

**Security Council**

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**Letter dated 11 April 2019 from the Permanent Representative  
of Germany to the United Nations addressed to the  
Secretary-General**

I have the honour to inform you that, under the presidency of Germany, the Security Council will hold a high-level open debate on the theme “Women and peace and security: sexual violence in conflict” on Tuesday, 23 April 2019. The meeting will be chaired by the Federal Minister for Foreign Affairs of Germany, Heiko Maas.

In order to help steer the discussions on the subject, Germany has prepared the attached concept note (see annex) and information on the background and normative developments in the Security Council (see enclosure).

I would be grateful if the present letter, together with its annex and enclosure, could be circulated as a document of the Security Council.

*(Signed)* Christoph Heusgen



## **Annex to the letter dated 11 April 2019 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General**

### **Concept note for the high-level open debate on the theme “Sexual violence in conflict”, to be held on Tuesday, 23 April 2019 at 10 a.m. in the Security Council Chamber**

#### **1. Background**

##### **1.1. Introduction**

1. The year 2019 is important both in the fight against conflict-related sexual violence and for the overall women and peace and security agenda. It leads up to the twentieth anniversary of the landmark Security Council resolution [1325 \(2000\)](#) in 2020 and marks the tenth anniversary of the establishment of the mandate of the Special Representative of the Secretary-General on Sexual Violence in Conflict pursuant to Council resolution [1888 \(2009\)](#). Over the past decade, there has been an important paradigm shift: today, sexual violence in armed conflict and post-conflict situations is understood as a threat to international peace and security, and diverse tools have been developed to prevent and respond to these horrific crimes.

2. One important aim of the open debate is to examine some of the root causes of such crimes, which are used as a tactic of war and terrorism, as the Security Council has recognized. These root causes include deeply entrenched gender inequality and discriminatory perceptions of gender roles, which contribute to the disproportionate effect of conflict on women and girls. Prevention of conflict-related sexual violence requires a collective effort to achieve gender equality in societies, including by ensuring women’s full and effective participation in political, economic and social life and that women have both access to and efficient justice and security institutions.

##### **1.2. Accountability as a key factor in preventing conflict-related sexual and gender-based violence**

3. Despite ongoing efforts and investment in the investigation and prosecution of conflict-related sexual violence, accountability for such crimes committed by non-State and State actors remains a major challenge. The tenth report of the Secretary-General on conflict-related sexual violence ([S/2019/280](#)) emphasizes that sexual violence continues to be part of a broader strategy of warfare and is used as a means of repression, terror and control, as well as to displace communities and seize territory and other resources. Non-State actors, such as armed groups, local militias and criminal elements, account for 37 out of 49 parties listed in the annex of the Secretary-General’s report. State actors have also been implicated in all country situations. A collective effort is therefore urgently needed to strengthen accountability of parties to conflicts and their compliance with relevant Security Council resolutions and their obligations under international law relating to the prevention of conflict-related sexual violence.

4. The fight against impunity for conflict-related sexual violence and the role of accountability in the prevention of sexual violence have been major themes of the women and peace and security agenda. These topics are addressed in particular in the four existing Security Council resolutions on sexual violence in conflict, resolutions [1820 \(2008\)](#), [1888 \(2009\)](#), [1960 \(2010\)](#) and [2106 \(2013\)](#), in resolution [2331 \(2016\)](#), which recognizes that sexual violence can be used as a tactic of terrorism, and in resolution [2447 \(2018\)](#), which includes a specific reference to the prevention of and response to conflict-related sexual violence in the context of police, justice and

corrections institutions. Numerous country-specific and sanctions resolutions of the Council have also taken up the issue.

5. In his annual report on conflict-related sexual violence, the Secretary-General calls on the Security Council to fully integrate the issue of conflict-related sexual violence into the work of its sanctions committees and include sexual violence as an explicit criterion for sanctions designations. He also urges the Council to include measures to prevent conflict-related sexual violence in the context of initiatives to reform the security and justice sectors. Furthermore, the Secretary-General recommends that the Council employ all means at its disposal to influence parties to a conflict to comply with international law, including by referring cases to the International Criminal Court. The Secretary-General identifies accountability for crimes of conflict-related sexual violence as a key element of his prevention strategy. The Council has highlighted in its resolutions [1820 \(2008\)](#) and [2106 \(2013\)](#) the need to exclude sexual violence crimes from amnesty provisions in the context of conflict resolution and transitional justice processes.

### **1.3. Towards a more holistic concept of justice and accountability: a survivor-centred approach**

6. One of the major lessons learned from the implementation of Security Council resolution [1888 \(2009\)](#) over the past decade is that civil society actors, particularly at the grass-roots level, play a crucial role in prevention and in ensuring adequate and survivor-centred responses to conflict-related sexual violence. However, women human rights defenders continue to face systematic and structural discrimination and remain at particular risk, or are targeted for violence, including sexual and gender-based violence, in retaliation for their work.

7. The consequences of sexual and gender-based violence for survivors, their families and communities continue to impact them for years after such violations occur. Mothers of children born as a result of sexual violence may be ostracized by their own communities. Their children may face high levels of stigma and, as a result, suffer a lifetime of detrimental consequences. In addition to the immediate medical services that survivors require, more comprehensive psychosocial support is needed to ensure the full recovery of survivors and their reintegration in communities. This critical work is often undertaken at the community level through local service providers, which operate on the front lines of conflicts and are often supported through the advocacy and funding of women's groups and other civil society organizations.

## **2. Objectives and guiding questions for the open debate**

8. The aim of the open debate is to identify gaps and discuss opportunities at the national, regional and international levels, with the aim of stepping up efforts to prevent and respond to conflict-related sexual violence both by empowering survivors and civil society actors and by strengthening the compliance of State and non-State parties with their obligations under national and international law and with commitments they have undertaken to address conflict-related sexual violence within the framework of relevant Security Council resolutions.

9. We encourage interventions to address the following questions:

#### *Accountability*

- What strategies can be implemented to strengthen judicial mechanisms in order to hold those responsible for sexual violence accountable and to end impunity?

- How can the international community help governments to respond effectively to sexual violence in conflict, including by improving accountability as a central aspect of deterrence and prevention?
- How can the Security Council strengthen its monitoring of the compliance of parties to conflicts, including persistent perpetrators of sexual violence listed in the report of the Secretary-General on conflict-related sexual violence?

#### *Survivor-centred approach*

- What other strategic approaches could be employed to ensure that a survivor-centred approach is at the heart of all programmes and interventions carried out and investments made in the fight against sexual violence in conflict?
- What challenges exist when it comes to ensuring the effective participation of and sufficient resources for civil society organizations, local women's rights organizations and human rights defenders as part of the efforts to improve the protection of women and girls, as well as their economic recovery, empowerment and resilience, in order to prevent sexual violence in conflict?
- What specific efforts can Member States make to ensure a safe and enabling environment for civil society and local women's rights organizations?

### **3. Format and briefers**

10. The open debate will take place on 23 April 2019 at 10 a.m. in the Security Council Chamber. It will be chaired by Heiko Maas, Federal Minister for Foreign Affairs of Germany.

11. The following speakers will brief the Security Council:

- António Guterres, Secretary-General of the United Nations
- Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict
- Denis Mukwege Mukengere, 2018 Nobel Peace Prize laureate
- Nadia Murad, 2018 Nobel Peace Prize laureate
- Amal Clooney, barrister
- Inas Miloud, co-founder and director of the Tamazight Women Movement in Libya

12. In order to make the discussion as outcome-oriented and interactive as possible, we ask all speakers to keep the following guidelines in mind:

- We encourage all speakers to restrict their remarks to **four minutes**.
- All speakers are strongly encouraged to **refrain from reading prepared remarks and are invited to pose questions to the briefers**. Delegations are encouraged to outline specific steps to address conflict-related sexual violence.
- The Chair might invite briefers to **comment directly or respond to questions on issues related to their area of expertise**.

## Enclosure

### Background and normative developments in the Security Council

1. The Security Council has adopted a series of robust resolutions to raise awareness of sexual violence during and in the wake of conflict and encourage action to combat it:

- Resolution [1820 \(2008\)](#): In this resolution, the Security Council recognized that sexual violence is often employed as a tactic of war and can constitute a war crime, a crime against humanity and/or an act of genocide, and, as such, cannot be amnestied. The Council called for the immediate and complete cessation of sexual violence against civilians, in particular women and girls, who are disproportionately affected, and an end to the impunity enjoyed by perpetrators. It also expressed its deep concern that, despite repeated condemnation, sexual violence against civilians trapped in war zones was not only continuing, but in some cases had become widespread and systematic. The Council built on the foundations of its resolution [1325 \(2000\)](#) by affirming that effective steps to prevent and respond to all forms of sexual violence can significantly contribute to the maintenance or restoration of international peace and security.
- Resolution [1888 \(2009\)](#): In this resolution, the Security Council established new infrastructure and mechanisms to advance implementation of the relevant agenda, including the appointment of a Special Representative of the Secretary-General on Sexual Violence in Conflict and the establishment of a team of experts on the rule of law and sexual violence in conflict in the Office of the Special Representative and dedicated women's protection advisers in field missions. The Council further committed to incorporating specific provisions on combating conflict-related sexual violence into the mandates of peacekeeping operations. The Council also encouraged Member States to increase access to health care, psychosocial support and legal assistance for survivors of conflict-related sexual violence in remote and rural areas.
- Resolution [1960 \(2010\)](#): In this resolution, the Security Council established a monitoring and compliance regime, including specific monitoring, analysis and reporting arrangements on conflict-related sexual violence, mandated the listing of parties to armed conflict that are credibly suspected of committing or being responsible for patterns of sexual violence in situations on the Council's agenda and called upon parties to armed conflict to make specific and time-bound commitments to combat sexual violence, including by prohibiting such crimes through the issuance of clear orders through chains of command, adopting codes of conduct and other measures and investigating alleged abuses in order to hold perpetrators accountable in a timely manner.
- Resolution [2106 \(2013\)](#): In this resolution, the Security Council emphasized prevention and the central role of civil society organizations in addressing these crimes, reiterating that all actors, including not only the Council and parties to armed conflict, but also all Member States and United Nations entities, must do more to advance implementation of the relevant agenda and combat impunity for these crimes. The Council also affirmed the centrality of gender equality and women's political, social and economic empowerment to efforts to prevent sexual violence in armed conflict and post-conflict situations.
- Resolution [2331 \(2016\)](#): In this resolution, the Security Council addressed the nexus of trafficking, sexual violence, terrorism and transnational organized crime, paving the way for more systematic monitoring and reporting, as well as enhanced information-sharing and judicial cooperation. The Council further

affirmed that victims of trafficking and sexual violence offences committed by terrorist groups and networks should be eligible for official redress as victims of terrorism. The acknowledgement of sexual violence as a tactic of terrorism, integral to recruitment, resourcing and radicalization strategies, formally linked this issue to global action aimed at curbing terrorist financing, including the work of relevant sanctions regimes.

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