



Australian Government



**Australian National Action Plan
on Women, Peace and Security 2012–2018**

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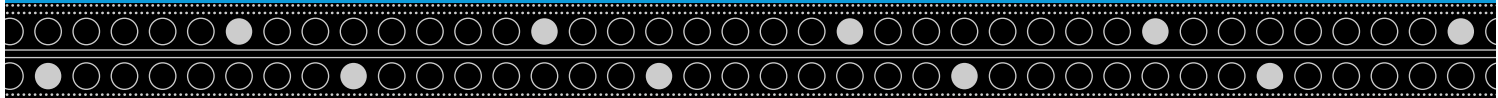
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Contact: Australian Government Office for Women at UNSCR1325@fahcsia.gov.au.

Corporal Jenny Sapwell of Mentoring Task Force 2, and an interpreter, chat with local Afghan women during a Female Engagement Team (FET) mission in Sorkh Lez, Uruzgan Province.

Photo: CPL Christopher Dickson 1st Joint Public Affairs Unit



Australian National Action Plan
on Women, Peace and Security 2012–2018



Minister's Foreword

The Australian Government recognises that women and girls have vastly different experiences to men and boys when it comes to peace and security. Women and girls often face devastating human rights violations, including high levels of sexual and gender-based violence, in conflict affected settings. Women are also significantly underrepresented and often overlooked in formal peace processes. This is in spite of the fact that women can be powerful agents in preventing conflict and building peace.


United Nations Security Council Resolution 1325 (UNSCR 1325), alongside other resolutions under the United Nations Women, Peace and Security agenda, addresses the impact of conflict on women and girls, and highlights the critical role women can play in preventing, managing and resolving conflict.

Governments have a responsibility to make sure women and girls' human rights are protected, and that women are empowered to participate in formal peace and security processes.

The Australian Government takes this responsibility very seriously. The *Australian National Action Plan on Women, Peace and Security 2012–2018* demonstrates Australia's ongoing support for the United Nations Women, Peace and Security agenda.

The National Action Plan sets out what Australia will do, at home and overseas, to integrate a gender perspective into its peace and security efforts, protect women and girls' human rights, and promote their participation in conflict prevention, management and resolution. It also commits the Government to report every two years to the Australian Federal Parliament on the progress of this work.

This National Action Plan is a practical step forward in establishing a framework for a coordinated, whole of government approach to implementing UNSCR 1325 and related resolutions. I look forward to working with my Ministerial colleagues and the non-government sector to drive better outcomes for women and girls affected by conflict.



The Hon Julie Collins MP

Minister for Community Services, Minister for Indigenous Employment and Economic Development and Minister for the Status of Women



Acronyms

ACC	Australian Civilian Corps
ADF	Australian Defence Force
ADFA	Australian Defence Force Academy
AFP	Australian Federal Police
AGD	Attorney-General's Department
ACMC	Australian Civil-Military Centre
APS	Australian Public Service
AusAID	Australian Agency for International Development
CAAFG	Children associated with armed forces and armed groups
DFAT	Department of Foreign Affairs and Trade
DPKO	UN Department of Peacekeeping Operations
DRC	Democratic Republic of Congo
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
FET	Female Engagement Teams
GenCap	Gender Standby Capacity Project
IDG	International Deployment Group
IRC	International Rescue Committee
MDG	Millennium Development Goal
NATO	North Atlantic Treaty Organisation
OfW	Office for Women
PM&C	Department of the Prime Minister and Cabinet
POC	Protection of Civilians
POTC	Peace Operations Training Centre
PPDP	Pacific Police Development Program
RAMSI	Regional Assistance Mission to Solomon Islands
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNITAR	United Nations Institute for Training and Research
UNSC	United Nations Security Council
UNSCR 1325	United Nations Security Council Resolution 1325



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PART A: The National Action Plan

1. Women, Peace and Security

Conflict causes great human suffering. It takes people's lives and destroys families and communities. While people who are affected by conflict have many shared experiences, such as losing loved ones, enduring human rights violations and struggling to meet their basic needs for survival, the impact of conflict is also highly gendered. Overall, women and girls experience conflict very differently from men and boys. These differences are wide-ranging and complex. They arise largely from the often distinct roles that women and men perform in their communities and homes in times of both conflict and peace, and their respective status in society.

Although often not engaged in combat, women and girls can be disproportionately affected by conflict. It has been estimated that up to 90 per cent of casualties in contemporary conflicts are civilians, the majority of whom are women and children.¹

“It has probably become more dangerous to be a woman than a soldier in armed conflict”

– former UN Force Commander Major General Patrick Cammaert.²

Increasingly, targeted gender-based violence is being used as a weapon of war.³ Women and children are at heightened risk of gender-based violence during and after conflict. There are many acts that constitute gender-based violence, including rape, sexual slavery, genital mutilation, forced pregnancy, abortion and sterilisation. These acts have particular significance in times of conflict and instability, as they are often used to achieve military or political objectives. The use of this type of violence is a violation of international human rights law and, in situations of armed conflict, international humanitarian law. It has a devastating effect on women, their families and their communities. This devastation can be long-lasting, extending far beyond the duration of the conflict.

While gender-based violence during war affects women and girls in a particularly horrific way, the impacts of war on women and girls' lives are broad-ranging. Women and girls face particular challenges in relation to their physical and mental health, well-being and economic security. These are challenges that intersect with, or are resultant from gender-based violence, or they may be unrelated.

Women and girls are not a homogenous group. Just as women and men have differential experiences of conflict, conflict affects diverse groups of women and girls in very different ways. Women of various ages, women with disability, indigenous women and women from certain religious or cultural backgrounds may be more profoundly affected or more vulnerable than other groups of women. They may find it difficult to access support or infrastructure to meet their specific needs, or be more likely to experience gender-based violence.

¹ UN Women, *Women, War and Peace*, accessed 15 November 2011, www.womenwarpeace.org

² Office for the High Commissioner of Human Rights, *Rape: Weapon of War*, accessed 6 November 2011, <http://www.ohchr.org/en/newsevents/pages/rapeweaponwar.aspx>

³ United Nations, *Women, Peace and Security*, New York, 2002, p. 2



This all being said, it is important to emphasise that women and girls are not only victims needing protection in the context of conflict. They are also active agents in both perpetuating conflict and building peace. The stereotyping of women as fundamentally peaceful in discourse about peace and security should be avoided—some women and girls operate as aggressive combatants in war. However, many women and girls make significant contributions to conflict prevention and peacebuilding. This is particularly prevalent at a community level. Unfortunately, women are often excluded from formal decision-making processes around preventing conflict, building peace and relief and recovery efforts. This is particularly concerning because the disproportionate and devastating impact that conflict has on women and girls translates to them having a very high stake in the outcomes of these processes. This exclusion can result in the experiences of women and girls not being adequately considered in these decisions and, subsequently, their needs not being met. It also means that the role women play as agents of change in times of conflict is often under-recognised and under-valued.

The violence, inequalities and underrepresentation that women and girls face in conflict-affected settings do not exist in a vacuum. Women and girls’ differential experiences in conflict are shaped by gender roles and their relative status in society in times of peace. Women and girls rarely have the same resources, political rights, authority or control over their environment that men and boys do, and this is exacerbated in armed conflict.⁴

Men and boys have an important role to play in ensuring women and girls’ security. They can be advocates for gender equality and through their own behaviour reduce and prevent violence against women. Male police and members of defence forces have a key role to play in promoting gender equality and preventing violence against women in conflict and in post-conflict settings. Men can also advocate for and ensure that women’s needs are taken into account and included as crucial elements in peace negotiations and at international fora.

The benefits of advancing gender equality are far reaching and operate on a number of levels. Gender equality is essential for ensuring that women and girls’ needs are met and human rights are protected, in times of both peace and conflict. It enables men to break away from often limiting and rigid gender roles and expectations of masculinity, which can be amplified in conflict-affected settings. It helps communities to raise healthier, better educated children and enhances countries’ economic prosperity.⁵ Notably, equality between women and men is also a pre-requisite for sustainable peace, security and development.⁶

“The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security.”

– United Nations Security Council Statement, International Women’s Day 2000.⁷

See **APPENDIX A** for definitions relating to Women, Peace and Security.

⁴ *Ibid*

⁵ UNICEF, *The State of the World’s Children 2007*, 2006, p. 2

⁶ UN Security Council, ‘Peace Inextricably Linked with Equality between Women and Men says Security Council’, in *International Women’s Day Statement: Press Release of the UN Security Council*, 8 March 2000, SC/6816

⁷ *Ibid*



2. United Nations Security Council Resolutions on Women, Peace and Security

United Nations Security Council Resolution 1325 (UNSCR 1325) on Women, Peace and Security was adopted unanimously by the United Nations Security Council in October 2000. UNSCR 1325 recognises that the experiences and needs of women and girls differ from those of men and boys in conflict and post-conflict situations, and underlines the essential role of women in conflict prevention, peacebuilding and post-conflict reconstruction efforts. UNSCR 1325 tasks the UN system and its Member States with thoroughly integrating a gender perspective into all peacekeeping operations, peace processes and return, resettlement, and reintegration programs in post-conflict settings. UNSCR 1325 is provided at **APPENDIX B**.

The UN Secretary-General's 2004 report on the implementation of UNSCR 1325 called for the development of national action plans to implement UNSCR 1325. Since then, the UN has established a Women, Peace and Security agenda by passing additional Security Council resolutions 1820, 1888, 1889 and 1960.⁸



International Women's Day 2011 Honiara.

L-R: Jean Lele (YWCA kindergarten teacher), Jocelyn Lai (YWCA Board member), Alice Kale (YWCA General Secretary) and Pauline Soaki (previous YWCA Board member and AusAID gender and health program manager)

Photo: Jeremy Miler, AusAID

⁸ UN Security Council Resolutions 1325 (2000), UNSCR 1820 (2008), UNSCR 1888 (2009), UNSCR 1889 (2009) and UNSCR 1960 (2010) are available under the year of adoption from <http://www.un.org/documents/scres.htm>



UNSCR 1820 (2008) condemns the use of rape and other forms of sexual violence in conflict situations, stating that rape can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide. The Resolution calls on Member States to comply with their obligations to prosecute the perpetrators of sexual violence, to ensure that all victims of sexual violence have equal protection under the law and equal access to justice, and to end impunity for sexual violence.

UNSCR 1888 (2009) complements UNSCR 1820 and asks the UN Secretary-General to rapidly deploy a team of experts to situations of particular concern regarding sexual violence. The Resolution further calls for the appointment of a special representative to lead efforts to end conflict-related sexual violence against women and girls, and to include information about the prevalence of sexual violence in a report to the UN Security Council by UN peacekeeping missions.

UNSCR 1889 (2009) reaffirms the provisions of UNSCR 1325, encouraging Member States to continue to pursue implementation of this Resolution. UNSCR 1889 calls on the Secretary-General to develop a strategy, including through appropriate training, to increase the number of women appointed to pursue 'good offices,' particularly as Special Representatives and Special Envoys, on the Secretary-General's behalf and to submit within six months a set of indicators to track implementation of UNSCR 1325.⁹

In 2010, in response to UNSCR 1889, the UN Secretary-General proposed specific performance indicators to the Security Council, to track and provide guidance to the implementation of UNSCR 1325. These indicators were endorsed by the UN Security Council in a Presidential Statement issued on 26 October 2010. While these indicators are not all applicable to the national efforts of all Member States, they offer inspiration for the identification of specific and measurable ways in which Member States can monitor their own performance.

UNSCR 1960 (2010), building on UNSCRs 1820 and 1888, calls for an end to sexual violence in armed conflict and provides measures aimed at ending impunity for perpetrators of sexual violence. The Resolution also encourages Member States to deploy a greater numbers of women military and police personnel and provide appropriate training to all personnel on sexual and gender-based violence within their UN peacekeeping operations.

⁹ UN INSTRAW, *Peace and Security – Programme Description*, 2010, accessed April 2010, <http://www.un-instraw.org/aid-effectiveness/general/programme-description.html>



3. What Australia has done so far

Australia has supported the full implementation of UNSCR 1325 since its adoption in 2000 and was a co-sponsor of UNSCR 1820 in 2008, UNSCRs 1888 and 1889 in 2009, and UNSCR 1960 in 2010.¹⁰

Demonstrating its commitment to the principles of UNSCRs 1325, 1820, 1888, 1889 and 1960, Australia has undertaken a broad program of work to integrate a gender perspective into its peace and security efforts, protect women and girls' human rights and promote their participation in conflict prevention, management and resolution. This work has been taken forward in both domestic agencies and international settings, within and across governments, and through engagement with the non-government sector and civil society.

Australia also supports the implementation of resolutions, has signed and ratified human rights and international humanitarian law instruments and supports international work on matters that link closely with the Women, Peace and Security agenda. This includes work on the protection of civilians, responding to trafficking in persons, and small arms control.



A village court in operation in Papua New Guinea's Eastern Highlands province. Access to justice and gender equality are closely linked development issues. Australia's assistance to the law and justice sector has seen a significant increase in the number of new women village court magistrates recruited and trained across the country, up from 10 in 2004 to 500 in 2010. Australia also assists police to respond to family and sexual violence.

Photo: Roger Wheatley, AusAID

¹⁰ UN Security Council Resolutions 1325 (2000), UNSCR 1820 (2008), UNSCR 1888 (2009) UNSCR 1889 (2009) and UNSCR 1960 (2010) are available under the year of adoption from <http://www.un.org/documents/scres.htm>



A snapshot of what Australia has done so far to implement the Women, Peace and Security agenda is outlined below.

Internationally, the Australia Government strongly advocates for the integration of a gender perspective in peace and security efforts.

In 2011, the Australian Government appointed a **Global Ambassador for Women and Girls** (the Ambassador). The Ambassador is responsible for high level advocacy to promote Australian Government policies and activity regarding gender equality and the social, political and economic empowerment of women and girls, particularly in the Asia Pacific region. The protection of women and girls in conflict zones and increasing the representation of women in leadership roles are core components of the Ambassador's mandate.

The potential contribution of women in the Australian Defence Force (ADF) was extended in September 2011, when **the Australian Government formally agreed to the removal of gender restrictions from ADF combat roles**. This decision was made on the basis that career choices for women in the ADF should be based on their ability to meet all of the demands of the role, including physical standards. The Department of Defence is working to deliver a comprehensive implementation plan to facilitate this change, for the Government's consideration in 2012.

More broadly, in April 2011 the Australian Government commenced several reviews to examine the treatment of women at the Australian Defence Force Academy (ADFA) and the wider ADF. The Federal Sex Discrimination Commissioner, on behalf of the Australian Human Rights Commission, is leading these reviews, supported by an expert panel. These reviews are an important step in commencing a far reaching cultural appraisal and ongoing change program for Defence.

Phase one of the reviews focussed on ADFA. The *Report on the Review into the Treatment of Women at the Australian Defence Force Academy* was publicly released and tabled in the Australian Federal Parliament in November 2011. This report assessed and provided recommendations on the adequacy and appropriateness of measures to promote gender equality, ensure the safety of women in ADFA, and address and prevent sexual harassment and abuse, and sex discrimination. The Australian Government is determining the best way forward in formally adopting and implementing this review's recommendations.

In the second phase of these reviews, the Federal Sex Discrimination Commissioner and her panel will examine the effectiveness of cultural change strategies and initiatives required to improve the pathways for increased representation of women in the senior ranks and leadership of the ADF. This review has commenced and is expected to be completed in 2012. This work will complement the Deputy Public Service Commissioner's review into Defence as an employer of women, which will examine pathways for Australian Public Service women in Defence.



The **Australian Federal Police (AFP)** has been working with other police forces in the region to facilitate women's participation and protect women and girls' human rights.

- The AFP Pacific Police Development Program (PPDP) supports the Pacific Islands Chiefs of Police Women's Advisory Network. The PPDP provides funding, project management and technical advisors to support project implementation. For example the PPPD has provided:
 - opportunities for women in the Pacific to participate in international meetings, such as the 7th Australasian Women and Policing Conference in August 2011.
 - funding and expert support for the development of a victim management program for Pacific police.
- Through the Timor-Leste Police Development Program, the AFP undertakes Gender-Based Violence Investigations Training and has produced a manual for use in training the Policia Nacional de Timor-Leste in gender-based violence issues. The Gender-Based Violence Training and Manual sets a baseline for all new training in gender-based violence issues in Timor-Leste.
- Through RAMSI, the AFP has initiated a Family Violence Intervention Project aimed at raising community awareness and increasing the level of community confidence in the Royal Solomon Islands Police Force's ability to address family violence. This project also supports the development of frameworks for investigation and prosecution of such offences.

The Australian **Attorney-General's Department (AGD)** is also working with Pacific partners under the PPDP to ensure that their crime and policing legislation adequately provides for the protection of victims of violence against women and the prosecution of perpetrators of such violence, where Pacific island countries have requested assistance in reforming such legislation.



Police capacity development in Solomon Islands: The Australian Federal Police's International Deployment Group manages Australian overseas police deployment to capacity development missions, regional post-conflict reconstruction missions and UN peacekeeping missions. Photo: AFP



Australia, through its **aid program**, supports a range of development programs that recognise the role women play in preventing conflict and building peace. This includes working with international partners, including partner governments, multilateral organisations and civil society to increase the representation of women in peace negotiations, and supporting women to play an active role in maintaining and promoting peace in their communities.

For example, Australia supports:

- UN Women’s work in Haiti, Liberia, East Timor, Uganda and South Sudan to facilitate women’s involvement in national peace negotiations, security sector reform, and improve monitoring and accountability mechanisms of UNSCR 1325.
- The Centre for Humanitarian Dialogue’s project *Women at the Asian Peace Table: Enhancing Women’s Participation in Peace Processes*. This project aims to increase women’s involvement in formal conflict resolution and mediation processes.
- The Mindanao Commission on Women’s work to influence public policy and public opinion about peace and development from a women’s perspective in Mindanao in the Philippines.¹¹
- The UN Development Program’s network of peace advocates, N-Peace, which includes women leaders, civil society organisations, training and research institutions and key government actors from Nepal, Sri Lanka, Indonesia and East Timor.



Representatives from governments, non-government organisations, donors and regional organisations gathered in Noumea for a conference on Pacific Women, Pacific Plan: Stepping up the Pace to 2010.

Photo: AusAID

¹¹ Further information about the role of the Mindanao Commission on Women is available at <http://www.mindanaowomen.org/mcw/>



In 2008, the **Australian Government established the Australian Civil-Military Centre (ACMC)**, formerly known as the Asia Pacific Civil-Military Centre of Excellence. ACMC is a whole of government initiative to improve Australia's civil-military collaboration for conflict and disaster management overseas. Civil-military cooperation is essential to protecting the rights of women and girls in conflict and post-conflict settings.

Work that ACMC has undertaken related to Women, Peace and Security includes:

- Hosting an international conference in 2011, which, in one session, examined opportunities for linkages between UNSCR 1325 and the protection of civilians agenda. The conference brought together approximately 200 international protection experts—both policy makers and practitioners—to discuss and understand the latest developments in improving protection guidelines in peace operations, including how they impact on the security and rights of women and girls in conflict zones.
- The production of a documentary, in partnership with the United Nations Institute for Training and Research (UNITAR), Defence and AusAID, on the protection of civilians titled *Mandated to Protect*. This documentary, which was launched in New York in November 2011, is designed as an educational tool to introduce peacekeepers, policy makers and the general public to some of the complexities involved in discharging protection mandates. The final product will be incorporated into UNITAR's online training program and made available to peacekeeping training centres around the world.
- Working with the ADF and AFP to develop guidelines and doctrine on the protection of civilians that will acknowledge the specific requirements of UNSCR 1325 and related resolutions.

The fundamental connection between gender equality and peace means that the **Australian Government's commitment to achieving gender equality more broadly** is a key component in its implementation of the Women, Peace and Security agenda.

Domestically, the Australian Government has set a strategic agenda to reduce violence against women, improve women's economic security and ensure women's equal place in society. The Australian Government also has a number of mechanisms in place to facilitate greater consideration of gender equality across a range of government work, including peace and security policy. These mechanisms include a Panel of Gender Experts, a Women's Inter-Departmental Committee and a Select Council on Women's Issues.

Australia supports the international framework of human rights agendas, instruments and obligations related to promoting gender equality and empowering women and girls. These intersect with the Women, Peace and Security agenda and include:

- the seven core UN human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child,
- the 1995 Beijing Declaration and Platform for Action, and
- the Millennium Development Goals (including MDG 3 – promote gender equality and empower women).

Further details about the extensive work the Australian Government has done to implement the Women, Peace and Security agenda to date are in **ANNEX 1: More of the Australian Story**.



4. Why an Australian National Action Plan?

Australia recognises that determined and coordinated efforts are required to respond to the needs and promote the protection and participation of women and girls in fragile, conflict and post-conflict situations. To consolidate the important work already underway in Australia and take the next step, in September 2010 the Australian Government announced it would develop a National Action Plan on Women, Peace and Security.¹²

4.1 Purpose of the Australian National Action Plan on Women, Peace and Security 2012–2018

The purpose of the *Australian National Action Plan on Women, Peace and Security 2012–2018* (the National Action Plan) is to:

1. Articulate Australia's ongoing commitment to implement UNSCR 1325 and the broader UN Security Council Women, Peace and Security agenda.
2. Establish a clear framework for a coordinated, whole of government approach to implementing UNSCR 1325 and related resolutions.
3. Identify strategies and actions that Australia will undertake both domestically and overseas to implement UNSCR 1325 and related resolutions, and measure the effectiveness of this work over a six year period from 2012–2018.
4. Highlight the important work that Australia is doing in partnership with the international community to respond to women's needs, recognise their roles, promote equal participation, and protect women and girls' human rights in fragile, conflict and post-conflict settings.

The implementation of the Women, Peace and Security agenda is a long term and transformative piece of work. It is about changing the approach to peace and security efforts in order to integrate a gender perspective, and consider the experience and needs of women and girls across a range of complex issues. This National Action Plan is both a symbolic and practical step forward in Australia's implementation of UNSCR 1325 and related resolutions.

The National Action Plan is not exhaustive or static. It is a living document that will provide ongoing guidance to inform the work and policies of Australian Government agencies and departments. As this is the first Australian National Action Plan, it is very much a foundational document. Over time, key areas of focus may change and some of the more complex issues in relation to Women, Peace and Security may be explored in greater detail in future National Action Plans.

This first National Action Plan has a six year lifespan. In 2018, the National Action Plan will undergo a final review. The findings of this review will determine the shape and direction of the next National Action Plan and Australia's future work implementing UNSCR 1325 and related resolutions more broadly.

For more details about the future reviews of the National Action Plan, see **Australian National Action Plan – Governance, Reporting and Reviews**.

¹² This announcement was made in a statement to the Ministerial Meeting on Women, Peace and Security at the 65th session of the UN General Assembly



4.2 Consultation and Development

There are a number of non-government organisations in Australia that have substantial expertise in Women, Peace and Security. These organisations have played a key role in advocating for and developing this National Action Plan.

- In 2009, the Australian Government funded the Women’s International League for Peace and Freedom (WILPF) Australia to undertake national consultations on the development of a National Action Plan.
 - WILPF Australia worked collaboratively with other Australian women’s non-government organisations and released both a discussion paper and final report on developing an Australian National Action Plan.¹³
- Following the release of WILPF’s discussion paper, the Australian Government Office for Women (OfW), in the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), convened a Women, Peace and Security Inter-Departmental Working Group to determine how Australia could better implement UNSCR 1325.
 - The Inter-Departmental Working Group oversaw the development of a consultation draft National Action Plan, which was informed by key suggestions from WILPF Australia’s work.
 - This Inter-Departmental Working Group comprises representatives from the Department of Foreign Affairs and Trade (DFAT), the Department of Defence, AGD, AusAID, ACOM and AFP, as well as OfW.
- The consultation draft National Action Plan was released for public consultation in August 2011.
 - Fifteen written submissions were received, one of which was a joint submission from 12 organisations, academics and individuals.
- In November 2011, following the close of written submissions on the consultation draft, the Australian Government hosted a roundtable discussion on Australia’s National Action Plan on Women, Peace and Security.
 - Over 40 representatives from the Australian Government, the non-government sector, academia and the broader Australian public attended this roundtable.

Non-government and civil society organisations have a wealth of expertise to offer in the implementation of UNSCR 1325 and related resolutions.

Domestically, this has been demonstrated through the work of non-government organisations in lobbying for and informing the development of this Australian National Action Plan.

Internationally, civil society organisations have vital involvement in peacebuilding, mediation and humanitarian action on the ground in conflict-affected situations. They provide support to women and girls that experience gender-based violence and advocate for the rights of women and girls to governments. They also engage in dialogue with policymakers on issues relating to Women Peace and Security at regional and global levels.

The important role of non-government and civil society organisations is recognised throughout this National Action Plan.

¹³ These documents can be found at www.1325australia.org.au/html/nuresources.html



5. Australian National Action Plan – Thematic Areas

The UN has identified five key ‘thematic areas’ or ‘pillars’ for conceptualising and organising activities in the implementation of the Women, Peace and Security agenda.¹⁴ These five thematic areas reflect the content of UNSCR 1325 and related resolutions, as well as the *UN 2008–2009 System-wide Action Plan*. These thematic areas, or iterations of them, have been reinforced by a number of other nations that have developed and implemented national action plans.

It is within these five thematic areas that the Australian Government aims to improve outcomes for women and girls through the National Action Plan. This work is done within relevant Australian agencies, and in partnership with the international community, including partner governments, multilateral organisations and civil society.

1. **Prevention** – incorporating a gender perspective in conflict prevention activities and strategies and recognising the role of women in preventing conflict.
2. **Participation** – recognising the important role women already play in all aspects of peace and security, and enhancing women’s meaningful participation, both domestically and overseas, through:
 - striving for more equal representation of women and men in Australian peace and security institutions, and
 - working with international partners to empower local women to be involved in formal peace and security processes in fragile, conflict and post-conflict settings in which Australia is operating.
3. **Protection** – protecting the human rights of women and girls by working with international partners to ensure safety, physical and mental wellbeing, economic security and equality, with special consideration for protecting women and girls from gender-based violence.
4. **Relief and Recovery** – ensuring a gender perspective is incorporated in all relief and recovery efforts in order to support the specific needs and recognise the capacity of women and girls.
5. **Normative** – raising awareness about and developing policy frameworks to progress the Women, Peace and Security agenda, and integrating a gender perspective across government policies on peace and security.

In this National Action Plan, the term ‘thematic area,’ as opposed to ‘pillar,’ will be used to describe these five conceptual categories. The term ‘pillar’ evokes images of individual entities operating in isolation from one another. This is misleading as the relationship between these five thematic areas is layered and complex—there are significant linkages and intersections between them.

¹⁴ United Nations, *Women Peace and Security: Report of the UN Secretary-General*, 6 April 2010, S/2010/173





Women were active participants in the first ever direct elections in Aceh in 2006, including voting and standing for office.

Photo: AusAID

The meaningful participation of women is essential across all aspects of peace and security, including conflict prevention and relief and recovery. Women need to be actively involved in leadership and decision making to increase the likelihood of women and girls' needs and experiences being considered and their human rights adequately protected. Conversely, ensuring women and girls are able to participate in political and public life on equal terms with men and boys is, in itself, an important human rights issue.¹⁵ Work to promote the participation of women and girls in peace and security processes needs to take place within the broader context of work to promote gender equality and women's empowerment.

¹⁵ *Convention on the Elimination of All Forms of Discrimination against Women* (adopted 18 December 1979, entered into force 3 September 1981), 1249 UNTS 13



6. Australian National Action Plan – Strategies and Actions

6.1 Strategies

The National Action Plan has a number of high level strategies that describe what the Australian Government will do to achieve better outcomes for women and girls against each of the five thematic areas.

The strategies that the Australian Government will undertake to progress the Women, Peace and Security agenda are:

1. Integrate a gender perspective into Australia’s policies on peace and security.
2. Embed the Women, Peace and Security agenda in the Australian Government’s approach to human resource management of Defence, Australian Federal Police and deployed personnel.
3. Support civil society organisations to promote equality and increase women’s participation in conflict prevention, peace-building, conflict resolution, and relief and recovery.
4. Promote Women, Peace and Security implementation internationally.
5. Take a co-ordinated and holistic approach domestically and internationally to Women, Peace and Security.

These strategies reflect, build on and strengthen the important work Australia has already been doing to implement UNSCR 1325 and related resolutions. They encompass:

- what the Australian Government will do domestically within its own policy frameworks and institutions to reinforce the integration of the Women, Peace and Security agenda,
- how the Australian Government will support civil society’s critical involvement in Women, Peace and Security, and
- how the Australian Government will work with the international community to promote the Women, Peace and Security agenda, both at a diplomatic level and on the ground in fragile, conflict and post-conflict settings.

6.2 Actions

Under each of the strategies is a series of more detailed actions, which outline how each strategy will be practically delivered. The National Action Plan’s strategies and actions are set out in **Table 1**.

A number of the actions contained in this National Action Plan cut across two or more of the five thematic areas—prevention, participation, protection, relief and recovery and normative. It is for this reason that actions are categorised by strategy as opposed to thematic area. The thematic areas that each action contributes to are also identified in **Table 1**.



A suite of high level measures to track the progress of the National Action Plan are set out in **PART B: Monitoring and Evaluation Framework**. These measures are attributed to the strategies outlined in this section of the National Action Plan. These measures are proxies to assess the effectiveness of each strategy and do not directly align with individual actions.

The relationship between thematic areas, strategies, actions and measures is outlined in **Diagram 1**.

Diagram 1.

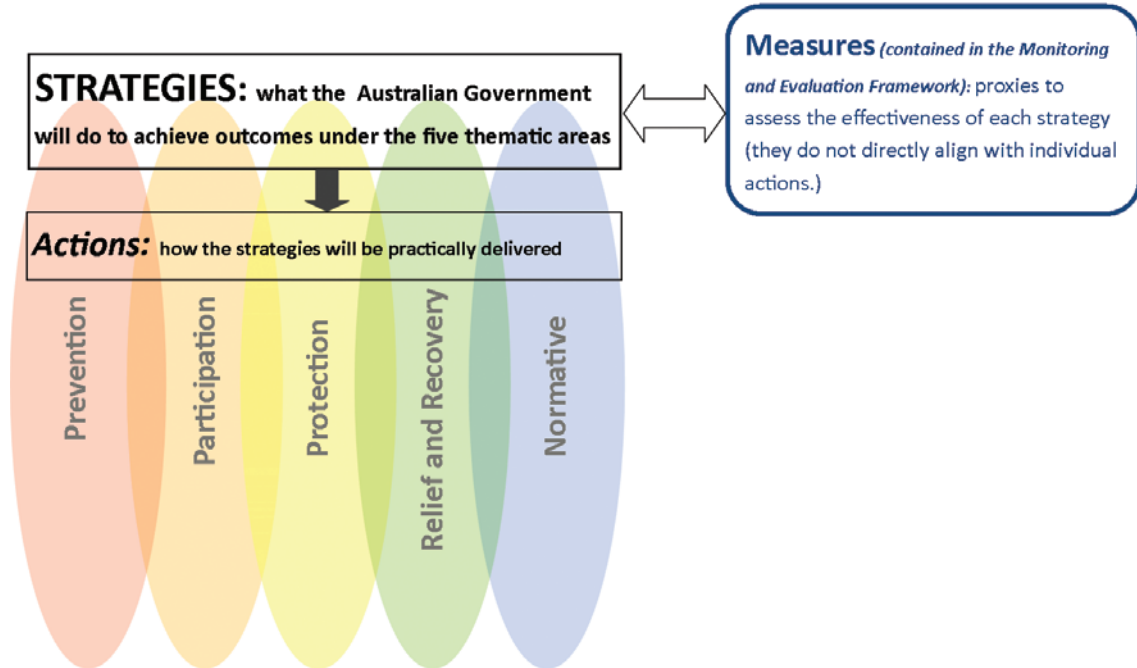
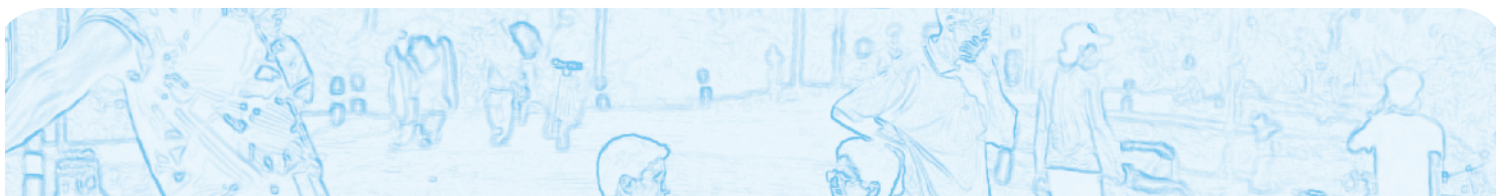


Table 1. Strategies and Actions

STRATEGY 1: INTEGRATE A GENDER PERSPECTIVE INTO AUSTRALIA'S POLICIES ON PEACE AND SECURITY						
ACTION	PREVENTION	PARTICIPATION	PROTECTION	RELIEF AND RECOVERY	NORMATIVE	AGENCIES RESPONSIBLE
1.1 Policy frameworks of relevant Government departments are consistent with the objectives and intent of UNSCR 1325.					✓	Defence, AFP, AusAID, DFAT, FaHCSIA, AGD
1.2 Develop guidelines for the protection of civilians, including women and girls.			✓		✓	ACMC, Defence, AFP
STRATEGY 2: EMBED THE WOMEN, PEACE AND SECURITY AGENDA IN THE AUSTRALIAN GOVERNMENT'S APPROACH TO HUMAN RESOURCE MANAGEMENT OF DEFENCE, AUSTRALIAN FEDERAL POLICE AND DEPLOYED PERSONNEL						
ACTION	PREVENTION	PARTICIPATION	PROTECTION	RELIEF AND RECOVERY	NORMATIVE	AGENCIES RESPONSIBLE
2.1 Assess and further build on training programs for Australian defence, police and civilian personnel to enhance staff competence and understanding of Women, Peace and Security.	✓	✓	✓	✓		Defence, AFP, AusAID, ACMC, DFAT
2.2 Ensure women have opportunities to participate in the AFP, Defence and ADF and in deployments overseas, including in decision-making positions.		✓				Defence, AFP, DFAT, AusAID
2.3 Ensure formalised complaints mechanisms for the safe reporting of allegations of gender-based violence and harassment in Australian peace and security institutions are established and supported.			✓			Defence, AFP, DFAT, AusAID
2.4 Investigate all reports and allegations of gender-based violence involving Australian defence, police, civilian or contracted personnel.			✓			AFP, Defence, AusAID, DFAT



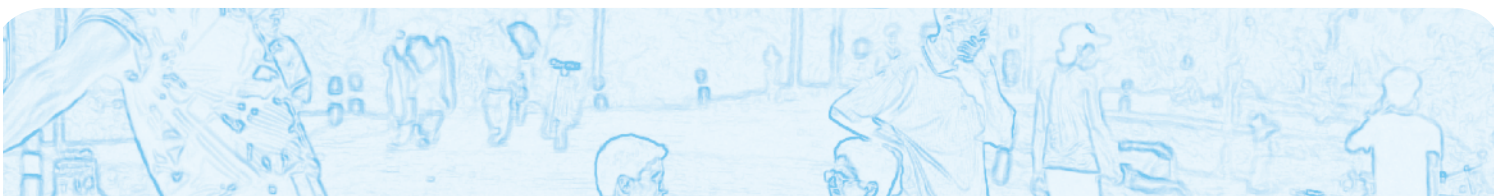
STRATEGY 3: SUPPORT CIVIL SOCIETY ORGANISATIONS TO PROMOTE EQUALITY AND INCREASE WOMEN'S PARTICIPATION IN CONFLICT PREVENTION, PEACE-BUILDING, CONFLICT RESOLUTION AND RELIEF AND RECOVERY

ACTION	PREVENTION	PARTICIPATION	PROTECTION	RELIEF AND RECOVERY	NORMATIVE	AGENCIES RESPONSIBLE
3.1 Support domestic non-government organisations, such as the National Women's Alliances, and international civil society organisations to engage in peace and security initiatives, including by raising awareness of UNSCR 1325.					✓	AusAID, FaHCSIA
3.2 Support Australian and international civil society organisations to promote the roles and address the needs of women in the prevention, management and resolution of conflict.	✓	✓	✓	✓		AusAID, FaHCSIA, DFAT
3.3 Invite Australian non-government organisations to nominate a selection of representatives to meet with the Women, Peace and Security Inter-departmental Working Group once a year.					✓	FaHCSIA, Defence, AFP, DFAT, AusAID, APMC, AGD
3.4 Encourage an understanding of Women, Peace and Security amongst the Australian public.					✓	FaHCSIA



STRATEGY 4: PROMOTE WOMEN, PEACE AND SECURITY IMPLEMENTATION INTERNATIONALLY

ACTION	PREVENTION	PARTICIPATION	PROTECTION	RELIEF AND RECOVERY	NORMATIVE	AGENCIES RESPONSIBLE
4.1 Support capacity building for women in fragile, conflict and/or post-conflict settings through promoting opportunities for women's leadership and participation in decision-making at a country level.	✓	✓		✓		AusAID, AFP, Defence
4.2 Ensure that Australia's humanitarian assistance and recovery programs in conflict and post-conflict situations respect applicable international human rights and refugee law in regards to women and girls, and can be accessed by and benefit diverse groups of vulnerable women and girls.			✓	✓		AusAID
4.3 Support humanitarian action that responds to gender-based violence in crisis situations, with particular regard to health.			✓	✓		AusAID
4.4 Consider the use of specific strategies to promote the participation and protection of women and girls in fragile, conflict and/or post-conflict settings, for example ADF Female Engagement Teams and the use of gender advisers.		✓	✓	✓	✓	Defence, AFP
4.5 Ensure peace processes in which Australia plays a prominent role promote the meaningful participation of women, and consider local women's needs, rights and capacity.		✓	✓	✓		DFAT
4.6 Promote women's involvement in the development of institutions, including national judiciary, security and governance structures in fragile, conflict and/or post-conflict settings so that women can access and benefit from these structures.		✓	✓	✓		AusAID, AFP, Defence



STRATEGY 4: CONTINUED						
ACTION	PREVENTION	PARTICIPATION	PROTECTION	RELIEF AND RECOVERY	NORMATIVE	AGENCIES RESPONSIBLE
4.7 Encourage the promotion of women's involvement and leadership in the prevention, management and resolution of conflicts through engagement with the UN and other multilateral fora, including in the development of best practice guidance.	✓	✓			✓	DFAT, AusAID, Defence, FaHCSIA
4.8 Support women experts, special envoys, commanders and high-ranking officials to promote a high level consideration of gender issues in fragile, conflict and /or post-conflict settings.		✓			✓	DFAT, Defence, AFP, AusAID
4.9 Promote the global advancement of gender equality through international engagement, including through the UN and other multi-lateral fora.					✓	AusAID, FaHCSIA, DFAT
4.10 Incorporate the protection of the rights of women and girls in bilateral and multilateral discussions on the protection of civilians in conflict and post-conflict situations, particularly with regard to gender-based violence.			✓	✓		DFAT, Defence, AusAID, APMC
4.11 Promote formalised complaints mechanisms for the safe reporting of allegations of gender-based violence and harassment in fragile, conflict and post-conflict settings.			✓			Defence, AFP, DFAT, AusAID
4.12 Support efforts by local or international authorities to prosecute perpetrators of gender based violence during conflict and/or in post-conflict settings.			✓	✓		Defence, AFP, DFAT

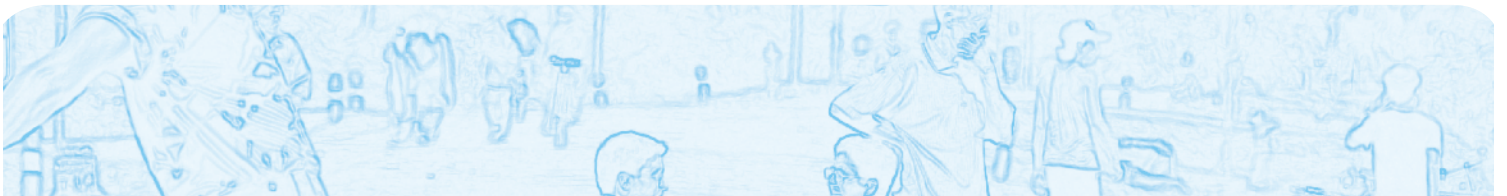


STRATEGY 5: TAKE A CO-ORDINATED AND HOLISTIC APPROACH DOMESTICALLY AND INTERNATIONALLY TO WOMEN, PEACE AND SECURITY

ACTION	PREVENTION	PARTICIPATION	PROTECTION	RELIEF AND RECOVERY	NORMATIVE	AGENCIES RESPONSIBLE
5.1 Foster ongoing civil-military cooperation and information sharing in operations, to protect women and girls.			✓		✓	Defence, AFP, AusAID, APMC, DFAT
5.2 Continue to promote information sharing on UNSCR 1325 and women’s participation within and between Australian Government agencies.				✓	✓	FaHCSIA, DFAT, Defence, AFP, AusAID, APMC, AGD



Royal Solomon Islands Police Force female officers march down the main street of Honiara on International Women’s Day, 2010. Although Solomon Islands women’s capacity for leadership is strong, there are few women in decision-making positions. By supporting women’s leadership potential and removing barriers through legislative reform, the Regional Assistance Mission to the Solomon Islands (RAMSI) helps Solomon Islands to establish gender equality for all its citizens. Many Australian Governments agencies contribute to the Pacific-wide RAMSI, including AusAID, DFAT and AFP. Photo: RAMSI



7. Australian National Action Plan – Governance, Reporting and Reviews

A coordinated, whole of government approach is essential for the effective implementation of UNSCR 1325 and related resolutions. The Australian Government will work collaboratively between agencies and with the non-government sector to deliver the work committed to in this National Action Plan. Regular reports on the progress of strategies and independent reviews of the National Action Plan will ensure accountability and provide guidance on next steps of Australia's implementation of the Women, Peace and Security agenda.

7.1 Governance

The Women, Peace and Security Inter-Departmental Working Group will continue to operate as the primary Australian Government mechanism responsible for Australia's implementation of UNSCR 1325.

The Women, Peace and Security Inter-Departmental Working Group will meet biannually and have high level representation from the following agencies:

- DFAT
- Department of Defence
- AusAID
- AFP
- ACMC
- AGD
- FaHCSIA (OfW)

Non-government organisations have played an instrumental role in the development of the National Action Plan and need to have ongoing involvement in its implementation. Recognising this, the non-government sector will be invited to nominate a selection of representatives to meet with the Women, Peace and Security Inter-Departmental Working Group each year. This will provide the opportunity for Government and the non-government sector to share information, discuss progress and exchange ideas about the implementation of the National Action Plan.

7.2 Reporting

The measures outlined in **PART B: Monitoring and Evaluation Framework** have been developed to track the effectiveness of the National Action Plan over time and hold the Australian Government accountable in the implementation of UNSCR 1325 and related resolutions. Consultation feedback, international examples and the *UN's Comprehensive Set of Indicators on Women, Peace and Security*¹⁶ informed the development of these measures, which are applicable to the Australian context.

¹⁶ United Nations, *Women Peace and Security: Report of the Secretary-General*, 28 September 2010, S/2010/498



The Australian Government will release a progress report against these measures every two years over the six year lifespan of the National Action Plan. To further strengthen the initial implementation of this first National Action Plan, these three progress reports will be tabled in Australian Federal Parliament. Processes for future reporting and accountability, beyond this first National Action Plan, will be outlined in future National Action Plans.

See **Table 2.** for reporting and review timeframes.

The non-government sector will be encouraged to develop shadow progress reports, which would also be made publicly available.

7.3 Reviews

The National Action Plan will be independently reviewed twice during its lifespan.

The first review will be an interim review, which will focus on assessing whether the actions under the National Action Plan are still relevant. The interim review will also provide guidance for the remainder of the National Action Plan's implementation, including advice on emerging issues in relation to Women, Peace and Security.

The final review will take place as the National Action Plan approaches its expiry. It will assess the overall success of the National Action Plan and provide advice on the direction and focus of the next National Action Plan and Australia's implementation of UNSCR 1325 and relevant resolutions more broadly.

Table 2.

NATIONAL ACTION PLAN REPORTING AND REVIEW TIMEFRAMES	
YEAR	Report
2014	First progress report
2015	Interim review
2016	Second progress report
2018 (<i>early</i>)	Third progress report
2018 (<i>late</i>)	Final review



PART B: Monitoring and Evaluation Framework

National Action Plan on Women, Peace and Security 2012–2018 Monitoring and Evaluation Framework¹⁷

STRATEGY 1: INTEGRATE A GENDER PERSPECTIVE INTO AUSTRALIA'S POLICIES ON PEACE AND SECURITY	
MEASURES	AGENCIES RESPONSIBLE
a. Number, title and description of relevant official policy and guidance documents that contain reference to the Women, Peace and Security agenda or resolutions 1325, 1820, 1888, 1889 and 1960.	Defence, AFP, AusAID
STRATEGY 2: EMBED THE WOMEN, PEACE AND SECURITY AGENDA IN THE AUSTRALIAN GOVERNMENT'S APPROACH TO HUMAN RESOURCE MANAGEMENT OF DEFENCE, AUSTRALIAN FEDERAL POLICE AND DEPLOYED PERSONNEL	
MEASURES	AGENCIES RESPONSIBLE
a. Number and percentage of Australian military, police and civilian personnel deployed in operations that have received training on Women, Peace and Security (including their responsibilities under UNSCR 1325, 1820, 1888, 1889 and 1960), and a description of that training.	Defence, AFP, DFAT, AusAID
b. Number of women and men employed by the Australian Federal Police, Australian Defence Force and Department of Defence, disaggregated by department and level.	AFP, Defence
c. Number of Australian Government employees deployed and posted to conflict and post-conflict settings disaggregated by sex, department and level.	Defence, AFP, AusAID, DFAT
d. The number of reported cases of sexual exploitation and abuse allegedly perpetrated by Australian Government employees deployed to conflict and/or post conflict settings reported to Australian and host government agencies.	Defence, AFP, AusAID

¹⁷ The measures contained in this Monitoring and Evaluation Framework will be reported against in the progress reports outlined in **PART A: The National Action Plan**



STRATEGY 3: SUPPORT CIVIL SOCIETY ORGANISATIONS TO PROMOTE EQUALITY AND INCREASE WOMEN'S PARTICIPATION IN CONFLICT PREVENTION, PEACE-BUILDING, CONFLICT RESOLUTION AND RELIEF AND RECOVERY

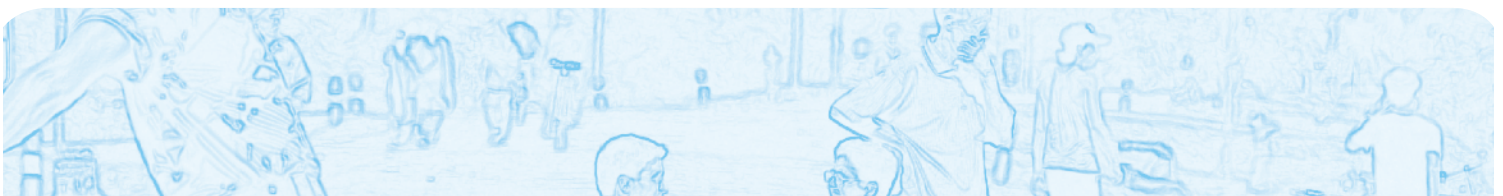
MEASURES	AGENCIES RESPONSIBLE
a. Description of civil society activities funded by the Australian Government that pertain to Women, Peace and Security.	AusAID, FaHCSIA
b. Description of approaches taken by the Australian Government to share information with civil society on the Women, Peace and Security agenda.	FaHCSIA, Defence, AFP, DFAT, APMC
c. Description of domestic educational activities that relate to the promotion of the Women, Peace and Security Agenda.	FaHCSIA, AFP, APMC

STRATEGY 4: PROMOTE WOMEN, PEACE AND SECURITY IMPLEMENTATION INTERNATIONALLY

MEASURES	AGENCIES RESPONSIBLE
a. Description of international assistance provided for activities pertaining to Women, Peace and Security.	AusAID, Defence, DFAT, APMC, AGD
b. Description of strategies employed by the ADF and AFP to facilitate the engagement and protection of local women in peace and security efforts.	Defence, AFP
c. Description of peace processes in which Australia has played a prominent role.	DFAT
d. Description of institution-building strategies Australia has been involved in that promote Women, Peace and Security.	AusAID, AFP, Defence
e. Number and description of interventions and support of resolutions and policy in the UN Security Council, General Assembly, UN Human Rights Council and other relevant fora addressing Women, Peace and Security issues.	DFAT, FaHCSIA
f. Description of initiatives to contribute to the development of best practice guidance on issues relating to Women, Peace and Security.	DFAT, AusAID, Defence, FaHCSIA, APMC
g. List of Australian women and men in senior UN decision-making positions relating to peace and security.	DFAT, Defence

STRATEGY 5: TAKE A CO-ORDINATED AND HOLISTIC APPROACH DOMESTICALLY AND INTERNATIONALLY TO WOMEN, PEACE AND SECURITY

MEASURES	AGENCIES RESPONSIBLE
a. Number and key outcomes of Australian Government inter-departmental meetings that address the Women, Peace and Security agenda.	FaHCSIA



ANNEXURES

ANNEX 1: More of the Australian story

1. Prevention

The international context

Women play a powerful role in preventing violence from occurring and advocating for their human rights. The disproportionate impact that conflict can have on women and girls means that they have a high level of interest in preventing it from happening in the first place. Sadly, women's contribution is often overlooked in formal conflict prevention activities.

UNSCR 1325 recognises the important role of women in conflict prevention, and calls on all actors involved in negotiating and implementing peace agreements to incorporate a gender perspective into all conflict prevention activities and strategies.

This involves responding to the different needs and experiences of women and men, and extends beyond including women in preventative diplomacy. The integration of a gender perspective in conflict prevention involves the much broader agenda of ensuring that drivers of conflict do not have the chance to surface.

A respect for women and girls' human rights, and their role in democratic institutions, the rule of law, and inclusive and sustainable economic development are the foundations of peaceful societies. Societies cannot be expected to flourish without embracing the role that women play in shaping them.

Australia's response

1.1 Promoting Women, Peace and Security implementation internationally

Promoting the rule of law through police capacity development

The AFP has worked with local police in the Pacific, including in Solomon Islands, to increase the number of women recruited into their national police services. This work has included the establishment of recruitment and training targets for women to promote their participation and build capacity.

The AFP, through the Pacific Police Development Program (PPDP), also seeks to ensure it reflects the needs of and strengthens women in the region. PPDP provides support to the Pacific Islands Chiefs of Police Women's Advisory Network (PICPWAN), the peak women in policing organisation in the region, to strengthen and support local women's networks in improving conditions for women and maximising their contribution to policing. PPDP has provided technical advisory support to the Tonga, Vanuatu and Kiribati Police women's advisory networks for the development of terms of reference and strategic plans for each network.



Promoting stability through the Australian aid program

The fundamental purpose of Australian aid is to help people overcome poverty. The Australian Government works with a range of partners, including partner governments, multilateral organisations and civil society, to help lift people out of poverty. Successive Australian Governments have recognised the Australian aid program as an integral part of Australia's international efforts. There is bipartisan commitment to the Millennium Development Goals (MDGs), and to scaling up Australia's aid effort so that it reaches 0.5 per cent of Gross National Income by 2015–16.

Gender equality is central to economic and human development and to supporting women's rights. Equal opportunity for women and men supports economic growth and helps to reduce poverty. This in turn promotes stability and prosperity.

Australia will continue to invest strongly in improving gender equality across the aid program with a focus on what works, is effective aid and achieves results. This will include a more strategic and targeted focus in the areas where progress has been slow: women's economic empowerment, women's leadership, and ending violence against women. The Australian Government expects the highest levels of expenditure in countries with the most severe gender gaps and constraints, including fragile states and conflict-affected countries.



More than 2,000 village representatives in Indonesia have been trained in needs assessment, planning, conflict resolution and presentation skills and supported to implement action plans that address unmet village needs such as electricity, housing, clean water, sanitation, health facilities and women and children support programs.

Photo: LOGICA



2. Participation

The international context

Women play an active role in establishing and maintaining peace, and are central to rebuilding society through relief and recovery efforts. As the UN Secretary-General has observed, women are crucial partners in shoring up three foundations of lasting peace: economic recovery, social cohesion and political legitimacy.¹⁸

The reality is that women are still largely excluded from formal processes and institutions that can prevent, manage and resolve conflict. They are under represented as mediators, advisers and negotiators. Women are also poorly represented in high level decision making positions in UN agencies and government departments that deploy personnel to fragile, conflict and post-conflict situations.

Even when women are included in peace negotiations, they are rarely present from the start. The result can be that many defining decisions are made long before women arrive at the table. Such exclusion can lead to a failure to adequately address women and girls' concerns, such as gender-based violence, their human rights and post-conflict accountability.

Women's participation in peace processes

- Only 16 per cent of peace agreements since 1990 have any explicit reference to women or gender.¹⁹
- Since the end of the Cold War, only ten countries' peace agreements – out of approximately 300 peace agreements negotiated with respect to 45 conflicts – have mentioned sexual violence.²⁰
- Women represent less than eight per cent of peace process participants and fewer than three per cent of signatories to recent peace agreements.²¹
- No woman has ever been appointed chief or lead mediator in UN-sponsored peace talks.²²

UNSCR 1325 reaffirms the importance of women's significant role and meaningful participation in peace processes. Member States are urged to ensure the increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management and resolution of conflict.

¹⁸ United Nations, *Women's Participation in Peacebuilding: Report of the Secretary-General*, 7 September 2010, A/65/354-S/2010/466

¹⁹ C Bell & C O'Rourke, 'Peace Agreements or 'Pieces of Paper'? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements', *International & Comparative Law Quarterly*, vol. 59, 2010, pp. 941–80

²⁰ UNIFEM, *Preventing Wartime Rape from Becoming a Peacetime Reality: UNIFEM Press Release*, 24 June 2009, accessed 6 January 2011, http://www.unifem.org/news_events/story_detail.php?StoryID=894

²¹ UN Women, *Peace and Security*, accessed 6 November 2011, <http://www.unifem.org.au/Content%20Pages/Gender%20Issues/peace-security>

²² UN Women, *Peace Negotiations*, accessed 6 November 2011, http://www.unifem.org/gender_issues/women_war_peace/peace_negotiations.php



Women’s meaningful participation is central to realising the intentions of UNSCR 1325 across all thematic areas.

Women’s underrepresentation in decision-making roles is visible in almost all spheres of public life. Actively supporting women’s participation and leadership more generally in economic, social and political life is also crucial to increasing the wellbeing of all members of the community. By increasing the representation of women in peace and security processes and institutions, it is more likely that issues affecting both women and men will be considered and valued, and that peace will be more sustainable.

Australia’s response

2.1 Embedding the women, peace and security agenda in Australia’s approach to human resource management of Defence, AFP and deployed personnel

Increasing the participation of Australian women in the ADF and AFP

Australia is committed to increasing the participation of women and girls in the prevention, management and resolution of conflicts, including increasing the participation of women in Australian military, police and civilian deployments to fragile, conflict and post-conflict situations.

The ADF and the AFP are working to ensure that women are included in their responses in conflict and/or post-conflict situations, both as members of these forces and in their interactions with communities overseas.



The Mayor of Nili in Daykundi Province, Azra Jafari, shows photographs of what women have achieved in Daykundi Province to the Combined Team – Uruzgan Female Engagement Team. Female Engagement Teams (FET) are an initiative of the International Stabilisation Assistance Force (ISAF) to bridge the cultural gap where most Afghan women are not able to be engaged by the predominantly male security forces. Afghan women comprise almost half the country’s population, they have important roles within the family structure and they network across the community differently from men. Gaining an understanding of region’s strengths and weaknesses is a way the FET can focus on areas that require assistance and report to the relevant authorities, who can enable these improvements. The FET and Mayor Jafari spoke of the district’s education, health, communications and employment situation, focusing on areas that require improvement.

Photo: ABIS Jo Diloranzo



The AFP currently has 6,623 staff members, 24 per cent of which are women. Senior women have held a number of important international posts within the AFP, including the positions of Police Adviser to the UN in New York, Commander of the Timor-Leste Police Development Program and Commander of the RAMSI Participating Police Force. More broadly, the AFP currently has 312 members deployed to peacekeeping, peace support and capacity development roles. Of those 312 members, 18.9 per cent are women.

Australian women have been serving in the Armed Forces for over 100 years and are deployed to operational theatres, selected for command positions and promoted to star rank on a merit basis. However, women make up only 13.7 per cent of ADF personnel.²³ In response to this gender imbalance, in 2009, the Australian Government launched the *Chief of Defence Force Action Plan on the Recruitment and Retention of Women* which aims to increase the number of women enlisting and staying in the ADF. This plan gives a sharper focus to the vital contribution that women make to Australia's military capability. For information about the contribution of women in the ADF, see **PART A: The National Action Plan**.

2.2 Supporting civil society organisations to increase women's participation and equality

Australia is committed to supporting civil society organisations to promote women's meaningful participation and equality.

Australian National Women's Alliances

Domestically, the Australian Government OfW supports work to increase women's roles in decision-making, and encourages Australian women's organisations to contribute to policy development. The funding of six National Women's Alliances aims to ensure that the voices of as many women as possible are heard, especially those who, in the past, have found it difficult to engage in advocacy and decision making.

2.3 Promoting Women, Peace and Security implementation internationally

ADF's deployment of Female Engagement Teams

The ADF deploys women personnel to work in Female Engagement Teams (FET) in Afghanistan to meet with local women and discuss their security needs. FET are drawn from deployed members of the task force and are led by officers of Major or Captain rank. An example of their activities includes meeting with female community leaders on Afghan Woman's Day, to discuss gender issues.

Recognising the roles of women in preventing conflict and building peace through the Australian aid program

Through its aid program, Australia supports a range of development programs that recognise the role women play in preventing conflict and building peace. This includes working with international partners, multilateral organisations and civil society to increase the representation of women in peace negotiations, and supporting women to play an active role in maintaining and promoting peace in their communities. For further information see **PART A: The National Action Plan**.

²³ As at 1 February 2011



3. Protection

The international context

Women and girls are disproportionately affected by the break down in state systems, and many die as a result of preventable diseases, malnutrition and complications in childbirth.²⁴ They are also often strategic targets during conflict and are at a high risk of being subject to gender-based violence.

Even after conflict has ended, the impacts of gender-based violence persist, including unwanted pregnancies, sexually transmitted infections, such as HIV/AIDS, and social stigmatisation. Such violence is a violation of human rights. Women and girls who are subject to gender-based violence experience trauma and it can reduce their ability to lead productive and fulfilling lives. Not only does gender-based violence devastate individuals and their families, it can have a long-lasting effect on societies, communities and cultures. The increased and targeted use of gender-based violence as a weapon of war is often an invisible, yet destabilising factor that exacerbates conflict and perpetuates insecurity.



AFP Officers with students in Solomon Islands.

Photo: AFP

²⁴ Plan and Save the Children submission on *Consultation Draft: Australian National Action Plan on Women, Peace and Security*, October 2011, p. 2



Gender and conflict – key statistics

- As many as 215,000 to 257,000 women and girls in Sierra Leone suffered some form of sexual abuse during the 1991–2001 conflict.²⁵
- In the Democratic Republic of Congo, in 2007 it was estimated that over 400,000 women aged 15–49 had experienced rape within the previous 12 month period. This translates to approximately 1,152 women being raped every day, or 48 raped every hour, or four women raped every five minutes.²⁶
- Approximately 75 per cent of the estimated 60 million people currently displaced by conflict and disasters worldwide are women and children.²⁷ These women and children often face considerable humanitarian hardships in situations of displacement, including high rates of gender-based violence and abuse.
- Worldwide, it is estimated girls account for between 10 to 30 per cent of children in fighting forces.²⁸
- Four of the five situations so far referred to the International Criminal Court (ICC), namely, Uganda, the Democratic Republic of the Congo, the Central African Republic and Sudan, have all seen mass sexual violence, including in particular mass rape and sexual slavery of both women and girls.²⁹
- Almost half of all persons indicted by the ICC and other international tribunals over the past decade have been charged with rape or sexually violent crimes either individually as perpetrators, or under the doctrine of command responsibility for acts committed by those under their effective command or control.³⁰

UNSCR 1325 calls on Member States to respect fully the international law applicable to the rights and protection of women and girls, in particular obligations under international human rights, humanitarian and refugee law; and emphasises the responsibility of all States to prosecute those responsible for war crimes, including those relating to sexual and other violence against women and girls.

25 Centre on Law & Globalization, *Sexual Assault in War Torn Sierra Leone*, accessed 9 March 2011, http://clg.portalxm.com/library/keytext.cfm?keytext_id=148

26 Centre for Health Services and Outcomes Research, *If Numbers Could Scream: Estimates and Determinants of Sexual Violence in the Democratic Republic of the Congo*, May 2011, p. 1

27 PeaceWomen, *Women Building Peace and Fighting Sexual Violence in Conflict-Affected Areas*, August 2009, accessed 2 February 2011, http://www.peacewomen.org/portal_resources_resource.php?id=1024

28 UNIFEM, *Get the Facts: Peace and Security for Young Women and Girls*, accessed 9 March 2011, www.unifem.org.au/LiteratureRetrieve.aspx?ID=67137

29 International Criminal Court, *Situations and Cases*, accessed 9 March 2011, <http://www.icc-cpi.int/Menus/ICC/Situations+and+Cases/>

30 Division of the Advancement of Women, *In-Depth Study on All Forms of Violence against Women: Report of the Secretary-General*, 6 July 2006, A/61/122/Add.1. p. 45



The protection of women and girls is essential not only to defend their rights under international law, but ensure their ability to participate in peace and security efforts. This is challenging in conflict situations. A concerted and coordinated approach internationally, and between governments, civil society, military and policing is necessary to protect women and girls' rights in conflict situations. This may involve a range of security responses, beyond military intervention, including a willingness to investigate and prosecute alleged perpetrators of gender-based violence and their commanders.³¹

Further information on the development of international human rights and international criminal law in relation to gender-based violence is at **APPENDIX C**.

Australia's response

3.1 Integrating a gender perspective into Australia's policies on peace and security, to ensure the protection of women and girls' human rights

Australia is committed to fostering respect for the protection of civilians under international humanitarian and human rights law and supporting ongoing efforts to disseminate and promote adherence to these norms.

Providing protection to refugees and internally displaced people

In recognition of the priority given by the United Nations High Commissioner for Refugees (UNHCR) to the protection of refugee women in particularly vulnerable situations, the Australian Government established the Woman at Risk visa category in its Humanitarian Program in 1989. Its introduction was intended to provide a pathway for the resettlement of vulnerable women refugees and their dependents in Australia. Since its inception in 1989, more than 11,000 Woman at Risk visas have been granted.

The Woman at Risk program aims to:

- identify and assist women and their dependents who are subject to persecution or are of concern to UNHCR,
- are living outside their home country, and
- are in danger of victimization, harassment or serious abuse because of their gender.

The top five countries of birth for Woman at Risk visas granted during 2010–11 under the Humanitarian Program were Democratic Republic of Congo, Afghanistan, Burma, Iraq and Eritrea.

The program is also well-linked to post-arrival support. UNHCR recognises the work done by Australia to provide special settlement services and opportunities for effective integration through Humanitarian Settlement Services. Woman at Risk visa holders are granted permanent resettlement in Australia and are eligible to receive the full range of settlement services on arrival. These entrants are also given priority access to torture and trauma counselling services to help them rebuild their lives. As for all migrants, Woman at Risk visa holders can apply for Australian citizenship after four years residence in Australia.

³¹ Under the doctrine of command responsibility



Promoting the protection of human rights in Australian military and police policy and guidance

Australia's deployed military and police play a vital role in the protection of communities, including women and girls, and Australia strongly advocates for the inclusion of protection tasks in peacekeeping mandates. For example, in the ADF's work in Afghanistan, the protection and longer-term security of the civilian population is central to the mission of the Mentoring Task Force.

ACMC is working with both the ADF and AFP to develop guidelines and doctrine on the protection of civilians which will acknowledge the specific requirements of UNSCR 1325 and related resolutions.

3.2 Embedding the Women, Peace and Security agenda into Australia's approach to human resource management of Defence, AFP and deployed personnel

Australia's zero-tolerance approach to sexual and gender-based violence

Australia has a zero tolerance approach to gender-based violence in fragile, conflict and post-conflict situations, including encouraging and assisting the investigation and prosecution of such offences.

All ADF and AFP personnel must adhere to organisational policies on discrimination, harassment, sexual offences, fraternisation and other unacceptable behaviour. ADF and AFP personnel deployed as part of a UN mission must also adhere to UN rules and regulations on sexual exploitation and sexual abuse. The UN provides in-mission training and issues a code on personal conduct for 'blue helmets' to deployed personnel.

The ADF has a suite of laws, policies and procedures which concern the awareness, reporting, investigation and punishment of behaviour and offences of a sexual nature.

In Australia and while on overseas operations, Australian criminal laws apply to the conduct of ADF members. ADF members who are alleged to have committed a sexual act that is a crime under the *Criminal Code Act 1995* (Cth) are investigated and, where appropriate, prosecuted under the military justice system or the Australian criminal justice system.

If gender-based violence were occurring in an ADF area of operation, all incidents observed must be referred to the relevant supervising agency (for example, the UN mission) as well as to national reporting chains.

The ADF Investigatory Service is responsible for lawfully, ethically and effectively investigating any criminal activity involving ADF members or impacting the ADF to the extent possible (subject to jurisdictional limits). This service is independent of service chains of command. Allegations may also be investigated by coalition forces, the UN or host nation police (depending on the context).

Similarly, contractors authorised to accompany the ADF on operations are required to subject themselves to the *Defence Force Discipline Act 1982* (Cth). They are held to the same standard and level of account for their actions as the members of the ADF.



On 17 September 2008, 17 States, including Australia, came to an understanding on the *Montreux Document*, a non-binding text containing rules and good practices relating to private military and security companies operating in armed conflict. The *Montreux Document*, which is the result of an international process launched in 2006 by the Government of Switzerland and the International Committee of the Red Cross, is intended to promote respect for international humanitarian law and human rights law.

The AFP Professional Standards Unit is responsible for developing and maintaining the AFP's professional standards. The standards expected of AFP members are as directed by the AFP Commissioner pursuant to Commissioner's powers set out in the *Australian Federal Police Act 1979* (Cth). Serious breaches of the standards can result in criminal prosecution and/or dismissal. The AFP's professional standards are built around core values (Integrity, Commitment, Excellence, Accountability, Fairness, and Trust) and the Code of Conduct. The Professional Standards Unit investigates complaints relating to breaches of the AFP's professional standards and this work is overseen by the Commonwealth Ombudsman and the Australian Commission for Law Enforcement Integrity.

The AFP Professional Standards Unit delivers a number of pro-active programs under its education and awareness strategy. The principal aim of these programs is raising AFP appointees' awareness of their responsibilities under the professional standards framework throughout all stages and levels of their career with the AFP.

3.3 Promoting Women, Peace and Security implementation internationally

Supporting the prevention of gender-based violence in conflict through the Australian aid program

Australia is contributing to international efforts to prevent and improve responses to sexual violence in conflict, including through supporting the work of key international organisations such as the UN Department of Peacekeeping Operations (DPKO), UN Action Against Sexual Violence in Conflict, UN Women, UNHCR and the International Rescue Committee.

Women who have been subjected to violence have an immediate need for support. This can include access to a safe place to stay, to medical services and to counselling. They also have a longer term need for economic and social support to ensure that they can remain active members of their communities. Women's needs and the difficulty they have in accessing support are significantly greater during and after conflict.

The Australian aid program is providing support to the International Rescue Committee (IRC) in Northern Iraq to enhance the protection of women and girls by improving the way violence against women is addressed and responded to in the community.



The IRC's work aims to ensure female survivors of violence have access to quality care and treatment, enhance their protection and empowerment, and support local mechanisms to address violence against women and girls. This work involves encouraging local communities to discuss and re-evaluate their traditional attitudes. It also involves improving the response of local law enforcement agencies and organisations that provide services to survivors of violence.

Supporting AFP and Defence personnel to respond to gender-based violence in conflict and post-conflict situations

In addition to training its own personnel prior to deployment, the AFP supports the development and delivery of training to address issues such as gender-based violence. In 2011, the AFP's International Deployment Group (IDG) nominated two AFP training experts for the Train-the-Trainer course on the *UN Police Standardized Training Curriculum on Preventing and Investigating Sexual and Gender-Based Crime*.

For information about other work the AFP has undertaken to develop and deliver training to address gender-based violence, see **PART A: The National Action Plan**.

Promoting the protection of women and girls in international fora

Australia strongly supports the promotion and development of UN peacekeeping concepts and doctrine on the protection of civilians, including women and girls, through ongoing diplomatic efforts. This includes contributing to UN Security Council debates on the protection of civilians in armed conflict, leading discussions more broadly as part of UN peacekeeping operations, and hosting international workshops to generate discussion and sustain advocacy efforts.

Australia also engages closely with key international partners – including the UN and its various agencies and programs, and the North Atlantic Treaty Organisation (NATO) – to ensure the continued promotion and strengthening of capacities to implement UNSCR 1325. For example, Australia has been a strong supporter for the development of protection of civilians training by the UN DPKO, which will assist peacekeepers to protect women from gender-based violence in conflict and post-conflict situations.

Through its engagement in multilateral disarmament conventions, Australia raises the profile of gender issues and works for the inclusion of women in relevant processes around conventional weapons control. For example, Australia highlights the importance of involving women in the control of small arms and light weapons due to their specific impact on women and girls in conflict situations.



4. Relief and Recovery

The international context

Women and girls disproportionately bear the consequences of armed conflict and suffer violations of human rights and international humanitarian law, including through terrorism, torture, disappearance, rape, ethnic cleansing, family separation and displacement. Moreover, they endure lifelong social and psychological traumas as a result.

War increases the incidence of disability and disease, which intersects with gender to create further disadvantage for women and girls. The contraction of sexually-transmitted infections, such as HIV/AIDS has clear health implications and often very serious social consequences for women and girls.

Women and girls are also impacted in their role as caregivers, a task that can become more arduous as key pieces of infrastructure such as schools and hospitals break down.³² This increased caring responsibility, as well as changes in resources and household dynamics causes a decrease in girls' school enrolment. One such change is the rise in women becoming the sole providers for their families due to men's engagement and fatality in combat. The restriction of income and access to resources further impoverishes women and their children, and can be exacerbated by attacks on civilian livelihood, such as the poisoning of wells or efforts to disrupt agriculture. Moreover, food scarcity and inequalities in food distribution are made worse during periods of armed conflicts, thereby rendering women and girls more susceptible to malnutrition.³³

UNSCR 1325 calls on all actors involved in negotiating and implementing peace agreements to recognise the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction.

While women are often victims, they are also active agents of change. Women's key contributions to relief and recovery efforts must be recognised and valued. Humanitarian, early recovery and peace-building efforts that promote and support women's meaningful participation are more effective and can create opportunities to address gender inequality. Integrating a gender perspective into election processes, agreements on constitutions, the shape of government, and reparations for war crimes can significantly increase women's empowerment in a post-conflict society.

Bringing the voices of women and girls to the forefront in relief and recovery efforts is essential to build prosperous communities, a legitimate post-conflict society, and more sustainable peace.

³² E Rehn and E Sirleaf, *Women, War, Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding*, United Nations Development Fund for Women, 2002, p. 2

³³ Economic and Social Commission for Western Asia, *The Impact of Armed Conflict on Women*, 2007, accessed 7 November 2011, www.responsibilitytoprotect.org/files/Download.pdf



Australia's response

4.1 Promoting Women, Peace and Security implementation internationally

Australia is committed to advancing gender equality as part of its support for relief and recovery in post-conflict situations. Australia is also active in supporting conflict-affected and post-conflict countries to build institutions, and social and economic structures that provide for the safety, security and dignity of all citizens, particularly women.

The ADF is supporting Afghan women and girls through:

- the construction of a girls school in Malalai,
- the development of the Dorafshan Basic Health Centre, with separate male and female clinics and staff accommodation,
- the Special Operations Task Group's deployment of female medics on patrol to provide health clinics for local women and girls, and
- deployment of women ADF personnel to work in Female Engagement Teams (FET) to meet with Afghan women and discuss their security needs.



Sergeant Bernadette Serong from Mentoring Task Force – Three (MTF-3) plays with a little Afghan girl during a female engagement in the Chora Valley, Southern Afghanistan.

Photo: ABIS Jo Dilozeno



Supporting relief and recovery efforts through the Australian aid program

Australia, through its aid program, supports relief and recovery efforts in post-conflict situations. This includes working with partner governments, multilateral organisations, civil society and various Australian Government agencies to help repair the essential machinery of government. By building affordable institutions suited to individual country circumstances effective governance can flourish.

Effective governance is one of the strategic goals of Australia's aid program. It helps to achieve Australia's goal of helping people overcome poverty. Efforts to strengthen law and justice institutions are important because improved community safety and non-violent dispute resolution are essential for peacebuilding and longer-term development.

The Australian Government supports capable management of a country's resources through building institutions and processes that are accountable, responsive and transparent. This allows participation of citizens and civil society in the processes of government. Civil society, including women's groups and groups of people with disability, plays a key role in ensuring transparency and accountability of government service delivery and can catalyse change in government policy so it includes and responds to development. Effective governance also contributes to achieving other development goals, such as in health and education, as it supports partner government-led development efforts.

Australia's strategic approach to governance helps people to overcome poverty through:

- Better services: Partner governments are more:
 - efficient and effective in delivering and managing quality services, and
 - open, accountable and responsive to the needs of their people.
- Improved security and justice: People live in secure and stable communities, with confidence in, and equitable access to, justice systems.
- Enhanced human rights: Citizens, supported by a robust civil society, actively participate in local and national decision-making without fear of injury or discrimination, and have confidence in their democratic institutions.

Through its support to The Asia Foundation in 2010–2011, AusAID funded training for 225 female election observers in 15 provinces of Afghanistan. The women are part of an extensive network of domestic observers facilitated by the Free and Fair Elections Foundation of Afghanistan.

The Australian Government is a supporter of the Gender Standby Capacity Project (GenCap), a collaboration between the Inter-Agency Standing Committee (the primary mechanism for inter-agency coordination of humanitarian assistance) and the Norwegian Refugee Council. Australia is a GenCap funding partner.

GenCap builds the skills and capabilities of people and organisations that respond to humanitarian emergencies to ensure that gender perspectives and issues, including gender-based violence, are considered in their responses. This can mean making sure that health teams can support the needs of pregnant women, that temporary shelter has adequate lighting and security, and that female-headed households are able to access food assistance.



GenCap aims to ensure that humanitarian action takes into consideration the different needs and capacities of women, men, girls and boys equally. It addresses this by deploying gender advisers in the initial stages of sudden emergencies, as well as in protracted or recurring humanitarian situations, to work alongside UN agencies, non-government organisations and governments. These advisers provide information and analysis about the needs of women and men in the particular situation, advice on how to ensure that programs reflect these needs and training to organisations working on the emergency response.

AusAID is working in Nepal with Save the Children to promote the reintegration of girls and boys who have been formerly associated with armed forces and armed groups affected by conflict (CAAFAG).³⁴

During the conflict, from 1996 to 2006, gendered impacts included the targeting of girls and their mothers in hill villages for recruitment into the Communist Party of Nepal-Maoists, with girls and women comprising almost one-third of the Maoist “People’s Liberation Army”. In addition, increased police and state violence against boys and men resulted in younger girls, boys and women left behind to carry out most of the agricultural labour.

In consideration of these impacts, the design of the AusAID/Save the Children program in Nepal is grounded in the understanding that an end to gender discrimination and the achievement of full and equal rights for girls and boys results from changes in social values, public policy and practice. As such, this project aims to change social values and attitudes that de-value girls and women and to promote a more equitable allocation between boys and girls of government, civil and social resources.

More specifically, a key objective of the program is to facilitate durable socio-economic reintegration of CAAFAG through an integrated approach, with special focus on gender and social inclusion. This focus is being achieved through special support for girl CAAFAG (in particular those who are mothers, pregnant, and/or affected by reproductive health issues) as they face more social challenges during reintegration due to the stigma of girls associated with fighting forces. This support will be on a case-by-case basis but includes reproductive health check-ups, support and counselling.

The Australian Civilian Corps

The Australian Civilian Corps (ACC) is a deployable civilian capability that provides rapid help to developing countries affected by natural disaster or conflict. It is a group of civilian specialists experienced in international disaster assistance, stabilisation and post-conflict recovery, who are able to be deployed quickly. The ACC will comprise a register of up to 500 trained civilian specialists by 2014.

The ACC builds on the work Australia already does in providing technical assistance to countries affected by crisis by providing a bridge between emergency humanitarian and disaster response efforts and longer term rebuilding and development programs.

ACC specialists work with and within the governments of countries affected by crisis to rebuild state functions, to reinstate the rule of law and to restore essential services. This will help those countries in their progress toward achieving the Millennium Development Goals (MDG), including MDG3 to promote gender equality and empower women.

³⁴ Refers to ‘Children Associated with Armed Forces and Armed Groups’



5. Normative

The international context

Early recognition and response to the different experiences, needs and roles of women and girls in fragile, conflict and post-conflict situations is essential to lay a solid foundation for sustainable peace and security.

UNSCR 1325 stresses the importance of women's equal participation and full involvement, and recognises the urgent need to mainstream a gender perspective into peacekeeping operations.

How this is broadly achieved is captured in the 'normative' thematic area, which is about challenging existing political, social and cultural structures that may perpetuate inequality and overlook gender bias, the differential needs of women and girls, and the value that women's and men's different perspectives can bring to conflict prevention and peace-building.

Developing new norms around Women, Peace and Security cuts across the remaining four thematic areas. The normative thematic area includes:

- the development of policy and frameworks to advance the implementation of UNSCR 1325 and gender equality more broadly,
- the integration of a gender perspective into existing policy and frameworks, and
- the promotion of effective co-ordination and awareness-raising relating to UNSCR 1325.³⁵

This affects a whole range of peace and security issues, including the role and composition of international peacekeeping missions, relief and recovery programs and processes, and the protection and promotion of human rights.

Australia's response

5.1 Integrating a gender perspective into Australia's policy, guidance and approach to peace and security

Facilitating access to content experts to improve policy-making

To improve access to content experts, the Australian Government has established a Gender Panel and a Peace, Conflict and Development Expert Panel. The Gender Panel, managed by the Australian Government OfW, supports the development of gender expertise across the Australian Government by providing a range of services to promote the integration of gender equality into policy, programs and research.

The AusAID Peace, Conflict and Development Expert Panel provides a range of experts with established credentials in peace-building, armed violence reduction, human security and conflict-analysis, prevention, resolution, management and recovery and/or the delivery of training in developing countries.

³⁵ United Nations, *2008–2009 UN System-wide Action Plan on Security Council Resolution (2000) on Women, Peace and Security*, 2007, accessed 29 February 2012, <http://www.un.org/womenwatch/ianwge/taskforces/wps/actionplan20082009/pdfs/UNHCR%202008-2009%201325.pdf>



Integrating gender perspectives in peace and security operations and the Australian aid program

The ADF and AFP seek to promote a gender perspective when engaged in peacekeeping operations and regional security responses through both specific activities focused on the security of women and general measures to assist the broader civilian population.

The ADF works with whole of Government partners, particularly AusAID, to ensure that cultural and gender considerations inform force preparation, and gender experts are deployed to missions where required.

The Australian Government has committed to remaining a firm and persistent advocate and practical supporter of gender equality, and has identified gender equality as a critical cross-cutting theme across its aid program. Three of the ten development objectives of *An Effective Aid Program for Australia* specifically address gender equality and the empowerment of women. These are: empowering women to participate in the economy, leadership and education; saving lives of poor women through provision of quality maternal health care services; and enabling more girls to attend school.



Afghanistan girls' school.

The AusAID funded Education Quality Improvement Project promotes education for girls by giving priority to female students.

Photo: Hans Stakelbeek, FMAX



5.2 Embedding the Women, Peace and Security agenda into Australia's approach to human resource management of Defence, AFP and deployed personnel

Training of ADF, AFP and AusAID Personnel

The composition of training modules for deploying ADF personnel is dependent on mission needs and the form of the Australian contribution to the mission. All ADF force preparation includes cultural training, as well as training on the *Geneva Conventions*. Gender training is a compulsory requirement for ADF units deploying to UN Missions. Similarly, all AFP officers who are deployed offshore undertake extensive pre-deployment training, including broad-based and mission-specific training, which includes training on gender equality, HIV/AIDS awareness and cultural awareness.

The ADF's Peace Operations Training Centre (POTC) is currently working with international partners to assess what existing courses and products are available to support the development of ADF training, policy and doctrine on UNSCR 1325. This National Action Plan provides the POTC the opportunity to become a national and regional leader in this field by prioritising resources towards the implementation of UNSCR 1325.

All AusAID-ACC register members undertake compulsory training that includes a session on Australia's international gender equality commitments including UNSCR 1325 and 1880. ACC staff can also access deployment-specific briefing on UNSCR 1325. AusAID also provides training to its staff on aid-effectiveness in fragile and conflict-affected settings which addresses the impact of gender and information about UNSCR 1325.

5.3 Promoting Women, Peace and Security implementation internationally

Australia is a strong supporter of several institutional developments to better integrate a gender perspective into peace and security efforts, through the work of the UN Security Council and the United Nations more broadly.

The Australian Government strongly supports the establishment of UN Women. The creation of UN Women will allow better coordination of global efforts to promote gender equality and empower women (MDG3) around the world. Australia welcomes the focus on increasing women's leadership in peace and security and humanitarian responses as one of the main goals included in the *UN Women Strategic Plan 2011–13*. UN Women is well-placed to provide specialised guidance and technical support to national partners and governments, to enable them to better implement internationally agreed development goals and standards, including in relation to UNSCR 1325.

Australia was one of the first countries to pledge multi-year core funding for UN Women on 6 November 2010. As at September 2011, Australia was the fifth highest contributor of core funding to UN Women. Australia will provide A\$16.5 million to UN Women over two years from 2011 (A\$9.4 million in 2011 and A\$7.1 million in 2012).



Promoting the implementation of UNSCR 1325 through international fora

Australia is an active member of the *UN General Assembly's Special Committee on Peacekeeping Operations (C-34)*. Australia is also a member of the informal Member State *Group of Friends of Protection of Civilians in Armed Conflict*, which advocates for better protection of civilians in armed conflict situations, and the *Group of Friends on Women, Peace and Security*. Through these fora, Australia continues to actively engage with other UN Member States to recognise the important role of women in the prevention and resolution of conflicts, and encourages the UN Secretariat to work with other UN actors to identify best practices for peacekeeping personnel to protect women and girls from gender-based violence.

Australia consistently uses the United Nations to progress the principles of UNSCR 1325. For example, in June 2011, at the 17th Session of the UN Human Rights Council, Australia delivered a statement on bridging the human rights and the security agendas on conflict-related sexual violence. In October 2011, Australia delivered a strong statement during the UN Security Council's annual debate on women, peace and security, advocating the need to ensure women's participation in peace processes and in conflict prevention and mediation.

Promoting gender equality through international fora

Australia is also a strong advocate for gender equality more broadly in international fora, including through engagement in the Human Rights Council, UN Commission on the Status of Women (CSW), and CEDAW. This includes supporting women to participate in these fora, and advocating for decisions of these fora to reflect the needs of men and women.

Each year, the Australian Government funds three women from the community sector, including one Indigenous woman, to participate in the Australian delegation to the annual sessions of the United Nations CSW meeting. Non-government organisations provide input into Australia's negotiation framework for CSW at an annual forum and through direct correspondence with OfW. The Australian Government also consults with non-government organisations during the annual CSW sessions, including through daily briefings on the ground. These briefings provide an opportunity for the Government to share information with non-government organisations and for these organisations to provide feedback on developments to the Australian Government delegation.



APPENDIX

APPENDIX A: Definitions

Women, Peace and Security agenda

In 2000 the UN Security Council passed Resolution 1325 (UNSCR 1325). This was the first time the UN Security Council formally recognised the unique impact of armed conflict on women and ‘the importance of bringing gender perspectives to the centre of all UN conflict prevention and resolution, peace-building, peacekeeping, rehabilitation and reconstruction efforts’.³⁶

The focus on women’s inequality and the linkages between sustainable peace, security and gender equity has since been further supported through the passing of UNSCRs 1820, 1882, 1888, 1889 and 1960.³⁷ The Security Council has continually worked ‘to inform and guide consistent implementation of resolution 1325 and to monitor progress on all issues pertaining to women, peace and security, including women’s participation’³⁸ and the eradication of sexual violence against women and girls.

The ‘Women, Peace and Security agenda’ refers to this group of resolutions and work associated with their implementation.

Gender

Gender refers to the socially constructed roles ascribed to women and men, and relationships between and among them, as opposed to biological and physical characteristics. Gender roles vary according to socio-economic, political, and cultural contexts, and are affected by other factors, including time, age, race, class, and ethnicity.³⁹ Gender roles are learned and changeable, and structure the experiences and concerns of men, women, boys and girls.

Gender perspective

A gender perspective examines the impact of gender on people’s opportunities, social roles and interactions. Including a ‘gender perspective’ requires an understanding that women and men have different experiences, needs and interests.

³⁶ United Nations, *Women, Peace and Security*, New York, 2002, p. 1

³⁷ UN Security Council Resolutions 1325 (2000), UNSCR 1820 (2008), UNSCR 1888 (2009), UNSCR 1889 (2009) and UNSCR 1960 (2010) are available under the year of adoption from <http://www.un.org/documents/scres.htm>

³⁸ UN Security Council, *Women, Peace and Security Monthly Forecast October 2011*, accessed 15 November 2011, www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.7751817/k.A1AF/October_2011brWomen_Peace_and_Security.htm

³⁹ United Nations, *Women, Peace and Security*, New York, 2002, p. 4



Gender bias

Gender bias is the prejudice in action or treatment against a person on the basis of their sex; preferring one sex over the other. Gender bias that discriminates against women can impact on their human rights such as through entrenched practices that disproportionately impact upon women's and girls' opportunity and access to education and healthcare.⁴⁰

Gender-based violence

Gender-based violence is a broad term for acts of violence directed at a person because of their gender, and affects women and girls disproportionately.⁴¹ It includes 'any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.'⁴²

Gender equality

Gender equality is a goal to ensure equal rights, responsibilities and opportunities of women and men, and girls and boys. It is a goal that has been accepted by governments and international organizations and is enshrined in international agreements and commitments.⁴³

Gender mainstreaming

Gender mainstreaming entails bringing the perceptions, experience, knowledge and interests of women and men to bear on policy-making, planning and decision-making. It does not replace the need for targeted, women-specific policies and programs, and positive legislation; nor does it do away with the need for gender units or focal points. Gender mainstreaming is the strategy established by Member States of the United Nations to achieve gender equality.

In conflict and post-conflict situations this involves recognising that women, girls, men and boys participate in and experience conflict, peace processes and post-conflict recovery differently and that these differences and inequalities should be understood and taken into account.⁴⁴

Fragile setting

Fragile settings may be more prone to conflict and unrest. Fragile settings are often marked by high unemployment, weakened governance and violence that makes them prime areas for collusion among criminal networks, militant organisations and political leaders.⁴⁵

⁴⁰ UNICEF, *Millennium Development Goals: Promote Gender Equality and Empower Women*, accessed 10 November 2011, www.unicef.org/mdg/gender.html

⁴¹ UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, April 2009, p. 161, accessed 9 November 2011, www.un.org/children/conflict/machel/english/811-ending-gender-based-violence-and-sexual-exploitation.html

⁴² UN General Assembly, *Declaration on the Elimination of Violence Against Women*, 1993, A/RES/48/104, Article 1

⁴³ UN Development Programme, *Gender Equality Strategy 2008–2011*, New York, 2008, p. 38

⁴⁴ United Nations, *Women, Peace and Security*, New York, 2002, p. 4

⁴⁵ J Cockayne, *State Fragility, Organised Crime and Peacebuilding: Towards a More Strategic Approach*, Norwegian Peacebuilding Resource Centre, Oslo, 2011, p. 1



Peacekeeping

Peacekeeping is one among a range of activities undertaken by the United Nations to maintain international peace and security throughout the world. UN Peacekeepers provide security and the political and peace-building support to help countries make the difficult, early transition from conflict to peace. UN Peacekeeping is guided by three basic principles: consent of the parties; impartiality; and the non-use of force except in self-defence and defence of the mandate.⁴⁶

Peacekeeping has unique strengths, including legitimacy, burden sharing, and an ability to deploy and sustain troops and police from around the globe, integrating them with civilian peacekeepers to advance multidimensional mandates.

Peace-building

Peace-building aims to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. ‘Building peace is about much more than ending war. It is about putting in place the institutions and trust that will carry people forward into a peaceful future.’⁴⁷ It is a complex, long-term process of creating and supporting the necessary conditions for sustainable peace. Peace-building measures address core issues that affect the functioning of society and the State, and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.⁴⁸

⁴⁶ United Nations Peacekeeping, *What is Peacekeeping?* accessed 15 November 2011, www.un.org/en/peacekeeping/operations/peacekeeping.shtml

⁴⁷ United Nations, *UN Secretary-General’s Message on World Population Day*, accessed 11 July 2011, www.un.org/apps/sg/sgstats.asp?nid=3988

⁴⁸ United Nations Peacekeeping, *What is Peacekeeping?* accessed 15 November 2011, www.un.org/en/peacekeeping/operations/peacekeeping.shtml



APPENDIX B: UNSCR 1325

United Nations

S/RES/1325 (2000)



Security Council

Distr.: General
31 October 2000**Resolution 1325 (2000)****Adopted by the Security Council at its 4213th meeting, on 31 October 2000***The Security Council,*

Recalling its resolutions 1261 (1999) of 25 August 1999, 1265 (1999) of 17 September 1999, 1296 (2000) of 19 April 2000 and 1314 (2000) of 11 August 2000, as well as relevant statements of its President, and *recalling also* the statement of its President to the press on the occasion of the United Nations Day for Women's Rights and International Peace (International Women's Day) of 8 March 2000 (SC/6816),

Recalling also the commitments of the Beijing Declaration and Platform for Action (A/52/231) as well as those contained in the outcome document of the twenty-third Special Session of the United Nations General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century" (A/S-23/10/Rev.1), in particular those concerning women and armed conflict,

Bearing in mind the purposes and principles of the Charter of the United Nations and the primary responsibility of the Security Council under the Charter for the maintenance of international peace and security,

Expressing concern that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict, including as refugees and internally displaced persons, and increasingly are targeted by combatants and armed elements, and *recognizing* the consequent impact this has on durable peace and reconciliation,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and *stressing* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Reaffirming also the need to implement fully international humanitarian and human rights law that protects the rights of women and girls during and after conflicts,



Emphasizing the need for all parties to ensure that mine clearance and mine awareness programmes take into account the special needs of women and girls,

Recognizing the urgent need to mainstream a gender perspective into peacekeeping operations, and in this regard *noting* the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations (S/2000/693),

Recognizing also the importance of the recommendation contained in the statement of its President to the press of 8 March 2000 for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations,

Recognizing that an understanding of the impact of armed conflict on women and girls, effective institutional arrangements to guarantee their protection and full participation in the peace process can significantly contribute to the maintenance and promotion of international peace and security,

Noting the need to consolidate data on the impact of armed conflict on women and girls,

1. *Urges* Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict;

2. *Encourages* the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;

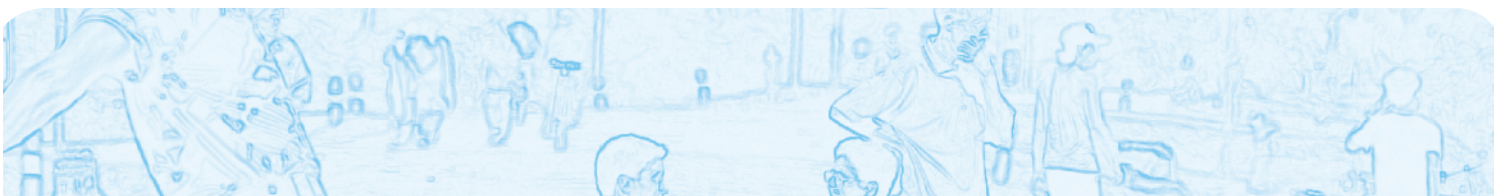
3. *Urges* the Secretary-General to appoint more women as special representatives and envoys to pursue good offices on his behalf, and in this regard *calls on* Member States to provide candidates to the Secretary-General, for inclusion in a regularly updated centralized roster;

4. *Further urges* the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;

5. *Expresses* its willingness to incorporate a gender perspective into peacekeeping operations, and *urges* the Secretary-General to ensure that, where appropriate, field operations include a gender component;

6. *Requests* the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, *invites* Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment, and *further requests* the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;

7. *Urges* Member States to increase their voluntary financial, technical and logistical support for gender-sensitive training efforts, including those undertaken by relevant funds and programmes, inter alia, the United Nations Fund for Women and United Nations Children's Fund, and by the Office of the United Nations High Commissioner for Refugees and other relevant bodies;



8. *Calls on* all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:

(a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;

(b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;

(c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

9. *Calls upon* all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;

10. *Calls on* all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;

11. *Emphasizes* the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those relating to sexual and other violence against women and girls, and in this regard *stresses* the need to exclude these crimes, where feasible from amnesty provisions;

12. *Calls upon* all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolutions 1208 (1998) of 19 November 1998 and 1296 (2000) of 19 April 2000;

13. *Encourages* all those involved in the planning for disarmament, demobilization and reintegration to consider the different needs of female and male ex-combatants and to take into account the needs of their dependants;

14. *Reaffirms* its readiness, whenever measures are adopted under Article 41 of the Charter of the United Nations, to give consideration to their potential impact on the civilian population, bearing in mind the special needs of women and girls, in order to consider appropriate humanitarian exemptions;

15. *Expresses* its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;

16. *Invites* the Secretary-General to carry out a study on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, and *further invites* him to



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submit a report to the Security Council on the results of this study and to make this available to all Member States of the United Nations;

17. *Requests* the Secretary-General, where appropriate, to include in his reporting to the Security Council progress on gender mainstreaming throughout peacekeeping missions and all other aspects relating to women and girls;

18. *Decides* to remain actively seized of the matter.



APPENDIX C: Development of International Human Rights, Humanitarian and Criminal Law in Relation to Gender-based Violence in Armed Conflict

Gender-based violence is an act of violence directed at a person because of their gender, affecting women and girls disproportionately.⁴⁹ It includes ‘any act of violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life’.⁵⁰

Why does gender-based violence occur during armed conflict?

While gender-based violence may occur due to a general state of lawlessness or disorder, it may also be used for military and strategic purposes. Gender-based violence has been used as a weapon of war, including as a tool of ethnic cleansing, humiliation, and a means to terrorise a targeted group. It can also be used as a way to build cohesion and facilitate bonding amongst combatants.⁵¹ The damage that gender-based violence has on cultural and community life can persist for generations.

While rape in times of conflict is a serious and enduring problem, many other sexually violent acts or acts that specifically target women and girls due to their gender, which may or may not include rape as an element, are also widely employed in conflict. Some examples include sexual slavery, genital mutilation, forced prostitution, pregnancy, abortion and sterilisation.

Gender-based violence as a violation of international human rights and humanitarian law

Depending on the circumstances of a particular situation, gender-based violence may amount to a breach of:

- *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*⁵² and specifically the CEDAW Committee’s General Recommendation 12 and the CEDAW Committee’s General Recommendation 19, that reflects that gender-based violence is a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men, and requires states to act to protect women against violence of any kind,
- the right to liberty and security of person under Article 9 of the *International Covenant on Civil and Political Rights (ICCPR)*,⁵³
- the right to be free from slavery under customary international law, Article 8 of the ICCPR, the *Convention to Suppress the Slave Trade and Slavery*⁵⁴ and the *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery*,⁵⁵ legislation enacted by States Parties pursuant to Article 5 of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*,⁵⁶

49 UNICEF, *Machel Study 10-Year Strategic Review: Children and Conflict in a Changing World*, April 2009, p. 161, accessed 9 November 2011, www.un.org/children/conflict/machel/english/811-ending-gender-based-violence-and-sexual-exploitation.html

50 UN General Assembly, *Declaration on the Elimination of Violence Against Women*, 1993, A/RES/48/104, Article 1

51 K Marino, *Rethinking the Causes of Wartime Rape*, Clayman Institute for Gender Research, March 2011, accessed 15 November 2011, <http://gender.stanford.edu/news/2011/rethinking-causes-wartime-rape>

52 (adopted 18 December 1979, entered into force 3 September 1981), 1249 UNTS 13

53 (adopted 16 December 1966, entered into force 23 March 1976), 999 UNTS 171

54 (adopted 25 September 1926, entered into force 9 March 1927), 60 UNTS 254

55 (adopted 7 September 1956, entered into force 30 April 1957), 226 UNTS 3

56 (adopted 15 December 2000, entered into force 31 May 2004), 2237 UNTS 319, Annex II



- the right to be free from torture, and from cruel, inhuman or degrading treatment under Article 7 of the ICCPR and the *Convention Against Torture*,⁵⁷
- Articles 19, 34, 37 and 38 of the *Convention on the Rights of the Child*;⁵⁸ and
- regional instruments including the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women*;⁵⁹ the *Protocol on the Rights of Women in Africa to the African Charter on Human and People's Rights*;⁶⁰ and the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*.⁶¹

There are also specific provisions and prohibitions on gender-based violence that apply during situations of armed conflict:

- In international armed conflicts Article 46 of the *Hague Regulations Concerning the Laws and Customs of War on Land*⁶² provides protection for, among other things, family honour and rights, which is understood as an implicit reference to sexual violence. Article 27 of the *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*⁶³ extends a similar protection to protected persons in respect of their honour and their family rights.
- Article 75(2)(b) of the *Protocol Additional to the Geneva Conventions Relating to the Protection of Victims of International Armed Conflicts (First Additional Protocol to the Geneva Conventions)*⁶⁴ applying to international armed conflicts prohibits 'outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any other form of indecent assault.'
- Women are entitled to special protection against rape, enforced prostitution, or any form of indecent assault committed during the course of an international armed conflict under Article 27 of the Fourth Geneva Convention and Article 76(1) of the *First Additional Protocol to the Geneva Conventions*.
- In relation to non-international armed conflicts, common Article 3 to the *Geneva Conventions*⁶⁵ prohibits outrages upon personal dignity, in particular humiliating and degrading treatment. Article 4(2)(e) of the *Protocol Additional to the Geneva Conventions, Relating to the Protection of Victims of Non-International Armed Conflicts (Second Additional Protocol to the Geneva Conventions)*⁶⁶ prohibits outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault.
- Torture and inhuman treatment of civilians in international armed conflict is defined as a grave breach of the *Fourth Geneva Convention*, and is also prohibited in non-international armed conflicts under Common Article 3 to the *Geneva Conventions* and Article 4 of the *First Additional Protocol to the Geneva Conventions*.

57 (adopted 10 December 1984, entered into force 26 June 1987), 1465 UNTS 85

58 (adopted 20 November 1989, entered into force 2 September), 1577 UNTS 3

59 (adopted 9 June 1994, entered into force 5 March 1995), 33 ILM 1534

60 (adopted 11 July 2003, entered into force 25 November 2005)

61 (adopted 7 April 2011, opened for signature 11 May 2011), CETS No. 210

62 (adopted 18 October 1907, entered into force 26 January 1910), Annex

63 (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 287

64 (adopted 8 June 1977, entered into force 7 December 1979), 1125 UNTS 3

65 Comprising of the *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention)* (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 31; *Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention)* (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 85; *Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention)* (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 135; and *Geneva Convention Relative to the Protection of Civilians Persons in Time of War (Fourth Geneva Convention)* (adopted 12 August 1949, entered into force 21 October 1950), 75 UNTS 287

66 (adopted 8 June 1977, entered into force 7 December 1978), 1125 UNTS 609



While these provisions offer important protections they have been subject to critique on the basis that: the provisions generally distinguish sexual violence from other violent acts; the majority of provisions are drafted as providing ‘protection’ as opposed to the majority of provisions relating to combatants and civilians that employ the concept of prohibition; and the fact that references to ‘honour’ and ‘dignity’ are inadequate concepts to express the suffering of victims of gender violence.

Gender-based violence as a violation of international criminal law

While experts lament the fact that the widespread sexual violence perpetrated during the Second World War was largely ignored in the trials of German and Japanese leaders that followed the conflict, the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) finally broke the almost complete silence in international criminal law in relation to gender-based violence. The Tribunals’ Statutes specifically listed rape as a crime against humanity. ‘Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault’ were also included as war crimes under the Statute of the ICTR. More importantly, in a series of ground-breaking decisions, the ICTY and ICTR found that crimes of sexual violence could be prosecuted as war crimes, crimes against humanity and genocide.

The *Rome Statute of the International Criminal Court (Rome Statute)*,⁶⁷ adopted on 17 July 1998 and entering into force on 1 July 2002, has codified the law regarding sexual violence as a breach of international criminal law. In its drafting, a concerted effort was made to ensure that a range of sexually violent acts were specifically criminalised under the Rome Statute, in recognition of their differing natures and purposes.

Under Article 7(1)(g), rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation or any other form of sexual violence of comparable gravity are recognised as crimes against humanity where the particular act is committed as part of a widespread or systematic attack against a civilian population with knowledge of the attack.

Under Articles 8(2)(b)(xxii) and 8(2)(e)(vi) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the *Geneva Conventions* are defined as war crimes where an act occurs in either an international or non-international armed conflict, committed as part of a plan or policy, or as part of a large scale commission of such crimes.

In addition, it is expected that, following the precedents of the ICTY and ICTR, the ICC will read sexual violence crimes into other provisions of the *Rome Statute*, including those relating to genocide.

At present, 120 countries, including Australia, are States Parties to the *Rome Statute*. The widespread ratification of the Rome Statute demonstrates, among other things, a growing commitment in the international community to hold those responsible for committing, ordering or condoning acts of sexual violence in conflict accountable for their actions.

⁶⁷ (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 90



