



SPECIAL REPORT

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ABOUT THE REPORT

Conflict-related sexual violence by armed groups and abuse of civilians by peace interveners are two problems that have been kept separate but would benefit from a more unified approach as their root causes are the same. This report was prepared by members of the Missing Peace Young Scholars Network, which is supported by the United States Institute of Peace; the Human Rights Center, University of California, Berkeley, School of Law; the Peace Research Institute Oslo; and Women In International Security, and led by senior experts Kathleen Kuehnast, Kim Thuy Seelinger, Inger Skjelsbaek, and Chantal de Jonge Oudraat. Assistance in preparing the report came from Network members Amanda Blair, Roudabeh Kishi, Michele Leiby and Carrie Reiling, while Jasmine-Kim Westendorf and Sabrina Karim provided invaluable feedback during the writing process.

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Sexual Violence, Exploitation, and Abuse Improving Prevention Across Conflicts and Crises

Summary

- Recent attention to sexual exploitation and abuse (SEA) on the part of military, police, and civilian personnel associated with UN peacekeeping operations and to conflict-related sexual violence (CRSV) by state and nonstate armed groups reveals policy silos that obscure similarities between the two and result in ineffective prevention efforts.
- Instead of being regarded as separate kinds of activities, SEA and CRSV are best seen as occurring on a behavior spectrum that ranges from strategically motivated to opportunistic.
- Much of this behavior revolves around power and is rooted in structural factors, including gender inequality, displacement, poverty, and economic deprivation.
- Policy responses need to go beyond an emphasis on accountability for CRSV, on the one hand, and the prevention of SEA through conduct and discipline on the other and address the underlying causes of sexual violence in conflict and postconflict situations, namely, gender inequality and the political, social, and economic vulnerabilities of civilian populations.
- Efforts to address SEA and CRSV should emphasize both legal accountability and appropriate conduct and discipline, as well as the root causes of such behaviors.

Introduction

Whether on the battlefields of Iraq and Syria or in the remote villages of South Sudan, sexual violence in the context of armed conflict, also known as conflict-related sexual violence (CRSV), has drawn increasing attention from researchers, activists, and organizations concerned with protecting vulnerable populations during war. As a result of the efforts of feminist scholars and activists beginning in the 1990s, CRSV now informs an important part of

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international policy agendas. It is criminalized under the Rome Statute of the International Criminal Court and is the subject of a number of significant UN Security Council Resolutions, collectively referred to as the Women, Peace and Security Agenda. UN Security Council Resolution 1325, adopted in 2000, drew attention to the gendered experiences of armed conflicts and emergencies and called for the protection of vulnerable populations against various forms of sexual and gender-based violence. Eight years later, in 2008, UN Security Council Resolution 1820 recognized CRSV as a “tactic of war” and a threat to “international peace and security,” stressing the significance of “ending impunity for such acts as part of a comprehensive approach to seeking sustainable peace.”¹

Similar developments have also taken place in the realm of sexual exploitation and abuse (SEA) by the military, police, and civilian personnel associated with UN peacekeeping operations (PKOs) and by humanitarian aid workers operating in conflict and emergency settings around the world. SEA occurring in the course of peace and humanitarian interventions has made headlines for more than a decade. In one of the better-known recent examples from 2016, UN and French peacekeepers found themselves at the center of allegations of child rape and sadistic sexual abuse in the Central African Republic, including reports of a French military commander tying up young girls and forcing them to have sex with a dog.² In the first half of 2017 alone, there were forty-one allegations of SEA by UN mission personnel. In seven cases the victims were under the age of eighteen.³

In parallel with efforts to recognize and criminalize CSRV, there has been a strong effort to prevent and eliminate SEA, reflecting the wider emphasis on experiences of sexual violence in war since the development of the Women, Peace and Security Agenda in the early 2000s.⁴ In March 2016 the UN Security Council adopted Resolution 2272, aimed at curbing SEA committed by those operating under UN mandates. In 2017 UN Secretary-General António Guterres named SEA a top priority. Corresponding efforts have also occurred in the humanitarian sector. In 2016 the Inter-Agency Standing Committee, the main coordination mechanism for humanitarian operations, reestablished the taskforce to support the implementation of measures to protect vulnerable populations from sexual exploitation and abuse on the part of humanitarian aid workers.

While progress in addressing both CRSV and SEA must be acknowledged, efforts to understand and mitigate sexual violence in conflict and emergency settings have been limited by the separation of the two in policy circles. CRSV has often been regarded as a “tactic of war” perpetrated by state and nonstate armed groups, requiring criminal accountability through prosecution. Conversely, SEA has usually been considered a matter of conduct and discipline to be addressed by and at the discretion of individual troop-contributing countries (TCCs) and humanitarian agencies.

The treatment of CRSV and SEA as separate issues has overlooked the similarities between the two and resulted in partial and ineffective policies for dealing with the problem of sexual violence in conflict and emergency settings. Patterns of CRSV by armed groups, on the one hand, and SEA by the military, police, and civilian personnel associated with UN PKOs and humanitarian organizations on the other have much in common and are best seen as existing on a spectrum ranging from ordered, strategic behavior to unordered, opportunistic behavior. Much of this behavior revolves around power and is rooted in structural factors, including gender inequality, displacement, poverty, and economic deprivation. Thus, policy responses for both CRSV and SEA need to go beyond an emphasis on accountability and prevention and address the underlying causes of gender inequality and the political, social, and economic vulnerability of civilian populations.⁵

This is critical, as failing to address both CSRV and SEA and the commonalities between them can lead to further insecurity, deepening the culture of impunity, undermining long-term

state stability, and exacerbating the fragility of conflict and disaster-ridden areas. Indeed, CRSV and SEA undermine peace and security and contribute to the breakdown in social and political order.⁶ Similar to state and nonstate armed groups, when peacekeepers and humanitarian aid workers exploit the vulnerability of those they are meant to protect and serve, it undermines their credibility while at the same time signaling to would-be perpetrators that acts of sexual violence are permissible.⁷ In the same way that CRSV is recognized as a threat to “peace and security,”⁸ so also should SEA, which also creates insecurity and undermines long-term stability, even if it is not acknowledged as doing so.

Moving beyond Stereotypes of Sexual Violence

CRSV is often identified based on two predominant patterns. The first is strategic sexual violence, or sexual violence used as a weapon of war. The second is opportunistic sexual violence. The strategic use of sexual violence as a weapon or tactic has frequently been conceptualized as the targeting of individuals, groups, or entire communities with rape and other sexual crimes to advance an armed group’s political or military objectives and to instill fear in the general populace.⁹ Researchers have long recognized the strategic deployment of systematic sexual violence across conflict and postconflict contexts, including as a strategy of ethnic cleansing¹⁰ for sexual humiliation and torture,¹¹ and as a tactic of political repression to thwart women’s political participation.¹² Opportunistic wartime sexual violence, by contrast, is often perceived as driven by individual motivations, such as sexual gratification, revenge, and status seeking, in which the chaos of war enables perpetrators to commit sexual crimes with impunity.

Recent research on CRSV, however, has looked beyond this binary interpretation of strategic and opportunistic violence and found that sexual violence in war exists on a spectrum. Elisabeth Wood, for example, has shown that CRSV reflects a mixture of both strategy and opportunity, a “practice” that is condoned but not directly ordered by commanders.¹³ For instance, commanders may permit certain acts of sexual violence, such as sexual slavery, as a form of compensation for participating in fighting.¹⁴ This has been said to be the case in South Sudan, where combatants are paid in the currency of “what they loot and the women they abduct.”¹⁵

Research on SEA is similarly moving away from simplistic understandings. Although SEA is regularly viewed as involving transactional and survival sex between peacekeeping and humanitarian interveners and the populations they serve, close to half of allegations of SEA encompass more serious offenses, including rape and sex with minors.¹⁶ While the United Nations documents and defines both acts of exploitation and abuse, prevention efforts must recognize and address the full range of behaviors. Instead of viewing SEA simply as sexual misconduct by individuals, Jasmine-Kim Westendorf and Louise Searle differentiate among four patterns of SEA perpetrated by peace interveners: opportunistic sexual abuse; planned, sadistic abuse; transactional sex; and networked abuse and exploitation.¹⁷ Viewed in this way, the motivations behind SEA, like those behind CRSV, exist on a spectrum that encompasses “related but distinct types of behavior” that thrive on and reinforce gender and material inequalities.¹⁸

As such, although SEA and CRSV are not always ordered by superiors in the chain of command, they have been widely tolerated forms of criminal behavior across conflict and emergency settings.¹⁹ Thus those in leadership positions—commanders of armed groups, heads of peacekeeping battalions, managers of humanitarian organizations—need to take responsibility for the actions of those working under them. In particular they need to create and adhere to effective complaint mechanisms, develop and implement codes of conduct, and investigate and hold to account perpetrators of sexual violence.

Root Causes of Sexual Violence in Conflicts and Emergencies

Over the past two decades, researchers have established connections among gender inequality, sexual violence, and armed conflict, which emphasizes that many of the elements that drive sexual violence in peacetime also drive sexual violence in wartime.²⁰ Sexual violence in armed conflict does not occur in a vacuum; it is rooted in preexisting peacetime gender inequalities and violence, such as forced or early marriage, domestic violence, and marital rape.²¹ In South Sudan, for instance, research has shown that CRSV in the context of the ongoing civil war is rooted in the local political economy of bridewealth that commodifies women and girls and treats them as property.²²

Material inequality, itself grounded in gender inequality, also contributes to CRSV by making civilians more vulnerable to attacks by armed groups as they seek to meet their basic needs, such as obtaining food and shelter. In another example from South Sudan, women living in the UN Protection of Civilians camps are sometimes forced to choose between staying inside the camps or leaving the camps in search of food and firewood to support their families, where they risk being raped outside the gates of UN bases by armed actors.²³

Many of the root causes of SEA comparably lie in the gender and material inequalities that exist between peace and humanitarian interveners and local populations.²⁴ The settings in which peacekeepers and humanitarians operate are largely unregulated, marked by economic collapse and nonexistent rule of law. These factors create an opportune environment for the exploitation of vulnerable civilians.²⁵ Because of the inherently unequal relationship between interveners and the people they serve, sexual acts can be demanded in exchange for protection and material support, with peacekeepers and aid workers withholding food, shelter, and other services until their sexual demands are met.²⁶

In this regard, it is worth noting that work on SEA has shown that higher levels of gender equality in TCCs for PKOs tend to be associated with lower levels of SEA allegations in the field.²⁷ Such evidence points to the important role of gender inequality in influencing the prevalence of sexual abuse by peacekeepers abroad. Accordingly, in much the same way that gender inequality feeds into the use of CRSV by armed groups, gender inequality in UN TCCs can also influence the likelihood that peace and humanitarian interveners will sexually exploit and abuse communities in host countries. Promoting gender equality at home thus becomes a critical step toward promoting gender equality during mission-based interventions.

Lessons for Preventing and Responding to CRSV and SEA

Although CRSV and SEA share clear similarities, policy responses for the two differ significantly. Policies for combating and ending CRSV strongly underline accountability, focusing especially on promoting justice for survivors and restoring trust in rule of law institutions, with the aim of deterring future crimes. This has led to huge investments to support capacity building in domestic courts and tribunals in conflict settings, including the development of specialized mechanisms for investigating, documenting, and, ultimately, prosecuting CRSV.²⁸ However, initiatives to prevent CRSV from occurring in the first instance, such as better training and rigorous vetting, remain relatively rare.

This stands in stark contrast to efforts to address SEA, which have emphasized prevention, stressing individual compliance through standards of conduct, recruitment, and training as the main vehicles for policy dissemination and enforcement. This has led to what Westendorf and Searle call the “individualization of responsibility.”²⁹ The approach along these lines largely foregrounds predeployment training based on the principles of the UN and humanitarian system.³⁰ However, efforts to hold perpetrators of SEA to account have been difficult,

with complaint mechanisms rarely established or well understood among the people they are intended to protect.³¹ The lack of accountability for SEA is reinforced by the fact that, at least in the case of PKOs, the responsibility to investigate reports of SEA and hold peacekeeping personnel accountable rests in the hands of TCCs. In 2016, UN Security Council Resolution 2272 introduced new punitive measures applicable to TCCs, including the repatriation of troops. If consistently enforced, such a measure has the potential to generate greater levels of collective responsibility, and thus greater collective security, by TCCs in particular.³²

Legal accountability needs to be accompanied by prevention in the form of conduct and training. Similarly, prevention in the form of conduct and training needs to be accompanied by legal accountability. What's more, the disparate emphasis on accountability for CRSV and prevention for SEA, respectively, has in both cases failed to address the underlying causes and consequences of gender inequality and vulnerability, such as resource access for civilian populations.

Recommendations

A policy focus on CRSV as strategic and opportunistic sexual violence and on SEA as a matter of individual misconduct has obscured the root causes these behaviors have in common. Thus, in developing recommendations for reining in, dealing with, and ultimately eliminating sexual violence in conflict and emergency settings, it is necessary to address the sociocultural conditions, as well as leadership, training, and agency focus.

- The root causes of sexual violence in conflict or postconflict situations are gender inequality, displacement, poverty, and economic deprivation. Many of these are structural factors that facilitate or devolve from unequal power relations. Promoting gender equality in PKOs and humanitarian interventions begins with greater gender equality in TCCs themselves. Once interveners are in the field, gender equality should be aided by increasing the number of women peacekeepers and officials in top-level decision-making positions across PKOs and humanitarian agencies. Supporting vulnerable civilian populations' access to an adequate livelihood and to resources to help mitigate the causes of vulnerability is the third leg of the stool. Here, access to resources should be understood as including access to redress for sexual violence committed against civilians.
- The emphasis on strategic and opportunistic sexual violence in the case of CRSV has lent itself to a focus on acts of sexual violence that are ordered by armed groups, ignoring sexual violence that is tolerated or condoned. Similarly, viewing SEA as an issue of individual misconduct primarily involving transactional and survival sex neglects the responsibility of leaders and managers for the range of SEA behaviors perpetrated by peace and humanitarian interveners. People in leadership positions (commanders of armed groups, heads of peacekeeping battalions, managers of humanitarian agencies) need to take responsibility for the actions of those in their charge. In particular, they need to build and adhere to effective complaint mechanisms, develop and implement codes of conduct, and investigate and hold to account those who resort to sexual violence. A zero-tolerance policy will only be effective if clear structures are in place to hold accountable those who perpetrate acts of sexual exploitation and abuse. Leaders and managers also need to make explicit statements in support of these processes to ensure others, especially in middle management, also take them seriously.
- Speaking across silos should encourage disparate bodies and agencies—such as the UN Special Coordinator for Preventing Sexual Exploitation and Abuse, the Inter-Agency Standing Committee's Prevention of Sexual Exploitation and Abuse

Task Force, and the UN Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict—to work more closely to find avenues where efforts to prevent and eliminate CRSV and SEA converge.

Conclusion

The similarities between CRSV and SEA should encourage policymakers to look more critically at the common issues and policy implications of these two streams of work. CRSV and SEA exist on a spectrum that encompasses related behaviors rooted in gender and material inequalities.³³ Developing a common understanding of CRSV and SEA can help policymakers better respond to and mitigate the factors that make civilians vulnerable to sexual violence in conflict settings, specifically gender inequality, displacement, poverty, and economic deprivation.

Notes

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