

**Prevention and Response to Conflict-Related Sexual Violence**  
**Lesson Plan III: Procedural Aspects**

**Introduction.**

1. Based on the four Security Council Resolutions, the specificities of prevention and response to CRSV is addressed through mission-specific procedural guidance provided by the SWPA. Generic guidelines of procedures to be followed for addressing CRSV are explained in the succeeding paragraphs.

**Aim.**

2. To provide an overview of the procedural aspects related to prevention and response to CRSV.

**Scope.**

3. The session on procedural aspects pertaining to prevention and response to CRSV comprises:
  - a. Part I : Advocacy on Prevention of CRSV.
  - b. Part II : Monitoring, Analysis and Reporting Arrangements (MARA).
  - c. Part III : Early-warning Arrangements on CRSV.
  - d. Part IV : Reporting of CRSV Threats and Incidents.
  - e. Part V : Survivor Assistance and Referral Arrangements.
  - f. Part VI : Investigation of CRSV Incidents.
  - g. Part VII: Handling of CRSV offenders.
  - h. Part VIII: Handling of threats and Incidents In and Around IDP/Refugee Camps.
  - i. Part IX : Actions on the Scene of a CRSV Incident.

**Probing Questions.**

4. Should we or should we not:
  - a. Ask alleged/suspected sexual violence perpetrators to stop violations?
  - b. Monitor, gather and analyse their intentions and activities?
  - c. Look for early-warning indicators on CRSV?
  - d. Assist a civilian victim/sexual violence survivor?
  - e. Respond to protection challenges, including sexual violence in and around refugee/IDP/DDR camps?
  - f. Detain a sexual violence offender?
  - g. End impunity through a range of operational activities and bring perpetrators to justice?

**Note:**

The natural answers to all questions are yes. If there are any differences of opinion, it should be reasoned and clarified.

**Learning Outcomes.**

5. Comprehend/Understand:
  - a. The key messages for advocacy with parties to the conflict;
  - b. Role played by Military Component in MARA;
  - c. Developing early-warning indicators for sexual violence;
  - d. Reporting protocols;
  - e. Role of Military Component in SV investigation;
  - f. Guidelines for handling of offenders;
  - g. Measures to address Sexual Violence in Refugee/IDP Camps; and,
  - h. Referral arrangements and survivor assistance measures in the Mission.

**Part I: Advocacy on Prevention of CRSV.**

6. **Overview.** Advocacy for prevention of CRSV is carried out with all the parties to the conflict, including the host State Government authorities (civil/military/police officials), armed groups (State-sponsored and non-State actors), and local communities. Advocacy on prevention of CRSV is a command responsibility and is not delegated below the level of Company Commander. All advocacy initiatives must conform to Mission PoC Strategy, CRSV Action Plan and CRSV SOP;

and reflect Mission's coherent and harmonised messaging. Joint advocacy with relevant components/entities with designated focal point in lead may be carried out. All interactions and exchanges regarding advocacy must be reported through command channel and to the SWPA. Advocacies on prevention of CRSV are not to be carried out in isolation of other serious IHRL/IHL violations. Key messages that could form part of advocacy with host authorities and armed groups is explained below.

- a. **Advocacy with Host Security Forces.**
  - i. International standards for the protection of human rights and women's rights;
  - ii. Prevention of human rights violations and CRSV;
  - iii. Promote responsibility and accountability;
  - iv. Conduct and discipline (including prohibition of SEA);
  - v. Cantoning and movement control (in uniform) of troops;
  - vi. Payment of salaries, welfare and recreational facilities;
  - vii. Training, education and sensitisation;
  - viii. Removal of unauthorized CPs and roadblocks;
  - ix. Declaring market areas as 'weapons free zone'; and,
  - x. Border CPs to prevent human trafficking.
- b. **Advocacy With Armed Groups/Perpetrators.**
  - i. To cease all CRSV violations and release hostages/sex slaves;
  - ii. To designate interlocutors to address CRSV at HQ and local levels;
  - iii. To inform that their activities are closely monitored, recorded and reported;
  - iv. To sensitise that amnesty provisions will not be applicable to CRSV offenders; and,
  - v. To stress that all perpetrators of SV shall be prosecuted and brought to justice.

## **Part II: Monitoring Analysis and Reporting Arrangements (MARA) on CRSV.**

7. **Overview.** Based on Security Council Resolution 1960 (2010), MARA is established by the HR WPA/SWPA and supported by WG-CRSV in Missions addressing CRSV to inform targeted action, increase protection, improve responsibility and accountability, and to address sanctions etc. Key facets of MARA are:
  - a. A systematic gathering of timely, accurate, reliable and objective information on CRSV;
  - b. Monitoring of activities of perpetrators of sexual violence;
  - c. Analysing trends/patterns and incidents of CRSV;
  - d. MARA inputs feed into early-warning, prevention, response and accountability;
  - e. Regular reporting on State and non-State parties involved in systematic patterns of sexual violence for listing in the Annual Report of the Secretary General; and,
  - f. Mission components (including military), UNCT and a variety of sources contribute to and feed into MARA.

## **Part III: Early-warning Arrangements on CRSV.**

8. **Overview.** Prevention and response to CRSV can be timely and effective if early-warning on potential and impending threats are obtained from multiple sources, actors and agencies. Mission SWPA is responsible to issue a mission-specific list of gender-sensitive early-warning indicators to all Mission components.
  - a. **Actors and Agencies.** Early-warning on potential threats are provided by multiple actors and agencies in a conflict zone; such as local communities; host State authorities (Government civilian officials, military, gendarmes, police, etc.); parties to the conflict (State and non-State actors); UNCT (UNHCR, UNFPA, UNICEF, etc.); Mission integrated entities (JOC, JMAC, SOC, CMCC, etc.); Mission Components (military and police HQ/Operations centres – MOC/POC), Member State diplomatic presence; as well as other partners (RO/IOs) and Actors (NGOs).
  - b. **Responsibilities of UN Military Component:**
    - i. Identify threats, report and respond based on early-warning indicators;
    - ii. All static and mobile elements shall act as early-warning centres;
    - iii. Targeted employment of operational detachments, and monitoring and surveillance assets to obtain early-warning;

- iv. Integrate early-warning with Community Liaison Assistants (CLA), Community Alert Networks (CAN), local community members and local alarm schemes with Military Operations Centre (MOC)/Early-warning Centres (EWC), as well as static and mobile operational elements;
  - v. Ensure speedy passage of information to relevant protection actors and threatened communities;
  - vi. Report on command channel and parallel to designated officials; and,
  - vii. MOCs/EWCs at all levels to coordinate and direct military responses to address CRSV.
  - viii. Depending on the tactics, modus operandi and assessed courses of action of armed groups/perpetrators, military commanders must review and stipulate mission/area/group-specific early-warning indicators that can be used by the tactical detachments and the peacekeepers.
- c. CRSV Specific Gendered Early-warning Indicators. Some of the CRSV specific early-warning indicators identified in the field are listed below as examples:
- i. Disappearance;
  - ii. Political rhetoric;
  - iii. Fleeing/evacuating;
  - iv. House raids and searches;
  - v. Proliferation of weapons/small arms;
  - vi. Tell-tale marks of violation;
  - vii. Silence or fearful disposition;
  - viii. Detention at camps and check points;
  - ix. Increased hospital reporting of rape;
  - x. Movement of troops after victory/defeat;
  - xi. Proximity of armed groups to civilian centres;
  - xii. Information received from various human and electronic sources;
  - xiii. Frequent forays to villages by individuals/group of soldiers/armed men;
  - xiv. Ambushes, waylaying, isolated attacks, firewood/water rape and looting/pillaging;
  - xv. Reporting of threats/incidents to the local police, civilians, medical authorities, and other actors; and,
  - xvi. Changed mobility patterns, particularly of women and children (confinement, self-imposed curfews, diminished social activities, absence of girls in the schools).

#### **Part IV: Ethical Reporting on CRSV Threats and Incidents.**

9. **Overview**. Incidents/information of potential/impending and ongoing human rights violations, including CRSV must be reported immediately by the military peacekeepers through the chain of command. As a sequel, parallel reporting to the designated officials (SWPA/SCPA) at the Mission HQ is also mandatory.
- a. Report immediately (use sex-disaggregated data);
  - b. Reports must cover ‘Who, What, When, Where, Why and How’;
  - c. Cover all CRSV incidents/violations (potential/impending/ongoing/alleged);
  - d. Alert and initiate pre-emptive/protective responses;
  - e. Carryout concurrent vetting, confirmation and corroboration of information;
  - f. Maintain records and documents; and,
  - g. Maintain the confidentiality and anonymity of victims/survivors (i.e. the names of victims, details of their families, witnesses or sources of information should not be included in any reports).
  - h. For CRSV incidents involving children, inform SCPA also.

#### **Part V: Survivor Assistance and Referral Arrangements.**

10. **Overview**. Handling of victims/survivors and assistance provided to them will be based on the ‘Referral Arrangements’ established in the Mission SOP on Prevention and Response to CRSV issued by the SWPA. UNCT (e.g. UNFPA, UNICEF, etc.) is responsible to coordinate provision of medical, psycho-social, economic and legal services to CRSV survivors in the peacekeeping Missions. Assistance is provided by a designated service provider in the Missions. Military units

and sub-units must work with humanitarian agencies to establish grassroots referral networks for SV victims to facilitate access to medical/psychosocial support. Mission 'Referral Card' provided to peacekeepers contains particulars and contacts of service providers. UN military peacekeepers are required to:

- a. Provide immediate support to the victim/survivor (first aid, food, water, clothing, safety and security);
- b. Report through command channel and consult with designated official at Mission HQ (SWPA/SCPA/HRO);
- c. While providing assistance to survivors, ensure the following:
  - i. Respect the privacy, confidentiality and wishes of survivor(s);
  - ii. Obtain informed consent from the survivor on which service provider to be approached and whom to be informed (friend/parents/siblings/social worker);
- a. Refer to the service provider/health centre with PEP facility (to be administered within 72 hours). Further actions are coordinated by the designated service provider;
- b. For CRSV survived children, follow protocols provided by the CPA/Mission HQ;
- d. UN Military is responsible for transfer, escort and handing over of the survivor to the service provider;
- e. Usually, UN Military responsibility terminates after the survivor is admitted in the health centre; and,
- f. If required, additional military/Mission HQ support may be sought.

#### **Part VI: Investigation of CRSV Incidents.**

11. **Overview.** National law enforcement agencies have the primary responsibility to carry out investigation of the sexual violence crimes. At the Mission level, the Human Rights component has the lead in carrying out investigation and reporting on CRSV. UNPOL (Specialist IPOs, such as forensic experts, etc.) can assist host State authorities. Mission level investigations are supported by designated mission officials (e.g. SPOCA, SWPA, HRO/HR WPAs, SCPA, etc.). UN Military peacekeepers must bear in mind the following:
  - a. Military peacekeepers shall not carry out investigation;
  - b. Preliminary enquiries at the incident site for the reporting purposes may be carried out;
  - c. Military Component plays a supporting/facilitation role, such as:
    - i. May Form part of a Joint Investigation Team (JIT); and,
    - ii. May be tasked to provide security cover and logistics support (transport, food, shelter, communication, etc.) to the investigating team.

#### **Part VII: Handling of CRSV Offenders.**

12. **Overview.** Prosecution of CRSV perpetrators is essential to end impunity. Host State law enforcement agencies have the primary responsibility of bringing the perpetrators to justice through national criminal justice system investigation (i.e. arrest and arraignment/prosecution and sentencing of the offenders).
  - a. In Missions addressing CRSV, UN Military peacekeepers are authorised to search, disarm and detain suspected/confirmed perpetrators/offenders based on Mandate and ROE.
  - b. In the context of CRSV, UN peacekeepers are also required to assist State authorities in identification, verification and prosecution of perpetrators/offenders.
  - c. When vested with executive authority, UNPOL will have extended policing authority.
  - d. Detained perpetrators/offenders are required to be handed over to designated host national security/law enforcement agencies for further prosecution (unless otherwise specified by the Force/Mission HQ).
  - e. Perpetrators/offenders may be either prosecuted under national law or for international crimes through the ICC or tribunals (UN peacekeepers can also detain offenders based on an arrest warrant issued by ICC).
  - f. Detentions are to be reported to the Detention Focal Point (DFP) at the Mission HQ immediately.
  - g. Deliver UN Detention, Release, Transfer and/or Handover Form to the DFP, HR Component and HOM within 36 hours. Provide a written notification to ICRC within 36 Hours.

- h. Detainees are to be handed over to the authorised agencies (national authorities, etc.) within 48 hours (extendable up to 72 hours after obtaining permission from the Mission HQ).
- i. A child may only be detained as a last resort and for the shortest possible time and separate from other detainees unless with members of family.

Note.

Refer to SOP on Detention and other mission-specific guidance.

**Part VIII: Handling of Threats and Incidents in and around IDP/Refugee Camps.**

13. **Overview.** IDPs and refugees while on move/exodus are most vulnerable to CRSV. Sexual violence is also rampant in and around IDP/Refugee camps (including temporary camps). Usually IDP/Refugee camps are managed by humanitarian agencies. Local police have the executive authority to deal with security issues in these camps. When vested with executive authorities UNPOL can take appropriate policing actions to mitigate risks. UN military may be employed on the specific request of the humanitarian community or when the security situation is beyond the control of the local police/UNPOL, with due approval from the HoM. However, such operations should always be conducted as joint operations with host police/UN Police, as well as representatives from the humanitarian agencies. Security responses must be coordinated with the humanitarian agency, host State security actors and the IDP/refugee community. Emergency means of communication (hotline) between all security actors and the vulnerable communities need to be established for alerting and timely initiation of response; UN Military peacekeepers may be employed for the following tasks:
- a. External area security cover;
  - b. Escorting women and girls for routine, subsistence or economic activities;
  - c. Perimeter security around the camps;
  - d. Patrolling inside the camp; and,
  - e. Specific cordon and search operations in the camp to extricate victims; detain perpetrators or confiscate weapons.

**Part IX: Actions on the Scene of an Incident.**

14. **Overview.** Due to wide presence and proactive operational activities, UN military peacekeepers are usually the first responders to a CRSV incident or to threatened civilian(s) or communities. UN Military units, sub-units and peacekeepers by virtue of its versatility and capabilities are well placed to respond immediately and appropriately on the scene of the incident. In the context of CRSV, an on scene commander or detachment is required to undertake the following actions:
- a. Provide first aid, safety and comfort (food, water, clothing, etc.).
  - b. Be respectful of the survivor.
  - c. Secure the area and carry out preliminary enquiries of the incident;
  - d. Report the treat/incident immediately through the chain of command and to the SWPA (also report to SCPA in case of children).
  - e. Preserve evidence and record/document as per SOP.
  - f. Provide security, transportation and escort facilities to the survivor (and witnesses if required).
  - g. Transfer survivors to the nearest medical/psycho-social facility or service provider specified in the referral arrangements.
  - h. Detain alleged perpetrator(s) and hand them over to local police/authorities/UNPOL or as directed by the Mission HQ.

**Takeaways.**

15. Following are the key takeaways:
- a. *Advocacy* with parties to the conflict is vital to prevent CRSV and to foster accountability and responsiveness;
  - b. UN Military peacekeepers are the eyes and ears of the Mission and can provide reliable information to support *MARA*;

- c. *Early-warning* on CRSV is crucial for timely institution of effective prevention and response measures;
- d. UN Military peacekeepers are required to make *ethical reporting* (maintain confidentiality of the survivor) of CRSV threats and incidents immediately on chain of command and to SWPA/SCPA;
- e. *Survivor assistance* is central to UN response to CRSV. Military plays a significant role in survivor assistance and are required to follow *referral arrangements*;
- f. Host State law enforcement agencies and Mission Human Rights Component are responsible for carrying out *investigation* of CRSV incidents (Military component shall not investigate);
- g. *Prosecution* of CRSV offenders is essential to end impunity and instil accountability. UN peacekeepers are required to assist/support host State authorities;
- h. UN Military can provide protection of *IDP/Refugee* community in and around their camps if the operational situation demands; and,
- i. Military peacekeepers are mostly the first responders and can provide immediate support to survivors and take actions against perpetrators as per ROE *at the scene* of a CRSV incident.

### Conclusion.

16. CRSV is a preventable and punishable crime. The specificities of CRSV demands adoption of peculiar and calibrated procedures and responses that can provide a quantum effect in preventing CRSV incidents, provision of better services to survivors and bringing the perpetrators to justice. Promoting accountability amongst all actors, improving responsiveness to threats and incidents, capacity building of rule of law (including judicial) and security sectors, obtaining politico-military commitments, etc. are crucial to end impunity, which in turn can build confidence of people as well as ensure sustainable peace.