

Moving from a Culture of Impunity to a Culture of Deterrence: The Use of Sanctions in Addressing Sexual Violence in Conflict

On 22 October 2018, the permanent missions to the United Nations in New York of the Kingdom of the Netherlands, Côte d'Ivoire, France and Peru co-hosted an informal meeting ('Arria') of the United Nations Security Council on the use of sanctions in addressing sexual violence in conflict. The complete event, including its concept note, can be reviewed online via UN WebTV¹.

Briefings were delivered by Ms. Rita Lopidia (Executive Director and Founder of EVE Organization and head of South Sudan Women's Coalition), H.E. Ms. Pramila Patten (Special Representative of the Secretary-General on Sexual Violence in Conflict), Dr. Rebecca Brubaker (Senior Policy Advisor at the Centre for Policy Research at UN University), Mr. Ruben de Koning (Coordinator of the Panel of Experts on Mali and former Coordinator of the Panel of Experts on the Central African Republic) and Dr. Hans-Jakob Schindler (Senior Director Counter Terrorism Project and former Coordinator of the ISIL (Da'esh), Al-Qaida and Taliban Monitoring Team).

The purpose of the Arria meeting was for the Security Council to look at ways to better use sanctions, in support of its pursuit of accountability and as a key element of the prevention of conflict-related sexual violence. Concretely, the meeting enabled panelists and participants to discuss the following three questions:

1. What could the Council do more to fully exploit the potential of sanctions to deter widespread conflict related sexual violence and to coerce and constrain the individuals involved?
2. How could the Council better use existing sanctions regimes? How could the Council better deliver on its commitment in OP6 of resolution 2242 to ensure that relevant expert panels have the necessary expertise on gender and conflict-related sexual violence?
3. How should the Council take action on the parties listed in the SG's report for sexual violence in conflict, in situations when no sanctions regime has been established?

Recommendations

The meeting was open for all UN Member States, permanent observers, non-governmental organizations and the press, and saw the active participation of both current and incoming members of the Security Council as well as several affected countries. Both briefers and participants made a set of recommendations, including but not limited to:

1. The Council should systematically and explicitly incorporate sexual violence as a stand-alone designation criterion in sanctions regimes.
2. The Council should not hesitate to list an individual solely for sexual violence, to send a clear message that sexual violence in itself is sufficient to warrant UN sanctions.
3. Member States should more often resort to the proposal of statements of case related to sexual violence in conflict and follow-up on statements of case proposed by panels of experts.
4. Sanctions committees should act on new listing recommendations and update the narrative accounts of individuals already listed to reflect crimes of sexual violence.
5. The 1267 Sanctions Committee, the Counter Terrorism Executive Directorate and the Office on Counter-Terrorism are encouraged to ensure that any person or entity who sells or transfers funds to ISIL or other terrorist groups, directly or indirectly in connection with sexual violence or exploitation, is eligible for listing.

¹ <http://webtv.un.org/search/moving-from-a-culture-of-impunity-to-a-culture-of-deterrence-the-use-of-sanctions-in-addressing-sexual-violence-in-conflict-arria-formula-meeting-of-the-security-council-/5852059174001/>

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6. The Council should use country specific sanctions resolutions to encourage regular case specific cooperation by Panels, UN missions and the Office of the SRSG, both in the field and in New York.
7. Panels of Experts need to be equipped with the appropriate gender expertise, capacity and means to include sexual violence in its work, as per the Council's commitment in OP6 res. 2242 (2015). In situations where sexual violence is rampant, the appointment of an additional expert with specific relevant knowledge on conflict-related sexual violence should be considered.
8. The cooperation and interaction between sanctions committees, panels and the Office of the SRSG should be further strengthened and become more structural and frequent, including through annual briefings by the SRSG to the committees.
9. The sanctions architecture needs to be synchronized to the annual report of Secretary-General on conflict-related sexual violence, in particular its annex. In situations where no specific sanctions regime exists yet, the Council is encouraged to explore innovative ways in which it could use sanctions in response to listing in the Annex.
10. Following adoption of sanctions, the Council and Member States need to ensure that they are subsequently applied. Implementation is a critical prerequisite to guarantee sanctions' effectiveness.