

PROVISIONAL GUIDANCE NOTE

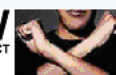
IMPLEMENTATION OF
SECURITY COUNCIL RESOLUTION 1960 (2010)
ON WOMEN, PEACE AND SECURITY
(CONFLICT-RELATED SEXUAL VIOLENCE)
JUNE 2011



OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON
SEXUAL VIOLENCE IN CONFLICT



STOP RAPE NOW
UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT



PROVISIONAL GUIDANCE NOTE¹

IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 1960 (2010) ON WOMEN, PEACE AND SECURITY (CONFLICT-RELATED SEXUAL VIOLENCE)

I. SCOPE AND PURPOSE

Building on Security Council resolutions 1820 (June 2008) and 1888 (September 2009) which recognized the links between sexual violence and sustainable peace and security, resolution 1960 was adopted unanimously by the Security Council on 16 December 2010. The purpose of this note is to provide information about, and provisional guidance for implementation of the key operational elements of resolution 1960, namely:

- A. Monitoring, analysis and reporting arrangements on conflict-related sexual violence;
- B. Commitments by parties to conflict to prevent and address sexual violence.

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-General².

The ultimate goal of Security Council resolutions 1820, 1888 and 1960 is to prevent and address conflict-related sexual violence, improve assistance to survivors, and support establishment of field-driven systems for reporting to the Security Council.

The country contexts in which resolution 1960 will be implemented vary widely, including the composition and capacity of the UN country presence. Therefore, it is understood that flexibility and a pragmatic approach will be required in the implementation of the monitoring, analysis and reporting arrangements as outlined by this Guidance Note.

II. PHASED ROLL-OUT

The implementation process for the monitoring, analysis and reporting arrangements (MARA) at the global level will be undertaken in a phased approach beginning with accelerated roll-out in a number of selected countries.

Other country situations in which conflict-related sexual violence is a concern and to which this Guidance Note is being distributed but which are not part of the countries

¹ This Guidance Note will be revised and updated periodically according to lessons-learned from implementing resolution 1960.

² Refer to Annex 1 for information on the objective criteria used by the Secretary-General in his determination on listing and delisting parties, as well as information on parties whose activities should be monitored under MARA.

selected for accelerated roll-out are encouraged to implement the MARA as described in this Note. SRSG or RC/HC in these countries will be, at a minimum, held accountable for providing information on violations committed in the country in question, including for the annual report of the Secretary-General to the Security Council on Sexual Violence in Conflict. In addition, in these country situations, SRSG or RC/HC, with the UN team, should initiate a strategy for engagement with parties aimed at securing specific commitments to prevent and address conflict-related sexual violence. OSRSG-SVC will also provide support to UN field teams in the implementation of resolution 1960.

Further information will be provided to UN field teams on the the initial countries to receive strategic assistance in the phased implementation process, and the other situations of concern where MARA should also be implemented.

III. AUTHORITY

Implementation will be carried out in accordance with the provisions contained under **Security Council resolution 1960 (2010)**, with specific reference to operational **paragraph 8**, requesting the Secretary-General to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence in situations of armed conflict and post-conflict and other situations of concern³; and, operational **paragraphs 5 and 6**, requesting parties to conflict to make specific commitments to combat sexual violence, and for the Secretary-General to monitor implementation.

Implementation will be carried out in accordance with the **Secretary-General's Policy Committee Decision No. 2010/30** on Sexual Violence in Conflict and the **Report of the Secretary-General (A/65/592 – S/2010/604)** on the implementation of resolutions 1820 (2008) and 1888 (2009), which provide details regarding the criteria for dialogue with parties to conflict, and the conceptual and analytical framing of 'conflict-related sexual violence' for the purpose of facilitating the analysis on what can be reported as conflict-related sexual violence.

IV. DEFINITIONS

According to the “Analytical and Conceptual Framing of Conflict-Related Sexual Violence,”⁴ **conflict-related sexual violence** refers to incidents or patterns (for SCR 1960 listing purposes) 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 or boys⁵. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g. political strife). They also have a direct or indirect nexus with the conflict or political strife itself, that is, a temporal, geographical and/or causal link. In addition to the

³ Refer to Article 99 of the Charter of the United Nations, whereby “The Secretary-General may bring to the attention of the Security-Council any matter which in his opinion may threaten the maintenance of international peace and security.”

⁴ Refer to the summary “*Analytical and Conceptual Framing of Conflict-Related Sexual Violence*” for more detailed guidance on the interpretative task of analyzing and reporting information on conflict-related sexual violence (See companion document as attached).

⁵ The typologies of sexual violence are defined in articles 6, 7 and 8 of the Rome Statute of the International Criminal Court (United Nations, Treaty Series, vol. 2187, No. 38544).

international character of the suspected crimes (that can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of genocide or gross violations of human rights), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that it violates the terms of a ceasefire agreement.

V. LEADERSHIP AND ACCOUNTABILITY

At the global level, the **Special Representative on Sexual Violence in Conflict (SRSG-SVC), on behalf of the Secretary-General**, is responsible for promoting the implementation of Security Council resolutions 1820, 1888 and 1960. SRSG-SVC, in consultation with UN entities under the umbrella of UN Action Against Sexual Violence in Conflict (UN Action)⁶, determines policy and priorities in execution of this mandate. SRSG-SVC, on behalf of the Secretary-General and in consultation with UN system partners makes the final recommendation on the listing and de-listing of parties in the report of the Secretary-General, with due consideration of the views expressed by UN field teams.

At country-level, the most senior UN official, namely the **Special Representative of the Secretary-General⁷ (where there are peacekeeping or political missions) or Resident Coordinator/Humanitarian Coordinator (where there are no peacekeeping or political missions)**, is responsible for ensuring timely implementation of Security Council resolutions 1960, 1888 and 1820, and transmission of reports to the SRSG-SVC. SRSG or RC/HC is required to remain actively seized and accountable in particular for implementation of the two operational priorities under 1960 as outlined above. SRSG-SVC will maintain regular contacts with, and advise SRSG or RC/HC in execution of the mandate.

Heads of UN system entities at country-level are responsible for ensuring engagement, as appropriate, by their respective entity particularly with respect to membership of the country-level Working Group on Conflict-Related Sexual Violence (*See also section VI (6)(i)*).

⁶ UN Action unites the work of 13 UN system entities with the goal of ending sexual violence in conflict. These entities include DPA, DPKO, OCHA, OHCHR, PBSO, UNAIDS, UNDP, UNFPA, UNHCR, UNICEF, UNODC, UN Women and WHO. In June 2007, the Secretary-General's Policy Committee endorsed UN Action as "a critical joint UN system-wide initiative to guide advocacy, knowledge-building, resource mobilization, and joint programming around sexual violence in conflict".

⁷ SRSG may deem it appropriate to designate DSRSG to oversee day-to-day implementation of resolutions 1888 and 1960. However, SRSG is ultimately accountable for implementation of the Security Council mandate as the most senior UN official in-country.

VI. MONITORING, ANALYSIS AND REPORTING ARRANGEMENTS (MARA)⁸

1. Mandate

In paragraph 8 of resolution 1960, the Security Council requests the Secretary-General to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence in situations of armed conflict and post-conflict and other situations of concern. The arrangements should take into account the specificity of each country and ensure a coherent and coordinated approach at the field-level, and must be coordinated with and implemented in respect of the integrity and specificity of the monitoring and reporting mechanism under resolutions 1612 (2005) and 1882 (2009) on children and armed conflict.

2. Purpose

The purpose of MARA is to ensure the **systematic gathering of timely, accurate, reliable and objective information on conflict-related sexual violence** against women, men and children in all situations of concern. **This information will be used to promote increased and timely action to prevent and respond to conflict-related sexual violence.** The MARA is an opportunity to promote adherence to and operationalization of safe and ethical practices for collecting information on conflict-related sexual violence.

Information from MARA should inform strategic advocacy, enhance prevention and programmatic responses for survivors, and contribute to the development of **Comprehensive Strategies to combat sexual violence**⁹ at country-level.

Information from MARA will also serve as the basis for Security Council action, including imposing sanctions and other targeted measures, and establishment of protection mandates in situations on the agenda of the Security Council (*See section VI (8) for additional measures which may be undertaken on the basis of information from MARA*).

3. Contexts in which MARA will be implemented

The objective is to establish MARA in all situations where conflict-related sexual violence is a concern. Beyond situations on the Security Council's agenda, the Secretary-General through SRSG-SVC determines what countries should be considered as situations of concern, in consultation with UN Action.

It is understood that the emphasis of MARA may differ depending on context, particularly in regards to conflict as opposed to post-conflict situations. For example, those aspects of MARA related to identifying parties to conflict and perpetrators, or the engagement with such parties for protection commitments, is most relevant in situations of conflict. However, in post-conflict situations there continues to be a need

⁸ Refer to Annex 2: Flowchart of the Monitoring Analysis and Reporting Arrangements for Conflict-Related Sexual Violence.

⁹ Refer Security Council resolution 1888 (2009) OP 23.

for timely and reliable data and analysis of patterns and trends of sexual violence, particularly as a legacy of the conflict in order to improve prevention and response efforts and to promote action by the Security Council to address conflict-related sexual violence. Therefore, the specificity of arrangements and reporting requirements as outlined in this guidance should be interpreted with leeway for field teams to tailor to their specific context.

In any of these contexts, MARA should monitor and seek to influence the conduct of both State and non-State parties.

4. Key issues to be considered when setting up country-specific MARA

The unique challenges and obligations of the UN as regards monitoring and reporting on sexual violence should be recognized and taken into account. 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.

5. Principles, ethics and safety criteria

MARA should be 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.¹⁰

6. MARA Country-level arrangements

Establishment of country-level arrangements to respond to resolution 1960 will require a phased and pragmatic approach that is flexible and based on country-specific circumstances and that avoids duplication of functions, overburdening of actors and confusion of roles. The arrangements outlined below should be viewed as broadly applicable to different contexts, including settings in which there are UN peacekeeping operations, UN Special Political Missions or UN Country Teams. The capacity constraints of Special Political Missions and UNCTs relative to situations where UN peacekeeping operations are in place will need to be taken into account.

It is foreseen that MARA will draw on information gathered from a variety of sources in a given country context, including local government authorities and institutions, health and psychosocial service providers, UN Civilian, Police and Military Peacekeeping presence, UNCT actors, local and international NGOs, civil society organisations, religious institutions and faith-based networks.

¹⁰ See Annex 3; and, refer to “*Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies*”, World Health Organization, 2007; and, “*Reporting and Interpreting Data on Sexual Violence From Conflict-Affected Countries – “Dos and Don’ts”*”, UN Action, 2008.

i. Working Group on Conflict-Related Sexual Violence

SRSB or RC/HC should ensure that a technical-level Working Group on Conflict-Related Sexual Violence is established for implementation of resolution 1960. This may build on the UN inter-agency consultative mechanisms put in place in 2009 and 2010 for preparation of inputs to reports of the Secretary-General on Sexual Violence in Conflict.

Leadership and Composition

SRSB or RC/HC in consultation with the UN Country Team shall determine which UN entities shall constitute the Working Group. **Membership shall be based on expertise and capacity in gender-based violence and sexual violence programming; monitoring, verification and reporting of violations; gender analysis; and, security/protection expertise.**

Depending on presence and capacities of UN entities in a particular context, the membership of the Working Group may include any relevant UN entity. In settings where there are UN peacekeeping, political or peacebuilding missions, relevant Civilian, Military and Police components of the missions may also form part of the Working Group. In such settings **particular emphasis should be placed on collaboration and coordination between peacekeeping and humanitarian actors; collaboration should be undertaken in a manner consistent with humanitarian principles.** Where relevant, the Working Group will draw also on information and analysis of UN security actors.

By common agreement, the Working Group may invite relevant experts to participate in aspects of its work.

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, **it is necessary that the membership of the Working Group is limited to a select group of UN entities. This is also to safeguard non-UN implementing partners working with affected communities.** Efforts should be made to ensure that the data gathering, monitoring and verification process does not endanger service provision.

The Working Group shall be convened by the Women Protection Adviser,¹¹ or pending their appointment, by a UN entity identified to take lead responsibility after consultation within the UN team.

The Working Group shall meet on a regular basis in order to fulfill its functions as outlined below (periodicity of meetings may be determined by agreement in-country). **Members of the Working Group shall determine and agree on division of labour, as appropriate to the specific country context (See also section X below on Coordination with 1612/1882 MRM).**

¹¹ The Terms of Reference of Women Protection Advisers are under preparation and shall be disseminated to the field shortly.

Function

The Working Group will **review information, monitor and verify incidents of sexual violence, analyse data, trends and patterns, prepare reports, and build capacity to strengthen MARA.**

To ensure a coherent UN approach to prevent and address conflict-related sexual violence, the Working Group will monitor and verify information on such violations against women, men and children.

OHCHR, Human Rights components of peacekeeping missions, and other UN entities who have monitoring mandates, requisite expertise and capacity should take a lead role in the functions of the Working Group related to monitoring and verification of incidents.

The specific functions of the Working Group will include, *inter alia*:

- 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 SRSR or RC/HC to SRSR-SVC (*See section VII on Reporting, Periodicity and Information Flow*).
- 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.
- 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; capacity building to ensure that data gathering processes are safe and ethical, including appropriate collection, storage, analysis and sharing of reported incident data; Assessment of support needs at the field level;
- Advise and make recommendations to SRSR or RC/HC 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;
- Support to the development of Comprehensive Strategies on conflict-related sexual violence.

The Working Group should keep SRSR or RC/HC and Heads of UN system entities regularly informed on its work. When necessary, the Working Group may recommend that SRSR or RC/HC convenes Heads of UN system entities on issues which have policy implications.

In line with the modalities and functions as outlined above, Working Groups should prepare Terms of Reference to guide their work, tailored to the specific country context. The Terms of Reference should specify division of labour i.e. UN entity leads in execution of particular functions such as monitoring and verification, etc. The Working Group Terms of Reference should be consulted with OSRSG-SVC.

Monitoring principles and verification

The monitoring and verification aspect of the Working Group's functions shall be informed by human rights monitoring principles and methodology developed by the Office of the High Commissioner for Human Rights.¹² These refer to the principle of **doing no harm, respect for the mandate and knowledge of the standards, credibility, impartiality, objectivity, confidentiality and security.**¹³

The reports of the Secretary-General and other information to the Security Council must meet the standards of verification adopted in the UN system¹⁴.

UN Action shall disseminate further information on monitoring and verification standards and procedures.

Information sharing

Given that information from MARA is to serve as a basis for action by a range of advocacy, programmatic and security actors, emphasis should be placed on information sharing within the Working Group, as appropriate. However, due consideration must be given to ensuring 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. At all times, information sharing, even at the level of the Working Group, should be done with the best interests of the survivors as the guiding principle, and in adherence to the protocols of confidentiality and informed consent.

ii. Joint Consultation Forum on conflict-related sexual violence

The Security Council has repeatedly emphasized in resolutions 1820, 1888 and 1960 the need for better information on trends, patterns and early warning indicators¹⁵ of sexual violence. The Council has also recognized that this requires use of expertise from the United Nations system and elsewhere, and has encouraged the UN to engage

¹² See Chapter V on "Basic Principles of Monitoring" of the OHCHR, Professional Training Series No. 7, Training Manual on Human Rights Monitoring, Geneva and New York, 2001; available at <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>.

¹³ Refer to Annex 4: Basic Monitoring Principles.

¹⁴ Refer to Part 2, section F. on *Monitoring and Verification* -- Field Manual for Monitoring and Reporting on Grave Violations Against Children, OSRSG-CAAC, UNICEF, DPKO, February 2011.

¹⁵ The UN Action network is developing Guidance on early warning indicators which it is anticipated will be issued in September 2011.

a broad range of actors in order to enhance data collection and analysis. Better information particularly on trends, patterns and early warning indicators depends on availability of representative/generalizable data, effective analysis of information, and may benefit from broad-based consultation.

Some of the actors (including UN actors) which can contribute to analysis are humanitarian in nature and may therefore have policies in place which do not allow them to engage in processes linked to referral for sanctions by the Security Council. Therefore, **a forum for consultation on conflict-related sexual violence should be completely separate and distinct from the Working Group.**

It is recognized that in numerous country contexts there already exist arrangements to consult and coordinate on gender-based violence issues in humanitarian settings, such as the Protection Cluster, the GBV Area of Responsibility/Working Group/Sub-cluster, Gender Theme Groups, etc. Therefore, where possible and appropriate, the **Joint Consultation Forum may be convened under the auspices of such existing arrangements, while ensuring focused discussion, participation and function as outlined below.**

The decision of where to locate the Joint Consultation Forum should be taken in consultation with the Protection Cluster/Gender-Based Violence Area of Responsibility where they exist, and where it is not feasible to locate the forum directly within this structure efforts should be made to ensure close coordination.

Leadership and Composition

Membership of the Joint Consultation Forum should be determined by the Working Group. The Working Group should also determine which entity will serve as convener of the Joint Consultation Forum (periodicity of meetings to be determined by agreement in-country). The Joint Consultation Forum may include members of the Working Group as well as representatives of international and local NGOs, representatives of health service providers, and relevant Government representatives¹⁶ such as officials of the Ministries of Health, Social Welfare, Justice, etc. Where the Joint Consultation Forum is situated within the Protection Cluster/ GBV Area of Responsibility/sub-cluster/working group, the leadership and composition will build upon existing arrangements as set down by the Cluster Approach.

Function

The Joint Consultation Forum is **not** charged with the sensitive role of identifying perpetrators and verifying information on incidents.

It will **review and discuss available (aggregated and anonymized) information and analysis on conflict-related sexual violence from a wide range of sources.** This may include UN and NGO reports, Government health or police data, information from the GBV Information Management System, and information and

¹⁶ Participation of Government institutions should be determined on a case-by-case basis. Where it is not appropriate for Government institutions to participate in Joint Consultation Forum such consultation will be undertaken by the Working Group, as per its functions outlined above.

analysis of the Working Group, as appropriate. Members provide the forum with their data and analysis of the situation, including their perspective on trends and patterns of sexual violence.

The Joint Consultation Forum may also **make recommendations for advocacy and action to prevent and respond to sexual violence to the Working Group and SRSG/RC/HC**. Where the Joint Consultation Forum is not located in the framework of the Protection Cluster/GBV Area of Responsibility/sub-cluster/working group, such recommendations should be made in consultation with these arrangements, where they exist.

The analysis and perspectives on trends and patterns of the Joint Consultation Forum may feed into and **inform the analysis and reporting of the Working Group** by better contextualizing information regarding incidents and alleged perpetrators.

The Joint Consultation Forum should also **contribute to better coordination among actors for advocacy and response to address conflict-related sexual violence**. This should include efforts to generate real-time preventative action by garnering the support of the security actors (e.g. peacekeeping missions).

7. UN Headquarters advocacy, policy and guidance

On the basis of information from MARA, the SRSG-SVC undertakes targeted advocacy with the Security Council and other political and policy-making bodies, as well as with Governments, donors, international media, etc. This should be viewed as complimentary to other UN system advocacy efforts. SRSG-SVC chairs the Steering Committee of UN Action which serves as the primary UN coordination mechanism and consultation forum on policy and programming on conflict-related sexual violence. SRSG-SVC has also established an NGO Consultation Forum to ensure that the expertise and key role of NGOs in relation to data collection on conflict-related sexual violence informs policy and practice. The NGO forum also provides an opportunity to identify support needs of NGOs.

8. Security Council review and action

Through paragraphs 3, 7 and 8 of resolution 1960, the Security Council expresses its intention to use MARA information to assist its consideration of appropriate actions, including targeted and graduated measures; and to use the Secretary-General's list of parties to conflict who are responsible for patterns of rape and other forms of sexual violence, as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees. The Council also reiterates its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence.

Apart from sanctions, the Security Council may also undertake other targeted measures and actions on the basis of information from MARA, such as, *inter alia* specific requests to United Nations bodies such as the Peacebuilding Commission, the General Assembly or Human Rights Council, or to entities such as the World Bank;

undertake direct demarches with parties to conflict; or, undertake demarches with regional organizations for improved response in the context of their mediation and peacekeeping activities¹⁷.

VII. REPORTING, PERIODICITY AND INFORMATION FLOW

SRSG or RC/HC, on behalf of the Working Group, shall transmit reports on conflict-related sexual violence to SRSG-SVC through the established reporting channels. Reports will be compiled on the basis of information from MARA. 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;
- Information on the implementation of its resolutions, including progress in dialogue with parties to conflict for commitments, and actions taken to ensure accountability.

The Working Group on Conflict-Related Sexual Violence will be responsible for the following periodic reporting:

- A. Input to the Report of the Secretary-General to the Security Council on Sexual Violence in Conflict (Annual);
- B. Working Group biannual Review on Conflict-Related Sexual Violence (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; actions carried out by parties to conflict, Government or UN entities during the reporting period including to address impunity; recommendations.)
- C. In the context of UN Peacekeeping Operations and Special Political Missions, inputs on sexual violence as a specific aspect of the country/mandate report of the Secretary-General to the Security Council (periodicity determined by relevant Security Council resolution).

In addition, other reports and information on grave sexual violence incidents or threats should continue to be brought to the attention of SRSG-SVC as part of the ongoing monitoring and reporting of relevant UN entities or sections of peacekeeping or political missions. 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.

SRSG-SVC will receive the reports at UN Headquarters level, as transmitted by SRSG or RC/HC through the established reporting channels.

¹⁷ For an indicative list of measures and actions which may be undertaken by the Security Council refer to the “Toolkit of the Security Council Working Group on Children and Armed Conflict”, S/2006/724.

On receipt of inputs for the Report of the Secretary-General to the Security Council on Sexual Violence in Conflict, SRSG-SVC convenes a process to prepare the SG Report, with the UN Action network as the primary consultation mechanism. The Secretary-General's report is the primary vehicle of transmission of information on conflict-related sexual violence to the Security Council. However, SRSG-SVC may also channel MARA information (as well as other relevant information on sexual violence already being generated through existing reporting schedules), through her oral briefings to the Security Council and to relevant Sanctions Committees of the Security Council.

Information from MARA may also be brought to the attention of the Security Council through other channels, including country-specific/mandate reports of the Secretary-General to the Security-Council; Reports of the Secretary-General on the Protection of Civilians; Report of the Secretary-General on Children and Armed Conflict; oral briefings to relevant formal and informal subsidiary bodies of the Security Council. **Specific information related to victims and witnesses is never transmitted to the Security Council.**

It should also be noted that information included in MARA may in many instances be the same as information included in public human rights periodic reports, special investigations reports and thematic reports, as well as reports to the UN Human Rights Council.

Further information on specific requirements for the annual Report of the Secretary-General to the Security Council on Sexual Violence in Conflict, as well as elements required for the Working Group's biannual Review on Conflict-Related Sexual Violence, will be provided to UN field teams.

VIII. INFORMATION MANAGEMENT

Establishing effective and secure protocols and systems to manage information is a critical consideration. To promote greater collaboration and information sharing, efforts should be made to develop common information bases, including clear definitions, common indicators, minimum data sets, etc. In addition, information sharing, handling and security protocols can create secure environments in which organisations can share and transfer critical data safely.

For greater efficiency, efforts should seek to build on existing information management systems, such as the 1612-1882 MRM IMS, the OHCHR IMS or DPKO data management systems, resulting in a single coherent information management approach, and if possible, a common system.

OSRSG-SVC and UN Action will continue to consider the issue of information management including evolution of common standards, and will assess the relevance of additional information management and data tools which could strengthen MARA.

IX. COMMITMENTS TO PREVENT SEXUAL VIOLENCE

1. Mandate

Paragraphs 5 and 6 of resolution 1960 call upon parties to armed conflict to make and implement specific and time-bound commitments to combat sexual violence, which should include, inter alia, issuance of clear orders through chains of command prohibiting sexual violence and the prohibition of sexual violence in Codes of Conduct, military field manuals, or equivalent; and further calls upon those parties to make and implement specific commitments on timely investigation of alleged abuses in order to hold perpetrators accountable. The Secretary-General is requested to track and monitor implementation of these commitments by parties to armed conflict and regularly update the Security Council in relevant reports and briefings.

2. Dialogue with parties to conflict

In line with 1960, the Secretary-General's Policy Committee Decision No. 2010/30 on Conflict-Related Sexual Violence stipulates that SRSG-SVC and other senior UN officials will engage in dialogue with all parties to conflict to elicit time-bound commitments to cease all acts of sexual violence and to protect civilians in compliance with international law.

Under the terms of resolution 1960, pursuit of such dialogue is not limited to parties listed in the report of the Secretary-General. Therefore, dialogue and commitments should be sought from all parties to conflict where credible information exists of patterns of sexual violence. The intention of the Security Council is to establish a 'preventive approach' where parties to conflict may undertake actions to cease violations and thereby avoid listing by the Secretary-General. Dialogue and implementation of commitments is also taken into account by the Secretary-General in his consideration of delisting of parties from his reports.

SRSG-SVC will seek such commitments in execution of her mandate, particularly as a priority of her field missions.

At country-level, SRSG or RC/HC is responsible for ensuring the engagement with parties to conflict to gain commitments to cease and prevent sexual violence¹⁸. The Women Protection Adviser (or pending the appointment of a WPA, a senior UN focal point designated by SRSG or RC/HC) will engage the parties on behalf of the SRSG or RC/HC in the dialogue process, and with the Working Group will provide technical support, as appropriate, in the process of implementation of commitments.¹⁹ In doing so, the WPA will coordinate and cooperate with other relevant mission components and/or UN entities, building on ongoing advocacy and negotiation processes. Where commitments have been made, SRSG or RC/HC should ensure on-going monitoring of their implementation.

¹⁸ This will complement other engagement with parties under the auspices of the work of the United Nations in Security Sector Reform, Disarmament, Demobilization and Reintegration, Protection of Civilians, etc.

¹⁹ For example, such a senior advisory and technical role is typically played by Child Protection Advisers in dialogue with parties to conflict for child protection action plans.

3. Commitment criteria

The specific commitments that are to be made by parties to conflict should include, at a minimum:

- A. Issuance of clear orders through chains of command to prohibit sexual violence;
- B. Prohibition of sexual violence in Codes of Conduct or equivalent;
- C. Timely investigation of alleged abuses in order to hold perpetrators accountable, in accordance with relevant human rights standards;
- D. Designation of a high-level interlocutor in the armed forces or armed group responsible for implementation of the commitments, particularly ensuring timely investigation and punishment of perpetrators.

Through consultation in the Working Group on Conflict-Related Sexual Violence, it may be determined that additional commitments by parties to conflict are relevant to a particular country-context. In this regard, one may bear in mind relevant recommendations by Human Rights mechanisms. It is advised, however, that the platform of commitments be kept as clear as possible to facilitate implementation.

Gaining the commitments should be viewed as political level engagement and the first stage of the prevention process. The second stage is a technical level engagement in which parties to conflict are required to put in place an operational plan to implement the 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; specify an agreed means of cooperation between the party and the UN. Such engagement should take into consideration the security and protection of victims and witnesses.

OSRSG-SVC will provide political and technical support, strategic advice and guidance to UN field teams in this regard, drawing also on the expertise of UN Action partners such as the Department of Political Affairs/Mediation support.

X. COORDINATION WITH 1612/1882 MONITORING AND REPORTING MECHANISM

Given that the mandate under 1612/1882 includes sexual violence against children, close coordination between the 1612/1882 Monitoring and Reporting Mechanism and MARA is essential. Therefore, SRSG or RC/HC and Heads of UN system entities at country-level should ensure a coherent and coordinated approach of the work of the UN system on conflict-related sexual violence.

The Working Group on Conflict-Related Sexual Violence shall assume responsibility for monitoring and verification of incidents of sexual violence against women, men and children. Information will be reported through the mandate as established under resolution 1960. Information on incidents against children will also be reported through the mandate as established under resolutions 1612/1882.

To facilitate information exchange and coordinated action, DPKO Child Protection Advisers, UNICEF Child Protection Officers or other actors, as working level representatives of the co-chairs of 1612/1882 MRM Country Task Forces, should participate in the Working Group on Conflict-Related Sexual Violence. Similarly, it is advisable that the Women Protection Adviser also participates in the 1612/1882 consultations, to ensure that there is no gap in information gathering, reporting and engagement with parties to conflict.

Given that the perpetrators of sexual violence are typically the same armed forces and armed groups, irrespective of whether survivors are adults or children, it is imperative that the UN engages them in dialogue in a coherent and unified manner. There should be an agreed strategy and approach to engaging with parties, which should be clearly communicated to all relevant actors in the field, and to HQ bodies, who will provide support accordingly. In practical terms, where there is information on sexual violence against children, commitments and subsequent operational plans should borrow specific provisions from the Action Plans on sexual violence against children, as developed under the 1612/1882 framework. Such language will be discussed with the co-chairs of the 1612/1882 MRM Task Force on a case by case basis, in order to take into account specific contexts. In such situations, the Working Group on Conflict-Related Sexual Violence and the WPA will be responsible for keeping apprised the 1612/1882 Task Force on all developments relating to children. Strong cooperation between CPAs/ UNICEF Child Protection Officers and WPAs will be key in such processes. OSRSG-SVC and OSRSG-CAAC should also be kept continually apprised.

Companion Attachment:

“Analytical and Conceptual Framing of Conflict-Related Sexual Violence”- Summary document

Annexes:

Annex 1: Listing and De-Listing Of Parties in the Report of the Secretary-General

Paragraphs 3 and 4 of resolution 1960 Encourages the Secretary-General to include in his annual reports detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and to list in an annex to these annual reports the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda.

Parties whose activities should be monitored under MARA

In situations where there are parties to armed conflict, MARA should monitor and seek to influence the conduct of these parties. This includes both State and non-State parties. As regards non-State parties, MARA will focus particularly on sexual violence committed by organized armed groups. In certain situations, armed elements may be involved in criminal activities that have political or other motivations. Such conduct may warrant consideration under MARA from a prevention perspective in relation to trends that may escalate to armed conflict. The test for distinguishing armed groups from civilian criminal gangs is articulated in international humanitarian law and revolves around the notion of a minimum level of organization reflected in some form of responsible command. This is set-out in the “Analytical and Conceptual Framing of Conflict-Related Sexual Violence”.

Scope of the annex list

Therefore, the scope of the annex list is limited to parties committing or being responsible for patterns of rape and other forms of sexual violence in situations that are on the Security Council agenda.

The notion of a “pattern”

The threshold for inclusion of parties on the annex list revolves around the notion of a “pattern”. Based on the use of the notion in similar contexts, a “pattern” denotes a “methodical plan”, “a system” and a collectivity of victims. It is a “multiple commission of acts” which, as such, excludes a single, isolated incident or the random conduct of an individual acting alone and presumes intentional, willful conduct. In proving the acts to be systematic, it would also be necessary to show that all such acts in contravention of applicable international law involving sexual violence, are being perpetrated in the same context and, from that perspective, are considered “linked”²⁰.

²⁰ Refer Report of the Secretary-General A/64/742-S/2010/181, para 175.

Specific listing criteria

On the basis of the above-mentioned understanding of the notion of a “pattern” as a threshold for inclusion in the list, reference to the description of the acts in contravention of applicable international law involving rape and other sexual violence is as follows. Rape and other sexual violence should include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity²¹.

Specific de-listing criteria

A party will be de-listed on condition that there is United Nations-verified information that it has ceased commission of the patterns of sexual violence for which the party is listed by the Secretary-General for a period of at least one reporting cycle²².

In accordance with paragraph 4 of resolution 1960, the Secretary-General shall also take into consideration in his determination of de-listing, the implementation by parties of the commitments criteria to prevent sexual violence (*See section IX on Commitments to Prevent Sexual Violence*).

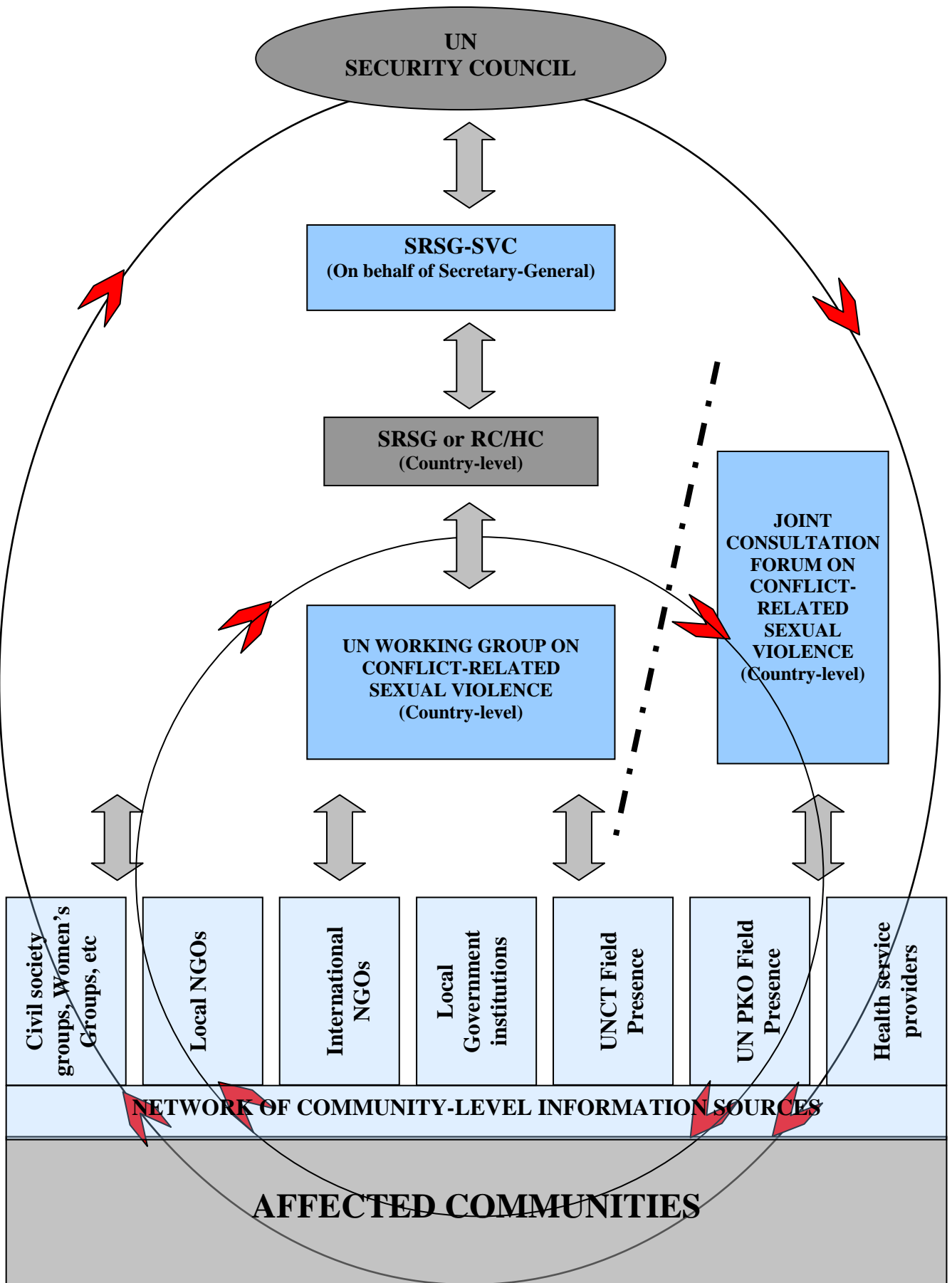
It should be noted that once a party is de-listed, ongoing monitoring and reporting of the situation is required as long as the Secretary-General remains concerned that violations may recur. The de-listed party must ensure continuous and unhindered access to the United Nations for monitoring and verification of compliance with commitments for a minimum period of one reporting cycle following de-listing, failing which it may be re-listed, and the Security Council alerted to the non-compliance.²³

²¹ Refer Report of the Secretary-General A/64/742-S/2010/181, para 176.

²² Refer Report of the Secretary-General A/64/742-S/2010/181, para 178

²³ Refer Report of the Secretary-General A/64/742-S/2010/181, para 180

Annex 2: Flowchart of the Monitoring Analysis and Reporting Arrangements for Conflict-Related Sexual Violence



Annex 3: Ethical and Safety Criteria

MARA should always be 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 following recommendations are to be followed:

- The benefits to respondents or communities of documenting sexual violence must be greater than the risk to respondents and communities;
- 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;
- 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;
- 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;
- The confidentiality of individuals who provide information about sexual violence must be protected at all times;
- Anyone providing information about sexual violence must give informed consent before participating in the data gathering activity;
- All those undertaking monitoring must be carefully selected and receive relevant and sufficient specialized training and on-going support;
- Additional safeguards must be put into place if children are to be the subject of information gathering.
- 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.
- Decisions on whether to share data and what levels must be made in-country, with due consideration to how any shared information could affect those who are seeking services and the service providers themselves. 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.
- 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. 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.

Annex 4: 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 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, the mandate and applicability to the country in question is required.
- *Credibility* is crucial to successful monitoring – monitors must make no promises that they cannot keep and should follow up on promises they make.
- *Impartiality* - monitors should gather information and document violations of conflict-related sexual violence by all parties with equal thoroughness and not be seen as siding with one party over another.
- *Objectivity* – an objective attitude and appearance should be maintained at all times. When gathering information, all facts should be considered objectively, without prejudice or bias.
- *Confidentiality* - 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 (e.g. 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.