

September 1, 2009

Draft resolution on Women and Peace and Security

- i *Reaffirming* its commitment to the continuing and full implementation of resolutions 1325 (2000), 1612 (2005), 1674 (2006), 1820 (2008) and 1882 (2009) and *recalling* the Statements of its president of 31 October 2001 (S/PRST/2001/31), 31 October 2002 (S/PRST/2002/32), 28 October 2004 (S/PRST/2004/40), 27 October 2005 (S/PRST/2005/52), 8 November 2006 (S/PRST/2006/42), 7 March 2007 (S/PRST/2007/5), and 24 October 2007 (S/PRST/2007/40),
- ii *Welcoming* the report of the Secretary-General of 16 July 2009 (S/2009/362), but remaining deeply concerned over the lack of progress on the issue of violence against women and children in situations of armed conflict, and *noting* as documented in the Secretary-General's report that sexual violence in conflict exists globally,
- iii *Reiterating deep concern* that, despite its repeated condemnation of violence against women and children in situations of armed conflict, including sexual violence in situations of armed conflict, and despite its calls addressed to all parties to armed conflict for the cessation of such acts with immediate effect, such acts continue to occur, and in some situations have become systematic or widespread,
- iv *Recalling* the responsibilities of States to end impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes and other egregious crimes perpetrated against civilians, and in this regard, *noting* with concern the limited number of individuals who have been brought to justice by national justice systems, international justice mechanisms and mixed criminal courts and tribunals for crimes committed against women and children, and *further noting* the inclusion of a range of sexual violence offences in the Rome Statute of the International Criminal Court and the statutes of the ad hoc international criminal tribunals,
- v *Urging* all States and non-State parties to conflicts to comply fully with their obligations under applicable international law, including the categorical prohibition on all forms of sexual violence,
- vi *Recognizing* the need for civilian and military leaders to demonstrate commitment and political willingness to prevent sexual violence, consistent with the doctrine of command responsibility, and that inaction can send a message that the incidence of sexual violence in conflicts is tolerated,
- vii *Recalling* the Council's decision in resolution 1882 of 3 August 2009 (S/RES/1882) to expand the Annexed list of parties in situations of armed conflict engaged in the recruitment or use of children in violation of international law to also include those parties to armed conflict that engage, in contravention of applicable international law, in patterns of killing and maiming of children and/or rape and other sexual violence against children, in situations of armed conflict,

viii *Having considered* the report of the Secretary-General of 16 July 2009 (S/2009/362) and *stressing* that the present resolution does not seek to make any legal determination as to whether situations that are referred to in the Secretary-General's report are or are not armed conflicts within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in these situations,

ix *Emphasizing* the importance of addressing sexual violence issues from the outset of peace agreements, in order to protect populations at risk and promote full stability, in particular in the areas of pre-ceasefire humanitarian access and human rights agreements, ceasefires and ceasefire monitoring, Disarmament, Demobilization and Reintegration (DDR), Security Sector Reform (SSR) arrangements, justice and reparations, post-conflict recovery and development,

x *Noting with concern* the underrepresentation of women in formal peace processes, the lack of mediators and ceasefire monitors with proper training in dealing with sexual violence, and the lack of women as Chief or Lead peace mediators in UN-sponsored peace talks,

xi *Welcoming* the inclusion of women in peacekeeping missions in civil, military and police functions, and *recognizing* that women and children in conflict may feel more secure working with and reporting abuse to women in peacekeeping missions, and that the presence of women peacekeepers may encourage local women to participate in the national armed and security forces, thereby helping to build a security sector that is accessible and responsive to women,

xii *Reiterating* its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to continue to address the widespread impact of armed conflict on civilians, including with regard to conflict-related sexual violence,

1. *Reaffirms* that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security; *affirms* in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security; and *expresses its readiness* to take, where necessary, appropriate steps to address widespread or systematic sexual violence in situations of armed conflict;

2. *Reiterates* its demand for the complete cessation by all parties to armed conflict of all acts of sexual violence with immediate effect;

3. *Demands* that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and children, from all forms of sexual violence, including measures such as, inter alia, enforcing appropriate military disciplinary measures and upholding the principle of command responsibility, training troops on the categorical prohibition of all forms of sexual violence against civilians, debunking myths that fuel sexual violence and vetting candidates for national armies and security forces to ensure the exclusion of those associated with gross human rights violations, including sexual violence;

4. *Requests* that the UN Secretary-General appoint a Special Representative to provide coherent leadership, coordination and advocacy efforts to address conflict-related sexual violence at both headquarters and country level, promoting cooperation and coordination of efforts among all relevant stakeholders through the inter-agency initiative ‘United Nations Action Against Sexual Violence in Conflict’;
5. *Encourages* States and institutions to provide financial assistance for the establishment and ongoing work of the new post and *requests* that the UN Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, while *encouraging* all UN entities tasked with addressing sexual violence to provide appropriate support to the Special Representative;
6. *Urges* States to undertake comprehensive legal and judicial reforms, in conformity with international laws, without delay and with a view to bringing perpetrators of sexual violence in conflicts to justice and to ensuring that survivors are treated with dignity throughout the justice process and are protected and receive redress for their suffering;
7. *Calls upon* the Secretary-General to establish a Task Force of Experts, using available resources in the UN system and voluntary contributions and including experts in the rule of law, civilian and military judicial systems, mediation, criminal investigation, security, witness protection, fair trial standards, and public outreach, and recommends that the Task Force, to work with relevant UN missions in situations where sexual violence in conflict is occurring in coordination with senior mission focal points in the field:
  - a. Monitor full implementation of the measures called for by Resolution 1820 (2008),
  - b. Work where relevant through UN missions and country teams in situations where conflict-related sexual violence in conflict is occurring,
  - c. Work directly with national legal and judicial officials and other personnel in the relevant governments’ civilian and military justice systems,
  - d. Make recommendations to governments on broader systemic issues,
  - e. Help align domestic and international resources to make the biggest impact on the government’s ability to address sexual violence in armed conflict,
  - f. Assess the technical and legal capacities of governments facing the challenge of sexual violence in conflict, and the willingness of other governments to assist with the establishment of an appropriate legal mechanism in those countries, such as, for example, national justice systems, international justice mechanisms, internationalized chambers within the domestic courts to investigate and prosecute, under domestic and/or international law, as deemed appropriate to the specific circumstances of individual cases, acts of rape, sexual violence, and other grave violations of human rights in

situations of armed conflict, and provide a report to the Secretary-General on the feasibility of such accountability mechanisms in the countries reviewed,

g. Identify areas of concern and develop a comprehensive strategy with the concerned governments on how to improve accountability for sexual violence in armed conflict;

8. *Encourages* States and relevant UN entities, as appropriate, to provide assistance to build national capacity in the judicial and law enforcement systems;

9. *Reiterates its intention*, when adopting or renewing targeted sanctions in situations of armed conflict, to include, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and *calls* upon all UN bodies, particularly peacekeeping operations and the Working Group on Children and Armed Conflict, to share with relevant sanctions committees and UN sanctions monitoring expert panels all pertinent information about sexual violence;

10. *Expresses its intention* to ensure that resolutions to establish or renew peacekeeping mandates contain provisions, as appropriate, on the prevention of, and response to, sexual violence, with corresponding reporting requirements to the Council;

11. *Decides* to include specific provisions for the protection of women and girls from rape and other sexual violence in the mandates of United Nations peacekeeping operations, including, on a case-by-case basis, the deployment of women's protection advisers (WPAs), and requests the Secretary-General to ensure that the need for, and the number and roles of WPAs are systematically assessed during the preparation of each United Nations peacekeeping operation;

12. *Urges* Member States and regional organizations to take measures to increase, where applicable the representation of women in decision-making processes with regard to conflict resolution and peacebuilding;

13. *Urges* that issues of sexual violence be included in all UN-sponsored peace negotiation agendas regarding conflicts in which such violence has been reported, and *also urges* inclusion of sexual violence issues from the outset of peace agreements in such situations, in particular in the areas of pre-ceasefires, humanitarian access and human rights agreements, ceasefires and ceasefire monitoring, DDR and SSR arrangements, justice, reparations, and recovery/development, and in this regard *reaffirms* the important role that the Peacebuilding Commission can play in continuing to render advice and recommendations to address sexual violence committed during and in the aftermath of conflict;

14. *Encourages* Member States to deploy female military and police personnel to UN peacekeeping operations, and to provide them with adequate training to carry out their responsibilities;

15. *Requests* the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance of sexual exploitation and abuse in United Nations peacekeeping

operations; and *urges* troop and police contributing countries to take appropriate preventative action, including pre-deployment and in-theater awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel;

16. *Requests* that the Secretary-General direct all relevant United Nations entities to take specific measures, within existing resources, to ensure systematic mainstreaming of gender issues within their respective institutions, including by ensuring allocation of adequate financial and human resources within all relevant offices and departments and on the ground as well as to strengthen, within their respective mandates, their cooperation and coordination when addressing the issue of sexual violence in armed conflict;

17. *Encourages* the entities comprising UN Action Against Sexual Violence in Conflict to continue and enhance cooperation and information sharing among all relevant stakeholders in order to reinforce coordination and avoid overlap at the headquarters and country levels and improve system-wide response;

18. *Urges* relevant Special Representatives and the Emergency Relief Coordinator of the Secretary-General, with strategic and technical support from the UN Action network, to work with Member States to develop joint Government-United Nations Comprehensive Strategies to Combat Sexual Violence, in consultation with all relevant stakeholders, and to regularly provide updates on this in their standard reporting to Headquarters;

19. *Requests* that the Secretary-General ensure more systematic reporting on incidents of sexual violence, trends, emerging patterns of attack, and early warning indicators to the Council in all relevant reports, and encourages the Special Representatives of the Secretary-General, the Emergency Relief Coordinator, the High Commissioner for Human Rights, the Special Rapporteur on Violence against Women, and the Chairperson(s) of UN Action to provide in coordination with the aforementioned Special Representative on Women, Peace and Security, additional briefings and documentation on sexual violence to the Council;

20. *Requests* the Secretary-General to include, where appropriate, in his regular reports on individual peacekeeping operations, information on steps taken to implement measures to protect civilians, particularly women and children, against sexual violence;

21. *Requests* the Secretary-General, taking into account the proposals contained in his report as well as any other relevant elements, to devise urgently and preferably within three months, specific proposals on ways to ensure monitoring and reporting in a more effective and efficient way within the existing United Nations system on the application of the international norms and standards for the protection of women and girls from rape and other sexual violence in armed conflict and post-conflict situations, utilizing expertise from the United Nations system and the contributions of national Governments, regional organizations, non-governmental organizations in their advisory capacity and various civil society actors, in order to provide timely, objective, accurate and reliable information on gaps in UN entity's response, for consideration in taking appropriate action;

22. *Requests* that the Secretary-General continue to submit annual reports to the Council on the implementation of Resolution 1820 (2008) and to submit his next report by September of 2010 on the implementation of this resolution and Resolution 1820 (2008) to include, inter alia:

- a. a detailed coordination and strategy plan on the timely and ethical collection of information,
- b. updates on efforts by UN Mission focal points on sexual violence to work closely with the Resident Coordination/Humanitarian Coordinator (RC/HC) and the UN Country Team to address sexual violence,
- c. a list of parties to armed conflict that are credibly suspected of systematically committing acts of rape or other forms of sexual violence, in situations that are on the Council's agenda or that may be brought to the attention of the Council by the Secretary-General, in accordance with Article 99 of the Charter of the United Nations, which in his opinion may threaten the maintenance of international peace and security;

23. *Decides* to review the mandates of the Special Representative requested in OP 4 and the Task Force in OP 7 within three years and as appropriate thereafter;

24. *Decides* to remain actively seized of the matter.