

Endnotes

The analysis captured in this blog has been produced to inform the article '*WPS and the UN Convention against Torture*' by Therese Rytter and Andrea Huber, to be published in forthcoming '*Oxford Handbook of Women, Peace and Security*', by Sara E. Davies and Jacqui True (to be published in 2017).

¹ In January 2016, 16 peacekeeping operations were ongoing: UNTSO - UN Truce Supervision Organization, UNOCI - United Nations Operation in Côte d'Ivoire, UNMOGIP - UN Military Observer Group in India and Pakistan, MINUSTAH - United Nations Stabilization Mission in Haiti, UNFICYP - UN Peacekeeping Force in Cyprus, UNAMID - African Union-United Nations Hybrid Operation in Darfur, UNDOF - UN Disengagement Observer Force, MONUSCO - United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, UNIFIL - UN Interim Force in Lebanon, UNISFA - United Nations Interim Security Force for Abyei, MINURSO - UN Mission for the Referendum in Western Sahara, UNMISS - United Nations Mission in the Republic of South Sudan, UNMIK - UN Interim Administration Mission in Kosovo, UNMIL - United Nations Mission in Liberia, MINUSCA - United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (<http://www.un.org/en/peacekeeping/operations/current.shtml>).

² The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by General Assembly resolution 3452 (XXX) on 9 December 1975. A legally binding treaty was adopted in December 1984, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by General Assembly resolution 39/46.

³ S/RES/1325(2000), UN Security Council resolution 1325, 31 October 2000.

⁴ Geneva Centre for the Democratic Control of Armed Forces (DCAF)/ United Nations International Research and Training Institute for the Advancement of Women (UN-INSTRAW), *Implementing the Women, Peace and Security Resolutions in Security Sector Reform*, Megan Bastick and Daniel de Torres, 2010.

⁵ For the purpose of this article, the most recent Security Council resolutions on UN peacekeeping operations as well as a selection of older resolutions have been screened: S/RES/2285 (2016), Security Council resolution 2285 (2016), 29 April 2016; S/RES/2127

(2013), Security Council resolution 2127 (2013), 5 December 2013; S/RES/2301 (2016), Security Council resolution 2301 (2016), 26 July 2016; S/RES/2100 (2013), Security Council resolution 2100 (2013), 25 April 2013; S/RES/2295 (2016), Security Council resolution 2295 (2016), 29 June 2016; S/RES/2313 (2016), Security Council resolution 2313 (2016), 13 October 2016; S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015; S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016; S/RES/2257 (2015), Security Council resolution 2257 (2015), 22 December 2015; S/RES/2234 (2015), Security Council resolution 2234 (2015), 29 July 2015.

⁶ For example, '*Calling on* all parties to comply with their obligations under international human rights law (S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016, pp. 26).

⁷ For example, reaffirming 'MINUSTAH's human rights mandate as an essential component of the Mission' and respect for human rights as 'an essential element for Haiti's stability, in particular attention to individual accountability for grave violations under past governments' (S/RES/2313 (2016), Security Council resolution 2313 (2016), 13 October 2016, OP32); '*Noting with deep concern* reports and allegations indicating the persistence of serious human rights and international humanitarian law violations (S/RES/2211 (2015), Security Council resolution 2211 (2015), 26 March 2015, OP16).

⁸ For example, '*Strongly condemning* all abuses and violations of human rights (...) law, including those involving extrajudicial and summary executions, arbitrary arrests and detentions and ill-treatment of prisoners, sexual and gender-based violence' (S/RES/2295 (2016), Security Council resolution 2295 (2016), 29 June 2016, pp. 23); '*Condemns* increased human rights violations (...), including those involving extrajudicial killings, the excessive use of force, abduction of civilians, acts of sexual-and gender-based violence, violations and abuses against children, and arbitrary arrests and detentions (S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016, OP23).

⁹ The only example identified in screening the most recent Security Council resolutions on peacekeeping missions was Resolution 2127(2013), expressing concerns about widespread human rights violations, 'including torture and sexual violence against women and children'. (S/RES/2127 (2013), Security Council resolution 2127 (2013), 5 December 2013, pp4).

¹⁰ S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016, OP23.

¹¹ S/RES/2313 (2016), Security Council resolution 2313 (2016), 13 October 2016, OP22.

¹² For example, S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016, pp. 5; S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, pp11; S/RES/2301 (2016), pp29 reference to WPS resolutions 2106 (2013) and 2242 (2015); S/RES/2100 (2013), Security Council resolution 2100 (2013), 25 April 2013, OP24, recalling 'resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010) on Women, Peace and Security'.

¹³ For example, '*Requests that MINUSMA take fully into account the need to protect civilians and mitigate risk to civilians, including, in particular, women (..)*' (S/RES/2100 (2013), Security Council resolution 2100 (2013), 25 April 2013, OP26); '*Encourages MINUSTAH to continue assisting the Government of Haiti in providing adequate protection to the civilian population, with particular attention to (...) vulnerable groups, especially women*' (S/RES/2313 (2016), Security Council resolution 2313 (2016), 13 October 2016, OP30). See also S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, MONUSCO, DRC, OP 7 (c).

¹⁴ For example, S/RES/2100 (2013), Security Council resolution 2100 (2013), 25 April 2013, OP16 (c) (ii) and S/RES/2295 (2016), Security Council resolution 2295 (2016), 29 June 2016, OP 19 (a) (iii); S/RES/2301 (2016), Security Council resolution 2301 (2016), 26 July 2016, OP 33 (a) (ii).

¹⁵ S/RES/2301 (2016), Security Council resolution 2301 (2016), 26 July 2016, OP33 (a) (ii).

¹⁶ For example, S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, pp10 and OP32; S/RES/2100 (2013), Security Council resolution 2100 (2013), 25 April 2013, OP16 (d) (iii); RES/2295 (2016), Security Council resolution 2295 (2016), 29 June 2016, OP 19 (f) (ii).

¹⁷ See, for example Security Council resolution 2301 (2016), 26 July 2016 allocates 'immediate priority tasks' to MINUSCA, including the provision of 'specific protection for women and children affected by armed conflict, including through the deployment of (...) Women Protection Advisers and Gender Advisers' (OP 33(a) (ii)). The swift deployment of Women Protection Advisers within MONUSCO 'in order to seek commitments on the prevention and response to conflict-related sexual violence' is authorised in S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, OP9(c). Security Council

resolution 2296 (2016), 29 June 2016, 'requests UNAMID to strengthen its reporting on sexual and gender-based violence and actions taken to combat it, including through the swift deployment of Women Protection Advisers' (OP30).

¹⁸ S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, OP 36. See also S/RES/2301 (2016), Security Council resolution 2301 (2016), 26 July 2016, OP21.

¹⁹ S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016, UNAMID, Sudan, OP30

²⁰ See for example, Report of the Secretary-General's Special Advisor, Prince Zeid Ra'ad Zeid al-Husseini, *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations*, 24 March 2005, A/59/710; Marie Deschamps/ Hassan B. Jallow/ Yasmin Sooka, *Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*, 17 December 2015; UN News Centre, *UN sexual misconduct investigation in DR Congo finds violations and cases of abuse*, 4 April 2016, <http://www.un.org/apps/news/story.asp?NewsID=53609#.WJhwAmdvgdU>.

²¹ See Security Council Resolution 2272 (2016), 11 March 2016, endorsing the special measures recommended by the Secretary-General to prevent and combat sexual exploitation and abuse by United Nations peacekeepers.

²² For example, Security Council Resolution 2285(2016), 29 April 2016, OP14; S/RES/2100 (2013); Security Council resolution 2313 (2016), 13 October 2016, OP 31; S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, OP33; S/RES/2301 (2016), 26 July 2016, pp14, which expresses 'grave concern over numerous allegations of sexual exploitation and abuse reportedly committed by peacekeepers in the CAR, as well as by non-United Nations forces, stressing the urgent need for Troop-and Police-contributing countries and, as appropriate, MINUSCA, to promptly investigate those allegations in a credible and transparent manner and for those responsible for such criminal offences or misconduct to be held to account'.

²³ For example, Security Council resolution 2100 (2013) 'Urges Member States, regional and international organizations to provide coordinated assistance, expertise and training, including on human rights and international humanitarian law, especially concerning the protection of women and children' (S/RES/2100 (2013), 25 April 2013, OP23; whereas

Security Council resolution 2313 (2016) encompasses a provision on capacity-building and training of police and corrections personnel, but lacks mention of training on gender issues (S/RES/2313 (2016), 13 October 2016, OP17 and OP18).

²⁴ S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, pp12.

²⁵ S/RES/2296 (2016), Security Council resolution 2296 (2016), 29 June 2016, OP 30.

²⁶ S/RES/2313 (2016), Security Council resolution 2313 (2016), 13 October 2016, OP18.

²⁷ S/RES/2301 (2016), Security Council resolution 2301 (2016), 26 July 2016, OP9. See also OP25, 26, 27.

²⁸ S/RES/2100 (2013), Security Council resolution 2100 (2013), 25 April 2013, OP25 and S/RES/2211 (2015) Security Council resolution 2211 (2015), 26 March 2015, OP10.

²⁹ United Nations Peacekeeping,
<http://www.un.org/en/peacekeeping/issues/women/womeninpk.shtml>.

³⁰ UN Department of Peacekeeping Operations and Department of Field Support: Gender Forward Looking Strategy 2014-2018, 2014 ('DPKO Gender Strategy'), p. 7.

³¹ Political Processes and Governance Structures; Human rights protection and promotion; Disarmament, Demobilisation and Reintegration (DDR); Security Sector Reform (SSR); Mine Action; Legal, Judicial and Corrections Reforms; Prevention, Protection and Response to Sexual and Gender Based Violence; and Conflict-Related Sexual Violence and Protection of Civilians. (See endnote 31, DPKO Gender Strategy, Chapter 4.3., pp. 11 et sqq.)

³² Report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Human Rights Council, 5 January 2016, A/HRC/31/57.

³³ DPKO Gender Strategy (see endnote 31), p. 14.

³⁴ See DPKO Gender Strategy, p. 124. Note that within the priority area of human rights, a main goal is to help 'ensure remedies for past violations of women's and girl's human rights, including sexual and gender-based violence', suggesting a limitation of focus to *past*

violations, whereas UNCAT requires a comprehensive framework to prevent and protect as well as to ensure accountability for past, ongoing and future violations. (p. 12).

³⁵ DPKO Gender Strategy (see endnote 31), p. 3

³⁶ DPKO Gender Strategy (see endnote 31), p. 8.

³⁷ See endnotes 21 and 22.

³⁸ United Nations Department of Peacekeeping Operations, Department of Field Support, *Policy Gender Equality in UN Peacekeeping Operations* ('Gender Policy'), Ref. 2010.25, 26 July 2019, paras. 8, 9.

³⁹ It describes the rationale of peacekeeping as one to enhance 'accountability for the violation of human rights, establish all necessary mechanisms for the prevention of sexual and gender based violence', and to assist 'host countries in fighting impunity and supporting redress of survivors'. The protection from sexual and gender-based violence and harmful traditional practices is outlined as one of four principles guiding the work of DPKO's Department of Field Support. (Gender Policy, see footnote 39 paras. 8, 9).

⁴⁰ DPKO Policy (endnote 39), para. 12.

⁴¹ DPKO Policy (endnote 39), para. 16.

⁴² DPKO Policy (endnote 39), para. 11.

⁴³ Cockburn, C., *The continuum of violence: a gender perspective on war and peace*, in: Winona Giles and Jennifer Hyndmann, eds, *Sites of violence: gender and conflict zones* (Berkeley, CA: University of California Press, 2004).

⁴⁴ Rytter T./ Huber A., *WPS and the UN Convention against Torture*, in: Sara E. Davies and Jacqui True, to be published in 2017, with reference to Kirby, P., Shepherd, L., *The futures past of the Women, Peace and Security agenda*, *International Affairs* 92:2 (2016), p. 380.