

UNSCR 1820: Addressing Conflict-Related Sexual Violence as a Security Challenge

Impressum

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Introduction

On 19 June 2008, the UN Security Council unanimously adopted Resolution 1820 on Women, Peace and Security which stresses the need to eliminate all forms of violence against civilians, particularly women and girls during and in the wake of armed conflict. In many parts of the world, rape is used as a tactic of war to systematically humiliate, dominate and instil fear in members of a community or ethnic group.

These atrocious acts not only affect the health, safety and economic security of women and girls, but of the community as a whole. The breakdown of law and order leaves women and girls much more vulnerable to attacks, with no recourse to justice. Survivors are stigmatised, physically injured and psychologically traumatised. Women and girls often become pregnant as a result of rape, while many are infected with STDs, including HIV/AIDS. In fragile post-conflict States, sexual violence against women undermines efforts to cement the peace and restore the rule of law, including respect for human rights. Although sexual violence has been recognised as “the oldest crime of war”, it has long been dismissed as a form of collateral damage. It is only now, through the adoption of UNSCR 1820, that the international community officially and fully recognises sexual violence as a self-standing security issue linked with reconciliation and durable peace. The Security Council now has a clearly-articulated mandate to intervene through sanctions and by empowering field staff.

Background

In 1999 the Security Council condemned sexual violence against children in Resolution 1261 on Children and Armed Conflict and violence against civilians, in particular women and children, in Resolution 1265 on Protection of Civilians in Armed Conflict. In 2005 the Security Council followed up on UNSCR 1261 by adopting SCR 1612, strengthening it, but also introducing clear monitoring and reporting mechanisms, requesting the UN Secretary-General to integrate the protection of children in all his reports on country-specific situations, thereby increasing the accountability for the implementation of the Resolution. In 2000 it adopted UN Security Council Resolution 1325, which for the first time focussed specifically on Women, Peace and Security. Although this Resolution focuses mainly on the role women can play in peace building in conflict and post-conflict countries, it includes a paragraph on gender-based violence in armed conflict and on the need to put an end to impunity, though without referring to sanctions for perpetrators. In the 8 years since its adoption, conflict-related violence against women has continued and in some areas even became more brutal, systematic and widespread. It became, therefore, imperative to adopt a strong, specific global condemnation of the use sexual violence against women in conflict situations. As a result the Security Council adopted Resolution 1820 in June 2008, focussing specifically on the endemic use of sexual violence and the need to ensure that it does not go unpunished. The Resolution recognises that sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide and proposes measures to end it.

UNSCR 1820 and UNSCR 1325 are mutually-reinforcing and complementary, as 1820 strengthens an area where implementation of 1325 remains particularly weak, namely sexual violence prevention and response. With its strong focus on the condemnation of sexual violence in conflict and post-conflict situations, it provides a Security Council parallel to UN General Assembly Resolution 62/134 (adopted in December 2007) on Eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations. The latter condemns all acts of violence against women, whether perpetrated within a national (State-run),

local (community based) or private (family) environment. It calls for measures to prosecute perpetrators, provide redress and care for survivors, to educate and train judicial and military personnel, and to raise awareness at all levels.

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In the Preamble to the Resolution the Security Council acknowledges that despite its strong condemnation in the past of sexual and other forms of violence against civilians in armed conflict, in particular women and children, such acts continue to occur and have, in some situations, reached appalling levels of brutality. It has therefore included the following points in UNSCR 1820¹:

- Stresses that sexual violence towards civilians used as a tactic of war can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security. The Council will therefore adopt appropriate steps, where necessary, to address widespread or systematic sexual violence;
- It demands the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence with immediate effect;
- It demands that all parties to armed conflicts ensure that their military troops do not commit sexual violence, but rather protect civilians, particularly women and children;
- As rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a form of genocide (depending on the elements of the offence), these crimes should be excluded from any amnesty provisions in the context of conflict resolution processes. States need to prosecute the perpetrators and ensure that all victims of sexual violence have equal protection under the law and equal access to justice, thereby ending impunity;
- The Security Council intends to take into consideration possible targeted and graduated measures against parties using sexual violence against women and girls, when establishing or renewing State-specific sanctions;
- It requests the UN Secretary-General to develop and implement appropriate training programmes, guidelines and strategies for all peacekeeping and humanitarian UN personnel to help them prevent, recognise and respond to sexual and other forms of violence against civilians; UN Member States are invited to do the same and to include higher numbers of women in their peacekeeping (military and police) troops;
- It requests the Secretary-General to implement a policy of zero tolerance for sexual exploitation and abuse in UN peacekeeping operations, and urges Troop and Police Contributing Countries to ensure their personnel are trained and disciplined;
- It requests the Secretary-General to consult women and women-led organisations, where appropriate, when developing effective mechanisms for providing protection from (sexual) violence to women and girls in and around UN managed refugee and internally displaced persons (IDPs) camps and during disarmament, demobilisation and reintegration (DDR) processes as well as in justice and security reform efforts assisted by the UN;
- Urges the Secretary-General and his Special Envoys to invite women to participate in discussions on conflict prevention and resolution, peace and security and post-conflict peace-building and encourages all parties to ensure women's participation at decision-making levels;
- Urges all parties concerned at international, national, regional and sub-regional levels to consider developing and implementing policies, activities and advocacy for the benefit of women and girls affected by sexual violence in armed conflict,

¹ The points have been summarized.

and support the development and strengthening of the capacities of national institutions, judicial and health systems in particular, and of local civil society networks to offer assistance to victims of sexual violence in armed and post-conflict situations;

- Requests the Secretary-General to report to the Council by 30 June 2009 on the implementation of this Resolution in the context of situations on the agenda of the Council. This report should include proposals for strategies to minimise the susceptibility of women and girls to such violence, benchmarks for measuring progress in preventing and addressing sexual violence and plans for improving the flow of reliable information to the Council.

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