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SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN IN ARMED CONFLICT¹

“It is now more dangerous to be a woman than a soldier in modern wars.”

- Major General Patrick Cammaert, former Deputy Force Commander, MONUC.

Basic facts on sexual violence against women and children in armed conflict

War-time sexual violence has been one of history’s greatest silences. Long dismissed as the random acts of renegade soldiers, rape has been steeped in a self-serving myth of inevitability. Indeed, conflict creates a climate for rampant sexual abuse. Law and order is held in abeyance; communities are awash with small arms and light weapons; moral and social restraints give way to the peril and privation of war; and a culture of sexual entitlement prevails among armed groups that loot, pillage and rape with impunity, treating women as the “spoils of war”.

Yet despite its long history, sexual violence has been newly-recognized as a core security challenge of our time. In June 2008, the UN Security Council unanimously adopted Resolution 1820 recognizing sexual violence as a tactic of war linked with the maintenance of international peace and security. This provides an ambitious platform for confronting a present-day emergency. During conflict and crisis, those least empowered suffer most. Children born of war and their mothers risk stigmatization and economic exclusion. As part of the process of adapting protection to the changing face of conflict, the instability perpetuated by sexual violence must be addressed.

The wars that raged in Bosnia, Rwanda, Sierra Leone, Liberia, DRC and Darfur have made the military logic of mass rape undeniable. Desolate villages and fallow fields bear stark witness to the terror of sexual violence in displacing populations. Eye-witnesses recount the gang-rape of women by rebels with the stated intent of causing them to bear children of a certain lineage. An average of 40 women are raped daily in South Kivu, DRC; between 20,000 and 50,000 women were raped during the war in Bosnia in the early 1990s; in Sierra Leone, between 50,000 and 64,000 internally displaced women suffered sexual assault at the hands of combatants; the Rwandan genocide memorial notes that 500,000 women were raped during 100 days of conflict.

Yet sexual violence statistics notoriously under-count real totals. Rape victims caught up in conflict or crisis are among the world’s least visible, least accessible people in some of the most austere, remote regions. Rape is a torture tactic of choice, because victims are reticent to report. Survivors are stigmatized: wives rejected by husbands, girls rendered “unmarriageable”, pregnant women accused of adultery or of tainting family “honor”. This misplaced blame and shame has deep roots in a historical absence of accountability. Legal and policy reform to assign the shame of rape squarely to the perpetrator can shatter the stigma that makes it a potent tool of family and community breakdown. Yet reporting is impeded not only by fear of stigmatization and the disintegration of institutions – it is often seen as futile. Of some 14,200 rape cases registered in South Kivu, DRC, between 2005-2007 just 2% of perpetrators were ever called to account. Of

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10,000 genocide-related trials heard by Rwandan courts, just 3% included convictions for sexual violence. Moreover, formal justice rarely means reparations or service-delivery for survivors.

There is an urgent need to disseminate the fact that sexual violence – whether a single act or concerted campaign – is categorically prohibited under international law. For communities, mass rape is a weapon of mass destruction like any other. It ranks among the grave breaches of international humanitarian law, reflected in the 1998 *Rome Statute of the International Criminal Court*; 1949 Geneva Conventions; and jurisprudence of the international criminal tribunals for the former Yugoslavia and Rwanda. Today, sexual violence is an international crime – not the timeless “collateral damage” of war.

UN actors involved and their mandate

The **UN Security Council** now considers civilian protection, including the plight of women and children in war-zones, a core component of its mandate. SCR 1820 recognizes sexual violence as a self-standing security issue that warrants a security response. Security actors, including UN and regional peacekeepers, are empowered to respond with as much alacrity as they would to any other atrocity. Mass rape has thus graduated from an “inevitable by-product of war” to a foreign policy priority. SCR 1820 demands the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians”. This responds to the reality that sexual violence has acquired a strategic twist as a tactic of choice for armed groups. In raising the political, military and economic cost of this crime, SCR 1820 is both a milestone in itself and a reinforcement of its path-breaking predecessor, SCR 1325. It calls for women’s participation in peace-talks; urges sanctions for perpetrators; and requires that sexual violence be excluded from amnesties. In calling upon belligerents and peacekeepers to step-up prevention and response, and requiring a global report from the UN Secretary-General, the resolution broadens the constituency for the protection of women and children.

Sexual violence in countries not on the Council’s agenda must continue to be addressed elsewhere in the UN system and by governments. These settings fall within the scope of **General Assembly** Resolution 62/134, which is an important complement to SCR 1820.

UN Action Against Sexual Violence in Conflict unites 12 UN entities to sustain global commitment to preventing and responding to sexual violence. This initiative builds on existing efforts for a “force-multiplier” effect, to improve strategic planning and prevent duplication of effort. It aims to strengthen alliances for international action commensurate with the scale and magnitude of the threat. UN Action reflects the need for a holistic response to sexual violence encompassing: medical, judicial, psycho-social and economic support, informed by a philosophy of coordination and “delivering as one”. UN Action was endorsed in June 2007 by the Secretary-General’s Policy Committee as “the critical joint UN system-wide initiative to guide advocacy, knowledge building, resource mobilization, and joint programming” around sexual violence in conflict; and mandated by SCR 1820 to “coordinate efforts”; “create awareness” about sexual violence; and “ultimately, put an end to it”.

Problems/practical obstacles

At the policy level, there is a need to sustain the momentum that culminated in SCR 1820 and meet the urgent implementation challenge this resolution represents. In human, social and economic terms, the cost of sexual violence response greatly exceeds that of prevention. Preventive diplomacy – especially in relation to non-State armed groups, which are difficult to

access and often lack a clear chain of command – presents a major challenge. Inadequate understanding of the motivations of various groups, their incentive structures and ideologies problematise efforts to dissuade them from anti-civilian acts.

On the ground, peacekeepers and humanitarian personnel are beset by the “tyranny of the emergency”, in which sexual violence may be eclipsed by the more visible horrors of war. Civilian protection mandates are rarely matched by commensurate resources. Moreover, lack of specific training based on defined doctrine means peacekeepers are inadequately prepared to address the threat posed by sexual violence. The essence of SCR 1820 is that sexual violence should not be deflected to “gender experts”, but rather mainstreamed into the everyday work of operational actors. The exit strategy of any peacekeeping mission should include building the capacity of governance institutions. Weak judicial and penal structures lead to “revolving-door rapists” – condemning women to live among past and potential perpetrators.

Key recommendations for addressing this scourge

- Parliamentarians should **exchange experiences** on sexual violence prevention, recovery and response, with colleagues from other countries. The IPU can provide a platform for sharing best practice/lessons learnt. A committee could be created within the IPU to address sexual violence and its intersection with national, regional and international security, e.g. an “Inter-Parliamentary Friends of UN Action”.
- Parliamentarians are uniquely-placed to **promote the international rule of law**, by monitoring inclusion of sexual violence allegations in indictments; ensuring sexual violence is penalized and victims/witnesses are protected, as these elements of the *Rome Statute* risk being “lost in translation” when implementing legislation is drafted; and improving State cooperation with ICC arrest warrants. Rape should never be stricken from the historical record due to procedural impropriety or to expedite the caseload.
- New parliaments in countries emerging from conflict should **legislate to create a society inclusive of gender and other diversity**, removing the root causes of conflict and discrimination. Parliaments represent the will of the people, including the women that rapists seek to silence. If lasting progress is to be achieved in war-torn societies, **survivors’ voices must be at the centre of the debate**. Women’s **protection and empowerment** should be the twin pillars supporting sexual violence response efforts.
- **Gender-sensitive justice and security-sector reform** should include: vetting past perpetrators; upholding military discipline; making the uniformed services accessible to women; and including the prohibition of sexual violence in military and police training.
- SCR 1325 calls for **greater involvement of women in peacekeeping** recognizing their comparative advantage in sexual violence response. Composition of contingents is determined by troop/police-contributing countries – women must be better represented.
- States must **prosecute** members of their armed/security forces repatriated for sexual exploitation and abuse, committed while serving as part of a peace support operation.
- Effective laws and policies must be designed to **protect children born of rape**, such as laws that forbid prejudicial naming. Recognizing such children as citizens is not only a human rights matter: it undercuts the motivation for forced pregnancy campaigns, namely to alter/fracture the composition and cohesion of a group.
- Rape victims face specific obstacles to accessing justice: police/investigative teams are predominantly male; the process often humiliates and retraumatizes; confidentiality and security are not guaranteed; reparations are rare. There are practical steps by which parliaments can counter the culture of impunity for sexual violence. They can exercise **oversight with regard to security sector reform; budgetary allocations** can include **reparations/trust funds for victims**; sex-disaggregated data can include sexual violence

and embrace a victim-centric/**service-delivery model of data-collection; women's/child rights treaties should be ratified** without reservation; support for peace processes could be conditioned on **women's participation** and the **exclusion of sexual violence from amnesty provisions**.

- *An Analytical Inventory of Responses by Peacekeeping Personnel to War-Related Violence Against Women*, will be published in 2009 under UN Action auspices. Parliaments should ensure it is **widely-disseminated** at the national level; translated into **doctrine** and **training objectives**; and **reflected in military manuals**.
- **Regional security bodies** (NATO, EU, AU, ECOWAS) should bolster their sexual violence response capacity and share good practices/lessons learnt.