

ADDRESSING SEXUAL VIOLENCE IN AND BEYOND THE ‘WARZONE’

Conflict-related sexual violence remains pervasive across the globe, and its widespread use has been reported in Rwanda, Liberia, Northern Uganda, Democratic Republic of Congo (DRC), Sudan, Iraq, Libya and Syria. As world leaders prepare to gather in London for the Global Summit on Ending Sexual Violence in Conflict, it is important that they focus their attention on the multiple forms of sexual violence that occur in all conflict and conflict-affected settings, not just on its use as a ‘weapon of war’. This will be critical to ensuring that access to care and support for all survivors of sexual violence is improved and that these essential resources are delivered across state, humanitarian and development agencies, avoiding the creation of parallel and hierarchical support systems.

Measuring sexual violence and delineating conflicts

While conflict-related sexual violence is pervasive, measurements of the incidence and frequency of sexual violence in conflict vary widely. Estimates of the number of women raped during the Bosnian War varied from 20,000 to 50,000. In the 100 days of the Rwandan genocide an estimated 500,000 women were thought to have been raped. Studies also differ in the definitions of sexual violence and conflict, sampling, and in the categories of perpetrators used.

The majority of sexual violence survivors are civilians who are deliberately targeted by armed groups, which can be state-agents and non-state agents such as insurgents and rebels. Sexual violence does not only occur by those in authority in conflict- and post-conflict settings (like the camp leadership or state militia) but also by militant factions in contexts of simmering conflict. This was recently highlighted in Nigeria, with the abduction of a group of school girls (possibly for forced marriage and sexual slavery) by Boko Haram, a militant Islamic group.

The idea that sexual violence is primarily perpetrated by the state and armed militias is further nuanced by figures from the DRC. Reported sexual violence by armed factions in a conflict zone in DRC is almost 40 per cent among women and 24 per cent among men. Studies from other countries such as Uganda found similar high numbers among men, showing that both men and women experience sexual violence during armed conflicts. Yet a population-wide survey found that 71 per cent of Congolese women have been subjected to domestic violence. Since the end of the war between the north and south, 59 per cent of women in South Sudan have experienced domestic violence. In 2005, 20 per cent of all women in Colombia reported experiencing domestic violence, while the prevalence among internally displaced women who had come to the cities to seek protection from guerrilla violence was as high as 52 per cent.

There are a number of situations that are created by war or conflict where sexual violence prevails, but that are not internationally recognised conflict zones. Armed conflicts generate different forms of sexual violence - rape, sex trafficking, and survival sex - which affect men and women, and this requires different responses in terms of services and law enforcement. The presence of large groups of soldiers or insurgents also creates demand for ordinary sex work. In some urban environments sexual violence is so prevalent that they might feel as unsafe as a war zone.



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Interpreting and implementing international and national laws

It is only since the war in the former Republic of Yugoslavia (1992–95) that rape and other forms of sexual violence have been recognised as constituting war crimes, crimes against humanity, torture and even genocide. While international legal and policy frameworks increasingly criminalise and condemn the use of sexual violence in international and internal armed conflicts, they do so inconsistently. International humanitarian law focuses on armed conflicts and overlooks how conflict moves out from the warzone into camps and urban spaces where sexual violence is perpetuated. While international humanitarian law as well as refugee law applies to refugee camps, it does not apply outside of armed conflict zones, Internally Displaced Persons (IDP) camps or to cities where conflict-affected populations migrate. International human rights law applies across contexts but is limited in the sense that perpetrators have to be state agents. International criminal law can prosecute all individuals but international courts cannot possibly deal with the vast number of perpetrators of these crimes. Relatively few criminal convictions are recorded and cultures of impunity for warzone rape still prevail in many parts of the world.

Strengthening the implementation of human rights laws through national laws and enforcement agencies is critical and is something that the International Criminal Court (ICC) aims to promote. However, two issues arise. First, states do not consistently incorporate international law (like human rights and international criminal law) into their national legal framework. Second, even when they do, these laws may not be enforced in cities and IDP camps, allowing sexual violence to continue unhindered. Impunity may further deter survivors of sexual violence from seeking the necessary support and care they require.

Sexual violence in camps and urban areas: Implications for humanitarian responses

In this complex legal environment some forms of sexual violence end up being treated more seriously than others. Focusing on women and girls raped by soldiers poses a risk that legal and policy responses direct interventions to a small set of actors in conflict, missing many others in need of humanitarian resources and legal assistance. As the genocide ended in Rwanda, rape survivors were able to receive extensive medical support, with HIV care as an entry point for providing these resources. Now, however, it is far harder for women to access medical, or even social support when they are raped by their husbands or intimate partners in the less visible, far more private, spaces of their homes. In countries where same-sex relations are highly stigmatised or even criminalised in national law, men are afraid of reporting rape - including rape during a conflict - in case they are then prosecuted for engaging in a sex act that is a punishable offence. Discriminatory national policies, combined with poor understandings of actual laws and poor service provision make it extremely difficult for survivors to come forward and access care and support.

Existing studies on sexual violence in conflict situations predominantly focus on sexual violence committed by fighting factions: armies and non-state actors like insurgents. The Sexual Violence in Armed Conflict dataset shows that sexual violence by state and non-state actors is prevalent in most post-conflict situations, sometimes at very high levels. State and non-state governance and security arrangements that govern the spaces around warzones offer no guarantee that civilians are safe. This is particularly the case for refugees and conflict-migrants seeking safety in camps and cities.

Today only a third of the world's 10.5 million refugees live in camps, while the majority of people affected by conflicts and humanitarian crises seek refuge in cities. The International Red Cross (IRC) has identified migrants and young people as being most at risk of sexual violence in these settings. Slum areas are characterised by high levels of crime and the absence of reliable state institutions that establish security, and by levels of poverty that make women particularly vulnerable to sexual violence. Resettlement to cities to escape conflict offers no guarantee of safety for civilians. Female Somali refugees in Eastleigh - an urban slum in Nairobi, Kenya - report frequent instances of sexual assault and intimidation, including from the police during searches and identity checks.

The prevalence of sexual violence in refugee and IDP camps has been more widely recognised than sexual violence against conflict-migrants in cities. A recent meta-analysis of existing studies shows that one in five female refugees or IDPs living in camps or urban areas worldwide has experienced sexual violence while displaced. In 2011, 530 cases of sexual and gender-based violence were reported in Kakuma, a refugee camp in Kenya hosting approximately 100,000 migrants from Somalia, South Sudan, Eritrea and Ethiopia. Women were most frequently exposed to sexual violence when using washing facilities at night and when collecting firewood outside the camp.

Power dynamics in camps between camp governance structures and residents, coupled with the provision of limited relief supplies, also increase the risk of entering coercive and violent sexual relationships.

In displacement camps in northern Uganda (1996–2007) sexual abuse occurred due to the presence of the military and a powerful camp leadership that presided over the distribution of relief, and that traded this relief for sex. Domestic violence and sexual exploitation are also particularly acute in camps due to a lack of policing and due to patriarchy in the police force that makes police unresponsive.

Those who experience sexual violence in warzones, or once they have migrated to camps or cities, often have limited access to care. As a result, this has important implications for humanitarian organisations in terms of balancing assistance in camps with strategically directing resources to urban areas. In doing so, they are faced with the challenge of not duplicating existing services, while providing resources in areas that are often poor, already violent and possibly xenophobic

Developing more integrated care and support systems: Lessons from Nairobi and South Africa

Humanitarian resources need to be linked into the existing country-infrastructure to strengthen and systematise interventions to address sexual violence in conflict-affected settings, for women, children and men. In Nairobi a coordinated response strategy of government, UN Refugee Agency (UNHCR), humanitarian INGOs, national NGO and clinics and referral centres attempts to address these problems. These actors have started to develop a more networked system of referring refugees with health and trauma-related issues experienced in their home country, as well as while in Nairobi.

South Africa is one of the few countries in the world with a constitution that recognises the right of legal residents, irrespective of citizenship, to state-resources. Working with these legal provisions, the UNHCR has sought to streamline its humanitarian response to the health, employment and security needs of refugees in South Africa by working with the national government to systematise the integration of refugees into existing state-support systems, particularly in areas of health, shelter, social grants and employment. These efforts are laudable, and should be more widely adopted as part of a networked approach to providing sustainable humanitarian assistance to conflict-affected populations.

Engendering humanitarian interventions to address sexual violence

One of the greatest difficulties in addressing sexual violence in the very locations to which people have fled for safety is the persistence of sociocultural norms that reinforce gender inequalities. Conflict-affected settings are frequently those same areas in which gender-based violence is embedded through practices like forced marriage or female genital mutilation. DfID-funded research found that in Liberia, where forced or early marriage is prevalent, 75 per cent of the total population of women were raped during the 1999–2003 war, and many more in its aftermath. In the case of Liberia's post-conflict violence, 85 per cent of the women reported that they knew the perpetrator.

Although the majority of survivors of sexual violence are women, sexual violence also extends to men. At least 23.6 per cent of all men in eastern DRC report experiencing sexual violence at least once in their lifetime. This may entail being forced to watch their female family relatives being raped, or being raped themselves. Humanitarian interventions need to address the violent ways in which power is asserted by men, over both men and women, in and around conflict areas. This includes directing resources to returning soldiers, and those civilians who – as a result of conflict - are unemployed, displaced or landless. Working with a range of stakeholders in communities to design interventions that reconfigure rather than perpetuate harmful gender relations through sensitive and sustainable programmes is also critical.



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Recognising that sexual violence takes place in conflict-affected areas such as camps, the IRC and the Karenni Women's Organisation (KnWO) established a coordinated response that integrated health, housing and justice service provision along the Thai-Burma border. Importantly, the programme shifted entrenched gender-inequalities that fuelled sexual violence in Thailand.

Gendered dynamics of violence continue in post-conflict situations. Research in South Sudan shows that men felt disempowered during the conflict and started to reassert their authority in the community after the civil war. In response to ongoing insecurity, they established practices that would fulfil their gendered duties to protect their community. One such practice is to reduce women's mobility in order to limit their exposure to sexual violence. In these cases women find it difficult to carry out their everyday gendered responsibilities, such as collecting wood and water. When women follow the imposed rules, men punish them for not completing their duties, but when they break the rules to collect these resources they risk being beaten by their spouses.

In addition to the sexual violence that takes place by known individuals in camps and cities, there is also evidence of sexual abuse including trafficking by peacekeeping forces in conflict and post-conflict areas. This indicates that sexual violence is not just a strategy in armed struggles, but that conflict creates conditions in which it is able to persist.

Recommendations

Implementing a more integrated approach to addressing conflict-related sexual violence will require:

- Improved health information systems and collaboration between staff working on sexual and domestic violence with different mobile populations, including refugees and IDPs in urban settings.
- Strengthened and reformed justice systems to deal properly with sexual violence in (post) conflict settings. At a national level, this entails developing an environment in which evidence is gathered and perpetrators of crimes are prosecuted. Law enforcement officials, including the police and magistrates, who work in cities, camps and other areas affected by conflict need gender sensitivity and technical training on collecting and processing evidence.
- Humanitarian actors and development agencies to take a systematic approach when responding to sexual violence. This includes developing a continuum of care and support in urban contexts to provide and integrate medical, social and legal assistance for all survivors of sexual violence.
- Co-constructed interventions that are built and administered with affected communities, including refugee communities, to address gender inequalities and reconfigure sociocultural, political and economic norms that reinforce inequality and fuel sexual violence.

Further reading

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Credits

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