

Sexual violence in conflict and post-conflict settings

By Inger Skjelsbaek

■ Executive summary

The laudable focus on assisting victims of sexual violence in conflict and post-conflict settings distracts attention from the need to focus on dealing with the perpetrators of such violence, which is the only way to prevent it from happening. The current British initiative is an attempt to do this. Generally, zero-tolerance policies regarding military sexual violence should be implemented and their implementation should be monitored, militaries should train their soldiers to avoid violent sexual behaviour and more men should be engaged to promote work on gender equality and against violent sexual behaviour. Another area that needs attention is the forgotten victims of sexual violence, including male victims of such violence and children born from rape.

Introduction

Sexual violence in conflict and post-conflict contexts is more documented, analysed and addressed than ever before. This development can be primarily attributed to an amplified attention by new stakeholders rather than new documentation that might suggest an increase in or the discovery of new patterns in the incidence of this particular form of violence. The overall aim of the engagement on this issue by international organisations, national governments, the NGO community, researchers, and others is a benign wish to improve the situation for victims and survivors of this kind of violence on the ground. The way to do this, however, is by no means straightforward, because the reasons for, as well as the impact of, sexual violence in times of conflict and post-conflict are multifaceted and diverse.¹ Ascribing remedies that would fit all situations is therefore difficult and any attempt to create policies, interventions, and programmes to address sexual violence in armed conflict and its aftermath must therefore be attuned to the cultural and situational context in which such violence occurs.

From a victim-centred to a perpetrator-centred focus

The immense attention to sexual violence crimes that has emerged stems from increased documentation of the harm experienced by sexual violence victims and survivors.

These efforts have been of the utmost importance in bringing the issue of sexual violence to the attention of decision-makers on peace and security issues. But this effort might have come at the cost of attention and policies directed at those who commit these crimes, i.e. perpetrators. It is therefore crucial that while the efforts to combat sexual violence in conflict and post-conflict setting maintains a strong focus on victims' and survivors' needs, an increased focus on how to prevent perpetrators from committing this kind of violence needs to be developed. *Preventing perpetrators from committing acts of sexual violence is the only way to effectively combat such violence in armed conflict.*²

The British initiative: addressing the culture of impunity

The British initiative launched in 2013 can be seen as an example of an effort to address the need to prevent perpetrators from committing sexual violence. Britain has chosen to make the fight against sexual violence in conflict and post-conflict settings a headline theme of its presidency of the G8 in 2013. The core element of the initiative is to address the culture of impunity for perpetrators by

1. increasing the number of perpetrators who are brought to justice, both internationally and nationally;
2. strengthening international efforts and co-ordination, and;

¹ For more on the various myths and misconceptions of sexual violence in war, see Cohen et al. [2013].

² For more on this theme, see Nordås (2013); Skjelsbæk (2012; 2013).

3. supporting national states to build their capacity to address sexual violence (Wilton Park, 2012).

This is an excellent initiative and serves to bring more dynamism and focus to initiatives that are already in place. The international criminal prosecution of sexual violence perpetrators in armed conflict, for instance, has been on the international agenda since the establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993, but there is wide recognition that the prosecution processes are slow and costly, and far too few are sentenced. In order for supranational, as well as national, criminal prosecution of sexual violence offenders in armed conflict to have a proper deterrent effect, these processes need to be made quicker and more comprehensive. The British initiative will be an important part of efforts to achieve this.

The soldier perpetrator

While international criminal prosecution might have a deterrent effect, it is clear that efforts to prevent perpetrators from committing acts of sexual violence cannot rely on this measure alone. Perpetrators come in many forms – male, female, in uniform, as civilians and in paramilitary units – and it will be difficult to address all perpetrator groups at once. But if we examine cases of the international criminal prosecution of perpetrators of crimes of sexual violence, the overwhelming majority are men in uniform. *This means that it is a particular military responsibility to prevent sexual violence from happening.* This responsibility rests on leaders in military structures who need to both train their men in gender-sensitive behaviour and react when they become aware that their soldiers are engaged in violent sexual behaviour both during and after conflict. The sexual violence perpetrator is not born a perpetrator, but becomes one through an intricate learning process. Far too often sexual violence seems to be part of a military behaviour that can be perceived as permissible because it is neither confronted nor addressed by the military leadership of various armed groups. Sexual violence then becomes part of a behavioural pattern that may appear as legal to individual soldiers because it is neither condemned nor prosecuted, and may even be encouraged. This also means that it is a behaviour that can be unlearned.³ Key measures to ensure that soldier perpetrators understand that sexual violence is criminal behaviour for which they will be prosecuted include:

- more thorough gender-sensitive training throughout the military training process and specifically in relation to conflict settings and operations;
- the monitoring of gender-sensitive military training and drawing lessons learned from before, during and after military engagement by soldiers; and

- holding military leaders responsible for the sexual violations of their soldiers.

Male leadership and engagement

In concert with the efforts suggested to address the soldier perpetrator, it is also clear that there needs to be stronger male engagement in the fight against sexual violence in conflict and post-conflict settings. Up until now women have largely spearheaded efforts and engagement in this regard, but slowly this is changing. *Male leadership on the international, national and community levels that openly addresses and condemns violent sexual behaviour is therefore of the utmost importance in order to demonstrate that this form of violence is not only a female concern.* Rather, sexual violence in war is a human rights concern, a development concern and an economic concern for affected families, communities and nations.⁴ There are already initiatives on various levels to address this as a male responsibility, such as the work of Dr Denis Mukwege at the Panzi Hospital in the Democratic Republic of Congo to help victims of sexual violence, which puts himself and his family at great risk;⁵ and the work of the NGO Promundo, working with men towards greater gender equality,⁶ and CARE in Burundi (Wallacher, 2012) with the Abatangamuco network, which comprises men working with other men to change violent behaviour. These and other such efforts work from the premise that greater gender equality is a way to provide a basis for preventing violent sexual behaviour. These are people and initiatives that deserve support, and they should be used as resources for others to learn about how to engage and take leadership.

Forgotten victim and survivor groups

Male victims of sexual violence

While the larger agenda on women, peace and security focuses principally on women's participation and protection needs, the narrower agenda of sexual violence formulated in UN Security Council Resolutions 1820, 1888 and 1960 forces us to broaden our conceptualisation of the intersection between gender and armed conflict. Men and women are found on both sides of the equation, as perpetrators and victims alike. This is for many an obvious fact, while for others it might be a complicating factor, since so many efforts to address sexual violence victims' needs are based on the notion that the victims are almost exclusively women and girls. *There is therefore a need to also address the needs of men as victims of sexual violence crimes.* It is especially in detention and prison settings that men are particularly vulnerable to this kind of violence. The Abu Ghraib prison scandal in Iraq in 2006 is a case in point, as well as studies from the judgments against sexual violence perpetrators from the ICTY, where two of the nine men who have been sentenced as principal perpetrators committed sexual violence crimes against male detainees (Skjelsbæk, forthcoming, 2013).

3 This is a point made by Egnell (2013).

4 For this reason, sexual violence concerns should also be placed on the agenda for conflict mediators. On how to do this, see UN DPA (2012).

5 <http://www.nytimes.com/2013/01/15/world/africa/denis-mukwege-doctor-who-aids-rape-victims-returns-to-congo.html?_r=0>.

6 <<http://www.promundo.org.br/en/>>.

Children born from rape

Sexual violence in both war and peace is different from other kinds of violence because it results, potentially, in children being born. The plight of these children is at best understudied, at worst overlooked and ignored. There is a real need to address the situation of these children in their respective communities and families. There are several issues to address such as their rights and legal status, e.g. vis-à-vis inheritance, land ownership and the like. There are also identity issues such as nationality and citizenship issues that can complicate the lives of these children. On a social and psychological level the potential for being ostracised by family and community is a serious danger and may be a breeding ground for future violent behaviour. *Initiating studies of best practices at the national, community and family levels vis-à-vis children born from conflict and post-conflict rape should therefore be given high priority.* Findings from such efforts should then be disseminated to national and civil society actors who will meet these children in schools and children's activities in order to address these children's needs on the many levels that they might occur.

Policy recommendations

A strong policy focus on prevention measures should be ensured by:

1. supporting the British initiative, which aims to prosecute more sexual violence offenders in war both nationally and internationally;
2. ensuring that military leaders give adequate training to prevent violent sexual behaviour by soldiers. This can be done by increased monitoring and reporting on gender-sensitive training in military settings;
3. ensuring that zero-tolerance policies regarding military sexual violence are upheld by asking for increased monitoring and reporting on this issue by the military leadership; and
4. engaging more men to promote work on gender equality and against violent sexual behaviour by commissioning studies and lessons learned from existing initiatives and organising meetings and workshops to disseminate findings to relevant groups and networks.

The focus on forgotten victims of sexual violence should be increased by:

1. critically investigating existing response mechanisms and psychosocial help for rape and sexual violence survivors and assessing how these may or may not disadvantage male victims; and

2. commissioning a comprehensive study of lessons learned about different family, community and national response mechanisms to children born from rape in various post-conflict settings.

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