



CONSULTATION DRAFT:

Australian National Action Plan on Women, Peace and Security

2011

Minister's Foreword

The Australian Government is committed to ensuring a fair, safe and secure nation for all Australians. As a good international citizen we strive to promote these values throughout our region and around the world to ensure that all women, men, girls and boys have the opportunity to lead safe and fulfilling lives and participate in all aspects of public life.

Actively supporting women's full participation in economic, social and political life is a key factor in reducing poverty, increasing the wellbeing of women and creating fair, safe and secure communities. It is especially difficult to advance equality between women and men and empower women during and after conflict. Situations of conflict pose specific challenges to ensuring women are safe and fully able to participate in the prevention, resolution and management of conflict.

In October 2000, the United Nations Security Council took a historic step to formally recognise the effect of conflict on women and girls by unanimously adopting Resolution 1325 on Women, Peace and Security. Resolution 1325 is a landmark international framework which recognises the essential role of women in the prevention of conflict and as full participants in post-conflict peacebuilding and reconstruction efforts.

Australia is a long-time supporter of United Nations Security Council Resolution 1325. The Australian Government is proud that much work has already been undertaken, both internationally and domestically, to respond to the needs of women, and promote their participation role in conflict situations and post-conflict societies. However, further determined efforts are required. The *Australian National Action Plan on Women, Peace and Security* will be an aspirational document that will commit Australia to this compelling objective.

The National Action Plan on Women, Peace and Security will set out Australia's plan to integrate gender perspectives and recognition of gender-specific issues into all of our peace and security efforts and support work to eliminate violence against women in fragile, conflict and post-conflict situations where Australia operates.

Women are powerful agents of change. To achieve sustainable peace and security women's voices must be heard at all levels and stages of the peace process. *Australia's National Action Plan on Women, Peace and Security* will provide a comprehensive framework to ensure that Australia plays its part in making this happen.



The Hon Kate Ellis MP

Minister for Employment Participation and Childcare; Minister for the Status of Women.





Making a Submission

This draft National Action Plan forms part of a whole-of-government approach to Women, Peace and Security. An Australian Government inter-departmental working group comprising members from relevant Government Departments and Agencies acts as the coordinating mechanism for the development, implementation, monitoring and evaluation of the final National Action Plan.

The National Action Plan will be a living document, and mechanisms to ensure the comprehensive implementation, monitoring and evaluation will be determined as a result of the consultation process. The ongoing involvement of civil society organisations in developing, implementing and evaluating the final National Action Plan will be vital.

Interested individuals and organisations are invited to review and comment on this draft National Action Plan by providing a written submission. All submissions will be treated as public documents, and may be published in full on the FaHSCIA website.

Once the public consultation period concludes, the draft National Action Plan will be reviewed and the *Australian National Action Plan on Women, Peace and Security* will be developed.

A feedback template is available at the end of this document to assist in the preparation of your submission.

CONSULTATION DRAFT: Australian National Action Plan on Women, Peace and Security

Implementing United Nations Security Council Resolution 1325

Introduction

“Peace is inextricably linked to equality between women and men.”

United Nations Security Council Statement, International Women’s Day 2000

Australia has supported the full implementation of United Nations Security Council Resolution (UNSCR) 1325 since its adoption in 2000 and was a co-sponsor of UNSCR 1820 in 2008 and UNSCR 1888 and 1889 in 2009 and UNSCR 1960 in 2010.¹ Australia’s ongoing commitment to the principles of UNSCR 1325 and related resolutions 1820, 1888, 1889 and 1960 is demonstrated by the broad range of work it undertakes in international defence, policing, diplomacy and development contexts.

Australia recognises that determined and coordinated efforts are required to respond to the needs, and promote the protection and participation, of women in conflict and post-conflict situations. Australia has made important progress in the past few years to improve equality between women and men, both domestically and overseas, and integrate a gender perspective into peacebuilding and peacekeeping operations.

The *Australian National Action Plan on Women, Peace and Security* will respond to the need for a more coordinated and coherent whole-of-government approach and framework to implement Australia’s commitments under UNSCR 1325 and the broader Security Council agenda on women, peace and security. The National Action Plan will not be an exhaustive or static product. It will be a living document which can be modified and improved, providing ongoing guidance to inform the work and policies of Australian government agencies and departments. Reviews of the National Action Plan will help build awareness of UNSCR 1325 and issues related to women, peace and security in Australia, the Asia-Pacific Region and beyond. The ongoing involvement of civil society organisations will be vital.

Advancing gender equality is an essential means by which to achieve sustainable peace, security and development. Actively supporting women’s full participation in conflict prevention, peace negotiations and peacebuilding is a key factor to achieving sustainable peace and increasing the well-being of women, girls, their families and their communities.

Australia recognises that a comprehensive approach to sustainable peace and security is one which is gender-sensitive, respects women’s and men’s rights and interests, and recognises the contributions of both women and men. As such, this draft National Action Plan includes possible measures to mainstream a gender perspective throughout Australia’s international efforts in conflict and post-conflict situations, and use targeted interventions to ensure that the needs, rights and voices of women are an integral part of Australia’s peace and security work.

¹ UN 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>





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 Security Council in October 2000. UNSCR 1325 recognises the 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 United Nations (UN) system and its Member States with thoroughly integrating gender perspectives into all peacekeeping operations, peace processes and return, resettlement, and reintegration programs in post-conflict settings.

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 1960.² Resolutions 1820 and 1888 build on UNSCR 1325's commitment to eradicate sexual violence against women and end the culture of impunity that surrounds the abuse of women in conflict and post-conflict zones. Resolution 1889 identifies strategies to increase women's participation in peace talks. Resolution 1960 provides measures aimed at ending impunity for perpetrators of sexual violence.

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 Resolution 1820 and asks the 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 children, and to include information about the prevalence of sexual violence in a report by UN peacekeeping missions to the Security Council.

UNSCR 1889 (2009) reaffirms the provisions of Resolution 1325, stressing the need for Member States to effectively implement the Resolution. The Resolution calls on the Secretary-General to develop a strategy, including through appropriate training, to increase the number of women appointed to pursue good offices on his behalf and to submit within six months a set of indicators to track implementation of the Resolution.³

UNSCR 1960 (2010) building on Resolutions 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 greater numbers of female military and police personnel and provide appropriate training to all personnel on sexual and gender-based violence within their UN peacekeeping operations.

² UN 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>

³ UN INSTRAW, Peace and Security – Programme Description, (2010), <http://www.un-instraw.org/peace-and-security/general/programme-description.html> accessed April 2010.

Development of International Human Rights and International Criminal Law in Relation to Sexual Violence in Conflict

What is sexual violence and why does it occur in conflict?

Sexual violence has been recognised as a breach of human rights for decades. Depending on the circumstances of a particular situation, sexual violence may amount to a breach of:

- the right to liberty and security of person under Article 9 of the *International Covenant on Civil and Political Rights (ICCPR)*;
- the right to be free from slavery under customary international law, Article 8 of the ICCPR and the *Slavery Convention*; and
- the right to be free from torture, cruel, inhuman or degrading treatment under Article 7 of the ICCPR and the *Torture Convention*.

Although sexual violence also occurs in peacetime, it has particular significance when perpetrated in conflict situations. In her report on systematic rape, sexual slavery, and slavery-like practices in armed conflict, the United Nations Special Rapporteur, Gay McDougall, defined sexual violence in conflict as “[a]ny violence, physical or psychological, carried out through sexual means or by targeting sexuality.”⁴

Whilst sexual violence may occur due to a general state of lawlessness or disorder that can result from conflict situations, its use for any purpose, including military and strategic purposes, is illegitimate. Dr Kristen Boon, Professor of Law at Seton Hall University, explains:

*violent incidents of rape and assault are not random acts of aggression, but deliberate attacks on specific populations. Military or state agents carry out sexual attacks in order to bring shame upon the nation, to the people, or the family by defiling its members sexually. The victims of sexual violence in war suffer as individuals and they suffer as members of a community.*⁵

Since the Second World War, there have been significant developments in international criminal law to allow individuals to be held criminally responsible for perpetrating, ordering or condoning sexual violence in conflict situations. Control Council Law 10, adopted by the occupying powers in Germany to govern war crimes trials in the wake of the Second World War, stated under Article II (1)(c) that ‘Crimes against Humanity’ are recognised as “atrocities and offences including... rape...”. Additionally, rape was also identified as a crime against humanity under Article 5(g) of the *Statute of the International Criminal Tribunal for the Former Yugoslavia*, and under Article 3(g) of the *Statute of the International Criminal Tribunal for Rwanda*. Noting the prevalence of sexual violence in the conflicts in the former

4 Gay McDougall, “Contemporary Forms of Slavery: Systematic rape, sexual slavery and slavery-like practices during armed conflict”, (1998) *United Nations Economic and Social Council, Commission on Human Rights*, E/CN.4/Sub2/1998/13, 21.

5 Kristen Boon, “Rape and Forced Pregnancy Under the ICC Statute: Human Dignity, Autonomy and Consent”, (2001) 32 *Colombia Human Rights Journal*, 625, 632.





Yugoslavia and Rwanda, the decisions of both Tribunals have been significant in the development of international criminal law in this area, including a groundbreaking decision in the case of *Prosecutor v Jean-Paul Akeyesu* which determined that rape can be a constitutive of genocide.⁶

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

The *Rome Statute of the International Criminal Court*, adopted on 17 July 1998 and entering into force on 1 July 2002, has considerably extended international criminal law around sexual violence in conflict. In its drafting, a concerted effort was made to ensure that a range of sexually violent acts were 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 Article 8(2)(b)(xxii), 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 within an armed conflict, committed as part of a plan or policy, or as part of a large scale commission of such crimes.

At present, 116 countries, including Australia, are States Parties to *the Rome Statute*. This demonstrates 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.

Why an Australian National Action Plan?

The development of an Australian National Action Plan reinforces the Australian Government's strong commitment to the United Nations system and to Australian civil society organisations, who strongly advocate for implementation of UNSCR 1325. In response to this, 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 a comprehensive discussion paper on developing an Australian National Action Plan. Key suggestions on the scope and process for developing such a plan have contributed to this draft. The ongoing involvement of civil society organisations will be vital in the development of the final National Action Plan and successful implementation of UNSCR 1325 more broadly.

Following WILPF's contributions, the Australian Government Office for Women convened a Women, Peace and Security inter-departmental working group to determine how Australia could better implement UNSCR 1325, including through a National Action Plan. The inter-departmental working group comprises representatives from the Department of Foreign Affairs and Trade, the Department

6 *Prosecutor v Jean-Paul Akayesu* (Trial Chamber 1) Case No. ICTR-96-4-T (2 September 1998)

of Defence, the Attorney General's Department, the Australian Agency for International Development (AusAID), the Asia-Pacific Civil-Military Centre of Excellence (APCMCOE), and the Australian Federal Police (AFP), as well as the Australian Government Office for Women. The inter-departmental working group has overseen the development of the draft National Action Plan, and will be responsible for the development, implementation, monitoring and evaluation of the final National Action Plan.

Gender and conflict

Including a 'gender perspective' in the context of peace and security is about much more than mentioning women. It affects a whole range of issues, including how civilian combatant distinctions are dealt with, the role of international peacekeeping, the form of elections chosen and human rights. Fundamentally, integrating gender considerations into policy development around peace and security requires an understanding that women and men have different experiences and needs during and after conflict, and bring different perspectives to conflict prevention and peacebuilding.

Although often not engaged in combat, women and girls can be disproportionately affected by conflict. As noted by former UN Force Commander Major General Patrick Cammaert, "It has probably become more dangerous to be a woman than a soldier in armed conflict." Approximately 75 per cent of the estimated 60 million people currently displaced by conflict and disasters worldwide are women and children.⁷ These women and children often face considerable humanitarian hardships in situations of displacement, including high rates of sexual violence and abuse.

Sexual violence is a violation of human rights, with women and children at increased risk during and after conflict. It causes trauma to the victims, their families and communities, and reduces women's ability to lead productive and fulfilling lives. The increased and targeted use of sexual violence as a weapon of war is a destabilising factor in conflict affected and post-conflict societies and can be an impediment to peacebuilding.

A concerted and integrated approach internationally, and between Governments and civil society is necessary to protect women from violence in conflict situations and prosecute perpetrators, and commanders (who may not have personally perpetrated sexual violence), under the doctrine of command responsibility.

The violence and the inequalities that women face in crises do not exist in a vacuum but are the direct results and reflections of the violence, discrimination and marginalisation that women face in times of relative peace.⁸ Such gender inequality also results in women being largely excluded from decision-making processes, conflict prevention and peacebuilding activities, due to a variety of country-specific social and cultural factors.

Unless explicit steps are taken to involve women in conflict prevention, peacebuilding and long term development planning, women will continue to be excluded from these critical processes. Early recognition and response to the rights and needs of women and girls in fragile, conflict and post-conflict situations can help lay a solid foundation for sustainable peace and security.

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

8 Sexual Violence Research Initiative, "Sexual Violence in Conflict Settings", <http://www.svri.org/emergencies.htm> (Last updated 2 February 2011) accessed 9 March 2011.





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.⁹
- An average of 40 women and girls are being raped every day in South Kivu, Democratic Republic of the Congo. It is estimated that more than 200,000 women and children have been raped over more than a decade of the country's conflict.¹⁰
- 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.¹¹
- 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.¹²
- Only 16 per cent of peace agreements since 1990 have any explicit reference to women or gender.¹³
- Since the end of the Cold War, only 10 countries' peace agreements – out of approximately 300 peace agreements negotiated with respect to 45 conflicts – have mentioned sexual violence.¹⁴
- Women average less than 10 per cent of negotiating delegations participating in peace talks,¹⁵ and fewer than 3 per cent of signatories to peace agreements are women.¹⁶

Australia — the Story so Far

Australia has made a strong commitment to implement UNSCR 1325, supporting efforts to advance women's roles in the prevention and resolution of conflict in multilateral fora such as the United Nations General Assembly (for example, through the creation and funding of UN Women, the United Nations Entity for Gender Equality and Empowerment of Women) and the Human Rights Council. Australia's efforts to implement UNSCR 1325 are linked to broader aspirations to promote equality between women and men and protect the rights of women and girls within the framework of the *Beijing Declaration and Platform for Action*, and in accordance with Australia's obligations under the

9 Center on law & globalization, "Sexual Assault in War Torn Sierra Leone", http://clg.portalmx.com/library/keytext.cfm?keytext_id=148 accessed 9 March 2011.

10 Statement of Hilde F. Johnson, Co-Chair of UN Action Against Sexual Violence in Conflict, (5 March 2009).

11 International Criminal Court, "Situations and cases", <http://www.iccpi.int/Menus/ICC/Situations+and+Cases/> accessed 9 March 2011.

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

13 Christine Bell and Catherine O'Rourke, "Peace Agreements or 'Pieces of Paper'? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements", *International & Comparative Law Quarterly*, (2010), Vol 59, 941-80.

14 UNIFEM Press Release, "Preventing Wartime Rape from Becoming a Peacetime Reality" (24 June 2009) http://www.unifem.org/news_events/story_detail.php?StoryID=894

15 UNIFEM: Annual Report 2009-2010, http://www.unifem.org/materials/item_detail.php?ProductID=176

16 UNIFEM, "Women's Participation in Peace Negotiations between Presence and Influence" (20 April 2009) http://www.realizingrights.org/pdf/UNIFEM_handout_Women_in_peace_processes_Brief_April_20_2009.pdf

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as other international human rights instruments.

The Australian experience in the Asia-Pacific region and more broadly, illustrates how responses to security, governance and development challenges can include practical measures to include women, and promote equality between women and men. The Australian Defence Force (ADF) and the 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. 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 ADF's Mentoring Task Force. Specific activities in support of Afghan women have included the construction of a girls' school in Malalai and the development of the Dorafshan Basic Health Centre, with separate male and female clinics and staff accommodation.

The ADF and AFP also strongly advocate for and support the protection of civilians (POC), including women and girls, in peacekeeping mandates. Both are working with the APCMCOE to develop guidelines and doctrine on the POC which will acknowledge the specific requirements of UNSCR 1325 and other UNSC Resolutions relating to women and children affected by conflict. Australia has also been instrumental in developing and promoting the POC as a key task for UN peacekeepers through workshops and sustained advocacy at UN Headquarters in New York. In 2011, the APCMCOE hosted an international experts workshop to examine the opportunities for linkages between the POC agenda and the agendas on USCR 1325 and related resolutions (1820, 1888, 1889 and 1960), and children and armed conflict. This work will support international efforts to support the development and implementation of POC strategies by UN peacekeeping missions. Australia's international development assistance program also provides practical support to address issues affecting women and men during and after conflict, and to support women's participation in peace processes.

The Australian Government also recognises the important role that women play in the ADF and Department of Defence. On 11 April 2011 the Minister for Defence announced several reviews into aspects of the culture of the ADF and the Department of Defence, including some which explicitly address concerns regarding the treatment of women. Ms Elizabeth Broderick, the Sex Discrimination Commissioner, on behalf of the Australian Human Rights Commission, is leading an examination of the treatment of women at the Australian Defence Force Academy (ADFA). She will also review the progress of existing strategies for the wider ADF identified by the Chief of the Defence Force Reference Group on Women, including pathways for women into ADF leadership. This will be an important step in commencing a far reaching cultural appraisal and ongoing change program for Defence. At the same time, the Minister for Defence announced a separate review to improve pathways for women in the Australian Public Service (APS) in the Defence organisation. This review will be led by the Deputy Public Service Commissioner, Ms Carmel McGregor. These reviews will audit and assess the good work that has been done to date in these areas, see what improvements can be made and what lessons can be learnt from other organisations.

The Chief of the Defence Force also announced on 11 April 2011 that the Government's implementation of plans to open up of all roles in the ADF to women, including combat roles, would be brought forward. This decision was made on the basis that determination for suitability for roles in the ADF is to be based on physical and intellectual ability, not gender.





Australian gender perspectives in peace operations and training

Australia has a long and proud history of supporting UN peacekeeping operations. Since 1947, over 65,000 Australians have deployed around the world as peacekeepers. Australia strongly supports the protection of civilians in peacekeeping mandates, including the protection of women and girls. This includes contributing to UN Security Council debates on the POC in armed conflict, and leading discussions more broadly as part of UN peacekeeping operations. Australia is committed to ensuring peacekeepers have the necessary guidance to protect civilians as part of peacekeeping operations, including training on gender and cultural issues and scenario-based training on the protection of civilians prior to deployment.

Australia is an active member of the *UN General Assembly's Special Committee on Peacekeeping Operations (C-34)*.¹⁷ 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 sexual violence. To this end, in Australia, the APCMCOE is working with the ADF and AFP to develop the ADF guidelines and doctrine on the Protection of Civilians.

In the Asia-Pacific region, Australia actively supports coordinated regional peacekeeping responses. Australia's past and ongoing involvement in regional responses include contributing to restoring peace in Bougainville and Timor-Leste and leading the Regional Assistance Mission to Solomon Islands (RAMSI).

A key aspect of Australia's regional responses is assistance through policing. The AFP has 6,801 staff members, 33 per cent being female. The AFP are engaged in a variety of fragile or conflict-affected environments, with activities ranging from police capacity development to post-conflict reconstruction. Promoting women's participation is a key part of this work. In Solomon Islands, Australian police officers have worked with local police to help establish recruitment and training targets for women. Other examples of the AFP working to increase women's participation include in Samoa, where Australian police have worked to help increase the number of women recruited into the Samoan Police Service, and in Nauru, where the AFP through the Nauru Police Force Police Cooperation Project has supported an increased gender balance in the Nauru Police Force since 2005. The existing male-to-female ratio in the Nauru Police Force is now close to 60:40. The AFP, through RAMSI have also 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, while supporting the development of frameworks for investigation and prosecution of such offences.

The AFP also promotes the role of women in decision-making. For example, 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.

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

¹⁷ More information on UN General Assembly's Special Committee on Peacekeeping Operations (C-34) can be found at <http://www.un.org/en/peacekeeping/cttee/CTTEE.htm>

awareness and cultural awareness. In addition to training its own personnel prior to deployment the AFP also supports training for local police to address issues such as gender-based violence. For example, the AFP through the Timor-Leste Police Development Program 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.

Ending sexual and gender-based violence in conflict-affected and post-conflict areas

Addressing sexual violence in conflict is an issue which requires coordinated civil, military and policing responses, as well as a willingness domestically to investigate and prosecute alleged perpetrators. ADF members who are alleged to have committed a sexual act that is a crime under the *Criminal Code Act 1995 (Cth)* would be investigated and, where appropriate, prosecuted under the military justice system or the Australian criminal justice system. Australia is contributing to international efforts to improve responses to sexual violence, including through supporting work of key international organisations such as the UN Department of Peacekeeping Operations (DPKO) and UN Action Against Sexual Violence in Conflict, United Nations High Commissioner for Refugees and the International Rescue Committee.

Case Study

Australia has provided support to key UN agencies to develop an inventory of best practice in preventing sexual violence during conflict. The inventory will help to establish a more systematic approach to preventing such violence.

The inventory, *Addressing Conflict-Related Sexual Violence—An Analytical Inventory of Peacekeeping Practice*, provides practical examples of peacekeeping tactics that have been used and have helped to reduce sexual violence and improve the safety of women during conflict. The inventory helps bring women's priorities and the practice of military and police peacekeepers into closer contact. It draws on the experiences of peacekeepers and their interactions with communities. It promotes effective ways to prevent sexual violence and help support women and families to go about their daily activities safely in conflict situations. The inventory demonstrates that by taking the views and specific needs of women into account, peacekeepers can be more effective in ensuring women's safety.

For example, in Kenya, thorny bushes were planted around camp perimeters to deter night attackers and sexual predators. This protected the camp without having to resort to barbed wire. In Darfur, the African Union civilian police and military observers started to patrol the bush areas where many women and girls were raped when they were collecting firewood, enabling women to do this work safely.

The inventory was funded by AusAID and is the result of collaboration between the United Nations Department of Peacekeeping Operations and the United Nations Development Fund for Women (UNIFEM) as part of the interagency network, UN Action Against Sexual Violence in Conflict. As the next stage, UN agencies will use the inventory to help to train peacekeepers.





Women's participation in formal peace processes, decision-making and governance

Women's participation in formal peace processes is crucial to involving women in political decision-making and working towards sustainable peace in fragile, conflict and post-conflict situations. Australia supports a range of initiatives, in Australia and internationally, to promote women's roles in decision-making in conflict and post-conflict settings, both at grass-roots and political levels.

The Australian Government Office for Women 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 from 2010 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. The ADF and the AFP ensure that women are included in their responses in conflict and post-conflict situations, both as members of these forces and in their interactions with communities overseas.

Australian women have been serving in the ADF for over 100 years and today are deployed to operational theatres, selected for command positions and promoted to star rank. In 2009, the Minister for Defence Personnel, Materiel and Science 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. In 2009, women made up only 13.4 per cent of the ADF and the plan will give a sharper focus to the vital contribution that women make to Australia's military capability. Since the plan's release, the participation of women in the ADF has increased to 13.7 per cent.¹⁸

Australia also provides support for women in partner countries to be able to play an active role in formal peace processes, decision-making and governance. This includes support to international organisations, such as the Geneva-based Centre for Humanitarian Dialogue for work to address the low level of female representation in peace negotiations.

Once conflict has ended and attention turns to rebuilding institutions, women's engagement in decision-making is critical to ensure they are involved in developing conflict prevention and peace consolidation strategies.

Australian funding and programs have allowed more women to participate in this process. For example, in the Pacific, Australia has supported femLINK Pacific to provide training for key policymakers and civil society organisations in Bougainville, Fiji, the Solomon Islands and Tonga. In the Philippines, Australia has supported the Mindanao Commission on Women to promote the role of women in conflict mediation and peacebuilding efforts.

Australia has also supported women's increased participation in a number of recent elections through the provision of gender and election training in countries such as Afghanistan and East Timor.

Incorporating a gender perspective in all relief and recovery efforts

War and other humanitarian emergencies have enormous impacts on women, yet their needs are not always central in the responses to those emergencies. Women and men experience armed conflict and other humanitarian disasters differently. Women rarely have the same resources, political rights,

¹⁸ As at 1 February 2011.

authority or control over their environment and needs that men do, and this is exacerbated in armed conflict and humanitarian disasters. When women's needs in conflict and conflict-affected communities are considered they are better able to contribute to the safety and wellbeing of their communities.

Case Study

The Australian Government is also a supporter of the *Gender Standby Capacity Project* (GenCap), a collaboration between the Inter-Agency Standing Committee (the primary mechanism for interagency 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.

Goals and Objectives of the Australian National Action Plan on Women, Peace and Security

GOAL: This draft *Australian National Action Plan on Women, Peace and Security* proposes to integrate gender considerations in all peace and security efforts and support work to eliminate violence against women in fragile, conflict and post-conflict situations where Australia operates.

It is anticipated that the final National Action Plan can be applied across all contexts where Australia is involved in addressing conflict, building peace, promoting security and delivering humanitarian assistance. Australia works in a diverse range of fragile, conflict and post-conflict situations, both within the Asia-Pacific region and other parts of the world to address these issues. This work requires input from Australian police, defence, diplomatic and development resources to stabilise and support recovery in partner countries experiencing conflict and insecurity.

This draft National Action Plan proposes four outcomes as priority areas to achieve this goal:

1. **Prevention** – Incorporate a gender-sensitive approach to conflict prevention strategies.
2. **Participation** – Increase participation and empowerment of women and girls in the prevention, management and resolution of conflicts.





3. **Protection** – Protect the rights of women and girls with special consideration for protecting women and girls from sexual and gender-based violence.
4. **Relief and Recovery** - Incorporate a gender perspective in all relief and recovery efforts.

Prevention, participation and protection, the fundamental principles of UNSCR 1325, combine with relief and recovery to form the four key outcomes proposed for the final National Action Plan. Each outcome is supported by two strategic objectives which each have underlying actions that may be considered by Government to contribute to the overall goal of the final National Action Plan.

Outcome 1

PREVENTION – Incorporate a gender-sensitive approach to conflict prevention strategies

UNSCR 1325 recognises the important role of women in prevention and resolution of conflict. It calls on Member States to incorporate a gender perspective into all conflict prevention activities and strategies.

Incorporating the different needs, experiences and perspectives of women and men into conflict prevention and peacebuilding strategies is vital to achieving sustainable peace and security. In addition, women often play an active role in maintaining and promoting peace in their communities, and in building community support for peace.

Australia is committed to implementing specific measures to respond to the different needs and experiences of women and men in conflict prevention strategies. Australia is also committed to supporting the efforts of civil society and women's organisations in peacebuilding and conflict prevention.

Strategic Objective 1.1

It is proposed that the final National Action Plan will promote a gender perspective in all Australian conflict prevention activities and strategies.

Actions may include:

- Ensuring that policy and governance frameworks such as Codes of Conduct for Australia's involvement in conflict prevention activities remain best practice models with specific measures to ensure consideration of the needs and experiences of women and men.
- Continuing to provide specialised pre-departure and in-theatre gender and cultural training for all Australian police, military and civilian deployments for conflict prevention activities.
- Encouraging the participation of technical and specialist gender experts in Australian military, police and civilian deployments in fragile, conflict and post-conflict situations.

Strategic Objective 1.2

It is proposed that Australia will continue to support the efforts of civil society organisations to engage in conflict prevention and peacebuilding activities.

Actions may include:

- Encouraging the ongoing work of Australian women's community organisations to raise awareness of UNSCR 1325.

- Working to support civil society organisations in conflict and post-conflict situations to promote the role of women in conflict prevention and peacebuilding activities.
- Working to support local women's community organisations in fragile, conflict and post-conflict countries to promote women's leadership and equality between women and men.

Outcome 2

PARTICIPATION – Increase participation and empowerment of women and girls in the prevention, management and resolution of conflicts

UNSCR 1325 recognises the role of women in resolving conflict and calls on Member States to promote women's active and meaningful participation in all peace and security processes.

Despite playing crucial roles in securing peace and security, women are too often under represented in formal peace negotiations and security forces. Women are also often poorly represented in high-level decision-making positions in UN agencies and government departments that supply personnel to fragile, conflict and post-conflict situations. The presence of women in these decision-making forums encourages a gender sensitive approach to conflict prevention, management and resolution. Local non-government and civil society organisations play an important role in promoting women's leadership and gender equality in fragile, conflict-affected and post-conflict situations.

Australia is committed to increasing the participation of women in the prevention, management and resolution of conflicts, including increasing the participation of women in Australian military, police and civilian deployments to fragile, conflict-affected and post-conflict situations. Australia is also committed to advocating for gender equality in international fora and supporting local civil society organisations to promote gender equality, such as through our engagement in the Human Rights Council, UN Commission on the Status of Women, CEDAW, and through the support provided to the aforementioned National Alliances.

Strategic Objective 2.1

It is proposed that Australia will continue to support the increased participation of women in the prevention, management and resolution of conflicts in fragile, conflict and post-conflict situations.

Actions may include:

- Encouraging the participation of women in formal peace processes, including as mediators, negotiators and technical experts in peace negotiations in conflict-affected countries.
- Encouraging women's participation in Australian national police and military agencies.
- Encouraging women's participation in police, military and civilian deployments involved in conflict prevention and peacekeeping activities, where appropriate.
- Continuing to engage in international fora to promote women's leadership in the prevention, management and resolution of conflicts including supporting UN nominations and recruitment policies promoting gender equality.





Strategic Objective 2.2

It is proposed that Australia will support women's and civil society organisations to build women's access and capacity to participate in formal peace processes.

Actions may include:

- Supporting Australian civil society organisations to promote the role of women in the prevention, management and resolution of conflicts.
- Supporting international efforts to increase women's involvement in formal conflict resolution and mediation processes.

Outcome 3

PROTECTION – Protect the rights of women and girls with special consideration for protecting women and girls from sexual and gender-based violence

UNSCR 1325 and 1820 call on Member States to:

- promote and safeguard the human rights of women and girls, under international human rights, humanitarian and refugee law;
- strengthen efforts to prevent sexual violence against women and girls; and
- take steps to prosecute perpetrators of sexual violence.

Women and girls are often strategic targets in armed conflict and can be exposed to a high risk of sexual and gender-based violence which can continue in the aftermath of conflict. Peacekeepers play a vital role in the protection of women and children as part of the mandated task of protecting civilians.

Australia is committed to fostering respect for the protection of civilians under international humanitarian and human rights law and supporting on-going efforts to disseminate and promote adherence to these norms. Women and girls are protected under International Humanitarian Law, Human Rights Law and Refugee Law during situations of armed conflict. Humanitarian Law does not apply outside situations of armed conflict.

In particular, Australia is committed to a zero tolerance approach to sexual and gender-based violence in fragile, conflict and post-conflict situations. Australia is committed to strengthening efforts to prevent sexual violence in fragile, conflict and post-conflict situations, including encouraging and assisting the investigation and prosecution of sexual violence.

Strategic Objective 3.1

It is proposed that Australia will continue to protect civilians, and safeguard the rights of women and girls in fragile, conflict and post-conflict situations.

Actions may include:

- Emphasising the need to protect and safeguard the rights of women and girls to Australian military, police and civilian personnel deploying to fragile, conflict affected and post-conflict situations.
- Incorporating 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.

- Working to develop regional and international protocols, guidance and procedures to better protect the human rights of women and girls in fragile, conflict and post-conflict situations.

Strategic Objective 3.2

It is proposed that Australia will continue to strengthen efforts to protect civilians, women and girls, in particular survivors of, and those at risk of, sexual and gender-based violence in fragile, conflict, and post-conflict situations.

Actions may include:

- Continuing to ensure that all Australian civilian, military and police deployments have the necessary guidance and training to protect civilians, including women and children, as part of Australia's involvement in conflict prevention, management and resolution activities.
- Continuing to incorporate policy, procedures and specific actions to prevent all forms of violence against women and girls into all operation and mission-specific statutes and Codes of Conduct.
- Encouraging the reporting of credible allegations of sexual violence in conflict settings to the appropriate authorities and support the investigation and prosecution of alleged offenders.
- Working to support international efforts to improve the response of peacekeeping and police forces to sexual violence, including through pre-deployment training of peacekeeping troops and national security forces.
- Continuing to support humanitarian interventions for women and girls to prevent and respond to sexual violence, including immediate response personnel to address women and girls' urgent needs, with particular respect to health, security and justice.

Outcome 4

RELIEF & RECOVERY – Incorporate a gender perspective in all humanitarian, early recovery and peacebuilding efforts

UNSCR 1325 calls on Member States to recognise the special needs of women and girls in post-conflict reconstruction and take steps to integrate a gender perspective into all relief and recovery efforts.

Post-conflict relief and recovery assistance, which recognises the different risks, vulnerabilities, needs and capacities of women and men, is critical to improving safety and security and ensuring humanitarian responses are of equal benefit to women, men, girls and boys. This is especially the case where the impacts of conflict have resulted in social upheaval and the breakdown of law and order. Effective humanitarian, early recovery and peacebuilding efforts in post-conflict situations can create new avenues for the empowerment of women and opportunities to address gender inequality.

Australia is committed to advancing gender equality in all international humanitarian assistance to conflict-affected and displaced populations. Australia is also committed to 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.





Strategic Objective 4.1

It is proposed that Australia will promote the protection of women and girls in post-conflict relief and recovery programs.

Actions may include:

- Continuing to support the protection of women in post-conflict and recovery environments in line with applicable international human rights and refugee law.
- Ensuring that Australia's humanitarian assistance and recovery programs in conflict and post-conflict situations can be accessed by, and reflects the particular needs of, women and men.
- Encouraging technical and specialist gender expertise to promote equality between women and men in post-conflict situations.

Strategic Objective 4.2

It is proposed that Australia will support measures to build the capacity of national judicial, security and governance structures to promote rule of law and protect the rights of women and girls in fragile, conflict-affected and post-conflict partner countries.

Actions may include:

- Promoting the inclusion of women and men in rebuilding government and decision making processes.
- Supporting efforts to end impunity for perpetrators of sexual violence in conflict affected and post-conflict countries through support for domestic law reform and law enforcement.
- Continuing to support capacity-building for partner governments to institutionalise health, security and justice assistance for survivors of violence and exploitation.

CONSULTATION DRAFT: Australian National Action Plan on Women, Peace and Security

Implementing United Nations Security Council Resolution 1325

Feedback Template

Providing Feedback

Please match any feedback to the appropriate question in the template, where possible, to assist in consolidating feedback. There is a section at the end to provide any additional feedback.

The closing date for submissions can be found at www.fahcsia.gov.au.

Questions

1. Are there any additional areas that should be included in Australia's National Action Plan to capture the key issues surrounding Women, Peace and Security?

Outcome 1 – PREVENTION – Incorporate a gender-sensitive approach to conflict prevention strategies

- 2a. How well does Outcome 1 capture the positive intentions of the National Action Plan?
- 2b. How can the explanation of Outcome 1 be improved to better capture the intention to incorporate a gender-sensitive approach to conflict prevention strategies?
- 2c. How well does Outcome 1 complement the additional three outcomes?

Strategic Objective 1.1 – Australia will promote a gender perspective in all Australian conflict prevention activities and strategies

- 3a. How well does Strategic Objective 1.1 support the overarching prevention outcome?
- 3b. How can the Actions under Strategic Objective 1.1 be improved to provide enhanced guidance on implementing this objective?
- 3c. A set of indicators to measure the progress of the National Action Plan will be developed. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 1.1?





Strategic Objective 1.2 – Australia will support the efforts of civil society organisations to engage in conflict prevention and peacebuilding activities

- 4a. How well does Strategic Objective 1.2 support the overarching prevention outcome and complement Strategic Objective 1.1?
- 4b. How can the Actions under Strategic Objective 1.2 be improved to provide enhanced guidance on implementing this objective?
- 4c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 1.2?

Outcome 2 – PARTICIPATION – Increase participation and empowerment of women and girls in the prevention, management and resolution of conflicts

- 5a. How well does Outcome 2 capture the positive intentions of the National Action Plan?
- 5b. How can the explanation of Outcome 2 be improved to better capture the intention to increase participation and empowerment of women and girls in prevention, management and resolution of conflicts?
- 5c. How well does Outcome 2 complement the additional three outcomes?

Strategic Objective 2.1 – Australia will support the increased participation of women in the prevention, management and resolution of conflicts in fragile, conflict and post-conflict situations

- 6a. How well does Strategic Objective 2.1 support the overarching participation outcome?
- 6b. How can the Actions under Strategic Objective 2.1 be improved to provide enhanced guidance on implementing this objective?
- 6c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 2.1?

Strategic Objective 2.2 – Australia will support women's and civil society organisations to build women's access and capacity to participate in formal peace processes

- 7a. How well does Strategic Objective 2.2 support the overarching participation outcome and complement Strategic Objective 2.1?
- 7b. How can the Actions under Strategic Objective 2.2 be improved to provide enhanced guidance on implementing this objective?
- 7c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 2.2?

Outcome 3 – PROTECTION – Protect the rights of women and girls with special consideration for protecting women and girls from sexual and gender-based violence

- 8a. How well does Outcome 3 capture the positive intentions of the National Action Plan?

8b. How can the explanation of Outcome 3 be improved to better capture the intention to protect the rights of women and girls, particularly from sexual and gender-based violence?

8c. How well does Outcome 3 complement the additional three outcomes?

Strategic Objective 3.1 – Australia will strengthen efforts to protect civilians, and safeguard the rights of women and girls in fragile, conflict and post-conflict situations

9a. How well does Strategic Objective 3.1 support the overarching protection outcome?

9b. How can the Actions under Strategic Objective 3.1 be improved to provide enhanced guidance on implementing this objective?

9c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 3.1?

Strategic Objective 3.2 – Australia will strengthen efforts to protect civilians, women and girls, in particular survivors and those at risk of sexual and gender-based violence in fragile, conflict, post-conflict situations

10a. How well does Strategic Objective 3.2 support the overarching protection outcome and complement Strategic Objective 3.1?

10b. How can the Actions under Strategic Objective 3.2 be improved to provide enhanced guidance on implementing this objective?

10c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 3.2?

Outcome 4 – RELIEF AND RECOVERY – Incorporate a gender perspective in all humanitarian, early recovery and peacebuilding efforts

11a. How well does Outcome 4 capture the positive intentions of the National Action Plan?

11b. How can the explanation of Outcome 4 be improved to better capture the intention to incorporate a gender perspective in all humanitarian, early recovery and peacebuilding efforts?

11c. How well does Outcome 4 complement the additional three outcomes?

Strategic Objective 4.1 – Australia will promote the protection of women and girls in post-conflict relief and recovery programs

12a. How well does Strategic Objective 4.1 support the overarching relief and recovery outcome?

12b. How can the Actions under Strategic Objective 4.1 be improved to provide enhanced guidance on implementing this objective?

12c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 4.1?





Strategic Objective 4.2 – Australia will support measures to build the capacity of national judicial, security and governance structures to promote rule of law and protect the rights of women and girls in fragile, conflict-affected and post-conflict partner countries

- 13a. How well does Strategic Objective 4.2 support the overarching relief and recovery outcome and complement Strategic Objective 4.1?
- 13b. How can the Actions under Strategic Objective 4.2 be improved to provide enhanced guidance on implementing this objective?
- 13c. What indicators are necessary to measure Australia's progress on the Actions under Strategic Objective 4.2?

Implementation, monitoring and evaluation

- 14a. A monitoring and evaluation framework will also be developed. What should be included in the monitoring and evaluation framework for the National Action Plan?
- 14b. How often should the plan be evaluated and who should be involved?
- 14c. How should the indicators be arranged? For example, should the indicators be linked to the entire Plan in general, the outcomes, the strategic objectives or the actions?

Any other feedback

- 15a. Is there any additional feedback that would assist the Australian Government in developing the National Action Plan on Women, Peace and Security?

Lodging a Submission

The closing date for submissions can be found at www.fahcsia.gov.au.

Submissions may be lodged electronically or by post. Electronic lodgement is the preferred method.

For accessibility reasons, please submit responses sent via email in a Word or RTF format. An additional PDF version may also be submitted.

All submissions must include a full postal address and contact details.

To lodge an electronic submission please email: unscr1325@fahcsia.gov.au

To lodge a written submission please send to:

National Action Plan on Women, Peace and Security
Office for Women
Department of Families, Housing, Community Services and Indigenous Affairs
PO Box 7576
Canberra Business Centre ACT 2610

For further information, or to request a hard copy of the draft *Australian National Action Plan on Women, Peace and Security*, please contact unscr1325@fahcsia.gov.au