

SOUTH SUDAN: INVESTIGATING SEXUAL VIOLENCE IN CONFLICT PROVES CHALLENGING

In 2009/10, the United Nations Security Council passed Resolutions 1888 and 1960 establishing Women's Protection Advisors (WPAs). These officials are tasked with building capacity to address conflict-related sexual violence UN within peacekeeping missions and reporting incidents for the monitoring and reporting arrangements as a basis for Security Council action against perpetrators. Today, six WPAs are assigned to the United Nations Mission in South Sudan. The rollout of WPAs in that country has been marked by recruitment delays and training gaps which have ultimately led to poor practice in data collection, endangering sexual violence survivors. While Refugees International welcomes the initiative to address conflict-related sexual violence within peacekeeping missions, immediate measures must be taken to ensure that WPAs use an approach centered on the wellbeing of the survivor, following internationally recognized guidelines on safe and ethical researching, documenting, and monitoring of sexual violence in emergencies.

BACKGROUND

UN Security Council Resolutions 1888 and 1960 called for the deployment of Women's Protection Advisors who are mandated to address conflict-related sexual violence in peacekeeping missions in situations where sexual violence is used as a tactic of war and, as noted by the Council, qualifies as a crime against

humanity, a war crime, and a constituent act of genocide. The WPAs' mandate includes building capacity within the peacekeeping mission on conflict-related sexual violence and reporting incidents of sexual violence for a data collection mechanism known as the Monitoring Analyses and Reporting Arrangement (MARA).

POLICY RECOMMENDATIONS

- ❑ The UN's Department for Peacekeeping Operations (DPKO) should expedite the recruitment for South Sudan Women Protection Advisors, especially the senior management position, ensuring that previous experience in gender-based violence response is prioritized in the recruitment process.
- ❑ UN Action against Sexual Violence in Conflict (UN Action) should formalize training and modes of operation for the WPAs by finalizing, endorsing, and implementing training modules and a handbook.
- ❑ UN Action should create a Strategic Advisory Group (SAG) to ensure adherence to international guidelines for safe and ethical data collection through periodic reviews of WPA performance.
- ❑ UN Action should carry out an external evaluation of the South Sudan WPAs and ensure that lessons learned are reflected in subsequent deployment of WPAs in other peacekeeping and political missions.
- ❑ Strict guidelines formalizing the relationship between non-governmental organizations (NGOs) and WPAs, including information sharing protocols, must be developed by the Gender-Based Violence (GBV) Sub-Cluster and UNMISS, and agreed upon by all parties.
- ❑ WPAs must not investigate cases of conflict-related sexual violence without the survivor's consent and without ensuring that there are medical care and psychosocial support services available, in accordance with international ethical and safety guidelines.

The purpose of MARA is to ensure the systematic gathering of timely, accurate, reliable, and objective information on conflict-related sexual violence. Information from the MARA will serve as the basis for Security Council action, including imposing sanctions and other targeted measures, and the establishment of protection mandates in situations on the agenda of the Security Council.

The United Nations Mission in South Sudan (UNMISS) is the first peacekeeping mission in which WPAs are deployed and these positions are included in the regular budget of the mission. The Office of the High Commissioner for Human Rights (OHCHR) developed the following structure for the nine WPA positions. One senior-level manager sits within the office of the Special Representative to the Secretary General (SRSG) and is responsible for managing the team, setting strategic direction, and ensuring that conflict-related sexual violence remains prioritized within the office of the SRSG. Two WPAs sit within the Gender Unit in Juba and will build capacity within UNMISS on conflict-related sexual violence. The remaining six WPAs sit within the Human Rights Division and are split between Juba and field sites with the responsibility to monitor, investigate, and report on conflict-related sexual violence for the MARA.

Implementation of WPAs in South Sudan has been slow. Delays in staff recruitment and major gaps in pre-deployment training actively hinder progress. WPAs are currently functioning in a way that violates safe and ethical practices for data collection and is not survivor-centered, further endangering survivors of conflict-related sexual violence. Immediate measures must be taken to ensure that WPAs, both those in UNMISS and those who will be deployed to other missions, utilize a survivor-centered approach and respect internationally recognized guidelines on safe and ethical researching, documenting, and monitoring activities related to sexual violence in emergencies.

RECRUITMENT CHALLENGES AND DELAYS

Four years after the passage of Security Council Resolution 1888, there are only six WPAs globally, all of whom work in South Sudan. Three positions have been vacant since inception, including the senior-level manager meant to sit within the SRSG's office. The challenges caused by this vacancy cannot be overstated. First, this position is meant to ensure that conflict-related sexual violence is on the SRSG's agenda and that the needs of women and girls in armed conflict are prioritized throughout the mission. Second, this position is meant to provide overall technical guidance and direction to the eight other WPAs, who, in the absence of leadership, are operating with very limited direction and support. Finally, without a senior WPA to report to, the WPAs within the Human Rights Division report to the Human Rights team lead in their site, who determines their priorities and activities without expertise on best practices for data collection on sexual violence. As a result

of these challenges, the field-based WPAs are currently operating as best they can, but their progress and, ultimately, the successful implementation of their mandate is constrained by a lack of guidance and leadership. It is imperative that recruitment for this senior manager position is expedited and the position filled as swiftly as possible.

A second key challenge in recruitment for the WPAs is the skillset required for the WPAs themselves. WPAs are envisioned to be seasoned experts in the field of conflict-related sexual violence. However, the current recruitment for the Human Rights-based WPA positions is from the UN's Human Rights roster. The recruitment for the senior-level WPA will be from the UN's political roster. While efforts are made to select candidates with sexual violence experience, it is not guaranteed that the WPAs selected have worked directly with survivors of sexual violence before, or are attuned to the service delivery needs of a survivor, or the best practices associated with conducting research on sexual violence. This is a crucial flaw, since the appropriate way to engage with a survivor requires both experience and knowledge of tools and international guidelines. Without proper training and experience, staff can – despite their best intentions – further endanger or traumatize survivors.

LACK OF WPA TRAINING

WPAs' lack of specific sexual violence response experience could be overcome with training and ongoing oversight and mentoring. Yet, the WPAs in UNMISS received no pre-deployment training specific to their professional responsibilities. The UN's civilian pre-deployment training courses in Brindisi, Italy and Entebbe, Uganda do not include modules on Security Council Resolutions 1888 or 1960 or on conflict-related sexual violence. Once the WPAs arrived in South Sudan, OHCHR led a training workshop on the Resolutions, but it was not specific to the conditions in South Sudan and therefore did not inform the WPA's day-to-day operations. Without training and without the senior manager to provide guidance, WPAs work alone at their field site to determine how to accomplish their terms of reference. This, in addition to the inherent challenges of working on conflict-related sexual violence within the complex, highly politicized, and operationally-challenging South Sudanese context makes it very difficult for WPAs to achieve their mandate.

UN Action against Sexual Violence in Conflict (UN Action) began the process of developing an inter-agency, WPA-specific training curriculum. The curriculum development process is still incomplete. Some members of UN Action had the additional suggestion of developing a WPA handbook to guide the WPAs' work. UN Action should revive these efforts and finalize this training curriculum and the WPA handbook to provide WPAs with the guidance they need to effectively carry out their responsibilities in line with the international guidelines for safe and ethical researching, documenting, and monitoring of sexual violence.

DEFINING CONFLICT-RELATED SEXUAL VIOLENCE IN SOUTH SUDAN

Security Council Resolution 1960 defines conflict-related sexual violence as incidents or patterns of sexual violence, which 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 boys. Within the South Sudanese context, where different regions of the country are in various stages of transition from conflict to development, this definition requires increased specificity. The WPAs in South Sudan are currently using the following designations to understand when an incident of sexual violence is considered conflict-related:

- Incidents associated with the Sudan-South Sudan conflict;
- Incidents associated with inter-communal violence;
- Incidents associated with the disarmament process;
- Incidents occurring in cross-border areas involving armed groups, such as the Lord's Resistance Army (LRA);
- Incidents occurring in IDP and refugee camps/areas;
- Incidents allegedly committed by "local militias" (rebel armed group or non-state armed group);
- Incidents associated with "mass or generalized violence."

There are a number of problems associated with these designations. First, this list fails to include incidents perpetrated by government forces. The current conflict in Pibor County, Jonglei State has been characterized by widespread looting and attacks, including sexual violence, committed by the Sudan People's Liberation Army (SPLA) against civilians. According to the designations of conflict-related sexual violence listed above, these incidents would not be considered or addressed by WPAs. A senior UN official agreed that UNMISS would be hesitant to speak out about conflict-related sexual violence perpetrated by the SPLA. This speaks to a larger problem within the UNMISS mandate that, on one hand, is a political mission that must preserve a relationship with South Sudan's government, but simultaneously, is working to address protection of civilians. It will be extremely challenging for WPAs within this environment to effectively address sexual violence perpetrated by members of the SPLA. Second, this list includes the disarmament process, which ended one year ago, making that type of incident out-of-date. Finally, not all incidents that occur within IDP and refugee camps/areas are necessarily related to conflict. The increased instability of living in IDP or refugee camps increases women and girls' vulnerability to sexual violence, but in these circumstances, violence is often perpetrated by camp residents, or people known to the survivor, not necessarily armed actors.

WPAS AS HUMAN RIGHTS OFFICERS

Human Rights Officers bear the responsibility to monitor, investigate, and report on human rights abuses to generate information on the perpetrators of human rights abuses for the purpose of analyzing trends and identifying groups to be sanctioned or prosecuted. A senior UN official told Refugees International (RI) that investigations conducted by Human Rights Officers are perpetrator-centered.

This approach fundamentally differs from the survivor-centered model that gender-based violence (GBV) response practitioners follow. Given the stigma, discrimination, and dangerous retribution that sexual violence survivors may face in reporting a case, it is of utmost importance that all actors working with survivors prioritize doing no harm. Good practice in the safe and ethical researching, documenting, and monitoring of sexual violence in emergencies dictates that the following guidelines must be respected:

1. The benefits to respondents or communities of documenting sexual violence must be greater than the risks 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. Basic care and support for survivors/victims must be available locally before commencing any activity that may involve 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 emergency settings in particular should be continuously monitored.
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 members of the data collection team must be carefully selected and receive relevant and sufficient specialized training and ongoing support.
8. Additional safeguards must be put into place if children (i.e. those under 18 years) are to be the subject of information gathering¹.

For WPAs who are Human Rights Officers and collecting information on sexual violence cases, these guidelines must inform their behavior. Yet, due to their lack of training and guidance, not all WPAs uphold these guidelines. RI learned from [multiple sources that WPAs in South Sudan explicitly stated in](#)

¹ World Health Organization. WHO Ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies. Geneva: 2007.

a GBV sub-cluster meeting in Juba that their sole objective is to gather data on conflict-related sexual violence, with or without the consent of the survivor.

In addition, a number of humanitarian workers told RI that WPAs frequently share identifying details about sexual violence cases, including names, at GBV sub-cluster meetings, breaching the confidentiality of the survivor. Workers also explained that WPAs carry out independent investigations on cases without the survivor's consent. These practices are inherently problematic and place survivors at additional risk.

One of the greatest challenges to upholding good practice in collecting data on sexual violence in South Sudan relates to the third recommendation above: the need for available basic services and support for survivors. This is particularly challenging in South Sudan because much of the country lacks sexual violence-specific services, including the clinical management of rape and specialized psychosocial support. While the GBV sub-cluster and its members are actively working to establish these services and build the capacity of local organizations all over the country to provide services, there are still many places where services are unavailable. Given these limitations, WPAs should only work in places where there are services present. RI has learned that WPAs have not created a mapping of the available medical and psychosocial services across South Sudan. This would be an extremely useful tool to be able to know where service providers are located and would enable WPAs to connect survivors to lifesaving care. A WPA told RI that if they identify a case in a location where there are no medical and psychosocial services available, they would first gather the information on the case and then travel to the state capital to engage the GBV working group there to try to link the survivor to services. This is concerning, as it indicates a prioritization of data collection over the wellbeing of the survivor.

These examples point to the urgent need for training, mentoring, and accompaniment of WPAs within the Human Rights Division to ensure that they do not promulgate dangerous practices, but instead, take on a survivor-centered approach based on established good practice. RI recommends the creation of a Strategic Advisory Group (SAG) within UN Action at the field level to monitor the WPAs and ensure adherence to international guidelines for safe and ethical data collection.

RELATIONSHIP BETWEEN WPAS AND NGOS

Identifying sexual violence cases and survivors who are willing to come forward is a major challenge for all protection actors in South Sudan. A recent community-based research study published on South Sudan explained that GBV is widely tolerated and is rarely disclosed and reported². It is possible that violence

² Scott, J. et al. An assessment of gender inequitable norms and gender-based violence in South Sudan: a community-based participatory research approach. *Conflict and Health*. 2013, 7:4.

is not disclosed due to guilt, shame, and stigma associated with the incident, or that violence between men and women is considered an acceptable practice³. In this environment, even organizations that provide services struggle to connect with GBV survivors, a problem that is magnified for WPAs who do not provide any service in support of the survivor's healing.

RI learned from service providers that some WPAs currently seek out cases by visiting detention facilities where survivors may be held, or health facilities, to speak to doctors to try to access their patients' information. Both of these approaches violate good practice as described above.

The other key method that WPAs have for finding cases is through reports from humanitarian workers. A senior UN official explained that as WPAs collect data for the MARA, they need to interview survivors – even if a humanitarian worker has already reported on the case for the GBV Information Management System (IMS) – since all data must be “UN verified.” However, humanitarian workers are increasingly concerned about the way that WPAs operate and some are instructing their field teams not to share information with them. This breakdown of trust between humanitarians and WPAs is extremely concerning and requires urgent intervention.

At the time of RI's visit, it was unclear to both WPAs and humanitarian workers whether data on GBV cases collected for the GBV IMS would be considered acceptable for the MARA. A guidance note will be released this summer that will formally explain that GBV IMS data will be considered UN-verified and admissible for the MARA. This is a very positive step towards good practice and will hopefully eliminate repeat interviews on sexual violence cases. Beyond this initiative, RI suggests that the GBV sub-cluster and UNMISS establish guidelines formalizing the relationship between NGOs and WPAs, to be developed and agreed upon by all stakeholders.

CONCLUSION

UN Action should carry out an external evaluation of the UNMISS WPAs and collate lessons learned before WPAs are deployed to other peacekeeping and political missions. WPAs are a relatively new initiative created with the aim of building an evidence base to end impunity for sexual violence perpetrators. While RI supports this ultimate goal, the methods that WPAs are currently using to investigate and document sexual violence cases are representative of dangerous practice that is actively endangering survivors. Through recruitment, training, mentoring, and ensuring that all WPA efforts are carried out in accordance with international guidelines for best practice, the WPAs can become effective agents for change.

Marcy Hersh assessed the humanitarian situation of refugee and internally displaced women and girls in South Sudan in May 2013.
³ Ibid.