



Sexual War Violence: From Reactive to Proactive Measures

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Summary¹

By defining sexual war violence as a weapon of war and a threat to international peace and security, UN SC Resolution 1820 challenges the international community's responses to sexual war violence, advocating a shift of focus from reactive to proactive measures.

Introduction

Sexual war violence is a widespread, illegal weapon of war, affecting thousands of women, girls, families and societies worldwide. The individual subjected to sexual war violence is deprived of physical integrity and her body is reduced to a means of communication between warring parties. At the same time, she is subjected to nationalist, ethnic, sexual and gendered manifestations of power. If she survives, the experience is likely to affect her physical, psychological, economic, social and political life, and also in the aftermath of conflict.

The effects of sexual war violence are profound, and its long-term societal consequences when affecting women and girls on a massive scale, are precisely what make it an extremely effective weapon. Thus, survivors' treatment and support are crucial steps towards a reconciled, functioning post-conflict society.

However, sexual war violence will not end with victims' rehabilitation and empowerment, and rape in war cannot be addressed with reactive measures alone.

A Threat to International Peace and Security

In June 2008, the UN Security Council (SC) unanimously adopted Resolution 1820 on sexual violence in conflict.

In it, the SC reiterates international laws according to which sexual violence may constitute war crimes, crimes against humanity and constitutive acts with respect to genocide. Further, the SC states that sexual violence may significantly exacerbate the armed conflict of which it is part, and impede the restoration of international peace and security.²

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² United Nations Security Council Resolution 1820 (S/RES/1820 (2008)).

Unlike previous resolutions, Resolution 1820 captures and recognizes the gravity of sexual war violence. As threats to international peace and security demand proactive, international action, Resolution 1820 marks a potential shift from an almost exclusive focus on established victim's support, to a more progressive approach in which preventive and protective proactive measures are key.

A year after the adoption of Resolution 1820, relief to established victims continues to be the primary focus of international responses to sexual war violence. As a result, sexual violence in armed conflicts remains an act of impunity, and social, political and economic sanctions still affect victims, not perpetrators.

It is pertinent to ask whether UN member states genuinely understand sexual war violence as a threat to international peace and security, acknowledge the gravity of such crimes, and realize the necessity of effective prevention to achieve durable peace, security and reconciliation, as established by the UN SC.

Crucial Areas

Prevention of sexual war violence and protection of potential victims cost more than a signature to international resolutions, or repeated declarations of good intentions. Preventive efforts must be practical, consistent and insistent. Here, I will focus on three crucial areas that the international community needs to address to follow up its obligations under Resolution 1820: Impunity, attitude change in armed institutions, and de facto protection of civilians.³

Accountability

As stressed in SC Resolutions 1820 and 1325 (2000) on Women, Peace and Security, impunity for wartime rape and sexual violence is a primary obstacle to the effective prevention of sexual violence during armed conflicts. Neither leaders responsible for sexual war violence and

³ These areas and measures are not exhaustive, and should form part of an integrative and multidimensional understanding and approach to address and prevent sexual war violence. The focus on prevention and protection is intended to supplement victim-oriented efforts and empowerment programs, not challenge them.

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for inaction in the face of it, nor perpetrators on the ground are sanctioned effectively.

Often highlighted for establishing international case law pertaining to sexual violence through its statute and convictions on sexual war violence charges, the International Criminal Tribunal for the former Yugoslavia (ICTY) provides a relevant example. During the war in Bosnia, 20,000 to 60,000 women and girls were raped, many of them gang-raped. The ICTY has convicted 24 individuals on charges of involvement in sexual violence. Of these, 13 were convicted based on their personal involvement in the act of rape or sexual violence, many of which were perpetrated against men.⁴ The utter discrepancy between the estimated numbers of victims in various conflicts and the actual numbers of convicted perpetrators renders sexual war violence a practically risk-free violation of international criminal law.

When national authorities and the International Criminal Court (ICC) fail to arrest and prosecute perpetrators of sexual violence in current and past conflicts, the principle of universal jurisdiction presents other states with the opportunity to do so. Some would say they are also, if able, obliged to do so.

Other measures on the local and national level include securing prison facilities, systematic efforts to end police corruption and support of accountable justice systems that protect and defend women's human rights. Accountability measures and sanctioning regimes should also address war profiteers, including corporations that directly profit from the continuation of war and from access to lands and resources provided by, inter alia, sexual war tactics.

Attitude Change

Most perpetrators of sexual war violence are boys and men who would have never raped or sexually assaulted during peacetime. But xenophobic, misogynist and heterosexist attitudes in armed institutions explode during armed conflicts and prepare the ground for wartime construction of soldier perpetrators of sexual violence. Thus, attitudes of soldiers and individuals on the ground may facilitate the implementation and success of war rape strategies. Yet they may also, if based on ideals of equality, equity and empathy, regardless of gender, sexual orientation and ethnicity, produce strong buffers against the will of opportunistic war leaders and profiteers.

Thus, national and international military training should challenge and sanction chauvinist attitudes, and emphasize compulsory education in international human rights and humanitarian law. Attitude change can be bolstered

⁴ See www.un.org/icty; Hogue, Anette B. (2008) *Wartime Rape and Sexual Violence. A qualitative analysis of perpetrators of sexual violence during the war in Bosnia and Herzegovina*. Oslo: University of Oslo [Master thesis].

through massive media campaigns and school curricula directed also at the general population.

Protection

When peacekeepers fail to protect civilians from war crimes, it is because their mandates are too weak, the troops are too few and/or a sufficient number of them are incompetent. During conflicts and post-conflict situations in which sexual violence is prevalent, it is imperative to provide peacekeeping missions not only with financial means, but with sufficient numbers of well-equipped and well-educated military and police personnel. Competent international troops can protect civilians and educate national and local military and police forces to prevent them from engaging in sexual violence and enable them to prosecute others that do.

In the Eastern DRC, where an estimated 200,000 women and girls have been raped so far, there is an acute need for greater numbers of competent troops for MONUC to be able to stop the femicide. When Western governments continuously fail to contribute this way, they defer the entire peacekeeping operation, which not only makes it more expensive, but also, more importantly, allows for unnecessary, unacceptable and avoidable human suffering on the ground.

Specific Recommendations for the Norwegian Government

With these focus areas in mind, there are a number of operational and concrete measures that the Norwegian government, and other actors, can undertake to demonstrate and effectuate their commitment to prevent and end sexual war violence:

- At the level of Head of State, political pressure and focus on sexual war violence should be increased, and the importance of preventing it, directed at states, organizations, corporations and institutions should be underscored.
- Effectuate sanctioning regimes towards states that fail to take the issue of sexual war violence in their own territories and/or committed by their own officials seriously.
- Continue and increase efforts to prosecute international war criminals in Norway. Under the principle of universal jurisdiction, it is important to investigate war crimes, pursue extraditions of war crime suspects by countries that fail to arrest and prosecute the suspects themselves, and assure de facto prosecution and the rule of international law under the Norwegian justice system.⁵

⁵ For more on the principle of universal jurisdiction, see <http://www.amnestyusa.org/war-on-terror/reports-statements-and-issue-briefs/universal-jurisdiction/page.do?id=1108003>

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- Prioritize and take up responsibility in UN Peacekeeping Operations, contribute a substantial number of troops to ongoing missions to respond to their repeated needs, and encourage other Western states to follow our example.
- Support evaluation and improvements of UN Peacekeeping missions' mandates when peacekeepers fail to protect civilians from sexual war violence.
- Support and commit to long-term efforts to produce attitude change pertaining to gender, sexuality and ethnicity, based on ideals of equality and empathy – in school curricula, media, military and police training worldwide.
- Norway ranks high on the list of the world's largest weapons' exporters, and the Norwegian weaponry industry increased its export revenues by 44.5 percent from 2007 to 2008. The vast majority of Norwegian weaponry is exported to NATO-allies from which Norway do not demand end-use certificates. NATO-allies in their turn export weapons and weapon parts to countries such as DRC, Sudan and Sri-Lanka, where sexual war violence forms part of the warfare. Norway can increase its impact on these conflicts through increased weapons' control, by limiting weapon production and exports, and by demanding end-use certificates also from its NATO-allies. Norwegian weaponry should be marked to facilitate tracing in current and future conflicts – in order to secure compliance with end-use declarations.⁶

Concluding Remarks

Resolution 1820 calls for proactive action to combat sexual war violence. The proposed focus areas and the preventive measures they entail suggest realistic, operational and to some extent immediate steps for that purpose. We are not left without possibilities to prevent sexual violence in wars and conflicts. The key question is whether and when UN agents and member states are willing to do so.

⁶ See <http://www.kirkensnodhjelp.no/no/Arbeidet-vart/Temaer-vi-jobber-med/Fred-og-forsoning/Artikkelarkiv-Fred-og-forsoning/Rapport-om-norsk-ammunisjonseksport/>