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NOTE

From: Secretariat
To: Delegations
Subject : Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP

The delegations will find attached the revised version of the operational paper "Implementation of UNSCR 1325 in the context of ESDP" (doc.11932/2/05), merged with the "Check list to ensure gender mainstreaming and implementation of UNSCR 1325 in the planning and conduct of ESDP Operations" (doc. 12068/06). If agreed, this document will supersede the two previous documents (doc.11932/2/05 and doc 12068/06) and takes into consideration new developments, notably the adoption of UNSCR 1820.

As indicated in the document " Implementation of UNSCR 1325 in the context of ESDP", the Council General Secretariat has conducted a review of its implementation.

References

- Ref A: Resolution 1325 (2000) of the United Nations Security Council concerning women, peace and security (UNSCR 1325)
- Ref B: Council conclusions on promoting gender equality and gender mainstreaming in crisis management (doc. 14884/1/06 REV 1)
- Ref C: Resolution 1820 (2008) of the United Nations Security Council on women peace and security – violence against women (UNSCR 1820)
- Ref D: Compilation of Documents: Mainstreaming Human Rights and Gender into European Security and Defence Policy (doc. 11359/07 EXT 1)
- Ref E: Compilation of Documents: Mainstreaming Human Rights and Gender into European Security and Defence Policy, Brussels, 2008
(http://www.consilium.europa.eu/ueDocs/cms_Data/docs/hr/news144.pdf)
- Ref F: Comprehensive approach to EU Implementation of United Nations Security Council Resolutions 1325 and 1820 on Women, Peace and Security (doc. 15671/08)

I. Introduction

In February 2005, the EU Ministers on Gender Equality reaffirmed their commitment to implement and encourage initiatives, policies and programmes, following the United Nations Security Council Resolution 1325 concerning women, peace and security (UNSCR 1325). In May 2005, the GAERC encouraged its competent bodies to carry out further work in areas related to the implementation of specific aspects of UNSCR 1325. On 7 November 2005 the Council noted the document "Implementation of UNSCR 1325 in the context of ESDP", focusing on practical measures for taking work forward on UNSCR 1325 in an ESDP context, contributing at the same time to the application of the EU's general approach to gender mainstreaming. The "Checklist to ensure gender mainstreaming and implementation of UNSCR 1325 in the planning and conduct of ESDP operations", (doc. 12068/06) was finalised by PMG on 27 July 2006.

UNSCR 1325 calls for increased involvement of women, at all decision making levels, in conflict prevention, crisis management and post-conflict reconstruction. UNSCR 1325 clearly identifies women as important actors in peace-building and conflict mediation. It seeks to expand the contribution of women to field based operations and strives to increase consultation with local and international women's and human rights groups. UNSCR1325 stresses the importance of including gender related issues in training programmes for military and civilian personnel in preparation for deployment.

Gender equality is a fundamental principle of the EU's Common Foreign and Security Policy (CFSP), and as such also a central consideration for crisis management capacity. Gender mainstreaming in the area of ESDP is not a goal in itself; the ultimate objective is to increase the EU's crisis management efficiency.

Gender mainstreaming concerns both sexes, and requires the commitment and participation of both men and women.

Sexual violence when used and commissioned as a tactic of war, constitutes an important factor contributing to exacerbation of conflict situations and obstructs the restoration of enduring peace and security. UNSCR 1820 calls for an immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect. It underlines that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide, and therefore calls for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes.

UNSCR 1820 underlines the need for continuation and strengthening of the efforts to implement the policy of zero tolerance of sexual exploitation and abuse in UN peacekeeping operations. It urges troop and police contributing countries to take appropriate preventive action, including pre-deployment and in-mission awareness training, and other action to ensure full accountability in cases of such conduct involving their personnel.

II. Aim

According to the document "Implementation of UNSCR 1325 in the context of ESDP", the Council General Secretariat was to initiate a review of the implementation of its provisions. Responding to this, and taking into consideration new developments, notably the adoption of UNSCR 1820 and the vast expansion of EU's crisis management activities, this document outlines the state of play and the future challenges in the implementation of UNSCR 1325 and UNSCR 1820 in the context of ESDP. It is also aimed at revising the provisions of the "Checklist to ensure gender mainstreaming and implementation of UNSCR 1325 in the planning and conduct of ESDP operations" (doc. 12068/06), drawing on experiences from the ESDP missions/operations. This document seeks to ensure gender mainstreaming and implementation of UNSCR 1325 and UNSCR 1820 from the early planning to the conduct of ESDP operations, including their follow-up. The document should be used by all actors involved in planning and conducting ESDP missions/operations. It should serve as a reminder and provide concrete examples of what can be done during the different stages of planning, conducting and drawing lessons from ESDP missions/operations.

III. Measures to implement UNSCR 1325 and UNSCR 1820 - Checklist

Measures to increase women's representation at all decision-making levels

- *Strategic level:*
 - Improve the gender balance in all relevant bodies involved in preparing ESDP missions/operations;
 - Generate a larger pool of potential female candidates for upcoming international assignments and vacancies, in particular senior ESDP positions. To this end, increase the awareness among women of the recruitment opportunities in the ESDP missions/operations;

- Improve the gender balance in ESDP missions/operations, particularly in the components that have direct contact with the local population. Calls for contribution and force generation conferences should specifically take this into account. While candidate selection will be based on qualifications, it should also consider gender balance. To this end, a follow up of women's representation in ESDP missions/operations, has already been ensured, by i.a. sex-disaggregated data and statistics provided by the EU Member States participating in missions/operations. In this context, with full regard to operational requirements, Member States are encouraged to further promote an appropriate gender balance in all ESDP relevant areas. National best practices on achieving a gender balanced structure in all areas should be shared (e.g. in gender mainstreaming conferences);
- *Operational level:*
 - Promote the role of women as actors in peace building through their participation in peace negotiations as well as in establishing transitional governments and reconciliation structures (e.g. through the involvement of EUSEC and EUPOL DRC, the input of the local women's groups was facilitated in the Round Table on DRC SSR deliberations).

Planning and conduct of ESDP missions/operations

1) ADVANCE PLANNING

Early Warning and Situation Analysis - EU Watch List

- SITCEN and EUMS is to consider gender, including in the context of sexual and gender-based violence, as a factor in situation analyses and be encouraged to liaise and to share information with other organisations *i.a.* relevant UN agencies, the OSCE, as well as NGOs, who could have valuable information and experiences. The specific situation of both men and women need to be analysed.

Exploratory missions, Fact Finding Missions and Planning Teams

- Exploratory missions, Fact Finding Missions, planning teams and all other planning activities are to consider gender issues and enlist, where appropriate specific gender expertise for the purpose of the mission. A section on gender issues, including as appropriate sexual and gender-based violence aspects, should be included in the reports of the missions.
- The EU Human Rights Fact Sheet should be used when preparing the mission. As appropriate, information should be collected on gender dimensions in all functional areas covered by the assessment. The specific situation of both men and women need to be analysed.
- Depending on the purpose of the mission and the political context, the Fact Finding Mission and planning teams should meet with local and international non-state actors promoting human rights and gender issues in the area of operation, to assess specific issues related to the situation of women. Where applicable, meetings with women in decision-making functions should also be held.
- The Personal Representative of the SG/HR for human rights or a OHQ gender adviser will provide advice throughout the planning process.

Crisis Management Concept/Strategic Options/Initiating Military Directive

- Situation assessments should include a summary of gender related issues, including the possible threat of the use or the actual use of sexual and gender-based violence in the area of operation.

2) **JOINT ACTION ESTABLISHING AN ESDP MISSION/OPERATION - FINANCIAL ASPECTS**

- Budgetary provisions for gender and human rights expertise and outreach activities should be made, according to the mandate of the mission, in order to raise awareness of these issues and promote better commitment from the missions/operations.

3) **OPERATIONAL PLANNING**

Concept of Operations - CONOPS

- If specific concerns and priorities have been identified in the Crisis Management Concept and if it has been agreed that they should be taken into account by the EU mission/operation, the concept of operations should address this by way of appropriate identification of related tasks.
- During the development of the CONOPS, the need for a dedicated and adequately trained (prior to deployment) gender adviser needs to be assessed, depending on the mandate and size of the mission/operation.

Operation Plan - OPLAN

- The OPLAN for every ESDP mission/operation must include an annex including specific standards of behaviour, based on the agreed generic standards of behaviour (doc. 8373/3/05) and taking into account the specific situation in the area of operation.
- Where relevant, the OPLAN should contain guidance on gender issues, in line with the mandate, developing the tasks identified in the CONOPS. The OPLAN should also include a requirement to report on gender related aspects, including - as appropriate - issues related to sexual and gender-based violence.

4) FORCE GENERATION/CALL FOR CONTRIBUTIONS

- As a general rule, within the EUSR staff and ESDP missions/operations personnel with responsibility for gender issues are to be identified or included. Where relevant, such staff will serve as focal points and technical expertise. Gender expertise should be identified at all levels, including senior decision-making level, as early as possible in order to make the best use of the expertise during the detailed planning of the mission/operation.
- All calls for contributions and invitations to Force Generation Conferences should include the following sentence: "The EU strives for an improved gender balance in ESDP missions/operations, in conformity with UNSCR 1325. The General Secretariat (Head of Mission/The Operation Commander) encourages Contributing States and European Institutions to take this into account when offering contributions". The call for contributions should also stress any specific needs related to gender issues (e.g. the need for both men and women in border controls, male and female soldiers at check points, male and female personnel at field hospitals, male and female police and prisons officers, the need for both men and women in Civil-Military Co-operation (CIMIC), Psychological Operations (PSYOPS) and Human Intelligence (HUMINT) teams, as well as in normal patrols, etc).

5) CONDUCT OF OPERATIONS

- The Chain of Command is to ensure the implementation of the gender related tasks set out in the OPLAN and consider how each component of the mission might take account of gender issues, including on the issues related to possible use of sexual and gender-based violence (in the area of operation).

- The gender adviser (or another member of the mission/operation in cases where there is no gender adviser) should be in charge of following up on reports from the mission/operation reporting sexual and gender-based violence. On the basis of direction given by the chain of command, the gender adviser should be encouraged to contact the appropriate actors on the ground (EU or other) in order that they take action about the reported sexual and gender based violence.
- A gender perspective is to be integrated into policies, programmes and projects, the information strategy of the mission/operation and when conducting different out-reach projects to the local community, monitoring and data collections, depending on the mandate.
- Gender advisers should be able to communicate on specific gender issues directly with appropriate structures within the Council and the Commission services, in accordance with the directions of the mission's/operation's Chain of Command.

Reporting

- As a general rule, gender related aspects, including information on sexual and gender based violence as well as local women's role as actors should be included in the regular and frequent reports by the EUSRs, HoMs or Commanders, as well as in the reports provided by each component of the mission/operation, to their Chain of Command.
- The Member States should inform the Chain of Command on the gender ratio in their force contributions so as to allow their inclusion in the reports.
- The reports should include information on consultations with local and international non-state actors promoting human rights and gender equality, when it is part of the mission/operation.

- Reporting should also include a reference to achievements with regard to gender equality of the local counterparts (police, military, local authorities, etc.) when it is a part of the mandate of the mission/operation.
- The HoMs or Commanders should be encouraged to cover in their briefings to the relevant Council bodies the mission-specific gender mainstreaming issues. Briefings on the missions' gender issues, could be provided as a useful tool to sensitise the relevant committees and working groups to the issue concerned.
- EUSRs, HoMs and Commanders are to ensure that breaches of the agreed standards of behaviour are reported within the EU Chain of Command.

Reviews

- Gender and standards of behaviour should be included in the regular mission reviews. This should be done as a routine and not only when problems have occurred.
- If possible, the contribution of EUSR's work and ESDP missions/operations on the situation of men and women in the area of operation should be assessed.
- If possible, the contribution of gender mainstreaming to the effectiveness of the ESDP mission/operation should be assessed.

Supervision and disciplinary matters

- In line with the Generic Standards of Behaviour, all ESDP missions should have clear and appropriate provisions for the handling of gender-related complaints, including sexual assault and sexual harassment. The Force Commanders/HoMs must ensure that their personnel are aware of complaint procedures. The officer to whom the complaints are to be reported, should not be the same person as the gender adviser.

Contact with local and international non-state actors promoting human rights and gender equality (or governmental and non-governmental organisations promoting women's rights)

In addition to the work conducted by the force, in the area where an EU operation/mission is deployed, the EU should:

- work closely together with the national and local authorities and civil society in order to promote the importance of gender equality, including actions against the use of sexual and gender-based violence, taking into account each specific situation. As part of the wider process of consultation, with all relevant parties the EU should ensure that it solicits and incorporates the views of women and women rights groups in order to promote their participation.
- coordinate with local and international non-state actors promoting human rights and gender equality: a list of local women's groups working and international women's groups present in the area of operation should be compiled, regular meetings should be held in order to identify issues of concern, contacts should be sought, where applicable, with women in decision-making positions.
- stress the importance attached to gender mainstreaming and further actions against the use of sexual and gender-based violence and encourage local authorities to implement a gender sensitive policy, depending on the mandate. If the EUSR and/or the ESDP mission/operation is involved in peace negotiations and reconciliation processes, the active involvement of local women in these processes should be encouraged.

Within the confines of the mandate as defined in the planning documents the EU operation/mission should support these efforts. In particular the gender adviser should be asked to establish the necessary contacts as directed by his/her Chain of Command.

Measures to protect women and girls affected by conflict

- In the area of an ESDP mission/operation the EU should call on all parties to take special measures to protect civilians, in particular women and girls, from sexual and gender-based violence, particularly rape and other forms of sexual abuse and exploitation, forced labour, trafficking and all other forms of violence in situations of armed conflict and post-conflict environment.
- ESDP personnel should be fully informed and trained on the Generic Standards of Behaviour for ESDP Operations.

Training

- As a general rule and in addition to regular training the HoM/the Operation Commander should, before taking up his/her duties, be briefed by the relevant Council and Commission services on the EU policies and concepts relative to the implementation of UNSCR 1325 and UNSCR 1820.
- Pre-deployment training should include gender, UNSCR 1325 and UNSCR 1820 training. Member States should be urged to develop and offer training courses on gender in ESDP missions/operations complementing their broader human rights training¹. The ESDP training activities under the responsibility of the European Security and Defence College (ESDC) are to reflect the gender perspective.

¹ In this context a curriculum developed by the Hungarian Ministry of Defence for a seminar on Gender and ESDP that took place in April 2007 could be used as an example. Other curricula have also been developed, i.a. by UN DPKO and the Geneva Centre for the Democratic Control of the Armed Forces (DCAF).

- During ongoing missions, mission personnel should receive training on gender issues including on sexual and gender based violence (GBV) (i.a. in EUPOL DRC, GBV has been included in the future training curricula for the police, in the training for investigation police and specialised GBV units in the project of the pilot commissariat of the Committee of Police Reform). In-mission training should also ensure adherence to the standards of behaviour as well as emphasise zero tolerance for abuse and misconduct.
- An increased participation of women in the missions/operations training activities for the local population should be encouraged (e.g. the experience of EUJUST Lex - in training 20 female judges and 47 female penitentiary officers - shows that consolidated efforts on the part of the Mission have proved to be an efficient method to raise the awareness of gender issues of the local authorities).
- The use of UN and other external gender experts to assist in preparing training materials and as visiting lecturers to EU training activities in ESDP programmes should be considered, as well as the use of the UN's Gender Resource Package for Peace Keeping Operations.

6) LESSONS IDENTIFIED

- Gender mainstreaming and implementation of UNSCR 1325 and UNSCR 1820 should be included (and evaluated) as a specific item in the lessons processes.
- Networking among the gender advisers on the ground should be encouraged (e.g. by creation of mailing lists, or in the format of networking conferences) to exchange best practices and lessons from all missions, whilst fully respecting the Chain of Command of each operation/mission. The Council Secretariat should facilitate these efforts, as appropriate.

7) OTHER PROVISIONS

- Disarmament, demobilisation and reintegration (DDR) programmes should include ex-combatants of both sexes and their families on equal terms, taking into account the particular role played by women and girls in contemporary armed conflicts and the impact of conflicts on them (see: 'EU Concept for support to Disarmament, Demobilisation and Reintegration (DDR)', European Commission and Council of the European Union, Brussels, 2006);
- EU engagements in support of the security sector reform (SSR) should take into account implementation of UNSCR1325 and UNSCR 1820 (see: Concept for ESDP support to Security Sector Reform - adopted in November 2005, A Concept for European Community Support for Security Sector Reform);
- Policies aimed at the protection and reintegration of Refugees and Internally Displaced Persons (IDPs) should take gender issues, including the possible issue of sexual and gender-based violence, into account;
- Cooperation, information sharing and exchange of best practices with international organisations such as the UN, the OSCE, NATO, ICRC, ICC and international NGOs should be increased, and the implementation of UNSCR 1325 and UNSCR 1820 included in the regular dialogue with these organisations;
- Promote the importance of gender and prevention of sexual and gender-based violence issues in the framework of EU relations with third countries or regional organisations in the field of ESDP;
- Ensure that aspects of gender and aspects with regard to sexual and gender-based violence are further reflected in public information on ESDP;

- Exchange best practices among Member States on gender mainstreaming in security and defence, as well as measures against the use of sexual and gender-based violence in crisis situations, including the implementation of UNSCR 1325 and UNSCR 1820.

This document should be viewed as a living document and will require adaptation as lessons are subsequently identified and implemented.
