



Module on Prevention and Response to Conflict Related Sexual Violence

Ser	Time	Session	Subject	Remarks
1	30 Min	Module I	CRSV Video “Prevent, Deter and Protect”	20 Min Video & 10 minutes discussion
2	45 Min	Module II	An Overview to Conflict Related Sexual Violence	30 Min Presentation and 15 Min discussion
3	45 Min	Module III	Role of the UN Police Component in Prevention and Response to CRSV	
4	45 Min	Module IV	Procedural Aspects in Addressing Conflict-related Sexual Violence	
5	1 hr 15 Min	Module V	CRSV Scenarios	Interactive
6		Handouts	<ol style="list-style-type: none"><li>1. Peacekeeping Addressing CRSV</li><li>2. CRSV in Women, Peace and Security</li><li>3. Terms and Definitions</li><li>4. Legal Aspects of CRSV</li><li>5. Rules of IHL Related CRSV</li><li>6. Situational Awareness to Address CRSV</li><li>7. Early-warning Indicators</li><li>8. Roles and Responsibilities of FPU, Commanders and police peacekeepers.</li><li>9. Role and Responsibilities of CRSV Focal Points</li><li>10. Link between HIV-AIDS and CRSV</li><li>11. Best Practices in addressing CRSV</li></ol>	



## Module 2

### Module 2: An Overview to Conflict Related Sexual Violence

*“In no other area is our collective failure to ensure effective protection for civilians more apparent - and by its very nature more shameful - than in terms of the masses of women and girls, but also boys and men, whose lives are destroyed each year by sexual violence perpetrated in conflict”*

Mr. Ban Ki-moon

United Nations Secretary-General

#### Introduction.

Conflict-related Sexual Violence (CRSV) in many conflict and post-conflict situations is one of the worst global protection challenges due to its scale, prevalence and profound impact. Motivated by political, military or psychological objectives to control territory, population or resources; CRSV is frequently and deliberately used to target vulnerable populations; inflicting psychological trauma, humiliation, displacement, health hazards and sometimes even death. The widespread use of sexual violence in conflicts such as in Rwanda, the Former Yugoslavia, and Sierra Leone led to the adoption of Security Council resolution 1820 in 2008. The Council recognised that the deliberate use of sexual violence as a tactic of war exacerbates situations of armed conflict, impeding peace and reconciliation. Subsequent resolutions, 1888 (2009), 1960 (2010) and 2106 (2013), established the Women, Peace and Security (WPS) framework to combat CRSV through prevention, coordinated response, and accountability.

CRSV is an extension of institutionalized and widespread societal discrimination against women that predates the outbreak of conflict. The continuum of violence and discrimination women face during times of peace is further exacerbated by conflict. In many cultures, social, political and religious norms identify women and girls as the property of men and/or as sexual objects. Violence directed at women is often considered as an attack against the “values” or “honour” of a society and is therefore a particularly potent tool of war. Punishing or dehumanizing women and girls are likely to have a devastating effect on the entire community to which they belong. Even after the formal end of a conflict and the deployment of UN peacekeepers, women and girls remain targets for violence, and physical and economic insecurity continue to characterize their lives. Often, it is exacerbated when the perpetrators and victims are living in the same community, where the ‘Rule of Law’ is ineffective/defunct and the community restraining mechanisms are non-existent. The climate of impunity that exists in most post-conflict contexts allows gender-based violence to flourish. When perpetrators are not held responsible, sexual violence is likely to de-generate into a widespread or systematic crime. Political will at all levels is essential to end the vicious cycle of impunity.

#### Aim.

To provide an overview of the relevance, challenges and organisational response to Conflict-Related Sexual Violence from a strategic perspective.

#### Learning Outcomes.

The learning outcomes set for the strategic level module include the following:

- a. Comprehend the threats of CRSV and imperatives for collective response.
- b. Understand the UN definition of CRSV and its differences with related terms.
- c. Understand ground realities, patterns, motives, targets and perpetrators of CRSV.
- d. Understand the legal dimensions and implications.

#### Scope.

The strategic level module is designed to predominantly sensitise and enhance awareness of the Troop Contributing Countries (TCC), Field Missions, and at UN Headquarters (HQ) on prevention and response to CRSV. In addition, the module can also be used by the Police and Civilian personnel. The module provides the following:



- a. Part I : Conflict-Related Sexual Violence: An Overview.
- b. Part II : CRSV - Realities, Patterns, Potential Victims, Perpetrators and Motives
- c. Part III : Conflict-Related Sexual Violence: Legal Aspects.

### **Part I: Conflict Related Sexual Violence: An Overview (Mandate, Definitions, Principles, Linkages and Differences)**

#### **CRSV Mandate.**

The UN Security Council has specifically mandated UN peacekeeping operations (e.g. MINUSCA, MINUSMA, MONUSCO, UNAMID, UNMISS and UNOCI) to address CRSV from a political, peace and security perspective and stressed protection of civilians (PoC) to also include all forms of sexual violence. The mandate also usually includes (but not limited to):

- a. Provision of specific protection for women and children (most of the CRSV victims are girls);
- b. Deployment of Women’s Protection Advisers (WPA);
- c. Establishing Monitoring, Analysis and Reporting Arrangements (MARA);
- d. Monitoring, help investigating, reporting and preventing sexual violations and abuses; and,
- e. Contributing to efforts to identify and prosecute perpetrators.

Preventing CRSV is also core to the human rights mandate. In coordination with gender, justice and other components as appropriate, the human rights component shall contribute to – inter alia – analysis of sexual and gender-based violence; devise effective strategies to prevent and respond to sexual and gender-based violence; devise effective strategies to prevent and respond to sexual and gender-based violence; support the establishment or implementation of laws, policies, institutions and practices which safeguard the equal rights of women and girls and protect all individuals against sexual and gender-based crimes in accordance with legally binding human rights treaties; and ensure accountability for violations and remedy for victims.<sup>1</sup>

#### Note:

- Combating CRSV and protecting human rights is a host State responsibility.
- UN peacekeeping missions support the host State in prevention and response to CRSV and additionally take effective measures to combat CRSV when and where state authorities are weak, inadequate or non-existent.

#### Definition.

**Definition of Conflict-Related Sexual Violence<sup>2</sup>.** According to UN Action Against Sexual Violence, “CRSV refers to incidents or (for SCR 1960 listing purposes) patterns of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity<sup>3</sup>, against women, men, girls or boys”. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern<sup>4</sup> (e.g., political strife). They also have a direct or indirect nexus with the conflict or political strife itself, i.e. a temporal, geographical and/or causal link<sup>5</sup>. In addition to the international character of the suspected crimes

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<sup>1</sup> OHCHR/DPKO/DPA/DFS Policy on Human Rights in Peacekeeping Operations and Political Missions (2011), para. 50.

<sup>2</sup> ‘Analytical Framing of Conflict-related Sexual Violence’ United Nations Action Against Sexual Violence in Conflict.

<sup>3</sup> E.g. sexual mutilation, emasculation and branding, forced marriage/abortion/incest, etc.

<sup>4</sup> Situations of political unrest, including pre and post-electoral violence as witnessed in Kenya, Guinea and Côte d’Ivoire., where reports suggest that sexual violence was used to serve political ends and to target opponents, are relevant even when they do not reach the threshold of armed conflict. These can be considered ‘other situations of concern’ in the sense of the UN Charter. Sexual violence as part of the repertoire of political repression also warrants analysis from the perspective of early-warning and prevention.

<sup>5</sup> Temporality: the requirement of proximity between the act of sexual violence and the period of conflict. For 1960 reporting purposes, sexual violence can be considered conflict-related over the following time horizon: when it occurs in a context of instability that may escalate to armed conflict; when it occurs during armed conflict; when it occurs during a period of occupation or against persons deprived of their liberty in connection with conflict; and when it takes place in the aftermath of conflict but prior to the restoration of State capacity/authority; Geography: the requirement that acts of sexual violence occur in conflict-affected areas; and Causality: the existence of conflict must have played a substantial part in the perpetrator’s ability or decision to commit sexual violence, the manner in which it was



(that can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of torture or genocide), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/weakened State capacity, cross-border dimensions and/or the fact that it violates the terms of a ceasefire agreement.

Note:

- Refer **Handout I** for definitions of rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence, sexual violence, sexual and gender based violence/gender based violence (SGBV/GBV), sexual exploitation and abuse (SEA), harmful practices, and survival sex.

## Part II: CRSV - Context, Patterns, Potential Victims, Perpetrators and Motives

### Overview.

The use of CRSV is extremely powerful and destructive; and can take many violent and torturous forms. In a conflict or post-conflict setting, sexual violence may be committed either as opportunistic or pre-planned manner, while the magnitude and brutality may vary in both the cases. It is important to know the context and realities on ground, which civilians are vulnerable to specific threats and why; who is threatening them and why; how they are threatening and what are their capabilities to carry out the threat.

### Context in Which CRSV Occurs.

CRSV is under-reported by victims/survivors and their family members; and are under-responded by the communities as well as national law and order machinery. Some of the realities on ground are:

- a. Gender inequality and discrimination prior to the conflict will exacerbate the use of CRSV during the conflict; hence CRSV disproportionately affects women and girls, even though men and boys are also targeted. Gender discrimination, inequality and lack of respect for women's rights must therefore be addressed to comprehensively tackle CRSV;
- b. CRSV may be widespread, endemic and invisible and its extent is difficult to ascertain, thereby making prevention efforts extremely challenging. UN peacekeepers must however presume the presence of CRSV in areas of deployment in order to take credible and comprehensive measures to identify and address it;
- c. CRSV can have serious and long term consequences on survivors, which include *inter alia*, physical injuries to the reproductive and urinary tract systems, pregnancy, sexually transmitted diseases including HIV, mental trauma, death (in certain cases) and marginalization including physical ostracization and banishment;
- d. In many instances, the children born of rape are rejected by the mother/family/community, leading to deprivation and destitution;
- e. Cases remain unreported/under-reported (lack of reports of CRSV does not mean a lack of incidents) due to poor security and/or a lack of trust in the rule of law, and cultural barriers resulting in shame, stigma, and fear, as well as limited services. All these factors contribute to a culture of impunity;
- f. State authorities and institutions are commonly non-existent or dysfunctional contributing to a culture of impunity for incidents of CRSV, lawlessness, debilitating moral standards, impunity and inadequate responses. Lack of repercussions for incidents of CRSV can fuel a culture of 'Sexual Predation';
- g. Social welfare mechanisms, health infrastructure, security and law enforcement agencies, justice and correction systems may be inadequate or non-existent, and unreceptive (when people in authority themselves are the perpetrators) creating obstacles in securing justice;

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committed or the purpose for which it was committed. This excludes ordinary criminality that continues at pre-conflict levels and lacks a direct or indirect nexus with conflict. A relevant inquiry may be the extent to which sexual violence is exacerbated by the conditions of conflict and ensuing displacement or detention.

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- h. Weak or non-existing health infrastructure in most conflict and post-conflict areas prevent/restrict the access of victims to medical services, which are urgently required given the prevalence of sexually transmitted diseases among many CRSV perpetrators; and,
- i. Victims of CRSV also face enormous obstacles in accessing justice, either through established courts and judicial structures or more informal, community-based mechanisms. In the light of inadequate or unreceptive law enforcement agencies, many women are reluctant to file complaints against their attackers.

### Potential Victims of CRSV.

Broadly, potential victims of CRSV may be categorised as:

- a. Rival socio-ethnic-religious individuals/groups/communities and associated people.
- b. Other groups (disabled, elderly, orphans, detained persons, IDPs, refugees<sup>6</sup>, LGBT, etc.).

**Trends and Patterns.** CRSV is usually committed as part of/during:

- a. Targeted attacks against community settlements (houses/hamlets/villages/towns/hospitals/schools);
- b. Attack on religious/cultural institutions/monuments impacting inmates and surrounding population;
- c. Attack on IDP sites/refugee camps or protection sites/safe havens;
- d. Waylaying of women and girls during routine survival/economic activities; e.g. farming, routes to markets, seeking water and firewood;
- e. House to house searches and looting;
- f. During abduction/kidnapping/hostage taking;
- g. Predatory attacks/practices;
- h. Increased vulnerabilities (during political strife, displacements, etc.);
- i. Forcible obtaining of logistical support (carry weapons/warlike stores/forced labour, etc.);
- j. Abduction/forced recruitment of boys and girls;
- k. Punitive strikes/retribution against rival communities/groups;
- l. Scorched Earth Policy (in the wake of withdrawal/vacation and prior to the arrival of opposing armed group, National security forces or UN forces);
- m. DDR processes;
- n. In detention as a form of torture and intimidation; and,
- o. Extensive use of sexual violence by violent extremist groups as part of their strategic objectives.

### Perpetrators.

Both State and non-State actors have been identified as perpetrators of CRSV. Perpetrators primarily include,

- a. State actors; such as civil/military/police/gendarme officials/entities; and,
- b. Non-State actors; such as armed actors/groups, militias, organised criminal networks, former combatants, young men brutalised by conflict etc.

### Note:

- Engagement with each category requires gender sensitivity, as well as specific and tailor-made approaches, instruments and responses.

### Motives for CRSV in Conflict or Post-Conflict Situations.

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<sup>6</sup> The situations where refugees are most vulnerable to acts of sexual violence are prior to flight, during flight, during repatriation operations and during reintegration phases. Refugees identified to be most at risk of being subjected to sexual violence are unaccompanied women, lone female heads of household, unaccompanied children, children in foster care arrangements, those in detention or detention-like situations. Men, women and children in the above situations may be targeted for abuse by the government, the police, the military or other officials in the country of origin as also by the country of asylum (Chapter-1, Paragraph 1.2 of UNHCR Guidelines on Preventing and Responding to Sexual Violence Against Refugees).



The motives regarding the use of CRSV will be different from one mission's operational environment to another, from region to region, and perpetrator to perpetrator. Principal motives for committing CRSV include:

- a. Control of a population (through terrorising/intimidation); territory (vital terrain, cities, trade routes, etc. including through forced displacement) and natural resources (mining areas, natural resources, etc.);
- b. Deliberate targeting of ethnic/religious communities such as through political repression, sectarian violence, ethnic cleansing, dehumanisation, change ethnic/religious makeup of community/prevent further growth, spread HIV etc.); and,
- c. Humiliate men and women (in the presence of family members or community) through rape and incest.

### Part III: Conflict Related Sexual Violence: Legal Aspects

CRSV is a gross violation of International Human Rights Law (IHRL), grave breach of International Humanitarian Law (IHL), International Criminal Law and International Customary Law. CRSV is also a crime in most national legal systems. SCR 1820 (2008) reiterated that sexual violence in armed conflict is a threat to international peace and security. It can (depending on circumstances) constitute war crime and/or crime against humanity and/or a form of torture and/or a constituent act of genocide (under International Criminal Court). It can also be commissioned as a 'tactic of war' to deliberately target civilians, or as part of a widespread or systematic attack against civilian populations', linked with military or political objectives and serve a strategic aim. CRSV is a preventable and punishable crime. UN plays a significant role in ending impunity by assisting the host State in preventing and responding to CRSV and bringing the perpetrators to justice.

#### Note:

- Refer to **Handout II** for "Legal Aspects Related to CRSV"
- Refer to **Handout III** for "Rules of International Humanitarian Law Related to CRSV"

### Conclusion

The scale and brutality of the sexual violence often committed against women in armed conflicts amount to war crimes and crimes against humanity and are violations of international human rights and humanitarian law. Therefore, it is imperative that the UN and the international community continue to intensify actions to end violence against women and girls, as well as men and boys. Impunity remains an important impediment to the prevention of sexual violence. Effective investigation and documentation of alleged sexual violence is decisive in proving that it has taken place, bringing perpetrators to justice and ensuring reparation and redress for survivors and their families. UN peacekeepers can play an important role in preventing and addressing sexual violence, and should receive appropriate predeployment training in this regard. Most multidimensional peacekeeping operations have the mandate to protect civilians under imminent threat of physical violence.

The UNPOL Component plays a crucial role in protecting vulnerable women and girls in the peacekeeping Mission through preventive and stabilisation operations. PoC being a priority obligation, UNPOL commanders must be responsive to address operational challenges in time and space, and be ready to use force within the framework of the ROE.

#### Takeaways:

Following are the important takeaways:

- a. Rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls or boys in a conflict or post-conflict situation constitute CRSV.



- b. CRSV is a violation of international human rights, humanitarian, criminal, refugee and customary law and is punishable and preventable.
- c. CRSV is usually under-reported and therefore under-responded.
- d. At the strategic level, CRSV is addressed through the peace process; women's participation; political engagement, eliciting commitments; human rights monitoring and investigations; listing of perpetrators; imposing sanctions and judicial processes.
- e. UN peacekeeping missions, particularly the military and police peacekeepers have a solemn obligation to protect civilians, including the women and girls who are often targets of CRSV.
- f. A coordinated and coherent response at the strategic, operational and tactical levels is essential to effectively address CRSV challenges.
- g. Peacekeeping Missions are required to institute proactive measures and credible responses to prevent CRSV, protect vulnerable sections of population and address potential/impending/on-going threats.
- h. Mission Mandate, ROE/DUF, CONOPS, Operations Order, and other directives provide clear directions on role, responsibilities and mission essential tasks of the FPU.
- i. UNPOL peacekeepers must be cognizant of legal aspects and its operational implications, while undertaking preventive actions and responding to CRSV challenges.
- j. All operations must conform to the mandate and the mission-specific ROE.
- k. At the heart of any intervention regarding CRSV is the priority protection and assistance to the survivors, witnesses and community.