

Ending Sexual Violence in Conflict: United Nations Security Council Resolution 1820

*“There is one universal truth, applicable to all countries, cultures and communities:
Violence against women is never acceptable, never excusable, never tolerable.”*

-UN Secretary General - Ban Ki-moon



Introduction

Sexual violence is any sexual act or attempt to obtain a sexual act by violence or coercion, unwanted sexual comments or advances, acts to traffic a person or acts directed against a person's sexuality, regardless of the relationship to the victim. It occurs in times of peace and armed conflict situations, is widespread and is considered to be one of the most traumatic, pervasive, and most common human rights violations. Human rights law, notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provide protection against sexual and gender-based violence, including by establishing safeguards against sexual violence as a result of gender based discrimination¹

The issue of rape and sexual violence of women and children happening in India is increasing. Every 22 minutes a woman in India is raped and there are 100,000 pending rape cases in the country. The issue of rape in conflict zones is a topic which hardly finds discussion. The Constitution of India provides for equality of all citizens and inclusive of all sexes and gender. Internationally, on 19 June 2008, the United Nations Security Council Resolution adopted a landmark Resolution No 1820 which condemns the use of sexual violence as a tool of war, and declared that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”.



What is United Security Council Resolution 1820?



United Nations Security Council Resolution 1820 was unanimously adopted on 19 June 2008. It condemns the use of sexual violence as a tool of war, and declares that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”. The adoption of the resolution marked the first time that the UN explicitly linked sexual violence as a tactic of war

¹“Sexual and gender-based violence in the context of transitional justice”, United Nations Human Rights Office of The High Commissioner, October 2014

with women, peace, and security issues. Security Council Resolution 1820 reinforces United Nations Security Council Resolution 1325 and highlights that sexual violence in conflict constitutes a war crime and demands parties to armed conflict to immediately take appropriate measures to protect civilians from sexual violence, including training troops and enforcing disciplinary measures. In November 2010, the UN Secretary General presented a report on the implementation of UNSCR 1820. The resolution covers key elements:

- Recognizes sexual violence as a tactic of war, allowing the intervention of the Security Council, and excluding sexual violence crimes from amnesty provisions.
- Recognizes that sexual violence may be categorized as a war crime, crime against humanity, and act of genocide Demands protection and prevention measures from parties of armed conflict
- Demands appropriate mechanisms to provide protection from violence in refugee and displaced person camps.
- Reaffirms the need for women's full and equal participation in peace-building processes.
- Reaffirms commitment to SCR 1325.

The Secretary-General's report on the implementation of the resolution was released in August 2009. The report is confined to the Council's agenda, and therefore only discusses sexual violence against civilians during and in the aftermath of armed conflict, even though sexual violence also takes place before the start of an armed conflict. The report demonstrates the numerous challenges faced by the community in implementing SCR 1820 and contains promising recommendations.²

Review on UNSCR 1820

The adoption of Security Council Resolution 1820 in June 2008 was an important step in improving the Security Council's response to sexual violence in conflict. Here are just a few ways that 1820 can make a difference.

- Early action: Despite recent attention to the problem, sexual violence is frequently ignored in the early stages of a crisis. This stems in large part from a general failure to acknowledge violence against women as an urgent, life-threatening, and widespread problem. Further impeding action is the fact that while threats to women may be evident, the violence itself is often hidden as few women report during crises where health and psychological services have collapsed. 1820 can enhance early action by ensuring that all UN actors, both peacekeeping and humanitarian, have the proper training to recognize and respond to sexual violence.

²<http://www.wikigender.org/wiki/un-security-council-resolution-1820/>

- Safe refuge: Having fled their homes, women often hope to find safety and refuge at the end of their journey. Unfortunately, many camps for refugees and displaced persons continue to be places of insecurity for women and girls. Camps may be crowded, a lack of fuel may force women outside to look for firewood, latrines may be ill-lit and far away, and the camps themselves may be located near armed actors. All of these factors increase risks for women. By requesting greater protection for women in these camps, 1820 can ensure that women who seek to escape conflict can find safety at the end of their flight.
- Sustained commitment: Survivors will continue to come forward long after a conflict ends when they feel safe. By stressing the need to strengthen national health and judicial systems in the long-term, 1820 can ensure that services will be available to women when they decide to seek help, whether it is during the war or after..

In addition, UNSCR 1820 can enhance action in other following areas:

- Ensure that perpetrators of sexual violence during conflict do not go on to become leaders in military, government and judicial structures when the war ends.
- Ensure that during peace negotiations, mediators do not turn a blind eye to crimes of sexual violence by allowing armed groups to negotiate immunity for themselves.
- Keep sexual violence on the agenda of the Council through regular reports, ensuring that attention to this issue does not wane.
- Increase the provision of accessible and quality assistance, especially life-saving health services, for survivors of sexual violence. The prevalence of sexual violence goes undetected without such services, and fails to inform necessary UN action, including action by the Security Council.
- The involvement of civil society in the design, implementation and evaluation of the UN system and Member State strategies to address sexual and gender-based violence. This should include regular consultations with survivors, their communities, and women human rights defenders.
- The immediate appointment of a much needed high-level, highly experienced and respected United Nations official, such as a new Special Representative on Women, Peace and Security, with responsibility across the UN system to reinforce, support and help drive existing UN efforts forward to address the needs and interests of women in conflict-affected situations, and particularly to prevent and respond to the use of sexual violence.
- Greater and sustained investment in national and international justice mechanisms to ensure sexual violence survivors' safety and dignity throughout the justice processes; and to ensure suspected perpetrators are promptly brought to justice in accordance with international fair trial standards.

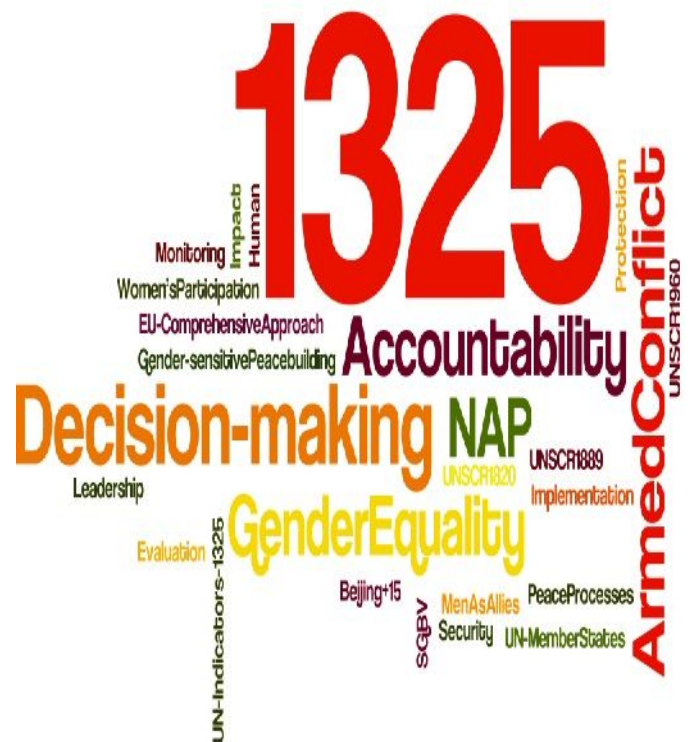
- Promote the attainment of relevant benchmarks in preventing and addressing sexual violence, including, inter alia, the implementation of measures to reduce the proliferation and misuse of small arms & light weapons, which facilitate the use of sexual violence as a tactic of war.

There can be neither peace nor security if women are targeted for attack and rape. While sexual violence has always been seen as tragic as it has also often been portrayed as an inevitable, albeit regrettable feature of the conflict. 1820 overturns that viewpoint by stating that sexual violence is not just unacceptable but preventable. It acknowledges that this violence is devastating, not just to the individual, but to peace itself. And it recognizes that responding is not optional but rather an obligation.³

What does UNSCR 1820 Add to UNSCR1325?

UNSCR 1325

- First SCR to link women to the peace and security agenda: addressing the impact of war on women and their contribution to conflict resolution and sustainable peace
- Avoid amnesty “where feasible”
- Training on protection rights and needs of women
- Need to maintain civilian character of refugee/ camps and design them in a way that helps prevent sexual violence
- No reference to sanctions for perpetrators; mentions impact of sanctions on women
- No strategy for improving information-flow to the Council
- “Special measures” to protect women and girls from SGBV
- No reference to root causes of war-time rape
- No reference to Peace building Commission



³<http://www.peacewomen.org/e-news/sc-resolution-1820-reviewing-initial-progress>

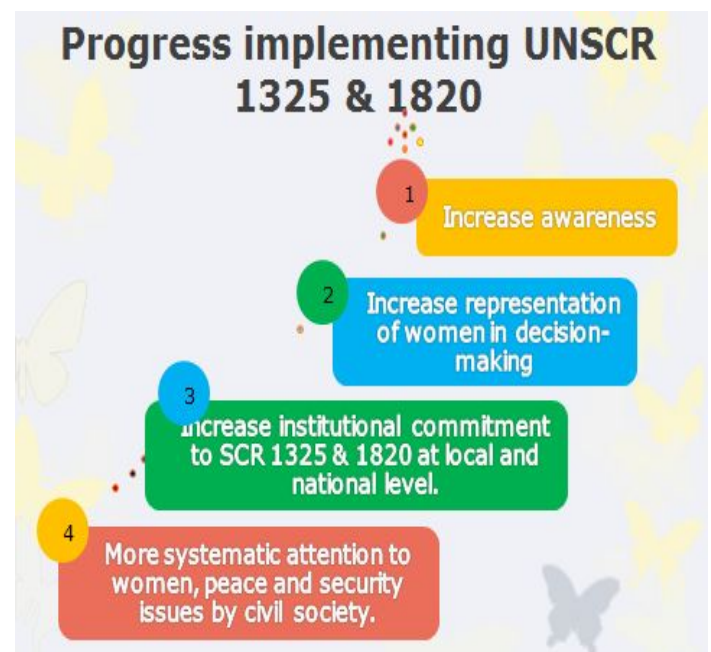
USCR 1820

- First SCR to recognize sexual violence as a self-standing security issue, linked with reconciliation and durable peace
- Exclusion of sexual violence crimes from amnesty provisions
- Specific training of troops on categorical prohibition of sexual violence
- Develop mechanism for protecting women & girls
- Sexual violence relevant to country-specific sanctions regimes
- Itemizes measures that can concretely improve protection and assistance
- Scope for addressing root causes: “debunking myths that fuel sexual violence”
- Peace building Commission to advise on ways to address sexual violence⁴



What steps can be taken?

- Link with International Peace & Security/ Rape as a - Weapon” of War
- Monitoring and Reporting
- Peacekeeping
- Ending Impunity
- Protection & Victim Response
- Prevention of Conflict and Violence
- Participation of Women
- Resolution 1325 Implementation⁵
- Spread knowledge/awareness of UNSCR 1820
- Gender Based Violence programs in conflict zones
- National Action Plan on UNSCR 1820 to be formulated by the Government of India



⁴<http://www.stoprapenow.org/uploads/advocacyresources/1282164625.pdf>

⁵<http://www.peacewomen.org/e-news/resolution-1820-participation-protection>

“Deepening Diversity, Women Rights and Democracy in India” programme contributes towards addressing the issues namely increasing violence against women and girls in conflict zones and the rise in case of growing intolerance and racial violence in India. We aim to work with committed stakeholders to address the issue of deepening diversity, racial discrimination and sexual violence in conflict zones of India through improved and strengthened civil society responses and initiatives, engaging local authorities and government structures & international efforts to address the issue. This will help in ensuring inclusive, sustainable growth in India.

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