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GLOBAL EFFORTS TO END CONFLICT-RELATED SEXUAL VIOLENCE

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Syed Kamall MEP

ECR Group co-Chairman and Member of the European Parliament for London

It is more than three years now since my country the UK hosted the Global Summit to End Sexual Violence in Conflict. More than 150 states came together with non-governmental organisations, experts and human rights activists. Of course, the gathering did not end such violence there and then. One international summit on its own was never going to do that, but it did mark a watershed in the global community's response to this enduring, brutal and sickening stain on mankind's character. For centuries, conflict-related sexual violence has gone virtually unchallenged, unrecorded and unpunished. Turning a blind eye must no longer be deemed acceptable. While it may take decades, even centuries, to completely eradicate this despicable practice, the international mood has changed from one of complacency and near-complicity to a real determination to tackle it head on. Let's hope that sexual violence in conflict will no longer be dismissed as though it were somehow an unavoidable by-product of warfare and strife. This excellent and timely study combines a close re-examination of existing data with details of implications and applications for policy-makers to consider. I believe it will prove to be an important step in refocusing and redefining efforts to combat sexual violence in conflict - and the European Union's work in co-ordinating them. I congratulate EYF Consulting, Myriam François and Bethsabée Souris for their painstaking and dedicated work in drawing together and analysing so much data. I congratulate my colleagues at New Direction for commissioning such important new work in this vital

area. Not only does the report set out to examine the root causes and the consequences of conflict-related sexual violence. It also identifies different patterns and types of such violence, assesses the limitations of international tools to end the problem, and offers a menu of potential policy responses. Along the way it addresses several common myths and misconceptions. For example, not all victims are women and girls. The majority are, yes; but many men and boys also suffer rape, sexual assault and systematic sexual torture. Conflict-related sexual violence is not exclusively perpetrated by ill-disciplined fighters when command-structures break down. Often the violence is encouraged or directed by commanders, frequently as a means of suppression, control and intimidation. Most shockingly to me, it is not always fighters from conflicted factions who commit the acts. There are records of United Nations peace-keepers and even aid workers who have committed offences of sexual violence. For most of us, I suppose it was events in the former states of Yugoslavia and Rwanda which first increased public awareness and condemnation of sexual violence in armed conflict. As we look around the world, we see that far from being consigned to history, it is still happening today in countries such as Myanmar, Iraq, Syria and Yemen to name a few. The world may never rid itself of the problem. But it has decided it can no longer just accept it as a fact of life - or of war. This report represents an important impetus - along with some helpful guidelines - for our international determination to tackle a global disgrace with renewed global resolve.

1

INTRODUCTION

Sexual violence is a common occurrence in regions of armed conflict. A large portion of the casualties in conflicts are made up of civilians, including women and children. Women in particular can face devastating forms of conflict-related sexual violence, which can be used to achieve military and political objectives. The term ‘conflict-related sexual violence’, which will appear throughout the present report, refers to the following UN Security Council’s definition¹: ‘rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilisation, and other forms of sexual violence of comparable gravity perpetrated against women, men, girls and boys’, linked geographically, temporally or causally to a conflict. The term ‘conflict zone’ includes situations of mass armed conflict, or active conflict², which include battles and battle deaths, as well as ‘lethal intergroup violence’³. This means that conflict zones do not necessarily require a formal declaration of war, or for state actors to be a protagonists in the conflict. In addition, this report will also take into account peaceful but militarised settings, including post-conflict societies, to understand the phenomenon of sexual violence.

While conflict-related sexual violence takes place in most wars, it can occur in different forms and to different extents. During the conflict in Bosnia-Herzegovina, sexual abuse was so widespread that it was recognised by the United Nations International Criminal Tribunal for the former Yugoslavia as a crime against humanity⁴. Similarly the International Criminal Tribunal for Rwanda included sexual violence in the definition of genocide and war crimes. The conflicts in former Yugoslavia and Rwanda have increased public awareness and condemnation of sexual violence in armed conflict, and have been followed by multiple international initiatives from a number of humanitarian organisations to end sexual violence.

Henceforth, this report aims to explain the extent of conflict-related sexual violence by examining its causes and consequences. Distinguishing different patterns of conflict-related sexual violence, this report will then present the existing international efforts to prevent it. Furthermore, it will assess the limitations of international tools to end conflict-related sexual violence and provide policy recommendations.

1 United Nations. 2015. “Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council.” *United Nations*. Vol. 61764. doi:S/2010/579.

2 Blattman, Christopher, and Edward Miguel. 2010. “Civil War.” *Journal of Economic Literature* 48 (1): 3–57. doi:10.1257/jel.48.1.3.

3 Goldstein, J S. 2003. *War and Gender: How Gender Shapes the War System and Vice Versa*. Cambridge University Press. https://books.google.co.uk/books?id=KXs_LS5g57MC.

4 United Nations International Criminal Tribunal for the Former Yugoslavia. Crimes of Sexual Violence. <http://www.icty.org/en/in-focus/crimes-sexual-violence>

2.1

INTRODUCTION

While conflict-related sexual violence is often perceived as an inevitable consequence of armed conflict, it can occur in different forms and to varying extents. During the conflict in Bosnia-Herzegovina, sexual abuse was so widespread that it was recognised by the United Nations International Criminal Tribunal for the former Yugoslavia as a crime against humanity⁵. Similarly the International Criminal Tribunal for Rwanda included sexual violence in the definition of genocide

and war crimes. Yet, sexual violence in some conflicts, such as Israel/Palestine or Sri-Lanka, is limited⁶. These cases suggest that conflict-related sexual violence is a complex phenomenon. In the following section, we will present data on conflict-related sexual violence and discuss the latest research findings in order to discuss misconceptions on conflict-related sexual violence. In addition, this section will present the most recent and active cases of conflicts where sexual violence occurs.

2.2

FACTS AND FIGURES

Sexual violence during wartimes, long dismissed as an inevitable consequence of conflict, is now widely recognised as an issue of international security. The issue of sexual violence in conflict drew attention after the 1990s conflict in Bosnia where between 20,000 to 50,000 women were raped, and after the 1994 Rwandan genocide where between 250,000 to 500,000 women were raped⁷. Nevertheless, there is still very little data on the numbers and trends of wartime sexual violent acts. Sexual violence during conflict is

underreported due to the risks, threats and trauma faced by those who come forward⁸. In most cultures and communities, sexual violence's victims can be stigmatised as sexual attacks can be perceived as shameful; in particular in societies where the chastity of women is seen to reflect the honour of the family. In addition, aid workers, community leaders or officials may also avoid confronting sexual violence, as they may have personal discomfort with the subject or are reluctant to identify or prosecute the perpetrators⁹.

⁵ Ibid.

⁶ Wood, Elisabeth J. 2006. "Variation in Sexual Violence during War". *Politics & Society*. Vol. 34. doi:10.1177/0032329206290426.

⁷ United Nations. 2006. *Mettre Fin À La Violence À L'Égard Des Femmes: Des Paroles Aux Actes Etude Du Secrétaire Général*. <http://www.un.org/womenwatch/daw/vaw/launch/french/v.a.w-consequenceF-use.pdf>

⁸ United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:5/2010/579.

⁹ Unhcr. 1995. "Sexual Violence Against Refugees." *Guidelines on Prevention and Response*, 1–8. [papers2://publication/uuid/0fcd6a8d-b31c-4728-bde5-3b7dafa92d73](https://publications.unhcr.org/publication/uuid/0fcd6a8d-b31c-4728-bde5-3b7dafa92d73).

CONTEXT EXPLAINING PATTERNS AND TRENDS OF CONFLICT-RELATED SEXUAL VIOLENCE

2

Therefore, it is not possible to reliably identify how many wartime sexual violent acts have been committed over the years, or to determine whether the incidents of wartime sexual violence have increased or decreased over the years.

Nonetheless, scholars Dara Kay Cohen and Ragnhild Nordas have gathered data on armed groups which have perpetrated sexual violence in 129 conflict zones during the period 1989-2009¹⁰. This dataset relies on investigations of international human rights organisations such as Human Rights Watch, Amnesty International as well as the US State Department. The US State Department Country reports on Human Rights practices and summarises human rights records for each country annually. Amnesty International and Human Rights Watch also publish annual reports by countries, as well as periodic special reports on human rights violations, including sexual violence¹¹.

This data set represents a considerable advance in the study of conflict-related sexual violence. It has discredited common misconceptions of conflict-related sexual violence, which can create and shape efficient policies to help end sexual violence.

The present report will largely rely on this dataset. A caveat of this dataset is its timeframe. It does not account for the new phenomenon of the use of sexual violence by terrorist groups such as so-called ISIS or Boko Haram. However it can uncover general trends which can help understand the mechanisms of sexual violence.

According to this dataset, from 1989 to 2009 around 159 actors taking part in a conflict (i.e. governmental troops, rebel groups, militias) were engaged in sexual violence.

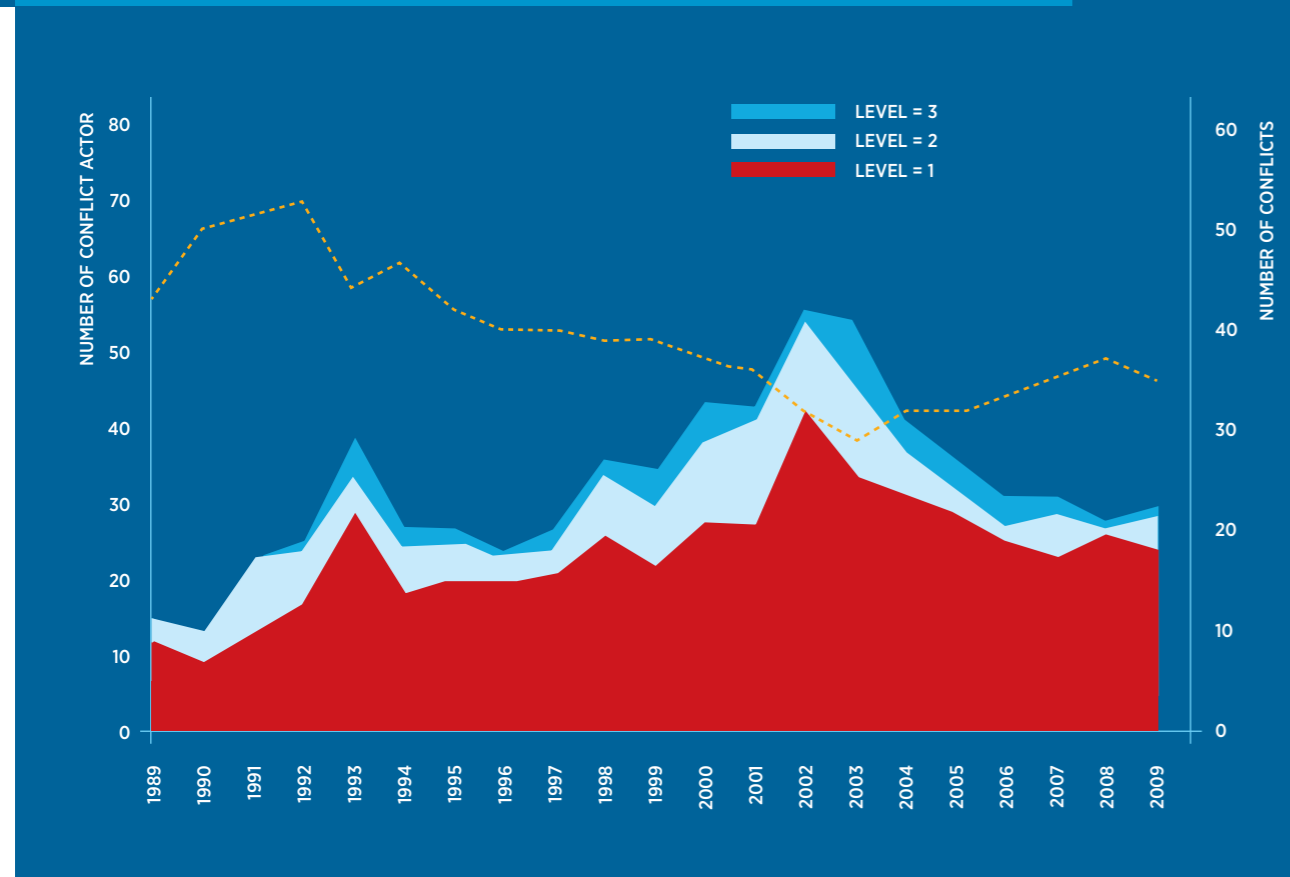
Furthermore, 14% of the conflicts from 1989 to 2009 have seen the presence of massive sexual violence, while in 43% of the conflicts there have been no reports of sexual violence. Hence, the dataset shows that in contrast with conventional wisdom, wartime sexual violence does not happen in every armed conflict. Sexual violence is widespread in some conflicts (e.g. Afghanistan, Rwanda...) but not in others (e.g. Sri Lanka, Israel/Palestine)¹³. The main countries whose troops (state actors or rebel groups) have most frequently committed sexual violent acts are Iraq, India, Afghanistan, Philippines, Sudan and Myanmar.

In addition, armed groups within a same conflict do not necessarily perpetrate sexual violence to the same extent throughout the conflict; armed groups refraining from sexual violence at one stage may perpetrate it at other stages. According to Cohen and Nordas' dataset¹⁴, 64% of armed groups are not reported to have committed sexual violent acts. Figure 3 shows the highest prevalence of conflict-related sexual violence reported for each

country from 1989 to 2009. The countries whose troops (state actors or rebel groups) have been reported to commit massive sexual violence are: Afghanistan, Rwanda, former Yugoslavia, Sudan, Burundi, Central African Republic, Indonesia, Cambodia, Democratic Republic of Congo, and Sierra Leone (c.f. Figure 3)¹⁵.

Finally, the data uncovers that conflict-related sexual violence may continue in post-conflict societies. The dataset shows 58 armed actors out of 446 have been involved in post-conflict sexual violence from 1989 to 2009¹⁶. 13% of the rebel armed groups (28 of the 220 rebel groups) were reported as perpetrating sexual violence in post-conflict settings, with 14 rebel groups involved in massive and numerous sexual violent acts. 21% of state actors (25 out of 199 state actors) were reported to have committed sexual violence in post-conflict situations, with 4 state actors (3%) involved in high prevalence sexual violence¹⁷. This data shows that conflict-related sexual violence remains a concern in post-conflict settings, and in some cases it can occur at high levels.

FIGURE 1 NUMBER OF CONFLICT ACTORS INVOLVED IN SEXUAL VIOLENT ACTS ACCORDING TO DIFFERENT LEVELS OF PREVALENCE AND PER YEAR¹²



10 Cohen, Dara Kay, and Ragnhild Nordas. 2014. "Sexual Violence in Armed Conflict: Introducing the SVAC Dataset 1989-2000." *Journal of Peace Research* 53 (3): 176. doi:10.1177/0022343314523028.

11 Ibid.

12 Cohen, Dara Kay, and Ragnhild Nordas. 2014. *Sexual Violence in Armed Conflict Dataset*, from the Sexual Violence in Armed Conflict Dataset website: <http://www.sexualviolencedata.org>

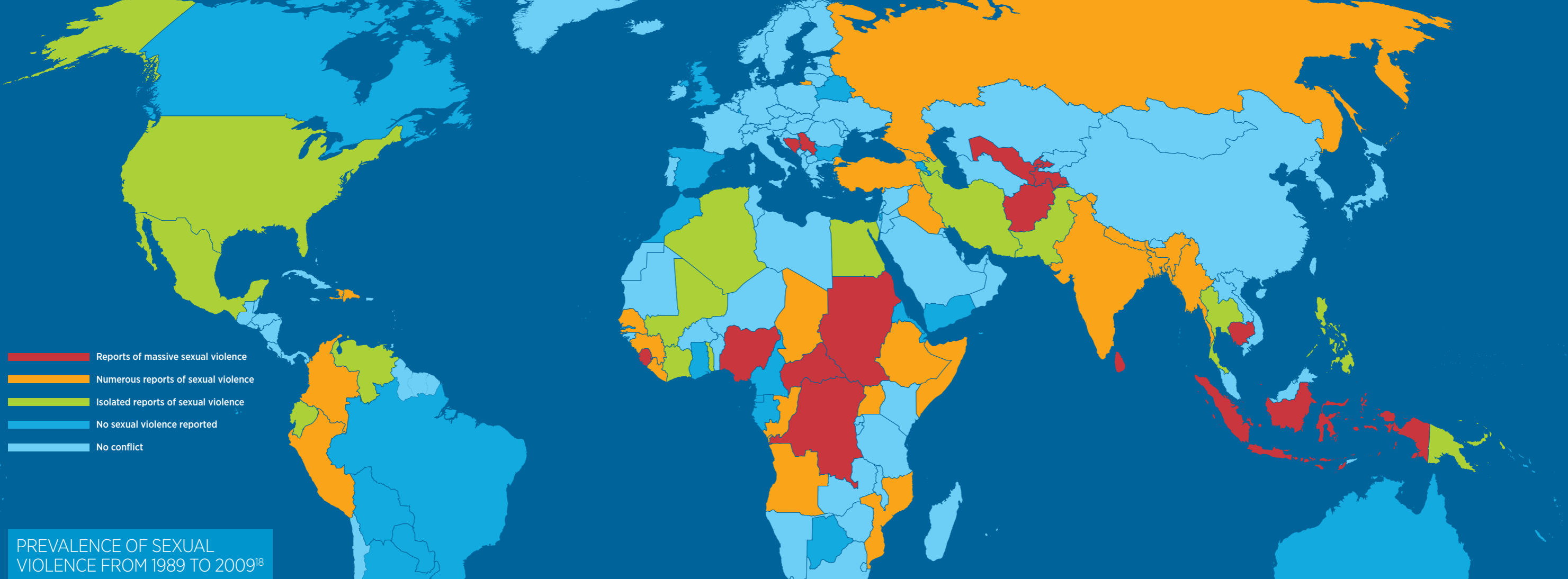
13 Wood, Elisabeth J. 2006. "Variation in Sexual Violence during War". *Politics & Society*. Vol. 34. doi:10.1177/0032329206290426.

14 Cohen, Dara Kay and Ragnhild Nordas. 2014. *Sexual Violence in Armed Conflict Dataset*. [Date Retrieved], from the Sexual Violence in Armed Conflict Dataset website: <http://www.sexualviolencedata.org>

15 Ibid.

16 Cohen, Dara Kay, and Ragnhild Nordas. 2014. "Sexual Violence in Armed Conflict: Introducing the SVAC Dataset 1989-2000." *Journal of Peace Research* 53 (3): 176. doi:10.1177/0022343314523028.

17 Ibid.



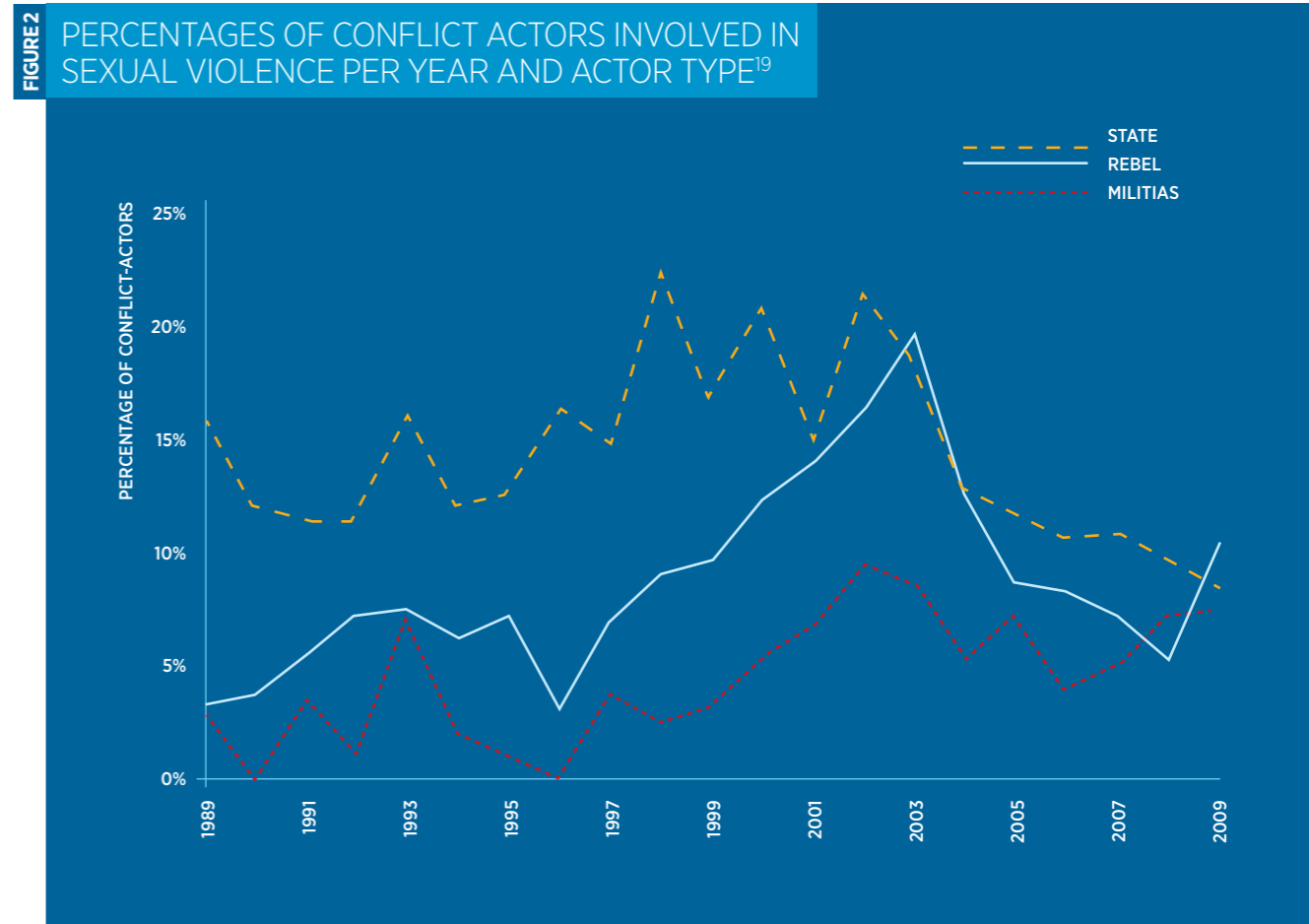
2.3

WHO ARE THE PERPETUATORS OF CONFLICT-RELATED SEXUAL VIOLENCE?

Conventional wisdom suggests that wartime sexual violence is perpetrated by undisciplined rebel armed groups. Nevertheless, data on sexual violence from 1989 to 2009 shows that 42% (56 of 132 state actors) of state actors, whether they are the main party in

the conflict or a supporting actor, were reported as perpetrators of sexual violence. In comparison 24% of rebel groups (65 of 275 rebel groups) and 17% (38 of 218) pro-government militias were reported to have committed some kind of sexual violence.

¹⁸ Ibid.
¹⁹ Ibid.



Nonetheless, this data should be interpreted with care, as the highest number of state actor perpetrators of sexual violence may be the result of higher numbers of reports on state actors and a lack of information on rebel groups' activities. Nevertheless, research has supported the findings that state actors more frequently use sexual violence, as it has found that state actors use sexual violence as a tool of torture against detainees, as well as during operations against civilians²⁰. State actors may not have close links to the local population and may be more likely to take advantage of the civilian population. This has notably been the case in Syria, where sexual violence has not only been committed by so-called Islamic State fighters but also by pro-government troops. The expert Marie Forestier has reported that in an attempt to crush the revolution and remain in power, the Assad regime has resorted to various tactics, including sexual violence²¹.

In addition, while men are more likely to perpetrate sexual violence, recent research has shown that female combatants can also be perpetrators of sexual violence. Evidence from Sierra Leone, Liberia, Haiti, Chechnya, Sudan, Democratic Republic of Congo (DRC) and Rwanda²² shows that female combatants have taken part in sexual violence acts. A survey on conflict-related sexual violence conducted in the DRC shows that women have perpetrated sexual violence in 41% of cases where the victims were women and 10% of the cases where men were the victims²³. While cross-national data is needed to assess the implication of women in sexual violence, these cases indicate that women, like men, can be perpetrators of sexual violence.

Furthermore, while armed men are more likely to commit acts of sexual violence in conflict²⁴, wartime sexual violence can also be perpetrated by civilians²⁵. Civilian perpetrators may include ex-combatants as well as individuals known to the victims, who may respond to the violent environment brought about by the conflict.

Additionally, there have been reports of sexual violence committed by aid workers and peacekeepers. The first accusations of sexual violence by UN peacekeepers were brought to public attention in 1993 in Cambodia. UN peacekeepers were reported to have sexually abused civilians. Similarly, in the UN operation in Bosnia Herzegovina in the 1990s, private military contractors, from the company DynCorp Inc., were accused of being involved in forced prostitution and human trafficking²⁶. In addition, Save the Children UK reported in 2001 allegations of sexual violence from workers responsible for the humanitarian response, including UN peacekeeping forces, international and local NGOs, and government agencies in Guinea, Liberia and Sierra Leone²⁷.

In 2014, the French military force operating as peacekeepers under the authorisation of the Security Council in Central African Republic were accused of allegedly sexually abusing a number of young children in exchange for food or money²⁸.

Despite these allegations of aid workers perpetrating sexual violence, there is no available data to assess the extent of sexual violence from aid workers.

20 Cohen, Dara Kay, Amelia Hoover Green, and Elisabeth Jean Wood. 2013. "Wartime Sexual Violence: Misconceptions, Implications and Ways Forward." *United States Institute of Peace* 323: 1–16.

21 Interview with Marie Forestier, April 2017; Forestier, Marie. 2017. "You Want Freedom? This is Your Freedom": Rape as a Tactic of the Assad Regime."

22 Cohen, Dara Kay. 2013. "Female Combatants and the Perpetration of Violence: Wartime Rape in the Sierra Leone Civil War." *World Politics* 65 (3): 383–415. doi:10.1017/S0043887113000105; Sjoberg, Laura, and Caron E Gentry. 2007. *Mothers, Monsters, Whores: Women's Violence in Global Politics*. Zed Books.

23 Johnson, K, J Scott, B Rughita, M Kisielewski, J Asher, R Ong, and L Lawry. 2010. "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo." *Jama* 304 (5): 553–62. doi:10.1001/jama.2010.1086.

24 Dolan, Chris. 2010. "'War Is Not Yet Over' Community Perceptions of Sexual Violence and Its Underpinnings in Eastern DRC." *International Alert*.

25 Malemo Kalisya, Luc, Paluku Lussy Justin, Christophe Kimona, Kavira Nyavandu, Kamabu Mukekulu Eugenie, Kasereka Muhindo Lusi Jonathan, Kasereka Masumbuko Claude, and Michael Hawkes. 2011. "Sexual Violence Toward Children and Youth in War-Torn Eastern Democratic Republic of Congo." *PLoS ONE* 6 (1). doi:10.1371/journal.pone.0015911.

26 Barnett, Anthony and Solomon Hughes.. Solomon. "British Firm Accused in UN Sex Scandal." *The Guardian*. July 29th 2001. <https://www.theguardian.com/world/2001/jul/29/unitednations>

27 UNHCR, and Save the Children-UK. 2002. "Note for Implementing and Operational Partners on Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia, and Sierra Leone," no. February. http://www.savethechildren.org.uk/sites/default/files/docs/sexual_violence_and_exploitation_1.pdf.

28 Deschamps Marie, Hassan Jallow, and Yasmin Sooka. 2015. "Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic." December: 170. <http://www.un.org/News/dh/infocus/cenafricrepub/Independent-Review-Report.pdf>.



2.4

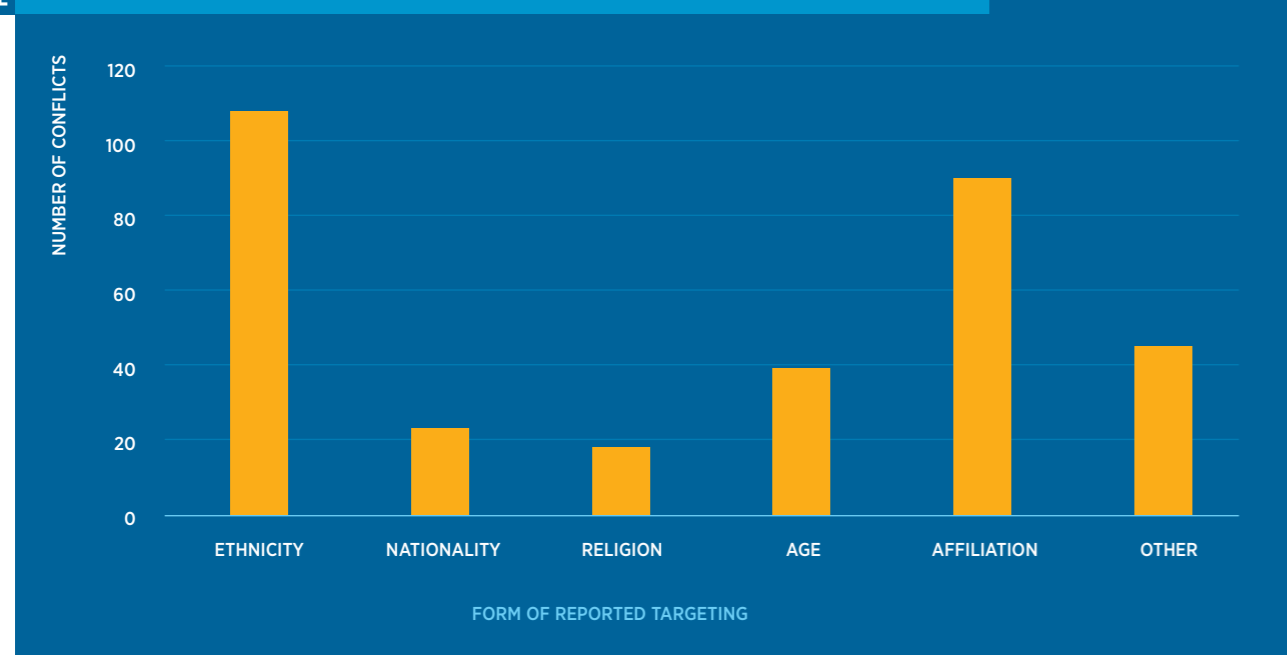
WHO ARE THE VICTIMS OF SEXUAL VIOLENCE?

Conventional wisdom tends to suggest that women are the only victims of sexual violence²⁹. While women and girls are more likely to be vulnerable to sexual violence and are still its main victims, men and boys are also at risk of sexual violence. Sexual violence against men includes rape, sexual torture, sexual humiliation and sexual slavery³⁰. Men in custody are at particular risk of sexual abuse. A survey on conflict related sexual violence in DRC records that 23% of the cases of sexual violence had men as the

victims³¹. Nonetheless, there is limited reliable cross-national data allowing to systematically assess the ratio of men victims of conflict-related sexual violence.

In addition, data on sexual violence shows that the victims of sexual violence are most likely targeted according to their ethnicities³². The affiliation to a fighting group is also reported as an important cause of targeting (c.f. Figure 3). This confirms that massive sexual violence can occur in instance of genocide.

FIGURE 3 NUMBER OF CONFLICTS WHERE SEXUAL VIOLENCE OCCURRED BY FORMS OF REPORTED VICTIM TARGETING³³



29 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

30 Médecins Sans Frontières. 2009. "Shattered Lives Immediate Medical Care Vital for Sexual Violence Victims." *Médecins Sans Frontières*. doi:10.4045/tidsskr.09.0581.

31 Johnson, K, J Scott, B Rughita, M Kisielewski, J Asher, R Ong, and L Lawry. 2010. "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo." *Jama* 304 (5): 553–62. doi:10.1001/jama.2010.1086.

32 Cohen, Dara Kay, and Ragnhild Nordås. 2014. "Sexual Violence in Armed Conflict: Introducing the SVAC Dataset 1989-2000." *Journal of Peace Research* 53 (3): 176. doi:10.1177/0022343314523028.

33 Ibid.

Furthermore, in 2014 the UN reported the use of sexual violence targeting individuals on the basis of their actual or perceived sexual orientation by certain groups in Syria and Iraq³⁴. Similarly, displaced civilians fleeing their homeland have been reported to be at higher risk of sexual violence³⁵. The UNHCR has argued that among the refugee population,

'unaccompanied women and lone female heads of household are at the greatest risk of being subjected to sexual violence'³⁶. In addition, unaccompanied children, children in foster care arrangements and those in detention situations have been reported to be at more risk of sexual violence³⁷.

2.5

WHAT ARE THE CAUSES AND PATTERNS OF WARTIME SEXUAL VIOLENCE?

Mass rape and sexual violence in times of war are not a new phenomenon; however, only since the years following the mass sexual violence acts in the former Yugoslavia war and the genocide in Rwanda, have human rights organisations, social scientists, journalists and feminist activists sought to explain the phenomenon of sexual violence in times of war³⁸. Scholars have in particular sought to analyse whether sexual violence is a weapon of war. Four main theories have been developed to understand the dynamics leading to wartime sexual violence. The first focuses on biological explanations for sexual violence, uncovering the links between levels of testosterone and sexual violence. The second set of arguments focuses on the opportunity soldiers have to commit sexually

violent acts. The third set of theories emphasises the incentives perpetrators have to commit sexual violence. Finally, the fourth set of explanations for sexual violence comes from burgeoning academic literature looking at the organisation of rebel groups to explain the use of sexual violence.

BIOLOGICAL THEORIES OF SEXUAL VIOLENCE

It is sometimes proposed that the increase of conflict-related sexual violence is the result of a link between the aggression necessary for combat and the male sex drive, via testosterone³⁹.

According to scientific research, there is evidence of a positive, nevertheless weak relationship between

34 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

35 Ibid.

36 Unhcr. 1995. "Sexual Violence Against Refugees." *Guidelines on Prevention and Response*, 1–8. papers2://publication/uuid/0FCD6A8D-B31C-4728-BDE5-3B7DAFA92D73.

37 Ibid.

38 Gottschall, Jonathan. 2004. "Explaining Wartime Rape." *Journal of Sex Research* 41 (2): 129–36. doi:10.1080/00224490409552221; Wood, Elisabeth J. 2006. *Variation in Sexual Violence during War. Politics & Society*. Vol. 34. doi:10.1177/0032329206290426; Heineman, Elizabeth D. 2011. "Introduction: The History of Sexual Violence in Conflict Zones." In *Sexual Violence in Conflict Zones: From the Ancient World to the Era of Human Rights*, 1–21. <http://www.scopus.com/inward/record.url?eid=2-s2.0-84899600029&partnerID=tZOtx3y1>; Cohen, Dara Kay. 2013. "Female Combatants and the Perpetration of Violence: Wartime Rape in the Sierra Leone Civil War." *World Politics* 65 (3): 383–415. doi:10.1017/S0043887113000105; Eriksson Baaz, Maria, and Maria Stern. 2013. *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond*. Zed Books. doi:10.1080/13552074.2013.846603.

39 Wood, Elisabeth J. 2006. "Variation in Sexual Violence During War." *Politics & Society*. Vol. 34. doi:10.1177/0032329206290426.

aggression and testosterone levels⁴⁰. Studies show that high levels of testosterone are both the cause and effect of aggressive behaviour. Men may exhibit high levels of testosterone in the anticipation of physical competition and when they are winners of a competition. Reciprocally, high levels of testosterone encourage dominant and anti-social behaviour⁴¹. By extrapolating these results to conflict settings, scholars have shown that armed groups might be particularly aggressive, and use sexual violence, if its members display high levels of testosterone in the aftermath of combat⁴².

The fact that armed groups tend to engage in sexual violence during or after a successful combat might seem consistent with the biological theory of sexual violence. Nevertheless, this biological explanation for sexual violence does not explain the variation in the use of sexual violence among different armed groups. Therefore, literature on social violence has also focused on the role of social mechanisms in explaining the use of sexual violence.

FEMINIST AND OPPORTUNITY THEORIES

Feminist scholars have since the 1970s explored the link between sexual violence and conflict. The classic feminist analysis has tended to extend classical hypothesis on rape and sexual violence⁴³ in peace times to conflict settings. It is worth noting that these scholars mainly focus on sexual violence against women. According to these scholars, rape is a crime motivated by the desire of man to exert dominance over a woman⁴⁴. For these scholars, war and conflicts create a 'cultural vacuum'⁴⁵ encouraging men to vent their urges of dominance and power over women. As such, sexual violence against women is not necessarily sexual, but rather an aggressive misogynistic act⁴⁶.

Therefore, wartime sexual violence results from the types of men's socialisation⁴⁷. According to these theories, wartime sexual violence is therefore more likely to occur in patriarchal societies⁴⁸.

In other words, these theories assume that sexual aggression urges are present in societies in peacetimes but are regulated by a variety of social mechanisms. Social norms curb peacetime sexual violence⁴⁹. Nevertheless, these regulatory mechanisms are weaker in times of war, increasing *opportunity* to engage in sexual violence. Wars tend to be fought by armed young men in groups far from normal social controls (family, institutions, etc.). As such, sexual aggression is less regulated, and the costs of committing sexual acts decrease, resulting in higher occurrences of sexual violence. Data relating to sexual violence in World War II seems to provide evidence for such logic. It has shown that US military personnel in France and Germany in 1944 and 1945 committed more sexual violence acts than civilian men⁵⁰.

Social controls are also weaker among displaced communities, which predicts higher levels of sexual violence among conflict-displaced communities. The UNHCR 1995 guidelines on prevention of sexual violence against refugees notes that refugees in camps or urban situations may be subjected to sexual attacks taking advantage of their vulnerable situation. In particular it argues that the collapse of traditional societal support mechanisms increases the vulnerability of refugees to sexual aggression⁵¹.

STRATEGIC SEXUAL VIOLENCE AND INCENTIVE FOCUSED THEORIES

Other theories take a distinct approach focusing rather than on opportunity, on the mechanisms



through which conflict can increase *incentives* to engage in sexual violence. These studies argue that sexual violence is used as a strategy and a weapon of war⁵². The strategic theory has been largely influential in the study of sexual violence among international activists, journalists and scholars. According to these theories, sexual violence is just another weapon—in the same way as bombs, bullets or propaganda—that military forces can be used to destabilise opponents. Sexual violence is a tactic in 'the service of larger strategic objectives'⁵³. It is predicted that sexual violence against civilian populations can be used as a way of spreading terror, as well as diminishing resistance and support of civilian population. This has been for instance the case in Syria, where pro-regime forces have resorted to rape as a tactic to directly

attack and weaken the opposition. Sexual violence was used to political ends to subdue and repress the opposition by damaging communities, in a culture where rape causes grave humiliation to survivors and their families⁵⁴.

In addition, sexual violence can also be used in times of war as an act of revenge⁵⁵. In Rwanda, war propaganda portrayed Tutsi women in such ways that sexual violence appeared to 'be an appropriate form of retribution for long-standing grievances'⁵⁶.

Moreover, sexual violence can be seen as an effective form of wartime violence in some social and cultural settings as it can dislocate the social fabric of society⁵⁷. Cultural meanings attached to access to

40 Archer, John, Nicola Graham-Kevan, and Michelle Davies. 2005. "Testosterone and Aggression: A Reanalysis of Book, Starzyk, and Quinsey's (2001) Study." *Aggression and Violent Behavior* 10 (2). Elsevier: 241–61.

41 Mazur Allan, and Alan Booth. 1998. "Testosterone and Dominance in Men." *Behavioral and Brain Sciences* 21 (3). Cambridge Univ Press: 353–63.

42 Wood, Elisabeth J. 2006. "Variation in Sexual Violence During War." *Politics & Society*. Vol. 34. doi:10.1177/0032329206290426.

43 Brownmiller, S., 2013. *Against Our Will: Men, Women and Rape*. Open Road Media.

44 Barstow, A L. 2000. *War's Dirty Secret: Rape, Prostitution, and Other Crimes Against Women*. Pilgrim Press. <https://books.google.co.uk/books?id=tyXdAAAIAAJ>.

45 Ibid.

46 Ibid.

47 Seifert, Ruth. 1996. "The Second Front." *Women's Studies International Forum* 19 (1–2): 35–43. doi:10.1016/0277-5395(95)00078-X.

48 Gottschall, Jonathan. 2004. "Explaining Wartime Rape." *Journal of Sex Research* 41 (2): 129–36. doi:10.1080/00224490409552221.

49 Wood, Elisabeth J. 2006. "Variation in Sexual Violence During War." *Politics & Society*. Vol. 34. doi:10.1177/0032329206290426.

50 Morris, Madeline. 1996. "By Force of Arms: Rape, War, and Military Culture." *Duke Law Journal*. doi:10.2307/1372997.

51 Unhcr. 1995. "Sexual Violence against Refugees." *Guidelines on Prevention and Response*, 1–8. papers2://publication/uuid/0FCD6A8D-B31C-4728-BDE5-3B7DAFA92D73.

52 Card, Claudia. 1996. "Rape as a Weapon of War." *Hypatia* 11 (4); Skjelsbaek, I. 2001. "Sexual Violence and War: Mapping Out a Complex Relationship." *European Journal of International Relations* 7 (2): 211–37. doi:10.1177/1354066101007002003; Gottschall, Jonathan. 2004. "Explaining Wartime Rape." *Journal of Sex Research* 41 (2): 129–36. doi:10.1080/00224490409552221; Eriksson Baaz, Maria and Maria Stern. 2013. *Sexual Violence as a Weapon of War? Perceptions, Prescriptions, Problems in the Congo and Beyond*. Zed Books. doi:10.1080/13552074.2013.846603.

53 Gottschall, Jonathan. 2004. "Explaining Wartime Rape." *Journal of Sex Research* 41 (2): 129–36. doi:10.1080/00224490409552221, p.131.

54 Forestier, Marie. 2017. "You Want Freedom? This Is Your Freedom": Rape as a Tactic of the Assad Regime."

55 Wood, Elisabeth J. 2006. "Variation in Sexual Violence During War." *Politics & Society*. Vol. 34. doi:10.1177/0032329206290426.

56 Ibid; Sharlach, Lisa. 1999. "Gender and Genocide in Rwanda: Women as Agents and Objects of Genocide." *Journal of Genocide Research* 1 (3): 387–99. doi:10.1080/14623529908413968.

57 Enloe, C. 2000. *Maneuvers: The International Politics of Militarizing Women's Lives*. University of California Press. <https://books.google.co.uk/books?id=kTaa79pyr7EC>.

women's bodies may render sexual violence a choice weapon of war where sexual violence against women can be perceived as a violation of families' and society's honour. Sexual violence causes profound damage in the targeted communities by disrupting social ties and structures⁵⁸. For instance, according to the expert Marie Forestier⁵⁹, in Mali, a society marked by a strong patriarchal social system, sexual violence, notably forced marriage, has been used by jihadists as a way to undermine the control of men over women and dismantle the existing social system. This has created a form of social anarchy providing the jihadists with a vacuum in which to expand control of the society.

CONTROL AND SANCTIONS WITHIN A REBEL GROUP AND SEXUAL VIOLENCE

The academic literature on civil conflict has uncovered another set of arguments explaining the causes of wartime sexual violence, focusing on the organisation and in-group dynamics of armed groups. Several scholars have argued that rebels are more likely to engage in sexual violence when there is a lack of control of the leadership over its recruits⁶⁰. When soldiers' primary motivation to join a rebellion is based on material resource gains, they are not looking to build a sustainable political project and in turn they do not seek support from the local population in the long term. Rather they are looking for short-term

gains, and are more willing to forcibly extract needed goods or support from the local population⁶¹. Hence, opportunistic, or 'out of control'⁶² soldiers are more likely to use violence against civilians, including sexual violence. The underlying assumption of this argument is that weaknesses of the rebel group's organisation, including accountability mechanisms, low economic wealth, and a lack of inclusive decision-making can encourage insubordination of soldiers and murky authority structures.

Similarly, a scholar specialised in wartime rape, Dara Kay Cohen, has found cross-national evidence from a dataset from 1980 to 2009, that recruitment mechanisms are associated with the occurrence of wartime sexual violence⁶³. Empirical evidence shows that rebel groups who use violent recruitment techniques, such as abduction or coercion, are more likely to use sexual violence. Dara Kay Cohen infers that violent recruitment techniques are likely to result in a low intra-group cohesion, as the new recruits do not have long-term incentives to participate in the rebellion (i.e. they do not abide by a particular ideology nor seek a long-term political project). Thus, she argues that sexual violence, especially wartime rape, is a socialisation tool for rebel groups who suffer from low intragroup cohesion⁶⁴. Sexual violence can enable armed groups, with forcibly recruited soldiers, to form and strengthen social bonds as they participate and recount the violence.

58 Cohen, Dara Kay, Amelia Hoover Green, and Elisabeth Jean Wood. 2013. "Wartime Sexual Violence: Misconceptions, Implications and Ways Forward." *United States Institute of Peace* 323: 1–16.

59 Interview Marie Forestier, April 2017.

60 Weinstein, JM. 2007. *Inside Rebellion: The Politics of Insurgent*. Cambridge: Cambridge University Press.

61 Ibid.

62 Butler, Christopher K, Tali Gluch, and Neil J Mitchell. 2007. "Security Forces and Sexual Violence: A Cross-National Analysis of a Principal-Agent Argument." *Journal of Peace Research* 44 (6): 669–87. doi:10.1177/0022343307082058.

63 Cohen, Dara Kay. 2013. "Explaining Rape during Civil War: Cross-National Evidence (1980–2009)." *American Political Science Review* 107 (3): 461–77. doi:10.1017/S0003055413000221 ; Cohen, D K. 2016. *Rape During Civil War*. Cornell University Press. <https://books.google.co.uk/books?id=p-6vDAAAQBAJ>.

64 Cohen, D K. 2016. *Rape During Civil War*. Cornell University Press. <https://books.google.co.uk/books?id=p-6vDAAAQBAJ>.

2.6

THE CONSEQUENCES OF CONFLICT-RELATED SEXUAL VIOLENCE



Conflict-related sexual violence can have serious physical, psychological and social consequences.

PHYSICAL CONSEQUENCES OF SEXUAL VIOLENCE

The reported effects of wartime sexual violence are similar to those reported in peaceful times: acute or immediate physical injuries such as bruises, lacerations fractures; abdominal pain; infections; traumatic genital injury (tears/mutilated genitalia); sexual transmitted diseases; HIV/AIDS; sexual

dysfunction; pregnancy, miscarriages; menstrual disorder; or infertility.

According to a study reviewing wartime sexual violence's consequences from conflicts from 1981 to 2014, the most frequent physical consequence of wartime sexual violence is unwanted pregnancy, and traumatic genital injuries⁶⁵. Unwanted pregnancies can be a serious public health concern as in countries where abortion is not accessible, women are exposed to the risk of unsafe abortions, which can have serious consequences such as infertility or maternal deaths⁶⁶.

65 Ba, I., and R. S. Bhopal. 2016. "Physical, Mental and Social Consequences in Civilians Who Have Experienced War-Related Sexual Violence: A Systematic Review (1981–2014)." *Public Health* 2. doi:10.1016/j.puhe.2016.07.019.

66 Médecins Sans frontières. 2009. "Shattered Lives Immediate Medical Care Vital for Sexual Violence Victims." *Médecins Sans Frontières*. doi:10.4045/tidsskr.09.0581.

MENTAL HEALTH OUTCOMES OF SEXUAL VIOLENCE

Even when physical injuries are minimal, victims of conflict-related sexual abuse experience psychological trauma. For those raising the child fathered by their rapist, the trauma can be lifelong.

Victims most commonly experience fear and humiliation. This can result in a long-term loss of a sense of safety and security. The victims can also feel guilt or shame or aggression, anger, hatred and a desire for revenge. Conflict-related sexual violence can also lead to social dysfunction and suicide attempts⁶⁷. Sexual violence may hinder a person's ability to form relationships and trust others. Additionally, sexual violence may result in depression, anxiety and psychotic episodes, and can develop into post-traumatic stress disorder⁶⁸.

SOCIAL CONSEQUENCES OF SEXUAL VIOLENCE

In addition to physical and mental health problems, sexual violence can result in stigmatisation and a degraded sense of community relations for the victims.

Stigma may arise due to customs and traditional practices surrounding sex and rape. Any sexual acts outside marriage may meet disapproval, rejection and discrimination⁶⁹. As such, victims of conflict-related sexual violence may experience rejection from family and society, and, therefore, live in isolation. Studies show that poor community relations and stigma further increase the vulnerability of the victims to mental and physical health problems⁷⁰, as the victims have, therefore, little access to health care and counselling services.

2.7

MAIN CURRENT CASES OF WARTIME SEXUAL VIOLENCE

This section presents the profiles of countries that experienced armed conflict-related sexual violence.

BURUNDI

CONFLICT BACKGROUND

Burundi experienced a civil war from 1993 to 2006. The civil war resulted from long standing tensions between the majority Hutu and the minority Tutsi, dating back to the country's independence in 1962. The assassination of the first Hutu president Melchior Ndadaye in a coup d'état in 1993 and the death of his successor Cyprien Ntaryamira in a plane crash in 1994, triggered the civil war between the government forces and some rebel groups including *National Liberation Forces* (FNL) and the *Burundian Armed Forces and the Forces for the Defence of Democracy* (FDD). It is estimated that more than 300,000 people died in the conflict⁷¹. Human rights violations were reportedly widespread and led to important displacement of civilians within Burundi and to the neighbouring countries of the Democratic Republic of the Congo, Rwanda and Tanzania. The FDD signed a ceasefire agreement with the government in 2003. In 2006, the FNL followed the FDD's lead, putting an end to the conflict.

A renewed episode of violence was sparked in April 2015, after the president Pierre Nkurunziza, former

leader of a Hutu rebel group who came to power as part of the 2005 peace deal, announced he would seek a third term in office and was re-elected after the elections in July 2015. In December 2015, Burundi experienced several episodes of high levels of violence⁷².

CONFLICT RELATED SEXUAL VIOLENCE

According to Médecin sans Frontières who opened a specialised clinic for victims of sexual violence, the 'Seruka centre', sexual violence during the conflict was committed largely by non-civilians, including by government soldiers and members of rebel groups⁷³. Rebel groups and government troops tended to perpetrate sexual violence against women in Burundi in the villages they occupied. The number of sexually violent acts during the civil war remains unknown as official data about sexual violence in the country is not available.

In addition, new cases of conflict-related sexual violence have been reported since the political protest started in 2015. Members of Burundi ruling party's youth league, the *Imbonerakure*, have

67 Ba, I., and R. S. Bhopal. 2016. "Physical, Mental and Social Consequences in Civilians Who Have Experienced War-Related Sexual Violence: A Systematic Review (1981-2014)." *Public Health* 2. doi:10.1016/j.puhe.2016.07.019.

68 Médecins Sans Frontières. 2009. "Shattered Lives Immediate Medical Care Vital for Sexual Violence Victims." *Médecins Sans Frontières*. doi:10.4045/tidsskr.09.0581.

69 Amoné-P'Olak, Kennedy, Tlholego Molemane Lekhutlile, Emilio Ovuga, Rosemary Ann Abbott, Richard Meiser-Stedman, David Gage Stewart, and Peter Brian Jones. 2016. "Sexual Violence and General Functioning Among Formerly Abducted Girls in Northern Uganda: The Mediating Roles of Stigma and Community Relations—the WAYS Study." *BMC Public Health* 16. BMC Public Health: 64. doi:10.1186/s12889-016-2735-4.

70 Ibid.

71 UNICEF. 2014. *Conflict Analysis Summary. Burundi*. http://reliefweb.int/sites/reliefweb.int/files/resources/Burundi-UNICEF_AID1.pdf

72 BBC News. "Burundi rejects UN police force to help end violence." *BBC News*. 3 August 2016.

73 Médecins Sans Frontières. 2009. "Shattered Lives Immediate Medical Care Vital for Sexual Violence Victims." *Médecins Sans Frontières*. doi:10.4045/tidsskr.09.0581.

repeatedly gang-raped women. Human Rights Watch reports that the sexual violent acts appear to have targeted family members of perceived government opponents⁷⁴. The sexual violence has occurred in various locations in Burundi's provinces, by 'men armed with guns, sticks or knives' who have raped women in their homes most often at night. In several attacks, the perpetrator either killed or abducted a male family member, confirming the fact that the rapes were taking place as retribution for supporting opposition parties. Human Rights Watch reported

323 cases of sexual violence from May to September 2015⁷⁵.

Imbonerakure and security forces have also been accused of sexual violence against displaced persons fleeing to Tanzania. Rape cases have also been reported in Nduta refugee camp in Western Tanzania, sheltering 140,000 Burundian refugees. In May 2016, Human Rights Watch reported 70 rape victims, among which 14 have formally recognised the *Imbonerakure* as being a perpetrator⁷⁶.

74 Human Rights Watch. 2016. "Burundi: Gang Rapes by Ruling Party Youth." *Human Rights Watch*. <https://www.hrw.org/news/2016/07/27/burundi-gang-rapes-ruling-party-youth>; Human Rights Watch. 2016. "BURUNDI'S Human Rights Crisis." *Human Rights Watch*.

75 Ibid.

76 Ibid.



CENTRAL AFRICAN REPUBLIC (CAR)



CONFLICT SUMMARY

Since its independence in 1960, CAR has experienced several outbreaks of violence between the pastoralist communities from the Sahel, majoritarian Muslim, and the Christian communities. When a rebel group *Séléka* stemmed from the pastoralist Muslim communities grabbed power in March 2013 by ousting the president Bozizé, intercommunal tensions were exacerbated. This led to renewed fighting between *Séléka* (renamed *ex-Séléka* as the group split) and Bozizé's supporters who formed *anti-balaka* militias. Both armed groups held large parts of the territory, with *anti-Balaka* in the south and west and *ex-Séléka* in the north and east. This led to large displacements of population.

CONFLICT-RELATED SEXUAL VIOLENCE

In 2013, the UN has documented 2527 cases of conflict-related sexual violence. This included rape and assaults of victims in their homes during door to door searches. Women and girls have been particularly targeted, but there have also been cases involving men and boys. The perpetrators have been identified as being part of various armed groups including *anti-Balaka* and *ex-Séléka*.⁷⁷

In addition, there has been reports of UN peacekeepers in CAR raping or sexually exploiting at least eight women and girls between October and December 2015. The victims were living in camps for internally displaced people⁷⁸.

DEMOCRATIC REPUBLIC OF THE CONGO

CONFLICT SUMMARY

Since 1960, the Democratic Republic of the Congo (DRC) has endured a number of conflicts over its natural resources. The Mobutu regime, in power from 1965 to 1997, was toppled by Tutsi rebels, the *Allied Democratic Forces for the Liberation of Congo-*

Zaire (AFDL) and Laurent Kabila became President. The AFDL rebellion sparked the First Congo war (1996-1997) and led to an overhaul of the Congo's post-independence political settlement in which the Swahili-speaking people were given preference over Lingala speaking people, who had dominated under Mobutu's rule.

77 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

78 Human Rights Watch. 2016. "Central African Republic: Rape by Peacekeepers." *Human Rights Watch*. <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>

Violence broke out again when President Kabila sought to diminish the influence of Rwanda and Uganda, who backed the AFDL. Hence, government forces, supported by Angola, Namibia and Zimbabwe fought against rebels, under the banner of the *Congolese Rally for Democracy* (RCD) backed by Uganda and Rwanda, leading to 'Africa's war' (1998-2003). The second Congo War heralded a militarisation of the Congo, as small-scale militias were created around the country to support national security forces, as well as fighting for more local motives. In 2003, a peace accord was adopted in which different armed factions involved in the Second Congo War divided up territories and positions. Despite the peace agreement, violence continued as armed actors continued competition for power, as they hoped that by demonstrating military strength they would gain more powerful positions⁷⁹. The transition after the peace deal ended through general elections in 2006, which saw Joseph Kabila elected.

The elections nevertheless did not end violence in the east of the country, where armed groups continued to be active, including the *M23* group and the *Democratic Forces for the Liberation of Rwanda*

(FDLR), a Rwandan Hutu armed group, which have threatened the stability of the country and the region. In 2012, the *M23* launched a new rebellion in which they occupied Goma and the nearby areas. In 2015, dozens of armed groups remained active in Eastern Congo⁸⁰.

CONFLICT-RELATED SEXUAL VIOLENCE

Since the first Congo War, sexual violence has been widespread in DRC. Human Rights Watch reported that sexual violence has been used as a weapon of war by all parties in the eastern provinces of Congo. From January to September 2014, the United Nations Population funds (UNFPA) recorded 11,769 cases of sexual violence in Eastern Congo (Kivu), of which 39% of the cases were considered to be directly related to the conflict and perpetrated by armed groups, including government security forces⁸¹. Similarly, the UN also confirmed 698 cases of conflict-related sexual violence, mostly targeting women and girls (361 women, 332 girls, 3 men and 2 boys). In addition, in Eastern Congo, the internally displaced population has been notably vulnerable to conflict-related sexual violence; the UNHCR reported 2,343 alleged incidents of sexual violence⁸².

79 Verweijen, Judith. 2016. "Stable Instability: Political Settlements and Armed Groups in the Congo." *Rift Valley Institute: Usalama Project*, 1–86.

80 Human Rights Watch. 2015. Democratic Republic of Congo. *Human Rights Watch*. <https://www.hrw.org/world-report/2016/country-chapters/democratic-republic-congo>

81 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

82 Ibid.

IRAQ



CONFLICT BACKGROUND

Iraq has experienced three main conflicts since the 1990s, including the Iran-Iraq war, the American-led invasion in 2003, and the latest conflict against so-called Islamic State (ISIS), since 2012. ISIS is an extremist Muslim group in Syria and Iraq which formed in 2006 and which encouraged the merging of several extremist groups.

The withdrawal of coalition forces in December 2011, combined with the weakness of the Iraqi security forces who had to face anti-government protests in the country, paved the way for the expansion of ISIS. As ISIS has expanded its borders, the Iraqi army, supported by local militias and US-led coalition's airstrikes, has organised attacks to keep control of its provinces⁸³.

The conflict in Iraq has led to a large displacement of population. From July 2016, an estimated 3.4 million Iraqis were internally displaced. The International

Organisation for Migrations (IOM) has documented the arrival of 23,935 Iraqi refugees in 2015 and 86,989 in 2016. The UN has described Iraq's situation as one of the world's worst humanitarian crises⁸⁴.

CONFLICT-RELATED SEXUAL VIOLENCE

Violence against civilians has sharply increased in 2014, affecting 15,000 civilian fatalities and security personnel. Sexual violence, including a system of organised rape, sexual slavery and forced marriage, has been used by ISIS as a strategy of spreading terror, as well as persecuting ethnic and religious communities. The UN special representative on sexual violence in conflict has documented an estimated 1,500 civilians forced into sexual slavery. These acts target in particular women and girls from 8 to 35 years old from the Yezidi religious minority. Human Rights Watch reports that 2000 Yezidis women and girls have escaped but over 5,200 remain in the hands of ISIS⁸⁵.

83 Stanford University. 2016. "The Islamic State." <http://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/view/1>

84 International Organisation for Migration. 2017. "Iraq Mission Displacement Tracking Matrix." <http://iraqdtm.iom.int/IDPsML.aspx>

85 Human Rights Watch. 2016. "Iraq, Event of 2015." *Human Rights Watch*. <https://www.hrw.org/world-report/2016/country-chapters/iraq>

MALI



CONFLICT BACKGROUND

Despite its relative social and economic growth since its independence in 1960, Mali has experienced various uprisings by the Tuareg, an ethnic group of nomadic people originating from the Saharan regions of Northern Africa, including Mali, Libya, Algeria and Burkina Faso. The Tuaregs have condemned their marginalisation by the Malian government and sought self-determination for the northern provinces of the country where they are settled, called 'Azawad'. The Tuaregs have created the National Movement for the Liberation of Azawad (MNLA) and have grown in strength since the fall of the Libyan leader Muammar al-Qaddafi in 2011. The Tuaregs had acquired military resources as they fought alongside Qaddafi's troops. Yet, with Qaddafi overthrown, they left Libya towards Mali, bringing with them heavy and sophisticated arms which allowed the MNLA to renew their insurgency in northern Mali and secure a large number of military victories in January 2012. The advances of the separatist rebels disgruntled the political powers in the capital. In March 2012, a junta of junior military officers led a coup against President Touré, which threatened the army and political power.

Meanwhile, the MNLA forged an alliance with the Islamist rebel group Ansar al-Deen, tied to Al-Qaeda. This alliance allowed them to secure control over the northern Malian provinces in April 2012, and to declare the independence of Azawad on the 6 April 2012. While the MNLA had so far led the insurgency, the Islamist group Ansar al-Deen backed by the Al-Qaeda

North African wing, took ascendancy over the MNLA when taking control of Timbuktu. Ansar al-Deen displaced MNLA as the main rebel group and tried to impose the Islamic law in its territories⁸⁶. France launched a UN Security Council backed military operation in Mali in 2013, deploying 2500 soldiers to assist the government in regaining control of the northern provinces of Mali⁸⁷.

In June 2015, the separatist Tuareg groups signed a peace agreement with the government. Nevertheless, the peace deal has not yet been implemented and disarmament has not yet begun.

The security vacuum created by the civil conflict and the lack of enforcement of the peace agreement has created a precarious human rights climate for civilians.

CONFLICT RELATED SEXUAL VIOLENCE

The unstable situation in the North of Mali with armed groups splintering and multiplying has limited the reporting of sexual violence in Mali. Nevertheless, the UN recorded 90 allegations of conflict-related sexual violence, including 69 rapes and 21 sexual assaults⁸⁸. In addition, the MINUSMA (UN multidimensional integrated stabilisation mission in Mali) has documented cases of forced marriage and sexual slavery in areas under occupation of the armed groups. This included cases of young women forced into marriage with members of armed groups, and waves of kidnapping and rapes of women and girls by armed groups⁸⁹.

86 Tran. Mark. «Mali: A Guide to the Conflict.» The Guardian. 16 January 2013.

87 Tresca. Malo. "Les Dates Clés de l'intervention Française au Mali". *La Croix*. 13 April 2016. <http://www.la-croix.com/Monde/Afrique/Les-dates-cles-intervention-francaise-Mali-2016-04-13-1200753198>

88 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

89 MINUSMA. 2016. "Impact of the Crisis on the Women of Mali." MINUSMA. <https://minusma.unmissions.org/en/impact-crisis-women-mali>

MYANMAR

CONFLICT BACKGROUND

Myanmar has experienced a series of ethnic insurgencies since its independence in 1948. During the colonisation era from 1885 to 1948, the British governance system reinforced the divide between the ethnic majority Barman and the ethnic minorities on whom the British relied to govern. After independence, a number of ethnic nationalist groups, including the Karen, the Karenni, the Arakanese and the Mon, took up arms against the new independent regime and its armed force called 'Tatmadaw' in the hope of gaining autonomy or independence from the state⁹⁰. 15 armed groups remain active in Myanmar.

The Karen is the largest ethnic minority group in the country, making for an estimated 7% of the population, and now primarily residing in the Eastern Border States of Burma. The main Karen armed and political group is the Karen National Union (KNU) and its armed wing the Karen National Liberation Army (KNLA), which initially fought for independence and now autonomy of the Karen state. Since 1994, the KNU, a splinter group which forged an alliance with the Burmese government, has lost most of its territory, resulting in large amounts of displacement and the forcible relocation of villages. Since 2012, the KNU has signed a ceasefire agreement with the government. Nevertheless, as the state remains heavily militarised, clashes still occur.



90 South, Ashley. 2011. "Burma's Longest War Anatomy of the Karen Conflict." *Transnational Institute Burma Center Netherlands*. Amsterdam.

The Kachin is another ethnic minority in conflict with the Burmese government. The Kachin ethnic group makes up for an estimated 1.5% of the population and is concentrated in the Kachin State in Northern Myanmar, bordering China. The Kachin Independence Organisation (KIO) and the Kachin Independence Army (KIA) have been active since 1961 and sought autonomy for the Kachin state. The KIO signed a ceasefire agreement which held from 1993 to 2011. Nevertheless, after 2011 when the Burmese Army entered the KIO-controlled area, fighting resumed between the two parties, causing military and civilians' casualties as well as population displacement.

The Rakhine ethnic group is represented by the Arakan Liberation Army (ALA) which signed a ceasefire agreement with the government in 2012. In addition, in Rakhine there is an opposition between the Buddhist and Muslim communities which has led to ethnic violence against Muslim minorities, also known as the Rohingya. Buddhist Rakhine contest the claims of the Rohingya to historic links to the Rakhine state. Since 2012, incidents of 'religious intolerance and incitement of hatred by extremist and ultra-nationalist Buddhist groups' have increased across the country. The Rohingya have been victims of this anti-Muslim sentiment which has erupted into violence. The Rohingya face severe restrictions of freedom of movement and human rights violations as they are technically stateless and are not legally recognised in Burma⁹¹.

Finally, the Shan State Army (SSA) was formed in 1964 as a group seeking autonomy for the Shan State at the border with Thailand. The Shan State armed group is highly fragmented, and some of the splinter groups have signed ceasefire agreements with the government, while other Shan resistance movements have increased the militarisation of the region and attacks against the government. The Burmese government has also launched large-scale counter-insurgency campaigns leading to high numbers of human rights violations in the Shan state.

CONFLICT RELATED SEXUAL VIOLENCE

The UN has reported that sexual violence is widespread in the conflicts in Myanmar, including in the Kachin, Shan, Karen and Rakhine states. Several local human rights organisations have documented systematic sexual violence used by the government military forces, the police and border guards as a counter-insurgency tactic⁹². There was an increase of sexual violence when in 2004, the government cut off support for army troops who had to survive with only local resources. The community-based organisations have reported cases of rape, gang rape, sexual slavery, forced marriage, and genital mutilation. Sexual violence occurs during forced relocation of people from zones controlled by ethnic insurgents to government-controlled areas. Sex-trafficking among refugees along the Thai border has also been reported⁹³.

91 United Nations Human Rights Office of the High Commissioner. 2017. "Interviews with Rohingyas Fleeing from Myanmar since 9 October 2016." *OHCHR*.

92 Burma, Women's League of 2014. "If They Had Hope, They Would Speak": The Ongoing Use of State-Sponsored Sexual Violence in Burma's Ethnic Communities." *Women's League of Burma*.

93 Women's Commission for Refugee Women and Children. 2006. "Abuse Without End: Burmese Refugee Women and Children at Risk of Trafficking." *Women's Commission for Refugee Women and Children*.

SOMALIA



CONFLICT BACKGROUND

Somalia has experienced a prolonged period of political instability. In January 1991, following three years of civil war, the government collapsed, leading rival clan militias to fight among themselves to grab power. This resulted in a prolonged period of violence, power struggles, clan clashes and the breakdown of political institutions. Fighting among rival clans led to displacement and starvation of the population.

From 2000, attempts were made to create a stronger central government in Mogadishu, but the transitional governments did not become functional. The country lacked an effective and functioning government, an organised civilian police or a national army. In 2012, the post-transitional Federal Government of Somalia has been internationally recognised as the Somali governing body, but its capacity and control remain limited. The weak government capacity across most

Somalia is linked to a generally high and chronic levels of insecurity⁹⁴. The conflict has led to the displacement of more than 1 million people across the country⁹⁵.

CONFLICT-RELATED SEXUAL VIOLENCE

Sexual violence in Somalia has been a common strategy of clan-based warfare. Since 1991, there has been an increase in sexual violence, including rape, gang rape and forced marriage. According to the Gender Based Violence Information Management System, 2981 incidents of gender based violence were reported from January and August 2014 in the capital Mogadishu alone.

Most of the reported cases of sexual violence involve internally displaced persons, in particular members of minority clans. Reports describe the perpetrators as being unidentified men, the Somali National Army, the Somali force as well as al-Shabaab⁹⁶.

94 UNICEF. 2016. "Situation Analysis of Children in Somalia 2016." *UNICEF*.

95 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

96 Ibid.



SOUTH SUDAN



CONFLICT BACKGROUND

South Sudan is the world's newest nation, in the centre of Africa. It gained independence from Sudan in July 2011 led by the *Sudan People's Liberation Movement* and the *Sudan People's Liberation Army* (SPLA) who became the ruling political party. However, since 2013, the *Sudan People's Liberation Movement* appeared divided when South Sudan's President Salva Kiir accused his vice president Riek Machar of an attempted coup. Fighting between two factions of government forces spread to the whole country. The conflict has ethnic undertones as the Dinka ethnic group make up for most of President Kiir's SPLA, while vice-president Machar's movement is primarily Nuer.

Despite a peace agreement in August 2015, the violence has not diminished as the country remains militarised⁹⁷.

CONFLICT-RELATED SEXUAL VIOLENCE

The conflict in South Sudan has led to high levels of human rights violations, including sexual violence⁹⁸ across the country. According to reports of the United Nations Mission in South Sudan (UNMISS), in 2014, there was 'credible evidence to suggest that acts of sexual violence committed in the context of conflict could amount to crimes against humanity'⁹⁹. Between the 8 and 25th of July 2016, in Juba alone, UNMISS recorded 217 victims of sexual violence that included rape and gang rape. Witnesses and victims reported that the perpetrators included SPLA members. In addition, the UNMISS documented sexual slavery, abduction, castration, forced nudity, forced marriage and forced abortion.

97 M.F. "Why South Sudan is Still at War." *The Economist*. 4 October 2016. <http://www.economist.com/blogs/economist-explains/2016/10/economist-explains-0>

98 UNMISS. 2017. "A Report on Violations and Abuses of International Human Rights Law and Violations of International Humanitarian Law in the Context of Fighting in Juba South Sudan in July 2016." UNMISS.

99 Ibid.

DARFUR



CONFLICT BACKGROUND

The conflict in the Darfur region of Sudan started in 2003 when rebels, including the *Sudan Liberation Army* (SLA) and the *Justice and Equality Movement* (JEM) took up arms over grievances over the economic and marginalisation of non-Arabs. The government of Sudan started a counter-insurgency in Darfur with the help of militias, including the nomadic militias the Janjaweed. Human rights Watch¹⁰⁰ and Amnesty International reported that the militias who fought alongside government troops were engaged in an ethnically targeted campaign of mass killings, forced displacements and destruction of property.

In April 2013, a splinter group of the JEM group signed a ceasefire agreement with the government. However, various rebel groups have not taken part in the peace processes and this led to a surge

of violence in 2013. Meanwhile, the government of Sudan pursues a violent counter-insurgency strategy.

CONFLICT RELATED SEXUAL VIOLENCE

Conflict-related sexual violence has been widespread across Darfur¹⁰¹. Sexual violence includes rape, abduction, sexual exploitation, assault, and sexual humiliation. In 2014, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) documented 117 incidents involving 206 victims, mostly women. There were allegations against the Sudanese government armed forces, regarding a mass rape of 200 women in northern Darfur.

100 Human Rights Watch. 2004. "Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan." Human Rights Watch. <https://www.hrw.org/report/2004/05/06/darfur-destroyed/ethnic-cleansing-government-and-militia-forces-western-sudan>

101 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

SYRIA

**CONFLICT BACKGROUND**

Uprisings began in May 2011 in the city of Deraa after the arrest and torture of teenagers who painted revolutionary slogans. The government security forces opened fire on demonstrators. This unrest triggered nationwide protests demanding President Assad's resignation. The government used force to crush the dissidents. The opposition supporters took up arms leading to the creation of various rebel brigades to battle government forces. By August 2015, the UN has documented that at least 250,000 had been killed during the conflict.

Furthermore, the war shifted from a conflict against President Assad, to a sectarian conflict between the Sunni majority and the Shia minority and has drawn on regional and world powers. In addition, the political turmoil in Syria has allowed the so-called Islamic state

to gain control over large territories in Syria. There have been several unsuccessful peace negotiations in 2012, 2014 and 2015¹⁰², as well as ongoing peace talks.

CONFLICT-RELATED SEXUAL VIOLENCE

Sexual violence has, according to the UN Secretary General on conflict related sexual violence, been 'a characteristic of the Syrian conflict from its inception'¹⁰³. Rape has been cited as a major cause of displacement from Syria. The United Nations has received reports of sexual violence committed by government forces and pro-government militias.

Since 2014, there has been an increase in reported cases of sexual violence perpetrated by ISIS¹⁰⁴, including abduction targeting the ethnic minority Yazidis. Yazidi women have been abducted to be used as sex slaves or for forced marriage with fighters.

102 BBC News. "Syria: The Story of the Conflict." . *BBC News*. 11 March 2016. <http://www.bbc.com/news/world-middle-east-26116868>

103 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

104 Ibid.

YEMEN

**CONFLICT BACKGROUND**

The conflict in Yemen has its roots in the failure of the political transition following an uprising that forced its long time authoritarian president Ali Abdullah Saleh to hand over power to his deputy Abdrabbuh Mansur Hadi, in November 2011. Nevertheless, the country has had to face various challenges, including attacks by the terrorist group Al-Qaeda, separatists' movement in the south and the loyalty of military officers to ex-President Saleh. Taking advantage of the political instability, the Houthi movement made up of the Zaidi Shia Muslim minority, exploited the new president's weaknesses by taking control of the Northern provinces. In 2014, the Houthi group took over the capital Sanaa and in 2015 the president was forced to escape the city.

The rise of the Houthis, believed to be supported by Iran, encouraged Sunni states Arab led by Saudi Arabia to start an air campaign aimed at restoring Hadi's government. Nevertheless, the Houthis have maintained their power over the territory they seized. Meanwhile, ISIS has taken advantages of the political turmoil to seize further territory in the south¹⁰⁵.

CONFLICT-RELATED SEXUAL VIOLENCE

The armed conflict in Yemen has led to an increase in sexual violence against women, including rape, sexual assault and forced marriage.

In addition, the escalation of armed conflicts in Yemen and in the region has led to large displacement of populations. Displaced women and girls have been particularly vulnerable to sexual violence by trafficking gangs¹⁰⁶.

105 BBC News. "Yemen Crisis: Who is Fighting Whom?". *BBC News*. October 2016.

106 United Nations. 2015. "Report of the Secretary-General on Conflict-Related Sexual Violence to the Security Council." *United Nations*. Vol. 61764. doi:S/2010/579.

2.8

CONCLUSION

In sum, this section has presented the existing scientific knowledge on conflict-related sexual violence. This included the current state of academic literature in understanding the mechanisms leading perpetrators to commit sexual violent acts in conflict. It has also listed the repercussions of sexual violence in conflict, notably physical, psychological, and societal

consequences. In addition, the section has presented the available data on conflict-related sexual violence and aimed to contradict some misconceptions on conflict-related sexual violence, regarding the perpetrators, the occurrence and the location of sexual violence. It has also summarised the main current cases of conflict-related sexual violence globally.



3

INTERNATIONAL RESPONSES TO CONFLICT-RELATED SEXUAL VIOLENCE

3.1

INTRODUCTION

This section aims to present the international response to conflict-related sexual violence. The international effort to end conflict-related sexual violence has two main components. First, a legal system has been created to tackle conflict-related sexual violence. Notably, the International Criminal Court (ICC) and its founding Statute of Rome has allowed the recognition of conflict-related sexual violence as a crime against humanity, war crime and act of genocide.

Secondly, the international system has established international policies to end conflict-related sexual

violence. The UN Security Council published resolution 1888 in 2009 which developed measures for the protection of women and children by peacekeeping missions. It requested that the UN Secretary-General appoint a Special Representative on conflict-related sexual violence (SRSO-SVC) to strengthen existing United Nations' policies and advocacy efforts to end conflict-related sexual violence¹⁰⁷. Another landmark policy initiative has been the UK Preventing conflict-related sexual violence initiative (PVSII) which led to the Global Summit on conflict-related sexual violence held in London in 2014.

¹⁰⁷ United Nations Security Council. 2009. *Resolution 1888 (2009)*. S/RES/1888 (2009).

3.2

HISTORY OF INTERNATIONAL LEGAL NORMS REGARDING CONFLICT-RELATED SEXUAL VIOLENCE

THE EMERGENCE OF CONFLICT-RELATED SEXUAL VIOLENCE AS AN INTERNATIONAL CRIME (1800S-1990)

During the last twenty years, international humanitarian law, human rights law and international criminal law have considerably evolved.

Few texts before WWII codified conflict-related sexual crimes, in particular wartime rapes. The 1863 Lieber Code, signed by President Lincoln to regulate conduct in the US Civil war, stated that “all rape” is forbidden and ‘punishable’¹⁰⁸. Similarly, the Hague Conventions of 1899 and 1907 also prohibited rape during conflict. After WWI, the 1929 Geneva Convention argued that the honour of men and women shall be respected, hinting against sexual violence in times of conflict¹⁰⁹.

At the end of WWII, two multi-national war crimes tribunals were established by the Allies to prosecute suspected war criminals; the International Military Tribunal at Nuremberg and the International Military

Tribunal for the Far East in Tokyo. Evidence of sexual violence during WWII was introduced in the Nuremberg Tribunal. Nevertheless, sexual violence was not expressly charged nor referred to in the Tribunal’s Judgment¹¹⁰. In addition to the Nuremberg Tribunal, the Allies issued the Control Council Law no.10 in 1945, giving the Control council, formed by the four Allied countries, the Soviet Union, the United States, the United Kingdom and France, jurisdiction over atrocities and offenses including rape committed against any civilian population¹¹¹.

In the Tokyo tribunal, wartime rapes featured among the crimes prosecuted in the Far East. For instance, the Tokyo Tribunal convicted General Matsui, who commanded the Japanese troops in Nanking, of war crimes and crimes against humanity based in part on evidence of rape committed by his troops¹¹².

Following WWII, four Geneva Conventions were adopted in 1949, initiated by the International Committee of the Red Cross in order to improve the situation of war victims. The 1949 Geneva



conventions make some reference to sexual violence, in particular to crimes against women: ‘Women shall be especially protected against attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault’¹¹³. The Geneva conventions were complemented by Additional protocols in 1977 relating to the protection of victims of international armed conflicts (Protocol I) and internal armed conflict (Protocol II). The additional protocols prohibited outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and rape¹¹⁴.

It is important to note that until the Geneva Conventions, the International humanitarian law characterised conflict-related sexual violence as a breach against the ‘honour’ of women, rather than violent crimes which violate bodily integrity. Moreover, the Geneva Conventions do not recognise rape as a ‘grave breach’ of human rights violations. As such, sexual violence was not thoroughly acknowledged as a war crime, and the enforcement of the articles regarding sexual violence were limited. In addition, most of sexual violence referred to crimes against women, and did not account for sexual violence against men and boys.

While the international law on armed conflict had made reference to sexual violence, up until the 1990s, sexual violence remained largely unrecognised within international humanitarian law.

The UN genocide convention adopted by the UN General Assembly in 1948 did not mention rape as a conflict-related crime. The first reference within the United Nations to sexual violence in armed conflict was in 1969 when the Commission on the Status of Women called for special protection during armed conflict for vulnerable groups, namely women and children. Following this, the UN general Assembly adopted the Declaration on the Protection of Women and Children in Emergency and Armed conflict in 1974. While the declaration does not make explicit reference to sexual violence, it stipulates that necessary steps should be taken to prohibit degrading treatment and violence, which may be considered to implicitly encompass sexual violence¹¹⁵.

Despite some efforts to bring international attention to conflict-related sexual violence, up until the 1990s, conflict-related sexual violence remained largely unrecognised and unprosecuted.

108 Mitchell, David S. 2004. “The Prohibition of Rape in International Humanitarian Law as a Norm of Jus Cogens: Clarifying the Doctrine.” *Duke J. Comp. & Int’l L.* 15. HeinOnline: 219.

109 Ibid.

110 United Nations. 1998. “Sexual Violence and Armed Conflict : United Nations Response.” *Women 2000*, no. April: 1–25. <http://www.un.org/womenwatch/daw/public/cover.htm>.

111 Ibid.

112 Ibid.

113 ICC. Nd. “Treatment of Sexual Violence in International Law.” ICC. <http://www.iccwomen.org/resources/crimeschart.html>

114 Ibid.

115 United Nations. 1998. “Sexual Violence and Armed Conflict : United Nations Response.” *Women 2000*, no. April: 1–25. <http://www.un.org/womenwatch/daw/public/cover.htm>.

INTERNATIONAL CONCERN AND RECOGNITION OF CONFLICT-RELATED SEXUAL VIOLENCE (1990s)

The ground-breaking step of the International Criminal Tribunal of former Yugoslavia

It was not until the conflict in the former Yugoslavia that the approach in international law to wartime sexual violence changed.

In 1992, ethnic-nationalist conflict led to the break-up of the former Yugoslavia and the creation of five states namely Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro, and Macedonia. The conflict in the former Yugoslavia started with the independence of Croatia and Slovenia. In 1992, Bosnia, with a complex mix of Serbs, Muslims and Croats, was next to hold a referendum for independence. However, Bosnian Serbs, backed by the central power in Yugoslavia which was in majority Serb, resisted any move towards independence. Yet, independence was supported by the majority of the Bosnian population, in particular by Bosnian Muslims and Bosnian Croats. Yugoslav army units drew a Serb-dominated territory in Bosnia, displacing Bosnian Muslims and Croats. The Bosnian Muslim and Croat army retaliated and besieged Sarajevo. The UN and NATO intervened in the conflict. A peace agreement was negotiated in 1995 dividing Bosnia into two self-governing entities.

The Bosnian war was a turning point for the recognition of conflict-related sexual violence, as the Security Council resolution 798 in December 1992 referred to a 'massive, organised and systematic detention and rape of women, in particular Muslim women in Bosnia and Herzegovina'¹¹⁶. The Yugoslav commission of experts mandated by the UN Security Council, reported in 1992 approximately 1,100 cases of rape and sexual assault and reports suggest that there may be an additional 10,000 victims of sexual violence¹¹⁷. The Commission reported that sexual violence had been committed by all parties, but nevertheless had mostly targeted Bosnian Muslims



and the perpetrators were mostly Bosnian Serbs. It also argues that 'rape and sexual assault should be examined in the context of "ethnic cleansing"¹¹⁸, and sexual violence was committed in conjunction with fighting, abduction as well as detention¹¹⁹. These findings were confirmed by the Special Rapporteur on the Situation of Human Rights in the territory of the former Yugoslavia in 1993.

In 1993, the UN created the International Criminal Tribunal for the former Yugoslavia (ICTY) to prosecute war crimes committed during the Bosnian war.

The ICTY played a historic role in the prosecution of conflict-related sexual violence. More than a third of those convicted by the ICTY were found guilty of crimes of sexual violence. The ICTY was also the first international criminal tribunal to define rape as a form of torture, sexual enslavement and crime against humanity¹²⁰. This represented a ground-breaking step

in the recognition and prosecution of conflict-related sexual violence as a war crime.

Two main cases paved the way for jurisprudence in the prosecution of sexual violence.

First, in 1998, the *Prosecutor v. Furundzija* case at the Yugoslavia tribunal prosecuted Anton Furundzija, a commander of a special unit of the military police of the Croatian Defence Council, accused of rape of a detainee 'Witness A'. The Tribunal, asserting that the rape constituted part of torture, convicted Furundzija of torture as well as of outrages to personal dignity, both war crimes under the Geneva Conventions. The Tribunal holding that rape could constitute torture represented a significant advanced in international law.

Secondly, in 2001 the case *Prosecutor v. Kunarac* was the first Yugoslavian case to prosecute rape as a constituent offense of crimes against humanity, confirming judgements made in the International Criminal Tribunal for Rwanda¹²¹. This case prosecuted

three defendants Kunarac, Kovac, and Vukovic, ethnic Serbs who took part in systematic sexual violence against Muslim women in detention centres. The Tribunal found the defendants guilty of rape as a war crime and of crimes against humanity. The prosecution included a re-definition of rape in international law which included an inquiry into the consent of the victim.

The advances of the International Criminal Tribunal of Rwanda

The roots of the Rwandan genocide lie in the grievances of two ethnic groups: the majority Hutus and the Tutsi minority. Rwanda was governed by a Tutsi monarchy until it was overthrown by the Hutus. Tens of thousands of Tutsi fled to neighbouring countries, including Uganda where they formed a rebel group the *Rwanda Patriotic Front* (RPF). In 1990 the RPF entered Rwanda sparking a civil war which ended in 1993. Nevertheless, on April 1994, the Presidents of Rwanda and Burundi, both Hutus, were killed in a plane crash, for which Hutu extremists

¹¹⁶ UN Security Council. 1992. *Resolution 798*.

¹¹⁷ UN Security Council. 1994. "Final Report of the United Nations Commission of Experts Established Pursuant to the Security Council Resolution 780 (1992)." *Annex IX Rape and Sexual Assault*. UN Security Council. <https://www.phdn.org/archives/www.ess.uwe.ac.uk/comexpert/ANX/IX.htm#I.C>

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ United Nations International Criminal Tribunal for the Former Yugoslavia. Nd. "Crimes of Sexual Violence". *UN*. [http://www.icty.org/en/in-focus/crimes-sexual-](http://www.icty.org/en/in-focus/crimes-sexual-violence)

[violence](#)

¹²¹ Haffajee, Rebecca. 2006. "Prosecuting Crimes of Rape and Sexual Violence at the Icty: The Application of Joint Criminal Enterprise Theory." *Harvard Journal of Law & Gender* 29: 201–23.



blamed the Tutsi RPF. This led to a genocide of the Tutsi minority between April and June 1994. Throughout this period between 500,000 to a million Tutsi were killed and between 250,000 and 500,000 rapes were perpetrated against Tutsi women¹²².

Following the genocide, the UN Security Council established an International Tribunal for Rwanda (ICTR) to prosecute crimes against humanity and genocide. The resolution establishing the ICTR did not make specific reference to sexual violence. Nevertheless, in 1998 in the case of *Prosecutor v. Akayesu* sexual violence was recognised as a crime against humanity. Jean-Paul Akayesu served as mayor of the Taba commune and the court held that Akayesu knew and was involved in the killing and sexually violent acts against Tutsis in his commune without attempting to prevent such acts. On this basis, the court found Akayesu guilty of genocide and crimes against humanity¹²³.

This case was the first time sexual violence constituted a crime against humanity and was

recognised as a tool of genocide¹²⁴. This case was also ground-breaking as the Tribunal adopted a broad definition of ‘rape’ which allowed it to constitute a crime against humanity. The Tribunal recognised that rape had been historically defined as ‘non-consensual sexual intercourse’ and decided to rather define rape as “an act of aggression” and ‘a physical invasion of a sexual nature, committed on a person under circumstances which are coercive’¹²⁵. It compared rape to a form of torture which violates personal dignity. As such, sexual violence was defined as “any act of sexual nature which is committed on a person under circumstances which are coercive” and which are part of a wide spread or systematic attack, targeting civilians on discriminatory grounds.

Thereafter, the ICTR held that sexual violence acts may be prosecuted as ‘inhumane acts’, ‘outrages upon human dignity’ or ‘serious bodily or mental harm’ under the ICTR Statute. Hence, the *Akayesu* judgment was pioneering in its broad definition of

rape and sexual violence, its characterisation of rape as a violation rather than an act of penetration, and establishing new means to prosecute sexual violence under the ICTR Statute¹²⁶.

Moreover, in 2004, the case of *Prosecutor v. Gacumbitsi* confirmed the advances made by the *Akayesu* case. The court found Sylvestre Gacumbitsi, mayor of a commune in Rwanda in 1994, guilty of genocide, crimes against humanity and sexual violence, holding that he planned, ordered and committed the killing and rape of Tutsi civilians. The verdict was made using the same definitions and tools of prosecution as the *Akayesu* case.

In sum, the ICTY and the ICTR have advanced the international approach to sexual violence in conflict away from norms conceived of sexual violence as a violation of a man’s property rights over a woman, towards the respect of human dignity and bodily integrity of the victims. In addition, the jurisprudence of the international criminal tribunals have established conflict-related sexual violence as constituent

elements of genocide, crimes against humanity and war crimes. These advances paved the way for procedural developments of domestic and local prosecution of conflict-related sexual violence¹²⁷.

The international recognition of conflict-related sexual violence: the ICC and the first conviction for conflict-related sexual violence

In 1998, the Rome Statute established the International Criminal Court (ICC) as an international institution with the authority to investigate and prosecute ‘the most serious crimes of concern to the international community’¹²⁸. The ICC has notably committed to contribute to the conviction of conflict-related sexual violence crimes which constitute genocide, crimes against humanity and war crimes (c.f. Article 54-b). Building upon the International Criminal Tribunals for Yugoslavia and Rwanda, the Rome Statute established that sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation and other forms of sexual violence constitute war crimes and crimes against humanity. In addition,

122 Human Rights Watch. 1996. *Shattered Lives*. “Sexual Violence During the Rwanda Genocide and Its Aftermath.” *Human Rights Watch*. Available at: <https://www.hrw.org/reports/1996/Rwanda.htm>

123 Kapatamoyo, Judith and Gifty Hardings. 1998. “The Prosecutor of the Tribunal Against Jean Paul Akayesu.” *International Criminal Tribunal for Rwanda*. <http://ictarchive09.library.cornell.edu/ENGLISH/cases/Akayesu/judgement/ak81002e.html>

124 Haffajee, Rebecca. 2006. “Prosecuting Crimes of Rape and Sexual Violence At the Ictr : The Application of Joint Criminal Enterprise Theory.” *Harvard Journal of Law & Gender* 29: 201–23.

125 Kapatamoyo, Judith, and Gifty Hardings. 1998. “The Prosecutor of the Tribunal Against Jean Paul Akayesu.” *International Criminal Tribunal for Rwanda*. <http://ictarchive09.library.cornell.edu/ENGLISH/cases/Akayesu/judgement/ak81002e.html>

126 Haffajee, Rebecca. 2006. “Prosecuting Crimes of Rape and Sexual Violence at the Ictr: The Application of Joint Criminal Enterprise Theory.” *Harvard Journal of Law & Gender* 29: 201–23.

127 Koenig, Alexa, Ryan Lincoln, and Lauren Groth. 2011. “The Jurisprudence of Sexual Violence.” *Sexual Violence & Accountability Project*.

128 Rome Statute of the International Criminal Court, adopted July 17, 1998, 2187 U.N.T.S. 90, 37 I.L.M. 1002, (“Rome Statute”), art. 1. Available at <http://untreaty.un.org/cod/icc/statute/rome.htm>.

FIGURE 4 INTERNATIONAL CRIMES OF SEXUAL VIOLENCE UNDER THE ROME STATUTE¹³⁴

Acts	May Be a Crime against Humanity If...	May Be a War Crime If...	May be an Act of Genocide If...
Rape; sexual slavery; enforced prostitution; forced pregnancy; enforced sterilization; and other forms of sexual violence Also, enslavement; torture; persecution; inhumane acts; and inhumane treatment	1. The conduct was committed as part of a widespread or systematic attack directed against a civilian population. 2. The perpetrator knew that the conduct was part or intended the conduct to be part of a widespread or systematic attack directed against a civilian population (Rome Statute, Art. 7).	1. The conduct took place in the context of and was associated with an international armed conflict. 2. The perpetrator was aware of the factual circumstances that established the existence of an armed conflict (Rome Statute, Art. 8).	
Causing serious bodily or mental harm; deliberately inflicting conditions of life calculated to bring about physical destruction; imposing measures intended to prevent births			1. If committed with intent to destroy, in part or in whole, a national, ethnic, racial, or religious group. 2. The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction (Rome Statute, Art. 6).

the ICC acknowledges that sexual violence can be committed against men and women¹²⁹. The ICC has also put in place a scheme to protect the victims and witnesses involved in sexual violence during the investigation and prosecution of the crimes (c.f. Article 68-1).

It should be noted that the ICC only prosecutes individuals accused of committing or assisting in genocide, crimes against humanity and war crimes. Moreover, the ICC is designed to complement national court systems, and is only able to prosecute conflict-related sexual violence in the absence of national system able to prosecute such crimes¹³⁰. Consequently, there is a limited number of individuals who can be held accountable in front of the ICC.

Several ICC arrest warrants have been issued on the basis of conflict-related sexual violence. These

include, Joseph Kony, in Uganda, charged for sexual slavery and rape as crimes against humanity and war crimes; Vincent Otti in Uganda charged for sexual slavery and rape as war crime; Germain Katanga and Mathieu Ngudjolo Chui charged for sexual slavery and rape as war crimes and crimes against humanity; defendants in Darfur for genocide based on rape and sexual assault, as well as persecution by rape as crime against humanity¹³¹. Nevertheless, none of these cases have yet been prosecuted.

The first ICC's conviction for conflict-related sexual violence is the *Prosecutor v. Jean-Pierre Bemba Gombo* case ruled in March 2016. Jean-Pierre Bemba, former DRC vice-president, was convicted for mass rape as war crimes and crimes against humanity perpetrated by his rebel group the *Congolese Liberation Movement (MLC)* in Central African Republic in 2002-2003¹³².

This case was a breakthrough as it was the first time the ICC convicted an individual for sexual crimes. It was also prominent as it convicted acts of rape against both men and women, and held the leader of a rebel group accountable for the actions of its soldiers even if he had not directly ordered them to commit sexual crimes¹³³.

In sum, the ICC and the Rome Statute represented a breakthrough as they allowed to qualify and prosecute conflict-related sexual violence as crimes against humanity, war crimes and/or acts of genocide (c.f. Figure 4).

THE ROAD TO PROSECUTION

The factual accountability of conflict-related sexual violence defined by the ICC depends on domestic systems. The Rome Statute which created the ICC consists in a new system linking national and international court systems to prosecute war crimes, crimes against humanity and genocide. At the core of the system, national courts should be the first entities prosecuting these violations, and the ICC is complementary to those national jurisdictions. Hence, the prosecution of conflict-related sexual violence relies heavily on domestic justice system and can include the following steps¹³⁵.

1. Reporting: The first step towards accountability requires the survivor of conflict-related sexual violence to report the crimes of which they were victim. Reporting can occur in different ways. The survivor can report the crime to the **local community** and the local authorities; the survivor can seek help with **civil society organisations** who can connect him to the local authorities, help to seek medical or psychological care; the survivor may seek medical care, and **medical staff** may help to report to the police; the survivor may directly contact the **police** who will report the crime¹³⁶.

2. Investigating: If the survivor wishes to file a complaint and pursue a legal case, **the police** will collect the evidence, interview the survivor, examine the crime scene or seek witnesses. Meanwhile, **the health staff** may provide post-rape care and document findings to transmit to the police. **Civil society** can provide psychological support and legal aid¹³⁷.

3. Prosecution: In most countries, the police transfer the case file to a prosecutor who will determine whether it contains sufficient evidence to press charges in court. If there is sufficient evidence, the Judiciary will rule on the charges pressed against the perpetrator of sexual violence¹³⁸. According to the Human Rights Centre of UC Berkeley, sexual violence has not been prosecuted in domestic courts until after the conflict period, if at all¹³⁹. Despite the recognition of the need for prosecuting conflict-related sexual violence as an international crime, few domestic courts have actually prosecuted such cases. Therefore in order to prosecute conflict-related sexual violence as an international crime as defined by the ICC, states have created domestic international crimes courts; this was the case in Uganda where the Ugandan government established the International Crimes Division of the High Court which prosecuted serious international crimes in the Uganda's domestic legal system. Similarly, civil society also can be active in bringing international sexual violence crimes to domestic courts. In Kenya, a coalition on violence against women filed a complaint under the constitutional law against the Kenyan government, which stood accused of not fulfilling its obligation to protect Kenyan citizens from sexual violence crimes committed during post-elections violence in 2007 and 2008.

If the national authorities are unwilling or unable to carry out fair proceedings, the case may be directly presented to the ICC.

129 Ibid.

130 Koenig, Alexa, Ryan Lincoln, and Lauren Groth. 2011. "The Jurisprudence of Sexual Violence." *Sexual Violence & Accountability Project*.

131 Ibid.

132 Burke. Jason. "Jean-Pierre Bemba Sentenced to 18 years in Prison by International Criminal Court." The Guardian. 21 June 2016. <https://www.theguardian.com/law/2016/jun/21/jean-pierre-bemba-sentenced-to-18-years-in-prison-by-international-criminal-court>

133 UN News Centre. "UN Welcomes ICC's First Conviction for Rape as War Crime." UN News Centre. 22 March 2016. http://www.un.org/apps/news/story.asp?NewsID=53523#.WMA_2PnhBnl

134 Human Rights Center UC Berkely School of Law. 2015. "The Long Road Accountability for Sexual Violence in Conflict and Post-Conflict Settings."

135 Human Rights Center UC Berkely School of Law. 2015. "The Long Road Accountability for Sexual Violence in Conflict and Post-Conflict Settings."

136 Ibid.

137 Ibid.

138 Ibid.

139 Ibid.

3.3

THE INFRASTRUCTURE OF GLOBAL POLICY FOR CONFLICT-RELATED SEXUAL VIOLENCE

DEVELOPMENTS OF GLOBAL POLICY INITIATIVES ON CONFLICT-RELATED SEXUAL VIOLENCE

The major normative developments in international law, with the recognition of the sexual violence as constituent of war crimes and crimes against humanity, were followed by a paradigm shift in international norms establishing conflict-related sexual violence as a legitimate peace and security issue.

The integration of the issue of conflict-based sexual violence in the United Nations mechanisms started in 1994 when the United Nations Commission on Human Rights appointed a Special Rapporteur on violence against women. The Special Rapporteur condemned 'all violations of human rights of the human rights of women in situations of armed conflict, recognises them to be violations of international human rights and humanitarian law, and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy'¹⁴⁰.

Similarly, in 1995, the United Nations claimed during the Beijing United Nations World Conference on

Women in 1995 that 'violence against women is an obstacle to the achievement of the objectives of equality, development and peace' and acknowledged that violence against women included acts of violence in armed conflicts, in particular rape, sexual slavery and forced pregnancy¹⁴¹.

Global political attention on conflict-related sexual violence was consolidated with the UN Security Council Resolution 1325 in October 2000 which established the 'Women, Peace and Security' agenda¹⁴². Resolution 1325 affirms the important role of women in conflict resolution but also calls all parties in conflict to take special measures to protect women from gender-based violence, notably rape and other forms of sexual abuse in conflict settings. In addition the resolution mandated the UN Secretary General to carry out a study on the impact of armed conflict on women and girls which was published in 2002. The study 'Women, Peace and Security' recognises that sexual violence has 'increasingly become weapons of warfare and are one of the defining characteristics of contemporary armed conflict'¹⁴³. Similarly, the UN Security Council resolution 1325 created an Interagency Task Force on Women, Peace and Security which monitored the implementation of the resolution, including the

integration of information on conflict-related sexual violence against women in the UN Security Council's reports.

The Security Council gradually extended the reach of the resolution with further emphasis on conflict-related sexual violence, with the Resolutions 1820 in 2008, 1888 in 2009, 1889 in 2009, 1960 in 2010, 2106, 2122 in 2013, 2242 in 2015, 2272 and 2331 in 2016.

Resolution 1888 in particular was a landmark for global policy on conflict-related sexual violence by calling to enhance measures for the protection of women and children by peacekeeping missions. It also called for national security and justice reforms, further including better accountability of conflict-related sexual violence. In addition, it requested that the UN Secretary-General appoint a Special Representative on conflict-related sexual violence (SRSG-SVC) to strengthen existing United Nations' policies and advocacy efforts to end conflict-related sexual violence. This included chairing the inter-agency initiative 'United Nations Action against Sexual Violence in Conflict' (UN Action), as well as being the global voice in advocating for the end of conflict-related sexual violence¹⁴⁴. Furthermore, it called for the deployment of teams of experts in situations of concern to strengthen the monitoring and reporting on sexual violence in situations of armed conflict.

Resolution 1960 adopted in 2010 advanced the accountability of regimes as it called the Secretary General to include information in his annual reports on parties suspected of committing or being responsible for acts of sexual violence.

Similarly, in June 2013, Resolution 2106 under the Women, Peace and Security agenda, recalled key areas of Resolution 1325 and called member states to reinforce initiatives to end conflict-related sexual violence. It particularly called to strengthen the fight against impunity; monitor conflict-related sexual violence; support national institutions and civil society

networks in increasing resources and strengthening capacities to provide support services to survivors. The following October, Resolution 2122 was adopted by the Security Council and focused on the rule of law and transitional justice. It called to favour women's leadership and participation in conflict resolution and peacebuilding; improving the lack of information and analysis on sexual violence in conflict; and called member states to end impunity.

KEY GLOBAL POLICY INITIATIVES TO ADDRESS CONFLICT-RELATED SEXUAL VIOLENCE

UN Action against Sexual Violence in Conflict (UN Action)

1. UN Action was launched in 2007 as an inter-agency initiative to prevent conflict-related sexual violence¹⁴⁵. Chaired by the Secretary-General Special Representative for conflict-related Sexual violence, it is the main UN programme to end conflict-related sexual violence. The UN Action's activities encompass three pillars.

First, it coordinates a country-level action, which includes strategic support to countries and UN missions on peace and security, human rights and development to include and establish programmes to combat conflict-related sexual violence. The UN Action provides strategic and technical support to the UN missions in eight conflict-affected areas: Democratic Republic of Congo (DRC), Liberia, Sudan (Darfur), South Sudan, Central African Republic (CAR), Côte d'Ivoire, Colombia, Bosnia and Herzegovina¹⁴⁶.

The UN Action country-level operations include the development and implementation of Comprehensive Strategies designed to improve coordination between Peacekeeping Operations, Special Political Missions and UN Country Teams. Such comprehensive strategies have been implemented in DRC since 2009 and in Côte d'Ivoire since 2014.

140 UN Commission on Human Rights. 1994. "Questions of Integrating the Rights of Women into Human Rights Mechanisms of the United Nations and the Elimination of Violence Against Women." Res 1994/45. Available at: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>

141 UN Women. 1995. *The United Nations Fourth World Conference on Women*. <http://www.un.org/womenwatch/daw/beijing/platform/violence.htm>

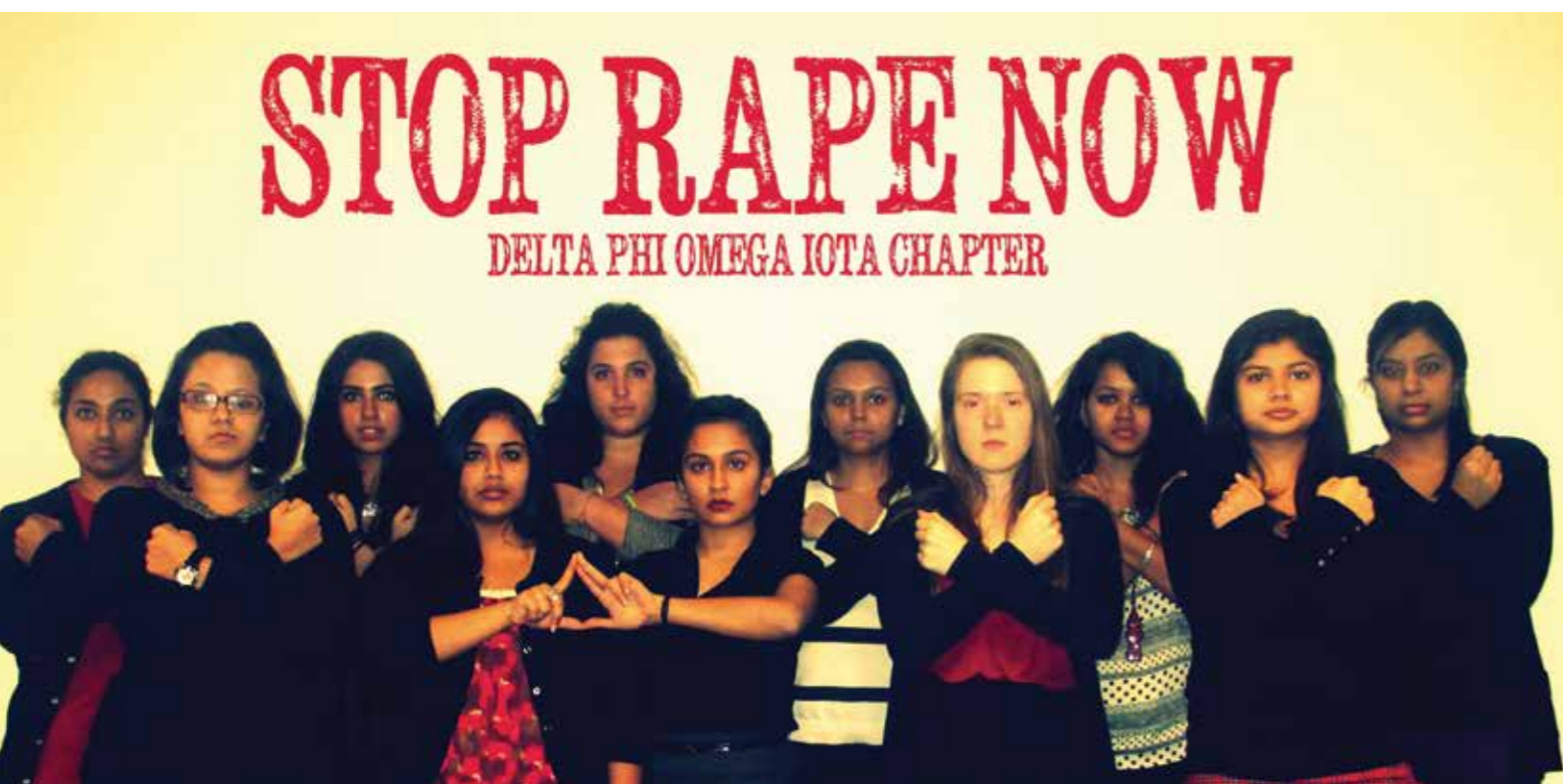
142 United Nations Security Council Resolution 1325 (2000). *Resolution 1325 (2000)*. S/RES/1325 (2000). Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

143 United Nations. 2002. *Women, Peace and Security. Study Submitted by the Secretary-General Pursuant to Security Council Resolution 1325 (2000)*. Recherche. United Nations Publication. <http://www.lavoisier.fr/livre/notice.asp?id=OKRWAAA23K6OWH>.

144 United Nations Security Council. 2009. *Resolution 1888 (2009)*. S/RES/1888 (2009).

145 As for 2015, the membership of UN Action included the UN Department of Political Affairs, the UN Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), Peacebuilding Support Office (PBSO), the Joint UN Programme for HIV/AIDS (UNAIDS), UN Development Programme (UNDP), UN High Commissioner for Refugees (UNHCR), UN Children's Fund (UNICEF), UN Office on Drugs and Crime (UNODC), UN Entity for Gender Equality and Empowerment of Women (UN Women), World Health Organisation (WHO). The UN Action is chaired by the Special Representative of the Secretary General for Conflict-Related Sexual Violence.

146 United Nations. 2016. "UN Action Against Sexual Violence in Conflict (UN Action) Progress Report 2014-2015." <http://www.stoprapienow.org/uploads/aboutdownloads/1380734130.pdf>.



Furthermore, UN Action has reinforced conflict-related sexual violence infrastructure at the field level by providing financial resources and/or technical expertise. For instance it has deployed Women Protection Advisers to Peacekeeping and Special Political Missions in Somalia, Côte d'Ivoire as well as the Central African Republic¹⁴⁷.

In addition, UN Action aims to support country efforts to address conflict-related sexual violence by creating a Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE). The TOE provides expertise to strengthen national capacity to address impunity in conflict-related sexual violence. This includes assisting national institutions to pursue criminal and military investigations and prosecutions; collection and preservation of evidence; protection of victims, witnesses, and justice officials; criminal legal reforms; reparations. The TOE has provided expertise in Colombia, DRC and Guinea-Conakry and Liberia. In Colombia, the TOE assisted the drafting of a law on the access to Justice for Victims of Sexual violence which was adopted in 2014. In DRC, the TOE has advocated for the

accountability of emblematic sexual violence incidents, which formed part of the conviction of General Jerome Kakwavu and Colonel Mobuli Engangela in 2014 for war crimes, including rape. It has also provided technical assistance to implement reparation programmes for survivors of conflict-related sexual violence. In Guinea-Conakry, the TOE have assisted the investigations of 12 military officers and gendarmes for crimes of sexual violence.

2. The second pillar of the UN Action is advocacy programmes to raise awareness of conflict-related sexual violence. This includes an advocacy platform, the Stop Rape Now Campaign¹⁴⁸ to mobilise public support and public will. The aim of the campaign is to show that 'conflict-related sexual violence is not just a gender or development issue but a war tactic and illicit means of attaining military, political and economic ends'¹⁴⁹. These messages have been taken to the public under the banner 'Get Cross! Stop Rape Now' and have involved high-profile personalities such as UN Messenger for Peace and actress Charlize Theron, UN Women Goodwill Ambassador

Nicole Kidman, Liberian Peace activist and Nobel Laureate Leymah Gbowee.

Additionally, the UN Action Secretariat advocates for the end of conflict-related sexual violence to strategic partners, such as UN member states, Security Council members, and the International Criminal Court.

3. The third pillar encompasses creating a knowledge hub on sexual violence in conflict. The UN Action aims to improve information on mechanisms leading to conflict-related sexual violence, and reports on the international responses. This includes:
 - a. A matrix of early warning indicators of conflict-related sexual violence, designed to help humanitarian actors report, prevent, and address sexual violence quickly and prevent or mitigate mass sexual violence. This matrix was developed in consultation with UN Women, DPA, OCHA, UNDP, OHCHR, UNFPA, UNICEF and the office of Special Adviser for the Prevention of Genocide. The matrix has been used in Côte D'Ivoire, DRC, South Sudan and Darfur.
 - b. A guidance for mediators on addressing conflict-related sexual violence in ceasefire and peace agreements. The UN Actions recognises that conflict-related sexual violence can continue in post-conflict settings through mechanisms of vengeance and aims to monitor conflict-related sexual violence in UN brokered peace and ceasefire agreements.
 - c. In 2010 OHCHR and UN Women also developed Guidance Note on the Reparations for Victims of Conflict-Related Sexual violence. It details the best practices in the areas of reparations.

Finally, as part of its advocacy initiatives, the UN General Assembly proclaimed that the 19th of June each year would be the International Day for the

Elimination of Sexual Violence in Conflict, in order to raise awareness of conflict-related sexual violence. The first International Day for the Elimination of Sexual Violence in Conflict was the 19th of June 2016.

The Prevention Sexual Violence in Conflict Initiative

The Preventive Sexual Violence in Conflict Initiative (PSVI) was launched in May 2012 by the UK Foreign Secretary, the Rt Hon William Hague MP, as part of the UK's presidency of the G8 in 2013. In the launch speech, William Hague claimed: 'Sexual violence is an issue which is central to conflict prevention and to peace building worldwide. [...] As a community of nations we will not succeed in preventing conflict and building sustainable peace unless we give this issue the centrality it deserves'¹⁵⁰.

The PSVI includes the establishment of a UK team devoted to combating and preventing sexual violence in conflict. The team is deployed to conflict zones to gather evidence and testimonies used to support investigations and prosecutions of sexual violence. It will also support UN missions in providing training and mentoring to national authorities to build capacity to address conflict-related sexual violence¹⁵¹. The PSVI also led to the organisation of the Global Summit to End Sexual Violence in Conflict from the 10th to 13th of June 2014 in London. Government representatives from 120 countries, over 1,000 experts, faith leaders, youth organisations, representatives of civil societies, and international organisations.

The premise of PSVI is that impunity for perpetrators leads to an increase of conflict-sexual violence, as there is a deterrent effect to commit conflict-related sexual violence when clear and effective mechanisms for investigation and punishment¹⁵² are in place. According to the chair of the Global Summit to End Sexual Violence in Conflict, 'sexual violence is not an inevitable side-effect of war. It can be stopped if perpetrators are held to account and attitudes and practices change'¹⁵³. Hence four main debates were addressed by PSVI:

150 Foreign & Commonwealth Office. 2012. "Foreign Secretary Announces UK Initiative on Preventing Sexual Violence in Conflict." <https://www.gov.uk/government/news/foreign-secretary-announces-uk-initiative-on-preventing-sexual-violence-in-conflict>

151 Ibid.

152 Kirby, Paul. 2015. "Ending Sexual Violence in Conflict: The Preventing Sexual Violence Initiative and Its Critics." *International Affairs* 91 (3): 457–72. doi:10.1111/1468-2346.12283.

153 Foreign & Commonwealth Office. 2014. "Chair's Summary- Global Summit to End Sexual Violence in Conflict". <https://www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict>

147 Ibid.

148 UN Action. "Stop Rape Now." www.stoprapenow.org

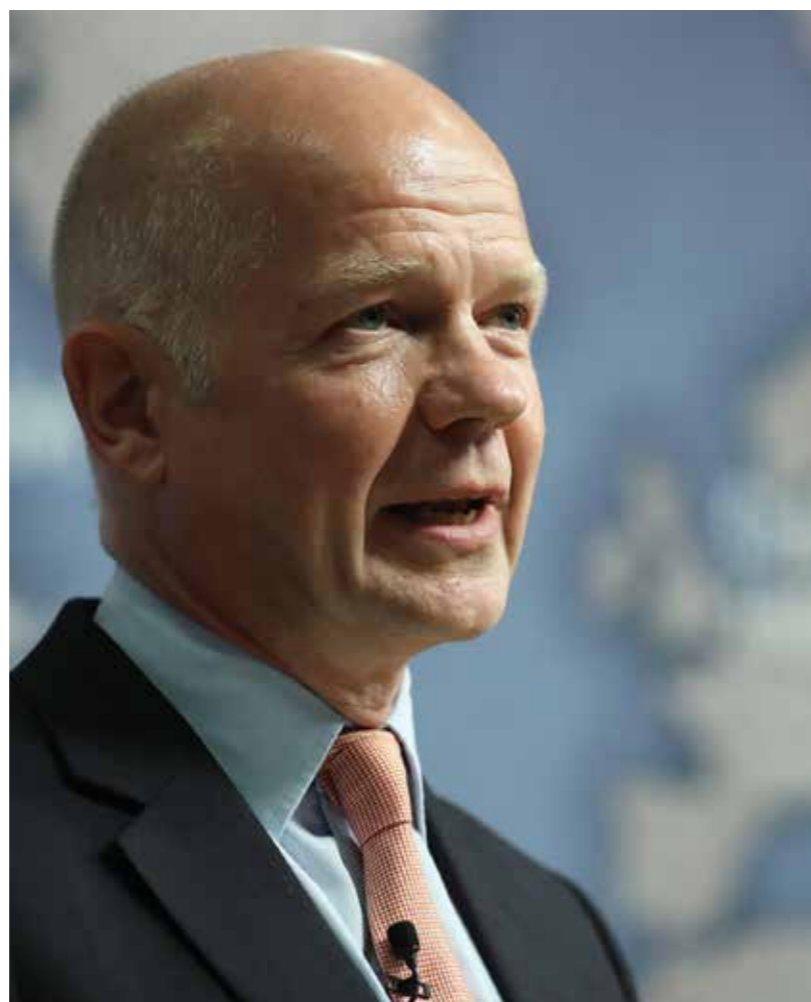
149 United Nations. 2016. "UN Action Against Sexual Violence in Conflict (UN Action) Progress Report 2014-2015." <http://www.stoprapenow.org/uploads/aboutdownloads/1380734130.pdf>.

1. The accountability of perpetrators of sexual violence, including investigations, prosecutions at the national and international level
2. Improve support and protection of survivors of sexual violence
3. Social, security and justice reforms to ensure sexual violence responses
4. International strategic co-operation

One of the main outcomes of the Global Summit was the launch of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. This is a document setting out the international standards on how to collect the most reliable information and evidence to prosecute perpetrators of sexual violence, while protecting witnesses. It is based on existing international best practices.

The initiative taken by the London Global Summit received further support in April 2013 by the member states of the G8 who signed the *Declaration on Preventive Sexual Violence in Conflict and the Declaration of Commitment to End Sexual violence in Conflict* and in September 2013, by 122 states who adopted during the UN General Assembly Ministerial Week the *Declaration of Commitment to End Sexual violence in conflict*¹⁵⁴. This declaration affirmed that rape and other forms of conflict-related sexual violence can amount to grave breaches of the Geneva Conventions. Henceforth, there is universal juridical obligations, and obligations to extradite or prosecute suspects of conflict-related sexual violence.

In 2016, the PVSU took a different turn as they launched new initiatives to tackle the stigma from which survivors of sexual violence suffer. The campaign has resulted in a series of workshops with experts, government, civil society and survivors in Burma, Colombia, Iraq, Kosovo, Nepal, Nigeria, Rwanda, Somalia, Sri Lanka and Uganda. The reports



of these workshops have been used to develop a set of principles and recommendations that will help inform the work of donor governments and the international community when dealing with survivors of sexual violence. In September 2017, the UK Prime Minister Special Representative on Preventing Sexual Violence in Conflict will launch at the United Nations a document summarising an action plan to prevent and tackle stigma¹⁵⁵.

EU measures against conflict-related sexual violence

In 2016, the European Union has affirmed a policy of 'zero tolerance towards any form of sexual violence'¹⁵⁶ on the first International Day for the Elimination of Sexual Violence in Conflict. Like the PVSU, the European

Commission is in favour of tackling the impunity of the perpetrators of conflict-related sexual violence, claiming that changing attitudes to these crimes are essential.

In addition, the EU Commission in coordination with the European External Action Service (EEAS) has drafted measures to improve girls' and women's rights in particular in fragile, conflict and emergency situations¹⁵⁷. Like the PSVI, the EU Commission has claimed that the EU-supported operations should tackle the culture of impunity, promoting awareness of the issue in communities, educating security, military and peacekeeping forces, while supporting the victims of conflict-related sexual violence.

Similarly, the EU Action Plan on Human Rights and Democracy (2015-2019), in particular the EU's Policy Framework, has highlighted the importance of integrating a gender dimension in preventing human rights violations. The new Gender Action Plan has aimed to transform the lives of women and girls through EU external relations. As such, capacity building for the prosecution of crimes against women, notably in conflict zones, is one of the EU's objectives.¹⁵⁸ The EU Commission has notably funded an EU 9.6 million programme 'promoting women's engagement in peace and security' in Northern Nigeria from April 2014-March 2017, implemented by the UN WOMEN¹⁵⁹ and a EUR 473 830.00 programme to encourage Women to build peace in Kyrgyzstan from January 2014 to December 2015, implemented by Agence D'aide a la Cooperation Technique et au Developpement (ACTED)¹⁶⁰.

Furthermore, the EU Parliament has repeatedly condemned the use of sexual violence in conflict, in particular in the 2013 resolution on Human Rights in the Sahel region, in 2014 in the resolution on Iraq and 2016 resolutions on Sudan and the situation of women refugees and asylum-seekers in the EU.

The African Union

The African Union has also been a major actor in ending conflict-related sexual violence. In the Protocol of the African Charter on Human and People's Right and the Rights of the Women in Africa, signed in 2003, Article 11¹⁶¹ says:

'States Parties undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes, genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.'

In addition, in 2014 the African Union and the UN signed a framework of cooperation on prevention and to respond to conflict-related sexual violence in Africa. The agreement aims to serve as a framework for collaboration to increase accountability and the impunity of perpetrators, training peacekeepers, as well as strengthening national policies and legislation to end conflict-related sexual violence¹⁶².

Main NGOs working on conflict-related sexual violence

Amnesty International: Amnesty International is an international NGO campaigning for the recognition of human rights. Amnesty International has launched a worldwide campaign called Stop Violence Against Women, which includes research and action against wartime sexual violence. They have in particular published a report named 'Making rights a reality: Violence against women in armed conflict' outlining the main provision of international law prohibiting violence against women in armed conflict¹⁶³.

154 FCO, Declaration on Preventing Sexual Violence in Conflict adopted on 11 April 2013, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration_on_-_FINAL.pdf. The Group of 8 included Canada, France, Germany, Italy, Japan, Russia, the UK and the United States of America.

155 PVSU. 2017. "#EndStigma: Tackling the Stigma Associated with Survivors of Sexual Violence in Conflict". <https://www.gov.uk/guidance/endstigmatackling-the-stigma-associated-with-survivors-of-sexual-violence-in-conflict>.

156 European Commission. 2016. "Joint Statement on the International Day for the Elimination of Sexual violence." http://europa.eu/rapid/press-release_STATEMENT-16-2243_en.htm

157 European Commission. 2016. "Gender Equality and Women's Empowerment Transforming the Lives of Girls and Women through EU External Relations 2016-2020."

158 European Parliament. 2014. "The EU's Policy Framework on Support to Transitional Justice." http://eeas.europa.eu/archives/docs/top_stories/pdf/the_eus_policy_framework_on_support_to_transitional_justice.pdf

159 EU Commission. N.d. "International Cooperation and Development. Promoting Women's Engagement in peace and security in Northern Nigeria". http://ec.europa.eu/europeaid/projects/promoting-womens-engagement-peace-and-security-northern-nigeria_en

160 EU Commission. N.d. "International Cooperation and Development. Women Building Peace." http://ec.europa.eu/europeaid/projects/women-building-peace_en

161 African Union. *Protocol to the African Charter on Human And Peoples' Rights on the Rights of Women in Africa*. 2003. Available at: http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf

162 Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict. 2014. "Landmark Agreement between the African Union and the United Nations to Prevent and Respond to Conflict-Related Sexual Violence." <http://www.un.org/sexualviolenceinconflict/press-release/landmark-agreement-between-the-african-union-and-the-united-nations-to-prevent-and-respond-to-conflict-related-sexual-violence/>

163 Amnesty International. 2005. "Making rights a reality. Violence against women in armed conflict". *Amnesty International*.

Care international: Care International is an international NGO working in many countries currently experiencing or recovering from conflict to fight poverty. Care International also focuses on preventing sexual violence in conflict and post-conflict communities by providing support and counselling to women survivors of sexual violence¹⁶⁴.

Human Rights Watch: Human Rights Watch is an international NGO dedicated to defending and reporting on Human Rights around the world. It conducts investigations of Human Rights abuses in 70 countries and publishes the findings in reports which are used for high-level policy discussions or to raise public awareness. Human Rights Watch's countries report includes sections on women's human rights, including violence and discrimination against women in armed conflict.

International Committee of the Red Cross: The International Committee of the Red Cross has been actively involved in addressing conflict-related sexual violence, preventing it and helping victims. It notably published a report on sexual violence in armed conflict in 2014¹⁶⁵.

Peace Women Project Women's International League for Peace and Freedom: The Peace Women project monitors the implementation of the UN Security Council Resolution 1325 on women, peace and security. It monitors, informs and advocates for women's right and participation in conflict situations and promotes gender analysis in conflict prevention.

Physicians for Human Rights: Physicians for Human Rights (PHR) is an NGO working mostly in Africa, using the skills of physicians, scientists and health professionals to investigate and document human rights abuses. To support survivors of conflict-related sexual violence in Central and East Africa, PHR is working 'to improve the abilities of the health and legal communities to build prosecutions of sexual violence crimes'¹⁶⁶. In 2011, it launched a programme on sexual violence in conflict zones, a training and

advocacy initiative to end conflict-related sexual violence. It works in particular in the Democratic Republic of the Congo and Kenya.

Save the Children: Save the Children is an international organisation working closely with the British Foreign Office on the Preventing Sexual Violence Initiative (PSVI). It has advocated to deliver comprehensive and child-focused services to protect them against sexual violence in conflict. It also advocates for changing attitudes and behaviours by raising awareness of sexual violence among communities as well as reforming laws and institutions¹⁶⁷.

Doctors without borders/ Médecins Sans Frontières (MSF): MSF is an international NGO providing humanitarian response to medical crises caused by conflicts, natural disasters, epidemics or lack of access to health care. It notably works on treating victims of sexual violence in more than 120 projects by providing medical and mental health care. For example, MSF has a programme for victims of sexual violence in Central African Republic¹⁶⁸.

Women for Women International: Women for Women International helps women survivors of war to rebuild their lives. Their programmes includes supporting conflict-related sexual violence survivors¹⁶⁹.

Potential actions to end conflict-related sexual violence

Action to prevent armed groups from using sexual violence in conflict can include different proposals by military/security, humanitarian and political actors. These can include increasing peacekeeping presence, creating safe zones for civilians at risk, working with local community-based organisations or faith-based networks to advocate against conflict-related sexual violence (c.f. Figure 4).

There are different initiatives that have been put in place by humanitarian actors¹⁷¹.

FIGURE 5 POTENTIAL ACTIVITIES TO PREVENT CONFLICT-RELATED SEXUAL VIOLENCE¹⁷¹

Military actors

- Initiate dialogue with the chain of command of the armed group
- Encourage the adoption of a code of conduct
- Increase deployment of peacekeeping troops
- Create safe zones and evacuate endangered civilians from the danger zones

Humanitarian actors

- Mobilise local networks, including faith-based networks and community-based organisations to advocacy activities
- Provide temporary shelters and create safe spaces for the refugee/IDP camps
- Support local coping mechanisms, such as solidarity networks
- Undertake humanitarian needs assessment to inform service-delivery to survivors

Political actors

- Create public information campaigns to promote women's rights
- Support women's participation in political processes
- Support disarmament efforts to remove weapons from communities
- Advocate for a protection presence near women's activities

- **Survivor care strategies:** Survivor care strategies include medical, advocacy and counselling assistance to survivors of conflict-related sexual violence. Humanitarian actors can provide medical and psychotherapy care as well as shelter^{172,173}.
- **Livelihood strategies:** The assumption is that livelihood strategies can prevent sexual violence against women by allowing them to gain financial independence. However, there is a lack of reliable evidence on the impact of programmes

increasing livelihood in relation to conflict-related sexual violence^{174,175}.

- **Community mobilisation strategies:** Humanitarian actors can mobilise communities to raise awareness and change norms on conflict-related sexual violence¹⁷⁶.
- **Legal strategies:** Improve the reporting, investigation and prosecution of crimes of conflict-related sexual violence by developing policies, guidelines and training programmes.

164 Care International. N.d. *Conflict resolution*. <http://www.careinternational.org.uk/fighting-poverty/building-back-safer/conflict-resolution>

165 International Committee of the Red Cross. *Addressing Sexual Violence*. <https://www.icrc.org/en/what-we-do/sexual-violence>

166 Physicians for Human Rights. N.D. "Program on Sexual Violence in Conflict Zones." <http://physiciansforhumanrights.org/issues/rape-in-war/program-on-sexual-violence-in-conflict-zones.html?referrer=https://www.google.fr/>

167 Save the Children-UK. 2013. "Unspeakable Crimes Against Children Sexual Violence in Conflict."

168 Médecins Sans Frontières. N.d. "Sexual violence." <http://www.doctorswithoutborders.org/issue/sexual-violence>

169 Women for Women International. *What We Do*. <http://www.womenforwomen.org.uk/what-we-do>

170 UN Action. 2011. "Matrix Early Warning Indicators."

171 Spangaro, Jo, Chinelo Adogu, Geetha Ranmuthugala, Gawaine Powell Davies, Lea Steinacker, and Anthony Zwi. 2013. "What Evidence Exists for Initiatives to

Reduce Risk and Incidence of Sexual Violence in Armed Conflict and Other Humanitarian Crises? A Systematic Review." *PLoS ONE* 8(5): e62600. <https://doi.org/10.1371/journal.pone.0062600>

172 Hustache S. Moro M-R, Roptin J. Souza R. Gansou GgM, et al. 2009. Evaluation of Psychological Support for Victims of Sexual Violence in a Conflict Setting: Results from Brazzaville, Congo. *International Journal of Mental Health Systems* 3: 1-10.

173 Skjelsbæk I. 2006. "Therapeutic Work With Victims of Sexual Violence in War and Postwar: A Discourse Analysis of Bosnian Experiences." *Peace and Conflict: Journal of Peace Psychology* 12: 93-118.

174 Women's Commission for Refugee Women and Children. 2009. *Earning Money/Staying safe: The links between making a living and sexual violence for refugee women in Cairo*. New York Women's Commission for Refugee Women and Children.

175 Denov, M.S. 2006. "Wartime Sexual Violence: Assessing a Human Security Response to War-Affected Girls in Sierra Leone." *Security Dialogue* 37: 319-342.

176 Alvarado M. & Paul B. 2007. "Involving Men on the Thai-Burma Border." *Forced Migration Review*. 56-57.



3.4

CONCLUSION

In sum, the international response to conflict-related sexual violence has two main components. First, a strong legal system has been established to tackle conflict-related sexual violence. Notably, the ICC and its founding Statute of Rome has prosecuted conflict-related sexual violence as a crime against humanity, a war crime and an act of genocide.

Secondly, the international system has developed international policies to end conflict-related sexual violence. The UN Security Council forged resolution 1888 in 2009 by calling to enhance measures for the protection of women and children by peacekeeping missions. It requested that the UN Secretary-General appoint a Special Representative on conflict-related sexual violence (SRSR-SVC) to strengthen existing

United Nations' policies and advocacy efforts to end conflict-related sexual violence. This included chairing the inter-agency initiative 'United Nations Action against Sexual Violence in Conflict' (UN Action), as well as being the global voice in advocating for the end of conflict-related sexual violence¹⁷⁷. Another landmark policy initiative has been the UK Preventing conflict-related sexual violence initiative (PVSII) which led to the Global Summit on conflict-related sexual violence held in London in 2014.

Despite these advances in tackling conflict-related sexual violence, there are several challenges to effectively end conflict-related sexual violence. The following section will highlight a few avenues by which the EU and its member states can contribute to global efforts to end conflict-related sexual violence.

¹⁷⁷ United Nations Security Council. 2009. *Resolution 1888 (2009)*. S/RES/1888 (2009).

4

POLICY RECOMMENDATIONS

4.1

INTRODUCTION

In 2016, the EU Foreign Affairs Council was presented with a Common Security and Defence Policy Implementation Plan, prepared in coordination with the member states and welcomed by the council, which identified three priorities:

- **Responding to external conflicts and crises**
- **Capacity building of partners**

- **Protecting the Union and its citizens¹⁷⁸**

As argued above, conflict-related sexual violence represents an international security issue, and, therefore, could fall into the priorities of the EU Foreign Affairs Council.

In the following, we will present several avenues by which the EU and its member states could contribute to the end conflict-related sexual violence.

¹⁷⁸ European Parliament. N.d. "Fact Sheets on the European Union. Foreign Policy: Aims, Instruments and Achievements." http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU_6.1.1.html

4.2

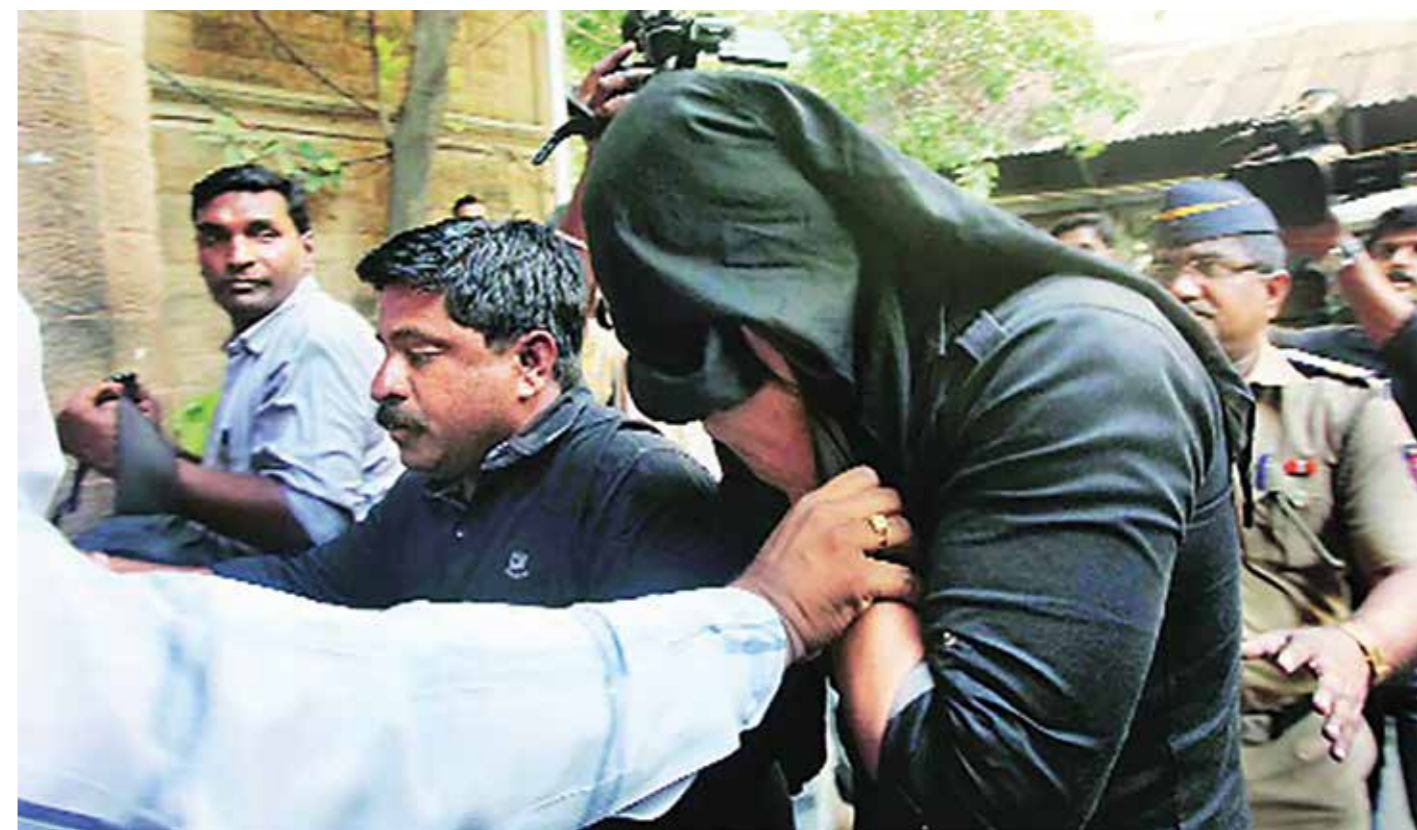
HOW TO PREVENT CONFLICT-RELATED SEXUAL VIOLENCE?

FIRST CHALLENGE ENFORCE INTERNATIONAL LAW

As outlined above, the international policy strategy to prevent conflict-related sexual violence has been built upon the assumption that improving the accountability and prosecution of conflict-related sexual violence is a deterrent for armed groups to commit further violent sexual acts¹⁷⁹. In line with this assumption, the Global Summit to end Sexual Violence in Conflict held in June 2014 in London launched the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* setting out international standards to collect reliable evidence in order to improve the prosecution of perpetrators of sexual violence. Similarly, the UN General Assembly adopted *the Declaration of Commitment to End Sexual Violence in Conflict* in September 2013, which emphasises that conflict-related sexual violence can amount to breaches of the Geneva Convention, resulting in the universal juridical obligations to extradite or prosecute suspects of conflict-related sexual violence.

The international policy strategy's assumption concerning how best to prevent conflict-related sexual

violence has also been supported by current academic research. The cross national dataset on conflict-related sexual violence has shown that state forces, rather than rebel groups, are more frequently reported as perpetrators of wartime rape¹⁸⁰. In addition, academic research has shown that international community efforts to sanction conflict-related sexual violence are more likely to be effective against state forces than rebel groups. The reputational costs coming from international reprobation or sanctions are higher for state actors than rebel groups. States are more concerned in preserving a good international reputation, either to gain a voice within international institutions and international recognition in international institutions or to secure trade partnerships. In turn, there are more compliance costs to international treaties on conflict sexual violence for states than for rebel groups¹⁸¹. Then, state actors are more likely to comply with international treaties, convention or justice. Henceforth, the efforts of the international community to stigmatise, sanction and prosecute conflict-related sexual violence are likely to be effective initiatives to end conflict-related



sexual violence. In other words, this data supports the premise of the PVSI and the recent UN action against conflict-related sexual violence, stating that ensuring accountability is a way to deter perpetrators of conflict-related sexual violence¹⁸². Yet, the deterrence effect of international justice has been limited as the enforcement of international law is itself limited.

The enforcement of international treaties on conflict-related sexual violence is likely to be limited as the primary responsibility for dealing with crimes of sexual violence lies with the states in which the crime occurs. The recent developments in law recognising conflict-related sexual violence as war crimes, crimes against humanity and genocide do not guarantee its enforcement. In fact, accountability for international crimes of sexual violence depends on domestic systems. Indeed, the international principle of complementarity posits that the ICC should cooperate with national governments to address international crimes. In addition, more pragmatically, the ICC needs to rely on domestic actors who have a wider access to the evidence, the witnesses and the perpetrators. Local investigators are in closer proximity with case

material than international entities, improving their efficiency in prosecuting crimes of conflict-related sexual violence. Nevertheless, the likelihood that conflict-related sexual violence is prosecuted at the local level depends on the capacity of domestic systems to translate international laws at the domestic level; to support effective reporting, investigation and prosecution of conflict-related sexual violence.

In addition, the lack of implementation of international judicial tools to prosecute sexual violence may lie with the lack of political will of certain states to prioritise the issue of sexual violence in conflict in their foreign policies. According to the expert Marie Forestier¹⁸³, this has notably been the case in Syria, where sexual violence committed by pro-governmental troops has largely been ignored as Western states have rather focused on combatting terrorist groups than ending sexual violence¹⁸⁴. References to sexual violence have been left out or removed from drafts during negotiations of Security Council resolutions. Since the start of the Syrian conflict, the Security Council has condemned sexual violence in one declaration with a focus on the crimes perpetrated by ISIS. While different UN resolutions

179 House of Lords, and Select committee on Sexual violence in Conflict. 2016. "Select Committee On Sexual Violence In Conflict: Written and Oral Evidence."

180 Cohen, Dara Kay, and Ragnhild Nordås. 2014. "Sexual Violence in Armed Conflict: Introducing the SVAC Dataset 1989-2000." *Journal of Peace Research* 53 (3): 176. doi:10.1177/0022343314523028.

181 Gleditsch, Kristian Skrede, Simon Hug, Livia Isabella Schubiger, and Julian Wucherpfennig. 2016. "International Conventions and Non-State Actors: Selection, Signaling, and Reputation Effects." *Journal of Conflict Resolution*, 1–35. doi:10.1177/0022002716650924.

182 Foreign & Commonwealth Office. 2014. "Chair's Summary- Global Summit to End Sexual Violence in Conflict." <https://www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict/chairs-summary-global-summit-to-end-sexual-violence-in-conflict>

183 Interview Marie Forestier, April 2017.

184 Forestier, Marie. 2017. "You Want Freedom? This Is Your Freedom": Rape as a Tactic of the Assad Regime."

encourage monitoring sexual violence and recommend targeted sanctions against perpetrators of sexual violence, none of these options have been explored against the pro-governmental troops committing sexual violent acts. Western states and the UN Security Council have tended to focus their efforts on fighting the terrorism of ISIS, rather than on denouncing the sexual violence committed by the Assad regime.

This shows that while the issue of sexual violence in conflict has become more visible in the international arena in recent years, it is not yet necessarily a priority for states to stand by the UN Women and Peace agenda and it is rather seen as ‘a bonus ultimately expendable in negotiations’¹⁸⁵.

RECOMMENDATIONS

The European Union and its member states could contribute to preventing conflict-related sexual violence by supporting national accountability systems. This could include improving the domestic reporting, the investigation and the prosecution of the crimes, while making conflict-related sexual violence a priority of foreign policies.

IMPROVING DOMESTIC ACCOUNTABILITY

Reporting

According to a qualitative study conducted in Kenya, Liberia, Sierra Leone and Uganda by the Human Rights Centre at the UC Berkeley School of Law, there are several barriers to reporting crimes of sexual violence¹⁸⁶¹⁸⁷. Many cases of sexual violence do not reach the formal legal system because of social factors such as stigma, pressure to settle the case outside national court, reliance on community-based resolution processes¹⁸⁸, or lack of awareness of sexual violence as a crime or lack of knowledge of the judicial system. In addition, when survivors wish to report the crimes they were victims of, structural factors may prevent them from doing so. In rural and remote villages where conflict-related sexual violence may occur, police

or healthcare facilities may not be easily accessible, creating major barriers to reporting¹⁸⁹. There may also be a lack of confidence in the police or healthcare staff, especially in contexts of conflicts where the police and healthcare staff may be perceived as loyal to the central government and thus as opponents.

Hence, the European Union and the EU member states may:

- Provide sustainable funding to national healthcare facilities to support training, post-rape care, and supplies to collect evidence. Funding should notably reach remote and rural areas’ healthcare facilities in order to improve their accessibility¹⁹⁰. The EU should cooperate with national ministries of health to create national strategic plans to map out their territories with healthcare facilities specialised in sexual violence and trained in conducting forensic examinations to collect evidence, with protocols to refer to the police authorities and prepare to testify in court. Programmes to tackle conflict-related sexual violence could also create mobile clinics specialised in providing care and reporting conflict-related sexual violence, in particular in



zones out of reach of government facilities¹⁹¹. Such support should take place when possible in times of conflict, but also in times of peace (i.e. pre or post-conflict). These healthcare systems specialised in sexual violence may be created in times of peace but also should be conceptualised as resilient in times of conflicts, when infrastructures may be disrupted.

- Provide support to local civil society organisations to provide adequate assistance to conflict-related sexual violence. This could include training on how to properly and systematically refer sexual violence survivors to police authorities and healthcare facilities, rather than rely solely on community-based settling systems. In order to create an enabling environment to report crimes of sexual violence, the EU member states could support programmes empowering civil societies to raise awareness of conflict-related sexual violence through the use of media. In addition, in order to prevent the fear of reprisal for reporting the

crimes, civil society should ensure safe shelters out of reach of perpetrators.

- Provide support to programmes training police authorities in conflict-related sexual violence. Police forces could create mobile specialised units who have the skills to sensitively interview sexual violence survivors and are able to reach them in the most remote locations. In addition, police forces should be aware and have a thorough knowledge of the international law regarding conflict-related sexual violence. Finally, the police forces could hire more female officers with which sexual violence survivors may fear less stigma or repercussions from reporting crimes of sexual violence. There are successful examples of such programmes. In Liberia, the National Police has relatively successfully tackled conflict-related sexual violence by recruiting more female officers and training a specialised unit¹⁹². The EU should support similar programmes in all countries where conflict-related sexual violence occurs.

¹⁸⁵ Ibid p.16.

¹⁸⁶ Human Rights Center UC Berkeley School of Law. 2015. “The Long Road Accountability for Sexual Violence in Conflict and Post-Conflict Settings.”

¹⁸⁷ Seelinger, Kim Thuy. 2015. “Domestic Accountability for Sexual Violence: The Potential of Specialized Units in Kenya, Liberia, Sierra Leone and Uganda,” *International Review of the Red Cross* 96, no. 894 (2014): 539–64.

¹⁸⁸ The Human Right Center of Berkeley School Law reported that community leaders often facilitate resolution by negotiating exchange of goods or money settlements. Cf. Human Rights Center UC Berkeley School of Law. 2015. “The Long Road Accountability for Sexual Violence in Conflict and Post-Conflict Settings.”

¹⁸⁹ Ibid.

¹⁹⁰ Ibid

¹⁹¹ Anyeko, Ketty, Kim Thuy Seelinger, and Julie Freccero. 2016. “Improving Accountability for Conflict-Related Sexual Violence in Africa.” *United States Institute of Peace*. <https://www.usip.org/publications/2016/06/improving-accountability-conflict-related-sexual-violence-africa>

¹⁹² Bacon, Laura. 2015. “Liberia’s Gender-Sensitive Police Reform: Improving Representation and Responsiveness in a Post-Conflict Setting.” *International Peacekeeping* 22 (4). Taylor & Francis: 372–97. doi:10.1080/13533312.2015.1059285.

Investigation

When the survivors wish to report the crime they were victims of, an investigation may be launched. The collection of evidence is key for the investigation of sexual violence and involves healthcare staff, police officers and the civil society providing legal aid. The lack of investigation is often the result of challenges in collecting evidence. Hence, the European Union and the EU member states may:

- Supply healthcare facilities to enable them to reliably collect evidence of sexual violence in times of conflict. A study of the Human Right Centre of the University of Berkeley has suggested that healthcare centres are often under-resourced and under-trained in the collection of evidence¹⁹³. Thus, healthcare facilities could benefit from the distribution of pre-assembled 'rape kits' and training of the local staff to sensitive collection of evidence. In Kenya the local NGO LVCT Health, has worked with the government to distribute locally assembled rape kits which have improved the collection of evidence¹⁹⁴. Hence, the EU member states should coordinate with governments to create a national plan of data collection on sexual violence. They should also support programmes which contribute to the distribution of local rape and forensic kits to collect evidence. This should be combined with training of the healthcare staff to conduct forensic examinations and collect evidence.
- Support programmes to widely distribute the 'International Protocol for the Documentation and Investigation of Sexual violence in armed conflict', created by the PVSJ in 2014, which can provide the police authorities with guidance tools in reporting. In addition, specialised units of police could be trained to collect evidence. There are successful examples of the creation of these units in Liberia, where since 2005 a Women and Children's Protection section is trained to record evidence of sexual violence¹⁹⁵. Similarly in

Sierra Leone, the Family Support Unites (FSUs) were established in 2001 and register claims and conduct investigations of conflict-related sexual violence¹⁹⁶. However, these specialised units still suffer from lack of resources to reach victims in remote locations. Thus, the EU and its member states could support programmes to create, train and provide sufficient resources to specialised units in all countries where conflict-related sexual violence occurs.

Prosecution

The prosecution of crimes of conflict-related sexual violence is often challenged by the lack of infrastructures in times of war, as well as by the lack of domestic awareness of international laws on conflict-related sexual violence. In addition, prosecutions are often limited by the lack of testimony of the victims. According to the Human Rights Centre of Berkeley School of Law¹⁹⁷, the main challenge to prosecuting conflict-related sexual violence is the withdrawal of witnesses who, fear the reprisal of the perpetrators, mistrust the domestic justice system and rather abandon the case or seek informal settlements with the perpetrators.

- The EU and its member states should support governments in translating the domestic legislation the Rome Statute. This could include supporting the existing UN and PVSJ teams of experts.
- Support the development of witness protection plans in collaboration with Ministries of Justice or civil society. These can include the creation of domestic legislations securing meaningful protection for witnesses of conflict-related sexual violence, including shelter, anonymity or psychological support. For instance, the Kenya Witness Protection Agency created in 2010 protects survivors of sexual violence who have an active case in court and their witnesses by providing shelter or livelihood. This initiative may also contribute to ensure the reliability and independence of the judicial system even in times of conflicts, as



witnesses will not fear reprisals for their ethnic, religious or political affiliation. Hence, this kind of initiatives should be expanded to all countries where conflict-related sexual violence occurs.

MAKING CONFLICT-RELATED SEXUAL VIOLENCE A PRIORITY OF FOREIGN POLICIES

The international strategy to prevent conflict-related sexual violence mostly relies on using the international judicial system to deter potential perpetrators. While legal advances have been welcomed by the policy practitioners, they have also claimed that using the international justice as a unique tool to prevent conflict-related sexual violence is not sufficient. The impact of the international laws could be maximised if conflict-related sexual violence became a major foreign policy and diplomatic issue, raised in all of the EU members' state bilateral and multilateral relationships. So far, it is widely accepted that conflict-related sexual violence must be ended, yet implementing international laws regarding conflict-related sexual violence has often seen very little political capital expended.

Hence, the EU and its member states could:

- Push for further advocacy and lobbying activities among governments who are yet to include conflict-related sexual violence as an unavoidable issue¹⁹⁸. Similarly, the EU could push for other regional organisations, such as the Association of South East Asian Nations (ASEAN) or the African Union or the Arab League to make the prevention of conflict-related sexual violence one of their priorities. There are several avenues to pursue such lobbying and advocacy activities.
 - a. First, the EU could integrate conflict-related sexual violence in its public diplomacy¹⁹⁹. In particular, it could contribute and build upon the UN Action campaign 'Get Cross! Stop Rape Now', in order to galvanise and heighten public mobilisation and awareness. This could include the organisation of summits following the template of the PVSJ's Global Summit on Ending Sexual Violence in Conflict held in London in June 2014. By organising similar summits, the EU could contribute to bring more

193 Human Rights Center UC Berkeley School of Law. 2015. "The Long Road Accountability for Sexual Violence in Conflict and Post-Conflict Settings."

194 Ibid.

195 Ibid.

196 Seelinger, Kim Thuy. 2015. "Domestic Accountability for Sexual Violence: The Potential of Specialized Units in Kenya, Liberia, Sierra Leone and Uganda," *International Review of the Red Cross* 96, no. 894 (2014): 539-64.

197 Human Rights Center UC Berkeley School of Law. 2015. "The Long Road Accountability for Sexual Violence in Conflict and Post-Conflict Settings."

198 Goetz, Anne Marie. "Stopping Sexual Violence in Conflict: Gender Politics in Foreign Policy". *Open Democracy*. 20 June 2014.

199 European Union. N.d. A global Strategy for the European Union: Enhancing Public Diplomacy. <https://europa.eu/globalstrategy/en>



SECOND CHALLENGE MAKING NON-STATE ACTORS ACCOUNTABLE

international attention to the issue of conflict-related sexual violence, in particular raise awareness among civil society actors. Such events should be organised in coordination with the PVSI and UN Action in order to maximise the impact of the advocacy approaches and avoid duplication of initiatives. Nonetheless, by integrating conflict-related sexual violence in its public diplomacy and building upon its experience of organising outreach events with state and non-state partners, the EU could boost the international attention to conflict-related sexual violence.

- b.** In addition, the EU Global Strategy for European Foreign and Security Policy launched in 2016 has claimed the necessity to rely on regional organisations to promote peacebuilding²⁰⁰ as regional powers can better ensure the adaptation of policies to local dynamics. Hence, the EU should include

regional organisations such as ASEAN or the Arab League in campaigns or events promoting the end of conflict-related sexual violence. This would help create a large network to encourage the diffusion of norms to end conflict-related sexual violence and create a 'tipping point' at which critical actors would be inclined to adopt the norm²⁰¹. The EU could potentially be the normative power stressing the need to end conflict-related sexual violence.

- c.** Furthermore, the EU Foreign Policy and the EU member state could word the issue in their bilateral relations with countries where conflict-related sexual violence occurs, as part of the 'ethical dimension' of their foreign policy²⁰². This lobbying activity could contribute to build the political will necessary to enforce international law regarding conflict-related sexual violence.

In the previous section, we argued that the international action to end conflict-related sexual violence has been built upon the assumption that enforcement of international laws regarding conflict-related sexual violence could have a deterrent effect on the perpetrators of sexual violence. However, this assumption relies on the premise that perpetrators care and are aware of the costs of future prosecution. Yet, armed groups, in particular rebel groups, may not either be parties to international treaties, nor necessarily seek international recognition; or care about the reputational and compliance costs that may be induced by infringing laws on conflict-related sexual violence. For instance, ISIS is unlikely to fear accountability and be deterred from international efforts to hold perpetrators of conflict-related sexual violence accountable. Increasing the accountability of conflict-related sexual violence may only have effects on a restricted number of perpetrators, notably state actors who care about their international reputation.

According to the UK House of Lords Committee on conflict-related sexual violence, several practitioners have claimed that the current global policies are shaped to target state actors. Nevertheless, global policies do not prevent sexual violence committed by non-state actors. The UK House of Lords reports that the UN Special Representative of the Secretary General on Sexual Violence in Conflict, Zainab Hawa Bangura has claimed:

'Since the UN was created, it has developed mechanisms and tools to engage State actors—military, police and intelligence. We know who they are, we know where they work and we work very well with them, so it is much easier for us to determine when they commit sexual violence and engage them. Unfortunately, we do not seem to have a policy on non-State actors.'²⁰³

Henceforth, the international efforts to strengthen the judicial and accountability system are unlikely to have a strong deterrent effect on the non-state groups' perpetrators of sexual violence in conflict.

200 European Union. 2016. "Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security policy. *European Union*." http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

201 Sikkink, Kathryn. 1998. "Transnational Politics, International Relations Theory, and Human Rights." *PS: Political Science and Politics* 31 (3): 516. doi:10.2307/420610.

202 Kirby, Paul. 2015. "Ending Sexual Violence in Conflict: The Preventing Sexual Violence Initiative and Its Critics." *International Affairs* 91 (3): 457–72. doi:10.1111/1468-2346.12283.

203 House of Lords and Select Committee on Sexual Violence in Conflict. 2016. "Select Committee on Sexual Violence in Conflict: Written and Oral Evidence." (p. 52)



RECOMMENDATIONS

The compliance of non-state actors who are not necessarily responsive to an international system of accountability could be reached by building a strategic plan to tackle conflict-related sexual violence. Such a plan would stress cooperation and partnerships between large organisations such as the UN or the EU, who have a strong mandate, and smaller NGOs, who have wider access to non-state actors.

HEIGHTEN COOPERATION WITH LOCAL NGOS AND HUMANITARIAN ACTORS

In order to increase the accountability and compliance of non-state actors' perpetrators of conflict-related sexual violence, the EU and its member states could:

- Enhance coordination with local NGOs within countries' task forces aiming at ending conflict-related sexual violence. When a high-profile naming and shaming approach is ineffective with non-state armed groups, more confidential and local bilateral advocacy activities and dialogue with non-state armed groups carried out by NGOs

or local community-based organisations may be efficient. By building trust with non-state actors, local NGOs are more likely to instil compliance with international treaties regarding sexual violence. Henceforth, the international efforts to end sexual violence should not solely rely on the UN, the EU or EU member states' action plans to prevent sexual violence. Rather, integrating local NGOs or CBOs in the international task forces and using complementary approaches and methods will be key to comprehensively tackling conflict-related sexual violence. This strategy of taking complementary approaches to increase the compliance of non-state actors has been explored by the UN in its action to protect children in armed conflict²⁰⁴. The UN Security Council created a 'Monitoring and Reporting Mechanism' (MRM) in 2005 which monitors violations committed against children in contravention of international law, including recruitment of child soldiers, sexual violence against children, killings, attacks on schools, abductions or denial of humanitarian access. The UN MRM has increased awareness of the situations of children in armed conflict,

and may have had a deterrent effect with non-state armed groups seeking political legitimacy. However, the Watchlist on Children and Armed Conflict network has shown that the UN MRM's implementation has been limited with non-state armed groups²⁰⁵. Hence, the UN Security Council has promoted an enhanced coordination between humanitarian and human rights actors as a way to enforce international treaties, in particular by 'using a third party organisation or group to negotiate directly with the rebel group/non-state actors'²⁰⁶. Inter-governmental agencies, while they may have the funding and strong mandates, may be perceived as partial by non-state actors or its action may be restricted by the government of the countries where sexual violence is occurring. In contrast, NGOs or local community-based organisations, who are more locally implemented, may have a wider access to non-state actors, and their low-profile dialogue with non-state armed groups may be more acceptable to governmental authorities. Thus, while a high profile naming and shaming approach is ineffective with state armed groups, more confidential and local bilateral advocacy activities and dialogue with non-state armed groups carried out by NGOs or local community-based organisations may be more efficient. By building

trust with non-state actors, local NGOs are more likely to instil compliance to international treaties regarding sexual violence.

CONCLUSION

Prevention is a key component of the international policies to end conflict-related sexual violence. The current international strategy to end conflict-related sexual violence relies on the assumption that the criminalisation of conflict-related sexual violence can have a deterrent effect on the perpetrators. The present section has suggested avenues for the EU and its member states to contribute to enforce international laws in conflict-related sexual violence settings. They include supporting national states in reporting, investigating and prosecuting international crimes of sexual violence. The EU and its member states could also be a leading force in creating the political will to end sexual violence by enhanced advocacy activities with countries where state forces commit sexual violence.

In addition, the EU could contribute to prevent sexual violence by establishing strong partnerships with local NGOs and humanitarian actors who may have wider access to non-state actors who might not be responsive to international laws condemning conflict-related sexual violence.

204 Institute International Peace. 2012. "Engaging Non-state Armed Groups on the Protection of Children: Towards Strategic Complementarity Introduction: Child Protection and a Case for Complementarity."

205 UN Security Council. 2010. "Security Council Report Cross-Cutting Report Children and Armed Conflict."

206 Ibid.

4.3

HOW TO IMPROVE ASSISTANCE TO THE VICTIMS OF CONFLICT-RELATED SEXUAL VIOLENCE?

THIRD CHALLENGE THE LACK OF DATA AND KNOWLEDGE ON CONFLICT-RELATED SEXUAL VIOLENCE

In addition to the efforts to prosecute the perpetrators of conflict-related sexual violence, the UN system and humanitarian actors' activities have focused on restoring the well-being of the victims of conflict-related sexual violence. However, one of the main challenges for policy practitioners in designing policies to assist the victims of conflict-related sexual violence is the lack of reliable data and knowledge on the mechanisms leading perpetrators to commit sexual violence to inform concrete forms of assistance.

As presented above, the main cross-national data available on conflict-related sexual violence is a data set developed by the academics Cohen and Nordas²⁰⁷. Although this data set represents a considerable advance in the reporting of conflict-related sexual

violence, it has biases limiting information on the victims of conflict-related sexual violence.

The main bias of the dataset is the under-reporting by victims of conflict-related sexual violence. Reasons for under-reporting may include fear of stigmatisation, shame, retributive violence or because victims and witnesses of sexual violence may not survive the assault or the conflict²⁰⁸. Furthermore, the dataset relies on qualitative reports from the US Department of State and Human Rights Watch to code the prevalence of conflict-related sexual violence. Yet, the qualitative reports may focus on particular categories of victims. For example, sexual-violence tends to be equated to violence against women and girls, underreporting conflict-related sexual violence against men. Hence, the sources



used by the dataset may be biased against certain categories of victims.

These sources of bias have led the authors of the dataset to measure the reported prevalence of conflict-related sexual violence perpetrated by armed actors rather than the numerical estimates of sexual violence incidents or victims. As such, the data available on conflict-related sexual violence focuses on the perpetrators rather than on the victims. This prevents inferences on the characteristics of victims of conflict-related sexual violence. For instance, there is a lack of data on male victims²⁰⁹. There has been under-reporting of male victims as there is inaccurate reporting by human rights organisations who expect only women to be victims. Similarly, there is a lack of data on the refugees and internally displaced persons who are victims of conflict-related sexual violence.

The lack of reliable quantitative data focusing on the victims and that can inform on when, why, and how the victims were targeted by their perpetrators, may be problematic for policy practitioners, who are operating in a statistical and conceptual vacuum which can limit the effectiveness of their programmes²¹⁰.

Furthermore, there is a lack of reliable knowledge on the mechanisms leading to conflict-related sexual violence. In order to prevent or enhance the preparedness to respond rapidly to conflict-related sexual violence by non-state actors, UN Action and UN Women have created a *Matrix of Early Warning Indicators of Conflict-Related Sexual Violence*. So far, the indicators of the UN Matrix focus on changes in the operating environment, such as the mobility patterns of women (e.g. absence from school), in the conduct of armed groups (e.g. proximity to civilian centres) or in the political rhetoric (e.g. propaganda)²¹¹. While these indicators may be useful, they are contextual and were mostly identified as relevant indicators of conflict-related sexual violence through cases from past conflicts, rather than through a thorough and systematic review. In turn, they may not be sufficient indicators of sexual violence in conflict and could benefit from greater academic knowledge. The impact of academic research findings on conflict-related sexual violence is limited and not often cited in policy briefs and studies. According to the academic Andrew Mack, this is the result of lack of communication between the scholarly and policy communities²¹². Therefore, the policy strategies of humanitarian action to prevent conflict-related sexual

207 Cohen, Dara Kay, and Ragnhild Nordås. 2014. "Sexual Violence in Armed Conflict: Introducing the SVAC Dataset 1989-2000." *Journal of Peace Research* 53 (3): 176. doi:10.1177/0022343314523028.

208 Ibid.

209 Gorris, Ellen Anna Philo. 2015. "Invisible Victims? Where Are Male Victims of Conflict-Related Sexual Violence in International Law and Policy?" *European Journal of Women's Studies* 22 (4): 412-27. doi:10.1177/1350506815605345.

210 Dolan, Chris. 2010. "'War Is Not Yet Over': Community Perceptions of Sexual Violence and Its Underpinnings in Eastern DRC." *International Alert*.

211 UN Action. 2011. "Matrix Early Warning Indicators."

212 Mack, Andrew. 2002. "Civil War: Academic Research and the Policy Community." *Journal of Peace Research* 39 (5): 515-26.

violence are not necessarily backed by academic and scientific knowledge but rather by knowledge accumulated from past conflicts and transposed into new situations to which it might not be applicable.

Similarly, there is a lack of evidence and reviews of successful interventions to respond to conflict-related sexual violence²¹³. One of the most thorough scientific reviews was published in 2013 by Spangaro et al. examining the impact of the current initiatives to reduce the incidence of conflict-related sexual violence²¹⁴. The authors of the study reviewed 40 studies published from 1990 to 2011 which examined interventions in conflict-related sexual violence settings. Spangaro et al. highlighted the lack of reliable evidence in the studies to assess the impact of

the reviewed interventions in reducing conflict-related sexual violence²¹⁵. In addition, most studies review interventions addressing sexual violence committed in post-conflict settings; over the 40 reviewed studies, only one study addressed sexual violence committed in wartimes. The lack of quality evidence on the interventions in conflict-related sexual violence settings is partly the result of the difficulty in accessing victims in war zones. The lack of evidence is nevertheless problematic for policy practitioners who have to operate blind. This goes against the best practices in the development sector, which has highlighted the importance of the implementation and evaluation of effective programmes and policies through the ‘application of principles of scientific reasoning including the systematic use of data’²¹⁶.

RECOMMENDATIONS

The EU and its member states could contribute to improve the data and knowledge on conflict-related sexual violence:

- The EU and its member states should contribute to research programmes gathering data on conflict-related sexual violence. There are two avenues to improve the collection of data on conflict-related sexual violence.
 - a. The EU could financially support the Sexual Violence Research Initiative (SVRI) created in 2003 by the Global Forum for Health Research and hosted by the World Health Organisation (WHO) and the South African Medical Research Council since 2006. However the SVIR mostly focuses on sexual

violence in peace times, therefore the EU should fund research programmes with a particular focus on conflict-related sexual violence. The EU has been collaborating with non-EU members since the 1980s producing for instance important findings on climate change²¹⁷. Collaborating with the SVRI could constitute a new collaborative initiative with important implications for peace and security worldwide. The initiative could include creating a dataset on conflict-related sexual violence, based on conflict surveys. The collection of data should follow the guidelines on ethical and safety issues related to data collection²¹⁸ and should notably gather information on the number of incidents, location and affiliation of the perpetrators and the survivors.



- b. The European commission could also include the theme of conflict-related sexual violence in the calls of proposals of the Horizon 2020 EU framework Programme for Research and Innovation. Horizon 2020 gathers public and private investments which could build an ambitious research programme on conflict-related sexual violence²¹⁹. This research programme could include creating a dataset on conflict-related sexual violence, with a focus on survivors, as well as researching the mechanisms leading to conflict-related sexual violence. This research programme should include strong partnerships with policy makers in order to disseminate and consolidate findings in the development and

implementation of programmes to prevent conflict-related sexual violence or assist the survivors.

In addition, the European Commission research programme should aim to create guidance on how to monitor and evaluate programmes addressing the needs of survivors of conflict-related sexual violence. This would include creating measurable indicators of different components of programmes on the needs of survivors which could be used by all humanitarian actors²²⁰. This would allow for the reliable evaluation of the efficiency of programmes in tackling conflict-related sexual violence.

213 Schopper, Doris. 2014. “Responding to the Needs of Survivors of Sexual Violence: Do We Know What Works?”. In ICRC. *Sexual Violence in Armed Conflict*. [http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full\[1\].pdf](http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full[1].pdf)

214 Spangaro, Jo, Chinelo Adogu, Geetha Ranmuthugala, Gawaine Powell Davies, Lea Steinacker, and Anthony Zwi. 2013. What Evidence Exists for Initiatives to Reduce Risk and Incidence of Sexual Violence in Armed Conflict and Other Humanitarian Crises? A Systematic Review. *PLoS ONE* 8(5): e62600. <https://doi.org/10.1371/journal.pone.0062600>

215 Ibid.

216 Schopper, Doris. 2014. “Responding to the Needs of Survivors of Sexual Violence: Do We Know What Works?”. In ICRC. *Sexual Violence in Armed Conflict*. Available at: [http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full\[1\].pdf](http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full[1].pdf)

217 European Commission. 2015. *Horizon Magazine. EU Research Framework Programmes. 1984-2014*. European Commission.

218 WHO. 2007. *WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies*. WHO. Geneva

219 European Commission. N.d. “What is Horizon 2020?”. <https://ec.europa.eu/programmes/horizon2020/en/what-horizon-2020>

220 Schopper, Doris. 2014. “Responding to the Needs of Survivors of Sexual Violence: Do We Know What Works?”. In ICRC. *Sexual Violence in Armed Conflict*. [http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full\[1\].pdf](http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full[1].pdf)

FOURTH CHALLENGE

A COMPREHENSIVE AND SUSTAINABLE SUPPORT TO SURVIVORS

The first challenge in providing support to victims of sexual violence is the accessibility. The victims of sexual violence tend to not come forwards and receive assistance as they often fear stigmatisation. Stigmatisation of survivors of sexual violence encourages either the silencing of the violence or social exclusion. For instance, conflict-related rape often results in marginalisation and isolation from families and communities. They are often forced to drop out of school, and their chances for further livelihoods and marriage are

seriously diminished²²¹. This can condemn survivors of sexual violence to a life of extreme poverty and increase their vulnerability to risky and exploitative practices. As a result of their marginalisation, the survivors of conflict-related sexual violence have less access to physical and psycho-social support provided by humanitarian actors.

Similarly, the stigma from which the victims of sexual violence suffer requires the humanitarian actors to rethink their strategy in order to provide support

within a sensitive approach, adapted to local and cultural environments²²². This poses technical and ethical challenges in caring for victims of sexual violence. Humanitarian agencies working with survivors of sexual violence need to adopt a proactive approach to reaching marginalised victims while maintaining the victims' confidentiality given the stigma and taboos surrounding sexual violence. Therefore, providing assistance to survivors of sexual violence is particularly challenging for humanitarian actors who need to gauge the ideal balance between the added value of providing care to the victim and reducing their exposure to social stigmatisation.

Additionally, victims of conflict-related sexual violence require comprehensive support. Care for survivors of sexual violence does not only require providing them with medical care, but also assistance beyond the medical, such as services that can ensure their safe access to shelter, education, community-based protection, psychological support, increased awareness of sexual violence among communities and ensuring access to justice. Therefore, in order

to thoroughly assist survivors of sexual violence, humanitarian actors need to consider a broad scope of work, with long term objectives. This is problematic for NGOs who may not have the expertise to cover all these areas, but could be addressed through inter-NGO collaboration.

Yet, programmes to protect survivors of sexual violence are rarely part of emergency responses in conflict environments. According to Save the Children UK, there is a critical lack of funding in projects tackling conflict-related sexual violence, with an estimated 22%²²³ of the funding needed actually received in 2011²²⁴. This is because conflict-related sexual violence is still overlooked by donors and not treated as a crucial element of emergency response²²⁵. Furthermore, because there is a lack of agreement among humanitarian donors about the priority of conflict-related sexual violence in emergency responses, there is an inconsistency in the funding flows. This is particularly problematic when conflict-related sexual violence plans require sustainable funding to have long-term effects.



RECOMMENDATIONS

- In order to increase the efficiency of programmes tackling conflict-related sexual violence, the EU and its member states need to increase their support to programmes tackling stigma of survivors of conflict-related sexual violence. This could include supporting the UK Foreign and Commonwealth Office (FCO)'s initiative to tackle stigma²²⁶. In 2016, the FCO has conveyed workshops with NGOs as well as expert roundtable meetings to contribute to the development of Principles for Global Action to tackle stigma of conflict-related sexual violence, which will be presented during the United Nations General Assembly in September 2017²²⁷. The meetings' participants included survivors, community leaders, governments, legal and medical experts, media, regional organisations. The EU could financially support these workshops and roundtables to draw conclusions on the best practices to tackle stigmas.
- In addition, the EU and its member states could support initiatives which have been recognised to best tackle stigma by the FCO workshops and experts' meetings. For instance, experts have suggested the launch of a Global Network

222 Foreign & Commonwealth Office. 2016. "Report Preventing Sexual Violence Initiative: Shaping Principles for Global Action to Prevent and Tackle Stigma." London.

223 The UNOCHA does not track funding specifically contributed to conflict-related sexual violence.

224 Save the Children-UK. 2013. "Unspeakable Crimes Against Children Sexual Violence in Conflict."

225 Ibid.

226 Foreign & Commonwealth Office. 2016. "Report Preventing Sexual Violence Initiative: Shaping Principles for Global Action to Prevent and Tackle Stigma." London.

227 Interview FCO, April 2017.

221 Save the Children-UK. 2013. "Unspeakable Crimes Against Children Sexual Violence in Conflict."

of survivors as a way to create an international platform for survivors where they can share their testimony. Survivors' activism could lead to stigma prevention²²⁸. The global network of survivors could also ensure their engagement in all stages of policy-making. Similarly, the EU and its member states could financially support programmes of comprehensive training on avoiding the creation of stigma by humanitarian personnel and community leaders. For instance, according to the UK FCO, there are successful examples of such trainings in Afghanistan where NGOs have worked with wives of faith leaders to break down stigma taboos²²⁹.

- In order to overcome the challenge of accessibility to the survivors of sexual violence, the EU and its member states should rely on grass-root organisations who may have more access and impact than external actors on the survivors. For instance, the UK FCO has noted that the intervention of the supreme leader of the Yazidis stressing the importance in welcoming all Yazidi girls' survivors of sexual violence crimes back in their communities has led to a decrease in suicide rates within the community²³⁰. As such, the EU and its member states should empower and fund grass-roots organisations to conduct programmes to assist the survivors of conflict-related sexual violence.

- The care of survivors of conflict-related sexual violence survivors also require a 'holistic'²³¹ approach which integrates emergency medical care, pregnancy and psychological assistance, medico-legal assessment, ensuring survivors' safety and economic empowerment. Thus, the EU and its member states should support or design programmes which ensure that all the components of care are fulfilled. The programmes assisting survivors of conflict-related sexual violence should ensure a continuum of care across different humanitarian responses²³².
- A challenge to the care of survivors of conflict-related sexual violence is 'the absence of sustained funding [and] the limited capacity of service'²³³. Therefore, the EU should guarantee sustainable funding to humanitarian actors tackling conflict-related sexual violence. The EU 2016-2020 Gender Action Plan which was endorsed by the Council in 2015 has secured EUR 6.5 billion to address any gender issues in the EU external relations; however, very few programmes specifically tackle conflict-related sexual violence. Thus the EU should scale up efforts to specifically tackle conflict-related sexual violence and promote long-term funding schemes for such programmes. This will require making conflict-related sexual violence a priority of the EU Commission Directorate General for International Cooperation and Development policies.

228 Foreign & Commonwealth office. 2016. "Report Preventing Sexual Violence Initiative : Shaping Principles for Global Action to Prevent and Tackle Stigma." London.

229 Ibid.

230 Ibid.

231 Bouvier. Paul. 2014. "Sexual Violence, health and Humanitarian Ethics: Towards a Holistic Person-Centered Approach." In IRRC. *Sexual Violence in Armed Conflict*. Vol. 96. [http://www.essex.ac.uk/armmedcon/story_id/sexualviolence_conflict_full\[1\].pdf](http://www.essex.ac.uk/armmedcon/story_id/sexualviolence_conflict_full[1].pdf)

232 Foreign & Commonwealth Office. 2016. "Report Preventing Sexual Violence Initiative: Shaping Principles for Global Action to Prevent and Tackle Stigma." London.

233 Ibid. p.5



CONCLUSION

In 2014, the UK hosted the Global Summit to End Sexual Violence in Conflict led by the Preventing Sexual Violence in Conflict Initiative. Over 150 states were convened at the summit, with non-governmental organisations, experts and human rights activists. The summit was the opportunity for state and humanitarian actors to adopt and commit to implement a comprehensive programme of action to prevent and combat conflict-related sexual violence. The summit was the result of a long process to recognise conflict-related sexual violence as an issue for international peace and security.

Contributing to the international efforts to recognise and understand conflict-related sexual violence, this report has first aimed to present the current trends of conflict-related sexual violence. This included the state of the academic literature in understanding the mechanisms leading perpetrators to commit sexual violent acts in conflict. It has also listed the repercussions of sexual violence in conflict, notably physical, psychological, and societal consequences. In addition, the report has presented the available data on conflict-related sexual violence and aimed to contradict some misconceptions on conflict-related sexual violence, concerning the perpetrators, the occurrences and the location of sexual violence. It has also presented the main current cases of conflict-related sexual violence.

In a second section, this report has exposed the international efforts to end conflict-related sexual violence. It has demonstrated that there has been important advances in the prosecution of conflict-related sexual violence since 1949. The most important advances were made in 1998 in the International Criminal Court and its founding Statute of Rome recognising rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, as a crime against humanity and war crimes.

Similarly, the global policy framework has increased its action against conflict-related sexual violence, including since 2008 when the UN Security Council affirmed that sexual violence has been a fundamental threat to international peace and security requiring operational security and judicial response.

The last section of this report has identified four challenges to end conflict-related sexual violence:

- First, there is a limited enforcement of the international laws on conflict-related sexual violence, as the prosecution of crimes of conflict-related sexual violence depends on the capacity or willingness of the domestic countries to prosecute perpetrators.
- Secondly, the deterrent effect of international laws on conflict-related sexual violence is unlikely to be successful on non-state actors who are not necessarily responsive to international organisations' prosecutions or naming and shaming activities.
- Thirdly, the assistance to survivors of conflict-related sexual violence is impeded by the lack of data and knowledge on the mechanisms leading to conflict-related sexual violence. Similarly, there is a lack of information on best practices and successful projects in tackling conflict-related sexual violence.
- Fourthly, assistance for conflict-related sexual violence is challenging for humanitarian actors as it requires long-term funding to provide holistic approach integrating medical, psychological care with legal and economic assistance. Similarly, there is a lack of access to the survivors who fear stigmatisation.

These are four areas in which the EU and its member states could centre their efforts. Efforts to end conflict-related sexual violence could become central component in the EU's promotion of international sustainable peace, development and prosperity.





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