



Australian Red Cross
THE POWER OF HUMANITY

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**gender,
armed conflict
and humanitarian
response**

CRISIS CARE COMMITMENT

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A female member of the Ethiopian battalion of UNMIL joins the military observers in a parade after receiving medals in recognition of their contribution to the mission.
UN Photo/Christopher Herwig

This edition of the international humanitarian law magazine focuses on gender, armed conflict and humanitarian response.

International humanitarian law aims to prevent and alleviate human suffering in war without discrimination based on sex. During armed conflict, however, existing vulnerabilities are exacerbated and women, men, boys and girls face specific problems according to their gender. Women often become heads of households, are left to survive the conflict and search for their missing husbands, fathers and sons. Men are more likely to face conscription, threats to their life or detention. It is now widely understood that women also face the threat of sexual violence as a weapon of war. Less commonly understood is the fact that men face this same threat. A focus on gender in armed conflict and humanitarian response necessitates a rejection of the idea that women are passive victims and men are the aggressors. It is important to acknowledge the myriad ways in which both men and women participate in conflict and post-conflict situations.

In recent years the international community has acknowledged women's particular vulnerabilities in armed conflict and their importance to peace building through the UN Security Council Resolutions on Women, Peace and Security. In 2008 the UN Security Council passed resolution 1820 which articulated for the first time that the UN recognised rape as a tactic of war. The international tribunals for the former Yugoslavia and Rwanda and the Special Court for Sierra Leone have developed the jurisprudence of rape as a war crime. Rape has also been prosecuted as a crime against humanity and as a constituent act of genocide. These developments mean that those who commit crimes of sexual violence in conflict can no longer be guaranteed impunity from prosecution. There is, however, still a long way to go to ensure that sexual violence is no longer a fact of war.

Australian Red Cross is dedicated to raising awareness of this issue through a number of activities, including this magazine. In 2013 the International Red Cross Red Crescent Movement ran a workshop on sexual and gender-based violence in disasters and emergencies chaired by the Australian Red Cross. The workshop resulted in the development of a Movement wide working group that aims to carry this issue forward and to develop a coordinated global effort to address sexual violence.

In this edition of the magazine we bring you an overview of the current issues in gender and IHL. From the development of the jurisprudence in this area, to the UNSCRs on Women, Peace and Security, to the operational implementation of gender issues, to the experience of female combatants, and the courageous personal stories of victims of sexual violence in conflict.

We would like to sincerely thank all the contributors for their expertise, and also note our appreciation for DFAT's support of this magazine.

Michael Legge
President
Australian Red Cross

Robert Tickner
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Disclaimer: the articles contained within represent the views of the authors and not necessarily those of Australian Red Cross.



the development of prohibitions against sexual violence in armed conflict

By Anna Griffin,
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For centuries, sexual violence during armed conflict was widely viewed as part of the legitimate spoils of war. Even as customary law began to change this perception, there was little ability or interest to acknowledge, let alone prosecute such actions. Rape and other forms of sexual violence have also been used as strategic weapons and policies of war, designed to invoke terror, prove absolute power over a population and tear apart the fabric of communities that fall prey to such acts of violence. Jan Ruff O’Herne (p. 6) and Will Storr (p.10) both articulate the horrific personal consequences of such violence perpetrated during times of conflict. Rape and other forms of sexual

violence have traditionally been located as a crime committed solely against women but for a long time, under the remit of property law rather than against individuals with their own agency. However more recent legal developments acknowledge that although sexual violence can have a gendered role and particularly affect women, it is also a crime perpetrated against men with equally devastating consequences. An outline of the historical advances in response to sexual and gender-based violence is detailed in the timeline on pages 12 and 13.

Prior to the development of IHL treaty law in the late nineteenth century, laws governing conduct in war were

*Above: UNSC Considers Women’s Role
in Peace and Security
UN Photo/Eskinder Debebe*



*Democratic Republic of the Congo.
A young woman who was raped by soldiers and became pregnant. © WHO / M. Kobic*

primarily based in custom, bi-lateral agreements, military doctrine and religious codes. Many of these included a prohibition on rape with examples dating back as early as the 1300s. In 1863 the Lieber Code listed rape as one of the most serious violations of war, punishable by death. One of the earliest attempts at international codification of sexual violence was the Regulations to the 1899 Hague Convention II, which implicitly referenced a prohibition on sexual violence during occupation, stating 'family honour and rights...must be respected.' The same phrase was included in the 1907 Hague Regulations and

again following World War II in the indictment for the Tokyo trials.

International legal prohibitions against sexual violence during times of armed conflict were considerably expanded during the development of the 1949 Geneva Conventions and their 1977 Additional Protocols. The fourth Geneva Convention explicitly prohibits acts of sexual violence stating 'women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.' Like any law, the fourth Geneva Convention is a product of its time and subsequent developments in

the Additional Protocols updated language such as 'honour' found in the fourth Geneva Convention (which has been criticised as protecting honour itself rather than the physical integrity of the person) with references to 'dignity' and 'well-being'. The Additional Protocols also expanded the specific range of protections for women and children during times of armed conflict and introduced gender-neutral language on broad prohibitions against sexual and gender-based violence as 'fundamental guarantees'. This marked an acknowledgement that these violations of IHL affect both men and women. Additional Protocol II also expanded the gender-neutral protections against sexual violence articulated in Additional Protocol I to specifically include rape.

Despite attempts to prohibit and prosecute sexual violence and exploitation during times of conflict, only in the last two decades have strides been made to further develop international law in this area and end impunity to those who commit these crimes. For example and as discussed further by Kirsten Keith in her article on p. 8, rape is now not only a crime against humanity, but has also been successfully prosecuted as an act of genocide and a war crime. The statutory development of rape has developed as the ICTY and ICTR statutes have evolved, with rape explicitly listed as a war crime in the ICC Statute. Whilst the grave breaches provisions in the fourth Geneva Convention do not explicitly refer to rape, they do encompass other relevant acts such as torture, inhuman treatment or wilfully causing great suffering or serious injury to body or health. International developments in statutes of criminal tribunals and courts, along with the corresponding jurisprudence add much depth to our understanding of these acts, suggesting that rape has crystallised into the category of a 'grave breach' within the specifically articulated grave breaches crimes.

Similarly, just as the laws and jurisprudence around sexual violence in armed conflict evolved, so too has 'soft law' that complements and expands upon developments in this area. The UN Women, Peace and Security Agenda has ensured that a gendered perspective has become a central part of current security discourse. UNSC Resolution 1325 of 2000 was considered groundbreaking. It acknowledged for the first time the relevance of including women in peace negotiations, planning refugee camps, peacekeeping operations and post-war reconstruction. Importantly the resolution made gender equality relevant to every Security Council action from mine clearance to elections to security sector reform.

In 2008 UNSC Resolution 1820 focused on sexual violence in armed conflict. For the first time the UN recognised rape as a tactic of war and acknowledged that sexual violence is a barrier to building sustainable peace. The then US Secretary of State Condoleezza Rice stated that "sexual violence profoundly effects not only the health and safety of women, but the economic and social stability of their nations." Natasha Stott Despoja (p14), Sarah Douglas (p16), and LTCOL Darleen Young (p18) each discuss the implementation of UN Security Council resolutions on the Women, Peace and Security Agenda by the government, UN Women, and military respectively.

In addition to Security Council resolutions, there have been Secretary General's Bulletins, G8 statements, human rights law and policy instruments and civil society projects, which together with the 2010 establishment of the UN Special Representative of the Secretary General on Sexual Violence in Conflict, have all contributed to developing the ways in which sexual violence in wartime is viewed and subsequently prosecuted in a variety of fora. The prohibition

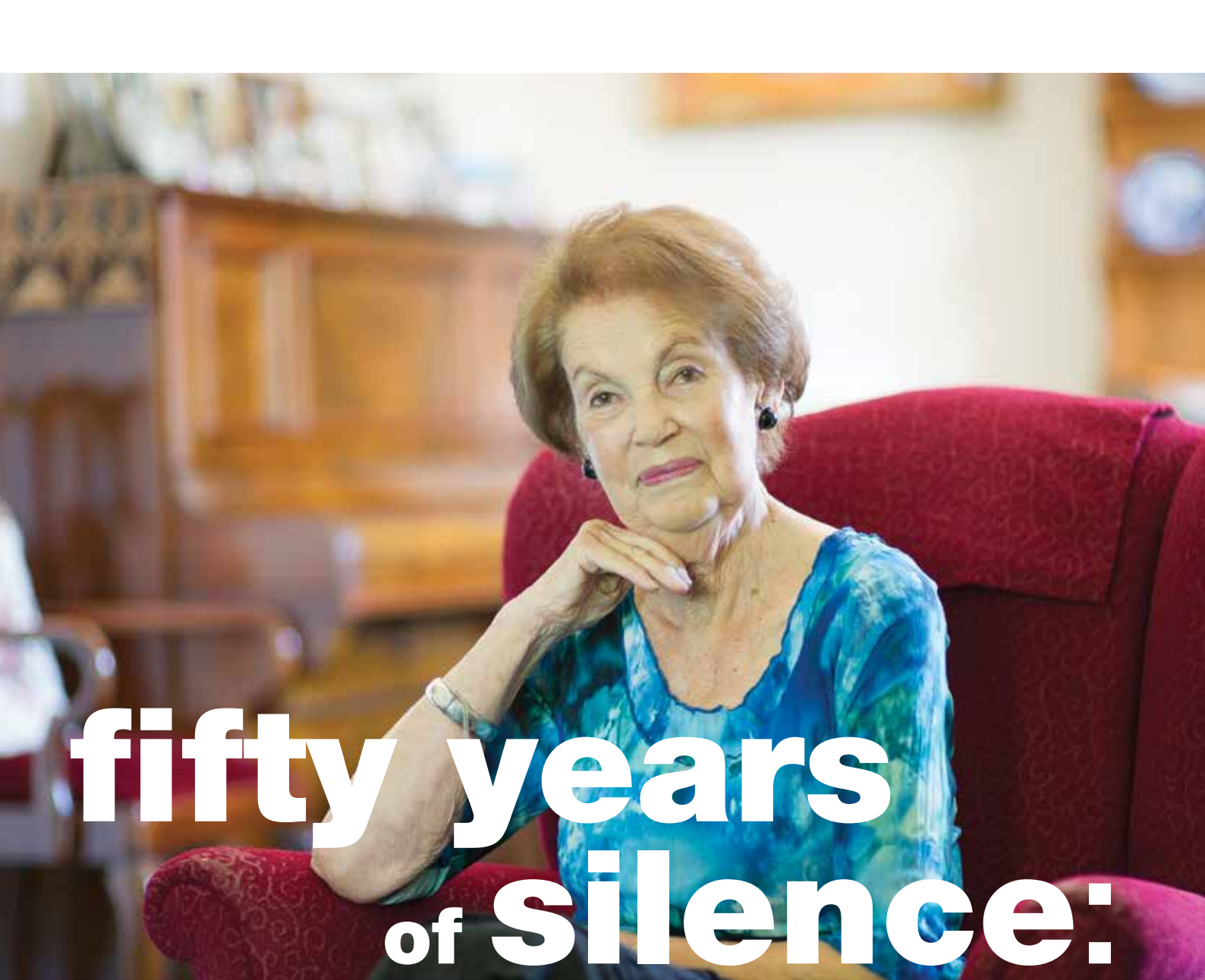
of sexual violence in armed conflict is also documented as a rule under customary international law for both international and non-international armed conflicts.

However with further discussion continuing on this issue (for example, the most recent Women, Peace and Security Resolution by the UN

Security Council which touched upon sexual and reproductive health rights in preventing and addressing sexual violence in armed conflict and many other examples highlighted throughout this magazine) this often silent humanitarian catastrophe will remain on the international political, legal and humanitarian agenda.



'Brennus and His Share of the Spoils', also known as: 'Spoils of the Battle' Creative commons. Paul Jarmin (1853-1903) signed and dated 1893



fifty years of silence: cry of the raped

By Jan Ruff-O'Herne

This is an abridged version of an article that was originally published in 'Listening to the Silences: Women and War' Helen Durham and Tracey Gurd (Eds.).

*Above:
Jan Ruff-O'Herne at her Adelaide home.
Photo David Mariuz*

My experience as a woman in war is one of utter degradation, humiliation and unbearable suffering. During World War II, I was a so-called 'Comfort Woman' for the Japanese Military, a euphemism for military sex slave. I was born in Semarang (Java) and had the most wonderful childhood until my life was torn apart by the war.

I was nineteen years old when, in 1942, Japanese troops invaded the former Netherlands East Indies (Indonesia). Together with thousands of other women and children I was interned in a Japanese prisoner of war camp for three and a half years.

Many stories have been told about the horrors, insults, brutalities, suffering and starvation of the Dutch women in Japanese prison camps. But one story was never told: the most shameful story of the worst human rights abuse committed by the Japanese during World War II. The story of the 'Comfort Women' and how these women were forcibly seized, against their will, to provide sexual services to the Japanese Imperial Army. The world ignored these atrocities for decades. It took fifty years for these women's ruined lives to become a human rights issue.

Why did it take so long? Perhaps the answer is that these violations were carried out against women. We have all heard it said: this is what happens to women during war. Rape is part of war, as if war makes it right.

It was February 1944. I had been interned in Ambarawa prison camp together with my mother and two young sisters for two years. One day I was returning to my barrack from one of my heavy camp duties when all single girls from seventeen years and up were ordered to line up in the compound. We did not like this command and immediately became suspicious.

The Japanese guards then selected ten girls. I was one of the ten.

Through our interpreter we were told to pack a small bag of belongings and report immediately to the front gate where the trucks were waiting to take us away. We had to say goodbye to our mothers and loved ones. My mother and I could not find words to speak. We looked into one another's eyes and threw our arms around each other. There, in that moment, it seemed as if we both died in each other's arms.

By this time all the girls were crying, as we were forced into the trucks. We huddled together like frightened animals. We soon realised that we were travelling on the main road to Semarang. The truck stopped in front of a large house. Seven girls were told to get out. I was one of them. Nervously we kept together as we were ushered into the house by the Japanese officer who seemed to be in charge.

The next day we were made to understand that we were here for the sexual pleasure of the Japanese. In other words, we found ourselves in a brothel. We were not allowed to leave, we were in this house for only one purpose: for the Japanese to have sex with us. We were enslaved into enforced prostitution. My whole body trembled with fear. My whole life was destroyed and collapsing from under my feet.

We protested loudly that we would never allow this to happen to us, that it was against all human rights, that we would rather die than allow this to happen to us. The Japanese stood there laughing, saying that they were our captors and they could do with us as they liked, and, if we did not obey our families would suffer.

When opening night arrived we were all terrified. We were all virgins and none of us knew anything about sex. As we sat there waiting, fear had completely overpowered our bodies. Even up to this day I shall never forget that fear. It was a fear I can't possibly describe, a feeling I shall never forget and never lose. Even after more than fifty years I still experience this feeling of total fear going through my body and through all my limbs, burning me up. But worst of all, I felt this fear every time my husband was making love to me. I have never been able to enjoy intercourse as a consequence of what the Japanese did to me.

The house was filling up with the Japanese. We sat waiting in fear, huddled together till the time had come and the worst was to happen. One by one, the girls were dragged into their bedrooms crying, protesting. I was eventually dragged by a large Japanese officer. I kicked him on the shins. He just stood there laughing. My fighting, kicking, crying and protesting made no difference. I screamed, 'Don't! Don't!' He pulled me up and dragged me into my bedroom, he closed the door and I ran into a corner of the room. I pleaded with him in a mixture of English and Indonesian and tried to make him understand that I was here against my will and that he had no right to do this to me.

I curled myself up in the corner like a hunted animal that could not escape. 'O God, help me.' I prayed, 'Please God, don't let this happen to me'.

The Japanese officer had paid a lot of money for opening night and he was obviously annoyed. Consequently he became very angry. I repeated again and again 'DON'T! DON'T!' He was

getting impatient by now and threw me on the bed. He tore at my clothes and ripped them off. He threw himself on top of me, pinning me down under his heavy body. I tried to fight him off, I kicked him, I scratched him, but he was too strong. The tears were streaming down my face as he raped me. It seemed as if it would never stop.

I can find no words to describe this most inhuman and brutal rape. To me it was worse than dying. My whole body was shaking when he eventually left the room. I gathered what was left of my clothing and ran off to the bathroom. I wanted to wash all the dirt, the shame and hurt off my body. I never realised suffering could be so intense as this. And this was only the beginning.

Always and every time the Japanese raped me I tried to fight them off. Never once did any Japanese rape me without a violent struggle and fight. Often they threatened to kill me, often they severely beat me.

During the time in the brothel, the Japanese abused me and humiliated me. The Japanese had ruined my young life. They had taken everything away from me: my youth, my self-esteem, my dignity, my freedom, my possessions, my family. But there was one thing that they could never take away from me. It was my deep faith in God that helped me survive all that I suffered at the brutal, savage hands of the Japanese.

When the war was over, the atrocities done to me would haunt me for the rest of my life. I could not talk about it to anyone, the shame was too great. After seeing the Korean 'Comfort Women' on TV, I decided to back them up in their plight for an apology and for justice and compensation. In December 1992, I broke my 50 years of silence at the international public hearing on Japanese war crimes held in Tokyo and revealed one of the worst human rights abuses to come out of World War II. It is by telling my story that I hope that these atrocities against women in war will never be forgotten and will never happen again.



prosecuting sexual violence

before international tribunals

Kirsten Keith
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Historically rape and other forms of sexual violence in conflict were viewed as an inevitable consequence of war, with armies considering rape one of the legitimate spoils of war. It was not until the 1949 Geneva Conventions that an IHL treaty expressly prohibited rape in conflict. While subsequent IHL provisions further developed this prohibition, in reality there was little enforcement of the law; sexual violence in conflict continued with impunity and victims suffered in silence.

Since the nineties there has been a marked shift in attitudes towards accountability for sexual violence in conflict with the establishment of the international criminal tribunals for Rwanda (ICTR) and the former

Yugoslavia (ICTY); the hybrid tribunals for Sierra Leone and Cambodia; the permanent International Criminal Court (ICC); and the ensuing development of international criminal law.

The jurisprudence of these tribunals is significant in defining gender crimes such as rape as both a war crime and crime against humanity and in clarifying the extent to which acts of sexual violence may fall within the rubric of other crimes. Thus in the seminal Akayesu case, the ICTR held that rape may constitute an act of genocide. Rape was also held to be a form of torture and an underlying act for the crime of enslavement by the ICTY. Further, the Special Court for Sierra Leone (SCSL) found in numerous cases that widespread rape

*Above: A young victim of rape
is pictured at a safe house in
Monrovia, Liberia.
UN Photo/Staton Winter*

and sexual violence were committed with the specific intent to cause fear among the civilian population and that such acts constituted acts of terrorism as a war crime. These findings are extremely important as they recognise that rape, sexual slavery and other forms of sexual violence are being used as weapons of war. Sexual violence is clearly not a by-product of war but is used instead as part of a strategic campaign to terrorise and demoralise the civilian population. In reaching such findings, the tribunals have recognised not only the suffering inflicted upon the victim but the effect of sexual violence on the wider community:

‘Such sexual violence was therefore deliberately aimed at destroying the traditional family nucleus, thus undermining the cultural values and relationships which held society together.’

Charles Taylor case,
SCSL trial judgment

Given the tribunals are mandated to try those most responsible for crimes committed during specific conflicts, the jurisprudence is also important in defining and establishing the criminal responsibility of persons occupying

more senior positions within civilian and military organisations. While such persons may not have physically committed the crime, they are held criminally responsible on the basis of other forms of responsibility. For instance the SCSL convicted former Liberian President, Charles Taylor, of aiding and abetting war crimes and crimes against humanity including rape and sexual slavery. This is a significant judgment as it is the first time an international court has convicted a former head of state for sexual violence in conflict. The SCSL found that Taylor aided and abetted the commission of the crimes by providing logistical, financial, technical and other forms of support to the Revolutionary United Front (RUF) and other rebel groups in Sierra Leone. Similarly, the ICTR convicted Pauline Nyiramasuhoko, the former Minister for Family and Women’s Affairs, of rape as a crime against humanity on the basis that she ordered others to rape Tutsis. Such cases reinforce the message that no-one is beyond the reach of the law.

Many victims of sexual violence face shame and stigma from their families and communities and fear testifying partly because of this. To assist them, the tribunals have adopted various witness protection and support procedures, including measures to protect their identities while they testify. Such measures are essential in helping victims to come forward and testify. It is hoped that by breaking the silence on this crime and by increasing prosecutions and awareness of sexual violence, such stigma will diminish.

The cases at the various international and hybrid tribunals have undoubtedly helped raise awareness of sexual violence in conflict and this issue is now very much at the forefront of various policies. For instance, the UN has passed numerous resolutions on the issue, including Resolution

1820 in 2008 that recognises for the first time rape as a tactic of war, and has appointed Zainab Bangura as Special Representative on Sexual Violence in Conflict. Further, the UK government hosted a Global Summit to end Sexual Violence in Conflict in June 2014, the first such event to ever be held. This follows the UK’s drafting of the *Declaration of Commitment to end Sexual Violence in Conflict*, which seeks, in part, to end impunity for these crimes. This declaration has been endorsed by 122 countries, reflecting the resolve of the international community to tackle sexual violence in conflict.

Clearly attitudes are changing with the recognition that rape is not a by-product of war but a weapon of war and efforts to bridge the impunity gap are welcomed. However, there remains a great deal to be done, particularly with regards to the investigation and prosecution of sexual violence against men who, due to cultural issues, may face even greater stigma from their communities and be less willing to report the crime. Ensuring that these crimes are also prosecuted will be an essential step forward in further ending impunity for sexual violence.



Wearing a bullet-proof jacket, Jean-Paul Akayesu arrives under armed escort at the ICTR in Arusha, Tanzania, 1998. (AP Photo/Jean-Marc Bouju)



the rape of men: a dark secret of war

**By Will Storr,
award winning writer
and photographer**

***This is an abridged version of an
article that originally appeared
in the Observer, 7 July 2011.***

*Above: One man was told: "We have a
programme for vulnerable women but
not men": a Congolese rape victim.
Photograph: Will Storr for the Observer*

Sexual violence against women is one of the most horrific weapons of war, an instrument of terror used against women. Yet huge numbers of men are also victims. Of all the secrets of war, rape of men is so well kept that it exists mostly as a rumour. It is usually denied by the perpetrator and the victim. Governments, aid agencies and human rights organisations barely acknowledge it. Yet every now and then someone gathers the courage to tell of it. This is what happened one afternoon

in the office of, Eunice Owiny a counsellor, employed by Makerere University's Refugee Law Project (RLP) in Kampala, Uganda. A female client was having marital difficulties. "My husband can't have sex," she complained. "He feels very bad about this. I'm sure there's something he's keeping from me."

Owiny invited the husband in. For a while they got nowhere. Then Owiny asked the wife to leave. The man then murmured cryptically: "It happened to me."

During his escape from the civil war in neighbouring Congo, he had been separated from his wife and taken by rebels. His captors raped him, three times a day, every day for three years. And he wasn't the only one. He watched as man after man was taken and raped. The wounds of one were so grievous that he died in the cell in front of him.

"That was hard for me to take," Owiny tells me today. "There are certain things you just don't believe can happen to a man. But I know now that sexual violence against men is a huge problem. Everybody has heard the women's stories. But nobody has heard the men's."

It's not just in East Africa that these stories remain unheard. Male sexual violence is a component of wars all over the world and has been recorded in countries such as Chile, Greece, Croatia, Iran, Kuwait, the former Soviet Union and the former Yugoslavia.

I went to Kampala to hear the stories of the few brave men who agreed to speak to me about what is a controversial and deeply taboo issue. In Uganda, survivors are at risk of arrest by police, as they are likely to assume that they're gay – a crime in this country and in 38 other African nations. They will probably be ostracised by friends, rejected by family and turned away by the international NGOs that are equipped, trained and ready to help women. One of those I met was Jean Paul.

Jean Paul was at university in Congo, when his father was accused by the army of aiding the enemy and shot dead. Jean Paul fled in January 2009, only to be abducted by rebels. Along with six other men and six women he was marched to a forest in the Virunga National Park.

While the women were sent off to prepare food and coffee, 12 armed fighters surrounded the men. From his place on the ground, Jean Paul looked up to see the commander leaning over them. He pointed to Jean Paul. "Remove your clothes and take a position like a Muslim man."

Eleven rebels waited in a queue and raped Jean Paul in turn. He bled freely: "I could feel it like water."

Each of the male prisoners was raped 11 times that night and every night that followed.

Today, despite his hospital treatment, Jean Paul still bleeds when he walks. His brother keeps asking what's wrong with him. "I don't want to tell him," says Jean Paul. "I fear he will say: 'Now, my brother is not a man.'"

It is for this reason that both perpetrator and victim enter a conspiracy of silence and why male survivors often find, once their story is discovered, that they lose the support and comfort of those around them.

"In Africa no man is allowed to be vulnerable," says RLP's gender officer Salome Atim. "You have to be masculine, strong. You should never break down or cry. A man must be a leader and provide for the whole family." Often, she says, wives who discover their husbands have been raped decide to leave them. "They ask me: 'If he can be raped, who is protecting me?'"

Because there has been so little research into the rape of men during war, it's not possible to say with certainty why it happens or even how common it is. A rare survey carried out in 2009 indicated that only 3% of humanitarian organisations working on issues of sexual violence in armed conflict made any reference to male victims, and fewer ran programs designed to provide men with appropriate services and support.

There is a fear amongst some humanitarian organisations that this is a zero-sum game; and if you start talking about men, you're going to somehow take away the focus from women. One of the few academics to have looked into the issue of male rape in any detail is Lara Stemple, of the University of California's Health and Human Rights Law Project. She describes a constant drum beat that women are the rape victims and a milieu in which men are treated as a monolithic perpetrator class.

International human rights law leaves out men in nearly all instruments designed to address sexual violence, Stemple continues. The UNSC Resolution 1325 treats wartime sexual violence as something that only impacts on women and girls. Ignoring male rape not only neglects men, it also harms women by reinforcing a viewpoint that equates 'female' with 'victim', thus hampering our ability to see women as strong and empowered. In the same way, silence about male victims reinforces unhealthy expectations about men and their supposed invulnerability.

Considering that female rape is significantly underreported and male rape almost never, I ask Stemple if, following her research, she believes it might be a hitherto unimagined part of all wars. "No one knows, but I do think it's safe to say that it's likely that it's been a part of many wars throughout history and that taboo has played a part in the silence."



Dying of shame: a Congolese rape victim, currently resident in Uganda. This man's wife has left him, as she was unable to accept what happened. He attempted suicide at the end of last year.
Photograph: Will Storr for the Observer

historical developments in response

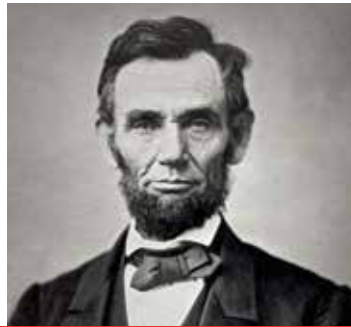
1474

Peter von Hagenbach was executed after being convicted of rape, as well as several other crimes, in Breisach in the Upper Rhine. This is considered by many to have been the earliest recorded trial of war crimes.



1863

the Lieber Code, one of the earliest codifications of war crimes, was signed by Abraham Lincoln during the American Civil War. The Lieber Code criminalised rape, making it a capital offence.



1907

the Hague Conventions codify the laws of war. The prohibition of sexual violence in this text can be understood through the article XLVI which states; 'family honour and rights must be respected'.



2000

UNSC Resolution 1325 on women, peace and security highlighted the importance of incorporating gender perspectives into all peace and security efforts and urged parties to conflict to take measures to protect women and girls from sexual and gender-based violence.



1998 - 2001

the ICTY expanded on the findings of the ICTR in Akayesu in the Celebici, Furundžija, Delali, Kunarac and Kovac decisions. The decisions clarified the definition of rape, found that rape is a war crime, crime against humanity and can constitute torture.

1998

in the landmark decision of Prosecutor v. Jean-Paul Akayesu at the ICTR, was the first person to be convicted of the crime of genocide by an international court. The decision defined rape, sexual violence, and found that such acts could constitute genocide.



2002

the International Criminal Court (ICC) came into effect. The Court's Statute includes rape, sexual slavery, enforced prostitution, enforced pregnancy, enforced sterilisation, sexual violence and persecution for reasons of gender as crimes against humanity.



2008

UNSC Resolution 1820 was passed. In this resolution, the Security Council recognises for the first time that sexual violence may constitute a weapon of war.

2010

Swedish politician and diplomat Margot Wallström was appointed as the first UN Special Representative of the Secretary-General on Sexual Violence in Conflict. Wallström was succeeded by Sierra Leonean politician Zainab Hawa Bangura in 2012.

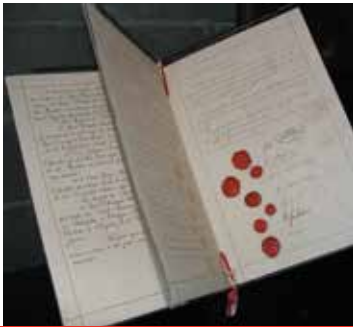
2013

UNSC Resolution 2122 was passed, which states that the international community has a responsibility to prevent and end impunity for the perpetrators of sexual violence, and to ensure that such violence does not become a tool of war. It reiterated that sexual violence can constitute a crime against humanity and a war crime.

to sexual and gender-based violence

1949

the four Geneva Conventions of 1949 were signed, representing one of the first international treaties to expressly prohibit rape, enforced prostitution and indecent assault.



1977

the first two Additional Protocols to the Geneva Conventions were adopted, explicitly prohibiting rape and sexual violence in both international and non-international armed conflicts. Gender neutral language was introduced to recognise that men can also be victims of sexual violence.

1979

the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted. The Convention is silent on the subject of sexual and gender-based violence.

1993

the UN Declaration on the Elimination of Violence Against Women (DEVAW) was adopted by the UN General Assembly.



1997

Prosecutor v
Akayesu
found guilty of
international
crimes
and
rape

the Trial Chamber of the ICTY found Duško Tadić guilty of cruel and inhumane acts, including incidences of sexual violence against men during the conflict in the former Yugoslavia.

1995

the Beijing Platform for Action was adopted. The Platform specifically acknowledged that gender-based violence is a barrier to development and peace, and that sexual violence is a common occurrence during conflict.

1993 - 1994

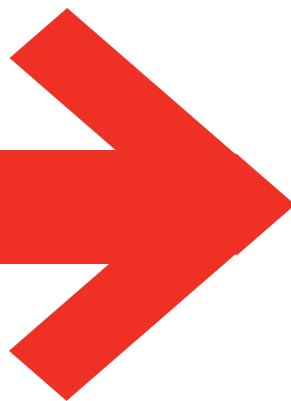
the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) both included rape and sexual violence as specific crimes that may be tried at the Tribunals.



2014

Resolution 2106
and, reiterating
international
must act to
prevent and end
sexual crimes
violence
during conflict.
that sexual
crimes against
and war

The international community committed to removing a culture of impunity for crimes of sexual violence in conflict at the UK hosted Global Summit to End Sexual Violence in Conflict. The Summit resulted in a Protocol on collecting evidence and protecting witnesses, to increase convictions and deter perpetrators.



1474 "Hagenbach in court" Burger library, Bern.

1863 Abraham Lincoln, 1863. Photo: Alexander Gardiner (1821-1882)

1907 The First International Peace Conference, the Hague, 1899. Photo: Creative commons Attribution, Imperial War Museum

1949 Original document of the first Geneva Convention, 1864. Photo: Creative Commons Attribution, Kevin Quinn, Ohio, US

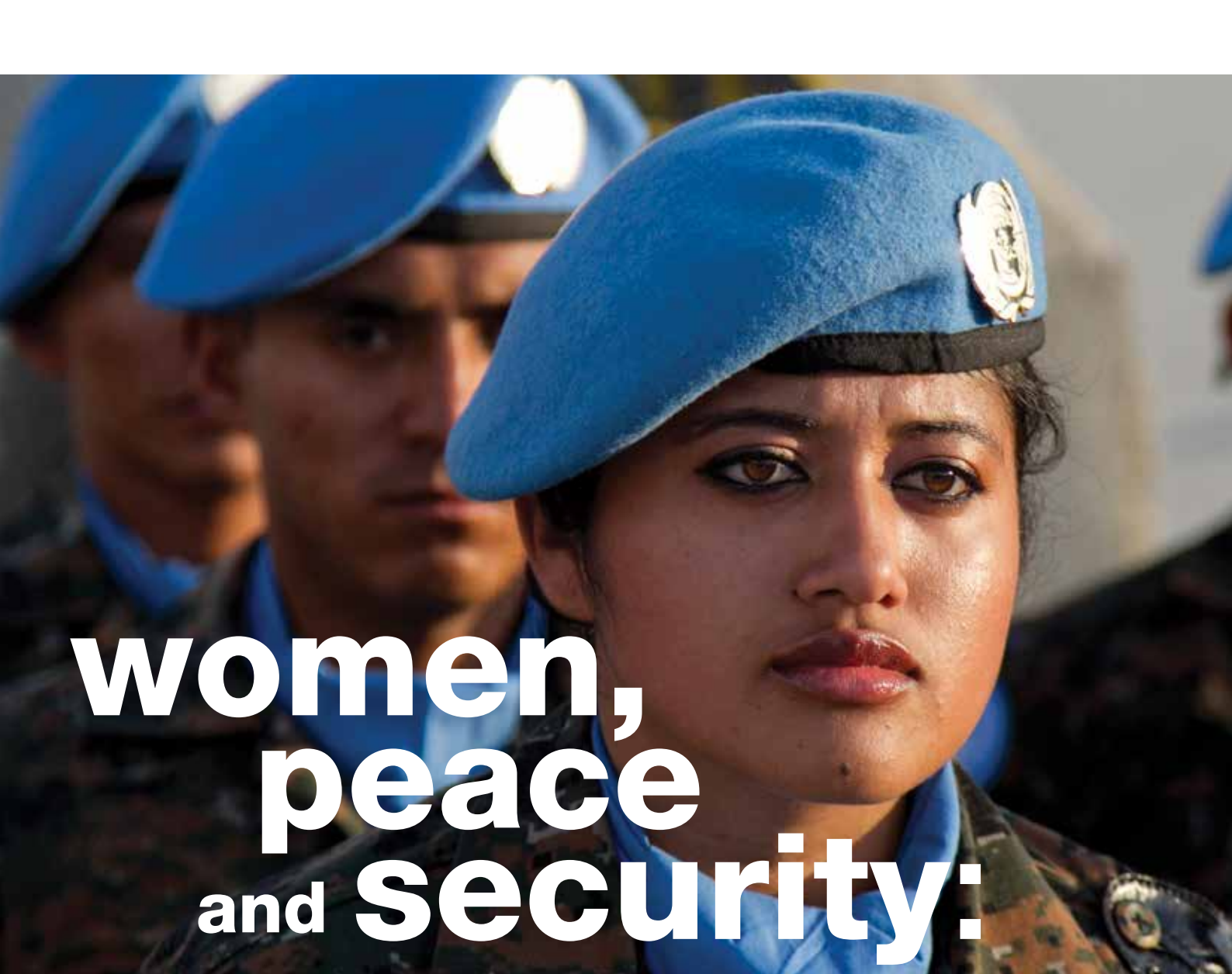
1993 A victim of sexual violence reflects on her experiences during the war in Sierra Leone. © ICRC / Nick Danziger

1993-1994 ICTY building. Photo: ICTY

1998 Jean-Paul Akayesu at the ICTY in Arusha, Tanzania, 1998. (AP Photo/Jean-Marc Bouju)

2000 UNSC Considers Women's Role in Peace and Security. UN Photo/Eskinder Debebe

2002 ICC Building©ICC-CPI--Max Koot - April 2008



women, peace and security:

Australia in the

**By Natasha Stott
Despoja AM, Australian
Ambassador for
Women and Girls**

The international community recognises the importance of women's full and effective participation in peace efforts. It is an essential factor in maintaining and promoting lasting peace and security. As UN Secretary General Ban Ki-moon said at a UN Security Council (UNSC) open debate on Women, Rule of Law and Transitional Justice in Conflict-Affected Situations in October 2013, "Women's participation in peace efforts is a matter of gender equality and universal human rights – and crucial to achieving sustainable peace, economic recovery, social cohesion and political legitimacy."

Formal recognition of this was first articulated in 2000, when UNSC Resolution 1325 was adopted. It connected women's unique experiences in conflict to the international peace and security

agenda. Australia has been a vocal, and leading, supporter of the Women, Peace and Security Agenda ever since.

Australia's commitment to the Women, Peace and Security Agenda can be traced back to our experience in peacebuilding efforts in Bougainville, Solomon Islands and Timor-Leste. We learned first hand that the experiences and needs of women and girls differ from those of men and boys in conflict and post-conflict situations. We learned that women have an essential role in conflict prevention, management and resolution.

These practical lessons from the past are informing our actions today. The Women, Peace and Security Agenda is a priority for Australia during its 2013-2014 term as a member of the UNSC, and in our broad, ongoing international advocacy. Our first year as a UNSC member has

*Above: A close-up of a female peacekeeper from Guatemala during the UN Stabilization Mission in Haiti.
UN Photo/Logan Abassi*



UNSC

seen some significant advances in the agenda with the adoption of two resolutions: 2106 and 2122. They added much-needed operational detail and took a more systematic approach to the implementation of previously agreed resolutions. At the 58th Session of the Commission on the Status of Women in New York in March this year, I spoke at two side events which considered the impact of these resolutions on peacebuilding.

Resolution 2106 deals with accountability for perpetrators of sexual violence in conflict and reaffirms that women's empowerment is central to long-term efforts to prevent sexual violence in armed conflict and post-conflict situations. In our statements to the UNSC on sexual violence,

Australia has focused on the need to end impunity, to ensure women's participation in conflict resolution and peacebuilding and to deploy gender experts to mandated missions.

Resolution 2122 sets out a framework for the development and deployment of technical expertise for peacekeeping missions and UN mediation teams supporting peace talks. It aims to improve access to timely information and analysis on the impact of conflict on women, and women's participation in conflict resolution, in reports and briefings to the UNSC. It also strengthens commitments to consult and include women directly in peace talks.

Looking ahead, significant women, peace and security challenges feature in almost every issue on the UNSC's agenda in 2014, from Afghanistan to Syria. Australia will continue to work in the UNSC to include strong, operative provisions in peacekeeping and peacebuilding mandates and other UNSC products to ensure that women, peace and security language and considerations are further enshrined in UNSC practice. This includes addressing the impacts of conflict on women and girls; advocating for the appointment of women protection advisors or gender advisors, where appropriate; and advancing the full and effective participation of women in all levels of decision-making, conflict resolution and peacebuilding.

In 2015, the High-Level Review of resolution 1325, 15 years after it was first passed, will provide a welcome opportunity to take stock of our successes, and to address the ongoing challenges in implementing the Women, Peace and Security Agenda.

Australia is committed to a number of national initiatives, including our 2012-2018 National Action Plan on Women, Peace and Security. One element of the plan requires Australian peacekeeping and peacebuilding missions to empower local women to be involved in formal peace and security processes. Australia also supports regional police development to facilitate women's participation and protect women's and girls' human rights.

These efforts are not made in isolation. Australia's Foreign Minister, the Hon Julie Bishop MP, has championed the UK's Preventing Sexual Violence in Conflict Initiative. This advocacy and practical action is crucial in efforts to end impunity for sexual violence in conflict. I discussed challenges and solutions to this horrific yet pervasive issue during the historic Summit hosted by the UK in June 2014.

It is an honour to represent the Australian Government as its Ambassador for Women and Girls, at a time when Australia is undertaking a concerted effort to drive forward the Women, Peace and Security Agenda.



International Women's Day 2011 Honiara. L-R: Jean Lele (YWCA kindergarten teacher), Jocelyn Lai (YWCA Board member), Alice Kale (YWCA General Secretary) and Pauline Soaki (previous YWCA Board member and AusAID gender and health program manager). Photo: Jeremy Miler, DFAT



linking women's economic security to peacebuilding

**By Sarah Douglas,
Policy Specialist -
Peacebuilding and
Recovery, UN Women**

*Above: Kirkuk, Huzeiran neighbourhood.
Ensam moved to the city with her two
young children after her husband was
killed in the sectarian strife in 2007.
Supported by an ICRC grant, she opened
a grocery shop in the neighbourhood.
© ICRC / P. Krzysiek*

Last September, nearly thirty ministers representing the UN Peacebuilding Commission issued a Declaration on Women's Economic Empowerment for Peacebuilding. This declaration articulated the link between women's economic empowerment and peacebuilding efforts in conflict-affected contexts and underscored the critical contribution that women and girls make to reconstruction and recovery.

In no area of the Women, Peace and Security Agenda is the discrepancy between policy and practice starker than in economic recovery. After societies are torn apart by war,

rebuilding the markets is one of the most crucial components needed to repair the damage. In fact, economic disparities can often be a major driver of conflict, so improving people's access to livelihoods and education is essential to preventing the slide back into war. Often, the international community makes enormous investments in the form of infrastructure, loans, or large scale agriculture projects. However, women are by and large left out of these projects. A recent study commissioned by UN Women, in partnership with the UN Development Programme and the UN Peacebuilding Support Office, revealed that less than four per cent of economic recovery spending in six

post-conflict countries was allocated to women's empowerment and gender equality.

The exclusion of women (and girls) from economic recovery initiatives, vocational training and skills building opportunities has devastating impacts on their ability to care for themselves and their families. Another UN Women study showed that in post-conflict contexts, the number of female-headed households increases dramatically, as does the size of those households. Women and children are extremely over-represented amongst refugees and internally displaced persons and are targeted victims of violence. However, when decisions are made about distributing livelihood support or educational opportunities, women and girls are invisible. As a result, women and girls often have to struggle to meet their most basic needs or rely on food aid. Such hardship can also make families withdraw their girls from school to assist with subsistence farming or water collection, causing negative implications for the next generation of women as well.

All over the world, including in post-conflict societies, women and children constitute the majority of those in poverty. In addition to the negative consequences for individual women and their families, post-conflict countries themselves are missing out on the potential contribution that women and girls can make to economic recovery. UN Women recently produced evidence to show that women are much more likely than men to invest their resources into family and community well-being. The 2012 World Bank Human Development Report also proved that women's involvement in the labour force was a key indicator for increased economic growth. Additionally, women and girls are often the main custodians of unpaid care, food production and farming in their families and communities. Depriving them of access to agricultural services and inputs has negative implications on food security for war-affected communities.

Women's contribution to recovery and women's need for recovery is now empirically established. UN Women and partners supported the development of policies towards improving the allocation of resources to women and girls in post-conflict situations. The Secretary-General's Seven Point Action Plan on Gender-Responsive Peacebuilding is the first UN policy framework to establish concrete targets related to both spending on women in peacebuilding contexts and ensuring women benefit equitably from temporary employment and other projects designed to ameliorate economic destitution in the immediate aftermath of conflict. But, urgent action is now required to move to a visible change on the ground for women and girls in post-conflict contexts. As Member States prepare to negotiate a new framework to guide poverty eradication and development beyond 2015, the following steps are required by all actors:

1. Ensure that women are present at the peace table where the parameters of post-conflict reconstruction are established.
2. Promote a critical mass of thirty per cent of women to be present in all national decision-making bodies on economy, finance, planning, agriculture, trade and so forth.
3. Allocate at least fifteen per cent of all economic recovery funding, either international or national, to specifically target women and girls.
4. Provide women with at least forty per cent of the working days in temporary employment projects.

In just over a year, world leaders will converge to adopt a new global framework for poverty elimination, after the mixed success of the Millennium Development Goals. In order to realise the goals of a peaceful and prosperous world enshrined in the UN Charter, the world needs women and women need and deserve opportunities to make their full contributions.



Médibli, Guiglo, Côte d'Ivoire. Following the first round of violence in 2002, the women of Médibli set up a cooperative to make sure there would be enough food. 23 of them worked in the fields, processed the produce and cooked it for sale at the market. © ICRC / L. Horanieh



australian defence force implementation of UNSCR 1325

**By Lieutenant Colonel
Darleen Young, AM
National Action Plan
Women Peace and
Security Representative,
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College, Australian
Defence Force**

In 2000 the United Nations Security Council (UNSC) passed the historic resolution 1325 on Women, Peace and Security. The importance of women has since been crystallised in the attention the UNSC has paid to this resolution. UNSC Resolution 1325 is not about the inclusion of women for the sake of political correctness. It is rooted in the premise that women's inclusion - their presence and participation in the process, and their perspectives and contributions to the substance of talks - will improve the chances of attaining viable and sustainable peace.

UNSC Resolution 1325 also recognises that women, girls and boys are potentially more vulnerable to threats, intimidation and assaults including sexual and gender-based violence and sexual exploitation and abuse during armed conflict. In addition, sexual violence has been, and is, used as a strategic weapon of war, where rape, forced prostitution, sexual enslavement, forced sterilisation, mutilation and other forms of sexual violence serve to terrorise, displace and even ethnically cleanse a population. Specific attention needs to be given to provide special protection and uphold the freedom of movement for women and girls. In

Above: Coalition Female Engagement Team members interact with local women in Tarin Kowt. Photo: ABIS Jo Dilozenzo ADF

order to strengthen women's, girls' and boys' rights and security, women in particular must be involved and represented at all stages of a decision-making process, including peace processes, stabilisation and security measures in the political and economic spheres.

All of these aspects of UNSCR 1325 are matters the Australian Defence Force recognises as imperatives to stabilisation, transition and operational effectiveness. The Australian Defence Force has therefore focussed attention towards a policy of gender mainstreaming, the integration of gender perspective and more adequate protection of women, girls and boys during armed conflict, through the recently developed Defence Implementation Plan for the *Australian National Action Plan on Women, Peace and Security 2012-2018*.

Implementing UNSCR 1325 and integrating gender perspective in the area of operations, improves operational effectiveness. In addressing the female part of the population, additional information and improved situational awareness is achieved. Moreover, this offers a possibility to communicate with all groups and representatives of the local population. In doing so, knowledge of how resources can be concentrated and used most efficiently is gained. The Australian Defence Force is striving to have gender perspective integrated into all levels of planning and conduct of operations.

Recent examples of this are Female Engagement Teams deployed in Afghanistan, and Gender Field Advisors also deployed in Afghanistan as well as many of the current UN missions in Africa. At the tactical level, the inclusion of Gender Field Advisors and Female Engagement Teams ensure that gender perspective is fully integrated into the daily tasks of the operation. These activities include patrolling, enabling the provision of aid, search procedures, assisting national security forces, assessing the different security risks of men and women and providing gender training for deployed troops. At the more strategic level, Gender Advisors ensure that gender perspective is included in planning

and conduct of operations to support counter-insurgency, governance and development, and security sector reform.

Female Engagement Teams were deployed in Uruzgan, Afghanistan as an initiative of the International Security Assistance Force to bridge the cultural gap where Afghan women are not able to be engaged by the predominately male security forces. Afghan women have important roles within the family structure and they network across the community differently from men. Female engagement activities on the ground in operational areas support the advancement and empowerment of local women.

The greatest effect is gained when gender perspective is included in the earliest forms of training and education and mainstreamed throughout courses at different levels to achieve lifelong learning. Gender and Child Protection education and training is mandatory for all Australian Defence Force personnel deploying to UN missions. The Australian Defence Force is conducting training in order to enhance its operational capability and professional reputation.

Uniformed women have long played a key role in armed conflict; however, there is still a long way to go. The Australian Defence Force recognises that stability and peace can only be achieved through a gender inclusive

“It has probably become more dangerous to be a woman than a soldier in armed conflict”

**MAJGEN Patrick Cammaert,
former UN Force
Commander**

approach to conflict resolution and peacebuilding. Women and girls need to be more actively involved in decision-making, not only to ensure their human rights are adequately protected, but to build more durable stability and reduce the risk of future conflict.

Defence is committed to playing a leading role in implementing the *Australian National Action Plan on Women, Peace and Security 2012-2018*. In terms of participation, Australian Defence Force women are playing a more prominent and influential role on operations. We continue to enhance the way we integrate the considerations for, and protection of, women and girls into the planning and conduct of operations.



Lieutenant Lyn Adamsom of Combined Team Uruzgan joins other members of a Female Engagement Team as they listen to the views of local women. The Combined Team Uruzgan Civil Affairs Cell consisted of Australian and United States personnel working together to deliver effects across many areas including the Female Engagement Teams. Photo: Senior Airmen Jacqueline McDonald, USAF



gender perspective

in the operations of the **ICRC** and national societies

By Charlotte Lindsey Curtet
Director, Communication and
Information Department,
ICRC and

Charlotte Nicol,
Delegate ICRC

Fifteen years ago, the publication of *Women facing War* was the culmination of the International Committee of the Red Cross's (ICRC) two-year study assessing the impact of war on women from its operational experience. This included discussions with women affected by war, and a review of International Humanitarian Law (IHL) and other relevant norms. It was carried out at a time when the experience of women in wartime was often reported as primarily linked to their status as a refugee or victim of sexual violence, and that violations

were committed because legal protection was lacking. The ICRC concluded that women's experiences were much more multifaceted and that violations against women were carried out not because of a lack of law protecting them but a lack of respect of that law.

Also assessed was the notion of gender as a factor in wartime, affecting how a person experiences war and the way responses must be constructed. In general, men are more often forcibly conscripted to join armed forces/groups. Civilian men are

*Above: Escorted by Peacekeepers,
Sudanese Women IDPs Collect Firewood
UN Photo/Albert González Farran*

more often detained because of the perceived threat their presence poses. Whereas women are more often left to head households, survive conflict and be amongst those searching for missing menfolk in its aftermath. Rejecting the notion that women are passive victims, the study highlighted their resilience and diverse coping mechanisms for dealing with the consequences of war. The fact that women take part in hostilities and that men are recognised as part of the civilian population and also victims of war are important elements which emerged.

Women facing War also identified sexual violence as a recurrent and widespread violation in armed conflict, which had oftentimes been neglected in humanitarian responses. The integration of a gender sensitive lens helped improve awareness of its dynamics, revealing that it is not only women and girls who are victims of this violation, but that men and boys are also targeted. Moreover, this form of analysis helped in determining who is vulnerable to what kind of risk. For example, in one setting in Africa, men living in an internally displaced persons camp were at risk of being killed if they left the camp. In response, women went out to collect food, water and firewood, and were at risk of sexual violence. Through this heightened awareness and increased knowledge, an improved operational response has been developed, integrating the needs and vulnerabilities of groups and developing context specific prevention and risk minimisation strategies.

Nonetheless, despite progress made since the publication of *Women Facing War*, significant obstacles still remain. Identifying victims of sexual violence, ensuring access to appropriate emergency medical care and having a sustained and quality dialogue with perpetrators of sexual violence to prevent and try to put an end to violations are particularly challenging. It is also important to recognise that victims of sexual violence experience other atrocities and effects of war – separation from

or watching loved ones being killed or injured, being displaced, or lacking the basic means of survival such as food, water or shelter. Integrating this diverse range of needs into the humanitarian response is vital to ensuring its effectiveness.

A promising practice in this regard is partnerships between the ICRC and local actors, including National Red Cross and Red Crescent Societies. Such partnerships have proven to be effective in gaining proximity to victims, identification of needs based on knowledge of the local context, improved care for victims, and longer-term sustainability. The ICRC is currently providing some national societies with material and technical support to help build capacity to address sexual violence, including providing volunteers with training, the provision of first aid and psychological care, and supporting clinics to integrate the needs of victims of sexual violence. Activities can involve supporting sensitisation within communities to fight the stigmatisation of victims, and awareness raising on the prohibition of sexual violence under IHL.

The Council of Delegates meeting in Sydney in 2013 reunited the ICRC

and National Red Cross and Red Crescent Societies in a workshop on Movement Responses to Sexual and Gender Based Violence in Armed Conflict and Disaster. Chaired by the Australian Red Cross, Movement partners outlined the programs and support currently being provided and the challenges that are faced in responding to the needs of victims. It was extremely rewarding to discuss the range of responses, share best practices and to hear the importance placed on preventing this violation. A call was made for sexual violence to be addressed at the 2015 International Red Cross and Red Crescent Conference to which States participate, and to build improved awareness of Movement responses.

The ICRC is stepping up its response to both preventing sexual violence and responding to the needs of victims of sexual violence. This is being done through increased efforts to gain proximity and access to victims; tailoring responses to different contexts; and ensuring the full range of needs are met from addressing immediate lifesaving care to longer term support. These factors further complicate responses but necessitate the reinforced focus of the Movement on this issue.



Irangui's 'maison d'écoute' (literally 'listening house'), is a place to which people can come for counselling and help. Many have suffered sexual violence. These unique centres form part of a huge programme aimed at encouraging communities to accept the victims of sexual violence. © ICRC / P. Yazdi

International Humanitarian Law (IHL) Program

Australian Red Cross is part of the International Red Cross and Red Crescent Movement, the largest humanitarian network in the world.

IHL is something Red Cross thinks everyone should be aware of. We run an IHL Program providing training and education highlighting IHL issues to key target groups identified as having a role to play in situations of armed conflict.



The IHL Program focuses on the following target groups:

- Australian Defence Force
- Australian Federal Police
- Non-government organisations
- Commonwealth Government agencies
- Key professions (law, medicine, journalism)
- Tertiary and secondary education sectors
- Wider community

The IHL Program specifically offers training programs to sectors of the Australian Defence Force such as military medics and military police, in addition to being invited to participate in Australian Defence Force training exercises. More broadly, we run education seminars for members of the general community who have an interest in humanitarian issues and whose work is affected by the application of IHL.

Red Cross has a mandate to promote an understanding of, and respect for, the law in times of armed conflict – international humanitarian law (IHL).

For more information on the IHL Program visit:
www.redcross.org.au/ihl

Kwila, Sudan. Discussion between a village leader and iCRC personnel. Photo: ICRC/Boris Heger



fundamental principles

**In all activities
our volunteers
and staff are
guided by the
Fundamental
Principles of the
Red Cross and
Red Crescent
Movement.**

Humanity

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all people.

Above: Catatumbo Mountains, Colombia. Fighters being taught about international humanitarian law. Photo: ICRC/Boris Heger

Impartiality

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

Neutrality

In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

Independence

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

Voluntary Service

It is a voluntary relief movement not prompted in any manner by desire for gain.

Unity

There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

Universality

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



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