

Women, Peace and Security

-- Fourth anniversary of Security Council Resolution 1325

“Every effort must be made to halt this odious practice [the use of sexual and gender-based violence as a weapon of war], and bring the perpetrators to justice. ... I urge States to do everything they can to translate into reality the objectives of United Nations Security Council resolution 1325 on women, peace and security – and to do so without delay.”

Statement by UN Secretary-General Kofi Annan
to the Africa Union Session on Gender, 7 July 2004

I. INTRODUCTION

Violence against women¹ has been identified as a particularly grave human rights violation because of the range of rights it violates simultaneously. Instability and armed conflict lead to an increase in all forms of violence, and facilitate crimes against humanity, war crimes, genocide, rape and other forms of sexual violence being committed. During conflicts, violence against women is often used as a weapon of war, in order to dehumanize the women themselves, or to persecute the community to which they belong. Women are likely to form the greater proportion of the adult civilian population killed in war and targeted for abuse. Women and children are also usually the majority of refugees and internally displaced people (IDPs) forced to flee their homes because of armed conflict. The perpetrators of violence against women range from government forces to members of armed political groups – in some instances even international peace-keepers mandated to protect civilians, including women and girls.

The underlying cause of violence against women lies in the discrimination that denies women equality with men.² Violence both derives from discrimination and serves to reinforce

¹ According to Article 1 of the *UN Declaration on the Elimination of Violence against Women*, “the term ‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. Furthermore, in Article 2, the Declaration stipulates that “[v]iolence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

² In its *General Recommendation 19*, the Committee on the Elimination of All Forms of Violence against Women recognized that violence against women acts as a form of discrimination: “Gender-based violence, which impairs or

it, preventing women from exercising their rights and freedoms on a basis of equality with men.

Amnesty International's Campaign to Stop Violence against Women

In March 2004, Amnesty International (AI) launched a global campaign to stop violence against women, including in conflict-related situations. As part of the campaign AI is presenting an agenda for action at the global, regional, national and local level, setting out concrete steps to end violence against women, bring to justice the alleged perpetrators, and provide full reparation to survivors. AI's campaign seeks to complement and contribute to the efforts of women's organizations and others to combat violence against women in conflict-related situations. In addressing the continuum of violence against women, from peace to war, from the private to the public space, AI promotes a broader human rights agenda and calls for women's full participation in decisions affecting their lives, including processes relating to conflict prevention, conflict resolution and peace-building. AI considers the adoption of Security Council Resolution 1325 as a key tool in mobilising governments, armed groups, the United Nations (UN) and women themselves to eliminate violence against women.

Security Council Resolution 1325

The adoption in October 2000 of Security Council Resolution 1325 on women, peace and security is an historic landmark, marking the first time that the Security Council addressed specifically the role and experience of women in the context of armed conflict.³ The resolution builds on concepts developed in various international standards, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Beijing Declaration and Platform for Action (1995); the Outcome Document of the 23rd Special Session of the UN General Assembly, 5-9 June 2000, 'Women 2000: Gender Equality, Development and Peace for the 21st Century' ("Beijing +5"); and the Windhoek Declaration and Namibia Plan of Action on "Mainstreaming a Gender Perspective in Multi-Dimensional Peace Support Operations (May 2000). Although not legally binding, Resolution 1325 sends a strong message to all governments, UN bodies and parties to armed conflict that special efforts must be made to protect the human rights of women and girls in conflict-related situations and to ensure a gender perspective in all activities related to peace-building and maintenance.

Resolution 1325 addresses protection of women during armed conflict, and calls for an end to impunity for gender-based abuses during and after conflict, the integration of a gender perspective in peace-making and peacekeeping, and the participation of women in all levels of decision-making and issues related to prevention management and resolution of conflict. It calls for action from a wide range of stakeholders, including governments, the UN Security Council, UN Secretary-General and all parties to armed conflict.

The power of the principles codified in Resolution 1325 continues to give women worldwide an authoritative resource to draw on as they struggle to rebuild their war-torn

nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of Article 1 of the Convention."

³ For the full text of Security Council Resolution 1325 on women, peace and security (2000), see Annex 1.

societies and become powerful participants rather than powerless victims.

Scope of this paper

Four years on from the passage of Resolution 1325 on 31 October 2000, this paper attempts to measure the extent to which the provisions of Resolution 1325 have been implemented in eight conflict or post-conflict countries: Afghanistan, Colombia, Democratic Republic of Congo (DRC), Iraq, Kosovo (Serbia and Montenegro), Liberia, Sudan, and Timor-Leste. Organized around the four broad themes addressed in the resolution - protection, impunity, peacekeeping, and participation - it draws on AI's research and UN documents. The nature of the conflicts and conditions in each of these countries varies widely and this paper does not set out to compare country specific situations.⁴

The UN itself has taken some steps toward fulfilling its obligations under Resolution 1325, but in general across the eight countries examined, there appears to be a lack of political will on the part of nearly all UN member states and various UN bodies and agencies to apply the provisions of Resolution 1325 effectively to specific country situations.

At the level of national or transitional governments, there is a similar lack of commitment and political will to implement Resolution 1325. This may in part be due to the challenge of holding non-state actors to account in regard to human rights abuses. Armed groups, no less than governments, must never target civilians, take hostages, or inflict torture or cruel, inhuman or degrading treatment, and they must ensure respect for basic human rights and freedoms in territory they control. However, all parties to conflict regularly violate these provisions with impunity, as various case studies in this briefing will show.

II. PROTECTION OF WOMEN FROM VIOLENCE

Violence against women, as defined in international standards, is prohibited at all times, in all its forms, by international and regional treaties, as well as by customary international law.⁵ Governments have a responsibility to protect the human rights of women, including from violence. This responsibility extends also to acts and omissions by “non-state actors”⁶ expressed through the state's duty to exercise due diligence. This includes the duty to “prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons”.⁷ Thus the state must undertake full, open and impartial investigations into all allegations of grave abuses of human rights and humanitarian law, including violence against women, and to ensure that those responsible are brought to trial in accordance with international standards for fair trial and without recourse to the death penalty.

⁴ AI has published further documents on each of the countries mentioned in this document; these available on AI's website: www.amnesty.org.

⁵ AI uses the term “women” to include women of all ages, including girls.

⁶ The term “non-state actor” encompasses people and organizations acting outside the state, its organs and its agents.

⁷ *UN Declaration on the Elimination of Violence against Women*.

Many of the acts of violence against women committed in conflicts are committed by combatants who are members of armed political groups. Members of armed political groups can be held individually criminally responsible for crimes under international law committed against women, including genocide, crimes against humanity, and war crimes. Common Article 3 of the Geneva Conventions applies in all cases of armed conflict, whether international or internal, and to all parties to the conflict.

Excerpts from Resolution 1325:

9. *Calls upon* all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. *Calls on* all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

12. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls,

In the eight country situations analyzed, AI found few measures in place specifically to protect women from violence during or in the aftermath of the conflict. The most common finding during conflict was that there was little security for anyone in refugee or displaced persons camps, or in war zones, and in particular little attention to women's special needs in camps, for example in regard to lighting, water supply or separate women's quarters.

Rape as a weapon of war

Rape is used to intimidate, conquer, expel, humiliate or control women and their communities in times of war or internal conflict. Rape is committed by all parties to a conflict, although in some conflicts, AI has found evidence that rape was overwhelmingly committed by one side against the other.

In some parts of the world, women and girls who have been raped are shunned by their neighbours because of the fear that they have been infected with HIV/AIDS. This, combined with some traditional attitudes towards women who have been subjected to rape, may lead to survivors being considered unmarriageable, with devastating consequences in societies where women's economic welfare and social standing is dependent on their relationship with men.

Rape and other gender-based violence are prohibited, both domestically and

internationally, but these crimes are often ignored and rarely prosecuted. Women often do not bring complaints or testify because they are afraid of being stigmatized or fear further attacks; because no or insufficient measures are in place to protect them in providing testimony, because medical evidence is difficult or expensive to obtain; and because the authorities responsible for bringing prosecutions are indifferent or lack the necessary expertise. These problems are exacerbated in armed conflict.

Sudan

In July 2004, AI cited reports that women and girls had been raped both within the Darfur IDP camps and when they ventured outside. One Sudanese IDP said of the Mukjar camp: "It is not a camp but a prison."⁸ Rape and other forms of sexual violence have been used against women in Darfur as a weapon of war in order to humiliate, punish, control, inflict fear and displace women from their communities. Women in Darfur are more vulnerable in the context of the armed conflict because they are the main caregivers and as such are more accessible to aggressors during attacks on villages, where they often remain to care for children and the elderly after the men have fled.⁹ Women have also been attacked when they flee the villages, at roadblocks and checkpoints.

During a May 2004 mission to refugee camps in Chad, AI collected names of more than 250 women who had been raped during the conflict in Darfur. These cases represent a mere fraction of the abuses and include numerous reports of rapes and other forms of sexual violence committed by the *Janjawid*, the government sponsored militia, which act with impunity and with the knowledge or acquiescence of government forces.¹⁰ Women and girls have been subject to abductions, sexual slavery, torture and forced displacement. AI has urged all parties to the conflict to immediately cease perpetrating violence against women and for those who have committed these crimes to be brought to justice in fair trials, without recourse to the death penalty.

UNICEF is one of the UN agencies that has paid special attention to the needs of women and girl refugees in Sudan. Besides providing a safe place for children to gather, UNICEF's "Safe Play Centres" in four camps in South Darfur provides psychosocial support and gives girls a safe environment in which to talk about the abuse they have witnessed and experienced.¹¹ In cooperation with Sudan's Ministry of Social Welfare, UNICEF has also sponsored a training course for police to help them address sexual abuse of children and women in Darfur. Some 80 police officers (25% of them women) were trained in July and August and police in Khartoum are to extend the training to another 1,000 Sudanese police officers.¹²

⁸ Amnesty International: *Sudan: Darfur: Rape as a weapon of war: sexual violence and its consequences* (AI Index: AFR 54/076/2004), 19 July 2004.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

Kosovo (Serbia and Montenegro)

AI's research in Kosovo showed that neither the UN Interim Mission in Kosovo nor the international military force in Kosovo, led by the NATO, were able to protect local women and IDPs.¹³ Furthermore, AI found evidence that their presence exacerbates the problem of trafficking, through which women from other regions are brought to Kosovo, often under false pretences or against their will, for forced prostitution.¹⁴

Afghanistan

AI found that women and girls risked rape, sexual violence and intimidation in many parts of Afghanistan, and that these abuses had been perpetrated by armed groups with impunity since the fall of the Taleban in 2001. AI also received reports that members of the police and the Afghan National Army have been involved in some of the abuses. According to information available to AI, there is no support or professional services for women victims of rape in Afghanistan and there are no forms of shelter to guarantee the safety of victims of violence.¹⁵

There have been some indications from the Afghanistan Ministry of Women's Affairs that issues of security for women are to be given a higher priority. Summarising planned capacity-building in this regard as part of a budget assessment at the beginning of this year, the Ministry said: "Issues include the risk or reality of physical abuse, including sexual violence, which is such a violation of all cultural and religious values that it is too often treated with denial of its very existence. There is need for emergency protective care, and legal systems that guarantee that women can seek and gain justice that does not increase their risk."

DRC

The incidence of rape in DRC increased in 2004, despite efforts by MONUC and the transitional government to address gender-related abuses. In the course of the conflict in eastern DRC tens of thousands of women and girls have been raped by combatants from both armed groups and government forces. Victims include the very young (cases documented in AI's report include girls aged as young as five; rape of babies has also been reported) and the elderly (aged 70 or over), as well as a small percentage of men and boys. Some women were raped on two or even three separate occasions in the course of the conflict, by different armed forces. The crimes were often committed in full view of members of their communities.

In some cases there is evidence that armed groups have used systematic rape to force people to flee so that they could secure mineral-rich land for commercial exploitation. Although security has improved in many areas following the peace agreement, allowing access and humanitarian aid for the first time in years to at risk populations, in other areas conflict

¹³ Amnesty International, *Serbia and Montenegro (Kosovo/Kosova): The March Violence: KFOR and UNMIK's failure to protect the rights of the minority communities* (AI Index: EUR 70/016/2004).

¹⁴ Amnesty International, *Kosovo (Serbia and Montenegro): "So does it mean that we have the rights?" Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo* (AI Index: EUR 70/010/2004)

¹⁵ Amnesty International, *Afghanistan, "No one listens to us and no one treats us as human beings. Justice denied to women"* (AI Index: ASA 11/023/2003).

continues unabated.¹⁶

AI found that efforts to monitor the situation of women and identify and aid the estimated 80,000-100,000 victims of rape and sexual abuse came mostly from local women's initiatives. For example, the Commission to Fight Against Rapes and Violence in South Kivu, in collaboration with the Human Rights Section of the United Nations Mission in the Democratic Republic of Congo (MONUC) in partnership with local and international NGOs, produced a status report on sexual violence against women, and both the Coalition against sexual violence in the DRC in South Kivu and the Centre Olame in Bukavu have submitted reports documenting rape victims they had received and aided. In Bunia and Lalemie, MONUC in partnership with international NGOs did assist 1,000 victims of sexual violence and trained local NGOs and women's leaders in preventative measures.¹⁷

Colombia

In Colombia there is no comprehensive government policy to combat discrimination and nor an effective institutional response to support of victims of sexual violation during the internal conflict. Women in poor urban and rural areas and forcibly displaced women have little or no access to support, including medical attention or legal counsel. When survivors do seek assistance in the aftermath of sexual abuse they are quizzed about their own sexual behaviour and often asked to return for repeat visits.¹⁸

Liberia

Although the deployment of UN peacekeeping troops since October 2003 and progress with disarmament and demobilization has contributed to a reduction in the incidence of rape and other forms of sexual violence in the context of the armed conflict, it has not been eradicated and women and girls remain vulnerable, especially in IDP camps. Measures identified to AI representatives in November 2003 as necessary to increase protection of women and girls in IDPs camps - such as improved lighting, the location of latrines used by women and girls, better policing and increased awareness of sexual and gender-based violence - had, for the most part, yet to be implemented when AI representatives returned to Liberia in July 2004.

III. IMPUNITY FOR VIOLENCE AGAINST WOMEN

Impunity is rife in conflict zones. Most acts of violence against women are never investigated, and perpetrators commit their crimes safe in the knowledge that they will never face arrest, prosecution or punishment. Impunity for violence against women contributes to a climate where such acts are seen as normal and acceptable rather than criminal, and where women do not seek justice because they know they will not receive it.

¹⁶ Amnesty International, *Democratic Republic of Congo: Mass rape - time for remedies* (AI Index: AFR 62/018/2004).

¹⁷ *Fifteenth Report of the Secretary-General on United Nations Organization Mission in the Democratic Republic of the Congo* (S/2004/251).

¹⁸ Amnesty International, *Colombia, "Scarred Bodies, Hidden Crimes: Sexual violence against women and the armed conflict"* (AMR 23/040/2004), October 2004.

Fighting impunity for violations of women's human rights is at the core of AI's campaign to end violence against women. Although governments acknowledge the need to address violence against women, e.g. through ratification of international treaties, political will is all too often absent to translate these obligations into practical measures to protect women from violence and to ensure that those responsible for acts of violence against women and girls are held accountable before the law. In some countries the rule of law has broken down because of severe deficiencies in the judicial system, including insufficient resources, lack of training, lack of specialist personnel and pervasive corruption. In many countries, however, impunity goes beyond deficiencies in the judicial system, and has more to do with a distinct lack of political will to ensure that all human rights violators are held to account.

Excerpts from Resolution 1325:

11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, where feasible from amnesty provisions;

Even in areas where the conflict had moved into the reconciliation and rehabilitation phase, in many instances effective mechanisms were lacking for reporting of abuses against women and girls. Some women's groups have tried to fill the vacuum by encouraging women to come forward and providing forums in which they can feel more comfortable doing so. Where new or transitional governments have created legislation addressing violence against women, these bills are in some cases at a standstill in the legislative process and in others are passed, only to be rendered ineffective by a lack of implementation.

There appears to be an overwhelming culture of impunity throughout the eight country situations analyzed, through lack of action by both the UN and the new or transitional governments.

Kosovo (Serbia and Montenegro)

In Kosovo systematic reporting systems for abuses are in place through UNMIK, including daily crime reports and statistics. Recently UNMIK has shown greater willingness to investigate reports of involvement of UNMIK personnel in trafficking and has requested a waiver of immunity from prosecution. UNMIK has also introduced legislation to address domestic violence.

However, criminal prosecutions remain rare, and mostly have involved cases in which the victim was under 14 years of age. In a small number of cases disciplinary procedures have also been brought against KFOR members after allegations of involvement in trafficking. No domestic prosecutions have taken place to date for incidents of rape and other forms of sexual violence which took place during the conflict in Kosovo, although several incidents of rape are referred to in the charges against former President Slobodan Milošević and others indicted for

war crimes in Kosovo at the International Criminal Tribunal for the former Yugoslavia.

Colombia

In Colombia the government has failed to fulfill its obligation to prosecute sexual abuse crimes. Despite the evidence of rapes committed against persons protected by international humanitarian law, and despite being classified as a specific crime in Colombia's new Criminal Code, AI has no record of anyone being tried for such abuses under this new law.¹⁹

Furthermore, the government is pursuing policies which threaten to consolidate impunity in cases of human rights abuses and may lead to *de facto* amnesties for those who perpetrate such crimes.

Sudan

Rape is punishable under the Sudanese Penal Code; by death if the victim is a married person. However, despite widespread reporting of rape in the Darfur crisis, no member of the *Janjawid* or the armed forces has yet been charged with committing rape.²⁰ One woman who reported being raped while she was collecting firewood outside her camp in Western Darfur was able to identify the men involved. The men were subsequently disarmed and taken into custody. However, the next day their weapons were returned to them and they were released. The woman was told that no more cases of violence were to be followed up in the courts in the future.²¹

There are no effective systems for reporting rape and other sexual abuse; in fact the government denies that these crimes happen at all.²² Rape committees created on 17 July 2004 in the three states of Darfur comprise a female judge, a prosecutor and a police officer are not known to have met rape victims and reportedly only investigate if the women have obvious marks of abuse and if the rape is reported straight away. By law, victims were until very recently required to report rape to the police in the first instance in order to get a form allowing them to receive medical treatment. A decree issued by the Minister of Justice changed that in September 2004. However the decree has not been properly publicised throughout Darfur. In addition, because of the stigma associated with rape and because women do not trust the police, they do not report rape and do not get treatment.

Liberia

While Liberian civil society is increasingly vocal in its call for an end to impunity, neither the National Transitional Government of Liberia nor the international community have so far demonstrated a commitment to bring to justice perpetrators of crimes against humanity, war crimes and other serious violations of international law, including rape and other forms of sexual violence. In August 2003, the Acting UN High Commissioner for Human Rights, in his

¹⁹ Amnesty International, *Colombia, "Scarred Bodies, Hidden Crimes: Sexual violence against women and the armed conflict"* (AMR 23/040/2004), October 2004.

²⁰ Amnesty International: "*Darfur: Rape as a weapon of war: sexual violence and its consequences*" (AI Index: AFR/54/076/2004).

²¹ *Ibid.*

²² Amnesty International. "*Intimidation and denial: Attacks on freedom of expression in Darfur*" (AI Index: AFR 54/101/2004).

emergency report on the worsening human rights crisis in the Liberian capital, Monrovia, said "This culture of impunity cannot be allowed to stand. We owe it to the people of Liberia to provide them with the same remedies now available to victims of similar crimes in other countries."²³

The Human Rights and Protection Section and civilian police of the UN Mission in Liberia (UNMIL), together with other UN agencies and national and international NGOs, have begun to increase awareness of sexual and gender-based violence and to document serious violations of international human rights and humanitarian law committed during the conflict, including rape and other forms of sexual violence. One Liberian NGO emphasized to AI representatives in July 2004 the particular difficulties of documenting these crimes: "The perpetrators often cannot be identified; medical records and police reports don't exist". However, the TRC draft bill provides for prosecution for crimes against humanity, including rape and other sexual and gender-based violence, and at the International Reconstruction Conference on Liberia earlier this year, the UN Secretary-General committed the UN to re-establishing the rule of law and ending impunity for crimes committed in Liberia.²⁴ How impunity will be effectively addressed, however, remains unclear. While a truth and reconciliation commission is to be established, it cannot be a substitute for a court of law to try alleged perpetrators of serious violations of international law.

In neighbouring Sierra Leone, the innovative Special Court for Sierra Leone, established jointly by the UN and the government of Sierra Leone to bring to justice those bearing the greatest responsibility for crimes against humanity, war crimes and other serious crimes under international law, has indicted 11 individuals, eight of whom, including the former president of Liberia, Charles Taylor, have been charged with counts of sexual violence. The Prosecutor of the Special Court subsequently requested that similar counts be added to the indictments of the three remaining defendants from the pro-government Civil Defence Forces. In two important decisions this year, the Special Court has ruled both that the general amnesty provided by the 1999 peace agreement does not apply to crimes against humanity and war crimes and also that Charles Taylor has no immunity from prosecution for such crimes by virtue of his former status as a head of state.²⁵

Afghanistan

In Afghanistan, AI's research shows that there are no effective complaints mechanisms through which to report violence against women. In the case of returnees, AI noted that an inability to recruit sufficient female staff nationally has meant that many monitoring missions

²³ Report of the United Nations High Commissioner for Human Rights on the Situation of human rights and fundamental freedoms in Liberia (E/CN.4/2004/5), 12 August 2003.

²⁴ UN Press release (G/SM/9150), AFR/828/DE/2462, 6 February 2004.

²⁵ So far Charles Taylor has avoided prosecution by leaving Liberia for Nigeria with implicit guarantees from the Nigerian government that he will neither be prosecuted in Nigeria nor handed over to the Special Court. On 21 September 2004, AI applied to submit an *amicus curiae* petition to the Nigerian Federal High Court, demonstrating that the decision by the Nigerian government to grant refugee status to Charles Taylor with apparent guarantees to protect him from prosecution for crimes against humanity and war crimes violates Nigeria's obligations under international law.

are simply unable to gain access to women in many communities.²⁶

The creation of an 11-member Afghan Independent Human Rights Commission (AIHRC), chaired by the former Minister of Women's Affairs, includes five women, who head up the areas of monitoring and investigations, human rights education, women's rights, children's rights, and transitional justice. However, an earlier report to the Commission on Human Rights, the Special Rapporteur on Afghanistan said the efforts of the AIHRC were hampered by a lack of capacity, particularly in the judicial monitoring program.²⁷

Moreover, AI has found the official court system to be ineffective, biased, and corrupt, and in numerous instances justice is often dispensed through the tribal system of '*jirga/shuras*' or community assemblies, through which girls can be awarded as compensation to wronged parties.

DRC

Although an end to sexual violence was included in the original ceasefire agreement in DRC,²⁸ there was no mention of women's human rights in the Inter-Congolese Dialogue Political Negotiations on the Peace Process and Transition in 2002, and subsequent reports by the UN Secretary-General found that rape and sexual violence "against women and young girls is perpetrated with impunity throughout the DRC."²⁹

Fear of reprisals prevents many victims of sexual violence from lodging a complaint and seeking justice. Victims do not feel protected either by the local authorities or by MONUC. However, a lot of hopes are pinned on the forthcoming truth and reconciliation commission, which is to be modeled on the one in South Africa. Sponsored by the Inter-Congolese Dialogue, the commission is to "establish the truth of events, reconcile former enemies and address the injustices committed during recent years of war in the country".

To AI's knowledge, in the eastern provinces of North Kivu, and Maniema, few suspects have been brought to justice and no senior officer has been prosecuted or disciplined for a rape committed by either himself or one of the soldiers under his command. AI has seen no evidence of any senior officer or soldier being called to account in North Kivu, Ituri, or Maniema. In South-Kivu only a few cases of rape have been referred to the military courts. The court acquitted three and convicted one soldier in June 2003. In Ituri, courts have dealt with a small number of rape cases, including rape committed by civilians. In Bukavu, four cases of rape were referred to the military courts in South Kivu, which acquitted three and convicted one soldier in June 2003.

The Joint Initiative on the Fight Against Sexual Violence Towards Women and

²⁶ Amnesty International, Afghanistan, "*Out of sight, out of mind: The fate of the Afghan returnees*", (AI Index: ASA 11/014/2003).

²⁷ Report of the situation of human rights in Afghanistan, submitted by the Special Rapporteur (E/CN.4/2003/19).

²⁸ Section 1.3.C of the ceasefire agreement.

²⁹ IRIN (Plusnews), 8 March 2004.

Children, which includes representatives from the UN, NGOs and the Congolese government, has created a legal aid fund, with backing from donors such as the World Bank, which is to help fund the inquiries and support prosecution of crimes of sexual violence.

In most provinces, AI has witnessed a complete breakdown in judicial institutions and systems. AI has noted that there are still logistical difficulties for women in many areas of the DRC to report the crimes, because the facilities - run by NGOs or IGOs – maybe as far as three days' walk from their homes. Even when they do get there, some victims have been asked to provide medical proof of rape, and not only did they not have the fees to pay for a medical exam, but such evidence needs to be collected within 72 hours. Judges are biased towards the suspects, whether they are combatants or civilians, despite the fact that many survivors know the names and whereabouts of their attackers, and a number of women reported to AI that they still see their rapists in the street.

IV. GENDER-SENSITIVE PEACEKEEPING

At last year's open meeting of the Security Council marking the third anniversary of Resolution 1325, Jean-Marie Guéhenno, UN Under-Secretary-General for Peacekeeping Operations (DPKO), characterized gender mainstreaming as "the key to any peacekeeping mission's success" and admitted that his department "often finds itself in the awkward position of advocating for more women in national police forces than it has in its own ranks."³⁰ Mandated by the UN Security Council, there are currently 17 peacekeeping missions deployed. UN peacekeeping missions comprise soldiers and military officers as well as civilian police officers and civilian personnel, whose task it is to monitor and observe peace processes in post-conflict situations and assist ex-combatants to implement the peace agreements they have signed.³¹

Excerpts from Resolution 1325:

4. *Further urges* the Secretary-General to seek to 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;
5. *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;
6. *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 peace-building measures, *invites* Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-

³⁰ UNWire, 30 Oct 2003.

³¹ Definition from DPKO website.

General to ensure that civilian personnel of peacekeeping operations receive similar training;

8. *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 and for rehabilitation, reintegration and post-conflict reconstruction;

(b) Measures that support local women's peace initiatives and indigenous processes for 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;

The UN mission in Timor-Leste (UNTAET) was the first to contain a gender unit. There are currently gender adviser positions in nine UN missions including Afghanistan, Burundi, Côte d'Ivoire, DRC, Haiti, Kosovo, Liberia, Sudan and Timor-Leste - as well as a female gender adviser in DPKO at UN headquarters. In addition, the UN mission in DRC had a female deputy head. In Sudan there have been several women involved at a senior level, including the head of the commission of inquiry, but no women were involved in the actual peace talks. In UNTAET, the majority of key positions were held by men; although one of the police commissioners was an Australian woman. In Afghanistan, 31% of the United Nations Assistance Mission in Afghanistan (UNAMA) are women, with 19% management positions (P5 and above) occupied by women, including the Deputy Special Representative of the Secretary-General.

Within peacekeeping operations women held senior positions in gender units. While some women were present in peacekeeping forces, for example in Kosovo and Timor-Leste, there were far more women involved in agencies such as UNICEF, UNHCR and UNIFEM than in peacekeeping forces. In MONUC, for example, while the total number of officers in the UN civilian police had increased from 69 to 90 by October 2003, the number of women remained static at three. According to UNIFEM, in the entire civilian police division of the DPKO only 33% are women. In local police services, the ratio is 15% women in the Kosovo police service, 10% in the Sierra Leone police, and 22.2% for the Timor-Leste police.³²

Training

Training is integral to the incorporation of a gender perspective in peacekeeping and peace-building. However, AI's research indicates that the effect of training is weakened by a lack of institutionalized follow-up on the parts of the administrators and the governments.

The United Nations Department of Peacekeeping Operations recently published a

³² Unifem. <http://www.womenwarpeace.org/issues/peacekeeping/peacekeeping.htm>

Gender Resource Package (GRP) which is distributed to staff and partners in peacekeeping operations. The GRP summarizes the need for gender training as ensuring that “peace-keepers (military, civilian police and civilian) have a common understanding of the values they are to uphold when working for the United Nations. These include the principles of equality between women and men and non-discrimination based on sex. In addition, training helps peace-keepers understand the social context in which peacekeeping operations are carried out. This in turn will help them become aware of the positive or negative impact that their actions can have on the host country. Training on gender awareness is a requirement for improving the effective discharge of the mission’s mandate and reducing both harmful forms of behaviour by peacekeeping personnel and unintended negative effects of mission policies and programmes.”³³ The UK and Canada have also cooperated on an online ‘Gender and Peacekeeping Training Course’ since 2002.³⁴

In Afghanistan, the national budget included an item on “gender affairs” but without a specific sum attached. Police and protection forces were reported to have received some gender training. In a report presented by the Colombian government on actions taken to implement the provisions of Resolution 1325 there is no mention of training provided to the security forces on how to deal with instances of rape and sexual violence. Forces in Timor-Leste benefited from a significant amount of gender training, and work was undertaken with the police on gender-based violence and structures were put in place to deal with vulnerable persons and trafficking. In Liberia, UNMIL continues to train military personnel, civilian police and international civilian staff. The new police academy has gender as a core subject and UNMIL trained trainers on gender, human rights and sexual and gender-based violence.

A detailed syllabus from gender training sessions in the DRC is widely available, but the majority of personnel who actually turned up for the training sessions were civilians, despite military personnel having been signed up.³⁵ The gender unit held training sessions in Kisangani and Bunia for the Congolese National Police, and MONUC’s gender advisor Amy Smythe reported that these had improved police awareness of women’s human rights. Addressing the UN Security Council on the third anniversary of Resolution 1325 in October 2003, Smythe said: “The need to systematically train the contingents continues to be crucial because the military and CIVPOL live and work nearest to the communities in the conflict areas. Their behaviour is therefore not only used to judge MONUC in many instances but becomes the yardstick emulated by the population and government.”³⁶

³³ DPKO Peacekeeping Best Practices, introduction to the ‘Gender Resource Package’.

<http://pbpu.unlb.org/pbpu/genderpack.aspx>

³⁴ The syllabus in its entirety can be viewed at <http://www.genderandpeacekeeping.org/participant-e.asp>. The United Nations Institute for Training and Research (UNITAR): ‘The special needs of women and children in conflict’.

³⁵ UNITAR/MONUC: “The special needs of women and children in conflict”, Kisangani, 18-22 February 2003, Kinshasa, 3-8 March 2003. <http://www.unitar.org/wcc/monuc.html>.

³⁶ UN Security Council Presentation on UNSC Resolution 1325: Ms. Amy Smythe, Senior Gender Advisor, MONUC, 29 October 2003. <http://www.peacewomen.org/un/SCOpenDebate2003/Smythe2003.html>

V. WOMEN'S PARTICIPATION IN DECISION-MAKING

The groundbreaking nature of the Resolution 1325 lies in the firm message throughout the text that the role of women should increase, at all decision-making levels, in the prevention, management, and resolution of conflict and in peace processes. However, in most conflicts, women remain largely absent from peace-making, peacekeeping and peace-building initiatives, including those backed by the international community. DDRR³⁷ programmes may not cater sufficiently for the needs of women and girls if women are not involved in designing such programmes.

International understanding is growing regarding the vital importance of including women and their experiences in peace processes and post-conflict reconstruction efforts. Attempts to address the human rights consequences of conflict, including the particular impacts on women, can only be comprehensive and long-lasting if women play an active part in all the relevant processes and mechanisms. To date, despite the undoubted efforts by international agencies to ensure that gender issues inform their work, the particular needs of women have all too often been neglected in DDRR programmes; peace processes; peacekeeping initiatives; strategies to end impunity and prevent future conflict; and in reconstruction programs. Yet women's participation in the planning and implementation of these processes is fundamental to ensuring that they address effectively the human rights of all – especially those of women and girls. The wider pattern of discrimination that women face and the particular impact of conflict upon them often lie at the heart of women's lack of participation in demobilization, repatriation and resettlement programs, peace processes, post-conflict reconstruction and associated processes.

Excerpts from Resolution 1325:

1. *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;
2. *Encourages* the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. *Urges* the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard *calls on* Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. *Further urges* the Secretary-General to seek to 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;
13. *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 dependants;

³⁷ Disarmament, demobilization, rehabilitation and reintegration.

Afghanistan

In Afghanistan, the government supported the UN's effort to get female delegates involved in the political process, but no key government portfolios were awarded to women. In addition, the International Security Assistance Force (ISAF) and Afghan Transitional Administration (ATA) failed to protect women participating in the political process. Women delegates to the Emergency *Loya Jirga* in June 2002 were intimidated and threatened, allegedly by members of armed groups loyal to powerful regional commanders.

The ATA, which ratified the Convention on the Elimination of All Forms of Discrimination against Women, without reservations, on 5 March 2003, allowed women the right to vote. In the meantime, Afghan women have overcome the lack of political representation by working together to try to ensure that their perspective was taken into consideration and that women's rights were safeguarded under the new constitution. Following the third annual women's conference, supported by the Afghans for Civil Society and the Afghan Women's Network in Kandahar, "women leaders from every region in Afghanistan" issued the Afghan Women's Bill of Rights and presented it to President Karzai.³⁸ Following the Constitutional *Loya Jirga* at the end of last year, the final text of Afghanistan's constitution included some positive developments for the women's organizations. One is that there must be at least two women from each province in the lower house. Another is that the term "citizen" should now apply to women as well as men, and women are recognized as having equal rights and duties before the law.

DRC

Article 51 of the Transitional Constitution in DRC calls for "meaningful representation" of women at all decision-making levels, but women currently head just six of the transitional government's 36 ministries, with only two women Vice-Ministers and only three women among the 120 members of the Senate. There is one woman on the eight-member Independent Electoral Commission and two on the Truth and Reconciliation Commission.³⁹ In March 2004, the UN Secretary-General noted that one of the few female ministers was replaced by a man after just six months in office.⁴⁰

Very few women were present at the peace negotiations or in the Inter-Congolese Dialogue, the forum which underpinned peace negotiations. The failure to comprehensively include women in national post-conflict planning and peace-building has occurred despite the strength of women's civil society organizations and collectives in DRC. Women have organized themselves politically to demand greater participation in the transition process, to protect human rights and provide care for victims. For example, the Women as Partners for Peace in Africa DRC chapter (WOPPA-DRC) and Femmes Afrique Solidarite (FAS) organized a training workshop, in Nairobi in February 2002, to build Congolese women's capacity for and technique of negotiation in preparation for the Inter-Congolese Dialogue in

³⁸ See Bill of Rights and conference report at <http://www.womenforafghanwomen.org>

³⁹ Fourteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2003/1098), 17 November 2003.

⁴⁰ Fifteenth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (S/2004/251), 25 March 2004.

Sun City, and to harmonize the views of women from all sides in order to engender the peace process. The organizers distributed Resolution 1325 in pamphlet form to all of the participants.

Also, in collaboration with MONUC's gender adviser, Congolese women meet frequently with young women to encourage them to organize and be instruments of change in their communities, and to be part of the peace process. Members of the Congolese Women's Caucus participated in debates on national television and UN radio raising awareness of Resolution 1325 and its use as an instrument for women's participation in the peace process.

Kosovo (Serbia and Montenegro)

The exclusion of women from roles in peace-building and government has in the past been the subject of much campaigning on the part of the Kosova Women's Network, an umbrella organisation of local women's groups. However, the new Standards for Kosovo, as well as the implementation plan for these, developed by UNMIK, includes gender-sensitive goals such as women's representation in elected and executive bodies, the inclusion of women's needs and interests in governance policies and programmes, and the elimination of violence against women and women's trafficking. A new law on gender equality was promulgated in June 2004 which preserves and establishes the principle of gender equality as a fundamental value in the democratic system in Kosovo. Furthermore, in 2004, an implementation plan for Resolution 1325 was launched by the Special Representative of the UN Secretary-General.

Colombia

While women continue to "play a minority role in public affairs", as noted in the report of the UN High Commissioner for Human Rights in February 2003, and are underrepresented in higher law courts and in the Colombian Congress, five out of 13 ministry portfolios are currently held by women including the Ministry of Foreign Affairs. In early 2003, Martha Lucia Vásquez was appointed Presidential Adviser for women's equality under President Alvaro Uribe, who subsequently sanctioned Law 823 establishing an institutional framework for gender equity and equal opportunity in all state mechanisms.⁴¹ Other figures are less encouraging: out of nine magistrates on the Constitutional Court, there is just one woman; there are seven women out of 27 members on the Council of State; two women judges out of 23 on the Supreme Court; two out of 13 on the High Council of Judicature; 11 out of 102 in the Senate of Republic; and 20 out of 166 in the Chamber of Representatives.⁴²

However, despite their minority position in government and virtual exclusion from peace talks or negotiations, local women's groups in Colombia have built an impressive parallel peace process through which to make their demands known. With the assistance of a Swedish trade union group a Colombian women's network called the Women's Emancipatory Constitution drafted a 12-point agenda for peace talks, achieved through a complex and systematic consultation with Colombian women's groups.⁴³

⁴¹ Women Waging Peace: Policy Commission. 'Rising from the ashes - Women's Contributions to Peace'

⁴² Report by the UN High Commissioner on Human Rights on the situation of human rights in Colombia (E/CN.4/2003/13), 24 Feb 2003.

⁴³ Women Waging Peace: In the Midst of War: Women's Contributions to Peace in Colombia by Catalina Rojas, a

Liberia

Women are also in the minority in the National Transitional Government of Liberia. Elections in Liberia are scheduled to be held in October 2005, with a handover to the new government in early 2006. An election draft bill integrates language to enable women's participation as candidates in the elections.

As in Colombia, Liberian women mobilized to create a powerful peace movement, for example within the Mano River Women Peace Network (MARWOPNET), which also includes women from Guinea and Sierra Leone. A delegation of Liberian women from MARWOPNET participated in the Liberia peace talks in Accra, Ghana, from June 2003. MARWOPNET was one of the groups representing civil society which signed as witnesses the eventual peace agreement of 18 August 2003 between the Government of Liberia, the Liberians United for Reconciliation and Democracy (LURD), the Movement for Democracy in Liberia (MODEL) and political parties.

Sudan

The protocols concluded between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), under the framework of the north-south peace process in 2004, failed to include the participation of women in government in any meaningful way, although the protocols do require equal representation of the warring parties. In the Protocol of 26 May, 2004, a list of powers of states features "women's empowerment" and "gender policy" at numbers 21 and 22, respectively, just above animal and livestock control.⁴⁴

Iraq

AI has expressed concern that the appointment of a woman judge in Najaf was halted because religious leaders were opposed to a woman holding the post, although the organization has welcomed other positive signs regarding women's participation in the decision-making process. The provisional national assembly contains 25% women, and the transitional constitution provides for this ratio to carry through into the future parliament following national elections. According to the Transitional Administrative Law (TAL), 25% of delegates in the National Conference must be women, a ratio which is also intended to carry through to the new elected government. However, AI has noted that this does not extend to the transitional cabinet, which is only 18% women – or six out of a total of 33 ministers. Their portfolios are Women's Affairs, Agriculture, Displacement and Migration, Environment, Labor and Social Affairs, and Public Works.

Timor-Leste

Despite the existence of a strong women's movement and the concerted efforts of NGOs to ensure women were adequately represented in the new government, in the end UNTAET rejected the implementation of a gender quota after a UN appointed transitional governing

report funded by the Hunt Alternatives Fund, 2004.

⁴⁴ Protocol between the Government of Sudan and the Sudan People's Liberation Movement on Power Sharing, Naivasha, Kenya, 26 May 2004.

body voted against it. Instead the UN's Transitional Administrator for East Timor, the late Sergio Vieira de Mello, put in place incentives – such as extra air time for campaigns - to encourage the inclusion of women on political parties' lists of candidates.

The Platform of Action for the Advancement of Timorese Women, which was adopted unanimously by the over 400 participants in the first Congress of Timorese Women in June 2000, emphasized the importance of women's participation in decision making in the post-conflict reconstruction phase and called for a minimum target of 30%.⁴⁵

In Timor-Leste's elections in August 2001 to the Constituent Assembly, which subsequently became the parliament, out of the total 88 members, 23 women were elected in 2001, representing 26%. The caucus group created at that time is still operational and has been active, with UNMISSET, in promoting women's representation in the community-based elections in 2004.

On the first anniversary of Resolution 1325's adoption in October 2001, just three months after the Timor-Leste parliamentary elections, Natércia Godinho-Adams, who represented East Timorese women's groups at the UN, noted as milestones the formation of Timor-Leste Loro Sae's Women's Political Caucus, and the "Women's Charter of Rights". However, she added that "post-conflict aid had not improved [rural women's] lives" and that they "did not participate in decision-making at all levels of government and educational programs.

VI. RECOMMENDATIONS

The issues addressed in Resolution 1325-- protection of women and girls from violence, the fight against impunity for violence against women, gender-sensitive peace-building and peacekeeping, and participation by women at all levels of decision-making affecting their lives -- go to the heart of AI's campaign to stop violence against women.

Violence against women is never legal or acceptable and should never be tolerated or justified. Everyone - individuals, communities, governments, and international bodies - has a responsibility to put a stop to it and to redress the suffering it causes. Change must come at international, national and local levels. It must be brought about by governments as well as private actors, by institutions as well as individuals.

Through its campaign, AI seeks to complement and contribute to the efforts of women's organizations and others to combat violence against women in armed conflict, and in pre- and post-conflict situations in making the following recommendations:

⁴⁵ *Ibid.*

Implementation of Resolution 1325

- All governments, the UN Secretary-General, the UN Security Council and all parties to armed conflict should ensure full and speedy implementation of Resolution 1325 on women, peace and security as well as the recommendations contained in the study by the UN Secretary-General on Women, Peace and Security,
- The UN Secretary-General should establish a UN-wide action plan for the coordinated implementation of Resolution 1325 and report regularly on the implementation of this plan,
- The Security Council Governments should establish expert mechanisms to ensure systematic implementation and integration of the provisions of Resolution 1325 in its work, including in all resolutions that establish or extend UN peacekeeping operations,

Protection of women and girls from violence⁴⁶

- All governments should ratify, without reservations, and implement through national legislation all treaties related to the protection of women's human rights, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Rome Statute for the International Criminal Court, and the four Geneva Conventions and their additional Protocols,
- All parties to armed conflict should respect international humanitarian law related to the protection of women and prevent combatants within their command from committing abuses against women, including rape and other forms of sexual violence,
- All governments and other relevant parties should implement the recommendations contained in international declarations and action plans, including the UN Declaration on the Elimination of Violence against Women, the Vienna Declaration and Programme of Action, and the Beijing Declaration and Platform for Action,
- Governments should ensure that national laws make rape, sexual slavery, enforced prostitution, forced pregnancy, forced abortion, enforced sterilization and all other forms of sexual violence, crimes that are consistent with international law,
- Governments should implement a comprehensive policy to eliminate all forms of violence against women through a coordinated and adequately funded institutional response to prevent, punish and eradicate sexual and gender-based violence,
- Governments should ensure effective training programmes for judges, investigators, prosecutors, defence counsel and other judicial staff to enable them to work in a gender-sensitive manner with victims of violence against women, including sexual violence,

⁴⁶ AI uses the term "women" to include women of all ages, including girls.

The fight against impunity for violence against women

- Government should carry out full and open investigations into all allegations of violence against women and bring to justice those found responsible in accordance with international standards for fair trial and without recourse to the death penalty,
- Governments should ensure that victims have access to a judicial remedy and to remove all barriers to justice, including national amnesty laws and statutes of limitation,
- Governments which are unable or unwilling to investigate and prosecute violence against women should cooperate fully with international or internationalized courts or other mechanisms established to address the relevant crimes,
- Governments should cooperate fully with states seeking extradition or mutual legal assistance for the prosecution of rape or other forms of sexual violence punishable as crimes under international law, including states exercising universal jurisdiction, provided that those states can give sufficient assurances of fair trials, protection from torture and other cruel, inhuman or degrading treatment, and without recourse to the death penalty,
- Governments should ensure that all mechanisms that address violence against women treat victims with humanity and respect for their dignity and human rights and ensure their safety, physical and psychological well-being and privacy, as well as those of their families,
- Governments should provide full reparation to victims of violence against women for its acts or omissions constituting violations of international human rights and humanitarian law,

Gender-sensitive peace-building and peacekeeping

- Governments and intergovernmental organizations should incorporate a gender perspective into peacekeeping operations, including through ensuring that all personnel observe the highest standards of humanitarian and human rights law, and respect the rights and particular needs of women at all times, both on and off duty,
- Governments and intergovernmental organizations should ensure adequate training in the protection of women's human rights for all peacekeeping personnel *prior* to deployment,
- Governments and intergovernmental organizations should ensure deployment of relevant expert staff, including gender advisers, at the start of all peacekeeping operations,
- Governments and intergovernmental organizations should put in place transparent monitoring and accountability structures to ensure a gender-sensitive response to allegations of sexual exploitation and abuse, including of peacekeeping personnel,

- Where members of peacekeeping operations are alleged to have perpetrated rape or other forms of sexual violence, governments and intergovernmental organizations should conduct full, independent and impartial investigations of all allegations, and should remove all suspects from active service while the investigations are pending,

Participation by women at all levels of decision-making affecting their lives

- Governments and intergovernmental organizations should ensure participation of women at all levels of decision-making in local, national, regional and international organizations and mechanisms for the prevention, management and resolution of conflict, as well as in post-conflict conflict efforts,
- Governments should ensure, through their contribution to peace support operations, a significant increase of women as military observers, peacekeeping troops and civilian police,
- The UN Secretary-General should increase the number of women in senior positions in peace-related functions and set concrete targets for the appointment of women as his Special Representatives and Special Envoys,
- Governments and intergovernmental and international organizations should ensure that refugee and internally displaced women are fully involved in camp planning, management and decision-making so that gender issues are taken into account in all aspects, especially resource distribution, security and protection,
- Governments and intergovernmental and international organizations should ensure adequate support and training for local women and women's organizations to enable them to participate in a meaningful way in the negotiations of peace agreements and other peace-building initiatives, including design of facilities and access to resources, services, education and training,
- Governments and intergovernmental and international organizations should provide support to electoral processes to ensure the equitable participation of women.

Annex 1: Security Council Resolution 1325 (2000)

The Security Council,

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President, and *recalling also* the statement of its President to the press on the occasion of the United Nations Day for Women's Rights and International Peace (International Women's Day) of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and *recognizing* the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and *stressing* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,

Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard *noting* the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. *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;
2. *Encourages* the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;
3. *Urges* the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard *calls on* Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;
4. *Further urges* the Secretary-General to seek to 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;
5. *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;
6. *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 peace-building measures, *invites* Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes 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;
7. *Urges* Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies;
8. *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 and for rehabilitation, reintegration and post-conflict reconstruction;
 - (b) Measures that support local women's peace initiatives and indigenous processes for 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;
9. *Calls upon* all parties to armed conflict to respect fully international law applicable to

the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. *Calls on* all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;
11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, where feasible from amnesty provisions;
12. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolutions 1208 (1998) of 19 November 1998 and 1296 (2000) of 19 April 2000;
13. *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 dependants;
14. *Reaffirms* its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;
15. *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;
16. *Invites* the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and *further invites* him to submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;
17. *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;
18. *Decides* to remain actively seized of the matter.