



HANDBOOK for  
**United Nations Field Missions  
on Preventing and Responding to  
Conflict-Related Sexual Violence**

United Nations





*The Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* was produced by the Conflict-Related Sexual Violence Team, Policy and Best Practices Service, Policy, Evaluation and Training Division, of the United Nations Department of Peace Operations (DPO). It was developed jointly with the Department of Political and Peacebuilding Affairs (DPPA), the Office of the High Commissioner for Human Rights (OHCHR), and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC). The handbook benefited from extensive consultations with representatives from United Nations Field Missions with a conflict-related sexual violence mandate (MINUSCA, MINUSMA, MONUSCO, UNAMI, UNAMID, UNMISS and UNSOM), representatives from the United Nations Action Network on Sexual Violence in Conflict, and partners at United Nations Headquarters.

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## LIST OF ACRONYMS

CAR.....	Central African Republic	MONUSCO.....	United Nations Organization Stabilization Mission in the Democratic Republic of Congo
CLA.....	Community Liaison Assistant	MRM.....	Monitoring and Reporting Mechanism
CPA.....	Child Protection Advisor	NGO.....	Non-governmental organization
CRSV.....	Conflict-related sexual violence	OCHA.....	United Nations Office for the Coordination of Humanitarian Affairs
CSO.....	Civil Society Organization	OHCHR.....	Office of the High Commissioner for Human Rights
DDR.....	Disarmament, Demobilization and Reintegration	OSRSG-SVC....	Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict
DFS.....	Department of Field Support	PEP.....	Post-Exposure Prophylaxis
DPA.....	Department of Political Affairs (now DPPA)	POC.....	Protection of Civilians
DPKO.....	Department of Peacekeeping Operations (now DPO)	QRF.....	Quick Reaction Force
DPO.....	Department of Peace Operations	QRT.....	Quick Reaction Team
DPPA.....	Department of Political and Peacebuilding Affairs	ROE.....	Rules of Engagement
DRC.....	Democratic Republic of the Congo	S/WPAs.....	Senior Women’s Protection Advisor/ Women’s Protection Advisors
DUF.....	Directives on the Use of Force	SEA.....	Sexual Exploitation and Abuse
FHQ.....	Force Headquarters	SGBV.....	Sexual and Gender-Based Violence
GBV.....	Gender-Based Violence	SOPs.....	Standard Operation Procedures
GBVIMS.....	Gender-Based Violence Information Management System	SPLA-IO.....	Sudan People’s Liberation Army-in Opposition
HCT.....	Humanitarian Country Team	SPM.....	Special Political Mission
HOM.....	Head of Mission	SRSG.....	Special Representative of the Secretary-General
HQ.....	Headquarters	SRSG-SVC.....	Special Representative of the Secretary-General on Sexual Violence in Conflict
HRDDP.....	Human Rights Due Diligence Policy	SSR.....	Security Sector Reform
HRO.....	Human Rights Officer	SWPA.....	Senior Women’s Protection Advisor
ICRC.....	International Committee of the Red Cross	TOB.....	Temporary Operating Base
IDP.....	Internally Displaced Person	TOE.....	Team of Experts on the Rule of Law and Sexual Violence in Conflict
IMTC.....	Integrated Mission Training Centres	TOR.....	Terms of Reference
INGO.....	International Non-Governmental Organizations	UNAMID.....	African Union-United Nations Hybrid Operation in Darfur
IOM.....	International Organization for Migration	UNCT.....	United Nations Country Team
IRC.....	International Rescue Committee	UNFPA.....	United Nations Population Fund
ISIL.....	Islamic State in Iraq and the Levant	UNICEF.....	United Nations Children’s Fund
ISTM.....	Integrated and Specialized Training Materials	UNMISS.....	United Nations Mission in the Republic of South Sudan
JCS.....	Justice and Correction Section	UNODC.....	United Nations Office on Drugs and Crime
JIT.....	Joint Investigation Team	UNPOL.....	United Nations Police
JMAC.....	Joint Mission Analysis Centre	UNSCR.....	United Nations Security Council Resolutions
JOC.....	Joint Operations Centre	WHO.....	World Health Organization
JPT.....	Joint Projection Team	WPA.....	Women’s Protection Advisor
MARA.....	Monitoring, Analysis, and Reporting Arrangements	WPS.....	Women, Peace and Security
MGPA.....	Military Gender and Protection Advisor		
MINUSCA.....	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic		
MINUSMA.....	United Nations Multidimensional Integrated Stabilization Mission in Mali		

## INTRODUCTION

The United Nations Security Council has recognized conflict-related sexual violence (CRSV) as a peace and security issue. Through a series of United Nations Security Council Resolutions (UNSCR) on Women, Peace, and Security, it has stressed that sexual violence can significantly exacerbate situations of armed conflict and impede the restoration of international peace and security.<sup>1</sup> CRSV is a serious violation of international human rights law and international humanitarian law, which under international criminal law can amount to a war crime, crime against humanity, or a constituent element of genocide. The Security Council has mandated United Nations Field Missions, the United Nations system, and the international community to take action to prevent and respond to CRSV.

This Handbook is intended to serve as a practical guide to support the implementation of the CRSV mandate by United Nations Field Missions, including Peacekeeping Operations and Special Political Missions.<sup>2</sup> It serves both as guidance for civilian,<sup>3</sup> military, and police personnel deployed to United Nations Field Missions and as a pre-deployment orientation tool for future Mission personnel.

The Handbook has been developed jointly by the Department of Peace Operations (DPO), the Department of Political and Peacebuilding Affairs (DPPA), the Office of the High Commissioner for Human Rights (OHCHR), and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC). It complements and builds upon the Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence”,<sup>4</sup> and should be read in conjunction with existing DPO, DPPA, OHCHR, and OSRSG-SVC policies, guidelines, and standard operating procedures (SOPs). The Handbook aims to consolidate existing good practices, methodologies, models, templates, checklists, and other tools to address CRSV.

The Handbook defines key concepts and delineates the responsibilities of civilian, military, and police components within United Nations Field Missions to help prevent and respond to CRSV. Using case studies from various Field Missions, it focuses on common challenges and proposes recommendations. The guidance and best practice described in the Handbook can be built upon and adjusted to suit the specific context and needs of United Nations Field Missions.

Preventing and responding to CRSV is a crosscutting issue that requires engagement from multiple actors inside and outside United Nations Field Missions. The critical importance of coordination is therefore emphasized throughout the Handbook: among civilian, military, and police components of Field Missions as well as with external partners such as the host country, the United Nations Country Team (UNCT), relevant United Nations entities at Headquarters, non-governmental organizations (NGOs) and civil society organizations (CSOs).

1 See United Nations Security Council Resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2242 (2015), 2331 (2016), 2467 (2019), and 2493 (2019).

2 This Handbook strives to ensure relevance and applicability to both peacekeeping and special political missions (SPMs) while noting the different contexts, roles, composition and resources. Some peacekeeping and SPMs have a specific Security Council mandate to prevent and respond to CRSV—at the time of writing these are MONUSCO, MINUSCA, MINUSMA, UNMISS, UNAMID, UNSOM, and UNAMI. While this Handbook is primarily intended for personnel serving in these Missions, its content should serve as guidance for other United Nations Field Missions.

3 The term “civilian component” comprises all non-military and non-police components in a United Nations Field Mission, including but not limited to the Human Rights component; Civil Affairs; Disarmament, Demobilization and Reintegration (DDR); Gender Unit; HIV/AIDS; Justice and Correction Section (JCS); Joint Operations Centre (JOC); Joint Mission Analysis Centre (JMAC); the Public Information Office; Peace and Reconciliation; Political Affairs; and Security Sector Reform (SSR) sections.

4 See United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).



Secretary-General António Guterres addresses the Security Council during the open debate on CRSV in April 2019.

UN Photo/Felipe

Part I of the Handbook familiarizes users with the definition of CRSV and the related institutional, legal, and operational frameworks. It presents the pertinent UNSCRs on Women, Peace, and Security, which established the CRSV mandate and the responsibilities of United Nations Field Missions to implement it. It describes the principles that should guide all Field Mission personnel in their work on CRSV, including “do no harm” and the survivor-centred approach.

Part II outlines the areas of work by Field Missions’ civilian, military, and police components to operationalize the CRSV mandate. It highlights the collective efforts required to address CRSV and illustrates coordination mechanisms through examples and case studies. The Annex provides an overview of additional reference materials.

**Color coding for text boxes:**

- Definition
- Example
- Toolbox
- Good practice

# Part I: United Nations Field Missions and the Conflict-Related Sexual Violence Mandate: Key Concepts



The *UN Action Against Sexual Violence in Conflict* represents a concerted effort by the United Nations system to work as one to end CRSV. In 2010, the network launched the Stop Rape Now campaign that mobilized all international actors to “get cross” and contribute to the fight against CRSV.

UN Photo/MINUSMA

# 1

## CHAPTER 1: Conceptual Foundation and the Evolution of the Conflict-Related Sexual Violence Mandate

### Reference documents:

- United Nations – Conflict-Related Sexual Violence Report of the United Nations Secretary-General (annual).
- United Nations DPO/DPPA/OHCHR/SRSG-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- United Nations DPPA – Policy on Women, Peace and Security (2019).
- United Nations DPKO-DFS – Policy on Gender Responsive United Nations Peacekeeping Operations (2018).
- United Nations DPO – Handbook on Gender Equality and Women, Peace and Security Resource Pack (2019).
- United Nations Action Against Sexual Violence in Conflict – An Analytical and Conceptual Framing of Conflict-Related Sexual Violence (2011).
- OHCHR – Guidance on Integrating A Gender Perspective into Human Rights Investigations: Guidance and Practice (2018).
- OHCHR – Manual on Human Rights Monitoring (2011).

*This chapter presents the definition of CRSV used by the United Nations and outlines the various criteria to establish the links between sexual violence and conflict, including when sexual violence is used as a tactic and strategy of war or terror. It also provides an overview of the founding principles that must guide civilian, military, and police components in United Nations Field Missions when addressing CRSV.*

### GOALS

*To build a common understanding of the normative and conceptual framework on CRSV as a peace and security issue and ensure that Field Mission personnel uphold the crosscutting principles of “do no harm” and the “survivor-centred approach” when addressing CRSV.*

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## SECTION 1: DEFINING CONFLICT-RELATED SEXUAL VIOLENCE

The United Nations defines CRSV as:

“The term “conflict-related sexual violence” refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with State collapse, cross-border consequences such as displacement or trafficking, and/or violations of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence or exploitation, when committed in situations of conflict”.

Conflict-Related Sexual Violence Report of the United Nations Secretary-General (S/2019/280)

Preventing and responding to CRSV is part of the Security Council's Women, Peace, and Security (WPS) agenda.<sup>5</sup> The WPS agenda recognizes that women and girls face pre-existing patterns of gender inequality and discrimination and are the most frequent targets of all forms of Sexual and Gender-Based Violence (SGBV),<sup>6</sup> including sexual violence during armed conflict and political strife. The prevention of CRSV is an integral part of the broader Security Council mandates on conflict prevention and sustaining peace.

CRSV is a form of SGBV. SGBV is any type of violence directed against individuals or groups based on their sex or gender. Women, men, girls, boys and lesbian, gay, bi, trans, and intersex (LGBTI) people can all be victims of SGBV. However, it disproportionately affects women and girls due to deeply entrenched gender norms and unequal power relationships. SGBV is endemic in all societies, due to the global nature of gender inequality and not necessarily, conflict related. It increases further during periods of conflict, population displacement and political instability.<sup>7</sup> While CRSV is one form of SGBV, other forms include female genital mutilation, intimate partner violence, domestic violence, and Sexual Exploitation and Abuse.<sup>8</sup>



UN Photo/Frecheton

Victims/survivors of sexual violence accessing care in a women's shelter in North Kivu, DRC.

## SECTION 2: UNDERSTANDING CONFLICT-RELATED SEXUAL VIOLENCE

### 2.1. THE LINKS BETWEEN CONFLICT AND SEXUAL VIOLENCE

CRSV is deliberate and brutal and intended to humiliate and/or punish individuals and their communities. It causes long-term trauma to individuals and their communities. It may be used as a weapon of war and/or tactic of terrorism (see the following section). Although the scale may vary, CRSV rarely occurs in isolation and is often perpetrated alongside other acts of violence such as killings, child recruitment into armed groups, looting, or destruction of property.

For sexual violence to be considered as conflict-related, a direct or indirect link to the conflict or situation of concern is necessary (i.e., temporal, geographical, and/or causal link). The section below outlines key principles to consider when assessing whether sexual violence is conflict-related and provides examples. United Nations Field Mission personnel should read the definitions provided in this handbook considering the specific context in which they serve.

5 For further information, see "Chapter Two: Legal Frameworks and United Nations Security Council Resolutions on Conflict-Related Sexual Violence."

6 The terms Gender-Based Violence (GBV) and Sexual and Gender-Based Violence (SGBV) are used interchangeably. The primary difference being that "SGBV" is used to emphasize sexual violence from other forms of GBV (e.g., femicide).

7 For more information, see the DPKO-DFS policy on Gender Responsive United Nations Peacekeeping Operations (2018). Available at: [https://peacekeeping.un.org/sites/default/files/english\\_gender\\_responsive\\_united\\_nations\\_peacekeeping\\_operations\\_policy\\_1.pdf](https://peacekeeping.un.org/sites/default/files/english_gender_responsive_united_nations_peacekeeping_operations_policy_1.pdf).

8 CRSV is distinct from Sexual Exploitation and Abuse (SEA) by United Nations personnel. According to ST/SGB/2003/13, sexual abuse refers to actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Sexual exploitation is any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. This includes acts such as transactional sex, solicitation of transactional sex and exploitative relationships. The United Nations DPO/DPPA/OHCHR/OSRSG-SVC Policy on "United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence" (2019) and this Handbook do not cover SEA. For more details on how the United Nations addresses SEA, see <https://www.un.org/preventing-sexual-exploitation-and-abuse/>. Also see the last report of the United Nations Secretary-General's Report on Special Measures for Protection from Sexual Exploitation and Abuse (A/73/744, 2019). Available at: <https://undocs.org/en/A/73/744>.



**For acts of sexual violence to be conflict-related, at least two of the links below should be established.**

#### **A TEMPORAL LINK:**

This requires proximity between the act of sexual violence and the period of conflict, such as when sexual violence occurs during armed conflict. Sexual violence may also be considered conflict-related if it occurs in a context of instability that may escalate to armed conflict, during a period of occupation, or when it takes place in the aftermath of conflict but prior to the full restoration of State authority. Sexual violence perpetrated against persons deprived of their liberty in connection with a conflict may also be considered as CRSV.

***Example:** During the Liberian Civil War (1999–2003) sexual violence was perpetrated by all parties. It was not addressed in the 2003 Comprehensive Peace Agreement and the society was rebuilt on a foundation of impunity for war crimes, with rape being the crime most often reported to the Liberian National Police. Entrenched in society after so many years of civil war, sexual violence became common during the post-conflict period and can therefore be considered conflict related. In 2009, President Sirleaf made the following statement, “[Long years of war] introduced into our national psyche a culture of violence. Rape was never a problem for us in our traditional society. Today it is a serious problem. The conflicts went on so long that now these things have become part of our cultural habits”.*

#### **A GEOGRAPHIC LINK:**

This requires that acts of sexual violence occur in conflict-affected areas, including areas of active warfare and other areas impacted by conflict. Such impacts may affect only part of a territory, border areas or an entire region.

***Example:** A woman reports a rape to a medical NGO in a village in Walikale, in the East of the Democratic Republic of Congo (DRC). Eastern DRC is a conflict-affected area and her report was one of multiple reports from the same area at approximately the same time. The rape coincided with the movement of armed actors in the area.*

#### **A CAUSAL LINK:**

This requires consideration of the extent to which pre-conflict levels of sexual violence are exacerbated by the conditions of conflict and/or ensuing displacement of the population and detention. An assessment on whether acts of sexual violence are linked with the general breakdown of law and order, and can be considered conflict-related, or whether they are criminal conduct unrelated to the conflict is essential. Other factors useful to consider include whether the existence of conflict played a substantial part in the perpetrator’s ability to commit sexual violence, the way in which it was committed, and the purpose for which it was committed. Situations of political instability or other preoccupying situations should be taken into consideration even if they do not reach the threshold of an armed conflict.

***Example:** In Guinea, in September 2009, sexual violence was used to serve political ends and to target opponents in a context of the breakdown of law and order, and therefore it was deemed to be conflict related. At least 109 women and girls were victims of sexual violence and nearly 200 people were killed or disappeared in the context of demonstrations by opposition supporters demanding a return to civilian rule.*

Displaced women carry firewood and other belongings into the UNAMID base in South Darfur, Sudan.



UNAMID/ Farran

In addition, the criteria listed below help in determining whether an act of sexual violence is conflict related. When an incident meets one or more of these criteria, it should be reported as CRSV.

#### ● Profile of the perpetrator

Perpetrators of CRSV are usually affiliated with either State or non-State entities. This may include national armed forces, police, or other security entities; terrorist entities or networks; local militias; armed groups; or traffickers. The profile of perpetrators may be evidenced by their uniform and insignia, distinctive modus operandi, or signature patterns of abuse associated with specific groups.

Determining the motives of perpetrators may help to establish the link between sexual violence and conflict (See Section 2.2 of this chapter). In conflict-affected areas, State actors and non-State armed groups may, for instance, use CRSV to terrorize local populations believed to be supporters of their enemies.

#### ● Profile of the victim/survivor<sup>9</sup>

CRSV is often perpetrated in the context of other violations and abuses against civilians; who may be targeted due to their actual or perceived membership to a political, ethnic, or religious minority group, or based on their actual or perceived sexual orientation and gender identity. Moreover, individuals believed to be engaged in activities deemed threatening to parties to the conflict might also be targeted, such as journalists and human rights defenders, including women's rights activists, etc.

As previously mentioned, while anybody can be affected by CRSV, women and girls continue to be disproportionately affected and primarily targeted due to the continuum of discrimination and violence they were exposed

9 To identify a person who experienced sexual violence as “victim” or “survivor” primarily depends on the preference/self-identification of the concerned individual. United Nations staff should be respectful of these choices. The context in which the term is used may vary. For example, the term “victim” is used when indicating that a person has been subjected to a violation of international law or a crime. The term is broad in that victims of sexual violence are those individuals who directly experienced the violence as well as those who were indirectly affected (for example, children born of CRSV). The term “survivor” is more commonly used in connection with the healing process of an individual who experienced sexual violence as it implies agency and resiliency. There is no United Nations-wide agreement on the use of one term or the other. Both terms can be used simultaneously and interchangeably. This document uses the term “victim/survivor”. See: United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020); and, OHCHR Manual on Human Rights Monitoring (“Chapter 12: Trauma and Self-Care”).



to before the conflict or political strife. Refugees and displaced persons, unaccompanied or separated children and orphans, elderly people, persons with disabilities, and LGBTI persons are moreover in a situation of heightened vulnerability to CRSV. Victims/survivors of CRSV may also include women and men combatants and forcibly recruited children in armed groups.

Determining the profile of victims/survivors who become the targets of CRSV is important in establishing the link between sexual violence and conflict. For example, it may help in rendering visible a pattern or policy against certain groups. The factors described vary in each context and therefore require a thorough gender-sensitive contextual analysis and threat assessment to understand the complex dynamics of CRSV and the specific risks communities face.

### **CRSV against men, boys, and LGBTI persons**

CRSV has been strategically perpetrated against men and boys, and reported in conflict-affected situations, including in the Central African Republic (CAR), DRC, and South Sudan. Incidents include rape, gang rape, forced nudity, and other forms of inhumane and degrading treatment and occur primarily in villages and detention facilities. Men and boys face reporting barriers because of the stigma related to perceived emasculation, as well as particular physical and psychological consequences. In some countries, the existing legal framework, and the subsequent consequences male victims/survivors of sexual violence face exacerbate underreporting. In recent years, the number of reports of CRSV perpetrators targeting persons on the basis of their actual or perceived sexual orientation and/or gender identity, including LGBTI persons, in Colombia,<sup>10</sup> Syria,<sup>11</sup> and Myanmar<sup>12</sup> has increased.



UN Photo/Perret

UNMISS visits detention facilities in Bor, South Sudan, to monitor allegations of CRSV and human rights violations and provide technical advice to the South Sudan national police.

10 For more information, see the Annual Report of the Secretary-General on Sexual Violence in Conflict (2019), accessible at: <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/04/report-s-2019-280/Annual-report-2018.pdf>

11 For more information, see “‘I lost my dignity’: Sexual and gender-based violence in the Syrian Arab Republic”, Human Rights Council (2018), accessible at: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf>.

12 For more information, see “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts”, Human Rights Council (2019), accessible at: <https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/session42/Pages/ListReports.aspx>.



### **CRSV to punish civilians or target specific groups**

In CAR, elements of the Anti-Balaka armed group raped women for supposedly selling vegetables to the opposing parties to the conflict.

During the ethnic conflict in Tanganyika Province of the DRC, warring Twa and Luba militias raped women, girls, and boys from each other's ethnic groups as a way to harm and weaken each other's communities.

### **◦ Climate of impunity and State collapse**

The breakdown of government authority and the rule of law are key characteristics that lead to a culture of impunity, which allows sexual violence to flourish. The failure by national authorities to investigate and prosecute sexual-violence crimes perpetrated by parties to the conflict or the lack of effective control over the territory are manifestations of State collapse.

### **◦ Cross-border consequences including displacement or trafficking in persons**

CRSV is both a driver of and a result of forced displacement within a country or across borders. For instance, CRSV can be used to forcibly displace communities to seize land and resources. In refugee and internal displacement camps, victims/survivors may suffer from sexual violence at the hands of State authorities, armed groups, traffickers, smugglers who control resources and services, as well as other local or displaced individuals. The nexus between CRSV, trafficking, and violent extremism has been recognized by the United Nations Security Council.<sup>13</sup>

### **CRSV in the context of migration and trafficking in Libya**

In 2018, the United Nations Support Mission in Libya documented accounts by migrant women and girls who were victims or witnesses of sexual violence by smugglers, traffickers, and members of armed groups, as well as by Ministry of Interior officials during their journey through Libya and in migrant detention centres. Migrant women and girls have been raped and exposed to other forms of CRSV, including forced prostitution and sexual exploitation in conditions amounting to sexual slavery.

13 See UNSCR 2331 (2016).

## • Violations of the provisions of a ceasefire agreement

Sexual violence is frequently used as a method or tactic of warfare and consequently needs to be addressed as part of comprehensive and effective ceasefire and peace agreements. The continued perpetration of CRSV must be monitored and addressed both as a security concern and a violation of the relevant provisions of the agreements.

### CRSV in violation of the comprehensive peace agreement in South Sudan

The 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan included several relevant provisions on CRSV, including: “Parties shall refrain from prohibited actions which include, among others: acts and forms of sexual and gender-based violence, including sexual exploitation and harassment” and [the] “Hybrid Court for South Sudan shall have jurisdiction with respect to: serious crimes under international law and relevant laws of the Republic of South Sudan, including gender-based crimes and sexual violence”.

Despite this, major clashes continued in South Sudan (in Western Bahr el-Ghazal, Central and Western Equatoria, and Unity States), which featured the systematic use of CRSV, specifically targeting women and girls to terrorize, punish, and displace the local population.

## 2.2. CONFLICT-RELATED SEXUAL VIOLENCE AS A TACTIC OF WAR AND TERRORISM

Both State actors and non-State actors may use CRSV as a tactic and strategy of war or terror to pursue political or military objectives, and as part of a wide-spread or systematic attack against civilians.

While the scale, methods, and motives for committing CRSV vary across operational environments and perpetrators, some of the motives and purposes for committing CRSV include:

- Control over a population (through terror or intimidation);
- Control over a territory (vital terrain, cities, trade routes, etc.);
- Control over natural resources (mining areas, fossil-fuel reserves, forests, water sources, etc.);
- Control over lives and reproduction abilities through deliberate targeting of ethnic/religious communities;
- Punishment of civilians suspected of supporting opponents;
- Humiliation of victims/survivors to destroy the social fabric of societies and fracture families and communities; and
- As a form of socialization and group bonding between perpetrators, incentive for recruitment, or to generate revenues.



In a camp for IDPs in South Darfur, Sudan, a displaced woman rides her donkey to the water point to collect water provided by UNAMID.

UNAMID/Farran

### CRSV as a military tactic

CRSV is used to displace communities, expel so-called “undesirable” groups, and seize contested land and other resources. In 2018, in South Sudan, allied militias raped women and girls as part of a campaign to drive opponents out of southern Unity State. Sexual violence was also used as a means of repression, terror, and control.

### CRSV as a “pull factor” for combatants and for the self-perpetuation of groups

Terrorist groups such as the Islamic State of Iraq and the Levant (ISIL), also known as Da’esh, have used sexual slavery as a “pull” factor for the recruitment of fighters. Combatants were lured into joining the group by the promise of receiving “bush wives”. Moreover, sexual slavery has generated large revenues to finance their operations by selling women and girls at open markets and by collecting ransom payments from traumatized communities, thereby helping to fuel conflicts across entire regions.

### CRSV to dehumanize combatants

Terrorist and armed groups organizations use CRSV to cut the ties between recruits and their communities. In Somalia, Al Shabaab used sexual violence as a ritual initiation process to cut the bonds of new recruits to civil society. In Uganda, the Lord’s Resistance Army used sexual slavery as part of their long-term strategy to detach combatants from society and thereby enhance allegiance within the group. These practices aim to prevent combatants from leaving the armed group, as in many cases they cannot return to their home communities.

### Motives and purposes for committing CRSV



Perpetrating CRSV often serves multiple motives and purposes. This diagram is not an exhaustive list of motives and purposes for committing CRSV.

### SECTION 3: THE GUIDING PRINCIPLES OF CONFLICT-RELATED SEXUAL VIOLENCE WORK

The “guiding principles” are a set of fundamental considerations that must be respected by all United Nations Field Mission personnel working on CRSV, as set out in the Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2019) (hereinafter referred to as United Nations CRSV Policy).<sup>14</sup>

**The cornerstone and crosscutting principles that should guide CRSV work<sup>15</sup> are “do no harm” and the “survivor-centred approach”.**<sup>16</sup> The overall objective is to uphold the dignity and human rights of victims/survivors while protecting them from further harm, stigma, and marginalization without discrimination. This approach requires United Nations Field Mission personnel to put victims/survivors at the centre of any intervention and to strive to minimize possibilities of harming victims/survivors inadvertently through their intervention or by not intervening. This allows CRSV work to ultimately promote victims/survivor’s empowerment and agency. This section expands on the guiding principles and provides examples of how they should be applied. Field Mission personnel must strictly adhere to these principles in all interventions aimed at addressing CRSV and should implement them with due diligence and professionalism.

As the personnel of all components of Field Missions may encounter victims/survivors of CRSV or information on CRSV provided by other sources during the course of their activities, they should always follow the guiding principles. They should ensure that victims/survivors are referred to service providers as quickly as possible, subject to obtaining their informed consent (see below). Engagement with victims/survivors of CRSV, especially



The founder of a Somali NGO supporting victims/survivors of GBV in Mogadishu, Somalia.

UN Photo/Anmed

14 United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).

15 These principles should also guide personnel when it comes to cases of SGBV.

16 This handbook uses the term “survivor-centred approach” in line with UNSCR 2467 (2019). This resolution affirms, for the first time, that a survivor-centred approach is required to address CRSV in all United Nations peacemaking, peace operations, and peace building initiatives, including in the context of security and justice sector reform and in negotiations of peace agreements and ceasefire verification mechanisms. The use of the terms “victim-centred approach” and “survivor-centred approach” may vary, depending on the context. They can be used simultaneously and interchangeably, as indicated in the CRSV policy (see para 12 and 16). For more information on the survivor-centred approach, see “Chapter Four: The Survivor-Centred Approach and Referral Pathways” of this Handbook.

children, should be carefully considered and, where possible, conducted by trained Mission personnel only.<sup>17</sup> Information on cases of CRSV should be shared promptly with Women’s Protection Advisors (WPAs) or CRSV focal points from the Human Rights component.<sup>18</sup> The second part of this Handbook, as well as the United Nations CRSV Policy, provides further explanation of roles and responsibilities of Mission personnel.

**Do No Harm:** This principle refers to the fundamental obligation not to expose any victim/survivor to further harm or suffering, both physical and psychological. Mission personnel should always be aware of the potential risks of causing further harm to victims/survivors of CRSV in the context of their work, including re-traumatization, stigmatization, violence, and marginalization.<sup>19</sup> While proactive efforts to protect and assist victims/survivors of CRSV are often required, sometimes this implies that not taking action may be the best course of action to avoid causing further harm, particularly in light of the stigma and marginalization attached to sexual violence and the potential risk for victims/survivors to be further harmed by their families and communities. For example, in some societies, victims/survivors may be rejected after it becomes known they were subjected to CRSV, in others they may be forced to marry their attacker. A proper assessment of the protection risks, gender dynamics, and social attitudes relating to sexual violence, which may result in further harm to victims/survivors of CRSV, is required prior to deciding whether to intervene. A rigorous assessment allows Mission personnel to exercise good judgment, caution, and sensitivity in all its interactions with victims/survivors.

**Confidentiality:** Personally identifiable information relating to CRSV incidents must, as a default, be treated as confidential by all Mission personnel for the protection of victims/survivors, their families, and witnesses. Measures must be taken to safeguard the confidentiality of recorded information, including the identities of victims/survivors and witnesses.

**Informed consent:** Consent must always be sought from victims/survivors of CRSV, witnesses and other cooperating persons on the use of the information they provide to Field Mission personnel, including for follow-up action, reporting, and information sharing with other United Nations agencies and external partners.

For consent to be “informed consent”, victims/survivors and other cooperating persons must understand fully the purpose of the information gathering process, the procedures that are going to be followed, the intended use of the information shared, and how it is going to be protected. Personally identifiable information that can identify the victims/survivors must always be confidential and protected because of the potential personal risks of providing such information. United Nations Field Mission personnel must explain all of this, in a clear and simple manner. Furthermore, victims/survivors and other cooperating persons may decide not to grant consent and not to share information with Mission personnel. At all times, Mission personnel must respect the decision of victims/survivors or other cooperating persons.<sup>20</sup>

17 Where possible, interactions with victims/survivors should be carried out by Women’s Protection Advisors (WPAs), Human Rights Officers, CPAs or other CRSV focal points. For more information on CRSV focal points in United Nations Field Missions, see “Chapter Five: Conflict-Related Sexual Violence Advising and Mainstreaming” of this Handbook.


18 In Field Missions where there is no SWPA and no Human Rights component, the SRSG/HOM/most senior United Nations official shall provide guidance on information sharing and reporting on CRSV, in coordination with OSRSG-SVC, OHCHR and DPPA or DPO, as applicable, while ensuring that sensitive information that may lead to the identification of victims/survivors, witnesses, and other sources of information is not shared.

19 The CRSV Policy explains that “Do No Harm” principles should be interpreted broadly and include physical violence and threats, re-traumatization, stigmatization, and marginalization at the hands of alleged perpetrators or their families and communities. United Nations personnel should exercise good judgment, caution, and sensitivity in all interactions with victims/survivors, their family members, or witnesses. For more information on this principle, see the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020) and the OHCHR Manual on Human Rights Monitoring (2011).

20 Mission personnel must consider the evolving protection situation of victims/survivors. If there is a risk of endangering the victim/survivor by sharing information, information should not be disclosed even if informed consent was previously granted.

In addition, Mission personnel should offer to explain referrals processes to the victim/survivor, and upon interest of the victim/survivor, carefully explain each of the steps as well as the implications of any information sharing.<sup>21</sup>

**Gender-sensitivity:** All Mission personnel should use respectful non-discriminatory language and be conscious not to reinforce gender stereotypes. Personnel should take into account the different experiences, situations, needs, and attributes of women, men, girls, boys, and persons of diverse sexual orientation and/or gender identity in all interactions and in the design and implementation of responses to CRSV.<sup>22</sup> A victim/survivor should be able to choose whether they prefer interacting with female or male personnel. All members of United Nations teams with a monitoring and investigations mandate should be prepared to deal with CRSV cases in line with the guiding principles of CRSV work.

	<b>Common wrongful assumptions about CRSV victims/survivors:</b>	<b>Facts:</b>
	Elderly women cannot be victims/survivors of CRSV.	Sexual assault can happen to any person regardless of age.
	Men cannot be raped; they are only perpetrators of CRSV.	Men and boys can be victims of sexual violence, particularly in detention contexts. Most perpetrators of CRSV are men.
	A lot of victims/survivors lie about being raped/sexually assaulted or give false reports.	This is not born out statistically, with underreporting of sexual violence a far more common feature of conflict. All reports of CRSV should be thoroughly examined before arriving to conclusions.
	Victims/survivors of CRSV will cry, be upset or emotional.	Every person processes trauma differently. A victim/survivor may go through a variety of emotions or they may be numb (i.e., unable to feel or process emotion due to trauma).
	Only women can interact and interview victims/survivors of CRSV.	Victims/survivors may choose to share their experience with persons of either sex. The decision should be made by them.
	All victims/survivors of CRSV will want to get medical care and report to the police.	There are many reasons why victims/survivors may prefer not to access services and report their case (e.g., due to stigmatization).

21 For more information on access to available services, see “Chapter Four: The Survivor-Centred Approach and Referral Pathways” of this Handbook.

22 The assumption that (possible) victims/survivors of CRSV are synonymous with female victims/survivors of CRSV should be avoided. Men and boys can also be victims/survivors of CRSV. For more information on the use of gender-sensitive language in reporting, refer to “Integrating a Gender Perspective into Human Rights Investigations” (OHCHR, 2018). Available at: [https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective\\_EN.pdf](https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf)

**Survivor-Centred Approach:** The rights, needs, and choices of CRSV victims/survivors, as identified by themselves, should be at the centre of all CRSV prevention and response efforts taken by United Nations Field Missions. Implementing a victim/survivor-centred approach requires personnel to, among others:

1. Protect victims/survivors' human rights, including the right to equality and non-discrimination, life, liberty; security of person; freedom from torture, cruel, inhumane, or degrading treatment; and access to health care and services, etc. This means, for example, that Mission personnel should support gender-sensitive interventions that guarantee victims/survivors human rights, including by ensuring their physical and psychological protection and safety from alleged perpetrators; their fair and dignified treatment at all times; their access to services adapted to their needs; and their access to justice, including reparations.
2. Respect victims/survivors' individual choices. Each person must be treated as a unique individual with different and specific needs and priorities. Mission personnel must listen to victims/survivors to understand their needs and to support them in a way that promotes their rights and respects their informed choices. This requires not making assumptions about what is in the victims/survivors' best interests.
3. Promote victims/survivors' empowerment by placing their informed choices at the centre of responses. Individuals must be given appropriate information to enable them to take informed decisions regarding their medical, sexual, reproductive, psychosocial, psychological, legal, and security needs, as well as their participation in justice and accountability processes. For example, if a victim/survivor declines to undergo a medical examination, United Nations Mission personnel must provide clear information that this could potentially hinder their recovery, as well as the ability to convict a suspect. Victims/survivors should be informed of their right to be accompanied by a support person to any information session or service provider, and to decide by whom (e.g., family members, service providers, etc.). Likewise, victims/survivors must be provided with practical and realistic information on what to expect in accessing these resources. Please refer to Chapter Four for more information on multi-sectoral services.
4. Treat all victims/survivors with respect, dignity, and equally, without discrimination. Victims/survivors should be treated equally and without discrimination. It is the responsibility of United Nations Mission personnel to treat every victim/survivor with respect and dignity, regardless of the circumstances of the incident, the sex, gender, age, race, ethnicity, sexual orientation, religion, language, political affiliation or any other opinion of the victim/survivor. Assumptions must never be made about the history or background of the victim/survivor. United Nations Mission personnel should be aware of their own prejudices and assumptions and take action to prevent personal beliefs from influencing their work. It is important to be aware of language, body language, and general attitude toward a victim/survivor in interactions with them. The language used by United Nations Mission personnel may affect, for example, the victim/survivor's willingness to pursue justice.

**Best interests of the child:** In all actions concerning children (any person under the age of 18), the best interests of the child shall be the primary consideration. Children, especially younger ones, should be interviewed only in exceptional circumstances (e.g., if the information is critical and cannot be obtained through other means or sources) and after a careful assessment. While children may not be able to give legal consent, they should still be asked permission before speaking to them about their experiences.<sup>23</sup> Assessing the best interests of a child

23 For more information on conducting interviews with children, see OHCHR Manual on Human Rights Monitoring, ("Chapter 11: Interviewing").



requires Mission personnel to evaluate and balance relevant information regarding a specific situation involving an individual child or a group of children to make a decision. Based on the evolving capacities of the child, children should participate in decisions that affect them.<sup>24</sup>



MONUSCO/Asmani

A celebration of International Women's Day, under the theme: "Fellow Congolese men and women, let's stand up for women's rights" in Kinshasa, DRC.

#### **SECTION 4: CHALLENGES TO PREVENTING AND RESPONDING TO CONFLICT-RELATED SEXUAL VIOLENCE**

While the situation on the ground may vary, there are common challenges to preventing and responding to CRSV for United Nations Field Missions and host governments, including the following:

1. **CRSV is under-reported** by victims/survivors and their family members. Systemic under-reporting may be due to several factors, including risks of stigmatization and reprisals.<sup>25</sup> The culture of silence around sexual violence hinders victims/survivors from accessing medical care, including sexual and reproductive health services, and psychological support as well as from claiming their rights for redress and reparation. Moreover, response efforts to CRSV fail to be prioritized and are under resourced by national legal mechanisms and institutions.

24 For further guidance, please see the Convention on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1). Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f14&Lang=en)

25 Victims/survivors often suffer from stigmatization due to its prevalence across many contexts. It is socially and culturally constructed around dominance and inequality and involves penalizing or placing blame on CRSV victims/survivors for bringing shame to their communities or families. It leads to the social exclusion of victims/survivors of CRSV and to further harm and suffering that can include the loss of their families and livelihoods. Potential or actual rejection from their community often makes recovery an uphill battle for victims/survivors. In many instances, children born of rape are rejected by their mother, family, and/or community, which leads to deprivation and destitution.

**Good practice:** By reaching out to various spheres of society and carrying out sensitization efforts, United Nations Field Missions can shift attitudes on CRSV victims/survivors towards protection, empathy, and respect. Victims/survivors must never be blamed for the crime, punished, and excluded as a result of CRSV. Families and communities should be encouraged to support victims/survivors and to put community-protection and integration mechanisms in place.<sup>26</sup> The establishment of other support and protection structures should also be encouraged in the case of rejection by families and communities.

2. Due to underreporting, **CRSV is often invisible**, and the extent of its perpetration difficult to ascertain, even when it is widespread. The specific circumstances in which it takes place and the identity and motives of perpetrators are often hard to identify. This makes prevention efforts complex and challenging. The lack of CRSV reports does not mean incidents do not occur.

**Good practice:** To overcome the challenges of underreporting, United Nations Field Missions must assume that CRSV is present in areas of deployment and take comprehensive measures to identify it and build trust with local populations. For instance, when engaging with the population or conducting protection assessments, Mission personnel should systematically inquire about protection concerns of the population and specific threats against women and girls. They should also engage with diverse population groups, including CSOs, women's groups, and health and GBV service providers. Information that may identify specific individuals should, however, never be asked (See Section 3 for more information on confidentiality and other guiding principles).

3. In conflict-affected situations, weak state authority and the lack of response from national judicial institutions to CRSV incidents can fuel a **culture of impunity**. There may be little or no public confidence in the formal justice system, and perceptions that the police and judiciary are partial, judgmental, corrupt, and/or that members of these institutions are themselves perpetrators of violence. Victims/survivors of CRSV often face enormous obstacles in accessing justice and are consequently reluctant to file complaints against their attackers. Traditional, informal, and community-based mechanisms may be inadequate to deal with sexual-violence crimes in line with international human rights and judicial norms and standards.

**Good practice:** As United Nations Field Missions support the fight against impunity for CRSV, they should promote access to justice for victims/survivors. A victim/survivor who is treated with respect and perceives judicial authorities to be fair is more likely to report their case. United Nations Field Missions can help national authorities to increase access to services by building the capacity of interviewers, police, and judges to improve understanding of the guiding principles and the survivor-centred approach to CRSV.<sup>27</sup>

4. **Weak or non-existing health infrastructure** in many conflict-affected areas prevents and restricts access of victims/survivors to medical services, including sexual, reproductive, and mental health services. CRSV has serious and life-changing consequences for victims/survivors<sup>28</sup> and the lack of access to services reduces their ability to seek the support needed to rebuild their lives.

26 For more information on the roles and responsibilities of United Nations Field Mission components in carrying out advocacy, see “Chapter Six: Advocacy, Raising Awareness, and Capacity-building on Conflict-Related Sexual Violence” of this Handbook.

27 For more information on capacity building of judicial authorities, see “Chapter Ten: Ending Impunity for Conflict-Related Sexual Violence” of this Handbook.

28 CRSV can have serious and long-term consequences on victims/survivors, which include among others, physical injuries to the reproductive and urinary tract systems, pregnancy, sexually transmitted diseases including HIV, mental trauma, marginalization including physical ostracization and banishment, and death.

**Good practice:** United Nations Field Missions, in coordination with the UNCT, should support access to holistic care for all victims/survivors of CRSV by sharing information with them and their communities about referral pathways and available care services. The Senior Women’s Protection Advisor (SWPA) and WPAs should coordinate with the humanitarian community (including the UNCT, Humanitarian Country Team, and other existing coordination mechanisms) to obtain updated CRSV/SGBV service maps, including those that provide Post-Exposure Prophylaxis (PEP) kits<sup>29</sup>, so that victims/survivors can be referred efficiently.<sup>30</sup>

5. **Gender-based discrimination and gender inequality** predating the conflict constitute the main barrier for preventing CRSV against women and girls and preventing them from exercising their rights, including their right to justice, to access health services, and to participate in decisions that affect their lives, including peacemaking and peacebuilding activities. Furthermore, gendered stereotypes linked to masculinity, homophobia, and social taboos, along with biased legal frameworks, may prevent male victims/survivors from exercising their rights and from being included in prevention efforts and service provision.

**Good practice:** Field Missions should promote gender equality and the full and equal rights of women and girls. All conflict and political analyses should be gender sensitive and be conducted to integrate a gender perspective across the Mission work. Such context-specific analyses must include and distinguish between the differentiated political, economic, and security needs of women, men, girls, and boys, as well as other groups, in situations of vulnerability. They must also reflect local cultural norms. Specific steps should be taken to support the participation of women and girls in peace and political processes, and to ensure that the perspectives of other traditionally excluded groups are considered.

29 PEP is a short-term anti-retroviral treatment that reduces the likelihood of HIV infection after exposure to HIV-infected blood or sexual contact with an HIV-positive person. It should be administered within 24 hours, and no later than 72 hours.

30 For more information on referral pathways, see “Chapter Four: The Survivor-Centred Approach and Referral Pathways” of this Handbook.

# 2

## CHAPTER 2: Legal Frameworks and United Nations Security Council Resolutions on Conflict-Related Sexual Violence

### Reference documents:

- United Nations Security Council Resolutions 1325 (2000); 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2011); 2106 (2013); 2122 (2013); 2242 (2015); 2467 (2019), and 2493 (2019).
- United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- OHCHR Guidance Note on Documenting and Analysing Sexual Violence (forthcoming in 2020).

*As both international law and United Nations Security Council Resolutions (UNRSC) form the normative framework on CRSV, this chapter provides an overview of the legal framework on CRSV, namely how CRSV is addressed under international humanitarian law, international human rights law, and domestic law, and of the UNSCRs on CRSV.*

### GOALS

*To familiarize users with the legal framework on CRSV and the relevant UNSCRs for the implementation of the CRSV mandate by United Nations Field Missions.*

## SECTION 1: THE LEGAL FRAMEWORK ON CONFLICT-RELATED SEXUAL VIOLENCE

Sexual violence in conflict is recognized, codified, and prosecuted as one of the most serious violations of international law, including international human rights and international humanitarian law. It can also amount to a crime under international criminal law.

Sexual violence is recognized as a crime in most national legal systems. It is the primary responsibility of the State under international law to prevent and investigate CRSV, prosecute perpetrators and provide reparations to victims/survivors of CRSV.

### 1.1. SEXUAL VIOLENCE AS A VIOLATION OF INTERNATIONAL HUMAN RIGHTS LAW

International human rights law applies both in times of peace and conflict. While the primary obligation to uphold human rights falls on States, it is increasingly understood that armed groups, notably those in effective control of territory and over the populations therein, also have human rights obligations.

Acts of sexual violence infringe upon a number of human rights, including the right to life; to liberty and security of the person; to privacy; to not be subjected to torture or other cruel, inhuman or degrading treatment or punishment; to equality; to equal protection under the law; and to be free from all forms of discrimination. It constitutes a violation of the highest attainable standard of physical and mental health. States are required to exercise due diligence to prevent, investigate, and prosecute acts of sexual violence perpetrated by State and non-State actors and to provide reparations to victims/survivors.<sup>31</sup>

Sexual violence includes acts of a sexual nature, which are perpetrated against a person without his or her consent, often by force or coercion. These acts constitute a human rights violation if:

- a. Sexual violence is committed by a public official, or is committed at the instigation of, with the consent of, or acquiescence of a public official; or

<sup>31</sup> For further information, see OHCHR Guidance Note on Documenting and Analysing Sexual Violence (forthcoming in 2020).

- b. The State fails to ensure that sexual violence is effectively investigated or, where there is sufficient evidence for prosecution, fails to ensure perpetrators are prosecuted and punished in accordance with the gravity of the offence, whether they are State or non-State actors; or
- c. The State fails to exercise due diligence to adequately protect persons from sexual violence by non-State actors by, among others, criminalizing all forms of sexual violence, establishing mechanisms for investigation and prosecution and implementing comprehensive awareness-raising programmes.<sup>32</sup>

## 1.2. SEXUAL VIOLENCE AS A VIOLATION OF INTERNATIONAL HUMANITARIAN LAW

International humanitarian law establishes binding rules on how conflicts, including non-international armed conflicts, are conducted and how persons who either do not or no longer take direct part in hostilities must be treated. It applies only during armed conflicts, irrespective of whether they are classified as international or internal. The 1949 Geneva Conventions and their Additional Protocols of 1977<sup>33</sup> expressly prohibit rape, enforced prostitution, and other forms of sexual violence or indecent assault on civilians and more generally, prohibits attacks on personal dignity, including humiliating and degrading treatment.

## 1.3. SEXUAL VIOLENCE AS AN INTERNATIONAL CRIME

International criminal law deals with the criminal responsibility of individuals for international crimes. According to the Rome Statute of the International Criminal Court sexual violence encompasses the following offences: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and any other form of sexual violence of comparable gravity.<sup>34</sup> These other forms of sexual violence may include, among others, forced nudity, trafficking for the purposes of sexual exploitation, forced virginity testing, and intrusive strip searches.<sup>35</sup> Rape and other forms of sexual violence can be investigated and prosecuted as a war crime, as a crime against humanity, and as a constitutive act of genocide.



A high-level dialogue in the Human Rights Council in Geneva on combatting sexual violence in the DRC.

32 For further information, see OHCHR Guidance Note on Documenting and Analysing Sexual Violence (forthcoming in 2020).

33 For further information on the Geneva Conventions and their Additional Protocols, please refer to the International Committee of the Red Cross. Available at: <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols>

34 For further information on sexual violence as an international crime, please refer to the Rome Statute of the International Criminal Court. Available at: <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf>

35 Further information on International Criminal Law Guidelines and forms of sexual violence can be found in The Hague Principles on Sexual Violence. Available at: <https://4genderjustice.org/wp-content/uploads/2019/11/The-Hague-Principles-on-Sexual-Violence.pdf>

- **Sexual Violence as a War Crime.** Acts of sexual violence may constitute war crimes if committed in the context of, and associated with, an international or non-international armed conflict against protected persons (i.e., civilians and persons not taking part in hostilities), and the perpetrator was aware of the factual circumstances that established the situation as one of armed conflict. War crimes can only take place in the context of either an armed conflict of international or non-international character.
- **Sexual Violence as a Crime against Humanity.** All acts of sexual violence may constitute crimes against humanity when committed in the context of a widespread or systematic attack directed against a civilian population, with the perpetrator's knowledge of the attack. Sexual violence may reach the scale of a crime against humanity if it is part of either a government policy or a widespread practice of atrocities committed, tolerated, or condoned by a government, de facto authority, or organized armed group. Crimes against humanity do not require a connection with an armed conflict and can occur both in times of peace and of war. This is significant as sexual violence may increase during the unrest that precedes conflict, and its scale and severity often continue post-conflict.
- **Sexual Violence as an Element of Genocide.** A crime constitutes genocide when a "person commits a prohibited act with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group".<sup>36</sup> It is a crime against the group, which is committed through doing harm to individuals because of their membership to a particular group and as an incremental step in the overall objective of destroying the group. Sexual violence, when committed with these requisite special intents, can amount to an act of genocide.

### 1.3.1. Individual and Commander's Responsibility for International Crimes

International law requires holding the perpetrators of international crimes personally accountable, including military commanders and their subordinates (State or non-State), as well as civilian officials who order such crimes. A military commander can be held responsible for crimes committed by forces under his or her effective command and control, or for failing to properly exercise control over such forces, where:

1. The commander knew or, owing to the circumstances at the time, should have known that the forces were committing, or about to commit such crimes; and
2. The commander failed to take all necessary and reasonable measures within his/her power to prevent or repress their commission, or to submit the matter to the competent authorities for investigation and prosecution.

#### Responsibility of the commander in the Ntaganda Case

On 8 July 2019, former Congolese rebel leader Bosco Ntaganda, was convicted on 18 counts of war crimes and crimes against humanity by the International Criminal Court.<sup>37</sup> The crimes were committed in Ituri province, eastern DRC, between 2002-2003. The charges included murder and attempted murder, rape, sexual slavery, attacking civilians, pillaging, displacement of civilians, attacking protected objects, and recruiting and using children. On 7 November 2019, Ntaganda was sentenced to a total of 30 years imprisonment. The case marked the first time the International Criminal Court convicted a commander for sexual violence offences committed by his troops, and the first time the Court has convicted someone for sexual slavery. If upheld on appeal, the case could become the first final conviction at the International Criminal Court for crimes of sexual violence, including against men and against other members of the same group.

<sup>36</sup> See A/HRC/39/64 (24 August 2018). The prohibited acts are killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group. Sexual violence may fall under several of these prohibited acts.

<sup>37</sup> For more information about the Ntaganda case, see: <https://www.icc-cpi.int/drc/ntaganda>

## 1.4. CONFLICT-RELATED SEXUAL VIOLENCE AS CRIMES UNDER DOMESTIC LAW

States bear the primary responsibility to respect, protect, and fulfil the human rights of all persons within their territory and subject to their jurisdiction as provided for by international law. The rights to life and physical integrity are guaranteed under almost all national constitutions around the world and are protected by respective national criminal law as well. National criminal law provisions often prohibit acts of rape and other sexual offences, among other serious offences. Further, upon ratification and, where applicable, international conventions and treaties become part of national legislation, allowing national courts to adjudicate should their provisions be violated. In other cases, international treaties must be translated into domestic law before they can be invoked by national courts.<sup>38</sup> Additionally, the laws of many countries provide for the discipline of military personnel by establishing a system of military justice for both criminal and disciplinary offences, including sexual offences.

### CRSV under Domestic Law in DRC and Iraq

The DRC has a “monist” legal system and thereby can apply the Rome Statute directly in its domestic law without requiring a separate implementing legislation. The DRC has therefore been able to try perpetrators of CRSV for war crimes and crimes against humanity by directly invoking the provisions of the Statute as a part of its domestic law.

In Iraq, at the time of writing, rape and other forms of sexual violence are not prosecuted as war crimes, crimes against humanity, or genocide because, these crimes are not included in its Criminal Code, despite Iraq been a party to the Geneva Conventions of 1949 and the Convention on the Prevention and Punishment of the Crime of Genocide. A new statutory law translating these international treaties needs to be enacted for national courts be able to invoke them. CRSV crimes can however be prosecuted in domestic courts as crimes of rape, kidnapping, and trafficking in persons for sexual exploitation or violence as these are criminalized as ordinary criminal offenses in Iraq. Nonetheless, the current national legislation on sexual violence crimes is not yet fully in line with international standards.

## SECTION 2: THE INSTITUTIONAL FRAMEWORK ON CONFLICT-RELATED SEXUAL VIOLENCE

The United Nations Security Council has adopted 10 UNSCRs on Women, Peace and Security.<sup>39</sup> These UNSCRs highlight the link between sexual violence, gender equality, and the restoration of peace and security. In addition to the Mission-specific mandate resolutions, the WPS resolutions guide the work of United Nations Field Missions to promote a gender perspective and women’s participation in all efforts to both prevent and resolve conflict and rebuild from conflict.<sup>40</sup>

**UNSCR 1325 (2000)** was a historic milestone in recognizing the differentiated and disproportionate impact of conflict on women and girls and the need for women’s meaningful participation in efforts to achieve sustainable peace. It affirmed the importance of ensuring that gender perspectives are integrated into all peace and security efforts, including during the negotiation of peace agreements, planning of refugee camps, peacekeeping operations, and reconstructing war-torn societies for sustainable peace.

38 For more information on the monist and dualist approaches to the implementation of international law see: OHCHR, Human Rights and Constitution Making (2018), available at: <https://www.ohchr.org/EN/PublicationsResources/Pages/SpecialIssues.aspx>

39 UNSCR1325 (2000); 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2010); 2106 (2013); 2122 (2013); 2242 (2015); 2467 (2019), and 2493 (2019).

40 The full texts of the UNSCRs on WPS are available at: [https://www.securitycouncilreport.org/un\\_documents\\_type/security-council-resolutions/?ctype=Women%252C%2520Peace%2520and%2520Security&cbtype=women-peace-and-security](https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/?ctype=Women%252C%2520Peace%2520and%2520Security&cbtype=women-peace-and-security)



UN Photo/Bajornas

The Security Council debates sexual violence in conflict in New York.

**UNSCR 1820 (2008)** recognized that sexual violence can both significantly exacerbate situations of armed conflict and impede the restoration of international peace and security, and that coercive measures such as sanctions can be considered against parties who commit rape and other forms of sexual violence in situations of armed conflict. In line with UNSCR 1820, a stand-alone criterion for sexual violence was adopted in several sanction regimes, including for the DRC, CAR and Mali.

**UNSCR 1888 (2009)** demanded that peacekeeping mandates contain provisions on the prevention of and response to CRSV and called for more systematic reporting to the Security Council. It established the mandate of dedicated WPAs within peacekeeping missions. The Security Council requested the appointment of a Special Representative on Sexual Violence in Conflict (SRSG-SVC) to, among other things, increase coordination and cooperation between all relevant stakeholders. UNSCR 1888 further created the mandate of the Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) to assist national authorities in strengthening the rule of law with the intent of ensuring criminal accountability for perpetrators of CRSV (see Chapter Three for more information on the institutional architecture dedicated to CRSV).

**UNSCR 1889 (2009)** was adopted to strengthen elements of the previously adopted WPS resolutions. It specifically focused on post-conflict peacebuilding and called for the development of indicators to measure the implementation of UNSCR 1325 both within the United Nations system and by Member States.

**UNSCR 1960 (2010)** reiterated the need for all State and non-State parties to conflict to comply with their obligations under applicable international law, including the prohibition of all forms of sexual violence. It stressed the need for civilian and military leaders to demonstrate commitment to preventing sexual violence, combating impunity, and enforcing accountability. The resolution requested the Secretary-General to include a list of parties to the conflict, who are credibly suspected of being responsible for CRSV, in the Annual Report on Sexual Violence in Conflict, and to track and monitor implementation of commitments to end CRSV by parties to armed conflict. UNSCR 1960 created the Monitoring, Analysis, and Reporting Arrangements (known as the “MARA”) to provide a United Nations-wide information gathering and analysis mechanism on CRSV.



**UNSCR 2106 (2013)** recognized that sexual violence in armed conflict and post-conflict situations disproportionately affects women and girls, while also affecting men and boys and those secondarily traumatized as forced witnesses of sexual violence against family members. It reiterates demands from previous resolutions such as including CRSV in all peace efforts and calls on all actors to increase efforts to end CRSV and combat impunity.

**UNSCR 2242 (2015)** recognized that sexual and gender-based violence is part of the strategic objectives and ideologies of certain terrorist groups and used as a tactic of terrorism.

**UNSCR 2331 (2016)** recognized that human trafficking, including for the purpose of sexual slavery, can exacerbate conflict and foster insecurity and instability. It stresses again that sexual and gender-based violence during armed conflict and post-conflict situations can be used as a tactic by violent extremist or terrorist groups. It affirmed that victims/survivors of trafficking and sexual violence should be classified as victims/survivors of terrorism.

**UNSCR 2467 (2019)** explicitly recognized the need for a survivor-centred approach in preventing and responding to CRSV. It acknowledges structural gender inequality and discrimination as root causes of sexual violence. Highlighting that the response to victims/survivors should be multidimensional, it calls for effective justice and accountability, including the provision of reparations for survivors as well as livelihood support for their families, including children born of sexual violence. The resolution also requested the Secretary-General to ensure the timely deployment of WPAs to offices of United Nations Resident and Humanitarian Coordinators in all relevant situations of concern to advise senior leadership on the implementation of the operational provisions of resolutions on CRSV.

**UNSCR 2493 (2019)** recognized that States bear the primary responsibility to respect and ensure the human rights of all persons within their territory and subject to their jurisdiction as provided for by international law and reaffirms that parties to armed conflict bear the primary responsibility to ensure the protection of civilians.



UNAMID/Almahady

Under-Secretary-General for Peace Operations, Jean-Pierre Lacroix, and African Union Commissioner for Peace and Security, Ambassador Smail Chergui, conducting a joint visit to North Darfur, Sudan.



Under-Secretary-General for Political and Peacebuilding Affairs, Rosemary DiCarlo, briefing the Security Council on detainees and missing persons in Syria.

UN Photo/Felipe

# 3

## CHAPTER 3: Operational and Coordination Frameworks to Address Conflict-Related Sexual Violence

### Reference documents:

- United Nations DPO/DPPA/OHCHR/SRSG-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- United Nations DPO – Policy on the Protection of Civilians in United Nations Peacekeeping (2019).
- United Nations DPKO/DFS/DPA – Policy on Child Protection in United Nations Peace Operations (2017).
- United Nations DPO – Handbook on the Protection of Civilians in Peacekeeping (2020).
- United Nations DPO – Manual on Child Protection in United Nations Peace Operations (2019).
- United Nations DPO – Handbook on Gender Equality and Women, Peace and Security Resource Pack (2019).
- United Nations OHCHR/DPO/DPPA/DFS – Human Rights in United Nations Peace Operations and Political Missions (2011).

*This chapter provides an overview of the operational framework to implement the CRSV mandate of United Nations Field Missions, highlighting that preventing and responding to CRSV is a Mission-wide responsibility. It introduces the functions of the Senior Women’s Protection Advisers (SWPA) and Women’s Protection Advisers (WPAs) as a central piece of the CRSV architecture and outlines the intersections of the CRSV mandate with other mandates of Field Missions including political, justice, and specialized protection mandates. It presents standard coordination mechanisms with external actors and dedicated entities in United Nations Headquarters.*

### GOALS

*To understand the architecture supporting the implementation of the CRSV mandate in Mission areas. Understand that preventing and responding to CRSV is a shared responsibility between all components of United Nations Field Missions and external partners. Understand which coordination mechanisms can be used to develop integrated strategies and plans to address CRSV.*

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## SECTION 1: ARCHITECTURE TO ADDRESS CONFLICT-RELATED SEXUAL VIOLENCE IN FIELD MISSIONS

Coordination between the civilian, military, and police components of United Nations Field Missions is critical to successfully implement the CRSV mandate. The United Nations Secretary-General has called on the United Nations System to emphasize its work on prevention by utilizing the full range of available capabilities and mechanisms to ensure a more holistic preventive approach. The leadership of Field Missions must work in close cooperation to strengthen collaboration and coordination between the Mission pillars in order to prevent and respond to CRSV in a coherent and holistic manner.<sup>41</sup> The United Nations CRSV Policy institutionalizes the integrated approach in Field Missions to end CRSV and defines the distinct and complementary roles, activities, and responsibilities of the Mission leadership and the civilian, military, and police components to end CRSV. Each of the components and sections support the implementation of the CRSV mandate with their respective and specific capacities and should work together to complement each other to implement the CRSV mandate, as described in Part II of this Handbook.

41 United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para. 21.

The Security Council has specifically called for the deployment of WPAs, particularly at a senior level, to ensure the implementation of the CRSV mandate. SWPAs and WPAs (S/WPAs) are dedicated staff with specific CRSV expertise and therefore constitute a central part of the United Nations architecture to address CRSV at field level. Within the limits of their level of responsibility, S/WPAs support United Nations Field Missions in preventing and responding to CRSV. The specific roles and responsibilities of S/WPAs are introduced below and further elaborated in Part II of this Handbook.



AMISOM /Ahmed

The SWPA of UNSOM speaks during a workshop on the prevention of CRSV for military and police officers of the African Union Mission in Somalia, in Mogadishu.

### Role and responsibilities of Senior/Women's Protection Advisors

- i. **Advising** senior Mission leadership — including SRSG/HOMs (Heads of Mission), Deputy SRSGs, Force Commanders and Heads of United Nations Police (UNPOL) components, section chiefs, Heads of Field Offices, military and police Sector/Regional Commanders, and focal points on the implementation and mainstreaming of the CRSV mandate; on relevant CRSV issues and actions to be taken; and regularly reviewing progress, with particular attention to the Mission's overall work, including mediation and national reconciliation efforts.
- ii. **Providing** overall **substantive guidance** and **coordination** across all relevant Mission components on CRSV prevention and response.
- iii. **Chairing the Monitoring, Analysis, and Reporting Arrangements (MARA) Working Group** at the technical level and supporting senior Mission leadership in chairing the Working Group at the strategic level. **Fulfilling reporting obligations** under the Security Council mandated MARA, including in reports to Headquarters (HQ); relevant sections of Secretary-General's country reports; and the Secretary-General's Annual Report on CRSV.
- v. **Engaging in dialogue with parties to conflict** on the signing and implementation of commitments to halt and prevent CRSV, in line with Security Council resolutions, and in coordination with the OSRSG-SVC and other relevant Mission components; supporting parties to conflict in the implementation of commitments to address CRSV, and regularly reviewing progress with parties to conflict and the United Nations system.
- vi. **Acting as an entry point to and focal point** for the Mission to other United Nations and non-United Nations actors and coordination mechanisms working on CRSV issues that are relevant to United Nations Field Missions, building on the complementarity of respective roles and mandates.
- vii. **Promoting local ownership** and prevention strategies on CRSV through **advocacy, sensitization, capacity building, and training activities** at community level.
- viii. **Advocating** with host-state governments, parties to the conflict, diplomatic and donor communities, regional and international organizations, including through the release of public advocacy reports on CRSV and participating in relevant bilateral and multilateral forums.

42 With the adoption of UNSCR 1888, the Security Council decided to include specific provisions, as appropriate, for the protection of women and children from rape and other sexual violence in the mandates of United Nations peacekeeping operations. While the title "(Senior) Women's Protection Advisor" may suggest otherwise, the SWPA and WPA function does not only address CRSV against women. While women and girls are disproportionately affected and the primary targets of CRSV, boys and men may also be targeted systematically and become victims/survivors of CRSV. SWPAs and WPAs work on the prevention and response to CRSV against all victims/survivors, irrespective of their sex. For further information, see UNSCR 1888.

43 In this handbook, the term "S/WPA" is used to refer to the functions of both the Senior Women's Protection Advisor (SWPA) and Women's Protection Advisors (WPA). The terms "SWPA" or "WPA" are used to refer distinctively to the responsibilities of one or the other.

In 2015, the United Nations Secretary-General consolidated specialized protection functions of CRSV and Child Protection into the Human Rights components of United Nations Field Missions.<sup>44</sup> The intended aim of the consolidation of specialized protection functions was to enhance coherence and the collective impact of protection responses by United Nations Peace Operations.



### **The Consolidation of WPA Functions and its Implementation in Practice**

The Human Rights component includes a thematic “CRSV Unit” comprised of dedicated specialized expertise on CRSV. The Unit is headed by the SWPA who guides the CRSV-specific work of the Human Rights component. The SWPA retains any prior distinct budget lines, where applicable, a dedicated team, and direct access to the Mission leadership.

If WPAs are not present, the Human Rights component appoints CRSV focal points to ensure implementation of the mandate.

The Head of the Human Rights component oversees the implementation of the CRSV mandate by the SWPA. In missions without an SWPA, the Human Rights component leads on CRSV work, in coordination with other Mission components.

References in this handbook to SWPAs, CRSV lead, WPAs, and CRSV focal points in Human Rights components should be read considering these arrangements.

In Field Missions where there is no SWPA and no Human Rights component,<sup>45</sup> the SRSG/HOM/most senior United Nations official may designate a CRSV lead, in coordination with OSRSG-SVC, OHCHR, and DPPA or DPO, to support work to mainstream CRSV prevention and response throughout all functions and substantive areas of the Mission’s work.

Lastly, as addressing CRSV is a whole-of-Mission responsibility, civilian, military, and police components in Field Missions should all have dedicated focal points on CRSV. In the case of military and police components, they have dedicated functions on CRSV, namely the Force Gender and Protection Advisor and UNPOL Gender Advisor and CRSV focal points (official titles may vary in each Mission). Focal points ensure CRSV mainstreaming in coordination with S/WPAs (see Chapter Five for more information).

## **SECTION 2: RELATED PROTECTION FRAMEWORKS AND MANDATES**

The CRSV mandate is cross-cutting and intersects with other mandated tasks of United Nations Field Missions, such as the support to peace processes and the promotion of the rule of law. The CRSV mandate also intersects with the other protection mandates of Field Missions, namely, the protection of civilians, the promotion and protection of human rights, and child protection mandates. The different protection mandates should be implemented in an aligned, complementary, and mutually reinforcing manner.

44 This decision was based on the recommendations made by the High-level Independent Panel on Peace Operations (HIPPO) report, available at: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/446](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/446). This decision was formalized in the Secretary General’s report on “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations” (2015), para. 66, available at: [https://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2015/682](https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/682).

45 At the time of writing, Field Missions where there is no SWPA and no Human Rights component include, for example, the Office of the Special Envoy of the Secretary-General on Myanmar, the Office of the Special Envoy of the Secretary-General for Yemen, the United Nations Verification Mission in Colombia, the Office of the Special Envoy of the Secretary-General for Syria, and the Office of the Special Envoy of the Secretary-General for Burundi.

## 2.1. THE PROTECTION OF CIVILIANS MANDATE

**The Protection of Civilians (POC) mandate** in United Nations Peacekeeping Operations is defined as: “without prejudice to the primary responsibility of the host State, integrated and coordinated activities by all civilian and uniformed Mission components to prevent, deter or respond to threats of physical violence against civilians within the Mission’s capabilities and areas of deployment through the use of all necessary means, up to and including deadly force”.

United Nations DPO Policy on the Protection of Civilians in United Nations Peacekeeping (2019)

Meaningful integration of the WPS agenda, including the CRSV mandate, is a guiding principle of the United Nations Policy on the Protection of Civilians in United Nations Peacekeeping (hereinafter referred to as United Nations POC Policy). The POC Policy notes that POC must be undertaken with a gender perspective which reflects the intersectionality between gender and protection, and which considers gender-based differences in status and power and how they shape both the immediate protection needs and long-term interests of women and men, girls and boys. This includes how gender inequality and discrimination impact threats to civilians and how participation and empowerment can address those threats.<sup>46</sup>

Senior POC advisors and POC focal points work closely with the S/WPAs, the Human Rights component, the Gender Unit and other civilian sections, as well as military and police components at all levels in order to include gender-sensitive outcomes and CRSV concerns in all areas of POC work (see Chapter Five for more information).

Moreover, CRSV is closely linked to the broader POC agenda of the Security Council aiming to minimize civilian harm in armed-conflict settings, including the risk of sexual violence against women, men, girls, and boys. CRSV is systematically included in the Secretary General’s Report on POC and in informal briefings to the Informal Expert Group on POC.



46 United Nations DPO Policy on “The Protection of Civilians in United Nations Peacekeeping” (2019), para. 38.

## 2.2. THE HUMAN RIGHTS MANDATE

**The Human Rights mandate** in United Nations Field Missions aims to contribute to the protection and promotion of all human rights, including the right not to be subjected to acts of CRSV.<sup>47</sup>

Human Rights components lead Field Missions' investigations, monitoring, and reporting of CRSV, oversee the implementation of the CRSV mandate and mainstream CRSV into other core areas of their work. This includes capacity building; advocacy directed towards State authorities, conflict parties and civil society, including on access to justice and effective criminal investigations, transitional justice, effective remedies and reparations for victims; the protection of victims and witnesses; and risk assessments conducted in the framework of the Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces.<sup>48</sup> Human rights violations and abuses are an underlying root cause of conflict and improving respect for human rights is vital to preventing conflict and, ultimately, to protecting the population.

## 2.3. THE CHILD PROTECTION MANDATE

**The Child Protection mandate** promotes the protection of children from grave violations against their rights during armed conflicts, including sexual violence. A significant percentage of CRSV victims/survivors are children, mainly girls. Boys are also targeted, including during recruitment and use and while associated with armed forces or armed groups. The Child Protection mandate is founded in UNSRC on Children and Armed Conflict and the United Nations Policy on Child Protection (2017).<sup>49</sup>



A girl at the Mother and Child Health Center in Mogadishu, Somalia, during a visit by SRSB-SVC Zainab Bangura in 2013.

UN Photo/Jones

47 The specific mandated activities of the Human Rights component are derived from the respective UNSCR establishing the United Nations Field Mission.

48 United Nations Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and Text of the Policy (2015). Available at: <https://unsdg.un.org/resources/guidance-note-human-rights-due-diligence-policy-un-support-non-united-nations-security>

49 For further information about Children and Armed Conflict and the six grave violations, see: <https://childrenandarmedconflict.un.org/six-grave-violations/>

The Security Council has operationalized the United Nations-led Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict, and mandates United Nations Field Missions to monitor and report on the six grave violations, including sexual violence against children.<sup>50</sup> This information is used to foster the accountability and compliance of parties to conflict with international child protection standards and norms, and lead to advocacy and responses to protect and care for children.<sup>51</sup> At the country level, the MRM is implemented through the United Nations-led Country Task Force on Monitoring and Reporting, co-chaired by UNICEF and the SRSF of the United Nations Field Mission.

Child protection concerns must be reflected in other reporting processes by United Nations Field Missions, including the MARA. Close cooperation, coordination, and exchange of information between S/WPAs, Child Protection Advisors (CPAs), Human Rights Officers, and POC Advisors shall be routine to ensure harmonized and coherent reporting of cases and patterns of sexual violence in conflict affecting children.<sup>52</sup>

### **SECTION 3: DEVELOPMENT AND HUMANITARIAN COORDINATION MECHANISMS**

In Mission settings, entities of the United Nations system that carry out operational activities for development, emergency, recovery, and transition constitute the UNCT.<sup>53</sup> Several members of the UNCT operating at the field level have a protection mandate related to CRSV issues. These include the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF), the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), UN Women, and the United Nations Population Fund (UNFPA).

The Humanitarian Country Team (HCT),<sup>54</sup> under the leadership of the Humanitarian Coordinator, manages multi-sectoral humanitarian initiatives at the country level, establishes humanitarian related Protection Clusters, platforms, and working groups and develops referral arrangements for victim/survivor assistance. In order to enhance predictability, accountability, and partnership, the HCT uses the Inter-Agency Standing Committee Cluster Approach, which serves as the main functional coordination mechanisms of the humanitarian community at the operational level. Clusters are groups of humanitarian organizations that are organized around specific sectors to ensure a coherent approach to prevent gaps in humanitarian response, including protection. When addressing CRSV, United Nations Field Missions will most likely interact with the Protection Cluster and the GBV sub-Cluster (sometimes known as GBV Working Group).<sup>55</sup>

50 With UNSCR 1612 (2005), the Security Council designated sexual violence committed against children as a critical priority and called on all parties to armed conflict to prepare and implement action plans to address the violation. Sexual violence is also a trigger for inclusion on the list of the Secretary-General of parties to conflict committing grave violations against children in armed conflict. For more information, UNSCR 1612 is available at: [https://www.un.org/ruleoflaw/files/SecurityCouncilResolution1612\\_en.pdf](https://www.un.org/ruleoflaw/files/SecurityCouncilResolution1612_en.pdf)

51 For more information, see the Guidelines Monitoring and Reporting Mechanisms on Grave Violations Against Children in Situations of Armed Conflict (2014). Available at: [https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM\\_Guidelines\\_-\\_5\\_June\\_20141.pdf](https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/MRM_Guidelines_-_5_June_20141.pdf)

52 See “Chapter Seven: Monitoring, Analysing and Reporting on Conflict-Related Sexual Violence” for further information on monitoring and reporting of CRSV against children.

53 For more information on United Nations Country Teams, see: <https://undg.org/leadership/un-country-teams>

54 The Humanitarian Country Team (HCT) is a strategic and operational decision-making and oversight forum established and led by the Humanitarian Coordinator. It is responsible for agreeing on common strategic issues related to humanitarian action. For more information, see: <https://www.humanitarianresponse.info/en/operations/cameroon/humanitarian-country-team-hct>

55 For further information about the Cluster Approach, please see OCHA’s Humanitarian Response website: <https://www.humanitarianresponse.info/en/about-clusters/what-is-the-cluster-approach>. There are 11 Global Clusters. At the operational level, Clusters are activated according to need. The Global Cluster can be merged, or further sub divided to address specific needs. The Cluster system in specific countries and related information can be found at <http://www.humanitarianresponse.info>. Guidance on the interaction between the Protection Cluster and United Nations Peacekeeping Operations is available at: <http://www.globalprotectioncluster.org/tools-and-guidance/protection-cluster-coordination-toolbox/>

## The Protection Cluster and GBV sub-Cluster

The Protection Cluster and the GBV sub-Cluster both aim to ensure that their members meet protection needs of affected populations through timely and coordinated action. The Clusters are meant to serve as robust coordination mechanisms, striving for effective information management between Cluster members, government counterparts, and donors. With this approach, the Clusters enable timely and effective needs assessments, planning, prioritization, implementation, reporting, and evaluation, while also enabling analysis of information on the situation and needs of affected populations.<sup>56</sup>

Activities of the Protection Cluster and the GBV sub-Cluster depend on the context. For the implementation of the CRSV mandate by United Nations Field Missions, the Clusters both represent a source of information and a platform for coordinated work with humanitarian counterparts (please see Chapter Seven for more information).

None of the mechanisms or entities that address CRSV operates in a vacuum. The measures are most effective at maintaining or restoring international peace and security, promoting and protecting human rights, and ensuring accountability for violations of international law when applied as part of a comprehensive strategy. In order to identify complementarity activities and areas for coordination and cooperation, it is critical to understand their mandates and roles. The UNCT members and the Clusters are a source of extensive knowledge about the host country, the conflict situation and CRSV, and can help to identify and build relationships with key national partners such as national and local authorities, as well as local civil society groups.

### SECTION 4: COORDINATION AND SUPPORT TO CIVIL SOCIETY ORGANIZATIONS

United Nations Field Missions should operate in close collaboration with CSOs when addressing CRSV, including with victims/survivors' advocate groups. A coordinated approach with CSOs and local communities ensures that the best interests of victims/survivors is at the centre of the work of United Nations Field Missions and in line with the survivor-centred approach. It also ensures voices of victims/survivors are heard and support is provided throughout prevention and response efforts. Local or community-based organizations may be best suited to understand the concerns of victims/survivors' in specific contexts and propose adequate protection solutions.

Protection actors and service providers ensuring access to physical, psychosocial, legal, and socio-economic assistance for victims/survivors have a greater impact when they work in close coordination and must aim to create a seamless support system for victims/survivors of CRSV.<sup>57</sup> The examples below illustrate the importance of coordinating and engaging with CSOs to address CRSV. Notably, many CSOs participate in the GBV sub-Cluster, which represents another opportunity for coordination.

56 The Inter-Agency Standing Committee (IASC) Guidelines for Gender-based Violence Interventions in Humanitarian Settings ("GBV Guidelines") were developed as a resource to establish standards—across all areas of humanitarian response—related to prevention of and response to sexual and other forms of gender-based violence, particularly in the early stages of an emergency. Endorsed by United Nations agencies and international NGOs, these GBV Guidelines are an essential tool for enabling and empowering all humanitarian actors to promote the protection and well-being of affected populations. The GBV Guidelines are available at: <https://interagencystandingcommittee.org/gender-and-humanitarian-action-0/documents-public/iasc-guidelines-gender-based-violence-5>.

57 OHCHR – Protection of Victims of Sexual Violence: Lessons Learned (2018). Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/ReportLessonsLearned.pdf>. For more details on the victim/survivor-centred approach, also refer to "Chapter One: Background Knowledge – Conceptual Foundation and the Evolution of the Conflict-Related Sexual Violence Mandate" (Section 2) of this Handbook.





UNMISS celebrates the launch of the Global 16 Days of Activism Campaign Against Gender-Based Violence. National women-led NGOs showcased their activities on GBV prevention and response at various stalls at UN House.

### **Coordination of the Task Force on International Criminal Justice in South Kivu, DRC**

The Task Force on International Criminal Justice is a joint initiative led by MONUSCO's Prosecution Support Cell in coordination with the United Nations Joint Human Rights Office, UNCT, NGOs and CSOs to support the investigation and prosecution of international crimes in DRC, including CRSV. The Task Force was alerted to a series of abductions and rapes of at least 37 children in the town of Kavumu, located in the South Kivu province, between 2013 and 2016. The Task Force provided protection to victims/survivors and their families and coordinated a judicial strategy to bring the case forward to military judicial authorities for prosecution, with the support of the TOE.

The civilian, military, and police components of MONUSCO jointly implemented protection measures in Kavumu village in coordination with the UNCT, NGOs, and civil society. This included preventive patrols to deter acts of intimidation and threat against the community and judicial protection measures for victims/survivors who had filed a complaint. CSOs and the UNCT provided direct and coordinated assistance to the victims/survivors and their families, as well as raised awareness of the crimes in the local and international press.

Following advocacy and technical support provided by the Kavumu Task Force and the TOE, the Government of the DRC investigated the crimes and prosecuted the case as a matter of priority for the South Kivu province. In December 2017, Frederic Batumike, a sitting member of Parliament, and members of his militia were found guilty of crimes against humanity by rape and murder and convicted accordingly. The Kavumu Task Force advocated on behalf of the victims/survivors until the conviction was upheld on appeal in July 2018.

Moreover, coordination continued following the judgement to ensure protection of victims/survivors, their families, and other witnesses; a sub-group of the Task Force was also formed to ensure socio-economic integration of victims/survivors.

## SECTION 5: COORDINATION WITH UNITED NATIONS ENTITIES AT HEADQUARTERS

Several United Nations entities and frameworks operating at Headquarters levels contribute to the mandate to prevent and respond to CRSV. The entities and networks listed below are key counterparts for Field Missions when addressing CRSV:

The Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) is appointed by the Security Council and provides strategic leadership and political direction to the CRSV mandate. The SRSG-SVC serves as the United Nations' spokesperson and high-level advocate on CRSV. The SRSG-SVC chairs the United Nations Action against Sexual Violence in Conflict (UN Action).

The United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) assists national authorities in strengthening the rule of law with the aim

of ensuring criminal accountability for perpetrators of CRSV. It has a unique “co-lead” structure that includes members from DPO, OHCHR, and UNDP. To carry out its mandate, the TOE works in close coordination with United Nations field presences, as well as relevant national, regional, and international actors.

DPO, DPPA, and OHCHR closely collaborate and support Field Missions in coordination with the SRSG-SVC. These entities have backstopping responsibilities on CRSV and provide Field Missions with technical and operational support, in line with their respective mandates.

United Nations Action Against Sexual Violence in Conflict (UN Action) currently includes 14 United Nations entities as members<sup>58</sup> and represents a concerted effort by the United Nations system to “work as one” to end CRSV by amplifying advocacy, improving coordination and accountability, supporting country efforts to prevent CRSV, and responding effectively to the needs of victims/survivors. UN Action provides a platform for knowledge generation with the goals of deepening the understanding of CRSV and the needs of victims/survivors, and developing guidance on emerging issues of concern.

Additional entities and mechanisms contribute to global efforts on the prevention and response to CRSV, including Security Council sanctions regimes, Human Rights Mechanisms (e.g. Treaty bodies,<sup>59</sup> Special Procedures of the Human Rights Council, and the Universal Periodic Review), Commissions of Inquiry (whether mandated by the Security Council, Human Rights Council, or General Assembly) and accountability mechanisms. In some instances, the International Criminal Court is also active.

58 Current member entities include United Nations Department of Peacebuilding and Political Affairs (DPPA), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), United Nations Population Fund (UNFPA), United Nations Development Programme (UNDP), Joint United Nations Programme on HIV/AIDS (UNAIDS), Department of Peace Operations (DPO), United Nations High Commissioner for Refugees (UNHCR), Office of the High Commissioner for Human Rights (OHCHR), World Health Organization (WHO), Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Children's Fund (UNICEF), World Food Programme (WFP), the International Organization for Migration (IOM), and the SRSG-CAAC (Children in Armed Conflict). More information is available at: <https://www.un.org/sexualviolenceinconflict/about-us/un-action>

59 The treaty bodies are committees of independent experts responsible to monitor the implementation by States parties of the international human rights treaty of their responsibility. There are ten treaty bodies. Some of them include the Committee on the Elimination of Discrimination against Women (CEDAW); Committee on the Rights of the Child; Committee on Economic, Social and Cultural Rights; and the Committee against Torture. For more information see: [https://www.ohchr.org/Documents/HRBodies/TB/TB\\_booklet\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/TB/TB_booklet_en.pdf)



UN Photo/Felipe

SRSG-SVC Pramila Patten addresses the Security Council on sexual violence in conflict in April 2019 before the adoption of Resolution 2467 (2019).

# 4

## CHAPTER 4: The Survivor-Centred Approach and Referral Pathways

### Reference documents:

- United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy – United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- OHCHR – Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice (2018).
- OHCHR – Workshop Report – Protection of victims of sexual violence: Lessons learned (2019).
- Global Protection Cluster – Handbook for Coordinating Gender-based Violence Interventions in Emergencies (2019).
- Gender-Based Violence Sub-Cluster – Standard Operating Procedures for Gender-Based Violence Prevention and Response (2018).
- UNHCR – SGBV Prevention and Response Training Package (2016).

*This chapter provides an overview of the survivor-centred approach that should be upheld by all personnel in United Nations Field Missions. It presents the standard services that constitute a holistic and multi-sectoral response to victims/survivors, including medical, psychosocial, socio-economic, and legal assistance, and explains the GBV referral pathways.*

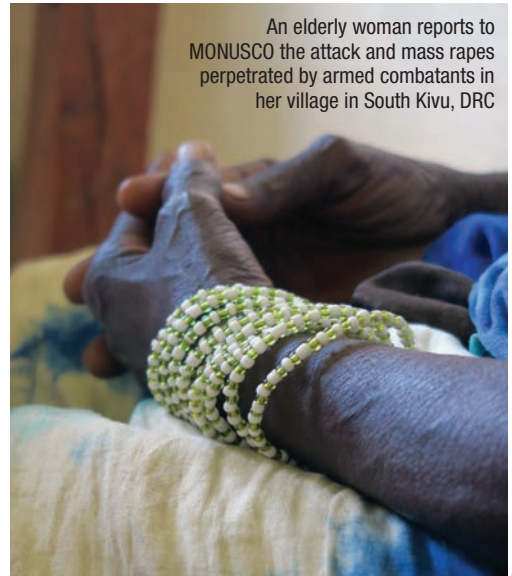
### GOALS

*To understand how to implement a survivor-centred approach and support access to services for victims/survivors through the referral systems in Mission areas.*

## SECTION 1: THE SURVIVOR-CENTRED APPROACH AND HOLISTIC RESPONSES

### 1.1. THE SURVIVOR-CENTRED APPROACH

As mentioned in Chapter One of this Handbook, “do no harm” and a “survivor-centred approach” are the cornerstone and crosscutting principles that should guide United Nations Mission personnel’s work on CRSV, along with confidentiality, informed consent, and gender-sensitivity.<sup>60</sup> This means that victims/survivors of CRSV should be at the centre of all preventative efforts and responses designed by Field Missions, such as physical protection, monitoring and reporting, interventions related to fighting impunity for CRSV, and referrals. It means respecting their rights, needs, and choices, at all times, as well as not exposing them to further physical and psychological harm and stigma. Ultimately, implementing a survivor-centred approach implies the recognition that these guiding principles are interdependent and mutually reinforcing. They should be applied simultaneously in all interactions of Mission personnel with victims/survivors.

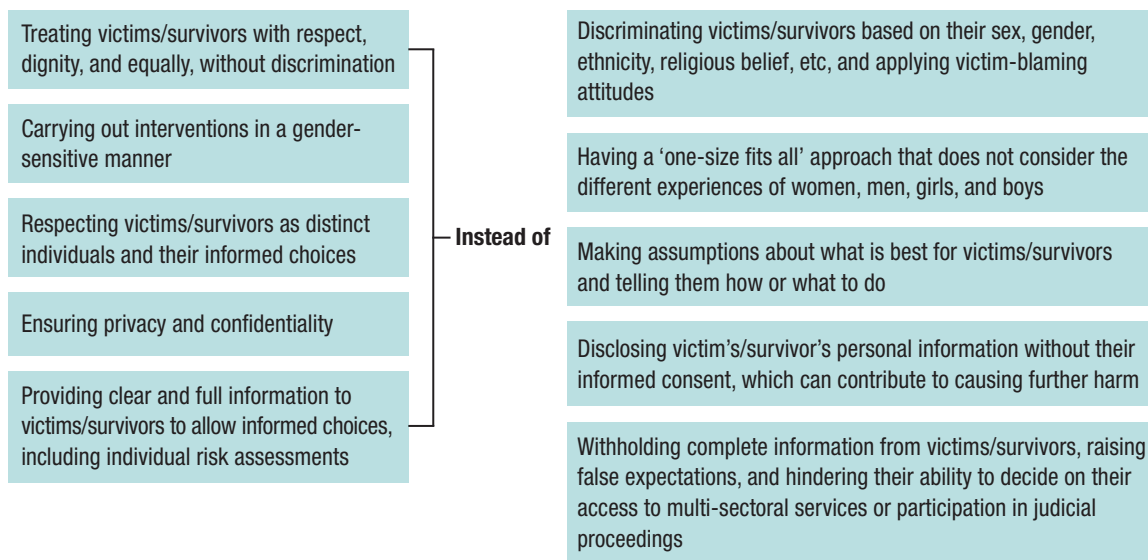


An elderly woman reports to MONUSCO the attack and mass rapes perpetrated by armed combatants in her village in South Kivu, DRC

Silvestre

<sup>60</sup> For further guidance, please refer to the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), Section D1 Guiding Principles.

## Recommendations for applying a survivor-centred approach



Adapted from UNFPA, *The Inter-Agency Minimum Standards for GBV in Emergencies Programming*, 2019.<sup>61</sup>

### 1.2. HOLISTIC RESPONSES

A survivor-centred approach also implies promoting holistic responses to CRSV. Holistic responses include the establishment of referral systems (See Section 2, below) to connect CRSV victims/survivors to appropriate, quality, multi-sectoral services in a timely, safe, and confidential manner; referring victims/survivors to those services; as well as securing funding or advocating for the creation of such services. Multi-sectoral GBV services are available to victims/survivors of GBV, including CRSV.

The availability of multi-sectoral victim/survivor-centred services will vary according to the context but usually include the following:

- **Medical services** such as immediate medical care (i.e., clinical management of rape) as well as long-term treatment and medication, including sexual and reproductive health care. In all cases of sexual violence, access to immediate (within 72 hours) medical attention is critical, in order to ensure the timely administration of a PEP kit<sup>62</sup> to victims/survivors of CRSV. Lifesaving health services and psychosocial interventions are considered as first priorities.
- **Psychosocial services** comprising different forms of psychotherapy and other activities that connect victims/survivors to activities focused on healing, empowerment, and recovery, such as 'women and girls only' safe spaces.

61 The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming are available at: [https://www.unfpa.org/sites/default/files/pub-pdf/19-200\\_Minimum\\_Standards\\_Report\\_ENGLISH-Nov.FINAL\\_.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/19-200_Minimum_Standards_Report_ENGLISH-Nov.FINAL_.pdf). Also see the "Checklist on guiding principles for a victim-centred approach - Project Tool 102", UNPOL Gender Toolkit, Compendium of Project Tools (2015), available at: <http://repository.un.org/bitstream/handle/11176/387374/United%20Nations%20Police%20Gender%20Toolkit%20Compendium%20of%20Project%20Tools.pdf?sequence=55&isAllowed=y>

62 PEP is a short-term anti-retroviral treatment that reduces the likelihood of HIV infection after exposure to HIV-infected blood or sexual contact with an HIV-positive person. It is recommended that PEP be taken after a possible exposure to HIV, including incidents of sexual violence where the HIV/AIDS status of the perpetrator is unknown. PEP drugs should be administered within 24 hours, and no later than 72 hours. The effectiveness of the drugs reduces with the amount of time which lapses between exposure and ingestion. For more information about PEP kits, refer to [https://interagencystandingcommittee.org/system/files/rta\\_fact\\_sheet\\_-\\_post-sexual\\_violence\\_kits.pdf](https://interagencystandingcommittee.org/system/files/rta_fact_sheet_-_post-sexual_violence_kits.pdf)

- **Socio-economic and livelihood support**, which promotes access to, and control over, economic resources; this can be an effective means to enhance resilience and recovery.
- **Legal services**, which comprise legal aid and legal accompaniment services to promote the right of victims/survivors to access justice and support their meaningful and safe participation in judicial and quasi-judicial processes.

Ensuring the provision of services to CRSV victims/survivors is the primary responsibility of the host State, in line with their international human rights obligations.<sup>63</sup> The role and responsibility of the HCT is to provide coherent and coordinated assistance delivery to victims/survivors, including the establishment of referral systems following, among others, a rights-based and survivor-centred approach.<sup>64</sup>

## **SECTION 2: REFERRAL PATHWAYS AND RESPONSIBILITIES OF UNITED NATIONS FIELD MISSIONS PERSONNEL**

### **2.1. REFERRAL PATHWAYS FOR VICTIMS/SURVIVORS**

In order to facilitate the timely and smooth access to the full range of multi-sectoral services, “referral systems” or “pathways” are established in Mission areas.

United Nations Field Missions personnel should understand and be aware of existing referral systems in their area of responsibility. This will allow them to share clear and complete information about available services with victims/survivors and communities, and ultimately, upon informed consent, refer them directly to those services (see below Section 2.2.).

Referral systems are in place to connect CRSV victims/survivors to multi-sectoral services and thereby support victims/survivors’ health, healing processes, and empowerment. Referral systems link protection actors and stakeholders such as the host State, United Nations Field Missions, United Nations Agencies, NGOs, governmental organizations, civil society, and others.

According to the Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming, a referral pathway is a flexible mechanism that safely links survivors to multi-sectoral services such as health, psychosocial support, case management, safety/security, justice, and legal aid. Referral pathways coordinate service delivery and support victims/survivors’ timely, safe, and confidential access to services.

*Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming (UNFPA, 2019).*

63 UNSCR 2467 encourages Member States to adopt a survivor-centred approach in preventing and responding to sexual violence in conflict and post-conflict situations. UNSCR 2467 (2019) is available at: [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_res\\_2467.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2467.pdf)

64 For more information, see “The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming” (2019). Available at: <https://www.unfpa.org/minimum-standards>



Silvestre

CRSV has multiple and long-term consequences on the lives of girls and adolescents including unwanted pregnancies and the interruption of their education. Access to sexual and reproductive healthcare is however extremely limited in rural areas of the DRC.

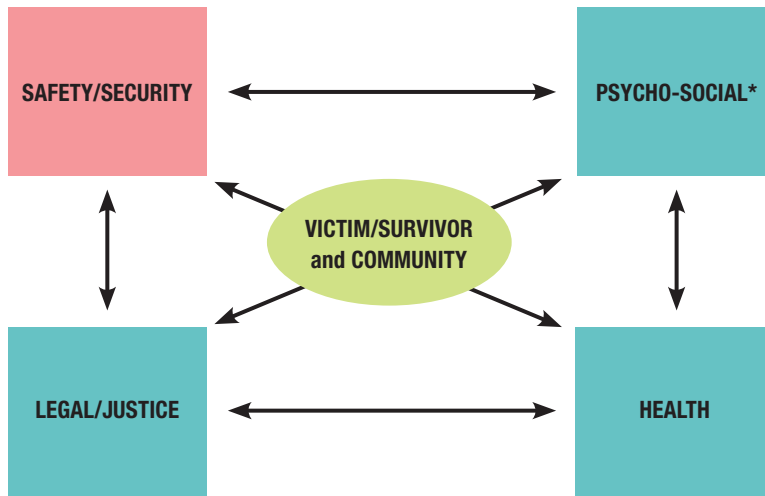


In Gao, Mali, a woman learns how to read and write during a literacy class organized by a local NGO in the context of a Quick Impact Project supported by MINUSMA.

MINUSMA/Dicko

### Multi-sectoral services for victims/survivors

Representation of a standard referral pathway



\*Includes social reintegration and livelihood initiatives

*Illustration adapted from UN Women, The multi-sectoral model, 2013.<sup>66</sup>*

65 For more detailed information and examples, see the GBV Sub-Cluster Standard Operating Procedures for Gender-Based Violence Prevention and Response. Available at: [https://reliefweb.int/sites/reliefweb.int/files/resources/gbv\\_sc\\_sops\\_2018\\_english\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/gbv_sc_sops_2018_english_final.pdf)

66 The original version of the multi-sectoral model is available at: <https://www.endvawnow.org/en/articles/1503-the-multi-sectoral-model.html>

Referral systems may operate at national, regional, and community levels. Establishing a referral system is the task of coordination mechanisms established within the framework of the UNCT, such as the GBV Working Group or GBV sub-Cluster. In conflict and post-conflict Mission areas, UNFPA generally leads the establishment of referral systems for victims/survivors of CRSV and United Nations Field Missions are encouraged to support these efforts.

A standardized referral pathway is presented in the diagram above, which highlights the links between victims/survivors and multi-sectoral services. The referral pathway will vary according to context, the availability of services, as well as national and international protection actors present in the Mission area. Referral systems must respect the survivor-centred approach, recognizing that victims/survivors may choose not to access available services.

### **Good practice: One-Stop Centres**

One-stop centres offer multiple services to victims/survivors of CRSV free of charge and thereby promote access to a holistic response. This is beneficial for victims/survivors as all services can be accessed in one location, lowering the burden to seek assistance at multiple locations and offering an easy and safe transition between services. One-stop centres ensure maximum confidentiality and minimize re-traumatization of the victims/survivors, as they do not have to repeat their accounts of the incident separately to each service provider.

In Mali, the UNCT and MINUSMA have provided support to the government to establish holistic service responses for victims/survivors of CRSV. The United Nations signed SOPs on the provision of all GBV/CRSV services with the Ministries of Security; Justice; Health; Women, Child, and Family Advancement; and Social Development. This enabled the establishment of One-Stop Centres in Bamako and Mopti, which are run by national staff trained in case management and clinical management of rape. Through further coordination with donors, at least two one-stop centres will be established in each region in Mali.



**In El Fasher, Darfur, UNAMID commemorates the International Day of Peace through an art exhibition, musical performances and other cultural activities.**

## 2.2. RESPONSIBILITIES OF UNITED NATIONS FIELD MISSIONS PERSONNEL

United Nations Field Missions personnel may come into direct contact with victims/survivors, regardless of their roles, and act as first responders to CRSV cases. They therefore represent an important link in the response chain and should be aware of existing referral systems in their area of responsibility.

Training on CRSV for civilian, military, and police components should include a module on referral of victims/survivors to service providers, on interacting with victims/survivors, and on applying a survivor-centred approach. All components should understand how referral systems function and which services are available to refer victims/survivors effectively and in a timely manner (subject to informed consent). They should also help to disseminate information about available services among the host-State population.

S/WPAs should ensure that information about existing service providers and referral pathways is available and current (including contact numbers, locations, and hours of operation for each service). This information should be shared across Mission components to ensure prompt referrals at the tactical and operational levels. Moreover, in many areas, multi-sectoral services are not available or accessible and Mission personnel, in coordination with the SWPA, should conduct advocacy to the UNCT, humanitarian actors, and GBV sub-Clusters for service provision, including to support the deployment of mobile clinics.

The S/WPAs and CRSV focal points in Human Rights and other components are encouraged to participate in the GBV sub-Sector or sub-Clusters<sup>67</sup> to collect maps that specify the available GBV services and to share information



In North Kivu, DRC, a team of MONUSCO female peacekeepers partners with a local women organization to provide hygiene, medical and nutritional care to the local population.

67 For further information on coordination with humanitarian actors and Clusters, please refer to “Chapter Three: Operational and Coordination Frameworks to Address Conflict-Related Sexual Violence” of this Handbook.



about CRSV incidents and trends in an anonymised manner. S/WPAs should identify services providers who are not part of the GBV sub-Cluster and standard referral pathways. When conducting monitoring and investigation work, WPAs and Human Rights Officers should always have immediate access to information about existing referral pathways.<sup>68</sup> They should report areas where services are unavailable, or inappropriately delivered, with the aim of strengthening national and humanitarian service provision.

United Nations Field Mission personnel should provide immediate or direct assistance to victims/survivors in cases of emergency or in areas where there is limited or no humanitarian access or presence.<sup>69</sup> Medical evacuation, medical assistance, or other first aid services to victims/survivors should be provided in coordination with the S/WPAs and partners providing GBV multi-sectoral services.

68 OHCHR, *Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice* (2018). Available at: <https://www.ohchr.org/Documents/Issues/Women/Publications/GenderIntegrationintoHRInvestigations.pdf>

69 According to the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), the military component, with the advice of S/WPAs and in consultation with humanitarian actors, may provide medical assistance – including MEDEVAC – and other support to CRSV victims/survivors.

## Part II: Main Areas of Work and Functions to Prevent and Respond to Conflict-Related Sexual Violence

A female peacekeeper interacts with the population while patrolling Timbuktu, Mali, to secure the city threatened by terrorist attacks and high criminality rates.

MINUSMA



# 5

## CHAPTER 5: Conflict-Related Sexual Violence Advising and Mainstreaming

### Reference documents:

- United Nations DPO/DPPA/OHCHR/SRSG-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- United Nations DPKO – Policy Directive on Gender Equality in Peacekeeping Operations (2006).
- United Nations DPKO – Guidelines for Integrating Gender Perspectives into the Work of United Nations Police in Peacekeeping Missions (2008).
- United Nations DEPT/DPO – Specialized Training Materials on Conflict-Related Sexual Violence (2017).
- OHCHR – Manual on Human Rights Monitoring (2011).

*This chapter provides guidance on how to improve understanding of the CRSV mandate of United Nations Field Missions and foster Mission-wide implementation through dedicated advisory functions and mainstreaming. It presents how S/WPAs and CRSV focal points provide advice and share expertise with civilian, military, and police components to ensure CRSV is addressed at strategic, operational and tactical levels, and across all areas of work. The chapter also presents integrated and coordinated approaches to mainstream and institutionalize CRSV into Mission processes and practices.*

### GOALS

*To understand advising and mainstreaming as core functions to implementing comprehensive strategies for United Nations Field Missions to prevent and respond to CRSV.*

## SECTION 1: ADVISING ON CONFLICT-RELATED SEXUAL VIOLENCE

### 1.1. THE ADVISORY ROLE OF SENIOR/WOMEN'S PROTECTION ADVISORS

S/WPAs are responsible for advising senior Mission leadership and Mission components on the implementation of the CRSV mandate, on mainstreaming it across Mission activities, and on specific actions to be taken to address CRSV issues.<sup>70</sup> S/WPAs provide specific and tailored guidance to civilian and uniformed components.

S/WPAs raise awareness of CRSV among Mission personnel and provide advice on addressing CRSV in their work, including by:

- (1) Providing policy and strategic guidance to the SRSG/HOM and Heads of military and police components at Headquarters level, and tactical and operational recommendations to Heads of Office and military and police Sector/Regional Commanders.
- (2) Providing regular contributions to Mission policy documents and strategies on how to enhance the prevention and response to CRSV, including strategic documents such as the Mission concept and the integrated strategic framework.
- (3) Providing technical and operational advice in internal meetings, based on CRSV analysis and early warning indicators, such as in POC coordination meetings.

<sup>70</sup> United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para. 21 outlines the responsibilities of S/WPAs.

- (4) Providing guidance through bilateral communications with CRSV focal points by building strong relationships with them.
- (5) Encouraging all sections and Mission components to sensitize their national counterparts and partners on the CRSV mandate and to advocate the integration of CRSV in key national strategic documents such as SSR, DDR programmes, justice reform, etc.

S/WPAs should understand the organizational structure of the civilian and uniformed components and the range of actions and responses that these components can take to address CRSV in accordance with the Mission mandate and roles and responsibilities at Mission HQ, Field Office, and the Sector levels.<sup>71</sup> To ensure that advice and recommendations are adapted to capabilities and resources of Mission components, S/WPAs should continuously coordinate their work with civilian, military, and police CRSV focal points (see following sections).



### **Example of advice by S/WPAs to the military component to address CRSV:**

- Advocating on key messages pertaining to ending CRSV with the host-State authorities, host military counterparts, local communities, and non-State actors;
- Conducting gender-sensitive monitoring of alleged perpetrators, groups in vulnerable situations, and hotspot areas to identify CRSV early-warning indicators;
- Recording and sharing information on allegations and alerts of CRSV cases with WPAs or CRSV focal points in Human Rights components;
- Planning and executing military operations that integrate CRSV considerations, such as mitigation measures for civilians or additions to Operational Orders;
- Conducting joint operational planning to rapidly deploy personnel and patrols based on CRSV hotspots and early warning;
- Conducting physical domination of vulnerable areas with static and mobile elements; and
- Facilitating access for and supporting the deployment of national police, investigators, and judicial authorities in order to investigate and prosecute CRSV incidents.

## **1.2. THE ADVISORY ROLES OF DEDICATED PERSONNEL WITHIN MILITARY AND POLICE COMPONENTS**

### **1.2.1. The Advisory Role of the Military Gender and Protection Advisor and Focal Points**

All United Nations Peacekeeping Operations are required to appoint a Military Gender and Protection Advisor (MGPA) at Force Headquarters (FHQ).<sup>72</sup> The MGPA advises the Force Commander and FHQ branches on the prevention and response to CRSV and acts as a bridge between the military, civilian, and police components. The MGPA is expected to work in close coordination with the S/WPAs and other personnel working on CRSV, such as UNPOL Gender Advisor and Gender focal points, CPAs, as well as Gender and POC Advisors.

<sup>71</sup> For further information and guidance on this, a list of functions and responsibilities within the military component is included in Annex 1 of this Handbook.

<sup>72</sup> In Missions, MGPA may also be referred to as “Force Gender and Protection Advisor”. This is the standard title but may vary depending on each Mission. United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para. 42.



Schneider

Following a joint training on CRSV, Child Protection, and Gender, the military Focal Points and WPAs of MONUSCO unite symbolically to stand against CRSV in Goma, DRC.

The MGPA at FHQ is responsible for the design and maintenance of the Military Gender Action Plan, which describes the intended outcomes of planned military activities. In all missions with a POC mandate, the military component is required to appoint Military Gender and Protection Focal Points covering CRSV at the Sector levels. It is expected from Units that this structure be replicated at Battalion and Company levels. The Focal Points should have the necessary rank and function within the component that empowers them to have the necessary impact on decision-making.<sup>73</sup> The MGPA at FHQ advises the Military Gender and Protection Focal Points at the Sector and Unit levels and is their point of contact in FHQ for all issues on CRSV.

Sector level Military Gender and Protection Focal Points send monthly reports to the MGPA at FHQ and are expected to work in close coordination with WPAs and UNPOL Gender Focal Points at the field office level. Their reports should be shared with the SWPA at the FHQ/Mission Headquarters level and WPAs at the Sector/Field office levels.

The Military Gender and Protection Focal Points in military Units must be trained on CRSV prevention and response by the MGPA at FHQ or by the Sector Military Gender and Protection Focal Point to ensure they include a CRSV perspective in all Unit activities. Military Units should include the participation of women in weekly security meetings with the host population as well as in early warning mechanisms and POC working groups that may be organized by the Force in the area of deployment.<sup>74</sup> They must know how to respond to victims/survivors of CRSV and how to

<sup>73</sup> In Missions, these Focal Points may be referred to as “Military CRSV Focal Points”. CRSV Focal Points in the military component can co-function as focal points for other protection related matters such as SGBV, human rights, and child protection. In some settings, a different staff member will be appointed to undertake those duties. Similar to the FHQ MGPA, Sector and Unit Military CRSV Focal Points act as the Sector/Battalion/Company Commander’s bridge between the civilian and police personnel working on CRSV, Child Protection, POC, Human Rights, and Gender at the Sector/field office level.

<sup>74</sup> In some peacekeeping operations, Community Liaison Assistants (CLAs, Civil Affairs staff members) are deployed to the field together with the Force, functioning as a bridge between the Force and the local population. In such cases, the CLA should be included in security meetings and early warning/protection working groups that engage the local population. The CLA should also be included in the establishment and coordination of Community Alert Networks.

report incidents; why and how they must conduct patrols and other activities that will prevent and protect civilians from CRSV and other human rights violations; and provide Monthly Gender and Protection Reports to the MGPA at FHQ, either directly or through their Sector level Military Gender and Protection Focal Point.

MGPAs at FHQ or Sector level Military Gender and Protection Focal Points are responsible for training the Unit Gender and Protection Focal Points, who should instruct on the practical steps necessary to mainstream CRSV concerns into the nine functional areas of military Units.<sup>75</sup> The MGPAs should engage with S/WPAs and civilian sections to seek technical support on CRSV mandate implementation, as needed.

### 1.2.2. The Advisory Role of the Police Gender Advisor and Focal Points

The UNPOL Gender Advisor at Mission Headquarters contributes to planning and implementing strategies, policies, and activities for fulfilling the WPS mandate under the guidance and supervision of the Head of Police component. As part of these responsibilities, the UNPOL Gender Advisor is expected to address SGBV, including preventing and responding to CRSV, in close collaboration with the S/WPAs and other relevant Mission components.<sup>76</sup> The UNPOL Gender Advisor conducts needs assessments and research on gender and CRSV relating to UNPOL staff and work practices, as well as on gender and CRSV-related issues within the host State.<sup>77</sup>

UNPOL Gender Focal Points should be nominated at the Sector level and have the necessary rank and function within the component to ensure they have the necessary input and impact on decision-making.<sup>78</sup> Sector UNPOL



The MONUSCO police component conducts a training of trainers course on GBV and CRSV in Kinshasa, DRC.

MONUSCO/NOUKO

75 U1/G1 – Personnel and Administration Branch / Welfare, U2/G2 – Military Information and Intelligence, U3/G3 – Current Operations, U4/G4 – Logistics, U5/G5 – Future Plans and Policy, U6/G6 – Communications, U7/G7 – Training, U8/G8 – Budgets, U9/G9 – Civil–Military Cooperation (CIMIC). A description of these staff branches is included in Annex 2 of this Handbook.

76 United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para. 42. Also see the United Nations Guidelines on “Police Command in United Nations Peacekeeping Operations and Special Political Missions” (2015), para 86.

77 Gender-related issues within the host-State include domestic and intimate partner violence, SGBV, human trafficking, child abuse, pre-trial detention, as well as the status of female military and police officers.

78 In missions, these focal points may be referred to as “UNPOL CRSV Focal Points” or “UNPOL SGBV Focal Points”. CRSV focal points in the police component can co-function as focal points for other protection related matters such as SGBV, human rights and child protection. In some settings, a different staff member will be appointed to undertake those duties.

Gender Focal Points contribute to planning and implementing activities for fulfilling the CRSV mandate, under the guidance of the UNPOL Sector Commander or Team Leader at team sites, and with the technical guidance of the UNPOL Gender Advisor in Headquarters. This includes providing advice to the Commanding Officer on the implementation of the United Nations CRSV Policy; raising awareness and building the capacity of UNPOL officers on CRSV to enhance operational effectiveness; and, where mandated, assisting the host-State police with implementing reform measures related to CRSV prevention and response. The Sector UNPOL Gender Focal Point should monitor and support the integration of gender perspectives in all police activities including gender-sensitive reporting and integrate the UNPOL Gender Action Plan into the work plans and activities of the section/unit/region/team site.

### **1.2.3. Information sharing and coordination on conflict-related sexual violence**

Where an incident of sexual violence is encountered by military and police personnel, immediate reporting is required to the Sector Military Gender and Protection Focal Point and the UNPOL Sector Gender Focal Point through the chain of command. In addition, information must be shared immediately with WPAs or CRSV focal points in the Human Rights component in order to enable immediate follow up, including medical responses.

It is important that the civilian, military, and police components work together at strategic, tactical, and operational levels and share information to ensure the most complete understanding of the protection needs of civilians to prevent and respond to CRSV. It is appropriate for civilian, military, and police components to exchange reports on CRSV. Sensitive information that may lead to the identification of victims/survivors, witnesses, and other sources of information should only be shared with the Human Rights component and be filtered out when sharing alerts with other components. When S/WPAs seek to request additional reporting by the Force and UNPOL, or the dissemination of information within the Force and UNPOL, this should be coordinated through the Military Gender and Protection Advisor and the UNPOL Gender Advisor at Headquarters level as well as their respective Focal Points at Sector level. WPAs may interact directly on these matters with their military and police counterparts at the Sector level.

## **SECTION 2: MISSION-WIDE CONFLICT-RELATED SEXUAL VIOLENCE MAINSTREAMING**

### **2.1. DEFINITION AND PURPOSE OF MAINSTREAMING**

CRSV mainstreaming is the process of spreading awareness on CRSV and ensuring the systematic implementation of the mandate of Field Missions to prevent and respond to CRSV at the strategic, tactical, and operations levels, and across all functions. CRSV mainstreaming aims to spread knowledge and respect of guiding principles on CRSV by all Mission personnel.<sup>79</sup>

The purpose of mainstreaming is to ensure a consistent understanding of the CRSV mandate across United Nations Field Missions and for all Mission components to work together to ensure its implementation. Mainstreaming should be conducted with a Mission-wide approach and by incorporating CRSV issues across Mission strategies, decision-making processes, practices, and operational responses.

<sup>79</sup> For further information on guiding principles and do no harm, see “Chapter One: Background Knowledge – Conceptual Foundation and Evolution of the Conflict-Related Sexual Violence Mandate” and “Chapter Four: Survivor-Centred Approach and Referral Pathways” of this Handbook.



## Examples of documents and processes where CRSV should be mainstreamed:

- Mission strategies;
- Conflict and political analyses;
- Planning and review processes;
- Integrated strategic plan (for integrated Field Missions);
- Mission concept;
- Policies and directives (including joint policies with the UNCT);
- Mediation strategies;
- Mission POC strategy;
- Military and Police component Concept of Operations (CONOPS);
- Operations Orders (OPORD);
- Guidance notes and Standard Operating Procedures (SOPs);
- Risk assessments prepared under the Human Rights Due Diligence Policy (HRDDP); and
- Civilian substantive sections' work plans.

This list is indicative but not exhaustive, and CRSV should be mainstreamed within all relevant Mission documents.

## 2.2. MAINSTREAMING RESPONSIBILITIES WITHIN UNITED NATIONS FIELD MISSIONS

### 2.2.1. Mission Leadership and Senior Women's Protection Advisors

The SRSG/HOM has overall responsibility for the implementation of the CRSV mandate in United Nations Field Missions and is required to promote a Mission-wide approach to CRSV, with the advice of the SWPA where they are deployed. The CRSV mandate should be considered a political priority of United Nations Field Missions.<sup>80</sup> The Deputy SRSG(s), Force Commanders, Head of Police components, and Heads of Offices are responsible for supporting effective mainstreaming of CRSV by their respective components in a coordinated and collaborative way. The SWPA is responsible for developing a CRSV mainstreaming strategy and coordinating its implementation.



The SWPA of MONUSCO presents the Mission's comprehensive approach to CRSV prevention and response in the DRC during the commemoration of the 10-Year Anniversary of the establishment of the mandate on sexual violence in conflict in New York.

Silvestre

<sup>80</sup> In line with the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on "United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence" (2020).



### **2.2.2. Mainstreaming in the Civilian Component**

The objectives of preventing and responding to CRSV should be mainstreamed throughout all functions and substantive areas that sections of the civilian component of Field Missions engage in. Under the leadership of Heads of sections, and in coordination with the Heads of Field Offices, substantive civilian sections must integrate CRSV concerns in their conflict and political analysis, internal workplans and activities, reports and other outputs in collaboration with S/WPAs. Sections must designate CRSV focal points and ensure that staff have been trained on CRSV (see below).

The roles and responsibilities on CRSV of the substantive sections of the civilian component are detailed in the CRSV Policy.

### **2.2.3. Mainstreaming in the Military and Police Components**

In Peacekeeping Operations, the Heads of military and police components are responsible for ensuring that their components integrate CRSV into analysis, planning, and conduct of activities and operations. CRSV prevention and response should also be prioritized by lower-level commanders. Command responsibility on CRSV mainstreaming should be established, including setting priorities, sensitizing police and military personnel, and implementing CRSV prevention and response measures. Mainstreaming should be done through close liaison with the S/WPAs.

Protecting civilians against CRSV is a fundamental responsibility of uniformed components and should be mainstreamed in all activities. They must proactively prevent incidents, deter perpetrators, protect civilians, and respond to potential, impending and ongoing CRSV threats. Military and police commanders need to develop creative and practical approaches to protect women, men, and children from CRSV as per the Mission-specific operational environment.

It is essential that directives, operational orders, guidance, planning processes, operational coordination, and training materials for uniformed components explicitly state the requirements of addressing CRSV.

### **2.2.4. Engagement Platoons and Female Peacekeepers as Tools for Mainstreaming**

Engagement teams/platoons have the specific mandate to engage with the host population and parties to conflict, including on CRSV. They are an effective way to mainstream CRSV into the military component's operations and bear positive results in preventing and responding to CRSV. Engagement platoons improve situational awareness and ensure that violations of human rights and international law are recognized and reported, which, in turn, contributes to the protection of civilians. Engagement with the host government, parties to the conflict, and other armed groups can further help improve the relationship between the Force and the local community, as well as prevent and deter CRSV and other human rights abuses. These teams also support the effective collection of information from the local population and help identify the unique needs and risks of women, men, girls, and boys. Engagement includes appropriate coordination with other United Nations entities, NGOs, as well as with S/WPAs and other Mission personnel.

Representation of female military and police peacekeepers in engagement teams and frontline duties can bolster community engagement efforts, particularly with local women and children, and enhances operational effectiveness. The benefits and utility of female peacekeepers is unquestionable. For instance, in patriarchal societies where there is restricted access to contact with local women, female peacekeepers have a comparative advantage in interacting with the local population and working in female-only spaces within communities. This increases information gathering, including for early-warning indicators, community engagement, and protection.

## Mixed and Female Engagement Teams in DRC and CAR

In DRC, the MONUSCO Force launched Mixed Engagement Teams (composed of both female and male military peacekeepers) to support wider community engagement and increase situational awareness. The mixed engagement teams are created to serve as a tactical tool for Commanders and take part in Standing Combat Deployments, operations and patrols.

In CAR, the MINUSCA Force regularly deploys Female and Mixed Engagement Teams on patrols and operations to enhance community engagement and conduct interaction with the population, especially women and girls. It has significantly improved the trust of the population towards the Mission, enhanced situational awareness including information gathering on CRSV, and set a visible sign for the empowerment of women and gender equality.

### 2.3. APPROACHES FOR MAINSTREAMING CONFLICT-RELATED SEXUAL VIOLENCE

#### 2.3.1. Mission Leadership and the Comprehensive Performance Assessment System

The SRSG/HOM and Mission leadership team ensure that preventing and responding to CRSV is a strategic and operational priority at every stage of the Mission's life cycle. A strategic approach to CRSV implies translating the implementation of the CRSV mandate into a realistic plan for the Mission and, therefore, integrating CRSV into all gender-sensitive conflict and political analysis and planning and review processes.<sup>81</sup> In Peacekeeping Operations, this should include mainstreaming into the Mission's Comprehensive Performance Assessment System (CPAS).<sup>82</sup>

CRSV objectives and considerations should be included when conducting the CPAS context mapping and when developing Mission-wide objectives and indicators as part of the Mission Result Framework. Ensuring that CRSV priorities are reflected in the Mission's framework will help determine and define "CRSV success" and will help set realistic objectives that apply across the Mission. All relevant Mission components will then be expected to develop their work plans and objectives to make progress towards these goals. Those objectives should be integrated into all relevant Mission strategic documents and planning processes, in line with United Nations Policy on Integrated Assessment and Planning.<sup>83</sup>

#### 2.3.2. Network of Conflict-Related Sexual Violence Focal Points

In line with the United Nations CRSV Policy, each Mission component and the relevant sections within them must appoint a CRSV focal point.<sup>84</sup> The focal points are expected to address CRSV in their respective areas of work in

81 According to the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on "United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence" (2020), mission planning and review processes should ensure that all United Nations Field Missions with a Mission-specific Security Council mandate on CRSV shall have core capacity of a S/WPA supported by dedicated WPAs as laid out by the relevant UNSCRs.

82 All peacekeeping operations are due to adopt the Comprehensive Performance Assessment System (CPAS) by July 2020. CPAS is a comprehensive, results-based planning and performance assessment tool to help Mission leadership grapple with complex mandates and rapidly changing political landscapes and country contexts. It helps Missions to focus their operational plans on the most important priority of a Mission, as articulated by the SRSG, and tracks a Mission's performance and impact against those objectives. It helps Mission leadership to better manage and assess their operations and provides concrete data and analysis to make evidence-based decisions and more effectively tell the story of the Mission and the difference it is making.

83 For further information, please refer to the United Nations Policy on Integrated Assessment and Planning (2013), available at: <https://undg.org/document/un-policy-on-integrated-assessment-and-planning/>



South African female combat troops in MONUSCO on robust foot and mobile patrols in North Kivu, DRC.

UN Photo/MONUSCO

order to ensure that CRSV is mainstreamed throughout all functions and substantive areas in which the Mission engages. Focal points should be appointed within military and police components, as well as within relevant civilian sections. The designated focal points work closely with the S/WPAs and serve as an entry point between the S/WPAs and their component or section, and advocate CRSV issues internally.

Within the military component, the main CRSV focal point is the MGPA at Force Headquarters. CRSV military focal points are also appointed at the Sector, Battalion, Company and Unit levels, as well as at Military Observers Team Sites. Within the police component, the main CRSV focal point is the UNPOL Gender Advisor in Headquarters, and focal points are appointed at the Sector level.<sup>85</sup> Uniformed focal points at the Sector level are to form a network working closely with the MGPA and UNPOL Gender Advisor at Mission Headquarters.

The designation of focal points requires an agreement with the leadership of the relevant component or section and clear terms of reference. There should be regular communication between the S/WPAs and the designated focal points, which have to work alongside WPAs and other designated focal points in the Mission (including POC Advisors, CPAs, Human Rights Officers, Gender Advisors, etc.). Reporting lines vis-à-vis the S/WPAs should be addressed in the terms of reference to allow for direct and timely information sharing, especially regarding CRSV alerts.



UN Photo/Strunk

Personnel from six Field Missions participate in a training of trainers course on how missions can help prevent CRSV and respond effectively.

### **Joint analysis and advocacy by MONUSCO to prevent CRSV committed by the Congolese National Police**

In MONUSCO, UNPOL has appointed CRSV focal points at Headquarter and Sector levels to coordinate all CRSV activities of the police component and contribute to the MARA Working Group.<sup>85</sup> S/WPAs share information with these focal points during MARA Working Group meetings and bilaterally on main patterns of CRSV perpetrated by the Congolese National Police elements. S/WPAs advise UNPOL on concrete actions to strengthen prevention of CRSV committed by the Congolese National Police. As a result, priority actions are agreed to ensure that UNPOL takes specific measures to support the Congolese National Police to prevent and address sexual-violence cases. Furthermore, S/WPAs and the UNPOL CRSV focal points organize joint meetings with Congolese National Police interlocutors using common advocacy points.

Through these coordinated efforts, S/WPAs and UNPOL jointly supported the Congolese National Police to develop a *National Action Plan Against Sexual Violence*, which was officially adopted in November 2019.

<sup>84</sup> See United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), p. 25. These include but are not limited to the military and police components, as well as the Civil Affairs, DDR, Gender, HIV/AIDS, JCS, JOC, JMAC, Political Affairs, PIO, and SSR sections.

<sup>85</sup> For further information on the MARA Working Group, see “Chapter Seven: Monitoring, Analysing and Reporting on Conflict-Related Sexual Violence” of this Handbook.

### 2.3.3. Mainstreaming into Protection of Civilians Activities

Prevention and response to CRSV must be mainstreamed in all POC plans, policies, analyses, reports, early-warning indicators and systems, trend analysis, and coordination mechanisms. This includes the Mission's POC documents, including the Mission Concept and Mission POC strategy. Protection tools and analysis, such as POC threat assessments, should take into account early-warning indicators of CRSV. To do so, S/WPAs and CRSV focal points should work in close coordination with the Mission's Senior POC Advisors and POC focal points. S/WPAs and CRSV focal points should moreover participate in established protection mechanisms, such as the Senior Management Group on Protection and the Protection Working Group, to ensure that CRSV information and analysis is considered. POC Advisors must moreover ensure that the CRSV mandate is systematically integrated across all three tiers of the Mission's POC initiatives and its POC strategy.<sup>86</sup> Lastly, Mission reporting requirements, including the Secretary-General's country-specific reports and thematic and periodic reporting on POC, should integrate CRSV concerns and progress being made in the implementation of the CRSV mandate.

The Senior POC Advisor supports CRSV mainstreaming in their capacity to support and advise Mission leadership to manage the Mission's POC activities and coordinate early-warning analysis and response, planning, reporting, monitoring and evaluation processes, etc.

#### Specific Early-Warning Indicators on CRSV for POC developed by UNMISS

UNMISS has integrated specific CRSV early-warning indicators in the Mission's Early Warning and Early Response Working Group to enhance prevention and protection efforts. Proactive patrolling, including escorting women leaving protection sites to undertake daily chores, has deterred attacks against vulnerable women outside or *en route* to protection sites. CRSV early-warning indicators have moreover been mainstreamed in planning and activities by the Force.

### 2.3.4. Capacity Building within United Nations Field Missions

#### 2.3.4.1 Training for All United Nations Field Mission Personnel

All United Nations Field Mission personnel must receive training on CRSV to enable them to identify and recognize incidents and patterns of CRSV, and to know how to react according to their respective function and responsibilities. To this end, induction, specialized and integrated training to address CRSV should be provided to civilian, military, and police personnel, as applicable. Such training and induction sessions are organized by the Integrated Mission Training Centres (IMTC) and supported by S/WPAs and CRSV focal points.<sup>87</sup>

The S/WPAs are advised to use the United Nations Integrated and Specialized Training Materials (ISTM) on CRSV<sup>88</sup> to train civilian and uniformed CRSV focal points on a periodic basis. The S/WPAs must ensure that training material is harmonized across Mission Headquarters and Sector and Field Office levels. In addition to this, the ISTM on CRSV must be adapted to the national and local contexts and to the objectives of the Mission and the challenges it faces. The Mission-specific scenarios, strategies, and responses used for training purposes must be reviewed jointly by the IMTC and the S/WPAs, in accordance with changes in operational scenarios. Key modules to be covered in training include, among others:

<sup>86</sup> The operational concept for the POC in United Nations Peace Operations is set out in the United Nations DPO Policy on the POC in United Nations Peacekeeping (2019). In accordance with the POC Policy, protection of civilians in United Nations Peace Operations is implemented through three tiers: Tier I: Protection through dialogue and engagement, Tier II: Provision of physical protection and Tier III: Establishment of a protective environment. The three tiers are mutually accommodating, reinforcing and are implemented simultaneously and strategically in accordance with the mission mandate, mission phasing and the circumstances on the ground. There is no inherent hierarchy or sequencing between the tiers.

<sup>87</sup> See UNSCR 1820.

<sup>88</sup> The United Nations Specialized Training Materials are available at: <https://research.un.org/en/peacekeeping-community/training/STMs/CRSV>

- 1) Localized contextualization of CRSV;
- 2) Consequences of CRSV on victims/survivors, their families, and communities;
- 3) “Do” and “do not” in response to incidents of CRSV;
- 4) Local referral pathways and mechanisms;
- 5) Monitoring and reporting arrangements;
- 6) Mission-specific early-warning indicators; and
- 7) Guiding principles on CRSV and the survivor-centred approach.



MINUSCA

The SWPA of MINUSCA facilitates a training on preventing and responding to CRSV to military peacekeepers in CAR.

#### 2.3.4.2 Training to Military and Police Components

Core pre-deployment training and ISTM on CRSV packages have been developed to facilitate uniformed personnel in Peacekeeping Missions to execute mandated tasks and mainstream CRSV issues. These materials familiarize uniformed personnel with the concept of CRSV, clarify roles and responsibilities, and equip them with tools to proactively address CRSV in their operational environment. An overview of the training material available is included in Annex 3 of this Handbook.

In addition to pre-deployment training, in-Mission training should be provided to all uniformed personnel, including induction training and refresher modules. These sessions should be organized by IMTC and supported by S/WPAs. S/WPAs should periodically consult the MGPA and UNPOL Gender Advisor at Headquarters to ensure military and police modules continue to meet operational needs.

Furthermore, the FHQ MGPA should organize and oversee the roll-out of specific “Training of Trainers” sessions for military CRSV focal points across Sectors and Units to ensure they have the capacities and skills to mainstream CRSV in their Sector and Units’ activities.

#### **Military focal points trained in CRSV mainstreaming in MINUSCA**

In MINUSCA, military contingents and Military Observers have nominated Military Gender focal points (MGFP) who function as focal points for CRSV, Gender, Child Protection, Sexual Exploitation and Abuse, and POC. This network of focal points supports the implementation of the CRSV mandate and of other specific protection mandates through internal advising and mainstreaming. The MGFPs function as the link between the tactical and the operational levels of the military and support military monitoring and reporting mechanisms on protection issues. They play a key role in raising awareness amongst the troops and Military Observers on CRSV to increase their effectiveness while performing daily tasks such as patrolling and community engagement. To ensure focal points have the necessary expertise to mainstream CRSV, the MGFP in Force Headquarters conducts comprehensive Training of Trainers sessions on CRSV.

## CASE STUDY

### SHABUNDA ACTION PLAN

#### A Mission-wide and comprehensive response to CRSV South Kivu, DRC

##### Background

In June 2018, a Human Rights investigation led by a WPA documented attacks against several villages in Kigulube in the Shabunda territory, South Kivu. The attacks were perpetrated by a coalition of local armed militia known as Raia Mutomboki, led by a leader known as “Kokodikoko”. The investigation team identified numerous victims of human rights abuses, including many women, girls and men victims of sexual violence. The perpetrators adopted a specific modus operandi during the attacks consisting of systematic rapes and gang rapes of villagers, including intrusive genital searches. Most survivors received no assistance or partial assistance because of difficulty accessing local or humanitarian care infrastructures.



##### Shabunda Action Plan

The Shabunda Action Plan is a comprehensive plan launched by MONUSCO. By bringing together civilian and uniformed components of MONUSCO, Congolese authorities, and United Nations and NGO partners in an unprecedented integrated approach, this plan, led by WPAs, successfully prioritized the protection of women and girls, and contributed to concretely preventing and responding to CRSV in this region in the short, medium, and long term.

##### SWPA and Leadership Call for Mobilization

Given the scale of violence and CRSV, the SWPA called for a strong mobilization of all actors through bilateral briefings and protection coordination mechanisms. Advocacy was carried out to senior leadership, MONUSCO military and civilian components, United Nations agencies, Protection Cluster, GBV sub-Cluster, NGOs, and national and provincial authorities. The SRSG requested all MONUSCO entities to come together to address CRSV in Shabunda.

##### Engagement of High-Level Authorities

The SWPA engaged the Office of the Personal Representative of the Head of State who quickly mobilized the national authorities’ response to mass rapes in Shabunda.

##### Assistance and Protection on the Ground

The Force was redeployed to the area. A MONUSCO Joint Protection Team was deployed jointly with the Panzi Foundation to provide medical, psychological, and legal assistance to more than 60 sexual-violence survivors in Kigulube and surrounding villages in September 2018. Risks of renewed attacks were assessed as high, thus the Shabunda Action Plan was developed.



UN Photo/MONUSCO

## Comprehensive Action Plan

The Shabunda Action Plan includes a range of complementary elements including:

1. The restoration of State authority through increased presence of trained military, police, and United Nations military peacekeepers;
2. The fight against impunity through technical and logistical support to military justice;
3. Preventive engagement with militia commanders to end CRSV and grave violations of child rights; and
4. Community engagement to strengthen community protection mechanisms.

## Arrest and Trial of the “Kokodikoko” Group Leader

The Joint Human Rights Office and the Justice Support section of MONUSCO, UNDP, Panzi Foundation, and Trial International supported the opening and conduct of investigations by the military justice in March 2019. Only a few weeks later, this led to the arrest of “Kokodikoko” and four members of his group responsible for the mass rapes in Shabunda.



UN Photo/MONUSCO

Thanks to the quick mobilization of different actors, the mobile courts sessions started in September 2019 with the support of MONUSCO. In November 2019, Kokodikoko and two militiamen were convicted to life imprisonment for war crimes and crimes against humanity, including by sexual violence and enslavement.

Following numerous surrenders from combatants, the group was neutralized.

## Development and Stabilization Projects

Advocacy was conducted to ensure support to local women’s organizations and the transparent management of natural resources. Road construction and other development projects were proposed to ensure sustainability and stabilization of the area.

## Key outcome

In addition to the progress with accountability, several reports indicated a significant decrease of CRSV in Shabunda in 2019.

## Key Elements of Success

1. The prioritization of the Shabunda situation by the SRSG and ownership by the Head of Office;
2. The integration of the Plan into the wider POC priorities and the support provided by the MONUSCO POC Unit;
3. The integrated approach with participation of MONUSCO civilian sections, the Force, UNPOL, United Nations agencies, and NGOs; and the triple nexus approach integrating actions going from peacekeeping, humanitarian emergency response, peacebuilding, and development;
4. The accurate analysis generated by the Monitoring, Analysis, Reporting Arrangements (MARA), to inform pertinent actions by all partners;
5. The catalytic role of a field-based WPA coordinating the plan to ensure its prioritization and continuity; and
6. The sustained focus by Mission leadership on the Shabunda situation despite multiple crises ongoing in the country.

# 6

## CHAPTER 6:

# Advocacy, Raising Awareness, and Capacity-Building on Conflict-Related Sexual Violence

### Reference documents:

- United Nations DPO/DPPA/OHCHR/SRSG-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- United Nations – Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and Text of the Policy (2015).
- United Nations DPA – Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements (2012).
- OHCHR – Manual on Human Rights Monitoring (2011).

*This chapter presents the role and functions of United Nations Field Missions in conducting advocacy to key stakeholders, raising awareness, and building capacities on CRSV in the host country. It provides examples of key messages on CRSV that can be used by civilian, military, and police components when interacting with national counterparts and provides guidance on how to establish an advocacy strategy.*

### GOALS

*To understand how United Nations Field Missions conduct advocacy, raise awareness and build capacities in the host State on CRSV to promote local ownership and prevention strategies on CRSV.*

## SECTION 1: DEFINITIONS

United Nations Field Missions must work to ensure that all levels of society are aware of CRSV, condemn its perpetration, and cease any stigmatization and ostracization of victims/survivors. To raise awareness and change the culture surrounding CRSV in the local contexts and contribute to the prevention of CRSV, Missions will engage in advocacy efforts, adopt adequate reporting procedures and use strategic communication and dialogue measures with parties to the conflict, national authorities, and civil society.<sup>89</sup> While this chapter provides information on advocacy and awareness-raising activities conducted by Field Missions, information related to engagement with parties to conflict on CRSV to obtain commitments is available in Chapter Nine of this Handbook.

**Advocacy on CRSV** is the process of communicating with, and influencing, State and non-State parties to a conflict, United Nations entities, donors, and all other stakeholders to prevent and respond to CRSV. If strategically combined with other activities to address CRSV — such as awareness raising, strategic communications, monitoring, analysis, and negotiation — advocacy can greatly contribute to transforming the underlying systems and social attitudes that cause CRSV and perpetuate harm on victims/survivors.

Advocacy messages on CRSV must have clear objectives and target audiences and usually require planning and consultation with relevant partners.<sup>90</sup> Advocacy efforts can take the form of a single meeting or a series of meetings, confidential or public discussions, direct or indirect communication through intermediaries, written correspondence,

<sup>89</sup> For further guidance, please refer to the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), Section D1 Guiding Principles.

<sup>90</sup> For further information on advocacy and intervention with national authorities, see Chapter 31 of the OHCHR Manual on Human Rights Monitoring. Available at: <https://www.ohchr.org/Documents/Publications/OHCHRIntro-12pp.pdf>



public statements, reports, and other forms. Advocacy messages generally include three elements: a brief description of the context, an overview of CRSV concerns, and key recommendations to address these concerns. When broadcasting public advocacy messages, the Field Mission should consider the risks of potentially disrupting field-based dialogue with key stakeholders and further harming victims/survivors.

Efforts to raise awareness on CRSV in the host country should aim to change attitudes, behaviours, and beliefs that normalize CRSV. They should aim to inform the wider public, and especially victims/survivors, about the resources available and make perpetrators aware that they are violating domestic and international laws. Field Missions may conduct various types of activities to raise awareness on CRSV including public information campaigns, community engagement, dialogue, and outreach activities, as well as sensitization and capacity building sessions to State authorities, parties to conflict, and civil society.

Furthermore, Field Missions should aim to strengthen the capacities of civil society, such as human rights and women's organizations and community leaders. This will allow such groups to better prevent CRSV incidents from occurring through strengthening their ability to conduct outreach and early warning activities, to monitor and report, and to promote accountability. Field Missions also build the capacity of civil society to promote and guarantee women's safe participation in political processes.

## **SECTION 2: ADVOCACY AND AWARENESS-RAISING RESPONSIBILITIES WITHIN UNITED NATIONS FIELD MISSIONS**

### **2.1. THE ROLE OF MISSION LEADERSHIP AND SENIOR/WOMEN'S PROTECTION ADVISORS**

Senior Mission leadership uses its good offices to address CRSV from a political perspective, engage in dialogue and conduct advocacy with the host State and with parties to the conflict. Senior Mission leadership must advocate CRSV to be addressed throughout all stages of mediation efforts, ceasefire, and peace and transitional justice agreements whilst ensuring that amnesties for CRSV crimes are prohibited. Senior Mission leadership must advocate sexual violence to be criminalized in national penal legislation, duly prosecuted, and for past perpetrators to be fully removed from the security Sector as part of gender-responsive Security Sector Reform. Advocacy for prevention of CRSV and ending impunity for all parties to the conflict (including non-State and non-signatory parties) is crucial to foster accountability and responsiveness. Senior Mission leadership should also advocate that parties to conflict take concrete commitments to prevent and address CRSV.<sup>91</sup>



Marking of the Islamic Day of Opposing Violence Against Women in Baghdad, Iraq in an event organized by the Al-Hakim Foundation in 2018.

S/WPAs advise Mission leadership and Mission components on how to conduct advocacy to address CRSV. Senior Mission leadership and S/WPAs are responsible for engaging in dialogue and advocacy with all parties to the conflict to cease CRSV and institute context-specific preventive measures. S/WPAs also promote local ownership and prevention strategies on CRSV through sensitization, capacity-building, and training activities at the community level, including through ongoing dialogue with local women's, victim/survivor advocate, and other civil society groups. Lastly, they are

91 For details on engagement with parties to the conflict, see "Chapter Nine: Engagement for Commitments with Parties to Conflict to End Conflict-Related Sexual Violence" of this Handbook.

responsible for advocating with host governments, diplomatic and donor communities, regional and international organizations, including through the release of public advocacy reports on CRSV, and participating in relevant bilateral and multilateral forums.

Advocacy efforts by Field Missions may be supported by the SRSG-SVC, who undertakes high-level advocacy with all parties to armed conflict to prevent and cease all acts of sexual violence with, among others, the Security Council, political and policy-making bodies, governments, donors, and the international media. While advocacy may be initiated by the SRSG-SVC, all advocacy initiatives in countries in which Field Missions are present must be coordinated with Mission leadership and the SWPA to ensure a consistent and comprehensive approach.



### **Strategic-level advocacy targets may include:**

- Leadership of the host State;
- Leadership of parties to conflict;
- Leadership of the host-State security forces;
- Defence, security, and police establishments;
- Legislative establishments;
- Judiciary establishments; and
- Religious, traditional, or community leaders.

The list should be adapted to each Mission setting following situational analyses and mapping.



UNMISS

Celebration of the launch of the 2019 Global 16 Days of Activism Campaign Against Gender-Based Violence by UNMISS in collaboration with national women-led NGOs.

## 2.2. THE ROLE OF THE CIVILIAN COMPONENT

All Mission components have the responsibility to convey coordinated and consistent messages on addressing CRSV to their respective State and non-State interlocutors in coordination with the S/WPAs. This section provides an overview of how the different sections of the civilian component should contribute to disseminating information and key advocacy messages on CRSV and build the capacities of their national counterparts on CRSV.

The Human Rights component has a core mandate of promoting and protecting human rights and, through the capacities of S/WPAs, supports Mission leadership in conducting advocacy and raising awareness on CRSV with the host State, parties to the conflict, diplomatic and donor communities, regional and international organizations, and others. The Human Rights component advocates with these stakeholders for the overall protection of civilians, the protection of victims/survivors and witnesses of CRSV and other human rights violations, access to justice and effective criminal investigations, transitional justice, effective remedies and reparations for victims/survivors of CRSV and human rights violations. It also advocates, and supports, the conduct of risk assessments by United Nations entities within the framework of the Human Rights Due Diligence Policy to identify risks associated with CRSV and mitigating measures to minimize those risks.<sup>92</sup>

Field Missions should use Human Rights mechanisms to enhance advocacy with the host State on CRSV, such as the Committee on the Elimination of Discrimination against Women (CEDAW), Universal Periodic Review, and Special Procedures (details on these mechanisms are available in Annex 4 of this Handbook).

### **Collaboration and joint advocacy on CRSV with civil society in Somalia**

In Somalia, the SWPA of UNSOM has integrated the participation of CSOs into all aspects of the CRSV mandate implementation since the inception of the Somali National Action Plan on Sexual Violence in Conflict.

CSOs are key partners in the implementation of the Somali National Action Plan on Sexual Violence in Conflict and serve as a bridge between the government and communities. They provide multi-sectoral support to victims/survivors of sexual violence, including medical, psychosocial, and legal assistance. Several CSOs run safe houses, which provide shelter and skills training to women and children victims/survivors.

Several awareness-raising and advocacy activities were implemented in collaboration between UNSOM and CSOs, including activities on the International Day for the Elimination of Sexual Violence in Conflict celebrated on 19 June. CSOs came together with the Somali Government, UNSOM, traditional leaders, and internally displaced people (IDPs) to raise awareness of CRSV in local communities and promote the protection of and access to assistance for victims/survivors, many of whom are IDPs.

Coordination and consultation activities between UNSOM and CSOs identified knowledge and capacity gaps in the host population, including on human rights reporting of abuses. To address this, a civil society forum, which included a specialized Cluster on Women and Child Rights, was established with UNSOM support to cover all human rights issues. The Forum has been used as a platform to develop capacities of CSOs to enable them to assist communities in reporting cases of sexual violence. The Forum also conducted advocacy efforts on issues related to sexual violence, including survivors' assistance, legal reform, and legal aid.

The Political Affairs/Mediation Section must reflect CRSV issues as a fundamental part of all gender-sensitive conflict and political analysis. In situations where CRSV is credibly suspected of taking place, CRSV concerns should be addressed during bilateral meetings with State actors and other parties to conflict, including discussions with local authorities, armed groups, community leaders, women's groups, and civil society actors. CRSV issues

<sup>92</sup> United Nations Human Rights Due Diligence Policy on United Nations Support to Non-United Nations Security Forces: Guidance Note and Text of the Policy (2015). Available at: <https://unsdg.un.org/resources/guidance-note-human-rights-due-diligence-policy-un-support-non-united-nations-security>

should be addressed as part of political discussions, mediation processes, ceasefire negotiations, and peace talks and in drafting peace agreements. This includes, for example, ensuring inclusion of language prohibiting sexual violence in definitions of ceasefire and in security arrangements.<sup>93</sup>

The Civil Affairs Section should include CRSV sensitization messages while engaging with local and religious leaders, authorities, and communities. Civil Affairs should also ensure that CRSV considerations are included in local protection and needs assessments, local protection mechanisms, and conflict management efforts.

### **The role of Community Liaison Assistants for community engagement on CRSV**

Community Liaison Assistants (CLAs) placed in Civil Affairs sections are a key resource for community engagement in Field Missions, including on CRSV.<sup>94</sup> Specifically conceived to play a unique role in bridging the cultural and confidence gap between local communities and United Nations contingents deployed in the deep field, CLAs improve the interface between communities and Field Missions across mandated tasks, because of their knowledge of local culture, norms, and language(s). As such, they have the potential to become a critical tool to support community engagement on CRSV. CLAs may, for instance, be a vehicle to sensitize communities on CRSV, share information about GBV multi-sectoral services for victims/survivors, and provide information on the Mission mandate and actions to prevent and respond to CRSV.

S/WPAs should organize specific training for CLAs, including on how to interact with victims/survivors, in full respect of the survivor-centred approach. CLAs should share information on CRSV with S/WPAs for follow-up.

The Justice and Correction Section (JCS) should convey messages to address the impunity of CRSV throughout its activities and engagements with national authorities. Justice components support national efforts to prosecute alleged perpetrators of CRSV and to abolish discriminatory policies, laws, and practices that prevent women, men, girls, and boys from enjoying their rights. They promote the enactment of laws and policies to provide holistic protection to CRSV victims/survivors (before, during, and after a legal trial). Moreover, the Justice components can promote the equal representation and meaningful participation of women in the judiciary, prosecutorial service, and legal professions. Justice components may support nationally led investigations and prosecutions pertaining to sexual violence and serious crimes that fuel the conflict or instability. They may support the development of a prosecutorial strategy and provide direct technical and operational support to justice authorities to support the criminal investigation, prosecution, and trial of sexual-violence cases. Corrections components may support national prison services to detain offenders in compliance with international human right standards, thus contributing to the physical protection of persons in vulnerable situations.



Celebration of the International Human Rights Day and seventy years of the Universal Declaration of Human Rights presided over by the national authorities in Kalemie, Tanganyika Province, DRC.

The Security Sector Reform (SSR) Section, when supporting national SSR, ensures that oversight mechanisms that include specific considerations of CRSV issues are established. For example, SSR sections should ensure that

The Security Sector Reform (SSR) Section, when supporting national SSR, ensures that oversight mechanisms that include specific considerations of CRSV issues are established. For example, SSR sections should ensure that

93 For more information on the integration of CRSV in ceasefire and security arrangements, see “Chapter Nine: Engagement for Commitments with Parties to the Conflict to End Conflict-Related Sexual Violence” of this Handbook.

94 CLAs are currently deployed in MONUSCO, MINUSCA, UNMISS, and MINUSMA.

former armed-group members and other persons who had direct or command responsibility for CRSV are not integrated into reformed State security forces. SSR sections should also promote the adoption of sound arms control measures by host-State authorities as an effective and sustainable contribution to the elimination and prevention of CRSV.<sup>95</sup>

### **Integrating CRSV into SSR in CAR**

In CAR, the SSR component of MINUSCA promoted the establishment of a mixed brigade of internal security forces to prevent violence against women. It advocated for the inclusion of gender considerations as part of the government's national security policy and SSR strategy. In addition, the SSR component encouraged the CAR Government to establish effective vetting mechanisms to prevent the integration of individuals responsible for CRSV into the armed forces.

The Disarmament, Demobilization and Reintegration (DDR) section performs several tasks related to CRSV and should include advocacy messages accordingly. All DDR processes should include effective mechanisms for providing protection from CRSV and assisting victims/survivors. The section must ensure that the negotiations and planning phases of DDR are gender-responsive in order to mobilize the necessary resources required to prevent CRSV and address specific needs of victims/survivors. At the same time, coordination between DDR programmes and the justice system should be established to ensure that perpetrators are prosecuted. DDR programmes should also assist with the psychosocial and behavioural change of non-State armed groups that may be involved in the use of CRSV.

Most importantly, men and women participating in the DDR process should be informed of their rights at the cantonment and demobilization stages. As female combatants, supporters, dependants, and associated women and children have often experienced sexual abuse, efficient and non-stigmatizing screening measures must be in place to identify victims/survivors (male and female) and to provide, or refer them to, appropriate services in line with individual needs and choices. Furthermore, considering that female ex-combatants may refrain from participating in DDR processes given security concerns and fears of sexual violence, the DDR section should advocate specific preventive and protection measures to be put in place to ensure the inclusivity and security of processes. For instance, to prevent new incidents, cantonment sites should have adequate infrastructure to separate women and male ex-combatants, and latrines, washing, and kitchen facilities should be placed in open areas. Lastly, the DDR section should support the long-term rehabilitation of ex-combatants, including through the engagement of families, local health works, and religious leaders.

### **Community Violence Reduction projects and CRSV sensitization in CAR**

The DDR section of MINUSCA implements Community Violence Reduction projects in five field localities across the country and in the capital Bangui, including in locations where CRSV cases against civilian women were perpetrated by armed groups. Part of the project focused on social cohesion and served as an entry point to the community and ex-combatants for the DDR personnel to carry out sensitization on CRSV, including by condemning CRSV and encouraging communities to protect CRSV victims/survivors.

In the capital Bangui, local peace and reconciliation committees organized awareness-raising activities. During mass sensitization sessions, female members of these committees addressed various gender-related issues, including SGBV and CRSV, and information was shared on specialized care structures for victims/survivors.

In the Mbomou prefecture, a community project supported the construction and equipment of a sewing training centre for a local association for women victims/survivors of sexual violence. This project aims to strengthen the resilience of the community members and restore the dignity of victims/survivors, thus promoting their socio-economic empowerment.

The Public Information Office should include CRSV messages when conducting outreach and denouncing incidents of serious human rights violations, including CRSV. The section undertakes targeted broadcasting of key messages and trains national media on how to report on incidents of CRSV and SGBV while ensuring “do no harm”.



### **Example of key public messages on CRSV:**

- The categorical condemnation of all forms of CRSV;
- The categorical condemnation of all forms of gender-based discrimination and GBV;
- The responsibilities of State and non-State actors under international human rights, humanitarian, and refugee law, as well as national laws and policies protecting against CRSV;
- Recognition of government-led action to counter CRSV and the work of the Mission and the UNCT in support of the government;
- Recognition of commitments and efforts made by State and non-State actors in addressing CRSV, including through the signing of Joint Communiqués on CRSV with the United Nations (see Chapter Nine);
- Assistance and remedies available to victims/survivors of CRSV and SGBV and points of contact to access referral mechanisms; and
- Outlining the role of communities in addressing CRSV, including by:
  - (i) offering protection to victims/survivors;
  - (ii) unequivocally rejecting all prejudices and stigma affecting victims/survivors; and
  - (iii) calling on traditional and religious leaders to lead efforts to reintegrate victims/survivors back into their communities and focusing attention on the perpetrators instead of victims/survivors.

The Joint Mission Analysis Centre (JMAC) and Joint Operations Centre (JOC) establish facts, conduct analysis, and map national actors, parties to conflict, and political stakeholders. This information helps Mission leadership and other sections to identify priority issues for which to raise awareness, develop targeted messages, and find the right advocacy targets, including State or non-State actors who may be responsible for committing or condoning CRSV. Analysis of patterns and trends of violence against civilians, including CRSV, from JMAC should also contribute to the MARA as part of the prevention and early warning systems.

Gender Advisors provide strategic advice and technical support across Missions on developing effective strategies to mainstream gender equality and the WPS mandates. Gender Advisors conduct SGBV initiatives and support the strengthening of women’s participation, representation, and empowerment in peace processes as an enabler of the CRSV deliverables and Mission mandates, in close coordination with S/WPAs who lead CRSV work.<sup>95</sup>

95 For more information on the role of Gender Advisors, please refer to United Nations DPO/DFS Policy “Gender Responsive United Nations Peacekeeping Operations” (2018) and the United Nations “Gender Resource Package for Peacekeeping Operations” (2004).



In Mali, the United Nations radio and its partner local stations disseminate daily messages of peace and promote respect of the human rights of all men, women, girls and boys.

MINUSMA/Dicko

### 2.3. THE ROLE OF THE MILITARY COMPONENT

The military component of United Nations Peacekeeping Operations, especially commanders up to the Company level, conducts advocacy to address CRSV through engagement with national security and defence forces as well as parties to conflict. Advocacy must be consistent with Mission mandates, directives, and SOPs.

Liaison, coordination, and conduct of joint operations with State security and defence forces are avenues for sharing information on CRSV and key advocacy messages with national counterparts. The military component of United Nations Peacekeeping Operations may also be mandated to provide mentoring, advisory, and training support to State security and defence forces.<sup>97</sup>



#### **Examples of key messages that can be conveyed by the Force to national security and defence forces:**

- Categorical condemnation of all forms of CRSV by national security and defence forces;
- The host State has the primary responsibility to enforce the rule of law and maintain law and order in the country;
- Host-State security and defence forces are responsible for the safety and security of the entire population;
- Encourage accountability for commission or condoning of sexual violence by national security and defence forces to prevent future cases of CRSV; and
- Encourage proactive steps to end impunity and prosecute members of armed groups that are involved in CRSV.

<sup>97</sup> For more information on capacity building and provision of support to the host State, see “Chapter Nine: Engagement for Commitments with Parties to the Conflict to End Conflict-Related Sexual Violence” of this Handbook.

Public information and perception-management efforts by the military component are significant aspects of advocacy and must be consistent with Mission directives. These efforts should engage communities as well as armed groups, aimed at, among others, preventing CRSV against the population. The military component, in general, and the Military Public Information Officer, in particular, should provide necessary inputs that can be factored into the Mission's Public information campaigns as part of perception management (including on monitoring and reporting of behavioural change, dissemination of key messages, etc.). Targeted outreach, engagement activities, and advocacy with host authorities and parties to the conflict can deter and prevent them from perpetrating CRSV. Moreover, the example set by military personnel in how they view and treat civilians, especially women, is likely to be emulated and, as such, they should serve as a model and example of the principles for which the United Nations stand.<sup>98</sup>

At the strategic level, when possible, the Force Commander and Deputies should liaise with key leadership of the host-State security forces and defence establishment, within the framework of the Mission Concept.



UNAMID/Ttwari

In North Kivu, DRC, the female engagement team of the Moroccan contingent honors women leaders in the community during a meeting organized on International Women's Day.

## 2.4. THE ROLE OF THE POLICE COMPONENT

Depending on the Mission mandate, the police component of United Nations Peacekeeping Operations or Internal Police Officers in Special Political Missions may advocate with their national counterparts to ensure the physical protection of civilians from serious human rights violations and abuses, including CRSV, and to establish a protective security environment. Advocacy efforts carried out by the police should be carried out in coordination with the S/WPAs.

<sup>98</sup> For more information on the principles of the United Nations, see Chapter One of the Charter of the United Nations. Available at <https://www.un.org/en/sections/un-charter/chapter-i/index.html>





### **Key messages that can be conveyed by UNPOL to national police:**

- Categorical condemnation of all forms of CRSV by police personnel;
- Ensure presence of the security force to prevent or mitigate risk of CRSV, including in rural and/or isolated areas, which are often the most affected by conflict and CRSV;
- Encourage adequate responses to CRSV by initiating investigations and supporting the fight against impunity;
- Support effective national security Sector reform, including regarding internal oversight and accountability mechanisms.

At the Sector level, the Police component shares information on CRSV and conveys key messages during peer-to-peer interactions with their national police counterparts, such as during co-location in police stations and through capacity building sessions (see Chapter Nine for more information on capacity building of host State). UNPOL also conducts engagement with women, youth, and vulnerable groups through community-oriented policing programmes during which information on alert sharing mechanisms is provided.

At the strategic level, the Head of the Police component and Deputies engage at the political level with the different ministries and heads of the Police and Gendarmerie, with the support of S/WPAs.

## **SECTION 3: ROADMAP OF AN ADVOCACY STRATEGY**



### **Preparing advocacy messages**

CRSV issues are complex and have multiple root causes. CRSV advocacy messages should therefore be based on gender-sensitive situational analyses that help to understand the contextual dynamics and identify the key issues to be addressed.

When preparing effective advocacy messages, the following steps should be taken:

1. Clearly identify the objectives of advocacy efforts. Who needs to be engaged and what needs to be changed?

2. Identify the target audience. Can the parties we are engaging with tackle the problem?

Firstly, identify and target those who have the power to make necessary changes. Secondly, target those with influence over the first target audience. Establish a list of potential interlocutors including State and non-State actors at the national and local levels. For example, on matters related to the issuance of command orders to stop CRSV, the leadership of parties to conflict with the authority to issue such orders needs to be targeted. On issues relating to combating impunity, the Ministry of Justice should be engaged; on Security Sector Reform, the Ministries of Defence and Interior should be engaged; on multi-sectoral assistance for victims/survivors, the Ministry of Health should be engaged; etc.

3. Coordinating interventions. What other partners can you work with to build momentum and support around this objective?

Who can you work with at local, national, or international levels to build support for your messages and avoid duplication? How can you further the reach of your messages to other parties, interlocutors, and Mission components that have an interest or expertise on a specific topic? Ensure a comprehensive and coordinated approach based on resources, respective mandates, and capacities. Work with local or national women's



## Preparing advocacy messages

*(continued)*

groups and CSOs and national and international NGOs to help them to broaden their reach and build national capacities. Push for synergies, enhanced information-sharing, and joint analysis with an aim to elevate discussions to a strategic level.

Messages to concerned parties must be harmonized and consistent, therefore, Mission leadership should ensure that all communications efforts are coordinated when engaging with parties to conflict for the purpose of securing commitments (See Chapter Nine). The MARA Working Group can serve as a platform to coordinate advocacy initiatives on CRSV among Mission components and UNCT (see Chapter Seven).

4. Designing key messages. Key messages should include three elements:

(i) A brief description of the context; (ii) gender-responsive identification of key CRSV concerns; and (iii) main recommendations to address these concerns. Analysis is key to effective messages and JMAC, JOC, and the Political Affairs section can provide information to identify the priority issues to raise.

5. Planning meetings. Who are you meeting?

Do they have the decision-making power to change the situation and help you to reach your objectives? What are their current, context-specific interests, concerns, positions, needs, motivations, and bottom lines? How do they view the United Nations, the Field mission and the CRSV mandate? What differentiated reasons do your interlocutors have to collaborate with you (reputational risk, risk of individual sanctions, accountability, acknowledgement of international obligations)?

6. Evaluate the outcome and ensure follow up.

Was the advocacy effort successful in achieving its objective? How did the outcome of the meeting contribute to your overall strategy? Have links with targeted interlocutors been strengthened or undermined? Do your political, advocacy, or engagement strategies need to be updated? What next steps should be taken?

Note: it is important to be specific about commitments made during any meetings. All commitments should be executed as soon as possible, including those that are seemingly of lower significance, such as follow-up, sending a document, talking to someone, etc. It is also prudent to ensure that any party committed to undertaking certain actions follows through, especially if these are necessary for the objectives being pursued.

7. Consider different and/or complementary approaches.

Consider additional approaches to reinforce your message. For example, stakeholders such as embassies, regional organizations, local authorities, civil society, or traditional leaders can also raise the same issues and messages with interlocutors. How else could these messages be conveyed? Should they be raised at higher levels or discussed publicly?

# 7

## CHAPTER 7: Monitoring, Analysing and Reporting on Conflict-Related Sexual Violence

### Reference documents:

- United Nations DPO/DPPA/OHCHR/SRSG-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- OSRSG-SVC and UN Action – Provisional Guidance Note: Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) (2011).
- United Nations – Provisional Guidance Note: Intersections between the Monitoring, Analysis and Reporting Arrangement (MARA) and the Gender-Based Violence Information Management System (GBIMS) (2015).
- OHCHR – Manual on Monitoring Human Rights (2011).
- OHCHR – United Nations Peace Operations: Integrating Human Rights in United Nations Military Components, Good Practices and Lessons Learned (2013).
- OHCHR – United Nations Peace Operations: Integrating Human Rights in United Nations Police Components (2013).
- OHCHR – Integrating a gender perspective into Human Rights Investigations: guidance and practice (2018).

*This chapter outlines the guiding principles when monitoring, reporting, and sharing information related to CRSV. It presents the Monitoring, Analysis, and Reporting Arrangements (MARA) on CRSV and the complementary roles of civilian, military, and police components and of the UNCT as part of the MARA Working Group.*

### GOALS

*To promote timely monitoring and reporting on CRSV whilst guaranteeing the confidentiality, safety, and security of victims/survivors and sources of information. To understand the role of the MARA in the prevention and response to CRSV.*

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## SECTION 1: GUIDING PRINCIPLES FOR MONITORING AND REPORTING ON CONFLICT-RELATED SEXUAL VIOLENCE

Monitoring, information-gathering, and reporting on CRSV by United Nations Field Mission personnel should follow the guiding principles stated in the CRSV policy: “do no harm”, confidentiality, informed consent, gender-sensitivity, the survivor-centred approach, and the best interests of the child. These guiding principles should be complemented by the basic monitoring principles described below and undertaken alongside the provision of services for victims/survivors.<sup>99</sup> These principles include:

- ▶ **Respect the mandate:** United Nations Field Mission personnel need to fully understand and respect the Mission mandate and its implementation requirements, including specific requirements for monitoring and reporting.
- ▶ **Know the standards:** United Nations Field Mission personnel must have full familiarity with International Human Rights and International Humanitarian Law standards relevant to sexual violence, and applicability in the respective country.
- ▶ **Impartiality:** United Nations Field Mission personnel with a mandate to monitor CRSV should gather information and document violations of CRSV by all parties to conflict with equal thoroughness and avoid any possible perceptions of bias of siding with one party over another.

<sup>99</sup> For more detailed information and guidance, see “Chapter One: Conceptual Foundation and the Evolution of the Conflict-Related Sexual Violence Mandate” of this Handbook and the Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) On Women, Peace and Security (Conflict-Related Sexual Violence) of the OSRSG-SVC and UN Action (2011), pp. 8 and 20.

- ▶ **Objectivity:** United Nations Field Mission personnel should always maintain an objective attitude and appearance. When gathering information, all facts should be considered objectively, without prejudice or bias.
- ▶ **Security:** Primary consideration must be given to the security of United Nations Field Mission personnel conducting monitoring on CRSV, as well as of victims/survivors of sexual violence, their families and communities, witnesses, and other sources of information. Security measures should be put in place to protect the identities of all victims/survivors. Protocols to secure information and data, including compliance by all Field Mission personnel, must be established and enforced.

A “quotes wall” at the UNFPA-supported survivors’ center in Dohuk, Iraq, showing messages of strength and support from psychosocial support sessions.



UNFPA Iraq/Turchenkova

## SECTION 2: THE MONITORING, ANALYSIS, AND REPORTING ARRANGEMENTS

### 2.1. THE ESTABLISHMENT OF THE MONITORING, ANALYSIS, AND REPORTING ARRANGEMENTS

The United Nations Security Council requested the United Nations Secretary-General to establish the Monitoring, Analysis, and Reporting Arrangements (MARA) on sexual violence in situations of armed conflict and post conflict, as well as other situations of concern.<sup>100</sup> It also requested the Secretary-General to list parties to conflict that are credibly suspected of committing or being responsible for acts of CRSV in an Annex to the Secretary-General’s Annual Report on Sexual Violence in Conflict.<sup>101</sup>

<sup>100</sup> See UNSCR 1960 (2010) OP 8, requesting the Secretary-General to establish monitoring, analysis and reporting arrangements on CRSV in situations of armed conflict and post-conflict and other situations of concern; and, OP 5 and 6, requesting parties to conflict to make specific commitments to combat sexual violence, and for the Secretary-General to monitor implementation. UNSCR 1960 is available at: [https://peacemaker.un.org/sites/peacemaker.un.org/files/SCResolutionWomen\\_SRES1960%282010%29%28en%29\\_0.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/SCResolutionWomen_SRES1960%282010%29%28en%29_0.pdf). Following the adoption of UNSCR 1960, the Provisional Guidance Note on 1960 (2011) explains that MARA should be established in all situations where CRSV is a concern. The document is available at: <https://www.refworld.org/docid/4e23ed5d2.html>

<sup>101</sup> All Annual Reports of the Secretary-General on Sexual Violence in Conflict are available at: <https://www.un.org/sexualviolenceinconflict/digital-library/reports/sg-reports/>

This chapter provides guidance to United Nations Field Missions in implementing the MARA in coordination with the UNCT and entities in United Nations Headquarters. It builds upon guidance contained in the Provisional Guidance Note on the Implementation of UNSCR 1960.

In United Nations Field Missions, the SRSG is responsible for the timely implementation of UNSCR 1960 and transmission of reports on CRSV, supported by the SWPA and the various Mission components. As the lead of Field Missions' investigation, monitoring, and reporting on CRSV, Human Rights components are recommended to designate a MARA Coordinator, within the CRSV Unit, dedicated to coordinating information management, analysis, and reporting on CRSV for the Mission. In case of absence of S/WPAs, information on CRSV and related alerts should be shared with the designated CRSV focal point in the Human Rights component.

## 2.2. PURPOSE OF THE MARA

The purpose of the MARA is to ensure the systematic gathering of **timely, accurate, reliable, and objective information** on CRSV against women, men, and children in all situations of concern. The MARA also aims to produce comprehensive analysis of trends and patterns of sexual violence incidents, profiles of victims/survivors, and alleged perpetrators in order to prevent further CRSV.

Information and analyses produced by the MARA serve several purposes, namely to:

- ▶ **Promote appropriate and timely actions to prevent and respond to CRSV.** The analyses of trends and patterns of CRSV inform United Nations Field Missions' actions to adapt prevention and responses to CRSV.
- ▶ **Inform United Nations Security Council actions.** The MARA serves as the basis for Security Council actions, including the imposition of sanctions and other targeted measures against perpetrators of CRSV, and the establishment of protection mandates for United Nations presences in affected areas, amongst other actions.



- ▶ **Develop strategic advocacy and engagement strategies.** Information collected through the MARA is valuable for advocacy and engagement with parties to the conflict conducted by Field Missions, UNCT, entities of the United Nations Secretariat, and the Security Council.
- ▶ **Enhance consolidated efforts on prevention and programmatic responses for victims/survivors.** By providing information on protection and assistance services for victims/survivors in conflict areas, including gaps in coverage, the MARA contributes to facilitating coordination between international and national response actors and optimizing resource use.
- ▶ **Contribute to the development of comprehensive strategies in Mission areas.** The MARA informs on progress to end CRSV at the country-level, including actions taken by host authorities, parties to the conflict, and humanitarian actors. This contributes to the development of comprehensive strategies to combat sexual violence in Mission areas in coordination with the United Nations Action Network and other relevant stakeholders.

## **SECTION 3: ESTABLISHING THE MARA IN UNITED NATIONS FIELD MISSIONS**

### **3.1. COORDINATION BODIES**

In Mission areas, two coordination bodies oversee the implementation of the MARA.<sup>102</sup>

#### **(i) The MARA Working Group on Conflict-Related Sexual Violence**

The MARA Working Group reviews information; monitors and verifies incidents of sexual violence; analyses data, trends, and patterns; prepares reports; and builds capacity to strengthen MARA. The Working Group aims to advise and make recommendations to the SRSG/HOM on high-level actions and advocacy. The MARA Working Group generally convenes on a monthly basis. When necessary, the Working Group may recommend that the SRSG convenes Heads of the United Nations entities on issues which have policy implications in a Strategic Working Group session.

#### **The MARA Strategic Working Group on CRSV in MINUSMA**

In MINUSMA, the MARA Strategic Working Group at the senior leadership level is chaired by the Deputy SRSG and convenes whenever policy issues need to be addressed and documents need to be endorsed by the Mission leadership, such as annual reports, internal guidance documents, and SOPs.

#### **(ii) The Joint Consultation Forum on Conflict-Related Sexual Violence**

The Joint Consultation Forum gathers a wide range of actors to enhance and diversify data collection and analysis. It consists of a broad-based consultation between various actors addressing CRSV, including relevant national institutions, humanitarian actors, and NGOs. It reviews and discusses available information and analysis on CRSV, including the outcome of strategies and activities carried out to address CRSV. Membership of the Joint Consultation Forum should be determined by the MARA Working Group.

To avoid duplication, the Forum should build on existing arrangements for coordination on GBV in humanitarian settings, such as the Protection Cluster or GBV sub-Cluster, among others. Where possible and appropriate, the Forum may therefore be convened under the auspices of such existing arrangements.

<sup>102</sup> The Provisional Guidance Note on UNSCR 1960 (2011) notes that the establishment of country-level arrangements will require a phased and pragmatic approach that is flexible and based on country specific circumstances. For further information, see Section VI, 6 of the Provisional Guidance Note. Accessible at: <https://www.refworld.org/pdfid/4e23ed5d2.pdf>, provisional

## The MARA architecture

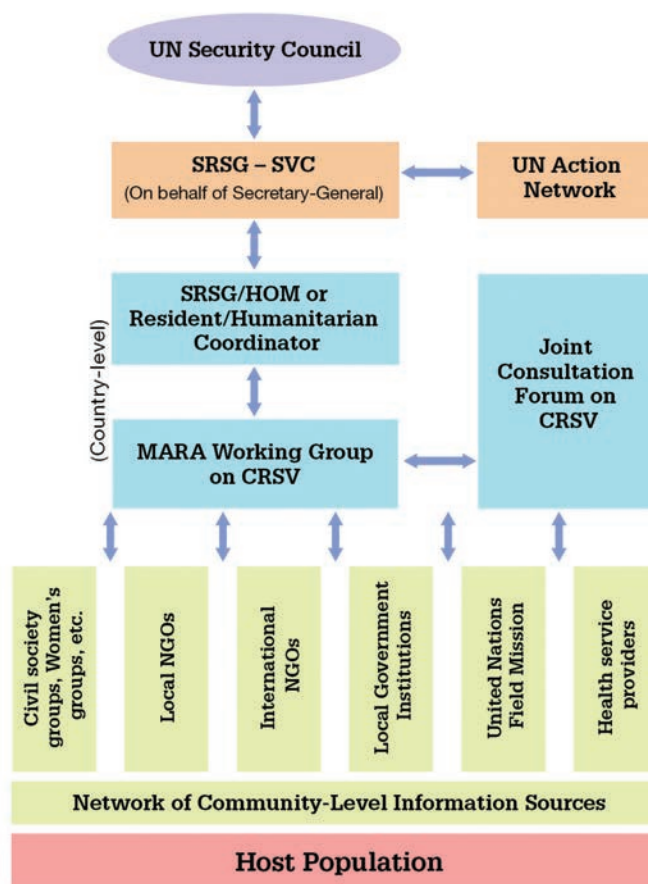


Illustration adapted from the Provisional Guidance Note on the Implementation of UNSCR 1960.<sup>103</sup>

### 3.2. MEMBERSHIP OF THE MARA WORKING GROUP

The SRSG and SWPA, in consultation with the UNCT, determine which United Nations entities should make up the MARA Working Group at the country-level. Membership should be based on expertise and capacity in GBV programming; monitoring, verification and reporting of human rights violations; gender analysis; and other security/protection expertise.

Membership of the Working Group is context- and Mission-specific and limited to a select group of United Nations entities and Mission components given the highly sensitive nature of information and possible security implications for operational entities, particularly as it relates to the identification of alleged perpetrators and parties to conflict.<sup>104</sup>

<sup>103</sup> Provisional Guidance Note on the Implementation of Security Council Resolution 1960 (2010) On Women, Peace and Security (Conflict-Related Sexual Violence) of the OSRSG-SVC and UN Action (2011).

<sup>104</sup> In some cases, neutral international organizations such as the ICRC attend the Working Group as observers. Humanitarian actors may be exempted from involvement in all aspects of the Working Group's work, mainly those related to the naming of alleged perpetrators and parties to the conflict. Nonetheless, all activities undertaken by the Working Group should be consistent with the humanitarian principles. Humanitarian principles are a set of principles that governs the way humanitarian response is carried out. The four guiding principles are Humanity, Neutrality, Impartiality, and Independence.



A WPA conducts a monitoring mission in a local hospital and shares information on referral mechanisms for CRSV cases in Kasai province, DRC.

UNJHRO/Kananga

Substantive sections of the civilian component of United Nations Field Missions should participate in the MARA Working group, as appropriate, and be represented by their CRSV focal point and/or section chief. The military component should also participate in the MARA Working Group, represented by the Force Headquarters MGPA, Chief U2, and/or any other designated CRSV focal point.<sup>105</sup> The police component should be represented by the UNPOL Gender Advisor and/or other designated CRSV focal point.

### The MARA Working Group in CAR

Since 2015, MINUSCA, UNHCR, UNFPA, WHO, and UNICEF participate in the MARA Working Group, which convenes in the capital, Bangui, on a monthly basis. Several components and entities from MINUSCA participate, including: S/WPAs and other Units of the Human Rights component, JCS, Civil Affairs, SSR, DDR, CPAs, JMAC, and Political Affairs, as well as the Force and UNPOL. MINUSCA field offices are invited to participate in the monthly meetings through videoconference. The invitation is extended to United Nations agencies present in 11 field locations. In Bangui, membership was gradually extended further to include OCHA, IOM, and ICRC, the latter participating as an observer. This geographical expansion and inclusiveness significantly contributed to joint analysis of trends and patterns across the country.

The MARA Working Group meetings are used, especially by United Nations agencies in the field, to communicate new ideas and report on their mandate-specific activities on the ground. Field personnel, especially those in isolated areas appreciate the opportunity to directly communicate with neighbouring areas or the capital. The MARA Working Group has contributed to the strengthening of partnerships and increased trust between MINUSCA and the UNCT members. The close partnership with OCHA strengthened information flows on CRSV monitoring in the regions. Humanitarian statistics are now compared with patterns of CRSV recorded by MINUSCA to identify hotspots.

Furthermore, the SWPA is invited to periodically attend the UNCT Coordination Meeting to brief Heads of agencies about the progress of the MARA Working Group and to encourage their continuous commitment.

<sup>105</sup> United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para. 46.



### 3.3. DEFINING TASKS OF THE MARA WORKING GROUP

Under the overall guidance of the SWPA, the MARA Working Group should prepare Terms of Reference (TORs) to guide its work and outline the specific roles and responsibilities for each member. The TORs should be tailored to the specific country context and endorsed by the SRSG/HOM. To illustrate this, TORs for the MARA Working Groups in DRC and Iraq have been included in Annex 5 of this Handbook.



#### Examples of Generic Tasks of the MARA Working Group

- Monitoring and verification of incidents of sexual violence by drawing on a network of information sources;
- Analyse data, trends, and patterns of CRSV;
- Share information on trends and patterns of CRSV and possible gaps of services to inform provision of GBV services;
- Undertake joint assessment missions within the Mission area to verify incidents of CRSV and to assess the prevalence of early-warning indicators on the likelihood of CRSV;
- Coordinate efforts to gather information with other United Nations monitoring mechanisms such as the MRM or special investigations;
- Design protocols on sharing information, secure data management, and data storage;
- Provide advice on advocacy and actions addressing CRSV to the SRSG of the United Nations Field Mission, national authorities, relevant government officials, as well as Clusters, other working groups, etc.;
- Contribute to the development of strategies and implementation of Joint Communiqués on Prevention and Response to CRSV between United Nations Field Mission and parties to the conflict;
- Contribute to the drafting of reports, including the Secretary-General's Annual Report on Sexual Violence in Conflict;
- Consult with designated CRSV high-level government focal points, relevant government institutions, the UNCT, and other relevant working groups on issues of concern; and
- Raise awareness on the MARA Working Group within the broader humanitarian community and other relevant stakeholders.

## SECTION 4: MONITORING AND INFORMATION GATHERING ON CONFLICT-RELATED SEXUAL VIOLENCE

### 4.1. WHAT SHOULD BE MONITORED: CONCEPTUAL FRAMEWORK OF CONFLICT-RELATED SEXUAL VIOLENCE

CRSV refers to incidents or patterns of rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls, or boys. To be considered an act of CRSV, there should be a direct or indirect nexus with the conflict or situation of concern. Sexual violence does not need to be explicitly orchestrated for military gain (as a tactic of war) to be considered as relevant to the CRSV mandate. Situations of political instability or other preoccupying situations should also be taken into consideration even if they do not reach the threshold of an armed conflict (See Chapter One).<sup>106</sup>

<sup>106</sup> For additional information about links to the conflict, see “Chapter One: Background Knowledge – Conceptual Foundation and the Evolution of the Conflict-Related Sexual Violence Mandate” of this Handbook.

CRSV rarely occurs in isolation and is often part of a pattern of violence. There is a high probability of it occurring when other acts of violence such as killings, child recruitment into armed groups, looting, or destruction of property are also taking place. Gathering contextual information on the circumstances in which incidents of sexual violence occurred — for example, spikes in inter-communal violence, violations to cease fire agreements, increased incidents of violence in detention centres controlled by armed groups — is critical for S/WPAs and the MARA Working Group to be able to establish the links to the conflict.

Monitoring on CRSV includes incidents and patterns committed by all parties to the conflict, not only those who are listed in the Annex of the Secretary-General's Annual Report on Sexual Violence in Conflict (see Section 6 of this Chapter). These parties may include State actors, armed groups, terrorist groups, and other non-State armed groups involved in conflict.

Depending on the specific context and conflict dynamics of each Field Mission setting, the geographical scope of the MARA may need to be particularly focused on specific locations that are affected by conflict or situations of concern.

### Geographical scope for the MARA in DRC

In DRC, the MARA Working Group has defined a specific geographical scope for the monitoring, analysis, and reporting of CRSV incidents and patterns. The geographical scope specifically covers the provinces affected by armed conflict and other areas of possible concern, including Ituri, Maniema, North Kivu, and South Kivu. The list of conflict-affected provinces is reviewed periodically by the MARA Working Group, based on analysis of past trends and patterns of CRSV.

## 4.2. ROLES AND RESPONSIBILITIES FOR THE COLLECTION AND SHARING OF INFORMATION

All components of United Nations Field Missions contribute to monitoring and reporting on CRSV within the limits of their respective roles and responsibilities. Field Missions have multiple and complementary information collection mechanisms and, under the leadership of the SWPA, should be strategic in making use of this wealth of information for reporting CRSV while ensuring the safety of victims/survivors and sources. Field Mission personnel should seek guidance and support from the S/WPAs when confronted with a CRSV incident, particularly on the protection of victims/survivors and witnesses. Interviews with victims/survivors should be carried out by personnel with specialized expertise, namely WPAs, CRSV focal points in Human Rights components and CPAs.

Sources of CRSV information include the victims/survivors and witnesses, as well as other cooperating persons such as civil society, community leaders, journalists, local NGOs, host authorities, the UNCT, and service providers. Information on CRSV may be directly reported to United Nations Field Missions or be collected through active information collection activities, fact-finding, and investigation activities by the Human Rights component.



Silvestre

The Joint Human Rights Office leads a human rights investigation in collaboration with the police and military components of MONUSCO in Yumbi, Mai-Ndombe province of the DRC.

#### 4.2.1. Standard Collection and Sharing of Information

The table below lists information that all Mission personnel should collect when encountering CRSV information in their work. This information must be shared in a timely manner with the nearest WPA or CRSV focal point in the Human Rights component. In case of CRSV incidents involving children, information should also be shared with CPAs.<sup>107</sup> For military and police components, such information sharing should be done with the same sense of urgency as reporting to their chains of command. Immediate sharing of information is crucial to enable timely and adequate verification and follow-up of incidents, including through the referral systems.<sup>108</sup>

Specific guidance on monitoring CRSV for Human Rights components personnel is available in Annex 6 of this Handbook.

### Collecting Information on CRSV: Do and Do Not



#### DO Collect

**Only if informed consent was granted**

**WHEN:** Date of the incident.

**WHO:** Profile of victims/survivors (sex, age, number).

**WHO:** Profile of perpetrators (civilians, armed groups, State forces).

**WHERE:** Area of the incident (territory and village, if possible).

**WHAT:** Description of what has happened.

**HOW:** Place (house, bush, market, etc.) and time (day, night, etc.) of the incident, or any specific circumstance (attack on civilian, as part of other violations, etc).

**RESPONSE:** Assistance already provided to the victims/survivors, and presence of multi-sectoral services of assistance (health structures, NGOs, police, etc.) Specific needs victims/survivors may have.

**SOURCE of information:** contact details for further follow-up



#### DO NOT Collect\*

- Name of the victim/survivor(s).
- Address of the victim/survivor(s).
- Photographs of the victim/survivor(s).
- Documents of local health structures.
- Name of the aggressor.
- Name of your sources if informed consent was not granted.
- Data that may be linked back to an individual or group of individuals.

\*This is highly sensitive/confidential information as it can identify the victim/survivor and/or witnesses. If, you happen to have this information, then **ONLY** share it with the WPA or CRSV focal point in the Human Rights component in order to protect victims/survivors and prevent breaches of confidentiality.

107 In some United Nations Field Missions, CPAs may be consolidated into Human Rights. Information should be shared accordingly.

108 For further details on responses, see “Chapter Four: The Survivor-Centred Approach and Referral Pathways” and “Chapter Five: Conflict-Related Sexual Violence Advising and Mainstreaming” of this Handbook.

## 4.2.2. Role of the Civilian Component in the Collection and Sharing of Information

In the context of the MARA, Human Rights components of United Nations Field Missions play a leading role in monitoring, investigating, and reporting on CRSV. The S/WPAs and CRSV focal points in Human Rights components are dedicated personnel trained on prevention and response to CRSV.<sup>109</sup> In the case of CRSV against children, Human Rights Officers and CPAs work in close coordination, such as by conducting joint monitoring and investigation missions.

The SWPA chairs the MARA Working Group and ensures coordination on monitoring and reporting on CRSV in Field Missions. This includes establishing standard procedures for sharing CRSV alerts and reporting to the Security Council in the context of MARA. The S/WPAs should provide training to civilian, military, and police components on monitoring and reporting of CRSV, including on guiding principles and information sharing processes. Training should also be provided to all staff with monitoring tasks, including CPAs, Civil Affairs staff (including Community Liaison Assistants), DDR focal points, Military Observers, Force focal points, UNPOL focal points, etc.

Civilian sections gathering information as part of their roles and responsibilities may come across alerts and information on CRSV in their work. As described above, all personnel must collect essential case information and share it with WPAs and CPAs, where applicable.

Lastly, S/WPAs should share alerts and trends on CRSV with the Force MGPA/CRSV focal points, Force U2 Staff, and UNPOL Gender Advisor/CRSV focal points to address security concerns and early warning response. Sensitive information that may lead to the identification of victims/survivors, witnesses, and other sources of information should be filtered out when sharing these alerts.

### Population perceptions on CRSV in MONUSCO and MINUSCA

Since 2013, the Civil Affairs section of MONUSCO has worked with UNDP and the Harvard Humanitarian Initiative to carry out regular population-based surveys on perceptions and attitudes about peace, governance, security, and justice in conflict-affected provinces of Eastern DRC. The surveys contain several questions about sexual violence that are useful for qualitative analysis on CRSV. The results of these perception polls are regularly shared by Civil Affairs with members of the MARA Working Group.<sup>110</sup>

A similar population-based survey on attitudes about accountability and social reconstruction has been conducted by the Harvard Humanitarian Initiative with the support of MINUSCA in CAR.

## 4.2.3. Role of Military and Police Components in the Collection and Sharing of Information

As the largest components in United Nations Peacekeeping Operations, military and police components are often the first alerted about incidences of CRSV and the first to encounter CRSV victims/survivors. Information related to CRSV should be immediately reported up the respective chains of command and shared with the military and police CRSV focal points<sup>111</sup> at the Sector and Headquarters levels, in addition to the nearest WPA or CRSV focal point in the Human Rights component. The essential information requirements on CRSV should be included in reporting formats used at the Sector, Battalion, and Company levels, as well as by Military Observers.

<sup>109</sup> Monitoring and verification of human rights violations should be done by trained Human Rights Officers or WPAs. According to Human Rights components' methodology, allegations of CRSV are verified and corroborated with independent and credible sources. Cases are entered in the confidential OHCHR Human Rights Database. The monitoring and investigation methodology of Human Rights components is derived from the OHCHR Manual on Human Rights Monitoring and available at: <https://www.ohchr.org/Documents/Publications/OHCHRIntro-12pp.pdf>. The standard of evidence to verify and establish violations is "reasonable grounds to believe". For the standard of evidence specific to sexual violence cases, please refer to OHCHR Guidance Note on Integrating a Gender Perspective into Human Rights Investigations. Available at: [https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective\\_EN.pdf](https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf)

<sup>110</sup> Polls are available at <http://www.peacebuildingdata.org/interactivemaps/drc-polls#/?series=Latest>

<sup>111</sup> Military Gender and Protection Advisors/Focal Points and UNPOL Gender Advisors/Focal Points, as explained in "Chapter Five: Conflict-Related Sexual Violence Advising and Mainstreaming".



UN Photo/Dormino

A UNPOL officer engages with residents of Menaka, Mali, and collects information on the security situation during a patrol.

Force infantry patrols should gather information on early-warning indicators in the course of their daily activities. The military component should also deploy Engagement Platoons that have specific information gathering tasks and skills (See Chapter Five Section 2).

UNPOL should gather information on SGBV/CRSV related crimes during colocation with local security forces and while patrolling; CRSV should be prioritized in information collection plans. When appropriate, UNPOL should support and provide expertise in the investigations of CRSV led by Human Rights components.

The Force and UNPOL CRSV focal points should monitor daily, weekly, and monthly military and police information as well as situation reports to identify patterns of sexual violence, activities of perpetrators, and early warning indicators of CRSV (See Section 5 of this Chapter on Analysis of CRSV).

Based on the information gathered, the Force CRSV focal points and U2 staff and UNPOL CRSV focal points should map incidents and hotspots and carry out periodic assessments on specific threats to, and vulnerabilities of, women, girls, men, and boys, in coordination with the S/WPAs. The UNPOL CRSV focal points are responsible for conducting further research and analyses on gender-based crimes, including CRSV.

The military and police components have a responsibility to share information with all stakeholders within the Mission to prevent and respond to CRSV.<sup>112</sup> The Force U2, U3, and U5 branches and UNPOL CRSV focal points at Headquarters and Sector levels should plan and coordinate responses to CRSV with S/WPAs.

112 United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para. 44.

## SECTION 5: ANALYSING TRENDS AND PATTERNS OF CONFLICT-RELATED SEXUAL VIOLENCE

### 5.1. DEFINING TRENDS AND PATTERNS

Establishing trends and patterns on CRSV improves prevention and response efforts by United Nations Field Missions and the United Nations Security Council. It is the role of the MARA Working Group to analyse information on CRSV and use these analyses to make specific recommendations. Depending on each Mission context, the amount and type of information gathered by the MARA may range from few to many, and, insignificant to significant findings.

**Trend:** Direction in which CRSV is evolving.

Example from a quarterly report, MINUSCA: *“From January to March, 60 incidents of CRSV were recorded in the country, which is an increase of 58% compared to the number of incidents reported in the last quarter.”*

Example from a quarterly report, UNMISS: *“Despite an overall decrease in political violence in most parts of the country, the reporting period was marked by the continued use of CRSV by the parties to the conflict as well as community-based militias. The highest number of cases was recorded in Central Equatoria, where military operations between the South Sudan Government and non-signatory opposition armed groups continued.”*

**Pattern:** Modality in which CRSV happens, involving quantitative elements, repetition, sequencing over time and/or space. A “pattern” denotes a “methodical plan”, “a system”, and a collectivity of victims.

Example from a quarterly report, MONUSCO: *“In North Kivu, 15% of cases were perpetrated by State actors, mostly soldiers from the national army, and 85% by armed groups. Most incidents occurred in Masisi, Nyaragongo and Rutshuru territories where clashes between armed groups have been accompanied by attacks against civilians and serious human rights abuses, including rape and gang rape. Women and girls were frequently attacked while working in the fields or in the bush”.*

### 5.2. ANALYSING INFORMATION TO IDENTIFY TRENDS AND PATTERNS

The MARA Working Group must consider the wealth of information which its members contribute to identify the trends and patterns of CRSV in the country situation of their responsibility. Despite differences in methodologies, different sources of information should be considered as complementary for the analysis of the situation. For instance, while Human Rights components may provide information about verified incidents of CRSV, health or humanitarian actors may provide statistics about access to services for victims/survivors.<sup>113</sup> JMAC may provide analysis of broader political processes and conflict dynamics to contextualize available CRSV data.

Analysis may cover various aspects related to CRSV, including trends over time and space, links with the conflict, response to victims/survivors, and broader contextual factors contributing to CRSV.



#### Key questions when analysing CRSV information

##### To identify trends and patterns:

- Profile of victims/survivors: what are the common characteristics regarding who they are and why they are targeted?
- Incidents of sexual violence:
  - ▶ Have there been increases/decreases in the number of verified incidents of CRSV compared to the previous reporting period? What could be the reasons?

<sup>113</sup> For further information, see Section 7 of this Chapter on the intersection between the MARA and the Gender-Based Violence Information Management System.



## Key questions when analysing CRSV information *(continued)*

- ▶ What types of CRSV are committed?
- ▶ Has any particular type of sexual violence increased/decreased in comparison to the previous reporting period? Why?
- ▶ In which geographic areas is CRSV committed? Are there new areas where it has been committed? What could be the reasons?
- ▶ Is there a particular context in which CRSV is perpetrated (such as detention, displacement, political repression)?
- ▶ Is there a common feature in the way CRSV is perpetrated (such as a mode of attack, a particular time of attack)? Has there been a repetition of similar events and escalation in their seriousness?
- Profile of perpetrators:
  - ▶ What are the common features in who they are and how they operate?
  - ▶ What are the factors triggering their behaviour? Are they driven by ethnic, religious, ideological, or other specific motives?
  - ▶ Are there signs that perpetrators may be following a plan?
  - ▶ How is the command and control of the armed group and/or armed forces involved (e.g., have they ordered the attacks; do they have knowledge of them; do they have or not have de facto control over combatants under their responsibility)?

### To assess responses:

- Multi-sectoral care:
  - ▶ What type of support or services are available for victims/survivors of SGBV, including CRSV?
  - ▶ What are the gaps in service delivery?
  - ▶ Are there particular barriers for victims/survivors accessing care (including geographic location, security concerns, lack of transportation, cost to access services, concern of stigmatization, etc.)?
- Accountability, justice, and reparations:
  - ▶ Have the parties to the conflict already taken any protective or preventative measures to address the identified incident or pattern of CRSV?
  - ▶ Have investigation and/or prosecution been carried out?
  - ▶ What are the national and local legal frameworks and policies related to sexual-violence crimes?
  - ▶ Have individual or collective reparations been awarded to victims/survivors of CRSV?

### To consider contextual factors that contribute to CRSV:

- What are the relevant cultural, historical, political, and socio-economic factors that contribute to CRSV?
- What are the root causes of violations, including the motivation of perpetrators?
- Are there other forms of gender-based discriminations and GBV happening in the country? Are there links with the identified incident or pattern of CRSV?
- Were there pre-existing forms for GBV in the country before the conflict? If so, have they been exacerbated?

### 5.3. EARLY-WARNING INDICATORS OF CONFLICT-RELATED SEXUAL VIOLENCE

Analysis of CRSV trends and patterns must be integrated into existing and emerging early warning and prevention and response systems of United Nations Field Missions and UNCTs. Such analysis should inform both operational responses and strategic decision-making to protect civilians.

UN Action has developed a framework of Early-Warning Indicators of CRSV to support field staff in identifying CRSV threats and reacting appropriately.<sup>114</sup> Indicators aid the overall reading of the environment and identify signals of potential, impending, or ongoing CRSV. They also help to identify possible response options.

The indicators are structured around six pillars, namely: military/security, social/humanitarian, political/legal, economic, media-related, and health. Some of the actions listed are preventive measures to be undertaken, regardless of whether early-warning signs are observed, to reduce vulnerability. These indicators must be adapted to each Mission setting under the coordination of the S/WPAs and Senior/POC Advisors. The S/WPAs are encouraged to develop additional tools to analyse CRSV trends.

#### Early Warning and Prevention Efforts by MONUSCO

In MONUSCO, the SWPA supports Mission components in ensuring there is systematic attention to CRSV in their POC work, which includes the integration of CRSV into Mission POC tools and the provision of training on reporting and early-warning indicators.

Early-warning indicators — collected through the network of WPAs and CRSV focal points — are promptly shared with the Force, the POC Advisor, the Protection Cluster, and the GBV sub-Cluster and systematically discussed during monthly MARA Working Group meetings. These indicators have triggered Force deployments, including assessment missions in South Kivu and the delivery of PEP kits in Haut-Uélé province, among other actions.

There is ongoing collaboration between the SWPA and the MGPA at Force Headquarters. The MGPA has, notably, worked with the SWPA to develop CRSV early-warning indicators and a POC booklet for the military component, which includes guidance on what peacekeepers should do to prevent and address CRSV. In addition, new training materials and “pocket cards” were developed, including a pocket card on CRSV monitoring principles.

S/WPAs share concrete operational recommendations in meetings with the Force regarding several aspects of combatting CRSV, including: methods of safe and dignified engagement with women and local communities, using sex-disaggregated data and gender analysis in intelligence assessments, deployment of female combat troops and female peacekeepers in foot patrols, and planning patrols at times and locations when and where women and girls are most at risk.

## SECTION 6: REPORTING ON CONFLICT-RELATED SEXUAL VIOLENCE

### 6.1. RESPONSIBILITIES FOR REPORTING ON CONFLICT-RELATED SEXUAL VIOLENCE

Timely, accurate, and detailed reporting is essential to provide a clear picture to United Nations Field Mission leadership and to generate pertinent recommendations for comprehensive responses by the Mission and the United Nations system.

114 United Nations Action – Matrix: Early-Warning Indicators of Conflict-Related Sexual Violence (2009). Available at: [https://peacemaker.un.org/sites/peacemaker.un.org/files/MatrixEarlyWarningIndicatorsCSV\\_UNAction2011.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/MatrixEarlyWarningIndicatorsCSV_UNAction2011.pdf)



The MARA Working Group is responsible to periodically report to the SRSG-SVC on the basis of information from the MARA (see following section). These reports are transmitted by the SRSG of the United Nations Field Mission through the established reporting channels.

To ensure harmonized and coherent reporting on CRSV by Field Missions and the MARA Working Group, all internal reports on CRSV in missions must be channelled through the SWPA, who fulfils reporting obligations on CRSV and coordinates the MARA.

S/WPAs have the lead in establishing statistics on verified incidents of CRSV, compiling information, and preparing reports on CRSV.<sup>115</sup> The SWPA leads the elaboration of reports of the MARA Working Group through a consultation process with Working Group members. Preparation of statistics and reporting information on CRSV against children is done in coordination with the Monitoring and Reporting Mechanism (MRM), as described below.

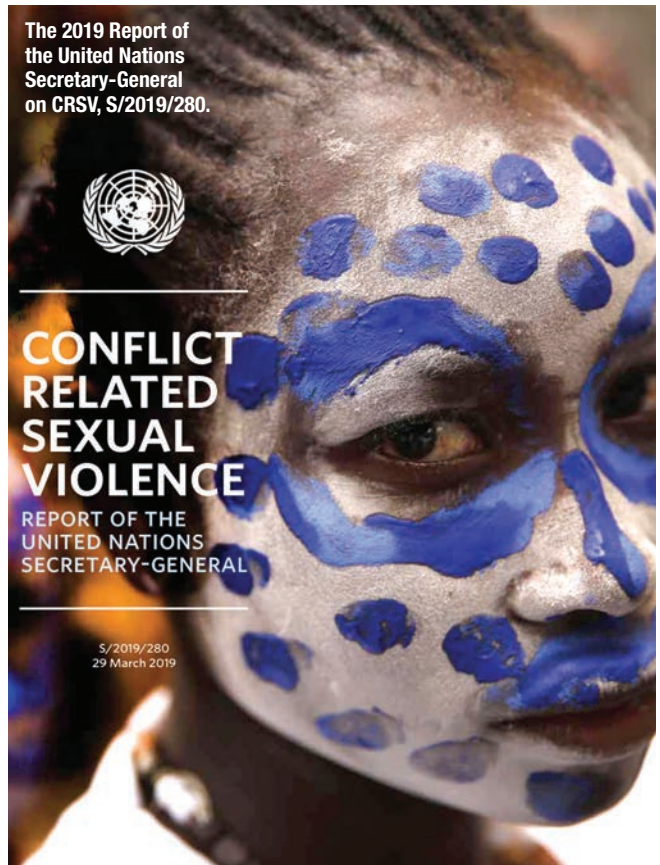
The MARA Working Group also prepares key recommendations for the host State and parties to conflict regarding prevention and responding to CRSV, and if applicable, regarding the progress in the implementation of their commitments.

Lastly, upon request, United Nations Field Missions may share information on CRSV with the United Nations Security Council Sanctions Committee. This information must be detailed enough to identify perpetrators and establish their respective levels of responsibility. United Nations Sanctions Committees can decide to apply targeted and graduated State-specific sanctions regimes against those who perpetrate and direct CRSV.

## **6.2. GENERAL RECOMMENDATIONS FOR REPORTING ON CONFLICT-RELATED SEXUAL VIOLENCE**

In the preparation of inputs for reporting, it is important to refer to previous reports, including what specific recommendations have been successfully implemented. Analysis should reflect on changes and developments from the previous reports and build on the recommendations issued by the MARA Working Group.

Reports on CRSV should never contain information that could identify specific sources and victims/survivors. Civilian, military and police components should use gender-sensitive language and age and sex disaggregated data when reporting. Using gender-sensitive language helps to avoid a style of writing that “erases” women and avoid phrases that reaffirm and perpetuate harmful gender stereotypes.<sup>116</sup>



<sup>115</sup> Reports on CRSV should make use of information and analysis reported by the various information sources in the Field Mission and from MARA Working Group members.

<sup>116</sup> OHCHR guidance on Integrating a Gender Perspective in Human Rights Investigation, p.52. Available at: [https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective\\_EN.pdf](https://www.ohchr.org/Documents/Publications/IntegratingGenderPerspective_EN.pdf)

## Good practice: Tips when reporting on CRSV

### Style:

- Keep in mind the audience and possible use of report.
- Adopt a precise, factual, and accessible style.
- Use objective and gender-sensitive language.<sup>117</sup>
- Include disaggregated data (age, sex, ethnicity, geographical area, etc.).
- Reference information, particularly when including numbers, by specifying the type of source.

### Content:

- Only report relevant and useful information.
- Include precise information on dates and locations of incidents without disclosing details that could identify victims or sources.
- Illustrate analysis trends and patterns with specific examples of incidents.
- Specify which type of acts of CRSV have been committed.
- Include information on the circumstances in which violations are committed.
- Clearly identify the perpetrators (mainly groups) and who has command responsibility of the perpetrators.
- Explain the types of victims/survivors targeted and the underlying reasons (i.e., isolation, remote location, etc.).
- Specify what may be the triggering factors and motivations of perpetrators for committing CRSV.
- Include information on the consequences of CRSV to victims/survivors.
- Describe the responses to CRSV to prevent, protect, and ensure accountability.

## 6.3. PERIODIC REPORTS ON CRSV

United Nations Field Missions, through the MARA Working Groups, are responsible for the following periodic reporting:

**Annual inputs:** United Nations Field Missions provide inputs for the Secretary-General's Annual Report on Sexual Violence in Conflict, which serves as the primary vehicle for transmission of information on CRSV to the Security Council. Requests for these inputs are sent annually to Field Missions in the form of a code cable and accompanied by a list of analytical questions. These inputs usually include an overview of the situation, comprising the major/indicative incidents during the reporting period; the parties to the conflict; analysis of trends and patterns of reported/documented cases; the status of dialogue and implementation of commitments by parties to conflict; the actions carried out by parties to conflict, and by the government or United Nations entities during the reporting period including efforts to address impunity; and recommendations. The MARA Working Group also makes recommendations of parties that should be listed, or de-listed, in the Annex of the Secretary-General's Annual Report.<sup>118</sup>

117 For more information see the United Nations Guidelines for Gender-Inclusive Language, available at: <https://www.un.org/en/gender-inclusive-language/guidelines.shtml>

118 UNSCR 1960 requests the Secretary-General to list 'parties credibly suspected of patterns of sexual violence'. For listing purposes, isolated offences should be distinguished from those forming part of a pattern, understood in international law and practice as a methodical plan or system that implicates a collectivity of victims/survivors. The aim of this threshold is to prevent a single, isolated incident of sexual violence from giving rise to listing.

**Bi-annual review on CRSV:** The bi-annual review on CRSV provides an overview of significant incidents; analysis of CRSV trends and patterns by various parties to conflict; the status of dialogue and implementation of commitments; the actions carried out by parties to conflict, and government or United Nations entities during the reporting period including efforts to address impunity; and recommendations.

**Quarterly activity-based reports:** S/WPAs in peacekeeping missions produce a quarterly report on the Missions' efforts to prevent and respond to CRSV, as well as an overview of the country situation, in consultation with all Mission components.

**Circumstantial, thematic, or Mission-specific reporting:** Inputs on CRSV are provided for other reports of the Secretary-General to the Security Council as needed, such as for the Annual Report of the Secretary-General on Children and Armed Conflict and the Annual Report of the Secretary-General on Protection of Civilians.

In addition to these reports, other reports and information on relevant sexual-violence incidents or threats should continue to be brought to the attention of the Mission leadership and the SRSG-SVC as part of the ongoing monitoring and reporting of United Nations Field Missions. For instance, information on CRSV threats/incidents should be included in daily and weekly situation reports, public human rights reports, special investigations reports, thematic reports, where relevant, as well as reports to the United Nations Human Rights Council.

#### **6.4. COORDINATION BETWEEN MRM AND MARA**

In Mission settings where both MARA and MRM frameworks are operational, close coordination is essential to avoid duplication of work and gaps in information gathering, reporting, and engagement with parties to conflict. To facilitate information exchange and coordinated action, CPAs, UNICEF Child Protection Officers, and other relevant actors should participate in the MARA Working Group. Similarly, S/WPAs should participate in the MRM consultations. The SRSG and Heads of United Nations system entities should ensure a coherent and coordinated approach of the work of the United Nations system on CRSV at the country level.

##### **Collaboration between MRM and MARA in DRC**

In DRC, the Child Protection section of MONUSCO coordinates the Monitoring and Reporting Mechanism (MRM), co-led by UNICEF. The section often reports on cases of CRSV against children. S/WPAs developed specific working methods to harmonize reporting and bridge the gaps between MARA and MRM methodologies.

At the field office level, WPAs and CPAs are encouraged to share information on allegations of sexual violence against children daily, and to conduct monitoring, analysis, and follow-up jointly (including referrals to care services). They also meet on a monthly basis to compare cases and identify gaps and harmonize reporting.

At the headquarters level of MONUSCO, monthly and annual harmonization exercises are carried out between WPAs and CPAs to prevent both the duplication of reporting and underreporting. In addition, both CPAs and UNICEF focal points are MARA Working Group members in order to ensure sharing of information and analysis, and the mainstreaming of CRSV prevention and response in their respective activities and conduct of joint activities.

## SECTION 7: INTERSECTION BETWEEN THE MARA AND THE GENDER-BASED VIOLENCE INFORMATION MANAGEMENT SYSTEM

The Gender-Based Violence Information Management System (GBVIMS) is an inter-agency partnership between the United Nations Population Fund (UNFPA), the International Rescue Committee (IRC), and the United Nations High Commissioner for Refugees (UNHCR). The work of the GBVIMS is conducted in consultation with the Inter-Agency Standing Committee sub-Working Group on Gender and Humanitarian Action and the GBV Area of Responsibility Working Group of the Protection Cluster.

The GBVIMS was created to harmonize data collection by GBV service providers in humanitarian settings. It consists of a simple system for GBV service providers to collect, store, and analyse their data, and to enable the safe and ethical sharing of reported GBV incident data. The intention of the GBVIMS is both to assist service providers to better understand the GBV cases to enable actors to share data internally across project sites and, externally with diverse agencies to facilitate broader trends analysis and improve GBV coordination.

The GBVIMS cases are non-identifiable and as such cannot support documentation for the purpose of investigation and prosecution. Moreover, statistics produced by the GBVIMS cannot be used to assess the prevalence of GBV in a geographic location, or to compare one location against another, as GBVIMS data is solely gathered from locations where services providers operate.

Although they are separate and distinct systems, GBVIMS can be a source of information for MARA purposes. A Provisional Guidance Note explains the intersections between the MARA and the GBVIMS, including guiding principles and recommendations on if, how, and when they can be complementary to each other.<sup>119</sup>

The GBVIMS also includes an Information Sharing Protocol (ISP) based on the survivor-centred approach and tailored to each individual context where the GBVIMS is implemented. The ISP provides some ground rules and guiding principles on procedures for sharing non-identifiable data on reported cases of GBV. Any data sharing that takes place between the GBVIMS and the MARA should respect this ISP.



### Which data points from the GBVIMS are relevant for MARA purposes?

GBVIMS data points that are relevant for data sharing include:

- Incident type;
- Survivor age;
- Survivor sex;
- Date of incident;
- Alleged perpetrator occupation (armed forces/armed group);
- Location of the incident;
- Displacement status of the survivor; and
- Referral information.

<sup>119</sup> For more information, see the United Nations – Provisional Guidance Note: Intersections between the Monitoring, Analysis, and Reporting Arrangement (MARA) and the Gender-Based Violence Information Management System (GBVIMS) (2015). Available at: <http://www.gbvims.com/wp/wp-content/uploads/Provisional-Guidance-Note-on-Intersections-Between-GBVIMS-MARA.pdf>. It is important to note that the GBVIMS and MARA complement each other: MARA requires certain data and information that GBV services providers do not collect using GBVIMS. Information collected through the GBVIMS can only be shared with the explicit consent of the survivor, and this information is non-identifiable.

## CASE STUDY

### MARA and GBV Sub-Cluster Coordination

#### A collaborative approach to improve CRSV/GBV reporting and programming Mali

##### Background

In Mali, parties to conflict use rape and other forms of sexual violence to humiliate, intimidate, and control the civilian population. Despite available information regarding attacks on the population, CRSV remains largely underreported due to high levels of insecurity, limited humanitarian access combined with scarcity of GBV/CRSV services. Underreporting is also linked to the scarce prosecution of cases. The strong social pressure, fear of stigma, and reprisal of victims/survivors perpetuate underreporting and function as additional barriers to establishing CRSV trends in the country and for the provision of GBV services and protection responses for victims/survivors.

##### A Strategy to Overcome Underreporting

Under the leadership of the SWPA, the MARA Working Group and GBV sub-Cluster have enhanced their collaboration to overcome these challenges and strengthen monitoring, analysing, reporting, and responses to GBV and CRSV in Mali.

##### Two Methodologies, One Common Objective

The MARA Technical Working Group regularly convenes relevant sections from MINUSMA and the UNCT to analyse and report on trends and patterns of CRSV by parties to the conflict in the country. Information management on CRSV cases is coordinated by the Office of the S/WPAs in the Human Rights component, who also lead the Technical Working Group.

Led by UNFPA, the GBV sub-Cluster in Mali coordinates prevention and response interventions related to all cases of GBV. The GBV sub-Cluster counts on the participation of a broad range of actors, including government entities, service providers, local and international NGOs, and United Nations Agencies. The GBVIMS is used to record information by members of the sub-Cluster who collect data.

Despite their distinct methodologies, the leadership of the MARA Technical Working Group and GBV sub-Cluster took specific actions to leverage these methodological differences and mutually reinforce their capacities.



##### Steps to Strengthen Information Collection and Exchange

The SWPA negotiated with the GBV sub-Cluster to improve and expand GBV/CRSV data collection and harmonization. More than 30 member organizations of the GBVIMS who signed an information sharing protocol for GBV data in 2015, also signed an addendum for CRSV information in May 2017, including key United Nations protection agencies and GBV providers who have direct access to victims/survivors. The addendum defines what, when, and how information between the MARA Technical Working Group and the GBV sub-Cluster is shared.

*(continued)*

## Steps to Strengthen Information Collection and Exchange

*(continued)*

Members of the GBV sub-Cluster now use a separate and confidential information sheet to report monthly information on CRSV cases, with relevant details for the MARA. The information on CRSV is compiled by the GBVIMS Coordinator and subsequently shared with the S/WPAs and other members at a bi-monthly sub-Cluster meeting. This information is also shared at the MARA Working Group to contribute to establishing patterns and trends of CRSV.

Finally, WPAs are active participants in the GBV sub-Cluster and continuously share alerts and early warning information during meetings. Moreover, the GBV sub-Cluster serves as a Joint Consultative Forum on CRSV on a quarterly basis to discuss CRSV and the implementation of the Joint Communiqué signed by the Government of Mali.

## Key Outcome

Collaboration with the GBV sub-Cluster has had many positive results:

- The capacity of the MARA Working Group has been generally strengthened: the number of reported cases has increased, geographic information gaps have been bridged, and CRSV/GBV programming is more coordinated and efficient;
- Data and trends on GBV/CRSV have been reported more consistently across organizations in Mali, including in the Secretary-General's Annual Report on Sexual Violence in Conflict;
- National and international advocacy efforts to enhance CRSV/GBV responses are harmonized, hence more powerful and successful;
- Members have the opportunity to exchange with each other, fostering mutual capacity building, collaborative thinking, and a more comprehensive and holistic approach to GBV/CRSV in Mali.

## Key Elements of Success

1. The close working relationship between the S/WPAs and the GBV sub-Cluster led by UNFPA;
2. The commitment and dedication of members to the GBV sub-Cluster;
3. The creation of the post of the GBVIMS Coordinator dedicated to data collection and information sharing among sub-Cluster members and capacity building of its members;
4. An approach that leverages the expertise, strengths, and resources of individual members to provide a more efficient and holistic response to GBV and CRSV;
5. The organization of regular meetings to share and exchange information;
6. The institutionalization of information collection and information sharing through a protocol endorsed by the GBV sub-Cluster members.

# 8

## CHAPTER 8: Providing Physical Protection to Prevent and Respond to Conflict-Related Sexual Violence

### Reference documents:

- United Nations DPO/DPPA/OHCHR/SRSG-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- United Nations DPO – Policy on the Protection of Civilians in United Nations Peacekeeping (2019).
- United Nations DPO/DOS Policy on Authority, Command and Control in United Nations Peacekeeping Operations (2019).
- United Nations DPKO/DFS – Policy on Formed Police Units in United Nations Peacekeeping Operations (2016).
- United Nations Police – United Nations Police Gender Toolkit (2015).
- United Nations DPO – Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019).
- United Nations DPKO/DFS – Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations (2016).

*This chapter is intended for Peacekeeping Operations with police and military components. It presents the different risk levels and early-warning indicators related to CRSV and provides guidance on possible strategies and operations to prevent and respond to CRSV through physical protection, in line with POC guidelines.*

### GOALS

*To understand the strategies and operations related to physical protection to be carried out to prevent and respond to CRSV, and the required coordination between Peacekeeping Operation components.*

## SECTION 1: PHYSICAL PROTECTION AND COORDINATION TO ADDRESS CONFLICT-RELATED SEXUAL VIOLENCE

### 1.1. DEFINING PHYSICAL PROTECTION

United Nations Field Missions should constantly work to prevent, pre-empt, and respond to CRSV against civilians. Planning and execution of protection activities should be done based on a threat assessment, the Mission POC strategy, and Concept of Operations (CONOPS). According to their respective roles and responsibilities, the components of Peacekeeping Operations contribute jointly to the POC mandate, including the provision of physical protection (see Chapter Three for information on the POC mandate).<sup>120</sup>

**Physical protection** encompasses activities to physically protect civilians, whether through protective presence, interposition, the threat or use of force, or facilitating safe passage or refuge. Physical protection is provided by military and police components of peacekeeping Missions, in coordination with the civilian component.

Military and police components of United Nations Peacekeeping Operations have a leading and critical role in the provision of physical protection to prevent and respond to CRSV.<sup>121</sup> In many instances, military and police

<sup>120</sup> For further information on POC, please refer to the United Nations DPO Policy and Handbook on “The Protection of Civilians in United Nations Peacekeeping” (2019). The policy outlines the Three Tiers of POC Action, namely: Tier I: Protection through dialogue and engagement; Tier II: Provision of physical protection; Tier III: Establishment of a protective environment.

<sup>121</sup> United Nations DPKO/DFS “Protection of Civilians: Implementing Guidelines for Military Components of United Nations Peacekeeping Missions” (2015).

personnel may in fact be the only actors able to intervene to prevent CRSV or provide a first response to victims/survivors. Considering the leading role of the military and police components to provide physical protection, their cooperation and coordination is critical.<sup>122</sup> To complement physical protection provided by military and police components, the civilian component should play a key part in establishing a protective presence and environment through regular, visible, and direct engagement with local communities, civilians at risk, and parties to the conflict.

The military and police components in Peacekeeping Operations should proactively prevent incidents, deter perpetrators, protect civilians, and respond to potential, impending and ongoing CRSV threats through physical protection. The appropriate strategic approach to physical protection varies between missions and should be adapted to each context.<sup>123</sup>

In missions with a POC mandate, peacekeepers are authorized to use force in self-defence and in defence of the mandate. Depending upon the Mission mandate, this may include the authorization to use up to deadly force for the protection of civilians, including the prevention and response to CRSV. In this context, “force” is defined as the use of, or threat to use, physical means to impose one’s will.<sup>124</sup> In all physical protection activities, peacekeepers must abide by international law and the Mission’s military Rules of Engagement (ROE) and UNPOL Directives on the Use of Force (DUF). Under effective command and control, it is the responsibility of commanders of all contingents and Units to ensure all those under their command understand and comply with the ROE and DUF.



UNMISS peacekeepers conduct a firewood patrol to secure women and girls on the road from the Mission’s Protection of Civilians’ site in Bentiu, South Sudan.

UN Photo/Billy

122 According to the United Nations DPO Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019), military and police peacekeepers conduct combined or joint activities, when preventing, deterring or pre-empting violence against civilians, including joint (high-visibility) patrols, information gathering, deploying to strategic locations, or even engaging perpetrators of violence. Although the modalities for cooperation between military and police are broadly outlined in the DPO/DOS Policy on Authority, Command and Control in United Nations Peacekeeping Operations and the respective guidelines on military and police command and operations, including provisions on the primacy of each actor in different broadly defined circumstances, each mission should develop specific combined operational guidelines, detailed communication and reporting lines, delineation of responsibilities and tasks, delegation of authority and transfer of operational command between the police and military contingents in peacekeeping. Where a peacekeeping operation has a mandate to protect civilians it applies regardless of the source of the threat and includes the prevention and response to CRSV.

123 United Nations DPO Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019).

124 For the Police component “force” will be defined as per the respective Mission’s UNPOL Directives on the Use of Force (DUF) and for the military component, as per the DPKO/DFS Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations (2017).



## 1.2. A COORDINATED APPROACH TO PHYSICAL PROTECTION

Physical protection activities to prevent and respond to CRSV must be planned and implemented as part of an integrated approach with close coordination between uniformed and civilian components, to jointly determine priority areas for deployment, presence, and actions, to guide the objectives and conduct of military and police operations, and to undertake complementary activities such as political and community dialogue and engagement.<sup>125</sup> Physical protection should not take place in an isolated manner but rather be part of a chain of activities by various Mission components. Physical protection and the use of force may be part of this regardless of the source of the threat, including State and non-State actors.

Efforts to integrate CRSV into protection functions of military and police components — including the guiding principles of CRSV work as detailed by the CRSV Policy (see Chapters One and Four in this Handbook) — should be led by the Force Headquarter MGPA and the UNPOL Gender Advisor, in coordination with the SWPA, Senior POC Advisor, and Senior CPA. Military and police components should always coordinate CRSV prevention and response efforts with S/WPAs and include them in operational planning.



### Scenarios of Mission-wide responses to CRSV

**Where the Mission is confronted with threats or ongoing CRSV committed by host-State police and security forces**, the Mission should use all possible avenues of dialogue and advocacy with the host State including training, human rights monitoring, investigations and reporting as well as engagement of other national and international actors. The Mission can promote accountability for CRSV perpetrators and support for justice processes. Furthermore, Peacekeeping Operations have a clear responsibility and obligation to intervene and stop ongoing sexual violence against civilians by State security actors and to provide physical protection to civilians at risk of CRSV, which may include the use of force.

**Where CRSV threats to civilians come from non-State armed groups**, the motivation for the threat can range from political, economic, or entirely criminal objectives to a response to ethnic, religious, or land-based disputes. A tailored approach to each specific armed or criminal group, which considers the vulnerabilities of the population, including specific risks faced by women and children, should be used to respond to the CRSV threat. Activities can range from support to the host-State police and security forces to maintain or restore state authority; community-based activities, to the use of disarmament, demobilization, and reintegration; and community violence reduction programmes. In addition to this, Peacekeeping Operations have a clear responsibility and obligation to intervene and stop ongoing sexual violence against civilians by non-State armed groups and to provide physical protection to civilians at risk of CRSV, including through the use of force.

**In response to inter-communal violence, including CRSV**, the Mission may prioritize community dialogue, mediation, and reconciliation activities, as well as engagement with political actors who may have influence at the local level. Support can be provided to host-State authorities to ensure the maintenance of law and public order. Uniformed components can also act as a deterrent through their presence and high-visibility patrolling.

United Nations DPO Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019).

125 United Nations DPO Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019).

## SECTION 2: EARLY-WARNING INDICATORS OF CONFLICT-RELATED SEXUAL VIOLENCE AND RESPONSE BY MILITARY AND POLICE COMPONENTS

Prevention is the most effective way of protecting civilians against CRSV, hence, Peacekeeping Operations should focus on developing timely and reliable situational analysis on CRSV to respond quickly to reported threats. Considering that certain Missions may deal with a high number of emergencies and situations of concern, S/WPAs together with the CRSV focal points will play a key part in identifying early-warnings indicators, hotspots, and prioritizing the dedication of Mission efforts and resources on preventing CRSV incidents.

Specific early-warning indicators for CRSV have been developed to aid the assessment of the environment, which serve as signals of potential, impending, or ongoing sexual violence. These indicators should prompt an analysis of changes in the operating environment and an appropriate response, including in terms of physical protection. Any response needs to be reasonable, timely, and proportionate in direct correlation to the level of threat or act of violence.

The section below outlines the different risk levels related to CRSV and appropriate responses by the Mission military and police components. The last section provides guidance on consolidation actions after CRSV has been perpetrated.

### 2.1. POTENTIAL RISK: PROTECTIVE PRESENCE

When there is potential risk of sexual violence in the medium to long term, military and police components must have a proactive posture and mindset to prevent and deter such threats to civilians. Projecting Mission presence, including military and police patrols and other Mission deployments, is one of the most visible and reassuring forms of security for local populations. Even when a threat has not been identified, a visible presence, particularly in strategic areas and those where State security forces are not present, is an important deterrent and confidence-building measure. This presence should be accompanied by assurances to the population of the Mission's intent to protect civilians from physical violence and the establishment of community engagement and alert mechanisms in coordination with civilian components.<sup>126</sup>

#### Indicators:

- Political events that may increase tensions or trigger violence in a context where sexual violence has been used against civilians during previous unrest (i.e., elections).
- Women/girls in conflict-affected areas going out to farms, fields, and markets for income-generation purposes (i.e., possible vulnerabilities).

#### Possible responses:

- Regular communication with key stakeholders and potential perpetrators.
- Deploy to locations and at times where women/girls are most at risk/vulnerable.
- Establish protective presence in and around areas of women's/girls' economic activity.

### 2.2. IMPENDING RISK: PRE-EMPTIVE AND DETERRENT ACTIONS

When there is a risk that sexual violence is imminent or is likely to take place in the near future, increased and timely pre-emptive measures must be taken to eliminate or mitigate the threat before violence occurs, including through credible deterrent actions such as reinforced presence and patrolling, show of force, securing key sites, interpositioning, psychological operations, and proactive military and police operations. In addition to these, better situational awareness (intense information gathering) and enhanced monitoring, reporting, and advocacy on the security situation may be required, in close cooperation with the S/WPAs. Increased high-profile patrolling, including

<sup>126</sup> For further guidance, see the United Nations DPO Policy on “The Protection of Civilians in United Nations Peacekeeping” (2019).

joint patrols with WPAs, Human Rights, and other civilian components may be required. Such patrols should, where possible, interact with communities and should be targeted — location and timing — based on inputs from partners, communities, and other protection actors.<sup>127</sup>

Pre-emption is pro-active and peacekeepers should intercept, neutralize, or defuse situations before CRSV is perpetrated. The use of intervening forces and deployment of Formed Police Units (FPU), Quick Reaction Forces (QRF), Special Forces, or Reserves at forward locations may be required; contingency plans should be developed in advance to enable rapid response.<sup>128</sup>

#### Indicators:

- Ongoing offensive operations (State forces or armed groups).
- Movement of military forces or armed groups towards a mineral rich area or areas controlled by other armed groups.
- Retaliatory attacks against the civilian population for perceived support and collaboration with the enemy.

#### Possible responses:

- Increase presence of uniformed peacekeepers in the area, including by organizing joint and high-profile patrols with civilian components to function as a deterrent.
- Ensuring better situational awareness, including through direct communication with communities.

### 2.3. ONGOING CONFLICT-RELATED SEXUAL VIOLENCE: RESPONSIVE ACTION

If CRSV has escalated in either scale or intensity of harm beyond that which could reasonably be expected to be addressed by either host-State police or other security actors and/or the Mission's individual police officers, more forceful measures may be necessary to deal with the situation. In instances where CRSV is ongoing or is likely to escalate, operations conducted by FPU and the military component may extend to pre-empting and neutralizing the source of the threat in accordance with the mandate, ROEs/DUF, and graduated use of force. Direct military and police action, the deployment of inter-positional troops, and the use of force are options that must be considered. The Mission has a responsibility to act to the full extent of its capabilities by deploying rapidly to secure the civilian population and the speedy movement of forces, such as attack helicopters, QRFs, and reconnaissance operations, can prevent, limit, or stop harm to civilians. The level of response may need to escalate to the use of lethal force depending upon the threat, DUFs, and ROE. All response should include harm mitigation measures and be followed up by after action reviews, where necessary in coordination with the civilian components, as well as de-escalation of operations and handing security measures over to the host-State police and security actors where relevant.<sup>129</sup>

#### Indicators:

- Reports of women systematically being abducted or killed by armed groups or security forces.
- Statements from medical NGOs that they are increasingly seeing rape-related injuries.

#### Possible responses:

- Establish Temporary Operating Bases and/or Mobile Operating Bases.
- Prevent further violations occurring through patrol posture.
- Report the violations and abuses to the requisite military and civilian offices.
- Take direct military action against (potential) perpetrators using all necessary means.

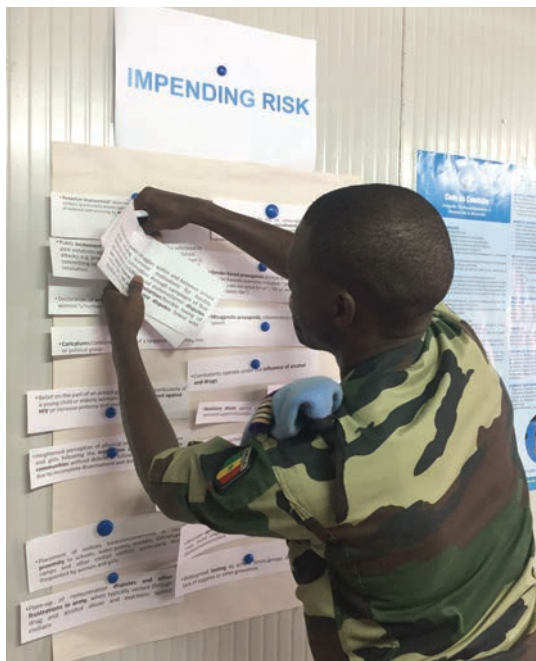
127 United Nations DPO Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019).

128 For further guidance, see the United Nations DPO Policy on "The Protection of Civilians in United Nations Peacekeeping" (2019).

129 If the host-State police and/or security actors pose a threat to, are believed to be, or are responsible for committing CRSV, the mission should act independently to continue protecting civilians against CRSV.

## 2.4. AFTER CONFLICT-RELATED SEXUAL VIOLENCE: STABILIZATION ACTION

Following a situation where CRSV was perpetrated, the Mission must carry out measures to stabilize the area to avoid re-occurrence of CRSV, such as establishing security in support of the host State and enhancing preventive measures. During this consolidation phase, military and police peacekeepers assist the local population and host-State authorities to normalize the situation and diminish the risk of renewed crisis. Measures to be taken by military and police peacekeepers may include: immediate medical care, crime-scene preservation, information sharing on CRSV incidents with WPAs and CRSV focal points of the Human Rights component, assessment of remedial and preventive measures, drafting of formal reports for follow-up with relevant authorities, and establishing defensive positions. The response should be multi-dimensional, involving political, humanitarian, military, and police activities. Moreover, it should be coordinated with humanitarian protection partners to ensure complementarity of actions and respect for humanitarian principles. Basic military and police tactical tasks — such as patrolling, observation and liaison, among others — are necessary tools to understand the environment and are of paramount importance during this phase of consolidation. It must, however, be ensured that the military and police components are adequately supported by the civilian component and the military component disengages as soon as possible after stabilizing the situation/area.<sup>130</sup>



Schneider

MONUSCO undertaking a scenario-based training exercise on Early-warning indicators of CRSV in Goma, DRC.

## SECTION 3: ACTIONS BY MILITARY AND POLICE COMPONENTS TO PREVENT AND RESPOND TO CONFLICT-RELATED SEXUAL VIOLENCE

A wide range of tactics and operations can be carried out by military and police components to provide physical protection from CRSV. These should be decided upon considering the early-warning indicators and situational awareness (as mentioned in Section 2.2, above). To ensure a sustainable impact, pre-emptive activities should preferably, and as appropriate, be conducted in support of State authorities, by mobilizing or persuading them to act.

Adherence to the military ROE and UNPOL DUF is crucial. Operations conducted by the military and police components should take steps to protect civilians and mitigate potential harm to civilians that might arise before, during, or after such operations. All responses should be followed up by after action reviews; where necessary in coordination with the civilian components. Specific roles and responsibilities of staff at Force Headquarters, as well as those of Units and Commanders, are detailed in the Annex.

### 3.1. PREVENTION AND RESPONSE BY THE MILITARY COMPONENT TO CONFLICT-RELATED SEXUAL VIOLENCE

This section outlines some commonly used responses undertaken by the military component to prevent and respond to CRSV (non-exhaustive list). FPU may support several of these actions.

<sup>130</sup> For further information about tactical decisions and response models, see the United Nations DPO Guidelines on Combined Military and Police Coordination Mechanisms in Peace Operations (2019).

**Protective-Grid.** Units and sub-Units are to be deployed in a protective grid to cover priority vulnerable areas to CRSV with static/semi-static and mobile operational elements to provide tactical balance, flexibility, operational agility, and responsiveness to POC and CRSV threats. Static deployments such as Company Operating Bases, Observation Posts, and Checkpoints provide incidental protection and deter potential perpetrators from committing CRSV.

**Routine Preventive Operations and Area Sanitization.** Protracted and preventive routine operations contribute to prevention and deterrence of CRSV positively. This enables the Force to dominate priority areas, maintain pressure on the perpetrators (by denying access to population centres and negatively impacting logistics sustenance capabilities), and to restore State authority. Periodic area sanitization operations to address areas away from static/temporary deployments — where perpetrators are likely to operate with impunity — are also important.

**Mobile Operations.** Mobility is crucial for military components of Peacekeeping Missions. The capability to move quickly by air, vehicle, and on foot to areas of high incidence or potential flash points is key to combating CRSV. Random high-mobility patrols, checkpoints, Military Observers, and Military Liaison Officer teams appearing in remote and unexpected areas increase visibility and enhance deterrence.

**Pre-emptive Operations.** In most cases, CRSV is preventable with rapid preventive deployments undertaken by mobile forces, such as Quick Reaction Teams (QRT) at the sub-Unit level, QRFs at the Unit level, and Force Reserves at the Force HQ level, as well as through Inter-Mission Cooperation. In certain cases, sidestepping/redeploying operational detachments to areas can pre-empt an emerging potential or impending threat. Hotspots must be identified in close collaboration with the civilian component of the Mission and the host population. Situational awareness, operational readiness, mobility (including strategic mobility), rapid concentration of Force levels, and effective command and control are vital for effective pre-emptive operations.



#### **Route Patrolling at Wood Collection Locations**

Arrange escorts for civilians, especially women and girls who are often responsible for collecting firewood, on designated days between villages/IDP/refugee camps and surrounding areas to allow for firewood collection. Women bearing wood, water, or other provisions are slow-moving targets at risk of being robbed, raped, and forced to surrender their supplies to armed elements.

*Caution:* Avoid one-way transportation. In some cases, women have been dropped off at firewood collection sites, leaving them vulnerable on their return to camp.

#### **Route Patrolling at Water Collection Locations**

Armed patrols should accompany civilians, especially women and girls (the primary water-collectors) along water supply routes and to and from collection areas.

*Caution:* Combatants may enter IDP camps for water supplies. Field Missions can support the construction of a water bladder outside the camps to alleviate/deter entry into IDP camps.

#### **Night Flashing**

Driving and keeping headlights on all night to signal presence in the area or using flares/ illumination mortars are forms of “deterrence through presence”.

#### **Random Patrols**

Unannounced, random foot patrols and checkpoints keep perpetrators off balance.

**Temporary Operating Bases.** Temporary Operating Bases (TOB) are independently deployed defensible bases with required Force levels and logistics sustenance. In the context of CRSV, TOBs are deployed to cover vulnerable areas and hotspots by the fastest means available. Once deployed, they carry out day and night operations through mobile and static elements. They may operate on foot, in vehicles, or in an armoured personnel carrier-mounted formation or may be provided with helicopter support (on call). TOBs may be systematically redeployed to address a wider area to keep armed groups off-balance and ensure security. TOBs enhance the confidence of the population in the peacekeeping operation and deter armed groups from settling in the vicinity of villages and attacking civilians. They can also be interposed *between* armed groups in times of rising tension; this is especially relevant when the modus operandi of such groups includes CRSV.

### Civil-military integrated teams in MONUSCO

In DRC, MONUSCO has developed civil-military integrated teams to support the Protection mandate of the Mission and respond to CRSV early warnings.

- **Joint Protection Team.** A Joint Protection Team (JPT) is a mixed team comprised of civilian staff (including WPAs, Human Rights Officers, CPAs, Civil Affairs, DDR, Political Affairs, Public Information Officers, etc.); Military Observers or contingent personnel; and UNPOL. JPTs engage communities to assess and analyse threats and find practical solutions to protection issues, including CRSV. JPTs improve information sharing between troops, the host population, and its representatives, including women and children; facilitate humanitarian access; and enhance planning and coordination of Mission responses.
- **Joint Investigation Team.** A Joint Investigation Team (JIT) primarily carries out joint investigations of human rights violations, including CRSV. Joint investigations are conducted by in-Mission experts (usually WPAs, Human Rights Officers and CPAs) with national judicial authorities, and, in some specific cases, Military Observers and Company Commanders. The military component may also be required to provide security and logistics support for the JIT. Joint investigations help to bring perpetrators to justice, foster accountability, and end impunity for human rights violations, including CRSV.

**Weapons-Reduction Programmes.** Societies that have a culture of possessing weapons have accessible means to commit violent acts, including CRSV. As weapons facilitate CRSV, improved arms control is an effective means of reducing the prevalence and fear of CRSV. Measures to confiscate/reduce the proliferation of small arms and light weapons in communities are crucial to curbing CRSV.

**Cordon and Search Operations.** Cordon and search operations may be undertaken for various purposes, including to contain/apprehend perpetrators of CRSV, to confiscate weapons, or to liberate abductees exposed to sexual violence.

**Graduated Use of Force.** United Nations military peacekeepers can apply graduated use of force as per the ROEs once hostile intent is ascertained and the threat of CRSV is imminent.<sup>131</sup>

**Extraction.** Extraction is undertaken to extract, save, and release individuals who have been abducted and taken hostage by perpetrators of CRSV. The safety of victims/survivors and harm mitigation measures must be given due consideration in extraction operations.

131 In accordance with the mission's specific ROEs and DUF and consistent with the United Nations DPKO/DFS Guidelines on the Use of Force by Military Components in United Nations Peacekeeping Operations (2017). Available at: <http://dag.un.org/handle/11176/400571>

**Robust Military Operations.** The military component is required to carry out coordinated, robust, highly mobile, and versatile operations, including through the deployment of Force Reserves and Special Forces, to prevent a CRSV threat from manifesting itself, to protect civilians, and to neutralize threats. Such operations will invariably involve disarming and detaining perpetrators, protection of vulnerable populations, and extracting victims/survivors. In specific circumstances, military peacekeepers may also be authorized to undertake operations to neutralize armed groups and actors, including through the conduct of targeted offensive operations.

**Safe Haven/Safe Corridors.** IDPs and refugees are most vulnerable during movement and in temporary camps. The military and police component may provide area security or protected corridors in United Nations' designated areas to ensure safe passage of displaced populations, in addition to protecting camps and safe areas where refugees or IDPs have congregated.

### 3.2. PREVENTION AND RESPONSE BY THE POLICE COMPONENT TO CONFLICT-RELATED SEXUAL VIOLENCE

The police component should, as far as possible, support protection efforts by the host-State police and other law enforcement agencies, yet may act independently to protect civilians when the latter are deemed unable or unwilling to do so, or where the host-State police, themselves, pose a threat to civilians, including in the context of CRSV. If mandated to perform interim executive policing, UNPOL shall be directly responsible for the physical protection of civilians against imminent threats of CRSV. Some measures to prevent and respond to CRSV include:

**Force projection, high visibility operations, and increased patrolling.** UNPOL conducts force projection, high visibility operations, and increased patrolling when there are imminent threats. UNPOL also provides operational and technical advice and support to host-State police on planning and conducting operations, amongst others. In areas of chronic insecurity, UNPOL may deploy specialized teams, including joint protection teams, SGBV police experts, or community-oriented policing teams with physical protection.



The police component of MINUSMA conducting a daily patrol to secure and engage with the civilian population in Menaka, extreme North East Mali.

## UNPOL long-range patrols and physical presence in Central Mali

During 2019, the security situation in Central Mali deteriorated due to increased terrorist armed-group activity, intercommunal clashes, and the development of self-defence militias. These dynamics have increased the risks for human rights violations against the civilian population, including execution, abductions, and CRSV. UNPOL Units, based in Mopti-Sevaré and Douentza, conduct long-range patrols with the Malian Security Forces to hotspots to show a protective presence and maintain a liaison with the population. Meetings with communities, local authorities, customary leaders, and CSOs are held regularly to discuss security and protection concerns. UNPOL also conducts regular outreach with local women and youth organizations and supports their participation in early warning alert and response mechanisms for sexual-violence crimes. Female UNPOL officers have played a key enabling and confidence-building role when interacting with these groups.

**Arrest, detention, and search of perpetrators.** Where explicitly authorized, UNPOL may have powers to arrest alleged/confirmed perpetrators of CRSV and temporarily detain them.<sup>132</sup> Any person detained by a United Nations Peacekeeping Operation shall be handed over to the host-State authorities or released as soon as possible and, in any case, within 96 hours of the time when first apprehended.<sup>133</sup>

**Undertaking deterrence activities.** Such activities can include high visibility patrols, aiding the military in moving civilians out of harm's way and conducting joint public-order management operations together with the host-State police.



MINUSCA/Sereifo

Zambian military peacekeepers engage with children while conducting a daily patrol in the North East region of CAR.

<sup>132</sup> Where explicitly authorized by the Mission mandate, Mission-specific UNPOL DUF, Status of Forces Agreements (SOFAs) and Status of Mission Agreements (SOMAs), and in line with applicable international humanitarian, human rights, and refugee laws, norms, and standards.

<sup>133</sup> United Nations DPO/DPPA/DSS Standard Operating Procedures on Detention in United Nations Peacekeeping Operations and Special Political Missions (2020).



**Collect, register, and preserve evidence.** Where mandated, UNPOL collects, registers, and preserves evidence of sexual violence, for subsequent criminal investigation and prosecution of alleged perpetrators at the national or international level.

For more information on the role of the police component to support the host State on preventing and responding to CRSV, see Chapter Ten of this Handbook.

### 3.3. STANDARD GUIDELINES ON CONFLICT-RELATED SEXUAL VIOLENCE FOR UNIFORMED COMPONENTS

In all activities, the military and police components should adhere to the guidelines below.

#### DO

- Be a 'Role Model': good conduct and discipline, representation of female military and police peacekeepers, and be approachable.
- Do No Harm and avoid collateral damage.
- Respect, assist, protect the victims/survivors and witnesses, as required.
- Respect and protect the dignity and confidentiality of victims/survivors.
- Obtain informed consent from the victim/survivor (on whom to inform, which service provider should be approached, etc.).
- Obtain necessary information for reporting of the incident (if possible and preserve evidence). Information that can prevent further human rights violations and CRSV must be acted upon immediately.
- Report through chain of command and immediately share information with the nearest S/WPAs, Human Rights component, CPAs.
- Follow 'Referral Arrangements' for transfer and handover of the victim/survivor to the designated service provider.
- Follow detention procedures in handling perpetrators.
- When interacting with potential victim/survivors, assume sexual violence has taken place.
- Follow ROE and principles of Use of Force. Ensure command and control, restraint, and discretion.

#### DO NOT

- Do not interview the victim/survivor(s) or investigate the incident (authorized officials from the Human Rights components will do so);
- Do not follow up (it is the responsibility of S/WPAs, Human Rights Officers, and CPAs).
- No action, such as informing local authorities, should be taken without coordination with S/WPAs and CPAs.
- Do not reveal identify of the victim/survivor(s) (maintain confidentiality and anonymity – name, details of the family, village, personal identification, photos, etc. are not to be reflected in reports).
- Victims/survivors of CRSV should neither be photographed nor videoed.

# 9

## CHAPTER 9: Engagement for Commitments with Parties to the Conflict to End Conflict-Related Sexual Violence

### Reference documents:

- United Nations Security Council Resolution 1960 (2010).
- United Nations DPO/DPPA/OHCHR SRSV-SVC – Policy on United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence (2020).
- United Nations DPA – Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements (2016).
- SRSV-SVC and UN Action – Provisional Guidance Note: Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) (2011).
- OHCHR – Manual on Human Rights Monitoring (2011).
- OCHA – Humanitarian Negotiations with Armed Groups: A Manual for Practitioners (2006).

*This chapter presents strategies and tools for United Nations Field Missions to engage with State and non-State parties to conflict to obtain commitments to prevent and respond to CRSV. It explains the type of support and capacity building that Field Missions should provide to accompany these parties in implementing commitments to end CRSV.*

### GOALS

*To understand the different types of engagement with parties to the conflict and how to support the implementation of commitments to end CRSV.*

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## SECTION 1: ENGAGEMENT FOR COMMITMENTS WITH STATE AND NON-STATE PARTIES TO CONFLICT

### 1.1. DEFINING ENGAGEMENT FOR COMMITMENTS

United Nations Field Missions are mandated to engage with State and non-State parties to conflict on CRSV as part of Mission efforts to maintain international peace and security, end violent conflict, and achieve the peaceful settlement of disputes. In situations where there are credible reports that CRSV is occurring or has already occurred, these issues should be raised with parties, at the earliest opportunity, to discuss the immediate termination of CRSV. CRSV can be raised as part of ongoing engagement with parties to conflict, in the context of ceasefire and peace agreement mediation, or as a stand-alone issue for which unilateral or joint commitments on CRSV are sought.

#### Definition of engagement for commitments

Engagement refers to efforts to secure commitments to end CRSV, prevent its further perpetration, provide justice for victims/survivors, and more broadly to end conflict and enhance compliance by State and non-State actors with relevant international law and other normative frameworks on sexual violence. Engagement never equals legitimization of the conduct or aspirations of parties to conflict. Likewise, non-engagement does not equal political neutrality.

Engagement with State and non-State parties to conflict can be done through a variety of means, including through dialogue and negotiation with leaders of parties to conflict, “quiet diplomacy” (i.e., diplomacy through quiet means rather than publicly or with force), public interventions, and raising awareness on CRSV prevention and response (see Chapter Six for more information on Advocacy, Raising Awareness, and Capacity Building). Engagement is also conducted through monitoring and reporting on CRSV perpetrated by parties to conflict.

Engagement with parties to conflict can serve several objectives:

- To open a dialogue and build trust with parties to conflict;
- To obtain information and learn the underlying reasons/motives for perpetrating CRSV;
- To seek commitments on combatting CRSV and to prevent CRSV among all parties;
- To secure the issuance of command orders from leaders prohibiting sexual violence by their troops and declaring that punitive measures will be taken against those who commit CRSV;
- To address accountability on sexual-violence crimes among the ranks of parties;
- To train and sensitize parties on international legal ramifications, including for leaders through command responsibility;
- Serve as a step in the de-listing process;
- To secure access to territories and populations and possibly establish a presence that can deter further CRSV.

All engagements with conflict parties must be responsive to the political and security context. Consultation between relevant stakeholders at the Headquarters and field levels should take place in advance of any decision to engage with parties to conflict. Decisions for engagement, and plans for how to do so, must be made in adherence to several guiding principles. This includes “do no harm” and the protection of victims/survivors and individuals at most risk of CRSV; consideration of the differentiated needs and experiences of victims/survivors; coordination between all actors engaging with parties to conflict; the principles of objectivity, transparency, impartiality, and confidentiality; and responsiveness to the political and security context. When decid-



SRSG-SVC Zainab Bangura visits IDP camps and women's shelters in Mogadishu, Somalia.

UN Photo/Jones

ing on whether to engage with a party to conflict, United Nations Field Missions should assess and review regularly the reasons why engagement would be a necessary element of addressing CRSV.

While consistency and coherence of approach must be pursued to the fullest extent possible within each Field Mission context, it is essential to acknowledge the diversity of situations, mandates and priorities, faced by Field Missions which may result in the need for distinct approaches and courses of action. Senior Mission leadership must be informed of all engagements with parties to conflict by Field Mission personnel.

## 1.2. LISTING AND DE-LISTING AS NEGOTIATION TOOLS FOR ENGAGEMENT

The listing and de-listing of parties to conflict from the Secretary-General's Annual Report on Sexual Violence in Conflict and United Nations Sanctions list are part of a spectrum of incentives to motivate armed actors to make commitments to prevent and respond to CRSV.

### Definition of "listing"

"Listing" refers to the list of names of parties credibly suspected of committing or being responsible for rape and other forms of sexual violence in the Annex of the Secretary-General's Annual Report on Sexual Violence in Conflict. Listing was mandated in UNSCR 1960. It serves as a "naming and shaming" advocacy tool with parties to conflict. A similar mechanism exists for parties responsible for grave violations against children.

Moreover, individuals responsible for CRSV may also be listed for sanctions. United Nations Sanctions committees can decide to apply targeted sanctions against those who perpetrate and direct CRSV.

A party will be de-listed from the Annex of the Secretary-General's Annual Report on Sexual Violence in Conflict on condition that there is United Nations-verified information that it has ceased commission of the patterns of CRSV for which the party is listed for a period of at least one reporting cycle. When considering de-listing, the Secretary-General also takes into consideration the implementation by parties of commitments to prevent sexual violence. The SRSG-SVC, on behalf of the Secretary-General and in consultation with United Nations system partners, makes the final recommendation on the listing and de-listing of parties.<sup>134</sup>

Other advocacy tools when negotiating with parties to conflict are economic sanctions or arms embargoes. Such a negotiation strategy is, however, a complex area to manage and align as the authority to de-list or to lift sanctions does not rest with the United Nations Secretariat but with the United Nations Sanctions committees.

## 1.3. MEDIATION PROCESSES AND PROVISIONS IN CEASEFIRE AND PEACE AGREEMENTS

CRSV should be addressed at the outset of any political mediation process and in mediation strategies, under the authority of the senior leadership of Field Missions. In situations where CRSV has been committed or is suspected to have been committed, United Nations mediators are obliged to introduce the subject in discussions with parties. At a minimum, sexual violence should be included within the definition of the ceasefire and detailed in provisions for ceasefire monitoring, including any relevant annexes. Acts of sexual violence in violation of ceasefire or peace agreements must be addressed consistently with any other violations of the agreement. Addressing CRSV in this way can increase the durability of peace by mitigating security concerns and improving transparency, accountability, and confidence among parties.



### **CRSV provisions should, as necessary and appropriate, be included in peace agreements in the following sections:**

- Preamble (CRSV recognized as a prohibited act);
- Definitions and/or principles of a ceasefire;
- Sections on freedom of movement;
- Provisions on security arrangements;
- Provisions on monitoring and verification;
- Provisions on post-conflict justice and reconciliation; and
- Relevant annexes.

<sup>134</sup> OSRSG-SVC and UN Action – Provisional Guidance Note: Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) (2011). Available at: <https://www.refworld.org/docid/4e23ed5d2.html>

A checklist has been developed to provide guidance to mediators and mediation teams for addressing CRSV as part of the overall mediation strategy and in consultation with relevant components and dedicated staff in-Mission. A short version is included below.<sup>135</sup>



### **Checklist for addressing CRSV in the stages of mediation:**

#### **During ongoing Hostilities and at the Beginning of a Mediation Process:**

- Assess whether there are credible reports of CRSV that may be occurring or may have occurred.
- Actively seek to engage parties to discuss the immediate termination of CRSV, in discussion of other violations of human rights and international humanitarian law.
- Ensure consultation with and inclusion of women and gender experts, as well as identified Human Rights focal points, in the process and as part of the mediation team.

#### **Drafting and Negotiating Ceasefire and Peace Agreements:**

##### ***Essential Agreement Provisions should ensure:***

- Sexual violence is included as a prohibited act, especially in the definition or principles of a ceasefire agreement.
- Monitoring for sexual violence is included in ceasefire agreements, including in relevant annexes.
- Recognition of sexual violence used in conflict as a method and tactic of warfare, as applicable.
- Amnesties for crimes under international law are prohibited, and arrangements for transitional justice are included, particularly prosecution, reparations, and truth-seeking bodies.

##### ***Provisions for Security Arrangements should ensure:***

- Command and control structures and codes of conduct for security actors prohibit CRSV and punish misconduct.
- Individuals credibly suspected of committing or being responsible for CRSV are excluded from participation or integration into government and the national security system, including armed forces, police, intelligence services, and the national guard, as well as civilian oversight and control mechanisms and other similar entities.
- Early, voluntary release and/or registration of those abducted, coerced, or forcibly recruited from within the ranks of armed forces or groups.
- Security Sector institutions are mandated to combat CRSV and training is provided to develop military, police, and other law enforcement capabilities to respond to it, including for military police.

##### ***Provisions for Justice and Reparations should ensure:***

- Amnesties for crimes under international law are prohibited.
- Provisions for transitional justice processes address issues of CRSV with equal priority to other international crimes.
- Provisions for transitional justice mechanisms incorporate specific reference to CRSV; include measures to protect the security and dignity of victims/survivors and witnesses; and include women and gender experts in its design and oversight.
- Provisions for reparations and relief, including for victims/survivors of CRSV.

<sup>135</sup> For further information, please refer to the United Nations DPA Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements (2012). Available at: [https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceAddressingConflictRelatedSexualViolence\\_UNDPA%28English%29\\_0.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/GuidanceAddressingConflictRelatedSexualViolence_UNDPA%28English%29_0.pdf).

## CRSV Provisions in the Political Agreement for Peace and Reconciliation in CAR

In February 2019, the Government of CAR and armed groups signed a Political Agreement for Peace and Reconciliation. The document contains several provisions on human rights, including sexual violence. In Article 5 of the Agreement, the armed groups committed, among other points, to refrain from engaging in “violations committed against civilians, including sexual and gender-based violence, in particular against women and girls”. In the annex outlining the implementation of the cessation of hostilities and temporary security arrangements, the parties agree that this immediate, complete, and irrevocable cessation of hostilities commits them to refrain from “any act of violence against women and girls, or of sexual or gender-based violence”.

### 1.4. ENGAGEMENT FOR SPECIFIC AND TIME-BOUND COMMITMENTS WITH PARTIES TO CONFLICT

#### 1.4.1. The Process of Engagement for Specific and Time-Bound Commitments

The United Nations has a specific mandate to engage with parties to conflict to make and implement specific and time-bound commitments to combat sexual violence.<sup>136</sup> Field Missions, acting under the authority of senior Mission leadership, should engage in a dialogue with parties to elicit formal commitments from their leaders on preventing and addressing CRSV in accordance with their international obligations.<sup>137</sup> Depending on the context, Field Missions may support or lead this process of engagement while ensuring it is fully integrated into wider Mission political and advocacy strategies.

Following political-level engagement and obtaining commitments on CRSV from parties, relevant components of Field Missions and UNCT must support parties to conflict in the design and implementation of an operational plan to implement these commitments. This can be done through capacity building, provision of support, and tailored training. Field Missions should moreover monitor ongoing parties’ implementation of their commitments to end CRSV.



UNAMI/PIO and UNFPA

SRSG-SVC Pramila Patten concludes a visit to Iraq and stresses the need to do more to protect and support victims/survivors of Daesh’s sexual violence crimes.

<sup>136</sup> In UNSCR 1960, the Security Council “calls upon parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence”. It also encourages the Secretary-General to list parties to armed conflict “credibly suspected of committing or being responsible for” acts of CRSV, including to use it “as a basis for more focused United Nations Engagement with those parties”.

<sup>137</sup> United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), para D2. Para 16i.

Engagement is a process conducted over time. Building trust and securing commitments to end CRSV should be viewed as political level engagement, and the first stage towards prevention. The second stage is a technical-level engagement in which parties to conflict put in place an operational plan to implement their commitments.

The operational plan must include a clearly defined timeframe; detail the practical arrangements to be put in place by the party to implement commitments; ensure the provision of verifiable information regarding measures taken to ensure the accountability of perpetrators; and specify an agreed means of cooperation between the party and the United Nations. Such engagement should take into consideration the security and protection of victims and witnesses.

OSRSG-SVC and UN Action – Provisional Guidance Note: Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) (2011).

#### **1.4.2. Unilateral and Joint Communiqués on Conflict-Related Sexual Violence**

United Nations Field Missions, with the support of the SRSG-SVC support parties to the conflict in formalizing their commitments to end CRSV through the development and signing of tailored Unilateral Communiqués with specific parties. Field Missions also support the signing of Joint Communiqués between the host government and the United Nations system. Unilateral and Joint Communiqués usually outline several critical areas of cooperation between the party and the United Nations such as:

- (i) The fight against impunity through justice and accountability, including ensuring access to restorative justice, which includes reparations and redress;
- (ii) A holistic and survivor-centred and gender-sensitive approach in service provision and recognition that victims/survivors are not a homogeneous group and therefore require tailored services to meet their needs;
- (iii) The strengthening of women’s meaningful and effective participation in decision-making positions and in effective participation in the negotiation or implementation of peace accords; and
- (iv) The enhanced engagement with civil society and religious and traditional leaders as a means of prevention and to shift harmful gender stereotypes, such as stigmatization and victim/survivor-blaming.

To serve as example, the Joint Communiqué between the United Nations and the Central African Republic (2019) is available in Annex 7 of this Handbook.

#### **Commitments on CRSV by the Iraq Government**

In Iraq, after the signature of the Joint Communiqué between the United Nations and the government in 2016, the Federal Government of Iraq and the Kurdistan Region of Iraq appointed high-level focal points to coordinate the government response to CRSV perpetrated by ISIL (Da’esh). These high-level focal points have mandates to develop action plans at the federal and regional levels to address CRSV perpetrated by ISIL (Da’esh), and to address its causes and consequences.

## **Engagement by MINUSMA for the signing of the Joint Communiqué**

In March 2019, following more than three years of advocacy and engagement on CRSV, the Government of Mali and the United Nations signed a Joint Communiqué on preventing and responding to CRSV in Mali. The Joint Communiqué affirms the commitment of the Malian Government to end CRSV and address impunity. It supports the creation of an action plan to address CRSV; this may attract funding for new GBV support programmes.

The process gained momentum when the SRSB-SVC visited Mali in 2016 to meet with Government representatives, non-State armed groups, religious leaders, and victims/survivors of CRSV. At the end of this visit, the Malian authorities and MINUSMA agreed to start working on a joint statement to address CRSV.

Starting in 2016, the senior Mission leadership of MINUSMA engaged with the President of Mali, as well as the Minister of Foreign Affairs, Minister of Justice and Human Rights, Minister of Gender and Women's Rights, and the Minister of Religious Affairs to reiterate the commitment to address CRSV and encourage the signing of the Joint Communiqué.

Simultaneously, S/WPAs engaged with government representatives at the technical level. Together, they organized meetings and a workshop with focal points of each Ministry involved, which aimed to ensure their understanding of the CRSV mandate and stressing the need for national commitment through the signing of the Joint Communiqué.

S/WPAs parallelly engaged with donors, diplomatic missions, CSOs, local leaders, and non-State armed groups to emphasize the importance of the signature of the Joint Communiqué to reinforce existing efforts to address CRSV. High-level meetings were held with religious leaders and members of the National Parliament. Coordination mechanisms, such as the GBV sub-Cluster, were used for awareness raising.

The SWPA also engaged with the Security Council Informal Expert's Group to include recommendations to the Malian Government related to the signing of the Joint Communiqué. During the visit of the Security Council to Mali, the SWPA facilitated a meeting with women leaders who raised the signing of the Joint Communiqué as a tool to enhance support and services for victims/survivors.

Within the Mission, S/WPAs sought support from different sections, including the Political Affairs Division and Mediation and Heads of Offices, who provided advice to the SWPA on engagement with the Malian Parliament and non-State actors.

## **1.5. ENGAGING WITH NON-STATE ARMED GROUPS**

Decisions on whether and how to engage non-State armed groups should be determined on a case-by-case basis, informed by comprehensive gender-sensitive political and conflict analysis, consideration of benefits and risks, and coordinated between relevant parts of the United Nations system, and under the authority of senior Mission leadership.

While political engagements with armed groups often take the form of quiet diplomacy, such engagements should be carried out in a transparent manner, to the extent possible, so that concerned States, non-State armed groups, and civilians are aware of the work of the Mission and the priorities being pursued. Transparent engagement should be exercised with good judgement and balanced against confidentiality and security considerations for victims/survivors and other political considerations including conflict dynamics on the ground, ongoing ceasefire or peace negotiations, and the need for life-saving humanitarian action.

In all engagements with armed groups, efforts must be made to ensure that such activities do not give the impression that the United Nations condone or legitimize any armed group. This can be avoided by, for example, focusing



on the protection needs of communities that the armed group ‘reportedly’ represents. Care must also be taken to ensure dialogue or consultations with parties to conflict do not undermine efforts to support the restoration and extension of State authority, or the establishment of democratic State institutions.



### **Important steps of the engagement process with non-State armed groups:**

Mission leadership and the SWPA should carry out the following activities, jointly with the relevant components and sections of Missions (JMAC, Senior CPA, Senior POC Advisor, FHQ MGPA, Civil Affairs, etc.), when engaging with non-State armed groups on CRSV:

- Map out all actors and parties to the conflict, as well as their respective ties;
- Analyse trends of CRSV by parties to the conflict, including their motives and modus operandi;
- Use information from the MARA, internal reports, and Annexes of Secretary General’s reports as the basis for tracking trends and implementation of commitments over time;
- Analyse risks and benefits of engagement as part of a comprehensive context-specific gender-sensitive conflict or political analysis, including the security of field staff and victims/survivors as well as the population/local community in general;
- Decide which parties to engage and establish modalities, roles, and responsibilities;
- Engage with the highest-ranking leader available;
- Clearly define objectives of the engagement and pursue them;
- Continuously monitor, assess, and analyse whether engagement, once established, should be continued, modified, or discontinued; and
- Regularly consult with and communicate commitments and progress made to the OSRSG-SVC to ensure mutually reinforcing engagement efforts.

Important: Always beware of security imperatives and do not break protocols.

### **Engagement with non-State actors by MINUSMA**

In March 2013, the *Mouvement National de Liberation de l’Azawad* (MNLA), one of the armed parties of the conflict in Mali, was listed in the Secretary-General’s Annual Report on Sexual Violence in Conflict. The SWPA in MINUSMA initiated dialogue with MNLA leadership and the *Coordination des Mouvements de l’Azawad* (CMA), a signatory of the Malian Peace Agreement that represents a coalition of three armed groups, including MNLA. MINUSMA subsequently organized several workshops with CMA military and political leaders to explain the implications of the “listing” and expected steps for “de-listing” and drafting a Unilateral Communiqué on CRSV.

In July 2017, following these engagement efforts, a Unilateral Communiqué was signed by the head of CMA and endorsed by the leaders of its three member groups. In 2018, this led to the SWPA-supported development of an implementation plan with CMA leadership and member groups to translate the commitments from the Unilateral Communiqué into specific activities.

Based on these results, the SWPA launched a dialogue for commitment on CRSV with another signatory of the Malian Peace Agreement listed in the Secretary-General’s Annual Report, *Plateforme*. This group signed a Unilateral Communiqué just one year later.

## 1.6. RESPONSIBILITIES FOR ENGAGEMENT FOR COMMITMENTS

### 1.6.1. Senior Mission Leadership and the Senior Women’s Protection Advisors

The SRSG/HOM, with the support of the SWPA, is responsible for engaging in dialogue with State and non-State actors, soliciting their commitment to countering CRSV, and ensuring that inaction, impunity, and other obstacles are identified and addressed.<sup>138</sup> In contexts where CRSV is credibly suspected of being perpetrated, senior Mission leadership must raise and seek commitments on CRSV in the context of ceasefire and peace agreement mediation efforts. Senior Mission leadership should also use their good office functions to tackle CRSV from a political perspective and to conduct advocacy as part of a strategy of engagement with the host State and parties to conflict. Political engagement should be pursued at both strategic and operational levels, as appropriate. Senior officials, including the SWPA, should also, where feasible, monitor and report on the implementation of commitments in the context of conflict resolution and accountability efforts.

Under the authority of the SRSG/HOM, the SWPA should engage in dialogue with parties to conflict to secure CRSV commitments and support their implementation. The SWPA must have the political and operational space needed to engage on CRSV with relevant United Nations and non-United Nations counterparts.<sup>139</sup> The MARA Working Group should provide technical support, as appropriate, for the implementation of the commitments. S/WPAs should provide timely advice to Mission leadership and other relevant Mission components on how best to engage parties on CRSV and coordinate engagement efforts with relevant Mission components and United Nations entities, building on ongoing advocacy and negotiation strategies.

Engagement with parties to conflict may also be supported by the OSRSG-SVC, which provides political and technical support, strategic advice and guidance on negotiating CRSV commitments, including to cease all acts of sexual violence and foster compliance. Such engagement is usually pursued in the context of Joint or Unilateral Communiqués with specific parties to conflict.

Any contact with non-State actors who are parties to conflict represents opportunities to convey key messages on CRSV and to encourage these parties to comply with international law. Where there is no State authority, the Head of the Military component may for example, ensure that concerns are raised with the command and control of the de facto authorities.



#### **Examples of advocacy messages when engaging for commitments on CRSV**

United Nations Field Missions should encourage parties to commit to the following:

- Cessation of all acts of sexual violence;
- Issuance of clear orders, through chains of command, prohibiting sexual violence and ensuring accountability for breaching these orders;
- The prohibition of sexual violence in internal Codes of Conduct, and, in the case of State authorities, in military and police manuals or equivalent;
- Timely investigation of alleged abuses in order to hold perpetrators accountable, in accordance with relevant human rights standards;

<sup>138</sup> United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020), D3, Para 19

<sup>139</sup> OSRSG-SVC and UN Action – Provisional Guidance Note: Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) (2011). Available at: <https://www.refworld.org/docid/4e23ed5d2.html>

- All relevant parties to armed conflict shall cooperate in the framework of such commitments, with appropriate United Nations Mission personnel who monitor their implementation;
- Parties designate, as appropriate, a high-level representative responsible for ensuring implementation of such commitments;
- In the case of State authorities, include the full range of sexual-violence crimes in national penal legislation to enable prosecution for such crimes.

## 1.6.2. Mission Coordinated Engagement with Parties to Conflict

Parties to conflict credibly suspected of being responsible for acts of CRSV may often also be suspected of perpetrating other serious violations of international human rights and humanitarian law and violations against children in armed conflict. Engagement with such parties by United Nations Field Mission personnel should be coordinated alongside the Mission's efforts to tackle other serious violations committed by the same parties to prevent and respond to CRSV in a coherent and holistic manner.

The senior Mission leadership and the SWPA will ensure that engagement for commitments with parties to conflict are addressed in a coordinated manner so that messaging to concerned parties is harmonized and consistent. An engagement strategy with parties to armed conflict on CRSV must be designed and conducted based on analysis and recommendations provided by MARA Working Group members, including JMAC, Senior/CPAs, and focal points from military and police components.<sup>140</sup> Engagement must be conducted with all parties, not only those listed in the Secretary-General's Annual Report on Sexual Violence in Conflict.<sup>141</sup>

The Mission should also ensure internal and external coordination when supporting the implementation of commitments taken by parties to conflict. Such coordination should be carried out with members of the MARA Working Group, including Senior/CPAs, the Political Affairs section, Human Rights component, Civil Affairs section, SSR, DDR, JCS, and the police and military components, as well as members of the UNCT.

Once commitments on CRSV are obtained, they should be addressed through the broader framework of prevention and accountability through the SSR, DDR, and justice Sectors, as well as promoting gender equality and eradication of gender discrimination.

## SECTION 2: SUPPORT TO STATE AND NON-STATE PARTIES TO ADDRESS CONFLICT-RELATED SEXUAL VIOLENCE

### 2.1. NATIONAL COMPREHENSIVE STRATEGIES TO ADDRESS CONFLICT-RELATED SEXUAL VIOLENCE

A coordinated multi-sectoral response to CRSV with the host State, UNCT, humanitarian and development partners, and civil society is fundamental to prevent and respond to CRSV. United Nations entities should support the development of Comprehensive National Strategies to combat SGBV and promote their harmonized application. Comprehensive National Strategies are developed and implemented with the support of UN Action and should be implemented in complementarity with Joint Communiqués on CRSV and other national action plans on WPS.<sup>142</sup>

<sup>140</sup> The aim of the MARA is to develop information on parties to conflict responsible for CRSV, to develop strategies for engagement, and to seek to influence the conduct of both State and non-State parties. For further information on the MARA, see "Chapter Seven: Monitoring, Analysis and Reporting on Conflict-Related Sexual Violence" of this Handbook.

<sup>141</sup> OSRSG-SVC and UN Action – Provisional Guidance Note: Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict-Related Sexual Violence) (2011). Available at: <https://www.refworld.org/docid/4e23ed5d2.html>

<sup>142</sup> In paragraph 23 of UNSCR 1888 (2009), the Security Council calls for the development of joint Government-United Nations comprehensive strategies to combat sexual violence. UN Action provides strategic support to United Nations missions to help them develop such strategies, which establish a common foundation for the Organization's response to prevent gaps and overlaps.

Comprehensive Strategies enhance the effectiveness of United Nations interventions on CRSV through strengthened coordination and the development of common goals. The development of Comprehensive Strategies encourages a holistic focus on prevention, security, human rights, and protection and has increased the attention paid to CRSV by the United Nations system, international partners, governments, and the general public.

United Nations Field Missions should ensure that CRSV is addressed in National Comprehensive Strategies on SGBV as a peace and security issue and in a gender-sensitive manner with the aim to develop professional and sustainable institutions that are accountable to women, men, girls, and boys. CRSV should be mainstreamed across all Sectors and levels of the host State.<sup>143</sup> Commitments made in National Comprehensive Strategies should be systematically institutionalized through SSR and justice Sector reforms.

### **The Comprehensive Strategy on Combating Sexual Violence in DRC**

The Comprehensive Strategy on Combating Sexual Violence in DRC was launched in 2009 to strengthen prevention, protection, and response to sexual violence with a multi-sectoral and comprehensive approach. It is a common framework and platform for action with designated roles, responsibilities, timelines, and activities for all the parties involved. The Comprehensive Strategy was developed in consultation with relevant United Nations entities, MONUC (MONUSCO since 2010), international NGOs, the DRC-based Sexual Violence Task Force, and several Ministries of the DRC Government (Justice, Defence, Interior, Gender and Health). The Strategy is structured around four pillars — combating impunity; prevention and protection; security Sector reform; and multi-sectoral assistance for survivors — with a cross-cutting component on data and mapping.

An action plan to operationalize the Strategy was developed and subsequently integrated in the Government of DRC's *National Strategy Against Gender Based Violence*.

## **2.2. BUILDING CAPACITY AND TRAINING OF PARTIES TO CONFLICT TO ADDRESS CONFLICT-RELATED SEXUAL VIOLENCE**

United Nations Field Missions assist the host government to uphold its responsibility to prevent and ensure a timely response to incidents of CRSV crimes by supporting SSR, including capacity building to address CRSV.

Field Missions should facilitate gender-sensitive training programmes to prevent and respond to CRSV for the national security forces (police and military) and judiciary aiming to promote professional and accountable security, defence, and justice sectors. To ensure sustainability, such training programmes should be institutionalized throughout the reform of these sectors and include training on the prohibition of security forces' committing CRSV, as well as activities to strengthen prevention and accountability in this regard. Field Missions must ensure these activities are conducted in a coordinated and integrated way, under the overall guidance of S/WPAs.

Field Missions may also provide capacity building and training to non-State parties to conflict responsible for CRSV following political-level engagement for commitments in the context of operational plans to implement commitments. Unilateral and Joint Communiqués on CRSV may serve as a basis for such operational plans on CRSV.

<sup>143</sup> United Nations Field Missions may support the host State with facilitating and supporting coordination at the national, provincial, and local levels and capacity development within the health, social welfare, and justice, and security sectors to respond effectively to CRSV. Support by United Nations Field Missions may also include legislative assistance, technical guidance, and support to legal reforms for prosecution, provision of reparations, strengthening services for victims/survivors including health care, psychosocial support, legal assistance, livelihood support, and socio-economic reintegration.

The SWPA of UNMISS facilitates the launch of the SSPDF Action Plan to address CRSV, in an event bringing the military and civil society together for a dialogue.



### Sensitization and training sessions to non-State armed groups by MINUSCA

MINUSCA regularly engages with parties to conflict who signed the Political Agreement for Peace and Reconciliation in CAR. Field Offices, including the Human Rights component, organize sensitizations and training sessions for external partners, including elements of armed groups, on the international criminal character of CRSV and command responsibility.

## 2.3. COORDINATION AND PROVISION OF SUPPORT TO HOST STATE SECURITY FORCES BY UNIFORMED COMPONENTS

### 2.3.1. Support by the Military Component to the Host State

In United Nations Peacekeeping Operations, the military component may be mandated to support the host-State security forces to conduct legitimate operations as part of enhancing safety and security, protection of civilians, and to extend State authority. The risk that human rights violations, including CRSV, may be committed by these forces must be minimized and any support must therefore be provided in conformity with the Human Rights Due Diligence Policy (HRDDP).<sup>144</sup> The Force Commander and the Force Headquarters should engage the top leadership of the host-State security forces or defence establishment in furtherance of the Peacekeeping Operation's mandate and in conformity with the Mission Concept. The military component should, moreover, liaise and coordinate, among others, the following activities:

- Provision of a safe and secure environment and freedom of movement for civilians;
- Information sharing regarding CRSV hotspots and threats;
- Direct communication for early warning and coordination;

<sup>144</sup> United Nations Human Rights Due Diligence Policy on “United Nations Support to Non-United Nations Security Forces: Guidance Note and Text of the Policy” (2015). Available at: <https://unsdg.un.org/resources/guidance-note-human-rights-due-diligence-policy-un-support-non-united-nations-security>

- Conduct of joint planning in the context of preventing or responding to CRSV;
- Conduct of joint training and rehearsals, in the context of preventing or responding to CRSV; and
- Conduct joint operations in the context of preventing or responding to CRSV.

### 2.3.2. Support by the Police Component to the Host State

The national police and other law enforcement actors have the primary responsibility to enforce rule of law and maintain law and order in the country. In most peacekeeping missions, UNPOL components are, however, mandated to build the capacity of the host-State police and other law enforcement agencies, in line with the Strategic Guidance Framework for international policing and its relevant guidelines and manuals.<sup>145</sup> In such cases, UNPOL supports national police forces to be more responsive and accountable to prevent sexual violence by their own personnel and to take proactive steps to end impunity for CRSV.

UNPOL has a crucial role in building the capacity of the host-State police in preventing and investigating CRSV through a comprehensive set of measures. These may include assisting in the development of policies, SOPs, and training curricula; delivering specialized police investigation courses, including on CRSV, with the assistance of S/WPAs and Human Rights components; and setting up preventive mechanisms through community-oriented policing. In addition, the police component should address CRSV in their mentoring, training, and peer-to-peer advocacy.<sup>146</sup>

Where mandated and authorized, a specialized UNPOL team dedicated to addressing SGBV, including CRSV, should support the capacity development of the national police service. Through the provision of support to establish or reform the national police institution, UNPOL, in close collaboration with the S/WPAs and Human Rights components, should ensure due attention to CRSV with a view to building the capacity of national police officers to understand the nature of CRSV crimes and to respond to them accordingly.<sup>147</sup>

UNPOL support to the host-State capacity development should equally focus on the five core areas of policing, namely policy formulation, stakeholder engagement, policing services, enabling services, and accountability mechanisms. Utilizing this as a basis, UNPOL should support the host-State police in the following areas:

**Operational support:** UNPOL provides operational support to the host-State police to ensure physical protection of civilians through advice on planning and conducting operations and investigations into incidents. UNPOL also provides joint patrols in high-risk areas.

**Assessment and planning:** This includes the different security needs and vulnerabilities of women, men, girls, and boys related to SGBV/CRSV, during police assessment and planning processes.<sup>148</sup> Tailored joint planning and planning support can be granted to the host-State police and security forces.

**Criminal information analysis:** Assist the host-State police and the United Nations Peacekeeping Operation in providing criminal information analysis that is aimed to prevent, deter, or mitigate SGBV/CRSV threats to civilians. This includes identifying high-risk areas and vulnerable groups.

145 DPKO/DFS Policy on “United Nations Police in Peacekeeping Operations and Special Political Missions” (2014); DPKO/DFS Guidelines for Police Capacity-Building and Development in United Nations Peacekeeping Operations and Special Political Missions (2015) and DPKO Manual on Police Monitoring, Mentoring and Advising in Peace Operations (2017).

146 United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020).

147 United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020).

148 The Standing Police Capacity assists in the fulfillment of the strategic mission of UNPOL by providing rapidly deployable, effective, and coherent policing expertise to peace operations, post-conflict and other crisis situations. The Standing Police Capacity has undertaken an assessment of SGBV crimes in the protection of civilian sites in South Sudan in support of a project implemented by an UNPOL Specialized SGBV Team.



In Bentiu, South Sudan, SSPDF troops participate in a three-day workshop training organized by UNMISS to enhance prevention, response and greater accountability for CRSV crimes.

UN Photo/ Mategwa

**Community engagement:** Assist the host-State police in engaging with communities, through patrols, regular forums (including female-only community forums), problem-solving approaches, and outreach programmes aimed jointly to identify SGBV/CRSV threats and solutions for preventive measures while applying the “do no harm” principle.

**Provision of security-related public information:** Assist the host-State police in providing security-related public information and contribute to public-awareness to prevent SGBV/CRSV in coordination with relevant public-information partners in-Mission. Encourage, support, and publicize the activation of police hotlines to report SGBV/CRSV cases.

**Policy and SOPs on SGBV investigation:** Assist the host-State police in developing, implementing, monitoring, and evaluating a policy and SOPs on the investigation of SGBV cases, including CRSV.

**SGBV prevention strategy and action plan:** Assist the host-State police in developing, implementing, monitoring, and evaluating a strategy and action plan to prevent SGBV crimes, including CRSV.

**Specialized SGBV police Units/one-stop centres:** Assist the host-State police in setting up specialized SGBV police Units or one-stop centres that are staffed with trained investigators and equipped to investigate, respond, counsel, and refer victims/survivors of SGBV/CRSV to support services.<sup>149</sup>

**Standardized training on SGBV investigation:** Assist the host-State police in developing and rolling out a standardized training curriculum to UNPOL and host-State police trainers, investigators, and senior police leadership officers on SGBV investigation and management according to an agreed SOPs.

**Victim/survivor support referral system:** Assist the host-State police in establishing victim/survivor referral systems in collaboration with relevant Peacekeeping Operation sections, entities, governmental authorities, international and national NGOs, and UNCT members.

**SGBV crimes database:** Assist the host-State police in creating a SGBV crime database to ensure reliable information on SGBV cases, including CRSV.

**Mentoring of host-State police:** Establish co-locations to enable mentoring of host-State police officers on the investigation and management of SGBV/CRSV cases, as well as on community-oriented policing approaches.

**Police oversight mechanisms:** Assist the host State in establishing police oversight and accountability mechanisms that include community feedback on police performance on SGBV prevention, including CRSV.

149 For further details, see “Chapter Ten: Ending Impunity for Conflict-Related Sexual Violence” of this Handbook.

## CASE STUDY

### Engagement Strategy with Parties to Conflict

#### A pragmatic approach to prevent conflict-related sexual violence and ensure accountability South Sudan

##### Background

UNMISS documented that the South Sudan's People's Defense Forces (SSPDF) and the pro-Riek Machar Sudan's People Liberation Army in Opposition (SPLA-IO) committed rapes and sexual slavery as part of indiscriminate attacks against civilians. These parties are responsible for the largest number of incidents of CRSV in South Sudan in 2018. Both groups are listed in the UN Secretary General's *Annual Report on Sexual Violence in Conflict* for the widespread and systematic use of sexual violence as a tactic of war.



##### Development of an Engagement Strategy

UNMISS developed a pragmatic engagement strategy with the SSPDF, SPLA-IO, and other non-state actors to promote compliance with international laws protecting civilians against CRSV and foster behavioural and institutional change. Ongoing dialogue and advocacy — led by the WPAs in tight coordination with the UNCT and the OSRSG-SVC — resulted in formal commitments by the SSPDF and SPLA-IO leaderships to prevent CRSV and ensure accountability within their ranks. UNMISS provided technical support and capacity building to ensure the operationalization of these commitments.

##### Formal Commitments to End CRSV: SSPDF

Following high-level dialogue with the SWPA, the Government of South Sudan launched, in March 2019, the SSPDF Action Plan on Addressing CRSV. The Action Plan commits SSPDF to implement concrete and time-bound measures focused on prevention, accountability, and the protection of victims, witnesses, and judicial actors. Senior Government officials reiterated a zero-tolerance policy on CRSV during the launch ceremony.



##### Formal Commitments to End CRSV: SPLA-IO

Following engagement by UNMISS, in February 2019, the SPLA-IO leader, Riek Machar, issued a command order on the absolute prohibition to engage in or condone acts of CRSV and called for internal accountability and disciplinary measures against perpetrators.

In June 2019, the group's leadership endorsed the *SPLA-IO Action Plan on CRSV* developed with the technical support of the SWPA and OSRSG-SVC through a series of workshops. The plan includes concrete measures to be implemented over a period of one year, including training and enhanced collaboration with judicial authorities.

Through additional orders in June 2019, the SPLA-IO leadership established two ad hoc committees mandated to investigate alleged CRSV and human rights abuses committed in Western and Central Equatoria since 2018, which were documented by UNMISS.



## Operationalization of Commitments

In 2019, UNMISS supported a series of activities relating to the operationalization of the SSPDF *Action Plan* on CRSV, including 20 workshops to more than 650 uniformed personnel. Nearly 200 SSPDF elements signed a formal undertaking to fight against CRSV.

UNMISS also facilitated training across the country for 150 SPLA-IO elements, most of whom were senior officers.



## Negotiating the Release of CRSV Survivors with SPLA-IO

The SWPA initiated negotiations with field commanders of SPLA-IO in April 2019 for the release of kidnapped women and girls held in SPLA-IO bases in Western Equatoria, including survivors of sexual violence. In June 2019, the SWPA was formally granted unfettered access in SPLA-IO camps to conduct private interviews with women and girls. As a result of consistent engagement, in July 2019, the leader of SPLA-IO, Riek Machar, issued a command order to his commanders to release unconditionally women and girls to UNMISS and UNICEF.

## Tackling Protection Challenges Faced by Survivors

Considering the significant protection issues that survivors of CRSV and forcibly recruited women and girls may face following their release, UNMISS liaised with relevant humanitarian and development actors to ensure their possible access to safe spaces and livelihood support. Moreover, UNMISS engaged with the South Sudan Council of Churches to leverage the influence of religious leaders and promote a protective environment. On 19 June 2019, the *International Day for the Elimination of Sexual Violence in Conflict*, the South Sudan Council of Churches issued a statement to denounce CRSV and the stigma endured by survivors.

## Key Outcomes

The commitments taken by the SSPDF and SPLA-IO leadership signal a stronger political will to strengthen prevention and accountability for CRSV in South Sudan. Since the beginning of 2019, UNMISS has reported a decline in CRSV cases, which is consistent with an overall decrease in political violence in the country. Despite the challenges of holding perpetrators accountable, there were more trials and convictions for sexual-violence crimes in 2019 in comparison to previous years.

## Challenges

CRSV continues to be perpetrated by fighting forces in South Sudan. Weak chains of command remain a key challenge as the signing of commitments by leaders does not necessarily translate into adherence and behaviour change at various levels. High surveillance of activists and service providers by armed groups discourages many survivors from pursuing their cases through national judicial institutions. Moreover, these are often perceived as weak and partial. Very few cases reach the formal justice system and impunity prevails.

## Key Elements of Success

1. The prioritization and focus of Mission efforts and resources on two parties listed in the Secretary General's Annual Report on CRSV;
2. The establishment of dialogue and ongoing communication between UNMISS and the leadership of these parties;
3. The integrated approach with participation of UNMISS, the UNCT in South Sudan, and the OSRSG-SVC; and
4. A survivor-centred approach that takes into account survivors' protection concerns and access to assistance services.

# 10

## CHAPTER 10: Ending Impunity for Conflict-Related Sexual Violence

### Reference documents:

- United Nations DPKO/DFS – Policy on Justice Support in United Nations Peace Operations (2016).
- OHCHR – Integrating a Gender Perspective into Human Rights Investigations (2018).
- United Nations – Guidance Note of the United Nations Secretary-General: Reparations for Conflict-Related Sexual Violence (2014).
- United Nations Police – United Nations Police Gender Toolkit (2015).
- United Nations DPKO/DFS – Handbook Judicial Affairs Officers in Peacekeeping Operations (2013).

*This chapter highlights the importance of the fight against impunity as part of efforts to prevent and respond to CRSV. It presents how civilian, military, and police components of United Nations Field Missions support judicial processes, promote access to justice and remedies for victims/survivors, and strengthen national capacities to address impunity for CRSV crimes.*

### GOALS

*To understand how the components of United Nations Field Missions support national investigations and prosecutions against CRSV perpetrators and contribute to the protection of victims/survivors and witnesses.*

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## SECTION 1: ENDING IMPUNITY TO PREVENT AND RESPOND TO CONFLICT-RELATED SEXUAL VIOLENCE

While States have the primary responsibility to prevent and address CRSV, authorities may be either unwilling or unable to adequately respond to CRSV-related crimes both during and after situations of armed conflict. The culture of impunity for CRSV that prevails when judicial responses are not provided has short- and long-term harmful consequences for victims/survivors of CRSV and their communities, as well as for the enhancement of the Rule of Law and the achievement of sustainable peace.

Ensuring accountability for CRSV crimes is an effective approach to deterring future crimes from being committed and sending a strong message to perpetrators and communities that CRSV will not be tolerated. Accountability is also an essential part of bringing justice and remedies to victims/survivors and supporting them to rebuild their lives. Moreover, as impunity is often a root cause and a catalyst of conflict, promoting justice is a critical condition to re-establishing peace and security.

When the judicial system has collapsed or has become dysfunctional, United Nations Field Missions, in line with their respective mandates, play a key role in breaking the cycle of impunity by fostering political will to end impunity and strengthening the capacity of national institutions at the strategic and operational levels.

In coordination with the UNCT and civil society organizations, United Nations Field Missions provide multi-sectoral support to host authorities to uphold their judicial responsibilities, including enhancing criminal accountability. Support to national authorities may include, among others:

- Identifying gaps in national response and encouraging a holistic national approach in addressing CRSV;
- Strengthening national technical capacity;
- Strengthening national responsiveness to victims/survivors (such as reparations mechanisms); and
- Drawing attention to the full range of available justice mechanisms for victims/survivors.

Field Missions also provide technical and material support, including capacity building, for national stakeholders such as civil society organizations, including women’s groups, to address CRSV and assist victims/survivors.

### 1.1. ROLES AND RESPONSIBILITIES IN UNITED NATIONS FIELD MISSIONS IN THE FIGHT AGAINST IMPUNITY

Field Mission efforts to fight against impunity should be coordinated under the wider Mission’s political efforts and should be addressed through the broader political framework of prevention and accountability to guarantee credible investigations and prosecutions of CRSV. A coordinated and coherent approach with other United Nations entities, including the UNCT and the OSRSG-SVC, should also be pursued.<sup>151</sup> Coordination with the TOE is also critical in assisting the national authorities in ensuring criminal accountability for perpetrators of CRSV, in particular through deployments of its experts to the field. The TOE provides a “One UN” response to national authorities through the use of its co-lead structure that includes DPO, OHCHR, UNDP, and OSRSG-SVC.

The SRSG/HOM, in coordination with SRSG-SVC, and with the support of the Political Affairs Section, engages in high-level political dialogue with State and non-State actors to generate political will to address impunity.

S/WPAs advise the SRSG/HOM, the Deputy SRSGs, the Force Commander, the Head of Police component, Heads of Offices, and Mission sections on recommended actions to prevent and end impunity. S/WPAs serve as focal points across the Mission components on actions and initiatives to end impunity and to ensure a consistent approach.

The Human Rights component leads human rights monitoring, investigations, and reporting on CRSV incidents and mainstreams CRSV into core areas of its work, such as the provision of technical support to relevant national stakeholders on justice and accountability. It coordinates with the TOE, as appropriate, and maintains a strong partnership with the JCS, to ensure complementary, coherent and mutually supportive initiatives on CRSV. For example, it carries out advocacy efforts with State authorities, parties to conflict, and civil society organizations on access to justice and effective criminal investigations, remedies, and reparations, as well as protection measures for victims/survivors.

JOC and JMAC integrate information on CRSV and analysis of patterns of attack and the use of CRSV in their reporting, with the aim to inform the leadership, S/WPAs, and Mission components.



A MINUSMA integrated team travels to the Mopti region in Mali to investigate armed attacks in the Bankass Cercle area.

UN Photo/Dormino

<sup>151</sup> Coordination should be facilitated under the Global Focal Point for Rule of Law arrangement, co-led by DPO (Justice and Corrections Service and Police Division) and UNDP, with the participation of OHCHR, UN-Women, the United Nations Office on Drugs and Crime (UNODC), and other partners.



The trial of Mr. Frederic Batumike convicted of crimes against humanity for the rape of 39 children by his militia in Kavumu, South Kivu province of the DRC.

Schneider

JCS, in close coordination with UNPOL, the Human Rights component, and the TOE, promotes, supports, and facilitates criminal investigations and prosecutions, as well as the protection of victims/survivors and witnesses. Within the JCS, the Justice Unit supports the extension of justice services in areas affected by conflict and improving the efficiency and effectiveness of the judiciary; advocates for strategic reform of the rule of law architecture; and promotes the enactment of laws and policies to prevent, address, and criminalize CRSV. Within the JCS, the Corrections Unit assists national authorities in strengthening corrections facilities to enable the secure and humane detention of alleged and convicted perpetrators of CRSV.

SSR works in close collaboration with DDR, the Human Rights component and JCS to support oversight mechanisms to ensure that former commanders and members of armed groups responsible for CRSV are not integrated into reformed national security forces. This work is carried out in close coordination with the national authorities.

Gender advisors provide support to the SRSG/HOM and S/WPAs, in enhancing women’s participation, representation, and empowerment, which in turn enables women to actively engage in accountability efforts.

Finally, the TOE works with the consent of and in cooperation with host governments to foster national ownership and responsibility for addressing CRSV. It works alongside national counterparts, and in collaboration with Field Missions and the UNCT, to strengthen the rule of law institutions and enable them to hold individuals accountable for CRSV, thus, promoting full compliance with international due process and fair trial standards.

For United Nations Peacekeeping Operations, the military and police components play an important role in supporting criminal accountability, including by ensuring security and providing access to specific field locations for investigations (see below).

## **SECTION 2: ADAPTING MISSION SUPPORT TO NATIONAL CONTEXTS AND JUDICIAL RESPONSES**

United Nations Field Missions and their partners should tailor their interventions and support to the fight against impunity for CRSV to the specific host-country situation. Field Missions should start with an initial assessment of the judicial landscape in the host country regarding sexual-violence crimes to develop an in-depth analysis of the strengths and weaknesses of the national responses. This assessment should be gender-sensitive and include an analysis of the existing legal framework, the different judicial responses by the national institutions (investigation, prosecution, and trial), and detail the specific challenges to be addressed. An initial assessment should also include an analysis of the legal and institutional reforms put in place to address CRSV as well as the existence and the challenges associated with informal justice mechanisms. The assessment should furthermore aim at identifying other possible avenues to achieve accountability for CRSV, including within the broader spectrum of transitional justice mechanisms, such as truth commissions. The assessment should help identify strategic entry points to address impunity to inform the development of policies, legal reforms, and strategic frameworks of engagement with

the host State and parties to conflict, such as Joint Communiqués on CRSV.<sup>152</sup> Conducting judicial assessments and proposing recommendations is a shared responsibility between Mission components, with a leading role by JCS and the Human Rights component, and in coordination with UNPOL and the TOE.

### Assessment of judicial response to CRSV by MINUSMA

In 2019, the JCS and S/WPAs in MINUSMA, in coordination with the TOE, conducted a joint assessment of the national judicial response to serious CRSV crimes committed in Mali in 2012 and 2013. To collect the necessary information for its assessment, MINUSMA and the TOE, following the completion of a thorough desk review, hosted bilateral and group meetings in Mali, both in the capital and in strategic field locations, with national judicial institutions and NGOs. Victims/survivors were not met directly to preserve their safety.

The assessment found that no significant judicial action had been taken to address the CRSV cases since 2017 and, moreover, that some case files could not be found. The assessment helped to localize the complaints within the jurisdictions and identify the challenges that had led to a standstill in all the CRSV cases linked to the crisis.

The findings of the assessment served as the basis for a range of follow-up actions, including the drafting of the Action Plan to implement the Joint Communiqué signed between the United Nations and Mali in March 2019. MINUSMA also used the findings to advocate the transfer of CRSV cases to competent jurisdictions, to assist relevant national authorities in the creation and definition of an adequate prosecutorial strategy, and to provide technical advice to ensure that national courts can address the backlog of complaints and files related to CRSV.

The findings from assessments also support the development of gender-sensitive and context-specific training programmes to prevent and respond to CRSV for national security forces and the judiciary. Furthermore, they can be the catalyst for the promotion of accountability and professionalism throughout the reform of the host-State security, defence, and justice sectors.<sup>153</sup>



UN Photo/ MINUSMA

152 For more information on training, see “Chapter Nine: Engagement for Commitments with Parties to the Conflict to End Conflict-Related Sexual Violence” of this Handbook.

153 For further information and guidance on assessments and mapping, see the Handbook for Judicial Affairs Officers in United Nations Peacekeeping Operations (2013). Available at: [https://peacekeeping.un.org/sites/default/files/2013.04\\_handbook-justice-final-for-web-linked\\_0.pdf](https://peacekeeping.un.org/sites/default/files/2013.04_handbook-justice-final-for-web-linked_0.pdf)

### SECTION 3: SUPPORTING CREDIBLE CRIMINAL INVESTIGATIONS AND PROSECUTIONS

Criminal investigations and prosecutions are a significant part of the judicial process and ensuring they are credible (i.e., honest, impartial, rigorous, transparent, accountable) is essential to ending impunity for CRSV in compliance with international human rights standards.<sup>154</sup> Within the ambit of their mandate and capacity, United Nations Field Missions should both support and advocate credible investigations and prosecutions of CRSV cases.<sup>155</sup> This can be accomplished through various measures, ranging from technical advice and logistical support, to improving the ability of national police and judicial authorities to conduct investigations and prosecutions and promoting fair and impartial criminal trials. For instance, through a Joint Investigation Team (JIT), relevant mission personnel may support national authorities in carrying out judicial investigations to bring perpetrators of human rights violations, including CRSV to justice.<sup>156</sup>

United Nations Field Missions should assist national judicial authorities in applying a survivor-centred approach during the investigation, prosecution, and adjudication of CRSV cases. United Nations Field Missions personnel conducting human rights investigations, independently or in support of national investigators, should promote and implement the guiding principles stated in the CRSV Policy: “do no harm”, confidentiality, informed consent, gender-sensitivity, the survivor-centred approach, and the best interest of the child.<sup>157</sup>



MINUSMA/Dicko

154 For further information, see OHCHR Guidance on “Integrating a Gender Perspective into Human Rights Investigations” (2019). Available at: <https://www.ohchr.org/Documents/Issues/Women/Publications/GenderIntegrationintoHRIInvestigations.pdf>

155 As per the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020).

156 For an example of JIT, see the example from MONUSCO in “Chapter 8: Providing Physical Protection to Prevent and Respond to Conflict-Related Sexual Violence” of this Handbook

157 For more information on the guiding principles and survivor-centred approach, see “Chapter One: Conceptual Foundation and the Evolution of the Conflict-Related Sexual Violence Mandate” and “Chapter Four: The Survivor-Centred Approach and Referral Pathways” of this Handbook.



## **Recommendations to Field Mission personnel for applying a survivor-centred approach in the investigation of CRSV**

- Ensure that protection measures in line with the principle of “do no harm” and a survivor-centred approach are in place before national police and judicial investigators begin investigations and take all possible measures to prevent any negative impact of the investigation on victims/survivors.
- Advise and assist the authorities to keep personally identifiable information of victims/survivors, their families, witnesses, and sources confidential, considering that investigations and prosecutions can put them at risk. For instance, identities of victims/survivors, witnesses, and sources should not be disclosed in collective sessions or during interviews with other sources.
- Advise the authorities to refrain from taking photos of victims/survivors and arranging meetings between victims/survivors and alleged perpetrators. Inform them that if a photo or a meeting is required, authorities should obtain the informed consent of victims/survivors and that protective measures, such as keeping the names of the victims/survivors confidential, must be put in place.
- Facilitate the coordination and implementation of protection measures by various actors to mitigate risks. A gender perspective should be applied throughout, and special attention should be given to child victims/survivors and witnesses. S/WPAs and CPAs should advise accordingly.
- Clearly and openly present the purpose, processes, and potential outcomes of the judicial process. Victims/survivors may have expectations that cannot be met by the national authorities and/or the Mission. Do not commit to any compensation of the victims/survivors. Do not raise expectations that cannot be met.
- Alert authorities about the risk of retaliation, stigmatization and re-victimization victims/survivors may be exposed to whenever they meet with them. Advise them to fill information gaps through different methods, sources, and witnesses.
- Support the authorities in identifying secure and discrete locations to conduct interviews.
- Advise authorities to take a gender-sensitive approach, e.g., using respectful and non-discriminatory language and taking into account the different situations, risks and needs, of women, girls, men and boys and others to ensure behaviours and practices respect human rights of all people participating in judicial processes.
- Only conduct individual interviews. Interviewees in particular situations such as children, persons with disabilities, refugees, and IDPs, or those who survived traumatic events, should be approached with extra care and may be accompanied by a person of their choice. S/WPAs and CPAs should advise accordingly.
- Advise the authorities to provide essential security counselling to victims/survivors, including information on available protection services and programmes, contact information for local law enforcement offices, and advice on self-protection and safety measures.
- Support national authorities to establish an emergency telephone tree or hotline to report CRSV threats and incidents.

### **3.1. THE ROLE OF THE CIVILIAN COMPONENT IN SUPPORTING INVESTIGATIONS AND PROSECUTIONS**

JCS promotes, supports, and facilitates criminal accountability for CRSV and provides support to the national criminal justice system, in close coordination with UNPOL, Human Rights and Political Affairs components, and the TOE. In missions mandated to support nationally led investigations and prosecutions of serious crimes, including CRSV, the JCS provides technical and operational assistance to criminal justice authorities, as well as military

justice authorities and international justice mechanisms as mandated. CPAs should be involved in the provision of technical support to investigations and prosecutions when children are involved.

In some Mission settings, the JCS, in coordination with other components and the UNCT, will also support the establishment and operationalization of specialized national mechanisms responsible for investigating, prosecuting, or adjudicating CRSV and other serious crimes. The JCS also plays an important role in coordinating international support and assistance to ensure criminal accountability for CRSV.<sup>158</sup>



UN Photo/UNMISS

A man testifies during a mobile court hearing in Bentiu, South Sudan, organized with UNMISS technical assistance and support.

### **Support to national authorities in responding to serious violations in Protection of Civilian Sites in South Sudan**

Since 2018, the UNMISS Rule of Law Advisory section has supported national efforts to investigate, prosecute, and adjudicate cases of serious violations, including sexual violence, perpetrated within its Protection of Civilian sites in South Sudan. This includes providing technical advice and support to investigators and prosecutors on methods and techniques employed during all phases of the investigative and prosecution process (case development, conducting interviews, collecting and safeguarding evidence, preparing evidence for trial, and presenting a case before the court), as well as logistical support to all justice sector actors for their deployment to areas where such crimes have been committed. During the first year of the initiative, 127 cases were referred, including 39 SGBV cases, resulting in 37 convictions and 22 acquittals. Since September 2019, the initiative has been extended to cover crimes committed outside UNMISS Protection of Civilian sites. Local CSOs are also involved in supporting the initiative.

### **Prosecution Support Cells in MONUSCO**

In DRC, the civilian, military, and police components of MONUSCO provide technical, financial, and logistical support to military justice authorities for investigating and prosecuting international crimes, including CRSV. The Prosecution Support Cells established a list of priority cases involving high-ranking military officials from the national security forces and leaders of armed groups. In close coordination with Mission components, in particular the Joint Human Rights Office and JCS, and in collaboration with the TOE, technical support is provided to military investigators, prosecutors, and judges during trials.

MONUSCO's support to the military justice authorities resulted in several emblematic trials and convictions for high-level military commanders and armed group leaders who perpetrated or condoned CRSV.

<sup>158</sup> For further information, see the United Nations DPO/DPPA/OHCHR/SRSG-SVC Policy on “United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence” (2020).



### 3.2. THE ROLE OF THE MILITARY AND POLICE COMPONENTS IN SUPPORTING INVESTIGATIONS AND PROSECUTIONS

Military and police components of Peacekeeping Missions should use all mandated powers to contribute to efforts to prevent, detect, mitigate, investigate, and respond to CRSV in collaboration with S/WPAs, Human Rights components, and JCS, as well as with victim/survivors' referral networks. The list below includes specific activities that uniformed components may conduct, which should be adapted to each Field Mission's specific mandate and planned under the overall guidance of S/WPAs.

**Searching, detaining, and arresting perpetrators:** Where explicitly mandated, police component may have powers to arrest alleged/confirmed perpetrators of CRSV and temporarily detain them. The military component may be mandated to search and detain alleged/confirmed perpetrators and subsequently hand them over to the national authorities. The authority to arrest, detain, and search perpetrators depends on the respective mandates of United Nations Peacekeeping Operations, the Status-of-Forces Agreements (SOFA),<sup>159</sup> ROEs, DUF, and applicable international human rights, humanitarian, and refugee law, norms and standards.<sup>160</sup> Wherever possible, it is preferable for the military and police components to work with national security and police forces capacities rather than trying to substitute them for their own.<sup>161</sup>



Two women, veiled to protect their identity from the public, testify during the trials of military and police elements accused of sexual violence crimes in Beni, DRC.

Photo MONUSCO/Ait

159 A Status-of-Forces Agreement (SOFA) is the legal framework that defines the rights and obligations of a foreign visiting force in a receiving State's territory. It is thus an agreement between two or more countries, which are not at war with one another. For an example from UNMISS see: <https://unmiss.unmissions.org/status-forces-agreements-sofa>

160 Any person detained by a United Nations field mission shall be handed over to the host-State authorities or released as soon as possible and, in any case, within 96 hours of the time that he or she was first apprehended. For more information, please see Standard Operating Procedures on Detention in United Nations Peacekeeping Operations and Special Political Missions, United Nations Department of Peace Operations/Department of Political and Peacebuilding Affairs/Department of Safety and Security (2019).

161 In some missions where the host-State police have completely collapsed, UNPOL may be given an executive mandate and be asked to provide interim policing (through which they are directly responsible for all policing and other law-enforcement functions and have a clear authority and responsibility for the maintenance of law and order), effectively becoming the police service of the country. They are, among other things, entrusted with powers to arrest, detain, and search.

**SOPs on handling SGBV/CRSV-related crimes:** Depending on the Mission mandate, police components should develop comprehensive SOPs with the host State police on the handling of crimes related to SGBV, including CRSV, in collaboration with the Human Rights component. The SOPs<sup>162</sup> should include the following five components:

- (i) First Response;
- (ii) Crime Scene Investigation;
- (iii) Investigation;
- (iv) Case File Management; and
- (v) Victim/survivor Protection.

**Technical support to investigation of cases:** UNPOL, in coordination with relevant mission components, may assist the host State police in developing and rolling out a standardized training curriculum for host State police trainers, investigators, and senior police leadership officers on SGBV investigation and management according to agreed SOPs. As part of their ongoing interactions with national police, UNPOL may co-locate for mentoring the investigation and management of SGBV/CRSV cases. In specific contexts, uniformed personnel participate in CRSV-related investigations processes in coordination with relevant Mission components.

**Physical protection during investigations and prosecutions:** Military and police components may be mandated to undertake certain deterrence activities during investigations and prosecution efforts, such as during mobile courts. For example, they may provide escorts and route clearance to safe locations for interviews or court appearances or provide physical security to investigation teams.

**Operational support:** The uniformed components may also be tasked with providing operational support to the host-State security forces to ensure physical protection of civilians through advice on planning and conducting operations in the context of CRSV investigations and prosecutions.

### 3.3. SPECIALIZED SGBV POLICE UNITS WITHIN THE NATIONAL POLICE

UNPOL may assist the host-State police in setting up specialized SGBV Police Units in coordination with JCS, Human Rights and other relevant Mission components, as well as the TOE to address SGBV cases, including CRSV. These Units are staffed with trained investigators and equipped to investigate, counsel, refer, and respond to victims/survivors of SGBV, including CRSV. The primary goal of a specialized SGBV Police Unit is to create a secure, safe, and protected place for the community to report cases, with an emphasis on the specific needs of women, men, girls, boys and others. Specialized SGBV Units allow the police to respond in an appropriate, sensitive, and effective way to SGBV crimes.<sup>163</sup> SGBV crimes require the police to possess specific relevant capabilities and provide unique resources. Hence, having a separated SGBV Police Unit can be vital to the success of the police in handling SGBV cases.<sup>164</sup> There should be an equal participation of female officers in these Units.

If appropriate for the local context, these specialized Units may be located in “one-stop centres”, which are multiple-service delivery centres for victims/survivors. Physical proximity may allow victims/survivors to report their case to authorities while having the chance to receive free legal assistance and other types of care.<sup>165</sup>

<sup>162</sup> For guidance on developing SOPs, refer to “Lesson 3: Developing SGBV Policies and Standard Operating Procedures” in the United Nations Police Gender Toolkit – Compendium of Project Tools (2015).

<sup>163</sup> There are many advantages to the establishment of a separate SGBV Police Unit with a survivor-centred approach. Firstly, it increases the confidence of victims/survivors in reporting SGBV crimes as they begin to perceive a systematic approach to SGBV and feel supported in pursuing justice. Secondly, victims/survivors receive better quality of service, as the victim/survivor’s wellbeing becomes the focus thanks to the specifically trained officers and active coordination with support services. Lastly, it may change the public opinion on SGBV, as an institutionalized approach to SGBV transmits the message that SGBV is a crime that will not be tolerated.

<sup>164</sup> Specific technical competencies and resources include private and comfortable interview rooms for adult victims/survivors; separate and comfortable interview rooms for child victims/survivors; a comprehensive data collection system to store DNA samples, fingerprints and profiles; and access to a wide network of victim/survivor referral services, including medical, legal, and social services.

<sup>165</sup> For further information, please refer to “Chapter Four: Survivor-Centred Approaches and Referral Pathways” of this Handbook.

To support host-state police with specialized policing expertise, UNPOL deploys specialized teams of individual police officers, including SGBV experts.



UN Photo

### Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children in CAR

In 2012, the United Nations and the national authorities in CAR adopted a Joint Communiqué on CRSV in which the fight against impunity for CRSV was prioritized. Follow-up technical, material, and logistical support provided by the TOE, in coordination with MINUSCA (SWPA, JCS, UNPOL) and the UNCT (especially UNDP), bolstered the establishment of a national specialized unit, composed of police and gendarmes and specifically designed to investigate sexual violence, known as the *Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children* (UMIRR). Since it became operational in 2017, the UMIRR has registered and investigated a number of CRSV cases of sexual violence and successfully offered easy access for victims/survivors to psychosocial and legal services. The TOE, MINUSCA, and the UNCT continue to provide support to UMIRR to keep improving its capacity and ability to address the growing numbers of sexual violence cases in CAR.



#### Guidance on specialized SGBV Police Units

In the UNPOL Gender Toolkit, police personnel can learn how to:

- Understand the benefits of a specialized SGBV Unit;
- Identify the steps for preparing, constructing, operationalizing, monitoring, and evaluating a project to establish a specialized SGBV Police Unit;
- Outline the content of a concept note and project proposal;
- Classify different types of specialized SGBV Police Unit structures and the tasks and responsibilities of staff officers;
- Define the content of a strategy and action plan to construct a specialized SGBV Police Unit;
- Outline the methods for creating a data collection system;
- Indicate the content of a monitoring and evaluation framework for a specialized SGBV Police Unit;
- Identify the indicators for measuring progress towards establishing a specialized SGBV Police Unit; and
- Outline challenges and solutions in the different processes.

## SECTION 4: JUDICIAL PROTECTION MEASURES FOR VICTIMS/SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE

The protection of victims/survivors and witnesses of CRSV is an integral part of efforts to end impunity against CRSV.<sup>166</sup> Victims/survivors and witnesses have the right to obtain redress, to be protected from threats and reprisals, and to have their dignity respected at all times, including before, during, and after judicial action is pursued. The failure to protect victims/survivors and witnesses seriously compromises these rights as well as the investigations and prosecutions of perpetrators.

As protection programmes are not always in place within the national judicial system, United Nations Field Missions should contribute to promoting the protection of victims/survivors and witnesses where necessary.<sup>167</sup> S/WPAs and the Protection Units of the Human Rights component have the leading role in the Mission to address protection challenges faced by victims/survivors and witnesses to promote access to justice.

To foster a more protective environment and contribute to breaking the cycle of silence, the Human Rights components assist the authorities in understanding the protection risks and challenges that intimidate victims/survivors and witnesses from reporting. During judicial procedures, Human Rights components assist the authorities in identifying and responding appropriately to the range of needs expressed by victims/survivors such as medical, psychosocial, legal, and safety needs. Assistance and protection measures should always be developed in consultation with victims/survivors themselves, women's groups, and other relevant actors, to ensure comprehensive consultation with all potential victims/survivors and key national stakeholders to thoroughly capture the gender dimension of the crimes.

Together with the Human Rights component, JCS and UNPOL may also provide advice to national judicial actors to ensure that special protection measures are in place throughout the investigation and prosecution stages, with the support of the TOE. JCS may also support the establishment of legal aid or paralegal support to assist victims/survivors throughout the justice process.



Victims and witnesses of sexual violence crimes are accompanied by the Joint Human Rights Office and provided with full body veils to ensure they can safely participate in a trial in South Kivu, DRC.

### Protection Measures for Victims/Survivors in DRC

MONUSCO developed a specific United Nations-coordinated protection programme for victims and witnesses participating in judicial processes, led by its Joint Human Rights Office (for more information see the case study at the end of this chapter).

### Legal aid in Darfur, Sudan

Since 2016, the UNAMID Rule of Law section and UNDP in Darfur have supported efforts to enhance access to justice and legal aid to vulnerable communities through the establishment of justice forums to enable dialogue on justice-related challenges, including CRSV, the establishment of legal aid desks in prisons and the training of paralegals.

<sup>166</sup> This also applies to any other person cooperating with the authorities in the judicial context or with the United Nations Field Missions.

<sup>167</sup> For further guidance on this, see the OHCHR Manual on Human Rights Monitoring (2011), (“Chapter 14: Protection of Victims, Witnesses and Other Cooperating Persons”). Available at: <https://www.ohchr.org/Documents/Publications/Chapter14-56pp.pdf>. For more information on lessons learned, refer to the OHCHR Workshop Report on Protection of Victims of Sexual Violence: Lessons Learned (2019). Available at: <https://www.ohchr.org/Documents/Issues/Women/WRGS/ReportLessonsLearned.pdf>.

The UNCT and international and national NGOs, particularly organizations with a judiciary protection programme or those providing legal assistance to victims/survivors, are key partners for the implementation of protection measures.

JMAC, Civil Affairs, Child Protection, and POC Advisors contribute to the protection of CRSV victims/survivors and witnesses as part of the wider POC framework, notably by identifying threats against civilians and sharing alerts with judicial authorities. Military and police components support the protection of victims/survivors and witnesses as part of their regular POC functions, including physical protection measures.<sup>168</sup>

## **SECTION 5: POLITICAL-LEVEL ENGAGEMENT TO ADDRESS IMPUNITY AND STRENGTHEN NATIONAL JUSTICE SYSTEMS**

To advance accountability and combat impunity, technical, and operational support needs to be complemented by high-level political engagement. The leadership of United Nations Field Mission may advocate the end of impunity as part of the Mission's political strategy and through its good offices. S/WPAs or other relevant representatives of the Human Rights component and JCS should provide information and technical assistance to support these political efforts.<sup>169</sup>

Field Missions should advocate the integration of accountability measures into political engagements, ceasefire negotiations, and mediation practices and ensure peace agreements do not include amnesty provisions<sup>170</sup> that may lead to impunity for the perpetrators of serious crimes, including sexual violence.

The Mission leadership should advocate the development of a national investigation and prosecution strategy for serious crimes, including crimes of sexual violence. It should also ensure that reforms of the legal system address



168 See Section 2 of this chapter for the activities to be carried out by uniformed personnel to support investigation and prosecutions. For more information about physical protection measures, see “Chapter Eight: Providing Physical Protection to Prevent and Respond to Conflict-Related Sexual Violence” of this Handbook.

169 For more information on this, see “Chapter Nine: Engagement for Commitments with Parties to the Conflict to End Conflict-Related Sexual Violence” of this Handbook.

170 UNSCR1820 (2008) and 2106 (2013) state that sexual-violence crimes must be excluded from amnesty provisions in conflict resolution processes.

CRSV concerns. This includes the development of a legal framework that ensures protection, reparation, and recovery mechanisms, as well as transitional justice mechanisms that qualify CRSV as a severe crime.

The Mission leadership may promote accountability throughout the implementation of reform in the security and defence Sectors. SSR, DDR, and Political Affairs, as well as the military and police components, should also contribute to advising the Mission leadership on the integration of CRSV in host-government policy and SSR.

Lastly, the Mission should engage with the host government and parties to the conflict to secure their commitment to take corrective action within their ranks to address impunity of CRSV.

At the United Nations Headquarters level, the SRSG-SVC works closely with the TOE to support advocacy efforts of Field Missions to make CRSV more visible and to build political will and momentum for consistent and effective prosecution.

### **Example: Support to the Special Criminal Court in CAR**

MINUSCA supported the establishment and operationalization of the Special Criminal Court and continues to provide technical advice and mentoring to all the organs of the Court, to ensure perpetrators of international crimes, including CRSV, are brought to justice. MINUSCA's JCS supported the national authorities with the development and publication of the Special Criminal Court public investigation and prosecutorial strategy, which defines CRSV as a priority element in its case selection.

In 2019, the TOE deployed a full-time expert, based in MINUSCA, to provide daily mentoring and capacity support to the investigation and prosecution of SGBV, including CRSV under the jurisdiction of the Special Criminal Court.



### **Example of key advocacy messages to address impunity**

- Encourage the government to commit, sign and fully implement a Joint Communiqué on preventing and responding to CRSV with the United Nations that contains clear commitments to the fight against impunity and to implement these commitments through a concrete Action Plan. The commitments included in the Joint Communiqué should include a commitment to ensure that perpetrators of CRSV will be prosecuted, including armed group leaders and high-level ranking officers of the security forces (responsibility of the commander), as well as to ensure that perpetrators of CRSV crimes cannot join the armed forces or law enforcement agencies and cannot benefit from amnesties.
- Encourage the State to ensure that victims/survivors have access to reparations, covering restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Also advocate for the State to pay court-ordered reparations to victims/survivors.
- Encourage the State to increase the number of women within defence ministries, the police, and the military, particularly in commanding positions and within Units deployed in conflict areas, as well as of the number of female magistrates, particularly for the handling of sexual-violence cases.
- Encourage the State to pay salary arrears for all its agents, particularly those of health personnel and State security forces in order to mitigate risks of abuses by persons in positions of power over communities.
- Initiate discussion with United Nations agencies and international NGOs to improve data-collection capacity and methodologies in CRSV-affected regions. Poor data collection impedes the development of appropriate political and technical support strategies to facilitate addressing impunity.

## SECTION 6: REPARATIONS AND REMEDIES FOR VICTIMS/SURVIVORS

Victims/survivors of serious international crimes, including CRSV, have the right to interim assistance and reparations, which may extend to reparations for their family and community.<sup>171</sup> Reparations can be both individual and collective, and appropriate reparations processes generally have a combination of all forms based on the needs the victims/survivors specify. Reparations to victims/survivors play a critical role in the transitional justice process. There are five types of reparation:

- Restitution (e.g., restoring property, citizenship rights);
- Compensation (e.g., financial, land);
- Rehabilitation (e.g., medical, psychosocial and livelihood assistance);
- Satisfaction (e.g. apologies, memorials, handing down a judgment);
- Guarantees of non-repetition (e.g., laws and practice preventing similar crimes in the future).

A victim/survivor of CRSV may be entitled to sue the perpetrator in domestic courts, and depending on the legal system, bring the claim before an international tribunal. State actors may also be held liable under principles of State responsibility and obligated to provide reparations for victims/survivors.

The United Nations Secretary-General issued a Guidance Note on Reparations for CRSV that provides directions to United Nations entities to ensure that reparations for victims/survivors are included in all transitional justice processes at field and Headquarters levels.<sup>172</sup> The implementation of victims/survivors' assistance and reparations programmes requires specialized expertise and Field Missions are recommended to consult with specialized organizations.<sup>173</sup>



UN Photo/Felipe

171 It is an accepted principle under customary international law. This has been enshrined at the international level by the UN General Assembly in the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985) and the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross violations of International Human Rights Law and Serious International Humanitarian Law* (2005).

172 United Nations – Guidance Note of the United Nations Secretary-General: Reparations for Conflict-Related Sexual Violence (2014). Available at <https://www.unwomen.org/en/docs/2014/6/reparations-for-conflict-related-sexual-violence>

173 Experienced organizations on reparations include OHCHR, IOM's Land, Property, and Reparations division; UNDP, UNODC, and UN Women as well as academics, practitioners, lawyers, and others in civil society.

## CASE STUDY

### Protection for Victims and Witnesses of Human Rights and Sexual-Violence Crimes

#### A United Nations-coordinated programme to ensure the participation of victims/survivors and witnesses in judicial processes Eastern DRC

##### Background

Impunity for perpetrators of human rights and sexual-violence crimes has long defined the legal landscape in DRC. This partly stems from technical and material challenges to obtaining objective evidence of sexual-violence crimes as well as insecurity at the crime sites and inaccessibility to them. The testimonies of victims/survivors and witnesses are often the only form of evidence to present in courts for the prosecution of CRSV cases. In coming forward to testify, victims/survivors and witnesses are exposed to risks including death threats and other acts of reprisal. Human rights activists and judicial personnel facilitating these cases are also subjected to various forms of intimidation. Despite these risks, there is no national judicial protection programme in DRC, due to a lack of political will and resources. Moreover, the judicial authorities often face technical and material challenges to providing protection to victims/survivors and witnesses, further contributing to the culture of impunity.

##### A Pilot Project for Judicial Protection

With the aim of fighting against impunity, MONUSCO developed a Judicial Protection Pilot Project in 2011 to support the protection of victims/survivors, witnesses, and judicial personnel during judicial procedures against those accused of crimes against humanity and war crimes, including CRSV. The United Nations Joint Human Rights Office coordinated the pilot project and follow-on projects, serving three main goals:

1. To provide a holistic protection approach to victims/survivors and witnesses directly involved in the judicial process, covering psychosocial assistance, security, and legal support;
2. To improve technical skills and the knowledge of all actors directly involved in the judicial process of victim/survivor and witness protection;
3. To serve as a pilot project to be upscaled to create a national victims/survivors and witness protection programme and an improved legal framework.

##### Engagement with NGOs and Local Organizations

MONUSCO works closely with local and international NGOs to provide technical and legal advice and assistance to victims/survivors and witnesses, such as Lawyers Without Borders, the American Bar Association, TRIAL International, and the National Protection Network of Congolese NGOs. MONUSCO also works with these partners to build the capacities of local organizations that are members of this network. The participation of grass-roots groups working in rural communities ensures a link between the United Nations Judicial Protection Programme and the victims/survivors and witnesses of CRSV.

##### Strategic and Operational Engagement with National Authorities

At the strategic level, the Human Rights component, including S/WPAs engage in advocacy with national and provincial judicial authorities on legal reform and the need to create a national judicial protection programme. They also provide capacity building training on judicial protection to judicial authorities and lawyers.

Upon the request of the Congolese Government, MONUSCO provided technical support to draft an Action Plan on Sexual Violence, led by the Minister of Defence. The Action



## Strategic and Operational Engagement with National Authorities

*(continued)*

Plan included a specific pillar on protection, including training and specialized activities on the protection of victims/survivors, witnesses, and judicial officers; it is to be carried out with the support of MONUSCO.

At the operational level, the United Nations Judicial Protection Programme provides technical assistance and capacity building training to prosecutors to magistrates and national NGOs to address individual protection needs in judicial processes.

## Addressing Protection Needs to Ensure Judicial Participation

The United Nations Judicial Protection Programme addresses individual protection needs through the National Protection Network. Individuals are referred to specialized organizations for legal aid and other services, in a holistic approach. Psychosocial support to victims/survivors of sexual violence is particularly valuable, considering that seeking justice may entail further harm and trauma. Protection needs and risks are evaluated at all stages of the judicial proceedings: before, during, and after the trial.

MONUSCO assists judicial authorities by implementing specific protection measures for victims/survivors of sexual violence called to testify. Measures can include video recordings of testimonies, concealing screens during hearings, voice distortion, and full concealment for witnesses. MONUSCO Protection Officers conduct trial monitoring and provide technical advice to all actors involved in these judicial processes.



MONUSCO/UNJHRO

After the trials, MONUSCO conducts field missions to explain judicial decisions to victims/survivors and affected communities on the rulings and of the benefits in contributing to fighting impunity.

## Key Outcomes

- Protective measures were implemented to mitigate risks for victims/survivors, before, during, and after the judicial process of several emblematic trials.
- Multi-sectoral protection and services were provided to victims/survivors and witnesses based on their needs and choices, including referrals to medical and psychosocial services; transport and accommodation during the trial to facilitate testimony; and financial support for relocation to safe locations, when necessary.
- Capacity building of the National Protection Network and national authorities.

## Key Elements of Success

1. Collaborating with grassroots partners enabled the Programme to engage and liaise with communities and monitor the ongoing protection needs of witnesses, victims/survivors, and judicial personnel.
2. A coordinated approach which enabled collaboration with national and international partners.
3. The MONUSCO Working Group on the fight against impunity chaired by the head of the JCS served to enhance internal coordination within MONUSCO.
4. An International Criminal Justice Task Force that brought together MONUSCO and NGOs and coordinated protection and advocacy efforts for prosecution-related issues with the authorities.

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# Annex

## 1. List of Functions and Responsibilities on CRSV within the Military Component

### Military Headquarters and Unit Responsibilities on CRSV

The Force Headquarters (FHQ). FHQ staff shall factor in protection needs in military planning processes and apply protection considerations in the conduct (management) of operations. As Protection of Civilians (POC) and CRSV prevention and response are priority responsibilities involving multidimensional and high-sensitivity activities, the functioning of the Force HQ staff will be coordinated by the Force Chief of Staff, under the guidance from the Force Commander (FC) and Deputy Force Commander (DFC). In the context of CRSV, the Force HQ Staff will be specifically responsible for the following, they will:

- Establish an effective monitoring and reporting arrangement on CRSV, including early-warning framework in coordination with WPAs on CRSV (U2 and U3).
- Report/update/provide inputs to JOC and JMAC, as well as SWPA on CRSV (U2 and U3).
- Issue Information Collection Plans and carryout military analysis of information acquired (U2).
- Coordinate, monitor, and control preventive operations and protection responses through Military Operations Room (U3).
- Manage CRSV-related crises in coordination with designated officials (Force HQ).
- Provide/coordinate additional support to sector HQ/units/sub-units.
- Carry out periodic reviews and assessments on threats and vulnerabilities to women and girls (U2 and U3).
- Coordinate responses to CRSV and reporting of CRSV incidents with the SWPA/HR/GWPAs, GA/CPA/HRO (U2, U3 and U5).
- Monitor daily, weekly, and monthly information reports and situation reports to identify patterns of CRSV and activities of perpetrators (U2 and U3).
- Monitor activities of civil population, host security forces, National police, armed groups/actors, etc. (U2, U3, U5, U6 and MPIO)
- Disseminate, employ, and monitor protection-related Mission public information campaigns (MPIO).
- Implement quick-impact projects (QIPs) that enhances safety and security of women and girls (Military CIMIC Officer/U5).
- Monitor in-mission induction and ongoing training, among others, with CRSV focus, and support IMTC in reviewing the scenario-based training periodically (U7).
- Coordinate communication monitoring and provide additional support (activation of CLAs and other sources) up to battalion level (U-6).
- Develop military plans and contingency plans for addressing CRSV threats and challenges (U2, U3 and U5).
- Liaise and coordinate with host military establishment.

These responsibilities are to be replicated for staff at Sector Headquarters level.

**Military Unit/Battalion HQ.** The Unit/Battalion HQ is responsible for planning, coordinating, directing, and controlling all operational activities in the battalion Area of Responsibility (AOR). In the context of CRSV, UN military Unit/Battalion HQ will be responsible for:

- Ensuring all military peacekeepers are trained and sensitised on CRSV challenges and can respond effectively.
- Tasking, training, and sensitising the sub-units and commanders in administering proactive preventive measures and calibrated UN-oriented responses to potential and impending threats.
- Tasking sub-units, including the Engagement Platoon, to carry out Information Collection Plans.

- Establishing protective-grids through deployment of static (e.g., Company Operating Bases-COB, Observation Posts (OP), Checkpoints (CP), etc.) and mobile (e.g., patrols, Temporary Operating Bases (TOB), mechanised columns, etc.) elements to address the most vulnerable areas for CRSV.
- Addressing less vulnerable areas and/or areas away from static bases through robust temporary /dynamic deployments and mobile/mechanised elements to be effective in time and space.
- Establishing a versatile and multifaceted (24/7) monitoring and surveillance framework (human, electronic, aerial assets) for early-warning, contributing to predictive analysis, and conducting information-led counter CRSV operations.
- Ensuring 24/7 monitoring of operational environments through the Battalion Operation Centre (BOC), connected to the Company Operations Centre (COC) and Early-Warning Centres (EWC).
- Advocacy and constructive engagement of communities under risk, host-State authorities and alleged perpetrators on prevention and response to CRSV.
- Providing consolidated inputs on the Mission's Monitoring, Analysis and Reporting Arrangements (MARA).
- Projection of military detachments, including Engagement Platoon personnel, with proactive posture to dominate vulnerable areas; and deter, prevent, and contain CRSV perpetrators.
- Maintain credible response assets (robust capabilities, adequate reserves, ability to respond in time and space, and capable of delivering desired effects) to address emergencies/crises (earmark QRF Company at Battalion HQ and QRT Platoons at each COB).
- Proactive posture to dominate vulnerable areas; preventing, deterring, and containing perpetrators is key to prevention and response to CRSV. Foresight, military analysis, deliberate planning, initiative at all levels, dynamic presence, and fine judgment are key to proactive posture.
- Execution of robust, decisive, highly mobile, versatile, and timely military responses (including use of force multipliers) to address CRSV challenges effectively.
- Detain/Disarm/neutralize CRSV threats/perpetrators (additionally conduct targeted offensive operations in certain cases, for example, 'Force Intervention Brigade in MONUSCO).
- Reduce arms flow, seize/confiscate, collect, and dispose arms in the AOR as per Mission SOPs (including that of elements/persons that refuse to lay down arms). A Weapons culture and armed men have been a major source of sexual violence in conflict zone and, hence, must be addressed deliberately.
- Protection of vulnerable populations and management of victims/survivors as per mission directives and SOPs.
- Integrating and synergizing the efforts of all mission actors and the UN partners in the AOR in prevention and response framework.

**Military Sub-Unit/Company.** Beyond the applicable responsibilities mentioned at the level of the unit/Battalion HQ, the UN military sub-units/Company HQ will be responsible for:

- Deploying static and mobile operational elements and conducting operations to dominate vulnerable areas, prevent violations, deter perpetrators, and respond to threats to CRSV based on operations orders (OPORD) and ROE.
- Establishing surveillance, monitoring, and early-warning systems (including designating early-warning centres and deploying/employing radars, area surveillance devices, mini-unmanned aerial systems (UAS), sensors, communication monitors, etc.) for accurate, real-time CRSV situational awareness.
- Activating the community alert network (CAN) and deploying Community Liaison Assistants (CLA) to obtain information and sensitise local populations.
- Using Engagement Platoon staff and other personnel, conducting outreach and engaging with all mission components, UN and non-UN actors/partners, host-State authorities (civil/military/police) and local communities (including women and children), as well as the CRSV perpetrators (both state and non-state actors) in respective AOR. Gaining confidence of the local population through reassurance and confidence building measures.

## Annex *(continued)*

- Sensitizing locals on community and individual protection measures, early-warning measures and on confidential reporting.
- Promoting increased reporting (confidential) of CRSV threats and incidents through public information campaigns to create general awareness (e.g. installation of display boards/hoardings in vernacular language, CAN/CLAs, etc.).
- Providing necessary inputs on MARA.
- Ensuring that commanders at all levels and static/mobile operational elements are easily accessible and approachable to the civilians, particularly the women and children.
- Establishing an easily accessible women's help desk, women's meeting room, and separate medical examination centre, operated by female peacekeepers/medics/interpreters, to promote privacy and confidential communication.
- Ensuring an enduring presence (with static and/or mobile elements) of military peacekeepers in CRSV vulnerable areas.
- Maintaining credible QRTs with protected mobility for rapid response to potential/impending CRSV threats.
- Protecting civilians (particularly women and children) through robust (direct) military operations, including use of force.
- Neutralizing threats and disarming perpetrators/armed groups if mandated as per ROE.
- Providing victim/survivor assistance (including by all military detachments operating away from the COB) through gender-sensitive medical aid/patient retention facilities and evacuation support.
- Establishing detention facilities in the COB for perpetrators as per interim SOP on detention.
- Ensuring all military peacekeepers are trained and sensitised on CRSV challenges and can respond effectively.

### **Military Individual Responsibilities**

**Military Commanders.** Military commanders play a crucial role in executing the protection of civilians obligation, particularly during crisis situations, through firm resolve and decisive leadership at the junior and senior levels. The following points reflect some of the fundamental expectations and obligations of UN military commanders:

- Possess a clear understanding of the Mission mandate, obligations (including towards the host population and international community), and Rules of Engagement (ROE).
- Commitment and determination (executing operations with firm resolve) to protect civilians, specifically women and children.
- Require the use of military women and men to actively engage with the local population.
- Provision of guidance, training, and analysis to subordinate commanders/sub-units.
- Foresight, initiative, and mental mobility in analysing and responding to CRSV threats.
- Judicious and calibrated military application (including use of force), based on ROE.
- Empathetic and people-centric in planning and execution to build confidence and generate faith in the peace process.
- Collaborative, participatory, and inclusive approach in designing protection measures reconciliation efforts.
- Foster effective junior leadership (hallmark of prevention and response to CRSV).
- Establish moral ascendancy to dominate the space, through outreach and engagement activities and targeted military operations.
- Lead by example and be present in the place of action.

**Battalion/Unit Commander.** Prevention of and effective response to CRSV is a command responsibility, which must be addressed as a priority, in time and space, as per ROE in a UN-oriented manner. Responsibilities of the Battalion Commander include, among others;

- Issuing formal written orders and instructions through the Battalion OPORD, SOPs, Training Instructions, etc., which reflect all POC related tasks, considerations, and methods of execution, including issues pertaining to CRSV.
- Defining battalion priority information requirements (PIR), coordinating the information- collection plan, and maintaining effective situational awareness.
- Developing and implementing POC-oriented operational designs, based on the CONOPS and Force OPORD, to address both routine issues and operational challenges.
- Tasking subordinate Commanders to utilize Engagement staff to conduct outreach with the local population.
- Providing operational clarity to subordinate commanders/sub-units and all ranks in the application of tactics, techniques, and procedures in agreement with the Mandate, CONOPS, ROE, Mission POC Strategy, Mission CRSV Action Plan, Mission CRSV SOP, Force OPORD, etc.
- Sensitising subordinate commanders and military peacekeepers on CRSV challenges, to respond timely and effectively and to mitigate threats to women and children.
- Providing clear and concise “aide memoire pocket cards” to all peacekeepers (on ROE, Mission Language, Referral Arrangements, Code of Conduct, Do and Do not, etc.).
- Providing an area/group-specific list of early-warning indicators to all peacekeepers.
- Organising in-mission training and joint rehearsals and exercises to enhance operational cohesion with other mission components/external actors (UNFPA, UNHCR, host police/military, etc.).
- Monitoring and maintaining effective control of all operational activities including through BOC.
- Carrying out military analysis or appreciation of a situation, establishing planning and coordinating mechanisms, and systematise operational responses, including the execution of contingency plans.
- Ensuring redundancy in communication with sub-units/detachments and providing communication support to CLAs and other civilians who are part of CAN.
- Ensuring logistic sustenance (i.e., supplies, such as food, water, tents, etc.) of mobile elements (TOBs, patrols, etc.) operating away from COBs.
- Ensuring availability and serviceability of observation, monitoring and early-warning equipment.
- Processing additional support required from Force/Mission resources (Utility/Attack Helicopters, UAS support, satellite imageries, Force Reserves, communication systems, etc.).
- Retaining the ability to carry out casualty/medical evacuations of victims/survivors.
- Periodically validating operational readiness of the forces in prevention and response to CRSV.
- Carrying out periodic reviews of CONOPS, OPORD, ROE, SUR and recommending modifications to FHQ or to the MCS team.
- Coordinating with mission substantive components to enhance coherence in the execution of military tasks (PA/SWPA/ Human Rights/Gender/Child Protection/Civil Affairs/Public Information/UN Police, etc.).
- Undertaking gender-sensitive and security-oriented CIMIC/QUIPs programmes to enhance safety and security of women and girls.
- Executing outreach and engagement with local authorities, host-State security forces, rule of law agencies, local people including women, armed groups/actors, etc. Utilising CLAs to enhance outreach and engagement with communities.
- Designating a CRSV focal point to establish vertical/lateral links with S/WPAs and other component/unit focal points.

**Company/Sub-Unit Commander.** Responsibilities of the Company Commander include, among others:

- Carrying out risk, threat, and vulnerability assessments for the Company AOR with specific focus on women and children, to feed into overall military assessments.

## Annex *(continued)*

- Deploying static, temporary, and mobile military elements in anticipated vulnerable/high incidence areas.
- Ensuring static and mobile elements/detachments are operating in consonance with each other and retaining the ability to mutually support or reinforce as required.
- Ensuring that heliborne reserves/quick reaction forces are kept in a high state of operational readiness to reinforce/support/deploy, as per Battalion/Force/Mission SOPs, when operating in isolation.
- Ensuring the platoons and sections are equipped, trained, tasked, briefed, and motivated to conduct Mixed Engagement Teams with a POC/CRSV focus, based on ROE and OPORD.
- Sensitising subordinate commanders and military peacekeepers on the POC/CRSV responsibilities with particular reference to women and children.
- Establishing an effective early-warning network in the Company AOR (all static and mobile detachments will act as EWC reporting to Company Operations Centre/Battalion Operations Centre).
- Ensuring constant monitoring, continuous communication, and effective control of all operations in the AOR to respond to operational challenges in time and space.
- Carrying out enduring, highly mobile, and versatile operations to prevent/deter/respond to CRSV threats.
- Carrying out detailed briefing and debriefing to ensure consistency in performance.
- Carrying out the specific actions on receipt of a report on CRSV incident/imminent threat, including:
  - ▶ Assessing the situation and giving preliminary directions/warning orders to subordinate commanders, as required;
  - ▶ Informing the Battalion Commander and requesting additional resources, if required;
  - ▶ Deploying Engagement Platoon staff to the site if not already present;
  - ▶ Informing designated officials (parallel to chain command) in the Mission HQ (PA/SWPA/HR-G WPA/HRO/GA/CPA);
  - ▶ Following directions on the Referral Arrangements issued by the Mission HQ;
  - ▶ Deploying operational detachments to the site of incident/vulnerable area as required;
  - ▶ Launching reserves for additional missions/coverage to be effective in time and space if required;
  - ▶ Maintaining personal control and visiting the site as early as possible;
  - ▶ Assisting designated officials/investigating teams regarding their needs (e.g., security, food, transportation, etc.);
  - ▶ Coordinating with local administration, local police, or other actors (as per referral arrangements);
  - ▶ Consulting with UN Police if required;
  - ▶ Ensuring casualty/medical evacuation occurs as per procedure, if required; and
  - ▶ Ensuring detainees are handled and treated as per SOP.

**Platoon/Detachment Commander.** Most of the UN military operations are undertaken at the Platoon/Section/Detachment levels under the able leadership of junior leaders. Junior leaders must be briefed thoroughly and must have a clear understanding of their tasks, as well as UN- oriented tactics, techniques, and procedures. Responsibilities of the Platoon/Section/Detachment Commanders in combating CRSV threats (particularly when operating independently) include, among others:

- Engaging with local population/communities for situational awareness on CRSV, using Engagement Platoon staff whenever possible.
- Ensuring that the Platoon/Section/detachment is trained and sensitised on CRSV-related issues and be able to function as a cohesive tactical entity.



- Briefing the detachment (Sections/Platoon) on tasks, with particular reference to CRSV (indicators, prevention, and response).
- Maintaining operational balance at the vulnerable area or incident site and understanding the situation and existence of any further threat.
- Securing the area and ensuring the safety and security of victims/survivors.
- Reporting through the chain of command; providing information on situations and requesting additional resources/assistance when needed; and continuing to inform the Company HQ on evolving situations.
- Ensuring evidence is not tampered with by UN troops or any other persons.
- Engaging alleged perpetrators (enquire, negotiate, warn) and carrying out posturing.
- Confining or detaining alleged perpetrator(s) (including suspected persons if deemed necessary).
- Using force as a last resort, based on the Mission ROE, if challenged with force,.
- Disarming perpetrators if tasked or when operationally necessitated.
- Extricating victims/survivors if operationally necessitated.
- Interposing between perpetrators and a threatened population if required as a preventive step.
- Providing survivor assistance (military level) following mission-specific referral arrangements and, if required, requesting medical evacuation (ambulance/helicopter).
- Readiness to requisition/receive additional reinforcements as per gravity of situation.
- Assisting designated officials and investigators as required.

### **2. Military Staff Branches and Responsibilities on Preventing and Responding to CRSV**

#### **U1 – Personnel and Administration Branch / Welfare**

- Ensure the military contingent is sufficiently trained, equipped, and prepared and has female personnel to participate in the functions of headquarters and to engage in the field.
- Coordinate and integrate personnel plans and procedures for local civilian staff, ensuring the employment of women as well as men, and that the unique employment needs of both men and women are considered.
- Monitor unit strength in a sex and age disaggregated format.
- Ensure that female medics are at several bases and can dispense HIV Post Exposure Prevention (PEP) kits.
- Management – recommending allocation of posts, ensuring women are in pairs in Military Observer Team Sites and in remote locations/HQs.
- Create, in coordination with Military Gender and Protection Adviser, a UN Women Peacekeepers Network for the mission.

#### **U2 – Military Information and Intelligence**

- Ensure women as well as men are engaged with when developing situational awareness.
- Monitor activities of armed groups and ensure all relevant reports, including PIRs, include the nature of threats facing women, men, boys, and girls; the occurrences of CRSV, SGBV, human trafficking, and child protection, including the use of child soldiers; and any other violations of humanitarian law.
- Ensure weekly and month reports include CRSV and SGBV incidents.
- Ensure reports are sex and age disaggregated.
- Provide early warning on anticipated human rights' abuses.
- Assess threats and risks in the mission and identify vulnerable groups and high-risk areas – such as women working in fields or collecting water, wood, etc.
- Maintain a military information database on CRSV, SGBV, human trafficking, and child protection, including the use of child soldiers and any other violations of humanitarian law that can support MARA.
- Establish regular information sharing with JMAC, Human Rights, WPAs, Child Protection Advisers, and civil society representing women's rights.
- Liaise with Military Gender and Protection Adviser, as a minimum, on a weekly basis to discuss acts of gender-based violence and violations of humanitarian law.
- Assist U5 and U3 Information operations by informing them of where and when incidents of CRSV and other human rights abuses occur.
- Map the movement of men, women, boys, and girls to analyse when they are vulnerable or for demining activities etc.

#### **U3 – Current Operations**

- Ensure the preparation and coordination of Force HQ Standard Operating Procedures (SOP), Fragmentary Orders (FRAGOs), Warning Orders (WARNO), and contingency plans; these should include directions on engagement with women and girls and references of incidents of CRSV and other humanitarian law violations, as well as procedures methods to respond to and prevent incidents.
- Coordinate with U2 and ensure that information on human rights violations, as well as conventional attacks on armed groups, are reported in a sex and age disaggregated manner and included in orders.

- Ensure safe corridors are established if UN operations will impact on women, men, girls, and boys.
- Ensure Information Operations include women and youth as target audiences.
- Ensure female peacekeepers are available for searching and check points, and that patrols are mixed; female police may be available if there are no female soldiers available.
- Coordinate with Human Rights component, WPAs, and Child Protection.
  - ▶ Monitor and report Human Rights violations.
  - ▶ Invite subject matter experts to Orders Groups where appropriate.
- Ensure orders include guidance on how to:
  - ▶ Respond to victims/survivors of CRSV and SGBV;
  - ▶ Provide appropriate support, including using female military or police;
  - ▶ Ensure survivors' privacy and personal wishes are respected;
  - ▶ Inform the correct personnel of the incident in a timely manner (PEP kits must be administered within 72 hours by qualified medical staff);
  - ▶ Operate and/or provide guidance for a Women's Situation Centre during unrest/elections etc., if necessary,
- Ensure orders and other Orders, Standards and Procedures (OSP) include the need for female Community Liaison Assistants, language assistants, and interpreters.
- Ensure key leader engagement with civil society includes female leaders, women's groups, and groups representing youth.
- Ensure Military Police are aware of and report SGBV, CRSV, human trafficking, and child protection circumstances, including the use of child soldiers and any other violations of humanitarian law to UN, the host State, and other civilian entities.

#### **U4 – Logistics**

- Working with DFS, assess and improve camp accommodation conditions to meet the needs of women, including the option of establishing "women-only" sections of military, police, and civilian UN camps or in private compounds in Missions. This includes ensuring that camps have ablutions for women that are secure, well-lit, and in close proximity to their quarters.

#### **U5 – Future Plans and Policy**

- Ensure the preparation and coordination of Force HQ SOP, FRAGOs, WARNOs, and contingency plans include direction on engagement with women and girls and reference incidents of CRSV and other humanitarian law violations and how to respond and prevent incidents.
- Develop a Gender Annex for Operation Orders with the military gender advisors (Mil GENAD).
- Coordinate with Human Rights, the Gender Unit, WPAs and Child Protection to incorporate advice and analysis on human rights violations and participation of women into OSP.
- Liaise with Military GENAD and civil society to better understand security issues facing women, men, girls, and boys, and to broaden planning parameters.
- Planning and conduct of Disarmament, Demobilization, and Reintegration (DDR):
  - ▶ Ensure women and girls who have been in armed groups have access to DDR programmes;
  - ▶ Ensure female peacekeepers can engage with women, girls, and boys in the DDR programme;
  - ▶ Plan for women, girls, and boys to be accommodated separately to men unless in families;
  - ▶ Ensure separate washing areas and rest rooms; and
  - ▶ Working with Information Operations and the Military GENAD, identify messages that will encourage female ex-combatants to participate in the DDR process.

## **Annex** *(continued)*

- Planning and conduct of Security Sector Reform (SSR):
  - ▶ Encourage host State to recruit and retain female personnel;
  - ▶ Consider barriers to the participation of women in security sector;
  - ▶ Support National forces in aligning their defence policies with global (e.g., National Action Plan on UNSCR 1325) and national commitments on gender parity and equal opportunities;
  - ▶ “Lead by example” – use UN female peacekeepers in SSR activities and interaction with host-State security sector;
  - ▶ Ensure the host State has a zero-tolerance policy towards sexual exploitation and abuse (SEA); and
  - ▶ Include human rights and a gender perspective into training programmes for host-State security sector.
- Planning and conduct of elections:
  - ▶ Assess with U2 the security risks that may impede the full participation of women and men in elections;
  - ▶ Employ female peacekeepers at and around polling stations; and
  - ▶ Establish priority lines for women and men requiring assistance.

### **U6 – Communications**

- Ensure radio masts etc. are not placed near schools and hospitals;
- Be prepared to support Information Operations activities with wind up radios; and
- Be prepared to support information strategies via IT and in-theatre communication.

### **U7 – Training**

- Include gender perspectives into education, training, and collective exercises;
- Develop, in consultation with Force Gender and Protection Advisor, S/WPAs and the UNPOL Gender/SGBV Advisors, training on how to:
  - ▶ Respond to victims/survivors of CRSV, SGBV, including human trafficking-vulnerable children, child soldiers, and other humanitarian law violations;
  - ▶ Ensure the privacy and personal wishes are respected of victims/survivors;
  - ▶ Find relevant organizations to provide the appropriate ongoing support to victims/survivors; and
  - ▶ Perform mandatory reporting requirements.

### **U8 – Budgets**

- Be prepared to provide resources for outreach to women and youth;
- Ensure gender-neutral opportunities for contracting and commercial activities;
- Consider local women’s markets to source contractors;
- Ensure selected contractors respect UN standards of behaviour and treat staff appropriately; and
- Ensure women employed on camp/base are treated with dignity and respect.

### **U9 – Civil-Military Cooperation (CIMIC)**

- Ensure liaison and engagement takes place with women as well as men;
- Consistently meet with civil society and groups representing women in the local community; and
- Create a map of agencies and organizations that can assist the military component in responding to the needs of CRSV, SGBV, SEA, and human trafficking victims/survivors, including children and child soldiers that need protection.

These responsibilities are replicated for staff at the Sector and Battalion Headquarters levels.

### 3. Training Overview for Civilian, Military, and Police Personnel of United Nations Field Missions

TYPE OF TRAINING	LEARNING OBJECTIVES	LEARNING CONTENT
<p>Core pre-deployment training materials for military and police</p> <p>Available at:  <a href="https://research.un.org/revise-cptm2017">https://research.un.org/revise-cptm2017</a></p>	<p>Explain CRSV</p> <p>Identify CRSV as a punishable crime</p> <p>List actions to take to address CRSV</p>	<p>Definitions</p> <p>Importance of attention to CRSV</p> <p>Legal Framework</p> <p>UN Partners addressing CRSV</p> <p>UN Guidance on CRSV</p> <p>Addressing CRSV in UN Peacekeeping</p> <p>Responding to CRSV</p> <p>Roles &amp; Responsibilities: What individual Mission personnel should do</p>
<p>Specialized Training Material for Troop-Contributing Countries and Formed Police Units</p> <p>Available at:  <a href="https://research.un.org/en/peacekeeping-community/training/STMUNMU/CRSV">https://research.un.org/en/peacekeeping-community/training/STMUNMU/CRSV</a></p>	<p>Overview of the relevance, challenges, and organisational responses to CRSV on strategic, operational, and tactical levels.</p> <p>Understand:</p> <ul style="list-style-type: none"> <li>■ Specificities and requirements of the Mandate;</li> <li>■ Definition, principles, and context;</li> <li>■ Legal framework;</li> <li>■ Profile;</li> <li>■ UN approaches at the strategic level; and,</li> <li>■ Roles &amp; responsibilities of UNHQ entities.</li> </ul>	<p>Five Lesson Plans</p> <p>Introduction to CRSV</p> <p>Mission Approaches to CRSV</p> <p>Procedural Aspects to CRSV</p> <p>Role of Military Component</p> <p>Best Practices on CRSV</p> <p>Five Scenario-Based Exercises and “Seven Snap Situations”</p>

### 4. Advocacy on CRSV through International Human Rights Mechanisms

International Human Rights Mechanisms can serve as tools for Field Missions to carry out advocacy and hold accountable Member States for the implementation of CRSV commitments.

**The Committee on the Elimination of Discrimination against Women (CEDAW)** is the body of independent experts that monitors implementation of States parties of the rights contained in the Convention on the Elimination of All Forms of Discrimination against Women, in peace and conflict. It does so through three different monitoring mechanisms: a) review of implementation of the Convention by States parties; b) confidential inquiries on violations to the Convention; and, c) examination of individual complaints. This is an important tool to enhance advocacy and hold Member States accountable for the implementation of the WPS/CRSV commitments.<sup>174</sup>

✔ **What field missions can do:** United Nations Field Missions can strengthen CEDAW reviews (and other treaty bodies<sup>175</sup>) as an accountability process by submitting to CEDAW (confidential) information on the relevant country situation on, for example, gaps in the fight against impunity for CRSV and the lack of support services for victims/survivors. Such submissions should ideally contain information and suggestions for recommendations useful to improve the situation of victims/survivors of CRSV. After the review, the Committee issues recommendations, which Field Missions can then use as an advocacy tool to advance the implementation of the CRSV mandate in country.<sup>176</sup> Field Missions might furthermore be requested by the State to provide support in the implementation of recommendations by CEDAW or other treaty bodies.

**Universal Periodic Review (UPR)** is a unique process that involves a review of the human rights records of all United Nations Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

✔ **What field missions can do:** United Nations Field Missions can submit information to the UPR Secretariat ahead of the UPR on issues of concern, including CRSV. This information is public and made available to Member States to assist them in peer review processes. UPR recommendations on CRSV can be used by Field Missions as an advocacy tool to advance the implementation of the CRSV mandate.<sup>177</sup> Field Missions might furthermore be requested by the State to support it in the implementation of UPR recommendations.


**Special Procedures:** The Special Procedures of the Human Rights Council are independent human rights experts mandated to report or advise on human rights from a thematic or country-specific perspective. Special Procedures conduct visits, make recommendations, and receive individual complaints. Examples include the Special Rapporteur on Transitional justice, the Special Rapporteur on trafficking, the Special Rapporteur on Violence against Women, its causes and consequences (who advises/reports on the causes and consequences of sexual violence against women), and the Independent Expert on the situation of human rights in the Central African Republic.

174 UNSCR 2122 recognizes the importance of the CEDAW and its optional protocol and urges Member States to ratify both documents. In July 2018, the Office of the SRSO-SVC and the CEDAW Committee signed a framework of collaboration. The full text of UNSCR 2122 is available at: <https://www.un.org/press/en/2013/sc11149.doc.htm>. See as well: <https://wps.unwomen.org/pdf/CH12.pdf>

175 Committee on the Rights of the Child; Human Rights Committee; Committee on Economic, Social and Cultural Rights; Committee against Torture; Committee on the Elimination of Racial Discrimination; Committee on the Rights of Persons with Disabilities; Committee on Enforced Disappearances; Committee on Migrant Workers. Please see: [https://www.ohchr.org/Documents/HRBodies/TB/TB\\_booklet\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/TB/TB_booklet_en.pdf)

176 For more information please see: <https://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspxwww.ohchr.org/>

177 For more information please see: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

 **What field missions can do:** United Field Missions can provide coordination support to Special Procedures in their country missions. Field missions can furthermore provide information to Special Procedures to initiate an examination of a particular CRSV issue; submit relevant information on CRSV for thematic reports; or, support Special Procedures in corroborating information to an allegation on CRSV received by them.<sup>178</sup> Relevant recommendations from Special Procedures can be used as an advocacy tool by Field Missions to advance the implementation of the CRSV mandate.

178 For more information please see: <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>

## 5. Terms of Reference for the MARA Working Groups in the Democratic Republic of Congo and Iraq

United Nations



Nations Unies

### IMPLEMENTATION OF THE CONFLICT RELATED SEXUAL VIOLENCE MANDATE BY THE UN SYSTEM IN THE DEMOCRATIC REPUBLIC OF CONGO MONITORING, ANALYSIS AND REPORTING ARRANGEMENTS (MARA)

#### I. Conflict Related Sexual Violence Mandate

#### II. Definition of CRSV

#### III. The MARA Working Group

- Objective
- Geographic Scope
- Membership
- Functions
- Division of labor
- Monitoring principles and verification
- Meetings
- Reporting
- Information sharing with other data systems

#### IV. The Joint Consultation Forum (JCF) on conflict-related sexual violence

- Objective
- Leadership and Composition of the JCF
- Function
- Annex 1. Ethical and safety criteria (WHO standards) and Basic Monitoring Principles

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#### I. CRSV Mandate

##### Global Mandate

1. Building on Security Council resolutions 1820 (June 2008) and 1888 (September 2009) which recognized the links between sexual violence and sustainable Peace and Security, the Monitoring, analysis and reporting arrangements on conflict-related sexual violence (MARA) was established by Security Council resolutions 1960. Resolution 1960 also gives the mandate to list parties to conflict that are credibly suspected of committing or being responsible for acts of rape and other forms of sexual violence in an annex to the reports of the Secretary-General. The decision to list and/or de-list a party from the annex is the prerogative of the Secretary-General. Relevant SCRs also include 2106 (2013), and 2331(2016) on CRSV, 1325 (2000) and 2242 (2015) on Women, Peace and Security, and 1612 (2005) and 1882 (2009) on Children and Armed Conflict.



## MONUSCO mandate

2. CRSV has been a priority in the MONUSCO mandate since 2008. Current mandates focus on prevention of CRSV, fight against impunity, support to the Government of DRC to implement the FARDC Action Plan against sexual violence and the implementation of the MARA. Whilst responsibility for the implementation of the CRSV mandate lies with mission leadership, addressing CRSV is a mission-wide responsibility. CRSV considerations are therefore to be mainstreamed throughout the responsibilities of relevant mission components (military, police and civilian), addressed at all stages of the mission's lifespan, and integrated into the mission's key planning documents such as conflict analysis and early warning mechanisms, the concept of operations, rules of engagement/ directives on the use of force and the protection of civilian's strategy.

## II Definition of CRSV

3. The UN agreed definition on CRSV refers to incidents or patterns of sexual violence that occur in conflict or post-conflict settings or other situations of concern (e.g., political strife). CRSV includes rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys. CRSV has a direct or indirect nexus with the conflict or political strife itself, i.e., temporal, geographical and/or causal link. This link may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group), the profile of the victim<sup>179</sup> (who is frequently an actual or perceived member of a persecuted political, ethnic or religious minority, or is targeted on the basis of actual or perceived sexual orientation and gender identity), the climate of impunity. The determination that sexual violence is conflict-related is made on a case-by-case basis and follows an established methodology detailed in the analytical and conceptual framing of CRSV<sup>180</sup>.
4. For the purposes of the listing and delisting of parties to conflict that are suspected of committing or being responsible for acts of rape or other forms of sexual violence, the MARA will consider only UN verified incidents.

## III The MARA Working Group

### Objective

5. The MARA Working Group (WG) is established for the implementation of the SC Res. 1960, in particular, for the operationalization of the monitoring, analysis and reporting arrangements (MARA). The purpose of MARA is to ensure the systematic gathering of reliable and objective information on CRSV that will be used to promote action to prevent and respond to incidents of sexual violence. Information from MARA should inform strategic advocacy, enhance prevention and programmatic responses for survivors. Information from MARA will also serve as the basis for Security Council action, including imposing sanctions and other targeted measures.
6. Emphasis should be placed on ensuring that monitoring and reporting on sexual violence is undertaken alongside the provision of services for survivors. This is a key ethical consideration for UN actors. The establishment of MARA should be viewed as an opportunity and a challenge to simultaneously improve information and services. Monitors should be aware of and be able to refer survivors to such services where possible. Increased availability of services will, in turn, result in more accurate information related to sexual violence.

### Geographic scope

7. The MARA will consider all incidents of sexual violence that take place in areas currently affected by armed conflict as defined by the MARA Working group and in other areas of possible concern either conflict or post conflict.

179 While this policy refers to victims, those immediately affected are often also referred to as survivors of sexual violence, especially in advocacy efforts, to emphasize their agency and dignity.

180 Analytical and Conceptual Framing of Conflict-related Sexual Violence, June 2011

## Annex *(continued)*

- a. Bas-Uele
- b. Haut-Uele
- c. Ituri
- d. Tshopo
- e. North Kivu
- f. Maniema
- g. South Kivu
- h. Tanganyika
- i. Kasai
- j. Kasai Central
- k. Kasai Oriental
- l. Haut-Lomami
- m. Lualaba

### Membership

8. Given the highly sensitive nature of information on incidents and perpetrators and the security implications for operational entities, particularly as relates to naming of alleged perpetrators and parties to conflict, the membership of the Working Group is limited to a select group of UN entities and Mission components to safeguard non-UN implementing partners working with affected communities. Measures are taken to ensure that the data gathering, monitoring and verification process does not endanger service provision.<sup>181</sup>
9. The technical level Working Group is convened by the Senior Women Protection Adviser of MONUSCO. The Working Group includes UN Agencies with a protection mandate and relevant MONUSCO sections and entities.

The following entities participate in the technical-level Working Group in DRC:

- MONUSCO: JHRO (NRI and Women Protection Advisers), Child Protection, Gender, Justice, PAD/SSR, DDR, Civil Affairs, UNPOL, the Force, JMAC, PoC Adviser.
- UNFPA
- UNHCR
- UNICEF
- UNWOMEN
- OCHA

Each organization and section will designate a focal point and an alternate focal point in order to enhance pro-active and continuous interaction between the members of the Working Group.

### Functions

10. The Working Group will, on a regular basis, carry out the following activities:<sup>182</sup>
  - Review of information on conflict-related sexual violence;
  - Monitoring and verification of incidents of sexual violence drawing on a network of information sources;
  - Analysis of data, trends and patterns of sexual violence;
  - Preparation of draft reports which will be transmitted by SRSB to SRSB-SVC;
  - Agree protocols for information sharing, and secure management and storage of information;
  - Coordination with other UN monitoring mechanisms in gathering and verification of information; e.g. special investigations, etc.

<sup>181</sup> From paragraph 5, Provisional Guidance Note

<sup>182</sup> See UNSCR 1960 Provisional Guidance Note, p.7

- Ensure coordination and information sharing for the development of strategies and in the implementation of commitments by parties to conflict to address conflict-related sexual violence;
- Capacity development such as training and awareness raising of the network of information sources at community level to encourage the transmission of information on conflict-related sexual violence;
- Advise and make recommendations to SRSB on high-level demarches and advocacy;
- Consult with relevant Government institutions and UN or NGO bodies (e.g. GBV Sub-clusters/working groups) on issues of concern identified by the Working Group;

The Working Group should keep the SRSB and Heads of UN system entities regularly informed on its work. When necessary, the Working Group may recommend that the SRSB convenes Heads of UN system entities on issues which have policy implications.

### Division of labor

11. The UN System as a whole will work together to combat CRSV with the following specific roles:

CRSV Unit/JHRO	<ul style="list-style-type: none"> <li>■ Coordinates and analyses data and information about CRSV</li> <li>■ Advocates on prevention and response to CRSV</li> <li>■ Capacity building on CRSV</li> <li>■ Ensures coherence in UN-wide programmatic response to CRSV</li> </ul>
UNJHRO	<ul style="list-style-type: none"> <li>■ Share information/data and analysis of trends on verified CRSV cases gathered as well as followed up cases with relevant authorities;</li> <li>■ Information shared should include number of sexual violence by state agents or armed groups and actions taken during the reporting period by the UNJHRO, as well as assistance provided to judicial authorities in the scope of their investigations and to survivors of sexual violence.</li> <li>■ Update on progress registered in prosecution of alleged perpetrators as well as any other action taken by the Government in combating impunity for CRSV.</li> <li>■ Update on progress of access to justice for CRSV survivors.</li> <li>■ The WPAs and CRSV Focal Points in the JHRO will also mainstream CRSV into other core areas of JHRO work including capacity building and advocacy directed towards state authorities, conflict parties and civil society, including on access to justice and effective criminal investigations, transitional justice, effective remedies and reparations for survivors, and the protection of victims and witnesses.</li> </ul>
CPS	Share information/data collected on verified CRSV cases involving minors collected during the reporting period, including on assistance provided to judicial authorities in the scope of their investigations, protection of survivors of sexual violence and combating impunity for perpetrators of sexual violence in conflict, assistance provided to survivors.
MONUSCO Justice and Corrections	<ul style="list-style-type: none"> <li>■ Provide data and analysis on justice decisions related to CRSV.</li> <li>■ Provide information on escape, release and death of inmates imprisoned for CRSV.</li> </ul>
MONUSCO PAD/SSR	<ul style="list-style-type: none"> <li>■ Share information on any support provided to PNC/FARDC to prevent and address CRSV.</li> </ul>
UNPOL	<ul style="list-style-type: none"> <li>■ UNPOL will collect information on CRSV from the stations where it works in collocation and from any other source encountered during patrols.</li> <li>■ Share information on support to PNC in arresting perpetrators;</li> <li>■ Info on capacity building of PNC to investigate CRSV.</li> </ul>

Force Focal Point	<ul style="list-style-type: none"> <li>■ Provide information on incidents of CRSV documented during patrols.</li> <li>■ The Force will integrate focus on conflict-related sexual violence into analysis, planning and conduct of operations</li> </ul>
MILOBS	<ul style="list-style-type: none"> <li>■ Provide information on incidents of CRSV documented during patrols.</li> </ul>
UNICEF	<ul style="list-style-type: none"> <li>■ Provide data on GBV survivors (disaggregated by sex, age, location, type of services, etc.);</li> <li>■ Provide analysis of response mechanisms, access to services by survivors in order to adapt response and prevention mechanisms.</li> </ul>
UNHCR	<ul style="list-style-type: none"> <li>■ Provide analysis of trends of CRSV gathered through the UNHCR Protection Monitoring System;</li> <li>■ Share any other protection/prevention activities undertaken during the reporting period in relation to CRSV as part of the implementation of UNHCR mandate as a Protection Cluster lead.</li> </ul>
UNFPA	<ul style="list-style-type: none"> <li>■ Provide data on provision of services to CRSV survivors including, when available, profile of survivors, alleged perpetrators;</li> <li>■ Share information related to support provided to survivors and prevention activities.</li> </ul>
UNWOMEN	<ul style="list-style-type: none"> <li>■ Share information related to prevention and response activities.</li> </ul>
OCHA	<ul style="list-style-type: none"> <li>■ Advocates with the humanitarian community in the humanitarian fora and share main findings and recommendations from the MARA WG</li> </ul>
DDR	<ul style="list-style-type: none"> <li>■ DDR will collect information on allegations of CRSV during the implementation of DDR and CVR for their target beneficiaries and transmit through routine reports such information. From the initial stages of screening and identification of combatants to their long-term reintegration, DDR components establish effective mechanisms for receiving and transmitting information on CRSV which might occur throughout this process and refer survivors. It should also support the WG to develop recommendations for strengthened prevention of CRSV perpetrated by NSA and how to engage with these actors.</li> </ul>
CAS	<ul style="list-style-type: none"> <li>■ CAS will share analysis regarding CRSV early warnings, and mainstream CRSV in conflict prevention efforts and POC action.</li> </ul>
PoC Adviser	<ul style="list-style-type: none"> <li>■ The PoC adviser will share general PoC trends and integrate CRSV concerns into the broader mission efforts to protect civilians from violations of international human rights and humanitarian law.</li> </ul>
Joint Missions Analysis Centres (JMAC)	<ul style="list-style-type: none"> <li>■ Joint Missions Analysis Centres (JMAC) will ensure analysis on early-warning indicators and perpetrators of CRSV;</li> <li>■ It ensure that situational analyses and threat assessment are carried out to identify emerging patterns of attack, early-warning indicators regarding the use of sexual violence in armed conflict as well as, information regarding parties to armed conflict that are credibly suspected of committing patterns of CRSV.</li> </ul>

**Monitoring principles and verification**

12. MARA is designed and implemented in adherence with established ethical and safety criteria, such as security, confidentiality, anonymity, informed consent, safety and protection from retribution, and protection of the data. The monitoring and verification aspects of the Working Group are aligned with human rights monitoring principles

and methodology. The reports of the Secretary-General and other information to the Security Council must meet the standards of verification adopted in the UN system. In addition to the verified cases, information on context, the security situation, potential movements of the population, etc. and other credible information on human rights violations will be compiled to facilitate the analysis of trends and patterns of CRSV.

## Meetings

13. The Working Group will hold two types of meetings:
  - Strategic **high-level meetings** chaired by the SRSG, heads of Sections and senior Heads of Agencies of the different UN entities and convened whenever policy issues need to be addressed
  - Operational meetings of the **technical-level Working Group** with the CRSV focal points.
14. The meetings of the technical-level Working Group are convened by the Senior Women Protection Adviser on a monthly basis, usually the last Thursday of each month. The JHRO/CRSV Unit ensures the secretariat of the Working Group. The secretariat is responsible for the following tasks:
  - Keep track of operational matters and raise them with the Working Group if needed;
  - Coordinate information gathering and data collection, and consolidate inputs provided by the members to facilitate joint analysis;
  - Prepare and update strategic documents and work plans, as agreed by the Working Group;
  - Liaise with relevant MONUSCO sections and other entities to exchange information, explain the objectives of the MARA and seek their regular contributions and briefings to the Working Group;
  - Provide regular briefings on the MARA in relevant MONUSCO-internal meetings and to the members of the UNCT;
  - Compile data and reports on CRSV in DRC, and coordinate contributions to any requests on CRSV information, including for the annual report of the Secretary-General on CRSV;
  - Prepare the agenda of the meetings and send out invitations to the members;
  - Take minutes of the meetings, share them with members in a timely manner and ensure follow-up on recommendations with relevant components.
15. The discussions of the Working Group remain confidential. The summaries of the meetings will not detail individual cases or mention names of victims. No public mention will be made of the content of the discussions. A specific attention must be given to ensure the security and confidentiality of information. In general, information on names of perpetrators, as well as case data including names of victims and witnesses, or any other potentially identifying information will only be shared on a need to know basis and should remain within the remit of Working Group members doing the monitoring and verification.

## Reporting

16. Annual: Input to the Report of the Secretary-General to the Security Council on Sexual Violence in Conflict upon request from DPKO New York. The request is usually received beginning of November via Code Cable to the Mission, with a description of the standard content and size of the contribution. Specific information requested by the Security Council includes:
  - Information on incidents including details on parties to conflict (entities and/or individuals) that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence;
  - Information on patterns and trends of sexual violence in situations of conflict, post-conflict and other situations of concern;

## Annex *(continued)*

- Information on the implementation of its resolutions, including progress in dialogue with parties to conflict for commitments, and actions taken to ensure accountability.

### 17. Biannual (every six months): Working Group Review on CRSV

Typically, 4-5 pages of narrative, including overview of the situation; major/indicative incidents during the reporting period; parties to the conflict; analysis of trends and patterns of reported /documented cases; status of dialogue and implementation of commitments; actions carried out by parties to conflict, Government or UN entities during the reporting period including to address impunity; recommendations.

### 18. Quarterly: Quarterly Activity Reports

These reports are compiled and edited following a format given by DPKO. The reports describe activities of the various components of the Mission and the UNCT in the area of CRSV and issue a set of recommendations.

### 19. Quarterly: Secretary-General's report on DRC to the Security Council

Information on sexual violence as a specific aspect of the mandate of the Mission is integrated into the report of the Secretary-General to the Security Council.

### 20. Other reports and information on conflict related sexual violence incidents or threats

Such reports should be brought to the attention of SRSV-SVC as part of the ongoing monitoring and reporting of relevant UN entities or relevant sections of MONUSCO. This includes inter alia, situation reports, public human rights, periodic reports, special investigations reports and thematic reports, and reports to the UN Human Rights Council.

The SRSV-SVC will receive the reports at UN Headquarters level, as transmitted by SRSV through the established reporting channels.

## Information sharing with other data systems

21. The MARA members should adhere to established WHO ethical standards and safety criteria, concerning security, confidentiality, anonymity, informed consent, safety and protection from retribution, and protection of the data (see annex 2). Security protocols for handling confidential information must be created to have a secure environment in which organizations can share and transfer critical data safely. The MARA in DRC builds on existing information management systems, such as the MRM and the OHCHR Case Database, with a coherent information management approach with common definitions and language (see information management guidelines for DRC in Annex III).
22. The MARA Working Group monitors incidents of sexual violence against women, men and children. Information is reported according to SC Resolution 1960. For cases of sexual violence against children, reporting is done according to SC Resolutions 1612 and 1882. To facilitate information exchange and coordinated action, MONUSCO Child Protection Advisers and UNICEF Child Protection Officers, the co-chairs of 1612/1882 MRM Country Task Forces, participate in the MARA Working Group. Likewise Women Protection Advisers participate in the 1612/1882 consultations.
23. The humanitarian GBV database and the MARA take different but complementary approaches on gathering and sharing data on CRSV. The GBV database is a service-based database, which records data based on access and services/consultations provided by specialised GBV actors. Collected data include all forms of GBV and do not necessarily include information about perpetrators. The MARA aims to identify perpetrators, trends and patterns of conflict-related sexual violence, in order to report to the Security Council and fight against impunity. Both systems create a knowledge base for strengthening prevention and response to CRSV. In addition, the MARA includes a dialogue with armed groups and security forces with the aim to dissuade potential perpetrators.

### **III. The Joint Consultation Forum on conflict-related sexual violence**

#### **Objective**

Monitoring and analyzing CRSV in DRC requires expertise from broad range of actors, in order to enhance data collection. Some actors are humanitarian in nature and may therefore have policies which do not allow them to engage in processes linked to referral for sanctions by the Security Council. In order to collect information and recommendations from these actors, regular meetings of a consultative forum should be convened, the so called Joint Consultation Forum (JCF).

The Forum should be separate and distinct from the MARA Working Group and should not have the sensitive role of identifying perpetrators and verifying information on incidents. The JCF should be organized by a national institution or actors of the civil society. Considering the limited capacity encountered by all organizations, in particular in field locations, consultations could be held during or following the GBV sub-cluster or GBV working group meetings. At the central level, consultations between the SWPA and key INGOs intervening in GBV issues are to be held on a regular basis, to ensure that their recommendations can be included in UN reports as required.

#### **Leadership and Composition**

The leadership and composition should build upon the presence and existing capacity of relevant humanitarian actors and government institutions in a particular field location. The GBV sub-cluster or working group should determine the membership of the JCF in consultation with the MARA Working Group. Members may include representatives of international and local NGOs, representatives of health service providers, including national representatives of the Ministries of Health, Social Affairs, and Justice, on a need basis.

#### **Function**

The Joint Consultation Forum will review and discuss available aggregated and anonymized information and analysis on CRSV from a wide range of sources such as UN and NGO reports, Government health or police data, and information from the GBV database. Members should provide the forum with their analysis of the situation, including their perspective on trends and patterns of sexual violence. It can also perform the following tasks:

- Make recommendations for advocacy and action to prevent and respond to sexual violence to the MARA Working Group;
- Feed their knowledge on trends and patterns into the analysis of the Working Group in order to better contextualize information regarding incidents and alleged perpetrators;
- Contribute to better coordination among actors for advocacy and response to address CRSV including efforts to generate real-time preventative action.

Members of the MARA Working Group and the GBV sub-cluster or working group are encouraged to take an inclusive approach when inviting organizations and institutions for participation in the JCF to ensure a broad membership.

### **MARA TOR ANNEX**

#### **Ethical and safety criteria for monitoring sexual violence**

1. The benefits to respondents or communities of documenting sexual violence must be greater than the risk to respondents and communities.
2. Information gathering and documentation must be done in a manner that presents the least risk to respondents, is methodologically sound, and builds on current experience and good practice.
3. Ideally, basic care and support to victims/survivors must be available locally before commencing any activity that may involve the individuals disclosing information about their experiences of sexual violence.
4. The safety and security of all those involved in information gathering about sexual violence is of paramount concern and in conflict settings in particular should be monitored continuously.

## Annex *(continued)*

5. The confidentiality of individuals who provide information about sexual violence must be protected at all times.
6. Anyone providing information about sexual violence must give informed consent before participating in the data gathering activity.
7. All those undertaking monitoring must be carefully selected and receive relevant and sufficient specialized training and ongoing support.
8. Additional safeguards must be put into place if children are to be the subject of information gathering.
9. In contexts where human rights monitoring reports are part of the data gathering process, any information on sexual violence should be gathered in the context of monitoring of other human rights violations and in adherence to ethical and safety principles.
10. It is critically important that any data generated from service delivery points to support MARA be combined with data from additional sources so that it may not be traced to its point of origin.
11. In any context where data will be shared with actors beyond a single agency or service point, there must be a Data Sharing Protocol in place that clarifies for what purpose and how data will be shared and managed and who controls the information, as well as the parameters of how it can be shared onwards.
12. Sexual violence survivors must provide formal consent for their information to be shared and they must understand the different ways that their information can be used, the safeguards in place, and what the potential repercussions could be.
13. Avoid to expose survivors to multiple interviews and assessments.

### **Basic Monitoring Principles**

***Do no harm*** – The foremost duty of monitors is to the victims and potential victims of conflict-related sexual violence. At a minimum, their action or inaction must not jeopardize the safety of victims, witnesses or other individuals with whom they come into contact.

***Respect the mandate*** – Monitors need to understand the mandate given to them, bear it in mind at all times and know how to apply it and interpret it in specific situations.

***Know the standards*** – Full familiarity with the international human rights and International Humanitarian Law standards relevant to sexual violence.

***Credibility*** – is crucial to successful monitoring. Monitors must make no promises that they cannot keep and should follow up on promises they make.

***Impartiality*** – The monitors should gather information and document on violations of conflict-related sexual violence by all parties with equal thoroughness and not be seen as siding with one party over another.

***Objectivity*** – It is require to maintain an objective attitude and appearance at all times. When gathering information, all facts should be considered objectively without prejudice or bias.

***Confidentiality*** – Survivor centered approach and informed consent. Respect for the confidentiality of information received is essential. Informed consent must always be sought from victims/survivors and other individuals to use the information they provide for reporting or other purposes. The identities of victims, witnesses, source of information and alleged perpetrators should never appear in public reports. Special measures to safeguard the confidentiality of recorded information must always be taken as use of passwords.

***Security*** – Primary consideration must be given to the security of monitors, as well as of survivors of sexual violence, their families and communities, witnesses and other sources of information. Security measures should be put in place to protect their identities. Protocols to secure information and data, including compliance by all staff, must be established and enforced.



# MARA Working Group on Conflict-Related Sexual Violence for Iraq

## Terms of Reference

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### Introduction

1. On 23 September 2016, in the context of Security Council resolution (SCR) 2106 (2013), the UN agreed with the Government of Iraq a joint communiqué (the “Joint Communiqué”) as a framework of cooperation to prevent and address conflict-related sexual violence (CRSV)<sup>183</sup> committed in the country. Furthermore, in line with UN SCR 2299 (2016), UNAMI deployed a Senior Women Protection Advisor in February to coordinate and support UN efforts towards addressing CRSV<sup>184</sup>. Following the visit of SRSG- SVC Bangura and the deployment of the Senior Women Protection Adviser, a number of follow-actions have been proposed to support the Government of Iraq implement the Joint Communiqué and at the same time advance the implementation of Women Peace and Security resolutions addressing CRSV<sup>185</sup>. These are setting-up of the MARA mechanism for Iraq and initiating the development of an implementation plan for the Joint Communiqué.

### Scope of Work

2. The focus of the Monitoring, Analysis and Reporting Arrangements (MARA) Mechanism will be on sexual violence committed in context of the ongoing conflict with ISIL and conflicts involving other parties. The purpose of the MARA is to ensure the systematic gathering of timely, accurate, reliable and objective information on CRSV against women, men, girls and boys in Iraq in line with UN provided guidance<sup>186</sup>. This information will be used to promote increased relevant and timely action to prevent and respond to CRSV. The MARA is an opportunity to promote adherence to and operationalization of safe and ethical practices of collecting information on CRSV. Information from the MARA will inform strategic advocacy, enhance prevention and programmatic responses for survivors and contribute to the development of Comprehensive Strategies to combat sexual violence at country-level within the framework of the Joint Communiqué on Prevention and Response to Conflict-Related Sexual Violence. The MARA will also serve as the basis for UN Security Council action, including imposing sanctions and other targeted measures.

### Terms of Reference

3. The MARA Working Group (WG) shall undertake the following tasks;
- i. Review information of CRSV drawing on a network of information sources;
  - ii. Analyse data, trends and patterns of sexual violence;
  - iii. Prepare draft reports which will be transmitted by the SRSG to SRSG-SVC;
  - iv. Agree on protocols for sharing information, secure management and storage;
  - v. Coordinate with other UN monitoring mechanisms in gathering information e.g. the GBVIMS<sup>187</sup>, the MRM on CAAC (verification of information will be conducted by Human Rights Office)<sup>188</sup>;
  - vi. Ensure coordination and information sharing for the development of strategies and in the implementation of the Joint Communiqué on Prevention and Response to Conflict-Related Sexual Violence
  - vii. Advise and make recommendations to the SRSG on high-level demarches and advocacy, Clusters, working groups, relevant governments officials etc.;

183 Conflict-related sexual violence refers to incidents or patterns of sexual violence that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity against women, men, girls and boys. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern. They also have a direct or indirect nexus with the conflict or political strife itself that is a temporal, geographic and or causal link.

184 UN SCR 2106 (2013) para. 7 & 8 call for the deployment of Women Protection Advisors to UN DPKO and DPA missions.

185 UN SCR 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013).

186 Provisional Guidance Note on the Implementation of UN SCR 1960 on WPS ( CRSV) June 2011

187 Gender-based Violence Information Management Systems

188 Guidance materials e.g the Inter-Section between the MARA and the GBVIMS will be used as relevant and appropriate.

## **Annex** *(continued)*

- viii. Consult with the designated CRSV High-level focal points, relevant government institutions and UN, relevant working groups e.g. the GBV Sub-clusters/working groups) on issues of concern identified by the Working Group;
- ix. Create/raise awareness on the MARA WG in the broader humanitarian community and other relevant stakeholders;
- x. Undertake monitoring missions within Iraq with a view to understanding the prevalence of the early warning indicators on conflict-related sexual violence.

### **Relationships and Accountability**

4. The MARA WG is accountable to the SRSG and shall keep the SRSG and the UNCT regularly informed of its work. When necessary, it may recommend that the SRSG convenes Heads of UN system entities on issues which have policy implications.
5. The MARA WG shall closely liaise with the Protection Cluster, GBV Sub-cluster, Child Protection Sub-cluster and other relevant working groups to obtain, exchange and share information on trends and patterns on CRSV and other related information.
6. The MARA WG shall also seek the input of civil society actors, academics, women's rights activities, religious leaders, as appropriate to discuss information on analysis and trends on CRSV. Sensitive information will not be discussed in meetings with these interlocutors.

### **Membership and meetings**

7. The MARA WG will be chaired by the Senior Women Protection Advisor/UNAMI. The alternate chair of the WG is UNHCR. The co-chair is UNHCHR/HRO and alternate co-chair, UNFPA.
8. The MARA Working Group shall meet quarterly, either in person or by VTC.
9. Ad hoc meetings shall be held as the need arises as requested by the chair.

### **Reporting, Periodicity and Information Flow**

10. The SRSG on behalf of the Working Group, shall transmit reports on CRSV to the SRSG-SVC through the established reporting channels. Reports will be compiled on the basis of information from the MARA. Specific information requested by the Security Council includes:
  - a. Information on incidents including details on parties to conflict (entities and/or individuals) that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence;
  - b. Information on patterns and trends of CRSV;
  - c. Information of the implementation of its resolutions, progress made in implementing commitments on CRSV such as the Joint Communiqué on Prevention and Response to CRSV and actions taken to ensure accountability.
11. The MARA Working Group will be responsible for the following periodic reporting:
  - a. Input to the Report of the Secretary-General to the Security Council (Annual);
  - b. Working Group biannual review on CRSV (Every 6 months). Typically, 4-5 pages of narrative, including overview of the situation; major/indicative incidents during the reporting period; parties to the conflict; analysis of trends and patterns of reported/documented cases; status of dialogue and implementation of commitments to address CRSV; actions carried out by parties to the conflict, Government or UN entities during the reporting period including to address impunity; recommendations);
  - c. Inputs on CRSV as a specific aspect of the mandate report of UNAMI submitted quarterly to the Security Council.
  - d. In addition, other reports and information on grave sexual violence incidents or threats should continue to be brought to the attention of the SRSG-SVC as part of the ongoing monitoring and reporting of UNAMI and the relevant UN entities. SRSG-SVC will receive the reports at UN Headquarters level, as transmitted by the SRSG.

## 6. Monitoring CRSV by Human Rights Components: the Five W's and How

The following table synthesizes the key elements for WPAs and CRSV focal points in Human Rights Components when gathering information about an incident of sexual violence.<sup>189</sup> The information collected should be helpful in determining: the type of CRSV, a pattern of CRSV and responsibility for CRSV.

- **Who:** The profile of the perpetrator/s, including information on uniforms, insignia, words spoken, etc which will allow to link them with the acts of sexual violence
- **What:** The type of sexual violence, including information, which assist in satisfying the legal elements of the alleged violation and methods used by the perpetrator to commit sexual violence
- **Who:** The profile of the victim/survivor, including sex, age and belonging to an ethnic or religious group, etc.
- **When and where:** Incident information, including date and location
- **How and why:** circumstances in which the type of sexual violence happened and possible motive (e.g. description of events and other/s present before, during and after the incident, public statements related to the attack, expressions of persecutory intent, etc)
- Additional information which assists in establishing the link to the conflict (climate of impunity, cross-border dimension, violation of cease-fire agreement)
- Any other additional information on responses provided and follow-up conducted by HRC personnel on a specific CRSV incident

Gathering contextual information on the circumstances in which incidents of sexual violence occurred, for example, checkpoints manned by the police, spikes in inter-communal violence, violations to cease fire agreements, migration detention centres controlled by armed groups, etc. is critical for the S/WPAs and MARA Working Group to be able to establish the links between sexual violence incidents and a situation of conflict. This information is also relevant for corroboration purposes, as many times, it is difficult to verify allegations of sexual violence for several reasons, including stigma. Therefore, the verification of a case may occur where a coherent, consistent testimony from a victims/survivor or a witness corresponds to and is consistent with a pattern of similar cases.<sup>190</sup>

For additional guidance, personnel in Human Rights Components can refer to:

- OHCHR Manual on Human Rights Monitoring (2011), available at: <https://www.ohchr.org/EN/PublicationsResources/Pages/MethodologicalMaterials.aspx>
- OHCHR, Integrating a gender perspective into human rights investigations: Guidance and Practice (2018), available in English, French, Spanish and Arabic at: <https://www.ohchr.org/EN/PublicationsResources/Pages/MethodologicalMaterials.aspx>
- OHCHR Guidance on investigating Sexual Violence (forthcoming 2020).

189 See: OHCHR guidance on investigating Sexual Violence (forthcoming 2020).

190 See: OHCHR, Integrating gender into human rights investigations, p. 18 (2018)

**7. Joint Communiqué of the Central African Republic and the United Nations on Prevention and Response to CRSV (2019)**



**Communiqué conjoint  
entre la République  
centrafricaine et  
l'Organisation des  
Nations Unies**

*Prévention et lutte contre les violences sexuelles liées au conflit*

31 mai 2019

*Considérant* que les violences sexuelles liées aux conflits armés, en particulier à l'encontre des femmes et des enfants, sont une menace directe pour la paix et le développement durable en Centrafrique ;

*Considérant* que le Secrétaire général des Nations Unies a listé 6 groupes armés en Centrafrique dans les annexes de ses rapports annuels successifs sur les violences sexuelles liées au conflit<sup>1</sup>, désignant leur implication systématique dans des crimes de viols et d'autres formes de violences sexuelles ;

*Rappelant* que le Conseil de Sécurité des Nations Unies a souligné, au travers de nombreuses résolutions Femmes, Paix et Sécurité [1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013) et 2467 (2019)], que l'utilisation des violences sexuelles comme tactique de guerre constitue une question de sécurité internationale, que la promotion de l'égalité des sexes et l'émancipation politique, sociale et économique des femmes est essentielle pour la prévention et la répression des violences sexuelles dans les situations de conflit et d'après conflit ; et que les parties aux conflits listées par le Secrétaire général des Nations unies doivent élaborer des plans d'action pour mettre fin à ces violations en collaboration étroite avec les Nations unies ;

*Réaffirmant* les obligations qui incombent à la République centrafricaine dans la mise en œuvre de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes, ratifiée le 21 juin 1991, et son Protocol facultatif, ratifié le 11 octobre 2016 ;

*Considérant* les efforts déjà réalisés par le Gouvernement de la République centrafricaine dans la mise en œuvre d'un premier communiqué conjoint signé le 12 décembre 2012 ;

*Considérant* les engagements pris par les signataires de l'Accord Politique pour la Paix et la Réconciliation en République centrafricaine (APPR – RCA) signé le 6 février 2019 à Bangui, notamment les articles 1 (g) et 5 (d), et l'opportunité créée par cet Accord d'amplifier les efforts de tous les signataires sur la prévention et la réponse aux violences sexuelles liées au conflit et ainsi de renforcer le processus de paix et la réconciliation ;

*A la suite* de la visite en République centrafricaine de la Représentante spéciale du Secrétaire général des Nations unies sur la question des violences sexuelles commises en période de conflit, Madame Pramila Patten, en mai 2019, durant laquelle la Représentante spéciale s'est entretenue avec les membres du Gouvernement, les parlementaires, les autorités judiciaires et les représentants de la société civile centrafricaine ;

**En conséquence**, le Gouvernement de la République centrafricaine et l'Organisation des Nations Unies conviennent de coopérer pour prévenir et lutter contre les violences sexuelles commises par toutes les parties au conflit dans le but d'établir une paix durable, ainsi que pour adresser les causes profondes de cette violence, notamment la discrimination contre les femmes et les filles.

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<sup>1</sup> (S/2019/280)

## 1. Le gouvernement de la République centrafricaine s'engage à :

### *(Plaidoyer, participation et mobilisation communautaire)*

- 1.1 Dénoncer publiquement les violences sexuelles liées au conflit et à mettre effectivement en œuvre les résolutions « Femmes, Paix et Sécurité » du Conseil de sécurité des Nations Unies ;
- 1.2 Faciliter le dialogue avec tous les signataires de l'Accord pour la Paix et la Réconciliation et les appeler à mettre immédiatement et totalement fin à tous les actes de violences sexuelles liées au conflit ainsi qu'à prévenir ces violences, comme cela est mentionné dans l'accord ;
- 1.3 S'assurer que les femmes soient représentées dans la mise en œuvre de l'Accord Politique pour la Paix et la Réconciliation et qu'elles participent de manière pleine et effective dans les mécanismes de résolution des conflits établis à cet effet ;
- 1.4 Engager les représentants de la société civile centrafricaine, les organisations féminines les parlementaires ainsi que les chefs communautaires et religieux dans la prévention et la réponse aux violences sexuelles liées au conflit, et dans le monitoring de la mise en œuvre du présent communiqué ;

### *(Protection et provision de services aux survivant(e)s/victimes)*

- 1.5 Reconnaître les besoins spécifiques des femmes, filles, hommes et garçons survivants des violences sexuelles ;
- 1.6 Développer et mettre en œuvre une stratégie multi-sectorielle, sensible aux questions du genre, pour améliorer l'accès et la provision de services holistiques aux survivant(e)s de violences sexuelles liées au conflit, y compris les personnes déplacées de force, retournées et rapatriées ainsi que les enfants associés aux forces et groupes armés au travers d'une coordination efficiente des différents acteurs nationaux et internationaux, travaillant dans les domaines de l'assistance médicale, la santé mentale et l'appui psycho-social, l'aide légale et l'appui à la réinsertion socio-économique ;
- 1.7 Mettre en place des mesures de protection adaptées pour les enfants nés à la suite de violences sexuelles liées au conflit ;

### *(Justice)*

- 1.8 Lutter contre l'impunité des crimes de violences sexuelles liées au conflit et traduire en justice les auteurs de ces crimes, tout en protégeant les victimes et les témoins ;
- 1.9 Mettre en place un système de réparations aux victimes pour faire face aux conséquences de la violence sexuelle liée au conflit et offrir des garanties de non-répétition, conformément aux obligations des Etats en vertu des instruments régionaux et internationaux de protection des droits de l'Homme ;
- 1.10 Inclure la question des violences sexuelles liées au conflit dans le processus de justice transitionnelle ;
- 1.11 Renforcer la législation nationale, en particulier le Code Pénal et le Code de Procédures pénales y compris en assurant une réponse judiciaire adéquate, reconnaissant la gravité des crimes commis et en empêchant la correctionnalisation de toute forme de violences sexuelles liées au conflit, et s'assurer de la mise en œuvre effective des lois existantes comme la loi sur la prévention de la violence faite aux femmes (*loi no.06.032*) ;
- 1.12 Améliorer la qualité et mettre en place des délais procéduraux pour les enquêtes et poursuites des crimes de violences sexuelles liées au conflit ;
- 1.13 Assurer un appui politique, budgétaire et organisationnel pour l'Unité Mixte de Réponse Rapide aux violences sexuelles (UMIRR), y compris en adoptant les décrets de nomination des personnels affectés à l'UMIRR, en incluant l'intégralité du budget de fonctionnement de l'UMIRR dans le budget de l'Etat et en renforçant la présence de l'UMIRR sur l'ensemble du territoire national ;
- 1.14 Renforcer les capacités opérationnelles des juridictions nationales, y compris la Cour pénale spéciale, pour poursuivre et juger les auteurs de violences sexuelles liées au conflit ;



- 1.15 Veiller à ce que les auteurs de crimes de violences sexuelles soient exclus des dispositions d'amnistie ;

*(Sécurité)*

- 1.16 S'assurer que ceux qui ont commis ou sont responsables d'actes de violences sexuelles soit exclus du secteur de la sécurité et de toute structure de gouvernance, notamment lors de l'intégration dans l'armée, la police, la gendarmerie et d'autres forces de maintien de l'ordre, d'éléments venant de groupes armés, y compris les éléments des unités mixtes ;
- 1.17 Considérer les besoins spécifiques des femmes et filles ayant été associées aux groupes armés dans le contexte du programme de Démobilisation, Désarmement et Réintégration ;
- 1.18 Former les Forces Armées centrafricaines ( FACA) sur la lutte contre les violences sexuelles liées au conflit, et publier par les voies hiérarchiques des FACA des instructions claires sur la dissémination d'un code de conduite interdisant la violence sexuelle, mettant en place des procédures connexes définissant les sanctions encourues en cas d'infractions, demandant aux chefs d'unité de prendre des engagements individuels et appelant à enquêter sur toutes les allégations crédibles de violences sexuelles ;
- 1.19 Encourager le recrutement de personnel féminin au sein des forces de l'armée, de la police et de la gendarmerie.

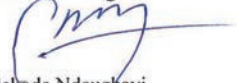
**2. L'Organisation des Nations Unies s'engage à :**

- 2.1 Appuyer techniquement et politiquement le Gouvernement de la République centrafricaine pour la mise en œuvre du présent communiqué à travers de la MINUSCA et le système des Nations Unies en République centrafricaine, en coordination avec le Bureau de la Représentante spéciale du Secrétaire général des Nations unies sur la question des violences sexuelles commises en période de conflit et le Réseau d'Action des Nations unies contre les violences sexuelles dans les conflits ;
- 2.2 Fournir une expertise technique pour soutenir les efforts institutionnels entrepris par le Gouvernement dans le cadre de la lutte contre l'impunité des crimes de violences sexuelles liées au conflit, notamment à travers l'appui de l'Equipe d'Experts des Nations Unies sur l'Etat de droit et les violences sexuelles liées au conflit ;
- 2.3 Mobiliser, en partenariat avec le Gouvernement de la République centrafricaine, la communauté internationale et les bailleurs de fonds pour soutenir la mise en œuvre des engagements pris dans le présent communiqué.



Mme Pramila Patten  
Représentante spéciale du Secrétaire général  
sur la question des violences sexuelles commises  
en période de conflit

Le 31 mai 2019, à Bangui.



Chancel Sekode Ndeughbayi  
Ministre Délégué des Affaires  
Etrangères chargé et des Centrafricains  
de l'Etranger, chargé de la  
Francophonie et du Protocole d'Etat  
République centrafricaine









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