

# UN Sanctions and Conflict-Related Sexual Violence

By Sophie Huvé | March 2018



The United Nations Security Council can use sanctions to advance its commitment to address conflict-related sexual violence. UN sanctions—specifically the designation criteria and the subsequent listing of sanctioned individuals—could and should be better used to prevent and curb sexual violence in armed conflict and address the impunity of perpetrators. The current approach is characterized by significant inconsistency across regimes, delay, and gaps. We make a series of recommendations to improve the effectiveness of sanctions as a tool against sexual violence. In particular, the Security Council should systematically and immediately incorporate sexual violence as a stand-alone criterion when adopting a new sanctions regime and should not hesitate to put more perpetrators on the sanctions lists when there is repeated evidence of their conduct.

## Introduction

It has been more than half a century since the United Nations Security Council imposed the first regime of sanctions on Southern Rhodesia. Sanctions have greatly evolved since the earliest regimes. Following the widespread criticism about the negative impacts of comprehensive economic embargoes on the wider population, sanctions now target specific decision-makers or key economic sectors.

Over the past decade, sanctions regimes have been increasingly used to support international human rights and international humanitarian law. The Security Council has developed a practice of including human rights violations as part of the designation criteria—that is, specific actions enumerated by the Security Council used as a basis for imposing sanctions on individuals when they engage in that conduct.

In Resolution 1820 (2008), the Security Council recognized the use of sexual violence as a tactic of war and a widespread practice that can significantly worsen armed conflict. The same resolution provided for the use of targeted sanctions against the perpetrators of conflict-related sexual violence. That year, the Security Council included, for the first time, sexual violence as part of the designation criteria in the sanctions regime on the Democratic Republic of Congo (DRC).

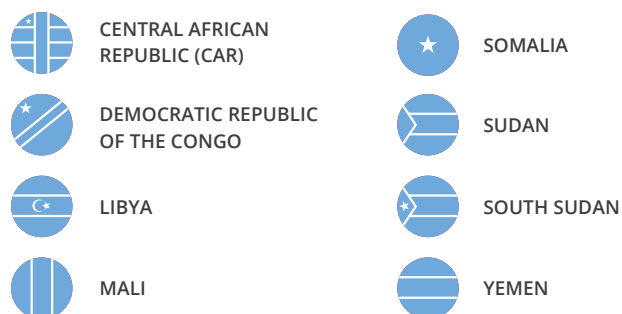
This policy brief, informed by a report published by the Georgetown Institute for Women, Peace and Security, provides the first review of sexual violence in sanctions regimes. It examines how the Security Council uses sanctions to address conflict-related sexual violence, reviews the obstacles and impediments to this tool, and proposes recommendations for better use.



## Sanctions Regimes

---

We studied eight sanctions regimes in countries where massive human rights violations and sexual violence have been reported:



## Key Findings

---

Several key findings emerge. Most important, we found that the use of sanctions by the Security Council to address sexual violence is inconsistent, both across the different sanctions regimes and within each regime, compared to the reality of sexual violence on the ground. Although sanctions regimes are shaped by their particular situations, the following patterns were observed across eight regimes:

1. Despite very similar patterns of conflict and sexual violence across several sanctions regimes, the approach of the Security Council in dealing with widespread conflict-related sexual violence has varied enormously across countries. This is specifically the finding of the comparison of the approaches toward Sudan and CAR.
2. Despite accumulated evidence of conflict-related sexual violence, the inclusion of sexual violence in the designation criteria is sometimes delayed for years, as in DRC and Somalia, or completely left out, as in Sudan or Libya.
3. The designation criteria included in the resolutions are used inconsistently and follow-up on implementation is weak. This demonstrates reluctance on the part of the Security Council to adopt targeted sanctions, especially on government officials. The threat of sanctions is rarely translated into action. Typically, either individuals or entities are listed years after the adoption of the designation criteria, or the number of actors listed does not match the high rates of sexual violence on the ground. Moreover, no individual or entity has been listed solely on the ground of sexual violence, and designations on the basis of human rights violations alone are rare.
4. The Security Council does not use consistent language across sanctions regimes. Several sanctions regimes explicitly refer to sexual violence in the designation criteria. Others use a generic reference to “massive violations of human rights,” which can implicitly include sexual violence. The regimes in Libya, Sudan, and Yemen only refer to this generic criterion, despite numerous reports of violations against women. In these cases, an explicit criterion referring to sexual violation is called for.
5. Sanctions regimes typically only refer explicitly to sexual violence in a general list of violations. A better approach is to set out a stand-alone criterion for sexual violence, as in the case of CAR, or to follow the model of the criterion referring to the recruitment and use of child soldiers. This would make it explicitly clear as to why sanctions are being imposed and would increase stigmatization of individuals ordering, perpetrating, or condoning sexual violence.

6. These contrasts indicate that political considerations can spoil or paralyze the design of sanctions regimes. In particular, dissent on the part of powerful actors can lead to impotent regimes without effective designations. The signaling benefit of sanctions is undermined by the lack of unity and agreement within the Security Council to support existing international norms. Lack of political will and consensus in the Security Council can seriously erode the implementation and effectiveness of sanctions.
7. The reluctance of some states to effectively use sanctions amounts to the toleration of sexual violence in armed conflict, despite its obvious use as a weapon of war, its clear prohibition under many instruments of international law, and its acknowledged negative impact on conflict resolution.
8. A recent development to be welcomed is that the Security Council has begun to take greater measures to combat sexual violence in the design of sanctions regimes. In the cases of CAR, South Sudan, and Mali, the resolutions incorporated sexual violence as part of the designation criteria from the outset, whereas in the past, the Security Council only focused on general human rights violations. This evolution in the design of sanctions regimes warrants tracking, to see whether this reflects a new trend that is being sustained over time.

## Explanation

---

At the level of the Security Council and Sanctions Committees, we found four broad factors that appear to explain the problems and inconsistencies in dealing with conflict-related sexual violence. These factors are intertwined and can interact to influence the design and use of sanctions.

1. Member states have different attitudes toward human rights in general, and different positions on the Women, Peace, and Security (WPS) agenda. This divide is especially evident between the Western permanent members—which usually champion the WPS agenda supported by other elected members such as Sweden, Norway, and Belgium—and Russia and China, which are reluctant to include what they see as soft topics on the Security Council’s agenda and do not consider sexual violence a priority in conflict.
2. The same divide appears on the use of coercive measures and the creation of legal precedents. Russia, China, and various other elected member states (for example, India and Pakistan) follow a traditionalist approach of international law. They are often reluctant to impose sanctions on government officials or use coercive measures they believe would jeopardize mediation efforts. They worry that this particular use of sanctions would become a standard practice from which it would be difficult to depart in the future.
3. The Security Council faces competing objectives, some of which receive priority over the prevention of sexual violence. This is notable in the cases of Somalia and DRC, where the Security Council prioritized the support of the government against armed groups over focusing on the sexual violence perpetrated by the government forces. The Security Council may also choose not to impose sanctions in order to reward the efforts undertaken by a government to address sexual violence, as it did in DRC.
4. Each sanctions regime is administered by a Sanctions Committee. These committees reflect the structural and organizational challenges that impede the consistent and effective treatment of sexual violence across sanctions regimes, including the two-year term rotation of the committee chair and the rule of consensus when voting on designations (all fifteen members must agree). Often, the Sanctions Committees’ Panels of Experts are given limited resources and lack humanitarian and gender experts. Sometimes the Panel of Experts has a narrow investigation mandate, as well as strict word limits for its reports. All of these factors impact the effective use of sanctions to counter sexual violence.

# Recommendations

The use of targeted sanctions triggered by designation criteria based on sexual violence is a potentially powerful tool, but could be used more effectively by the Security Council. While each sanctions regime must respond to the situation at hand, several key steps could improve the effectiveness of sanctions to address conflict-related sexual violence.

## The Security Council should:



1

Systematically incorporate sexual violence as a specific and independent criterion, with the same language used across all regimes.



2

Focus on the most serious perpetrators and press for the imposition of sanctions on relevant individuals as soon as the criterion of committing, ordering, or condoning sexual violence is met.



3

In case of deadlock in the Sanctions Committees because of the consensus rule, the Security Council should consider a listing by resolution (requiring only nine votes without veto).



4

Systematically establish and empower Panels of Experts with adequate mandates and sufficient capacity, including more humanitarian and gender experts.

## What other actors can do:



The Panels of Experts and the Special Representative of the Secretary-General for Sexual Violence in Conflict should consistently recommend sanctions on key individuals responsible for perpetuating sexual violence and should include, as often as possible, an evaluation of the impact of sanctions on coercing, containing, or signaling the already targeted individuals.



There are also steps that particular member states can take, including the United States. For example, the U.S. Congress should impose unilateral coercive measures on individuals renowned for massive human rights violations when the Security Council is unable to reach an agreement. Congress should lift these coercive measures only to reward efforts made and behavioral changes. For example, the lifting of American sanctions on the Sudanese government during an ongoing genocide in Darfur sent the wrong message to massive human rights violators.

## CONCLUSION

Widespread sexual violence is not an inevitable part of conflict. Sanctions are a tool that the Security Council could more effectively use to deter widespread rape and to coerce and constrain the individuals involved. When soldiers or armed groups use sexual violence, the Security Council can and should step up to curtail such abuses, especially when leaders are unwilling or unable to contain these major breaches of human rights. Sanctions, if properly and consistently applied, can work to reinforce and advance existing international norms, hold leaders accountable to those norms, and protect the safety and lives of millions of women and girls living in conflict settings.

*This publication was made possible (in part) by a grant from Carnegie Corporation of New York. The statements made and views expressed are solely the responsibility of the author.*



The full report is available online at [giwps.georgetown.edu](http://giwps.georgetown.edu).