



Handout

Forms of Sexual Violence in Armed Conflict That are Considered as Serious International Crimes

[Rome Statute: art. 7(1) (g); art. 8(2) (b) (xxii), art. 8(2) (e) (vi)]

1. **Rape** is defined as invasion of the body of a person by conduct resulting in penetration however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or body part; and the invasion was committed by force or by threat of force or coercion against such person, or by taking advantage of a coercive environment or the invasion was committed against a person incapable of giving genuine consent.
2. **Sexual slavery** occurs where a person exercises any/all of the powers attached to the right of ownership over a person (such as purchasing, selling, lending or bartering such a person or persons) or imposing on them a similar deprivation of liberty; and causes such person or persons to engage in one or more acts of a sexual nature.
3. **Enforced prostitution** is where a person is made to engage in one or more acts of a sexual nature; by force, threat of force or coercion against such a person, or by taking advantage of a coercive environment or such person's incapacity to give genuine consent; and the perpetrator or another person obtained or expected to obtain pecuniary or other advantage in exchange for or in connection with the acts of a sexual nature.
4. **Forced pregnancy** is where a woman forcibly made pregnant; is confined; and this act is undertaken with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.
5. **Enforced sterilization** is the deprivation of a person's biological reproductive capacity which was not justified by the medical or hospital treatment of the person concerned or carried out with the person's genuine consent. This does not include non-permanent birth control measures.
6. **Other forms of sexual violence of comparable gravity** are acts of a sexual nature against one or more persons or acts that cause such person or persons to engage in an act of sexual nature by force, or by threat of force or coercion against such person or persons or another person; or by taking advantage of a coercive environment or such person's or persons incapacity to give genuine consent; and such conduct was a gravity comparable to the other offences mentioned above. They may include (depending on circumstances):
 - a. Indecent assault.
 - b. Trafficking.
 - c. Inappropriate medical examinations.
 - d. Strip searches.

Other Related Terms/Definitions

CRSV is recognised as a self-standing issue of concern to the Security Council. It should not be treated as synonymous or interchangeable with the following categories:

- a. **Sexual Violence**¹. Sexual violence describes acts of a sexual nature which are perpetrated without a person's consent, often by force or coercion. According to WHO², sexual violence is: *'any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to*

¹ OHCHR glossary.

² Understanding and Addressing Violence against Women: Sexual Violence, World Health Organisation, Technical Document, 2012.



traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting'.

- b. **Sexual and Gender Based Violence (SGBV) and Gender-based violence (GBV)**³. According to the UN Interagency Standing Committee (IASC), the term gender-based violence (GBV) is used to distinguish common violence from violence that is directed against individuals or groups of individuals on the basis of their gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While women, men and boys and girls can be victims of gender-based violence, women and girls are the main victims. In post-conflict countries levels of SGBV are specifically high. All UN peacekeepers are required to address both SGBV and CRSV. Some of the examples of SGBV are:
- i. Domestic Violence;
 - ii. Harmful Traditional Practices (e.g. female genital mutilation - FGM).
 - iii. Sexual Assault/Abuse/Rape.
 - iv. Sexual Exploitation.
 - v. Physical Violence.
- c. **Sexual Exploitation and Abuse (SEA)**⁴. Any actual or attempted abuse of a position of (i) a position of vulnerability, (ii) differential power; or (iii) trust, for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual abuse refers to the actual or threatened physical intrusion of a sexual nature, which can occur by force, or under unequal conditions, or under coercive conditions. Sexual abuse becomes sexual exploitation when a second party benefits – through making a profit or through a *quid pro quo* – through sexual activity. This may include forced and trafficking for the purpose of sexual exploitation. In situations involving children, the issue of consent is irrelevant. Child sexual abuse is the involvement of a child in a sexual activity to which he or she is unable to give informed consent (and may not fully comprehend), or for which the child is not developmentally prepared and cannot give consent, or which violates the laws or social taboos of society. SEA is prohibited conduct for all UN staff and is sanctioned through a specific set of UN rules and procedures. The Secretary-General's Bulletin (ST/SGB/2003/13) applies to all staff of the UN, including staff of separately administered organs and programmes of the UN. UN forces conducting operations under UN command are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children. SEA amounts to individual infractions of the rules of conduct and discipline, addressed elsewhere in the UN system.
- d. **Harmful Practices**⁵. Harmful practices are persistent practices and forms of behaviour that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering. The harm that such practices cause to the victims surpasses the immediate physical and mental consequences and often has the purpose or effect of impairing the recognition, enjoyment and exercise of the human rights and fundamental freedoms of women and children. There is also a negative impact on their dignity, physical, psychosocial and moral integrity and development, participation, health, education and economic and social status. Practices should meet the following criteria to be regarded as harmful:
- i. They constitute a denial of the dignity and/or integrity of the individual and a violation of the human rights and fundamental freedoms enshrined in the CRC and CEDAW Conventions;
 - ii. They constitute discrimination against women or children and are harmful insofar as they result in negative consequences for them as individuals or groups, including physical, psychological, economic and social harm and/or violence and limitations on their capacity to participate fully in society or develop and reach their full potential;

³ IASC definition for GBV and (DPKO/DFS GENDER FORWARD LOOKING STRATEGY, 2014-2018.

⁴ SG/SGB/2003/13.

⁵ CRC/CEDAW General Recommendation 31.



- iii. They are traditional, re-emerging or emerging practices that are prescribed and/or kept in place by social norms that perpetuate male dominance and inequality of women and children, on the basis of sex, gender, age and other intersecting factors;
- iv. They are imposed on women and children by family members, community members or society at large, regardless of whether the victim provides, or is able to provide, full, free and informed consent.

Female genital mutilation/cutting (FGM/C) or child marriage should not be reported as conflict-related sexual violence unless specific justification can be provided.

- e. **Survival Sex**. Survival sex will not fall within the rubric of conflict-related sexual violence as premised on international law, unless the circumstances are coercive and vitiate consent.