

UN Tools for Addressing Conflict-Related Sexual Violence: An Analysis of Listings and Sanctions Processes



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EXECUTIVE SUMMARY

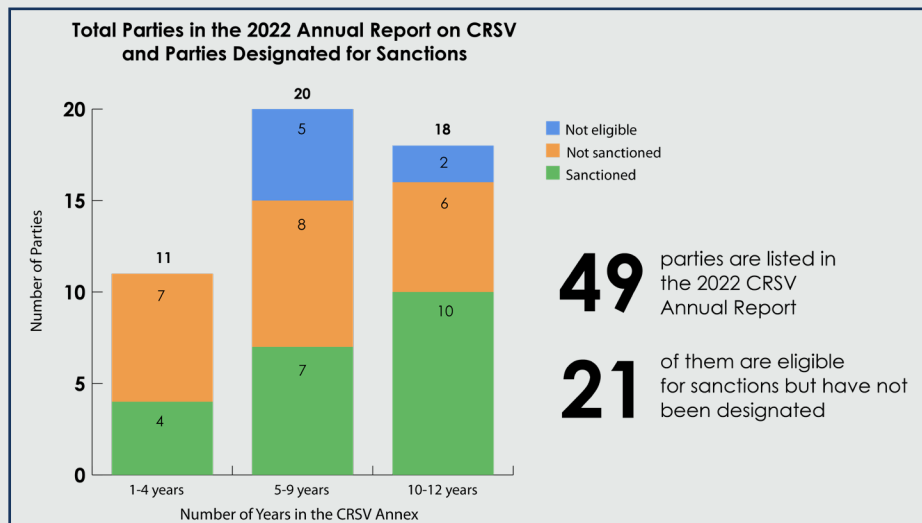
Since the Security Council first recognized conflict-related sexual violence (CRSV) as a threat to international peace and security in 2008, the UN has developed an increasing number of pathways to prevent and respond to such crimes. One of these pathways is the annual report of the secretary-general on CRSV, which includes an annexed list of perpetrators who are credibly suspected of committing or being responsible for patterns of CRSV violations in contexts on the agenda of the Security Council. This list can be a tool to publicly name perpetrators and to open a door for engagement that may facilitate changes in behavior.

Data and information for the annual reports on CRSV are gathered and verified by the UN, primarily through the monitoring, analysis, and reporting arrangements (MARRA). Once a party is listed, there is a process for de-listing that includes entering into dialogue with the UN to develop and implement an action plan to cease the violations, along with verification by the UN that the violations have ceased. In some cases, being listed in the annex of the secretary-general's reports has led parties to the conflict (both state and non-state) to address CRSV violations, including by adopting time-bound commitments.

In addition to being listed in the annual report of the secretary-general, perpetrators of CRSV may also be designated in UN sanctions regimes. There are currently fourteen UN sanctions regimes in place, of which seven refer to sexual and gender-based violence (SGBV) either as a stand-alone criterion or within broader criteria on international humanitarian law or international human rights law. However, designations for SGBV are relatively rare. Many parties with a documented history of committing SGBV-related violations, including some listed in the secretary-general's reports on CRSV, are not sanctioned or are not sanctioned for SGBV specifically. This gap results in part from constraints on the panels of experts investigating violations and a lack of political will on the part of member states both to SGBV designations and to sanctions designations more broadly.

While listing perpetrators in the annex of the annual report of the secretary-general and designating parties through sanctions both aim to prevent and respond to CRSV, the two processes are not always coherent with

one another. This is in part because decisions over who to designate for sanctions are based on multiple factors, some of which are highly political. Nevertheless, there is room for improving the functioning and coherence of these processes.



To read the full policy paper visit: <https://bit.ly/4cY0b8M>



For member states:

- 1. Explicitly list SGBV as a criterion in all sanctions regimes for contexts where sexual violence may be taking place.** Explicitly listing SGBV as a criterion signals the UN's and member states' commitment to addressing SGBV and may help trigger additional investigations into such crimes. Even when not including SGBV as a stand-alone criterion, sanctions committees should explicitly mention it in the list of potential violations of IHL and IHRL.
- 2. Prioritize utilizing existing SGBV-related criteria as appropriate with available evidence.** In many cases, perpetrators known for committing SGBV are not designated under such criteria, even when they exist. This sends a message that other crimes are considered more important than SGBV.
- 3. Provide additional resources for panels of experts.** Experts should be paid commensurate with their experience and in line with the salaries and benefits given to other UN staff members. Member states should also recruit experts with requisite skill sets to investigate CRSV and other forms of SGBV and ensure that they have the resources necessary to fulfill their mandates.
- 4. Increase coherence between the parties listed in the annual reports on CRSV and the individuals and entities designated in sanctions regimes.** In particular, persistent perpetrators of CRSV should be strongly considered for designation in sanctions regimes.
- 5. Organize an annual field visit for sanctions committees to the context in question, when feasible, and seek to engage with women-led organizations, frontline service providers, and survivors of SGBV.** Field visits can contextualize the information committees receive, facilitate a common vision among member states, and help member states to better understand which sanctions are working effectively.
- 6. Create a standing capacity within the UN to engage with designated parties, with the aim of encouraging compliance and facilitating de-listing.** Because sanctions may disincentivize behavior change, member states, in cooperation with the office of the SRSG-SVC and SCAD, should consider establishing clearer pathways for de-listing based on changes in behavior and compliance with international law.

For the UN Secretariat and panels of experts:

- 7. Establish a platform for regularly coordinating and sharing information between the office of the SRSG-SVC and panels of experts.** The office of the SRSG-SVC could establish a platform to facilitate information sharing and better align the annual reports and sanctions designations.
- 8. Institute more structured handover processes between incoming and outgoing members of panels of experts.** Panels of experts should organize dedicated in-person or virtual meetings between the ingoing and outgoing members, as well as the leader of the panel, to sustain momentum, share information, and ensure continuity of strategy. Outgoing members should also provide written guidance or after-action reviews to preserve institutional memory.
- 9. Provide more robust training on SGBV for panels of experts.** This training should be based on a common standard for investigations that uses a survivor-centered approach. It should also provide tools for the experts to maintain their mental health and well-being when listening to testimonies.
- 10. Strengthen CRSV expertise and capacity within SCAD.** The Secretariat should ensure that SCAD has staff who are aware of and sensitive to the requirements of investigating and reporting on CRSV.