

Prevention and Response to Conflict-Related Sexual Violence

Lesson Plan I: Introduction to CRSV

Introduction.

1. 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.

Aim.

2. To provide an introduction to Prevention and Response to CRSV.

Scope.

3. The session on 'Addressing CRSV at the Mission level comprises:
 - a. Part I : CRSV Mandate.
 - b. Part II : Definition, Principles and Context of CRSV.
 - c. Part III : CRSV Legal Framework.
 - d. Part IV : CRSV Profile.
 - e. Part V : UN Approaches to Address CRSV.

Learning Outcomes.

4. The session intends to bring out the following:
 - a. Understand the specificities and requirements of the Mandate;
 - b. Comprehend the definition of CRSV, and principles and fundamentals of prevention and response;
 - c. Understand the legal framework, specifically with regards to CRSV and be able to distinguish from different types of violations;
 - d. Understand the context and profile of CRSV and be able to design mission-specific prevention and response measures;
 - e. Understand UN approaches at the strategic level that supports prevention and response at the Mission level. ; and,
 - f. Understand roles and responsibilities of UNHQ entities in addressing CRSV.

Part I: Mandate.

5. **Overview.** UN peacekeeping operations are specifically mandated by the Security Council to address sexual violence (where prevalent), 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.

Part II: Definition, Principles and Context of CRSV.

6. **Definition and Context.** *CRSV refers to incidents or patterns of sexual violence in conflict or post-conflict situations which include: 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. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g., political strife). It can have a direct or indirect nexus with the conflict or political strife. 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; the cross-border dimensions; and/or, the fact that it violates the terms of a ceasefire agreement.

7. **Principles in Addressing CRSV.** Following are the key principles for addressing CRSV:
 - a. **Primary Responsibility of Host State.** Prevention and response to CRSV, including prosecution and survivor assistance is the primary responsibility of the host State.
 - b. **UN Peacekeepers Responsibility.** UN peacekeepers are responsible to proactively prevent CRSV and take credible measures to respond effectively to potential, impending and ongoing CRSV (including when the State Governments are either unwilling or unable to prevent CRSV).
 - c. **Priority Obligation.** Protection of civilians is a priority obligation of UN peacekeepers; specifically of women and children.
 - d. **Mission-wide responsibility.** All Mission Components have a role to play in addressing CRSV. CRSV is comprehensively addressed jointly by the host State, UNCT, Mission and other partners in the conflict zone.
 - e. **Community-centric Approach.** Active engagement of all sections of communities, including women and girls is essential to understand security concerns and design appropriate response measures.
 - f. **Gender-sensitive Approach.** All operational responses must be gender sensitive and founded in fostering enhanced equality, participation, promotion, empowerment and protection of women and girls.
 - g. **Survivor-centric response.** At the heart of any intervention regarding CRSV is the priority of protection and assistance to the survivors, as well as witnesses and the community.
 - h. **Non-exclusivity.** CRSV mostly occurs in conjunction with other crimes and hence should not be addressed in isolation of other violations (such as, IHRL, IHL, etc.).
 - i. **Ethical Reporting.** Confidentiality of Survivor must be maintained.
 - j. **Integrity.** CRSV and SGBV may be prevalent concurrently in a conflict zone. UN peacekeepers are required to respond to both SGBV and CRSV.
 - k. **Preventability.** UN peacekeepers are mandated to prevent CRSV and respond effectively to threats and incidents.

8. **Context in Which CRSV Occurs.**
 - a. CRSV may be *widespread, endemic and invisible* – hence assume it is taking place and maintain required operational readiness;
 - b. The *extent and impact* of CRSV on communities is difficult to ascertain, thereby making prevention efforts extremely challenging - hence take credible and comprehensive measures to address it;
 - c. CRSV *disproportionately affects women and girls* – hence ensure their specific protection as a priority;
 - d. CRSV imposes *debilitating consequences* on survivors, and include *interalia*, physical injuries to the reproductive and urinary tract systems, pregnancy, sexually transmitted diseases including HIV, mental trauma, etc. - hence ensure highest priority in service delivery (medical, psycho-social, legal and economic) to the survivors of CRSV;
 - e. CRSV impacts Internally Displaced Persons (IDP) and Refugees as well as persons in DDR processes in greater magnitude – hence design specific protection measures to protect fleeing women and girls as well as those in IDP Camps;
 - f. CRSV *thrives in the midst of gender discrimination and inequality* – hence address it in a gender sensitive manner; promoting gender equality, participation and empowerment of women;
 - g. CRSV is *unreported or under reported* due to fear of perpetrators, social stigma or banishment and cultural issues – hence generate confidence and create conditions to improve reporting and end impunity;

- h. CRSV indicators usually presages an incident, and its recurrence can establish historic precedence, patterns and trends – hence establish early warning mechanisms to prevent it;
- i. CRSV should *not be confused with Sexual Exploitation and Abuse*, committed by uniformed and civilian peacekeepers – it is a disciplinary issue to be dealt with internally;
- j. CRSV may manifest as potential, impending or ongoing dimensions – hence UN peacekeepers are required to respond to all three dimensions appropriately as per Mission-specific Military-Strategic Concept of Operations (CONOPS), Rules of Engagement (RoE), Operations Order (OPORD), etc.
- k. Lack/fear of reporting; poor security conditions and lawlessness; debilitating moral standards; inadequate presence and capacities of State authorities and institutions; lack of faith in the rule of law; cultural barriers resulting in shame, stigma and fear; etc. contribute to a culture of impunity – hence address CRSV comprehensively through multi-sectoral approaches; and,
- l. Social welfare mechanisms, health infrastructure, 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 social justice – hence undertake specific measures to build capacities of State institutions.

Part III: CRSV Legal Framework.

9. 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.

Part IV: CRSV Profile.

10. **Overview.** The use of CRSV is extremely powerful and destructive. It is important for the commanders 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.
11. **Victims.** Broadly, potential victims of CRSV may be categorised as:
 - a. Rival socio-ethnic-religious individuals/groups/communities and associated people.
 - b. Other Personnel (disabled, elderly, orphans, detained persons, IDPs, refugees, etc.).
12. **Patterns and Trends.** Evidently trends and patterns of CRSV in UN peacekeeping context manifests during or as part of:
 - a. Attack against Internally Displaced People (IDP)/refugees (including in and around UN managed camps);
 - b. Attack on protection sites/safe heavens;
 - c. Attack on political leaders and their families;
 - d. Attack on people (Women and children associated with armed groups) undergoing DDR processes;
 - e. Attack on religious/cultural institutions/monuments impacting inmates and surrounding population;
 - f. Targeted attacks against community settlements (houses/hamlets/villages/towns);
 - g. Waylaying of women and girls during routine subsistence/economic activities; e.g. during farming, water/firewood collection, enroute to markets, etc.;
 - h. House to house searches;

- i. Abduction/kidnapping/hostage taking;
- j. Predatory attacks/practices;
- k. Increased vulnerabilities (political strife, displacements, etc.);
- l. Forcible obtaining of logistical support;
- m. Abduction/forced recruitment of boys and girls;
- n. Punitive strikes/retribution against rival communities/groups;
- o. Scorched Earth Policy (in the wake of withdrawal/vacation and prior to the arrival of opposing armed group, National security forces or UN forces); and,
- p. In detention as a form of torture and intimidation.

13. **Perpetrators.** Both State and non-State actors have been identified as perpetrators of SV in conflict. 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.

Explanation.

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

14. **Threats.** CRSV in general manifests in the following forms:

- i. Rape (including torture);
- ii. Sexual slavery (in camps and in the bush);
- iii. Forced prostitution/pregnancy and enforced sterilization; and,
- iv. Any other sexual violence of comparable gravity (e.g. sexual mutilation, emasculation and branding, forced marriage/abortion/incest, etc.).

15. **Motives.** The motives, patterns, and modus-operandi 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:

- i. Control of a population (through terrorising/intimidation); territory (vital terrain, cities, trade routes, etc. including through forced displacement) and natural resources (oil/mineral rich areas, etc.);
- ii. 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, ethnic cleansing, spread HIV etc.); and,
- iii. Humiliate men and women (in the presence of family members or community) through rape and incest.

Part V: UN Approaches to Address CRSV.

16. **Overview.** Given the changing nature of warfare, UN peacekeeping missions are increasingly expected to protect civilians, fight impunity and strengthen national judicial systems. Provided with a robust mandate, peacekeepers can play an important role in protecting civilians from SV during armed conflict.

17. **Framework at UN Headquarters.** Combating CRSV requires a holistic and comprehensive approach involving many actors including the UN, the international community, the host State and the parties to the conflict. At the UNHQ level, following entities support implementation of CRSV mandate:

- a. A '*Special Representative of Secretary General on Sexual Violence in Conflict*' (SRSG-SVC), appointed by the Security Council provides political direction to the mandate and strengthen coordination.
- b. A *Team of Experts* mandated by the Council provides legal and judicial expertise on combating CRSV upon invitation by governments
- c. *UN Action Against Sexual Violence in Conflict* develops a homogenous approach towards addressing CRSV within its network of 13 UN entities; and,

- d. The *Department of Peacekeeping Operations* (DPKO) operationalizes the resolutions and addresses prevention and response to CRSV from a political, peace and security perspective.
18. **Strategic Measures.** Collectively, the UN has instituted the following measures to streamline efforts to counter CRSV in conflict and post-conflict settings:
- a. Addressing CRSV Concerns in Peace Process. Addressing CRSV concerns in peace processes, mediation efforts, ceasefires and peace agreements.
 - b. Deployment of Women's Protection Advisers. Deploying Women Protection Advisors (WPA) in accordance with resolution 1888 (2009) to facilitate the implementation of SCR on WPS.
 - c. Dialogue With All Parties to the Conflict to Elicit Commitments. Political dialogue with all parties to the conflict to elicit commitments to prevent/stop committal of CRSV; promote responsibility and accountability; end impunity through judicial process and to protect civilians in compliance with international law.
 - d. Monitoring, Analysis and Reporting Arrangements (MARA). Establishment and implementation of monitoring, analysis and reporting arrangements on CRSV, including rape in situations of armed conflict and post-conflict and other situations, taking into account the specificity of each country.
 - e. Listing of Parties/Perpetrators. Parties credibly suspected of committing CRSV are listed in the Annual Report of the Secretary-General to the Security Council.
 - f. Imposing Sanctions. Applying targeted and graduated state-specific sanctions regimes by UN Sanctions committees against those who perpetrate and direct SV in Conflict.
 - g. Gender-sensitive Approach. Promoting equality, participation, empowerment and protection comprehensively.
 - h. Training and Education. Providing guidelines on comprehensive gender and CRSV training packages for all peacekeeping and civilian personnel.
19. **DPKO/DFS.** DPKO/DFS is responsible to operationalize the CRSV mandate in DPKO/DFS led UN peacekeeping operations. The mandate is mainstreamed through the Mission-specific directives/guidance, such as the Mission Concept and directive to the SRSG. The Office of Operations (through Integrated Operational Teams) maintains oversight on the CRSV mandate implementation. The Field Missions and WPAs are backstopped by the DPKO/DFS Sexual Violence Adviser, placed in the Policy, Evaluation and Training Division (DPET). DPKO/DFS provides the following support to the Field Missions addressing CRSV:
- a. Develops policy, guidance and training on prevention and response to CRSV;
 - b. Advises Senior Management and Mission leadership as required;
 - c. Mainstreams CRSV mandate at DPKO/DFS HQ (including Office of USG, Office of Operations, Office of Military Affairs, Office of Rule of Law and Security Institutions, Division of Policy, Evaluation and Training, Field Personnel Division etc.);
 - d. Promotes human rights and a gender-sensitive approach to implementation of CRSV mandate;
 - e. Coordinates/supports implementation of CRSV mandate with SRSG-SVC, UN Action Against SVC and other partners addressing CRSV; and,
 - f. Monitors trends and patterns of CRSV.

Takeaways.

20. Following are the key 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 crime 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; listing of perpetrators; imposing sanctions and judicial processes.
- e. Peacekeeping Missions are required to institute proactive measures and credible responses to prevent CRSV, protect vulnerable sections of population and neutralise potential/impending/on-going threats.
- f. At the heart of any intervention regarding CRSV is the priority protection and assistance to the survivors, witnesses and community.

Conclusion.

21. The scale and brutality of the SV often committed against women in armed conflicts amount to war crimes and crimes against humanity. 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 SV. Effective investigation and documentation of alleged SV 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 SV, 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.