



Report of the Consultations on “UN Sanctions and Gender-Related Issues”

Overview

The consultations on the relationship between the UN sanctions system and gender issues was initiated on 17 January 2019. Thirty-five members of the UN and other international organizations, Member State embassies, civil society, and former and current UN expert panels, participated in a one-day workshop, held in Nairobi on 27 February 2019, sponsored by the Government of Canada and organized by Compliance and Capacity Skills International. In addition, over 45 practitioners and experts, plus the UN Secretariat, were invited to respond to three clusters of issues that were briefed in a background paper.

Thematic focus

The consultations centered on three areas of inquiry:

1. What are the experiences, insights and recommendations that gender specialists can share with sanctions policy-makers and implementation actors that can assist in improving sanctions measures that more effectively prevent gender-related threats and violence, protect vulnerable populations, or apply coercive measures on those most responsible for these actions?
2. What steps need to be taken to promote a stronger presence of gender-related issues and the participation of women in UN sanctions policy-making, implementation and monitoring?

3. What efforts are required to better understand whether sanctions measures have unintended gender implications, and how should they be mitigated?

Additional issues explored relate to whether the UN sanctions system has adapted to effectively confront gender-related violence and dynamics as opposed to its responses to traditional forms of conflict violence. This uncertainty leads to questions of whether the current resolution language adequately describes the objectives of UN sanctions in terms of the prevention of SGBV or prohibitions on violations of IHL/IHRL; whether currently used designation requirements sufficiently guide sanctions committees and monitoring experts in the issuing of recommendations for designations of SGBV violators; and whether narrative summaries for designations could be enhanced with specific information about the designee's violation of SGBV criteria.

The Nairobi workshop was structured on the basis of four panel discussions, as follows:

1. Improving UN sanctions to more effectively prevent gender-related threats and violence
2. Promoting a stronger presence of gender-related issues and participation of women in UN sanctions policy-making, implementation and monitoring
3. Unintended gender implications of UN sanctions
4. Future steps: Mainstreaming gender and sanctions beyond the Best Practices Guides

Definitional challenge: Gender and the role of UN sanctions

At the heart of the consultations is the question of whether gender-related issues can be confronted with the same sanctions concepts currently used for general conflict violence. Many consultees referred to existing statutes and frameworks that describe diverse acts of violence or forceful actions that often defy conventional descriptions of conflict violence.

In the Elements of Crimes used by the International Criminal Court, sexual violence is described as a form of gender-based violence that “encompasses acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention,

psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent."

Definitional challenge: Timelines of gender violence versus general conflict violence

Another definitional element common to many descriptions is that gender violence often does not concur with the timelines of general conflict violence. Gender violence may be pre-existing and may continue, and sometimes accelerate, after formal ceasefire or peace agreements are implemented.

The insidiousness of conflict violence also entails that widespread disruptions can result, particularly in “peaceful” but lawless conditions, merely out of fear of an impending wave of gender violence. Populations are displaced, families torn apart, and livelihoods are disrupted. If farming communities are affected by gender violence, micro-starvation from a lack of sustained farming often occurs. These impacts, taking place outside conventional conflict dynamics, can trigger new unrest and send a population into a new conflict spiral.

Can UN sanctions respond to hybrid warfare?

Gender violence as random or directed occurrences is part of hybrid warfare. The UN sanctions system is, however, ill-suited to address hybrid warfare, whether in its most archaic forms of random gender violence, or in its most sophisticated form, when independent armies of cyberwarriors commit seemingly disconnected attacks. The UN sanctions system kicks in once the Security Council has determined under Article 39 of the UN Charter that “the existence of any threat to the peace, breach of the peace, or act of aggression” justifies taking measures under Article 41 (sanctions) or Article 42 (the use of force). The members of the Security Council traditionally divide on this question according to political differences or simply because causes and effects are not self-evident.

Consequently, consultees struggled with definitional as well as with procedural questions in order to press out of the sanctions system effective responses to gender violence.

Structure of the report

This report provides a brief introduction to each panel topic and summarizes the elements of the discussion, including comments received after the workshop, and concludes with final observations from the authors. The views of the UN Secretariat, received after the workshop, are also included for panels 2, 3, and 4.

Recommendations for general consideration and for possible inclusion in the Best Practices Guides, the opening statements on behalf of the High Commissioner of Canada and CCSI, the workshop agenda, and a list of participants, are added in 5 annexes.

List of acronyms

CAR – Central African Republic

DRC – Democratic Republic of the Congo

CARSV - Conflict and Atrocity Related Sexual Violence

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

CRSV – Conflict Related Sexual Violence

CSO - Civil Society Organization

FGM – Female Genital Mutilation

GBV – Gender-Based Violence

HR – Human Rights

ICL – International Criminal Law

IDP – Internally Displaced Persons

IHL – International Humanitarian Law

IHRL – International Human Rights Law

ISIL/AQAP - ISIL (Da’esh) and Al-Qaida

LGBTI – Lesbian, Gay, Bisexual, Transgender, Intersex

NGO – Non-Governmental Organization

SCAD – Security Council Affairs Division

SCSOB – Security Council Subsidiary Organs Branch

SGBV – Sexual and Gender Based Violence

SOP –Standard Operating Procedures

SRSG – Special Representative of the Secretary-General

UN – United Nations

UNSC – United Nations Security Council

Table of Contents

Report of the Consultations on.....	1
“UN Sanctions and Gender-Related Issues”	1
<i>Overview</i>	<i>1</i>
Thematic focus	1
Definitional challenge: Gender and the role of UN sanctions	2
Definitional challenge: Timelines of gender violence versus general conflict violence	4
Can UN sanctions respond to hybrid warfare?	4
Structure of the report	4
<i>List of acronyms</i>	<i>6</i>
<i>Improving UN sanctions to more effectively prevent gender-related threats and violence.....</i>	<i>10</i>
<i>Enhancing the UN’s gender-violence sanctions.....</i>	<i>11</i>
Scope of SGBV in sanctions criteria.....	11
Gender-based violence	12
Sexual violence in conflict and non-conflict situations	13
Challenges to SGBV investigations by expert panels	13
Impunity for perpetrators	14
Collaboration with UN and other bodies	14
<i>Promoting a stronger presence of gender-related issues and participation of women in UN sanctions policy-making, implementation and monitoring.....</i>	<i>15</i>
Introduction.....	15
Increasing the number of women on expert panels.....	16
Challenges to expert panel field work	16
Conditions of employment of expert panel members.....	17
Need for gender competence and awareness.....	17
Sexual bias and harassment in expert panels	18
Views of the UN Secretariat - Recruitment of experts	18
Gender parity and conditions of service	18
Gender competence and sensitivity training	19
Performance evaluation.....	19
<i>Unintended gender implications of UN sanctions.....</i>	<i>20</i>

Introduction.....	20
Positive and negative impacts of sanctions	20
Individual targeted sanctions.....	21
Sanctions assessments	22
UN vs unilateral sanctions.....	22
Impact of monitoring and reporting	22
Cycle of impunity.....	23
Views of the UN Secretariat	24
<i>Future steps – Mainstreaming Gender and sanctions beyond the Best Practices Guides.....</i>	<i>24</i>
Scope of SGBV	24
Gender-based violence	25
A feminist sanctions policy.....	25
Gender analysis	25
Mandatory gender expertise and gender competence in expert panels.....	26
Mandatory reporting including Member States	26
Gender focal point.....	26
Learning from other UN agencies	27
Gender policies at the national level	27
The role of civil society.....	27
Limitations of sanctions	27
Raising awareness of sanctions.....	28
Views of the UN Secretariat	28
<i>Final observations</i>	<i>28</i>
Conditions under which UN sanctions are leveraged.....	28
Refining the UN sanctions rationale on gender issues	29
The risks of limiting UN sanctions to CRSV	29
Annex 1 Recommendations.....	31
Annex 2 Welcoming remarks by Rick Steenweg on behalf of the High Commissioner of Canada to Kenya .	33
Annex 3 Introduction by Loraine Rickard-Martin on behalf of CCSI.....	35
Annex 4. Revised agenda: Workshop on UN Sanctions and Gender-related Issues.....	38
Annex 5 List of participants to Workshop on “UN Sanctions and Gender-related Issues”	40

Improving UN sanctions to more effectively prevent gender-related threats and violence

Introduction

The UNSC first included the protection of women from sexual violence in its sanctions criteria in resolution 1807 (2008) on the DRC. The UNSC expressed the possibility of applying sanctions against parties “who commit rape and other forms of sexual violence against women and girls in situations of armed conflict.”

The underlying idea was, and still is, in the Security Council’s consideration that sanctions should respond to rape and other acts of sexual violence or sexual and gender-based violence when used as a weapon of war or as part of a widespread or systematic attack against civilians, including women and children. These designation criteria have been applied to CAR, the DRC, Mali, Somalia, and South Sudan. With resolution 2242 (2015) on Libya, the Security Council expressed its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider designating, those “engaged in violations of international humanitarian law and violations and abuses of human rights, including sexual and gender-based violence”. With resolution 2241 (2018), it further mandated the “Panel of experts (to) include sexual and gender-based violence expertise”.

In contrast, the Sudan and Yemen sanctions regimes, adopted under far more contentious politics, includes sexual and gender violence under their broad human rights and humanitarian law designation criteria.

The lack of clear intentions becomes apparent when UNSC SGBV designations have, thus far, addressed only acts of a sexual nature, specifically sexual violence predominantly committed against women and girls, and a few listings refer to children and the elderly in general (which may include men and boys). No references are made to sexual violence committed against men and boys and violence committed against the LGBTI communities. The UNSC has not ventured into the gendered aspects of violence against civilians, for example, or consideration of the role that gender plays in regard to human rights abuses.

Along the same lines of deficiencies, the UNSC has included within its designation criteria only those individuals and entities that have engaged “in planning, directing, or committing acts involving sexual and gender-based violence”. To date, not a single individual or entity has been

sanctioned only on the basis of their involvement in SGBV or non-sexual but gendered violence. It has left open whether threats to commit SGBV can amount to sanctionable offences.

It is also unclear if in its deliberations on the gravity of violence the UNSC considers the intersectionality of gender with other vulnerabilities, such as disability, age, poverty, race and other similar constraints on a victim that add to gender-vulnerability.

The lack of specificity in UN sanctions responses also relates to the deficiencies in methods and capacities to ethically conduct SGBV interviews, and to achieve effective collaboration between UN human rights actors and sanctions monitoring experts. These deficiencies raise the question of whether the UN sanctions system should address gender violence, given its lack of a protection protocol, psychosocial referral and follow-up, the frequent turnover among panel members, and differing methodologies, evidentiary standards and standards of proof, terminology and approaches to identifying perpetrators.

Enhancing the UN's gender-violence sanctions

Scope of SGBV in sanctions criteria

The Security Council's varying definitions and strategies in applying human rights to gender issues and to what extent UN sanctions can or should address them dominated the consultations.

It was proposed that the term CARSV (Conflict and Atrocity-Related Sexual Violence), used by the International Protocol on the documentation and investigation of sexual violence, could be advantageous because it included atrocities not necessarily committed during armed conflict. Having a broad designation criterion, as SGBV, CRSV or CARSV, could help in situations where the specific act attributable to the subject was not clear in term of qualification but when the sexual nature of the act was beyond doubt.

The prohibition of SGBV in different regimes such as ICL, IHL, IHRL and its similarities with the international prohibition on torture, could be used as an argument in favor of its inclusion as a separate designation criterion across all UN sanctions regimes.

A wider view should be taken of what constituted acts of SGBV, i.e., moving away from a narrow focus on rape, and including trafficking, for example, or sexual slavery, and also non-sexual forms of gendered violence. It was important to be more explicit on the kinds of acts included.

Regarding the threat of sexual violence, the violence itself or the materialization of the threat

needed to be imminent. Another element to be considered was the likelihood of the materialization of threat.

Some consultees recommended that peacekeepers may meet the criteria not only for SGBV but also for violations of IHL/IHRL. The fact that peacekeepers were subject to the jurisdiction of contributing countries as perpetrators might be considered an obstacle to ensuring justice for victims. But no perspectives were offered that dealt with the likely political ramifications for the UN sanctions system if peacekeepers were subject to UN sanctions.

In sanctions regimes where there were no criteria on SGBV, it should be the responsibility of the panels to bring these issues to the attention of the UNSC in a manner that was sufficiently compelling to trigger UNSC action.

Sexual violence

Sexual violence could be committed against anyone with the objective of domination or humiliation, not merely sexual gratification. In examining conflict, one needed to look at how sexual violence and displacement affected different genders (women, girls, men and boys) differently.

The extent to which sanctions actors recognized the sexual nature of acts that were not normally viewed in that lens, e.g., torture, the recruitment of boys, using girls as cooks or aids, needed to be examined. It was possible that sanctions actors were more prone to revert to the less politically sensitive terminology and easier categorizations in IHL and IHRL when presenting their findings to the UNSC.

Gender-based violence

Not all gender-based violence was sexual. The targeting of men and boys, for example, for internment or killings, may have an equally devastating impact on a civilian population or protected group as the widespread rape of women and girls (for example, by interrupting or ending a group's ability to procreate). Gender-based targeting in such a manner, though non-sexual, should also be recognized as a threat to international peace and security. When women were affected, the entire family was involved since it was often women who provided for the family.

Acts of sexual and gender-based violence should maintain a direct link with threats to peace, security and stability. While domestic violence had an indirect link to conflict, it was difficult to hold persons responsible for FGM, for example.

Sexual violence in conflict and non-conflict situations

Violations directly linked to conflict were more feasible to investigate and attribute responsibility than violence in the private sphere. Further inquiry should be conducted as to whether there was an appropriate avenue for sanctions regimes to address issues such as conflict-induced domestic violence and early and forced marriages. There should also be a more expansive definition of GBV and sexual violence.

Some additional sanctions criteria could include when widespread or systematic SGBV caused refugee or IDP flows that also impacted neighboring countries or caused a humanitarian crisis. Consideration should be given to thematic sanctions for SGBV to include situations of states not under UNSC sanctions.

Challenges to SGBV investigations by expert panels

Expert panels were generally not adequately equipped to protect sources and victims. Few had specific training on the issue and the UN offered limited support and no guarantee in this respect. Each expert had to find ways to ensure confidentiality and protection of his/her sources with very limited means. Given the heightened risk of exposure to victims, it should be considered that reporting on GBV be confidential by default, so it was not included in public reports to the UNSC. The possibility of putting the information in confidential annexes to the report offered only a limited guarantee as those annexes could be leaked and the UN did not have a system in place to prevent leaks or to identify those responsible.

In protecting witnesses and survivors and exercising the principle of informed consent, the agency of the person and their right to make an informed choice needed to be respected. At times a survivor's choice to speak out was blocked because it was considered unsafe. More time was often spent in investigations on obtaining informed consent rather than in interviewing the survivor or witness. The question was raised as to who decided on safety and security for the victim in terms of physical or psychosocial protection, for which minimal precautions were taken in field investigations.

Panels were generally required to report on cases with a level of proof that was near the "beyond reasonable doubt" standard. Therefore, they needed to provide a certain level of detail on cases and could not rely solely on investigation by other organizations. The limited access to the country available to some expert panels made access to victims more difficult. Some of the constraints facing expert panels conducting investigations in the field were a difference of views with other UN offices, including about the gravity of situations involving SGBV.

In cases where investigations were done by people who were not familiar with the culture or the language, minimal information was gathered. It was important to involve local persons in such activities in order to maximize the gathering of information.

The development of capacity-building modules for expert panels, including investigation skills, the do-no-harm principle, victim protection, and the requirement of continuous learning, including performance management, reviews and appraisals, should be considered.

Impunity for perpetrators

Often even when perpetrators were under sanctions, they continued their abusive activities. Unlike violators of arms embargoes, there was rarely any follow up on persons sanctioned for HR or SGBV violations to determine whether they continued to commit violations and what measures were being taken by local authorities to remove perpetrators from the environment of the victims.

Collaboration with UN and other bodies

It was important for peacekeeping missions, human rights monitors and expert panels to work together because their activities were mutually beneficial.

Since the unfortunate killings of two expert panel members in the DRC in 2017, the field work of expert panels had become much more complicated. Human rights monitors, because they were based in the country, had more flexibility. They interacted with expert panels on the basis of an informal and confidential sharing of information. Relationships were often hampered by the frequent turnover of panel members.

The findings of expert panels could be relevant for use by national authorities and others on the basis of territorial or extraterritorial jurisdiction (such as universal jurisdiction). The Council should ensure coordination and complementarity within bodies. Independent experts from commissions of inquiry and expert panels often investigated the same groups and did not share information unless for personal contacts. This was not conducive to accountability and impact.

The UN should work closely with CSOs and NGOs for support and coordination on information and data-sharing, complaints and feedback mechanisms, psychosocial support services for survivors and witnesses, and mapping investigations to avoid duplication and exhausting of communities in sharing testimonies. There should be continuous consultations with the CSO sector to identify ways to institutionalize partnerships. A confidentiality protocol between expert panels and NGOs would also be useful.

Promoting a stronger presence of gender-related issues and participation of women in UN sanctions policy-making, implementation and monitoring

Introduction

In the UN sanctions system, responses to gender-related threats have evolved in bursts of ad-hoc responses to emergencies and particularly grievous acts of violence. This has hampered the development of clearly delineated objectives and conditions that justify the imposition of sanctions against gender-related threats and associated designation criteria. These foundational deficiencies may also contribute toward inadequate attention to the promotion of a system-wide gender competence. Stark gender imbalances prevail among sanctions policy-makers, and particularly among sanctions monitoring experts of which fewer than 30 percent are female.

Questions such as whether these imbalances are due to female candidates being less interested than male counterparts to serve in expert positions, or whether the Secretariat and Member States are not seeking, identifying, or proposing an equal number of female experts to be included in the Secretariat's roster of experts could be addressed with pragmatic steps. An important factor relates to contractual conditions in the Secretariat that are below engagement norms for experienced professionals. A lack of job security and working under difficult and dangerous conditions may discourage candidates, including parents (irrespective of their gender) of young children, from applying for expert appointments and given prevailing societal norms, women may be more affected than men.

Steps could be taken to enhance the gender competence of delegations, secretaries and political affairs officers who work regularly with sanctions committees and expert panels. Developing an understanding of gender-related threats and associated monitoring and investigative skills among all members of expert panels could be advantageous.

Sanctions as a male dominated culture

The consultees addressed how the world of sanctions was male oriented and that it would take some time to overcome that culture. Conflict dynamics were reported from a male perspective of confrontations between formalized armed competitors. This conflict dynamic did not recognize how perpetrators of gender-related violence could drive profound disturbances whose effects on the civilian populations were equal and perhaps more profound than military contests.

There were gender assumptions about various specialized areas of the work of expert panels. Women were not expected to be arms experts. Although female experts' investigations revealed different but equally important conflict dynamics and casualties, they were discounted or trivialized.

There was a need for more women experts and coordinators and more diversity in areas of expertise, not only in the areas of IHL/HR being covered by women experts. Often the impression was that the unspeakable violence that was reported by expert panels, including killings, rapes, etc. did not receive the necessary attention from some Member States, the Secretariat, and from other panel members.

Human rights and gender issues were seen as peripheral to what was considered the main task of expert panels of addressing, say, arms trafficking, rather than as a secondary and separate conflict dynamics.

Increasing the number of women on expert panels

Perhaps signaling that the UN sanctions system was open for gender-positive interpretations of conflict dynamics may prove to be the most powerful way to attract more women into expert panels.

Some steps that could be taken to increase the number of women on expert panels included sensitizing and lobbying Member States and prioritizing women among the candidates proposed, at least until parity was reached. A specific gender provision that gender balance must be achieved in all expert panels could be added along with a transparent recruitment process and advertisement of the conditions of employment to attract more experienced and senior candidates.

Challenges to expert panel field work

A major challenge to the field work of expert panels, particularly interviewing female victims of violence, was that translators provided by UN missions were often male, which often created a barrier to trust. Investigation of SGBV required cultural affinity. Because of cultural barriers, women survivors were not necessarily willing to open up to discussing their experience with a woman from another culture. Local women should be trained in such matters to assist expert panels.

Budgetary constraints placed a burden on expert panels in performing, for example, tasks that required the use of an interpreter as often panel members had to fund the cost. They were also unable to hire services such as translators or photographers.

The working conditions of experts on the field should be enhanced with a) a common methodology, including evidentiary standards that accommodate gender aspects; b) recruitment and training on gender issues of women interpreters; c) the integration of SGBV- relevant information into existing UN/NGO databases; d) specific IT support when needed.

Conditions of employment of expert panel members

The work of expert panels was exhausting and difficult, and not conducive to family involvement, with a disproportionate impact on women experts. While field-based sanctions monitoring in conflict-affected regions excludes for security reasons and mobility purposes the presence of families, many experts either do not, or rarely, work in such environments.

As conditions of employment of panel members had deteriorated over time anyway, the exclusion of families or children when there was no factual reason to do so, was a topic for consideration. These deficiencies were compounded by the fact that experts had no health or maternity benefits, sick leave or other gender-relevant support.

Need for gender competence and awareness

Expert panel members must be gender aware and appreciate the importance of gender issues as they related to their mandate. Gender sensitivity training was minimal and considered to be optional by some expert panel members, with no pressure on them from the Secretariat to comply. Some expert panel members were not oriented toward gender issues and made it clear that they wanted no part of such matters. Training in gender competence and sensitivity needed to be done at all levels, including panel members and at the national level.

Some men and women remained hostile to integrating gender mainstreaming in their work and analysis. Providing training to expert panel members on a gender perspective and intersectionality was key. A gender expert should be included in each expert panel.

Gender policies already existed in the UN. This did not mean that gender issues and gender mainstreaming would be taken into account. It seemed that every effort was being made to entrench a gender perspective in every level of UN decision-making, but a bottom-up approach needed to be taken in order to fill the implementation gap.

Sexual bias and harassment in expert panels

Comments were received from a former female expert panel member, describing her experience of several years ago, of sexual harassment in the form of continuous sexual references from some panel members. Other panel members did not participate but did nothing to stop it. She was asked to help with translations, take notes and fetch coffee. During work in the field, she was repeatedly threatened with rape by a regional head of the country's intelligence services. The coordinator of the expert panel did nothing about it and only suggested that she remain within the UN compound, which meant that she was unable to do her work.

Together with other former female experts, she noted how male-dominated expert panel ignored complying with their methodological and evidentiary standards when it came to gender issues, preventing important insights to be added to their reporting. They also stated that when a hostile environment toward women existed in expert panels it tended to push out women, which resulted in a missed opportunity to make sanctions more effective, given that women had access that men might not share.

An additional challenge for younger female expert panels, and younger women overall, was that they were more at risk for harassment from within the system, including from Secretariat staff supporting the work of expert panels. The hostility of the internal system could cause female experts to leave the team as happened in two cases.

Views of the UN Secretariat - Recruitment of experts

A Secretariat representative noted that the recruitment of experts was standardized and that four or five rounds of expert recruitment had taken place under the new system. There were standard operating procedures (SOP) and a manual for recruitment, in addition to longstanding procedures of establishing a short list, with due regard to gender balance and equitable geographical distribution. Job openings were advertised on the UN's recruitment platform, Inspira.

Gender parity and conditions of service

The Secretariat used to send a note verbale to Member States every other year requesting that they submit candidates for expert panels. Currently, a note verbale was sent to every Member State at the time of setting up each expert panel. The Secretariat aimed for 50 per cent gender parity in expert panels. There was currently a woman expert on each expert panel and half of all expert panels included two or three women. The Secretariat was about to appoint its second woman coordinator.

On the question of the perception of gendered specializations for expert panels, it was observed that recruitment was done primarily on the basis of technical expertise and that female arms experts were a rarity.

On conditions of employment, the UN had limited ability to encourage more women to apply for certain kinds of work. Even with all benefits in place, the organization had great difficulty promoting gender parity in field missions. Societal norms and pressure on families rather than conditions of service were direct causal effects. The Secretariat was beginning to work on new conditions of service for expert panels, based on recommendations contained in the report of the board of inquiry on the deaths of two sanctions experts in the DRC in 2017. The informal proposal to the Security Council would include a new status for the members of expert panels and improved conditions of service.

Conditions of service for experts differed according to whether expert panels were based in New York, or home-based with frequent field missions. For example, while experts were not entitled to maternity leave, the Secretariat had found a way in two cases to adjust for maternity leave in an effort to support the home life of experts.

Gender competence and sensitivity training

The Secretariat's induction training for expert panels included a sanctions-specific gender perspective prepared by a gender consultant. The training included input from the office of the SRSB for Children and Armed Conflict and the SRSB for SGBV. Justice Rapid Response had collaborated with the Secretariat on deepening training for IHL experts.

Budgetary constraints did not lend themselves to adequate sanctions training let alone in-depth gender competence and sensitivity training. Overall sanctions training was under-resourced and received insufficient attention. The UN provided substantive training for staff and others, including gender training, of which some was mandatory. But expert panel members lacked the time to avail themselves of it.

Performance evaluation

There were midterm and final evaluations of the performance of expert panel members and an end of assignment report. On the topic of sexual harassment within expert panels, it was noted by CCSI that the cases reported during the consultations had occurred some years ago. The Secretariat responded that the end of assignment report provided a confidential section for commenting on or flagging issues including those concerning gender relationships. Candidate

profiles were sorted with an eye to the specific requirement of a gender perspective, including for coordinators.

Unintended gender implications of UN sanctions

Introduction

OCHA's Sanctions Assessment Handbook was released in 2004 but its methodology was never systematically applied by the UN sanctions system or by OCHA. The failure was connected with the need to first establish baseline data against which the socio-economic and humanitarian impacts of UN sanctions could be assessed. Too often, such baseline data does not exist, therefore rendering the undertaking useless.

The question should be examined of whether a reliable framework could be developed and instituted to assess the potential unintended gender impacts of sanctions. One potential advantage that could simplify assessments of unintended gender-related implications is that in some cases, no broad socio-economic and humanitarian baseline studies are required. For example, targeted sanctions involve only very limited segments of elites, their wider families or communities. Individual interviews with those affected could deliver results with relative ease.

However, certain targeted sanctions can also cause gender-related impacts on whole communities, for example, where they involve commodity restrictions, in particular, in communities already affected by conflict, or where there is a high percentage of women-headed households and where women and gender minorities already have cultural or social barriers to accessing humanitarian assistance or markets.

Among introduced sanctions measures, the most likely unintended gender impacts may be caused by assets freezes and other economic restrictions, individual travel bans, and arms embargoes, usually applied to elites, commanders or key facilitators (referred to here as designees or principals).

Positive and negative impacts of sanctions

Research on gender and counter-terrorism financing clearly demonstrated that sanctions impacts were both intended and unintended. Limiting the discussion to unintended consequences would lead to the ironic effect that some of the most deliberate—and often therefore egregious—impacts of the sanctions regime would escape scrutiny.

Sanctions had positive and negative consequences. The inclusion of criteria for SGBV in sanctions regimes meant that, in some contexts, NGOs stopped reporting those activities. A study of the effectiveness of sanctions indicated that there were increased human rights violations in 20 per cent of cases and strengthening of totalitarian rule.¹ Sanctions also undermined women's security and empowerment.

Sanctions committees had minimal awareness of the unintended consequences of targeted sanctions. In the case of Somalia, when questions arose about the humanitarian consequences of the charcoal ban, suggestions were made to modify the sanctions. The UNSC provided a carve-out (exemption) in situations where humanitarian agencies were engaged, allowing for humanitarian access in some situations.

In Liberia, when the UN deployed commodity sanctions, over 100 jobs were lost because they were centered on natural resources such as timber and gold. In one concession area, some 200 to 500 workers lost their livelihoods. Increased crime rates in such areas decreased women's security and increased harassment, rape and other types of gender-related violence.

Because of inadequate resources, it was preferable for the UNSC to mandate a separate body to assess the impact of sanctions rather than including that task in the mandates of expert panels. This proposal did not, however, address how such alternative monitors would be resourced and receive adequate sanctions training.

Individual targeted sanctions

Individuals who were the subject of targeted sanctions often suffered from inadequate due process. Travel bans meant that access for designees and their families to medical attention was hindered. In a case of individual targeted sanctions, the wife and children of the person under sanctions were denied economic assistance for fear of violating the sanctions. Due process challenges to listings had the potential to impact the credibility of expert panels and the sanctions regime. The unintended victims of targeted sanctions such as family members of a principal, should have access to a UN contact point or the mandate of the UN Focal Point for Delisting should be expanded to include dealing with the concerns of unintended victims, including, but not limited to the gendered implications of access to education, medical care, and visa access to visit relatives and attend conferences.

¹ Biersteker, Thomas J., Sue E. Eckert and Marcos Tourinho (eds.), *Targeted Sanctions: The Impacts and Effectiveness of United Nations Action*, Cambridge University Press, 2016.

Sanctions assessments

The High Level Review of UN Sanctions recommended the conduct of baseline studies of the socio-economic conditions by which to compare the impact of sanctions. Expert panels could be specifically tasked to bring information on the humanitarian impact of sanctions to the UNSC, including gender implications. Targeted economic sanctions, such as on the DPRK, had a potential impact on the entire economy. There was a report of the Human Rights Commission that included a section on the impact of women in the DPRK. A feedback loop and follow up action were needed to ensure that negative consequences were reported and mitigated, including adopting necessary measures to mitigate the impact of sanctions on humanitarian aid.

UN vs unilateral sanctions

Most people around the world did not make the distinction between UN sanctions and unilateral sanctions. In Sudan, for example, because of trade bans, many companies did not want to export medicines and international banking facilities were unavailable to pay for medical expenses and tuition abroad. In some cases, women and girls had no access to everyday hygiene supplies such as sanitary pads. Other unintended consequences of trade bans included empowering the black market run by the regime in Iran, whereas ordinary people could not afford to buy food or medicine.

In countries affected by sanctions, the terms and conditions of women's paid work were reduced, and crime rates and women's physical security were jeopardized. If sanctions were imposed, they should not exacerbate the suffering of populations already experiencing oppression and must safeguard the global women, peace, and security agenda. In Yemen where there were UN sanctions, starvation took hold as a result of the conflict, and the UN was unable to act. When Sudan could not import spare parts as a result of unilateral sanctions, planes were grounded and the humanitarian impact on the community was ignored.

A consultee noted that often what was attributed to the impact of sanctions was actually the impact of corruption whereby the entire budgets of some countries were going to the army and the militias. In addition, people on the ground did not see the difference between unilateral and multilateral sanctions. It was important to raise the awareness of the general population concerning the nature and role of sanctions. More grass roots involvement would result in improved reporting and implementation and overall support for sanctions.

Impact of monitoring and reporting

Expert panels had an obligation to consider the possible consequences of their investigations. They were inadequately trained to interview victims and survivors and were unable to provide a safe space for such persons. Their activities also had potential risks for third parties on the

frontline, such as activists and non-governmental organizations who might be seen as working with the investigators. Expert panels had much leeway in deciding who, what, where and when they investigated, often without considering the gravity of possible consequences. An example could be the consequences of the curtailment of support to the population if a major NGO was under investigation.

The impact needed to be considered of the conduct of investigations and interviews in contexts of sparse services and where socio-cultural norms tended to favor silence regarding SGBV, which tended to be perceived as a family or community matter to be addressed by customary law. In such settings, such as in Somalia, where local or government authorities tended to dispute allegations, there were actual repercussions for speaking out, such as expulsion from IDP camps. There was an issue of mitigating risks and assessing when the risks outweighed the benefits for the persons concerned.

There was sometimes over-engagement of survivor and affected communities, when multiple investigations were conducted with no results from the viewpoint of the communities. It was important to consider the longer-term effects of the ways in which these mechanisms operated. There was a case where the UNSC had asked for investigations of mass rape but the expert panel declined because conditions on the ground were not conducive. Expert panel guidelines should include taking account of the impact of investigations on victim communities. The ICJ could help with witness protection standards, along with ways of avoiding exhausted communities.

The UNSC should adopt procedural guidelines for the conduct of interviews by expert panels including a unified system of victim and witness protection and the impact of reporting to the UNSC. Psychosocial and medical support for victims and witness protection should be included. This could be done through agreements with NGOs to prioritize those services for individuals working with expert panels. However, no views were presented by the consultees on how such approaches could be accepted politically by an already deeply divided Security Council.

Cycle of impunity

Many people under individual targeted sanctions traveled freely and conducted business as usual and nothing seemed to be done to prevent their activities. One needed to consider the consequences of the cycle of impunity, when the population was aware that members of the government and armed groups were under sanctions yet were still able to carry out their activities. Some members of these groups may even have benefits because they were representatives of parties to the conflict and therefore had travel and other privileges. Sanctions could empower regimes by giving them cover for their own incompetence or wrongdoing.

Sanctions should not only be about sticks, but about carrots as well in order to create a context for dialogue. Sanctions had created movement in Somalia and a space for dialogue and partial easing of sanctions. Sanctions must not only be just; they must be seen to be just. Sanctions lose their force when there are no visible results and have a negative impact on informants. In Somalia, the Council made misappropriation of resources a sanctionable offence, although there were no designations.

Views of the UN Secretariat

Representatives of the Secretariat noted on the issue of the unintended effects of sanctions, including the possible disproportionate burden falling on women and girls, that there was underinvestment in research and a lack of commitment to the issue overall. In fact, the entire issue of due process was not yet resolved. LGBTI was not a terminology in any sanctions resolution.

Many issues could be included under the IHL umbrella for sanctions regimes in cases where gender-specific issues might not be mentioned. The mandates of certain sanctions regimes, such as the non-proliferation regimes, did not contain terms of reference for assessing the humanitarian impact of sanctions, or issues of human rights, but the most recent report on the DPRK contained a brief discussion about the humanitarian perspectives of sanctions. While the Secretariat could try to encourage a gender perspective on the part of expert panels, there were limitations to its influence on the content of expert panel reports.

Future steps – Mainstreaming Gender and sanctions beyond the Best Practices Guides

Scope of SGBV

In contexts such as CAR and Guinea Bissau, people were affected by high levels of types of violence other than GB and SGBV. Such countries were neither in peace nor in war, which meant difficulty in applying conflict-related sanctions. In many cases, there was militia-perpetrated violence that was not strictly related to conflict.

In considering SGBV, it was important to consider that in conflict and post-conflict regions a large percentage of the population suffered from mutilation caused by war. People Living with Disabilities must therefore be considered as a special group that could be subject to gender

violence, and should be provided with a conducive environment. They were more at risk of violence and were overlooked by most policies. There should be well-established safe and protective spaces for victims of gender-based violence in relation to cross border conflict.

Gender-based violence

In Somalia, the connection of the vulnerability of women and girls' lives to the vulnerability of their men folk needed more research. The situation was complex in terms of accountability for SGBV. Attacks on women often gave rise to revenge attacks. Forced marriage was a sanctioned form of rape, which was difficult to address in the absence of the concept of rape in marriage, and was a convenient masking mechanism for groups such as Al-Shabaab. Al-Shabaab should be a target of sanctions only if AMISOM was as well, along with other uniformed forces in terms of SGBV. These issues raised the question of whether the tool of sanctions was missing nuances of the situation on the ground.

A feminist sanctions policy

A feminist sanctions policy was needed that did not include gender-related issues as peripheral; but rather recognized that gender relations were at the heart of politics and economic and social power. Gender-related issues should not be an add-on or segment to which one member of an expert panel was dedicated. Perceiving gender as part of the political economy of a country had to become the norm. Not only were more strong women needed at the policy-making levels, but also individuals who understood the gender dynamics in conflict and post-conflict situations. Often change was personality-driven, such as the 2000 UNSC resolution on Women, Peace, and Security. Efforts should be made to influence the texts of UNSC resolutions to be more inclusive of gender-related issues to provide expert panels with a more direct mandate. In order to have an integrated gender approach to sanctions, the issue must be raised to a high level to elicit the necessary political will for the system to function effectively.

Gender analysis

The UNSC should include criteria for gender-related threats in all sanctions regimes. Gender could be mainstreamed by elevating gender discrimination and its most extreme forms to the level of matters that fell within the jurisdiction of the UNSC. The UNSC gender policy should be based on definitions of forms of gender-based discrimination and violence.

A gender analysis could identify the differential and particular experiences of women, girls, men, boys, and LGBTI persons, who faced gender-related threats and violence.

Gender analysis could help to define committee guidelines and the mandates of expert panels including their investigations and reporting. A gender policy would also be useful to inform the recruitment and selection of expert panel members

Mandatory gender expertise and gender competence in expert panels

Screening was needed for mandatory gender expertise and gender competence for all selected candidates for expert panels. Performance evaluations should be pegged to gender-specific indicators of how expert panels conducted their work. Mandatory continuous training should be provided. The recruitment process and level of training were highly personalized and non-transparent. The investigatory standards of expert panels should include a gender component and be uniform across panels. Experts were assumed to come pre-packaged with methodology when they were hired. The gender expert on a team must also cover IHL and humanitarian assistance, which were separate tasks.

Mandatory reporting including Member States

There should be mandatory reporting by expert panels and Member States on increases or reductions in gender-based violence and steps that were being taken to prevent or respond to such acts. It was also necessary to provide support to investigations of UN peacekeepers and UN agency personnel for SGBV. Expert panels were often barred from looking at these entities and that needed to change. There was a perception that violators were always men. Women were also perpetrators, sometimes hiding behind men, pulling the gender card while running military organizations on the ground, and writing articles about peace and security while being contributors to war.

Gender focal point

A gender focal point was needed in the UNSC, similar to the Focal Point for Delisting or the Ombudsperson, and coordinating the activities of the gender experts. Because Member States had different gender policies and perspectives, it was difficult to have a gender policy at the level of the UNSC. It was also difficult to have a UN cross-agency gender policy. The establishment of a separate expert panel to look only at the gender consequences of sanctions should be considered. The UNSC would entrust the expert panel to review the negative impact of sanctions and provide the Council with recommendations. A chapter on gender should be included in the Best Practices Guide including a glossary of terms used for gender-based violence or gender-related.

Learning from other UN agencies

There was a lot to be learned from other UN agencies and international tribunals about witness protection and evidence. Much thought had gone into those issues in the last ten years that could be benefited from. It was important to establish inter-agency cooperation and sharing of data, including on SGBV. CEDAW had mechanisms that could be transferred to the national level that contained all the necessary tools for monitoring and implementation.

Gender policies at the national level

In one case reported by a consultee, the international community and UN agencies had provided support to a post-conflict state. However, the government institutions did not integrate gender issues, most personnel in international agencies were men who lacked a gender perspective, and the policies that were created were not culturally sensitive. Policy formulation should begin at the grass roots level and move upward. Resources provided at the national level did not reach the people affected. For example, women who were victims of SGBV often had to travel miles to reach a forensic laboratory and by the time they arrived, the evidence was destroyed. There was a disconnect between the UN, governments and the grassroots level and a link needed to be found.

The role of civil society

Civil society had a lot of data and were able to identify with and build trust among vulnerable populations. They should be engaged as partners to support communities, including providing psychosocial support and economic empowerment.

Limitations of sanctions

There was a tendency to use sanctions for the purpose of other accountability platforms. Sanctions sat in the gamut of instruments of ICH and IHL, all of which could provide solutions for victims. Sanctions provided a specific niche. Perhaps instead of applying sanctions on members of militias, they could be rendered to IHL and sanctions could be used for very specific purposes of gender-related threats to international peace and security.

Raising awareness of sanctions

It was important to raise awareness of sanctions with affected populations. Many UN agencies did not understand sanctions mandates, which affected their level of cooperation with expert panels. Awareness-raising was a part of sanctions monitoring but more needed to be done.

Views of the UN Secretariat

Both SCSOB and SCAD had a gender focal point, but it was difficult to apply a sophisticated gender lens when there was no investment in the issue.

Final observations

Conditions under which UN sanctions are leveraged

Unlike all other human rights frameworks that attempt to confront gender violence, the UN sanctions system must address special complexities in order to deliver responses to gender-related issues effectively. Ideally, the Security Council will act on gender issues that:

- Will not be politicized or exposed to veto threats;
- Are perpetrated by individuals or entities that are susceptible to targeted sanctions; that require that perpetrators have assets that can be frozen or international travel needs that can be blocked. Even if these two factors are not available, desirable effects could be achieved for individuals and entities who are susceptible to reputational losses because of political or other elite status;
- Fit into widely accepted interpretations of Article 39 of Chapter VII of the UN Charter. The operative language is that the Security Council “shall determine the existence of any threat to the peace, breach of the peace, or act of aggression” in order to consider whether and what measures “shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security”. While “hard” factors, such as cross-boundary incursions by an aggressor have traditionally been the preferred trigger under Article 39, over the past two decades “soft” security concerns, such as atrocities or other serious human rights violations, are increasingly leveraged to apply UN

sanctions.

Refining the UN sanctions rationale on gender issues

Given these sanctions-specific qualifications and precedents, policy makers have two choices. They can either ignore the need to develop their own definition of the gender-related issues they wish to confront with sanctions and simply proceed in the ad-hoc manner so far pursued. Alternatively, the premise could be accepted by sanctions policy-makers that gender-related violence is a poorly understood aspect of conflict dynamics, and that the effectiveness of sanctions responses could probably be maximized once the issue was better understood.

Some consultees observed that widespread gender-related violence is often perpetrated not only during conflicts, but also before and after their resolution. Women, men, girls and boys are targeted as part of an extended low-intensity warfare that takes place outside of normal conflict dynamics merely because they happen to be part of vulnerable ethnic, national, religious or economic groups. A sense of impunity among perpetrators can build up over decades and create a permissive environment for multiple forms of widespread sexual and other gender-related abuses. Such activities have been described as including “acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty” (CEDAW/C/GC/31-CRC/C/GC/18, 14 November 2014.)

These silent wars, often against, but not exclusively, women, continue in many post-conflict regions without being recognized as the first stage of a new conflict. The accumulation of attacks against the dignity and personal safety of members of vulnerable groups can lead to the eruption of broad violence and conflicts. Evidence for ongoing gender-related violence can be observed in many regions of the DRC that otherwise are no longer considered conflict regions. In Darfur, the same observation has been made for more than 10 years where female populations in IDP camps are concerned.

The risks of limiting UN sanctions to CRSV

In other words, limiting sanctions to conflict-related sexual or gender-related violence may miss the opportunity to counteract what eventually will be a full conflict. For those who believe that taking such preventive and protective sanctions approaches stretches the interpretation of Article 39 too far, they should consider whether their objection is not by itself an expression of gender disparities.

Accepting that the end of a conflict can only be framed in terms of military concepts – disarming combatants as part of a ceasefire agreement, integrating them into regular armed forces as part of a peace agreement, etc – is a male perspective. The female perspective may have more to do with regaining personal safety and dignity, establishing food security, or being able to return to

live safely in the family home.

Improving UN sanctions to more effectively prevent gender-related threats and violence

1. A separate SGBV criterion in each sanctions regime is recommended. If this recommendation is not adopted by the Security Council, experts should use the general IHL/IHRL designation criteria to bring attention to SGBV in each context. In ISIL/AQAP and North Korea sanctions regimes an IHL/IHRL designation criteria and/or a SGBV criteria may be included.
2. Require all expert panels to include in their methodology a comprehensive gender statement, describing their internal policies to ensure gender competence, their monitoring focus to include gender relevant issues, and monitoring of unintended and intended gender implications of sanctions measures.
3. There should be a criterion that assists expert panels and the UNSC to determine when acts/ situations of SGBV reach the threshold of a threat to international peace, security and stability. This criterion can be based on an evolving list of acts that should not consist only of reports about rape or sexual exploitation. As sanctions monitoring experts refocus on gender aspects in conflicts, other criterion may emerge, within each context they are examining.
4. Mandates of UNSC sanctions monitors should:
 - a. Include threats of SGBV when such threats are imminent.
 - b. Take a wider gender approach to include gendered threats against men and boys and LGBTI communities, and people with disabilities.
5. If gender-related sanctions monitoring is mandated by the Security Council, safety and security provisions for victims and witnesses must be ensured. Guidelines for such supporting mechanisms should be developed by sanctions and human rights practitioners.

Promoting a stronger presence of gender-related issues and participation of women in UN sanctions policy-making, implementation and monitoring

1. A gender policy should be adopted that allows for gender mainstreaming of all stages of sanctions monitoring and reporting, after designations and before delistings.
2. A gender/sanctions manual should be drafted and introduced to align the approach

to gender and sanctions by all UNSC members, chairs and members of sanction committees, the Secretariat, and expert panels and their coordinators.

3. There should be gender balance among UNSC members, sanctions committees, the Secretariat, and expert panels and gender targets set to achieve this balance. One such target may be to ensure that within an identified number of years, 50 per cent of sanctions coordinators and panel members are women.
4. Create a conducive environment for the recruitment of women and LGBTI persons, which includes maternity leave, health insurance, and other special gendered considerations.
5. Consider the possibility of the inclusion of a gender expert in each expert panel and ensure that gender training is mandatory for each new member.
6. Include gender-related harassment faced by expert panel members in the mandate of the Secretariat Gender Focal Point.

Unintended gender implications of UN sanctions

1. Systematically monitor the positive and negative implications/consequences of sanctions and mandate periodic reporting by expert panels.
2. Establish a reporting obligation for all expert panel members about specific measures taken within their mandate in regards to gender concerns.
3. Establish a reporting obligation about the observed unintended consequences of sanctions for all Member States as part of their implementation reports.

Annex 2 Welcoming remarks by Rick Steenweg on behalf of the High Commissioner of Canada to Kenya

Good Morning,

I am honoured to be able to welcome all the participants today on behalf of our High Commissioner, Lisa Stadelbauer, who sends her regards but, unfortunately, could not be here today.

The Government of Canada recognizes that armed conflict affects women, men, girls and boys in different ways. Women and girls around the world face gender-based discriminations which are exacerbated in crisis contexts. They are especially vulnerable in situations where they are displaced and/or become refugees. They are most vulnerable to conflict-related sexual violence, which is often used as a war tactic.

UN responses to armed conflicts over the past two decades have increasingly highlighted the protection of human rights and international humanitarian laws. This expressed readiness to consider imposing sanctions for human rights violations against civilians has opened the door to designating individuals responsible for sexual and gender-based violence. Designing and implementing sanctions in such a manner could deter potential perpetrators, compel their leadership to take concrete action to prevent sexual and gender-based violence, and ensure that vulnerable populations can be better protected.

And yet, we must recognize that, to date, the UN sanctions system has only been able to partially address some of the atrocities that have unfolded in conflict regions such as the Democratic Republic of Congo, the Central African Republic, Libya, and Yemen, and in the regions formerly and currently occupied by ISIL/Daesh, Al-Qaida, Boko Haram, and al Shabaab.

The Government of Canada is committed to promote and protect women's and girls' human rights, gender equality and the empowerment of women and girls in fragile, conflict and post-conflict settings. In 2017, Canada renewed the National Action Plan for the implementation of UN Security Council Resolutions on Women Peace and Security, with commitments to promote the meaningful participation of women and women's organizations and networks in peace processes, to end impunity for sexual and gender-based violence and to promote and protect the human rights of women and girls in fragile and conflict-affected settings.

In accordance with our Feminist Foreign Policy and Feminist International Assistance Policy, Canada has not hesitated to use autonomous sanctions to hold those responsible for human rights violations, specifically related to sexual and gender-based violence, to account. This has included recent sanctions imposed against military officials responsible for the atrocities committed against the Rohingya people in Myanmar. Canada has recently announced a dedicated sanctions policy and operations centre to further grow our sanctions capacity, so that we can bring a more coordinated approach to the effective implementation of sanctions and support important initiatives such as a this workshop.

Beyond our autonomous sanctions regime, Canada is committed to exploring how the UN sanctions system can function more effectively by enhancing gender-relevant prevention and sanctions practices as part of a more effective conflict resolution effort. Today, we have an opportunity to meaningfully discuss how to address these issues.

The High Commission of Canada is pleased to host this workshop, in collaboration with Compliance and Capacity Skills International (CCSI), who have been doing important work in the field of international sanctions since 2011. CCSI partners and collaborates with policy makers in state authorities, international organizations, and company compliance officials to enhance the implementation of sanctions through training, research and advisory services.

It's important to note that this workshop is part of a broader initiative by CCSI to develop several 'Best Practices Guides' in order to engage effectively with the principle sanctions actors. Canada is pleased to be a part of this initiative, along with the governments of Australia, Belgium, Germany, the Netherlands and Sweden. The goal of these guides is to support those States who are expected to serve as elected members of the Security Council and to develop practical guidance towards a more effective UN sanctions response to gender-related threats. CCSI recently released the 'Guide for Chairpersons and Members of Sanctions Committees' in a preliminary version. It will be re-released in summer 2019 in an amended version reflecting guidance on human rights and gender-related issues – informed by the discussion taking place during today's workshop – together with the publication of the Guide for UN sanctions monitoring experts and their coordinators.

My colleagues and I look forward to the forthcoming discussion and exploring the various view points from experts in the field. I know that many in the room have made long journeys to be here today and on behalf of myself, and the rest of the staff at the High Commission, we would like to offer our sincere appreciation and hospitality during your stay in Nairobi.

Why a Best Practices Guide?

The word “sanctions” is not mentioned in the UN Charter. Rather, Article 41 of Chapter VII describes “measures not involving the use of armed force.” Why are sanctions important? Why should we care that they are as effective as possible?

There are three tools in the toolkit of the international community for maintaining and restoring international peace and security: diplomacy, armed, force, and sanctions. Each of these tools has its limitations, as do sanctions. Another reason to pay attention to sanctions is that they are the tool of choice of the UN Security Council.

Sanctions are complex. They are constantly changing and evolving. Sanctions have changed massively since the earliest days in the 1960s of comprehensive trade bans on South Africa and Southern Rhodesia.

After the end of the Cold War and the proliferation of sanctions cases, beginning with Iraq for its invasion of Kuwait, comprehensive sanctions gradually gave way to today’s targeted sanctions: assets freezes, travel bans, arms embargoes, and commodity bans. The purposes of sanctions have expanded from cross-border aggression to non-proliferation, terrorism and human rights.

Sanctions are perceived as having a single goal, to change behavior. In fact, sanctions have multiple goals: coercing change; constraining and containing norm-breaking behavior; and signaling the collective disapproval of the international community. As such, they can be a powerful deterrent, which is difficult to measure.

Sanctions do not work in isolation. They work best as part of an overall conflict resolution package that ideally includes diplomacy, mediation, and other instruments. The question is not “do sanctions work?” In the same way, the question is not does peace-keeping or mediation work? The question is what contribution can sanctions or any other tool, working in concert with others, bring to bear on conflict resolution.

It has been almost 30 years since sanctions were deployed on Iraq. Sanctions have undergone serial crises that account for much of the skepticism about the tool. The unintended consequences/humanitarian impact pushed the drive toward the change to targeted sanctions. But they were not the only drivers. The type of perpetrator also changed, from state to non-state actors and sanctions had to evolve.

The second crisis of confidence in sanctions' credibility and legitimacy relates to the due process rights of persons designated for individual targeted sanctions. The Security Council has shown itself willing to learn, change and adapt. It is often a slow process, and one that is driven by Member States outside the Council – which brings us to the Best Practices Guide.

The Guide must be seen in the context of a coherent effort over twenty-five years by states outside the Council to demystify sanctions and make them more transparent, accessible and understandable. Experience has shown that enhanced knowledge, skills and engagement will foster an improved sanctions system and better responses to conflicts, terrorism, proliferation and human rights violations.

Canada has long had a tradition of support for improving UN sanctions, from its active chairing of sanctions committees, its sponsorship of the report “Integrating UN Sanctions for Peace and Security” in 2010, and sponsoring the first UN system-wide training of all sanctions actors: UN officials, Member States, sanctions monitoring experts, the private sector and civil society, beginning with a pilot project in 2011 and culminating in training by CCSI from 2012 to 2013.

And Canada is now a sponsor of the Best Practices Guide for the Chairs and Members of Sanctions Committees of which a provisional copy is before you. A Guide for Expert Monitoring Groups is on the way.

Member States and others have worked hard to push innovations on sanctions and to foster understanding as a means to elicit broad support for sanctions implementation.

The Compendium of the High Level Review of UN Sanctions, launched in 2015, noted that the issue of where UN sanctions intersect with gender-related issues is a rather unexplored one. For decades the Council did not take into account the devastating effects that conflict has on the lives of women and girls; or that the heavy burdens of economic sanctions affect most intensively groups, including women and girls, that are disadvantaged by social, economic and political discrimination.

The issues of sanctions and gender are in some ways like massive ships sailing past one another in the night. Since 2000 and the adoption of resolution 1325, the Security Council has signaled its willingness to consider sanctions' impact on civilian populations and the special needs of women and girls. There has been a more systematic effort to include gender issues in the criteria for designations of those who perpetrate violence, including sexual and gender-based violence. But the implementation gap is wide and bridging that divide is what brings us here today.

Annex 4. Revised agenda: Workshop on UN Sanctions and Gender-related Issues

Wednesday, 27 February 2019

845: Arrival

915: Welcome remarks by Rick Steenweg, representative of the High Commission of Canada to Kenya

925: Introduction - Loraine Rickard-Martin, Partner/CEO, Compliance and Capacity Skills International (CCSI): Developing Best Practices Guides

935: **Panel 1: Improving UN sanctions to more effectively prevent gender-related threats and violence**

Moderator: Ruwanthika Gunaratne, Former member, UN Panel of Experts on Yemen, Gender Consultant, CCSI

Panel members: Huma Khan, UNMISS, South Sudan; Therese Kulungu, Panzi Foundation, DRC; Eugide Mbunda, Executive Director, PAF-Africa; Dalila Seoane, Legal Counsel, Civitas Maxima

1010: Discussion

1045: Coffee break

1100: **Panel 2: Promoting a stronger presence of gender-related issues and participation of women in UN sanctions policy-making, implementation and monitoring**

Moderator: Loraine Rickard-Martin

Panel members: Thomas Bifwoli, UN Panel of Experts, Darfur; Maminah Carr, Assistant Minister, Children and Social Protection, Liberia; Deirdre Anne Clancy, former member, UN Panel of Experts, Somalia/Eritrea; Enrica Picco, UN Panel of Experts, Central African Republic.

1140: Discussion

1230: Lunch

1330: **Panel 3: Unintended gender implications of UN sanctions**

Moderator: Matt Bryden, Sahan Research

Panel members: Mohamed Babiker, UN Panel of Experts, Somalia; Deirdre Anne Clancy, former member, UN Panel of Experts, Somalia/Eritrea; Ruwanthika Gunaratne, Former member, UN Panel of Experts on Yemen, Gender Consultant, CCSI; Judith Mirembe, Gender Adviser, UNAMID;

1410: Discussion

1450: **Panel 4: Future steps – Mainstreaming Gender and sanctions beyond the Best Practices Guides**

Moderator: Achieng Akena, Pan Africa Network

Panel members: Tanja Chopra, Gender and Diversity Adviser, UNOPS; Judith Gardner, Gender, Peace and Conflict Consultant Research Coordinator, Rift Valley Institute; Gertrude Karimu, National Coordinator, Women’s Network for Environmental Sustainability, Sierra Leone; Lydia Muthiani, Lawyer/Advocate, International Rights of Women and Girls

1525: Discussion

1555: **Roundtable**

1630: Coffee break

1650: Outcome summary: Ruwanthika Gunaratne

1700: Closing remarks by a representative of the High Commission of Canada to Kenya

Annex 5 List of participants to Workshop on “UN Sanctions and Gender-related Issues”

(Additional experts participated in the consultations for this report with views and experiences)

- | | |
|--|---|
| 1. Ms. Achieng Akena
Gender Specialist, Pan Africa Network | Women Peace and Security Fellow
African Leadership Centre |
| 2. Mr. Mohamed Babiker
UN Panel of Experts, Somalia | 10. Ms. Jennifer Fish
Programme Officer
UNMAS |
| 3. Mr. Mustafa Bawar
Head of Programme Management Office
(Nairobi) UNMAS | 11. Ms. Judith Gardner
Gender, Peace and Conflict Consultant
Research Coordinator
Rift Valley Institute |
| 4. Mr. Thomas Bifwoli
UN Panel of Experts, Darfur | 12. Ms. Judy Gitau
Regional Coordinator Africa, Equality Now |
| 5. Mr. Matt Bryden
Sahan Research | 13. Ms. Dakshinie Ruwanthika Gunaratne
Gender Expert, Compliance and Capacity
Skills International (CCSI) |
| 6. Hon. Maminah Carr
Assistant Minister, Children & Social
Protection
Government of Liberia | 14. Ms. Noreen Hungu
Embassy of the Federal Republic of
Germany, Nairobi |
| 7. Ms. Tanja Chopra
Gender and Diversity Adviser, UNOPS | 15. Ms. Gertrude Karimu
National Coordinator
Women's Network for Environmental
Sustainability (WoNES)
Sierra Leone. |
| 8. Ms. Deirdre Anne Clancy
Former member, UN POE Somalia/Eritrea | |
| 9. Ms. Habiba Dahir | |

16. Ms. Huma Khan
Senior Women Protection Adviser, UN,
South Sudan
17. Ms. Therese Kulungu
Panzi Foundation, Democratic Republic of
Congo
18. Ms. Varaidzo Mupunga
Women Peace and Security Fellow
African leadership Centre
19. Mr. Eugide Mbunda
Executive Director, PAF-Africa
20. Ms. Judith Mirembe
Gender Advisory Unit, UNAMID
Sudan
21. Ms. Nazanine Moshiri
Arms expert, UN Panel of Experts on
Somalia
22. Ms. Lydia Muthiani
Lawyer/Advocate
International Rights of Women and Girls
23. Ms. Maureen Viata Muthinzi
Physicians for Human Rights,
Program and Operations Associate (SGBV),
Kenya
24. Ms. Stephanie Mutindi
State Department of Gender Affairs
Government of Kenya
25. Ms. Stella Ndirangu
Legal Action Worldwide,
Head of Office, Africa
26. Mr. Patrick O'Neill
Sanctions Officer
Global Affairs Canada
27. Ms. Emily Opati
State Department of Gender Affairs
Government of Kenya
28. Ms. Enrica Picco
Humanitarian Expert, UN Panel of Experts,
CAR
29. Ms. Noëmi Ral
First Secretary
Embassy of Belgium in Nairobi
30. Ms. Loraine Rickard-Martin
Partner/ CEO, Compliance and Capacity
Skills International (CCSI)
31. Ms. Sureya Roble
Executive Director
Advocacy for Women in Peace and Security
in Africa

32. Mr. Arnaud Royer
Deputy Director, Human Rights Division
UNMISS

Legal Counsel
Civitas Maxima

33. Ms. Dalila Seoane

34. Ms. Serah Uluoch
Sahan Research

35. Ms. Melisa Yorgancioglu
Head of Programmes East Africa
Mercy-USA