



**WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
U.S. SECTION
STATEMENT ON
U.S. SCR 1325 NATIONAL ACTION PLAN DEVELOPMENT**

Summary

This paper calls for the application of a human security framework in the development of the proposed U.S. SCR 1325¹ National Action Plan (NAP). Empirical evidence, as well as precedent in the compliance with and monitoring of international and human rights law, demonstrates that a comprehensive and effective NAP must address both external and the internal dimensions of implementation (i.e. international and domestic application). This paper explores best practices, as well as opportunities and recommendations, including leveraging the support of civil society for development of a U.S. SCR 1325 NAP. Through this methodology, we identify several key areas of domestic relevance that, if addressed in the U.S. SCR 1325 NAP, would create strong alignment between U.S. civil society and the administration towards a robust and meaningful implementation of SCR 1325.

1. Background on Women, Peace and Security, and the U.S.

More than ten years ago, the international community, including the U.S as a permanent member of the UN Security Council, linked the role of women to international peace and security with the adoption of SCR 1325. Its premise emphasizes that a just and lasting world peace cannot be achieved without the full and equal participation of women. At the heart of this resolution are commitments to all stages of peace building, peacemaking, peacekeeping and conflict prevention.

SCR 1325 has been reinforced and expanded by follow-up Security Council Resolutions: 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010), which together form the Women, Peace and Security policy agenda (WPS). Under its Security Council Presidency, the U.S. presented three of these resolutions to complement SCR 1325², all of which strengthen response to sexual violence in armed conflict situations. The U.S. has unique responsibility and opportunities to provide leadership on SCR 1325 implementation as a major donor to conflict-affected countries, as a contributor of armed forces to conflict settings, and as a mediator and stakeholder in a variety of peace processes.

¹ U.N. Security Council Resolution 1325 [On Women, Peace, and Security], S.C. Res. 1325, 55 U.N. SCOR, 4213th mtg., U.N. Doc. S/RES/1325 (Oct. 31 2000)

² S/RES/1820 (2008), S/RES/1888 (2009), and S/RES/1960 (2010).

As a permanent member of the Security Council, the U.S. is an important player in the development of global policy on Women, Peace and Security. At the international level, there are several information systems currently under development, including a proposed set of global indicators for the monitoring and implementation of SCR 1325 (SCR 1889 (2009)); a 10 year strategic framework to guide the UN's implementation of SCR 1325 (PRST/2010/22); a proposed new monitoring mechanism on sexual violence in conflict (SCR 1960 (2010)); and policy developments related to women's participation in peacebuilding with the adoption of the Secretary General's 7-point Action Plan on Women and Peacebuilding.

The 26 global indicators on SCR 1325 implementation (SCR 1889 (2009)) will be used to track the outcome of efforts to engage women in, participating in peace talks, building security, and promoting recovery. Examples of these indicators include: prevalence of sexual violence, women's political participation in parliaments and ministerial positions, and index of women's and girls' physical security and maternal mortality rate.

Internal implementation is central to realizing the aims and spirit of SCR 1325. In its Presidential Statements S/PRST/2004/40 and S/PRST/2005/52, the Security Council called on Member States to apply SCR 1325 domestically by developing national action plans (NAPs) or other national level strategies encompassing the goals of SCR 1325. The creation of a NAP provides an opportunity to work with civil society institutions in its development, initiate strategic actions, identify priorities and needed resources, determine responsibility and accountability for monitoring and implementation, and establish benchmarks and timeframes to ensure progress towards women's meaningful protection and participation in peace and security processes.

During the Security Council's open debate on Women, Peace and Security (26 October 2010) which marked the 10th anniversary of SCR 1325, U.S. Secretary of State Hillary Rodham Clinton announced the commitment of the U.S. to develop a U.S. SCR 1325 NAP, including the 26 global indicators.

During the U.S. Senate's 111th Congress, Second Session, speaking on behalf of the Committee on Foreign Relations, John Kerry said, *"While women are among the most vulnerable groups in times of conflict, the resolution [SCR 1325] recognizes that they are also agents of change who can positively affect the outcome of prevention and mediation efforts, peacekeeping, and post-conflict reconstruction and recovery....with their strong stakes in family and community stability, women bring a unique dimension to transforming conflict."*

At the same session, Secretary of State Hillary Clinton described SCR 1325 as an *"imperative to human security."*

2. U.S. SCR 1325 NAP: An Internal and External Framework

This paper reviews the need for a human security approach rather than the presence of armed conflict as a means of framing the development of the U.S. SCR 1325 NAP. Indeed, SCR

1325 and its global indicators do not distinguish between a developed, occupier nation and one that is developing and/or occupied: both are equally considered countries “in conflict.” Yet, too often, a double standard is applied to SCR 1325 implementation, as reflected in various NAPs.

Developing and/or occupied countries, either actively facing armed conflict or in post-conflict reconstruction phases, use the creation of a SCR 1325 NAP as an *internal* framework for domestic development and security to advance the status of women and girls. In contrast, *developed and/or occupier* countries adopt SCR 1325 as an *external* framework to measure the impact on women and girls in occupied countries, without regard to domestic applications.

Secretary Clinton’s remarks during the 10-year anniversary of SCR 1325 used the rhetoric typical of some developed nations, implying that the U.S. SCR 1325 NAP would focus on advancing women’s status in areas of armed conflict, rather than exploring how the U.S. might use a SCR 1325 framework to advance women’s status within the U.S. Currently, the NAP is being developed under the leadership of the National Security Council (NSC) with support from the U.S. Department of State and U.S. Department of Defense.

A draft “Strategy for Promoting Women as Agents of Peace, Stability and Development, 2010-2012” (a precursor to the U.S. SCR 1325 NAP) developed by the NSC asserts that “when women are active in conflict resolution and mitigation, there is better chance for sustainable peace.” Such an assertion not only pertains to women from occupied countries (e.g., Iraq, Afghanistan) but also to those women from occupying countries (e.g., the U.S.) who bring different perspectives and experiences to the peace and security tables.

Additionally, the draft “Strategy” includes actions addressed to conflict-affected women in international settings that are similarly needed and applicable in the U.S. For example, while the draft “Strategy” calls for “promoting development of laws guaranteeing women participation in Parliament and other decision-making bodies,” the U.S. lags behind the world average for women’s political participation (16.7 percent in the U.S. compared with 19.5 percent worldwide and 27.7 percent in Afghanistan and 25.2 percent in Iraq).

In focusing exclusively on external applications, the U.S. SCR 1325 NAP would draw attention to the impact of U.S.-supported armed conflict on women and girls internationally, while missing the opportunity to review and codify relevant domestic applications to access the transformational potential of SCR 1325 in preventing future wars.

Areas of domestic application include ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW); achieving a benchmark of at least 30% female participation in the national legislature; protection of women in armed services against sexual and gender-based violence; and increased participation of women from civil society in peace and security deliberations and processes through capacity building programs targeting women. The development of a U.S. SCR 1325 NAP that incorporates these areas would apply the concept of human security within U.S. borders, thereby realizing the full potential of the

resolution to advance women's status and mitigate the use of armed conflict as a legitimate option for intervention.

3. Emerging Best Practices for SCR 1325 NAPs: The Role of Civil Society

The U.S. government could leverage the support of civil society—especially those organizations engaged in domestic human rights and peace issues—for the U.S. SCR 1325 NAP by focusing on its internal applications. Such a collaborative effort succeeded during recent nationwide consultations when civil society input was sought for inclusion in the U.S. Universal Periodic Review of Human Rights (UPR) to the U.N. Human Rights Council. This approach ensures that women's priorities and perspectives are included in a NAP, which, in turn, highlights the role of women as active agents of change in peace and security issues—a unique and unprecedented opportunity in the U.S.

Presently, 25 countries have approved SCR 1325 NAPs and numerous others are currently in the drafting phase. The process of developing a NAP serves to promote awareness about the role of gender equality to peaceful nations. Drafting a NAP also provides an important opportunity to receive civil society input on priorities for both internal/domestic and external/international applications of the resolution as a means of realizing its full transformative potential.

The most successful NAPs—that is, those that respond to the direct needs of communities and are therefore more likely to be implemented—join civil society organizations with government agencies in the drafting phase. For example, in 2001, the Canadian government and civil society organizations created a task force, the Interdepartmental Working Group on Gender and Peacebuilding, which conducted needs assessments and provided periodic, public reviews of its SCR 1325 NAP implementation. As another example, Nepal formed the Inter-Ministerial Implementation Committee that conducted numerous workshops at the central, regional and district levels, where government officials solicited input from civil society, which was then woven into the draft SCR 1325 NAP. Additionally, Nepal's SCR 1325 NAP institutionalizes the role of women's organizations and civil society in the monitoring and evaluation of its NAP. Similarly, the Liberian NAP was institutionalized by means of a popularization process, in which the government collaborated with the UN system, Amnesty International, and local civil society organizations, as well as the Liberian media.

Gender Training Initiatives have been central to development of NAPs in both developed/occupying and developing/occupied nations. Externally directed NAPs focus their gender training initiatives on deployed military personnel or internal military training programs. For example, the Canadian NAP adopts the UK system of gender training in the military in order to protect women in the conflict zones they are deployed in. The Dutch NAP uniquely promotes gender training initiatives within their embassies abroad in conflict zones in order to create SCR 1325 networks among civil society institutions in developing nations. The internally directed Liberian NAP focuses on increasing women's participation in the security sector through the MoGD, which is the national coordinating body for gender mainstreaming efforts within local

and regional police departments, to ensure that women are integrated into development programs and to ensure that all forms of violence against them are prevented.

4. Domestic Applications of the U.S. SCR 1325 NAP

In broad terms, domestic applications of SCR 1325 in the U.S. can include an emphasis on:

A. Women as Agents of Change and Leadership

SCR 1325, Article 1: “Urges member states to ensure increased representation of women at all decision-making levels in national, regional, and international institutions and mechanisms for the prevention, management, and resolution of conflict.” This article entails not only that women are included in negotiation and mediation teams assembled or supported by the U.S., but that more women assume leadership roles as U.S. ambassadors and decision-makers in the U.S. Departments of State and Defense. Programs are needed to recruit and retain women either seeking or serving in elective office or in security and police forces, since instituting quotas for women candidates would be difficult to implement in our mainly two-party system. Such efforts would result in improved, gender sensitive training programs and increased accountability for incidents of gender-based violence and sexual harassment.

SCR 1325 Global Indicators 3 b, 7, 11 a-b, 12 a-b, 16 : All highlight the number and percentage of women in leadership and executive roles in National Human Rights Bodies, and in regional and sub-regional organizations involved in preventing conflict. This includes the percentage of women as mediators, negotiators, technical experts, and official observers in formal peace negotiations, as well as women’s political participation as elected officials, voters, candidates, and in the justice and security sectors.

Women’s representation in executive, legislative, and judicial branches is a common component of SCR 1325 implementation. As stated above, women legislators in the U.S. Congress occupy no more than 17% of the seats and the U.S. currently ranks 69th in women’s political participation among parliaments as compiled by the Inter-Parliamentary Union. Further, women are virtually absent from U.S. District and Magistrate judgeships in 15 states, despite the fact that nationally, women make up 48% of law school graduates and 45% of law firm associates. Thus, the gender gap cannot be attributed to the lack of women who are qualified to serve on the bench, but rather to the lack of opportunity and access afforded to women.³

³ Center for Women in Government and Civil Society; Women in Federal and State-level Judgeships (University of Albany at SUNY, 2010), http://www.albany.edu/womeningov/judgeships_report_final_web.pdf

Research shows that women in leadership positions tend to focus on social welfare issues, such as health care, education, children's issues and gender equality.⁴ Therefore, the reality of the aforementioned statistics directly impedes upon the U.S. ability to score highly on other indicators of sustainable peace, such as failing to end all forms of violence against women and failing to protect women from threats of government funding cuts to programs important to women and families.

B. *An International and Human Rights Legal Framework*

SCR 1325, Article 9: "Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, . . . the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999, and the Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to *bear in mind* the relevant provisions of the Rome Statute of the International Criminal Court."

SCR 1325 Global Indicators 3a, 5b, 15: Domestic indicators relevant to Article 9 include the extent to which: violations of women's and girls' human rights are reported, referred and investigated by human rights bodies; measures to protect women's and girls' rights are included in national security policy frameworks; and that national laws protecting women's and girls' human rights are in line with international standards.

Of the international and human rights instruments explicitly stated in SCR 1325, the U.S. has ratified only the Geneva Convention, the 1967 Protocol to the Convention Relating to the Status of Refugees, and two Optional Protocols to the Convention on the Rights of the Child (CRC). Those not ratified by the U.S. include the refugee convention itself, 1977 Additional Protocols to the Geneva Convention, CRC itself, Rome Statute of the International Criminal Court, and Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol.

Additionally, the U.S. SCR 1325 NAP would recognize not only the foreign policy applications, but also the domestic policy implications of other international treaties and human rights instruments (e.g., International Treaty on Small Arms and Light Weapons and International Convention against the Recruitment, Use, Financing and Training of Mercenaries). In tandem with an international and human rights approach, the U.S. SCR 1325 NAP would gauge the prevalence of domestic and sexual violence as indicators of community instability, and highlight community instability as a reflection of

⁴ UNIFEM, Who Answers to Women? Gender and Accountability: Progress of the World's Women 2008/2009, p. 26.

a pervasive culture of violence that legitimates military intervention as the default response to conflict.

C. A Human Security Approach

In a report to the Commission on Human Security, Amartya Sen describes human security as freedom from basic insecurities based on minimum core aspects of human rights and human development, such as the right to engage meaningfully in political processes and to have access to social services such as education, justice and health—a vital part of prevention, protection and participation of the Woman, Peace and Security agenda.⁵

SCR 1325 links sustainable peace to women's political, economic and social inclusion. Economic security, access to justice, healthcare provisions, and education are central to the human security implications implicit in SCR 1325, along with gender training initiatives that directly engage men and boys in addressing attitudes, practices and norms that contribute to, normalize, and desensitize gender-based violence. Equal pay for equal work; the degree of de facto discrimination against women in the workplace; availability, affordability and quality of child care; and paid maternity and paternity leave are all necessary for women's full economic participation. Yet, the Institute for Women's Policy Research reports a gender wage gap of 23 percent for full-time workers in the U.S.; federal labor legislation does not provide for paid family medical leave; and privatized child care in some states costs more than the price of college tuition. The Lilly Ledbetter Fair Pay Restoration Act removes some secrecy surrounding wages and extends the timeline for filing sex discrimination complaints, thereby removing some barriers preventing women from receiving equal pay. Nonetheless, without ratification of CEDAW and integration of its definition of discrimination into domestic law, recourse and accountability for de facto discrimination in the workplace remain weak.

Additionally, studies indicate that violence and the social stigma of violence adversely affect women's participation in social, economic and political spheres.² Moreover, SCR 1820, 1888, 1889 and 1960 connect violence against women, particularly sexual violence in conflict, to national and international security and require it to be addressed according to international standards. SCR 1325 Global Indicators 1a, 4, 5b, 14, 15, 19, consider the prevalence of sexual violence and the percentage of referred cases of sexual and gender-based violence against women and girls that are reported, investigated, prosecuted and sentenced. As such, all of the SCR 1325 global indicators related to sexual violence are relevant domestic applications because of their link to community cohesion, national stability and international security. Thus, a female perspective in policy reform must be reflected in the domestic application of a U.S. SCR 1325 NAP to actualize a human security approach.

⁵ See also Mary Kaldor, *Human security: Reflections on Globalization and Intervention*, p. 182 (Polity Press 2007)

D. A Rethinking of the Military-Industrial Complex: Weapons Proliferation, International Arms Trade and an Overburdened National Budget

Arms control generally and small arms control in particular are central to preventing conflict and promoting sustainable peace. The availability, uncontrolled proliferation and misuse of small arms play a significant role in sustaining insecurity. Approximately 875 million small arms are in circulation worldwide, and only about a third are in the hands of legally constituted security forces.⁶ Each day worldwide, 1,000 people die by gunshot and many more are seriously injured.

Obligated by both an external and domestic application of a SCR 1325 NAP, the U.S. must address how small arms pose both international and internal obstacles to the initiatives on women, peace and security, especially pertaining to gender-based violence. Small arms are reported to be the cause of 59 percent of all intimate partner homicides of women in the U.S.⁷ In regards to sexual violence, 3 percent of reported rapes in 2001 in the U.S. involved the use of a gun.⁸ Also noted, the U.S. is a “source, transit and destination country for men, women and children subjected to trafficking in persons,”⁹ including especially forced prostitution. Human trafficking often follows the same route as other illicit trade, including arms and drugs. The involvement of U.S. military personnel, civilian employees, and private contractors in human trafficking also needs to be addressed. By imposing restrictions on arms trade, the U.S. can also combat the violence and power imbalances inherent in the human trafficking industry.

U.S. origin weapons find their way into conflicts the world over. This year alone, the Bureau of Alcohol, Tobacco, Firearms and Explosives lost track of 1,400 guns, 383 of which were recovered in the U.S. connected to felony gun charges¹⁰ The U.S. supplies arms or military technology to more than 92 percent of the conflicts under way. The costs to the families and communities afflicted by this violence are immeasurable; the costs of attempting to repair the damage caused by this violence drains public sector resources that could be better spent for education and other services that would serve proactively to prevent armed conflict.

In addition to direct violence against women, the proliferation of small arms and light weapons impacts women and families in the U.S., whose children are recruited as soldiers to the U.S. military, despite the Child Soldiers Accountability Act banning such

⁶ Stohl, Rachel and EJ Hodendoorn. How small arms and light weapons proliferation undermines security and development. Center for American Progress. (2010)

⁷ U.S. Bureau of Justice Statistics (2000)

⁸ Rape, Abuse & Incest National Network

⁹ U.S. State Department, *Trafficking in Persons Report* (2010)

¹⁰ Griffin, Drew. *ATF loses Track of 1,400 Guns in Highly Criticized Probe*. CNN Special Investigations Unit (July 2011)

practices. The presence of military personnel in civilian schools and the para-military nature of some drug diversion extracurricular offerings means that children as young as 11 handle real guns, without the express permission or oversight of their parents in “training exercises.” Direct violence against women and girls also stems from these practices, as military recruiters may incorporate the sexual assault of young women into their overly aggressive and coercive tactics for the recruitment of children.¹¹

In armed conflict and post-conflict settings, U.S. troops, civilian employees, and private contractors have been implicated as perpetrators of gender-based violence against civilian, military, and trafficked women and girls. Hundreds of thousands of private contractors and civilian employees were granted legal immunity until the recent passage of such laws as the Military Extraterritorial Jurisdiction Act, a broadening of the Uniform Code of Military Justice in 2006, and amendments to the trafficking in persons legislation. Enforcement of these laws has been lax, and only a few individuals have been prosecuted. As indicated in SCR 1325, funds should be allocated for the training of military personnel, civilian employees, and private contractors to ensure zero tolerance of gender-based violence against women and girls. As stipulated in the SCR 1325 Indicators, funds for prevention, participation, protection, and relief and recovery must be provided for women, girls, and their dependents.

5. Conclusion and Recommendations

A U.S. SCR 1325 NAP can and should make a difference in the lives of women around the world, including women in the U.S. itself. The process of creating a National Action Plan offers our government an unparalleled opportunity for raising awareness among its population about the relationships among women, peace and security and enlist civil society partners in realizing a foreign policy agenda based on principles of human security. For the U.S. in particular, the engagement of civil society will broaden popular understanding of the initiatives it has taken in international arenas, such as the UN Security Council. The inclusion of domestic applications, alongside external initiatives, would heighten interest in the U.S. 1325 NAP and support the ongoing efforts of many established U.S. women's organizations to accomplish the most basic levels of gender equality, from achieving pay equity to ending domestic violence. The Women's International League for Peace and Freedom, U.S. Section, calls upon the U.S. entities leading the NAP process on SCR 1325 to create a plan that:

- Is based on principles of human rights and human security.
- Helps to prevent future wars and armed conflicts by delegitimizing force as a means of maintaining gender inequalities.

¹¹ Women's International League for Peace and Freedom, U.S. Section. Improper and Abusive Recruitment of Children into the U.S. Armed Forces, alternative report to the UN Committee on the Rights of the Child (November 2007).

- Recognizes both the foreign and domestic policy implications in international treaties such as the International Treaty on Small Arms and Light Weapons and the Convention on the Elimination of All Forms of Discrimination Against Women.
- Builds on the concerns and wisdom of U.S. women's organizations that have been working for decades to end impunity for violence against women in our society, by involving those entities in the formulation of the NAP itself.

To accomplish the aforementioned goals, the Women's International League for Peace and Freedom, U.S. Section recommends the following:

1. A defined timeline for the development and implementation of a U.S. 1325 NAP is established and made known to all relevant actors, including civil society organizations.
2. Opportunities for consultation and the active participation of civil society, particularly U.S. women's organizations, are created and made accessible to all interested parties in the development and the implementation of a U.S. 1325 NAP.
3. Domestic applications of SCR 1325 are fully articulated in a U.S. 1325 NAP and sufficient resources are appropriated for its effective and comprehensive implementation.
4. A U.S. 1325 NAP reflect and is in full compliance with all governing international and domestic law, specifically international human rights and humanitarian law, protecting the rights of women and girls.