeks each. Where necessary it is also able to sit in additional sessions. The number of sessions is far higher as the

<sup>1</sup> United Nations Declaration of Human Rights 1948, preamble.

<sup>2</sup> GA Resolution 60/251 [http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/A.RES.60.251_En.pdf)

- ones of the UNCHR;
- It is now possible for the UNHRC to undertake Universal periodical reviews of all states adherence to the human rights norms. This ensures that all countries are properly scrutinized avoiding any criticism that could appear with regards to the special treatment of certain states.
- Special Rapporteur and the participation of Non-Governmental Organisations (NGOs), that where an important feature of the UNCHR remains a key element of the new UNHRC.

The UNHRC had since its creation in 2006 addressed and made recommendations on many issues. Nevertheless there are still many criticisms and researches carried out regarding the structure of this body and functioning and there is no doubt there is room for its improvement.

## Topic I

### Women in peacekeeping operations and the implementation of SC Res 1325



South African peacekeepers in the Democratic Republic of Congo

*'In no other area is our collective failure to ensure effective protection for civilians more apparent (...) than in terms of the masses of women and girls, but also boys and men, Whose lives are destroyed each year by sexual violence perpetrated in conflict.'*

United Nations Secretary-General Ban Ki-moon, 2007

It is ten years since the Security Council (SC) of the United Nations has passed its landmark resolution 1325 – and time to account for the results. In the resolution 1325, the most legitimate and recognized conservator of international peace and security has acknowledged the ultimate connection between the insecurity of half the world's population and the security of whole mankind.

The Council has realized that women and children are making up the vast majority of victims of war – may it be as widows and orphans, forced soldiers, rape victims or sexually exploited and has identified two key challenges that still now framework the discussion: On the one hand, how can women be better integrated into and strengthened on all levels of peace operations, in particular in decision-making positions? On the other, how can women be effectively saved of having their human rights violated in conflictual environments, in particular their right to life, liberty and personal security?

These two questions, however, must not be perceived and discussed as isolated or subsequent. Moreover, they deserve integrated solutions, new ways of addressing and discussing them and a reinvigorated spirit of cooperation.

Before starting with the actual committee guide, it may first be helpful to clarify what the report term 'peace operations'. Hence, peace operation is understood in the broad sense envisaged by the Department of Peacekeeping Operations (DPKO) in its report *United Nations Peacekeeping Operations: Principles and Guidelines* mostly referred to as the Capstone Doctrine. It understands peace operations as stretching out to the whole spectrum of responses and techniques available to the UN from conflict prevention to peacemaking and peace enforcement to peace keeping and post-conflict peace building.<sup>3</sup>

## Timeline<sup>4</sup>

### *International Level*

Even before the SC passed Res 1325 in 2000, there were important milestones that paved the way. The provisions of the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and of course in particular the Convention the Elimination of All Forms of Discrimination against Women (CEDAW) postulating equal protection and non-discrimination of women set standards of universal nature. The General Assembly (GA) Declaration on the Elimination of Violence against Women adopted in December 1993 was the first international human rights instrument that exclusively dealt with violence against women.<sup>5</sup>

The Beijing Declaration and Platform for Action, passed in September 1995 unanimously at the Fourth World Conference on Women, contains several provisions relevant to women and peace, e.g. demands for a gender-balanced representation in government bodies, public administration and the judiciary, as well as including gender-sensitive training for police, military and members of government and administration.

A key document passed shortly before the SC/Res/1325 was the Windhoek Declaration and connected to it, the Namibia Plan of Action with the objective to mainstream a gender perspective in multidimensional peace operations.

The Preamble says:

“the principles of gender equality must permeate the entire mission at all levels (...) – from peacekeeping, reconciliation and peace-building, towards a situation of political stability in which women and men play an equal part in the political, economic and social development of their country”.

Central demands as the augmentation of women in decision-making and mediator positions (paras 3, 5) or the incorporation of gender-sensitive training for staff in peace operations (paras 6, 7) were already proclaimed in therein.

After 2000, the SC has passed three more resolutions explicitly dealing with women, peace and conflict. In the Annex to this part, their major demands, actors and fields of action are compiled. However, one should bear in mind that all the four resolutions are not legally binding on Member States<sup>6</sup>, but nevertheless rest on a range of obligations stemming from binding treaties and customary law.<sup>7</sup>

Other key international actors who are committed to the Res 1325-process are the UN Departments of Peacekeeping Operations (DPKO) and Political Affairs (DPA), UN Development Fund for Women (UNIFEM, now part of UN Women) and the UN Development Programme (UNDP).

In summer 2010, the institutions named above have jointly organised 25 meetings between high-level UN

<sup>3</sup> For more information and definition to all those techniques, see Capstone Doctrine Report, page 17 – 30.

<sup>4</sup> More information on follow-up activities can be found in: UNIFEM: WomenPeace&Security – CEDAW and Security Council Resolution 1325: A Quick Guide, page 6.

<sup>5</sup> DCAF, OSCE/ODIHR, UN-INSTRAW, Gender and Security Sector Reform Toolkit. Eds. Megan Bastick and Kristin Valasek. Geneva, 2008, available at <http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=47486>, page 3.

<sup>6</sup> Megan Bastick and Daniel de Torres: Implementing the Women, Peace and Security Resolutions in Security Sector Reform, page 3.

<sup>7</sup> These obligations can be found, for instance, in:

- Geneva Conventions of 1949 and Additional Protocols of 1977
- Refugee Convention of 1951 and Protocol of 1967
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 and Optional Protocol of 1999
- Convention on the Rights of the Child of 1989 and Optional Protocols of 2000
- Rome Statute of the International Criminal Court.

officials and women peace activists in countries affected by conflict, for instance in Afghanistan, Democratic Republic of Congo, Serbia or the occupied Palestinian territories.

The purpose was to include

'women's perspectives on resolving conflict and building peace more effectively, [to] identify issues of common concern across different contexts – as well as areas of divergence – and [to] make proposals for improving international, regional and national efforts to protect women and promote peace.'<sup>8</sup>

Although the report identifies progress concerning the number of women occupying positions in governmental bodies as well as those serving as senior officials within the UN-system, the vast majority of peace agreements (84%) lacks to take into account the special rights and needs of women. Further, when it comes to recovery budgets and multi-donor trust funds, it is said that only 8 resp. 5.7 per cent are reserved for gender issues.<sup>9</sup>

Shared concerns and priorities of most women during the consultations were related to participation (mainly political), to justice, protection and security during and after conflict as well as too little economic resources and support for women in recovery processes.<sup>10</sup>

The report has produced a set of 26 indicators which serve to measure the outcome of global efforts to engage women in all dimensions of peace operations and post-conflict situations and may also be useful on a regional or national level, too.<sup>11</sup>

### ***Regional Level***

On all regional levels (apart from the Asian world), similar resolutions, declarations and recommendations have been made in various documents calling for a gender perspective in peace operations, enhanced training on the matter for those concerned with peace operations as well as an increased participation of women in all kinds of peace operations and processes.<sup>12</sup>

Particularly remarkable is the African Union's Protocol to the African Charter on Human and People's rights on the Rights of Women in Africa<sup>13</sup> as well as the Solemn Declaration of Gender Equality in Africa<sup>14</sup>. It is held that "women have the right to a peaceful existence and the right to participate in the promotion and maintenance of peace" (Protocol, Art. 10-1), and further that Member States commit themselves to report every year on progress made in terms of gender mainstreaming (Declaration, Art. 12).

### ***Sub-regional and national level***

Until today, some UN member states, mostly in Europe, but also some African states, have established national action plans (NAPs) to implement their obligations under SC/Res/1325.<sup>15</sup>

## **Policy Options**

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<sup>8</sup> UN: Women Count for Peace: The 2010 Open Days on Women, Peace and Security, September 2010, Foreword by the Secretary General

<sup>9</sup> UN: Women Count for Peace: The 2010 Open Days on Women, Peace and Security, September 2010, page 7.

<sup>10</sup> Ibid, page 8.

<sup>11</sup> Ibid, page 9.

<sup>12</sup> For details please check DCAF, OSCE/ODIHR, UN-INSTRAW, Gender and Security Sector Reform Toolkit. Eds. Megan Bastick and Kristin Valasek. Geneva, 2008, available at <http://www.dcaf.ch/Publications/Publication-Detail?lng=en&id=47486>

<sup>13</sup> Adopted 11 July 2003.

<sup>14</sup> Adopted 08 July 2004.

<sup>15</sup> A map on <http://www.un-instraw.org/peace-and-security/knowledge-management/unscr-1325-national-action-plan-map.html> provides an overview over countries with NAPs with more information on their respective content and way of implementation.

HRC member States may be guided by the following questions in their preparation

- Has the member State as well as their regional alliance implemented the recommendations by the Secretary General and if so, how?
- Has the member States and regional bodies drafted and implemented their own training programs, national action plans or the like?
- Which experience and difficulties were encountered in setting up and implementing their programs etc? Are there 'best practices' they want to share with others?
- In which way can they support the implementation of obligations, not only amongst them, but also in regard to the UN? Which help would the State need from whom in order to fully implement the resolution?
- What has the State done to hold its peacekeepers and soldiers accountable for crimes against women and girls, e.g. rape, sexual abuse, exploitation and slavery?

In the course of negotiation, the following suggestions could be helpful. It is clear that not all of them may be dealt with and that not every State has the same interest in dealing with a particular issue. However, they might function as a starting point of debate for the Committee.

- Are there any specific shortcomings and gaps in the Resolution itself and in the process of implementation from the perspective of the country/regional or interest bloc and why? How can these gaps be mitigated? Which objection is there, by whom and why?
- Why has there been progress or backlashes in matters to women and peacekeeping, e.g. in specific situations? Which specific factors enhance or hinder success in a given situation and how can they be influenced on a national, regional and global level?
- How could success and failure in protecting women's rights be measured accurately? How could existing methods be enhanced?
- How could the acceptance of women as an active part of peace processes, negotiations and mediations be enhanced on all levels?
- What could be done to convince and support more States in setting up or effectively implementing NAPs?
- How can accountability of perpetrators having committed serious crimes against women and girls be ensured in the aftermath of conflict? How can women and girls be saved from stigmatization if they have become a victim of rape or sexual assault?
- How is a gender component best mainstreamed in the course of rebuilding conflict-torn societies?
- How can private military and security companies be made aware of their obligations and how could they be held accountable?

### **Possible bloc positions / Countries with a particular interest**

Justifiably, those countries where armed conflicts occur are most likely to be interested in the topic, as well as might be those States contributing most peacekeeping staff to the UN. Having introduced the last two resolutions dealing with sexual abuse of women in conflict, the US is likely to follow the debate closely (see Annex). In addition, those States who have passed NAPs on the issue have thereby shown that they also feel committed (see further reading).

## Topic II

### Recovering and rebuilding societies: preventing states from returning to violence, conflict and gross human rights violations



Devastation in Gaza after Israeli/Palestinian conflict

The Right to Protect Principle (R2P) was first elaborated in 2001 by the International Commission on Intervention and State Sovereignty (ICISS). Headed by Gareth Evans, former Australian Foreign Minister, the Commission stated: "the primary responsibility protection lies with the state itself" but when a people are suffering "serious harm" and the state is "unwilling or unable to halt or avert it", the principle is of protection takes precedence over state sovereignty.<sup>16</sup>

R2P has a number of key principles, the most important of which is protection of civilians from acts of gross atrocity, such as genocide and ethnic cleansing. This is supported through the use of military intervention. This can be granted by the UN Security Council under chapter VII of the UN Charter. The second of which is the rebuilding and reconstruction of societies that have destroyed after the conflict is over. Reconstruction includes the repairing of visible infrastructure such as roads, schools and homes; as well as the rebuilding of internal system of government to ensure that a decent civil life can be restored.<sup>17</sup>

It may appear that the first of these principles is easier to achieve than the second. The truth is, neither of them is particularly easy. Intervention should only take place if it has a reasonable chance of success.<sup>18</sup> Agreement on how to deal with current conflict is not certain; there are many competing groups with competing interests. As for the second principles, it can be difficult for those in the international community to make sure that any humanitarian aid gets to those who need it, particularly where governmental structures are oppressive or non-existent.<sup>19</sup> Any conflict where people are being harmed on a mass scale is likely to turn into a politically sensitive area of discussion, but the conflicts of Rwanda and Bosnia in the 1990s have shown that inaction can be more detrimental than action itself.<sup>20</sup>

The 2005 World Summit once again brought the issue of R2P to the international community, it was the first time that world leaders were able to publicly endorse the views of the ICISS and accept the R2P. The document stated: "we are prepared to take action in a timely manner" to deal with four explicitly specified gross human rights violations: genocide, war crimes, ethnic cleansing and crimes against humanity.

<sup>16</sup> [www.iciss.ca](http://www.iciss.ca) (2001) The Responsibility to Protect - Commission Report p. 13

<sup>17</sup> [www.R2pcoalition.org](http://www.R2pcoalition.org) (2011) History and timeline of R2P

<sup>18</sup> [www.iciss.ca](http://www.iciss.ca) (2001) p.14

<sup>19</sup> Caplan (2005) Internal Governance of War Torn Societies(Oxford University Press: New York) p. 42

<sup>20</sup> [www.iciss.ca](http://www.iciss.ca) (2001) p. 17

In 2006, the SC for the very first time referred to R2P in a thematic resolution dealing with the protection of civilians in armed conflict.<sup>21</sup>

## Recent Developments

Conflicts of the 1990s have shown what such negative impact inaction can have on the international community. 2005 was a crucial year for R2P. Since that point the UN has acted in many part of the world to try and prevent conflict. In the context of this guide, it is not possible to focus on how successful or not all UN operations have been. But particular attention should be paid to the conflict in Darfur, Sudan (2006-2007). Many resolutions have been passed by the UN in an effort to tackle the conflict.

The first of which being UNSC Resolution 1706, it explicitly made reference to the principles of R2P, deciding that "UNAMIS<sup>22</sup> should be strengthened by 17,300 military personnel and up to 3,000 civilian police personnel" it also considered allowing troop reinforcements as necessary.<sup>23</sup> It also called upon all parties to ensure "full and unhindered access of relief personnel to those in need particularly refugees and internally displaced persons."<sup>24</sup>

This resolution was unsuccessful as the Sudanese Government refused to consent. In 2007, UNSC Resolution 1769 authorised a joint UN-AU force of 26,000 troops<sup>25</sup>. The result of the conflict is unclear; however a truce has been called since 2010.<sup>26</sup> There is no guarantee that trouble will not return.

Particular attention may also need to be paid growing concern for the political situation in the Ivory Coast, and also the political situation in Zimbabwe, in which opponents of the ZANU-PF Party are subjected to violence.

## Policy Options

When coming up with solutions to the issue of reconstruction after conflict, there are a number of questions, which the committee might wish to consider. These include:

- Where financial assistance is an option, how does the committee intend to make sure there is a fair system for payment?
- Other than finance, what can the international offer in terms of assistance?
- Is it possible to reconcile the ideas of international assistance, and the rights of states to individual sovereignty?
- How does the international community intend to monitor conflict zones, in order that objectives are achieved?

It is important to remember that the primary objective of the committee is to come up with solutions that are of the greatest help to the greatest number. While the debate should cover all bases and be thorough in discussing all options available to it, it should also be considerate of all positions and not allow the debate to become stuck between a rock and hard place. When policy options have been agreed, these points will also need to be considered:

- Is the policy feasible?
- Who is accountable for its implementation?
- How could the policy be financed and monitored?
- What happens in case of failure, what follow-up activities could assure sustainability of the policy?

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<sup>21</sup> SC/Res/1674.

<sup>22</sup> United Nations Assistance Mission in Sudan

<sup>23</sup> Security Council Resolution 1706 (2006) p 3

<sup>24</sup> Security Council Resolution 1706 (2006) p. 2

<sup>25</sup> [www.responsibilitytoprotect.org](http://www.responsibilitytoprotect.org) (2011) International Coalition for the Responsibility to Protect: Crisis in Darfur

<sup>26</sup> [www.presstv.ir](http://www.presstv.ir) Press TV *Sudan, Darfur rebel group reach landmark deal* (Feb 2010)

## Possible Bloc Options

It is possible to see how there will be support for the idea of R2P, where countries have been rebuilt after conflict, or their populations protected from harm, support would be expected. It is possible to see what a positive effect the international community has when it works together. Many of the current R2P crises are taking place in Africa i.e. Sudan, Zimbabwe and recently the Ivory Coast as a result of civil war, political uncertainty and other forms of atrocity.

Here the UN has had varying levels of success, the question here is why and what can be done about it. Africa is a continent most in need, as is least likely to be able to afford the large costs of reconstruction. It is Western and emerging nations that will face the biggest cost of assistance, there may be concerns about how such costs can be distributed fairly. Despite the ICISS report of 2001, there may still be concerns about the sovereignty of nations, and the effectiveness of the international community to bring conflict to an end, given the concept of reasonable success is applied to intervention.

Countries with a particular interest, who feel historically committed to R2P and have shaped the debate inside and outside of the UN-system are Rwanda, Timor Leste, Bosnia-Herzegovina, but also states like Canada and Australia.

The most prominent opponents in the past were Pakistan, Iran, Sudan, the People's Republic of Korea as well as Nicaragua and Venezuela, but also the People's Republic of China, the Russian Federation and a number of Eastern and Central European States have expressed scepticism in different forms.<sup>27</sup>

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<sup>27</sup> On the positions of individual States, see:

- A/59/PV.90: Official Records 59th session, 90th plenary meeting, 8 April 2005
- [http://www.responsibilitytoprotect.org/ICRtoP%20ReportGeneral\\_Assembly\\_Debate\\_on\\_the\\_Responsibility\\_to\\_Protect%20FINAL%209\\_22\\_09.pdf](http://www.responsibilitytoprotect.org/ICRtoP%20ReportGeneral_Assembly_Debate_on_the_Responsibility_to_Protect%20FINAL%209_22_09.pdf)
- A/63/PV.97, A/63/PV.98, A/63/PV.99, A/63/PV.100: Official Records 63rd session, 97th, 98th, 99th, 100th session; 23 – 28 July 2009

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- UN Human Rights Council from <<http://www2.ohchr.org/english/bodies/hrcouncil/>>
- United Nations Declaration of Human Rights, 1948 from <<http://www.un.org/en/documents/udhr/>>

### Topic #1

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- DPKO (Department of Field Support): United Nations Peacekeeping Operations: Principles and Guidelines ['Capstone Doctrine'], March 2008
- UNIFEM and DPKO: Addressing Conflict-Related Sexual Violence – An Analytical Inventory of Peacekeeping Practice, June 2010
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- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 and Optional Protocol of 1999
- Convention on the Rights of the Child of 1989 and Optional Protocols of 2000
- Rome Statute of the International Criminal Court
  
- <http://www.un-instraw.org/peace-and-security/programme-page/>  
Peace and Security-section of UN International Research and Training Institute for the Advancement of Women (instraw)
- [http://www.unifem.org/gender\\_issues/women\\_war\\_peace/](http://www.unifem.org/gender_issues/women_war_peace/)  
Unifem's work on women, war and peace
- <http://www.un.org/womenwatch/daw/public/eWPS.pdf>  
Study submitted by the Secretary-General pursuant to Res 1325 in 2002
- <http://www.un.org/womenwatch/feature/wps/>  
Central gateway to information and resources on the promotion of gender equality and the empowerment of women throughout the United Nations system; more links and documents on the topic, with videos and statements by governments

## Topic #2

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- Presstv.ir (2010) Sudan, Darfur rebel group reach landmark deal <http://edition.presstv.ir/detail/119365.html>
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- International Commission on Intervention and State Sovereignty: *The Responsibility to Protect*, December 2001, <http://www.iciss.ca/pdf/Commission-Report.pdf>
- A/59/565: A more secure world: our shared responsibility. Report of the High-level Panel on Threats, Challenges and Change, 02 Dec 2004
- A/63/677: Report of the Secretary General: Implementing the responsibility to protect, 12 Jan 2009
- A/64/701: Human Security Report of the Secretary-General, 08 March 2010
- A/64/864: Report of the Secretary-General: Early warning, assessment and the responsibility to protect, 14 July 2010
- Alex J. Bellamy: The Responsibility to Protect – Five Years On, in: Ethics & International Affairs, 24, no. 2 (2010), p 143–169, <http://responsibilitytoprotect.org/Bellamy.pdf>

You may also wish to look at the following internet sites:

- Responsibility to Protect- [www.r2pcoalition.org](http://www.r2pcoalition.org)
- International Coalition for the Responsibility to Protect-[www.responsibilitytoprotect.org](http://www.responsibilitytoprotect.org)

**Annex 1: SC-Resolutions Matrix on Women, Peace and Conflict** <sup>28</sup>

|                    | <b>1325</b>  | <b>1889</b>  | <b>1820</b>  | <b>1888</b>   |
|--------------------|--|--|--|---|
|                    | <b>Women's leadership in peacemaking and conflict prevention</b>   |  | <b>Prevention of and response to conflict related sexual violence</b>  |   |
| <b>Description</b> | <p>First Security Council resolution to <b>link women's experiences of conflict to the maintenance of international peace and security</b>. Asserts women's <b>leadership</b> role in conflict-resolution, peace talks and recovery, requires build-up of <b>gender response capability</b> in peacekeeping missions and <b>gender training</b> for all involved in the maintenance of peace and security.</p> <p>- Presented by Namibia, 2000 -</p>   | <p>Addresses <b>women's exclusion from early recovery and peacebuilding</b> and <b>lack of adequate planning and funding</b> for their needs. Asks for a <b>strategy</b> to increase numbers of women in conflict-resolution decision-making, and asks for <b>tools</b> to improve implementation: <b>indicators</b> and proposals for a <b>monitoring mechanism</b>.</p> <p>- Presented by Viet Nam, 2009 -</p>   | <p>First Security Council Resolution to recognize <b>conflict-related sexual violence as a tactic of warfare and a matter of international peace and security</b>, requiring a peace keeping, justice, services and peace negotiation response</p> <p>- Presented by the USA, 2008 -</p>   | <p>Strengthens tools for implementing 1820 through assigning high-level <b>leadership, building judicial response expertise, strengthening service provision, and building reporting mechanisms</b></p> <p>- Presented by the USA, 2009 -</p>   |
| <b>Actors</b>      | <p><b>UN Secretary-General (SG) must:</b></p> <ul style="list-style-type: none"> <li>- Increase numbers of women in UN decision-making on peace and security</li> <li>- Ensure women participate in peace talks</li> <li>- Provide information on women and conflict in country reports to the Security Council</li> </ul> <p><b>States must:</b></p> <ul style="list-style-type: none"> <li>- provide training on gender and conflict</li> <li>- address gender in Disarmament Demobilization and Reintegration programmes</li> </ul> | <p><b>UN Secretary-General must:</b></p> <ul style="list-style-type: none"> <li>- Produce a strategy to increase numbers of female peacemaking and peace keeping decision-makers</li> <li>- Ensure all country <b>reports</b> address <b>gender, conflict and peacebuilding</b></li> <li>- Produce a global report on women's participation in peacebuilding</li> <li>- Enable UN entities to collect data on women's post-conflict situation</li> <li>- Place gender advisors and/or</li> </ul> | <p><b>UN Secretary-General must:</b></p> <ul style="list-style-type: none"> <li>- Ensure sexual violence is addressed in conflict resolution as well as post conflict recovery efforts</li> <li>- Raise the issue of sexual violence in dialogue with parties to armed conflict</li> <li>- Ensure women are represented in peacebuilding institutions</li> <li>- Ensure sexual violence is addressed in UN-assisted DDR-processes, and justice and security sector reform</li> </ul> | <p><b>UN Secretary-General must:</b></p> <ul style="list-style-type: none"> <li>• Appoint <b>SRS</b>G (Special Representative of the Secretary General) on UN response to Sexual Violence in Conflict</li> <li>• <b>Appoint women protection advisors</b> (mix of military and gender skills) to UN peacekeeping missions in contexts with high levels of sexual violence</li> <li>• <b>Establish a rapid response team</b> of judicial experts to address impunity and support countries build an effective judicial response to conflict-related sexual violence</li> </ul> |

<sup>28</sup> Source: [http://www.unifem.org/attachments/gender\\_issues/women\\_war\\_peace/UNSecurityCouncilResolutionsMatrix.pdf](http://www.unifem.org/attachments/gender_issues/women_war_peace/UNSecurityCouncilResolutionsMatrix.pdf)

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|  | <p><b>Parties to armed conflict must:</b></p> <ul style="list-style-type: none"> <li>• Protect women from sexual and gender based violence (SGBV)</li> <li>• Respect civilian character of refugee and IDP (Internally Displaced Persons) camps</li> <li>• Prevent impunity and avoid amnesty for war crimes against women</li> </ul> <p><b>Security Council must:</b></p> <ul style="list-style-type: none"> <li>– take into account impact of its actions on women and girls <ul style="list-style-type: none"> <li>– meet with women’s groups on its missions</li> </ul> </li> </ul> | <p><b>women protection advisors</b> in peacekeeping missions</p> <ul style="list-style-type: none"> <li>– Produce a global set of indicators of implementation of 1325</li> <li>– Propose a Council mechanism for monitoring 1325</li> </ul> <p><b>States must:</b></p> <ul style="list-style-type: none"> <li>• Promote women’s <b>participation</b> in political and economic decision-making from the earliest stage of <b>peacebuilding Track money spent on women in post-conflict and recovery planning</b> and invest in women’s physical and economic security, health, education, justice, and participation in politics</li> </ul> <p><b>Security Council must:</b></p> <ul style="list-style-type: none"> <li>• Add provisions for <b>women’s empowerment</b> to mandate renewals for UN missions</li> </ul> <p><b>Peacebuilding commission (PBC) must:</b></p> <ul style="list-style-type: none"> <li>– address women’s engagement in peacebuilding</li> </ul> | <p><b>Parties to armed conflict must:</b></p> <ul style="list-style-type: none"> <li>• stop sexual violence, enforce command responsibility, and protect civilians from sexual violence including by vetting suspected perpetrators from armed forces and by evacuating civilians at risk</li> <li>• Categorically prohibit amnesty for war crimes of sexual violence</li> <li>• <b>Build awareness</b> of and take steps to prevent sexual violence including through contribution of women peacekeeping personnel</li> <li>• Provide specific <b>training</b> to troops on prohibition and prevention of sexual violence</li> <li>• Apply policy of <b>zero tolerance</b> to acts of sexual exploitation and abuse committed by UN peacekeepers</li> <li>• Develop, along with regional and sub-regional institution, measures to improve <b>protection and assistance</b>, particularly in relation to justice and health systems</li> </ul> <p><b>Security Council must:</b></p> <p>Address <b>root causes of sexual violence</b> to expose myths about the inevitability and non-preventability of sexual violence in war</p> <ul style="list-style-type: none"> <li>• Include sexual violence as criteria in country-specific <b>sanctions</b> regimes if relevant</li> </ul> <p><b>Peacebuilding Commission must:</b></p> <ul style="list-style-type: none"> <li>– Advise on ways to address sexual violence</li> </ul> | <ul style="list-style-type: none"> <li>• Ensure that <b>peace talks</b> address sexual violence in relation to: political participation, DDR/SSR (Security Sector Reform), ceasefires, justice, reparations, economic recovery</li> </ul> <p><b>Appoint more women as mediators</b></p> <ul style="list-style-type: none"> <li>• Make proposals to the Security Council on means of improving <b>monitoring</b> and reporting on conflict-related sexual violence</li> <li>• Make improvements in <b>data</b> on trends and patterns of sexual violence, and report on this to the Security Council</li> <li>• Provide details to the Security Council on <b>parties to armed conflict</b> credibly suspected of perpetrating patterns of rape</li> </ul> <p><b>UN Action against Sexual Violence in Conflict (a coordination body composed of 12 UN entities) must:</b></p> <ul style="list-style-type: none"> <li>• build coherence in the UN’s response and host SRSG</li> </ul> <p><b>States must:</b></p> <ul style="list-style-type: none"> <li>• <b>Improve national legal frameworks</b> and the functioning of judicial systems to bring perpetrators to justice</li> <li>• Improve health-care/ legal/ psychosocial/ socio-economic support <b>services for sexual violence survivors</b></li> <li>• Ensure that <b>traditional leaders</b> take efforts to prevent stigmatization of victims</li> </ul> |
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|  |   |  |   | <ul style="list-style-type: none"> <li>Support comprehensive national/UN strategies <b>to stop sexual violence</b></li> </ul> <p><b>Security Council must:</b></p> <ul style="list-style-type: none"> <li>Raise sexual violence in designation criteria for sanctions committees</li> </ul>   |
| <b>Focal Point/ leadership within the UN</b> | <b>Office of the Special Advisor on Gender Issues (OSAGI)</b> coordinates the Inter-Agency Task Force on Women, Peace and Security, and is mandated to advise the SG on 1325 matters<br>No designated operational counterpart to OSAGI at country level                                       | Introduction of possible new focal point for gender and peacebuilding issues: the <b>PBC</b> (Peacebuilding Commission)<br>Mentions the Inter-Agency Standing Committee (IASC) on Humanitarian Assistance, sub-Working Group on Gender   | <b>DPKO (Department of Peacekeeping Operations)</b> best practices unit produced 1820 + 1 report.<br><b>UN Action Against Sexual Violence in Conflict</b> indicated as coordination resource  | <b>SRSG</b> to build coherence and coordination in the UN's response to conflict-related SV<br>Linked to <b>UN Action Against Sexual Violence in Conflict</b> for coordination support  |
| <b>Monitoring and reporting mechanism</b>    | <b>The System-wide Action Plan</b> currently lacks agreed indicators for effective progress monitoring. Focuses on UN system-wide implementation plans rather than on 'violation' of resolution.<br>Informal reviews: Open Debate every October, and informal Council meetings on the subject | Call for global indicators will create foundation for effective monitoring tool. Will need commitment of UN entities to populate with data and monitor, and commitment from Member States to monitor indicators relevant at the country level.<br><b>No formal mechanism</b> but invites proposals for review procedure and mechanism [OP 18]. | <b>Annual report</b> (but no clear monitoring and reporting parameters)<br><b>Monthly consideration</b> by the Security Council expert group on Protection of Civilians [which is briefed by OCHA, <i>Office for the Coordination of Humanitarian Affairs</i> ]                         | <b>Invites a proposal</b> within 3 months on monitoring and reporting mechanism.<br><b>Annual report</b> to provide details on perpetrators, i.e.: a name and shame mechanism.<br>Links to the Monitoring and Review mechanism for the Children and Armed Conflict resolutions (1612 and 1882).   |
| <b>Accountability mechanism</b>              | <b>None.</b> No reference to sanctions for perpetrators; (only mentions impact of sanctions on women [OP 14])<br>Tentative on amnesty - parties urged to avoid giving amnesty for war crimes against women "where feasible" [OP 11]   | <b>None</b> – but <b>calls for recommendations in 2010</b> on how Council will receive, analyze, and act upon information on 1325; in short, invites reflection on what kind of accountability mechanism could be set up [OP 18]   | <b>Sexual violence relevant to</b> country-specific <b>sanctions</b> regimes [OP 5] SG to develop a <b>strategy for addressing SV in dialogue</b> with parties to armed conflict [OP 3]<br>Categorical <b>exclusion</b> of sexual violence crimes from <b>amnesty</b> provisions [OP 4] | <b>Sanctions</b> committees must add criteria pertaining to acts of rape and other forms of sexual violence [OP 10];<br>Report <b>naming perpetrators</b> to be reviewed in Council [OP 26]<br>National and local leaders, including traditional/religious authorities, to combat marginalization and stigmatization of survivors [OP 15] |
| <b>Resources</b>                             | <a href="http://www.unifem.org/1325plus10">www.unifem.org/1325plus10</a>  |  | <a href="http://www.stoprapenow.org">www.stoprapenow.org</a>  |   |

## **Annex 2 – Milestones on the Responsibility to Protect (R2P)**

- 1996 Francis Deng publishes his book „Sovereignty as Responsibility – Crisis Management in Africa“ and mentions the term for the first time
- 2001 The International Commission on Intervention and State Sovereignty (ICISS) publishes its final report and defines R2P as the responsibility of states to be able and willing to save their populations from most gross human rights violations. The international community has a subsidiary role; the responsibility of all actors refers to the areas of prevention, reaction (diplomatically and as a last resort, militarily) and reconstruction.
- 2004 The report of the High-Level Panel for Threats, Challenges and Change picks up the idea of R2P in the context of new threats. In the report, R2P is called 'relatively new emerging norm, one that is precious but not yet deep-rooted' (para 82).
- 2005 The UN Secretary General presents his report 'In Larger Freedom' (A/59/2005). He confirms the normative character of R2P mentioned above and calls upon states to act upon it.
- 2005 The UN General Assembly passes the World Summit Declaration and commits itself in Art. 138 and 139 to R2P. However, the GA limits R2P on the four crimes of genocide, war crimes, ethnic cleansing and crimes against humanity. The legitimacy of the Security Council in taking decision concerning military measures is underlined.
- 2006 For the first time, the UN Security Council refers to R2P explicitly in its thematic resolution 1674 on R2P as it was defined by the World Summit Declaration.
- 2008 The UN Secretary General appoints Edward C. Luck as Special Advisor for the responsibility to protect.
- 2009 In his report 'Implementing the Responsibility to Protect' (A/63/677), the UN Secretary General suggests a three-pillar-approach, which first rests on the responsibility of the individual states, second on the responsibility of international support and capacity building and third on the timely and decisive response to violations of R2P.
- 2009 After intense debate, the UN General Assembly passes the Resolution 63/308. The GA unanimously agrees to further pursue the topic, reconfirms the consensus from 2005 relating to the four crimes and identifies less general, but rather practical problems when it comes to implementation of R2P.
- 2010 Special Advisor Edward C. Luck publishes his report on early warning and capacity building.