



BACKGROUND NOTE

Sexual Violence: a Tool of War

"It has become more dangerous to be a woman fetching water or collecting firewood than a fighter on the frontline."

-- UN Special Representative on Sexual Violence in Conflict, Ms. Margot Wallström, February 2012

The victims of modern armed conflict are far more likely to be civilians than soldiers. According to UN Action Against Sexual Violence in Conflict, the vast majority of casualties in today's wars are among civilians, mostly women and children. Women in particular can face devastating forms of sexual violence, which are sometimes deployed systematically to achieve military or political objectives.

Rape committed during war is often intended to terrorize the population, break up families, destroy communities, and, in some instances, change the ethnic make-up of the next generation. Sometimes it is also used to deliberately infect women with HIV or render women from the targeted community incapable of bearing children.

In Rwanda, between 100,000 and 250,000 women were raped during the three months of genocide in 1994.

UN agencies estimate that more than 60,000 women were raped during the civil war in Sierra Leone (1991-2002), more than 40,000 in Liberia (1989-2003), up to 60,000 in the former Yugoslavia (1992-1995), and at least 200,000 in the Democratic Republic of the Congo during the past 12 years of war.

Even after conflict has ended, the impacts of sexual violence persist, including unwanted pregnancies, sexually transmitted infections and stigmatization. Widespread sexual violence itself may continue or even increase in the aftermath of conflict, as a consequence of insecurity and impunity. And meeting the needs of survivors – including medical care, HIV treatment, psychological support, economic assistance and legal redress – requires resources that most post-conflict countries do not have.

Recognizing sexual violence as an international crime

For centuries, sexual violence in conflict was tacitly accepted as unavoidable. A 1998 UN report on sexual violence and armed conflict notes that historically, armies considered rape one of the legitimate spoils of war.

During World War II, all sides of the conflict were accused of mass rapes, yet neither of the two courts set up by the victorious allied countries to prosecute suspected war crimes – in Tokyo and Nuremberg – recognized the crime of sexual violence.

It was not until 1992, in the face of widespread rapes of women in the former Yugoslavia, that the issue came to the attention of the UN Security Council. On 18 December 1992, the Council declared the “massive, organized and systematic detention and rape of women, in particular Muslim women, in Bosnia and Herzegovina” an international crime that must be addressed.

Subsequently, the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY, 1993) included rape as a crime against humanity, alongside other crimes such as torture and extermination, when committed in armed conflict and directed against a civilian population. In 2001, the ICTY became the first international court to find an accused person guilty of rape as a crime against humanity. Furthermore, the Court expanded the definition of slavery as a crime against humanity to include sexual slavery. Previously, forced labor was the only type of slavery to be viewed as a crime against humanity.

The International Criminal Tribunal for Rwanda (ICTR, 1994) also declared rape to be a war crime and a crime against humanity. In 1998, the ICTR became the first international court to find an accused person guilty of rape as a crime of genocide (used to perpetrate genocide): The judgment against a former mayor, Jean-Paul Akayesu, held that rape and sexual assault constituted acts of genocide insofar as they were committed with the intent to destroy, in whole or in part, the Tutsi ethnic group.

The Rome Statute of the International Criminal Court, in force since July 2002, includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or “any other form of sexual violence of comparable gravity” as a crime against humanity when it is committed in a widespread or systematic way. Arrest warrants issued by the ICC include several counts of rape as both a war crime and a crime against humanity.

Although changing international and national laws are major steps towards punishing and ending sexual violence, they cannot be successful without a fundamental change in people’s attitudes towards the sexual abuse of women.

“Right now, the woman who gets raped is the one who is stigmatized and excluded for it,” says Dr. Denis Mukwege Mukengere, director of Panzi hospital in Bukavu in the Democratic Republic of the Congo. “Beyond laws, we have to get social sanction on the side of the woman. We need to get to a point where the victim receives the support of the community, and the man who rapes is the one who is stigmatized and excluded and penalized by the whole community.”

The UN Security Council

The United Nations Security Council has done much in recent years to help raise awareness and trigger action against sexual violence in conflict:

- Security Council resolution 1325 (2000) called on Member States to increase the participation of women in the “prevention and resolution of conflicts” and in the “maintenance and promotion of peace and security.” It called upon parties involved in armed conflict to abide by international laws that protect the rights of civilian women and girls and to incorporate policies and procedures that protect women from gender-based crimes such as rape and sexual assault.
- Security Council resolution 1820 (2008) called for an end to the use of brutal acts of sexual violence against women and girls as a tactic of war and an end to impunity of the perpetrators. It requested the Secretary-General and the United Nations to provide protection to women and girls in UN-led security endeavours, including refugee camps, and to invite the participation of women in all aspects of the peace process.

- Security Council resolution 1888 (2009) detailed measures to further protect women and children from sexual violence in conflict situations, such as asking the Secretary-General to appoint a special representative to lead and coordinate the UN's work on the issue, to send a team of experts to situations of particular concern, and to mandate peacekeepers to protect women and children.
- Security Council resolution 1889 (2009) reaffirmed resolution 1325, condemned continuing sexual violence against women in conflict situations, and urged UN Member States and civil society to consider the need for protection and empowerment of women and girls, including those associated with armed groups, in post-conflict programming.
- Security Council resolution 1960 (2010) asked the Secretary-General to list those parties credibly suspected of committing or being responsible for patterns of sexual violence in situations on the Council's agenda. It also called for the establishment of monitoring, analysis, and reporting arrangements specific to conflict-related sexual violence.

UN Action – coordinating UN efforts to end conflict-related sexual violence

In 2007, the work of various UN agencies to combat sexual violence was put under one umbrella: UN Action Against Sexual Violence in Conflict, uniting the work of 13 UN entities. It is a concerted effort by the UN system to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors.

UN Action has, for example, supported the design and implementation of the first-ever Comprehensive Strategy on Combating Sexual Violence in the Democratic Republic of the Congo, as well as the Joint Government-UN Programme on Sexual Violence in Liberia.

Funded by the Australian Government's Aid Agency (AusAID), UN Action has also, together with the Department of Peacekeeping Operations and the Special Representative of the Secretary-General on Sexual Violence in Conflict, documented best peacekeeping practices in addressing conflict-related sexual violence. From initiating firewood patrols in Darfur to establishing market escorts, night patrols and early-warning systems in the Democratic Republic of the Congo, the Analytical Inventory of Peacekeeping Practice catalogues direct and indirect efforts to combat sexual violence during and in the wake of war.

UNiTE to End Violence against Women

In 2008, Secretary-General Ban Ki-moon launched UNiTE to End Violence against Women – a campaign to prevent and eliminate violence against women and girls in all parts of the world, in times of war and peace. The campaign brings together a host of UN agencies and joins forces with individuals, civil society and governments to put an end to violence against women in all its forms.

The Secretary-General's Special Representative

In 2010, following Security Council resolution 1888, the Secretary-General appointed Margot Wallström as Special Representative of the Secretary-General on Sexual Violence in Conflict. The job of the Special Representative is to provide coherent and strategic leadership, and to promote cooperation and coordination through UN Action.

When she took up her position in March 2010, Ms. Wallström outlined five priorities for her mandate:

- ending impunity;
- empowering women;
- mobilizing political leadership;
- increasing recognition of sexual violence as a tactic and consequence of conflict; and
- ensuring a more coherent response from the UN system.

In line with her priority to fight impunity for crimes of conflict-related sexual violence, Ms. Wallström was instrumental in negotiating with armed groups in the Democratic Republic of the Congo in 2010, which resulted in the arrest of “Lieutenant Colonel” Mayele, suspected of mass rape in the eastern part of the country earlier the same year. Ms. Wallström’s office has also developed a Matrix of Early-Warning Indicators of Conflict-Related Sexual Violence to help analysts and protection actors identify the “red flags” of imminent sexual violence.

“Conflict-related sexual violence is not specific to one country or continent: it is a global problem,” Ms. Wallström said when presenting the Secretary-General’s annual report on conflict-related sexual violence around the world to the Security Council in February 2012.

The report, “Conflict-related sexual violence: report of the Secretary-General,” released on 13 January 2012, for the first time names some of the military forces, militia and other armed groups that are suspected of being among the worst offenders. The groups listed in the report include the Lord’s Resistance Army in the Central African Republic and in South Sudan, armed militia groups and former armed forces in Côte d’Ivoire, and the armed forces of the Democratic Republic of the Congo.

The report provides examples of how sexual violence has threatened security and impeded peacebuilding in post-conflict situations, such as in Chad, the Central African Republic, Nepal, Sri Lanka, Timor-Leste, Liberia, Sierra Leone, and Bosnia and Herzegovina, and how it has been used in the context of elections, political strife and civil unrest in Egypt, Guinea, Kenya and Syria, among others.

Speaking to the Security-Council in February 2012, Ms. Wallström also emphasized the need to protect not only women and children but also men from sexual violence, expressing particular concern about the reported sexual abuse of men in detention in Syria as a method of extracting intelligence.

In March 2012, Ms. Wallström and Under-Secretary-General for Political Affairs, B. Lynn Pascoe, unveiled new guidelines to help mediators address the problem of sexual violence in conflict by placing the issue high on the agenda when brokering peace agreements and ceasefires. This guidance, funded through UN Action, “critically rethinks how we conceive and implement ceasefire and peace agreements,” said Ms. Wallström. “It provides ways of framing agreements that go beyond simply silencing guns – but stopping tactics of terror, such as rape.”

For more information, please see:

UN Action and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict: **www.stoprapenow.org**

UNITE to End Violence against Women: **www.un.org/en/women/endviolence**

Outreach Programme on the Rwanda Genocide and the United Nations: **www.un.org/preventgenocide/rwanda**