



United Kingdom
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United Nations

Accountability as Prevention: Ending Cycles of Sexual Violence in Conflict

Open Debate on Conflict-Related Sexual Violence

United Nations Security Council 10am, Wednesday 13 April 2022

Objective

Security Council Resolution 1820 (2008) first established conflict-related sexual violence as a self-standing security issue over a decade ago. Despite the robust resolutions, conventions and treaties that have followed, sexual violence continues to occur in many conflicts across the world with almost total impunity. This annual open debate provides an opportunity to ask what more we can do to reduce conflict-related sexual violence and deliver justice and accountability for survivors in fragile, conflict and post-conflict settings. In particular, the debate will focus on strengthening accountability and addressing the culture of impunity around these crimes, as a means of delivering justice for survivors, holding implicated individuals, States, and non-State actors to account and preventing future violence. The debate will consider gaps in the delivery of justice and assistance to survivors, as well as ways to reinforce the international architecture.

Background

A global challenge: Country contexts

Conflict-related sexual violence is rife in areas suffering from conflict and humanitarian crises. There are multiple country contexts globally where these crimes are a daily occurrence, including Afghanistan, the DRC, Ethiopia, Iraq, South Sudan, Syria, Ukraine, and elsewhere.

In Syria, conflict-related sexual violence continues to be reported in regime prisons and detention settings. Yet stigma, reprisals, and fear of “honour killings” contribute to severe under-reporting of these crimes. The protracted crisis has led to a shift in harmful social norms such as early and forced marriage. The decade-long Syrian conflict saw its first conviction for conflict-related sexual violence offences in January 2022. A court in Koblenz, Germany, reached a landmark ruling (under universal jurisdiction), charging a former regime high-ranking security service officer, Anwar Raslan, with 58 murders, rape, sexual assault, and the torture of at least 4,000 people in Syria between 2011 and 2012. The indictment was amended to include – for the first time – charges of sexual violence as crimes against humanity committed as part of a widespread or systematic attack, for which Raslan was ultimately convicted.

In the conflict in northern Ethiopia, serious human rights abuses and violations of international humanitarian law have been documented, including ethnically targeted sexual violence against women and girls. Lack of humanitarian access to Tigray has prevented survivors from receiving

lifesaving services, including health and psychosocial support. Compounding this situation, there are also reports of sexual exploitation and abuse due to scarcity of cash, fuel, and other essential items. The Government of Ethiopia has established an Inter-Ministerial Task Force, with a subcommittee focusing on sexual and gender-based violence, and an investigation and prosecution team to deploy to concerned regions to gather evidence.

The reality and impact of conflict-related sexual violence

In conflict and post-conflict settings, sexual violence continues to be used as a tactic of war, torture, terror, and political repression, inflicting devastating suffering upon survivors and their families. Survivors are at risk of further brutality and abuse, including displacement and human trafficking. Many survivors experience negative long-term consequences and post-traumatic stress, and are distinctly vulnerable to discrimination and social stigmatisation.

Gender inequality persists as both a root cause of sexual violence and an obstacle to effective prevention and response efforts. Critical support and services are often inaccessible in conflict settings, leaving survivors without medical care or psychosocial support. Even when services are available, survivors may be afraid to seek them out due to shame or a fear of being ostracised by their communities. Fear of reprisals may make it untenable for survivors to escape their attackers. The spike in sexual and gender-based violence during the COVID-19 pandemic coincided with limited access to health and psychosocial care and limited redress options for survivors. The full magnitude of this already chronically under-reported crime is unknown.

International frameworks

States bear the primary responsibility for preventing and addressing sexual violence, and should comply with international law and the UN Security Council's normative framework on conflict-related sexual violence.

The Security Council adopted resolutions 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013), 2212 (2013), 2242 (2015), 2331 (2016) and 2467 (2019), which condemned all acts of sexual and other forms of violence committed against civilians in armed conflicts, particularly women and children. The effectiveness of these resolutions, however, depends on the level of compliance by State and non-State actors. The Security Council has enabled significant political and operational progress by demanding compliance and mandating the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict to support efforts to bolster Rule of Law institutions and improve redress for survivors.

Yet every new wave of warfare brings with it new risks of conflict-related sexual violence. The current environment provides an opportunity for us to consider the extent to which Security Council resolutions based on international humanitarian law, international criminal law and international human rights law – and the accountability mechanisms linked to them – are effective, and how we can work collectively to reinforce and sustainably support the international architecture that has been established since 2009.

Pathways to justice and accountability

Access to justice and accountability for survivors is an essential element of a multi-sectoral and holistic response to conflict-related sexual violence, and access to legal redress is a key component of international humanitarian law, international criminal law and international human rights law. However, barriers to investigation and prosecution remain, including: physically inaccessible police stations and courts; the prohibitive costs of legal representation; fears of backlash; and insufficient knowledge of one's rights.¹ Persistent barriers make it difficult to convert cultures of impunity into cultures of accountability. Survivors may also prefer other forms of accountability, such as human rights investigations or truth and reconciliation processes.

Accountability mechanisms can serve as a strong deterrent to future violence, and should be established early and operate visibly. In many conflict settings, pathways to justice require capacity building with key national-level actors. Holding perpetrators – whether individuals, State, or non-State actors – to account is essential to building inclusive democracy and fostering trust in national institutions. Renewed support by national, regional, and international actors will therefore be fundamental to tackling conflict-related sexual violence and sustaining accountability efforts.

A survivor-centred approach

The human rights of survivors must be at the heart of all responses. There exist core standards for the safe and effective documentation and recording of survivors' experiences – respecting their rights regarding dignity, privacy, health and justice. Although the majority of conflict-related sexual violence is perpetrated against women and girls, it is also targeted at men, boys and people with diverse sexual orientation, gender identity or expression and sex characteristics. Survivors have different needs, perspectives, and identities and may face complex and intersecting forms of discrimination.

In its resolution 2467 (2019), the Security Council recognised the need for a survivor-centred approach in preventing and responding to sexual violence in conflict and post-conflict situations, including access to medical and psychosocial care. The Council also acknowledged that accountability for sexual violence required the provision of legal recourse for survivors, fully acknowledging their needs for rehabilitation, justice and reintegration.

Key challenges

Substantial gaps remain in the areas of prevention, accountability, compliance, and reparations. The Secretary-General's reports point to extremely low levels of compliance by parties to conflict (S/2021/312). Prevention efforts, accountability measures, and protective legal frameworks are important signifiers of compliance with Security Council resolutions. Despite the international community's repeated calls upon parties to conflict to comply, these measures prescribed are inadequately respected, implemented and enforced.

Another critical challenge is the protection of survivors and witnesses from reprisals. Many individuals who promote accountability or report these crimes to the world are also targeted for

¹ IASC (2019a) The Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming https://www.unfpa.org/sites/default/files/pub-pdf/19_200_Minimun_Standards_Report_ENGLISH-Nov.FINAL_.pdf

their work. Without a firm commitment to ensuring the safe documentation of their testimonies and protection from intimidation and reprisals, justice for survivors is an empty promise.

Guiding Questions

Participants are encouraged to consider the following questions:

- How can we strengthen political will at the national, regional, and international levels to address challenges to the prevention of conflict-related sexual violence? How can we best leverage existing legal frameworks and UN mechanisms, including sanctions regimes?
- How can we hold States accountable for perpetrating or allowing conflict-related sexual violence to happen? How can we also ensure accountability for non-State actors implicated in committing, commanding or condoning CRSV?
- How can we bolster accountability efforts and increase compliance with international legal frameworks, including through training and gender-responsive security sector reform?
- How can the international community better identify and mitigate the risks of CRSV and improve systems for early-warning and early response, including in periods of political instability, rising violent extremism, forced displacement, and escalating armed conflict?
- How can we strengthen respect for survivors' rights and promote improved access to care, rehabilitation, reparations and reintegration? What more can we do to empower survivors?

Format and Briefers

The open debate will be chaired by Lord (Tariq) Ahmad of Wimbledon, the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict and Minister of State for the United Kingdom.

The following speakers will brief the Security Council:

- Ms Pramila Patten – Special Representative of the Secretary-General on Sexual Violence in Conflict
- Ms Nadia Murad – Nobel Peace Prize Laureate and UNODC Goodwill Ambassador TBC
- Civil society briefer – details to be shared

Member States wishing to participate in person should inscribe their names on the list of speakers through the eSpeakers module of e-deleGATE. A letter addressed to the President of the Security Council, duly signed by the Permanent Representative or the Chargé d'affaires, a.i., requesting to participate in accordance with Rule 37 of the Council's Provisional Rules of Procedure must be uploaded to the eSpeakers module of e-deleGATE.