



HOUSE OF LORDS

SELECT COMMITTEE ON SEXUAL VIOLENCE IN CONFLICT

Written and oral evidence

The Committee has, in places, redacted the names of individuals to prevent them from being identified.

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ABColombia – Written evidence (SVC0033)

1.1. **ABColombia** is the advocacy project of a group of five leading UK and Irish organisations with programmes in Colombia: **CAFOD, Christian Aid UKI, Oxfam GB, SCIAF** and **Trócaire**. It was founded in 1997. The work of ABColombia is rooted in the experiences of the organisations and communities with whom members work (around 100 partners organisations), which include Afro-Colombian, peasant farmer and indigenous communities, and women’s groups. Our evidence draws on the experiences of these groups.

1.2. ABColombia welcomes the opportunity to make a submission to the House of Lords Select Committee on Sexual Violence in Conflict in 2015. Whilst our member agencies have a global experience and will submit that experience to the Lords, ABColombia works only on issues related to Colombia. Therefore the evidence we are presenting will draw on our experience and that of our partners in Colombia.

1.3. In June 2014, ABColombia and nine NGO experts from our partners groups in Colombia were invited to participate in the official programme of the Global Summit to End Conflict Related Sexual Violence. Colombia provides an ideal case study to address these issues because it is a priority country for the UK in relation to this topic. The UK Embassy in Colombia has also been very active on this subject. Colombia is currently engaged in Peace Talks and according to the Colombian Constitutional Court conflict-related sexual violence is a ‘generalised, habitual, extensive, systematic and invisible practice carried out by all groups in the armed conflict’ (Decision T-25 Auto 092 of 2008).¹ Therefore, in terms of analysing the impact of UK policy on conflict-related sexual violence Colombia is a useful benchmark, and provides an important context for considering future actions by the UK to bring about change.

1.4. This submission addresses five areas: To what extent is sexual violence in conflict used as a deliberate tactic; To what extent are poverty, inequality and racial discrimination factors underlying sexual violence in conflict; What can the Government and the international community do to support human rights defenders and civil society in their work to prevent and mitigate sexual violence in conflict; What evidence is there on the effectiveness of the UK’s work with other states, multinational, regional and international bodies to prevent sexual violence in conflict; What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict.

1.5. Whilst our evidence will focus on the situation in relation to conflict-related sexual violence against women and girls, we acknowledge that men and boys have also suffered from conflict-related sexual violence in Colombia, although to a lesser extent than women and girls. Furthermore, detailed information on conflict-related sexual violence against men and boys in Colombia is still not available.

¹ Corte Constitucional de Colombia, Decisión T-25 Auto 092 de 2008, para III.1.1.1
<http://www.corteconstitucional.gov.co/relatoria/autos/2008/a092-08.htm>

2.0. To what extent is sexual violence in conflict used as a deliberate tactic?

2.1. In Colombia, violence against women is employed as a strategy of war by all armed actors: legal actors (army and police) and illegal actors (right wing paramilitary groups² and left wing guerrilla groups³). A survey regarding the situation of conflict-related sexual violence in Colombia spanning the years 2000 to 2009 has been carried out by a group of nine Colombian women's and human rights NGOs, supported by Oxfam, the first study of its kind. It estimated that during those years 12,809 women were victims of conflict rape and that, as a result of the conflict, 1,575 women had been forced into prostitution, 4,415 had forced pregnancies and 1,810 had forced abortions.⁴ In addition to high levels of conflict-related sexual violence, there was near total impunity for this crime with only 19% of women surveyed having reported the crime. Of those who do report the crime on average only two in 100 are likely to result in a sentence, therefore the chances of being sanctioned after committing an act of sexual violence in Colombia are almost nil. The paramilitary groups have been identified as the worst perpetrators followed by the Security Forces then the Guerrilla Groups.⁵

2.2. Whilst all armed actors, state and non-state, engage in the use of sexual violence against women, there are some distinct uses of sexual violence for specific tactical purposes: **Paramilitary groups** which operated at times in collusion with the **security forces** used sexual violence to impose **social and territorial control**. Sexual violence with brutal and dehumanising acts terrorised communities and was designed to give the message of **dominance and subjugation**. There were massacres that resulted in the mass rape of women and girls.⁶ The **FARC guerrilla** forcibly recruited women and girls and used them for **sexual services**. According to women and girls who escaped, the FARC carried out **forced abortions on the female troops** as they were considered to be unable to carry out their role as guerrilla fighters when they were pregnant. In some cases women had been forced to have three or four field abortions.

2.3. There are also strong correlating factors between the conflict and economic interests, forced displacement of populations and sexual violence. The UN highlights this correlation in

² The paramilitary group *Autodefensas Unidas de Colombia* (AUC) from 1997 operated in Colombia until 2005 when they demobilised. However, the middle-ranking commanders of this force did not demobilise - they continued to operate, albeit under new names. Following the paramilitary demobilisation process, these groups were redefined by the Colombian Government as Criminal Gangs (BACRIM). However due to the continuation of a similar modus operandi, including frequently operating in collusion with the security forces, they are generally called 'post-demobilised paramilitary groups' by INGOs/NGOs and civil society organisations.

³ There were several different guerrilla groups. The largest is the FARC which is engaged in peace talks with the Colombian Government. The second main group is the ELN and they are still discussing the possible agenda for their engagement in peace talks.

⁴ Campaign 'Rape and Other Violence: Leave my Body out of the War', First Survey of Prevalence, Sexual violence against women in the context of the Colombian armed conflict, Colombia 2001-2009, page 16. www.peacewomen.org/assets/file/Resources/NGO/vaw_violenceagainstwomenincolombiaarmedconflict_2011.pdf

⁵ ABColombia and Sisma Mujer, Colombia: Women, Conflict-Related Sexual Violence and the Peace Process p18 http://www.abcolombia.org.uk/downloads/ABColombia_Conflict_related_sexual_violence_report.pdf

⁶ For examples see case of Pueblo Nuevo ABColombia Report 'Colombia: Women, Conflict-Related Sexual Violence and the Peace Process', November 2013 p.11 www.abcolombia.org.uk/downloads/ABColombia_Conflict_related_sexual_violence_report.pdf

relation to the illegal extraction of natural resources, incidents of sexual violence and military activity.⁷

2.4. Although sexual violence is perpetrated by all armed actors, state and non-state, the impact of the State Security Forces' involvement in sexual violence has a particularly devastating effect, since they are mandated to protect the civilian population. The absence of the Rule of Law leaves individuals and communities exposed, generating both fear and terror, as those responsible for enforcing justice are the very authorities that are violating their rights.

3.0. To what extent are poverty, inequality and racial discrimination factors underlying sexual violence in conflict?

3.1. In addition to patriarchal systems based on domination and gender discrimination, for Colombian indigenous and Afro-descendant women there are other factors which have resulted in even higher rates of violence, such as racist perceptions that include a series of stereotypes about women's bodies, a history of slavery that condoned rape, as well as social, political and economic marginalisation.⁸

3.2. The conditions created by the armed conflict affect women and girls in a specific and particular manner as patriarchy considers the war's landscape an 'acceptable' space to express misogyny and domination over women's bodies and lives, exacerbating violence against women for the mere act of being a woman, to which is added racist and homophobic attitudes – making sexually diverse people, as well as indigenous and black women, their primary victims.

3.3. Afro-descendant women describe experiences which link forced labour, violence and rape and forced displacement.

3.4. Over time, the conflict has impacted on social structures in Colombia: including weakening organisational structures in indigenous communities, which has exposed indigenous women to conflict related sexual violence. In a broad sense conflict-related sexual violence affects the physical and cultural survival of indigenous groups, and individually it affects their physical and spiritual integrity, the ability to exercise sexual and reproductive rights, and aggravates existing factors of inequality within the community.

3.5. The Colombian Human Rights Ombudsman Office points out that sexual violence against women, when perpetrated by the Security Forces, takes advantage of the conditions of subordination of women, their precarious economic conditions and the acceptance of existing ideas in the local culture, such as a woman's body is an object that belongs to men.⁹

3.6. As a direct consequence of the culture of violence and poverty resulting from the armed conflict, it is estimated that between 20,000 and 35,000 children have been forced into

⁷ UN Security Council, Sexual violence in conflict Report of the Secretary-General, 14 March 2013, paragraph 9.

⁸Global Rights and AFRODES, The human rights situation of internally displaced afro-Colombian women: Life in the Face of Adversity, November 2008, page 26.

⁹ UN Security Council, Report of the Secretary General, Conflict-related sexual violence, 13 January 2012, paragraph 19 <http://www.refworld.org/docid/4f27a19c2.html>

commercial sex work in Colombia.¹⁰ Sexual exploitation of children is widespread and increasing, in particular around extractive industries, military and national police bases.¹¹

3.7. Deep-rooted systematic and historic discrimination influences to varying degrees the conduct of those responsible for the administration of justice and presents additional obstacles to reporting the crime of sexual violence, leading to a re-victimisation of women subjected to sexual violence. These attitudes and discrimination continue and affect the implementation of laws. Grassroots organisations working with indigenous women reported to ABColombia that ‘in addition to the precarious situation faced by women survivors they have to confront a particular mind-set of certain State officials which is racist... most notably towards indigenous women’.¹²

3.8. Given the above situation we would recommend the incorporation of protocols and mechanisms that use **cultural expertise** to understand and assess damages caused by conflict sexual violence.

3.9. It is clear that pre-existing factors such as discrimination and the lack of recognition of diversity and ethnicity, along with the continuum of violence against women play into and are exacerbated by conflict. In Colombia - as in many war impacted countries - it is the local NGOs that promote awareness and engage in attitude changes through education aimed at confronting and overcoming anthropocentric, sexist, homophobic and racist cultural patterns and promoting the inclusion of women and men of diverse ethnicity, race and sexuality. Whilst setting frameworks at state level is important, in countries impacted by war it is essential to provide **funding and resources** to grassroots organisations along with **political support**; especially in areas where human rights defenders are threatened for undertaking this work.

3.10. Within the area of military cooperation, encourage the creation of protocols which incorporate gender and ethnic perspectives when dealing with cases of sexual violence where the victim is an indigenous woman.

3.11. Further research is needed in order to better address the impacts on not only the individual but also the community, especially, when those violated are indigenous women. In order to mitigate these impacts it is essential to understand them in the context of the *cosmovisión* of the community.

3.12. In the implementation of Resolution 1325, there should be an effective mainstreaming of differential gender, ethnic and racial perspectives in order to identify risks encountered by indigenous and black women.

¹⁰ Watch List on Children and the Armed Conflict, Colombia’s War on Children, February 2004.

<http://watchlist.org/reports/pdf/colombia.report.pdf>

¹¹ The UN Convention on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of Colombia, CRC/C/COL/CO/4-5, 6 March 2015, paragraph 63.

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=825&Lang=en#sthash.OlqynbNO.dpuf

¹² ABColombia interview with a Colombian NGO on 16/9/2015.

3.13. As the UN pointed out there are links in Colombia between conflict, exploitation of energy and mining resources and sexual violence towards women.¹³ Gender and culturally sensitive due diligence should be undertaken to ensure interventions minimise and prevent eventual acts which lead to any form of sexual violence, including trafficking, sexual exploitation, prostitution and sexual violence, especially in Indigenous and Afro-descendant territories. Companies should also monitor and publically report on the gender and culturally sensitive due diligence undertaken and the impacts of this in their Annual Company reports.

3.14. Companies should also demonstrate gender-sensitive human rights due diligence as a condition for UK state investment or support, including for export activities and overseas development. A key component of this should be an analysis of their impact in conflict situations on women and indigenous communities. This should be included in social and environmental impact studies and reported on under the human rights section of the Companies Act. Ensure that information on any alleged or documented sexual violence or exploitation incidents in relation to extractive company personnel.

3.15. Ensure all FCO-funded programming to support the implementation of UN Guiding Principles on Business and Human Rights takes a gendered approach and addresses women's rights. This should include applying and reporting Violence against Women and Girls (VAWG) code.¹⁴

4.0. What evidence is there on the effectiveness of the UK's work with other states multinational, regional and international bodies to prevent sexual violence in conflict?

4.1. Women's movements, NGOs and the UN have for many years been working to end sexual violence in conflict. However the UK's initiative on ending conflict related sexual violence and the G8 declaration brought a huge political impetus to this agenda and raised the profile and importance of this agenda to another level. However, it would not have carried the impact that it has in countries like Colombia if the UK and the UN had not engaged world leaders and key officials alongside NGO experts in the Global Summit (and other actions). The Global Summit and the resources dedicated to this theme indicated a commitment, beyond just words, to the implementation of the declarations. There was a focus on Colombia attending and participating in the Summit which sent a clear signal to those engaged in the Peace Talks of the international interest and scrutiny. The positioning of this theme on the international agenda at a time when Colombia was engaging in Peace Talks made a major contribution to opening a space for Colombian women to engage the State and the guerrilla in dialogue. As a result of these international actions and the ongoing work of NGOs in Colombia, the issue of conflict sexual violence has been discussed seriously in the Peace Talks.

¹³ UN Security Council, Sexual violence in conflict Report of the Secretary-General, 14 March 2013, paragraph 9.

¹⁴ See Creditor Reporting System (CRS) Code 15180, pages 1 & 9, stating that a new VAWG code will be introduced from 2016.

<http://www.oecd.org/dac/stats/documentupload/Creditor%20Reporting%20System%20CRS%20Aid%20Activities%20database%202017%20reporting%20on%202016%20flows.pdf>

4.2. The Colombian Government created a Gender Sub-Commission to review the gender perspective in all of the Peace Agreements. A Commission consisting of Colombian NGO women experts were invited to the Peace Talks to address both sides in relation to transitional justice and conflict-related sexual violence. This is a complex issue and the discussion around transitional justice and historical memory continues to be difficult for the State and the Guerrilla. Both sides are finding it difficult to admit the role that their troops have played as perpetrators of this violence against women.

4.3. Colombia introduced Law 1719 on crimes of sexual violence on 18 June 2014. It defines conflict-related sexual violence as a war crime and a crime against humanity and outlines prosecuting criteria. It also clarifies that crimes of sexual violence should not be tried in military courts.¹⁵ This law had been drafted and left in abeyance for quite some time before President Santos, following the Global Summit and his re-election to office, signed it into law. For ABColombia, it was notable that it was signed off so close to the end of the Summit, which suggests that it was influenced by the international agenda.

4.4. The UK Embassy in Colombia demonstrated from the outset an understanding of the importance of this policy for Colombia and it has engaged in a number of actions to raise the profile of the issue and generate discussion. Most effective has been their engagement and political support for women's organisations working on this issue and support for the campaign 'It's not time to be silent'. The Embassy also hosted an event where William Hague spoke on this issue alongside NGOs. The most important national newspaper in Colombia also sent a reporter to the Global Summit enabling the summit to be covered extensively in Colombia. All these actions served to support space being created for women's organisations to engage the parties in the Peace Talks on this issue. However, whilst it has opened up space, that space still remains limited.

5.0. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

5.1. To lessen the stigma it is essential to change attitudes and this is a long term process. The same attitudes and cultural beliefs driving sexual violence against women in conflict are present in domestic life. This is one of the major reasons why these crimes cannot be amnestied in a peace process. If this occurs, it would give a message of acceptance of these crimes, and of the social, economic and cultural systems that sustain violence against women and girls.

5.2. One major challenge to reducing stigma is impunity, as impunity acts to reinforce, rather than challenge pre-existing norms and patterns of discrimination against women. To lessen the stigma it is essential to prosecute the perpetrators because prosecution acts as a censor of such crimes. It is also essential for survivors, victims' relatives, and communities that they know the truth. Therefore there should be both financial and political support for

¹⁵ However there are still concerns that wording in the Military Criminal Code and bills reforming the military justice system, if passed into law, could still offer opportunities for the Military justice system to secure jurisdiction over at least some conflict-related cases of sexual violence. Press Statement by the Special Representative of the Secretary-General on Sexual Violence in Conflict Zainab Hawa Bangura, Colombia: Historic Law Offers Survivors of Sexual Violence Hope for Justice and Redress, 24 June 2014.

Truth Commissions which allows for the survivor to know the truth and to have public acknowledgement of what they have suffered.

5.3. The construction of historical memory is also a way of making public women's experiences in the conflict and helping to restore their dignity. As part of the process of uncovering the truth, women in Colombia are asking for nationwide investigation and documentation by women's organisations, together with the National Unit for Attention and Reparation for Victims and/or the Centre for Historical Memory, into the different forms of sexual violence against women carried out in the armed conflict by the different armed actors.

5.4. Changing attitudes requires a holistic approach, for which long term support for local NGOs is essential. Local NGOs provide psychosocial support to survivors, work on issues of women's empowerment and political participation, peace building and conflict prevention, and they engage in attitudinal change and work with men and boys. The Global Summit was the event needed to give impetus to this policy but long-term work at a national and grassroots level by NGOs is what is need for sustainable change.

6.0. What can the Government and the international community do to support human rights defenders and civil society in their work to prevent and mitigate sexual violence in conflict?

6.1. Colombia has the worst record globally for attacks and assassinations of human rights defenders. Since the beginning of the Peace Talks in Colombia the killing of human rights defenders has increased year on year, with the exception of 2014 which saw a slight decrease. In the first 6 months of 2015, on average, one human rights defender has been assassinated every five days, and two per day have been attacked. Women defenders encounter threats and risks not only to their physical security but also to that of their families and women defenders have also been subjected to sexual violence in an effort to silence them.

6.2. Impunity is a structural problem in Colombia and as such it undermines the credibility of state institutions. It also leaves human rights defenders and community leaders exposed and without any guarantees for their safety when working to protect the rights of women survivors of sexual violence in conflict. Such high levels of impunity lead the perpetrators to believe they will not be held accountable for the crimes they commit. In this environment, protection measures are essential and the State protection scheme has helped to save lives as has the implementation of the EU Guidelines on Human Rights Defenders (these have proved to be crucial in Colombia). But protection measures do not address the root cause nor reduce or stop the attacks. In order to address the root cause impunity has to be confronted. **The fact that those perpetrating the crime are not prosecuted means there is no deterrent.**

6.3. In Colombia there is near total impunity for crimes against defenders, the government has introduced a unit to analyse crimes that have been committed and map the trends in order to identify the perpetrators. Two areas this unit is looking at are sexual violence in conflict (at present just the crimes committed by the guerrilla) and threats, attacks and killings of defenders. However positive the concept of this unit is, thus far it has shown no results, and there have been no reports on perpetrators and no prosecutions. Frequently in

their reporting to bodies like the UN, States report on laws introduced or structures created; however, reporting requirements also need to have achievements and targets as mandatory.

6.4. Women's organisations also need to be adequately funded if they are to carry out their work in safety, for example, defenders who are receiving death threats cannot wait for buses in exposed areas. Equally, the organisations need adequate resources if they are to bring about change. The UK via the Embassy in Bogota has provided funding for NGOs working on issues of conflict-related sexual violence. However, there are elements that the UK could address in order to improve the way in which this funding is allocated that would better support bringing about the changes needed. Currently the funding is for one year and for innovative projects. Local NGOs, especially those that work in the regions where the problems are complex, need stable funding in order to establish and build their work. Constantly looking for funding reduces their capacity. "New" or "innovative projects" when seeking to change attitudes can be counterproductive, what is really needed is funding to initiate the project, consolidate and expand the work. Working with women who have not only survived conflict-related sexual violence, but in many cases suffer multiple discriminations and have been forced to remain silent about these for many years, need stable long term work. Three years would be a much more effective time-frame for supporting effectiveness and developing the sustainability of projects.

7.0. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK's input to the Security Council's High-level Review of Resolution 1325?

7.1. Within the framework of the implementation of Resolution 1325 of 2000, and its related resolutions of the United Nations Security Council, the UK can promote diplomatically and through UN bodies the creation of a mechanism to clarify facts relating to sexual violence suffered by indigenous women and promote the inclusion of indigenous women's active participation in the peace process. Additionally, we suggest that as a member of the Security Council the UK request a report regarding the implementation of a National Action Plan with an ethnic focus.

18 September 2015

African Union – Oral evidence (QQ 79-88)

Evidence Session No. 12

Heard in Public

Questions 79- 88

TUESDAY 10 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Hannay of Chiswick
Baroness Hilton of Eggardon
Baroness Kinnock of Holyhead
Baroness Warsi
Baroness Young of Hornsey

Examination of Witness

Madame Bineta Diop, Special Envoy for Women, Peace and Security, African Union (via video link)

Q79 The Chairman: Good morning Madame Diop, how are you? Thank you very much for joining us.

Madame Bineta Diop: Thank you so much, Lord Chairman. I am very happy to speak to you this morning. I think this will be a fruitful session, and I am very honoured to have this conversation about the issue of sexual abuse and what the African Union is doing.

The Chairman: Madame Diop, we are on the record, but the written note will come to you to make sure that there are no inaccuracies that you wish to correct. We are broadcasting, and it will be on the parliamentary website. A very warm welcome to you from the Committee. As you know, we are examining the prevention of sexual violence in conflict, and we very badly need the African Union input into our discussions. We have a number of Committee Members with us this morning, and we are very much looking forward to this discussion. I think you know who we are and what our interests are personally. If you are ready, can you give a little introduction about your work?

Madame Bineta Diop: I feel very honoured to have this discussion on my mandate, Lord Chairman. The African Union finds this discussion very relevant to our work. I know what

you are doing and who you are, and that this inquiry will very much inform the House of Lords.

Having said that, since I was mandated in January 2004, my work has been very much about going into the field and making sure that the voices of the voiceless have been heard. The African Union has worked very hard to make sure that women's peace and security in general are addressed within the peace and security architecture. Five years ago, when Mary Robinson and I were evaluating Resolution 1325, we co-chaired the civil society advisory group to the UN, and one of our demands was to have a Special Envoy either at the UN or at the regional board. Since that demand at regional and international levels we have had one Special Envoy in the UN, who was Mary—now she is on climate change—and the African Union has appointed me as Special Envoy for Women, Peace and Security. We need to have more special envoys, because that highlights the plight of women on the ground and makes sure that we do not leave anybody behind. Especially on gender-based violence, it is important that our bodies are informed.

The Chairman: Thank you very much for that introduction. We highly respect the work of the African Union in general and your task and mandate in particular.

Madame Bineta Diop: Thank you.

Q80 The Chairman: My first question, Madame Diop, is that in today's world it seems that, more and more often, very well organised armed groups carry out sexual violence as part of their conflict within their nation. Nigeria is a particular example, as well as some of the north African countries now. Can you tell us how the African Union finds ways to address this, given that these are not proper States but very big, well run and very ferocious and violent armed groups? How does the African Union see a way of finding tools to address this problem when they are outside the UN mandates?

Madame Bineta Diop: First of all, we need to see it in a broader context, starting from what the African Union is doing in terms of sexual abuse and exploitation. The chairperson of the African Union, Madame Zuma, articulated a zero-tolerance policy. She started by saying that there is no way that we can send our troops and then they abuse the people they are supposed to protect. I started from there. We have put several tools in place at the AU level. We started with the zero-tolerance policy, which has been adopted at the AU level. We have also developed gender-training for peacekeeping when we send troops, such as with UNSOM. We have also devoted an open session at the Peace and Security Council of the AU to invite those who are in the field to come and testify to the Council. So when we look into the whole continental early-warning system, we also have gender indicators. In general, the AU is also deploying experts and officers in peacekeeping operations, and now, as you see, we are employing women as special envoys and representatives. That is the general framework that the AU is putting in place.

Coming back to the issue of Boko Haram and al-Shabaab, the terrorist rebels who you find on the ground, I have visited northern Nigeria twice and met the Chibok girls who had escaped. I also visited UNSOM in Somalia and met women who had been violated. We had a closed session with them to discuss this. The AU is working at international and regional levels and putting centres in place to counter terrorism in general.

I will give an example of what we do in particular for those women. After I had visited I came back and asked for an open session. I brought a film of the girls who had been

abducted and raped and showed it to the Peace and Security Council of the AU. Members were alarmed at the situation on the ground and a communiqué was issued as a result. The AU has taken measures to say that we do not tolerate this issue of gender-based violence any more. This was addressed to the Nigerian government but in general also to the international community, saying that we need to fight against terrorism but that we also need to do more to bring to the fore the issue of accountability with regard to sexual violence. That is one of the first steps.

On the second step, I recently convened a committee at the Kofi Annan centre in Accra. I invited women from northern Nigeria but also from Somalia and other parts where we are likely to see terrorist acts. We had a discussion and shared experiences. One of the actions that we are looking at is how women who are members of the intelligence services can have the tools to act on the information that we can see. When you go to Somalia and ask the people in the villages about al-Shabaab, we know that they are in the community. So we need to know how to generate and gather information, but we also need to make sure that women are part of that process of identifying those who have infiltrated the communities.

The other issue is religion. At the end of last year I was invited to the Carter Center—President Carter was good enough to be with us for the whole time I was there—and we had a discussion on religion and how we make sure that women are also equipped to interpret their religion, whether that is the Koran or the Bible. We need to make sure that those instruments are gender-led. Being Christian or Muslim is a personal choice, but we also need to penetrate the public sphere as we are penetrating our governance structure—women are now in the political structure, in peace and security and in our military services. We now need to look at the interpretation of Islam, because that is where children are sometimes embroiled and they might not understand those issues. So we are looking at gender-specific strategies to make sure that we address the issue of fundamentalist terrorist groups.

Q81 The Chairman: Thank you very much indeed. What a comprehensive and fascinating set of answers. I have a second question, before I turn to other colleagues to ask theirs. You mentioned protocols. Has the UK Preventing Sexual Violence Initiative protocol assisted the African Union at all in any preventive techniques? I am thinking particularly of situations such as that in Burundi, where there is turbulence that might spill over. Does the PSVI protocol assist at all, or have you found it not particularly helpful?

Madame Bineta Diop: We have found it very helpful, as we partner the UK in training and in awareness-raising, but we have found it particularly helpful on the issue of Burundi. The chairperson of the African Union and I visited Burundi as part of a preventive-measure mission. We met women's groups, the church, even the highest level of government—heads of state and others—and issues relating to women, gender-based violence and civilian protection were under discussion there.

What is also important is that we are now deploying human rights officers and observers in Burundi who use the tools when they are observing. They also observe issues of gender-based violence, because it exists in some places. In the communiqué of the AU, when we talk about civilians in Burundi and in other cases, you will see underlined the protection of women but also the protection of civilians and children in general. So the language is changing, because we are changing the reading lengths on the ground by the personnel who we are deploying on the ground.

The Chairman: Thank you very much. I turn now to one of my colleagues, Lord Hannay, who wishes to follow up your point about peacekeeping.

Q82 Lord Hannay of Chiswick: Good morning, Madame Diop, and thank you very much for touching on a particular aspect of this problem of sexual violence in conflict, which is the allegations, sometimes quite well-justified I think, that peacekeepers, both UN and in some cases African Union, have been involved in sexual violence. You very helpfully spoke about that in general, but I wanted to ask you more specifically what the African Union has in mind to ensure that all peacekeeping units that are put forward for operations do really thorough training on all these gender issues and the need to avoid any suspicion at all of sexual violence.

Secondly, do you share the general view that the method of prosecuting such allegations has proved to be pretty defective in the past? The jurisdiction lies with each troop-contributor, and troop-contributors are not necessarily the most zealous in following up allegations about their own troops. At the same time, the country in which the operation takes place probably does not have a legal system that can handle it. What thought are you giving to the recent report for the Secretary-General of the United Nations, which suggests that there might need to be something more than that? What do you think about the idea of a special jurisdiction that would deal with peacekeeping, and would the African Union keep in absolute step with the UN in any changes that are made? Thank you very much.

Madame Bineta Diop: Thank you so much for this question. The issue of peacekeeping is at the heart of African Union policy, as we are also putting African troops on the ground. As you also rightly said, not just African troops but UN troops and some Member States' troops are also alleged to have violated human rights and women's rights on the ground.

When it comes to the African Union, there was a report recently on the issue of Somalia. Under the leadership of Madame Zuma, the African Union sent an independent team to investigate those allegations, and they came back with a report. I think this is the first time that the AU has sent an independent team of experts to investigate. There was not enough evidence, but the chairperson, Madame Zuma, sent them back, saying, "No, I want a really deep stake in the ground. I want you to find a witness. It is very difficult for those who have been violated. Go and see". So the report came back, of course, with the finding that it had happened—not in a basic way, but it had happened. The chairperson decided to address particular countries whose troops have been involved to make sure that those troops or those elements are called back. I think it has happened in one case. So you can see that there have been a lot of improvements in the way the AU deals with sexual abuse and exploitation.

Another case is South Sudan. I was one of two women—the other woman was a judge—out of five members of the investigation team led by President Obasanjo going to South Sudan. If you look at the reports, the majority of our findings are on sexual abuse and the rape of women, so much under false pretences. So when we came back we submitted our report, which is now in the hands of IGAD Member States.

Then there is the proposal for a tribunal, which has been accepted by the two parties, which is also in the accord on South Sudan. It came from our report on the investigation, so we are moving forward. In that tribunal, I am sure that this issue of gender-based violence will be very much to the fore, because our findings on the previous case are very clear. So the AU is

really moving forward. There is the possibility right now with the trial in Senegal of Hissène Habré, the former President of Chad. As you may know, civil society and women's groups are pushing for the issue of gender-based violence to be addressed as part and parcel of that trial. So it is not perfect, and I think it will take time to make it perfect. One of the demands of women not only in the AU but in civil society women's groups is that once it has happened, one of the punishments should be to move the whole contingent out of the country, even if it is only one element.

Last week I was in the Central African Republic. As I said, my work is on the ground, meeting the women, sitting with them and encouraging them. Of their demands, the issue of justice and the fight against impunity are very much at the top. They are preparing for the elections but are also starting to look at those who have been affected to make sure that any provision for training of countries and so on will take the issue into consideration.

Lastly, the AU has sent a team of African doctors, called Médecins d'Afrique—African Doctors—to the Central African Republic, who right now are working in the communities on reconstructing people's minds in the community, which involves psychological support and trauma counselling. Those are the steps that the AU is taking, but we also think that compensation and support for victims should be one of the priorities by creating a fund that can address that in the aftermath of the conflict.

In terms of jurisdiction, the AU always partners the UN in the commitment to peace and security. The Security Council is in charge of the peace of the world, but the AU also carries out peacekeeping operations, laying the foundations for international peacekeeping to come. So our operations are clearly in line with international standards; that is what the AU is trying to do. Jurisdiction should also be adopted by the AU Member States, as the chairperson, Madame Zuma, is very much against following up: everything should be put in place to prevent sexual violence in conflict in the first place.

Q83 Baroness Kinnock of Holyhead: Thank you very much indeed for sharing your extensive understanding of these issues and telling us how you are dealing with this. I certainly value the attention that you have given this morning to the collaboration with the UN on these matters, which is very welcome indeed.

To follow up on the issues that you have just raised, what is your view on the Convention on the Privileges and Immunities of the United Nations, which I think you are very well aware of? In the countries we are talking about, access to legal systems is often not there for them, in the CAR, in South Sudan, in conflict and so on, so that going into the legalities of what has been happening is, I think you will agree, quite difficult. It has been suggested that the UN should waive the immunity of its personnel in order that trials can take place. What is your view on that, and do you think that is a realistic objective? Do you agree that there should be proper investigations, and that the UN should be able to waive immunity for the enforcement of prosecution of those accused of abuses of human rights? That is a very important issue for us.

Also, I have heard the suggestion that, whenever appropriate, there should be courts martial for military personnel in peacekeeping missions, and that just because they are peacekeepers and associated with various countries in Africa they should not be allowed to escape the various necessary and proper analyses of what has happened. I wondered what

your view was on that, because I have been looking at the Convention on Privileges and Immunities, and I wondered how much that is there in your thoughts and reflected in your actions.

Madame Bineta Diop: Thank you so much. On privileges and immunities, as you know, when we send peacekeepers, they are under the army of the country that sends the troops. For example, in Africa, Burundi, Rwanda or any places to which troops are sent, they are under command. At the AU we very much work with the special representatives. For UNSOM, for example, we have a special AU representative who looks into those issues. We put into his mandate first the issue of monitoring gender-based violence on the ground and within the military itself. When I visited Somalia, I met the representative and the deputy—a man and a woman—who will comment on preventing sexual violence, even within the army for example, and ask for a different setting for the women and the men in the military. So are looking at further protection even of the military, men and women, who we are sending.

In terms of allegations, when there is an allegation of abuse, as I said we do due diligence, go on the ground and set up an independent commission of inquiry, which comes up with issues that will be presented to the Peace and Security Council. Who will now take the decision? Not the AUC but the security council will decide, and for the time being the troops will be sent back home. That is what is happening. There have been cases in Somalia where a person who was targeted was sent back home or the government or the military have pulled them back because of such an allegation.

Now, the issue is the tribunal, because as you know it is the military tribunals that are in charge of judging them when they come back. This is where the UN or the AU come in: how do we now make sure that they face justice when they come back? In some cases it has happened; some militaries have put tribunals in place to judge, so that when you come back you are dismissed; or, depending on the allegation, you are dismissed for months or you are completely dismissed from the army. That is where we are saying that accountability needs to come in. We need to monitor up to when they are sent back to make sure that that happens. We should not leave it to the Member States that have sent the troops to make the judgment. Sometimes we know that the military can be a “silent house”, as we say, in that they do not communicate what is happening outside. So we need to monitor what armies do when they send peacekeepers back, whether that is at the UN and whether it is Indian troops, Afghan troops or any troops that are sent on the ground. When they are sent back, we need to see how they are prosecuted by the army.

Baroness Kinnock of Holyhead: Could I just pursue one aspect of what you have just said? Would you be prepared to say that the UN could and should refuse to waive immunity for the enforcement of prosecution?

Madame Bineta Diop: Yes. Immunity cannot be waived, because at the end of the day the conflict will come back if we do not address the causes or the consequences. If the women do not see justice or reparation, and if the perpetrators are free, we are promoting the injustice that we need to fight against. So the UN has to make sure not only that those who perpetrate violence are brought to justice but that we do not give them any immunity or protection. Even in our report on South Sudan, we need to say that nobody, no politician, will be protected and given immunity. It is now up to the politicians and the UN to adopt the appropriate framework to make sure that there is a judgment, because that is what the women are demanding. You know that my role is to set out what the women are saying. It is

not what the AU is saying; we set out what the victims are telling us they need to be done, and what we need to do to prepare for reparations and justice to be done for them.

Q84 Baroness Young of Hornsey: Thank you very much, Madame Diop, for your contributions this morning. I particularly like your approach, which, as you say, is that you are representing and giving voice to the women so that the AU can act and press for more action.

What sanctions do you think the AU can bring to bear against the perpetrators of sexual violence in conflict? I want to link this back to your final report, which you spoke about earlier, by the Commission for Inquiry on South Sudan, and the recommendation of the establishment of an African legal mechanism under the aegis of the African Union to prosecute those who bear the greatest responsibility, no matter how high up the chain of command that might be—even to State level. Can you say something about what sanctions and legal instruments can be brought to bear on high-level perpetrators of violence or those who condone that violence by taking insufficient action?

Madame Bineta Diop: It is very clear in our reports, and it must be. It was our mandate to do due diligence, and we have done our job as members of the Commission of Inquiry. We did not hide anything. What we saw on the ground is what we put in our report. It was an independent report. I made sure that I had a gender expert with me, who was put in place by UN Women; we had a joint commission with UN Women, and they deployed personnel for us. African personnel who had retired from the UN Office of the High Commissioner for Human Rights also accompanied us when we looked into evidence and so on. So it was a priority for us and at the heart of our investigation, and this is what you find in the report.

Our report also refers to the African Court on Human and Peoples' Rights in terms of the AU, because that court exists right now and informs my view. It needs to be empowered enough and supported to make sure that it can also address some of those issues. You might remember that, in the case of Rwanda, gender-based violence was addressed in the tribunal in Arusha. So in this report, we propose a court that can address these issues, including gender-based violence.

The two parties to the conflict have accepted the idea of a court, and this is in the agreement. The whole issue now is how we implement that agreement. This question is not just for the AU or IGAD but for the international community. All of us around the table need to exert pressure in order that such a court exists and can address these issues.

So the work on the ground has been done. We have ample evidence, and we have the agreement of the parties who have signed the agreement. Now we need implementation. Most of the time issues are put on paper, but when it comes to implementation it lags behind. We need money and resources, or it is not a priority. We all need to advocate having a court, as we do in the report which the AU has issued on sexual abuse in conflict.

Baroness Young of Hornsey: You went down this route rather than making referrals to the International Criminal Court. Can you say something about why that decision was made?

Madame Bineta Diop: Did you say the ICC?

Baroness Young of Hornsey: Sorry, it is difficult to hear you.

Madame Bineta Diop: Can you repeat your question?

Baroness Young of Hornsey: The Commission decided to set up this particular approach, rather than referring to the ICC. Can you say something about why that decision was made?

Madame Bineta Diop: The call for jurisdiction is in our report. Of course, the ICC is another way of addressing it, but when you are looking into doing it better you might start at home. That is something that we also put in the report: that there is a need to reform the judicial process at a national level, because not everybody can go to the ICC. You need to address it at the national level, at the regional level, and at the international level where the need arises. In our case, we looked into the national and the regional levels, but if there is the need to go to the ICC and justice is not done, something will happen. Either it is at those levels or at the ICC, but our starting point was the need to look at mass violation, because the perpetrators are many and we need to judge them on the ground, as they did in Rwanda; there was the Gacaca court, they have national courts and they have the tribunal in Arusha. So we need to look into all the systems that exists. We are not saying that the ICC, as an independent court, is not relevant; we are just saying, “Let’s do it this way”, and as Africans we start in our African courts. “Can we do it like before?” We were able to do that, and we are now doing this in Senegal. So there is the possibility to do that and to empower our judicial system, and where it is not working we need to address that.

You know that the ICC is as we promoted, because African Member States are the majority of the signatories to the Rome statutes. There are international countries that have not signed up to the Rome statutes. I can also tell you that the majority of Member States that have been meeting to talk about the ICC say, “Why is the ICC just addressing us, not the others?”. That is the feeling that I got from people. Coming from civil society, my background has been in pushing against impunity and in bringing the perpetrators to justice. That has been my battle all my life. As I say, the Member States are saying, “The ICC is there, but it is only addressing us”. Our own report is looking at the national and the regional, but why not the international?

Q85 Baroness Hilton of Eggardon: Madame Diop, to continue with the difficulty of mounting prosecutions or dealing with the perpetrators of these offences, one of the problems is collecting evidence. As you know, a protocol, which in my view is rather elaborate, has been produced, about interviewing witnesses and recording their statements. Do you know to what extent it has been useful or has been used in an attempt to prosecute offenders?

Madame Bineta Diop: In my own office, being aware of the protocol has really helped to raise awareness in my own area. But I also have to emphasise that we have the peace and security architecture, a whole architecture that comes from military peacekeeping and goes through mediation, so there is a provision on peace and security. So we have a huge range of areas where the protocol has to be used. My role is really to promote such a protocol, not to implement it. I am not an implementer but an adviser. My role is advisory, and in this conversation I am not representing the African Union, because there is a Commission of the African Union and a Commissioner who is in charge of peace and security. My mandate as a Special Envoy is to raise women’s voices and bring forward women’s issues, so I cannot tell you what the Member States in the Peace and Security Council think—I am not a Member State. I am not even an official paid employee of the AU Commission, so my role is really that of a Special Envoy to make sure that I can share this issue that we share. When I listen to you and to the women, I say, “This needs to be done”. My role is to monitor whether it is

done and to tell them if it is not done, and I highlight whether it is done or not done through the chairperson of the African Union. The Commissioner is in charge of peace and security. I am not in charge of peace and security; I am in charge of advising the necessary person, who is the chairperson of the African Union. I use the framework and ask people to read it and make sure that we train the staff on that, especially those who have been employed, but I am not the implementer, so I cannot tell you how much it is implemented right now. My role is to make sure that it is given to them and that it is in the training and policy.

The Chairman: I have a couple of short questions that come from your answers, Madame Diop. The first is: what about men and boys, who also get assaulted sexually when there is conflict? Can you advise the Secretary-General on that as well?

Madame Bineta Diop: There is a growing evidence that boys are also assaulted. In the case of the Central African Republic it is obvious; the evidence has showed that. We need to engage the UN by saying that it is not only a gender issue. It has become a gender issue. Of course the majority of victims are women, but we need to make sure that we can address the issue of young boys who have been assaulted as gender-based violence as well. The Secretary-General's investigation in the Central African Republic will result in a report, and he will make sure that it will address this, and I think that Zainab Bangura's mandate will also look into this. By implementing the policies and the framework she is making sure that we address the case of boys who are also victims.

Q86 The Chairman: Thank you. You told us that you have been witnessing discussions with women who had been assaulted in the areas and villages where that had happened. How in such a case do you try to protect the women as they give their evidence, and afterwards? What about safe zones for citizens? Is there any way in which the African Union can offer us guidance and advice on that?

Madame Bineta Diop: We need more peace centres. We need spaces where you can meet the women, where there can be discussions among them, and where they can be protected and empowered. When UN Women, Madame Phumzile Mlambo-Ngcuka and I visited the Central African Republic, one of our proposals was to make sure that we have those centres—safe spaces for women so that they can give their testimonies and they are not identified. For example, when I held discussions there, took evidence from them and interviewed them, we gave no names and made sure that we disguised their faces. They need that space. That is why Madame Phumzile Mlambo-Ngcuka, UN Women and I have been looking into how we promote that. One of the projects of UN Women in CAR is to create safe places for women. We have seen that it in some places such as the DRC, where there are centres for women. Perhaps the UK can also support this, even within peacekeeping operations.

When women are whistleblowers, if you give them the instruments they can be safe and anonymous and can declare, for example, "My fellows in the military have abused me"—because that has also happened. That is why we are putting this system in place for whistleblowers, which I think has helped. In that kind of space for women, they can share, and that is what I do: when I go there I create a safe space where we sit, talk and discuss and they share with each other. We bring counsellors to them, because afterwards they need to have trauma counselling. Then we make sure that we follow through with them and that they are protected afterwards. So those safe spaces need to be duplicated in communities as well. Even those who have not been abused need to be part of the process

so that they can be part of the caring and so that the community needs of the survivors can be met.

The Chairman: Madame Diop, on the victims who cannot be anonymous, which is an enormous number, does the African Union have advice on how those women might even be welcomed back into their communities rather than stigmatised and continually pushed out? Do you have any policies and guidance on that?

Madame Bineta Diop: As you know, we started with the UN, and I started by saying that the UN is in charge of the peace and security of the world. When we are implementing Resolution 1325, which is now a good instrument for the African Union, we are also looking at sharing the UN's experience—what has happened within the UN—so that we can learn from the process and learn from where we are integrating well, such as giving economic empowerment back to the community.

We have a project and a fund that is post-conflict and that aims to support women to go back. In the Central African Republic, for example, we are training women in agriculture and are looking into training them in civic education so that they can become part and parcel of the community and can exercise their citizens' right to come back into the community and to vote. In the Central African Republic, where I was last week, we trained the women for a coalition and to exercise their citizenship so that when we come to an election they can be elected. Why not? There were some candidates, some victims and some politicians in the room. You need to help them to reintegrate into society. For example, there is an African Union fund to look into training, and with UN Women we are looking into agriculture. In the majority of those countries, women are saying, "We want to go back to the fields, because we need to feed our family, feed our children and bring them back to school, and we need to build health centres". So they go out. In Liberia and Sierra Leone, for example, young ex-combatants were integrated back into the community and space was provided for the women to give them economic and political empowerment to integrate into society. Yes, the AU has such a fund, but it is small, and it needs to be replicated and amplified.

Q87 Baroness Kinnock of Holyhead: Madame Diop, thank you very much for everything that you have shared with us this morning. Some of us in this room are visiting the DRC on Thursday. What progress, if any, can we expect to see? I have visited the country quite a few times, and it is my understanding that I will probably not see or experience great changes in the DRC as far as the issues that we have been discussing today are concerned. Also, I was always a great supporter of the initiatives of Margot Wallström, who, as you know, worked on these issues in the DRC and focused only on them, although she has now left that job, as well as a supporter of Mary Robinson, who, as I understand it, is no longer playing that role in the DRC. Is there any likelihood that further appointments will be made and that someone of their ilk and experience will be able to go there to assess what is happening?

Madame Bineta Diop: On the issue of the DRC, when I visited London last time I met the Special Representative of the President of the country on the issue of sexual violence and abuse. The lady visited London and met government officials and others, but since she was appointed a general has been accused and also detained, if my information is right. So I think the government has been taking this seriously thanks to international pressure—from the EU, Zainab Bangura, Margot Wallström. All of us have been pushing the government, as well as the UN forces, to take tremendous steps to make sure that they address the protection of civilians as well.

We worked with Mary Robinson—I was not Special Envoy at that time, as I explained—in the DRC, Burundi and Rwanda to put a platform in place for women, which still exists. In fact, we are calling a meeting next week of the board of the platform. We are meeting Said Djinnit, who has replaced Mary Robinson and has taken very seriously the need to make sure that the voices of women are heard within the accord. One of the things that Mary started was the creation of a fund for women that will address the reconstruction of the mind and the body as well as the economic. It is hosted by the Global Fund for Women, which is in the States. The funds are there, and it distributes the resources to the NGOs and civil society on the ground in the DRC. So we are making sure that what Mary put in place is continuing. Now, with my Special Envoy hat on, I am also pushing this within the AU, so that the legacy that Mary left continues as well, because we designed it together. We were at meeting at Burundi, and we have been working closely together with Margot Wallström as well. As a member of Femmes Africa Solidarité I invited Margot to one of its meeting in Uganda, and we made sure that she had a platform herself to address the Member States and make sure that they heard what Margot had to say.

So my work is to continue all our work, on international and regional levels, because we created our big women's network to make sure that we facilitate that process. Now my job is to make sure that that process does not stop. We can say that the chair of the African Union, Madame Zuma, who we all know, takes these issues and the priorities of her own mandate seriously. She has made sure that this year is the year of women's empowerment and that we look into all sectors of women's empowerment. She is looking at good initiatives to promote, and next year, 2016, is the year of women's human rights. We have women's champions. We have male champions too, but also women's champions such as the chairperson, Margot Wallström, and Mary Robinson, who are the friends of Africa who have been supporting our work on the ground.

Baroness Kinnock of Holyhead: Thank you.

Q88 The Chairman: Madame Diop, I have a final question for you, and on behalf of the Committee I would like to say thank you very much for all that you have given us. What could we propose that would assist you in your work? What could the UK Government do that we could recommend, and what do you see other States doing that we could also suggest should be investigated and carried forward? How would you like us to recommend materials, tools or protocols that would support and enhance the amazing work that you are doing?

Madame Bineta Diop: Thank you for this important question. I need to get your support for implementation. As we celebrate 15 years of Resolution 1325, we still see huge gaps in implementation, at government and local level and even in civil society. So the first thing for me is to make sure that we have a framework for monitoring within the African Union. Of course, we do not need any more declarations or resolutions; rather, we need people to talk about how we implement, what resources we have in the African Union and the region to implement, and how we can access the UN resources to make sure that they are implemented right.

For me, the first thing is to empower African women. There is a political will in the commission—the chairperson and the Commissioner are very much behind this—so we need to have a framework that monitors what happens on the ground. That may be through the participation of women in mediation. For example, we are training women right now in

the AU with rosters with Member States such as South Africa and others to support women to be part of mediation. So we need to make sure that the Member States are involved. Last time, Sweden and Norway and other countries said that they would support capacity-building for women mediators. We need to track those things when it comes to participation.

When it comes to protection, we need to make sure that we look into the laws and the framework that exist. We need to look at countries that have friendly police officers who can investigate and help civilians and women, and we need to look at which are implementing best practices and solutions.

In terms of Resolution 1325 and other protocols, we know that there is no way we can say that we are preventing violence and so on. We do not prevent enough, even with the support of the international community. We have early warning systems, for example in politics, when it comes to elections and we see violence, and so on. However, we need to make sure that we are preventing as well. This framework for monitoring will help us to produce an annual report with clear indicators so that we can track and measure the solutions that have been applied. If we track the indicators, we will know it has been applied and where it has not been applied.

Lastly, there is the issue of resources and capacity-building for women's groups. The African Union has to do more, but the international community says that there is no more money for peace and security. Wherever I work the women say, "We don't have money". We need to empower the women's groups that are monitoring what happens on the ground and who can provide alternative solutions. Right now, no money is to be found anywhere. This would be a huge help. We need implementation and to give all actors, including civil society, the capacity.

The Chairman: Madame Diop, thank you very much indeed. We in this Committee support and thank you, and congratulate you on your wonderful work. I can see that everyone is hugely grateful to you and vastly impressed by the enormous amount of achievement you have already managed. Thank you for joining us, and if we may we will put forward a few more written questions, as we have not quite got through everything. We have taken up a lot of your time. We thank you very much indeed and look forward immensely to continuing this co-operation. Thank you very much.

Madame Bineta Diop: Thank you so much for this conversation. I am also thankful for the last EU summit, when William Hague and Angelina Jolie highlighted decisions for Member States. They will continue with this advocacy as well. My office will be very glad to provide more answers to questions. This was a wonderful discussion, which I appreciate, and I thank you for listening.

The Chairman: Thank you.

AIDS-Free World and REDRESS – Oral evidence (QQ 53-62)

Evidence Session No. 9

Heard in Public

Questions 53 – 62

TUESDAY 3 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Bishop of Derby
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witnesses

Ms Carla Ferstman, Director, REDRESS, and **Ms Paula Donovan**, Co-Director, AIDS-Free World (via videolink)

Q53 The Chairman: A very warm welcome to you this afternoon. Can you hear me, Ms Donovan?

Ms Paula Donovan: Yes.

The Chairman: Wonderful. A very warm welcome and thank you for appearing via videolink. We are very grateful. Welcome also to Ms Ferstman. Thank you very much for coming from Oxford.

Ms Carla Ferstman: Thank you.

The Chairman: Thank you both for joining us. I have a couple of housekeeping points to make. You have a list of all the interests that Members of the Committee have declared. This is a formal evidence-taking session. We take a full note and that goes on the public record in printed form and on our website. We send a copy of the transcript to you so that you can make any minor corrections. The meeting is on the record already and is being

webcast, and it will be accessible on the parliamentary website. If we do not have enough time to cover everything that you want to tell us, you are very welcome, if you would be kind enough, to give written evidence. Anything additional that you want to say, we will very gratefully receive. Do not feel that you have to answer every question. If you have a more interesting point to make, please roll over the questions that we have asked.

First, would you like to make any introductory remarks, Ms Donovan?

Ms Paula Donovan: I would be happy to go directly to the questions, but I will introduce myself first. I am Paula Donovan, the co-director of AIDS-Free World, and my organisation has launched the Code Blue campaign to end impunity for sexual exploitation and abuse by peacekeeping personnel.

The Chairman: Thank you very much. Ms Ferstman, would you like to make any introductory comment before we go to our first question?

Ms Carla Ferstman: Thank you. To save time, I, too, would be pleased to go straight to the questions. Thank you for this opportunity.

Q54 The Chairman: Thank you both very much.

The United Nations has for some time recognised the problem of sexual abuse and exploitation by peacekeepers, and has made a number of attempts to address this. Do you think there have been any successes in those efforts, and if so, what?

Ms Carla Ferstman: Thank you. I think there have been important advances in greater awareness of the problem. In itself, this is quite important, but those advances in awareness have come largely as the result of failed investigations and prosecutions. We can also note from some of the figures that have been provided by the Secretary-General that, at least on the face of it, the number of allegations of sexual exploitation and abuse seems to be decreasing. It is important, however, to take those figures with the reflection that they require. First, there have been quite a number of debates about the accuracy of those figures. Secondly, there is a continual problem of underreporting.

The training efforts with respect to sexual exploitation and abuse have significantly increased. However, once again, expertise in this area shows that in some crucial areas there is a need for added training, both pre and post-deployment. There is also greater clarity with respect to the code of conduct. However, looking at these issues again more carefully, one can see that there is not sufficient distinction between what may constitute disciplinary offences and what may be a criminal offence. Also, the Memorandum of Understanding that contributing countries sign with the United Nations has undergone some significant revisions, which have led to important undertakings being made by troop contributing countries. However, the enforceability of those undertakings is still an issue leading to lack of accountability.

The Chairman: Why does the problem persist, in that case, if accountability and awareness are heightened? Why is this still continuing?

Ms Carla Ferstman: There are a range of reasons for this, but at the heart of the reasons for the continued problem is the lack of clear accountability for these crimes. The reasons for the lack of accountability are diverse, and we can go into that throughout the discussion.

The Chairman: Ms Donovan, on the question of the United Nations addressing the problem, do you perceive successes? If there are successes, why is the situation not improving?

Ms Paula Donovan: I concur entirely with Ms Ferstman that the numbers indicate that the instances of sexual exploitation and abuse are diminishing but that the numbers are entirely unreliable. As most people who deal with sexual violence are aware, the problem of underreporting relates directly to the feeling of victims that by reporting they will achieve justice of some sort. When people feel confident that justice will be served when they report, and that victims will be treated appropriately, the levels of reporting go up. That means that the decreasing numbers may reflect just the opposite of what the UN is contending. Decreasing numbers of allegations of sexual exploitation and abuse may actually reflect that the civilian population feels as though it is dangerous, futile and simply not in their best interests for safety and justice reasons to come forward and attempt to use a system that historically has not worked in their favour.

The Chairman: A quick comment, Ms Ferstman. How do the peacekeepers use the code of conduct?

Ms Carla Ferstman: The code of conduct frames the oversights in troop contributing countries. It forms the basis on which the troops are trained. In addition, key points are distributed in short form so that peacekeepers have the relevant information about its contents at all times. It is used mainly as a preventive tool and, when it comes to allegations, it can be the first way in which discipline can arise.

Q55 Baroness Hilton of Eggardon: Can we turn to attempt to prevent these things happening? How important do you see training, and can other measures be taken to prevent these offences happening in the first place?

Ms Carla Ferstman: I will start just because I am in the room. Training is extremely important, but it has to be intensive, ongoing and, of course, underscored by positive practice. One aspect of training, as anyone who has done training will tell you, is the use of examples. But in the case of sexual exploitation and abuse, investigations and prosecutions, we do not have those positive case examples to use because the follow-up has been so limited. So there is a difficulty with respect to that. Also, some of the comments by experts who have analysed the content of the training modules are that they do not get to the heart of the gender biases and stereotypes that underpin and cause the environment in which sexual exploitation and abuse can flourish. These gaps make the training efforts less effective.

With respect to other measures that can be used to complement training from a preventive angle, a key one would be to strengthen complaints processes. This is one of the recommendations which the Secretary-General has set out in his most recent report, simply to make it easier for victims to come forward. Another is to improve transparency. One of the biggest challenges has been that although the UN puts statistics on its website to indicate the number of allegations and what has happened to those, these are aggregated statistics, which means that it is very difficult to trace which country is causing the abuse and there is no public shaming, which would really help to prevent these incidents happening in the first place. Also, greater sanctions against troop contributing countries would sufficiently assist.

The Chairman: Is Mrs Donovan going to comment?

Ms Paula Donovan: Yes, thank you. On training, we feel that it is entirely unrealistic to have United Nations officials and staff members speak to members of troop contributing countries—to military officers and soldiers—over the course of a few weeks and tell them about the importance of respecting the civilian population, the egregious crimes that should not be committed against the civilian population and the reasons for that, and trying to raise their awareness of human rights principles. You cannot take people who have been alive and operating for 20, 40 or 60 years and expect that, over the course of a brief training period, you can suddenly change their psyches, their attitudes and so forth and ensure that they will not commit these offences. The training that has to happen at the United Nations is of the officials who are responsible for accountability, so that the training is focused on the troop-contributing countries' managers—the people who are actually responsible for overseeing the discipline and conduct of their troops—but also, very importantly, on the staff of the United Nations. I know that there are questions further along that deal with this division between the civilian and the military peacekeeping personnel. It is quite clear that there is massive misunderstanding and confusion regarding what exactly happens and what processes should be put in place when a particular offence is alleged. There is great opacity in the procedures—the amount of time that is allocated, who has jurisdiction, who establishes the prima facie case that an offence has been committed and when that information is turned over to the person or the entity with the appropriate jurisdiction. All this is very unclear and happens on an ad hoc basis. My feeling is that the training for the soldiers should be just like the training for soldiers regarding any other conduct—

The Chairman: We have lost the link. Are you back? You went away briefly.

Ms Paula Donovan: Sorry, yes I am back. The soldiers and the staff who are staffing the peacekeeping operation simply need to know what the rules are and what exactly will happen if they break any of those rules or are accused of breaking the rules. That needs to be clear both to the people who are managing the process and to the people who are potentially going to flout the rules and regulations.

Baroness Hilton of Eggardon: So clarity is extremely important. Do you see any difference between the measures that need to be taken against sexual abuse as rape or sexual exploitation as trafficking, or other abuses that might occur? Do you see any distinction between different sorts of sexual abuse or not?

Ms Paula Donovan: I do. I think that the international community has delineated the offences that are crimes and the offences that may be against the rules and regulations of the United Nations. These should certainly be disaggregated. In cases of crimes, allegations of crimes must be treated entirely differently than allegations that a particular member of a peacekeeping operation broke a particular rule or regulation that could lead to administrative disciplinary measures. Crimes are an entirely different thing. The world at large has agreed that in cases of sexual violence and sexual abuse, these are crimes and they must be treated as crimes, regardless of who commits them.

Q56 Lord Sterling of Plaistow: The United States, we understand, is seeking to remodel United Nations peacekeeping and expand the ranges of countries providing troops. Indeed, the suggestion is to do so possibly in a more assertive fashion, but obviously that is something that you would know much more about than us. Do you think that what it is thinking of doing would contribute to the prevention efforts? It would be interesting to hear your views.

Ms Carla Ferstman: On the potential expansion of the number and scope of peacekeeping operations, we think in general that the need for peacekeeping operations continues to grow. I do not think that the failure to deal with these issues should in and of itself make one pull back from the notion of peacekeeping. It just draws into question and requires us to tackle more urgently the problem that is in front of us, which is the lack of accountability for sexual exploitation and abuse and the continued practice of it.

On the question of more peacekeeping operations, we know of many conflicts where those could certainly play a very useful role. It is also important to note that it is not only the United Nations that is involved in peacekeeping. The African Union is playing an increasingly important role in this respect, so any standards with respect to sexual exploitation and abuse should, in principle, be applicable to non-United Nations peacekeeping missions as well as to those under the UN umbrella.

Lord Sterling of Plaistow: So it is more of an expansion that they are talking about, rather than method.

Ms Carla Ferstman: Perhaps Ms Donovan might have a view on that.

Ms Paula Donovan: I feel as though the expansion of peacekeeping is absolutely essential, given what is going on in the world today. Peacekeeping itself is essential. What we have here is that a part of the peacekeeping operations—and the way in which they are handled—is broken. It does not make sense to try to expand something before you fix what is broken in its current size. The plea on the part of several Member States to ask other countries to contribute troops and so forth is absolutely valid, but we must fix this broken part of peacekeeping before we expand it further. We often hear that there is a threat looming over the United Nations. The myth is that if the international community appeals to additional countries to contribute more troops, they must not insist on rigour where sexual exploitation and abuse are concerned because the troop contributing countries, or the potential TCCs, will rear back and say, “We refuse to abide by these very strict regulations. If you want us to contribute troops, you’re going to have to allow us to discipline our own troops in the way we’ve been doing it so far”. I do not believe that the peoples of the international community would agree that sexual exploitation and abuse, and the lack of accountability for it, is the price that we need to pay in order to increase the levels of contributions by troop contributing countries or the peacekeeping operation overall in the world. It is simply not a trade-off that the world will accept.

The Chairman: I turn now to Lord Williams. A very warm welcome to you. Did you have a comment?

Q57 Lord Williams of Elvel: As you are aware, the Committee has been established to examine the United Kingdom policy and practice in all these matters. What is your perception of the UK policy on peacekeeping and how peacekeepers should behave? Do you think that that is working in any way in practice?

Ms Carla Ferstman: I think it is quite an important aspect to look at, given that the United Kingdom Government have announced their plans to send peacekeepers to South Sudan. Having reviewed in advance of this evidence session criminal accountability, I asked myself the question: what if a UK troop in South Sudan were to be accused of sexual exploitation and abuse? Under military law, it would be possible for them to be prosecuted. However, it will not just be members of the military who will be prosecuted or carry out these types of

activities. There may be civilians involved, who would not be subject to military law and so would need to be prosecuted under domestic criminal law. UK criminal law allows for extraterritorial prosecutions only for a certain number of crimes. Sexual exploitation and abuse do not figure among them, so that individual could not be prosecuted under current law. Recent changes to include additional extraterritorial crimes have come into force in the United Kingdom, for example football hooliganism and sex tourism, for which you can be prosecuted. So there are ways in which the jurisdiction can be expanded for certain crimes, but sexual exploitation and abuse are certainly not covered. The crimes that are covered are murder and international crimes such as genocide, war crimes, and crimes against humanity or torture. Sexual exploitation and abuse will, 99% of the time, not fall within that in the context that we are discussing. There is certainly a gap.

A second gap, even if there was extraterritorial jurisdiction, is the need under most extraterritorial statutes for double criminality. So for a prosecution to take place in the United Kingdom of civilians attached to those troops, one would need to inquire into the legal system of South Sudan to determine whether sexual exploitation and abuse was also a crime in that country. One can obviously see the challenges and natural gaps, but also the route to fixing those.

With respect to other matters, there are two other ways in which the United Kingdom can play an extremely useful role. One is to take a leading role in discussions at the Sixth Committee of the UN General Assembly, which is looking at some of these issues, on the potential for an international treaty to deal with the definitional and jurisdictional issues, as well as issues such as mutual legal assistance. That would be an important role for the United Kingdom to play. In addition, the United Kingdom could, on its own, take up the many recommendations which the Secretary-General has put out in reports: for instance, sending with its troops an investigator from the start so that it would be ready and able to initiate investigations should abuse allegations arise and, of course, to provide training.

Q58 Baroness Young of Hornsey: Thank you very much. Both of you have mentioned accountability several times and, indeed, have suggested that there needs to be much more clarity about what will happen to whoever is accused of an offence. Can you say something more about the current disciplinary arrangements of troop contributing countries? Do you think this is sufficient and effective? How could improvements be made? Perhaps we could then go on to talk a little about how the chain of command might be used to make the disciplinary arrangements more effective.

Ms Carla Ferstman: A preliminary issue is the use of disciplinary sanctions in lieu of criminal accountability. There is that problem as well. When one goes into the detail of the disciplinary sanctions themselves, one sees that the main one used is repatriation. It does not necessarily translate into a long-term blot on their record, although the United Nations, as well as certain troop contributing countries, are getting better at vetting persons against whom credible allegations have been brought. Those individuals would not be able to participate in any subsequent troop contributing mission, which is quite important. The measures in place can be improved, but some of them could, and already do, serve as a disincentive when they are applied.

Baroness Young of Hornsey: Is that sort of vetting widespread? Could it be more rigorously pursued?

Ms Carla Ferstman: Under the current Memorandum of Understanding between the troop contributing countries and the United Nations, there is an obligation for troops to vet prior to sending. However, the extent to which that has been enforced has varied significantly from country to country. From the standpoint of the United Nations, it already has a tracking system in use for those cases that it is aware of and has called for the expansion of that system. However, it would naturally be difficult for the UN in New York to carry out a massive vetting of each and every troop.

The Chairman: Would Ms Donovan like to comment on Baroness Young's question?

Ms Paula Donovan: If I can, I will go back for a moment to the role of the United Kingdom, which is linked to the most recent question. I am not an expert on UK domestic policy and I dislike the notion of cultural relativism that seems to pervade the whole question of sexual exploitation and abuse in peacekeeping operations. The UK is, of course, a permanent member of the Security Council and has a critical role to play. One thing that needs to be established very early on in any discussion of sexual abuse by peacekeeping personnel is that fact that we are talking about two different groups of people. There is the massive percentage of peacekeeping personnel who are military and who are provided by troop contributing countries, and then there is the relatively much smaller group of people who are part of a peacekeeping operation and who are employees of the United Nations, directly or indirectly. Those are staff members, experts on mission and certain police.

Although they are unreliable, we can look at the ratio in the figures that are presented by the Secretary-General each year. The figures show that this relatively small percentage of peacekeeping personnel—let us call them civilian, non-military personnel—makes up the bulk of the allegations each year of sexual exploitation and abuse. When the public are made aware of a new case of sexual abuse, the automatic response of the United Nations is consistently to say that the Secretary-General decries the abuse and that troop contributing countries have a role to play as the United Nations has no jurisdiction over the criminal accountability of troops. It then appears that the problem resides purely with the troop contributing countries. The reality, however, is quite different. At tiny percentage of peacekeeping personnel are non-military, yet they make up the majority of cases of sexual exploitation and abuse that are reported each year. The United Kingdom has a critical role to play in ensuring that, in peacekeeping operations, it deals with the criminal accountability of anyone who commits these crimes. That is especially true this month, when it has the presidency of the Security Council, and we are awaiting the imminent submission of a report by the Central African Republican review panel which, as you know, was commissioned by the Secretary-General to look into the mishandling of this very issue.

Baroness Young of Hornsey: May I just pick up on something that you said in your response about the cultural relativism of the UK Government? Could you give an instance of that, or expand on it a little? Do you think that is an issue around cultural relativism, or perhaps a reluctance to pursue a difficult issue, or perhaps a combination of both?

Ms Paula Donovan: I apologise. I misspoke if I led you to conclude that I was talking about the cultural relativism only of the United Kingdom. I meant to say that when we are dealing with international operations, the various cultures of the Member States really do not apply. The Secretary-General has declared zero tolerance for sexual exploitation and abuse by anyone operating under the UN banner, regardless of what sort of rules, regulations, laws and criminal codes are in place in the country from which that individual emanates. The

Secretary-General has made it clear that anyone operating under the auspices of the United Nations has absolutely no leeway when it comes to sexual abuse.

Of course, the United Kingdom and all the other Member States are also party to the 1946 Convention on the Privileges and Immunities of the United Nations, which sets out clearly when immunities apply and when they do not, and immunity does not apply in the case of crime. Specifically, since the Secretary-General in 2003 singled out crimes of sexual abuse as those that most affect peacekeeping operations and United Nations operations overall and as something that needs particular attention—he declared and confirmed, or reaffirmed, that there is zero tolerance for this particular set of crimes—all Member States must abide by the zero tolerance policy and ensure that it can be fulfilled by every Member State in an equal and equitable fashion.

Baroness Young of Hornsey: You made a point about the disproportionate number of offences or alleged offences being committed by non-military personnel. Could you perhaps write to us and suggest any ideas about how that could be tackled?

Ms Paula Donovan: Yes, absolutely. That is what our Code Blue campaign is all about—just ensuring that the application of immunity, as defined under the Convention on the Privileges and Immunities, is never used in cases of criminal acts by people operating under the UN banner.

Lord Williams of Elvel: Chairman, could we have some figures on that?

The Chairman: Sorry, I have others in front of you, Lord Williams, but I will come back to you.

Q59 Bishop of Derby: You have both talked about disciplinary arrangements for peacekeepers and non-troop peacekeepers or civilians. Where do the rights and concerns of the victim fit into the disciplinary procedures for countries in the UN, given that the victims are local citizens under the local jurisdiction? Where do you think their rights ought to intersect or be represented, or where does that happen?

Ms Carla Ferstman: Sadly, victims' rights have not formed a major component of the procedures that have been put in place. The individuals are coming to complain, either directly or usually through someone, and then it is simply a question of whether or not that complaint can be substantiated with all due regard to the rights of the individual against whom they are complaining. Issues such as confidentiality are, of course, taken into serious consideration both for the victim and for the suspect, but, moving forward, the individuals do not receive much support.

Bishop of Derby: That is important for us to note.

Lord Williams of Elvel: Coming back to this question of whether it is civilian employees or military employees in peacekeeping forces who commit these offences, do we have any serious figures on that? I understand that there are some allegations, but do we have any serious UN figures on who has done what to whom, when and where? If there are figures, and if Redress supports those figures, could we have them?

Ms Carla Ferstman: The difficulty—to answer quickly—is that the UN has put out figures, but there are doubts as to the accuracy of those figures.

Lord Sterling of Plaistow: I was very interested in what Ms Donovan was saying just now and I could not agree with her more, but the idea that—excuse the language—a bunch of United Nations peacekeepers should start advising a major army, a few weeks before they go wherever they are going, as to how they should behave, would not work. Most of us around this table are more than aware that the ethos of any army of any kind starts when the soldiers are being trained, and the non-commissioned officers have an absolutely key role. Having said that, the commander of the Central African Republic peacekeeping mission recently resigned after there were multiple sex abuse allegations against peacekeeping troops. One of you made the comment just now that some countries are not prepared to take part if they are lectured to as to how they should behave and what laws they come under. However, nearly all the commanders of the peacekeeping forces are in command in other people's countries, so it is not as if what is happening in Salisbury might be happening in Africa. Basically, if you take it that the commander is the one who has the ultimate authority—and, by the way, the civilians should in fact be embedded and be under the control of the commander of the armed services—is it not possible for the United Nations to make clear that the commanders who are appointed to a particular job undertake formally that they will adhere to what the United Nations has laid down, and otherwise they cannot be in command?

The Chairman: Do our witnesses have any comment at all? Otherwise, I am going to move on to Baroness Hodgson.

Ms Paula Donovan: I am perplexed, and my organisation is perplexed, by why the Secretary-General requested the resignation of his special representative but kept the force commander in place. Actually, the SRSR who resigned in the Central African Republic had previously been a force commander in the Democratic Republic of the Congo, which has notoriously been a country where instances of sexual exploitation and abuse are so severe and the level consistently so high that the Secretary-General himself commissioned an expert team to look at that country and three others with the consistently highest levels of abuse. He was then appointed SRSR in the Central African Republic and subsequently resigned. The force commander, however, was not asked to resign.

Briefly, on victims, the entire system is currently operating without any concern whatever for victims. So in the case, for example, of a person who comes forward and alleges that she was raped by, let us say, a non-military person in a peacekeeping operation, for reasons that we cannot understand because there is no legal basis, the United Nations itself puts itself between that victim and justice by taking as long as it needs to determine whether or not it believes that its colleague, its fellow employee of the United Nations, is guilty of any sort of any wrongdoing that would amount to a crime. We can find nothing in any sort of legal document that gives the United Nations the right to intervene when a case is a criminal matter, and when there is prima facie evidence that a crime has been committed there is no legal basis for immunity to apply, yet it does. This causes incredible delays, and the delays are of course death to a case of sexual abuse and certainly rape. The delays also amount to the obstruction of justice for the victims. The victims are also deprived of their remedy in their own country, but they have no idea and no way of finding out what, if anything, happened to the people who were accused of these crimes. The opacity of the entire system is a tremendous problem, and the UN simply asserts that it need not convey information in the way most governments would need it to be conveyed to their civilian populations through a freedom of information Act. There is no such thing where the UN is concerned, so

victims essentially report a crime and then just have to wait and hope that some reporter will reveal what happened to the people who were accused of that crime.

The Chairman: Thank you very much. We have only another five minutes, and I have three Peers who wish to ask questions: Baroness Hodgson, Baroness Kinnock and Baroness Warsi. I wonder if I could have relatively brief answers, and perhaps you could supplement them by written answer. Apologies for the shortness of time.

Q60 Baroness Hodgson of Abinger: Thank you very much. You will be aware of the UK's Preventing Sexual Violence Initiative. What effect do you think it has had in highlighting these issues, and what impact, if any, has it had in this area?

The Chairman: Perhaps Mrs Donovan would like to answer that.

Ms Paula Donovan: In the run-up to the PSVI conference with William Hague and Angelina Jolie, there was increased attention, which is always a good thing. I personally have not yet seen any changes put into effect, and I think it will take a tremendous amount of follow-up and concerted attention. Again, this is an opportunity for the UK, when it has the presidency of the Security Council, to ensure that the questions—and more questions than answers were raised at that conference—are dealt with on a consistent level and possibly in a special session, if the UK were willing to conduct one of those under its presidency.

Ms Carla Ferstman: I concur with Mrs Donovan's comments. Thank you.

Q61 Baroness Kinnock of Holyhead: Thank you very much. Indeed, the whole issue that everyone keeps talking about is impunity and how we deal with the pressures in countries such as the Central African Republic, where nothing is being done to alleviate the suffering of the women there. It seems to me that the international community is only capable of getting really engaged in one or two places. It depends where the press are going to be, and so on, and if nobody is there to take any interest and if you are in the Central African Republic, then tough; nobody is going to do anything. Everything that you say is absolutely wonderful and very, very convincing, but until we get much more commitment from governments and countries outside the places where the tensions exist, we are going to continue to have these kinds of meetings where we repeat and repeat the fact that women are under attack in these circumstances. There is Darfur now and so many examples that we can see where backs have been turned on these women. I love what you say, but I really wish that some of us were much better at creating the political will to do something about what is happening. That is it.

The Chairman: Any comment?

Ms Carla Ferstman: I agree completely, and I look forward to reading your recommendations.

Q62 Baroness Warsi: This is a very short question and you might be able to answer it in writing. It is a follow-up to a question you were asked earlier about the number of accusations that were made against those who were directly employed by the UN. I would be interested in those figures—I think Lord Williams has already asked for those—but also the breakdown between how many of those who are accused are directly employed by the UN and posted from either New York or Geneva, and how many of them are directly employed by the UN but locally engaged. Is there a split between the two?

Ms Paula Donovan: Those figures are not available. The disaggregation is simply whether or not the allegation was made against a military or a non-military staff person. Allegations, I should mention, are aggregates, so a single allegation can involve one victim and one perpetrator, 10 victims and 10 perpetrators. It is a completely misleading and useless indicator. But all these questions point to the fact that this is shrouded in secrecy. The ability of the United Nations to withhold such information from its Member States is the crux of the problem. The way in which it deals with individual cases, and the names of the troop contributing countries in some cases, as well as the names of the individuals who have been accused of these crimes and the different UN agencies, the Secretariat or whoever, that deploy those personnel, are all shrouded in secrecy, as are the legal processes that are undertaken, the length of time of investigations and the conclusions of those investigations. None of this is open either to the Member States or to the general public, and as soon as that shroud of secrecy is lifted and the Member States compel the United Nations—the Secretariat, of course, reports to the Member States—to give these details, we will be able to ascertain the size of the problem and how it plays out with regard to the various contributors, military and non-military, to peacekeeping operations.

Lord Williams of Elvel: It will not happen.

The Chairman: Thank you very much indeed. Mrs Ferstman, do you want to make a tiny final comment?

Ms Carla Ferstman: Just that there is a missing piece of the puzzle. If immunity is lifted, can the host State investigate and prosecute? If it cannot, how will the United Nations' troop contributing countries and others work to ensure that the gap in accountability is closed? There are a number of options on the table. Some are stronger than others, but I believe that it requires quite extensive reflection, which I hope the United Kingdom Government can contribute to. We should not shy away from the difficulty of the challenge, because it is rather problematic in many respects.

The Chairman: Thank you both very much indeed. You each have a tremendous background in this work. We are all extremely grateful to you. You can see how satisfied and grateful we all are for all the information and the knowledge that you have so freely shared with us. Any additional comments in writing would be warmly welcomed by the Committee. We look forward to another discussion somehow.

AIDS-Free World – Supplementary written evidence (SVC0057)

Topic: Sexual exploitation and abuse in UN peacekeeping operations

1. **Summary:** The UN's own data show that the organization's singular focus on sexual exploitation and abuse perpetrated by military peacekeeping personnel is misplaced. The problem is much more pronounced among non-military peacekeeping personnel -- UN staff, experts on mission, and certain police. In raw numbers, there are more allegations levelled against the UN's non-military personnel than against its peacekeeping soldiers each year. Since there are substantially fewer non-military personnel in every peacekeeping mission, allegations per person are proportionally far greater among those who report directly to the United Nations.

2. The UN's early, automatic intervention in the investigative process, whether allegations are made against civilian or military personnel, introduces the potential for bias, hinders the speed and obstructs the effectiveness of criminal investigations, thereby reducing the chances of successful criminal proceedings. Moreover, the exceptionally complex, varied, and often ad hoc investigation and disciplinary procedures applied in different missions and to various categories of personnel result in a system that is challenging for UN officials to follow, and next to impossible for victims and advocates to navigate. In the majority of sexual exploitation and abuse cases reported, these systemic problems lead to a lack of criminal accountability for perpetrators of sexual violence, and a failure to ensure justice and uphold the rights of victims.

A. Data on allegations of sexual exploitation and abuse

3. As outlined during the committee hearing, there are significant concerns with the UN's data on allegations of sexual exploitation and abuse by UN peacekeeping personnel. Given that victims of sexual violence worldwide find it difficult, unsafe, or futile to report sexual offenses to law enforcement, it would be unrealistic to assume that the allegations reported to the UN represent all or even most of the offenses committed. But the labyrinthine crime reporting structure, combined with the refusal of the UN to take responsibility for keeping victims apprised, together lead observers to deduce that under-reporting of sexual exploitation and abuse by UN peacekeeping personnel is likely to be exceptionally high. Where cases of abuse are reported, questions arise about the reliability of the UN's information and the ability of its systems to capture and accurately present the data¹⁶.

4. In addition to these oft-cited challenges, several less visible concerns and previously unremarked double standards in the UN's handling of its own sexual exploitation and abuse problems have been uncovered by AIDS-Free World and are being addressed through our Code Blue campaign, Select concerns are outlined below.

¹⁶ For analysis on the problem, see the report of an independent team of experts posted on the Code Blue website, including on underreporting (p. 13), data management (p. 14) and underreporting and uncollated numbers (p. 14). Final Report: Expert mission to evaluate risks to SEA prevention efforts in MINUSTAH, UNMIL, MONUSCO, and UNMISS ("Expert Team Final Report"), 3 November 2013. <http://www.aidsfreeworld.org/Newsroom/Press-Releases/2015/~media/Files/Peacekeeping/2013%20Expert%20Team%20Report%20FINAL.pdf>

5. Allegations against military and non-military personnel: While many abuses are committed by military personnel, who make up the vast majority of personnel on peacekeeping missions, these do not comprise the majority of allegations. The UN’s data, as seen in the chart below, show that allegations against non-military personnel (civilian and police) averaged 52% of all allegations from 2007-2014. In 2014, 53% of allegations were against non-military personnel. It is clear that as a proportion of personnel on mission, accusations against non-military personnel are substantially higher.

UN data on allegations, presented by AIDS-Free World

	Total number of allegations	Total number of allegations against military	Percentage of allegations against military	Total number of allegations against non-military*	Percentage of allegations against non-military	Breakdown of non-military allegations (excluding "other" and "unknown")			
						Total number of allegations against civilians**	Percentage of allegations against civilians	Total number of allegations against police**	Percentage of allegations against police
2014	51	24	47%	27	53%	14	27%	13	25%
2013	66	37	56%	29	44%	20	30%	7	11%
2012	60	19	32%	41	68%	23	38%	9	15%
2011	75	40	53%	35	47%	22	29%	10	13%
2010	85	38	45%	47	55%	30	35%	13	15%
2009	112	55	49%	57	51%	35	31%	16	14%
2008	83	49	59%	34	41%	26	31%	7	8%
2007	127	56	44%	71	56%	32	25%	24	19%
Sum or average	659	318	48%	341	52%	202	31%	99	15%

Source: Data presented by AIDS-Free World, based on data from the Conduct and Discipline Unit website¹⁷

*Non-military includes civilian (defined below), police, other (consultants and employees of contractors) and unknown.

**Civilian personnel includes UN staff (international and national) and volunteers, but does not include consultants and employees of contractors, as per the categorization on the CDU website. As civilian and police represent the bulk of allegations against non-military, these figures are included for illustrative purposes.

6. Number of allegations does not match number of alleged perpetrators or victims: It is a common misperception that each “allegation” reported by the UN refers to one alleged perpetrator. However, in 2014, of 51 allegations, there were at least 62 accused and 56 victims, according to the Secretary-General’s annual report, *Special measures for protection from sexual exploitation and sexual abuse*¹⁸ The CDU website states that “allegations are counted per individual, unless the number and/or identities of individuals have not been

¹⁷<https://cdu.unlb.org/Statistics/AllegationsbyCategoryofPersonnelSexualExploitationandAbuse/AllegationsbyCategoryofPersonnelPerYearSexualExploitationandAbuse.aspx>

¹⁸ Report of the Secretary-General, Special measures for protection from sexual exploitation and sexual abuse (“S-G’s Report”), A/69/779, 13 February 2015, Annex 3. <http://undocs.org/A/69/779>

confirmed. In that case, allegations would be counted per incident.”¹⁹ This is one of several points that call into question the UN’s framing of a “decrease” in the number of allegations as a sign that such abuses are decreasing in frequency.

B. Investigations

7. Moving beyond problems with the UN’s collection and presentation of data, this section outlines several concerns with the ways in which the UN’s handling of investigations into allegations of sexual exploitation and abuse runs counter to a key principle of the rule of law - an effective and impartial justice system - and hinders victims’ access to justice.

Members of military contingents (TCCs): “The responsibility for investigating an allegation of serious misconduct and taking subsequent disciplinary action rests with the Troop Contributing Country [TCC], in accordance with the revised model memorandum of understanding, endorsed by the General Assembly in 2007.”²⁰ Despite the above, once an allegation has been lodged, the UN collects evidence and undertakes preliminary information-gathering. Only after the UN has conducted this preliminary investigation (which must be completed before any other actions can be taken, but for which there is no discernable timeline); once the UN has satisfied itself that the allegation is credible; and once the country of origin of the alleged perpetrator has been identified, the UN informs the relevant TCC. From that point, the TCC is given an additional 10 working days to inform the UN as to whether it is willing and able to investigate. If the TCC is willing and able, it is permitted another six months to deploy a national investigator.²¹ If the TCC declines to investigate or does not respond, the UN may begin the formal investigation itself.

8. Civilian personnel: The UN claims that the immunity bestowed upon civilian personnel does not apply in instances of sexual exploitation and abuse. However, current UN procedures require that when UN non-military staff are accused of violent sex-related crimes that are clearly unrelated to their official functions, local authorities are not notified until the Secretary-General has first confirmed, on a case-by-case basis, that immunity does not apply. For cases involving sexual abuse, this delay alone may remove the possibility of a successful investigation and prosecution.

9. Further concerns about the investigation process: In response to any accusation against military or civilian personnel, the UN intervenes and conducts a preliminary investigation to determine the “facts” of the case prior to turning the investigation over to the competent authorities. (The handover must occur in each case, as the UN has no legal authority to pursue criminal matters itself.) At least two important flaws stem from this process. First, it is long- and well- established that in cases of sexual violence, more than in any other violent crimes, material evidence must be collected urgently and carefully preserved in order not to prejudice the possibility of prosecution. Despite this fact, the UN intervenes before a formal investigation, often gathering initial evidence. In many cases, this evidence is collected by

¹⁹ <https://cdu.unlb.org/Statistics/OverviewofStatistics.aspx>

²⁰ <http://cdu.unlb.org/Statistics/Investigations.aspx>

²¹ Oral briefing by Diane Corner, Deputy Special Representative of the Secretary-General of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), August 20, 2015. Video available: <http://webtv.un.org/watch/diane-corner-minusca-on-the-situation-in-the-central-african-republic—press-conference/4434844731001>

UN staff who are not trained investigators, and may not collect or preserve the evidence in a manner that ensures its legal admissibility in the courts with jurisdiction. Jurisdiction depends on the nationality of the accused, which may not be known at the time²², and even when known, the UN's initial fact-finders may be unaware of or may ignore these critically important stipulations. Second, the very fact that the UN system must determine the nationality and personnel status (military or civilian) of the accused builds in delays to the investigation process. It might be difficult for the victim to know or recall the nationality and/or the personnel category of her aggressor, particularly for off-duty personnel. This places an undue burden on victims in the criminal process. Ultimately, the UN follows its own standard procedures that create intolerable and unjust delays, inserting itself into the 'pre-investigative' process in ways, and at a pace, that invariably works against victims and favour perpetrators. These have no bases in law, and amount to the systematic obstruction of justice.

Reforming investigations: While the UN is moving to implement rapid "response teams"²³ to respond to concerns raised about the quality, timeliness, consistency, and impartiality of investigations, AIDS-Free World's Code Blue Campaign holds that these teams – employed by the UN – will also obstruct victims' basic human rights to an *entirely* impartial judiciary. The same is true of the move to appoint TCC "national investigation officers" to take exclusive responsibility for disciplinary investigations into alleged crimes committed by their soldiers.²⁴

10. Status of investigations: A further concern, as alluded to above, is that the CDU website is extremely limited as a resource for tracking follow-up to allegations of sexual exploitation and abuse. The S-G's Report provides slightly more details on the status of investigations, but as there are no case numbers listed, it is nearly impossible to identify a case from one year to the next - and many cases take more than a year to resolve. This is of concern from the perspective of victims seeking information about the follow-up to their reports of abuse, and makes it difficult for advocates and the media to track cases and press the UN and Member States regarding action.

C. Disciplinary framework and criminal jurisdiction

11. Once the investigative process, as described above, has been completed, different disciplinary authorities cover different categories of personnel. As per recent updates to the CDU website²⁵:

- "The UN Office of Human Resources Management in the Department of Management takes decisions concerning disciplinary measures for **civilian personnel.**"
- "When allegations of misconduct involving **military and police personnel** are substantiated, the UN may repatriate the individuals concerned and ban them from future peacekeeping operations. The disciplinary sanctions and any other judicial actions remain the responsibility of the national jurisdiction of the individual involved."

²² Expert Team Final Report, pp. 3 & 12

²³ S-G's Report, A/69/779, paragraphs 44-46

²⁴ S-G's Report, A/69/779, paragraph 49

²⁵ <http://cdu.unlb.org/Statistics/Investigations.aspx>

- **“Members of military contingents** deployed on peacekeeping missions remain under the exclusive jurisdiction of their national government.... The Troop Contributing Country involved must then report back to the UN on the outcome of misconduct investigations and actions taken.”

Criminal accountability framework for civilian personnel: As is made clear from the above, the UN provides little guidance in terms of the framework for criminal accountability of civilian personnel under its authority who are accused of crimes of sexual violence. As raised during our oral briefing, discussions have been underway at the UN for 9 years on a new international convention on the criminal accountability of UN officials and experts on mission to clarify the rules and procedures. This builds on a central recommendation from the Group of Legal Experts, which first proposed a convention in 2006.²⁶ As these discussions have lagged, states have been urged to revise their criminal structures to provide for extraterritorial jurisdiction for such crimes. While this would be a welcome step, it bears reiterating that the Group of Legal experts emphasized the primacy of jurisdiction by the host state, where the crimes are committed, “as far as is possible.”²⁷

12. Further challenges from the perspective of victims: These different channels of discipline and criminal accountability, coupled with a reliance on repatriation or dismissal, increase the difficulty of tracking the follow-up to allegations, hindering victims’ access to justice. In addition, it results in a complex system of authorities and rules that are difficult for UN staff charged with responsibility for addressing sexual exploitation and abuse to navigate. This is compounded for witnesses, victims, advocates, and journalists. Furthermore, the different potential authorities complicates the investigation process, as referred to above. It is therefore not surprising that this framework leads to many investigations being declared “unsubstantiated²⁸,” and that even relatively thorough investigations fail to result in criminal proceedings.

13 November 2015

²⁶ Report of the Group of Legal Experts on ensuring the accountability of United Nations staff and experts on mission with respect to criminal acts committed in peacekeeping operations [“Group of Legal Experts”], A/60/980, 16 August 2006. <http://undocs.org/A/60/980>

²⁷ Report of the Group of Legal Experts, A/60/980, paragraph 27

²⁸ Expert Team Final Report, p. 3

AMAR International Charitable Foundation – Written evidence (SVC0068)

I write to submit my personal evidence of the terrible crimes committed against Yazidi women and girls kidnapped, sexually abused and tortured by Daesh/ISIS.

This evidence comes from my personal meetings with these victims, including girls as young as 12 in the Internally Displaced Person (IDP) camps in the North of Iraq.

I am a general practitioner of Medicine and have been Regional Manager of the AMAR International Charitable Foundation (www.amarfoundation.org) for many years. The organisation has worked across Iraq for almost 25 years rebuilding the lives of the country's poorest and most disadvantaged people.

Since Daesh took control of much of the north and west of Iraq in summer 2014, my AMAR teams have been helping and supporting many tens of thousands of the 3.2 million IDPs now living across the country.

I myself was a refugee for five and a half years. I was forced to live in exile in Iran having fled from Saddam Hussein's soldiers when they attacked the southern Marshes of Iraq in the early 1990s.

After my experiences, I believed that nothing could ever shock me again, but the actions perpetrated by Daesh on the Yazidi people are almost beyond words.

The United Nations has reported this week that Daesh still hold at least 3500 young women and girls as sex slaves. They were kidnapped, raped, beaten and sold like cattle. Their tales are, without exception, terrifying.

The 500 or so who have managed to escape were looked after initially in Dohuk, in the Kurdistan Region of Northern Iraq. Some have since been offered expert treatment in Germany but many others remain.

While there is now good physical medical help in Iraq, there is little or no mental health provision. Indeed AMAR has recently launched an appeal (appeal.amarfoundation.org) to help raise money to train medical professionals in this specialty.

I have now met and talked in detail to scores of young women who have been terribly damaged by their experiences. Many of these girls told me they would rather have died than undergo the horrors they faced on a daily basis.

I met the first Yazidi witnesses to these appalling crimes about 12 months ago. They were three girls, aged 15, 19 and 21, who had all managed, somehow, to escape their Daesh captors and make it back to the Kurdish region.

They had seen many of their closest family members murdered in front of them. There was no time to grieve, however. They were herded onto buses and taken away to be sold as the playthings of evil men.

The youngest, I shall call her Munira, is a very pretty girl and the soldiers immediately separated her from the others. She was told she would be in a special group that would be solely for higher ranking Daesh, the self-styled Emirs.

For Munira this meant she was married off to a 60-year-old man almost immediately. She was taken to his home where he lived with his wife and children. The wife apparently shouted at Munira for coming to her house and bringing shame on her. There seemed to be no comprehension that this young girl had been kidnapped and forced into the house against her will.

The “Emir” had also brought another girl along and she and Munira were locked in a damp cellar. For the next few weeks the girls were raped and beaten on a daily basis. Not just by her kidnapper but by his friends as well. Munira was sold on several times and raped and abused by many men before she managed to escape.

The stories of all the Yazidi victims are equally horrifying. Nadia, a 22-year-old, was also forced to marry an older man. He became disinterested in her after several weeks of forcing her to have sex with him and beating her if she protested. He threatened to hand her over to his six guards if she didn’t agree to his perversions and he did just that.

Nadia was gang-raped by these six men – she understandably called them monsters – for an entire night. She was beaten so badly that she could hardly move.

What makes matters even worse for we Iraqis and Kurds is that the men, Daesh, who committed these crimes were, on the whole, not strangers, evil foreigners who travelled from across the world to rape and abuse Iraqi women. No. They were mostly local men.

Bushra, a gentle 19-year-old from a small village near Sinjar, told me that she recognised one of her kidnappers and abusers as a local dentist. A professional man who had treated her father on a number of occasions.

This man, presumably once a pillar of his community, had apparently bought and sold 150 girls and boasted about this to fellow Daesh terrorists.

Age too was not a barrier to these men. There have been reports of girls as young as four being abused. Just last week I spoke to a 12-year-old girl in Mamilian IDP Camp. She had recently escaped from the so-called Islamic State.

This little girl had been held for months and raped repeatedly by a series of different men. They have destroyed this child both physically and mentally. How many more children do they still hold and are abusing in this way?

What Daesh has done to these innocents is as much an act of war as murdering people in cold blood. I hope this committee can highlight this evil and help bring an end to the misery of these poor young women and girls.

20 January 2016

Amnesty International UK – Written evidence (SVC0048)

Introduction

1. This submission focuses on questions related to the following areas: the international policy agenda; causes of sexual violence in conflict; prevention; accountability.
2. The scale of human rights violations associated with conflict related sexual violence are staggering. The extent of the challenge in developing, implementing, measuring the impact of strategies to end such violence cannot be over-estimated. The effectiveness of the UK's PSVI work should be considered within the reality of the scale and complexity of this issue globally.
3. Addressing sexual violence in conflict requires sustained, dedicated and coordinated efforts over the long term. Initiatives including those made through the UK's PSVI work should be built upon to create momentum for the changes needed at community, governmental and international level in order to make progress on ending this fundamental violation of human rights.
4. Sexual violence forms part of a pattern of gender-based violence seen in all countries and societies, impunity for such violence remains high. Available evidence indicates that the majority of victims are women and girls and majority of perpetrators are men, though men and boys are also subject to sexual violence, and women may also be involved in perpetrating these crimes.
5. Social attitudes that blame survivors rather than focus on holding perpetrators to account have had the effect of silencing victims and survivors, whether the abuse is conflict related or not. In all parts of the world, including the UK, rape is significantly under-reported for reasons, including the shame and stigma associated with such violence, the scrutiny that is meted out on survivors, the fear and fact of being targeted for further violence, and a lack of confidence in judiciary and police to provide protection and secure justice. There is insufficient support and protection for Women Human Rights Defenders (WHRDs) who play a critical role as first responders, providing services and assisting survivors to pursue justice. High levels of impunity enable perpetrators to get away with committing these crimes, often repeatedly.

Amnesty International UK recommendations to the UK Government:

- (i) Champion the rights of women and girls in all fora, in particular ensuring women's participation in all political processes, as a crucial means to achieving long-term change on women, peace and security issues and on conflict related sexual violence.
- (ii) Efforts must be made to improve monitoring and evaluation including publishing progress of UK and other States implementation of PSVI related commitments and objectives.
- (iii) Ensure the work on the PSVI and women, peace and security are sufficiently prioritised and resourced throughout the UK's work on foreign, development, military

and security policy, and take immediate steps to ratify the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (Istanbul Convention) to demonstrate global leadership on these issues.

- (iv) Implement the recommendations contained within [Amnesty International's briefing](#) to the Global Summit on Ending Sexual Violence in Conflict, in particular regarding protection and support for Women Human Rights Defenders (WHRDs) and survivors of sexual violence in conflict.
- (v) With regard to recommendations for the UN Security Council's High Level Review, and the World Humanitarian Summit Amnesty International UK draws the Committee's attention to the [recommendations](#) and [briefing](#) of the UK Gender Action for Peace and Security (GAPS) Network.

What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

6. The focus on addressing the culture of impunity, increasing the numbers of perpetrators held to account, and ensuring better support for survivors, were helpful in increasing awareness and galvanising support for these important issues. Amnesty International, other organisations and WHRDs themselves particularly welcomed the recognition given to the crucial and often overlooked work of frontline women's rights activists, organisations and WHRDs. They raise awareness and knowledge of such issues, provide protection and support directly to survivors, challenge discriminatory attitudes and work at local, national, as well as regional and international levels to hold those accountable for such crimes. They do this at huge personal risk to themselves, and to their families and those that support them.

7. Using the UK's role as President of the G8 in 2013 to focus on sexual violence in conflict sent an important political message: that gender based violence of this nature warranted high-level attention, not just within the usual systems of the United Nations, but also other global political fora. Subsequent activities as UK Presidency of the UN Security Council in 2013 focused further attention on the need to improve responses to sexual violence in conflict²⁹.

8. The [G8 Declaration](#) included an important statement that rape and serious sexual violence amount to grave breaches of the Geneva Conventions, and that signatories are prepared to search for, prosecute or hand over for trial any individual alleged to have committed or ordered these crimes on the basis of universal jurisdiction. Amnesty International and other organisations welcomed this as an important step in the global policy agenda, but as yet, we are unaware of any particular action by signatories to pursue prosecutions as a result.

9. The initiative has also contributed to the global policy agenda through the development of the [International Protocol on Documenting and Investigating Sexual Violence in Conflict](#), an important contribution of good practice guidance to improve investigations and documentation. The Protocol could be a useful tool in the long term if effort and resources

²⁹ [UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict](#)

are made available to ensure its development, together with targeted dissemination and training to encourage its use. Furthermore, a result of the UK's engagement, additional funding pledges were made by some governments and commitments to national level action, outlined in the [Global Summit Report](#).

10. These contributions to the global policy agenda are welcome, but they are yet to convert into sufficient action that has a measurable and meaningful impact for those targeted by sexual violence in conflict. In order to ensure the credibility of the PSVI, the UK must continue to show strong global leadership on this as well as related women's human rights issues for the long term. If the UK Government allows priority on this to slip, it could send a damaging message that the momentum on this issue is waning.

How can the commitments and aspirations set out in documents such as the G8 Declaration on preventing sexual violence in conflict and the UN General Assembly Declaration of Commitment to end sexual violence in conflict be coordinated and monitored?

11. A range of international commitments that are a crucial part of measures to address conflict related sexual violence, exist including: various international and regional conventions and declarations; UN Security Council Resolutions; Human Rights Council Resolutions, as well as the work of treaty monitoring bodies and UN special mechanisms. The obligations referring to women, peace and security and to sexual violence in conflict should be seen as an intrinsic component of States responsibilities to respect, protect and fulfil the human rights of women and girls. Without significant progress in making women and girls rights a reality, the threat and risk of sexual violence including in conflict will remain high.³⁰

12. The UK, as 'pen-holder' in the UN Security Council on women, peace and security issues is in a position to play a key role in taking forward efforts to monitor and coordinate actions including with regards to women's participation. Feedback from partner organisations indicates that women's rights organisations and WHRDs believe their voices are not heard at national or international level. In the DRC "women are perceived as victims and not architects of change. Consequently they are always forgotten and do not participate in the processes of prevention and resolution of conflicts in our country"³¹.

13. In April 2013 a commitment was made at the G8 Foreign Ministers meeting to review progress on the PSVI under the German Government's Presidency in 2015. How far this was carried out is unclear, although the G7 Foreign Ministers [communique](#) in April 2015 includes a paragraph renewing commitment to ending sexual violence in conflict, referencing in particular the forthcoming High Level Review of UN Security Council Resolution 1325.

³⁰ For further information on international legal standards:

<http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalStandards.aspx>.

<http://www.securitycouncilreport.org/cross-cutting-report/lookup-c-glKWLeMTIsG-b-6239031.php>

³¹ Feedback from Woman Human Rights Defender in the DRC, August 2015

How can states be held accountable to the commitments they made at the 2014 Global Summit to end sexual violence in conflict?

14. Whilst the Summit pledges were encouraging, feedback from partner organisations indicates that some of the governments of conflict-affected countries have yet to translate commitments into meaningful action; little has changed on the ground. One partner in the DRC noted that despite the appointment of the presidential advisor on sexual violence and the protection of children, the government has not made available resources for this role to be effective. They are also unable to point to any particular action taken by the UK in dialogue with their countries to further implementation of commitments from the PSVI.

15. Another in Nepal indicated that apart from training and capacity building projects, there has been little effort to contest impunity or to remove any of the obstacles that victims and survivors are facing when it comes to speaking out about the violence they have suffered. They report that human rights defenders and lawyers working with victims contesting impunity are subject to threats and intimidation, and that very little has been done to address these threats.

16. Greater accountability is much needed, requiring regular reporting of actions taken and independent monitoring and evaluation of impact. National and international human rights mechanisms that hold states to account for their human rights obligations play an important role in measuring commitments such as those outlined in the G8 and the UNGA Declarations.

17. The UK has a key role to play including within the UN Security Council in urging that priority is given to implementation of the international framework on women, peace and security, in particular, the UK could play a pivotal role in ensuring meaningful participation of women's rights advocates and WHRDs in all political processes.

What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict? What more could the Government do to ensure international and multilateral organisations prioritise the prevention of sexual violence in conflict and embed this into their policies and practice?

18. A global spotlight on an issue can have a positive impact in raising awareness and prompting governments to make statements and intentions to act, the challenges are around implementation. A number of Amnesty International reports detail some of the appalling consequences of the failure of government authorities to protect women from sexual violence, and the many obstacles they face in accessing truth, justice and reparation.

³²

19. The engagement of the UK Foreign Secretary with individual States to further PSVI aims to encourage authorities to translate their commitments into positive action are welcome, but if actions are piecemeal, ad hoc and short term, they will not have the desired impact. The work of UK Embassies, particularly in supporting local/ national Women's Rights

³² Amnesty International UK draws the Committee's attention to the following reports: [AI Colombia report 2011](#), [AI Colombia follow-up report 2012](#), [AI report Torture and sexual slavery in Islamic state captivity in Iraq 2014](#), [AI Report on Bosnia rape as a weapon of war](#), [AI submission Timor Leste/UN CEDAW2015](#)

Organisations and WHRDs, are an important contribution to bilateral efforts relating to the PSVI.

20. Furthermore, being a credible champion on issues such as sexual violence in conflict requires consistent policy approaches to this and related issues. Amnesty International UK is therefore concerned that the UK's treatment of women who seek asylum who have suffered from abuses including sexual violence in conflict, are not in line with the commitments expressed in the PSVI. This risks sending the wrong message when the UK seeks to increase support for PSVI related action from other States.

What evidence is there as to the causes of sexual violence in conflict? To what extent are cultural and societal factors responsible for sexual violence in conflict and how effective has the Government's response to these been?

21. Whilst more information and data is undoubtedly needed on conflict related sexual violence, research suggests a number of causes and drivers including: existence of deep-rooted gender discrimination placing women and girls in subordinate positions and therefore targets for violence and abuse; pre-existing levels of violence against women and girls; opportunity to commit crimes with impunity as a result of wartime lawlessness and chaos, and the status of women and girls in communities. Sexual violence can form part of a military strategy for the different sides in a conflict, either ordered or condoned by military leaders. Reasons can include: clearing an area of a particular population; as a means of ethnic cleansing; as a means of punishment for enemies; as a means of exerting power and control over civilian populations; and to breakdown those populations; as a form of torture to extract information; as a 'reward' for soldiers, and to demonstrate a victory; as a method of generating cohesion in military forces, particularly the use of gang rape.

22. The consequences for victims include physical harm, injury, disability, illness and death, destruction of self-worth, lack of safety and trust, perceptions of dishonour and shame, impact on status in the family and community, and on access to education and capacity to earn a living.

23. Conflict related sexual violence is one form of gender based violence perpetrated in many different settings including situations of peace as well as conflict and instability. Such violence is underpinned by deep-rooted discriminatory attitudes towards women and girls.

24. The high rates of impunity for these crimes are also a common factor across all aspects of violence against women and girls.

"Impunity and lack of accountability in the cases of sexual violence during conflict perpetuates the violence at present. As no-one feels there is any consequence of committing such crimes and they could easily get away from this, women are easy targets. This lack of justice also silences victims and witnesses as they do not see any hope of getting justice even if they come forward and share their stories. Women also suffer from social stigma".³³

25. Sexual violence and rape can also be particularly destructive for communities. Survivors of sexual violence often face stigma and are ostracised by their families and communities

³³ Feedback from Woman Human Rights Defender working in Nepal, August 2015

because they are viewed as having brought shame as a result of the violence they have suffered.

26. Such attitudes towards survivors are common across all forms of violence against women and girls, including rape whether in the context of conflict or Peace. It is still the case that for such crimes, very little attention is given to those who perpetrate the violence. Strategies to end sexual violence in conflict should therefore be incorporated into strategies that address gender inequality and gender based violence more broadly, including measures that address the high rates of impunity that allow perpetrators to go unpunished.

What can the Government and the international community do to support human rights defenders and civil society in their work to prevent and mitigate sexual violence in conflict?

27. Human rights defenders working on behalf of adult and child survivors of sexual and gender-based violence, and on related issues (such as police accountability, access to healthcare), often face threats to their rights to privacy, respect for private and family life, freedom of opinion and expression, association and peaceful assembly. WHRDs frequently face even more acute risks and are often themselves subjected to violence, including sexual and gender-based violence. Common challenges for WHRDs include: high levels of insecurity because of the presence of armed groups in certain areas; lack of punishment for perpetrators; lack of means and resources within civil society organisations, and the specific threats to women human rights advocates.

28. Amnesty International released a report on the threats facing [women human rights defenders in Afghanistan](#) in April 2015 having interviewed more than 50 women human rights defenders from 13 provinces, and their experiences were all disturbingly similar, cataloguing constant threats, and violent attacks. The report found that women working as defenders are targeted not only because of their words or actions in promoting and protecting women’s rights, but also because they are women in public life.

29. States must work together with civil society to implement the [UN Declaration on Human Rights Defenders](#) and the UNGA [Resolution on Protection of Women Human Rights Defenders](#) (2013) in order to strengthen the international community's recognition of their legitimacy and the crucial role they play in addressing all aspects of sexual and gender-based violence in conflict.

30. Women’s rights organisations consistently raise the lack of quality and sustained funding as a barrier to their ability to effectively and safely deliver their work. Of those Amnesty International spoke to in relation to this submission, all highlighted the challenges they face in securing sufficiently flexible, long term and accessible core (not just project) funding to give their organizations stability, and the basis upon which they can increase their reach and impact.

31. The 2013 [Declaration of Commitment to End Sexual Violence in Conflict](#) committed the signing states to: “encourage, support and protect the efforts of civil society organizations, including women groups and human rights defenders, to improve the monitoring and documentation of cases of sexual and gender-based violence in conflict without fear of reprisal and empower survivors to access justice.”

32. Yet, for some WHRDs who attended the Global Summit, it appears there is still a significant gap in governments, including the UK, linking directly with Human Rights Defenders in country. More could be done, for example through the work of Embassies and High Commissions, to take measures to link with Human Rights Defenders, share information, knowledge and strategies, and to meaningfully support their work for the long term. As a minimum the UK should follow up with WHRDs it hosted at the 2014 Global Summit.

33. Measures should include encouraging States to develop gender-specific domestic laws and policies consistent with international law that enable the work of WHRDs and protect them from reprisals for their communication and cooperation with national, regional and international human rights institutions and mechanisms; establishing a focal point for WHRDs in diplomatic missions in conflict-affected countries with the necessary resources, visibility and political support to effectively carry out their responsibilities, including protection measures for WHRDs at risk and skill-sharing opportunities to develop the expertise of WHRDs. States should ensure that such focal points receive adequate training for working with WHRDs and persons at risk and promoting gender equality; In conflict affected countries, diplomatic missions should create joint task forces where none yet exists to implement concrete, measurable, strategic measures that enable and protect WHRDs; all such measures should be designed in consultation with WHRDs. As a minimum the UK should follow up with WHRDs it hosted at the 2014 Global Summit.

The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

34. It was very encouraging to see the pledging and commitments of various states during the summit but unfortunately, that has not changed the reality on the ground. WHRDs report entrenched impunity (both de jure and de facto) for the perpetrators of sexual violence which will take years of concerted effort and action to challenge. Meanwhile, denial of access to justice continues to silence victims and survivors. Despite pledges to prioritise actions at country level, WHRDs report an over-reliance on training and capacity building projects which are insufficient to break the silence around impunity. In Nepal WHRDs report that they do not see this issue being on the agenda of political dialogue between the UK and Nepal. Meanwhile, those working with the victims contesting impunity continue to be the subject of threats and intimidation.

35. Amnesty International's [briefing](#) to governments ahead of the Global Summit included a set of recommendations on: improving documentation, investigation and prosecution of sexual and gender based violence in conflict; removing barriers to the investigation and prosecution of sexual and gender based crimes; building capacity to map, investigate and adjudicate crimes of sexual and gender based violence in conflict including support for WHRDs. These recommendations remain relevant and key a year on from the Summit.

23 September 2015

Article 1 and Waging Peace – Written evidence (SVC0065)

Introduction

1. This submission contains the views and recommendations of two organisations, Waging Peace and Article 1. Waging Peace is a non-governmental organisation that campaigns against genocide and human rights abuses in Darfur and Sudan more widely. Its sister charity Article 1 supports the Sudanese community in the UK, including asylum seekers and refugees.
2. Given our joint expertise on the human rights situation in Sudan, our views and recommendations relate to that country, but our hope is that they can be generalised and used to inform the Inquiry's assessment of the UK's policies and practices in preventing sexual violence in conflict worldwide.
3. Furthermore, our recommendations are sometimes based specifically on 77 testimonies we acquired in early 2015. These document first-hand accounts of rape and mass rape perpetrated by various armed groups, including government and opposition forces, across all five states of the Darfur region of Sudan. The testimonies document incidents from 2004 to late 2014, though most cover incidents dating from 2012 onwards.
4. Due to security considerations, we cannot reveal our source(s) for the testimonies, though every effort was made to verify the information obtained. The testimonies also formed the basis of a report we prepared in November 2015, called 'Rape in Darfur – A History of Predation', which is online at <http://bit.ly/1XLvWVU>. We have submitted this information to the International Criminal Court's (ICC) Office of the Prosecutor under Article 15 of the Rome Statute, for the Court's consideration in the context of its ongoing investigation of the Darfur situation.

Responses to Inquiry questions

2 What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

5. In terms of the UK's engagement with Sudan, more could be done to pressure the government to endorse international mechanisms for addressing the issue of sexual violence in conflict. For instance, pressure could be brought to bear on the Sudanese state to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, as well as sign the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), alongside the Optional Protocol to it of 2000.

3b To what extent is sexual violence in conflict used as a deliberate tactic?

6. The testimonies we received clearly demonstrate that rape is a weapon in Darfur's long-running conflict. It is a particularly endemic element of life in the region for women and girls from non-Arab black African ethnic groups, with over two-thirds of the 77 testimonies mentioned coming from members of these groups, such as the Berti, Zaghawa or Bargo. Ethnicity is a key component of the attacks. In the accounts, the attackers often explicitly mention the victim's ethnicity during the rape, using words such as "Nuba", "slaves", "dirty", "blacks", and "animals" to humiliate their victims. The language used during the

incidents further indicates that ethnicity is a politicised concept, with certain groups associated with rebel or opposition activity. “Tora Bora”, slang for anti-government Darfuri rebels, is a common insult used by attackers in conjunction with comments about race. Similarly, some accounts mention that the term “displaced” was used as a slur to suggest a perceived opposition allegiance.

7. This shows that rape in Darfur cannot be understood except through the prism of conflict. The testimonies even suggest that sexual and gender-based violence may be part of a deliberate counter-insurgency strategy, aimed at discouraging support of rebel activity among the local population. This is potentially evident in the planned nature of the attacks. It would often be the case that the victim(s) would encounter their attackers earlier in the day on the way to their destination, only to be ambushed at a later time, often by a larger force of men. In cases with multiple attackers, some of the men would be tasked with keeping watch while the rapes occurred, or with holding the victim while the rape was committed. Sometimes the rapes documented were part of a mass attack on a whole village, as in the case of the mass rape of 221 women and girls in the North Darfur village of Tabit in late October and early November 2014. These facts suggest attacks are not immediately opportunist, but seemingly permitted or even encouraged by military commanders.

8. Rape may serve a different function for rebel and opposition forces, but its use is still widespread. However, the precise statistics on how many abuses were carried out by particular parties to the conflict are hard to fathom from our testimonies. This tells its own story: victims would often note only that men were armed, masked by shawls and in military uniform, not noticing or caring about their political allegiance. To the victims, conflict dynamics are unimportant; their saviours one day may become their aggressors the next.

4a What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled?

9. Our testimonies indicate that in Darfur the measure that works best at preventing sexual violence is the physical protection offered by the region’s hybrid United Nations-African Union peacekeeping mission, UNAMID. The accounts suggest that very few incidents of conflict-related sexual violence occur inside UNAMID-controlled compounds, though we know from other sources that incidents of sexual violence experienced in domestic settings are still widespread in the internally displaced person (IDP) camps.

10. However, it is in the immediate vicinity of the UNAMID-controlled compounds that our testimonies indicate that the worst abuses occur. Almost two-thirds of the victims report being raped upon leaving the relative safety of UNAMID-controlled zones: either to collect firewood, perform agricultural work while living in temporary accommodation near farms, or to collect personal belongings immediately following a displacement. The similarity in the accounts provided in the testimonies suggests that such attacks proximate to UNAMID have become routine.

11. This suggests that the UK government needs to argue forcefully, as well as to increase the funds available, for greater mission patrolling capacity. Unfortunately currently in Sudan patrolling capacity is being reduced, with the Sudanese government putting pressure on

UNAMID to formulate a full exit strategy, largely as the result of attempts made by the mission to investigate the aforementioned mass rape in Tabit village.

12. Another suggestion for UN peacekeeping missions offering physical protection to civilians in IDP camps or similar locations is to introduce a mechanism to consult with local populations about their protection needs. Lessons could be learned from the model of ‘community liaison assistants’ employed by the United Nations Organization Stabilisation Mission in the Democratic Republic of the Congo. The UK could take the lead on this initiative in Darfur and elsewhere.

5a What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

13. Reform to Sudan’s national justice programmes is essential to lessen the stigma experienced by survivors of sexual violence in conflict in that country. This applies not just to those laws that directly relate to incidents of sexual violence, but to the wider criminalisation of women in Sudan based on their assumed moral obligations.

Several articles of the 1991 Sudanese Criminal Act are disproportionately applied against women, invoke corporal punishment, from stoning or flogging to the death sentence, and increase the stigma experienced by victims, as well as negatively impact on women’s general well-being. Those relevant in this context are Article 145 and Article 146 that define the crimes and punishments for ‘zina’ (adultery), Article 149 which defines rape (see response to question 9a for a fuller assessment), Article 151 on sexual harassment, and Article 152 outlining the crime of ‘indecent dress’.

14. Article 151 is particularly notable in that it defines sexual harassment in a vague manner, and includes temptation and invitation to sexual harassment as an element of the crime, punishable by lashing. This clearly reduces the likelihood of women speaking out about cases of sexual violence, and shifts responsibility from the perpetrators to the victims. The UK should make reform of Sudan’s laws a key part of attempts to lessen stigma surrounding sexual violence in conflict.

8 How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

15. It is important that the UK government hold organisations to account where they fail to implement appropriate policies and practices with regard to incidents of sexual violence, especially where they are a substantial financial backer of those organisations. For instance, there is evidence to suggest that UNAMID has before not followed up on cases reported to it. Looking at our 77 testimonies, four were reported to UNAMID specifically, but victims said that in each situation mission staff “did nothing”.

16. This corroborates claims made by Aicha Elbasri, the former UNAMID spokesperson turned whistleblower. She leaked documents to [Foreign Policy magazine](#) that showed that UNAMID routinely failed to act even in the face of overwhelming evidence of rape and sexual and gender-based violence during her tenure from August 2012 to April 2013. The UK must be ruthless in pushing for a full investigation of allegations made by Ms Elbasri of cover-up in UNAMID, as well as the wider UN Department for Peacekeeping Operations (DPKO). The ICC already called for such an independent and public inquiry, but the probe

conducted by UN Secretary-General Ban Ki-moon was internal, though even it did find occasions when the mission concealed critical information about the culpability of government forces and/or their proxies from DPKO.

9a What evidence is there on the effectiveness of the UK's contribution to the reform of national justice programmes and, going forward, what are the priority areas to address?

17. The UK can be charged with taking far too permissive an attitude to the impunity enjoyed by perpetrators of sexual violence in Sudan's conflict areas. While we recognise that international pressure contributed to the Sudanese government amending controversial laws around rape in early 2015, the changes did not go far enough. Formerly, under Article 149 of the Sudanese Criminal Code of 1991, rape was defined as 'zina', meaning intercourse outside marriage, without consent. If women or girls reported a rape but could not produce the necessary evidence, including witness statements from four males confirming that the act was 'without consent', they would instead be charged with 'zina' (adultery), and face being jailed, flogged or stoned to death. The law was changed in 2015 to reflect the fact that rape involves physical or psychological coercion, but Article 62 of the country's 1994 Evidence Act remains unchanged, meaning four male witnesses are still required in cases of this kind. This places a prohibitive burden of proof on victims of sexual violence.

18. Since 2012, the Strategic Initiative for Women in the Horn of Africa has recorded four sentences of death by stoning under Article 145 and 146 (for 'zina'), which although suspended, demonstrate the risks associated with disclosing acts of sexual violence. Flogging for this 'crime' daily affects women in the country. We suggest that reform of the 1994 Evidence Act is a priority area to address going forward.

9c To date, there have been no convictions at the International Criminal Court (ICC) for crimes of sexual violence in conflict situations. Why is this and how could it be addressed? What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal of the Former Yugoslavia (ICTY), the International Tribunal for Rwanda (ITR) and the Special Court for Sierra Leone (SCSL)?

19. It is our view that the case of the mass rape in the Darfur village of Tabit in late 2014 could lead to the first convictions at the ICC for the crime of sexual violence in a conflict situation. The UK should push for a thorough investigation of events there, and details should be included in a bundle of information to reinvigorate the stalled ICC activity on Darfur, hibernated by Chief Prosecutor Fatou Bensouda in December 2014.

17 December 2015

Asylum Aid – Written evidence (SVC0004)

Introduction

1. The [Charter of Rights of Women Seeking Asylum](#) was initiated by [Asylum Aid](#)³⁴ in 2008. The Charter calls for minimum standards for women in the UK asylum system. It now has over [360 organisational signatories](#).
2. Charter supporters welcome the Government's new initiatives to provide protection and support for those at risk of or affected by sexual violence in conflict. However there is an urgent need for joined up government to ensure that such protection and support is also provided for women who flee such human rights abuses abroad and claim asylum in the UK.
3. Indeed when William Hague, then Foreign Secretary, [updated](#) Parliament on 14th July 2014 with the next steps in the UK's Preventing Sexual Violence in Conflict Initiative, he stated that the UK would *inter alia* seek to "increase work with other government departments who come into contact with survivors of sexual violence in conflict, including through the asylum system and the Crown Prosecution Service, to ensure consistency across HMG policy commitments and approaches."

Comparison

4. We welcomed the publication of the [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict](#) (the Protocol).
5. However, despite the fact that sexual violence in conflict is a common reason for women and girls to claim asylum in the UK, the new provisions include no parallel commitments for women seeking asylum, nor any additional resources for UK Visas and Immigration (UKVI).
6. The table below lists the provisions in the Protocol that are relevant to women seeking asylum in the UK, setting them against the provision by the UKVI.

³⁴ Asylum Aid is an independent, national charity working to secure protection for people seeking refuge in the UK from persecution and human rights abuses abroad for the past 25 years.

Reference in Protocol	Provision in International Protocol	Provision by UKVI
Part II para 3.2 page 29	training for interviewers on sexual violence, trauma, PTSD recognition and disclosure	no specific training.
Part II para 4.2 page 38	training interpreters on sexual violence	none provided.
Part II para 6.3 page 48	provision of psychosocial assistance, trauma support and counselling for victims of gender-based violence	no national referral process for signposting or referral. Pilots in London and Glasgow only.
Part II para 7.1 page 52	not interviewing survivors in presence of children	childcare provision is piecemeal across the UK. There is childcare provision during interviews in Cardiff, Leeds and Solihull but none in Glasgow, Liverpool or London.
Annex 2 page 113	responding to sexual violence requires a strong multi-sectoral approach involving the coordinated provision of health services, protection, psychosocial support, and access to justice for survivors.	no multi-sectoral approach
Annex 3 para 11 page 115	ask the survivor whether they would prefer a male or female interviewer or interpreter	this is in the Asylum Instruction on Gender but not always followed. Furthermore, guidance does not guarantee that if a woman requests a female interviewer and / or interpreter, that she will be guaranteed one.

Context

7. The Government is committed to the harmonisation of standards between departments and immigration work is expected to comply with the gender equality duty.

8. The [Government’s Violence Against Women and Girls \(VAWG\) strategy](#) promises a “cohesive and comprehensive” response to VAWG across government. We welcome the fact that women seeking asylum are now included in the VAWG strategy and action plans and that the UKVI is making some progress on VAWG issues.

9. The provisions detailed above are also found in [General Recommendation 32](#) of the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) published by the United Nations in November 2014.

10. As clearly stated in the [Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#) (the Istanbul Convention) signed by the

Government in March 2012, women have the right to protection from VAWG regardless of their immigration status.

Protection Gap

11. Despite the significant initiatives by the UK recently in recognising the need to tackle sexual violence in conflict countries, when women and girls from those countries seek refuge in the UK as a result of that violence they encounter serious barriers.

12. The gender analysis that the Government applies overseas is not applied in its asylum policy.

13. The Charter initiated a campaign to close this Protection Gap in December 2014. The campaign recommended that the Home Office provide:

- a guarantee that women can have a female interviewer and interpreter if they choose
- childcare during screening and asylum interview
- training for interviewers and interpreters on sexual violence, trauma and memory
- counselling and support for trauma for women who have experienced gender-based harm
- information about the asylum process, rights and entitlements specific to women seeking asylum

14. As a result of this campaign, the Home Office included all of these recommendations as action points in its Asylum Gender Action Plan. We welcome the Immigration Minister's statement in a letter to Asylum Aid received 13th August, 2015 that "I believe we have already taken significant steps to improve the gender sensitivity of the asylum system but we are not complacent and our gender action plan demonstrates our commitment to further improvements." However progress is very slow and we are aware that the UKVI is working within very limited resources.

Recommendations

15. Greater inter-departmental liaison and harmonisation of standards so that the rights of women surviving sexual violence in conflict are equivalent whether they remain abroad or whether they have reached the UK.

16. Additional resources for UKVI to enable them to guarantee the equivalent provisions for women seeking asylum as for women surviving sexual violence in conflict abroad.

17. The UK ratifies the Istanbul Convention.

15 September 2015

Madame Zainab Hawa Bangura – Oral evidence (QQ 33-39)

Evidence Session No 5

Heard in Public

Questions 33 - 39

TUESDAY 20 OCTOBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Bishop of Derby
Baroness Goudie
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witness

Madame Zainab Hawa Bangura, Special Representative of the United Nations Secretary General for Sexual Violence in Conflict, United Nations (via videolink)

Q33 The Chairman: Good afternoon, Ms Bangura. I wonder if you can hear us.

Madame Zainab Hawa Bangura: Yes, thank you.

The Chairman: Excellent. Thank you very much indeed for joining us. We are immensely grateful to you and thoroughly appreciative.

Madame Zainab Hawa Bangura: Thank you.

The Chairman: Just as a reminder, this is a formal evidence-taking session of our Committee and we are taking a full shorthand note. That will go on the public record in printed form and on the parliamentary website, and we will send a copy of the transcript to you in case you want to correct any minor mistakes. The whole session is on the record and it is being

webcast live, and that will then be accessible via the parliamentary website. It is perfectly possible that we may not get through everything that you would like to tell us and we would be most grateful for any supplementary written information or evidence that you care to give us afterwards. That would be hugely helpful.

Would you like to make any brief opening or introductory remarks about the topic of our session? Then I will go on to some questions from the members.

Madame Zainab Hawa Bangura: Thank you very much. I want to say good morning to everybody. I want to thank you all for giving me this opportunity to engage with you.

My office was established as a result of a United Nations Security Council Resolution that requested that the Secretary-General appoint a high-level individual at the rank of Under-Secretary General to provide coherent and strategic leadership on the issue of sexual violence in conflict. The Security Council meeting that adopted this Resolution a year earlier, in 2008, had adopted another Resolution to recognise sexual violence as an international peace and security issue that requires a service, justice and peacekeeping response. I am the second holder of this office. The first occupant was Margot Wallström, who is now the Foreign Minister of Sweden. She held the office for two years. I am now just starting my fourth year. I will just give that brief background and then I will answer questions. Thank you very much.

The Chairman: Thank you. You have a huge background of knowledge and information. We have put together a few questions. We would be very appreciative if you could answer them.

Q34 Baroness Hussein-Ece: Thank you very much, Madam Bangura. It is a pleasure for us to hear from you. My question is going to be about how effective early-warning systems are for sexual violence in conflict. I particularly reference here what is happening in South Sudan. The Red Cross mission has reported, for example, that the scale of sexual violence in the last two years there has been unprecedented. Sadly, it has not been reported enough here in the United Kingdom—or perhaps not as much it could be. From your experience, given that this is a new country in which the UN has been quite heavily involved, where have the early-warning systems been most effective and how they can be more effective, given what we have seen in South Sudan?

Madame Zainab Hawa Bangura: Thank you very much. South Sudan happens to be one of the countries in which we are working. At the beginning, one of the biggest problems with sexual violence is the culture of silence and denial. That is one problem. The second problem is the capacity and the ability of the government to deal with this problem. When I visited South Sudan a couple of months back, I realised that one of the biggest problems we have to deal with in South Sudan is not only, as I said, the culture of denial or the political will that you need from the government to be able to turn Security Council resolutions into solutions, but the ability of the government to do any work on it.

South Sudan, as you know and as I observed, is a country that has been frozen right from the beginning. The country never took off. They have very few institutions and structures. Even though at independence they adopted the common law, because most of the judiciary was trained in Sharia law, most of the judges and the lawyers in South Sudan have very little knowledge with regards to the common law. The issues of sexual violence and issues relating to women's rights of inheritance are dealt with through cultural law. I had that

discussion with the Minister of Justice. So, we had to start from scratch with regard to South Sudan. We succeeded in trying to get the government to acknowledge that sexual violence is taking place. We have a huge challenge in terms of accessibility. I visited Bentiu and I said to myself, and in the statement I made to the world, that what I saw in South Sudan was unprecedented.

The challenge that the UN has—they reduce the mandates of the governments. The government cannot do anything in terms of fighting impunity. They just do not have the capacity. Human rights has to do with the rule of law. You cannot try people when you do not have the right laws, when you do not have a court system, and when the police are not properly trained and they do not have the ability to investigate and the capacity to even collect evidence and protect it. We have a huge challenge with regards to South Sudan. Therefore, we have signed an agreement with the government. We are working on that. We just recently had an implementation plan with the SPLM-in-Opposition.

South Sudan is going to be a huge challenge for us. We have to start from scratch. I was extremely happy when the British High Commissioner in South Sudan made a statement and spoke about the issue of the judiciary. We must support and work with the judiciary. I called him on the phone and I congratulated him, because that is one of the biggest challenges we have in South Sudan.

South Sudan is a huge problem. The laws are not in place. The personnel are not there. They do not have the capacity. The government do not have control over the military. I spoke with the President about it when I met him at the African Union summit. So we have to go back to the drawing board and really work with them in a very comprehensive way.

Baroness Hussein-Ece: That is a pretty depressing overview of what is happening there. I hear what you are saying, but what you have outlined is pretty long term. In terms of bringing any of these people to justice at all and gathering evidence, is there any work being done to train people from outside to go in and perhaps assist or work alongside the judiciary there, or the military, to try to bring some of these people to justice?

Madame Zainab Hawa Bangura: For the UN to do that, the mandate of the mission has to change. When I came back from South Sudan, I spoke to all the PRs—the ambassadors in the Security Council—and I said to them, “There is very little we can do if the mandate of the mission in South Sudan is the protection of civilians”. All capacity-building mandates have been withdrawn. With the peace agreement that has been signed, we hope that most of these mandates will be reinstated and the different components and bodies in the UN can come together and be able to work with South Sudan, but now it is extremely challenging and we are very limited in what we can do.

The Chairman: Madam Bangura, just to tie up the ends of what you have just said, what were the mechanisms by which the sexual violence was reported? Were there any early-warning systems in place in South Sudan?

Madame Zainab Hawa Bangura: With regards to South Sudan, a lot of work has been done in trying to create the opportunity for early warning. The peacekeepers who were trained in South Sudan were trained to be able to detect when there are challenges of sexual violence. The African Union Commission of Inquiry on South Sudan, in its report, came up with a lot of information. Unfortunately, the report has still not been released. I have been to Ethiopia a

couple of times. I have spoken to the Foreign Minister in Ethiopia and the IGAD and asked for those reports to be released.

Mechanisms have been created for early warning, but I have to be honest with you: the parties to the conflict have no respect for all of those rules. I have to be extremely honest. That is the biggest challenge we have. That is the reason why the Sanctions Committee Concerning South Sudan was set up. We have to ensure accountability. We have to hold responsible the command structure who have perpetrated these crimes. There is no way we can deal with this problem if we do not ensure accountability in South Sudan.

The Chairman: Can you tell us when the African Union report will be released and why they have held it back? Is it just that it is not quite ready?

Madame Zainab Hawa Bangura: When I spoke to the African Union at the time the report was prepared, there were indications that a peace agreement was going to be signed. The African Union members—the IGAD—thought that releasing the report would affect the political will in terms of implementing the peace agreement. Unfortunately for them, they did not release the report and the peace agreement collapsed. There is a now lot more pressure on them, especially since the UN took very strong action, led by the UK and the US, in terms of holding the leadership accountable and ensuring that these people will pursue a peace agreement, or they will have sanctions on them.

Q35 Baroness Hilton of Eggardon: Madam Bangura, I am interested in the causes of sexual violence. Most of the attention has been on women and girls, but men and boys are also assaulted and raped. I wonder whether you see the causes of that gender difference as distinct. Does it vary from one country to another?

Madame Zainab Hawa Bangura: Thank you very much. Each conflict is different; each is unique. The important issue that we have taken into consideration is that because the nature of conflicts has changed, you now have conflicts more within countries, as a result of bad governance or of marginalisation—there are so many reasons within a country. As a result of that, parties to the conflict try to access and dehumanise their opponents. They target the most vulnerable: the people who hold the communities together or the fabric of the community. Because the respect for women and children is extremely important to a father—for his daughter—they target women and children more. But in countries like Syria, where you have a lot of detention, house-to-house searches and checkpoints, we find that men have been targeted. The nature of sexual violence committed against men is mostly in detention facilities to solicit information from them, to interrogate them and to punish opponents of the government. We see it more in countries like Syria, mostly in detention facilities.

Because women are seen as the fabric that holds society together and a woman is like the ambassador of a family—she is the pride of the family, as well as the daughter—they target them more and punish them. The third reason is that most of the men go out to fight. The people who stay behind are mostly women. What I have seen—whether it is in Colombia, the DRC or Somalia—is that the lower the status of a woman, the less education and the less economic opportunity she has, the greater the chances are for her to be sexually abused. You find a lot of sexual abuse takes places in rural communities. This crime is one that is shrouded in secrecy, so a lot of the victims of sexual violence are people who live in far-

away communities, where they cannot access the police or the justice system and they find it very difficult to report the cases.

The Chairman: Thank you. That is extremely interesting.

Q36 Lord Black of Brentwood: Thank you very much, Madam Bangura. One of the things that came out of 2106 was a requirement for the Secretary General to report annually on sexual violence in conflict, and it is a very useful summary. In the last report, there were 19 countries covered. How is it decided which countries are going to be covered in that report? What criteria can you use?

Madame Zainab Hawa Bangura: A lot of the time, we look at countries that are on the Security Council agenda. We also solicit information from UN entities under the United Nations Action against Sexual Violence in Conflict, which comprises 13 UN entities including the DPKO and the Department of Political Affairs, and the UN agencies—UNDP, UNICEF, UNFPA and UN Women. We send the information out to countries where there are conflicts. Depending on the quality of information we get, we put it together and we assess it. We do not have to say we are limited to 19 countries. If this year we were able to have concrete information and evidence—UN evidence—that sexual violence had taken place, we definitely would include that country.

Lord Black of Brentwood: So, it is very much driven by the quality of the information. I see that.

Q37 Baroness Warsi: Good afternoon, Zainab. It is good to speak to you again. I wanted to ask a question in relation to the distinction between sexual violence committed by State actors and sexual violence committed in conflict by non-State actors. I would like to hear your thoughts on the difference between the two. One of the roles this Committee has is to come forward with practical suggestions as to how we can progress this agenda of preventing sexual violence in conflict. Your views on this would help us in understanding where our focus should be.

Madame Zainab Hawa Bangura: Thank you very much. Since the UN was created, it has developed mechanisms and tools to engage State actors—military, police and intelligence. We know who they are, we know where they work and we work very well with them, so it is much easier for us to determine when they commit sexual violence and engage them. Unfortunately, we do not seem to have a policy on non-State actors. The challenge we have with non-State actors is that their size varies. For example, in the Democratic Republic of Congo, you have non-State actors—from local militias to foreign groups, and then to big groups. The challenge we have had within the last two years is how we can broaden our knowledge of non-State actors. Within the last year, we have seen a growth in non-State actors and some of them becoming even bigger than States—for example, ISIL. Unfortunately, accessibility is very difficult in their areas. That is one of the biggest challenges we have. Secondly, a lot of them have very limited contact with NGOs and UN entities. They are within the sanctions committee. You cannot deal exactly and directly with ISIL. We have started building our capacity and our work in engaging non-State actors' understanding.

We just did our first engagement with the SPLM-in-Opposition. Some of my colleagues just came back from Addis, having sat down with them and drawn up an implementation plan

and asked them to make specific commitments. Next weekend, the same colleagues will be going to the border of South Sudan where the SPLM-in-Opposition leader is assembling all of his commanders, to brief them. The challenge is about giving the command order. They do not have the same structures and institutions that State actors have. For example, the military has a military justice system. They have units that collect information. It is a huge challenge.

The fact that most non-State actors are committing sexual violence means that we have to find ways and means of engaging them—the ones that we can engage. In our report last year, as you can see, of the 45 listed parties to the conflicts, only five of them were State actors. That is a huge challenge we have, and we must find a way to deal with them and engage them. We must be able to understand them. We must understand their command structure and command order. We must know who the leaders are and what institutional structures they have in place and how we can work with them. We do not have the mandate to be able to build their capacity. How can you build the capability of a rebel group? How can you hold them accountable? How would they even know that they are committing a crime? A lot of them have no respect for international law. That is the problem we are finding. They have no respect for international borders. It is an extreme challenge, but this is something we are looking at and talking about. This year's report is definitely going to concentrate a little bit on it. It is important for us to concentrate on that.

Baroness Warsi: Could I ask a supplementary in response to that? The cases of sexual violence by non-State actors that we hear about in the United Kingdom are not so much in relation to Ethiopia, Sudan or the DRC but are mainly in relation to ISIL. What I would like to hear is your opinion on what can—if anything—be done about the sexual violence that is being perpetrated by ISIL.

Madame Zainab Hawa Bangura: Thank you very much. I came back from the Middle East in early May. I visited Damascus in Syria, I visited Lebanon, I went to Baghdad and Erbil in Iraq, and I went to Turkey and Jordan. I have to tell you that when I visited Lalish, which is about 50km from Mosul, where I had detailed discussions and engagement with victims of sexual violence—girls who had just returned from captivity—what came out very clearly to me was that, as far as ISIL is concerned, sexual violence is not accidental. It is part of their strategic objective to build a caliphate. They use sexual violence to entice young men. They raise money from sexual violence. They sell these women in open markets; they auction them. They give them back to their parents if a ransom is paid. It has become the political economy of ISIL; it is a currency with which they are working. They are especially targeting minorities in terms of ethnicity, religion and sexual orientation. If you look at the way they operate, when they capture a village they separate the men from the women. They execute all the men. They separate the women into three categories: the older and married women with children, the married women without children, and the virgins—the young girls. These young girls are kept in houses where they are examined and people come from across the region to buy them at different prices. They sell as many as they can before they give the rest to the fighters.

Coming out of that visit, I decided that we have to be able to develop a strategy with regard to sexual violence in the Middle East, to mobilise political commitment, support and resources to advance the mandates. I have written letters to all of the parties—to Kerry and everybody, including your Foreign Secretary—to make sure that in their counterterrorism strategies they include the protection of women. Sexual violence is key to ISIS's strategy in

terms of building a new caliphate. Unfortunately, the strategies that are working right now are more focused on the military. We do not have access to ISIS-controlled areas, but we have to create a mechanism to ensure the 40,000 or so fighters from 100 countries will be held accountable. I visited The Hague and I spoke to the ICC. Unfortunately, Syria and Iraq are not parties to the Rome Statute. There is the issue of accountability; we must be able to see what needs to be done and we have to be able to generate more information. The challenge we have is access to information. We are deploying somebody in November for two to three months in Iraq to get us more information that we can include in the report that is coming out next year.

There are a lot of challenges, I have to tell you, but the world needs to focus on this. It is a very sophisticated group. We have underestimated them and they are still ahead of us. I have to be extremely honest: we need to put in a lot more effort and resources to be able to understand them more and to move ahead of them. For now, they are moving ahead of us, because they are using against us the tools we have developed as an international community to ease our means of communication. We are engaging ISIS on our own international standards, yet ISIS does not respect international law. When we talk about the issue of freedom of expression, freedom of expression is being used to protect people; ISIS is using that freedom to terrorise people and kill people. We still have to think outside of the box. We cannot use the tools we have developed, such as sanctions and travel bans. They cannot work with ISIS. We have to control and change the areas where they get their resources. We have to suffocate them in terms of social media, which they are using against us. It is about putting together a more robust and comprehensive strategy to address them. Those are the conclusions I came out with about ISIS.

The Chairman: Madam Bangura, what can the international community do to assist you in developing tools that will help you in your work on this, and in the other countries where there are non-State actors?

Madame Zainab Hawa Bangura: What we have been doing within the last couple of years—this is where the PSVI has helped us—is breaking down the culture of silence. Raising the visibility of this crime is making sure that countries where these crimes are being committed accept that these crimes are being committed and take the necessary action. The United Nations Security Council has developed almost all the tools you need to be able to deal with this crime. The challenge we have is how you turn those resolutions and tools into solutions on the ground, where the crimes are being committed. How do you hold these people accountable? How do you support their justice system? How do you build their capacity? How do you make sure a policeman in Côte d'Ivoire or Somalia knows that, first, this is a crime and, secondly, he needs to investigate it? How do you make sure he knows how to investigate it, he can collect the evidence, he can protect the evidence and he can present the evidence in a court of law to be able to make sure that there is a prosecution?

It is not only with Member States. I visited the International Crisis Group. One of the discussions I had with them, with all the 15 judges, was about the fact that even though the ICC has succeeded in including sexual violence in all their indictments and they have had successful indictments, they have not been able so far to have a successful prosecution. Evidence and information that is collected by us, by Amnesty International and by Human Rights Watch is information for publication and reporting; it is not information for prosecution. Sexual violence is a very complex and difficult crime to prosecute. We need to

work much harder with groups on the ground, with countries and with NGOs to be able to make sure the evidence they collect can be presented successfully in a court of law and we can have successful prosecution. That is what we are working on and that is what we hope will happen.

Q38 Lord Williams of Elvel: Ms Bangura, speaking of State actors, are you satisfied that what happened in the former Yugoslavia, where Serbia quite clearly engaged in sexual conflict in order to establish their ethnicity, has now been satisfactorily cleared up under international law or is there more to come out? Secondly, on non-State actors, you have referred to ISIS. We had a witness from Australia not very long ago and we discussed this. He said that, when you come to organisations such as ISIS, there is no peaceful solution; you have to “remove them from the equation”. Those were his words. Would you agree with that?

Madame Zainab Hawa Bangura: With Bosnia, I have to be extremely honest with you: when I visited Bosnia, it was very disappointing that, after over 20 years since the end of the conflict, we have not been able to have even 30 prosecutions. I came to the conclusion that there is no way we are going to have justice for all of the women in Bosnia. Some 40,000 to 50,000 women who were raped during the Bosnia conflict have not been able to bring closure. One of the women I spoke to said to me, “They took away my life without killing me”. What I did—I engaged the then Foreign Secretary—was develop a programme that would provide medical support, psychosocial support and livelihood support for the women of Bosnia. We prepared a proposal together in consultation with the UN entities in Bosnia and the proposal was for \$4 million within a period of three years. The UK was very generous and put in resources, as did the Canadian government and UN Action. The programme is in its second year.

There is no way, to be honest with you—because the people who committed the crimes in Bosnia are in the police, the military, and the government. They are schoolteachers. Those women see them on a daily basis. The war in Bosnia was frozen; the conflict was never concluded. The biggest losers are the victims of sexual violence. The best I can do in my capacity is to ask countries how we can support those women to move on with their lives and be able to go to the next phase. We will never completely have justice in Bosnia.

On the ISIS question, we cannot start the process of dealing with ISIS and of addressing accountability if we do not militarily defeat ISIS. It is not possible. ISIS’s concept is about building a new State. In its process of building a new State, it is destroying the existing States. They are dismantling the structures and everything that reminds them of the old States. Their philosophy is completely different. There is no way we can engage ISIS. That is impossible. You cannot have a political dialogue with them, so the most important thing is to be able to defeat them. The challenge we have is that, by the time they are defeated, I can assure you there will be very little left of the States of Iraq and Syria where ISIS had been present.

Q39 Baroness Kinnock of Holyhead: Zainab, thank you very much. There is no doubt at all in any of our minds about your total commitment to the issues you have been discussing with us here today. We are very well aware of the solidarity and the political will you show, and the commitment you show to women. That is really paying dividends and that is much to be appreciated. Another point, which is part of my admiration for the work that you do,

is that you talk about an increase in commitment from Member States. You call upon Member States to show more understanding and accept sexual violence as a crime, which of course it is. I wondered how that kind of engagement is working, because I know you say it very clearly. In terms of that and in terms of the resources needed by you and the work you do, how much success have you had in getting a decent, good response from Member States of the UN?

Madame Zainab Hawa Bangura: Thank you very much. First and foremost, I have to say, interestingly, that my mandate in the Security Council, because it was created by the Security Council, has been able to have unanimous support and consensus across the board. I really appreciate the leadership that is being provided by the UK and by the United States. I will give you one typical example of the kind of support that I mean when I talk about support. When we started working in Somalia, 70% of the women in the camps in Mogadishu had been subjected to sexual violence and they had been divorced by their husbands. A woman was raped by a police officer, and the government, in response, arrested her, her husband, the lawyer defending her, the human rights officer and the social worker, and sent them to prison. I did a broadcast and a press release. I got the Secretary-General to make a press release against it. The President did not say anything about it. At that time, interestingly, he was making his tour around the world. He was going to Washington; he was going to London; he was going to Brussels. This was his first public relations tour. With the support of the United States mission, when he arrived at the State Department, the first question Hillary asked him was, “What happened to that woman and all the people you arrested on sexual violence?”. He dismissed it and he said, “This has to do with the judiciary; the case is in court”. It was raised at the White House. At that time, he did not realise that we had built a political momentum. He went to the UK. When he arrived in Downing Street, that was the first question he was asked. All of a sudden, he realised that this was not just something he could dismiss. He promised he would look into it and try to do as much as he could. By the time he left and went to Brussels, the first question he was asked by the Commissioners was, “What has happened to this lady?”. He straightaway realised that this is something he had to deal with and that sexual violence is an issue he needed to address. He released the woman. I then decided I was going to visit. He refused to accept me. When I arrived there, the President was not there, the Foreign Minister was not there and the Prime Minister was not there, because they did not want to discuss the issue. The British High Commissioner flew from Kenya. He came and supported me and we had a discussion with one minister who at that time was the Minister for Human Development. What the then Foreign Secretary did was to make sure that, at the donor conference in London, there was a side event on sexual violence. The President could not escape it. He had to sign an agreement with the Deputy Secretary General of the United Nations. That made sure the issue of sexual violence was dealt with.

When I went to visit Somalia, the Chief Justice said to me, “We do not have sexual violence here, because as Muslims we marry four wives. The population is 60% women. Why do we need to go and rape them?”. It just tells you the way they are and what they believe in. Even though I was in London, the President still called me and said, “You know what? I am signing this agreement, but some of the victims want visas to go overseas; they want to claim asylum. That is why”. Without the pressure of the international community—the UK, the European Union and the US—we could never have had a programme in Somalia.

Today we have a new law. We are working with the military. We are working with the police. We have gender measures.

Within the last three years since I took this job, I have received support in terms of resources and commitment. The most important thing is the political commitment behind you—making the countries where these crimes are happening understand that you have the support of their donors and that their donors ask questions about sexual violence. I have tremendous support in terms of resources. Even in my office—I am a very small office—I have a JPO from the UK. I have one from Germany and one from Norway. I am negotiating with Japan and the Netherlands. In the DRC, where we were trying to configure the mission to be able to have a very senior person, because it was our biggest challenge, the UN said, “We do not have the resources to have a D1 at that level”. For the last two years, the Dutch government has provided a D1 senior person from the Dutch Ministry of Foreign Affairs to represent us and bring all of the parties together: the Minister of Defence, the Minister of Gender, the Senate and the President’s Office of Personal Representative. I have to be honest: we have tremendous support and capacity. Yes, there are a lot of challenges. We are dealing with a lot of countries. For example, now, in the Middle East, we are mobilising help. We need people who are familiar with Sharia law. We have to deal with that. We are building and strengthening our capacity within the Middle East to be able to address the enormous problem we have in Syria and Iraq.

It is an ongoing challenge, but the response has always been very good, whether it is from Japan or Sweden. The Japanese are the biggest funding partner now for my office; the Swedish are the second. There is a lot of momentum.

The Chairman: Madam Bangura, thank you very much indeed for giving us such a rich and full exposition, which is just a fraction, we can tell, of the enormous work that you and your office are doing. You have our warmest support and warmest congratulations on everything. Thank you immensely. We had another six or eight questions, but I hope you will allow us to put those in writing to you and that we can hear from you, because your evidence is crucial for us to have in your report. Thank you very much indeed.

Madame Zainab Hawa Bangura: Thank you very much. I look forward to receiving the questions and I will respond to them immediately. Thank you so much.

The Chairman: Thank you.

Mrs Fatou Bensouda – Oral evidence (QQ 126-131)

Evidence Session No. 17

Heard in Public

Questions 126 - 131

TUESDAY 1 DECEMBER 2015

Members present

Bishop of Derby (Chairman)
Lord Black of Brentwood
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow

In the absence of the Chairman, the Bishop of Derby was called to the Chair

Examination of Witness

Mrs Fatou Bensouda, Chief Prosecutor, International Criminal Court

Q126 The Chairman: Mrs Bensouda, thank you very much for being with us. I notice that you experienced some of the previous session, so you know a bit about what we are about. We are grateful for your time and wisdom. I am obliged to give the housekeeping notices for each session so that they are clear. You have a list of interests that have been declared by the Committee Members. This is a formal evidence-taking session of the Committee. A full note will be taken, and it will go on the public record in printed form and on the website. You will be sent a copy of the transcript in case you want to make any minor corrections. As you have heard just now, if we run out of time you are very welcome to submit further evidence in writing. Thank you very much for being with us.

As we begin the session, could I ask you to outline the main problems associated with investigating and prosecuting sexual violence in conflict?

Mrs Fatou Bensouda: First, Lord Chairman and Members of the Committee, I am pleased to be here and to have this opportunity to share some reflections on a matter that is crucial: sexual violence in conflict. I believe you are aware that the need to curb this reprehensible crime has been an intrinsic part of my work as a prosecutor. It is a personal commitment for me as a woman, a prosecutor and a lawyer. The effective investigation and prosecution of sexual and gender-based crimes has been, and continues to be, a key strategic goal for my office since I assumed office in 2012, when I was sworn in as Prosecutor of the International Criminal Court. During this time, I have also developed a policy on sexual and gender-based crime, making it the first of its kind by any international court or tribunal.

Coming to your question about the challenges, they are many. Already, investigating and prosecuting international crimes—war crimes, crimes against humanity, genocide—is complex in itself, but with respect to sexual and gender-based crime there is a range of problems that are specific to this kind of investigation. First, the crime itself is underreported in most cases; you do not really see the full scale of what you want to look into, whether for societal reasons, cultural reasons, because the national system has completely broken down, or because sometimes the necessary legislation is not in place to enable effective investigation and prosecution. These are some of the challenges. Witnesses usually do not come forward easily, and we know why: the stigma they would face once they came forward and were known to have endured this crime. They are looked at not as victims but as responsible for being raped. These are problems that are intrinsic to this kind of crime, and it makes it difficult and challenging for an office of the prosecutor at the international level. It is already difficult even at the national level; at the international level, it is even more complex.

The Chairman: Thank you. That is very helpful.

Q127 Baroness Goudie: Thank you very much for your opening statement. What are the obstacles to the successful prosecution of sexual violence in conflict under international law, and how could that be improved?

Mrs Fatou Bensouda: First, under international law, as I briefly alluded to in my previous remarks, we may have jurisdiction to intervene, but most of the time, as I said, you find that the legislation that is needed is not in place at the national level. Secondly—and this probably has implications for the ability not only to collect information at the national level but perhaps to share it with us when we are investigating—that lack of legislation, capacity, ability to investigate and prosecute at the national level also affects us at the international level. The first responders are at the national level. The ICC's intervention is complementary; it is not a court of first instance but a court of last resort. Where we do have jurisdiction to intervene, we hope to be in a position to work very well with the national jurisdiction, the first responders, for information. When that capacity is lacking, it affects not least the speed at which we would like to go. This is problematic.

The third obstacle relates to the protection of the people we talk to, whether they are victims or witnesses. As you know, under the Rome Statute, not only the Office of the Prosecutor but the Registry and the judges have the obligation to protect victims/witnesses of these crimes. We know that this can also translate into very difficult problems on the ground, such as having to get these witnesses and sometimes not being able to relocate them, if that is the protection measure that we have to take, because they have their families and they do not want their partners to know that they have been subjected to

these kinds of crimes. So coming forward is also a problem that we are confronted with. Otherwise, the Rome Statute is a very useful tool in trying to address these sexual and gender-based crimes when they occur in conflict.

Baroness Goudie: Thank you.

The Chairman: Your examples have all been about rape. Do you have anything to say about the reporting of other crimes under the Rome Statute, such as forced marriage, forced prostitution, other sexual violence?

Mrs Fatou Bensouda: The Rome Statute really is the most comprehensive international instrument. It covers a wide range of sexual violence against women. As you know, it covers not only rape but all sexual and gender-based crime, and looks at it not just as a crime against humanity, for instance, but as a war crime and as genocide. You will recall that in the decision by the ICTR the ad hoc tribunals did a lot of work. The ICTR's judgment in Akayesu was the first time an international tribunal defined rape as genocide in international law. Of course, all this is now codified under the Rome Statute. We have it already, it is there, and it is for us to implement it. The other crimes of forced marriage and other kinds of sexual and gender-based crime are already in the Rome Statute. In our most recent case, the Dominic Ongwen case—Dominic Ongwen is one of the Lord's Resistance Army commanders whom we have charged in our Uganda case—we have requested that the chamber allows us time to do additional investigations and to include crimes such as sexual slavery and forced marriage, because, as I said, it is great that we have it in the Statute and it is for us to implement it.

The Chairman: Thank you.

Lord Hannay of Chiswick: Can I follow that up and ask you—I think you have partly answered this question—whether the Rome Statute gives you enough scope to prosecute a commanding officer, even of an organisation that is not very well-structured—not a national army—whose troops have behaved in this appalling way but who has not himself, or herself, been guilty of an actual act of sexual violence? To what extent can you proceed to the commander and hold them responsible for what their troops might have done?

Mrs Fatou Bensouda: Absolutely. Under the Rome Statute, you have command responsibility under Article 28. It has happened already at the ICC in the Prosecutor v Jean-Pierre Bemba case. Jean-Pierre Bemba was the former Vice-President of the Democratic Republic of Congo. The conflict unfolded in the Central African Republic and the then President called on Jean-Pierre Bemba for assistance. He came with his own troops, the MLC troops, into the Central African Republic to help to abort the coup that was ongoing. This is one of the cases where we have seen allegations of sexual and gender-based crimes, allegations of rape, outnumber the allegations of killings. Even though Jean-Pierre Bemba was on the ground from time to time, he was not there continuously. These alleged rapes were being committed by troops under his command in the Central African Republic. We have charged Jean-Pierre Bemba with rape, and this is before the judges of the ICC right now. The prosecution has presented our case and has tried to put forward justification for why we say that Jean-Pierre Bemba is ultimately responsible for the crimes committed by his troops on the ground. He was in a position to prevent and to punish, but he did none of that. He was also in a position where he was giving command to his troops and was receiving daily updates from his troops on the ground. He had the command to be able to prevent the crimes or, even when they were committed, to be able to punish them. We are

saying before the judges that he did neither of those things. Therefore, we are asking the judges to hold him, in his command responsibility, responsible for those rapes. The case is done. We have submitted all our written and oral submissions. We are waiting for the judgment from the judges, which hopefully we will see before the end of the year or next year.

Q128 Lord Black of Brentwood: Thank you for these answers. You have put forward a very compelling set of reasons as to why investigating and prosecuting is so difficult. This has fed through into a lack in the number of prosecutions. The figure that we have is that, to date, 23 cases in nine situations have been brought before the ICC and there have been no successful convictions. We understand the difficulties that you face, but if you were writing our report, what practical steps could you suggest we might recommend to be able to make the whole act of prosecution more straightforward?

Mrs Fatou Bensouda: When you were asking the question and said that there have been no successful prosecutions, I wanted to add the word “yet”. As I have tried to explain, my office has definitely been trying to make sure that we have an integrated approach: that we integrate the investigation and the prosecution of sexual and gender-based crimes in all our cases.

The statistic today is that in 70% of the cases that we have brought before the judges we have tried for sexual and gender-based crimes. Apart from the Article 70 cases, we have charged 19 individuals for sexual and gender-based crimes across 14 cases. So the effort to charge and bring these cases before the judges is definitely being made at the level of my office. I believe that wherever we are able to find evidence sufficient for charging, we should go ahead and do so. This is the policy of the office and what we are attempting to do. We have discussed the challenges. It is not always very easy because of circumstances that are sometimes beyond the control of the office. That is just the nature of these investigations.

One thing that I always think about in relation to the initiative and the protocol is the idea of training first responders and helping national jurisdictions to develop to a level at which they can take up investigation and prosecution on their own. At the same time, it makes me think about complementarity. I talked about the ICC being a court of last resort. I believe that very strong capacity and a response at the national level as soon as something happens will contribute a lot to the ICC’s prosecution, if we even get to that level. If the national jurisdiction is responding and is in a good position already to respond, investigate and prosecute, there is obviously no need for the ICC to intervene. This is an area where I believe that initiatives such as this can assist the national jurisdictions in order to develop them and to make them have the capacity to be able to assist.

With respect to the investigations and prosecutions of these crimes, my office has already put forward certain strategies that we feel should be added. In the past, we have relied heavily on witness testimony, for instance. The strategy in my office’s strategic plan of 2012 to 2015, now going to 2016 to 2018, is to look for diversified forms of evidence, such as documentary evidence and all the forensic evidence that the office can use. We are trying to see how we can work with partners on the ground to be able to assist the office in its investigations of these crimes. We have put many strategies in place, such as the open-ended investigations, going to the middle perpetrators and moving up the chain. These are things that I can share with you. I can send you my strategic plan to show that we are also

looking at other means of making the investigation and prosecution of these crimes more effective. But the role suggested in the initiative is crucial for us to be able to work with national systems and national jurisdictions.

Lord Black of Brentwood: It would be useful to see the plan.

The Chairman: Yes, it would. Thank you.

Mrs Fatou Bensouda: We can send that in.

Q129 Baroness Kinnock of Holyhead: Thank you very much for joining us and giving us the opportunity to hear your wise words. People often forget that the Rome Statute created two independent institutions—the International Criminal Court and the Trust Fund for Victims, which is an extremely interesting aspect of that work. It acts for the benefit of victims of crimes and helps them regardless of whether there has been a conviction by the ICC. That again is a very important aspect of this. Perhaps you can confirm that it fully cooperates with the courts to avoid any interference with any ongoing legal proceedings. Is that the case? Have I covered the truth about this? I am very interested because everyone talks about the ICC and does not give as much attention as they should to a Trust Fund for Victims, for instance, which is a hugely important aspect of your work.

I will add this question on because it may make things go more quickly. Could you tell us about the rehabilitation process going on in northern Uganda and the eastern DRC? We were in the DRC and someone mentioned it to us. That is quite a bundle of questions, but I am sure that you can share your thoughts.

Mrs Fatou Bensouda: The Trust Fund for Victims, as you rightly said, was created with the ICC—they are independent bodies—but it was mainly to deal with reparations for victims in our situation countries. You have seen that even prior to Lubanga—the first case for the ICC—being concluded, work was already being done in Uganda and the Democratic Republic of Congo by the Trust Fund for Victims. Because victims are so central to the work of the ICC—I always say that they are its *raison d'être*; it is because of the victims that we exist—the Trust Fund for Victims has been working a lot, as I said, to ensure that some form of help or assistance is provided to the victims, even prior to a case being completed by the ICC. Currently, the Lubanga case has gone full circle, as you know. For the first time, the Trust Fund for Victims has been called upon by the trial chamber to work on reparations for victims. This has yet to be finalised, but a lot of work has been done already towards reparation and rehabilitation in this first case before the ICC. The process for Katanga, which is the second case, is also ongoing. The Trust Fund for Victims is playing a crucial role with regard to reparations.

One aspect that I want to mention with respect to reparation is that my office has shown that we are very victim-responsive, even with respect to the reparation of victims. We think that there should be a very gendered approach towards the reparation of victims, especially of sexual and gender-based crimes.

Q130 Lord Sterling of Plaistow: Many of us round the table feel that this is probably one of the most important meetings that we have had. When it comes to it, how do we get prosecutions? We more than understand the difficulty of getting evidence, so your strategic document will be very interesting to read. Could you explain this for our benefit? You refer to yourself as the last resort and there is also first resort. How successful has the first resort

been in prosecution? What is the crossover? What causes you to take a case over? To ask a frank question, how the devil can we be sure that you have the authority to do more?

Mrs Fatou Bensouda: It is really all about the set-up of the Rome Statute and the principle of complementarity. The Rome Statute is clear that the ICC was never meant to be a court of first instance. In fact, one of the main ideas behind the establishment of the ICC was to assist national jurisdictions to develop to a level at which they are able to investigate and prosecute these cases by themselves. If the ICC is really successful, it will have no cases, because that would mean that national jurisdictions were performing so well that we would not have to take over cases. Unfortunately, we are not yet there.

Lord Sterling of Plaistow: That is utopia.

Mrs Fatou Bensouda: Yes. We have had occasions on which national jurisdictions themselves have requested the ICC to come in and exercise its mandate, because that jurisdiction is either unable or perhaps lacking in political will to do so. I would like to give you the example of Guinea. Guinea is a developing country whose capacity—not in terms of knowing the legal issues but in terms of simple logistics—means that investigating these cases is a problem. For the principle of complementarity, my office has engaged with the Guinean authorities and has encouraged them all the time to investigate by themselves. I am talking about the events of 2009 at the stadium where, unfortunately, rape was happening in broad daylight. So we have been working with Guinea and I have been sending my investigators—I would even call them my analysts—there to collect information on what Guinea is doing, to try to understand what difficulties Guinea is facing. Of course, we are not a development agency but a court, but we are able to put Guinea in partnership with others who can help—we have done this in the past—whether it is States or international organisations. DfID has been very useful in its help to Guinea, for example. We have got to the point today where charges have been brought in Guinea against very high-level officials. That means that significant steps have been taken to address this issue. With all this encouragement and putting Guinea in partnership with others, the ICC is therefore taking a backseat so that we can see where those charges will lead. As you know, if they are genuinely investigating and prosecuting, the ICC will have to let them do it.

The Chairman: We are almost out of time, but I am just going to ask Lord Hannay whether he would like to ask a question.

Q131 Lord Hannay of Chiswick: Could I just follow on from that and from your obviously wise words that the best thing is when countries themselves can take effective action? Do local communities and survivors understand that, if they are given the run-around by their own judicial authorities, the ICC exists? To what extent do you have outreach programmes that enable victims and their legal advisers to understand that the ICC stands behind the national authorities if they prove to be unwilling or incompetent?

Mrs Fatou Bensouda: We do this through outreach. Unfortunately, there is very little budget dedicated to this for the court, because we are always told that we have to concentrate on our core business, but outreach is also important for us to be able to manage expectations in the local communities. Outreach, as it is, is the responsibility of the Registry, which has a very small unit that deals with it. We have also recently talked about engaging in a court-wide strategy in which we can get the information out there. In fact, just two days ago, members of my office came from a joint outreach mission with the Registry to

explain to the local communities in Gulu, in Uganda, about the Dominic Ongwen case and the reason for asking for additional charges to be brought against him. We also explained what we are focusing on, what the procedure will be before the judges, the confirmation of charges and the fact that the trial process has not yet started. So we do a lot of explanation. I have been on missions on a number of occasions when I just go to meet victims in the community—the victim group. I will meet them and civil society. I will also meet other NGOs and governments, but just to explain the process that we have embarked on, what the expectations are and the likely outcome. If we manage just to explain to people, that is crucial. I take another example from the recent mission in Uganda, which I believe the community appreciated a lot. Not only did we talk to the victims in the community, but we talked to the cultural and religious leaders, who form a big part of authority in the villages and local communities. We engage with them and we try to explain. I know that they know very well that the ICC will come in if their own jurisdiction is not doing anything. Maybe the call that we used to hear in Kenya is not made, but I remember that, when the Kenya events happened, they used to say, “Don’t be vague, go to The Hague”.

The Chairman: Thank you very much indeed. We would be very grateful to receive the document that you mentioned. If you have any further thoughts that you would like to submit to us in writing, we would be very grateful for those, too. Thank you very much indeed for your wisdom and help today.

Dr Chaloka Beyani and Refugee Council – Oral evidence (QQ 89-100)

Evidence Session No. 13

Heard in Public

Questions 89-100

TUESDAY 10 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Lord Sterling of Plaistow
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witnesses

Dr Chaloka Beyani, Special Rapporteur on the Human Rights of Internally Displaced Persons, Office of the High Commissioner for Human Rights, and **Ms Anna Musgrave**, Women’s Advocacy Manager, Refugee Council

Q89 The Chairman: Good afternoon, and thank you very much for joining us. We are very grateful to you. We are fortunate enough to have an hour of your time, for which we are extremely pleased and grateful. We have a number of questions, and will probably put forward more in writing afterwards. Could I ask you to answer any question that you wish to answer and to discard anything that you do not think you would like to answer? The session is on the record. It is being broadcast live and will be on the web, and we will send a written note for you to make minor corrections if you wish. You know who the Committee Members are. You have, I think, had a register of our interests, so you know what our focuses are. It just remains for me to say that we are looking forward very much indeed to learning from your knowledge, which is immense, on the topic that concerns all of us in this room. I

wonder if I could invite each of you to give a brief introduction about your work and to say why this issue is of importance to you.

Ms Anna Musgrave: I thank the Committee very much for giving me this opportunity to provide further evidence to inform the inquiry. In particular, I wanted to thank you for your interest in exploring how sexual violence affects refugees and women once they have been forced to flee from their home. I am the Women’s Advocacy Manager at the Refugee Council. The Refugee Council is a UK-based organisation that supports both adults and children in navigating the very complex asylum system in this country. We also help refugees to rebuild their lives here once they have received protection and have been found to be refugees. We are also one of the few organisations with a long history of supporting resettled refugees; once they have arrived here we provide them with support to find their feet here in the UK. That continues to be through the Gateway Protection Programme and, more recently, through the Syrian Vulnerable Persons Relocation Scheme.

From our experience of working with women who have been forced to flee from their homes, we know that women face a heightened risk of sexual violence once they are on the move. We are concerned that the Government’s leadership in tackling sexual violence in conflict is not reflected in other policy areas. Specifically, it is not reflected in the way in which women who have perhaps fled sexual violence and who have arrived on our shores are treated. Nor is it reflected in their ability to get to the UK—to have safe escape routes to get here.

I guess I just wanted to flag up the fact that I am obviously representing a domestic-based organisation here, so there will be some limitations to my ability to answer questions on, for example, the impact of this work overseas, but I hope that my evidence will assist the Committee in thinking about where there might be gaps and where this important work might be built on.

Dr Chaloka Beyani: May I express my sincere thanks for your kind invitation to give evidence before this august Committee? I am also delighted to see my senior colleague, Professor Chinkin, by your side, who I did not know would be here this afternoon. I am the United Nations Human Rights Council’s Special Rapporteur on the Human Rights of Internally Displaced Persons and in that capacity I carry out field missions and integrate into my missions and into my reports the issue of sexual violence in conflict. I did a report on internally displaced women about two years ago, and I have carried out missions in Africa, to Sudan, South Sudan, Côte d’Ivoire, and Kenya; in the Middle East, to Iraq and Syria, in May this year; in Asia, to Afghanistan, Sri Lanka and the Philippines; and in Europe, last year, to Serbia, Kosovo, Georgia, Azerbaijan and Ukraine. I will also undertake a mission to Honduras next week; I understand that about 60,000 families headed by women have fled sexual violence in Honduras, Guatemala and El Salvador. A report by the UN High Commissioner for Refugees was recently published on this subject. I also teach international law at the London School of Economics as an associate professor, and some of my research and writings have been on women’s human rights. I also serve on the steering board of the Prime Minister’s special envoy on sexual violence, so I have been party to some of the discussions behind the Initiative that inevitably led to the setting up of the Centre for Women, Peace and Security at the LSE. This is the perspective that I bring and in the answers that I give I will try to be as factual as possible about what I have actually found.

The Chairman: Dr Beyani, before I ask you the first question on behalf of the Committee, could you confirm that IDPs still come under only the Bern Convention, that there is no UN convention that covers IDPs, or am I out of date?

Dr Chaloka Beyani: No, you are not out of date at all. The closest global regime there is on IDPs are the guiding principles on international displacement, which were approved by the United Nations Commission on Human Rights in 1998. They tried to synthesise various elements of international humanitarian law, international human rights law and international refugee law. At least in Africa these were condensed into the African Union convention on internally displaced persons, called the Kampala Convention, which is the first legally binding framework. I have been to many of the preparations and consultations for the World Humanitarian Summit, and what has come out of those preparations is the call for regional frameworks on internally displaced persons, and I hope that this will be a trigger after the World Humanitarian Summit is concluded in Turkey next year.

Q90 The Chairman: Thank you very much. I wonder if I might ask you both, perhaps Anna Musgrave first, how significant the link is between sexual violence in conflict, or the fear of sexual violence, and refugee flows and internally displacement flows.

Ms Anna Musgrave: The first thing I would flag is that experiencing sexual violence in conflict may not be the only reason why a person is a refugee. A woman might have been forced to flee for another, unrelated, reason, but clearly she is at risk, so she is forced to flee. However, the fact that she has been forced to flee her home is of concern to us because she then becomes at heightened risk of sexual violence. That is the key concern for us, particularly if she has been separated from male relatives, alone or travelling with children.

Evidence shows that a substantial proportion of the numbers of refugee women in the UK have been affected by violence or sexual violence. An interesting study, which I would like to draw the Committee's attention to, was co-written by the Scottish Refugee Council, our partner, which co-wrote our submission to this inquiry. It interviewed women in Scotland and found that 70% of the women they interviewed had been affected by violence during their lifetime, and just under half the number of women they spoke to had been affected by sexual violence. What was interesting about the study was that it was then replicated in Belgium and Italy. While the responses to other questions about services, for example, were quite different, when it came to the prevalence of violence and sexual violence, it was very similar, whether they were talking to women in Italy, Belgium or Scotland.

It is because we know that women are affected by sexual violence that the Refugee Council has set up a very specific therapeutic service for refugee women, which has been running for a number of years now. I asked my front-line colleagues to give me some data in preparation for this, and they told me that 78% of the women who accessed the service between August 2014 and August 2015 were survivors of sexual violence and rape.

Dr Chaloka Beyani: My experience is that most refugees would have been internally displaced persons before fleeing across international borders to third States. There is very often a lack of effective internal protection for IDPs in IDP camps, where there are very bad living conditions. No agency of the UN looks at the needs and the protection of IDPs—multiple agencies do that. However, once they cross an international border, at least there is the United Nations High Commissioner for Refugees as a single entity. I found that this

link has occurred very times. Even as we look at the migration flows into Europe at the moment, my analysis was clear, that there is an absence of clear and effective internal protection in the countries of origin. However, you also see that the pattern of sexual violence would have started from the time when persons were displaced. Sexual violence, as you know, has been weaponised as a means of conflict and as a driver of displacement, to destroy communities and women, because women support the well-being of their societies, and by destroying women, their societies are also destroyed. This effective link has been going on and on in almost every place I have been to. The only exception, where I found no evidence of sexual violence, was in Ukraine, but that was in 2013. I made inquiries, my team spoke to many women and others, and they said that there had not been an incident yet. However, everywhere else, in all the countries I have mentioned, the pattern is similar during flight and it continues in the refugee camps as well.

Q91 Baroness Goudie: A lot of attention has been given to attempting to end impunity for sexual violence in conflict. However, at the same time, refugees who are victims of sexual violence in conflict, and displaced persons, also become victims of sexual violence even though they have left a country because of what is happening there. They may have escaped forms of sexual violence as well as other situations, then when they go to the camps or another country they are subject to sexual violence. What are the mechanisms through which they can access justice and wider support?

Ms Anna Musgrave: I do not feel that I can speak on efforts to end impunity. However, I can best respond to you in terms of this question on women's ability to access support services once they have arrived here in the UK. Is that useful?

Baroness Goudie: Yes, definitely.

Ms Anna Musgrave: There are three principal concerns around women arriving in the UK and claiming asylum, particularly those who have been affected by sexual violence: how the needs of survivors are identified and addressed by this Government, whether or not they are able to get protection—so, problems with decision-making on women's asylum claims—and the extent to which the asylum support system offers or does not offer a safety net for women and protects them from violence once they are here in the UK, having claimed asylum.

What is perhaps of most interest to the Committee is identifying and addressing the needs of survivors of sexual violence. The Refugee Council is able to speak to that because we did a specific piece of work with the Home Office and our partners, the Scottish Refugee Council and the UNHCR, to try to support the Home Office to improve its response to women who disclose that they have been affected by sexual violence. What has been very welcome is that there has been significant engagement from the Home Office on this issue, which has led our organisations to train 100 asylum screening staff on how to respond to a disclosure and on what specialist services they can signpost women to. It has been frustrating that progress has been extremely slow. I was going to say that there have been two years but I think it is probably more like three years of work now, and the culmination of that—the physical product of that work—has been six training sessions, which is the result of endless meetings. That has been quite frustrating, and it is basically the result of funding and capacity limitations with the Home Office.

We wanted to do one thing, which in fact the Government committed to doing back in 2013 in their strategy to address violence against women. They committed to a referral mechanism so that women would be formally referred to a specialist service. In order to make that action a reality we have been talking to the Home Office about setting up a specific pilot project to explore how that might happen. It has been extremely frustrating that, after hours and hours of meetings, that has stalled, really because of the Home Office's inability to find what is quite a small amount of money in relative terms. That is certainly one of my key messages to the Committee, that for us, the Government's commitment to support survivors of sexual violence needs to extend to those women who make it to our shores and seek protection here. This was a very clear way in which they could support them to facilitate that access to specialist services. However, as I say, progress has been very slow.

Dr Chaloka Beyani: I will try to disaggregate the question into three elements. The first is further risks of sexual violence once women have been displaced. The second is what can be done to mitigate these aspects. The third is access to justice, as it were. The evidence tends to show that women, and some men, are subjected to sexual violence in the course of displacement and after displacement, because the original cause of displacement continues to exist; it has not actually died. It takes other forms; it is underground, it targets women who have been targeted previously for a variety of reasons—because of their identity, because they care for their families, or because they are enterprising in the IDP/refugee camps and they have money. For those reasons, they become victims. There is insecurity and a lack of safety during flight. Many are taken advantage of by smugglers and traffickers, who subject them to sexual violence or see that as payment in kind. In terms of mixed migration flows, the evidence tends to show that most of the women from east Africa—Ethiopia, Eritrea and Kenya—who have gone through FGM actually cut themselves before fleeing in order to avoid rape and other sexual violence, to put it bluntly to make it less painful. They anticipate that this is going to happen, and they do that as a precautionary measure.

There is also survivor sex in the refugee/IDP camps, especially of young girls who put themselves under the protection of men, and the men then take advantage of this relationship. I have come across both extortion and exploitation, where a woman is repeatedly raped by the same man and the man eventually says, "Look, I don't have to do this, so if we have a relationship and an understanding it becomes normal". It might become normal for the man, but it is not normal for the woman. But women are subjected to those kinds of situations. They take extreme risks to protect their husbands and children. They say, "We can go out to get water and firewood. We will be raped, but we will survive". If the men—the husbands or male children—go out, they will be killed, they will not come back, so women calculate when taking these specific risks.

Baroness Goudie: Can I just ask you a supplementary question on women going out of the camps? If the men or the boys were to go out, you say that they would get killed—or would they be raped as well, because I know that a number of young boys, and some men, have been raped in these situations?

Dr Chaloka Beyani: Yes, some men and boys would also been raped and subjected to sexual violence, but in addition to that they will most likely be killed, because men are the fighters.

Baroness Goudie: Of course, but so are women now.

Dr Chaloka Beyani: Yes.

Baroness Goudie: So everyone is at risk, really, in one way or another.

Dr Chaloka Beyani: The risk affects everyone, in that sense, but the women bear the brunt of that risk on both sides in any case.

Single female-headed households are usually at risk because there are no men to protect, and because they have no voice in the IDP/refugee camps you very often find that they are in the periphery of the camps in dangerous areas that are not linked. They do not have proper accommodation, so they become easy victims to pick at.

This is just the tip of the iceberg. I could go on and on, but in the interests of time I will not. What, then, can be done to mitigate this? The first thing is what we call preparedness—having gender-sensitive approaches and policies in protection in the emergency phase, in humanitarian early recovery, and the development response through and through—and I find that these are lacking in most of the countries that I have been to. Enhanced physical protection for women is very important, both during flight and in places of displacement. Secure flights are also important—the patterns of flights or routes that are used. People do not simply run any old how; their flight will tell you their calculations about where they are going to find safety and which routes they are going to use, and these routes will be known to smugglers and traffickers. The security forces and others should also know that these routes are used by these elements, so they should secure them. Better shelter for women in more secure and safer location in camps would be important, as would more preventive approaches to SGBV, which happens within families as well: men become disorientated, take it out on their wives and female children most of the time.

In terms of rule of law issues and access to justice, here I find some rule of law programmes and legal aid provisions that are trying to provide access to justice, run very often by the UNDP and some of the European-based NGOs—the Norwegian Refugee Council, the Danish Refugee Council—but they are usually never enough; they are piecemeal. Setting up special investigation and prosecution teams that are sensitised to SGBV is of extreme importance in these areas, as well as special courts and tribunals that are properly trained as well as sensitised. The use of mobile courts and clinics in some places is also important. This was tried in the DRC. The lack of infrastructure meant that it was not a wholly successful programme, but many see it as one of the ways in which impunity can be addressed, because the courts actually go to where women are as refugees or IDPs and address their concerns.

Psycho-social counselling is very important for the victims, and this is always missing as a service. So is awareness among the public as a whole that this is a vice that should not take place, and that the perpetrators have to be punished but also have to be rehabilitated. The rehabilitation of victims is also lacking very often; they are left to their own devices with no proper medical care or medical facilities. Sometimes the offenders are known and are simply left. When I went to the Central African Republic, women were pointing to men and saying, “Those are Anti-balaka, these are the Seleka. They carry out sexual assaults in these camps, but no one does anything about them”.

So I would point at least to those aspects. They are not comprehensive, but they are small measures that over time could perhaps make a difference in relation to camps and settlements where refugee women and IDP women are.

The Chairman: Thank you very much. Baroness Hilton, did you want to enlarge upon the question that you were going to ask, which has just been touched on?

Q92 Baroness Hilton of Eggardon: I think you have covered most of what I wanted to ask about what you thought one could do in the refugee camps, but I do wonder about the administration and management of them. There must be some responsibility on the people who actually run them to try to protect women better. Is that an area that can be addressed, or not?

Dr Chaloka Beyani: I think it is an area that can be addressed. One small positive aspect has been, for example, the appointment of women as heads of households in refugee and IDP camps, so they, rather than the men, run the affairs of the camps. But I think that should also extend to making sure that the camp administrators are women who are effectively trained and secured, and that we should have more peacekeeping women. South Africa was considering establishing a brigade of women as peacekeepers, an initiative that did not find much attraction from the DPKO. But women protecting other women not in conflict situations but in peacekeeping post-conflict would be equally important.

The Chairman: Could I ask a quick question before coming to a supplementary from Baroness Hussein-Ece? You mentioned a number of initiatives on justice. How do you rank the truth and reconciliation commission as it was working in Rwanda, for example? Was that of value?

Dr Chaloka Beyani: I look into truth and reconciliation commissions. I have held joint sessions with them in Kenya, Côte d'Ivoire, Sudan and elsewhere, but in relation to issues of sexual and gender-based violence they are very weak and almost blind on those issues, so sensitisation is an important issue. Secondly, they appear to be friends of the system until they begin to operate, and when they begin to operate effectively they are immediately side-lined. Resources are withdrawn and they have no means of carrying out their work unless they get international support. South Africa was different, but sometimes they are led by people who are compromised, or prone to be compromised, so they are actually agents of the system rather than looking into the plight of the victims and the survivors in carrying out corrective measures. There is always this lack of clarity about what happens in the course of their work or after they have finished their work. Some attempt to make recommendations for prosecutions that are never, ever carried out. Some perhaps argue that they should have powers to prosecute, but when they attempt to prosecute, officers of the director of public prosecutions who carry out prosecutions are not interested in prosecuting those kinds of cases.

Baroness Hussein-Ece: Just as a supplementary question to the question from Baroness Hilton, do you think that enough account is taken in this country and elsewhere in Europe of people who leave the camps—women and girls—who feel that they are not safe places and flee? They leave the country, whatever that is, although they have perhaps been in those camps for many years. Perhaps as their girls get older there is a fear that they are under threat or vulnerable to sexual violence. There is an impression that those in the camps are pretty safe and okay, and those who seek sanctuary or asylum in Europe need to be taken care of—which of course they do. There is this perception that somehow those in the camps are okay and should stay there, but there is a big issue about vulnerability. Do you think we are taking that into account with regard to those fleeing and seeking asylum?

Dr Chaloka Beyani: It is not taken into account very much. I remember a decision of the European Court of Human Rights which said that deporting persons who were migrants to IDP camps in Somalia, where they came from, was inhuman and degrading and contrary to Article 3 of the European Convention, because the conditions in the camps are horrible, and instances of sexual violence go on all the time. There is this perception that because it is a camp there is protection. However, the protection is ineffective and all forms of harassment go on at the hands of either the camp administrators, other IDPs or some of the armed elements that infiltrate the camps and target those they have identified previously. Those who seek asylum do so from two perspectives. One is that they cannot bear the conditions in the camps anymore, so they have to find some other methods of accessing safety. Others may already have been admitted as refugees in a neighbouring country such as Jordan or Lebanon. However, even there, the incidents continue, therefore they have to be resettled by the UNHCR and other countries, identified on the basis of need and vulnerability and taken away completely from this fear of risk and threats.

Ms Anna Musgrave: I think they are often the same women; the women who feel vulnerable in refugee camps will then feel compelled to make that journey—possibly a very dangerous journey, possibly with smugglers—because of the security threats in the country that they are in. It is an important consideration as regards the response to the refugee crisis. It cannot be a response that people should remain in countries such as Lebanon, Turkey and Ethiopia, which are home to the largest refugee populations in the world. What is of particular concern to the Refugee Council is that when those same women make that journey, they are put further at risk. They are put further at risk because there is no legal way for them to make that journey, so they are forced to travel irregularly, with smugglers, which in itself puts women further at risk of sexual violence.

Q93 Baroness Young of Hornsey: You have already partly answered this question, Ms Musgrave, but I wondered if you want to add anything else to this, which is on the UK's domestic response to refugees who suffered sexual violence in conflict. Do you think that our Government's reaction or response is proportionate and effective? I know that earlier you mentioned some other issues about building capacity, doing training and making funding available. Do you have anything to add to those responses?

Ms Anna Musgrave: I would like to flag two particular points; I have already touched on them but I will expand on them a bit. The key issue is whether women are able to get their protection needs recognised once they arrive here—that is absolutely fundamental. We are talking about decisions that are lifesaving, or life-threatening if the wrong one is made. There are many problems with the asylum system, and particularly the decision-making system. We know that women sometimes struggle to get their protection needs recognised. The Home Office has done quite a lot of work on improving its decision-making, including on women's claims. However, the overturn rate of Home Office decisions by the courts is still quite sizeable. It is around 30%, but for women it is higher than it is for men—about 33% of decisions by the courts on women's cases are an overturn of the Home Office decision, and it is 28% for men.

Baroness Young of Hornsey: Sorry to interrupt you. Is it worse for women from some countries than from others, or is it relatively uniform?

Ms Anna Musgrave: If you really interrogate the statistics, you will find some particular trends. I do not have the statistics to hand, but I know that recently we noticed that there

was a particularly high overturn rate for Albanian women. It is not women-specific, but of late we have noticed a massive change in the overturn rate on Eritrean claims, which links directly to changes in Home Office information about the situation in Eritrea. We were deeply concerned when we discovered that this was happening and were therefore unsurprised when we saw a massive jump in the percentage of Eritrean claims being overturned by the courts. That was really quite noticeable. Therefore, if you interrogate the statistics, you will see certain themes.

As I say, the Home Office has made efforts to improve its decision-making, but women continue to struggle to get their potential needs recognised and are disadvantaged. They are disadvantaged because in many cases due to the nature of the violence they have experienced, they will struggle to provide documentary evidence. As a result, the decision-maker will be heavily reliant on the women's oral testimony. As you can imagine, this is problematic. We have already talked about the fact that women who claim asylum are very likely to have been affected by violence and sexual violence; this may well form part of their claim, so they will need to speak about these issues. As I say, the decision-maker will be relying on what they say, but, of course, it may be very difficult for them to talk about the violence that they have experienced.

If you take into account the fact that they will face what will feel like quite a hostile system, it is quite concerning. Straightaway they will be expected to tell an immigration official—a stranger—about the details of the violence they have experienced. They will face a barrage of questions at every turn, which creates the sense of a hostile system that is looking to trip the woman up, therefore making it more difficult for her to disclose details of what she has been through. Add to that the fact that she may not realise that it is important for her to talk about the violence she has experienced and it starts to become easier to understand why Home Office decision-makers are getting it wrong.

That is one point that I would make: while quite a lot of attention has been given to improving the decision-making overall and on women's claims, it is concerning that it tends to be in isolation, so there is a lack of awareness of how the wider asylum system might impact on a woman's ability to get her protection needs recognised—an ability or a lack of awareness about facing that barrage of questions at your first encounter with the Home Office, from what schools you went to, to the address of your local police station. I remember sitting in a meeting and looking at this form that had been completed, and thinking, "I couldn't answer half those questions". From a woman's perspective, does this engender a sense of trust and an ability to open up about very difficult questions?

There are myriad ways that the decision-making system and the wider asylum could be improved, but I will flag a couple of basic ones, which we know the Home Office is working on, although there is still some way to go. One is that they should be guaranteeing that a woman who wants to speak to a female decision-maker and a female interpreter is able to.

The Chairman: Thank you very much. May I call Dr Beyani to speak please?

Baroness Warsi: I am sorry, Chairman.

The Chairman: I am just asking Dr Beyani if he would like to comment before coming to Baroness Warsi on the same question.

Baroness Warsi: I think Anna was midway through her testimony and I would like to continue to hear it. Were you midway through your testimony?

Dr Chaloka Beyani: I am happy to pass over.

The Chairman: We have only a certain amount of time, and we have a lot of questioners, so I am quite keen to keep going. Baroness Warsi, do you want to comment? We have a number of questions still to ask, so we cannot spend too long on any one question or we will not get through them all.

Ms Anna Musgrave: I have one final point. My two areas for concrete improvements are guaranteeing female interpreters and decision-makers and guaranteeing childcare for women when they are at their screening and their substantive interview. Those are two key things that the Government should be providing.

The Chairman: Did you want to comment?

Q94 Baroness Warsi: I have just a quick question. Thank you for your testimony. It almost feels as if nothing has changed over the past 20 years from when I was dealing with asylum claims from the other side in terms of how we were dealt with through the asylum process. The question for me is: is the way in which we are dealing with immigration and asylum cases relating to women who have been subjected to sexual violence domestically in conflict with the Preventing Sexual Violence in Conflict Initiative which we are championing internationally? Is our reputation on one impacting on our reputation on the other?

Ms Anna Musgrave: I think there is certainly a mismatch between an international commitment by the Government to address sexual violence in conflict and what happens in this country when those women come here and claim asylum. Certainly the women I speak to do not understand that mismatch, and, yes, I think you are right. Certainly in response to the wider refugees crisis, it somewhat tarnishes the Government's reputation in the sense that you have what seems like really a ground-breaking initiative in addressing sexual violence in conflict but then measures taken by other government departments are perhaps unintentionally limiting the ability of those same women to access protection here in the UK.

The Chairman: I am going to jump to Baroness Hodgson, who has a question but has to leave in a few moments, and then I shall come back into the sequence.

Q95 Baroness Hodgson of Abinger: Is it possible to distinguish between individuals who are refugees and victims of sexual violence in conflict and those who are migrants leaving a country of their own volition? It can be very hard to identify people who are victims of sexual violence. Do you have any views?

Dr Chaloka Beyani: Thank you very much. First, refugees have a well-founded fear of persecution. That is one of the grounds stated in the 1951 convention. It may be based on religion, nationality, membership of a particular social group or political opinions. They have an objective, demonstrable fear. Migrants are supposed to be voluntary, or involuntary as the case may be. They may be documented; they may be undocumented. Equally, some immigrants who may have arrived lawfully may subsequently become undocumented migrants because their papers have expired and they have remained in the country. You also have those who are victims of violence in armed conflict contrary to the laws of conflict that must be identified and dealt with more specifically. Migrants are usually not at risk of persecution, as it were. None the less in the course of migration they are subjected to smuggling and trafficking. That changes the situation because there are international

obligations relating to victims of trafficking in particular, none of whom we are sending back to their countries of origin because the traffickers are still actively involved. What is required here is to make sure that there is an investment in legal channels that people can pursue to come to the UK and other countries. The legal channels must make a distinction between migrants and asylum seekers. For the most part, the tendency is to say that everyone is a migrant until the contrary is proven by the ordinary immigration system. Throughout the western world, this seems to be a problem, whereas if you go to other parts of the world, in Asia and Africa, the two regimes are very separate and the administrative apparatuses to deal with migrants and refugees are also separate.

The Chairman: Do you have another question, Baroness Hussein-Ece? It was your turn. Or do you, Baroness Hodgson, have a follow up?

Q96 Baroness Hussein-Ece: My question is not related now, but I wonder how effective are schemes such as the UK's Syrian Vulnerable Persons Relocation Scheme, which started earlier this year receiving the most vulnerable and prioritising victims of sexual violence—the elderly, disabled people and victims of torture. Some have started to arrive. Ms Musgrave, presumably the Refugee Council has dealt with these people. How effective or successful do you think the scheme has been, or is it too selective?

Ms Anna Musgrave: A resettlement place is life-changing. It is absolutely transformative and in some cases may be lifesaving. The Syrian Vulnerable Persons Relocation Scheme began in March last year, I think, so 20,000 is a very significant expansion, which is extremely welcome. To be clear on what we are taking about, refugee resettlement is very different from the asylum system, as I am sure the Committee is aware. It involves the selection and transfer of refugees who were already outside their home country and in a neighbouring country. It involves their transfer to a country where they will have the chance to rebuild their lives because they are not safe or still at risk in the first country in which they sought protection. As such it creates a safe and legal route into the UK or another country. For those who benefit from resettlement, it really is the chance of a new life. It is very different from the asylum system. There is far more planning and care. In this country, it involves local authorities and service providers as well as organisations such as the Refugee Council to plan an arrival and then to support resettled refugees and help them to find their feet in the UK and access the services that they need. As you rightly point out, women and girls at risk, as well as survivors of torture and violence, are one of the resettlement submission categories. They are groups that might be entitled to a resettlement place.

I would flag up the fact that the number of available settlement places is dwarfed by the need. About 1 million refugees have been identified as in need of resettlement places and there are around 80,000 places a year, most of which are provided by America. The Government's commitment to expand the Syria resettlement scheme is extremely welcome and means that the UK will now start to resettle much more substantial numbers of refugees. The Syrian scheme is modelled on the Gateway Protection Programme, which was the existing programme prior to the Syrian conflict. For the past few years, that has been taking about 750 refugees a year, just to give you an indication of numbers. My main point would be that as such a Syrian resettlement programme cannot be the answer. It cannot be the Government's response to the crisis. It can be only a small part of the answer. Part of that is because there are refugees all over the world. There are refugees in other countries

in need of resettlement, and at the moment the number of resettlement places available to them is limited to around 750 a year. Neither will the Syrian resettlement programme help women who are in Syria. In order to qualify for a resettlement place, you have to have crossed a border and be in a third country. The response to the crisis needs to be much wider and more comprehensive and fundamentally involve the creation and expansion of other safe and legal routes, which I hope we will get a chance to talk about during this session.

The Chairman: Thank you. Dr Beyani, do you wish to say something on that question? If you do, we would be delighted. Otherwise, I will come to Lord Black.

Dr Chaloka Beyani: I will be very brief, because I agree with everything that has been said. But the fact that it is a resettlement programme and it identifies the correct needs of those who need to be protected—survivors, essentially—means that it actually ignores the problem at its source, i.e. those in Syria and who need direct access to and protection from other States, and have not yet left Syria, but who would leave Syria if they knew that there were legal avenues for doing so. I think that is the blind spot of it.

Q97 Lord Black of Brentwood: Could we move on to PSVI and a view as to how effective it has been in addressing the needs of refugees and IDPs who suffer sexual violence in conflict and, as important, in preventing them from being exposed to subsequent sexual violence?

Dr Chaloka Beyani: At least I sit on the Initiative, and I have had an opportunity to contribute from that point of view. I think it has helped to shed light on the issue internationally and globally, and the UK has done more than any other country. I think there is applause everywhere I go for the nature of this Initiative. The conference that was held in London helped a great deal to publicise and bring to the consciousness of many what the problem is—a problem that people usually ignore. The establishment of a centre at LSE to study the phenomenon, understand and analyse it, led by Professor Chinkin no less—the world’s leading feminist scholar in human rights and international law—is a great boost, not just to the UK but to the LSE and the Initiative as well. However, a difficulty still remains, which is that, as was pointed out, it is an international initiative so the effects must be felt within the UK as well, in relation to refugee women seeking asylum who are victims of conflict in the places to which they come.

If I may add my own thoughts to the earlier discussion, the responses have evolved. In the 1990s, there was a refusal to adopt guidelines on gender-based persecution modelled on those in Canada, Australia, the US and others. We came much later to do that. Then the battle was won much more in the courts than in the asylum determination processes, such as in 1988 with women from Pakistan, where there was the first victory here in the House of Lords. Then we have had some other cases from Sierra Leone and elsewhere. But a tiny proportion of cases come through. The majority of cases are still being held back in the tribunals and immigration processes and are not being allowed to go forward for the reasons that have been mentioned—that is, unless they have human rights elements to them. I think we could have a more robust response to this.

Q98 The Chairman: Before Lord Black comments, could I just ask a quick follow-up question on that? You sit, as you told us, on the UK Foreign Secretary’s advisory group on human rights. What is your view on the comments made by the new head of the Foreign Office, Sir

Simon McDonald, to the Foreign Affairs Committee of the House of Commons recently that human rights are now one of the FCO's lower priorities?

Dr Chaloka Beyani: I think it is a great pity and a great loss, largely because human rights are in the interests of everyone. The obligations are owed between all States, and every State has an interest in making sure that human rights are properly protected. The second aspect is that many countries look to what happens in the UK. If they see that the UK's foot is off the accelerator in terms of human rights, they say, "Don't blame us—this is what the UK is also doing, so this is not a priority for us any more". But this is part of a global push-back on the gains made on human rights, including by leading States such as the UK. It is very important to put human rights back up front. The Secretary-General's initiative on putting human rights up front is a good example and indicator of that. We see regimes that were trying to be democratic in Africa now becoming autocratic and inward-looking. In the 1990s, they faced a great deal of pressure on democratisation and human rights, but now they do not feel that pressure any more. Burundi is now on fire. The President can just say, "I will extend my term of office", and no one comments or says it is wrong. Those are not a very positive indicators, from my point of view.

The Chairman: So how did you on the advisory committee allow this to happen?

Dr Chaloka Beyani: First, there has been a change of office and, since then, I think I missed the one meeting that was supposed to be there. At the same time, the human rights aspects of that body looked at selected countries' foreign policy and human rights. I think the committee should put this back on its agenda at the next meeting and see how human rights have to be an important aspect of UK foreign policy. That is where they belong.

The Chairman: Thank you very much. Lord Black, I am sure that you have much more to ask.

Lord Black of Brentwood: I think that answers the question. I was going to ask what the one thing is that we could do to send a signal that we have put human rights back up front.

The Chairman: I wonder if I might ask Lord Sterling to comment next, and perhaps ask Ms Musgrave to answer him first, as I skipped you off this one.

Q99 Lord Sterling of Plaistow: I think this question is only for the doctor. Listening to you carefully, it seems you have spent a lot of your life going to many places and it is quite interesting that time and time again you told us what does not work, what is not working and what we should be doing. It is quite sad that, with all the energy that you put into this, very little anywhere is apparently getting to the standard that you want. Many of the refugee camps—I have been to many—are like concentration camps. They are run not by NGOs but by people further down and the refugees are almost treated like inmates. The sooner that people can get out of the refugee camps the better. There is one specific thing you have been involved in where this Committee would be very interested in what really happened. I think I am right in saying that you were involved in negotiating and drafting the Pact on Security, Stability and Development in the Great Lakes Region, and in particular the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children. There are so many resolutions, protocols and conventions all over the place, and the United Nations running off in all directions, but here is something very specific. It having been implemented, are you able to tell us whether it is actually working and there is an improvement? Are you in a position to be able to demonstrate and see the improvement yourself?

Dr Chaloka Beyani: The first thing I would say is that sadly it is not being implemented adequately and is not working well at all. The Pact was adopted in 2006. It took some three years from 2003 to elaborate it and to get States to agree what were the root causes of conflict and what was to be done to address the consequences of conflict. It was an error of optimism. Conflicts in Burundi, the Central African Republic and, to some extent, in the Democratic Republic of the Congo were ending, so it was designed as a post-conflict mechanism. However, some of those States have now receded back into conflict: the Central African Republic, Burundi, as we speak, and the DRC. This has affected the momentum that was needed to push the Pact forward.

The protocol on sexual violence, which I think was the first of its type at the time, still receives some attention. A centre has been established in Kampala, Uganda. It is a regional facility, training and bringing awareness on sexual violence during conflict in the Great Lakes. However, it is mostly a public sensitisation training facility. Again, it does not get to the root of the problem. I think that the first training seminar it had last year was for the military, and the idea was for military justice to address issues of sexual violence in relation to soldiers, members of the armed forces and armed elements who they may come across in the command structure. That is still on the table and is the only significant thing that has happened. In August, I went to Uganda to visit the centre to see what is happening. The envoy of the Secretary-General has adopted a framework agreement with the conference to push forward the protocol specifically on sexual violence, and hopefully the involvement of the Special Envoy of the Secretary-General to the Great Lakes will move forward on this issue to activate the structures under the protocol. We discussed a whole agenda related to the deferment and surrender of accused persons, the means of collecting evidence and making sure that judicial structures work. However, whether that will work is yet to be seen.

Lord Sterling of Plaistow: So, much to your disappointment, nothing much is happening.

Dr Chaloka Beyani: Nothing much is happening, but its greatest use is as a forum for heads of states to meet directly, and those meetings are quite open and frank. Other stakeholders also participate and take the heads of state to task, so you will see Kabila and Kagame arguing about why Rwanda is in the DRC or not. It helps to understand the situation better, at least to that extent. The summit meets almost every year now; it is something which brings about discussion and debate to mitigate what used to happen before, which was outright conflict.

Lord Sterling of Plaistow: In 1960 and 1962 I lived there, and it was the most wonderful combination of peoples and interrelations. To hear the way it has gone is extremely sad. Thank you, Chairman.

Q100 The Chairman: A final question, if I could, for Ms Musgrave. Could you comment briefly on the expansion of safe legal routes? Can you identify briefly what they are?

Ms Anna Musgrave: Yes, with pleasure. It is worth understanding why women are embarking on dangerous journeys across north Africa, the Mediterranean and once they have arrived in Europe. It is obviously conflict, persecution, fear of sexual violence that are forcing women to flee their homes and leave their home countries, but the reason why they embark on dangerous journeys, often in the hands of smugglers, is that there is no legal way for them to make that journey. That is very explicit. I shall read one line from a PQ. The Immigration Minister said, “We cannot undertake to consider requests for asylum from

Syrians who have taken refuge in neighbouring countries. It is not our practice to grant visas or to in any other way facilitate the arrival in the UK of foreign nationals for the purpose of seeking asylum". That is part of the problem, and that is where we need to look in terms of finding some answers.

We would like to see the Government creating new routes and expanding existing ones. Creating new routes through the creation of an asylum visa is something that other countries are exploring and are using to limited effect. We are particularly keen to see an expansion of existing routes. I use my time here to flag family reunion. At the moment, a time of unprecedented forced displacement across the world, family reunion, the possibility of coming to the UK to join a family member who has been granted refugee status, has been closed down. We are seeing an increase in the percentage of family reunion applications by Syrians and Eritreans to join relatives here in the UK. This has particular implications for women and children, because they are likely to be in Lebanon or Ethiopia, probably in very precarious circumstances, hoping to join a—probably, in reality, male—relative who has made that dangerous journey. They are the ones who are waiting, often in dangerous circumstances, for that decision. We would like to see an expansion of that route, the opposite of what is happening, by widening the criteria for family who are able to come and join relatives.

I shall give an example based on the facts of a case I am aware of, as I am in touch with the lawyer, concerning a Syrian woman who is now 19. Her father made it to the UK, was granted refugee status and applied to bring his family. His family had to make a dangerous journey, which is one of the points to flag, out of Syria to go to a British consulate to make the application, which is one of the problems at the moment with family reunion. To the father's dismay, the family were granted the ability to join him but his 18 year-old daughter was not because she had turned 18. It was considered okay for her to stay in Damascus with her 80-plus year-old grandmother. This family are in a real dilemma now. The family has come to join him, and the young woman is very at risk. Do they pay for that woman to make an extremely dangerous journey to come to the UK?

I would highlight this kind of thing as where there is a real need to look at how some of our immigration policies are undermining important work that is being done in terms of the Initiative to address sexual violence in conflict. The way we manage our borders is putting women at risk, as in the case of that young Syrian woman. I am aware of similar cases of two young Afghan women who have been told they cannot travel with their family to the UK and who have been left behind and have already received threats.

The Chairman: Thank you very much indeed. Baroness Goudie.

Baroness Goudie: I just want to ask a very quick question relating to that. Would it help if we could get our consuls or representatives of the embassy or the Foreign Office to go to the camps? I know that some do. Would that make it easier to get requests when people are being left behind or who have finished their education here and have been sent back? I know they are two different questions, but you know the answer I am trying to get.

Ms Anna Musgrave: Yes. Creating a humanitarian visa that would allow people to be able to apply would be a great thing. Similarly with family reunion, seeking ways so that women do not have to make that dangerous journey to a British consulate would be very welcome. To be honest, the cases that I talked about are in their country of origin, so in that example it would be a Syrian family within Syria.

I would point to a slightly different solution, which there is a precedent for. At the moment the emphasis is on the family in the region to make the application. For Somalis, between 1988 and 1994 a sponsor in the UK was allowed to make the application. We would like to see that replicated so that people do not have to make those dangerous journeys in order to make the application.

Baroness Goudie: Thank you. That was the answer I was looking for. That is very helpful to us for our discussions.

The Chairman: Thank you both very much indeed. I am sorry that we have run out of time, but we have kept you a long time. We are most grateful to you. It was a great pleasure to hear your testimony separately. Thank you for all you have told us.

Burma Campaign UK – Written evidence (SVC0023)

About Burma Campaign UK

1. Established in 1991, Burma Campaign UK (BCUK) has a mandate to promote human rights, democracy and development in Burma. It has more than 60,000 supporters in more than 60 countries, and is a respected source of information and analysis on Burma.

Rape and Sexual Violence in Burma

2. Rape and sexual violence by the Burmese army has been documented for decades, both by local women's organisations, international human rights organisations and the United Nations. The first ground-breaking report on the issue was "Licence to Rape" by Shan's Women's Action Network and Shan Human Rights Foundation in 2002. The report detailed 173 cases of rape and other forms of sexual violence, involving 625 women and girls, committed in Shan State by Burmese army troops mostly between 1996 and 2001. 52 different Burmese army battalions were involved in the rapes, and 61% were gang-rapes, all of which pointed to the use of rape and sexual violence being widespread and condoned from the highest level. The fact that in 83% of the cases a military officer was involved also indicated this.

3. Since the reform process started in Burma in 2011, Burma Campaign UK has received increased reports of rape and sexual violence by the Burmese army, specifically in Kachin State and northern Shan State where Burmese army offensives have increased.

4. In a recent report "If they had hope they would speak" by the Women's League of Burma (WLB) in November 2014, the organisation concludes that over a 100 cases have been documented since 2010. Due to the difficulty of collecting data, the shame and stigma attached to the crime, and the fear of the victims and their families, the cases documented is believed to be only the tip of the iceberg.

5. Impunity for rape also continues. In January 2015, Maran Lu Ra (20 years old) and Tangbau Hkawn Nan Tsin (21 years old), two teachers from the Kachin ethnic group, were raped and murdered by Burmese army soldiers in northern Shan State. The Burmese government's response, instead of conducting a thorough investigation, was denial, to threaten civil society organisations and individuals who accused the Burmese army of being involved, to try to shift blame to local people, and to intimidate witnesses. The results of forensic tests and the investigation have not been released, and no one has yet been charged or put on trial for the crime.

6. President Thein Sein, hailed as a reformer by many western governments, was a military commander in Shan State in the 1990s, when 45 documented cases of rape by Burmese army soldiers took place by soldiers under his command (as documented in the report "Licence to Rape").

7. The findings by the Burmese women's organisations and the reports that Burma Campaign UK have been receiving have been re-iterated by the United Nations. In her report from September 2014, the UN Special Rapporteur on Human Rights in Myanmar, Ms

Yanghee Lee, states that she received multiple reports of rape and sexual violence by the Burmese army.

Implementing PSVI in Burma

8. The British government is not implementing PSVI effectively in Burma. It is deliberately avoiding the fact that the biggest perpetrator when it comes to rape and sexual violence in Burma is the Burmese army.

9. When PSVI was launched, Burma was not included. Following pressure from Burma Campaign UK and MPs in the British Parliament, the Foreign Office told Burma Campaign UK that they were reviewing the inclusion of Burma. When Burma Campaign UK asked for the results of the review, Foreign Office staff were unable to provide information on whether the review had happened.

10. The British government then said it would implement some parts of PSVI in Burma, which appeared mainly to be the rebranding of some existing projects as PSVI projects. After continued NGO and parliamentary pressure, Burma was finally included fully in the PSVI.

11. The British government faces a real dilemma in Burma. In some countries, implementing PSVI can be done in partnership with governments, but in other countries the government is the problem. This is the case in Burma. The Burmese government still does not accept that rape and sexual violence by their army is a problem in their country. At the same time, the British Government has attempted to foster close ties with the Burmese government since the reform process started in 2011, and has prioritised trade and investment over promoting human rights. With the Burmese army being the main perpetrator of rape and sexual violence in Burma, full implementation of the PSVI to address rape and sexual violence by the Burmese Army, and continuing impunity, could cause friction in the relationship with the military-backed government of Burma, and harm trade interests. So far the British government has chosen to avoid addressing these issues, prioritising instead diplomatic and trade relations.

No action on impunity

12. When Rt Hon William Hague, Baroness Helic and Ms Angelina Jolie Pitt gave evidence to the Select Committee on Sexual Violence in Conflict on the 8 September 2015, all of them stressed that addressing impunity was the key to combatting rape and sexual violence in conflict. Baroness Helic said: “(...) if I had to put a finger on the most important pillar of this I would say that it is impunity, because you have to know that if you commit a crime there are consequences and you have to face up to them.” Mr Hague agreed: “Although it is very important to support survivors, and that has been part of our work, and it is very important to try to prevent these crimes, which is part of good development aid, it is crucial to attack impunity. That is bringing an axe to the very root of the problem, which is that people think they can commit these crimes and get away with it. We have to do that. “

13. In Burma, there has been no action on ending impunity for rape and sexual violence by the Burmese army. Through the 2008 constitution, the military is guaranteed impunity for past crimes committed.

14. In a report published to the UN Security Council in March 2015, UN Secretary-General Ban Ki-moon stated that there is “a high level of impunity for conflict-related sexual violence perpetrated by State actors” in Burma.

15. Foreign Office Minister Hugo Swire has admitted that the Burmese government is failing to implement the Declaration of Commitment to End Sexual Violence in Conflict. In February 2015 he said in Parliament: “While we welcomed the Burmese government’s endorsement of the Declaration of Commitment to End Sexual Violence in Conflict and attendance at the Global Summit in June 2014, their implementation of the commitments contained within it has been limited.”

16. An analysis by Burma Campaign UK found that the Burmese government had taken no action on implementing any of the twelve commitments in the declaration, and was actively violating the nine commitments that related to actions it should be taking domestically.

17. In spite of decades long refusal by successive Burmese regimes to stop the use of rape and sexual violence and end impunity, the British government simply states that the Burmese government should conduct its own investigations into incidents of rape and sexual violence in conflict. This is equivalent to asking a criminal to investigate its own crimes. In January 2015 Mr Swire said in Parliament: “We continue to make clear to the Burmese government that all allegations of human rights abuses must be dealt with through clear, independent and transparent investigative and prosecutorial processes which meet international standards.” He is fully aware that they will not do so.

18. Women’s organisations from Burma and human rights organisations such as Burma Campaign UK believe that the only way that impunity for sexual violence in conflict will start to be addressed is through an international investigation such as a UN Commission of Inquiry.

No deployment of PSVI experts

19. The British Government has not used its team of international experts under PSVI to investigate alleged cases of rape and sexual violence by the Burmese army. Again, this fits the pattern of the British government to avoid addressing rape and sexual violence by the army in Burma.

20. When Burma Campaign UK contacted the PSVI team in June 2014 after the reported attempted rape of a Chin woman by Burmese army soldiers, the PSVI team wrote back saying they could not send experts without the invitation of a host government. When asked in Parliament in July 2014, Foreign Minister Hugo Swire said the UK government had not deployed a team of experts. When the two Kachin teachers were raped and murdered in January 2015, Mr Swire said in Parliament on 9 February 2015: “We have raised our concerns about the incident with the Burmese government, and have urged a rapid investigation to bring the perpetrators to justice. We will be closely monitoring the outcome of this investigation.”

21. As far as we are aware, the British government has never offered or requested to send a Team of Experts to Burma to help investigate rape and sexual violence by the Burmese army, even though they have been repeatedly asked by human rights organisations to do so.

No funding for victims of rape and sexual violence by the Burmese army

22. The British government has announced extra funding for victims of sexual violence, which is welcome. However, in line with an apparent unspoken policy of not addressing rape and sexual violence by the Burmese army, the funding does not go to victims of rape and sexual violence by the Burmese army specifically, or to organisations that work on documenting the use of rape and sexual violence by the Burmese army.

23. When repeatedly asked in Parliament what funding the British government provides to victims of rape and sexual violence by the Burmese army, and to organisations that documents such crimes, various ministers have given deliberately misleading answers.

24. At first the British government tried to deflect criticism of the lack of funding by citing funding for a legal project in refugee camps on the Thai-Burma border. However, when asked specifically how many women benefitting from this project were victims of rape and sexual violence by the Burmese army, the British government was unable to provide a single example.

25. As questions in parliament continued, the British government then tried to deflect criticism of the lack of funding by citing funding for internally displaced people in Kachin State. When specifically asked how many women benefitting from this funding were victims of rape and sexual violence by the Burmese army, the British government was again unable to provide a single example.

26. With pressure on the government continuing, in February 2014, Minister Hugo Swire cited £300,000 for projects supporting the Preventing Sexual Violence Initiative in Burma. However, none of these projects were specifically for victims of rape and sexual violence by the Burmese army, which is the main perpetrator of rape and sexual violence in Burma. The main programme funded deals with sexual violence in society generally, not in conflict zones where sexual violence by the Burmese army takes place.

27. British funded projects on sexual violence are worthy of support, but they are not the same as projects which would address the specific issue of rape and sexual violence in conflict. This difference is why the PSVI was established in the first place. These projects are not specifically addressing the issues of rape and sexual violence by the Burmese army, and should not be used by the British Government to imply that they are.

Training of the Burmese army – no preconditions set

28. The British government is controversially providing training to the Burmese army for a total cost of nearly £250,000 to date. There have been no preconditions set on the Burmese army to stop using rape and sexual violence as a weapon of war in order to receive the training.

29. Burma Campaign UK fought a year long battle with the FCO and MOD to gain access under the Freedom of Information act to the programme for the Burmese army training. When we finally were allowed access, it emerged that out of 60 hours of training, one (1) hour was dedicated to human rights. Rape and sexual violence by the Burmese Army is not specifically raised on the course.

Summary

30. On the face of it, it looks like the British government is doing good work relating to sexual violence in Burma. They persuaded the Burmese government to sign the Declaration of Commitment to End Sexual Violence in Conflict, they have funded sexual violence projects and invited representatives from women's organisations in Burma to the global summit on sexual violence in London in June 2014. For all of this, the British government deserve praise.

31. However, the British government has continuously failed to address the core issue in Burma, which is that the main perpetrator of rape and sexual violence is the Burmese army. The British government's support for President Thein Sein and the increasingly flawed reform process in Burma, as well as its increased trade links to the country, appears to have created a dilemma for the British government. It has not been ready to risk upsetting its relationship with the military-backed government in Burma by fully implementing PSVI, and starting to address rape and sexual violence by the Burmese army.

32. In dealing with the Foreign Office on the issue of rape and sexual violence in Burma, as already outlined in this submission, every step forward by the British government has been a struggle to achieve and only done reluctantly as a result of pressure from MPs and Burma Campaign UK. The British government has gone to great lengths to avoid the elephant in the room, rape and sexual violence by the Burmese army. In Parliament, ministers have given deliberately misleading information about projects relating to rape and sexual violence.

33. By failing to address the role of government forces as the main perpetrator of rape and sexual violence by the Burmese Army, the British government is failing to fully implement PSVI, and is allowing a culture of impunity to continue.

34. No-where in the world is addressing rape and sexual violence in conflict going to be an easy task. In terms of international relations however, some situations are politically easier than others. Sexual violence by non-state actors or pariah states are politically easier for the British government to address, although perhaps harder on the ground. In a case like Burma, a country with which the British government is trying to foster closer diplomatic relations and promote trade and investment, but where state actors are the perpetrators of sexual violence in conflict, positive diplomatic and economic relations could be at stake. If the British government is serious about ending impunity and sexual violence in conflict, it will have to accept that in some circumstances this means taking decisions which could have implications for diplomatic and trade relations with that country.

35. Selective implementation of PSVI in Burma for political and economic reasons risks the credibility of the entire initiative and could undermine efforts to build international support for PSVI and addressing impunity, if the British government is open to accusations that it takes action on rape and sexual violence in one place, but not in another.

36. The British government should fully implement PSVI in Burma, specifically targeting financial resources and diplomatic efforts at the main perpetrator of rape and sexual violence in Burma, which is the Burmese army.

37. Women's organisations such as the Women's League of Burma and its member organisations should receive funding and support to build capacity for their work assisting survivors of rape and sexual violence, and for their work documenting such violations.

38. Training of the Burmese army should cease and the prospect of its resumption should be used as leverage for agreement with the Burmese government and military for an end to impunity and the use of rape and sexual violence by government forces. Funding and expertise could instead be offered for training military police dedicated to investigating reports of sexual violence by the Burmese army.

39. The British government should support the establishment of a UN Commission of Inquiry into rape and sexual violence in conflict Burma, and work to build international consensus for such a commission to be established. Until 2012, the British government supported a UN Commission of Inquiry into war crimes and crimes against humanity in Burma.

40. The British government has attempted to deflect criticism of its lack of support for an international investigation into sexual violence in Burma by citing the reports of the UN Special Rapporteur on human rights in Myanmar. However, the Special Rapporteur does not receive funding to investigate individual cases of sexual violence. The British government should provide the funding to enable her to do so.

18 September 2015

Dr Kirsten Campbell, Professor Patricia Sellers and Ms Elizabeth Wilmshurst – Oral evidence (QQ 132-138)

Dr Kirsten Campbell, Professor Patricia Sellers and Ms Elizabeth Wilmshurst – Oral evidence (QQ 132-138)

Evidence Session No. 18 Heard in Public Questions 132 - 138

TUESDAY 1 DECEMBER 2015

Members present

Bishop of Derby (Chairman)
Lord Black of Brentwood
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow

In the absence of the Chairman, the Bishop of Derby was called to the Chair

Examination of Witnesses

Dr Kirsten Campbell, Principal Investigator, Gender of Justice: Prosecution of Sexual Violence in Armed Conflict research project, Goldsmiths, University of London, **Professor Patricia Sellers**, Special Adviser, International Criminal Court, and Visiting Fellow, University of Oxford, and **Ms Elizabeth Wilmshurst**, Distinguished Fellow, International Law, Chatham House

The Chairman: I welcome you and thank you very much for giving up your valuable time to come and help us this afternoon. I know that one or two of you sat in on a previous session, but I just need to give some housekeeping notices. You have a list of interests that have been declared by the Committee Members. This is a formal evidence-taking session of the Committee. A full note will be taken. It will go on the public record in printed form and on the website. We will send a transcript of that to you, and if you want to make any minor corrections you are very welcome to do so. It is also being webcast live and will be

accessible on the parliamentary website. If we run out of time, as we often do because there is so much to cover, you are very welcome to submit further thoughts and evidence to us in writing. Thank you so much for coming to be with us. We have a number of questions, so rather than inviting you to make opening statements we will go straight to the questions. If you want to say anything about yourselves you can fit that into your first answer.

Q132 Lord Black of Brentwood: To echo the Chairman's comments, thank you very much for joining us. You will have heard a bit of what Mrs Bensouda was saying and her very compelling evidence about the problems associated with investigating and prosecuting crimes. The experiences of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda have been different, and they have had much more success in prosecuting and convicting. What factors have made it easier to prosecute and convict there than at the ICC?

Ms Patricia Sellers: I am Patricia Sellers. I will take that question, because I was at both the Yugoslav and the Rwanda tribunals and I am a Special Adviser to the ICC. There are several reasons. One is that when the Yugoslav tribunal started up, very early on it appointed a legal adviser on gender in-house, whose job was to look at what we needed for investigation, substantive law in terms of prosecution and the mandate to move those cases forward using our statute. I think that made a difference. It did not make it perfect: there could certainly have been more prosecutions, in my view; we could have dedicated more resources; we could have had prosecutions on sexual violence instead of adding charges in after cases had already been indicted and gone forward. The same thing happened in the case of Rwanda: the mandate of the same legal adviser on gender was to push these, and you ended up identifying people in-house who also wanted to bring forward these cases. The difference with the ICC is that with the first case there were no counts of sexual violence. There was no one in-house dedicated to this. There is a unit, which looked at that, but the experience of Rwanda, Yugoslavia, Sierra Leone and now the Cambodian tribunal is that you need in-house staff who follow with budget and internal political power, and that when cases are being decided, when investigations are being decided, when investigators are being hired, when we understand what issues will go with an appellate decision, they can ensure that there is a gender perspective in the beginning and that there is no, "Oh, let's see if we can add it on and the judges will grant discretion to reopen certain issues".

Dr Kirsten Campbell: Can I add one thing to complement that? This is very much from the OTP perspective. Of course there are other sections of judicial institutions. For example, we mentioned supporting the prosecution work, but the work of the victim and witness section at various points was also crucial. Also, one could argue that there were certain weaknesses in judicial training, for example, or equally, in terms of success, gender competence on the bench. There is also a need to look at the prosecution strategies within the other sections of the judicial institutions.

Lord Black of Brentwood: Is there anything to prevent the ICC having that in-house support?

Professor Patricia Sellers: I do not think so. One thing the ICC is faced with is certain budget cuts, if not restraints. The other body, the Assembly of States Parties, does not have a gender committee or a committee dedicated to looking at how the assembly works within a gender framework within its administrative action. Certainly, one could do this in a more diffuse manner, and it could proceed.

The other thing that is crucial with the ICC, other than the first case not having Lubanga, is that in subsequent cases the judiciary bent over backwards to make both factual findings and legal holdings that sexual violence had been committed. What occurred, in that there was no conviction, was the liability theory that was used to attach the accused to the sexual violence. Under the liability theory it was not proved beyond reasonable doubt that there had been a common plan that included sexual violence.

Q133 Lord Sterling of Plaistow: In taking it that what we all are trying to achieve is getting the evidence to have successful prosecutions, could I ask this? Following up a wee bit what you were both saying just now, as a matter of interest are there many prosecutions that do not lead to convictions as a percentage, and is that why, to an extent, as you were saying, better training is needed and why people need to be more skilled in what they are doing, as against calling the prosecution in the first place and it then getting dropped? Do any of you have any examples—perhaps, Professor, you might have one from your side—of any aspect of the law that you think needs to be readdressed, that might help to get successful prosecutions, that we are missing at the moment?

Ms Elizabeth Wilmschurst: Are you talking about prosecutions before the International Criminal Court, or prosecutions generally before national courts as well?

Lord Sterling of Plaistow: As far as you are concerned, if one can go the national route and eventually get these countries to do it themselves, is that the best answer of the lot, as our former witness claimed?

Ms Elizabeth Wilmschurst: Yes.

Lord Sterling of Plaistow: In practice, is there anything lacking in the law itself that causes complication in getting a successful prosecution, in your joint view?

Ms Elizabeth Wilmschurst: I defer to my colleagues, because I know they feel that there is a problem with the substantive law.

Professor Patricia Sellers: I think there are certain issues within the substantive law, but thank goodness we are now at the stage where we can really look at it and have a conversation that can be quite profound. Let me go back to understanding, within the Rome Statute, how they have set forward some of the liability theory, such as persons acting in a common manner and committing a crime that they agree upon, such as killing. Because those persons have not agreed, “Let’s do the sexual violence”, but it happens and it looks as though it happens naturally, those persons are convicted only for the killing, and the sexual violence raises convictions only for the physical perpetrators. We now know that when we go after the highest, the most responsible, politicians and military and we are not using a command responsibility theory but just a joint liability theory, we miss the sexual violence. No one sits around and agrees, “Let’s rape”, although they might agree, “Let’s go into the town, burn it down and kill who we have to”. That has been a question. Customary international law is broader in its aspect and it would pick up that sexual violence, because in the commission of one international crime, a natural foreseeable consequence might be the commission of sexual violence. When one understands how sexual violence often happens in armed conflict, it is usually the natural foreseeable consequence of prerequisite crimes. It is not necessarily something that has been ordered to happen. I see that as a gap.

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I also see gaps in the genocide convention, particularly in relation to persecution under crimes against humanity. You cannot be persecuted based upon your gender, your gender identity, your sexual orientation, although we know that in situations of war those populations are targeted for persecution; that comes straight from the Holocaust and the pink triangles. Yet there is no specific protection for that under crimes against humanity, whether it is the Rome Statute or customary law. Nor can one commit a genocide based upon gender, sexual orientation or gender identity. Those are some of the gaps that I see.

Lord Sterling of Plaistow: Is there any reason why those gaps cannot be rapidly filled?

Professor Patricia Sellers: We are drafting convention, with the treaty and the willingness of States to sign.

Lord Sterling of Plaistow: This is exactly what we are about. Is this something that we should be pushing for very hard?

Professor Patricia Sellers: I think it is time to have a conversation about genocide and persecution, and not be completely reliant on the recognised human rights violations of today. When we tie it to that, sometimes human rights are not as progressive as some international crimes. Very little discussion is going on about that.

Q134 Lord Hannay of Chiswick: You mentioned gaps in the genocide convention and gaps in the ICC, the Rome Statute, and so on. Do you think that these should be addressed by amendments to the conventions or by an overall convention on sexual violence, which I know some doubts have been expressed about? Professor Wilmshurst's testimony, which she gave in writing and was very valuable indeed, expressed some doubts about that. How do you think those gaps could best be filled? What would be the most likely way to achieve something? I know that it will take time.

Professor Patricia Sellers: I hate to sound cliché but, on a case-by-case basis, one could look at the genocide convention first and understand that in some national jurisdictions you can commit genocide based on a political group. But under customary law and the genocide convention, it is limited to just four groups: racial, ethnic, national and religious. Why not have gender now? We have evolved as an international community. Why not have culture? Why not have political? Why not have sexual orientation? It is time to really understand what we as a society want to have protection from in terms of annihilation or destruction of groups in whole or part. Why not have children as a group? Why not have the disabled as a group? We certainly have historical precedents for those two groups. Looking at the genocide convention, that is one drafting exercise that could be done.

Looking at the Rome Statute, one would have to see whether some State party members wanted to amend that Statute much as they amended and added aggression as a substantive crime. Now that I have heard a lot of critical discussion about the Rome Statute and what could and should be amended beyond aggression, a few of us are raising certain concerns.

Crimes against humanity that are not based upon the Rome Statute but are under customary law almost do not need a treaty amendment. That goes along with opinion, assurance and State practice. If we recognise that one can be persecuted based on these grounds and States act in that manner, customary law evolves and therefore crimes against humanity as a customary-based international crime would evolve.

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The Chairman: Professor Wilmschurst, do you want to say anything?

Ms Elizabeth Wilmschurst: I suppose that in terms of priorities of recommendations as to what should be done, one has to assess the amount of effort that would be required to make a change to the hallowed genocide convention; many people want to change it to add other things besides gender.

One also has to ask: is it because the genocide convention is limited that there have been no successful prosecutions, or is it because of other factors?

The Chairman: Is that all right, Lord Sterling?

Lord Sterling of Plaistow: I think I got an answer to that.

Ms Elizabeth Wilmschurst: I would say that that is not the major problem, but my colleagues may differ.

Dr Kirsten Campbell: I would argue for a treaty actually, for the simple reason that it would be one of the most effective ways to address this—leaving political considerations aside, of course. In terms of substantive law, it is not just about the definition of the elements of the offence. As Patricia said, it is also precisely about those modes of liability. At the ICTY, the most successful convictions come in the so-called direct perpetrator cases. It is precisely in these leadership cases that the ICTY has faced the most significant challenges of prosecuting sexual violence. That is why the modes of liability are so important. That also connects to legal norms around what happens in a trial concerning evidence.

The way in which conflict-related sexual violence as a distinct offence is articulated can be through the core crimes, or we can ask whether it is possible to describe it as a distinct offence with certain elements, specific modes of liability and specific enforcement mechanisms. That is why I would argue that it is worth considering if not a treaty then at least some protocol or beginning position that addressed those substantive issues. It is precisely those substantive issues that can make prosecution difficult in part.

The Chairman: That is very helpful indeed. Thank you.

Q135 Lord Hannay of Chiswick: We have got on to the issue about gaps and the question of whether one needs new treaty law. I think you have covered that very helpfully in your responses. But in the evidence that you gave to the Committee, Elizabeth, you addressed one particular problem facing the international community at the moment: the appalling use of sexual violence in Iraq and Syria, particularly in Iraq. We have heard from Yazidi girls about the way in which they have been treated: sexual slavery, multiple rape and all those sort of things. You suggested in your written evidence, I think, that there might be a way of approaching at least Iraq's non-acceptance of the Rome Statute. Could you tell the Committee a bit about how one could set about doing this? It seems to all of us, I think, to be a pretty high priority that our report tries to find something effective to suggest in the appalling circumstances in eastern Syria and Iraq. Any help that you can give us would be really gratefully received.

Ms Elizabeth Wilmschurst: As the Committee knows, there is a jurisdictional problem in getting cases to the International Criminal Court. The main criterion for getting to the court is that the alleged offence has to have occurred in the territory of a State party, it has to have been committed by a national of a State party, or the Security Council refers the

situation to the court. We do not expect that the Council will be referring this kind of situation.

Iraq considered becoming a party to the Rome Statute some time ago. If it became a party and, as it were, timed its acceptance retrospectively so as to cover the sorts of offences we are talking of, that would cover those occurring in Iraq. I do not know the political reasons why Iraq is not a party now to the Rome statute, but it could do that. If it did not want to become a party, it could accept the jurisdiction ad hoc for this particular situation. That was simply one practical suggestion. I am sure we all think that Syria is not going to accept the jurisdiction of the court, but Iraq—why not?

Lord Hannay of Chiswick: If Iraq were to be persuaded to do one of either of the two routes you suggested, it would of course cover most of the crimes being committed against Yazidis, for example, because they are Iraqi citizens. They are not living in Syria; they are living in Iraq. So it would be very helpful in that respect. If Iraq took one of those two routes, would it also mean that any IS crimes committed by Syrians or people based in Syria could also be prosecuted if they were against Iraqi citizens?

Ms Elizabeth Wilmschurst: Yes, if they were committed in Iraq; but not because they were committed against Iraqis.

Lord Hannay of Chiswick: Would they have to be committed in Iraq?

Ms Elizabeth Wilmschurst: Yes, or by Iraqi citizens.

Lord Hannay of Chiswick: So if they took Yazidis from the Sinjar region to Raqqa and then submitted them to multiple rape and sexual slavery, that could not be caught by an Iraqi acceptance?

Ms Elizabeth Wilmschurst: In the ICC we are talking about those at the top, those who ordered and planned the actions; not the low-level perpetrator. If ordering and planning happened in Iraq, it would not matter if the victims were then taken out of Iraq.

Lord Hannay of Chiswick: So if Syrian IS operatives took these people from where they lived in Iraq to Syria and did all these horrible things—

Ms Elizabeth Wilmschurst: Yes, and it was part of a plan managed in Iraq—

Lord Hannay of Chiswick: —they would be prosecutable?

Ms Elizabeth Wilmschurst: They would be, yes.

Lord Hannay of Chiswick: —as a result of Iraq accepting the jurisdiction.

Ms Elizabeth Wilmschurst: Yes.

Lord Hannay of Chiswick: That is very interesting.

Professor Patricia Sellers: I agree. The other way of conceiving of this would be to set up a separate ad hoc tribunal. If the Permanent Five members of the Security Council arrived at a consensus to set up an ad hoc tribunal, its jurisdiction could then span Iraq and Syria, whether they contest or not. Therefore, the territorial jurisdiction would not necessarily have to worry about this problem of whether the Iraqis are directing this within Syria.

The other situation would be the substantive crimes that one would have to answer to. They would probably have to be based on customary international criminal law, such as what the

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Yugoslavia and Rwanda tribunals were based upon, so that there would not be any problems with principles of legality.

I think one of the issues with Iraq or any State joining is their being fearful that cases might be brought against them and their political and military leaders.

Lord Hannay of Chiswick: The problem you raise there would require a Security Council resolution to set up that court.

Professor Patricia Sellers: It would. It would require a United Nations resolution.

Lord Hannay of Chiswick: And that would come up against the problem of Syrian sovereignty and so on all over again, would it not?

Professor Patricia Sellers: It seems that certain members of the Permanent Five are more co-ordinated than they have historically been on military actions and one could wonder whether they would co-ordinate in political action. They probably would not want the in personam jurisdiction to reach certain persons, but those would be in negotiations, I imagine.

Lord Hannay of Chiswick: That is very interesting.

Dr Kirsten Campbell: I underscore Patricia's suggestion, precisely because one of the really useful mechanisms for what would become investigations of the ICTY was the *Bassiouni* investigative commission. Of course, this kind of process would enable that kind of investigation to lay the groundwork for future prosecutions.

The Chairman: Thank you.

Q136 Baroness Kinnock of Holyhead: Thank you very much. It is fascinating and very interesting to hear all that you have to say. Can you tell us how international courts can assist national courts in the domestication—a terrible word—of international criminal law? How can they do that, and what methodology applies?

Professor Patricia Sellers: In the past seven years, I have been involved in training investigators and prosecutors from around the world on jurisprudence from the ad hoc tribunals, the Rome Statute and things of that nature. I have seen it literally take effect in work in Guatemala. I am involved in current cases in Colombia. I have advised on cases in Uganda. Not only is the State interested. Particularly when it has enabling legislation, it finds out how that legislation should be interpreted in very operational and practical ways, whether it be with its prosecution office, its judiciary or a witness protection ombudsman. It is interesting, and I am seeing more synergy now. Certain national cases, such as in Bosnia, have more assiduous and progressive jurisprudence. Some of the jurisprudence that came out of the Yugoslav tribunal was based upon some of the same factual scenarios.

Baroness Kinnock of Holyhead: That is interesting.

Lord Sterling of Plaistow: As you were saying, if one caught somebody in Syria who committed a crime as far as Iraq is concerned and is prosecuted, countries like Iraq and one or two others still carry out the death sentence, others do not. When the ICC is involved, what happens to the eventual decision as to what will happen? Do they get extradited? Do they stay there? I am just curious. Jordan normally does not but did recently after the pilot got burnt. Certainly after Sudan, they all got hanged. If it goes to the major court of where it is committed, at the end of the day who decides on the final sentence?

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Professor Patricia Sellers: The jurisdiction of the ICC, as well as the ad hoc tribunals with their jurisdiction, is complete in terms of investigation, prosecution, adjudication and sentencing. Even following those sentences, persons are still followed as they have been imprisoned in various European countries and African countries.

Per se within these international courts and tribunals, you can only impose a sentence of imprisonment and not a sentence of death. As a matter of fact, in order to have persons transferred under procedural mechanisms back to their home States for the ad hoc tribunals, they had to be assured that the death penalty would not be applied. So Bosnia changed its regulations in terms of the sentences, as did Rwanda.

Lord Sterling of Plaistow: Thank you.

The Chairman: Thank you. In response to Lord Hannay's question about Syria and Iraq, you talked about the complexities of jurisdiction. Could the General Assembly create an ad hoc tribunal in cases such as this to try to have a focus for justice? Is there any precedent for that?

Ms Elizabeth Wilmshurst: There are precedents for bilateral agreements between the UN Secretary-General, often with the consent of the General Assembly, and the country concerned. So you have a sort of hybrid or internationalised court. There are precedents such as the ones you mentioned.

Lord Hannay of Chiswick: Sierra Leone.

Ms Elizabeth Wilmshurst: Yes, Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia.

The Chairman: So there are mechanisms?

Ms Elizabeth Wilmshurst: There are, yes. But those, of course, were both established before the existence of the International Criminal Court. Whether there would still be appetite for new courts is another question.

Q137 Baroness Goudie: I have found all your evidence very interesting. I have just one not so short but interesting question. How do you feel that the campaign from Great Britain on PSVI has had an impact on criminal prosecutions? What more could the United Kingdom Government do to try to put more pressure on international justice?

Dr Kirsten Campbell: I will speak to this in the context of the former Yugoslavia. In that context, PSVI has been very important, first, because it has brought this to mainstream public attention; but, secondly, because it has focused the attention of judicial institutions and NGOs on this issue, which, shall we say, has not previously been the case. That in itself has been a very important step forward.

There is another important thing within which to frame PSVI. You asked about criminal prosecutions, but many of the funded programmes—again I am thinking of Bosnia—are very much concerned with all the other processes necessary to make criminal prosecutions happen. Witness support, victim compensation and military training are all crucial in getting to the stage where you can actually prosecute. Those programmes have been very important in reframing how we think about that process. For that reason, I would argue that it has been a very useful political and legal action, and one that should continue.

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On the question of support, it needs resources—and of course my personal focus - the treaty.

Baroness Goudie: Thank you, that is very helpful.

Lord Hannay of Chiswick: Has any of the PSVI work started to appear in prosecutions in the International Criminal Court? Is it likely that documentation and evidence produced by signatories of PSVI following that up could be or has been made available to the court? Are you aware of any?

Dr Kirsten Campbell: I am not, but that is not to say that it has not happened.

Professor Patricia Sellers: Absolutely. I am not aware of it. It probably has.

Lord Hannay of Chiswick: It will probably happen soon.

Professor Patricia Sellers: Yes.

Q138 Lord Hannay of Chiswick: Could I ask all three of you to help us to grapple a bit with UN peacekeepers? Your written evidence, Elizabeth, was very helpful in that respect. We are confronted with continual claims that sexual violence offences have been committed by peacekeepers—the most recent, I think, being in the Central African Republic—and by huge amounts of evidence that nothing much ever happens. The worst that happens is that they stick the alleged perpetrator on an aeroplane and send him home, allegedly to be prosecuted by his own military authorities, which then does not happen. Of course, the other possibility of handing him over to the courts of the country in which the peacekeeping operation is taking place is usually not very attractive, probably because the rule of law has broken down completely. In any case, there could be violent prejudice about a case like this.

We are trying to work our minds around what to do. The Secretary-General keeps saying that there is zero tolerance. Zero tolerance is not quite the same thing as effective prosecution. Could you throw any light on what you think the best way forward is, whether it is something like what Prince Zeid produced in 2005? He more than hinted that there might be a need for an international tribunal of some kind to be set up to handle sexual violence in peacekeeping cases.

The Chairman: Who would like to respond to that?

Professor Patricia Sellers: I will go first and then have my colleagues join me. I tend to agree with Prince Zeid. Several years ago, I sat on a special panel that looked at international investigation within the United Nations. My task was to look particularly at peacekeepers and sexual violence. The report is confidential, but what has been made public, and what is certainly in the public domain, is that this problem appears not only not to dissipate but to increase. You have to ask yourself why and where this impunity is acting as a growth mechanism. I think it comes down to the fact that, even though the United Nations has the first bite in terms of investigation—30 days to 60 days—as soon as the national investigator shows up, you are supposed to turn over to national. The peacekeeper often goes back to their country prior to the national investigator seeing them in situ and conducting an investigation. It is very hard at that point, back at the peacekeeper's home, to have the political will and the resources to investigate this one supposedly international case. For many reasons it just falls to the bottom of the barrel. At the same time, the international community, and specifically the persons within the peacekeeping nation who called on the

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peacekeepers, not only feels offended, threatened and outraged but betrayed by the United Nations, whom the peacekeeper represents.

I would agree—I know that Prosecutor Jallow has recently been involved in this—that the United Nations has to set up an internal and qualitative disciplinary mechanism or tribunal. It has to be in agreement with both nation states to a certain extent. We really have to stop the impunity gap, or it is a matter of saying that the United Nations does not believe in the principles that it is there to promote.

The Chairman: Thank you.

Dr Kirsten Campbell: I am absolutely in agreement.

Ms Elizabeth Wilmshurst: There are basically two components of peacekeeping missions. First, the UN personnel, who are covered by immunity; they are the only ones who can be dealt with by UN disciplinary procedures and that kind of thing. Second, the troops, who may be sent home if they offend; they could be court martialled en place, but that is not happening.

The Security Council could be doing something about this. In every resolution for every new peacekeeping mission or for the renewal of every mandate, it could put in conditions. I understand that some of the recommendations are being blocked by General Assembly Committee 34, the peacekeeping committee. The Security Council could put requirements in the relevant resolutions; I think that things could be done by the UK taking the lead and pushing for this.

The other thing to say on the UN personnel component is that the recommendations of a UN committee of experts have gone to the Sixth Committee of the General Assembly, which can be a grave for issues that governments want to have talked about. Again, one of the many recommendations for dealing with this issue could be that the matter be pushed through the UN, if there were the necessary political will, instead of being chatted about every year.

Professor Patricia Sellers: If I could make one comment on that, I agree with everything that has been said. It really comes down to a question of political will and of understanding that many peacekeeping-sending nations in essence are getting a subsidy for their department of defence and a subsidy for their army. Yet one will hear, “If we really pursue them for crimes that have occurred, they won’t stand up for peacekeeping any more”. We should just ask whether that might be what they should be faced with so that their peacekeeping represents the best of the international community.

Lord Hannay of Chiswick: There is yet another thought, which is that the Secretary-General could start firing a few force commanders when these things happen under their command. After all, in a national setting, it would be quite likely to happen if troops of this country were involved in that way. So there are possibilities because we really must try to push this discussion forward a bit if we can.

Lord Sterling of Plaistow: In various navies, you are court martialled at a port and then wait to be flown home.

The Chairman: There are some very practical things that we need to note and think about. I am going to call the formal session to a close. We are really grateful for your wisdom and

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your expertise. If you have any thoughts going home, do send us further written evidence. Thank you very much indeed.

Dr Kirsten Campbell – Supplementary written evidence (SVC0069)

Background

This supplementary written evidence is submitted to the Evidence Session at the request of the Committee. This evidence provides an overview of key strategies and challenges in prosecuting sexual violence in conflict.³⁵

SUMMARY

1. Effective international criminal accountability requires a dual strategy that firstly develops a new legal framework, and secondly provides framework principles that integrate criminal and civil justice in peace agreements and national prosecutions.
2. The legal framework ought to take the form of a new international instrument, such as a convention on the prohibition, prevention, and punishment of conflict-related sexual violence (see part IA below).
3. The framework principles should incorporate criminal justice into peace agreements, as well as linking strategies for criminal prosecutions and civil justice programmes (including reparations, advocacy, economic and psycho-social support) (see part IB below).
4. This strategy aims to address challenges in prosecuting individual criminal cases, obtaining meaningful prosecution at national and international levels, strengthening national prosecutions, and addressing cultures of impunity (see part II below).

I. EFFECTIVE INTERNATIONAL CRIMINAL ACCOUNTABILITY: A DUAL STRATEGY

A. Convention On The Prohibition, Prevention, And Punishment Of Conflict-Related Sexual Violence

5. This international instrument would set out sexual violence in conflict as a specified and serious criminal offence under international law.³⁶ Ideally, this would take the form of a treaty agreed to by State parties.
6. This instrument would characterise sexual violence as a distinct offence. It would specify the different ways in which it can be perpetrated – such as a nexus to armed conflict, an attack upon a civilian population, or the destruction of a protected group – which give the conduct its character as an international crime.
7. The instrument would set out the international crime of sexual violence, including:

³⁵ The following analysis draws on a four year qualitative and quantitative study of criminal and civil justice for conflict-related sexual violence in the former Yugoslavia, 'The Gender of Justice', European Research Council, Grant No. 313626. It builds on my earlier study of the International Criminal Tribunal for the former Yugoslavia, funded by the Economic and Social Research Council (RES-000-22-1650).

³⁶ See K. Campbell (2007), 'The Gender of Transitional Justice', *International Journal of Transitional Justice*, 1(3): 411-432.

- (a) specifying the elements of the offence, including: (i) the category of acts of a sexual nature prohibited under international law (ii) committed in coercive circumstances of conflict, (iii) by state and non-state actors, whether internal or international and including private military companies, paramilitaries and United Nations Forces, and (iv) whether or not victims belong to any party to the conflict;
 - (b) defining modes of liability of military and civilian leadership and their responsibility for other armed actors, regardless of their relationship to State parties to the conflict; and
 - (c) establishing the universal jurisdiction of the offence.
8. The instrument should set out compliance, enforcement, responsibility, and reparation obligations of equivalent gravity to other serious violations of international humanitarian law, and draw on existing obligations under this legal regime (comparable to, for example, Geneva Conventions of 1949 and their Additional Protocols).
9. The instrument should also include additional mechanisms and measures, such as making provision for:
- (a) investigative commission and referral mechanisms to appropriate international bodies;
 - (b) review mechanisms and standards for prosecutions, including review of conflict-related sexual violence patterns of prosecution, trial practices, and sentencing; and
 - (c) conflict-related sexual violence ‘outreach’ and public information strategies within judicial and security sector institutions.
10. This approach would:
- (a) address the fragmented nature of the existing legal framework by developing a comprehensive definition of the offence covering all conflicts by all actors at all levels of responsibility;
 - (b) capture patterns of international illegality in conflict, including contemporary forms of conflict;
 - (c) include a full range of implementation, enforcement, and referral mechanisms;
 - (d) build upon the customary international rule that prohibits sexual violence in conflict, and confirm its’ status as a *jus cogens* norm;
 - (e) ‘codify’ important current legal developments of the offence of sexual violence in international law, and clarify current substantive and procedural issues (such as the issue of the defense of consent);

(f) constitute the basis of rules to create binding custom in this area. This would create obligations upon all actors in conflict, whether or not signatories to the Rome Statute.³⁷

B. Framework Principles for Peace Agreements and National Criminal Justice: Linking Criminal And Civil Justice For Sexual Violence In Conflict

11. These framework principles would set out the basis for integrating strategies for providing criminal and civil accountability. They should be the guiding principles for the negotiation of peace agreements, and establishment or development of national criminal and civil justice strategies.

12. The principles ought to incorporate the international standards for prosecutions set out in the international instrument above, such that they establish investigative, implementing, and review mechanisms, together with relevant elements of criminal and civil accountability.

13. In addition, these principles should include:

- (a) meaningful and active participation of women in all levels of peace talks and decision-making mechanisms, as well as in all criminal and civil justice institutions, and any bodies responsible for implementation;
- (b) assessment of gaps in existing criminal and civil justice provision at the national level;
- (c) identification of implementing mechanisms and parties, including review, report, 'outreach' and public information elements; and
- (d) provision of reparations, psycho-social and economic support, and strategic advocacy.

14. This integrative approach would:

- (a) build on existing British policy and PSVI initiatives (such as the recent Global Summit and PSVI initiatives in Bosnia and Herzegovina);
- (b) provide more effective compliance and implementation;
- (c) work to address cultures of impunity; and
- (d) provide more equitable and effective post-conflict justice and peace building.³⁸

15. To implement this dual strategy would require support within and across institutions in all sectors. This would include prioritising competence in gender issues and conflict-related

³⁷ See P. Sellers, 'Sexual Violence and Peremptory Norms: The Legal Value of Rape,' *Case Western Reserve Journal of International Law* 34 (2002): 287–303.

³⁸ See R. Manjoo and C. McRaith, 'Gender-Based Violence and Justice in Conflict and Post-Conflict Areas', *Cornell International Law Journal*, 11 (2011). This strategy also builds on the current international approaches, such as the ICRC and the UN (for example, see UN Women, *Preventing Conflict Transforming Justice Securing the Peace: Global Study on the Implementation of UNSCR 1325*, 2015).

sexual violence expertise in these institutions, and centralising gender issues in all activities, including equal representation of men and women at all levels.

II. CHALLENGES ADDRESSED BY AN INTERNATIONAL INSTRUMENT AND FRAMEWORK PRINCIPLES FOR SEXUAL VIOLENCE IN CONFLICT

A. Challenges for Successful Individual Prosecutions

16. Successful prosecutions of individual cases face three key areas of challenge.

17. The first challenge is the narrow or incorrect interpretation of legal norms in judicial interpretation or prosecutorial practice, including:

- (a) substantive elements of offences, such as proof of non-consent;
- (b) modes of liability, such as requiring systematic war-time crime rape to establish leadership responsibility; and
- (c) evidential norms, such as requiring higher evidentiary standards to establish the link between senior officials and conflict-related sexual violence committed by subordinates.

18. The second challenge is widely held erroneous beliefs, such as the perception that conflict-related sexual violence is a personal or opportunistic crime, or not sufficiently violent or serious to constitute an international crime.

19. The third challenge is institutional obstacles, such as inadequate gender competence and/or conflict-related sexual violence expertise; lack of leadership or commitment to prosecution; and the failure to develop or implement policy.³⁹

B. Challenges for Meaningful Prosecutions at National and International Levels

20. Meaningful prosecutions capture the different patterns of sexual violence in a given conflict, link conflict-related sexual violence to other gender based crimes, and contextualise sexual violence within the broader conflict. Meaningful prosecutions provide:

- (a) accurate and fair characterisation of crimes;
- (b) appropriate punishment of those responsible; and
- (c) significant and active victim participation and protection; and
- (d) justice for these crimes.

21. However, sexual violence prosecutions face particular challenges in these areas. As a result, they often do not reflect the pattern of illegal conduct in the conflict, the gravity of the crime in sentencing, or provide meaningful victim participation.⁴⁰

³⁹ See S. Brammertz and M. Jarvis (eds) (2016, forthcoming) *Prosecuting Conflict-Related Sexual Violence*, Oxford University Press.

22. Overcoming these challenges includes ensuring that there is:

- (a) accurate charging of sexual violence offences against men and women; enabling proportionate numbers of male and female witnesses; and identifying jurisprudential development and representative cases;
- (b) equal access to justice of male and female witnesses, meaningful witness support in all phases of the criminal process (including during and after trial), provision of victim-witness representatives, and links to reparations and specialized support programmes;
- (c) regular review of conflict-related sexual violence patterns of prosecution, trial practices, and sentencing; and
- (d) conflict-related sexual violence ‘outreach’, public information and advocacy strategies.

C. Challenges for National Prosecutions

23. National prosecutions may be appropriate for ensuring international criminal accountability for conflict-related sexual violence. However, this requires specific and careful evaluation.

24. Sexual violence prosecutions may face five key areas of challenges.

- (a) the broader conflict and post-conflict context;
- (b) existing obstacles in domestic systems, such as legal or cultural norms or practices;
- (c) the harmonisation of standards (international legal norms) and best practice (legal and institutional) between international and national courts;
- (d) how to build upon legal traditions of national cultures in establishing or developing national prosecutions; and
- (e) the provision of sufficient economic and political resources.

25. The treaty linked to framework principles would significantly address the challenges.

CONCLUSION

26. Sexual violence in conflict is a critical area for international law and justice. Developing a dual strategy for international criminal accountability that provides a new treaty for conflict-related sexual violence and new framework principles for peace agreements and national prosecutions is the best way forward to address this challenging issue.

3 February 2016

⁴⁰ See G. Mischkowski, and G, Mlinarevic. (2009) *“And that it does not happen to anyone anywhere in the world...” The Trouble with Rape Trials – Views of Witnesses, Prosecutors and Judges on Prosecuting Sexualized Violence during the War in the former Yugoslavia*. Cologne: Medica Mondiale.

CARE International UK – Written evidence (SVC0029)

CARE welcomes the opportunity to share its thinking and evidence with the House of Lords Select Committee on Sexual Violence in Conflict. CARE works in a number of the world's most severe conflicts. In these contexts CARE implements programming which responds to, prevents and mitigates gender-based violence. CARE also regularly engages in national, regional and global advocacy on sexual violence in conflict and the issues which influence it and are influenced by it. For the purposes of this document, CARE will focus on three areas: the World Humanitarian Summit, Child Marriage in Emergencies and Engaging Men and Boys. We would be delighted to follow up any of this evidence with further documentation or an oral briefing.

Executive Summary:

On the **World Humanitarian Summit (WHS)** CARE and partners are pushing to:

- (i) Secure a WHS commitment to empower women in crisis-affected communities and local women's organisations in humanitarian action, crisis preparedness, risk reduction, resilience and recovery.
- (ii) Secure a WHS commitment to hold governments, humanitarian agencies and other relevant institutions accountable for implementing core standards and guidelines on gender equality, gender-based violence and sexual and reproductive health and rights in emergencies.
- (iii) Integrate specific references to GBV in WHS outcomes on International Humanitarian Law, and ensure links are fostered between the WHS, the Call to Action on Protection from GBV in Emergencies and UNSCR 1325.

To turn these proposals into a reality at the summit itself, we need to build a coalition of donor governments, southern governments, UN agencies, private sector actors and civil society who prioritise gender and are willing to make commitments on gender at the summit itself. The British government, the PSVI team at the FCO and wider FCO country desks, therefore have an important role to work with DFID in encouraging a range of stakeholders to align around commitments on gender equality and gender-based violence towards the summit. This could start through dialogue with those southern governments that played an active role in the Global Summit to End Sexual Violence in Conflict and are UK PSVI priority countries.

We believe that **child marriage (and forced marriage)** is considered not only a violation of human rights, but also as a form of slavery. The conflict in Syria has brought the issue of child and forced marriage into focus, both because of the link with the conflict dynamics and the scale of the problem among refugee populations. Apart from being a grave human rights violation, the health consequences of child marriage are enormous. It is notable that the countries with the highest maternal and child mortality rates are those same countries

where child marriage is prevalent. A 2013 study⁴¹ claims that a 10% reduction in child marriage could be associated with a 70% reduction in a country's maternal mortality rate. Furthermore Child Marriage is associated with:

- increases in lifelong intimate partner violence,
- forced marriage to the perpetrator of child rape or sexual assault,
- a denial of education and long term economic poverty, and
- a denial of reproductive health rights.

Interventions which target the prevention of child marriage in emergencies are **life-saving**.

Over the past 12 months CARE has piloted interventions using Information Volunteers in Turkey that have shown great promise and merit further attention and scale up.

Another key area for preventing violence is addressing the attitudes and social norms that legitimise or normalise sexual violence. CARE has experience working with young men in the Balkans and now in the Great Lakes which shows great promise. This approach focuses both on interventions in school and though out of school clubs, harnessing the interest and energy that young people have in discussing sex and gender, to focus on changing destructive ideas of masculinity. More research into the long term effects of these approaches are required, although short term studies have shown positive changes to attitudes around masculinity and violence.

HoL Select Committee on SVC Question 1.

What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

*d. How might the UK use the **World Humanitarian Summit** that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?*

The World Humanitarian Summit (WHS) represents one of the most strategic global opportunities to make progress on the PSVI agenda in 2015. As the original G8 declaration on preventing sexual violence in conflict (11 April 2013) outlined: *"provision of appropriate and accessible services, including health, psychosocial, legal and economic support is essential to support the rehabilitation and reintegration of victims of sexual violence in armed conflict and to empower them to pursue justice."* If survivors cannot access life-saving humanitarian assistance and longer-term support as they put their lives back together, then efforts to prosecute the perpetrators of such violence are unlikely have any success or legitimacy. The G8 declaration also recognises the important role of *"women's civil society organisations and networks, in particular women human rights defenders"* both in documenting cases of sexual violence, but also strengthening frontline protection and service provision for survivors. Study after study on humanitarian action in conflict have

⁴¹ UC San Diego, Higher child marriage rates associated with higher maternal and infant mortality, web page, 13 May 2013, http://ucsdnews.ucsd.edu/pressrelease/higher_child_marriage_rates_associated_with_higher_maternal_and_infant_mort

pointed to how strengthening women's leadership, the agency of women in crisis-affected communities, and their capacity to influence the design and monitoring of strategies to protect and assist them is essential for effective prevention of gender-based violence, including conflict-related sexual violence.

Amongst the long list of potential agenda items towards the WHS, two stand out as the strongest entry-points for PSVI engagement:

- WHS deliberations on the 'localisation' of humanitarian action (ie. how to empower national and local actors in humanitarian action; including both government and civil society)
- WHS deliberations on the protection of civilians in armed conflict and strengthen respect of international humanitarian law

CARE International has played a leading role amongst INGOs in the WHS process in advocating for commitments on women's leadership, gender equality and gender-based violence. In partnership with the UN WHS Secretariat and UN Women, we convened the first global consultation about the WHS with women activists and civil society representatives from crisis-affected contexts at the UN Commission on the Status of Women in March 2015. This has catalysed wider follow-up consultations with local women's organisations and humanitarian actors on potential gender commitments to be agreed at the summit. A joint position paper with over twenty local women's organisations from crisis-affected countries was launched on World Humanitarian Day (19 August 2015) outlining detailed recommendations to the WHS, which can be shared with this inquiry.⁴² Based on all these consultations, we highlight three priority entry-points in the WHS process to further PSVI objectives, namely:

- (i) Securing a WHS commitment to empower women in crisis-affected communities and local women's organisations in humanitarian action, crisis preparedness, risk reduction, resilience and recovery. Nobody knows better how to protect and assist women in times of crisis, yet local women's groups and women in the affected community are rarely consulted and their roles as first responders often go unsupported. The WHS is an opportunity to transform this picture, especially given the priority attached in the Summit process to empowering national and local institutions. As the G8 declaration outlined; *"women's civil society organisations and networks, in particular women human rights defenders play a particularly important role in monitoring, fact-finding and documenting cases of sexual violence and empowering victims to pursue judicial and other remedies. They can also strengthen frontline protection, service provision and access to justice for such victims."* To support progress in this area, the WHS could result in all summit stakeholders making commitments to ensure inclusive and meaningful participation by women and girls in emergency assessments and response design, implementation, monitoring and evaluation, post disaster assessment and lesson learning (including on themes of disaster risk reduction, resilience, and emergency preparedness and response). Donors can use their influence to encourage women's participation from implementing partners and UN agencies, as well as greater

⁴² <http://gaps-uk.org/wp-content/uploads/2015/08/joint-statement-here.pdf>

investment in capacity building and specialised programmes such as ‘safe spaces’, in which women and girls are able to organise themselves, voice their views and contribute to decision-making on humanitarian assistance and protection. Aid agencies and governments could commit to increase female staffing at all levels of humanitarian action from frontline staff to leadership level.

- (ii) Securing a WHS commitment to hold governments, humanitarian agencies and other relevant institutions accountable for implementing core standards and guidelines on gender equality, gender-based violence and sexual and reproductive health and rights in emergencies. The WHS should promote and strengthen three important initiatives in this regard: the new IASC GBV Guidelines provide minimum commitments for reducing risks of GBV through action across all sectors of humanitarian response. At the same time, the IASC ‘Gender Marker’ – a tool to encourage accountability for gender-related programming through humanitarian funding – is being reformed with a pilot to extend the monitoring of ‘gender equality measures’ across the full cycle of programming. In addition, the Inter-Agency Working Group on Reproductive Health in Crisis Situations (IAWG) has released a global study assessing gaps in frontline service provision for reproductive health in emergencies. Recommendations from these initiatives should be integrated into WHS outcomes on humanitarian effectiveness and accountability. All WHS stakeholders should align their efforts in crises with minimum standards on gender equality, GBV and SRH in emergencies.
- (iii) Integrate specific references to GBV in WHS outcomes on International Humanitarian Law, and ensure links are fostered between the WHS, the Call to Action on Protection from GBV in Emergencies and UNSCR 1325. WHS outcomes on International Humanitarian Law (IHL) and conflict should include specific reference to GBV; reaffirming and building on the commitments made by the Call to Action, the G7, UN Security Council, participants at the Global Summit to End Sexual Violence in Conflict in 2014, and regional initiatives like the African Union’s efforts on gender mainstreaming and the International Conference of the Great Lakes Region (ICLGR) Kampala Declaration on Sexual and GBV of 2011. At the global level, the Swiss Government and the International Committee of the Red Cross and Red Crescent have been developing proposals for a new international mechanism to promote compliance for IHL. Support from the UK for this initiative will be important as enhancing wider accountability in times of conflict will also in turn help with accountability for conflict-related sexual violence.

At the start of 2015, our efforts for attention to gender issues in the WHS faced some resistance. Since then, through supporting widespread engagement by southern women’s organisations and gender specialists in humanitarian agencies like CARE International, there are now draft outcomes on gender proposed for the summit. To turn these proposals into a reality at the summit itself, we need to build a coalition of donor governments, southern governments, UN agencies, private sector actors and civil society who prioritise gender and are willing to make commitments on gender at the summit itself. The British government, the PSVI team at the FCO and wider FCO country desks, therefore have an important role to work with DFID in encouraging a range of stakeholders to align around commitments on gender equality and gender-based violence towards the summit. This could start through

dialogue with those southern governments that played an active role in the Global Summit to End Sexual Violence in Conflict and are UK PSVI priority countries. The FCO, DFID and other government departments could also explore scope for UK-based companies working in crisis-affected contexts to identify business commitments to support women to cope and recover from crises in dignity and safety.

HoL Select Committee on SVC Question 4a

*Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect? What measures to **prevent sexual violence in conflict** have been shown to work and how can such measures be disseminated and scaled?*

To be effective and legitimate, efforts to address impunity for conflict-related sexual violence need to be accompanied by a wider and more comprehensive approach to the prevention of gender-based violence. For example, recent engagement by the UN Secretary General's Special Representative on Sexual Violence in Conflict in the Syrian crisis provoked significant criticism from Syrian women's rights activists and Syrian survivors of sexual violence for failing to address or follow-up on their recommendations and requests for support across the wider spectrum of GBV prevention and response needs in that context. In this submission, we highlight two aspects which are ripe for increased attention by the UK and other actors to scale-up efforts on preventing conflict-related sexual violence, and wider GBV:

- Child Marriage in emergencies; in particular through community-based 'information volunteer' activism to tackle the stigma and support grassroots child marriage prevention strategies (below)
- Engaging men and boys; in particular through integrating gender-based violence, gender equality and conflict transformation into education and informal out-of-class youth engagement programmes (see response further below to question 4b)

In line with the 1948 Declaration Of Human Rights, The 1956 Supplementary Convention on The Abolition of Slavery, and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women:⁴³ **Child marriage (and forced marriage)** is considered not only a violation of human rights, but also as a form of slavery.

In addition, according to international definitions of rape and sexual violence – child marriage (and forced marriage) should be considered a form of sexual violence – as a child is not old enough to provide informed consent to the marriage or to the sexual acts which take place within that marriage. As with all rape, marriage does not act as a legitimiser for incidents, nor does it mitigate the effect of the incident occurring. Within these forms of marriages, the survivor is subjected to repeated incidents of rape throughout the lifetime of their marriage. There are numerous studies which highlight the issue of child marriage as a driver of prevalence and the severity of intimate partner violence.

⁴³ 1948 Declaration Of Human Rights, Article 16, The 1956 Supplementary Convention on The Abolition of Slavery, The Slave Trade, And Institutions And Practices Similar To Slavery, Article 12, and the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 16:

For many years, the international community has focused on the heinous crime of rape and sexual assault during emergencies however, this important work is not the only life-threatening area of sexual violence in conflict. The conflict in Syria has brought the issue of child and forced marriage into focus, both because of the link with the conflict dynamics and the scale of the problem among refugee populations. Over the past 12 months CARE has piloted interventions in Turkey that have shown great promise and merit further attention and scale up.

Rapid Background:

Prior to the crisis in Syria, between 2000 and 2009, 13% of women aged between 20 and 25 had been married as a child. This means that at least 1 in 8 women aged 20-25 were married as children. Arranged marriages and accompanying bride price were a unifying feature of Syrian life, which is exceptional in its cultural diversity.

These dynamics have exploded since the onset of the crisis. In Jordan, there are reports that child marriage amongst the Syrian population has increased alarmingly. The spousal age gap in marriages involving girls is also cause for concern. There have been similar reports of increases in child marriage in Syrian refugee populations in Lebanon and Egypt. In Turkey, there have also been reports of child marriages within the Syrian population for some time, and it was discussed as an issue in the 2014 Regional Response Plan for Turkey.

Drivers of Child Marriage:

Reasons for this increase are complex, but can be summarised as for reasons of ‘honour’, pressures on finances and forced marriage as a tactic of war.

- In CARE’s focus discussion groups (FDGs) and interviews on this subject, child marriage was seen as a form of ‘protection’ and a way for families to keep the ‘honour’ of their daughters. Simplistically, this is a word which is associated with the girl being a virgin and ensuring that she can marry. There is a huge amount of shame associated with a woman or girl losing her virginity outside of marriage whether she has given informed consent or whether as a result of sexual violence, of which there is an increased risk in conflict and emergency situations.
- Child marriage was also seen as a way to reduce the number of people in a household and the related economic burden of feeding their child, clothing her, etc. From a FGD with girls in their late teens and early 20s, girls said parents start ‘repelling’ or rejecting them from the home, and some experience emotional abuse. Older unmarried girls start to feel the rejection from their families as they are seen as an added burden to protect and a source of worry regarding their so-called ‘honour’.
- By far the smallest cause of forced marriage is its use as a tactic by armed actors in Syria. During a CARE Rapid Gender and Protection Assessment of the Kobane refugee population in Turkey (October 2014), refugees indicated that one of the primary reasons that they fled was to ‘protect’ their girls from sexual violence and forced marriage to armed combatants. In a committee meeting in the UK House of Lords in November of 2014, a highly respected Syrian refugee providing information to the committee explicitly stated that they believed that various armed groups in Syria were using child marriage and forced marriage as a weapon of war to panic and therefore displace populations. CARE’s Gender and Protection Assessment with the Kobane

refugees in Turkey also revealed that this fear was a driver in the communities displacement.

Consequences of Child Marriage.

Apart from being a grave human rights violation, the health consequences of child marriage are enormous. Girls face huge pressure to prove their fertility soon after marrying, whether or not they are physically or emotionally ready. The phenomenon of children bearing children leads to several negative and even fatal health effects for both the girl and the baby including obstructed labour because of the size of a girl's immature pelvis. It is notable that the countries with the highest maternal and child mortality rates are those same countries where child marriage is prevalent. A 2013 study⁴⁴ claims that a 10% reduction in child marriage could be associated with a 70% reduction in a country's maternal mortality rate. Interventions which target the prevention of child marriage in emergencies are **life-saving**.

Furthermore Child Marriage is associated with:

- increases in lifelong intimate partner violence,
- forced marriage to the perpetrator of child rape or sexual assault,
- a denial of education and long term economic poverty, and
- a denial of reproductive health rights.

A pilot response with promise

During the Kobane refugee response CARE acted quickly to use its Information Volunteers Programme, to inform the displaced community about the physical and social impacts of child marriage. The approach using (X numbers) of volunteers training in outreach and communication techniques was aimed at sharing the deep health, protection and psychosocial consequences of early marriage. The programme is in its infancy, but already we have feedback from the communities we work in, in Turkey, that the work of the Information Volunteers is preventing child marriage – after all, Syrian families don't want to purposefully put their girls in danger.

We know that change takes time, which is why we are:

- utilising a peer education approach and combining the theory of reasoned action with positive community based role models;
- encouraging learning theory and the theory of participatory education through the use of interactive experimental learning activities;
- drawing on the health belief model by promoting awareness about the potentially fatal health impacts of marrying girls early, in order to get immediate results.

In addition, the Information Volunteers are engaged in working on promoting referral pathways for GBV and in psychological first aid (PFA) which allows the Information Volunteers to become entry points for case management, to support the community

⁴⁴ UC San Diego, Higher child marriage rates associated with higher maternal and infant mortality, web page, 13 May 2013, http://ucsdnews.ucsd.edu/pressrelease/higher_child_marriage_rates_associated_with_higher_maternal_and_infant_mort

psychosocially through activities and events, and to enable them to become opinion leaders in their communities. As an international community, we need to professionalise in the area of GBV prevention in emergencies, but in the words of one of our Information Volunteers in Turkey, “We cannot wait until it is a bigger problem – our girls should be protected from the destiny of early marriage.”

More Attention Required

Since the mass influx of refugees from Syria into its neighbouring countries started nearly four years ago, a huge number of reports, assessments and news articles have been produced about the increase of child marriage in the refugee population. Despite the heightened fervour from the international community and press surrounding the issue of child marriage in the Syrian context, inside Syria there were 0 projects, out of 67, funded by the pooled funding available for inside Syria 2014 which addressed child marriage.

Looking back at the first four years of this crisis, CARE’s response to the issue of child marriage in the region has taken shape more slowly than it could have. We recognise that CARE needs to do more to tackle the dangerous increases in child marriage during emergencies from the very start– but the promising practice of the Information Volunteers programme should be used when the next emergency hits in another context, and we can begin in earnest to work using this methodology in the long-term refugee communities surrounding Syria.

HoL Select Committee on SVC Question 4b

PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

Reaching young people is critical to **changing behaviours** and **social norms** and one of the most effective ways of reaching out to children is through the school system. By teenage many young people are starting to enter into intimate relationships with women, and may start to play out for the first time the accepted but damaging behaviours they have witnessed in their communities. Research from CARE in Sri Lanka⁴⁵ discovered that

- Almost one third of the men who perpetrate sexual violence inclusive of rape do this for the first time between the ages of 15 and 19 years.
- Two thirds of the sample that perpetrated sexual violence inclusive of rape did so for the first time between the ages of 20 and 29.

School also offers a chance to create the space to have a discussion with hard to reach young men. who might at first be disinterested in discussing gender issues and masculinity. This was confirmed at the 48th Session of CEDAW in 2004, where education was identified as a key strategic space for engaging young men and boys. However, education is also a highly contested space and the formal education sector can be very difficult to penetrate. Key actions for organisations such as CARE has been to:

- Lobby for the reform of school materials and curricula to be gender sensitive

⁴⁵ EMERGE Project, CARE Sri Lanka

- Promote new notions of masculinity associated with nonviolence, respect and equality
- Work with men who do not perpetrate violence against women as allies in prevention interventions

One of the most successful initiatives has been in the Balkans. Since 2008 CARE has been working through the schools system in to address a culture of violence among young men, including attitudes condoning sexual violence. CARE's *Young Men's Initiative* adapted Promundo's Project H curriculum, in four countries in the region. Renamed Program M, the approach has engaged with 13-19 year olds in school and in after school clubs to give young men the skills to develop healthy relationships based on gender equality and to address all forms of violence in their everyday life⁴⁶. The syllabus is extensive and covers themes such as

- Expressing Emotions,
- Power and Relationships
- Fatherhood and Men and Caregivers
- Sexual and reproductive health
- Health and HIV/AIDS
- Understanding violence, and managing anger

To date over 25,000 young men have been reached through the YMI, including through active social media campaigns, theatre productions and rap music. Evaluations have shown improvements in the awareness, attitudes, and intentions around violence. One controlled pilot showed:

- Before the study a minority (48%) did not condone using violence against an unfaithful partner, which rose to 73% after the intervention.
- At the same time 55% rejected the idea that physical strength was the key determinant of masculinity compared to just 31% before.

In a forthcoming journal article research conducted over a two year period showed changes in ideas of masculinity were happening within project timelines.⁴⁷

Based on the accumulating evidence of success of this intervention, the governments of Bosnia and Herzegovina, Croatia, Serbia and Kosovo have included elements of the approach into their national curricula to differing degrees.

Translating the Approach to the Great Lakes Region of Africa.

Following the successful testing of the model in the Balkans and the uptake by their national governments, CARE has received support to try the approach in the Democratic Republic of the Congo and Burundi. In a three year pilot that ends in 2016, CARE has conducted research with youth aged 13-23 in and out of school to adapt Program M, taking into account the large number of young people who are not engaged in full time education. One third of the nearly 4,000 young people involved in the project are young women, reflecting the importance of how ideas of masculinity and femininity are created both between and

⁴⁶ CARE International, 2011. M Manual: A Training Manual. Banja Luka, BiH: CARE International

⁴⁷ Namy et al, Culture, Health and Sexuality, Special Issue Forthcoming.

within the sexes. Some of the initial research findings identified how gender norms were portrayed in this context, with strong negative stereotyping of women, a tolerance for some forms of violence particularly in the home, and an emphasis on strength and virility as characteristics of masculinity.

Since September 2014, CARE has been piloting modules in 300 schools and out of school clubs in Burundi and DRC to see if some of the same changes we observed in the Balkans can be replicated in the Great Lakes region.

There are still key things we do not know

As this project comes to an end, the data will be evaluated and shared with local authorities, civil society activists as well as relevant ministries at the national level. We will lack the longitudinal research to conclusively show changes in long term behaviour, but where the evidence points to early success, the key goal will be to see the governments of the DRC and Burundi scale up the approach by adopting the school module into their national curriculums. Along with international campaigns such as UNWomen's HeforShe, and the MenEngage Alliance's MenCare campaign, 2016 could be the year of engaging men and boys for gender equality and mobilising as allies against gender based violence. CARE's approach targeting young men and boys through schools and out of school clubs sits as part of this movement, and we welcome joint efforts in making the next year a successful one for engaging men and boys.

Based on our experience in the Balkans and the first interventions in the Great Lakes of Africa, CARE recommends:

- Governments, donors and international institutions focused on combatting sexual and gender based violence should balance their attention on the prevention of violence as well as the response. Key to prevention is the ability to tackle the social norms, attitudes and values that normalise and justify gender based violence, especially among young men.
- All governments should ensure time is given in school for youth to be engaged in a discussion about gender roles, healthy sexual relationships, positive masculinities and femininities, violence prevention and gender equality.
- Donor agencies should ensure that their education funding does not reinforce harmful gender stereotypes and instead make provisions for engaging men and boys in discussing gender equality.
- Actors engaged in preventing sexual and gender based violence should commission longitudinal research into school based approaches, such as CARE's work in the Balkans, to follow up on young men several years after their engagement in the programme and observe any sustained changes that may have resulted.
- Support for Women's rights organisations should continue to be reinforced, and their leadership on gender equality is essential to the success of programming aimed at men and boys.

18 September 2015

His Honour Judge Jonathan Carroll, Department for International Development, Foreign and Commonwealth Office, MADRE and Physicians for Human Rights – Oral evidence (QQ 10-17)

Evidence Session No. 2

Heard in Public

Questions 10 - 17

TUESDAY 15 SEPTEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Bishop of Derby
Lord Hannay of Chiswick
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Warsi

Examination of Witnesses

Ms Widney Brown, Director of Programs, Physicians for Human Rights (via videolink), Professor Lisa Davis, Human Rights Advocacy Director, MADRE & Clinical Professor of Law, International Women's Human Rights Clinic, City University of New York School of Law (via videolink), His Honour Judge Jonathan Carroll, Civilian member of UK Team of Experts, Ms Rosy Cave, Head of Conflict and Stabilisation Team, Stabilisation Unit, Department for International Development & member of UK Team of Experts, Mr Dan Chugg, Head of HMG Daesh Task Force (formerly known as the ISIL Task Force) & Head of Iraq Department, Foreign and Commonwealth Office, and Mr Michael Howells, member of HMG Daesh Task Force (formerly known as the ISIL Task Force) & Head of Near East Department, Foreign and Commonwealth Office

The Chairman: Thank you very much for joining us. Can the video panel hear me yet? Colleagues, while the equipment is being tidied up, the only thing to do is start, if you are agreeable. Hopefully it will come on in a minute. Thank you very much indeed for joining us. You already have our list of interests, but Committee members who speak who have not declared their interests will state them as their first point.

His Honour Judge Jonathan Carroll, Department for International Development, Foreign and Commonwealth Office, MADRE and Physicians for Human Rights – Oral evidence (QQ 10-17)

This is a full evidence-taking session of the Committee, and a full note will be taken. This will be put on the public record in printed form and on the parliamentary website. You will be sent a copy of the transcript and will be able to revise any minor errors. The session is being webcast live and will be accessible via the parliamentary website. Subsequently, please feel free to deliver any supplementary written evidence to us that you wish. That can be very helpful indeed. Please speak up so that everyone can hear you clearly. May I remind everyone that Judge Carroll is not here as a judge? He became a judge after he was a civilian member of the UK Team of Experts, and is here as a civilian member of that Team and in no way in any representative capacity of the UK judiciary.

Apologies to those who are still not linked in. Hopefully this will happen. Can I ask those on the panel who can communicate whether anyone would like to make any introductory comments, or shall I go straight into the first question?

Mr Dan Chugg: I think we are happy to go straight into questions.

Q10 The Chairman: We can begin. We have quite a large panel. Do not feel that each of you has to answer every question. Take what you want to answer rather than the formality of rolling the question right through. Do what suits you. Could you let us know about the scale of the impact of sexual violence in conflict in the areas in which you or your organisations work? That is rather a large question for several of you, but I would be very grateful if you tell us a little about how you view this.

Ms Rosy Cave: Thank you for having us here today. I can tell you a little about the scale and impact of sexual violence in conflict in Iraq based on visits I have made to support the FCO Preventing Sexual Violence Initiative team over the past 10 months. Everyone is probably very aware of the scale of the ISIL-perpetrated sexual violence that a number of different communities are experiencing in Iraq. It is also important to point out that it is not only ISIL-perpetrated sexual violence; other actors are also committing sexual violence. I was in touch with the UN this morning to get a sense of its latest figures. I should stress that this is an issue that, because of its sensitivity and the stigma attached to it, is notorious for being underreported. So although I have some statistics, it is probably happening on a much larger scale. This is just from northern Iraq: as of 1 September 2015, a total of 2,129 survivors were documented—801 women, 306 men, 497 girls and 525 boys. This has not been independently verified by the UN, but it is from reliable sources. I also wanted to flag up its figure for people still under ISIL captivity: 5,838, of which 3,192 are females. Also on this issue, there are a lot of people inside and outside the IDP camps who are also vulnerable to sexual and gender-based violence. I am sure that we will see increased reporting on that.

We are also starting to hear stories of women and girls returning who are pregnant, which is obviously a massively sensitive issue. Children born through rape are frequently stateless. Also, abortion is illegal in Iraq, and there are concerns about the number of illegal abortions that might be happening and the health of those individuals.

I think you might have heard or will hear more about how the Yazidi community in particular is responding positively in accepting women and girls back into their communities. That is obviously something that we very much welcome, but at the individual level there are serious concerns about the stigma attached to those individuals and what it means for them going forward in a context like Iraq.

The Chairman: Thank you very much indeed. Are there any other comments?

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Mr Dan Chugg: I would just add to the Iraq picture that crimes that have been reported include rape, forced marriage, sexual slavery, forced abortions of non-Muslim pregnancies and forced pregnancy to make Muslim children, enslavement, women and girls being sold and given as gifts, and girls as young as six being raped and sexually enslaved. There are also reports of what has been termed “multiple revirginisation”, which is basically genital mutilation to enable girls to be sold on as virgins when they have already been sexually abused. There is also evidence of ISIL using this as propaganda in its material. This is one of the things that it promotes in some aspects to encourage people to join ISIL, and when we talk later about combatting the ideology perhaps that is one of the things that we can touch upon.

Mr Michael Howells: I will add details from the Syrian side. Of course, ISIL crosses over the Iraq and the Syria problem. Prior to ISIL’s emergence as an organisation in Syria, unfortunately the Syrian regime had used sexual violence extensively as a tool, as a form of collective punishment and intimidation in prisons and so on. Figures predating ISIL suggest that 80% of all sexual violence in Syria had been committed by government forces and government actors. That data is probably now slightly out of date in light of ISIL’s emergence and use of sexual violence as a tool of its own warfare in Syria. Rather as in Iraq, sexual violence has been used during house searches, at checkpoints, in detention centres. Children born as a result of rape in Syria are stateless, and—a theme that I am sure we will touch on throughout the testimony today—victims are obviously stigmatised in a conservative society such as Syria. They are frequently cast out from or marginalised within their communities, and access to support structures in a high-conflict environment such as Syria, with so many people displaced, obviously compounds the suffering.

His Honour Judge Jonathan Carroll: There is nothing I can add on this basis. I concentrate on the criminal justice side, and these kinds of facts and figures are much better derived from your other witnesses. I can speak only to the criminal justice work that I have done, so I cannot provide additional information on these facts and figures.

The Chairman: What would you like to tell us?

His Honour Judge Jonathan Carroll: My role specifically has been in criminal justice training, in particular taking Syrian medics and lawyers and training them in the role of expert witnesses. What has not been tested historically, or has been massively underrepresented in post-conflict resolution, is the prosecution of this kind of offending involving sexual violence and torture. Unlike many other aspects of post-conflict justice, where there is ongoing evidence much of the sexual violence evidence tends to dissipate over time. Contemporaneous evidence and documentation is at the heart of securing evidence in some kind of admissible form to be used as and when there is a form of post-conflict justice mechanism. That is the kind of work that I have been doing. Certainly any questions on criminal justice I can assist on, but I am not in the same position as my colleagues to address facts and figures.

The Chairman: Can all members of the panel hear us? Are you able to speak yet?

Ms Widney Brown: Yes, I can hear you. Is this a good time for me to intervene?

The Chairman: Yes please. Perhaps you could answer the question about the prevalence of sexual violence, what you yourself know about it and what you have seen in your organisation.

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Ms Widney Brown: I am going to focus primarily on the work that we are doing in the context of the Syrian conflict and our work in eastern Democratic Republic of Congo. In Syria, it is worth noting that there are significant elements of sexual violence, and we see that both men and women are being subjected to that. A lot of what we have been documenting has related to the conflict, where it seems that both men and women are very much at risk.

In eastern Congo, as you know, the conflict is in advance, although we see there how pervasive sexual violence in conflict often spills over into the post-conflict environment. As a woman I interviewed in the former Yugoslavia said, there is no peacetime for women. We are continuing to see both the consequences of the conflict-related sexual violence and very high levels of sexual violence, including spates of violence against very young children and infants, in the Congo.

The Chairman: Would Professor Davis like to comment at this moment?

Professor Lisa Davis: Thank you. I will be brief. My work has been with the organisation MADRE and with the CUNY School of Law looking at the context of violence in the ISIL conflict, about which a lot has been said today. I would just add that we have also seen epidemic levels of sexual violence and murder being committed against LGBT persons in the ISIL conflict. This was most recently highlighted by the Arria meeting held by the Security Council.

The Chairman: Thank you. That is a very important point. Before we move on to our colleague with the next question, I just want to have a quick follow-up with Mr Michael Howells. Could you elucidate for us the sources of the data that you provided? You commented that perhaps it was not the most up to date. What are the sources, and do you have some more up-to-date ones that you might submit in written evidence?

Mr Michael Howells: I can certainly look into the details of figures relating to ISIL's activity in Syria. The figure of 80% that I gave you comes from a Women Under Siege report dated 2013, which looks very much at the relative balance of the use of sexual violence between the Assad government and state structures and other armed groups on the ground. We have no reason to believe that the prevalence of the use of sexual violence by the government has diminished since 2013. I think that the overall level suggested by that report has stayed the same, but we will look into it and give you some more details on ISIL, specifically in Syria.

Q11 Bishop of Derby: Thank you for setting out some of the scenarios and their frightening aspects. I want to invite you to comment on how we begin to address these scenarios, and there are two strands to it. One is about how your organisation or angle on this works with both the UK Government and the international community—what kind of allies you have and what kind of work you do with the UK Government and the international community. Secondly, from your observations on the ground, is there a sense in which NGOs and government teams in the field overlap or complement each other? How neat is it, and what room for improvement might there be on the ground with government and NGOs? How do you work with the UK Government and the international community and, on the ground, with government and NGOs?

Ms Rosy Cave: I am going to tell you how the UK Stabilisation Unit has been working with other parts of government and the international community on this issue in Iraq. For those

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who do not know, the Stabilisation Unit is a cross-departmental unit. We answer not to a Minister but to the NSC. We do not make policies. We provide technical support on stabilisation, security and justice issues in a range of conflicts. The work that I have been doing has been principally to support the FCO Preventing Sexual Violence Initiative, very much working with the different government departments that are represented at posts in Baghdad and Erbil, and here in London.

As background, the first visit that I made was a joint UK-Canada scoping visit to look at this issue and to get a better understanding of what the situation was both in Erbil and Dohuk and down at Baghdad, and what the UK could be doing about it. That partly speaks to your question about how we engage with the international community on this.

Subsequently, I have also worked with the MoD—with PJHQ—doing a recce and looking at how we can integrate training on sexual violence into the infantry training that we provide to the Peshmerga in northern Iraq. There was a follow-on visit after that as well. We are very much trying to provide support and recommendations on what the Government could be doing across different departments—for example, with further psychosocial support through the IDP camps, looking at co-ordination and information management through the UN co-ordination mechanism, and promoting the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. We deployed a PSVI expert to Erbil and Baghdad in March this year to engage with a range of stakeholders on that issue, documenting and preserving evidence.

Importantly, we have always reached out to international partners working on this issue. More generally, we do so to find out what they are doing and we make sure that we co-ordinate with them. A key point is that we try to encourage them to do more. We have potential partners. We are taking work forward with Canada, Australia and the US, and I am sure that Dan will speak about the stabilisation efforts there.

In all the visits that I have made I have always engaged with NGOs, but the people in post engage more regularly than I do with those NGOs and reach out to them. Some really interesting working groups have been established at the embassy. These provide a great opportunity to meet nationals. So local and national NGOs work on these issues both from a women's empowerment perspective and specifically on preventing sexual violence and on the Women, Peace and Security agenda.

Mr Dan Chugg: In Iraq, a large part of our strategy dealing with both ISIL and sexual violence is to help the Iraqi government to put a political process in place that reduces sectarianism, creates stability, and looks after the security of the citizens of that country. A lot of our efforts politically are going in that direction, and we very much see PSVI as part of that reconciliation process.

A major part of what we are doing is working with Iraq on its National Action Plan, which comes under UNSCR 1325. I think it is the only country in the Middle East with a National Action Plan, and we are the only foreign Government who are helping it with its National Action Plan. Its overall objective is the participation of women, the protection of women, and the prevention of sexual violence. We have a stream of activities, and I will be happy to talk in more detail, if there is time, about how we help them with that. That is one part of the political process.

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We are also looking at stuff that we can do on the ground right now to help with the efforts that are being made, working mainly with the Peshmerga, the Kurds in the north of Iraq, to help give them training so that they better understand some of the issues around sexual violence and so that when they come upon victims they are much better trained in how to deal with those people in a sensitive way and to point them in the direction of proper help and support. We have also been running a train-the-trainer programme so that it is not just the people who we have trained but so that training can continue to be pushed out there. We have also been training foreign countries—Germany, Norway, Italy *et cetera*—so that they can introduce that into their own programmes.

We have also had some specific programmes to support the survivors of sexual violence and to ensure access to justice. It is very important that when ISIL is defeated and these countries are trying to return to normal, there is access to justice for the victims of these crimes and that the perpetrators can be brought to justice. I think we have learnt from conflicts that have happened elsewhere in the world that if you do not do that, the problems continue. So documenting evidence now of all crimes that are taking place so that in the future there can be justice is an extremely important part of the work that we are doing. We have projects that are doing that, as well as actually helping survivors at the moment.

Lastly, we have within the embassy two working groups that are focused on gender equality, one with a specific focus on PSVI and another on the implementation of the National Action Plan. Again, the embassy has various activities to do with those things at the moment.

We are also working with the coalition against ISIL—I wear two hats as head of the Iraq Department and head of the Government’s task force on combatting ISIL—on a number of areas that involve preventing sexual violence. One of those is the communications strategy, and again perhaps we can come on to talk about that later.

Another aspect is the Stabilization Working Group, which is part of coalition activity. In fact, just today some of my staff are at a meeting of that group in Brussels discussing these very issues, and we are working particularly with the Canadians on doing more through that working group to create front-line training, to raise awareness in the communities, and on documentation and investigation. That is also how we are trying to use the coalition.

Mr Michael Howells: I shall be brief as I know that time is short. Again, we can provide you with more information afterwards. In the Syria context, which is markedly different from Iraq in the sense that we do not have a government partner that we can work through and with in combatting sexual violence. Of course, the government in Syria are one of the primary guilty parties in all this. I am head of the Near East Department in the Foreign Office, and we oversee the Foreign Office’s management of the Conflict, Security and Stability Fund. We have a significant number of projects that focus on sexual violence issues. Our accounting so far would suggest that we have spent £5 million since the conflict began, and £2 million is programmed in for this financial year, so there is a clear trend line of increasing investment in recognition both of the scale of the problem and of its importance to the broader peace and reconciliation effort in Syria. We can provide you with more detail, if you would like it, of the sorts of projects and programmes that we are running, but I do not suggest necessarily, unless you wish me to, that I go into too much of that detail today.

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As well as the programming work, we have a lot of responsibility for raising awareness internationally of the scale of the problem in Syria, for advocating on behalf of vulnerable people and for ensuring that the issue remains at the front and centre on the international agenda. For example, the Human Rights Council will be discussing human rights and abuse in Syria this month, as it has a number of times over the past couple of years. We ensure that PSVI is fully recognised and given account in the resolutions of the Human Rights Council, and we will do the same in the session this September.

Finally, on NGOs, again because we do not have a government partner, we work primarily through NGOs as our delivery and implementing organisations, international and UK as well as Syrian civil society, many of which are working in very difficult and insecure circumstances. I would say that the relationship works very well, but I am sure we will hear other views from NGO representatives.

Bishop of Derby: Thank you. Does Professor Davis have any comments on this?

Professor Lisa Davis: Yes. I will give you just one practical example. Last January, MADRE, the Women’s International League for Peace and Freedom, and the Sorensen Center at CUNY law school, in partnership with local organisations in Iraq and Syria working on sexual violence in the context of the conflict, hosted a conference in Istanbul with the support of the PSVI unit. The purpose of this conference was to bring together women’s human rights activists working in the conflict on sexual violence. What came out of this conference was a practical and solid set of recommendations for the international community, as well as best practices for groups on the ground on how to address sexual violence and the broader human rights violations that exacerbate it.

Also at this conference we were able to provide documentation training utilising the PSVI protocol, since many of these advocates are on the front line of documentation and can get to areas and document crimes that the international community does not have access to. As a result of the conference, representatives came to New York and Geneva and participated in a series of donor-state briefings—one was sponsored by the UK Mission to the UN in New York, another by the EU—to look at what these recommendations mean and at how to increase both the comprehensive plan for addressing sexual violence and civil society and government collaborations.

Bishop of Derby: Thank you. Does Widney Brown wish to say anything on this?

Ms Widney Brown: Yes, thank you. Physicians for Human Rights has been funded by the UK Government for its work both in Syria and in the eastern Congo. The Syria conflict is a very difficult place to do this documentation, and we work with expert doctors and with, for instance, Judge Carroll to train doctors and lawyers who are seeing victims in real time in Syria. Through the funding we are able to take individual cases and feed them to the UN commission of inquiry so that they have actual data in their reports to the Human Rights Council on sexual violence and other forms of torture in the context of that conflict. It has been a very fruitful engagement with the FCO in particular, and without its support we would not be able to do the work that we are doing. I cannot overstate, though, how difficult it is to work in an active conflict, but feeding information in real time has been invaluable.

The Chairman: Thank you very much, Lord Bishop, and thank you, witnesses. Could I put a request to the British Government representatives Mr Chugg, Ms Cave and Mr Howells? Would you be kind enough to submit in writing the activities that you identified and

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referred to which you have been involved in and which you suggested we might like to know about?

Q12 Baroness Hodgson of Abinger: Thank you all for joining us today. We have been asked to declare our interests. I am a member of the steering board of the PSVI, chair of the advisory board of GAPS—Gender Action for Peace and Security—co-chair of the APPG on Women, Peace and Security, and a member of the Association of Oxfam.

I have a number of questions for you. How has the situation involved both in terms of the scale of the problem and the international community's response to it? To what extent have the commitments and aspirations set out in the G8 declaration and the Declaration of Commitment to End Sexual Violence in Conflict led to material advances in the fight against sexual violence in conflict? Are there areas where the commitments have not been implemented, and, if so, where are they and what are the blockages? How effectively does the international policy agenda address the challenges on the ground?

Before you start answering, I should say that I will have to excuse myself very shortly because a debate is starting in the Chamber. Thank you all so much for coming. Who would like to start?

Mr Michael Howells: It may make sense if Mr Chugg and I describe the facts on the ground in Syria and Iraq, and then perhaps Ms Cave can talk to you a bit more about the international side. In the Syria context, essentially there are three scenarios in which this is a major problem. I have already mentioned the extent to which sexual violence is used as a tool by the regime, and that has continued since the beginning of the conflict. It is increasingly used—Mr Chugg can go into more detail about this—by ISIL as part of its agenda. The third area is the prevalence of this violence in refugee camps for displaced people around Syria, although that is obviously a slightly different category. It is not a tool of any particular organisation; nevertheless, it is a protection challenge for the international community.

Mr Dan Chugg: I talked earlier about some of the things that are happening at the moment. I will not repeat them but they were all allegations levelled at ISIL. They are not the only ones committing such things in Iraq; there have also been reported attacks by various militias over the last few years. The various other groups in all parts of Iraq are not without their faults, so this is not purely isolated within the ISIL-held areas; it affects various ethno-religious groups. We have already mentioned the Yazidis, but it is not just the Yazidis who have been specifically targeted. Christian groups, Turkoman groups and Shabak groups have also been specifically targeted. So it is a multi-ethnic problem and it is perpetrated by a variety of people in Iraq.

Ms Rosy Cave: I shall try to link this back to the declaration of commitment and attempt to demonstrate how that sort of international policy commitment is being implemented on the ground. I shall give you some examples, and you may want more information from me in a written format.

Looking at the various commitments under the declaration of commitment, which 150 UN member states have signed up to, one of the first is to ensure that SGBV work is adequately funded and prioritised. DfID colleagues will tell you that that is work that they are very much supporting. To date, they have provided £59.5 million of humanitarian assistance in Iraq,

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and a lot of that includes assistance that very much targets issues of sexual and gender-based violence. However, I will leave it to DfID colleagues to elaborate on that.

Looking at UN efforts, and more generally co-ordination and service provision, DfID has provided two people to support the co-ordination of the SGBV sub-cluster working group and to support information management. A lot of work is done looking at women's full participation in all political, governance and security structures, and we heard about that in looking at the stabilisation working group. There were a lot of efforts to include women in the Geneva II process for Syria and in the working groups at embassy level. We have touched on the international protocol. We heard both Professor Lisa Davis and Widney Brown talk about the work that is done on documenting evidence. We have a PSVI expert who went out, and I am sure that in the coming months we will see more done on implementation of the international protocol.

Training is key in promoting this issue within the UK military. That is also true of the work that we do, particularly when training others. I think that the example of what has been achieved in northern Iraq is great and it would be good to see that rolled out further. We need to look at working on any potential gaps there or at getting our international partners to do more in support of our work.

Lord Hannay of Chiswick: May I ask a supplementary question? What, if anything, are you doing to convey to ISIL themselves—the fighters on their side—the fact that this is contrary to most people's interpretation of Islamic law and practice, and that it is certainly a breach of international law and a breach of the Universal Declaration of Human Rights? I am sure they would discount many of these things, but to what extent is an effort being made to explain to them, through different forms of communication, just how aberrant all this is?

Mr Dan Chugg: In terms of our communication, we do not have direct dialogue with ISIL but we do have quite a comprehensive coalition and UK communications strategy for dealing with this. One of the key aspects of the communication strategy is to expose the ISIL propaganda—the ISIL campaign—for what it is. That involves trying to get credible voices speaking out about some of the things that are propagated by ISIL, explaining that these things are simply not true. So when they say that a certain thing is your Islamic duty or that such a thing will enable you to go to heaven, we try to get credible voices in this country and around the region to explain that actually this is not true according to the tenets of Islam, that it is not what is expected of you as a Muslim and that it is not going to lead to a quick route to heaven. That is a large part of our communication strategy. Obviously a lot of this does not have the Government's fingerprints on it. A lot of the people involved are not credible voices, and it is much better coming from other people, but that is at the heart of our communication strategy.

Lord Hannay of Chiswick: Could you possibly document for the Committee what the communication strategy of the coalition is in so far as it is in the public domain? That would be rather helpful. I am not sure that we have heard anything about it.

Mr Dan Chugg: Certainly.

The Chairman: I wonder whether Ms Widney Brown and Professor Davis want to comment. We have not heard from you on this question at all. If you do not want to comment on a question, there is no need to do so. Would you like to say anything at this moment?

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Ms Widney Brown: I would like to comment just briefly. I attended the Rome treaty conference, where there was a battle to get each of the crimes of sexual violence graded as both war crimes and crimes against humanity. There is no doubt that we have moved a long way from there. The International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda really helped to create strong jurisprudence. However, when you think about the ICC, it is disappointing that, despite this acknowledgement of sexual violence being used in conflict as a weapon of war, the number of prosecutions and strong investigations still lags behind other crimes that are investigated by the International Criminal Court. I think that Governments need to commit to both international tribunals and, at a domestic level, really rigorous investigations and prosecutions. Physicians for Human Rights tries to support that by training doctors in how to collect forensic evidence, both physical and psychological, of sexual violence.

The Chairman: Thank you. That was very helpful. Unless there are other comments on this, our next questioner is Baroness Warsi, or does Professor Davis wish to comment?

Professor Lisa Davis: I will keep it brief; I know that we are short of time. On the first question, the declaration is an important first step in the process of building normative standards where rape as a weapon of war is not tolerated. It lays the groundwork for what we need next, which is the implementation of a comprehensive strategy for addressing and preventing rape in war. This coherent strategy needs to address the pre-existing factors that lead to sexual violence and the related human rights abuses that exacerbate violence. We hope to see strong commitments by Governments with strong budgets to help move these action plans and implementations forward.

In terms of how to counter the ideology of actors such as ISIL, we have to remember that the conflict has served to further entrench the structural cultural violence against women and other marginalised persons. In incorporating and implementing the strategy, there are a few simple things that we can do that would help. One is promoting positive social norms that help to prevent sexual violence. When we counter negative social normal such as stigma, that helps to defuse the ability to fragment communities. We need to protect civilians and increase humanitarian aid, remembering that hungry and war-weary communities are more vulnerable to influence and recruitment by armed groups that offer food and incitements to fighters. We also need to bolster and sustain grass-roots organisations. When states are unable, and in some cases unwilling, to protect communities from armed groups, it is these local organisations that often become the front line of defence and can gain access to areas that the international community does not have access to.

Lastly, we should design peace processes that have women in a central leadership role so that during and after a conflict we work towards sustainable measures to prevent sexual violence and stop it re-emerging. This has been proved to work through prioritising women's voices in peace-making, and it is a legal and moral obligation under resolutions such as Resolution 1325.

Q13 Baroness Warsi: I want, first, to touch on something that has already been raised and then to ask a further question. One comment was that the promise, in many ways, of the abhorrent practice of sexual violence was used as a recruiting agent by ISIL. Do we have any evidence to the contrary—that the sexual violence perpetrated by ISIL is turning off people who may consider ISIL as a potential home?

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My second question is slightly unrelated. It does not just concern Iraq but goes much broader. What challenges do human rights defenders and humanitarian workers face when working to prevent and mitigate sexual violence in conflict?

Mr Dan Chugg: Maybe I could start on the question about propaganda. I have not seen anything to show that these kinds of horrific crimes are a turn-off for people. I am sure that they are, but it is very difficult to find evidence of people who have not been radicalised or people who have chosen not to go somewhere. Generally, if we look at the drivers of people—particularly foreign fighters—going to fight for ISIL in Iraq and Syria, we find that religion is not a strong driver. Other drivers are important. There is a sense of brotherhood and camaraderie, and there is a sense of adventure. The men are promised money, weapons and women. It is these drivers with a sense of excitement that we think cause lots of people to go. There is also the state-building aspect—a passion to be at the start of a new state—which is driving people to go. So, in fighting against the ideology, we are looking at countering all these different things. Certainly the goriness and violence attracts some people and it is certainly something that has built the brand of ISIL. It has become a global brand within a very short period of time.

As regards any evidence that might suggest that that is changing, ISIL themselves are using less gory propaganda than was the case maybe six months ago. So we wonder whether they themselves have decided that actually this is no longer attracting people in the way that it was. We can hope that that is the case, but other than that I have not seen any evidence to suggest it.

On your second question about the challenges to humanitarian workers, I would defer to the experts on this. However, we are certainly aware that some of the projects on documenting crimes are extremely dangerous. People are having to work in very dangerous areas and are dealing with people with a history of being extremely violent. I have great respect for the work that they do, because I think that they are extremely courageous. However, as I said, I shall pass over to the experts on that.

His Honour Judge Jonathan Carroll: Perhaps I may add to that briefly. I work on a project related to Syria. It is a documentation-based project working specifically with medics in that conflict. All the evidence makes it clear that the medics are positively targeted by all sides. The act of documenting these kinds of crimes adds to their target value, because when that information is secured and preserved it is direct evidence of the crimes and in part of who committed them. So the very work itself makes them a valuable target and therefore they are incredibly brave in doing that work.

The Chairman: Thank you. I am going to turn to Lord Black for the next question, and there will be another one from Baroness Warsi later on.

Q14 Lord Black of Brentwood: I should declare my interest as chairman of the Commonwealth Press Union Media Trust, which obviously deals with the media in some of the countries that we are talking about. Until recently I was also chairman of the Somaliland Health for All Trust.

I have a question about the role of civil society. I am referring to grass roots, human rights defenders and so forth. As we know, government and the international community have a huge role in all this, but at the end of the day human rights groups and civil society groups

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are going to be immensely important. What can government do to assist their development and work?

As a subset to that, Professor Davis raised earlier the important point about LGBT communities, who suffer from a type of double stigma. There is the stigma of sexual violence and then there is the stigma of being part of the LGBT community. Are there specific grass-roots things that we can do in that area to help? I do not know who wants to kick off.

The Chairman: Would our colleagues on the webcam like to start with the answers to that?

Professor Lisa Davis: Yes. In terms of ways to support grass-roots groups and those who are LGBT and fleeing violence related to the conflict, there are some simple policy measures in Iraq that could be changed that would greatly enhance support for both women and LGBT people. One is that in central and southern Iraq it is against government policy for local NGOs to provide shelter, but that does not stop local women's groups doing so. They often provide shelter now for those fleeing ISIS-related conflict but also for those fleeing honour crimes and other forms of gender-based violence, as well as for LGBT people who are fleeing the same type of violence. But that puts everyone in the shelter and the women running the shelter at risk. They have been subjected to police raids, they have had to operate in a clandestine way and they are not able to make their services known more broadly or publicly. One easy change would be supporting or encouraging the Government of Iraq to change this policy. We have had some luck with this in smaller communities within Iraq who are facing a great influx of displaced persons. They have made local agreements with women's groups to obtain their help. But having a national policy that came from Baghdad would greatly increase the safety and security of all marginalised victims who need to access services.

A second policy change that would be helpful would be addressing the variance in access to identification cards. In Kurdistan there are different policies on this, but in central Iraq women need a male guardian or a male family member to go with them in order to access an ID card. The conflict creates a lot of barriers to accessing other services, such as getting kids into school and so on. If the Government were encouraged to adopt a policy of allowing temporary ID cards for those in need, much like the regional government of Kurdistan has been doing, this would also help to increase safety and security for all marginalised persons.

Lastly, I would say that it is important to increase documentation training and capacity building, as well as funding for human rights organisations that are local and working on the ground, especially groups that are working in places where the international community cannot reach.

Ms Widney Brown: I want to underscore how much those who are doing documentation, particularly in the middle of a hot conflict, are targeted, and the importance of Governments across the board supporting their legitimacy and stressing the importance of civil society organisations and human rights defenders doing this work—

The Chairman: I think we have lost you temporarily. Shall we wait for a minute until the sound comes back again? Who wishes to comment on Lord Black's question?

Mr Michael Howells: The top-level answer to Lord Black's question is that we can do a lot together. Indeed, we see this very much as a partnership between government and human rights defenders and civil society. The fundamental thing that we can do is to invest in these

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things. Government can bring significant resources to bear. These people, for their part, have expertise, personnel and access to areas in which government cannot operate, and indeed where it would not be right for the British Government, for example, to have an explicit role. We can also help to provide the tools and training to build their capacity, which would enable them to build the capacity of others on the ground.

Very importantly, stepping outside the conflict itself, we can provide international support, we can bring focus to their work and we can amplify their message. We can also essentially take forward a large part of this agenda, particularly on the accountability side, through organs and mechanisms of international justice, for example, further down the conflict where we have a specialist role to play. So it is very much a partnership.

The Chairman: If you are agreeable, Lord Black, I think we should move on to the next question because time is going on. Lisa Davis, are you hearing us at all? Yes, excellent. I am going to move on to the next question from Baroness Hussein-Ece.

Q15 Baroness Hussein-Ece: Thank you all for joining us today. I was going to ask about documentation and gathering evidence, which you have touched on a bit, but can you go into that in a bit more detail? We know how important it can be to gather evidence for proper documentation in a conflict situation, but we are also aware of the challenges of doing so in areas of conflict such as Syria and Iraq, as you have already described. I was going to ask you how this is being done in a systematic way. I am aware, as the NGOs obviously are, of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, but I wanted a bit more information about how that is done and how we ensure that it is done in a very systematic way across different areas and situations where sexual violence takes place. It is going to be much more challenging for organisations such as yours or the team here to ensure that it is properly documented. At the end of the day we want to see some convictions at an international level, but unless the documentation is done that is not going to happen. I wonder whether you can comment on that. Perhaps the NGOs would like to start by setting out the challenges that they have encountered.

His Honour Judge Jonathan Carroll: If you would like to hear from the NGOs, I will keep it very brief. You are quite right to say that documentation is at the heart of how we produce some kind of accountability. But the first thing which any documenter has to understand, or which any project related to documentation has to deal with, is the precise purpose of that particular set of documentation. There could be three roles. It could be simply about getting the historical record right, recording events for that society so that it has its own post-conflict understanding of what happened. It could be to do with current advocacy, getting the message out to the wider world about precisely what is happening, to whom and in what kind of numbers. The third form of documentation is criminal justice. They are very different roles and very different projects. The level, style and quality of documentation can be very different depending on those three tasks. It is essential that, before they start, those involved in documentation are clear about what they are trying to achieve.

I can speak to the criminal justice project in which I have been involved in Syria. That has been very much about taking the international standards—the essential, gold-plated standards that arise from the ICC, the ICTY or internationalised courts, such as the Special Tribunal for Lebanon—and teaching them to those who can hold themselves out as expert witnesses in due course. Of course, we are targeting those who are right on the front line,

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because they have contact with the victim as soon as possible after the event and far closer in time than anybody else. We are training them to those international standards so that they can become the expert witnesses in whatever post-conflict system or power system is then created. It is very alien to the kinds of systems that they have come from. I am dealing with the Syrian doctors, who have never been in a court situation in their life because that is not how their system works. We are trying to provide them with the essential tools that will stand up to scrutiny in some kind of internationalised court structure thereafter. I am sure that Widney could add to that.

The Chairman: May I ask Lisa Davis to comment? We are running rapidly out of time, colleagues; we have about three minutes left.

Professor Lisa Davis: I would just add that credible documentation is not only important for making sure that we keep a historical record and provide the evidence for future tribunals, especially for crimes that may not be as well known, whether they are committed against LGBT persons or committed by perpetrators on different sides of the conflict, but also because not having credible documentation leads to counterarguments by perpetrators in the conflict. We saw this with documentation coming out of Syria that was not documented according to the standards of documentation collection, and it was being used by the Syrian Government to say that such issues were not problems in Syria. So we see that we need to support credible documentation for a variety of reasons. Having a uniform protocol, which the PSVI supplies, helps to create that uniformity—that, coupled with safety and security—because, as Widney highlighted, documenters are some of the most at-risk activists in conflict. Combining these two things and bolstering documentation can bring people together, create that body of evidence, create the historical record that we need and help us to move forward.

The Chairman: I think that we have probably run out of time. We are meant to finish at quarter to. Do you think you have another five minutes? Yes. Widney Brown, you have not commented on this yet. Are you online?

Ms Widney Brown: Yes, can you hear me?

The Chairman: Yes, we can hear you.

Ms Widney Brown: Great. I just want to emphasise the importance of documentation for all the reasons that Judge Carroll and Lisa noted, but I also want to make the point that absent evidence that can be used in just these cases, many victims are in the long term denied reparations, including the healthcare and support in the community that they need. We have just done a research project in northern Uganda, and found that nearly 10 years after the peace process, women who were sexually enslaved by the LRA are still excluded and barely survive. They are not getting basic needs because of a lack of a justice process. Evidence to support justice is utterly critical, because it has downstream effects that are critical for women if they are to survive.

Q16 The Chairman: Thank you very much indeed. Colleagues, we have run a minute or so beyond our time. I am pleased that every Member has managed to ask one question. Could I ask the final question, which is to ask any panel member who wishes to do so to comment very briefly on which change you would wish this Committee to recommend that would improve the UK's policy and practice on preventing sexual violence in conflict. How would

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you wish us to suggest that we make that happen? Shall we start with Lisa Davis? A very quick answer, if you have one.

Professor Lisa Davis: I would say supporting the PSVI unit so that it can address not only the direct causes of sexual violence but its systemic roots, including pre-existing threats in laws and social norms, as well as the context and circumstances that give rise to sexual violence, including the deprivation of other related human rights situations.

The Chairman: Thank you. Widney Brown.

Ms Widney Brown: As a permanent member of the Security Council, the UK can bring a powerful role in insisting that any case that is seized by the council really implements Resolution 1325 to document and inquire into what is happening to women as victims in conflict, including sexual violence, but also to include them in all the processes of resolving conflict.

The Chairman: Thank you very much. Mr Howells.

Mr Michael Howells: As serving officials it would probably not be appropriate for us to make recommendations through you on how current government policy could change. Of course, we have that debate through our system and through Ministers, but we very much look forward to your recommendations.

The Chairman: Any other comment?

His Honour Judge Jonathan Carroll: Likewise, as a serving judge I cannot make any specific recommendations on policy, but I can say this: the policymakers need to understand that criminal justice has to be given space and time. There are no quick fixes for criminal justice; it needs space and time.

The Chairman: A very good point. Thank you. Lord Hannay has a final question.

Q17 Lord Hannay of Chiswick: I want to move away a little from your position where, as you rightly say, you cannot make recommendations as officials, on policy and ask what would be needed to bring ISIL within the scope of the jurisdiction of the International Criminal Court. What needs to be done now to make more of a reality of the content in the Rome statute about sexual violence, which one of the witnesses has already said seems to be being pursued rather inadequately? What can the British Government do to pursue those two matters: bringing ISIL, both in Syria and Iraq, within the scope of the International Criminal Court, and making the International Criminal Court more active on these issues of sexual violence?

Mr Dan Chugg: I think that getting as much evidence as you possibly can is a good start. I also think that encouraging other countries to do more on this is vital. I attended a meeting of the coalition in Quebec at the end of July. The Canadians put this on the agenda, and it was striking that apart from me only the Canadians had anything to say about their work in this area. So there is quite a lot to be done to explain to other countries the importance of this issue, and lobbying them to be more engaged on it.

On the specifics of bringing it within the scope of the ICC and making the ICC more active, I need to go away and think about that a little, because I do not have a prepared answer for you on that, but I would be very happy to do so.

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His Honour Judge Jonathan Carroll: I can only add that it is a complex matter that does not allow a simple, short, one-sentence answer. It is better dealt with by way of a written submission.

Lord Hannay of Chiswick: Okay. If we could have those, that would be very helpful, because it is an area that we will certainly wish to pursue.

The Chairman: Thank you very much indeed. I thank Ms Widney Brown. Apologies for the slight confusion in the beginning when our videolinks were not precisely aligned and we could not hear each other. Thank you also Professor Davis. We are very grateful to you, too, for your interventions, which were most helpful. I also thank Ms Cave, Mr Chugg and Mr Howells, and Judge Carroll for very kindly stepping aside from your role as a judge and giving us your past knowledge, which is most helpful. Lord Hannay's final point is of vast importance, and we would particularly like anything written that you have to offer us on that, because all victims who any of us in the Committee have been in contact with over our lives always want the perpetrators to be brought to court, and so rarely does that happen.

Thank you all very much, and I thank our colleagues down the line for being a part of this very important session. We are enormously grateful to you.

His Honour Judge Jonathan Carroll – Supplementary written evidence (SVC0046)

1. Further to the invitation of the Lord Chairman to submit any further evidence in writing, and to the written request from Mr Speer, Clerk to the Select Committee, I submit the following additional evidence. I must make clear that I do so in my individual capacity as a Stabilisation Unit Deployable Civilian Expert, PSVI Team, judicial advisor and as such these remarks represent my personal views based on my experience. I do not speak in any capacity on behalf of the Judiciary.

2. With regards to the specific 3 additional questions set out in My Speer's email, I defer to the colleagues who appeared with me on 15 September 2015. They are far better placed than I to give valuable evidence to the committee upon those matters. I confine myself to questions of criminal justice.

3. One of the founding principles of the Preventing Sexual Violence In Conflict Initiative was the ending of impunity for perpetrators of sexual violence. The historical evidence shows that in post conflict societies during the peace making, reconstruction and reconciliation phase, matters of sexual violence appear too far down the competing agenda. The gross under prosecution of sexual offences in conflict is well demonstrated by the example of Bosnia where, despite the well established fact of the presence of 'rape camps' very few effective prosecutions have been mounted.

4. To this end, high quality documentation is vital to support effective post conflict prosecutions.

5. However, the requirements of documentation, the nature of what is recorded and in what detail, and the nature and quality of the individual who is created such documentation is highly variable and depends significantly upon the intended purpose of that documentation. I respectfully submit to the Select Committee that it is essential to identify and understand the differing functions of documentation and the differences that that in turn impose upon the required training and methodology in producing the documentation.

6. I identify at least four functions of documentation: preserving the historical record, identifying and providing for psycho-social needs of survivors, advocacy and post conflict criminal justice. I also accept the validity of the additional functions as identified by Professor Davis in her oral evidence. Each category has different objectives and therefore different needs.

7. Preserving the historical record speaks for itself. The product of such endeavour is often the source of ongoing debate and truth searching in post conflict society. It is not intended for and would not be admissible in any criminal justice tribunal. It is an area of endeavour probably best suited to NGOs.

8. Identifying the psycho-social needs of survivors is clearly essential. It is time critical. Its function is to provide immediate relief and on-going support. It helps governments determine what is needed, where and when and how best to deliver it. It helps build the

foundations from which reconciliation between conflicted societies can begin in that it helps ameliorate ongoing 'hate' drivers. It provides early and quick benefits. The pressing nature of the time requirement for this endeavour to be effective and the general nature of the enquiry relating to groups of people rather than individuals limits the value of this material for criminal justice purposes. Though it may be relevant and admissible to establish that certain types of conduct were occurring and what types of actors were committing the conduct and who were victims of the conduct, such material is not likely to be admissible in criminal justice tribunals to prove specific offences committed by individual perpetrators and against individual victims.

9. Advocacy documentation is traditionally a great skill set possessed by NGOs. Again it has a pressing time requirement in that it seeks to get the message out to world actors quickly and accurately about types of conduct, who is committing it and who is suffering from it. A strong example is the PHR work documenting attacks upon medical personnel in the Syria conflict. Again, this material presents an early and quick return for the money spent. It helps raise immediate awareness, may impact on future policy decisions and in the case of Syria has helped inform the UN Commission of Enquiry. Nevertheless, it falls short of the requirements for criminal justice.

10. Criminal Justice documentation of crimes and sexual violence (and torture) in conflict is a new development. Whereas other war crimes produce evidence capable of collection, review, assessment and trial admissibility long after the conflict has ended, sexual violence does not. The physical injuries will usually have abated. Scientific forensic evidence will have been lost. Whilst the emotional harm may be enduring, the evidence of that harm and how it occurred is substantially the oral evidence of the survivor. Contemporaneous evidence or evidence which is as close in time as possible to the events is likely to be much stronger. A suitably qualified expert, usually medical, can record physical findings, such as markings, bruising, finger tip bruises, scratches, both by description, by sketches and body maps, by photographs with scales/ rulers. They can record the history by which such injuries are said to have been caused. They can express professional opinions as to causation, whether the physical findings are consistent with the account given. Such experts can be called to give evidence at trials, stand to their reports, be examined and cross examined. They can give material evidential support relating to specific individuals. But all of this is subject to international criminal justice best practice and standards of trial admissibility of evidence. Significant training is required to produce a product of value. The International Protocol is a starting point. Some understanding of international crime and rules of evidence is required for expert witnesses who may have no previous involvement in medico-legal work. Understanding the need for preservation of evidence, chain of continuity for evidence, methods of keeping it secure, especially in an ongoing conflict area, or for getting the real evidence (i.e. hard copy documentation and supporting photographs and scientific evidence) out of the conflict area into a place a safety and security all need to be understood. Training in how to give oral evidence, in experiencing cross examination in mock trials help prepare a potential 'new' expert witness. It is especially important that such potential witnesses understand that if called to give evidence, their own objectivity and neutrality as witnesses may be challenged. They need to understand that extensive work in advocacy may well compromise them as objective independent expert witnesses in post conflict criminal justice. They must understand that they may have to make personal

choices about whether to be an advocacy documenter now rather than a criminal justice documenter/ post conflict expert witness later.

11. Two things are clear: sexual violence in conflict historically has been significantly under represented in post conflict justice mechanisms and the current endeavours to build a body of criminal justice standard documentation to remedy that past defect has not been attempted before. By definition, it is not a quick result endeavour. The quality of the product cannot be tested until after the conflict and some form of criminal justice process has been put into place. In policy terms, it needs time and space to see whether it has been effective. It cannot be judged either way until tested in a trial process. If it is successful, then the post conflict peacemakers will have a tool of social justice that no other post conflict society has had before. This should bring direct justice to individual survivors, but it may well also bring about a sense of justice between the conflict social groups that has not previously been available.

18 September 2015

Center for Education and Research in Humanitarian Action, Oxfam Novib and Refugee Law Project – Oral evidence (QQ 101-109)

Evidence Session No. 14 Heard in Public Questions 101 - 109

TUESDAY 17 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witnesses

Dr Chris Dolan, Director, Refugee Law Project **Professor Doris Schopper**, Director, Center for Education and Research in Humanitarian Action (via videolink), and **Ms Josephine Wambui**, Programme Officer Somalia, Oxfam Novib

Q101 The Chairman: Good afternoon Professor Schopper. Thank you very much for joining us.

Professor Doris Schopper: Good afternoon, thank you for inviting me.

The Chairman: Good afternoon also to Ms Wambui and to Dr Dolan. Thank you very much for being with us. We are very happy to have all three of you with us. As you see, we have an almost full complement of our Committee, and we are very much looking forward to some questions and answers. As a very brief introduction, this meeting is on the record, and

we will send a transcript for you to make minor corrections. It is also being webcast and will go up on the web. It is therefore completely open, I am glad that we have members of the general public with us as well. You have our register of interests in front of you, so you know what our personal interests are. I hope that you enjoy the session. If you cannot fit all the answers in, or you want to add anything else, please send them in writing, and we will gladly receive it. I open by asking each of you to introduce yourselves. Shall I start with Professor Schopper? Would you like to spend a moment or two telling us about your work?

Professor Doris Schopper: Thank you very much. I am the director of an academic centre here in Geneva, which is dedicated to humanitarian action. Two years ago, we initiated a course for middle and senior managers working in the field on sexual violence in countries with emergency situations. The course was developed with: the International Committee of the Red Cross; Doctors Without Borders—Médecins Sans Frontières; the UNHCR—the High Commissioner for Refugees; Handicap International; and UNFPA. It is quite unique among courses of its kind, because it brings together professionals working in a variety of settings being confronted with sexual violence in a variety of ways, which means looking at all the systems for dealing with it. That means medical treatment and the psychological needs of people who want our protection. We are looking at trying to create the kind of multidisciplinary look at sexual violence that is often lacking. So we have quite a lot of experience with this. I should also perhaps add that I am a member of the International Committee of the Red Cross, so I have some insight into how the ICRC works on this issue. I also have a very long-standing history with Doctors Without Borders, who also have a long history of dealing with this issue. That is my background.

The Chairman: Thank you very much indeed. I now turn to Josephine Wambui. Good afternoon.

Ms Josephine Wambui: Good afternoon. My name is Josephine Wambui, as you have said. Until a couple of weeks ago, for the last four years, I worked with Oxfam Novib in Somalia. The work that I was involved in there was on governance issues, peacebuilding, and sexual and gender-based violence in south-central Somalia, northern Somalia, Somaliland and Puntland.

The Chairman: Thank you. Dr Dolan.

Dr Chris Dolan: Good afternoon. My name is Chris Dolan. I run an organisation called the Refugee Law Project in Uganda, which is an outreach project of the School of Law at Makerere University. I have spent the majority of my career—about 19 of the last 25 years—in sub-Saharan Africa working with conflict-affected populations. In the last 10 years or so I have been working increasingly on matters of sexual violence in conflict. I think we are one of the first organisations to address the issue of sexual violence against men in conflict. I hope I will get an opportunity to speak about that, as when I perused the submissions made thus far I saw that many of them are focused on women and girls, and very little of substance is said about men or boys as victims. I would like to address my remarks to that topic and to the work that we have done on it.

The Chairman: We would be delighted to hear that. It is within our remit, as you have noticed, so it is a topic that we are addressing most sincerely. We now have some questions. First, I will call the Bishop of Derby, then Baroness Hilton and then Lord Black.

Q102 Bishop of Derby: Thank you very much for being with us. As an opening question, can you say, from your experience in this area, what the most important needs of survivors are and what you have learnt are the best ways of trying to meet those needs? This is about a very basic laying out of the ground.

Ms Josephine Wambui: I will give just two examples and leave some for my colleagues. The one thing I have seen is that survivors want to be safe—to feel safe again. They still want to be part of the community, even after this atrocious act has affected them. I guess that is where the issue of stigma comes in; it breaks down that feeling of being part of the community. Safety is related to the fear of reprisals. If you report the incident, you have no idea who is going to come back at you: it could be your family, because of the stigma; it could be the perpetrator. There is that desire to be safe and to belong to the community.

The last one, I would say, is justice. They want justice. There is a feeling that they want true justice, not halfway justice. They do not want to go through this and then decide that it was not what they wanted when they reported the incident. For me, those are the two key things that I have engaged with.

Dr Chris Dolan: When working with male survivors, there is a quite clear sequence of need. Generally, because the issue is so hidden, the first need is medical. Our entry point is nearly always addressing medical needs that have sometimes been left unaddressed for many years. People then say, “You have helped me with my body. What about my head?”. You then get more into a counselling mode, still with the individual. After some time, the most effective mechanism we have found is to encourage people to form or join support groups with peer survivors. We have managed to do that in three different spaces with three quite different groups of male survivors. Those groups allow people to re-establish a sense of social identity and a sense of being respected again. At the core of sexual violence against men tends to be an attempt to emasculate and to destroy social identity. Being in a group, even if is a new group and is parallel to existing structures, helps to give back a sense of being recognised as an adult and as a man. That becomes one of the most successful interventions at a more psychological level.

Professor Doris Schopper: May I add to that?

Bishop of Derby: Yes, please.

Professor Doris Schopper: Thank you. To add to what Dr Dolan has said, it is clear that medical care is absolutely central. We would go as far as saying that if medical care is not available for victims of sexual violence, you should not make interventions in a community. That is particularly important, of course, for people who have recently been exposed to sexual violence. As Dr Dolan was saying, there are long-term consequences of these incidents, which I will come to, that need to be addressed. Then there is the psychological care to encourage and enable them to talk about this and to address their psychological wounds et cetera. Medical and psychological care are absolutely essential.

Q103 Baroness Hilton of Eggardon: Dr Dolan has already touched to some extent on the needs of male survivors. Clearly, there are rather different symbolic and psychological aspects for a male victim of sexual abuse. However, it seems there are probably generalities and points in common between what happens to women, to children and to men, even if there are points that are different. Do you see the needs of women, children and men as being generally different, or are there just specific aspects that need to be addressed?

Dr Chris Dolan: The experience of children is quite different from the experience of adults, in so far as the child has a much less developed social identity and sexual identity, or sense of their own sexuality. That does not make it worse or better for children or adults; it just makes it a quite different experience. The needs of children who are not yet playing key social roles—are not yet in relationships with spouses or children—are quite different. There are specific needs. I am not judging them as worse, better, greater or less, but they are different and are not yet well understood.

On the medical side, which we started with, there are many different forms of sexual violence, but depending on the form that the sexual violence took, the recovery process itself may pose particular challenges. I am thinking here of things such as nutrition. We have many refugees trying to survive on food rations that just do not correspond to what you need for a recovery process. There are other needs, such as those of men who have been abandoned by their families because they are now viewed as less than men or as homosexuals. Quite often they are absolutely alone and unable to do any physical labour because they are not in a fit physical state and are really at the mercy of all sorts of issues.

There are differences, and the whole logic of the violence is different when it is done to children as opposed to adults. That needs to be further disentangled. We tend to say “women and girls”, and now that we are talking more about men we tend to say “men and boys”, as if they are homogenous, but they are actually very different. The cut-off point between boy and man, or between girl and woman, is different in different places. None the less, we need to find what that cut-off point is in different environments and to look at the specific needs that relate to those different identities and different stages of development.

Ms Josephine Wambui: I will just pick up on the point that Dr Dolan made about the cut-off point between men and boys, or between women and girls. In the context of violence in Somalia, which I am familiar with, there is early marriage. A girl quickly transitions to becoming a woman: she is married and has children, and then violence is meted out on her. There are issues that need to be unpacked as we provide the medical services and the psychosocial support. There needs to be discussion around how you treat a woman who is essentially still a girl. Those discussions are important.

Baroness Hilton of Eggardon: Do you use support groups in the same way that Dr Dolan has mentioned to help them get over the psychological trauma?

Ms Josephine Wambui: Yes, one of the partners that I worked with in south-central Somalia has support groups, which is how they bring the women and the girls together. It is one of the ways in which they are able to talk about what is affecting them and keep in touch with each other and form bonds. So yes, it works.

Baroness Hilton of Eggardon: Dr Dolan, did you want to add to that?

Dr Chris Dolan: Just briefly, if I may. We are in the preliminary stages of an analysis of the costs of medical treatment. When we compare the costs of treating 200 women and 100 men, we find that the men are more expensive. The courses of antibiotics and the surgery overall tend to end up being more costly than for women.

Baroness Hilton of Eggardon: Because the physical trauma is worse?

Dr Chris Dolan: Yes.

Baroness Hilton of Eggardon: Professor Schopper, did you want to add to that?

Professor Doris Schopper: No, that is fine, thank you.

Q104 Lord Black of Brentwood: I wanted just to follow up on a point that Ms Wambui started on in her first answer, which was about stigma. We have heard a lot about how stigma plays a role in preventing victims from reporting crime in the first place but also then from seeking help. It would be interesting to hear your views on how such stigma could most effectively be countered. Supplementary to that, I would be interested to hear how that impacts on LGBT communities in particular, where a double dose of stigma probably occurs.

Ms Josephine Wambui: Where I worked, I did not come across many LGBT issues. Somalia is very silent about them, so I would not be able to offer much on that. However, for dealing with stigma, support groups are really helpful, not only at the national level or in urban centres but especially in targeting the rural areas, where stigma is much greater. Supporting the very small community organisations that run these support groups is very important, because it is one of the ways to share the message and to raise awareness in the community about the impact of sexual violence, and about the fact that it could happen to anyone and is not confined to only a few people. Raising awareness in rural areas is especially important. It is important in the urban areas, but we should also consider the rural areas.

Working with the media is also useful and important, as is protecting them. In south-central Somalia, journalists were arrested for reporting cases of rape. We need to work with the media and support them in reporting cases correctly but also protect them from being jailed for reporting these cases. Stigma also comes from the police. If you report the case to the police and the policeman does not believe you and reacts negatively, you will never report a case again. A lot of women or girls have not reported cases because they say there is no justice: “If I report, my next-door neighbour will know”. The policeman belongs to the community, so there is no feeling of safety. Raising awareness in some of the structures that the survivor will interact with is important.

Dr Chris Dolan: One of the ways in which we have tried to do this, which I think has helped, has been to introduce systematic screening for all refugees who come to our offices. In that screening we ask standard questions about sexual violence experiences, mental health challenges and access to justice problems. We ask everybody, whether they are male, female or other, which creates a microclimate in which everyone knows that when they come to our office they will be asked these questions. It has been quite surprising, but also very useful, to find that when you normalise those kinds of questions, people generally answer much more openly than I anticipated before we did this. That is very important on many levels.

Linked to that, we have created materials—posters and the like—which indicate that sexual violence in particular can happen to anybody: LGBTI, male, female, the elderly, the disabled, the young. Helpline numbers are attached to such information to make it possible for people to access support without having to go through any kind of gateway, if you like, where they may get identified or have a finger pointed at them.

The support groups are incredibly important, but it is important to have support groups not just for survivors of sexual violence but for a whole range of different issues, so that again you create a microclimate in which a larger number of people become aware of issues of discrimination, marginalisation and so on. We run training workshops for leaders of

different support groups where we juxtapose leaders of LGBTI support groups with survivor support groups, with the parents of children born of rape, with people living with HIV—a whole gamut of issues together. Because of the nature of the meetings, they know that this person has this issue, that person has that issue, and bit by bit you start creating a change. Male survivors, for example, would initially try to meet in darkness: they did not want to be seen. These days they go on national television.

That brings me to my last point. With the groups we are able to create platforms for them to speak for themselves. That, too, is incredibly mobilising for all sorts of people. If you see a parent talking about bringing up her child born of rape, or his child born of rape, and that is on TV, it changes the discussion completely. It is no longer an issue that is pushed under the carpet. We see a lot happening with that.

We have also found that screening short documentaries by survivors themselves enables so many people to come out and talk about their own experiences related to what they have just watched. There are many different modalities. The whole question of training is massively important. You cannot break down stigma when everybody is still hidden away. People will remain hidden away if there is no value in disclosure. If you are to disclose, you need police officers who understand that this can happen to anybody. In Uganda we had to re-work the police form on which such violence is reported, because the body depicted on which you were supposed to mark where things happen was female. Medical service providers who have never had any training on working with men and LGBTI bring the same stigmatising assumptions into their encounters with such clients unless you have done the training work with them. We need quite a complex range of responses.

I will just add one more and then I will be quiet. Our own staff need to become very adept at reading the signs so that they can help somebody to talk about what happened to them. That might involve a lot of non-verbals, a lot of body language, a lot of attitudes that you might misinterpret, but if the person is well trained they can cut through that and help the client they are talking with to start to talk about what actually happened to them. Until that happens you are really not going to go anywhere very far. I do not believe that you cannot address stigma as an abstract; you have to address it through people turning themselves into activists.

Lord Black of Brentwood: Before asking Professor Schopper, you both talked about the importance of support groups. Do you have enough of them?

Ms Josephine Wambui: If we are talking about having support groups that are not just about survivors, I do not think you can ever have quite enough.

Dr Chris Dolan: I would say that we have more than we can handle in the sense that these groups take on their own dynamics. Things happen in these groups as people become more empowered and more vocal. We have more than enough, but we do not have enough support for the support groups. It is incredibly difficult to get money for them, despite the fact that the amounts are trivial. You can keep a support group moving along for \$20 a month, which is less than \$500 a year. If you have a \$1,000 a year for a support group, they can do something really useful, so it is an incredibly cost-effective intervention, but getting that \$1,000, if you do not have that in your budget, is a challenge.

Lord Black of Brentwood: Professor Schopper, did you want to add anything?

Professor Doris Schopper: Yes, very much so. There were two different parts to your question. One was about how stigma prevents victims reporting sexual violence, the other was about seeking help. In my opinion we should separate these two issues, because what is emerging here is that victims of sexual violence do not seek help as much as they report it. There are certainly a whole host of other issues to consider over reporting, such as police training and access to justice for victims. We can come back to that later. When stigma is attached, that does not allow them to seek help, but for many psychological support is extremely important. At the moment, as Dr Dolan said, the screening is done for those who come, such as women and refugees; sometimes everybody goes if you have a screening. That is not what happens in the non-refugee situation and when there is violence. What happens in those situations is that screening is done for people who come to the health facilities. The problem is: what about those who do not have health facilities? Those who come to the health facilities are those who have taken the pledge to seek help. That means that we need to look at what we need to do to increase access to health facilities to allow people to come forward to those facilities.

One issue that is extremely important here is safety, which has been mentioned. It is also about surety, which is of course about the attitude of the workers dealing with patients: so empathy, maybe prejudice towards people and judgmental attitudes, which goes back to the training issue. There is also concern about people not just being protected from sexual violence but being able to say, “I want to go to this place”, to get protection from sexual violence. That can become counterproductive when it becomes known that password actually means the need for protection from sexual violence. So they have tried to increase access to services. One point I would make about stigma is to draw attention to who it is coming from. We talk about the wider community, but stigma starts with the family, with partners and husbands. When a woman is a victim of sexual violence, she may be rejected by her husband. The other question then is how you work on that before working in the wider community.

One thing that we have not mentioned—I am not sure if it will come up later, but I just want to mention it here—is that health studies have shown that during and after conflict the increase in domestic violence, intimate violence, is more significant than the sexual violence perpetrated by armed actors. We need to think not only about armed actors but about what happens in intimate relationships among partners, neighbours and family members, because that is where most of the sexual violence may happen. Studies in Liberia, Côte d’Ivoire and now also from Lebanon and Algeria have shown that of course there was violence by armed forces, but the much greater incidence of violence was within intimate relationships. So we need to think about stigma in that context as well, which is a bit different from always talking about the community as a whole.

As for support groups, we have tried to find evidence of what works when it comes to support. It is very context-related and depends on the culture and the type of community. It can just be peer support, but it could also be things like livelihood strategies, which they are helped to carry out together. This has been done successfully in the DRC with some of the victims of sexual violence. There is also the question of what we mean by “support group”. It is a generic term that can mean many different things.

Lord Sterling of Plaistow: I have a supplementary. It is very obvious that all three of you do marvellous work out there, but your enclaves, in a way, handle the problems once they have happened. We had a professor here a week or so ago who spent a lot of his life in central

Africa, in particular in southern Uganda—where, as a matter of interest, I lived for a while many years ago. This is really for Dr Dolan—the work that you are doing, from listening to you, is absolutely splendid. There have been so many conventions, and resolutions by the United Nations, but the professor who was here last time said that, sadly, whenever he goes back—a bit like you were saying before, Baroness—he sees very little progress: nothing is being implemented and nothing is really improving. You are dealing with the results of that. I am trying to see to what extent the authorities locally are helping. In the part of Uganda that you know, in Kampala, do you see any improvement in the attitude of the government authorities—those who really can make things happen?

Dr Chris Dolan: This is one of those critical questions. Often, we do not see the changes that we would like to see, but that is no reason not to try to push for those changes. We have realised that on certain issues it is more effective to work through the technocrats within ministries than to try to get change at the public or political level.

On sexual violence, we have invested a lot of effort in the training that is given to police: shifting the curriculum at the national police training school has been one mechanism for doing that. In other respects, the challenge comes not just from the local authorities but from the international organisations. Particularly on the issue that I am focusing on this afternoon, that of male survivors, the international organisations—or at any rate their staff on the ground—are as ignorant as their governmental counterparts. We face the same problems of confusion around homosexuality. With sexual violence against men, all the stigma is lumped together in one easy bundle. It operates at multiple levels, and we have to work at both a national and an international level, and through ongoing day-to-day training. When we do that training with the local stakeholders or duty-bearers, we find that it very quickly shifts the conversation, and we start to get police officers calling us up when they encounter a transgender individual, for example, and do not know how to respond. We find that is a more effective method in a sense than changing legislation. Changing legislation takes many years, and, as you say, it does not get implemented very quickly even when it is there.

The Chairman: Thank you very much Lord Sterling and Lord Black. We have five more Members to ask questions: the first are Lord Hannay, Baroness Young and Baroness Goudie. Lord Hannay.

Q105 Lord Hannay of Chiswick: Could we turn to the question of impunity, which Lord Sterling has just touched on? I suppose it would be common ground to all of us to feel that it would be a wonderful thing if you could bring an end to impunity. Equally, I am well aware that this has not been achieved—nothing like it has been achieved—and that if it had been achieved, there would not be as much sexual violence as there is. What could all three of you say about what more could be done to, as it were, chip away at the culture of impunity and to reduce it, whether by international or national judicial means or by cultural means?

Professor Doris Schopper: I would be happy to answer that, if I may.

The Chairman: Please do Professor Schopper. Go ahead.

Professor Doris Schopper: Thank you. Just last year we had a conference looking at this issue of impunity. There is a wonderful paper by a professor from California University called Kim Seelinger; I do not know whether you know of her. She has researched what happens on the legal side with regard to sexual violence. When you read her paper or listen

to her talk, or listen to people who work on this at the Office of the High Commissioner for Human rights here in Geneva or to other people, you see the different steps the victim has to go through, starting from the medico-legal certificate, the forensic evidence that needs to be collected, the report to the police, filing the papers with prosecutors, going to court—often for a public hearing—and then maybe getting a judgment that does not correspond to the expectations of the victim. Then there may be an appeal by the person accused. Then the person who you want to jail may evade jail, which happens frequently and is terrible for the victim. When you look at all these steps, the evidence now is that only about 6% of victims ever report their case and start to go through this process. The proportion of those who get to the end is even smaller. Why is that? The legal system in most countries where this happens is very dysfunctional, so getting justice in a national court is extremely difficult. People encounter several problems at different steps. You may know that in the DRC a mobile court was set up, supported by the American Bar Association, to go to the villages and to have everything done on the spot much more rapidly. The experience of that was that it was extremely expensive and is certainly not sustainable.

Another thing that people have looked into is how much customary law could be used. After the genocide in Rwanda, the Gacaca court had a very mixed track record on justice for the victims of sexual violence. It has not always worked very well. We do not have very good evidence about how we can make the courts better. The first thing would really be to see what could be done to give support for the national legal system to make it safer for victims of sexual violence to come forward and have due process that in the end gives justice for what happened. The issue is getting not only justice but reparation, which may be even more important. We should watch and see who is getting justice in the formal sense of giving reparation to the victim, which can happen in another way. Part of what victims want is to be acknowledged—for it to be acknowledged that this happened to them and that it was a wrongdoing—more perhaps than the prosecution of the perpetrators, which may be a burden to bear and a difficult situation for them. When we look at medical care and psychological care, we have learnt partly what to do. We have learnt a bit about what to do to give victims support in the community. When it comes to justice for victims, we are very much at the start.

Dr Chris Dolan: On this question I think there are four different points. One is that a lot of domestic legislation needs reforming. Despite what we just discussed, where laws exist, even if they are not implemented fully, they have an impact on how people handle certain situations, and that is particularly the case with sexual violence-related legislation. There is a need to reform domestic legislation, for example to recognise male victims and female perpetrators; about 70 countries do not recognise male victims, and about 30 countries do not recognise female perpetrators. The Rome Statute is currently the best model for what sexual violence laws need to grapple with. It currently has the best definition of rape and recognises other forms of sexual violence. It also understands the whole concept of something that looks like perpetration but is actually somebody being forced into conducting acts of sexual violence totally against their will, which is very much a feature of a lot of the conflict-related sexual violence that we see. So I would hold up the Rome Statute as a model.

I know that my colleague Niamh is going to speak about investigation skills, which need a lot more work. As I said earlier, if you do not know how to ask the right questions at the right time in the right way, you will never get disclosure.

On a much broader level, the whole question of impunity rests on silence, and we need to look at where we are playing into the silencing of particular forms and patterns of sexual violence. Certainly in the way in which sexual violence in conflict has been documented today, we have seen a lot of silence in the one-third of cases that I believe are male cases, because people are not asking the questions. There is no box to tick for the male survivor. We have contributed a lot to a culture of impunity through a lack of adequate research and documentation. There are many different places where we need to tackle impunity.

Lord Hannay of Chiswick: Can I just follow that up with you? You spoke very highly of the Rome Statute for the International Criminal Court, which I agree with you is an admirable innovation, but are you not a bit disappointed that virtually none of the prosecutions that have taken place and the cases that are being prepared relate to sexual violence in conflict? Have you any idea why that should be?

Dr Chris Dolan: I cannot answer that fully. It is important to distinguish between the Rome Statute as a set of principles and the International Criminal Court as an institution. I talked about the Rome Statute. I could talk about what I think is wrong with the Court and how it functions, or does not function, but it would take quite a while. I do not feel I am the best person to address the question of the balance of cases, but I think Niamh will come to that in the next session.

Ms Josephine Wambui: If I may, I will pick up on the point that was raised about formal and informal justice systems. In the case of south-central Somalia there is the traditional system, there is the formal system, and there is sharia. When we worked there we supported the formal system. There was support for the sexual violence Bill, there was working with the police, but then we realised that no one was reporting to the police. The majority of those who do report to the police go through the traditional system or the sharia, the religious, system. So one of the things that we started doing just as I was leaving was trying to understand the relationship between the formal, the religious and the informal justice systems, because in some way all of them work together and deliver some sort of justice. Understanding that and seeing how to tackle impunity in an imperfect, unempathic mix of systems is interesting. One of the things that Oxfam and Saferworld were doing was research into formal and informal justice systems not only in Somalia but in Pakistan: where people report, why they report there, what their appeal mechanisms are if they feel that the formal system does not give them justice. That process is going on, and it will be interesting to inform that.

The Chairman: Thank you. Next we have four more sets of questions: from Baroness Young, Baroness Goudie, Baroness Hodgson and Baroness Kinnock.

Q106 Baroness Young of Hornsey: We have touched on this question already. It is about different justice mechanisms and what role they can play in accountability. There are the formal justice mechanisms, and you, Ms Wambui, have very helpfully outlined three different modes of addressing this problem. Perhaps you specifically would like to say something about the extent to which the victims who have been through the informal systems, the sharia system or the traditional system felt that justice had been done and that there had been accountability for these dreadful crimes. Perhaps, Dr Dolan and Professor Schopper, you could also give us some examples of where you think there has been some effective use of informal, or different, justice mechanisms.

Ms Josephine Wambui: We received mixed reactions. As I said, just before I left the organisation we were doing a field study, and we realised that among those who went through the formal system there was a feeling that they were not received well right from the time they reported the case at the police station. There were those who shared stories of having reported the crime, the perpetrator was arrested and held, but there was an extra requirement for them and their family to provide food for the perpetrator because the police station did not have enough resources to sustain anyone they hold. So you have that. Then you go through the court process, and sometimes the traditional elders come in, talk to the judges and say, “We can sort this out at our level, the traditional level”, and the case is dropped. There is the feeling that the formal system is not strong enough yet to offer them the justice that they seek. The traditional system is very collective, in a sense, in that if the survivor makes a report, a meeting is held with the perpetrator and his family, they discuss it and a fine is given, if I may use that word, and it is his clan who come together and pay. It is a collective responsibility. When that payment is made, it does not necessarily go to the survivor—it will probably go to the male members of her clan—so she may not feel that there is justice. At least there is some sort of payment, but it is still “half/half”. When we talked about sharia, one of the things we found was that it is very strict: if you do this, this is going to happen. It is also very punitive. So the survivor will have to look at all three systems and decide which one they go to.

Another reason for making a particular choice is what is accessible. If I am in a village, where can I go? Is my religious leader the closest person to me, is it my elder, or is it the police and the court system? Appeal processes are also different. If I feel that I do not receive justice at the traditional level, what other mechanisms are there for me to appeal through? Those are not clear. I know it has happened, and there is some anecdotal evidence to show that, but I do not think that enough information is collected to show how one case can move from one system to the next, how they interact, and how there can be accountability so that people do not play the system—because there is always that issue.

Dr Chris Dolan: Where Ms Wambui just stopped is where I wanted to start. People play these systems off against each other a lot, and often it is not the victim herself who makes that decision but the parents. The parents will use the threat of a sentence for defilement, for example, to squeeze the money out of the accused, and as soon as that has happened they drop the whole case. The way in which the traditional and the formal are played off against one another is an important part of our understanding of what is going on. In IDP situations, for example, as was said, traditional justice is done in a very collective way. It is also very patriarchal. Those mechanisms hold out absolutely no hope of redress for male victims or LGBTI victims. They hold out some hope for some women and girls, but not very much. So I am not particularly optimistic about traditional mechanisms providing justice in the way we understand it under a formal justice system. They are good for other dimensions, such as acknowledgement and recognition. They can be much better than the formal process, and they are generally much quicker.

I would just like to reference one example of male survivors who never got justice for what happened 25 years ago. For them the decision to disclose, and to go public with their disclosure, has been the best that they could get, in the sense that it shifted them from the position of being a victim who had to hide what had happened even though it was an open secret—everybody knew it but you were not allowed to talk about it—to deciding, “Okay, I’m going to talk about it. You will have to acknowledge it, and in the process I will get

recognised again as an elder”. We have seen some interesting dynamics around that, but, as I say, do you need to wait 25 years before you can talk about it? There are lots of limitations on all these different mechanisms.

Professor Doris Schopper: I very much agree with Dr Dolan that customary law is usually linked to very patriarchal societies, which means that it will not benefit women, and male or LGBTI victims of sexual violence probably even less so. One example came up several times involving participants from the Middle East. Under customary law a woman who has been raped has to be married to the perpetrator following that rape. That is the kind of customary mechanism that we are dealing with. One needs to be extremely careful about making judgments as to where courts see a benefit, because perhaps it is better than nothing.

I referred to the Gacaca court, but it is not really a customary mechanism. It is more aligned, I think, to a traditional justice mechanism, where after conflict you have a kind of reconciliation phase where people in the community can come out and say certain things and people can ask for forgiveness. It is a traditional justice mechanism based on the possibility of dealing with the perpetration of sexual violence. That, of course, can be very positive and sometimes very striking. A very good film was made in the DRC on perpetrators of sexual violence in the recent conflict. It is astonishing to see that many of these persons have absolutely no sense of guilt over what happened, so the victims do not even get the chance to say that something terrible happened to them or even an excuse for what was done. So in that sense a lot of caution has to be taken over the customary mechanisms, which may not be as bad as thought.

The Chairman: Thank you so much, Baroness Young. We have three more questioners. At the risk of appearing ungrateful, could I ask our witnesses to be relatively brief, as I am very keen for Baroness Goudie, Baroness Hodgson and Baroness Kinnock to ask their questions?

Q107 Baroness Goudie: Thank you, Lord Chairman. I would be very pleased if you wanted to take the questions together and for the witnesses to answer all three in one comment if you felt that would be helpful because of the time. I would like to ask a question about an issue that I feel very strongly about, as I know Members of the Committee do. At the peace table and in negotiations, the problem of livelihood support has also come up. Representative Banguri felt that this was a missing link in aiding women who experience conflict-related sexual violence to get further employment and training, to move forward in employment, to help with their families and, in some cases of course, paying for school fees. In some areas there is no free schooling, and we want people to be able to move on.

Ms Josephine Wambui: I totally agree that livelihood support is important. We find that once you equip a survivor with skills, they can provide for their family and take back some of the power that they feel they have lost. That is very important. It is not the only thing, but it is part of the healing process.

Dr Chris Dolan: I totally agree. I would also point out that the same holds true for male survivors, in the sense that very often they have been stripped of their traditional roles as heads of households, providers, protectors. That becomes a source of distress not just to them but to their families and spouses, and one of the reasons why families end up splitting up, so there is a need for that kind of support across the board. I do not think that one should rush to livelihood in the absence of any attempt to understand why, if it is for

women, a woman is alone. Is that because of stigmatisation? Has she been abandoned by her husband, by her family? Those questions also need to be asked.

Professor Doris Schopper: I would just add that there is quite a lot of evidence now that it does not benefit victims of sexual violence to have support just targeted at them. It can be counterproductive because it can lead to further stigmatisation. In conflict situations, many people have issues with their livelihood. It is not only sexual violence that can happen: many other terrible things can happen, and paying particular attention to survivors of sexual violence can actually backfire. So now there is much more of an attempt to ask who the people in the community are who need livelihood support and then to provide that support but in a broader sense. Of course you may have a specific setting, where the clinic or whatever in the community has created livelihood support for survivors of sexual violence because they are in the clinic, and that has made a difference. But in the community, I would very much caution against having a livelihood support programme specifically directed at survivors of sexual violence. I would integrate them into these programmes, but without finger pointing.

Q108 Baroness Hodgson of Abinger: How effective do you think that the UK's Preventing Sexual Violence Initiative has been in responding to the needs of survivors, which has been one of the focuses of the initiative?

Ms Josephine Wambui: I feel that the focus has mostly been at the national level and mostly around policy. I was reading a speech about UK expertise to help national governments to prevent and prosecute sexual violence in conflict settings. However, work at the national level might not translate to results on the ground. I am very passionate about work on the ground at the local level, where the issues are. Yes, it is important to support national governments and to have policy, but the weakness has been in supporting the bottom to be able to demand that transparency and accountability and to demand justice. You need to build the capacity of local organisations that are working day in, day out on these issues and to support them to protect themselves, because there are reprisals against them when they are working on these issues. Staff at one of Oxfam's partners were put at risk, so we need to support them to have security mechanisms for themselves and their staff to be able to work, especially in violent contexts. For me, the top and the bottom have to be complemented. PSVI has done the top, but the bottom is lacking.

Dr Chris Dolan: I would say the same thing. It has been better at drawing attention to the needs than at addressing them itself. It has done a very good job at shifting the discussion and moving it forward, but in terms of practical needs at a grass-roots level, there is some way to go.

Professor Doris Schopper: I feel totally the same way. We can sense now at an international level that the discourse at the political level has changed very much, but we still hear about how difficult it is for organisations on the ground to secure funding and how difficult it is to set up and to fund small projects. The big gap for me is mechanisms to support and fund small organisations at the local level in countries where this takes places. That is the gap right now.

The Chairman: Thank you. Our final question, Baroness Kinnock.

Q109 Baroness Kinnock of Holyhead: Thank you to the three of you for your very coherent and helpful remarks. What steps should be taken, in your view, to ensure that sexual violence does not continue in post-conflict societies and situations? Even if we think we have made some progress, we need to be aware that hostilities can resume at any time and to be prepared for that. How can we ensure that we are?

Ms Josephine Wambui: One of the things that we were trying to do in the context that I was involved in when I left Somalia was understanding the justice systems. Contexts are different, and understanding the different justice systems and how they work, and the power that is played out in all those systems, is important. I would not say that one should support one over the other, but the formal justice system could be promoted. If it does not work, there is disillusionment. We need to understand and try as much as possible not to support one over the other. As we have said, the gap is in the support for the local organisations that are on the ground and do the work. That, for me, is very important, because in the event that hostilities arise, those are the ones that will be left: the international organisations will be out and the government will probably not be in a position to provide justice or services, but the local organisations will be the ones dealing with whatever is coming out. For me, those are the three things.

In terms of ensuring that hostilities do not resume, I guess there is conflict analysis. Whoever is working in those contexts, it is important to have a gendered conflict analysis and a gendered power analysis to understand what the issues are. Those are my points.

Dr Chris Dolan: It is an interesting question, because it raises all sorts of questions about the idea of rape as a weapon of war. It also raises lots of questions about whether peace processes actually end wars or just change the framing of the hostilities. I did a piece of research in 2010 in eastern Congo on community perceptions of sexual violence. The conclusion was that the war was not yet over, even though at that particular point there was a lull in all the main hostilities. People felt that the war was not over essentially because the economic conditions were making it possible to recruit people into various different armed groups and the political tensions between different ethnic groups had not been resolved. Much as there had been negotiations, peace deals and so on, the actual underlying causes had not been addressed. That is the big picture.

At a more micro level, we have seen a lot that among the refugees who we work with there is tremendous clarity about the fact that sexual violence in conflict, if it is not addressed, leads to domestic violence in peace. They make a very clear connection between what happened to them during the conflict and the ongoing problems that they have at the domestic level, even in a country of asylum. It means that we need to be thinking very hard about the response itself as a form of prevention. If we respond and intervene, we are able to contribute to breaking some of those cycles of violence.

Professor Doris Schopper: To tag on to what Dr Dolan just said, the question is rather how we deal with sexual violence post-conflict or in a protracted crisis. There are two different things that we need to think about here. One is post-conflict where we have a fractured society where violence has become the common rule or just a bigger trend, so violent behaviours are much more prevalent than they were before the conflict. People need to be able to re-engage in a normal social life. If that does not happen, there will be a high prevalence of sexual violence after the conflict. That can often lead to domestic violence or violence within relationships.

The other thing is that, in the long term, if we want anything to change with respect to this, in some ways you have to change society. You have to change gender roles, perceptions around violence and sexual violence et cetera. That is a very long-term endeavour, which is not what humanitarian actors engage in.

But if you do not have these profound societal changes, it will be very difficult to change that. We need to acknowledge that sexual violence will be very prevalent post-conflict and that we need to provide services to survivors of sexual violence. As Chris Dolan said, having such services is perhaps the best entry point to prevention activity. We also know nowadays that we know very little about how to prevent sexual violence: there is very little evidence about what means are effective in preventing sexual violence. So we have to be very humble. One thing would be to invest more, not necessarily in research but in putting in place very stringent monitoring and evaluation of the problems. That way, we can better learn from what we are doing about how to tackle this in the future.

The Chairman: Professor, thank you very much. In a sense, you have wrapped up the discussion with your last comments, which were very helpful, as all your evidence was. Thank you very much, Ms Wambui. We are looking forward to seeing what you do next. You have given us a great deal of information and hugely useful perceptions from your enormous amount of work on the ground. Thank you very much to Dr Dolan for your very full reports and for tackling an issue that we have been underobserving. Since we have not had the evidence on it before, you filled in a very large gap for us, and we are deeply grateful. Thank you all.

We could spend all day with you and still be learning, but alas we have to move on. Undoubtedly we will have a few more questions by email, and we would be grateful for your replies to those as well. On behalf of all the Committee, thank you for all your help.

Department for International Development, His Honour Judge Jonathan Carroll, Foreign and Commonwealth Office, MADRE and Physicians for Human Rights – Oral evidence (QQ 10-17)

Department for International Development, His Honour Judge Jonathan Carroll, Foreign and Commonwealth Office, MADRE and Physicians for Human Rights – Oral evidence (QQ 10-17)

[Evidence to be found under His Honour Judge Jonathan Carroll](#)

Department for International Development – Written evidence (SVC0019)

Summary

1. During conflict and humanitarian crises, the incidence of physical and sexual violence increases due to insecurity and the breakdown of social and protective systems. DFID has a unique position, with both **humanitarian operations and long-term development programmes** in our portfolio, to address both immediate needs of survivors of sexual violence in emergencies and tackle underlying root causes of violence, such as gender inequality and discrimination and lack of women's political participation.
2. Eliminating violence against women and girls (VAWG) is one of four pillars of action in DFID's [Strategic Vision for Girls and Women](#). The Strategic Vision articulates DFID's commitment to put women and girls at the centre of our overseas development and humanitarian assistance. From 2012 – 2014, DFID has **scaled up VAWG programming by 63%** with a six-fold increase in humanitarian programmes, including in conflict-affected contexts such as DRC, Burma, and Somalia. Funding for VAWG-focused programmes in all contexts increased significantly between 2012 and 2014, from just under £20 million in 2012 to **over £131 million in 2014**, which includes programming in fragile and conflict-affected contexts.
3. DFID is committed to addressing all forms of VAWG in emergencies, including sexual violence used within armed conflict. DFID's approach to addressing VAWG in emergencies is **complementary to the FCO's responsibility for preventing sexual violence in conflict**. Both departments are committed to ending the use of sexual violence within the context of conflicts with recognition that this is a violation of international humanitarian law and an egregious violation of human rights. Continued efforts are needed to reduce the impact of emergencies on women and girls, and to tackle violence in all its forms, in both conflicts and natural disasters.
4. VAWG is also a central component of the UK's **National Action Plan (NAP) on Women Peace and Security**. DFID has an important role to play in **tackling the root causes of sexual and gender based violence** through empowering women and girls. In collaboration with the FCO, DFID supports the strengthened approach to implementing UN Security Council Resolution 1325 through the latest NAP, published in 2014, which brings together efforts from across the Government's development, diplomatic, and defence engagements.
5. Tackling sexual violence in conflict must be part of broader efforts to tackle all forms of violence against women and girls, prevent and respond to conflict, and empower women by promoting their political, economic and social participation. 2015 presents a particular opportunity for the UK to provide international leadership on this agenda with the agreement of a new set of Sustainable Development Goals and the 15th Anniversary since the UN Security Council adopted resolution 1325 on Women, Peace and Security. The UK will also pursue ambitious outcomes to reduce the vulnerability of women and girls to violence and exploitation at the World Humanitarian Summit the following year.

Introduction

6. The UK Government is committed to protecting the most vulnerable, including girls and women, from the effects of conflict, violence, and emergencies overseas, whilst doing all we can to improve their lives and help them reach their full potential. The Department for International Development (DFID) has put girls and women at the heart of its development and humanitarian assistance, and preventing violence against women and girls is a priority area for action. DFID works closely with other Government departments, including the FCO, who lead on the Government's Preventing Sexual Violence Initiative and coordinate the Government's implementation of UN Security Council Resolution 1325 on Women, Peace and Security. As such, this submission from DFID is intended to complement those from the FCO and MoD.

The international policy agenda

Question 1: What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

7. Over the past year, DFID has made tremendous progress in bringing violence against women and girls to the forefront of the international agenda. DFID has played a significant role in pushing hidden, sensitive and neglected issues into the spotlight, including Female Genital Mutilation (FGM), sexual violence and intimate partner violence in all contexts, including in humanitarian emergencies and conflict-affected settings.

The Call to Action

8. In November 2013, the UK Secretary of State for International Development Justine Greening launched, with Sweden, the **Call to Action to Protect Women and Girls in Emergencies**. This brought together governments, UN agencies, international NGOs and civil society organisations to set an ambitious agenda to ensure the humanitarian system protects women and girls from violence as a priority, and provides for their unique needs.

9. The event saw the endorsement of a ground breaking [Communique](#) to agree that early action to protect girls and women in emergencies saves lives. Preventing violence and protecting women and girls should be prioritised from the onset of an emergency response, alongside other life-saving interventions. In times of conflict the humanitarian community should ensure safe and comprehensive services are provided for survivors of sexual and other forms of violence. The Communique also emphasised the importance of working with communities and local civil society to ensure that humanitarian responses are informed by the local context and women's experiences.

10. At the launch event, DFID announced over £20million in new funding to build the capacity of the international humanitarian system to better respond to often neglected needs of women and girls during emergencies **by increasing the number of deployable experts** and to build the capacity of local actors. DFID also committed to fund almost £10m of projects in Lebanon and Jordan to assist vulnerable Syrian refugee families where girls are at risk of early or forced marriage as well as provide essential services to survivors of violence in Syria.

11. Two years later the Call to Action has been an important tool to galvanise increased efforts to protect vulnerable women and girls in the face of today's unprecedented humanitarian needs. At the global level, DFID has participated in a Call to Action Steering Committee to guide the development of a Roadmap for Action that will articulate what donors and states, UN agencies, NGOs and the Red Cross/Red Crescent Movement need to do by 2020 to improve outcomes for women and girls in emergencies. In particular, we have pushed for stronger transparency and accountability in how Call to Action members - including the UK – implement their commitments. We have worked closely with the current leaders of the Call, the United States, to ensure the Roadmap also contains a monitoring and evaluation framework that will enhance existing reporting on effective implementation.

12. The Roadmap to Action is expected to be launched by US Secretary of State Kerry in the margins of the UNGA in September 2015. The UK will champion it as a vital tool in driving change, fostering accountability and measuring progress to protect women and girls in emergencies. Specifically, the Roadmap will commit all members to a number of priority actions, regular reporting and a minimum level of support to the collective effort to transform humanitarian practice on gender-based violence. The Roadmap to Action will complement other processes, including the forthcoming World Humanitarian Summit, where DFID is also pushing for women and girls to feature strongly.

Preventing Sexual Violence in Conflict

13. The Call to Action and the Preventing Sexual Violence Initiative (PSVI) are complementary initiatives which both will contribute to improved protection of women and girls in crises. The Call to Action helps fulfil the aim set out in the Declaration of Commitment to End Sexual Violence in Conflict by mobilising the humanitarian community to address the many forms of gender-based violence in all types of emergency, including sexual violence in conflict situations.

14. DFID coordinates closely with the FCO in support of a holistic UK Government approach to tackling sexual and gender-based violence overseas, both at Ministerial and official level. Last year, DFID worked closely with the FCO to contribute to the Global Summit to End Sexual Violence in Conflict, hosted by the (then) Foreign Secretary, William Hague, and the Special Envoy for the UN High Commissioner for Refugees, Angelina Jolie. The Summit was an important opportunity to push for greater action to prevent and respond to violence against women and girls in emergencies, including conflict. DFID's Secretary of State Justine Greening chaired a ministerial roundtable that pushed for greater progress among the humanitarian community in implementing the Call to Action, and secured 6 new signatories, expanding the breadth of its membership beyond traditional humanitarian donors. Participants agreed on the need to implement the commitments contained in the Call to Action, to ensure that those making them are held accountable for them, and to broaden international agreement on how best to protect women and girls in emergencies.

15. DFID has submitted its annual report on progress against its Call to Action commitments to the United States as current leaders. The US will compile reports from all members and publish a comprehensive Call to Action annual report in the margins of the UN General Assembly in September 2015. We are committed to stronger accountability and transparency on implementing commitments to prevent and respond to VAWG in

emergencies, which will be taken forward through the above-mentioned Call to Action Roadmap monitoring framework.

The Sustainable Development Goals 2015

16. For the last three years, the UK has been championing a simple, compelling post-2015 sustainable development framework, including a standalone goal on gender equality with a target on violence against women and girls, and mainstreaming gender throughout all goals. That has now been achieved. The [2030 Agenda for Sustainable Development](#), agreed on 02 August 2015, includes as Goal 5: Achieve gender equality and empower all women and girls. Under this goal, and Goal 16 on Peaceful and Inclusive Societies, there are strong targets on VAWG including:

- Target 5.2 - Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- Target 16.1 - Significantly reduce all forms of violence and related death rates everywhere.
- Target 16.2 - End abuse, exploitation, trafficking and all forms of violence against and torture of children

17. The UK will champion the implementation of the Sustainable Development Goals. They are a further opportunity to advance the rights of girls and women, both internationally and at home. The UK will galvanise political will and international action by all stakeholders (including government, civil society and business) to address the underlying causes of gender inequality throughout the life cycle to deliver these Global Goals.

Question 2: What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

A more effective international humanitarian system

18. As one of the leading bilateral humanitarian donors, DFID aims to support greater accountability and a stronger performance across the humanitarian system on VAWG. A key element of this is working to **enhance capacity on VAWG in order to promote better capability and responsiveness in emergencies**. DFID is supporting the interagency humanitarian system to better respond to the needs of women and girls in crisis through the provision of funding for two Regional Emergency GBV Advisers (REGA) (out of a total of seven) who can deploy to emergencies and build the capacity of local and international actors to improve responses to GBV as well as a global manager for this initiative. Recent deployments of these experts have included the Syrian context, Iraq, Nepal and South Sudan where they added value to the UN-led interagency responses by improving coordination, advocating for actions to mitigate and respond to gender based violence (GBV) to be considered lifesaving, and enhancing information sharing amongst all partners. A review of this initiative will be done in December 2015 that will provide information on the value of this additional strategic support to crisis response and will inform DFID's support of towards the second year of this initiative.

19. Through the use of DFID's Standby Partnership Programme, a mechanism that allows expertise to be seconded into UN agencies to enhance capacity, DFID has provided VAWG capacity to interagency responses. In the first half of 2015, secondees were deployed to humanitarian crises in Nepal, South Sudan, and Iraq to provide coordination and information support to the GBV Area of Responsibility, the UN coordinating body for VAWG in emergencies. These individuals built capacity of local actors, improved information sharing and mapping of available services, and coordinated GBV actors' submissions to funding appeals and submission of project proposals to funding mechanisms such as pooled funding mechanisms, to which DFID also contributes.

20. DFID has also **leveraged its own funding process to achieve greater results on VAWG in the multilateral system**. For example, DFID provides un-earmarked core funding to several humanitarian UN funds and agencies, who are also Call to Action members: UN High Commission for Refugees (UNHCR), World Food Programme (WFP), UN Children's Fund (UNICEF), UN Population Fund (UNFPA), the Office for the Coordination of Humanitarian Affairs (OCHA), and the Central Emergency Response Fund (CERF). Performance against Call to Action commitments is used as an indicator of performance within the logframes that govern these partnerships, and therefore agencies are required to report on how they have implemented their commitments.

21. In 2013, DFID supported the Red Cross/Red Crescent Movement to address sexual violence in conflict through £4 million of financing towards the International Committee of the Red Cross (ICRC)'s Special Appeal on Strengthening the Response to Sexual Violence in Conflict in 2013. This initial support enabled the ICRC's programme of activity on sexual violence in conflict to grow, and is now in its third year. The first Special Report covering 2014's achievements and constraints is expected in 2015. In addition to this Special Appeal, DFID also provides ICRC with funding centrally as well as at country level. Between 2012 and 2015/2016, DFID has provided ICRC with £323 million. ICRC often are one of the only organisations that have humanitarian access to the most affected communities during conflicts and offer medical services and humanitarian aid to those that have suffered from sexual violence as a result of conflict.

22. DFID is providing £6 million over three years (December 2014 – December 2017) to the UN Trust Fund (UNTF) to End Violence against Women. This is in support of the UNTF's new Strategic Vision for 2015 - 2020. This Fund is the only global multilateral grant-making mechanism dedicated to addressing violence against women and girls, and is administered by UN Women. It awards grants through an open, competitive process to civil society organisations (CSOs), Governments and UN country teams to implement interventions that prevent and respond to all forms of violence against women and girls, including sexual and gender-based violence in conflict. The mechanism will strengthen the UN's ability to channel funds to small women's rights and youth-led organisations. The UN Trust Fund is also establishing a Global Evidence Hub to build on the individual evaluations of grantees to cumulate and synthesise evidence at a thematic or country level, and to collate results data. The Fund will also play a global advocacy function to catalyse further funding to address VAWG.

23. By joining this multi-donor pooled fund, DFID will add its weight to wider efforts to leverage additional funding for VAWG, including from the private sector. Working together

with like-minded donors also increases the opportunity to support the Trust Fund to pursue its objectives of becoming a mechanism that is more evidence-based, more results-focused, and effective in channelling resources to smaller women's rights and youth-led organisations to bring about transformative change. In 2014, over 700,000 women and girls were involved in programme activities funded by the Trust Fund, including 89,802 survivors of violence, 38,102 women and girls living with HIV/AIDS and 4385 female human rights defenders. In addition, Trust Fund-supported programmes engaged 208,658 men and boys and reached over 22 million people through communications campaigns (radio and television shows, theatre, etc.) alongside other programme activities.

24. DFID has also provided support to ensure **the right inter-agency tools and mechanisms** are in place to prevent and respond to VAWG. DFID provided £750,000 to the International Organization for Migration (IOM) to enhance their Displacement Tracking Matrix tool for monitoring internal displacement with a module that gathers information relevant to GBV services and support, in addition to perceptions of safety and security. This tool has been successfully piloted in Iraq and South Sudan and is now part of IOM's overall approach to monitoring displacement through the use of this tool. DFID officials have also provided technical reviews of the Interagency Standing Committee (IASC) forthcoming tool Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: and supports their use in project design, delivery, and monitoring.

25. Ending all forms of violence against women and girls continues to be a priority for DFID and our leadership is clear. DFID will continue to drive forward and sustain the level of VAWG programming (currently in 29 country offices), ensuring that lessons and evidence on what works to prevent and respond to VAWG inform DFID programmes, and those of international partners. One of six strategic objectives in DFID's Single Departmental Plan (currently being developed) will be to improve the lives of girls and women, and will include DFID activities to implement the Conservative manifesto commitments to lead the world in tackling sexual violence in conflict and continue to lead efforts to tackle violence against women and girls. DFID will also launch its own internal Multilateral Aid Review (MAR) assessment in September 2015, which will offer an opportunity to reflect on the reform achievements of multilateral partners across the board, including on gender and VAWG as one of four sectoral themes.

The World Humanitarian Summit 2016

26. The UN Secretary-General is convening a World Humanitarian Summit (WHS) in May 2016, which will be hosted in Istanbul. It comes at a time when the world is confronting an unprecedented level of risk and suffering associated with natural disasters and conflict. The Summit will bring together governments, humanitarian organizations, people affected by humanitarian crises and new partners including the private sector to propose radical new approaches to these challenges and set a vision to keep humanitarian action fit for the future.

27. The World Humanitarian Summit offers a unique opportunity to improve the lives and dignity of the increasing numbers of people affected by man-made and natural disasters. The UK believes the Summit can deliver important practical changes in the way humanitarian crises are addressed, including pushing forward implementation of the

commitments made under the Call to Action. We want to see these commitments shaping the future of humanitarian action so that in all types of emergencies, assistance targets the specific needs of women and girls.

28. In the lead-up to the Summit in May 2016, DFID will support calls for specific measures taken by the humanitarian system to reduce the vulnerability of women and girls to violence and exploitation as well as ensuring that women and girls and gender are integrated into other thematic areas of the Summit. We expect the Summit to deliver transformative change for women and girls who are most affected by crises and to build on the success of existing initiatives, including the Call to Action and PSVI.

Specifically, the Summit must deliver:

- Measures to reduce vulnerability of women, children and youth to violence and exploitation in conflict related and natural disasters
- Investments in resilience, and post-disaster recovery that are better designed to ensure that women and girls are protected from the risks and impacts of natural disasters
- Greater focus on women's economic empowerment in these high risk contexts as failure to do so is pushing them into negative coping strategies, including a heightened risk of sexual exploitation;
- All data to be age and sex disaggregated in order to maximise the impact of support to women and girls.
- Girls are typically the most at risk of exclusion from educational opportunities – formal and informal – in these contexts. Greater investment on education must deliver equal benefit for girls.

Causes of sexual violence in conflict

Question 3: What evidence is there as to the causes of sexual violence in conflict?

29. Sexual and gender-based violence is not only a product of the political and economic tensions surrounding conflict. It is often rooted in historical and structural inequality in power relations between women and men, and persists in every country in the world as a pervasive violation of the enjoyment of human rights.⁴⁸ It is characterized by the use and abuse of power and control in public and private spheres, and is intrinsically linked with gender stereotypes that underlie and perpetuate such violence, as well as other factors that can increase women's and girls' vulnerability to such violence.⁴⁹ Power inequities between men and women, of which violence is one manifestation, are found in most societies. The subordinate role of women and girls can have an impact on every area of humanitarian and conflict response, including reduced access to services, increased vulnerability to violence, and impacts on health and nutritional status.

30. Sexual violence can be perpetrated against women and girls, as well as men and boys, by parties to conflicts to achieve military and political ends, including as a means of ethnic

⁴⁸ Commission on the Status of Women 57: Elimination and Prevention of All Forms of VAWG – Agreed Conclusions (<http://www.unwomen.org/~media/headquarters/attachments/sections/csw/57/csw57-agreedconclusions-a4-en.pdf>), Para 10

⁴⁹ Ibid.

cleansing or genocide, terrorising local populations, as a form of reprisal, or as torture. The breakdown of the rule of law, community cohesion, and existing protective systems contribute to an environment where this type of systematic violence occurs, but also creates situations where opportunistic violence and exploitation by armed combatants can go unreported and unaddressed.

31. The UK Government recognises that addressing sexual violence in conflict is a complex problem. There is no one immediate action which will stop these abhorrent crimes. As a result the UK's **National Action Plan on Women Peace and Security 2014-17** brings together the UK's diplomacy, development and defence efforts to place women and girls at the centre of efforts to prevent and resolve conflict. The National Action Plan uses the 4 pillars of UNSCR 1324: i) Participation, ii) Prevention, iii) Protection, iv) Addressing needs (and a 5th pillar to build UK national capacity), to which DFID's work to support women and girls, and tackle VAWG, contributes actively.

Prevention

Question 4: Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

32. Tackling the **root causes and drivers** of sexual and gender-based violence is essential to make progress on ending sexual violence in conflict and contributing to overall peace and security. These drivers, including pre-existing inequalities and harmful social norms that condone the acceptability of sexual, physical and psychological violence, must be addressed if we are to stop violence before it starts or reoccurs. DFID's Strategic Vision for Girls and Women has elevated the importance of delivering transformational changes in the lives of girls and women and has prioritised the prevention of violence against women and girls as one of DFID's core priorities for achieving gender equality.

33. Changing social norms is one of four core elements to DFID's approach to tackling violence against women and girls. DFID is pleased to report that since 2012 there has been an approximate 40% increase in the number of DFID VAWG programmes (in all contexts) that work to change harmful societal norms. Approximately 63% of our programming aims to change social norms as at least one key component of its VAWG work. This includes programmes to address discriminatory norms through a number of country programmes in fragile and conflict-affected states, including Nigeria, occupied Palestinian Territories (OPTs), Democratic Republic of Congo (DRC), Pakistan, and Syria. Such interventions include a range of activities such as community conversations, theatre, radio and media campaigns, and working with men and boys. For example, DFID's [Voices for Change](#) programme in Nigeria (£41m over 5 years) focuses on the underlying social and cultural norms that discriminate and disadvantage women, and works with adolescent girls and young men to shift attitudes and behaviours.

34. DFID's strategy on changing social norms that drive VAWG is based on our 2012 guidance, '[A Practical Guide on Community Programming on Violence against Women and Girls](#)'. DFID is refreshing its social norms guidance through a new Guidance Note to drive further work on this area across the organisation, and this new guidance should be available in October 2015. We aim to include specific challenges and opportunities for shifting social norms that drive VAWG in conflict-affected and other humanitarian contexts.

35. DFID is committed to long-term approaches to prevent violence against women and girls, and to improve ways of measuring the complex social change which underpins prevention. Experience shows that programmes need to reach a “tipping point” in intensity and duration to bring about sustainable, long term changes in social norms more widely. This takes time. As stated above, DFID already has significant long-term investments in violence against women and girls programmes in a range of conflict-affected settings. We are looking to lock in longer term support in more programmes, for example, through the above-mentioned departmental planning process currently underway. DFID has also invested in the Global Girls Research Initiative, which is a major eight-year programme. It includes a longitudinal component of research to track changes in the lives of adolescent girls during the critical period of their transition into adulthood.

36. Monitoring and evaluation, particularly the measurement of beneficiaries of VAWG programmes, remains an ongoing challenge to wider VAWG prevention and response efforts. As a result DFID has also commissioned the production of internal guidance that will outline a targeted methodology for collecting better data and beneficiary numbers in VAWG programming, and to increase the number, quality and depth of our VAWG programme evaluations. This work will be finalised shortly and will be disseminated across DFID in the coming months.

Female Genital Mutilation (FGM) and Child, Early and Forced Marriage (CEFM)

37. FGM and child marriage are harmful social norms which represent extreme manifestations of gender inequality. The reasons behind CEFM, such as poverty and social norms are complex – and reflect the low position of girls within ‘stable’ societies. There are countries where marrying under the age of 18 is ‘the norm’, with prevalence rates such as 77% in Niger and 74% in Bangladesh.⁵⁰ Similarly, reasons for FGM are complex and are related to deep rooted social and cultural norms. In many countries where FGM takes place, the practice is widespread and represents the prevailing norm - e.g. the practice is almost universal in Somalia, Guinea, Djibouti and Egypt, with levels above 90 per cent).⁵¹

38. DFID’s work on FGM and CEFM is currently delivered through two major global programmes; the [UN Joint Programme on FGM](#) with a [research component](#) (£35 million) and a £36 million [Global Programme to end child marriage](#), working to address the issues across 25 countries. Our programme includes several fragile and conflict affected regions.

39. There is also growing evidence to suggest that fragility and conflict can increase instances of child marriage to ‘protect’ girls from sexual violence,⁵² and can exacerbate instances of forced marriage in particular. In fragile and conflict affect states, protection issues become of increased importance - early marriage is often perceived by families as a protective measure for their daughters. Due to the higher level of violence including sexual

⁵⁰ UNICEF, *Ending Child Marriage: Progress and Prospects*, 2014

⁵¹ UNICEF, 2014

⁵² Too Young to Wed *The growing problem of child marriage among Syrian girls in Jordan*, Save the Children 2014; Care International *To Protect Her honour the Fatal Confusion Between Protecting Girls and Sexual Violence*, June 2015

harassment in disaster or conflict prone situations many families consider their daughters safer if they are in a union, or if they have more men in a household.

40. There is also the related question of honour. By protecting girls from sexual violence and by preventing them from engaging in premarital sex, families believe that they are protecting their own honour. In situations where communities are experiencing conflict and displacement this can be exacerbated. We also know that those who are married as children often face higher levels of intimate partner violence, including sexual violence, and studies show that women who experience physical or sexual violence by a partner are more likely to acquire HIV and sexually transmitted infections (STIs). This is why DFID is increasingly seeking to provide targeted programming on gender based violence within our humanitarian work and, where possible, to integrate this with efforts to address harmful gender social norms such as FGM and CEFM and provision of sexual and reproductive health services within our broader emergency response.

Prevention in humanitarian contexts

41. The prevention of violence against women and girls is also a crucial part of DFID's wider protection approach in humanitarian contexts. VAWG is only one form of protection risk faced by those affected by conflict and natural disasters, and there are many other types of vulnerability that DFID must be aware of. Even within one category of vulnerability – women and girls, for example – some will be more vulnerable to exploitation, abuse and harm due to their age or disability.

42. However, while the forms of violence used and the vulnerability and resilience of women and girls can differ from one setting to another, VAWG is universal and increases during humanitarian crises. DFID recognises prevention of, and response to, VAWG as a life-saving intervention in all humanitarian contexts, and is committed to ensuring it is addressed from the onset of emergencies.

43. As a result, DFID has committed to ensuring that the **risks of violence against women and girls are considered in all UK humanitarian support**. In practice this means *understanding* the trends and risks of VAWG in the humanitarian context, *assessing* the extent to which these are being addressed by the humanitarian response, and *acting* to ensure that there are adequate services provided, both through specialised programming and by ensuring that women and girls' protection is mainstreamed through existing programmes.

44. Achieving effective programming that keeps women and girls safe requires investments across all humanitarian sectors, including health, food security, water and sanitation (WASH), camp management, security, education, justice and economic development. Prevention of VAWG and provision of service should be integrated into all these sectors. Mainstreamed programmes include elements that reduce vulnerability and increase access to services. For example:

- WASH programmes ensure that latrines and bathing areas are well-lit, private, and that doors are lockable;

- Distributions are organised so that women and girls can collect food and non-food items and return home in safety, during daylight hours.

45. Since adopting this commitment, DFID has made considerable progress, including adapting humanitarian funding guidelines and other response documents to integrate violence against women and girls. We are also providing technical guidance, training and ongoing support for humanitarian teams and others managing funds for humanitarian contexts to ensure that VAWG is adequately considered in emergency interventions. The recent mapping of the department's violence against women and girls portfolio identified a **significant increase in the number of humanitarian programmes addressing VAWG** - from four humanitarian programmes tackling VAWG in 2012 to twenty four in 2014.

46. In addition, DFID is also obliged to ensure that all spending on humanitarian assistance is compliant with the International Development (Gender Equality) Act 2014. This means that all programmes must consider "...any gender-related differences in the needs of those affected by the disaster or emergency".

47. DFID is also **investing in a more robust evidence base on how to prevent VAWG** to inform global policy and practice. DFID's pioneering ['What Works to Prevent Violence Against Women and Girls'](#) research and innovation programme (£25m over 5 years) will produce and disseminate evidence on what interventions work to prevent VAWG – filling a critical evidence gap. One component (£5m) focuses explicitly on addressing VAWG in conflict and humanitarian emergencies. It will deliver new understanding of trends, and the most effective means of preventing and responding to VAWG, based on primary research in South Sudan, Kenya, Philippines, and at least one future emergency where real-time data will be collected. Researchers are also conducting comparative studies on VAWG and state- and peace-building processes in South Sudan, DRC, Nepal and Yemen, and engaging with policy makers to ensure that new evidence directly feeds into better policy and programmes. The What Works to Prevent Violence programme has already produced evidence reviews that are being used by country offices to design programmes, such as a new programme in Ghana. As results from impact evaluations and operations research become available, they will be shared widely as a global public good that can be used by Governments, civil society, the private sector and multilateral organisations to inform effective programming and opportunities to scale up interventions.

48. In addition, the [Creating Opportunities through Mentoring, Parental Involvement and Safe Spaces](#) (COMPASS) programme is a £10 million initiative that over three years will measure the impact of interventions on the resilience of adolescent girls in both the prevention of violence as well as support-seeking behaviours if they experience violence. In Ethiopia, DRC, and Pakistan, girls and their families displaced by conflicts will receive training, mentorship, and opportunities to enhance social and familial links. This programme works directly with conflict-affected displaced communities and is implemented by IRC in partnership with Columbia University.

Working with men and boys

49. While women and girls – at all stages of life – are disproportionately represented amongst survivors of gender-based violence, men and boys are not exempt. DFID's

emphasis on VAWG is intended to ensure that this often neglected issue is not overlooked, but it is not intended to exclude an analysis of risks affecting boys and men. This should always be part of a larger protection analysis in humanitarian contexts.

50. DFID also recognises that the root cause of such violence is gender inequality and discrimination, which can also affect men and boys. Services that are put in place by DFID's partners do not discriminate against men and boys if they suffer from sexual violence. This includes services provided in conflict situations, such as DFID's £1.1 million programme with International Medical Corps to operate health centres in remote areas of South Sudan that offer men, women, boys, and girls specialised healthcare if they have experienced sexual or gender-based violence.

51. Men and boys are also crucial partners for preventing and responding to violence against women and girls and for addressing the harmful social norms and gender inequality that underpin such violence. Because boys and men are allies as role models and as people who can use their power and voice to demand change, working with boys and men can open the space for girls' and women's empowerment, lead to more equal relationships, and bring benefits to men and boys as well as girls and women.

52. The 2014 mapping of DFID's VAWG programmes found that 26% of our VAWG programmes include an explicit focus on men and boys. The Voices for Change (V4C) programme in Nigeria (mentioned above) is working to improve attitudes and behaviours to girls and women. V4C is also supporting male social networks to challenge harmful social norms, and with men and boys in peer to peer groups to improve: knowledge on the role of male socialisation, masculinity, power, privilege and control as root causes of gender inequality; communication skills; and relationship skills (involving girls and women in decision making).

53. In addition to DFID's VAWG programmes that integrate strategies to engage men and boys, we are also investing in research and innovative piloting to understand what works in this area. DFID's flagship What Works to Prevent Violence Against Women and Girls: research and innovation programme is funding several Innovation Grants and Impact Evaluations/ Operational Research projects which contain a focus on men and boys. This includes a multi-sectoral community empowerment approach involving men in Tajikistan, and work with Sonke Gender Justice to shift attitudes and behaviours of those men and boys most likely to perpetrate VAWG in South Africa. The innovative [Prevention of Violence against Women and Girls through Football](#) programme in Kenya uses football as a tool to change harmful social norms that drive and perpetuate violence. The programme engages young people who may be at risk of being victims or perpetrators of violence, and delivers positive messages to men and boys about gender equality.

The needs of survivors

Question 5: What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

54. A core element of DFID's work to tackle VAWG is to ensure that survivors of violence are able to access the assistance and services they need. This was also a recommendation from

the [International Development Committee's 2013 report on VAWG](#), on which DFID provided a public update on our work across all recommendations in October 2014. DFID provides support to survivors of sexual and gender based violence through our work in over 18 conflict-affected countries: delivering crucial services, such as comprehensive sexual and reproductive healthcare, specialised police response, and psychosocial support; building political will and institutional capacity; and empowering women and girls through education, skills training and cash assistance to survivors.

55. These interventions may be run as specialised programmes with the specific objective of supporting survivors of sexual and gender-based violence. For example, the DFID Uganda programme to establish integrated sexual and gender based violence (SGBV) prevention and response services in five districts. Interventions also may form part of larger healthcare, security and justice, or humanitarian programming, such as the [Sexual and Reproductive Health and HIV Prevention](#) programme in Zimbabwe, of which one component is the provision of services for survivors of sexual violence and mass media campaigns to increase awareness and uptake of services for survivors of sexual violence.

56. Ensuring that security and justice (S&J) programmes better address VAWG is central to delivering UK commitments on VAWG. The evidence available shows that S&J actors – both formal and informal – can play a key role in protecting women and girls from violence and in ensuring that survivors of VAWG can access justice and obtain redress. DFID provided more than 10 million women with improved access to security and justice services between 2010 and 2015 through a diverse portfolio delivering some 26 programmes. These included programmes in fragile and conflict-affected states such as South Sudan and Pakistan. DFID's guidance on '[Addressing VAWG in S&J Programmes](#)' supports our country offices to improve programming through establishing a set of principles and best practice examples. It also provides a practical tool for delivering commitments relating to PSVI, such as on programming to increase the numbers of perpetrators brought to justice.

57. DFID's programming is generally holistic, and focused on promoting individual and community safety and justice, as well as responding to violence. For example, in DRC the [Security Sector Accountability and Police Reform Programme](#) provided basic training to police officers, supported the creation of a police department for SGBV cases, and reported an increase in citizens' perceptions of police work to prevent and respond to SGBV. In Somalia, the [Core State Functions Programme](#) has resulted in more legal aid available for women and girls, with legal aid lawyers in Mogadishu successfully represented the cases of a rape victim and journalist, which received widespread media coverage earlier this year.

58. A significant proportion of DFID's funding to support survivors of sexual and gender based violence is channelled through **humanitarian assistance**, where programmes assess needs, establish survivor services, create safe entry points to those services and engage communities in a way that reinforces the protection of women and girls. DFID and PSVI officials also work together to present a coherent picture of how the UK is responding to reports of sexual violence in a range of conflicts and explore options for enhancing the UK Government response based on a shared analysis of needs and existing services.

59. In **Syria**, the UN Commission of Enquiry has consistently found that all parties to the violence in Syria have committed acts of rape and sexual violence.⁵³ Refugees have stated that fear of sexual violence was one of their primary reasons for fleeing.⁵⁴ Displaced people are also at risk of exploitation and abuse, including intimate partner violence and early marriage. Survivors of sexual violence both inside Syria and in the neighbouring countries can also find it difficult to access response services because of insecurity and restricted freedom of movement.⁵⁵

60. DFID's response has been to invest in both targeted programming as well as risk mitigation programming. Through partners, DFID has provided holistic case management services for survivors of sexual violence, including safe spaces, psychosocial support, legal counselling, and reproductive healthcare. Shelter and cash assistance is reducing the likelihood of refugee women and girls in Lebanon and Jordan engaging in risky coping mechanisms such as survival sex, unsafe work, or early marriages. DFID has also funded non-governmental medical service providers within Syria to provide healthcare to those affected by the conflict, including post-rape care.

61. In **Iraq**, DFID is supporting humanitarian efforts to meet the needs of survivors of sexual and gender-based violence and reduce the risks of violence against women and girls amongst displaced populations. DFID has provided £59.5 million of humanitarian assistance in Iraq to date, including towards NGO projects to establish women and children's centres and provide psychosocial support for survivors of SGBV. DFID has deployed two technical experts to the GBV Subcluster – the inter-agency coordination mechanism for GBV – to improve information collection and sharing and strengthen the coordination of the humanitarian response to SGBV.

62. In the last year, DFID ensured coherent UK wide messaging on sexual violence, including condemning the use of sexual violence in by ISIL in northern Iraq and Syria. DFID also coordinated with the FCO and the Stabilisation Unit to support expert missions to the region during the roll out of the International Protocol on the Investigation and Documentation of Sexual Violence in Conflict.

63. DFID's humanitarian programme in the **Ukraine** in response to the outbreak of conflict includes a comprehensive programme, implemented by UNFPA to provide sexual and reproductive healthcare as well as post-rape medical care and psychosocial support to survivors of sexual violence with a value of £500,000.

64. In **South Sudan**, DFID has provided a total of £3 million to international NGOs to establish GBV programming in remote and underserved areas of the country where services for survivors were either non-existent or difficult to access. In addition, DFID is supporting UNFPA in their leadership of the GBV Subcluster by seconding a Roving GBV Coordinator to

⁵³ Human Rights Council: Report of the independent international commission of inquiry on the Syrian Arab Republic 2014

⁵⁴ International Rescue Committee "Syrian Women and Girls: Fleeing death, facing ongoing threats and humiliation" 2012

⁵⁵ UNHCR "Comprehensive Assessment and Action Plan for SGBV in the Syrian Refugee Crisis" 2013

enhance knowledge and understanding of quality programming in hard to reach areas, as well as improve information sharing and analysis.

65. Overall, the body of evidence on what works to prevent and respond to VAWG in humanitarian settings is still in an early stage. VAWG researchers face challenges that are further compounded by conflict and crises, resulting in key limitations such as:

- Ensuring the safety of those interviewed, the wider community and the research team;
- Determining what services are available for survivors. While all researchers face challenges with underreporting, due to social and cultural norms that stigmatize VAWG, this problem might be exacerbated by conflict;
- Working with disperse and/or mobile populations;
- A lack of consensus on a standardized methodology for collecting data on VAWG in humanitarian settings;
- Limited coordination and data sharing among researchers and programmes.

66. In order to address this evidence gap, DFID's research on what works to prevent and respond to VAWG in humanitarian settings (mentioned above) will undertake five studies to deliver evidence on trends as well as effective prevention and response initiatives. This will include assessment of a comprehensive case management approach in the Dadaab refugee camp in Kenya. Findings from this and other studies will be shared as part of a comprehensive research dissemination strategy. A core element of the global DFID research programme is to promote knowledge sharing and build capacity. The programme provides a platform for cross-country and cross-disciplinary learning, as well as training and capacity development in primary prevention approaches to research, programme design and implementation. We also want our research to drive the policy agenda. The global programme has strong networks to policymakers, practitioners and activists worldwide, and is committed to communicating research in ways that are applicable to the needs of different stakeholders, to ensure knowledge translates into action.

Tackling stigma

67. In many contexts not affected by conflict, VAWG, and particularly sexual violence, is extremely sensitive, not commonly discussed, and difficult to report due to cultural and systemic barriers. This is exacerbated in times of crisis where shame and stigma may go unchecked.

68. It is easy to inadvertently do harm by exposing survivors of sexual violence to additional risk, further stigma, and potentially re-traumatising survivors and/or communities. Therefore, it is vital that programmes supported by DFID adhere to best practices and international standards. As a result, DFID has designed technical guidance for staff and consultants which includes the following:

- Support for survivors must be available before commencing any activity that may encourage individuals disclosing information about their experience of sexual violence;
- Survivors' safety, dignity and choices must guide any intervention (this is often referred to as a survivor-centred approach);
- Survivors should have access to care that is suitable and appropriate;

- Confidentiality and the right to privacy should be respected at all times;
- Informed consent must be obtained from survivors before accessing treatment, gathering data, or collecting evidence and reports;
- Survivors should participate in decisions that affect them, including reporting to police or other authorities.

69. DFID believes the best way to lessen stigma is through tackling negative social norms and through the promotion of new, robust and positive social norms that empower survivors to speak out for their rights and seek services if they suffer from violence. We aim to promote positive social norms in an inclusive way through community-based programming that address socially accepted forms of violence including early and forced marriage, IPV or FGM. The 2014 mapping of VAWG programmes found that 63% of our programmes aim to change social norms. For example, the [Girls' Education in South Sudan](#) programme operates through training radio producers with messages on VAWG. The [UN Joint Health and Nutrition Programme](#) in Somalia has built advocacy and behaviour change communications material for interventions to tackle FGM: subsequently 28 communities in Puntland have declared abandonment of FGM. The [End Child Marriage](#) programme in Ethiopia works with children to produce creative content on the value of girls' education and ending child marriage. Many of the Innovation Grants and Impact Evaluations funded by the What Works to Prevent Violence Programme also consider innovative ways to tackle negative norms and stigma.

70. Evidence shows that funding grassroots civil society organisations (CSOs), particularly autonomous women's and youth groups, is an effective means of producing an enduring and positive change to national policy to tackle violence against women and girls, and challenges institutional and social norms effectively. However such grassroots organisations are often under-resourced. DFID's contribution through the UN Trust Fund to End Violence against Women (see above), and **AmplifyChange**, an initiative to support civil society activists end child marriage and address a broader range of SRHR and gender issues, should enable increased activities by funding grassroots CSOs. Other programmes that tackle CSOs include the [Poorest Areas Civil Society Programme](#) in India, which facilitates events and capacity building as well as resources to support CSOs to enable them to change social norms, including around VAWG.

Participation

Question 6: How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

71. Women's equal participation in political processes is a human right. It is also important for effective development and poverty reduction. Where women have no voice, societies under-achieve. Getting more women into power gives voice to a marginalised section of society, creates female role models and leads to legislative change and policies that tackle gender inequalities and discrimination. Women's political participation can also strengthen the legitimacy, sustainability and inclusiveness of political processes and settlements.

72. Political quotas can be an important mechanism for increasing women's numerical representation in elected institutions. However, increasing the numbers of women in politics is insufficient. Informal and formal structural barriers to women's political

participation must be addressed. These include cultural preconceptions of gender roles, the gendered division of labour within the home, and patronage networks which shape access to political positions and processes.

73. The UK National Action Plan (NAP) on Women, Peace and Security outlines the UK Government's ambition to put women and girls at the centre of all our efforts to prevent and resolve conflict, to promote peace and stability, and to prevent and respond to violence against women and girls. One of the five pillars of the UK NAP is participation. Activity in this pillar works to ensure that women and girls participate and their interests are included in decision-making related to the prevention, management and resolution of conflict. The UK is exploring how we can use our international leadership on Women Peace and Security to promote stronger implementation of commitments globally. The FCO submission will provide evidence on how the UK can best use its influence to further these efforts, such as supporting the High Level Review of UN Security Council Resolution 1325 planned for October 2015 to mark the 15th year Anniversary of the Resolution.

74. DFID's work to support women's participation and empowerment is an important part of cross-Government efforts to achieve our objectives under the NAP participation pillar. DFID supports women's political participation through programmes on deepening democracy, empowerment and accountability, peacebuilding and statebuilding as well through its support to civil society. Many country offices support elections management bodies. Typically, gender is mainstreamed within the programmes (e.g. DFID support in Nigeria via the UN Development Programme (UNDP), or Rwanda's support to National Elections Commission - managed by the National Elections Commission itself). EU election observation missions, to which the UK contributes, include in their assessment of the election process, the space for women to participate, both as candidates and voters. DFID currently supports parliamentary and political-party reform work in at least 15 countries. For example in Pakistan, the [Aawaz \(Voice\) programme](#), DFID aims to increase women's representation and voice in political organisations from 28% to 50% at all levels).

75. The empowerment of vulnerable, voiceless, or marginalised groups, including women and girls, is also at the heart of successful peacebuilding and provides the foundation for stability. Security and access to justice contribute to the prevention of violent conflict, and to post-conflict reconstruction.

76. Female participation and representation in security and justice institutions and processes can increase societal legitimacy and social cohesion, while programmes that do not take a gender-sensitive approach can exacerbate gender inequalities. Case studies from DRC and India affirm that women's voices and representation in shaping justice and security provision make a difference to women's experience of security and justice. In most countries women are underrepresented in formal politics. The UN further estimates that 4 billion people live outside the protection of formal law.

77. Many of DFID's programmes therefore work to empower women to take action against violence through participation in security and justice mechanisms. For example, the [Justice for Vulnerable Groups](#) programme in Malawi includes training of women judges/assessors for traditional tribunals to enable empowerment and increase the sensitivity of these institutions to the needs of women and girls, while the [Access to Security and Justice](#)

[Programme](#) in Sierra Leone intends to increase the number of women employed in the justice and security sector to ensure women’s empowerment. Similarly, one aim of the [Nigeria Stability and Reconciliation Programme](#) is to tackle obstacles to women’s involvement in the prevention and resolution of conflicts, creating increased and more influential participation by women and girls in institutions and initiatives relevant to peacebuilding at a federal, state, and local level.

78. Access to health and education services is also an important way that women and girls are able to take control and exercise choice over their lives. These two areas are also pillars of the DFID Strategic Vision for Women and Girls. In DRC and Somalia DFID programming includes a focus on essential reproductive, maternal and child health services. For example in DRC the [La Pepiniere programme](#) focuses on adolescent girls’ economic empowerment and the links between adolescent girls’ sexual exploitation, economic empowerment and roots to wider empowerment.

The role of the military

Question 7: MOD will provide a separate submission covering this question.

Peacekeeping

Question 8: FCO will provide a separate submission covering this question.

Accountability

Question 9: The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

79. DFID strongly supports access to justice as vital for women and girls suffering violence. In many countries, both formal and informal security and justice (S&J) actors persistently fail either to act to prevent, and/or to respond adequately to VAWG - resulting in the perpetuation of impunity and often severe consequences for VAWG survivors. There are a number of barriers on the supply side of S&J provision, which result in S&J systems not being accessible and responsive to women and girl survivors or those at risk. These include a lack of political will among both political leaders and senior S&J officials to address VAWG through the S&J system, biased or limited legal, policy and reparation frameworks, and even perpetration of VAWG by S&J personnel. In conflict settings in particular, there may be an absence of formal S&J institutions, whether through limited physical or financial accessibility, capacity, resources and equipment, as well as endemic corruption.

80. Equally, there are barriers on the demand side, which result in survivors or women and girls at risk not seeking protection or justice. These include social norms that condone and/or tolerate VAWG, emphasise male dominance and family honour, and support impunity, as well as a lack of awareness of their rights, VAWG laws and the S&J services available to them, and how to navigate these services.

81. DFID is committed to working to address the challenges outlined above. Security and justice are critical to ensuring the world’s poorest people have basic rights and live free from violence and conflict. Security and justice are also essential for building stable, legitimate

and effective states. However, it is challenging and long-term work, requiring strategic patience and a Whole-of-Government or comprehensive approach to deliver the greatest impact.

82. As mentioned above, DFID has met its target of helping 10 million women and girls to access security and justice services by 2015. Internationally, DFID priorities remain focused on influencing the Post-2015 Sustainable Development Goals process to ensure that the agreement on Goal 16 (on peace, access to justice and accountable institutions) is followed up with the right set of targets and indicators; aligning our security and justice assistance accordingly, and influencing the wider international community to do the same, will be an essential next step.

Reform of national justice programmes

83. DFID has a **strong track record of supporting security and justice reform**. It is becoming an increasingly important part of the UK aid portfolio. In 2013/14 Government spend on S&J programming was £95 million, in which DFID contributed £53 million and the Conflict Pool £42.4 million. With the advent of the new Conflict Stability and Security Fund, Government spend on S&J assistance is likely to increase substantially this year.

84. To date, DFID has made investments in both traditional approaches to security and justice (e.g. police reform), as well as more cutting-edge and innovative approaches (e.g. paralegals as a low-cost and effective approach to accessing justice). DFID currently supports security and justice programmes in 21 countries. 86% of our S&J programmes operate in fragile and conflict-affected states.

85. DFID's security and justice programmes are typically cross-sectoral, addressing both security and justice and strengthening linkages between formal and informal systems. They tackle a broad range of institutions, including relevant government departments (Ministries of Interior, Defence, Justice, national security agencies, independent review agencies, and other ministries), uniformed officers (including formal or community police, and military), the formal legal system (including judiciary, courts), prison services (including prisons, paralegals), community services (community leaders, community courts/ legal services), and civil society.

86. DFID focuses on building effective and legitimate institutions by strengthening accountability and increasing the capacity to deliver services. DFID also works to improve local level access to security and justice, scaling up innovative approaches such as legal empowerment and local-level policing solutions. For example, the [community legal services project](#) in Bangladesh is helping millions of women resolve their grievances, on issues such as dowry and maintenance. [Women paralegal committees in Nepal](#) have helped to protect women from violence and abuse. In 2012, a survey related to this programme in Nepal found that 73% of respondents stated there is less violence against women since the DFID-supported Women Paralegal Committees were established.

Gathering and utilisation of data

87. At the programming level, there is limited evidence on how the rule of law can be improved through international intervention, and evidence as to what works in the S&J

sector is patchy. Most promisingly, community justice work, including legal empowerment, appears to be yielding the greatest results.⁵⁶ Approaches such as community paralegals are achieving impact not only through direct support for individuals to claim their rights, but also as a basis for effective policy advocacy at local and national levels.⁵⁷ However, we have not yet built up a strong body of evidence of what works, and monitoring and evaluation is a major challenge looking ahead. As the recent evaluation of DFID's S&J assistance by the Independent Commission for Aid Impact (ICAI) noted: "S&J reform is a long-term process, and that the results of current programmes may take time to emerge."

88. Nonetheless DFID continues to aim for a more systematic approach to monitoring and evaluation, and to link up with others in the international arena also working to improve data and evidence in this sector. This will be particularly pertinent with regards to measuring the SDG Goal 16 outcomes, where DFID participates and supports CSOs to contribute to these critical discussions. The cross-Government Conflict, Security and Stability Fund (CSSF) also provides an excellent opportunity to align cross-government interests in S&J assistance overseas; ensuring that this Fund has the best possible systems for delivery, monitoring and evaluation, and learning will help to ensure that the UK maximises its impact.

18 September 2015

⁵⁶ ICAI review of Security and Justice 2015

⁵⁷ Namati global evidence review

Department for International Development – Supplementary written evidence (SVC0056)

1. UK conditionality policy is set out in a Policy Paper launched in March 2005 - '*Partnerships for Poverty Reduction: Rethinking Conditionality*'. Alongside this, DFID has a guidance note (updated in March 2014) setting out the practical implications of this policy. Both are published on the UK government website.
2. The policy is based around four Partnership Principles (PPs) that are -
 - (i) A commitment to reducing poverty
 - (ii) A commitment to respecting human rights and other international obligations
 - (iii) A commitment to strengthening financial management and accountability, and reducing the risk of funds being misused through weak administration or corruption
 - (iv) A commitment to strengthening domestic accountability
3. The PPs are an important part of DFID's decision-making process about the way we provide development assistance in a country. In every country that we provide direct bilateral assistance to, we regularly assess and monitor the government's commitment to the PPs and use this assessment to inform how we work in that country (our country strategy).
4. In particular, our assessment of a partner government's commitment to the PPs informs the extent to which and the manner in which we work with the government in that country. For example, our assessment will guide how we align our development assistance with a partner government's strategies and plans, and whether our support will be channelled through a partner's public financial management or other systems.
5. For some types of programme that work closely with governments and use their systems, we need to assure ourselves of continued adherence to the PPs before disbursing aid. Ministers will consider an updated assessment of the PPs before a significant disbursement is made which will provide reassurance that progress is being made on, for example, corruption or macroeconomic management.
6. Where the PPs are part of the management and monitoring of a programme, DFID will sign an agreement with the partner government that sets out our expectations of them in relation to the PPs and how we will work together.
7. There is no one-size-fits-all standard for how we assess a government's commitment to the PPs. Rather than focus on a minimum standard that all countries must satisfy, DFID assesses whether there is a credible commitment from the partner government to maintain and/or improve their performance against each of the PPs. These assessments are context

specific and the policy does not set one standard across all countries and does not specify red lines.

8. Evidence and experience have consistently shown that aid conditionality is effective where donor and partner government objectives and interests are aligned. Therefore, if a partner government is not committed to the PPs, we do not use conditions to try to impose these principles. Instead, we may choose to support poverty reduction by working with partners other than government (for example NGOs or multilaterals) and in ways that seek to build the government's commitment in future.

9. When we assess there to have been a deterioration in commitment to the PPs, we aim to respond proportionately, taking a long term perspective and considering the impacts on poor people of any action we might take, as well as the impacts on broader HMG strategic objectives. Decisions to cut back aid, or change the form in which it is given, are not made on the basis of a predetermined formula. In determining the appropriate response we consider a range of factors including-

- The seriousness of the specific events and the circumstances surrounding them that have led to deterioration in commitment.
- The impact that any decision will have on poor people and longer term poverty reduction efforts.
- The cause(s) of the deterioration of commitment. For example, a response to problems with public financial management might lead to DFID using more earmarking of funds.

10. In situations of fragility or weak commitment to the PPs, we may still judge it appropriate to engage with the government provided the overall trend is improving and there is a credible commitment to reform. When aid to government is stopped we seek to make sure that the intended beneficiaries of the aid do not suffer as a result of this. Often this is done by reallocating funding through channels other than government – for example by working directly with NGOs in the country. We only resume where we are confident that the government has addressed our concerns.

Programme Partnership Arrangements (PPAs)

11. Programme Partnership Arrangements (PPAs) are longer-term agreements with civil society organisations (CSOs) with global reach and expertise. PPAs provide strategic level funding to enable organisations to fund appropriate and mutually agreed outcomes. Funding is flexible and not tied to specific interventions or initiatives. We do not apply any conditionality related to policy.

12. In 2011, Programme Partnership Arrangements (PPAs) were awarded to 41 organisations (45 grants in total) through an open and transparent competition. PPAs were originally three year agreements (2011-14), extended by two years, until 31 March 2016. In June 2015, all PPA funding was extended by a further nine months, until 31 December 2016.

4 November 2015

Department for International Development – Further supplementary written evidence, 11 November 2015 (SVC0061)

Information provided by DFID

Details of recent countries which have outlawed FGM, or signalled their intentions to outlaw FGM, including any relevant connections to UK diplomatic or development work; details of the UK's role in efforts to tackle FGM in Egypt

1. The UK-UNICEF Girl Summit in 2014 shone a light on the previously neglected issues of FGM and Child, Early and Forced Marriage (CEFM). In just over a year there has already been unprecedented momentum and solid progress on working toward a future free from these harmful practices.
2. The UK has launched its £36 million business case to accelerate action to end child marriage and further strengthened its £35 million programme on ending FGM in 17 countries, many of which are in fragile and conflict-affected settings. We remain the largest international donor on efforts to end FGM through our contribution to the UNFPA-UNICEF Joint Programme. At and since Girl Summit the programme has leveraged new financial commitments from Sweden, Germany and the EU. In addition to the UN component we also have a research component to our FGM programme, to build a robust evidence base on what works to end FGM, as well as a third component of an African-led social change campaign – the Girl Generation - working to strengthen the international movement to end FGM.
3. Girl Summit 2014 galvanised the international movements to end these harmful practices. Since Girl Summit, 18 Governments in Africa, the Middle East and South Asia where FGM and child marriage are prevalent have made commitments to end the practices; 16 on eliminating child marriage, 12 on ending FGM and 10 on ending both practices.
4. We have seen national Girl Summits take place in Uganda, Bangladesh and Ethiopia. In November 2015, African Union and Government of Republic of Zambia will co-host **Africa Girl Summit**, an opportunity to celebrate Africa-led progress to end harmful traditional practices, including FGM.
5. **Nigeria** passed a law prohibiting FGM in May 2015, hugely significant as a country with one of the highest absolute numbers of girls at risk of cutting. **Sierra Leone** ratified the **Maputo Protocol** in July 2015, a significant step toward ending FGM and we continue to support efforts to maintain the moratorium on FGM introduced during the Ebola crisis. We are also seeing some tentative signs of progress from **Somalia** – where prevalence is almost universal. Puntland has passed a law against FGM and, at Federal level, legislation is at proposal stage. Through the DFID-funded Joint Programme on FGM, UNFPA is working with the Ministry for Women and Human Rights Development to develop the draft bill.
6. There are now **international UN resolutions** in place addressing both FGM and Child, Early and Forced Marriage. The UK has been at the centre of these negotiations, advocating for the rights of girls and women, including their sexual and reproductive rights, to be

reflected in outcomes, through our missions in New York and Geneva. At the UN we support initiatives on CEFM and FGM led by high prevalence countries themselves. This is the best way to ensure ownership of resolutions, the conclusions they make, and to encourage implementation. Burkina Faso is the main sponsor of the UN Third Committee resolution on FGM, and the CEFM core group (of which we are a part) was led jointly by Canada and Zambia. The cross-regional core group on CEFM in Geneva, of which we are active members, is currently led by Sierra Leone and Italy. The FGM resolution in Geneva is run by the African group. Thanks to UK and likeminded efforts, the terms “child, early and forced marriage” and “FGM” are referenced with increasing regularity in a number of related resolutions when we are speaking of ending traditional/cultural harmful practices in the form “harmful practices, such as CEFM and FGM”.

8. We have strongly supported the target on eliminating harmful practices, including FGM, recently agreed in the Global Goals, as part of our leadership in and around the open working group on inclusion of a standalone gender goal. We continue to engage with the ongoing process to agree strong and relevant indicators against this target.

FGM in Egypt

9. While there is a law prohibiting FGM in Egypt, implementation is weak and medicalisation of FGM is a significant issue: 92% of women in Egypt have undergone FGM; the majority of these cases were performed by a healthcare professional. Egypt is one of the 17 countries supported through the UN Joint Programme, to which the UK is the biggest donor.

10. Activities supported as part of the Joint Programme in Egypt include: working with the Ministry of Health and Population and the National Population Council, hospitals and professional bodies to strengthen reporting and build capacity of health workers; provision of training for religious leaders; enhancing law enforcement through training for prosecutors and working to change social norms through media campaigns and community engagement.

11. While there is a long way to go, there are signs of progress. The 2014 DHS data in Egypt shows a decline in prevalence among girls aged 15-17 from 74% in 2008 to 61% in 2014. There are also signs of attitudinal change; from the survey of 92% prevalence among mothers, only 35% expressed an intention to have their daughters cut. In 2015 Egypt had its first ever successful prosecution against a doctor who had performed FGM, and in June 2015 Egypt launched their National Strategy on FGM/C Abandonment.

Work the UK (and DFID) does with men and boys as victims of sexual violence in conflict

12. The DFID evidence submission includes information on our work with men and boys (paras 49-53), and this includes work to support male victims. DFID’s programming on VAWG in emergencies ensures that services, including healthcare, livelihoods, cash assistance, and psychosocial support, are available from the outset of emergencies. DFID recognises that men and boys are not exempt from sexual violence and therefore it is important that these same services are available and accessible to male survivors. Our partners, particularly our NGO partners that establish such services, do not discriminate and ensure there is barrier free access to all survivors of sexual violence, especially during

conflict. An example of this is our programme with the International Medical Corps in South Sudan, who we have provided with £1.1 million to operate health centres in remote areas that offer displaced men, women, boys, and girls specialised healthcare if they have experienced sexual or gender based violence.

13. One of our key partners in this area is the International Committee for the Red Cross (ICRC), who offer medical care to survivors of sexual violence in situations of conflict, including post-rape care to both males and females that is essential, particularly to prevent the transmission of HIV through the distribution of post-exposure prophylaxis (or PEP) following male or female rape. DFID supported the start-up of this work within ICRC with a £4 million contribution in 2013 (as part of our commitments under the Call to Action).

14. The FCO evidence submission also gives details of their work to support men and boys as victims of sexual violence through the Preventing Sexual Violence Initiative (PSVI).

DFID resources for addressing VAWG

15. DFID has seen a substantial uplift in our VAWG programming by 63% from 2012 – 2014. Simple comparisons of funding levels between VAWG and other departmental priorities are difficult. DFID's funding achieves multiple results for every pound spent. Many of our programmes that contribute to preventing and responding to VAWG also deliver important results on improving access to sexual and reproductive healthcare or access to justice. Such a comparison will be easier and more relevant once the spending review process has concluded and DFID has published its new Single Departmental Plan in December.

Details of the Roadmap to Action to Protect Women and Girls in Emergencies

16. As outlined in the DFID evidence submission, we have worked closely with current and future leaders of the Call to Action (the US and Sweden respectively) to agree a comprehensive Roadmap for Action. The Roadmap articulates what donors and states, UN agencies, NGOs and the Red Cross/Red Crescent Movement need to do by 2020 to improve outcomes for women and girls in emergencies. It was launched by the US at a high-level event in the margins of the UN General Assembly in October 2015. The UK announced our full support for the Roadmap at this event, and challenged the humanitarian community on what more needs to be done to address VAWG more effectively, highlighting the High Level Review on UNSCR 1325 and the World Humanitarian Summit an opportunities to accelerate progress. The final Roadmap document is available at <http://reliefweb.int/sites/reliefweb.int/files/resources/Call-to-Action-Roadmap.pdf> .

Information provided by the FCO

8 Point pledge for action

17. The number of countries (113) that attended the High Level Review on UNSCR 1325 in October is a clear demonstration of the overwhelming level of support - at least in principle - for incorporating women's needs and perspectives into conflict prevention and resolution. The Government wants to capitalise on this renewed energy to maintain pressure for real change and to ensure that the next 15 years delivers more for women and girls affected by conflict than has been achieved since the adoption of SCR1325 in 2000.

18. We used the High Level Review to explain how we plan to do this. We announced new action in eight key areas. These covered improving women's participation in peace processes; better protection for women and girls affected by conflict; making our conflict prevention, early warning systems, humanitarian activity and countering violent extremism activity more gender-sensitive; improved military training on women, peace and security issues; more UK funding for this work; and helping more countries to develop and implement National Action Plans. At Annex A is Baroness Verma's speech delivered on behalf of the Government at the Review. In line with our leading international role on this agenda, we were one of very few countries prepared to make such public commitments.

Details of the Global Acceleration Instrument

19. One of the factors behind the poor implementation to date of the Women, Peace and Security agenda is a lack of financial support, particularly for local women's organisations working in this area. To address this, UN Women have established a new funding mechanism, the Global Acceleration Instrument (GAI), which will channel funds to grassroots projects that empower women to participate in, contribute to, and benefit from conflict prevention, crisis response, peacebuilding and recovery. As announced by Baroness Verma, the Government will contribute \$1 million to the GAI. We hope that our financial support will encourage other donors similarly to contribute.

20. The GAI will be overseen by a Steering Committee made up of representatives from the UN, governments and civil society which will set the strategic direction of the fund, make resource allocations and monitor progress towards achieving results. As one of the three current largest donors we hope that we will be invited to join the Steering Committee, enabling us to help guide the GAI's work in an area of such importance to the UK.

National Action Plans

21. National Action Plans (NAPs) are a useful means by which governments can ensure a coherent approach to their implementation of Women, Peace and Security activity. They also provide a useful oversight mechanism for holding governments to account. The UK has had a NAP since 2006 and we encourage other governments to do likewise.

22. The Government of Afghanistan finalised their NAP in June 2015. A supporting implementation plan should be ready by the end of this year. We have provided advice on the development of both to relevant Afghan government departments. Due to the political situation, we are not currently able to work with the Government of Libya on developing a National Action Plan. However, we are providing wider support in a number of key relevant areas, including supporting projects to promote women's rights and their participation in the Libyan constitution drafting process and the national dialogue and reconciliation process.

Information provided by the MOD

Details of UK work (through training etc.) with protectors and peacekeeping forces

23. Following a request by the House of Lords Select Committee on Sexual Violence to Baroness Verma on 14 October, the Ministry of Defence presents this supplementary

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information on the details of UK work with protectors and peacekeeping forces on Women, Peace and Security (WPS), and the Prevention of Sexual Violence in Conflict (PSVI). Annex B contains a detailed overview of UK activity in this field.

24. The prevention of Sexual Violence in Conflict (SVC) is a Departmental priority for MOD with significant senior leadership provided by Penny Mordaunt MP, Minister of State for the Armed Forces, and supported by Lieutenant General Gordon Messenger as the Military Champion on WPS and PSVI. A significant part of the Department's focus on this subject has been in working cooperatively with global partners to provide necessary training on SVC.

Annex A: Statement by Baroness Verma, UK Parliamentary Under-Secretary of State, at the UN Security Council Open Debate on Women, Peace and Security, 13 October 2015

Thank you, your Excellency. Thank you Secretary General, and to UN Women, and civil society speakers present here today for your leadership on this agenda.

We welcome the resolution adopted today. It makes clear that leadership and accountability for implementation are required by all actors.

We echo our thanks to the Spanish Prime Minister for working with us on this important resolution.

I strongly echo the call for everyone here to make meaningful and practical commitments to implement fully resolution 1325.

The UK firmly believes that the 15th anniversary must represent the start of a new era on Women, Peace and Security. Let us begin this change today.

I will therefore announce eight areas where the United Kingdom will act:

Firstly, in arranging all future UK-hosted peace-building events, we will identify women involved in the conflict and shine a torch on them to make sure their voices are heard. We will promote the active participation of women in such discussions through political and/or financial support. We will also provide support, including lobbying at the highest levels, to ensure women's voices are represented in wider peace processes, negotiations, and state-building - and we will provide support at local levels to build the capacity of women to participate effectively.

Second, the UK will contribute \$1 million of start-up funding to the Global Acceleration Instrument to help address the global deficit on funding for the implementation of the resolution.

We will also provide additional funding of over \$800,000 each year for two years to support new research at the Centre for Women, Peace and Security at the London School of Economics - bringing the total UK Government funding for the Centre to over \$3 million.

Third, the UK will ensure that all future relevant military doctrine is gender-sensitive. By November 2016, all UK troops deployed on overseas missions will receive training on Women, Peace and Security and Preventing Sexual Violence.

We are reviewing the external training we provide through our Peace Support Operation training centres, with a view to delivering additional WPS/PSV training to overseas troop contributing countries. The review will also help to develop "train the trainer" packages which can help further disseminate this work. We are growing and strengthening the pool of gender advisers within the Ministry of Defence.

Fourth, conflict prevention and early warning remain at the heart of this agenda.

The UK will ensure that, by September 2016, all our early warning and joint conflict analysis and assessment tools are fully gender-sensitive.

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Next, over the next five years, the UK will drive forward the Preventing Sexual Violence in Conflict Initiative. We will tackle impunity for sexual violence crimes, ensuring widespread implementation of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

We will encourage greater support for survivors, including children and men. And we will work with other governments to deliver a more effective multilateral response.

Next, the UK will champion the Roadmap to Action to Protect Women and Girls in Emergencies - and help secure positive outcomes for women and girls at next year's World Humanitarian Summit.

My seventh point, the UK will continue to provide technical and other support to help other governments develop, implement and measure the impact of their own Action Plans on 1325. We will help Iraq and Afghanistan implement their Action Plans.

Finally, the UK will ensure that our overseas work to counter violent extremism includes upstream activity targeted specifically at women. Women will be at the centre in the delivery of programming of overseas extremism work, both nationally and locally.

Mr President,

We strongly support the recommendations for the United Nations on Women, Peace and Security set out in the three major reviews this year and will work with others to ensure these are implemented. Just as we Member States must deliver on our responsibilities, the role of DPKO, DPA, UNDP and many other UN entities is critical to move matters forward, in headquarters and the field.

Finally, the UK will pledge to update the Security Council on our commitments at the annual debate on this agenda, and to that end I will call on others here today to join on our initiative and do likewise.

Thank you.

Annex B: UK work with protectors and peacekeeping forces on Women, Peace and Security (WPS), and the Prevention of Sexual Violence in Conflict (PSVI)

ID	ACTIVITY	LOCATION	TIMEFRAME	OUTCOME/IMPACT	COSTS	FUNDING SOURCE	NEXT STEPS
1	<p>Deployment of OF-4 gender advisor to United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).</p> <p>The first deployment of its kind to any UN mission.</p>	Democratic Republic of Congo	3 months	<p>To provide gender advice to the force commander of a mission based in the ‘rape capital of the world’.</p> <p>Highly rated deployment by the UN which they wish to replicate further.</p>	£20,000	CSSF	MOD will be deploying the OF-4 gender advisor for an 8 month tour to be the senior gender advisor to the Military Advisor to the Secretary General of the UN
2	<p>1 x Major and 1 x Staff Sergeant deployed to Iraq delivering protection of civilian/PSVI training to Kurdish Security Forces (Peshmerga).</p> <p>The team were tasked to conduct T3 (train-the-trainer) with UK Military Training Teams (MTTs) in order for them to provide enduring PoC/PSVI training capability to the Peshmerga soldiers. This was the first deployment to Kurdish region and was seen as a trial to develop the concept across further coalition</p>	Based in BPC(K) at Erbil, but deployed to other training sites in the Kurdish region.	7 weeks, 1 May – 19 June 2015	<ul style="list-style-type: none"> • Main outcome: Increased awareness and understanding for Peshmerga on how to respond to civilians and victims of sexual violence in the battle against ISIL. • UK Military Training Teams briefed and POC material threaded into training to Peshmerga • 20 staff from Holland, Italy and Germany received POC T3 presentation. • Taught almost 1000 military (Peshmerga and coalition instructors) on Protection of Civilians. • MoP/Pershmerga identified 	£45,000 (estimate based on deployment of two mil pers to BPC(K))	CSSF/ MOD	<p>This training is now integrated into the Law of Armed Conflict package being delivered by the UK in Irbil. 77 Bde stood by to deploy in advisory / assurance role as required. Desire to achieve coalition agreement for this to be delivered by all nations.</p>

	Building Partner Capability (BPC) sites in Iraq.			<p>with benefit to their operations.</p> <ul style="list-style-type: none"> • Other nations (German, Italian and Norwegians) in the Kurdish Training Coordination Centre (KTCC) briefed on the programme and training material, supportive of threading into their own training of the Peshmerga. • Facilitated closer relations between the KTCC and the UN, members of the Kurdish Regional Government, NGOs and other consulates. For example the OC POC training facilitated a brief by UN Human Rights' staff to some 50 members of the KTCC 			
3	<p>64x Mentoring Staff at the Afghan National Army Officer Training (ANAOA) where the UK is promoting the role of women in the ANA, as well as the active teaching of modules on International Law, Human Rights and Women's Rights</p>	ANAOA, Afghanistan	1 year long course; Ongoing effort for the promotion of women	<p>To actively promote the role of females in the ANA, so it becomes a regular and recognised part of the Armed Forces</p> <p>To encourage the Afghans to put in place effective management and discipline processes to ensure women are treated fairly and kept safe.</p>	Funded through the £70 million per annum being committed to the sustainment of the ANDSF	MOD	
4	British Peace Support Team (South Africa) (BPPT)	SADC RPTC Harare	One week	To provide both military police and training development	USD 80, 000	CSSF	A pilot course will run in July 2015 which BPST(SA) will

	OF4 support to the development of the SGBV course (above) to be conducted at the Southern Africa Development Community (SADC) Regional Peace Support Training Centre (RPTC)			expertise in order to develop a SGBV course that will be part of the SADC RPTC's generic programme for PSO practitioners.			partially support. Moreover, once the course has been proved there maybe opportunities to provide guest lecture or training development support.
5	SGBV taught within a Force Conduct (FC) training package as part of the Malawian Battle Group's (MALBAT) preparation for UN operations. FC covers a wide variety of subjects: crime and criminality, detention, gender issues, International Humanitarian Law, Human Rights Law et al.	Salima Malawi	Two days	To sensitise and highlight to senior MALBAT commanders, areas that could lead to reputational damage or may have a criminal nexus to provide practical advice in order to try to deter occurrences and, if required, deal with incidents.	Approximately £2,000	CSSF	THE FC package will be delivered to all future MALBAT Training programmes that BPST(SA) support. Moreover, it is highly likely that BPST(SA) will support the Zambia Battle Group (ZAMBATT) prepare for UN ops in the CAR. The FC package will be part of that preparation.
6	2 x civilian PSVI advisors deployed with UK contribution to European Union (EU) Training Mission Mali	Mali	FY14/15 (FY15/16 contribution managed by FCO).	Advisors embedded within EUTM to ensure training includes instruction on PSVI.	£400,000 pa	CSSF	Advisors continue to be posted to EUTM in current FY. Their deployment now overseen by FCO.
7	SGBV/PSVI Training Course	Kenya International Peace Support Training Centre, (IPSTC)	14 -25 Jul14	Numbers trained – 33	£39,308	AU Core	Trained for future Op deployment

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		Nairobi					
8	African Union Mission in Civil Military Corporation Pre-deployment Training (PDT)	Burundi Bujumbura	25 Sep–10 Oct 14	Numbers trained 600	£3,200 16 hours	AMISOM PDT	Trained for future AMISOM deployment
9	Burundi National Defence Force Brigade and Battellion 30 CIMIC Training / Brief	Burundi Bujumbura	23-25 Nov 14	Numbers trained 10	£3,200 16 hours	AMISOM PDT	Trained for deployment to AMISOM Msn
10	UN Mission PDT Kenyan Battalion 23	Kenya Humanitarian and Peace Support School, Nairobi	2-13 Feb 15	Numbers trained - 34	£200 1 hour In sp of US funded training	US	Trained for future UN Mission deployment
11	CIMIC AMISOM PDT to 32 Battalion BNDF	Burundi Bujumbura	20 Mar – 2 Apr 15	Numbers trained 600	£3,200 16 hours	AMISOM PDT	Trained for future AMISOM deployment
12	Somalia Police Leadership Training	Somalia Mogadishu MIA	16 Apr - 7 May 15	60 SPF Divisional and station commands	£3,200 16 hours	AU Core	Trained to enhance policing services in Somalia
13	CIMIC PDT BNDF	Burundi Bujumbura	19-24 Apr 15	Numbers trained 600	£3,200 16 hours	US funded	Trained for future AMISOM deployment
14	Command BPST(EA) Brief to Mexican Navy Cadets	Mexico Velacruz	7 May 15	Comd BPST (EA) requested by FCO to deliver presentation on SGBV/PSVI training for Peace-Keeping Ops to Mexican Navy	NA	FCO	To raise awareness of PSVI and SGBV training for PSOs. Audience – 500 cadets
15	CIMIC Training	Rwanda Musanze	11-22 May 15	Numbers trained 24	£1,800 9 hours	AU Core	Trained for future AMISOM deployment
16	SGBV / PSVI AMISOM	Kenya	29 Jun-10 Jul	Numbers trained 43	£75,000	AMISOM	Trained for future AMISOM

	Training	IPSTC Nairobi	15			PDT	deployment
17	FY14/15. BMATT(CZ) ran 10 x courses with students from 17 NATO and PfP countries. Each course included a lesson on PSV.	Czech Republic	2-6 weeks	228 students, themselves instructors, received UN lessons on PSV.	Negligible (one lesson within a course)	CSSF	BMATT(CZ) aims to increase its instructors from 7 to 8. A similar number of courses will be run in FY15/16.
18	BMATT(CZ) training teams deployed to run courses. Each course included a lesson on PSV.	Kazakhstan, Romania, Slovenia, Morocco, Croatia, Kyrgyzstan,	2-6 weeks each	208 students, themselves instructors, received UN lessons on PSV.	Negligible (one lesson within a course)	CSSF	Similar courses are programmed for FY15/16 in Romania x2, Ukraine, Kosovo, Serbia, Morocco.
19	BPST(EA) training on SGBV	Karen, Kenya	Unknown	5 SGBV courses in Karen attracting some 200 attendees from 10 different regional countries; the most recent of these courses was a Train the Trainer course. The courses have been visited and confirmed as fit-for-purpose by the FCO's Peace-Keeping Dept.	Unknown	CSSF	
20	SGBV included in AMISOM Pre-deployment training	Karen, Kenya	Unknown	BPST (EA) include SGBV training as one of the modules as part of AMISOM Pre-deployment training and other training serials they conduct across the region.	Unknown	CSSF	

21	Training of 10 000 African soldiers on SGBV	Karen, Kenya	Unknown	BPST(EA) conducted 55 weeks of training, using 26 STTTs in 14/15 to an audience of 10000 African soldiers, civilians and policemen: SGBV training modules are included in the vast majority of these events.	Unknown	CSSF	
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11 November 2015

Department for International Development and Ministry of Defence – (Oral evidence (QQ 147-156))

Evidence Session No. 20 Heard in Public Questions 147 - 156

TUESDAY 8 DECEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witnesses

Ms Lindy Cameron, Director of Middle East, Humanitarian and Conflict, Department for International Development, and **Lieutenant-General Gordon Messenger**, Deputy Chief of Staff (Military Strategy and Operations) and Champion for Women, Peace and Security and the Preventing Sexual Violence Initiative, Ministry of Defence

Q147 The Chairman: Good afternoon, and thank you both very much indeed for joining us. Of course you know the formula, but let me just quickly repeat it. This is an on-the-record session and we will send a transcript in case you want to tweak it if there is anything inaccurate. You have the list of interests of Committee Members. I do not think there are any new ones, so I suggest that we go straight ahead.

I will start by asking, General Messenger, if you could be kind enough to outline your department's approach to preventing sexual violence in conflict. Is it a mainstreaming approach or a dedicated strategy on the issue?

Lieutenant-General Gordon Messenger: I think our approach is to ensure that this, as an issue, is ingrained in the culture of the department. Do I think we are there at the moment? No. I think it is growing in profile. Awareness more broadly is growing—I would argue, quite quickly. Our aim is to absolutely mainstream it so that it is part and parcel of the UK Armed Forces wherever they serve.

The Chairman: Thank you. I call Baroness Warsi.

Q148 Baroness Warsi: Thank you for coming to give evidence. I have three parts to my question. First, how is PSVI incorporated into UK military doctrine? How is it operationalised? Is there a written policy?

Lieutenant-General Gordon Messenger: Thank you. It is worth saying that although the Women, Peace and Security and PSVI agenda has been part of our business for a while, we are at a relatively early stage of formalising it and, as I said, mainstreaming it. Much of what I am going to describe is work that is under way but is yet to fully deliver. That is true in the doctrine world. We have an undertaking to make our doctrine gender-sensitive and to ensure that WPS and PSVI is incorporated where applicable in our doctrine.

I have a meeting on Monday next week, the purpose of which is to prioritise which doctrine we are going to tackle first and give direction to our doctrine centre on and the order in which it is to tackle this. Clearly, some forms of doctrine are more important than others; this forms a more prominent part in certain doctrines. The intent is to start with the important bits, incorporate them and to ensure over time that all doctrine, where relevant, is gender-sensitive and takes account of the WPS and PSVI agenda. Not all doctrine will. Anti-submarine warfare doctrine, for example, may not include it, but where we are talking about human interaction, I confirm that we are seeking to do that.

Baroness Warsi: There were other parts to my question.

Lieutenant-General Gordon Messenger: Yes. On the question about operationalising, over the past few years we have demonstrated that this is an important part of what we do. We recognise that we are a global presence and deal in conflict areas where many of these issues are prominent and evident. A lot of our pre-training before deploying and a lot of our training of other forces takes that into account and in some cases is a central theme.

I do not think that we yet have an operational structure that formalises this in the way we do our business. For example, if a commander were to deploy with a force now, it is not mandatory or necessarily the first thing that will come into that commander's mind that there should be a gender adviser with that deployment. We are seeking to inculcate that in the system, and we are building our pool of gender advisers to allow that to happen.

On policy, the answer is yes. We currently have a draft policy, which will be discussed at my strategic steering group in the next two months. We are looking to lay down the high-level principles in it. We are keen that we have a consultative process to ensure that that policy covers the things that it should cover, and at a meeting in the Foreign Office last week I asked the community to identify the most relevant points of consultation to ensure that we have the right things included in that policy.

Baroness Warsi: Could I just ask a supplementary? This Committee will report in March next year. If the policy meeting is within the next two months and the policy is in draft format at the moment, it would be really important for the Committee to see that written policy before we come to conclusions. It would certainly reflect well on the MoD for us to say that you are actually doing what you are saying. Could you undertake to let us have a copy of that written policy before we report?

Lieutenant-General Gordon Messenger: I do not think I can say with confidence that that will be a non-draft, final policy by March. I would need to take some advice on whether it would be helpful for you to have a draft, given that we may continue to work on it. This is not me trying to avoid the issue; it is just that those timings do not appear to work particularly well.

Baroness Warsi: I just think that for the sake of the MoD not being criticised in our report, it could help to focus minds for you to go back and say that this Committee is reporting in March and it would be good for it to see, nearly two years on from the conference, what our written policy is.

Lieutenant-General Gordon Messenger: Yes.

The Chairman: I am confident that we are not likely to be critical of the MoD anyway, so shall we just leave that one side? We are not yet deciding that sort of thing.

Baroness Warsi: No, we have not got to those conclusions yet, Chairman, but I think it would be important to hear from the ministry.

The Chairman: But just for the sake of knowledge.

Q149 Lord Hannay of Chiswick: We took some very interesting evidence from the former Chief of the Australian Defence Force on this matter. He seemed to have got a bit further than we have in this. Have you tapped into his experience? I have to say that he suggested that it had not been altogether easy to change the culture in the armed forces for which he was responsible, but he felt that they had achieved a major breakthrough. Are we factoring all that into our thinking?

Lieutenant-General Gordon Messenger: I have not spoken to the ex-CDF of the Australians, but I absolutely support your thesis that consultation with those who have been through this and have sought to change the culture is important. We are on a bit of a journey with other European militaries, and indeed with the American military. Most of the interface is forward, when we have people deployed. A lot of cross-referring and best practice sharing goes on forward. I would highlight in that regard the Kurdish region of Iraq, where we are training the Peshmerga and are incorporating PSVI training. We have a good relationship with other nations, particularly the Germans, but also a couple of other European nations, to ensure that we are delivering standardised packages and learning from each other's mistakes and experiences.

The Chairman: The Australian military, which Lord Hannay mentioned, told me last week that they had been training peacekeeping forces for three months before they are deployed. Is that something that the British military would look well on?

Lieutenant-General Gordon Messenger: Yes. We will include standardised training in this area for all pre-deployment. We already do when we have forces going overseas to conduct

training or participate in an operation. We include this training as part of their pre-deployment training, but it has been a little ad hoc and delivered by those who we have been able to co-opt. We have commissioned a training needs analysis, which sounds dull but which I think is important to standardise training. That will include basic training—ie, every new recruit will have it included in basic training. More meaningfully, pre-deployment training is really important so that as people deploy to these places, they have the latest thinking, something that is tailored for the theatre into which they are deploying. That will be an important part of this.

Ms Lindy Cameron: Perhaps I could just add that it is one of the eight commitments recently announced by Baroness Verma as part of the review of Women, Peace and Security. It is the third of the eight commitments that by November 2016, troops deploying overseas will have that training.

Baroness Hodgson of Abinger: Can I just pick up on that? Will you at some point look at how effective the training is post-deployment? Do you have any plans to conduct debriefing about it and look in detail? Sometimes you might be able to learn a lot post-operationally about how effective the training was.

Lieutenant-General Gordon Messenger: I think we have to. I do not think that we have really tackled that yet. In many cases, that will be working with the international organisation that the troops we are training will be working under. We have trained a number of Malian soldiers for the EU mission in their country. You know that we have done a lot of training of United Nations peacekeepers, often specifically in this area. It is in our interests to work with those international organisations to identify the effect that the training has had. I confess that that will not be easy. Measures of effectiveness in that area are sometimes difficult to quantify and be objective on, but it is essential that we try.

The Chairman: Baroness Warsi, this is still your question. Do you have any more supplementaries?

Baroness Warsi: No.

Q150 Bishop of Derby: We have just been talking about training for people about to go into theatres of conflict. Beneath your doctrine and policy, it is about getting it into the bloodstream more generally of people who are serving. We understand from your activity matrix that new entrants receive one hour of diversity and inclusion training, supplemented every two years by advanced diversity training. That is obviously an attempt to gear people up. In relation to PSVI and WPS, what do you think this training is delivering from the perspective of those issues? How can we monitor it to see whether we need to increase it or develop it in any way?

Lieutenant-General Gordon Messenger: There is a very clear linkage between how an organisation deals with diversity and inclusivity and how it deals with WPS and PSVI issues when deployed. Obviously, we are concentrating and focusing on our D&I training and D&I culture for broader organisational benefits, not least to try to improve the ratio of women and ethnic minorities in the military. There is a really important crossover in the cultural point that I started with. At the very forefront of the policy that is in draft is that our own behaviour needs to be utterly exemplary if we are to position ourselves at the leading edge

of this effort among the world's militaries. We take examples of where we fail to deliver exemplary behaviour very seriously.

Bishop of Derby: Will you be able to build into the training plan an evaluation through these lenses so that you get a more general view of the mindset and attitudes of people in the Armed Forces who you have tracked?

Lieutenant-General Gordon Messenger: Is your question related to measures of effectiveness again? Again, cultural shifts are necessarily difficult to measure.

Bishop of Derby: They are hard to measure, but you are investing in this training and we are concerned with these particular angles on it. It is important that it is effective, and it is important that besides reacting when things go wrong—as you say, failure, you learn from—proactively you can improve the training by assessing it and evaluating it as you go along. It would be interesting to know how you are going to prioritise that.

Lieutenant-General Gordon Messenger: I see what you mean. In any systems approach to training—and by committing ourselves to a training needs analysis, it is exactly that process that we are embarking on—an assessment of the effectiveness of that training is a really important part. That is true of the D&I stream. It is also true of the WPS-PSVI stream. Yes, I take your point. That is part of the systems approach to training that we have set under way.

Q151 Baroness Goudie: Following on from the Bishop's question, we will have new deployments for peacekeeping, going into Somalia and South Sudan. I take it that these will have women as part of the group that is going. How will they ensure that they will be able to work with all the groups on the ground—not just the military but the government and women's groups, and other groups working together, men and women? Both areas are very tricky and difficult.

Lieutenant-General Gordon Messenger: Yes. We have not yet finalised the exact nature of our mission on the UN commitments we have made to South Sudan and Somalia.

Baroness Goudie: Another question is: how many people do we expect to send?

Lieutenant-General Gordon Messenger: We are probably talking about the low hundreds in both. In South Sudan that is likely to be for about a six-month period each year for three years because of seasonal issues—the sorts of enabling and infrastructure support that we intend to deliver cannot be delivered during much of the year—and a permanent presence in Somalia. On the exact nature of that, we have teams out there at the moment working with the missions to ensure that we are delivering on that. However, it is a real opportunity for the British military to make its mark in the United Nations, which is an area where we have been underrepresented recently because our priorities have been elsewhere, and it is our very real intention to use the WPS agenda as something that we can focus on.

So, yes, there will be women as part of the deployment. It is our intention to ensure that there is a gender adviser as part of at least the South Sudan mission. We have not yet looked at how we can leverage value from having that expertise in the theatre. However, you are right as regards access to females on the ground, encouraging females to participate in the political process, and as part of conflict resolution. I think everyone sees the potential in that, and we need to try to unlock as much as we can from these deployments. However, I would not want to overpromise on this—these are relatively small deployments in very

difficult parts of the world. However, I can reassure you of our intention to try to get as much value from it as we can.

The Chairman: Would it be possible to try to use these specialists in encouraging women to come forward and in ensuring, as far as that adviser can do so, that women are incorporated into the peacekeeping process subsequently? That would seem to us to be a highly good thing to do, and very specific.

Lieutenant-General Gordon Messenger: It is a really important thing to do. What I cannot state with confidence now is that a military gender adviser would be the key that unlocks that. However, if we deploy with that as a principle focus, it can only help. For example, the SRS in South Sudan is a female, and that is key to unlocking some of the things that you have described.

The Chairman: Before I come to Baroness Kinnock, Baroness Hussein-Ece wants to say something.

Baroness Goudie: Can I just ask one quick supplementary question? Which country do you feel in military terms has the cutting edge? I know that as a country we are leading this in a very positive way, but is there a military team around the world that you feel is at the cutting edge?

Lieutenant-General Gordon Messenger: I think that some of the Scandinavian nations are very strong on this. They have very sensibly taken a strand of conflict resolution that they were very strong on in the 1980s and 1990s. They have a very strong brand, if you like, of being very gender aware. That is where we need to take our Armed Forces and our department. If the UK gets into that as a brand overseas, that will carry a lot of weight, because we are more prominent overseas than many of the nations I have just described.

Q152 Baroness Hussein-Ece: Thank you very much for your evidence. My question very much follows on from the previous question about deployment of troops in Somalia and South Sudan. I particularly wanted to focus on South Sudan. All reports have described that sexual violence there remains extremely prevalent, in fact unprecedented, and very wide-ranging. Previous witnesses who we have questioned on this have said that it was exacerbated by impunity and the fact that there was a lack of the rule of law and legal institutions. I know that the Prime Minister announced that the UK was offering troops to the African Union and the UN to mitigate terrorism and migration, but surely for the purposes of what we are doing here—PSVI—that has to be a key component of the role of some of these troops and advisers who are being deployed there. That has to be tackled. Even though you have said that the numbers are quite low, British troops cannot be there and not try to do something to tackle it or even to highlight what more needs to be done internationally to tackle this evil.

Lieutenant-General Gordon Messenger: We are going to deploy into a very challenging area, and we need to try to do as much good as we can. We need to be quite open-eyed as to the difference that relatively low numbers of troops will make. None the less, if we go into that theatre with that as an express objective, we can make as much as we can out of that deployment. It would be wrong of us in that theatre to do this through anything other than through the UN lens. This is a UN mission we are part of, so everything we would need to do would be with the support and through the aperture of the United Nations. However,

I absolutely agree with you that we need to try to get as much value from these deployments and try to do as much good as we can from these deployments.

Ms Lindy Cameron: In addition, the UK military does not operate in isolation. This is something that we look at across the Government. South Sudan is one of the UK's—DFID's—successful programmes on tackling violence against women and girls. We have a very successful mobile health clinic programme and a DFID partner operating in the same area that has high rates of reporting of sexual violence from men and boys. Therefore we look at this as a sort of DFID-MoD-FCO integrated approach rather than just a military one.

Lieutenant-General Gordon Messenger: That is a really important point. If I come across as betraying a departmental position, that is misleading. This is a joined-up, cross-departmental effort. We regularly meet with our senior colleagues, and at the working level there are very frequent meetings that look at how each department is working with the other to ensure that we meet the pledges we have made. So yes—we are talking on behalf of our departments, but this is a very joined-up effort.

Q153 Lord Hannay of Chiswick: Could I just say, General, how extremely welcome the enthusiasm with which you are approaching these new deployments is, and your recognition that we have been rather absent from the UN field for some time? It is very good news. Could I ask you something really quite sensitive? If by any chance, heaven forbid, there were allegations of sexual violence against one of our own troops deployed in one of these missions, or indeed the ones we already have deployed in Cyprus, what is the policy with regard to the handling of that accusation, and if justified, of bringing them to a court martial or trial of some kind?

Lieutenant-General Gordon Messenger: That is absolutely our approach: that if there is an allegation, it would be investigated; the individual would be withdrawn from the front line while that investigation is completed. There would be a review point as to whether that individual returns to the front line or was sent home while that investigation continued, and if found worthy of trial, that individual would undergo a court martial. That has happened—in very, very few occasions, but it has happened.

Baroness Kinnock of Holyhead: Mostly what they do, for instance in the Central African Republic, is make the arrest and then send them home, and there is no guarantee at all that any action will be taken. That remains a problem. You mentioned South Sudan, where the conflict was so grave and so difficult that we can talk as long as we like about the solutions, but the leaders in that country are fighting each other the entire time, and that makes it impossible for people such as you to do what you want and need to do in that situation.

Lieutenant-General Gordon Messenger: Another example is that we have deployed training teams in various places in Africa. They are predominantly responsible for training the forces of nations in the AU or the UN. We see those as platforms for the cross-Government effort. We work very closely with the Stabilisation Unit to ensure that we are delivering that training to law enforcement specialists. Sometimes it is good to have a civilian instructor; sometimes it is good to have a military instructor. We are able to use that cross-Government single-mindedness to ensure that we are tailoring the training appropriately.

Ms Lindy Cameron: It is perhaps one of the benefits of the Conflict, Stability and Security Fund that it allows us to look cross-departmentally at funding, rather than just dealing with departmental silos.

Lord Hannay of Chiswick: I just go back to the World Humanitarian Summit, which you mentioned. It sounded to me from your answer that we are going to be very reactive rather than proactive. If you sit and wait for the UN to produce its document, you will then be playing catch-up. What are we doing to inform the UN of what we think the approach should be? I have to say that we are a little frustrated, because we keep asking questions about the World Humanitarian Summit, and the replies that we get are cast in language of such generality as to mean everything to no one, or nothing to anyone.

Ms Lindy Cameron: I will do my best to address that, in that case. I do not know whether you realise, Lord Hannay, that the UN is in an extremely long and detailed consultation phase in which there are 1,000 flowers blooming and it is listening to many voices. I went to the concluding part of that not long ago in Geneva. It has taken an extremely consultative approach; one reason that it is hard to be specific is that thousands of different ideas have rained in about what the Summit might tackle next year.

Women and girls is one of the four priorities for the UK that we want addressed at the Summit. You are right to say that there are still months to go before we pin down exactly what it will look like. We are looking for a really bold commitment to gender equality and specifically an expansion of the Call to Action at that Summit. I was talking to my Swedish colleague—as you know, Sweden was one of the co-founders of the Call to Action—about what we might do there. We want them to play a leading role on that as well.

Women and girls is only one of the issues that we are looking at. One of the biggest for us is humanitarian financing. As you probably know, we are at an unprecedented peak of humanitarian crises in the world right now. One key challenge is how the humanitarian system finances that huge set of crises on a sustainable basis that both prevents and responds to crises taking a multiyear approach. That means that we are not simply staggering from year to year, we are looking at it strategically. There are a number of big issues; this is only one of them.

Lord Hannay of Chiswick: Could you let us have more specificity before we start to draft our report? That would be very valuable. I hate to suggest this, but it might be quite valuable for you, too, because I very much doubt that we will disagree with your priorities, but we may be able to give them some support, if you could only tell us what they are.

Ms Lindy Cameron: Yes, certainly. I will happily write to you with more detail on that.

The Chairman: Baroness Hussein-Ece first, and then Baroness Hodgson.

Q154 Baroness Hussein-Ece: My question is this: you mentioned our experience in Afghanistan. We have had women MPs come over from Afghanistan, and some of us have had roundtable discussions with them. This was before the British troops pulled out. They were concerned about the significant funding that we were committing to Afghanistan for women; as you mentioned, it is one of the four priorities. They were concerned that, after withdrawal, a lot of that funding would not reach women. They kept impressing on us that they wanted it protected or ring-fenced now. Colleagues and I have asked this question of Ministers and other officials on a number of occasions, and there always seems to be

resistance. Do you know why that is? If violence against women and girls is a priority, why is the funding not being earmarked or protected in some way? If it is paid over to the Government there, there is no guarantee that it will be protected. Why is that not a priority for us?

Ms Lindy Cameron: Women and girls are absolutely a priority for my Secretary of State, the Secretary of State for International Development. One challenge for us is how you count it, because we run many programmes. This goes back to the first question that you asked my colleague about how we deliver. Part of what we are doing is ensuring that we look at women and girls in every programme that we run. A consequence of the International Development (Gender Equality) Act is that we have to identify what we are doing about that. Some programmes are specifically focused on violence against women and girls, particularly in emergencies. Others, such as in the health sector, may both look at general health benefits and have an element focused at addressing specific health needs.

When you talk about ring-fencing, sometimes you might be looking at only a small part of the spectrum of what we are doing. In Afghanistan, specifically, we have secured a commitment to long-term funding and support after the troops pulled out. That was part of our multiyear development commitment to ensure that we sustain some of the gains that have been made.

Baroness Hussein-Ece: Do you not think that, specifically on preventing sexual violence, there is a case for funding for projects to be protected?

Ms Lindy Cameron: I personally think that it is better to see it as part of the whole of our programming and to make sure that every programme that we run considers gender issues as part of it.

Baroness Kinnock of Holyhead: The women always raise with us that their organisation should be given the money directly, rather than having to go through some rubberstamping performance, when they lose it because others have more power and authority. Women from Afghanistan in particular have terrific willingness to organise their own lives and objectives, but they are unable to do it because the money just does not get to them.

Ms Lindy Cameron: I completely agree about how impressive some of the people you are talking about are. Some of the most impressive people I met working in Afghanistan were female MPs. One of the challenges for the World Humanitarian Summit is how we build the capacity of local organisations to respond. Of course, we have a responsibility to the UK taxpayer to make sure that money is well spent, so part of the challenge for us is building the capacity of small, local organisations in a way that means that we have the assurance that money is well spent. Sometimes that can be a tricky balance. Sometimes, for example, it means that we work through other, larger civil society organisations to build capacity rather than immediately and directly through those local organisations, but that is something that we are thinking about.

Baroness Hodgson of Abinger: Following on from my colleague's comments about Afghanistan, one of the issues has been that lobbying and advocacy are never funded. Therefore, the women's movement has faltered. Money goes to projects, not to helping them have capacity to organise themselves for advocacy. In all these countries, there is a terrific need to help the women's movement there to co-ordinate, which it does not have

the capacity to do. It is very hard for them to get funds for that. That has hampered the women's movement there quite badly.

Turning back to the World Humanitarian Summit, it has been suggested that the UK should make its contribution to common funding pools and through a common allocation to gender-based violence programmes. To what extent is prioritisation of actions to prevent GBV incorporated into core funding agreements with different agencies?

Ms Lindy Cameron: That is a very good question. Our broad partnership principles with governments include looking at human rights. In terms of core funding arrangements with large UN agencies, it depends on the agency. As I said, we have an obligation to look at the gender impact of all our programming, so it is one factor that we consider in every business case that goes to our Secretary of State. How much detail we go into depends a little on which agency we are talking about. If it was UNFPA, for example, we might look into it in greater detail. In terms of our humanitarian support, one thing we are asking others to do is to mainstream their approach to women and girls, particularly violence against women and girls, much more seriously. That is something that we are doing better and asking others to do better: to prioritise that as part of a broad approach to protection of civilians, so that it is not an add-on, it is one of the core issues of protection that we think about in every context.

Q155 Baroness Goudie: Good afternoon. I am worried about the whole question of quotas, which you feel is important. I can see why in certain circumstances it is really important. In which areas could we stop having quotas? I know it is a long way off, but do you see a time, planning long-term, when we would not have to have quotas?

Ms Lindy Cameron: I would sincerely hope so, in the sense that that is true in every country, including in our own and in other countries.

Baroness Goudie: I know that it is part of a peace agreement, which I agree with, to have women at the peace table, and to get the parliamentary situation to 50:50—there is no question about that. But in the long term, do we forecast that it might become the natural way, without having to do it with quotas?

Ms Lindy Cameron: It is context specific, so it depends on the country. Obviously, it is ideal to reach a context where we do not need to set quotas. We know that peace agreements are more effective when women are involved, so there are choices for us when we see contexts in which women are underrepresented, and we know that that is a threat to the potential success of a peace process. That is obviously when with diplomatic colleagues you have to make some tough decisions about at what stage you push for what. Therefore, in a very fragile conflict situation such as in Syria at the moment, peace would be so much better an outcome than the violence, you may in a sense be looking at what you do afterwards to rebuild and reinforce it rather than making a condition on the road. However, in some contexts, perhaps at a very local level, where you can see that a peace deal will not work unless women are involved, a longer, slower process might result in a more stable peace agreement. So it depends on the context.

Baroness Goudie: If I can come back to the peace group and ensuring that women are at the peace table, some diplomats—not British ones, as far as I know—want to get it done quick and fixed, and do not want to give women time because they do not think that women are capable of accepting it. However, peace starts when women say, “We have had enough”.

We know that that is documented in a number of places, and we have seen that. As Britain is a leader in the world on this, is there no way in which we could try to have it written in that there is no way in which we could discuss the peace without having women? Quite often, local women have sat outside the peace conferences and peace places, and there are potential women leaders there. Through different sources we will work—I do not mean us here—with organisations and groups globally that know the future leaders, because they come in and out and we give them awards, work with them, mentor them—they are there. So there is no reason for them to say, “There aren’t any women”.

Ms Lindy Cameron: No, I completely agree. To be clear, the first of the eight commitments Baroness Verma made in our review of 1325 and follow-up to Women, Peace and Security is that we will shine a torch on peace processes to ensure that we are always thinking about how to involve women in peace processes and how to improve their involvement. You cannot rule out the possibility that there are contexts in which that will not have happened at the beginning of the process. I would not want to stop or slow down a process, but that has to be something that we understand as necessary for the success of a long-term process. Peace will not be reinforced unless women are at the table and helping to reinforce the deal.

Baroness Goudie: How, then, do we influence the United States, which will never have time, although it gives it lip service? I can just see in Syria that they want to walk in and finish the deal.

Ms Lindy Cameron: By taking it seriously ourselves.

Baroness Goudie: That is why I have to ask you the question. I want it for the record, because the way the US handles peace is completely different to the way anybody around this table would handle it.

Baroness Hodgson of Abinger: Can I just back up my colleague? Perhaps this is not your department, but when you saw the picture of the Vienna conference two weeks ago, it was completely depressing for those of us who have spent time working on the Women, Peace and Security agenda. There were 21 people in the room and only one woman crammed in at the back—none around the table. We have to change this if we are ever going to have peace in Syria. I think all of us find it very disheartening after all the work and the wonderful summit that took place here last year. So I hope that the UK will try to resist participating unless there will be some women there.

Ms Lindy Cameron: Given the seriousness of the situation in Syria—and you are right that that is probably a question for my Foreign Office colleagues—we need to try to make as much progress at Vienna as we can. This is the first chance that we have had at peace for Syria in some years, and it is essential that we do everything we can to try to make it succeed. However, I agree with you that that picture is not a good reflection of society in general, and we know that 50% of the population is excluded if there are no women at the table, so we know that to make peace processes a success we have to think quite hard about how and where to involve them. It is clearly the case that in violent civil wars, where you have a series of parties to the conflict, it makes it more challenging, because there are not large numbers of female representatives of the armed groups, for example, who are getting together to have conversations about who is involved in the opposition discussions, for example. Therefore it is a challenge, particularly in violent civil wars, but we know we

have to focus on that to ensure that peace processes are sustainable and will result in long-term peace rather than a short-term ceasefire.

Baroness Hodgson of Abinger: And long-term peace for everybody. We need also to keep trying to influence the UN. At Geneva II, Brahimi did not let the groups of women in that were there.

Ms Lindy Cameron: Absolutely. We also know how much women are suffering in this conflict. The vast majority of refugees are women and children. This conflict has had a disproportionate impact on civilians, so it matters hugely to women that this conflict is resolved.

The Chairman: I am going to move on to Baroness Young, please. We will have one more question only, because we have to finish by quarter to four for Baroness Anelay.

Q156 Baroness Young of Hornsey: This is to Ms Cameron. What are the implications of the increasing emphasis on security and justice programming? We touched on this in the previous session, as potentially there might be a risk that preventive work such as long-term programmatic work to change attitudes and behaviours will be side-lined at the expense of, for example, trying to counter extremism and the securitised response to sexual violence in conflict.

Ms Lindy Cameron: I have to say that for us at DfID there is no chance that that will crowd out prevention. If I go back to the World Humanitarian Summit, one of the things we absolutely know is that prevention is cheaper and better than response in almost all situations of humanitarian action. So it is absolutely the case that one of the things we do as DfID is think about both what we can do to prevent violence against women and girls and how we can help to respond to it. It is essential that we do not allow ourselves simply to respond, but think about cheaper and better ways to get up there. One of the benefits of DfID is that we do not have humanitarian and development silos. Our work spans the whole spectrum. Therefore as a result we can therefore think about the very long-term development interventions that help us to think about that prevention side, as well as having the short-term surge ability to respond at scale in humanitarian crises such as Syria or Iraq.

Baroness Young of Hornsey: In the evidence we had previously regarding the FCO, a very clear link was made between women's rights and counterextremism. Some of us were putting the point that that may not necessarily be conducive to promoting women's rights as an end in itself. What you just said suggests that there is a position there, and that we need a bit more communication and dialogue between the MoD, DfID and the FCO on where our priorities are.

Ms Lindy Cameron: I do not think that that is the case. In a sense, we each bring different skills to the table as a department, and part of DfID's strength is looking at the 20 or 30-year development horizon in the country and about what we can do now that will result in long-term outcomes for the next generation of women. We bring that particular strength to it as DfID, which is different to the strength that my Foreign Office colleagues bring.

We recently reviewed our programming in 2014 and looked at how our programmes overlap. We aim for four things when we are tackling violence against women and girls: providing comprehensive services, building political will and the capacity to respond to

violence, changing social norms, and empowering women and girls. Most of the programmes we run tackle more than one of those objectives, so they are not siloed—in a sense, they are quite integrated. Now, we also have a large programme that looks at how we build the evidence-base for preventing violence against women and girls. This is a complicated area, and particularly in the area you referred to of tackling extremism it is quite complex to dig into both what works to prevent extremism and how extremism impacts on women, and what women's role is in that. It is complex and sometimes contradictory. So it is important that we challenge ourselves on understanding in detail what works, so that we can do more of it.

The Chairman: Thank you very much indeed. Thank you again Lieutenant-General Messenger, it was most kind of you, and thank you Ms Cameron. Would you be kind enough on our behalf to pass our congratulations on to Baroness Verma on being appointed as Ministerial Champion for Tackling Violence against Women and Girls Overseas? Thank you very much also for your very helpful and timely contributions.

Department for International Development and Foreign and Commonwealth Office – Supplementary written evidence (SVC0062)

Supplementary evidence following Oral evidence (QQ 10-17)

1. Regarding Q1 (“Can you tell us about the scale and impact of sexual violence in conflict in the areas in which you (or your organisation) work?”), could Dan, Michael and Rosy please provide more detail and sources for the figures they quoted in their responses?

As we mentioned sexual violence is often under-reported and therefore it is difficult to get an accurate picture of the scale and impact of sexual violence in Iraq. It is clear, however that thousands of people (men, women and children) have been victims of sexual violence at the hands of Daesh. The figures that Rosy Cave quoted (a total of 2,129 survivors were documented—801 women, 306 men, 497 girls and 525 boys) were provided by the UN and obtained by them from reliable sources, although they have not been verified by the UN. These figures only reflect reported cases in northern Iraq so the numbers are likely to be much higher when we factor in unreported cases and the rest of the country. We must also remember that there are reports of sexual violence committed by actors other than Daesh and these must be addressed too. Multiple organisations are documenting incidents of sexual violence, and better coordination between these organisations will enable us to obtain a clearer picture on the scale of the issue. This is something we will continue to encourage.

In Syria, Human Rights organisations state that for every violation committed by Daesh, the Asad regime has committed seven. Estimates for the number of people tortured are in the hundreds of thousands - a high number of which are likely to involve sexual abuse (predominantly men in regime detention centres). Given the current lack of access, it won't be until after the conflict that we are able to assess the full scale and impact of sexual violence cases. Cultural sensitivities are likely to mean many cases are under-reported. Only a long term plan of supporting continued documentation, advocacy and the up-scaling of victim support mechanisms will enable us to assess and respond to the full extent of the cases.

2. Regarding Q2 (“How do you (or your organisation) work with the international community and the UK Government to tackle sexual violence in conflict?”), could Dan please provide details of the activities entailed in drafting Iraq's NAP and of the anti-Daesh coalition communication strategy (to combat Daesh activities)?

The British Embassy was a member of the UNSCR 1325 NAP Committee in Baghdad. The Embassy was the only diplomatic mission to be invited to sit on the committee as it is viewed by the Government of Iraq as a key partner on PSVI. The committee drafted the 2015 Emergency NAP to deal with the direct consequences of Daesh and the abhorrent sexual violence they are systematically carrying out. This was agreed by Parliament.

The NAP's overall objectives are Participation, Protection and Prevention. It aims to create measures, procedures and programs to protect all women against sexual violence. The Emergency NAP for 2015 fits in with the overall NAP for 2014-18 and was created to ensure

that the NAP responds to issues of sexual violence which have emerged since the NAP was agreed in 2014, for example the rise of Daesh. It will help achieve the objectives set at the London PSVI conference. During the drafting process, the Embassy ensured that the Emergency NAP brought a much needed focus on sexual violence and what needed to be done to address it. This was particularly important in relation to IDPs whose needs are some of the most pressing. The NAP lists specific objectives with dates for completion and states which Iraqi Ministry is responsible for implementation. The Embassy ensured that DG's from all of the involved Ministries sat on the Committee to ensure their buy-in and agreement to fund the objectives for which they were responsible. The British Embassy is in the process of issuing a call for bids to use CSSF funds to support implementation of the NAP.

The new International Syria Support Group has set out an ambitious timetable for peace talks leading to political transition, constitutional reform and free and fair elections. Supporting Syrians on including international Human Rights standards in their reform process, including adopting UNSC 1325 into new legislation, will be a priority.

3. We did not have time to ask Q7, and so would be grateful if Dan, Michael and Rosy you could please respond to it in writing: “What strategies are there to counter the ideology of actors such as Daesh that use rape as an orchestrated instrument of terror?”

The Daesh Taskforce communications team works with cross-Whitehall departments and international partners to challenge and undermine Daesh's narrative (please see attached our strategic communications strategy which outlines our five key objectives and the activities undertaken). Increasingly Daesh's propaganda narrative is based on three drivers: a concept of the “Caliphate” being an Islamic Utopia; Daesh as a successful and powerful military organisation; and a concept of their form of Islam as being supreme, combined with a sense of victimhood. Their over-riding message is that if you subscribe to their ideology, you will live in a state of Utopia; if you do not, appalling things will happen to you. The violence and brutality is part of their narrative, so we try not to amplify this, but, instead to put out messages which undermine this narrative.

Our communications efforts have reached over 80 million people via online, print and TV media, and secured over 10 million online interactions – that's people who have chosen to engage, share, endorse or comment on our campaigns.

Through our communications activity we have also:

- Delivered communication campaigns targeting the UK public as well as communities in Iraq, Syria and the wider region
- Disrupted Daesh's communications efforts and promoted messages of moderation and unity by supporting credible voices
- Supported the strength and reach of credible and influential voices speaking out against Daesh
- Worked closely with international partners, in particular in the Middle East to disrupt Daesh's ability to communicate
- Promoted and amplified moderate Muslim voices to condemn the atrocities of Daesh

- Increased the communications capabilities of regional governments (in particular in Iraq and Tunisia) to reach out to, and respond to the needs and concerns of their populations
- Supported the Iraqi Security Forces and Government of Iraq to counter Daesh propaganda
- Significantly increased the information available to UK audiences about what the UK, and
- Global Coalition, is doing to defeat Daesh and help Syrians and Iraqis

Additionally, the Government is one of three co-chairs (with the US and UAE) of the Anti-Daesh Global Coalition's Working Group on Strategic Communications. The UK has attempted to shape the Coalition's approach in line with our own anti-Daesh communications strategy, focusing on aligning Coalition messages, amplifying credible voices, strengthening digital communications channels and measuring impact. To add impetus to this effort, the Prime Minister announced at the UN General Assembly in September that he would establish a new anti-Daesh Coalition Strategic Communications Cell and give it £10m of seed funding. The Cell will initially be based in London, with the aim of: coordinating and expanding the number of countries undertaking communications interventions tackling Daesh; building capacity among those countries; and running campaigns to undermine Daesh's narrative and to damage its brand. Our aim is for the cell to be global in its staffing and reach, with contributions from all Coalition partners.

4. The same for Q8: "What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict? What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?"

The British Embassy in Baghdad is using the Human Rights and Democracy Fund to support survivors of sexual violence and ensure access to justice. The projects offer access to health and psychiatric support while also documenting, in a victim sensitive way, cases of sexual violence. This documentation can then be used to hold people to account and support is given to work through the Iraqi justice system. The projects are ongoing but are focused in the areas of Erbil, Kirkuk, Suleymania, Dohuk and Zakho. The target is that 2,400 women will be reached and another 400 will participate in 20 legal meetings conducted by lawyers trained in the recording and documentation of sexual violence. So far 890 women have been reached and 7 legal meetings have taken place.

We continue to encourage religious leaders to speak out against sectarian violence and to support the reintegration of women and girls back into their communities. We need to work with IDP communities, the KRG and the GoI to lessen the stigma attached to survivors of sexual violence.

We are also providing protection of civilians (PoC) training to the Kurdish Peshmerga. This has been incorporated into infantry training courses, ensuring it is delivered to all Peshmerga troops trained by UK teams. To date we have delivered training to over 1,900 Peshmerga troops (of which approximately 1,000 have received PoC training). We are doing this through Train the Trainer (T3) courses. The T3 courses were also delivered to Coalition

partners within the Building Partner Capacity site at Erbil, including German, Norwegian and Italian trainers.

We have committed £79.5 million to the humanitarian effort to help those who have fled Daesh's brutality in Iraq. Through DFID we are already funding activities to protect vulnerable civilians such as legal assistance and support groups for women. DFID is also contributing to SGBV programmes through our £9 million contribution to the Iraq Humanitarian Pooled Fund. The first allocation gave the Protection Cluster some \$1.5m to address needs identified in this sector. We are continuing to explore what further support we might be able to provide to vulnerable groups and internally displaced persons.

The Syria CSSF and its predecessor have delivered over £5million for gender related projects, with a further £2million this FY. Specific projects around sexual violence include awareness raising, advocacy, training, evidence gathering and accountability.

5. How might the international community go about prosecuting groups such as Daesh?

UK support for international criminal justice and accountability is a fundamental element of our foreign policy. The International Criminal Court (ICC) plays a key role in entrenching the rule of law, acting as a deterrent to atrocities, placing a spotlight on individual responsibility, supporting victims and helping to establish an historical narrative of accountability. Any decision to refer to the ICC must be made on the basis of what will be the most effective means to bring the perpetrators of atrocities to account. However, it would be unlikely that the ICC could do more on Daesh in Syria or Iraq, unless a) there was a Chapter VII UNSCR referring the situation in Syria to the ICC (which the Russians would most likely veto); or b) Syria or Iraq sign up to the ICC – Syria will not, of course, and Iraq will almost certainly not, as its security forces would be in scope too. That said, we are looking to see if there are other ways that we could use international law to prosecute Daesh.

In Iraq, it may be that the Iraqi court system is better placed to deal with some of these cases and we welcome the commitments PM Abadi has made to investigating all human rights abuses and violations. These commitments must now be translated into action and we will continue to look at every available option to ensure accountability, and to work with our international partners on what can be done to both assist the victims and to bring those responsible to justice, whether through an international or national process.

The UK has supported a programme in Syria that ensures evidence of crimes is gathered to an ICC or equivalent standard. This will preserve evidence until such time as an international or Syrian accountability process is established, post conflict. In order to minimise the gap between the conflict's end and such processes, we are currently considering what capacity building we can provide Syrian lawyers, judges and activists over the coming years to ensure they are both informed and equipped to take this work forward as soon as circumstances allow.

HM DAESH TASKFORCE – COMMUNICATIONS STRATEGY

The cross-Whitehall communications strategy aims to isolate Daesh and undermine the appeal of its extremist ideology by counter messaging and bringing to bear voices of persuasion from across the region to contest Daesh's narrative. The communications strategy supports HMG policy and operations, including FCO's diplomatic efforts, DFID's aid delivery, MOD's military interventions and the Home Office's approach to tackling extremism.

We are working with the Iraqi Government and supporting PM Abadi in his work to build a more inclusive Iraq to stand against Daesh and have deployed a strategic communications expert to Baghdad to work closely with the government of Iraq. In Syria we are working to support the Moderate Opposition to bring about a peaceful and inclusive future for Syria – not one in which either Asad or Daesh brutalise civilians.

We have increased the volume, credibility and pace of activity to challenge, undermine and disrupt Daesh's communications efforts as well as countering radicalisation efforts to dissuade travel. In addition we are communicating HMG's position to the UK public and explaining what we are doing to counter Daesh.

Countering Daesh Propaganda

We are focused on amplifying and supporting credible voices to expose the true nature of Daesh; strengthening digital communications channels; and measuring effect among key audiences. Activity includes:

- Regional communication campaigns to highlight Daesh's criminal and un-Islamic practices to potential fighters in the region.
- Increasing awareness of what the Global Coalition is doing to fight Daesh, which covers stopping Daesh's finances, preventing the flow of foreign terrorist fighters, stabilisation efforts, strategic communications and our military campaign.
- Amplifying moderate regional voices (through UK Posts overseas and regional civil societies) to promote messages of tolerance and moderation.

Activity in Iraq, Syria and beyond

- The UK has deployed military personnel to advise the Iraqi Security Forces on countering Daesh propaganda, focusing on issues affecting localised areas. This is part of our ongoing efforts to mentor and assist ISF forces in improving their communications skills and expertise.
- We have provided staff in Iraq to bolster ongoing work in support of reconciliation, including Sunni outreach programmes.
- UK support to the Government of Iraq, including work to understand what makes Daesh lose support amongst local communities, and to use that to help the Government of Iraq respond and deliver in a way that will help diminish Daesh's support base.
- We continue to expose the true intentions and activity of others suppressing local communities – whether the Asad regime, or the Al-Qaeda linked Al-Nusra Front.
- Supporting Syrian people in their efforts to protect themselves against the brutality of the Asad regime, find a political solution to the conflict, and to rebuild Syria.

- Supporting the Lebanese and Jordanian armed forces to minimise instability in the region. UK funding for a third Lebanese Land Border Regiment in Lebanon is underway.

In the UK

- The Home Office supports the efforts of the police Counter Terrorism Internet Referral Unit (CTIRU) who work in partnership with the internet industry to secure the removal of terrorist and extremist material. This effort has led to the removal of 120,000 pieces of terrorist-related material since 2010, with over a 1000 pieces of content being removed per week.
- The Research, Information and Communications Unit (RICU) in the Home Office works with British communities and civil society groups who are leading the fight against Daesh's poisonous narrative, helping build the capacity of such groups to confront and challenge the ideology of terrorism and extremism. By bringing civil society groups together with communications professionals and industry experts, RICU has provided them with advice and support, production capabilities, public relations expertise and social media training.
- Delivering communications campaigns in the UK to build community cohesion, dissuading individuals from travelling to the region, and explaining to the UK public and opinion formers our actions in support of the Syrian and Iraqi people to defeat Daesh.
- Regular updates on the Ministry of Defence website of the latest activity to counter Daesh. This includes airstrikes and support such as training and equipping of regional forces fighting Daesh.

We also work in collaboration with Global Coalition partners. The UK has worked hard to turn the Coalition into a body capable of providing strategic direction and delivering effect. As well as being a major contributor to the military campaign, we are active across all lines of effort, and co-lead the Strategic Communications Working Group. The Prime Minister's announcement at UNGA of a Coalition Strategic Communications Cell based in London, with initial funding of £10m, underlined the UK's leadership in this area.

11 December 2015

Department for International Development – Further supplementary written evidence, 12 January 2016 (SVC0066)

Supplementary evidence following oral evidence (QQ 147-156)

1. Can you briefly outline your department's approach to preventing sexual violence in conflict? In particular, whether the approach is one of 'mainstreaming' or a dedicated strategy on the issue?

Tackling violence against women and girls is a top priority for DFID's Secretary of State. Our approach is to work to eliminate **all** forms of violence against women and girls. It is one of four pillars for action in DFID's recently refresh Strategic Vision for Women and Girls, which also includes action to give women and girls greater voice, choice and control over their lives.

DFID is committed to addressing all forms of violence and women and girls (VAWG) in emergencies, including sexual violence used within armed conflict. Women and girls suffer from other forms of violence in emergency settings – including intimate partner violence and child, early and forced marriage. In conflict settings specifically, sexual violence by combatants is only one component of a wider range of sexual and gender-based violence that may be more prevalent.

DFID's response to prevent sexual violence is primarily through our work on VAWG in emergencies, and specifically our commitments under the Call to Action. The Call to Action and the Preventing Sexual Violence Initiative (PSVI) are complementary initiatives which both contribute to improved protection of women and girls in crisis. DFID has committed to ensuring that risks of violence against women and girls are considered in all UK funded humanitarian support. This could include standalone VAWG programming or ensuring that women and girls' protection is mainstreamed through existing programmes - such as WASH programmes that ensure latrines and bathing areas are well-lit, private, and that doors are lockable.

DFID is in a unique position, with both humanitarian operations and long term development programmes in our portfolio, to address both immediate needs of survivors of sexual violence in emergencies and tackle the underlying root causes of violence, such as gender inequality, discrimination and lack of women's political and economic participation.

2. What mechanism is there for coordinating the different international policy goals in respect to preventing sexual violence in conflict (for example, the World Humanitarian Summit (WHS), Sustainable Development Goals, UN peacekeeping and the Global Study on WPS)?

We recognise that addressing sexual violence in conflict is a complex problem, requiring a range of stand-alone and multi-sectoral interventions. The UK's National Action Plan (NAP) on Women Peace and Security (WPS) is the strategic framework for formalising DFID, MOD, and FCO collaboration in this field. It brings together the UK's diplomacy, development and

defence efforts to place women and girls at the centre of efforts to prevent and resolve conflict.

The NAP recognises that tackling the root causes and drivers of sexual and gender-based violence is essential to make progress on ending sexual violence in conflict and contributing to overall peace and security. It also seeks to address the full range of issues facing women and girls in conflict situations. This includes women and girls' economic, political and social empowerment, their varied needs in relief and recovery, as well as the need for protection and prevention from violence and sexual violence.

It also complements the international components of the UK-centred Home Office led VAWG strategy

Baroness Verma recently announced a set of 8 ambitious commitments at the High Level Review of 1325, which all departments will work together to achieve. We are keen to demonstrate leadership internationally to ensure that Women, Peace and Security commitments are implemented.

At working level the FCO, MOD, DFID, and SU meet fortnightly on WPS issues, including PSVI and have a very strong working relationship. This supports a joint approach to International policy, for instance, UK inputs into the recent Global Study of WPS and the UK intervention at the High level Review of Security Council Resolution 1325. We submitted a joint report to Parliament on progress against the UK NAP in December 2015.

3. Would it be beneficial for policy and programming on preventing sexual violence in conflict to be included in DfID country or operational plans?

Tackling sexual violence in conflict must be part of broader efforts to tackle **all** forms of violence against women and girls, preventing and responding to conflict, empowering women and tackling the root causes of violence including social norms and inequalities. We will look at women and girls issues in every country or departmental operational plan. We are currently finalised DFID's Single Departmental Plan which will include DFID activities to implement the Conservative manifesto commitments to lead the world in tackling sexual violence in conflict and continue to lead efforts to tackle violence against women and girls.

As a consequence of the International Development (Gender Equality) Act DFID is legally bound to identify how our development programmes contribute to reducing gender inequality and our humanitarian programmes address gender-related differences in needs. This is incorporated into our Smart Rules for programme management.

DFID has also committed to ensuring that the risks of violence against women and girls are considered in all UK humanitarian support. In practice this means understanding the risks in humanitarian contexts, assessing how they are being addressed and acting to ensure that there are adequate services provided.

4. It has been suggested that the UK should make its contributions to common funding pools conditional upon allocations to gender-based violence programmes (GBV). To what extent is prioritisation of actions to prevent GBV incorporated into core funding agreements with agencies?

Pooled humanitarian funds, such as the Central Emergency Response Fund (CERF), and Country-Based Pooled Funds (CBPF) to which DFID provides funding, allocate resources based on identified humanitarian needs and priorities. These multi-donor funds are designed to be inclusive and flexible, they are able to adapt rapidly to changing priorities and allow humanitarian partners to address needs in the most effective and efficient way. Applying conditions to contributions can hinder this important ability to be flexible, especially in volatile humanitarian contexts.

DFID has however, used its influence to achieve greater results on VAWG in emergencies in the humanitarian system. For example, DFID provides un-earmarked core funding to several humanitarian UN funds and agencies which are also Call to Action members: UN High Commission for Refugees (UNHCR), World Food Programme (WFP), UN Children’s Fund (UNICEF), UN Population Fund (UNFPA), and the Office for Coordination of Humanitarian Affairs (OCHA). Performance against Call to Action commitments to prevent and respond to VAWG is used as an indicator of performance within the logframes that govern these partnerships, and therefore agencies are required to report on how they have implemented their commitments.

5. How can the UK ensure that women are not side-lined in the peace negotiations and post-conflict reconstruction in Syria and elsewhere?

DFID recognises that women’s equal participation in political processes is a human right and important for effective development and poverty reduction. Getting more women into power gives voice to a marginalised section of society, creates female role models and leads to legislative change and policies that tackle gender inequalities and discrimination. Women’s political participation can also strengthen the legitimacy, sustainability and inclusiveness of political processes and settlements.

One of the five pillars of the UK’s National Action Plan for Women, Peace and Security is participation. Activity in this pillar works to ensure that women and girls participate and their interests are included in decision-making related to the prevention, management and resolution of conflict. The UK is exploring how we can use our international leadership on Women Peace and Security to promote stronger implementation of commitments globally.

Baroness Verma recently announced a set of 8 ambitious UK commitments at the High Level Review of 1325, which all departments will work together to achieve. One of these includes a specific commitment on women’s participation in peace processes:

“In arranging all future UK-hosted peace-building events, we will identify women involved in the conflict and shine a torch on them to make sure their voices are heard. We will promote the active participation of women in such discussions through political and/or financial support. We will also provide support, including lobbying at the highest levels, to ensure women’s voices are represented in wider peace processes, negotiations, and state-building and provide support at local levels to build the capacity of women to participate effectively.”

The upcoming ‘Supporting Syria and the Region Conference’ which aims to address the longer-term needs of those affected by the crisis will have a strong focus on ensuring that women, and women’s issues, are represented. On the day before the event we are supporting a large gathering of civil society, from which a cross-section, including representation of women and girls, will contribute to discussions in the conference.

6. Ending impunity for sexual violence in conflict is a priority objective for PSVI. To what extent does DfID’s Security and Justice Programming formally support this PSVI objective?

DFID strongly supports access to justice as vital for women and girls suffering violence. In many countries, both formal and informal security and justice (S&J) actors persistently fail either to act to prevent, and/or to respond adequately to VAWG - resulting in the perpetuation of impunity and often severe consequences for VAWG survivors.

DFID’s S&J programming is generally holistic, promoting individual and community safety and justice, as well as responding to violence. This complements work undertaken by the FCO specifically focusing on the PSVI objective of ending impunity. However DFID uses a broader range of S&J interventions to address VAWG. Around 20% of DFID VAWG programming involves S&J institutions. Approaches include Victim Support Units in policing; family friendly courts; One Stop Shops for survivors that bring together relevant service providers including police and prosecutors; community justice work (including conflict resolution and legal empowerment, as well as work with non state providers such as customary and religious leaders); improvements to VAWG referral systems; legal reforms and shelters.

The 2015 ICAI report on S&J identified that the most promising results in DFID’s S&J portfolio are in addressing the needs of women and girls. This is partly due to including a focus on social norms and attitudes as barriers to changes, but more broadly an approach that recognises that S&J interventions are only part of the solution (both to prevention and response) and that a broad range of complementary actions are required. Although VAWG is a safety and justice problem, effective interventions may well lie outside of the S&J sector.

7. In its written evidence, DfID said that services for survivors “do not discriminate against men and boys if they suffer from sexual violence”. In reality, how accessible are these services to men, and is there a gap in provision?

Stigma and shame attached to sexual violence, including so-called ‘victim blaming,’ are barriers to all survivors accessing available services. However, this stigma is often more detrimental to male survivors as it prevents them from accessing necessary healthcare as well as psychosocial support to heal and overcome the violence and trauma that is caused.

To address this, DFID and our partners ensure that specialised services are integrated into existing services – for example, that health clinics are stocked with post-exposure prophylaxis (the drug cocktail that can prevent the transmission of HIV following sexual assault) and medical staff are trained to provide this care to male, female, and child patients in appropriate manners.

A clinic run by a DFID partner in an IDP camp in South Sudan recently found that more survivors that were requesting services were boys rather than girls, but they were unclear as

to why. This demonstrates the importance of building evidence on what works, which is what our What Works to Prevent Violence Against Women and Girls research and evidence programme does. The £25 million programme will produce and disseminate evidence on what interventions work to prevent VAWG – filling a critical evidence gap.

8. Could you please provide more specificity on DfID’s objectives for the World Humanitarian Summit and plan for realising these; please could you go into greater detail than was included in DfID’s previous submission.

The UK has four objectives for the World Humanitarian Summit. Most importantly we want to see a renewed commitment to the protection of civilians in conflict, but also smarter financing, a new approach to building resilience to natural hazards before they take place, and a stronger focus on protecting and empowering women and girls. We also want to see the Summit help to reform the global response to protracted crises and refugees. The global community – humanitarian, development and political actors – must come together to address these challenges.

Underlying all UK priorities for the Summit is a vision for reform of the international humanitarian system. The UK ambition is one of radical change to humanitarian action. This needs to include more efficient and effective responses, driven by collaborative UN leadership and sustained by strong participation from local communities and actors. This requires collective commitment to and action on a series of ambitious and practical outcomes that will drive real change on the ground.

On women and girls specifically, the UK believes the World Humanitarian Summit can deliver important practical changes in the way humanitarian crises are addressed, so that in all types of emergencies, assistance targets the specific needs of women and girls. We will be pushing for a bold commitment to gender equality and the expansion of the Call to Action as a platform to drive a more coordinated and transparent approach to preventing VAWG and promoting gender equality. We will also ensure that women and girls and gender are integrated into other thematic areas of the Summit. We expect the Summit to deliver transformative change for women and girls who are most affected by crises and to build on the success of existing initiatives, including the Call to Action and the PSVI.

The UK has been a consistently active supporter of the World Humanitarian Summit, working closely with the Summit Secretariat (within OCHA), including in advance of the publication of the Secretary General’s report on the Summit. We are also providing the Summit Secretariat with financial support and seconding an official. In addition, we continue to engage and consult regularly with a broad and diverse range of partners to deliver UK priorities in the run up to the Summit, including other Member States, multilateral agencies, NGOs and private sector. We are taking forward work on UK priorities with the aim of developing a package of potential announceables to take to the Summit.

12 January 2016

Dr Ingrid Elliott – Written evidence (SVC0026)

A. Background and Relevant Experience

1. I am an international criminal lawyer with 17 years of experience working in a variety of jurisdictions, including investigating and prosecuting war crimes in the Prosecutor's Office of Bosnia and Hercegovina and as Appeals Counsel at the Office of the Prosecutor (OTP) at the United Nations International Criminal Tribunal for the former Yugoslavia (ICTY) where I was also a member of the Working Group on Prosecuting Sexual Violence. For the past 3 years, I have been working as an expert on investigating and documenting sexual violence in conflict, mainly focused on the Middle East, Northern Africa (MENA) region.

2. In December 2009, I was appointed as a UK Stabilisation Unit Deployable Civilian Expert in Justice and Security. In September 2012, I was appointed to the Justice Rapid Response Roster as an International Criminal and SGBV Expert. In October 2012, I was appointed to UK Preventing Sexual Violence in Conflict Initiative (PSVI) Team of Experts.

3. UK PSVI work/deployments to date

- **July 2013 - ongoing:** Working with Syrian doctors and lawyers in bordering countries to build a network capable of producing expert medical reports on torture and sexual violence in conflict which would be admissible in criminal courts.
- **January - June 2014:** Expert Commentator on the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (International Protocol).
- **June 2014:** Expert advice as part of multi-disciplinary expert team on the implementation of Libyan legislation on compensation for victims of sexual violence in conflict.
- **November - December 2014:** Lessons learned project on Her Majesty's Government (HMG) funded and supported projects responding to sexual violence in the Syrian conflict.
- **March 2015:** Iraq deployment for awareness raising and training using the International Protocol.

B. Main Submissions

4. These submissions will focus on the topic of accountability and PSVI deployments as set out in Questions 9(d) and (e) in the Select Committee's Call for Evidence. They relate mainly to current events in the MENA region, and sexual violence in the Syrian conflict in particular.

Scale and Impact of Sexual Violence

5. It is very difficult to give an accurate measure of prevalence, scale and impact of sexual violence.

6. There are strong cultural barriers to discussing and addressing sexual violence in the Middle East. Even doctors can find it difficult to approach this topic, acutely so across genders and in relation to male sexual violence. In addition, the concept of consent as a foundation for sexual relations is complicated by cultural and traditional beliefs which can

attribute equal blame/shame to the victims, by national law including the legality of rape in marriage and by early marriage.

7. These barriers to discussing sexual violence clearly extend to disclosure and reporting, and include attributed and perceived stigma, shame and lost “honour”, fear of repercussions including rejection, ostracism, loss of marriageability, legal “solutions” such as marriage to the perpetrator, violence/“honour” crimes, and emasculation or perception of homosexuality for male victims. Sexual violence is incredibly destructive individually, but also at the family and community level. As a result, disclosure is extremely difficult and sexual violence remains significantly under-reported.⁵⁸

8. That said, during my three years working on documentation of international crimes in Syria, almost every government detention case has revealed some form of sexual violence, including forced nudity, genital mutilation and electrocution, rape and other forms including threatened sexual violence and being forced to watch sexual violence. Men, women and children have all been reported as victims. Given this prevalence in government detention facilities, I note the estimates of between tens of thousands to hundreds of thousands currently held in detention by the government.⁵⁹

9. Evidence has also emerged of a pattern of sexual violence being perpetrated by government agents and affiliates at checkpoints and raids.⁶⁰ In addition, the enormous fear of sexual violence produced and enflamed early in conflict has been named as one of main reasons for people fleeing Syria, and the stigma resulting from this fear has infected both the Syrian community but also perceptions of them in the host communities.⁶¹

10. The gravity of the scale, nature and organisation of ISIL/ISIS sexual violence is unprecedented. The acute, medium and long term devastation, impact and needed response in the affected communities cannot be underestimated. While some communities have accepted survivors back, reintegration and protection often comes in the form of arranged marriages and the potential impact of this on victims of sexual violence (including of sexual slavery) should not be overlooked. Pregnancies resulting from sexual violence further complicate the response. Abortion is illegal in Iraq. Children born of sexual violence are often rejected by families and the community. Some may be stateless.

Importance of Documentation and Accountability

11. The investigation and prosecution of sexual violence is extremely challenging given the stigma, sensitivity and under-reporting of these crimes. Best practice at the international courts and tribunals has driven reform and change at the domestic level. However, no

⁵⁸ See e.g. UN Commission of Inquiry 2/2015 Report, Annex, para.172 under-reporting and delayed reporting “endemic”.

⁵⁹ <https://www.gov.uk/government/publications/syria-in-year-update-july-2015/syria-in-year-update-july-2015>; <https://www.hrw.org/world-report/2015/country-chapters/syria>.

⁶⁰ See e.g. UN Commission of Inquiry Report 8/2013, paras.95-100; UN Commission of Inquiry Report 2/2014, paras.62-69.

⁶¹ See e.g. CARE Participatory Assessment (April 2013) reported by 28%, higher for Zarqa - 40% (where half from Homs). Commission of Inquiry Syria Reports 6/2013, 8/2014 also reports “driving motivation for families fleeing the violence.”

jurisdiction really gets this right yet. There is much work and skills development required across all stages and all actors engaged in the criminal justice process.

12. One major difficulty in prosecuting sexual violence in conflict is the challenge of getting sufficient evidence before the court to prove individual crimes. Establishing patterns and prevalence before criminal courts is even harder - for example, compare the reported large-scale prevalence of sexual violence during the Bosnian conflict to the number of sexual violence cases before the ICTY and Bosnian courts (which have actually done comparatively well in bringing these cases).⁶² Often these cases rely solely on the testimony of the survivor or an eye witness years after the event. The preservation of contemporaneous documentation and evidence of crimes is crucial for investigations and prosecutions. Expert medical documentation is a powerful, but rare, form of evidence to support sexual violence prosecutions.

13. In addition to being a vital ingredient for accountability and criminal prosecutions in the future, contemporaneous documentation can also inform international and government policies, advocacy and initiatives around prevention and the provision of adequate responses to sexual violence and the needs of survivors in the short, medium and long term.

14. Documentation has also spread awareness and knowledge of international criminal law, international humanitarian law and international human rights standards that are becoming part of the Syrian culture and conscience. While faced with shameful impunity at present, many Syrians now have an expectation of accountability in the future and reference international standards in relation to that. During transition and peace-building, this growing culture of human rights and accountability can be cemented by legislative reform, policies and institutions, such as accessible and effective criminal justice mechanisms, all of which build from the ever-increasing capacity and skill set of Syrian documenters and responders.

15. Survivors of sexual violence report additional benefits from documentation, including processing, catharsis, acknowledgement and empowerment, if it is conducted appropriately and in line with best practice.

Syrian deployments

16. Since July 2013, I have been regularly deployed to countries surrounding Syria to train, mentor and support a network of expert medical documenters (teams of doctors and lawyers) who prepare expert reports on cases of torture and sexual violence committed during the Syrian conflict. Doctors conduct this documentation work inside and outside Syria, and to date have produced approximately 100 expert reports. Most of these reports have been submitted to the United Nations Commission of Inquiry for Syria. These reports are of a very high quality and will add an enormously powerful body of evidence for criminal prosecutions and accountability in the future. In my time investigating and prosecuting war

⁶² See e.g. OSCE Combatting Impunity for Conflict Related Sexual Violence in Bosnia and Hercegovina February 2014 Executive Summary. This report also refers the UK PSVI supported training programme for judges in Bosnia.

crimes, I have never come across such a body of expert evidence documenting sexual violence.⁶³ This project and evidence is invaluable.

17. The difference between human rights reporting for advocacy purposes and documentation which would be admissible and have weight as evidence for criminal prosecutions must be emphasised. The clear PSVI focus and objective for the project has been expert witnesses and evidence for criminal prosecutions. This programme uses iterative multi-disciplinary training, mentoring and ongoing partnerships with the Syrian network, based on international standards including the Istanbul Protocol (on documenting torture) and the International Protocol.

18. This is a project implemented by an NGO, funded by the UK FCO and supported by the deployment of PSVI experts. The inclusion of multi-disciplinary PSVI experts in the implementation of the project has been extremely beneficial. It has provided a direct communication bridge from donor to implementing partner and has given the FCO/PSVI eyes on as the project has developed, ensuring the PSVI criminal justice objectives remained the priority and have not been compromised. For projects in conflict/crisis settings in which flexibility and adaptability is key, this bridge has been very important to the FCO and to the project.

Iraq deployment

19. In March 2015, I was deployed to Iraq to raise awareness and training on the best practice standards contained within the International Protocol. I introduced and discussed the International Protocol with various government ministries, civil society actors, human rights defenders as well as international actors and local sexual violence responders working in northern Iraq with victims of ISIS/ISIL. All engaged were asked to consider the Protocol and its use as basic standards of best practice, and as an assessment/gap identifying and capacity building tool for their work on sexual violence. In particular the overlap between implementing Iraq's UN Security Council (UNSC) Resolution 1325 National Action Plan (NAP) and the best practice contained within the International Protocol was highlighted.

Additional International Protocol work

20. The International Protocol was produced by an Expert Working Group which included many key members of organisations such as the OTP of the ICTY, the ICC, etc. so many of the lessons learned from these criminal investigative and prosecutorial bodies have been incorporated into the International Protocol. As a result, it is an excellent collection of standards and tools for best practice.

21. In addition the the Iraq deployment specifically centred on the International Protocol, I have also used elements and tools contained within the International Protocol in many trainings on investigation and documentation of sexual violence in the MENA region. This has included working with Syrian investigators and human rights defenders who collect documentary and testimonial evidence of sexual violence and other international crimes

⁶³ See e.g. UN Commission of Inquiry Report 2/2015, para.172 contemporaneous medical documentation "rare".

committed in the Syrian conflict. The arabic translation of the Protocol has assisted greatly in this work.

22. Further dissemination and engagement on the International Protocol and the best practice standards contained within it should be pursued at all levels: governments can embed it within law enforcement and criminal justice policies and standards, reform programmes and the implementation of UNSC 1325 NAPs. Implementing partners, NGOs, civil society actors, human rights defenders and frontline sexual violence first responders can adopt and advocate for its best practice standards.

Lessons Learned Project

23. This project considered a number of HMG supported projects (FCO/PSVI and DFID) which respond to sexual violence in the Syrian conflict/crisis setting. Lessons learned emphasised that neither responses to sexual violence nor prevention of sexual violence are short term interventions. The impact of sexual violence goes beyond the acute medical injuries and even beyond the victim, requiring medium and long term capacity and solutions embedded within the community in need. Underlying factors and facilitators for sexual violence are often ingrained in cultures, traditions and value systems and considerable community sensitisation and engagement is required over time to build prevention and ensure sensitive and appropriate responses to sexual violence.

24. It also identified the importance of local, culturally attuned and camouflaged responses to sexual violence (and access points for response services) and the risks in relation to effectiveness and sustainability which arise in conflict/crisis settings. Responses also need to consider and adapt to differences between victims, such as male, child, adolescent, LGBT survivors. Further research is required to find appropriate and attuned responses for these groups. Building local capacity requires more than one-off trainings or training of trainer (ToT) weeks, but rather ongoing iterative trainings, mentoring and partnerships to build and share skills sets.

25. The work of these responders needs to be supported by broader policies, advocacy and action to ensure there is an environment conducive for this work (in host states and protected humanitarian spaces), otherwise there will be no local sustainable personnel or response. It requires engagement at all levels with host governments, international actors and local communities.

26. Sustainability challenges arise from the difficult and uncertain situation within a conflict or for refugees in a host state. Conflict clearly brings daily life-threatening events for responders as well as survivors. In relation to engaging Syrian medics, they and their medical facilities have been systematically targeted during the conflict.⁶⁴ Responding to sexual violence may put them at even greater danger. In addition, refugees face different

⁶⁴ See e.g. UN Commission of Inquiry August 2015 Report, paras.140-147. http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48_AEV.pdf. Also UN Commission of Inquiry Conference Room Paper: "Assault on medical care in Syria"- A/HRC/24/CRP.2; https://s3.amazonaws.com/PHR_Reports/doctors-in-the-crosshairs.pdf, <http://america.aljazeera.com/articles/2015/3/11/syria-doctors.html>, and <http://globalhealth.thelancet.com/2015/02/10/healers-under-attack-targeting-medical-care-syria>.

challenges depending on the host state. Inability to work means an inability to provide for families, hardship and can prevent professional contact between Syrian responders and survivors. The more difficult the conditions are in the host state, the more likely it is that refugees will move (some risking the dangerous trips), seeking asylum or a better life elsewhere. For some, it has meant the danger of deportation if they provide services to other refugees. This all has a substantial impact on the sustainability of sexual violence responses.

27. A constructive and appropriate relationship and interface between sexual violence responders is needed to ensure a comprehensive response to sexual violence in conflict/crisis settings. The interface between humanitarian and justice/accountability actors is key since a humanitarian response is, by its nature, an emergency response. It does not address institutional or societal issues which can be at the heart of or a barrier to responding to sexual violence. Such issues can result in the humanitarian response doing harm (e.g. relying on local security/justice mechanisms which do not conform to best practice or worse which may include perpetrators of sexual violence). Unfortunately there is often a tension between humanitarian and justice actors, as a result of a fear that humanitarian neutrality will be compromised by any interaction and engagement with those seeking accountability. An appropriate and more comfortable interface between these responders is needed.

28. This study also highlighted the difficulties and risks of funding shortages and short funding cycles for sexual violence projects. For example, an innovation adding adjoining space for men to meet beside a women's centre (to ensure necessary travel companions for women to attend) has become a unique place where men have disclosed sexual violence. However, it will be the first service cut due to funding shortages.

Challenges and risks faced by documenters

29. Given the culture, each responder has to overcome their own barriers to open discussion without judgement in an empathetic environment. All of those documenting sexual violence have been impacted by the conflict/crisis themselves. Some are survivors of government detention. The impact of secondary trauma or re-stimulation is extremely high. Contemporaneous investigation and documentation brings enormous dangers, especially when investigators or documenters are in the vicinity or reach of perpetrators.

30. As mentioned above, vital sexual violence responders are being systematically targeted by the Assad government in clear violation of international humanitarian law. Doctors in Syria face enormous dangers in their every day work to provide medical care to civilians caught up in the conflict. Doctors have been killed, injured, and face physical and emotional burn-out due to staff shortages, impossible workloads and life threatening working conditions. Over time under these terrible conditions, some chose to flee to safety. Very few doctors remain in Syria able to care for civilians or to respond to sexual violence. Conditions within neighbouring host countries also threaten this work, since doctors are not permitted to work (even in the face of major gaps in health care for the refugees there) and many are forced to leave in order to provide for their family.

31. In addition, particularly in a conflict setting, it is extremely hard to identify and access secure, safe, effective and sustainable support services necessary for both the survivors and the documenters. This support is critical to responsible documentation that does not harm those involved. Many of these support services are home-grown responses, emerging on the ground where it is needed. However, these responders are also under threat and provide help at great risk to themselves. They have to operate and obtain funding while maintaining as low a security profile as possible. Many of these responders are not organised or well placed to attract funding from international donors, and instead rely on small individual donations to keep going.

Support needed for sexual violence responders and documenters

32. Much more can be done to support those doing this difficult work and to protect and enforce humanitarian spaces within the conflict zone where sexual violence response can be effected (e.g. steps to enforce IHL in face of widespread and systematic targeting of medical personnel and facilities). The UK can also engage and advocate better conditions for Syrian responders in the neighbouring host states, including granting Syrian doctors temporary licences/authorisation to treat Syrians patients and to support Syrians helping their own people and communities.

33. In addition, the UK can do more to make funding and support accessible to grassroots organisations, through awareness raising in the local community around available funds including support/training on proposal writing, organisational development, reporting, managing funds, or the creation of an umbrella organisation which can partner and provide this type of support without overburdening the grassroots responses.

Conclusions and some suggested recommendations

34. It has been an honour and privilege to be deployed as a UK PSVI expert on a number of invaluable and effective programmes and initiatives which are helping develop responses and ensure accountability for sexual violence in conflict in the MENA region. I have also worked on other FCO funded sexual violence projects. These PSVI supported and funded programmes are some of the most effective and leading initiatives being conducted in the region.

35. Based on that work, I would urge the Select Committee to make the following recommendations:

1) Continued and additional support to the UK PSVI unit and for further deployment of UK experts on the PSVI Teams of Expert to work with governments, implementing partners and SGBV responders on the ground.

2) Broad and multi-level support to sexual violence responders and documenters, including multi-lateral engagement and advocacy with host states and at the international level, to ensure an environment conducive for sustainable local response over short, medium and long term. This is acutely needed in relation to the protection and enforcement of a safe space for humanitarians to work in Syria (including work at the UNSC to stop the systematic targeting of medics and medical facilities by the Assad government).

3) Support or commission research on how to provide effective access points and response for male survivors of sexual violence, and other groups such as LGBT survivors, in camp/humanitarian settings, as well as outside camps.

4) Recognition of the necessary longevity of funding cycles and projects to make real change in preventing and responding to sexual violence. Engagement, behaviour change and capacity/skills building all take time, need the right space and require engagement at all levels.

5) Encourage further use of the International Protocol and PSVI experts in partnership with local responses to build local capacity and institutions to ensure effective investigation and documentation of sexual violence in conflict.

6) Encourage further use of the International Protocol in combination with UNSC 1325 NAPs to provide legislative, community and law enforcement capacity and environment conducive to effective accountability for sexual violence.

C. Additional topics

36. The 15 September Select Committee session called for written submissions on ISIS/ISIL and the International Criminal Court (ICC).

37. Bringing ISIL crimes (war crimes, crimes against humanity and genocide) within ICC jurisdiction:

- For international crimes by State Party nationals (foreign ISIS/ISIL fighters): Under Art. 12(2)(b) of the Rome Statute, the ICC has jurisdiction over State Party nationals as accused (or nationals of States which accept the jurisdiction for the crime in question under Art.12(3)). However, it is worth noting the gravity threshold for ICC jurisdiction (Rome Statute, Art.5 “most serious crimes of concern to the international community as a whole” and Art.17(1)(d) on case admissibility “sufficient gravity to justify further action by the Court”). There would have to be evidence linking the State Party national to grave international crimes, not just fighting for ISIS/ISIL.
- For international crimes on Iraq territory by non-State Party nationals, Iraq could submit a declaration of acceptance of ICC jurisdiction under Art.12(3) of the Rome Statute which would cover ISIL/ISIS within Iraq territory. Consider, for example, Ukraine’s two declarations under this article. Declarations can backdate temporal jurisdiction, so Iraq could declare acceptance of ICC jurisdiction from the start of ISIS/ISIL crimes in Iraq. Note that this declaration would also apply to any other international crimes committed on Iraq territory by any other person during the same time frame.
- For crimes on Syrian territory by non-State Party nationals, given the grave international crimes committed by the Assad government, there is unlikely to be any acceptance of ICC jurisdiction by the state until after a transition. Other unlikely routes would be a UNSC referral (almost certainly vetoed again since it would also apply to regime crimes) or a cohesive widely, internationally recognised opposition/government-to-be to lodge a declaration of acceptance of ICC jurisdiction under Art.12(3) (see e.g. OPT declaration under Art.12(3) from 2014 and accession in 2015).

38. If there is jurisdiction, there are three ways to initiate a case before the ICC:

- Under Art.13(a) of the Rome Statute, a State Party or State declaring acceptance of jurisdiction could refer a case under Art.14. That means that a State Party whose national had committed international crimes for ISIS/ISIL could refer that case. If Iraq were to accept jurisdiction, it could also refer a case.
- Under Art.13(c), the Prosecutor of the ICC could initiate an investigation with a request for authorisation to the Pre-Trial Chamber. This would include the same types of cases (a State Party national or crimes on the territory of a State accepting jurisdiction).
- Under Art.13(b), the UNSC could make a referral using its Chapter VII powers, which could relate to any international crimes on any territorial by nationals of any state.

39. It should be noted that even if the ICC had jurisdiction and a case had been initiated, in order to proceed with the case beyond indictment, an accused would have to be in the custody of the ICC. Currently I do not think there is a policy of capturing ISIS/ISIL fighters.

40. I would be happy to provide further evidence on additional topics if that would be of assistance to the Select Committee.

18 September 2015

Foreign and Commonwealth Office, His Honour Judge Jonathan Carroll, Department for International Development, MADRE and Physicians for Human Rights – Oral evidence (QQ 10-17)

Foreign and Commonwealth Office, His Honour Judge Jonathan Carroll, Department for International Development, MADRE and Physicians for Human Rights – Oral evidence (QQ 10-17)

[Evidence to be found under His Honour Judge Jonathan Carroll](#)

Foreign and Commonwealth Office – Written evidence (SVC0011)

INTRODUCTION

1. The Foreign and Commonwealth Office (FCO) welcomes The House of Lords Select Committee on Sexual Violence in Conflict and the opportunity to provide written evidence on our work over the last three years as well as our future plans for the Preventing Sexual Violence in Conflict Initiative (PSVI).

2. The appointment of the Right Honourable Baroness Anelay DBE of St Johns as the Prime Minister's Special Representative (PMSR) for Preventing Sexual Violence in Conflict in June 2015 reflects the Government's continued determination to do all it can to end the scourge of sexual violence in conflict.

“Over the last five years, we have stood up for what we believe in....leading the world in tackling sexual violence in conflict.... We will continue this leadership.... We will drive forward the Preventing Sexual Violence in Conflict Initiative.”

The Conservative Party Manifesto 2015

3. The FCO has achieved considerable progress since the launch of PSVI over three years ago. But there is still much more to do. Changing attitudes and behaviour is a long-term effort and will not be achieved by a single country or organisation acting alone. It will take the collective international effort of governments, international organisations, militaries, parliaments, civil society groups and individuals, including survivors. The FCO continues to work closely with the Department for International Development (DFID) and the Ministry of Defence (MOD) as well as supportive governments, international organisations and Non-Governmental Organisations (NGOs) around the world to develop and implement an ambitious programme of political and practical activity to (i) address the culture of impunity that exists for these crimes; (ii) increase the number of perpetrators held to account; and (iii) ensure better support for survivors.

4. In recent years there has been growing international recognition of the critical need to address sexual violence in conflict. A series of [UN Security Council Resolutions](#) (UNSCRs) have condemned and called for an end to all forms of sexual violence against women and children in situations of armed conflict. States, the United Nations (UN), NGOs, the International Criminal Court (ICC) and practitioners have all made significant advances in prevention, protection and survivor support. Despite these efforts, however, sexual violence has continued to occur and reach new levels of appalling brutality.

5. Based firmly on the belief that the UK has the moral obligation and the diplomatic power to change this, on 29 May 2012 William Hague, the then Foreign Secretary, launched PSVI with the Special Envoy of the UN High Commissioner for Refugees, Angelina Jolie Pitt. The aim of the initiative is to raise awareness, rally global action, promote greater international coherence and increase the political will and capacity of states to do more to stop the use of sexual violence as a weapon of war.

6. In 2013 William Hague undertook to use the UK's Presidency of the Group of Eight (G8) to ensure greater international attention and commitment to tackling the use of sexual violence in conflict through a clear political statement from the G8 of its determination to make real, tangible progress on the issue. On 11 April 2013, accompanied by Angelina Jolie Pitt and the Special Representative of the UN Secretary-General on Sexual Violence in Conflict (SRSG), Zainab Hawa Bangura, G8 Foreign Ministers adopted a historic [Declaration on Preventing Sexual Violence in Conflict](#). The Declaration contains a number of key political, practical and legal commitments. This includes agreement from G8 governments that there should be no peace agreements that give amnesty to people who have ordered or carried out rape; that there should be no safe haven for perpetrators of sexual violence; and that rape and serious sexual violence in armed conflict constitute grave breaches of the Geneva Conventions, meaning that there is an obligation for states to search for and prosecute suspects regardless of nationality; and that there should be new efforts to ensure support and justice for survivors of rape and sexual violence. G8 Foreign Ministers also endorsed the development of a new International Protocol to improve global standards in documenting and investigating sexual violence committed in conflict.

7. Building on the success of the G8 Declaration, on 24 June 2013 William Hague hosted a debate during the UK's Presidency of the UN Security Council on tackling sexual violence in conflict which focussed on the need to challenge the culture of impunity and promote accountability. A new [UN Security Council Resolution \(2106\)](#), which contains a series of actions to improve the UN response to sexual violence in conflict, was adopted. This was the first resolution on the subject in three years and was co-sponsored by 46 UN member states.

8. Recognising the importance of broadening even further the international coalition of support behind the campaign, on 24 September 2013 William Hague and SRSG Bangura jointly launched the [Declaration of Commitment to End Sexual Violence in Conflict](#) during the 68th session of the UN General Assembly. The Declaration was drafted with a number of Heads of State, Heads of Government and Foreign Ministers from a range of countries⁶⁵ who also worked alongside the UK to build wider support for the text.

9. The Declaration is action oriented, ambitious and expresses a shared commitment and determination to see an end to the use of rape and sexual violence as weapons of war. It has a clear focus on tackling impunity and accountability but also contains a set of wider political and practical commitments – many of which were the focus of discussions at the Global Summit. States also reaffirm in the Declaration that rape and serious sexual violence in armed conflict are war crimes and constitute grave breaches of the Geneva Conventions.

⁶⁵ The "PSVI Champions": Foreign Minister Bishop of Australia, Deputy Prime Minister and Foreign Minister Pusić of Croatia, Foreign Minister Baird of Canada, Foreign Minister Søvnndal of Denmark, Prime Minister Gusmão of Timor-Leste, Foreign Minister Fabius of France, Foreign Minister Westerwelle of Germany, Foreign Minister Carrera of Guatemala, Foreign Minister Natalegawa of Indonesia, Foreign Minister Bonino of Italy, Foreign Minister Kishida of Japan, Foreign Minister Judeh of Jordan, President Sirleaf of Liberia, President Banda of Malawi, Foreign Minister Meade of Mexico, Foreign Minister Yun Byung-se of Republic of Korea, President Sall of Senegal, President Kikwete of Tanzania, Foreign Minister Sheikh Abdullah bin Zayed Al Nahyan of the United Arab Emirates, Secretary of State Kerry of the USA.

The Declaration has so far been endorsed by 155 UN member states⁶⁶. At the launch, William Hague invited all endorsing countries to join him at the UK-hosted Global Summit in June 2014 to identify how the international community could turn the provisions of the Declaration into a programme of practical action.

10. The Global Summit to End Sexual Violence in Conflict in June 2014 was attended by over 120 countries, 70 Foreign Ministers, over 100 NGOs, 900 experts from health, legal, military and academic fields, and many survivors. It was the largest meeting of its kind on the issue of sexual violence in conflict. Two years on from the launch of PSVI, the Global Summit was an opportunity to reflect on international progress and to galvanise further action by governments and other participants to deliver fundamental and long-lasting change on the ground.

11. The Global Summit departed from the standard format where states develop policy in private and without the direct involvement of experts and practitioners. Instead, events were designed to open up the debate, allow the widest participation possible and, in recognition of their critical contribution to decision making, give particular prominence to the voices of survivors. The Global Summit Fringe and other public events brought civil society and the public into the policy-making process. Thousands of members of the public attended the 175 Fringe events hosted by NGOs, civil society, international organisations and other governments. In addition, UK Embassies around the world hosted events over the 84 hours of the Global Summit to raise awareness, encourage other states to commit to action and contribute to a global debate.

“When William Hague, John Kerry, Zainab Bangura and Angelina Jolie made their closing statements to the End Sexual Violence in Conflict summit last year it felt like something had changed. The failure of the international community and national governments to act on rape and sexual violence in conflict up to that point had nothing to do with a lack of tools, knowledge or experience. As numerous speakers pointed out, the real brake on making a difference was political will at all levels....

The true value of the Summit was not about money pledged, but was about the long-term effects of setting a benchmark against which governments’ actions could be

⁶⁶ Endorsing countries (as of September 2015): Afghanistan, Albania, Algeria, Andorra, Angola, Antigua & Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia & Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burma, Burundi, Cameroon, Cambodia, Canada, Cape Verde, Chad, Chile, Colombia, Congo (Republic of), Comoros, Costa Rica, Cote d’Ivoire, Croatia, Cyprus, Czech Republic, DR Congo, Denmark, Dominica, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lesotho, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, South Sudan, Somalia, Spain, Suriname, Sweden, Switzerland, Thailand, The FYR of Macedonia, Timor-Leste, Togo, Trinidad & Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom, UR of Tanzania, United States of America, Uganda, Ukraine, Uruguay, Uzbekistan, Vietnam, Yemen, and Zambia.

judged – including our own in the UK. In the end the only true measure of success will be if wartime rape and sexual violence ends. This will prove to be a generational struggle.”

[Care International](#) (June 2015)

12. The Global Summit was a milestone in bringing this issue to the world’s attention and encouraging others to act. It resulted in a number of tangible achievements and outcomes, notably:

- The launch of the first International Protocol on the Documentation and Investigation of Sexual Violence in Conflict;
- New funding commitments, including for survivors and organisations and agencies who work with them from the US, Australia, Bahrain, Finland and the United Arab Emirates. The UK announced £6 million of new funds;
- A determination to implement existing or new action plans from the governments of some of the worst affected countries, including Somalia and the Democratic Republic of Congo (DRC); and
- The deployment of an AU team of experts to the Central African Republic to respond to the urgent needs of survivors.

13. Since the launch of PSVI there has also been a strong programme of UK-led practical action, including:

- Sixty deployments by the UK Team of Experts to 13 countries to support 17 projects, including to:
 - the Syrian borders to train Syrian health professionals and human rights defenders in how to document reports of sexual violence;
 - Bosnia-Herzegovina to support training of the judiciary by the Organisation for Security and Cooperation in Europe (OSCE) to combat impunity for wartime sexual violence crimes;
 - the DRC to build local capacity among Congolese health, legal and law enforcement professionals to investigate sexual violence crimes through documentation, collection and preservation of forensic evidence; and
 - Kosovo to deliver training to local participants on specific therapeutic issues such as sexual violence disclosure, rehabilitation needs for survivors and how to document cases (this work is described in more detail in paragraphs 85 - 89);
- Supporting around 40 projects with human rights defenders and NGOs working to end or respond to sexual violence in the DRC, South Sudan, Somalia, Guatemala, Nigeria, Kosovo, Colombia, Bosnia and Herzegovina and Burma. These projects have supported survivors in accessing justice, legal advice and psychosocial support and challenged the stigma associated with being a victim of these crimes (this work is described in more detail in paragraphs 50 - 51);
- Developing the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, in collaboration with a range of global experts and practitioners. The International Protocol serves as a set of practical guidelines for actors working to document incidents of sexual violence in conflict-affected areas and is particularly focused on embedding protection strategies throughout investigations to ensure survivors receive sensitive and sustained support should they choose to come

forward. Since its launch at the Global Summit we have translated the International Protocol into five languages (French, Spanish, Bosnian, Arabic and Nepali) and provided training to governments, the judiciary, police, military and civil society to gather evidence and strengthen the prosecution of sexual violence in Bosnia, Colombia, the DRC, Nepal and Uganda (this work is described in more detail in paragraphs 73 – 74); and

- Providing training for 3,500 members of the Malian army through the EU Training Mission so they can identify and respond effectively to incidents that occur, as well as MOD-led training on sexual violence issues to:
- over 8,000 African peacekeeping military and police personnel through the British Peace Support Team (BPST) in East Africa, which addresses both the physical instances of sexual violence against women and girls, and also the underlying social and cultural issues that allow it to occur in the first place and is now a mandatory element of all training provided by the BPST;
- over 800 Peshmerga troops in Iraq, increasing their awareness and understanding on how to respond to civilians and sexual violence in the battle against ISIL. This latter training has subsequently been incorporated into all Infantry training courses delivered by UK teams to the Peshmerga and all UK trainers deployed to Iraq are now also trained to deliver this. The training has also been offered to our coalition partners in Erbil, including German, Norwegian and Italian trainers, for incorporation into their own training of the Peshmerga; and
- almost 250 students, themselves instructors, from 17 different NATO and Partner for Peace countries and to over 200 officials from Kazakhstan, Romania, Croatia, Slovenia, Morocco and Kyrgyzstan.

14. Throughout the development and implementation of the initiative the FCO has worked to ensure that PSVI is fully complementary with work by international organisations and civil society on this issue as well as that of other UK government departments on the broader violence against women and girls (VAWG) and Women, Peace and Security (WPS) agendas. The FCO has also sought to use the attention generated by PSVI to accelerate international action on these wider issues.

15. Sexual violence in conflict is a complex issue, involving a range of different social and cultural drivers, which require a multi-sectoral response. Delivering change in behaviour and attitudes will take time. The FCO is committed to continuing to work closely with all those who share our ambition to bring this barbaric practice to an end.

THE INTERNATIONAL POLICY AGENDA

I. What evidence is there on the effectiveness of the UK's engagement to date with the global policy agenda on preventing sexual violence in conflict?

16. The UK's leadership of PSVI has placed sexual violence firmly on the international peace and security agenda. Since the launch of PSVI there have been a number of developments in addressing sexual violence in conflict. Many of these were prompted by the Global Summit. They include:

- The Government of South Sudan signed a communiqué with the UN that prohibited “acts of rape, sexual abuse and torture”, denied impunity to perpetrators and offered

support services for survivors. Work is ongoing to implement the communiqué but this is challenging due to continuing hostilities.

- The Government of the Democratic Republic of Congo has launched an action plan for the Congolese Army on sexual violence and established an implementation commission. President Kabila also appointed a Special Representative on Sexual Violence and Child Recruitment to coordinate national efforts on strengthening domestic policy.
- The Government of Côte d'Ivoire has embarked upon a process of legal reform, including to expand its definition of sexual violence and to harmonise its Criminal and Civil Codes with international standards. The Government has also drafted a law on the protection of victims and witnesses. Forty-seven Ivoirian Commanders recently signed a commitment to fight against sexual violence.
- The Government of Colombia has trained 800 members of the armed forces on gender-based violence prevention.
- The Governments of Croatia and Kosovo have revised their laws in order to allow victims of sexual violence from the conflict in the 1990s to access compensation, state support and benefits.
- In a landmark ruling, the Court of Bosnia and Herzegovina awarded compensation to the victims of sexual violence committed during the war, setting an important precedent for future cases.
- Similarly, the Cantonal Court in Zenica, Bosnia and Herzegovina, granted 'civil war victim status' to a male survivor of sexual violence for the first time. The victim will consequently receive compensation from the state.

17. In addition, a number of multilateral organisations have embedded or expanded their focus on sexual violence in their work. For example:

- The EU has developed a Non Paper on Ending Sexual Violence in Conflict – A Guide to Practical Actions at EU Level along with an action plan that incorporates preventing sexual violence in conflict into the Common Security and Defence Policy (CSDP) missions and increases EU political and material support to human rights defenders working in this field.
 - NATO has agreed detailed guidelines on the prevention of, and response to, sexual violence in conflict which will be incorporated into training, operational planning, conduct and evaluation of NATO-led operations.
 - The Prosecutor of the ICC published a [policy paper](#) on sexual and gender-based crimes. The paper will guide the Office of the Prosecutor in its work on fighting impunity for sexual and gender-based crimes and will help ensure more effective investigation and prosecution and better access to justice for victims.
- The International Committee of the Red Cross (ICRC) has increased its work on sexual violence in conflict by implementing ten programmes that provide services to survivors including psycho-social support and medical care.

“The overall influence of the “Global Initiative to End Sexual Violence in Conflict” has been very visible and present in the field in Bosnia and Herzegovina. The Initiative focused on issues related to survivors of sexual violence from the war, and therefore put extra pressure on the Government to work on this issue from different aspects. For example, because of the Initiative’s commitment, cases of wartime sexual violence were

finally taken more seriously and judicial institutions became more proactive in the investigation and prosecution of responsible perpetrators. The existence of the Initiative helped TRIAL as well as other NGOs in their daily work to improve respect for survivors' rights."

TRIAL (2015)

18. The political campaign and programme of practical engagement has been underpinned by an extensive communications campaign. Since the launch of PSVI this has sought to raise the issue within wider public discourse and suggest an alternative narrative about what could be done to address these issues. The global social media and press campaign accompanying the launches of the G8 and UNGA declarations reached millions of people. Additionally, the FCO's participation in the international campaigns "16 Days of Gender Activism" and "Peace One Day" highlighted UK leadership and the objectives of PSVI with influential activists, organisations and civil society groups. This was amplified in the run up to, and throughout, the Global Summit where our media and digital content was shared, liked and created by individuals and organisations around the world. The Global Summit Fringe was attended by around 19,000 people and the FCO's overseas network organised over 180 events in the run up to the Global Summit which culminated in an 84 hour Global Relay of activity around the world. This resulted in an unprecedented level of attention on the issues of sexual violence in conflict and a global demand dialogue for further action.

I(a). How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict be coordinated and monitored?

19. The FCO is committed to maintain the momentum created by the G8 and UNGA Declarations. A particular area of focus is monitoring the delivery of political commitments through practical action. Both Declarations contain a broad range of commitments which reflect both the complexity of the issues and the differing capacities of endorsing countries to take forward political and practical implementation.

20. The G8 Declaration contains an undertaking to review its implementation. The Government of Canada is currently leading an exercise to review this progress. The FCO has contributed to this report which will be published later this year. To date, 155 countries have endorsed the Declaration of Commitment to End Sexual Violence in Conflict. Some of these governments made subsequent commitments at the Global Summit to End Sexual Violence in Conflict. Others have reformed their legislation, introduced new army codes of conduct or improved their military training. The FCO has not formally assessed each endorsing government's compliance. But through our network of Embassies and High Commissions we seek regular updates on their progress in tackling sexual violence.

I(b). How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

21. The Global Summit resulted in a number of tangible outcomes, notably:

- The Federal Government of Somalia presented its National Action Plan for addressing sexual violence, with the backing and support of the UN and the international community.
- Ministers of the Government of the DRC committed to implement quickly their National Strategy to Fight Sexual Violence and the provisions of the Declaration of Commitment to End Sexual Violence in Conflict.
- The AU announced the launch of a pilot project in the Central African Republic to respond to the urgent needs of victims of sexual violence.
- The Government of Libya committed funding to enact into law its Decree that recognises that victims of sexual violence and their families are victims of war and are therefore entitled to benefits from the state including health care, scholarships and rehabilitation services.
- The Governments of Liberia, Mexico, Morocco, Senegal and South Korea and the Palestinian Authority signed up to the Call to Action on Protecting Girls and Women in Emergencies.
- The US:
 - (i) Committed to doubling (to \$1 million) its funding for the US State Department’s Gender-based Violence Emergency Response and Protection Initiative, which provides urgent assistance to survivors of those threatened with gender-based violence.
 - (ii) Announced the launch of an accountability initiative, which will help survivors secure justice and build the capacity of partner governments to prosecute sexual violence crimes in conflict-affected countries.
 - (iii) Announced the expansion of the Safe from the Start initiative with a new funding opportunity for NGOs. The initiative supports humanitarian organisations to prevent and respond to gender-based violence at the onset of a disaster or a conflict.
 - (iv) Unveiled the US Secretary of State’s Policy Guidance on Gender, a directive to all embassies and bureaux to integrate gender equality and the advancement of women and girls into all policy and programming efforts, including preventing and responding to sexual violence in peacetime and conflict.
- Australia committed AUD3.3 million to support the Afghan Women’s Network and its member organisations to help to end violence against women in Afghanistan; AUD1 million in partnership with UN Women in Timor Leste, Liberia and Uganda to support women’s engagement in decision making on peace-building and gender responsive security sector reform; and AUD1.65 million in assistance to humanitarian and emergency initiatives through ProCap and GenCap and the Women’s Refugee Commission as well as UNICEF and UNFPA.
- The UAE announced \$1 million in support of the Office of the Special Representative of the Secretary General on Sexual Violence in Conflict.
- Finland announced €2 million for the UN Fund for Action Against Sexual Violence in Conflict.

- Bahrain announced \$100,000 for the UN Fund for Action Against Sexual Violence in Conflict.

22. Through our overseas posts, the FCO has followed up on progress in the implementation of these commitments.

- The Federal Government of Somalia continues to support the National Action Plan. The political instability in the country earlier this year led to a pause in momentum, but a new Minister of Women and Human Rights Development has now been tasked with responsibility for implementation. The FCO is funding additional staff at the Ministry of Women and Human Rights Development to help deliver this work. The UK will sit on the steering committee which will oversee roll-out of the Plan.
- Following the Global Summit President Kabila of the DRC appointed a Special Representative on Sexual Violence and Child Recruitment, Mme Janine Mabunda. Mme Mabunda is responsible for leading the government's advocacy efforts both at home and abroad and for coordinating the development of policy. She has championed the need for more prosecutions in the country and established a helpline to provide better support to survivors. The DRC government has also inaugurated the National Action Plan for the army and encouraged senior military officers to commit publically to a new Code of Conduct. Both send a strong signal of the importance of improving military behaviour. The government is due to launch a new national strategy on sexual and gender based violence at the end of this year. This will provide a further useful policy framework within which to develop the UK's support.
- Between September 2014 and January 2015 a team of 12 multidisciplinary experts, including medical doctors, psychologists, lawyers and police officers, were deployed to CAR to support sexual violence survivors and build local capacity to develop stronger prevention and response mechanisms. The construction of new health facilities to treat survivors should begin later this year and the process to recruit local staff has been launched.
- The current situation in Libya has prevented opportunities to take forward their Global Summit commitments. Subject to political and security progress later this year we will identify how best to support the new Libyan unity government on implementation.
- The US has met, and since expanded, its funding commitments for the Gender-based Violence Emergency Response and Protection Initiative and Safe from the Start programme. Work on the Guidance on Gender is ongoing and funding for the accountability initiative has been allocated to focus on several countries in Africa.
- DFID has submitted its annual report on progress against its Call to Action commitments to the United States as current leaders of the initiative. The US will compile reports from all members and publish a comprehensive Call to Action annual report in the margins of the UN General Assembly in September 2015.
- Liberia, Mexico, Morocco and Senegal have all taken further measures to promote PSVI or address wider issues of violence against women and girls following the Global Summit. For example, in Liberia, a law making rape a non-billable crime has been enacted and a special court for the trial of rape and sexual and gender-based violence related crimes has since been established. In May 2015 the UK and Mexico jointly hosted a seminar on PSVI at the Mexican naval school which looked at the role of peacekeepers in protecting women and girls in conflict situations. The Parliament in

Morocco amended the Penal Code to remove provisions allowing men to marry their under-age rape victim, to strengthen the penalties for rape and extend the definition of sexual harassment; and a draft law to address violence against women remains under consideration by the government. And the government of Senegal recently hosted a meeting with key actors working on gender-based violence issues across the country to identify how to harmonize better and coordinate current activity to increase its reach and impact.

- The funds announced by Bahrain, Finland and the UAE have been disbursed.

I(c). How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example through the UK's input to the Security Council's High-Level Review of Resolution 1325?

23. Permanent membership of the UN Security Council provides the UK with significant opportunities to shape international debate and activity on this agenda. For example, the 2013 Security Council debate hosted by Mr Hague and the accompanying Security Council Resolution ([UNSCR 2106 \(2013\)](#)) reinforced the centrality of tackling sexual violence as part of the UN's core peace and security response. The inclusion of language on male victims of sexual violence – for the first time in a Security Council Resolution – was an important reflection of international recognition of this previously hidden issue. This has helped pave the way for subsequent work to respond to the specific needs of men and boys.

24. Security Council membership means that the UK has the ability to influence the detail of UN peacekeeping mandates and to ensure they take into account sexual violence issues as well as wider gender considerations. For example, we have worked to secure the inclusion of Women Protection Advisers in a number of peacekeeping missions, such as those in the DRC, Côte d'Ivoire, Somalia, South Sudan and the Central African Republic. The Advisers have played a critical role in establishing monitoring, analysis and reporting arrangements that have provided more reliable and timely information on the occurrence of sexual violence crimes. This information has proved crucial in encouraging local governments to act: in the DRC, for example, it has resulted in more prosecutions of The Armed Forces of the Democratic Republic of Congo (Forces Armées de la République Démocratique du Congo or FARDC) personnel and a reduction in the number of reported cases committed by them; and in CAR the authorities have agreed to establish a rapid response unit within the Gendarmerie to respond to allegations of sexual violence crimes.

25. Our membership also gives the UK the opportunity to raise sexual violence issues with the UN Secretariat and relevant UN agencies and to press them to take further action when necessary. This has included encouraging them to integrate sexual violence work into their wider country programming and to improve their co-ordination both in New York and on the ground in responding to specific conflicts or other crises. The FCO is working particularly closely with the Departments of Peacekeeping Operations and Field Support (DPKO and DFS) to strengthen their work on sexual violence and Sexual Exploitation and Abuse (SEA). The Secretary-General's strong response to the allegations of sexual abuse by peacekeepers in the CAR is an indication this is taking effect.

26. The FCO is actively engaged in preparations for the UN's High Level Review of UNSCR 1325. The UK wants the High Level Review to result in ambitious and meaningful commitments by all member states, regional organisations and the UN to improve

implementation of the WPS agenda. This includes new commitments to act against sexual violence in conflict.

I(d). How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in Conflict? What other fora might the UK use to advance its objectives?

27. The UK has four priorities for the World Humanitarian Summit (WHS), including for it to have a strong focus on women and girls throughout. The FCO is supporting DFID's work to use the WHS as an opportunity to ensure women and girls are front and centre of all humanitarian efforts, so that in all types of emergencies, assistance targets their specific needs. As part of this, the FCO also hopes the Summit will result in agreements on preventing sexual violence in conflict alongside humanitarian and wider emergency situations.

28. In addition to the WHS there are a number of upcoming international meetings where we will seek to secure ambitious PSVI outcomes. The PMSR will host an event at this year's UN General Assembly on promoting attitudinal change to sexual violence. She will also host a meeting at the 32nd International Conference of the Red Cross and Red Crescent in December which will look at how to apply experience from work on sexual violence in conflict to wider humanitarian and emergency situations. We will also continue to pursue PSVI through the EU, AU, NATO and other multilateral fora.

II. What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

29. There have been a number of significant developments by States, multinational, regional and other bodies since the launch of PSVI. Details of these are set out in paragraphs 16 - 17.

II(a). What more could the Government do to ensure international and multilateral organisations prioritise the prevention of sexual violence in conflict and embed this into their policies and practice?

30. The FCO continues to work with the UN, AU, EU and other multilateral organisations to embed PSVI more routinely throughout their work. Building on the progress already achieved, the FCO will provide ongoing support to the SRSG and work with her Office to identify the scope for a more coordinated and complementary future programme of work, including on implementing of the International Protocol. We will press NATO and the EU to implement fully their PSVI action plans and regularly report on progress to Member States. We will also work with the AU to develop a similar plan by the end of 2015 that will (i) integrate PSVI across the AU's peace and security and political work; (ii) identify how the AU can promote the International Protocol; and (iii) build on the UK funded deployment of sexual violence experts to the Central African Republic by creating a more effective roster of Africa experts who can be deployed in similar crises. Finally, we hope to encourage Germany, as next year's Chair in Office of the OSCE, to secure a greater OSCE focus on PSVI, including OSCE support for human rights defenders and implementation of the International Protocol.

CAUSES OF SEXUAL VIOLENCE IN CONFLICT

III. What evidence is there as to the causes of sexual violence in conflict?

31. Current academic literature⁶⁷ identifies a number of explanations why acts of sexual violence in conflict occur. They are not mutually exclusive and there are disagreements between academics about the relative importance of each factor in absolute terms as well as their applicability in particular conflicts. UN studies, such as that conducted by the [UN Development Programme as part of its research into “Addressing the needs of wartime victims of sexual violence in Croatia: An unresolved legacy of the 1991-95 war”](#) show a similar pattern. The main explanations include:

- To assert or demonstrate power and dominance;
- To inflict shame, humiliation and degradation;
- For personal gratification;
- As a strategy of warfare;
- Because sexual violence is ordered, tolerated or leaders fail to exercise effective control;
- To displace people; and/or
- As a result of a permissive environment.

III(a). To what extent are cultural and societal factors responsible for sexual violence in conflict and how effective has the Government’s response to these been?

32. There is no single explanation for acts of sexual violence in conflict and much depends on context. Studies show that perpetrators of sexual violence in conflict represent all groups and ages: male and female; adults and children; armed actors, e.g. members of the armed forces, rebels, militias, and civilians. A number of cultural and societal factors can contribute to both the use of sexual violence in conflict and responses to it. More research on these links and ways of addressing them would be helpful.

33. The FCO’s work to date in this area includes:

- Raising the profile of sexual violence in conflict in international fora and challenging the idea that survivors should carry the burden of shame. The G8 and UNGA declarations strongly promoted this message;
- Encouraging faith leaders to use their influence to challenge attitudes towards sexual violence and the stigmatisation of survivors. The PMSR hosted an [international inter-faith event](#) in February 2015 on this issue, which built on discussions at the Global

⁶⁷ Indicative bibliography:

Dara Kay Cohen, Amelia Hoover Green, Elisabeth Jean Wood, ‘Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward, United States Institute for Peace Special Report 323, February 2013.

Human Security Report 2012, *Sexual Violence, Education and War: Beyond the Mainstream Narrative* (Vancouver: Human Security Report Group, 2012).

Sandesh Sivakumaran, ‘Sexual Violence Against Men in Armed Conflict, *The European Journal of International Law*, Vol. 18, No.2 (2007).

Save the Children, ‘Unspeakable Crimes Against Children: Sexual Violence in Conflict’, 2013

Inger Skjelsbaek, Preventing Perpetrators: How to Go From Protection to Prevention of Sexual Violence in War? PRIO Policy Brief, March 2013.

United Nations, Report of the Secretary General, *Sexual violence in conflict*, March 2013.

Elisabeth Jean Wood, ‘Variation in Sexual Violence during War, *Politics and Society*, Vol. 34, No. 3 (2006).

Summit. We are working with the We Will Speak Out Coalition (a global coalition of Christian-based NGOs, churches and organisations) to implement the recommendations from that meeting;

- Supporting the production and broadcast of a radio drama series and accompanying discussion programmes in Syria to raise awareness and increase understanding of, and challenge attitudes to, sexual violence issues both with female and male audiences;
- Supporting a project with the NGO Tearfund in the DRC that works with local faith leaders to enhance community level prevention, protection and response methods to sexual violence crimes; and
- Promoting discussions at the UN, including the meeting hosted by the PMSR at this year's UNGA which will consider how to address social and cultural factors which contribute to sexual and gender-based violence.

34. Changing cultural norms or societal factors is a long-term endeavour. It is too early to measure the full impact of the FCO's interventions to date. Initial feedback from our partners, including survivors, is that raising these issues has begun a significant process of challenging a number of the assumptions which perpetuate sexual violence in conflict.

III(b). To what extent is sexual violence in conflict used as a deliberate tactic?

35. There is a wide body of research on 'strategic rape' or 'rape used as a weapon of war'. A number of studies highlight the tactics used during the Bosnia and Herzegovina conflict in the early 1990s as an example. Other studies suggest that strategic rape is the exception rather than the rule.

36. A number of studies argue that sexual violence can be used to secure control through the spreading of fear, intimidation and a sense of vulnerability among the population of the territory the armed group may want to occupy or defeat. At a tactical level, they point to sexual violence as a means of reprisal or punishment against individuals, families and communities. In broader terms, studies suggest that group violence, such as gang rape, can serve an internal purpose for armed groups, by helping to encourage coerced coherence. A number of academics argue that 'wartime rape is often not an intentional strategy of war and that it is more frequently tolerated than ordered'.⁶⁸

37. Research also appears to suggest that a lack of disciplinary action or effective response through the chain of command can encourage sexual violence. In the DRC, for example, 'a major part of the reason for the high levels of sexual violence appears to be that the military command system is too dysfunctional, disorganised, fragmented and corrupt to prevent undisciplined, and often underpaid, troops from indulging in opportunistic looting and rape on a large scale'⁶⁹.

38. In some cases research has shown that sexual violence has been used to forcibly displace populations, as seen in Colombia, DRC, Libya, Mali and Syria. In Colombia, sexual violence has been used to move people away from lucrative mining or agricultural zones or

⁶⁸ Dara Kay Cohen, Amelia Hoover Green, Elisabeth Jean Wood, 'Wartime Sexual Violence: Misconceptions, Implications, and Ways Forward, United States Institute for Peace Special Report 323, February 2013.

⁶⁹ [Human Security Report 2012, Sexual Violence, Education and War: Beyond the Mainstream Narrative](#) (Vancouver: Human Security Report Group, 2012).

corridors used for drug trafficking. It can also occur across regions or borders. In Bosnia and Herzegovina, sexual violence was reported in conjunction with an effort to displace the civilian population by targeting ethnic groups from a particular region.

39. Some scholars suggest that war provides greater opportunity for sexual violence due to the weakening or breakdown of law and order. Other studies focus on the importance of men and of male combatants in particular, arguing that men will rape if given the opportunity, and that the aggression that characterises conflict makes rape and other forms of sexual violence even more likely. Other academics challenge these conclusions, arguing that the emphasis on opportunity and male aggression are inadequate explanations because they do not account for low incidences of sexual violence in some conflicts, or why females also engage in acts of sexual violence – whether participating themselves or inciting others to do so.

III(c). To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

40. Ideas about the status of women and gender roles affect sexual violence before, during and after armed conflict.⁷⁰ Inequality is often demonstrated in attitudes towards the place of women in society and prevents their access to legal protection, security and economic empowerment.

41. The CEDAW Committee last examined the UK on its compliance in July 2013 and made a number of [observations and recommendations](#). Since then, Ministers for Women and Equalities have written to relevant Ministerial colleagues to allocate clear departmental responsibilities for the delivery of their recommendations and to ensure their departments take effective action. The Government Equalities Office (GEO) established an official level cross-government group to ensure full compliance with CEDAW which meets bi-annually to monitor implementation of the CEDAW Committee's recommendations. GEO also works to ensure compliance with CEDAW recommendations by the devolved administrations and with those Overseas Territories that have expressed an interest in having CEDAW extended to them.

42. The UK launched its third [National Action Plan](#) (NAP) on Women, Peace and Security in June 2014 at the Global Summit and the corresponding [Implementation Plan](#) was issued in December 2014. The UK has also, for the first time, commissioned a comprehensive evaluation of the NAP. The results of this evaluation will be available later this year and will be used to inform our future work on WPS.

⁷⁰ Commission on the Status of Women 57: Elimination and Prevention of all forms of VAWG – Agreed Conclusions
http://www.un.org/womenwatch/daw/csw/csw57/CSW57_agreed_conclusions_advance_unedited_version_18_March_2013.pdf

PREVENTION

IV. Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

43. The [Building Stability Overseas Strategy](#) (BSOS), launched in 2011 by the FCO, DFID and MOD, identifies how to prevent and end instability and conflict overseas. Following the launch of BSOS, the UK established an improved Early Warning System to inform early action to help prepare for and prevent conflict and created a £20m Rapid Response Mechanism as contingency funding to enable the UK to respond more effectively to new cases of conflict and instability. Examples of its use include short notice support to the Organisation for Security and Co-operation in Europe (OSCE) Election Observation mission in Ukraine and to the AU's CAR Trust Fund.

44. In April 2015, the tri-Departmental (FCO, DFID and MOD) Conflict Pool was replaced with the £1.03 billion Conflict, Stability and Security Fund (CSSF). This draws together new and existing resources from across Government, under the strategic direction of the National Security Council (NSC), to promote peace and stability and to tackle threats to UK interests arising from instability overseas. This move from the Conflict Pool to the CSSF is part of a continuous process to improve the way funds are prioritised and spent when addressing conflict and stability overseas, building on the lessons learned from the Conflict Pool.

IV(a). What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled?

45. Current academic thinking points to a broad range of factors which cause or contribute to sexual violence, so it is reasonable to assume that a similarly broad range of measures is necessary to prevent these acts from occurring. Although academics have analysed why sexual violence in conflict takes place, it is not clear why sexual violence does *not* take place. This illustrates a clear and significant research gap: the vast majority of research has been based on *where* sexual violence has occurred rather than where it has *not* occurred. Greater analysis of this latter category would be useful in strengthening the research base. In the meantime, however, the FCO is:

- Working to improve military behaviour and compliance with International Humanitarian Law;
- Challenging harmful social attitudes;
- Promoting legislative reform so that perpetrators know that they will be held to account; and
- Building the documentary and evidence base for future prosecutions through work to implement the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

IV(b). PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

46. A key element of the PSVI campaign has been to raise awareness of men and boys as victims as well as perpetrators of sexual violence in conflict. The 2013 G8 Declaration was the first high-level international document to recognise the particular needs of male victims.

This was reinforced by the 2013 UN Security Council Resolution and the Declaration of Commitment to End Sexual Violence in Conflict.

“The G8 and UNGA Declarations were instrumental in raising awareness of these survivors of sexual violence and their need for targeted support. 62 countries around the world still don’t recognise male rape as a crime. Challenging this and the wider taboo that surrounds men and boys as victims will require long-term coordinated engagement in order to help men and boys access the support they need”.

Dr Chris Dolan, Refugee Law Project (September 2015)

47. UK funding to the NGO Medica Zenica in Bosnia and Herzegovina helped them secure the first ruling by a court of ‘civil war victim status’ for a male survivor, setting an important precedent. The man will consequently receive compensation from the State. The methodology contained in the International Protocol covers all victims, and FCO support to grassroots organisations and human rights defenders - such as the training being delivered along the Syrian borders - includes men as well as women and children. However, this is an area where the FCO would like to do more in the future.

IV(c). What evidence is there on the effectiveness of the Government’s policy and practice in relation to preventing sexual violence in conflict as committed by non-State actors? What more might usefully be done to prevent and mitigate the actions of such groups?

48. Academic and other research has identified a broad range of non-State actors who perpetrate acts of sexual violence in conflict (see paragraph 32). These include non-state armed groups (e.g. rebel groups), civilians (e.g. intimate partners, relatives and acquaintances, community members, teachers, religious leaders) and other non-state actors (e.g. humanitarian workers). The FCO is determined that all perpetrators should be held accountable and FCO funded capacity building programmes, including training on the International Protocol, are clear on this approach. But one size does not fit all: the diversity of non-State groups requires a similarly diverse range of measures, tailored to specific actors in specific contexts, to prevent and mitigate acts of sexual violence in conflict (see paragraph 33).

49. These measures include work at the international level, such as that on the Women, Peace and Security agenda at the UN, or focussed more directly at country level in support of organisations with better access to non-State actors, such as the ICRC, or certain NGOs and other local actors. In Burma, for example, we have funded the NGO Geneva Call to provide education and training to various local non-State actors on the protection of women in armed conflict. Some of these local non-State actors have signed Geneva Call’s [Deed of Commitment](#) that allows signatories who cannot become parties to international treaties to undertake to respect international standards. Geneva Call supports and monitors implementation of the Deed of Commitment and also works with community-based organisations to build their capacity to monitor the commitments.

IV(d). What can the Government and the international community do to support human rights defenders and civil society in their work to prevent and mitigate sexual violence in conflict?

50. Human Rights Defenders (HRDs), particularly women human rights defenders, and civil society organisations are frequently at the front line of efforts to combat sexual violence in conflict. The G8 Declaration and the Declaration of Commitment to End Sexual Violence in Conflict call on states to provide more political and financial support to HRDs. This was also a prominent theme in discussions at the Global Summit. This support includes working more closely with HRDs in the delivery of national efforts to tackle sexual violence; lifting any legal and administrative restrictions on their work, such as on registration and access to international funding; ensuring that violations against HRDs are investigated promptly and impartially and that perpetrators are held accountable; and incorporating human rights training into educational programmes, especially for national security forces and the judiciary. We continue to promote these objectives.

51. Since the launch of PSVI the FCO has provided political and financial support to a broad range of HRDs and civil society organisations. Examples include:

- Funding the Balkan Investigative and Reporting Network (BIRN) to record testimonies from both male and female survivors as part of a film, [Silent Scream](#), which explained the judicial process and was shown to victims associations and 16 prosecutors' offices.

“With the film BIRN managed to encourage not just women to speak up but most importantly several brave men who shared their experiences without any protective measures. The film made a huge impact on the chief prosecutor who later took statements from three victims from for the purpose of raising an indictment and punishing the perpetrators. In messages of support we receive on social networks it is evident the film continues to inspire other victims and professionals to come forward and speak up about wartime rape, which was unimaginable several years ago.”

Mirna Buljugic, acting director of BIRN

- Delivering training to the Kosovo Rehabilitation Centre for Torture Victims, which provides access to support for survivors during disclosure and rehabilitation;
- Funding two NGOs in Colombia - LIMPAL (Women's International League for Peace and Freedom) and Casa Amazonia - to provide psychosocial and legal support to survivors;
- Funding Action Aid in Burma who created legal aid centres, disseminated information on legal rights and trained paralegals to help provide advice and legal assistance on the documentation of cases of sexual violence. This enabled greater access to justice for survivors of sexual violence in Kayah, Rakhine, Mandalay and Kachin states. The project also produced a short documentary to raise awareness of PSVI issues, a Gender Training Manual and printed CEDAW booklets into Burmese for practitioners;
- Supporting the work of the field teams of the Office of UN High Commissioner for Human Rights to prevent and respond to sexual violence in conflict through improved monitoring and documentation of cases, advocating for compliance with national and international human rights standards, supporting national institutional capacity building, and raising awareness;

- Funding a team of human rights defenders to Kirkuk Governorate in Iraq to document instances of sexual violence in conflict and to assist with the development of cases. The data that is recorded will be referred to the courts or health services and help deliver a more therapeutic response as well as build a clearer picture of sexual violence crimes committed over a two year period in Kirkuk; and
- Convening an event in Istanbul that brought together women’s rights activists from Iraqi and Syrian grassroots civil society organisations, including from ISIL controlled territory. The event was organised by the NGOs Women’s International League for Peace and Freedom (WILPF) and MADRE, and provided a platform for activists to share experiences and discuss strategies for defending women’s rights as well as responding to human rights violations in conflict.

IV(e). How can early warning of potential outbreaks of sexual violence in conflict best be achieved?

52. The most effective way of preventing outbreaks of sexual violence in conflict is to prevent conflict. The UK continues to develop and improve our early warning systems, to strengthen our ability to anticipate instability and potential triggers for conflict, allowing earlier, more effective responses to potential conflict.

53. UK early warning systems comprise an annual scan to assess risks of instability (the “CRI” - Countries at Risk of Instability report), together with a short term rising risks early warning system. The annual scan is primarily of use in helping to determine where upstream conflict prevention resources might be best directed. The short term early warning system is intended to alert ministers and senior officials to potential new/fast rising risks in a structured way to enable decisions on preventative action or crisis response. These systems draw on a range of sources, including the real-time insights of British diplomatic missions overseas.

54. The FCO recognises that turning early warning analysis into early action remains challenging. This is why we continue to develop and improve our early warning systems, and support early warning systems of our partners in multilateral organisations, at the EU, UN and AU.

55. For example, the UN uses a [Matrix of Early-Warning Indicators of Conflict-Related Sexual Violence](#) which assists field personnel in detecting and anticipating spikes in conflict-related sexual violence. The indicators prompt an analysis of changes in the operating environment, for instance in the mobility patterns of women and girls such as their absence from schools or markets, or in the conduct of armed groups, eg looting or their proximity to civilian centres. This analysis reports the location and timing of incidents as well as identifying possible patterns. Many of the signs are *qualitative* in nature, which implies that a lack of hard data (i.e. *quantitative* data like numerical counts and statistics) should not preclude action. The absence of the indicators does not necessarily prove an absence of sexual violence or a risk of sexual violence. Equally, these signs will not always lead to sexual violence. But observers should take into account the cumulative effect of relevant indicators in their overall reading of the environment. It is, therefore, particularly important that the indicators are read in conjunction with the relevant contextual factors highlighted in the Matrix.

56. This information can be used to alert not only international actors, but also communities at risk. The Matrix is currently being used by several UN field missions, including the UN Mission to South Sudan which has developed country-specific early warning indicators of sexual violence that have triggered, for instance, increased patrolling and dialogue with the relevant partners, including local groups, to try to prevent incidents occurring.

IV(f). Are there further measures that the UK might usefully take? Should, for example, the Government consider ratifying the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)?

57. The UK has some of the most robust protections in the world against violence towards women and already complies with the vast majority of the articles in the Istanbul Convention, including those related to protecting women and girls. The Government takes its international commitments very seriously and will only commit to ratification when absolutely satisfied of its compliance with all articles.

58. One of the pre-requisites to ratification was the criminalisation of forced marriage. This was brought forward through the Anti-Social Behaviour, Crime and Policing Act 2014. Primary legislation will also be needed to comply with the Extra-Territorial Jurisdiction (ETJ) provisions in Article 44 of the Convention before it can be ratified. Article 44 of the Convention requires state parties to take ETJ in respect of each of the offences established in accordance with the Convention. The criminal law of England and Wales (and that of Scotland and Northern Ireland) does not ordinarily extend to conduct outside the realm. Specific statutory provision is required before any part of the criminal law can apply to conduct abroad.

59. Any extension of ETJ will apply to all relevant offences committed abroad and not just those that are perpetrated against women and girls. The Ministry of Justice is responsible for the criminal law in England and Wales and Justice Ministers are currently considering the extent to which we need to amend the criminal law for compliance with Article 44 prior to ratification of the Convention. The Home Office is liaising with the devolved administrations about ratification, including any necessary further legislative steps.

THE NEEDS OF SURVIVORS

V. What evidence is there on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

60. Encouraging greater international support for survivors in conflict and post-conflict situations is one of PSVI’s priorities. We have funded a range of projects through the Conflict Pool, the Conflict Stability and Security Fund (CSSF) and the Human Rights and Democracy Programme (HRDP) to help survivors of sexual violence access the necessary support to enable them to rebuild their lives.

61. At the G8 meeting in 2013, William Hague announced a commitment of £5 million over three years to support grassroots and human rights PSVI projects on PSVI and wider projects on violence against women and girls (VAWG). Between 2013 and 2015 the UK allocated £3.1 million of the HRDP to PSVI projects and just £500,000 to projects on wider VAWG activity.

For 2015/16 we forecast a further spend of approximately £1.5 million and £440,000 respectively.

62. In many cases it is still too early to assess the full impact of our support. But some early results indicate the beneficial impact of our help. For example:

- In Bosnia and Herzegovina, until recently no victim of sexual violence during the conflict had obtained compensation through criminal proceedings. In June, a State Court indictment against two individuals for sexual violence crimes was confirmed and both individuals were subsequently sentenced to ten years imprisonment. These verdicts represent a landmark moment for victims of sexual violence in Bosnia and Herzegovina and both cases set an important precedent. The NGO TRIAL, part funded by the UK, played a critical role in providing legal and other support to the victims; and
- In DRC the FCO has supported the NGO Tearfund in their work to engage local faith leaders in helping prevent and respond to sexual violence in conflict within their communities. This project has worked with 75 faith leaders so they better understand sexual violence and survivors' needs, including the basic principles of psychosocial care support, as well the local legal framework and how to access justice. The project has also included sessions on gender and social attitudes, including concepts of masculinity, from a faith perspective. 1,336 people have now participated in these. In addition, 225 survivors have received counselling and advice from faith leaders, of whom between January 2014 and February 2015, 142 were helped to access medical services, 43 were referred to the local police or for judicial follow-up, and 12 benefited from family mediation. In addition, 453 people have received legal training on sexual violence. Across the 15 communities where this project has been implemented, there are now functioning Community Action Groups which include faith leaders from different faiths, who are engaged in speaking out against sexual violence and accompanying survivors to access services, including, in some cases, formal justice procedures.

V(a). What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

63. The stigma many survivors face prevents them from accessing the post-trauma support and services that they need. It is therefore encouraging that religious and social Yazidi leaders and Kurdish officials have called on the community to welcome back women abducted by ISIL, and religious leaders in Nigeria have called for compassion towards pregnant former captives of Boko Haram and for the children they will bear.

64. The FCO has worked to put survivors and their voices at the heart of PSVI in an effort to help address this situation. A key message throughout PSVI has been that the stigma for these crimes should rest with the perpetrators and not the survivors. At the Global Summit, survivors were involved in many of the Ministerial and policy discussions so that decision makers could hear directly from them about the impact of stigma on their lives and how to overcome it.

“Delegates from affected communities spoke powerfully about their experiences, not just as survivors but as lawyers, doctors, and community organizers with decades of experience combating this problem. It was a time for high-level decision makers to learn from their work and go back to their countries to finally prioritize this issue.”

Holly Dranginis, Enough's Policy, June 2014

65. The Global Summit also encouraged its youth representatives to suggest how the younger generation could speak out against these crimes (see the short films⁷¹ produced by the youth delegates from Mexico). The FCO has also engaged with other influential voices, such as faith leaders, and will continue to look for new and innovative ways to engage new voices in challenging sexual violence in conflict.

PARTICIPATION

VI. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

66. Despite some progress since the adoption of UNSCR 1325 fifteen years ago, there remain considerable challenges in delivering women's full and equal participation in conflict prevention and peace building. For example, although the majority of the 90% civilian casualties in conflict are made up of women and children, only 8% of participants in peace negotiations have been women. Of the 585 peace agreements signed between 1990 and 2010 only 16% contained references to women⁷².

67. The UK lobbies for the participation of women in all stages of conflict prevention and resolution. The UK leads on the WPS agenda at the UN and uses its position as a permanent member of the Security Council to promote the inclusion of women's participation in UN Security Council resolutions, peacekeeping mandates and other documents. The UK supports UN Special Envoys and the Secretary General's Special Representatives in their efforts to involve women in peace building and negotiation processes. The UK's NAP [Implementation Plan](#) details our work to involve women in peace building efforts in our six focus countries of Afghanistan, Burma, DRC, Libya, Somalia and Syria. In Afghanistan, for example, the UK will continue to encourage female voter participation through training for female candidates and councillors, dialogue forums to foster wider support for women's participation and the incorporation of gender issues in electoral plans. In Burma, we have provided funding to women's groups, NGOs and the UN to help women participate more fully in the peace process and elections. We have also provided support more widely, such as to the Mindanao peace process in the Philippines through promoting women's participation, endorsing the work of women's grassroots organisations and empowering them to get involved.

VI(a). What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

68. There are various challenges to achieving implementation of the WPS agenda. These include a lack of political will, resource constraints and enduring social attitudes to the role of women which impede their economic, political and social participation. We hope this October's High Level Review will result in a series of commitments by a broad range of governments to overcome these challenges.

⁷¹ www.youtube.com/watch?v=ok-pvSHlePE, www.youtube.com/watch?v=HUj8A_nbLg

⁷² Bell, Christine and C. O'Rourke, 2010, "Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements," *International and Comparative Law Quarterly*, p. 59.

THE ROLE OF THE MILITARY

For Questions 7, 7a, 7b & 7c MOD will provide a separate submission.

PEACEKEEPING

VIII. How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

69. Peacekeeping plays a critical role in preventing conflict, mitigating humanitarian crises and extending state authority where state capacity is weak or contested. Under existing Protection of Civilians (POC) mandates from the UN Security Council, peacekeepers have an important role in protecting civilians from sexual violence. The conduct and discipline of peacekeeping personnel is extremely important. When acts of sexual exploitation and abuse (SEA) occur, they must be dealt with promptly and transparently in line with existing UN policies.

70. The UK's peacekeeping objectives for the Global Summit were (i) to empower peacekeepers to take action under their existing POC mandates to prevent and stop sexual violence and (ii) to seek justice for the victims of SEA committed by peacekeepers by ensuring Troop Contributing Countries (TCCs) fulfil their existing obligations to investigate and prosecute their offending nationals. The UK is working with the UN to promote the highest standards of TCC behaviour. We have a long-term programme of engagement and training in place. This includes encouraging the Department for Field Support, the UN department dedicated to supporting peacekeeping and political field missions, to improve their accountability and transparency of TCC responses to allegations of SEA, based on various recommendations from the Global Summit, the UN Secretary-General's February [Report on Sexual Exploitation and Abuse](#) and the [UN's Office of Internal Oversight Services \(OIOS\) June 2015 report](#). The [UN Secretary General's Peace Operations Review](#), published in July 2015, includes a number of further recommendations to 'address abuse and enhance accountability'.

ACCOUNTABILITY

IX. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

71. Addressing the culture of impunity has been a key objective of PSVI since its launch. The FCO has been clear in its messaging to perpetrators that such crimes will no longer be ignored. This also sends a strong message to survivors that the international community recognises the devastating impact that conflict has had on them and their communities and the importance of securing justice. There are a number of challenges in this area. In many conflict situations police and judicial systems are likely to be weakened or not functioning at all. Furthermore, victims can be reluctant to come forward due to the fear of losing their anonymity, stigma, punishment and the risk of reprisals by local actors. Poorly executed investigations can be counter-productive by exposing victims to greater risks and shielding those responsible.

72. Addressing impunity for sexual violence in conflict requires more effective delivery of justice at all levels. To meet this challenge, the FCO has worked to improve the capacity and

capability of the judiciary, police, magistrates, prosecutors, advocates and lawyers, and to strengthen national, regional and international justice systems. Examples of projects include:

- Supporting the NGO TRIAL in Bosnia and Herzegovina to make obtaining free legal assistance and filing of compensation claims easier for survivors and funding the launch of a helpline for survivors run by Medica Zenica so that both women and men can have immediate access to local expert help and assistance;
- Supporting a project in Burma that is raising awareness of sexual violence in communities and works to improve women's access to justice;
- Supporting the NGO Dejusticia in Colombia which provides capacity building programmes on sexual violence issues for prosecutors in the Attorney-General's office; and
- Deploying members of the UK Team of PSVI Experts to the Syrian borders to train human rights defenders in documenting reports of sexual violence and to DRC to support local health, legal and law enforcement professionals in documenting crimes of sexual violence and providing support to survivors.

73. The International Protocol on the Documentation and Investigation of Sexual Violence in Conflict will also make an important contribution to building the evidential base for future prosecutions. As a practical guidance tool to support first responders on the ground in conflict areas in documenting and investigating rape and sexual violence, the International Protocol sets out the basic principles for the collection, documentation and storage of evidence and information of sexual violence as a crime under international law. It can be used by both state and non-state actors.

74. To date, the FCO has translated the International Protocol into French, Spanish, Bosnian, Arabic and Nepali (future versions include Albanian, Burmese and Serbian) and developed a set of training materials to support its use, regional training modules on how to implement the International Protocol in different local contexts and a series of bespoke training packages. We have begun a programme of implementation and carried out activities including:

- Supporting civil society organisations in Colombia in adapting the International Protocol to the Colombian context, working with local authorities and regional courts in remote areas outside Bogota to roll out the Protocol, and pilot testing the documentation of crimes with the International Protocol in the two areas of the country most at risk of sexual violence;
- Working with NGOs in the DRC to adapt the International Protocol to the national context in order to start training investigators; and
- Training human rights defenders and activists in Nepal, Syria on how to document sexual violence.

75. This country-level activity is reinforced by our work to strengthen the capacity of the international courts and tribunals to prosecute crimes of sexual violence in conflict. In December 2014, the ICC Prosecutor, Fatou Bensouda, launched a new Sexual and Gender-Based Crimes Policy for her office. This policy, the first of its kind for an international court or tribunal, will help ensure the effective investigation and prosecution of sexual and

gender-based crimes. The UK is a strong supporter of the Prosecutor's work and the PMSR hosted an event with Sweden at the ICC Assembly of States Parties to promote the implementation of this policy.

76. A challenge for the ICC is securing sufficient co-operation from states to enable it to fulfil its mandate: the FCO continues to encourage both States Parties and non-States Parties to co-operate with the ICC. The FCO also continues to encourage states to ratify or accede to the Rome Statute and to enact appropriate implementing legislation.

IX(a). What evidence is there on the effectiveness of the UK's contribution to the reform of national justice programmes and, going forward, what are the priority areas to address?

77. For most of the FCO's work on national justice programmes it is too early to assess the full impact of reforms. PSVI work with conflict affected states is tailored to the specific needs and priorities of those countries. In addition to the work outlined in the answer to Question 9 above there are a number of positive indicators, including:

- In Colombia the UK worked with the Attorney General's Office to deliver a capacity building programme for prosecutors on sexual violence in conflict. This, and the UK's work along with the international community and civil society organisations, helped drive the government's commitment to a new law to improve access to justice for victims of sexual and gender based violence. This law recognises discrimination and subordination as an "aggravated circumstance" for homicide. It increases potential sentences for perpetrators of sexual violence from 20 to 41 years and led to the Colombian authorities immediately increasing investigations into sexual and gender based crimes. It has been widely celebrated by women's rights groups as a success and is helping to maintain political will and momentum for wider judicial reforms in Colombia;
- As a direct result of Embassy lobbying in Kosovo, President Jahjaga launched the National Council for the Survivors of Sexual Violence during the War, which has led to an amendment to the Law on Martyrs, Veterans and Civilian Victims of the War to include survivors of wartime sexual violence in state support mechanisms. This measure was adopted in March 2015;
- After the Global Summit, the Government of Côte d'Ivoire has embarked upon a process of legal reform, including to expand its definition of sexual violence and to harmonise its criminal and civil codes with international standards. The Government has also drafted a specific law on the protection of victims and witnesses;
- Since the Global Summit, the Government of Croatia passed a bill that will compensate survivors of sexual violence during the war of the 1990s. The bill entitles survivors to a one-off payment of €20,000 and monthly sums of €320;
- The FCO supported the development of, and subsequent training on, the OSCE wartime sexual violence training module for judges, prosecutors and witness support officers in Bosnia and Herzegovina. The module covers international and national legal frameworks and jurisprudence governing the prosecution of wartime sexual violence crimes, including psycho-social considerations (such as trauma, trauma and memory, issues of re-traumatisation); and

- In Burma the FCO is supporting the creation of legal aid centres and the provision of trained paralegals to help provide advice and assistance on documenting sexual violence crimes.

IX(b). How can the UK best support the gathering and utilisation of data in this area?

78. In many cases it is too early to assess the full impact of justice reform programmes. However, the FCO has worked with a broad range of actors to identify areas of good practice or innovative approaches to reform of legislation or justice mechanisms and then to promote this knowledge. The Global Summit brought together a broad range of expertise from around the world so that experiences and lessons could be shared between participants. We have subsequently worked with other organisations to highlight and promote their activities. For example, at the Bled Strategic Forum in September 2015 the PMSR hosted a panel discussion with the Refugee Law Project, ICRC, NATO, the EU, the Government of Croatia and Medica Zenica which in part looked at the challenges facing survivors in securing justice for the crimes they have suffered. The FCO will continue to look for similar opportunities.

IX(c). To date, there have been no convictions at the ICC for crimes of sexual violence in conflict situations. Why is this and how could it be addressed? What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal for the Former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ITR) and the Special Court for Sierra Leone (SCSL)?

79. The ICC has completed three cases, two of which have included charges of sexual violence. In 2012 Mathieu Ngudjolo Chui was acquitted of war crimes and crimes against humanity, including sexual violence crimes. In March 2014 Germain Katanga was acquitted of sexual violence crimes but found guilty, as an accessory, of other charges of war crimes and crimes against humanity. All of the Office of The Prosecutor's (OTP) original charges of sexual violence crimes, which characterised Katanga as a perpetrator, were dismissed by the Court due to insufficient evidence.

80. A number of cases currently before the Court include charges of sexual violence. The Court is currently deliberating in the case of Jean-Pierre Bemba, the former Vice-President of the DRC who is charged with war crimes and crimes against humanity, including rape. Bosco Ntaganda, allegedly a former Deputy Chief of the General Staff of the Forces Patriotiques pour la Libération du Congo (FPLC) from the DRC is charged both with war crimes and crimes against humanity, including the rape and sexual slavery of civilians and of child soldiers. In a ground-breaking development, Ntaganda has also been charged as having command responsibility for the rape and sexual slavery of child soldiers within his own militia group committed by other combatants and commanders of the FPLC.

81. A key lesson for the ICC OTP that the UK can draw from the Chui and Katanga verdicts is that it needs to increase the general quality of its investigations. In 2013, the OTP launched a new strategic plan which included putting more resources into investigations, and investing more in specialist resources. The UK has supported this change which should make the OTP more effective in prosecuting all crimes, including those relating to sexual violence.

82. In December 2014 the OTP formally launched its Policy Paper on sexual and gender-based crimes in which it declared its commitment to (i) integrating a gender perspective and analysis into all areas of its work, (ii) being innovative in the investigation and prosecution of these crimes, (iii) providing adequate training for staff, (iv) adopting a victim-responsive approach in its work, and (v) paying special attention to staff interaction with victims and witnesses, their families and communities. These measures should improve the OTP's approach to sexual violence crimes.

83. The International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) have made ground breaking developments in the prosecution of crimes of sexual violence. Perpetrators have been convicted of enslavement, rape, torture, cruel and inhuman treatment, and outrages upon personal dignity, including rape, as violations of the laws and customs of war. The SCSL's conviction of Charles Taylor, including for three charges of sexual violence crimes, demonstrated that, in this case at least, a former head of state could be held to account.

84. The ICTR Prosecutor has issued a comprehensive manual to identify best practices in the prosecution of sexual violence crimes in post-conflict regions. The manual draws on the OTP's nearly 20-year experience in prosecuting sexual violence crimes perpetrated during the 1994 Rwandan Genocide. The ICTY is due to finalise guidance later this year for the future prosecution of sexual violence crimes at the international level as well as at the national level, particularly in the former Yugoslavia, again drawing on its experience of prosecuting such crimes over the last 20 years. Both of these initiatives will be of practical help to international and national prosecutors tasked with investigating and prosecuting similar crimes.

IX(d). The UK Team of Experts has carried out 65 deployments since its creation in 2012. How important are these kind of interventions and what should their future role be?

85. The PSVI Team of Experts (ToE) is part of HMG's wider Civilian Stabilisation Group, which was created to deploy expertise on conflict, stabilisation and security issues at short notice to conflict-affected states. It is managed by the Stabilisation Unit. The ToE currently consists of 74 experts (of which 43 are women), including police, lawyers, psychologists, doctors, forensic experts, gender-based violence experts and experts in the care and protection of survivors and witnesses.

86. Since 2012 there have been 65 deployments from the PSVI ToE to 13 countries in support of 17 projects. Each deployment is tailored to local needs and circumstances. The ToE do not collect evidence or investigate sexual violence. Deployments are designed to complement and reinforce the work of others, including governments UN and NGOs. These deployments have been critical in building local, national, regional and international capacity to respond to sexual violence, highlighting UK subject matter expertise and demonstrating publically the strength of our commitment. These have included deployments to:

- Iraq to raise awareness of the International Protocol and develop a programme of training and support;

- The Syrian borders to train practitioners and human rights activists in documenting human rights violations, including acts of sexual violence, to international standards to help inform future justice processes;
- Bosnia and Herzegovina to support the Organisation for Security and Co-operation in Europe's (OSCE) training of the judiciary on sexual violence crimes;
- The DRC to strengthen the collection and storage of forensic evidence so that survivors have a greater chance of securing justice;
- Mali to train 3,500 members of the Malian armed forces on the protection of civilians from human rights violations, including sexual and gender based violence;
- Kosovo to strengthen the capacity of rehabilitation therapists to provide appropriate psychosocial support to survivors;
- Italy to provide pre-deployment training for police on UN missions at the Centre of Excellence for Stability Police Units; and
- Uganda to provide training on the International Protocol to military and police personnel.

87. In addition, the PSVI ToE is helping to build the capacity of HMG on conflict-related sexual violence. This support includes deploying as gender advisers on UK and NATO military exercises, ensuring PSVI is integrated into the scenarios and providing thematic advice during the exercises; and developing a generic training manual on conflict-related sexual violence for the MOD and FCO to be used by the UK military.

88. The PSVI ToE will continue to focus on providing technical expertise to build the capacity of others: governments and civil society actors, including human rights defenders, as well as international and regional organisations. In 2015 the FCO and Stabilisation Unit reviewed the Team's structure and make-up to ensure it has relevant expertise, skills and delivers value for money. Going forward, the FCO and Stabilisation Unit will work together to identify more strategic deployments, for example by using expertise to build sustained national capacity and to prioritise longer term and repeat deployments which represent better value for money.

89. Current deployment plans include maintaining the provision of expertise to Mali, continuing work on documenting sexual violence in the Syrian borders and the DRC, and deployments in response to the situation in Iraq.

IX(e). What evidence is there on the effectiveness and usage of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict? How can the dissemination and usage of the Protocol best be supported?

90. The FCO's work to implement the International Protocol is described in detail in paragraphs 73 - 74. The FCO continues to identify further implementation and training opportunities and to encourage the UN, AU and other international organisations to promote its use. The International Protocol has been welcomed by a number of organisations that are using it in the field. The FCO will work with them to incorporate feedback on its efficacy and suggestions for how future versions may be improved, in line with the commitment periodically to revise the text.

17 September 2015

Foreign and Commonwealth Office – Oral evidence (QQ 118-125)

Evidence Session No. 16

Heard in Public

Questions 118 - 125

TUESDAY 1 DECEMBER 2015

Bishop of Derby (Chairman)
Lord Black of Brentwood
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow

Members present

In the absence of the Chairman, the Bishop of Derby was called to the Chair

Examination of Witnesses

Mr Paul Williams, Director, Multilateral Policy Directorate, Foreign and Commonwealth Office, and **Mr Tom Woodroffe**, Head, Office of the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, Conflict Department, Foreign and Commonwealth Office

The Chairman: Thank you very much indeed for coming to join us. As you know, there are a number of areas about which we would like to talk to you, but I have to give some house notices first. You have a list of interests that have been declared by the Committee Members. This is a formal evidence-taking session. A full note will be taken, which will go on the public record in printed form and on the website. We will send you the transcript and, if you want to suggest any changes or make any corrections to inaccuracies, you are free to do so. The session is also on the record in that it is being webcast live and subsequently will be available on the parliamentary website. If, after the session, you have not been able to share with us all that you would have liked to, you are very welcome to make written

submissions. I am asked to remind us all to speak up, so that we can be heard properly. Do not feel that you have to answer every question; if one of you says something and the other agrees, just nod and we can press on to the next question. Thank you for being with us. I am going to ask Baroness Goudie to begin.

Q118 Baroness Goudie: Good afternoon. Nice to see you both again. You started, under then Foreign Secretary Hague, to get the embassies to work with a number of governments, particularly governments who have great influence on the rest of the world on the issue of sexual violence in conflict and other forms of sexual violence. How is that moving on, and what are those countries doing in an attempt to ratify the conventions?

Mr Paul Williams: Thank you very much for the question. First, I thank the Committee for inviting us to speak to you. We are very glad to do so. Your inquiry is very welcome. This issue remains a priority for us in the Foreign Office and the Government, so we welcome your interest in it and look forward to reading your report. On your question about what our embassies have done and how things have moved on since last year, perhaps I can start and my colleague can continue. I think that embassies have played an important role in all this. That started before and certainly during the Global Summit. You might remember the 84-hour global relay around the Global Summit in 2014. Embassies played an important part in that in holding various events to publicise the Summit and what it was trying to achieve around the world. Since then, they have played an important part in monitoring what has been happening in various countries. We rely on their reporting to tell us what is going on. However, their role is not only that. They have helped in planning our visits to countries. Baroness Anelay, since she became the Prime Minister's Special Representative on PSVI, has visited a number of countries and, of course, embassies help to organise that; they set up contacts and meetings and advise on that. Embassies also have a role in our financial programming. We have been fortunate to have some money to back up our efforts on PSVI and that money is spent largely in-country, so we rely on our embassies to advise on how that money should be spent and to build up local contacts. Perhaps I could hand over to my colleague to talk about individual countries.

Mr Tom Woodroffe: I would add that, very much from the launch, we were clear that while this may have been a UK idea we did not want it to be a UK-only Initiative. It was important for us very quickly to build a broader international coalition behind the work that we were doing. Whether that was through the G8 and then through the Declaration that we launched at the General Assembly in 2013, which 155 countries have now endorsed, it was key that this was seen as a global and international piece of work. Within that process, we identified a number of individual countries with which we worked particularly closely in developing the Declaration that we launched at the General Assembly, as well as in the run-up to the Summit, and which we have colloquially called the PSVI champions. We continue to work closely with them, and Baroness Anelay has just invited them to remain part of the campaign and the Initiative. We work with countries in different ways, depending on their interests—their membership of the Security Council or their membership of the G7, for example. It depends on the context.

Q119 Baroness Hodgson of Abinger: Good afternoon. A very warm welcome to you both and thank you for coming. Following on from that, I understand that at the Summit there were a number of bilateral meetings and that commitments were made by various

countries. How easy has that been to follow up, to ensure that what they committed to is actually happening?

Mr Paul Williams: You are right that a number of commitments were made and we have been following up on them. There has been some progress. For example, in the Democratic Republic of Congo, which I think some Members of the Committee recently visited, there is an Action Plan for the Congolese army. President Kabila has appointed Madame Mabunda as his Special Representative on sexual violence. In Bosnia, there has recently been a landmark ruling enabling cases to be brought to court and providing compensation to victims. In Kosovo, there have also been changes to the law, and so on. So there has definitely been progress in relation to our embassies around the world, and our partners help us in identifying where progress has been made.

Mr Tom Woodroffe: That is right. There were, as you say, a number of very specific commitments made at the Summit, which we have followed up individually. We have confirmed, for example, that the financial promises that were made at the Summit have been followed through and that the Action Plan that the DRC government committed to has been implemented or its implementation has begun. There is a wider question about monitoring adherence to the more formal declarations that have been part of PSVI, whether that is the G7 Declaration or the Declaration that was launched at the UN General Assembly. It is very welcome that Germany, as the current president of the G7, has just released a report on implementation of the G8 Declaration by G7 Member States—that was released last week on the International Day for the Elimination of Violence against Women. While that does not capture everything that each G7 Member State has done, it gives quite a comprehensive overview of action by the G7. The point about the 155 countries is a bit more complicated. We have thought long and hard about the best means of monitoring adherence to the commitments in that Declaration. At the moment, our view remains that an informal process, whereby we monitor implementation through our posts, is certainly less resource-intensive than a formal monitoring mechanism, which would require both money and staff behind it and then might detract from our ability to do other work on the ground.

The Chairman: Is sexual violence in conflict a standing item on G7 agendas, or does it have to come up for particular reasons?

Baroness Goudie: It has to come up, does it not?

Mr Tom Woodroffe: My understanding is that Japan had decided that certainly it wants to continue to have a conversation about sexual violence alongside other issues around Women, Peace and Security, and women's empowerment more broadly. It is looking at a set of different issues that it will take forward next year.

Lord Sterling of Plaistow: Chairman, I am not sure whether I want to ask for more a bit later, but I would like to get to examples. If I went to one of the embassies in the Congo or any of the African countries where, for argument's sake, many people sitting where you have been sitting in the past few weeks have said, sadly, that on repeated visits they do not see implementation and that the rule of law is still very difficult to have.

Is an instruction given to the embassy? Is there a person in the embassy who has the specific responsibility of really going out and talking to the local police and army commanders, and observing themselves—old-style embassy work which I remember from

the old days—and then coming back with full reports of what has been implemented. Does it go down to that detail?

Mr Paul Williams: I will take the DRC as an example, or just more generally in Africa. Yes, there would be a person tasked with looking at PSVI aspects.

Lord Sterling of Plaistow: Is it a fact? Excuse my bluntness, could we know whether it is a fact?

Baroness Kinnock of Holyhead: We met him. We were in the Congo a few weeks ago.

Lord Sterling of Plaistow: You met people who had that role. Thank you for that. I apologise. Excuse my ignorance.

The Chairman: So you are content on that. I think that Baroness Hussein-Ece will go next.

Baroness Kinnock of Holyhead: The chorus came in together.

Q120 Baroness Hussein-Ece: I have a couple of questions that are linked. First, how does the Government's prioritisation of human rights—I assume that there is prioritisation of human rights—assist the UK embassies in their work on the Preventing Sexual Violence Initiative? Is it embedded, if you like, within the human rights prioritisation?

Mr Paul Williams: Certainly PSVI has a read-across to our human rights work. For example, obviously the promotion of women's rights, ending discriminatory attitudes to women in general, will help also to prevent sexual violence if it comes to a conflict situation. Similarly, freedom of religion or freedom of expression work can help to prevent conflict, which also helps to prevent sexual violence in conflict.

They are definitely related. However, we have also been clear from the start of our PSVI work that PSVI is also very closely related to our conflict work. For example, it is related to our Women, Peace and Security work. That explains why Tom is the head of a unit within my directorate that is a self-standing unit and sits, therefore, between the conflict department, the human rights and democracy department and our international organisations department—the UN and other organisations. In fact, it relates to all three.

Baroness Hussein-Ece: Thank you for that. Do the Government have priority countries in their work to prevent sexual violence in conflict? What are they, if we have them, and how are they chosen?

Mr Paul Williams: We have countries that we have focused on more than others since the start of PSVI. I can give you a little list—Bosnia and Herzegovina, Burma, Colombia, Democratic Republic of Congo, Iraq, Kosovo, Nepal, Somalia, Sudan, South Sudan and Syria. It is a fairly long list, I accept, but shorter than the world. We have chosen those countries on a number of criteria, including partly geographical spread—we did not want all the countries to be in one area—and partly other considerations such as the level of conflict or accessibility, or the presence of the UN, other NGOs, the degree of UK influence and so on. You will be able to tell from that list that various countries fall into those various categories.

Mr Tom Woodroffe: The only thing I would add is that another criterion in drawing up that list was identifying countries from which we could learn lessons that we could apply to others. Countries at a certain stage of their post-conflict development might provide useful experience that we could apply to a country in a more immediate conflict situation.

That list is not exclusive in that we continue to support activity in other countries, whether that is the training of the Malian army or project work in Nigeria or Guatemala, or training on the International Protocol in Uganda. It is not limited only to those countries, but, as Paul says, it is probably where most of our activity is directed.

Baroness Hussein-Ece: Finally, I want to ask to what extent the PSVI agenda is mainstreamed into UK foreign policy.

Mr Paul Williams: I think it is mainstreamed. We have a system within the Foreign Office, and human rights is also mainstreamed. By mainstreaming within the Foreign Office, we mean that country desks are responsible for the delivery of activities within their country on the various priorities that PSVI want. To give you an example of programming, we have a fund at the moment called the Conflict, Stability and Security Fund. It is a cross-Whitehall fund that brings together money that various departments can spend. It has a number of boards, most of which are geographic. The board that I chair is a cross-cutting board called the multilateral board. A fair amount of the money spent on PSVI is therefore spent through the regional boards, because PSVI is integrated into those regional strategies for individual countries.

In terms of mainstreaming across government, we work closely with DfID and the MoD, in particular. You will have heard that part of our response to PSVI is military training, for which obviously the MoD have the lead. In terms of mainstreaming across the world—Tom mentioned this earlier—we are very keen that it is not just a UK initiative but an initiative that many countries take part in.

We welcome the fact that Baroness Anelay has been very active since she took over as the Prime Minister's Special Representative. She has visited various countries. She also talked about PSVI at the UN General Assembly's High-Level week in September when she went to New York. Tom and I in our travels raise PSVI with almost everyone we speak to. For example, I was in Japan two or three weeks ago. It is about to go on the Security Council and, as Tom mentioned, about to take over the G7 chair as well. It is interested in Women, Peace and Security and PSVI-type issues, so I raised it with them and we discussed it and so on. We make every effort that we can to mainstream our work.

The Chairman: Is it fair to say that if you are working with DfID and the Ministry of Defence, for instance, you clearly see sexual violence in conflict as being about both human rights issues and conflict prevention, and the need to hold those things together?

Mr Paul Williams: The place that it has in my directorate tells you something about that. It sits between the human rights and democracy department and the conflict department. Of course, there is also a UN and international organisations angle to it. We do see it in that way. We see it as an issue related to conflict and an issue related to human rights.

Q121 Baroness Kinnock of Holyhead: Thanks very much for that, and thank you for being here. One of the issues we continually raise is the importance that we attach to the role of women throughout this whole process and certainly in post-conflict societies. As we see it, the lack of serious engagement with women concerns us very much indeed. I wondered what you were doing to try to ensure that their voices are heard and their interests are represented. Certainly, as regards women in Congo a short while ago, I have been there many times but I could see that nothing really had changed for women and that they were facing enormous pressures and difficulties.

In terms of preventing future outbreaks of sexual violence, do you think we should be doing more—I certainly think we should—to ensure that women have a central role in peace negotiations? The Elders and others are continuously raising the importance that they attach to that, but we still see women excluded. We still see pictures of all men, and not a single woman, sitting around a table discussing what they are going to do for women.

Mr Paul Williams: Thank you. It is a big issue, that one. I will start with another aspect of it. You mentioned peace processes, but of course you also mentioned a sense of impunity. As you know, some of the work that we have been doing on PSVI is about breaking down that sense of impunity. Part of that is about working with survivors, and supporting survivors and encouraging them to come forward. Our work with the International Protocol on the documentation and investigation of PSVI is part of that and part of recording evidence that can be used later in trials. Our work on training judges, for example, is all part of breaking down that sense of impunity as well as amending basic frameworks of legislation.

I think your question goes much wider than that. The question of women's role in peace processes is very large and, as you may know, the UK has been very active on it over a number of years. There was a Resolution on Women, Peace and Security 15 years ago in the Security Council. It is the UN Security Council Resolution 1325, and we marked the anniversary of that Resolution in October. As part of that, there was a meeting, organised under the Spanish Security Council presidency, to review that Resolution and work on it. The UK went along and made a number of pledges. One of the pledges was indeed to ensure that the voices of women involved in conflict are heard in future UK-hosted peacebuilding events, for example, and to promote women's participation through political and other support to them.

We are currently following up that pledge, and the Minister, Baroness Anelay, has asked for advice from officials on how we can make concrete that pledge. We are providing her with that advice now. So we will be able to update on that in due course.

Baroness Hodgson of Abinger: Could I just ask a quick supplementary? It did not look as though we have made much progress at the Vienna Conference. I do not know if you saw the picture of the Vienna Conference, but in a room of 21 people there was one woman tucked away at the back of the room. It was all men around the table, which was very disappointing. Is there something that the UK can do to influence when these events are being put together and it is sending people?

The Chairman: Perhaps alongside that, if we come to negotiating peace or transition in Syria, do we have plans to involve women in the negotiations? I think the Committee is asking how we are looking forward on this issue.

Mr Tom Woodroffe: Having worked on this issue for the last 10 or 12 years or so, I could talk for hours about it, but I will not. It is an issue which Baroness Anelay is hugely interested in and very passionate about. We are delighted that we have within the MoD General Messenger as the new Women, Peace and Security champion, which is a reflection of a commitment at the highest levels across government that this is an issue where we can and should be doing a lot more. Certainly when the Minister is here next week I am sure she will be delighted to talk in more detail about the work that she has commissioned, which includes looking at the opportunities coming up around Syria, where we can encourage the inclusion of women, who we need to talk to and how we make that happen. That would not

be limited to Syria but would look at other peace processes as well. I do not want to preempt what she would say, but I can reassure you that this is at the top of her agenda.

The Chairman: Are we looking at anything like targets? For instance, 30% has been mentioned. If you have targets, at least you try to achieve something. Are we in that bit of the ball park or not?

Mr Tom Woodroffe: It is a piece of work that is currently in train, so I do not think it would be helpful for me to suggest where it might come out. Some targets are associated with certain processes in different countries, but whether we want unilaterally to set targets for ourselves at the moment, I do not know.

Baroness Kinnock of Holyhead: Are you saying that the UK is just not doing enough? That is what it sounds like.

Mr Tom Woodroffe: I think we are doing an awful lot. If you look at the work that we are doing in Afghanistan, for example, the work that we are doing to support the Iraqi implementation of its National Action Plan, or the work that we are doing in other countries around the world, we have done a fair amount on Resolution 1325.

Baroness Kinnock of Holyhead: Still, a lot more could be done.

Mr Tom Woodroffe: I think there is scope to do more. I always think there is always scope to do more on a number of agendas.

Baroness Hussein-Ece: Just a couple of years ago I met some Afghan and Pakistan women MPs. This was before the UK withdrawal. They were very exercised about the fact that women were not really at the table when the discussions were taking place. They were urging us to convey this to the Government. When it comes to discussing the rights of women—women have been treated very badly and still continue to suffer in somewhere like Afghanistan—they are not at the table when it comes to peace talks or talks on how resources are being ring-fenced or not, including DfID money for women. When it comes to these discussions, talks and summits, is there something we can do to say to these countries that we expect to see women leaders at the table and that we are not going to talk just to men on issues that relate to women?

Baroness Kinnock of Holyhead: We are basing this on meeting a lot of Afghan women and so on. The NGOs are bringing lots of women to meet us and to talk about how discontented they are about the opportunities that they are being given.

Mr Tom Woodroffe: The fact that Baroness Anelay has commissioned this piece of work as a follow-up to the High-Level Review reflects the fact that she thinks there is more that we should be doing. That effort can take a number of different forms, including training civil society organisations to be able to participate, lobbying in support of their participation or funding them to be able to participate. She has asked us to look at a whole range of options and apply them in a number of different circumstances to see which we think would be most appropriate and then give her a series of options to look at.

Mr Paul Williams: It might be worth adding that UK action in this area can hopefully help to promote action by others in this area as well. The Minister is very keen on pushing forwards with Women, Peace and Security.

The Chairman: That was a very helpful exchange, which we can note. It all raised questions for us in the Committee about the way in which we mention issues such as quotas.

Lord Sterling of Plaistow: Just to add to this, after Gulf War 2—I was somewhat involved—Lady Greenstock, Sir Jeremy Greenstock’s wife, was formally appointed by Bremer to be responsible for the women of Iraq. I do not know whether you have ever thought of having her here. In practice, she is an example of someone appointed specifically. It was a hugely difficult time for the transitional council, but she had a specific role. I only bring it up because there have been occasions when someone did have the sense to ask a woman to be involved.

The Chairman: That is very helpful, so thank you.

Mr Paul Williams: As Tom says, you can always do more on these things, but we are not inactive. I think that we already have programmes in Afghanistan and Iraq to support female participation. I am sure that we can write to the Committee on that if you are interested in more information.

The Chairman: That would be very helpful. I am going to move us on and ask Lord Black to ask his question.

Q122 Lord Black of Brentwood: Thank you Lord Chairman. I am going to ask about the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, which obviously is very important for providing the evidential base for prosecutions. In your evidence back in September, which was very helpful and for which many thanks, there was a suggestion that there would be a further development of this and some revisions to the text. It would be useful to know the process for doing that, and in particular how it would involve local and international organisations.

Mr Paul Williams: First, you are right that the International Protocol is an important document, because it documents cases of sexual violence in a way that can then record the information or helps people to record that information. That then helps transitional justice and prosecution later. It is an important part of PSVI.

You are right, too, that we always saw it as a living document. It has already changed in slight ways. For example, we have translated it into several other languages. It can be used in a locally appropriate way in whichever country it is used. We are also keen to get feedback from the groups, NGOs and so on who use the International Protocol. We have already had some feedback. One person said that it was quite a long document, which it is. Another said that it could be more explicit about sexual violence against men. We want to take that information on board and revise the International Protocol—perfect it, if you like—accordingly. We are thinking about how to do that. It is likely that we will try to get someone from our Team of Experts. As you know, we have a Team of Experts who work through our Stabilisation Unit and help on individual projects on PSVI around the world. We may well ask one of them to look at the International Protocol and collect the feedback to see in what way we think that it could be amended, updated or perfected. Tom, do you want to add anything?

Mr Tom Woodroffe: Not really—just that I accompanied Baroness Anelay when she visited the Democratic Republic of Congo a few months ago, and a number of organisations that we spoke to there which are using it had some very useful suggestions about how it could be a little more user-friendly for those operating on the ground. It is quite a large document and contains quite a lot of detail, so there is certainly scope to look at how you can revise the totality of it and whether there are other forms of it that you could similarly produce and

use in different ways. There may be scope to think more creatively. Perhaps you could have some electronic form of protocol, which might be more accessible to those operating in certain circumstances.

There are a range of different options that we need to look at. As Paul says, we have always been very clear since we launched it that it would be an ongoing process of review.

Q123 Baroness Hodgson of Abinger: The National Security Strategy and the SDSR states that the Government will expand their PSVI reach and implementation, focusing on Iraq and Syria. How will this be achieved, and what impact will it have on the current PSVI priorities?

Mr Paul Williams: The PSVI is of course an element of our response to ISIL, and you are right that there was a section in the SDSR—the Strategic Defence and Security Review—that talked about PSVI in that context. Ministers have agreed that we should try to focus our work in Iraq and Syria on several areas. One is increased documentation and evidence-gathering. Another is increased support for survivors. We are also supporting MoD efforts to try to mainstream sexual violence within coalition military training, for example. Also, of course, when we get there, there will be the participation of women, which we have already talked about. We are trying to develop that work now. Baroness Anelay has already launched the International Protocol; we have already launched it in Iraq. We are now looking at whether we can translate it into Kurdish; we have already translated it into Arabic. We are also looking ahead to the pledging conference on Syria next February and at whether there can be a PSVI element to that. So, yes, we are expanding our PSVI reach and looking at what we can do in Iraq and Syria, and this is one area that Baroness Anelay has been interested in.

Mr Tom Woodroffe: Paul talked earlier about the Conflict, Stability and Security Fund. There is a huge opportunity there to look at how we can design and implement programming that runs over a number of years that is supported by our broader CSSF programming in that part of the world. For us, that is going to be quite an exciting opportunity.

Lord Hannay of Chiswick: I wanted, if I could, to follow up those replies. There are two points that I would like to ask you about. First, on the Security Review, I have to say that I thought it was a bit thin on this subject. It was very short and very general, and there were no specifics. Could you perhaps explain why, since this is such a high priority for the Government, there are not more specific objectives in a review that after all covers five years?

Secondly, I looked, but failed to find, in the Review, and pretty well anywhere else, a clear statement of the Government's objectives with regard to PSVI in the context of the World Humanitarian Summit next year, which seems to me—perhaps you will tell me I am wrong—a really important moment at which to try to achieve a bit more, both in implementation and perhaps in concepts. Could you say something about that, too?

Mr Paul Williams: There was a section on PSVI in the Strategic Defence and Security Review. As I recall, it fell within a section on the rules-based international system, which talked about many things, including the UN and the various other multilateral and other groupings. I think it was a good section that talked about the importance of PSVI. It mentioned Iraq and Syria—those areas where we could do more—so within a document that covers all defence and security, I think it was good to get in a section on PSVI. It now gives us a hook on which to take that work forward on PSVI.

On the World Humanitarian Summit, we look at all opportunities to try to take our work forward on PSVI. The Summit is taking place next year, so we are starting to think about what can feature in it, and in that context we will certainly think about PSVI. Do you have anything specific at the moment to say about that, Tom?

Mr Tom Woodroffe: I think Baroness Anelay wrote to the Committee last week in response to a request for more information on the PSVI objectives for the World Humanitarian Summit. I do not know whether Committee Members have had an opportunity to see that letter yet, but we are certainly working very closely with the Department for International Development, which is the lead department on the World Humanitarian Summit, to ensure that what we want to do on PSVI is complementary to its broader objectives in relation to women and girls and the prevention of violence against women and girls in humanitarian settings.

For PSVI, one of the more obvious objectives for us is encouraging more States to endorse the Call to Action on preventing violence against women and girls in emergency situations, which was launched at the Summit by the Department for International Development and which has subsequently been taken on by the US and now Sweden, which is leading it for this year. Another is encouraging States in endorsing that to announce new commitments that they will make to tackle sexual violence against women and girls in humanitarian settings. The issue with the World Humanitarian Summit, as I understand it, is that it is a very complicated negotiating process leading up to next year. We are waiting for a report from the Secretary-General, which he will issue in January, which will both set out the framework of the Summit and make a series of recommendations for possible outcomes. Once that comes through, we will have a clearer sense of where PSVI will sit alongside that, alongside the work of DfID, as I say, and more broadly.

Lord Hannay of Chiswick: Forgive me for saying so, but if you want the Secretary-General to say something useful, it is best to talk to him about it in advance and not wait for him to produce his report.

Mr Tom Woodroffe: I fully agree, which is why the UK has been very actively involved in the process leading up to the issuing of the report through the various consultation meetings that have taken place, including the one that took place in Geneva a few weeks ago, where we have very much made clear what our broader objectives for the World Humanitarian Summit are, alongside other Member States, civil society organisations and other groups contributing to that process, and we hope that they will indeed be reflected in the SG's report.

Q124 The Chairman: I just want to push us on. We need to finish at 4.30 pm, as you know, and we have two more questions that we would like to ask. As a matter of fact, the letter that you referred to arrived yesterday, so we will read it and then be up to speed.

In your written evidence, you outlined the role that embassies play in monitoring commitments such as those made in the UN General Assembly Declaration on ending sexual violence in conflict. I would like you to comment briefly on how effective that monitoring is. Are there monitoring mechanisms that you favour and want to develop? Are there non-UK monitoring mechanisms out there that we can benefit from?

Mr Paul Williams: You are right that in our evidence we are committed to maintaining the momentum started by the G8 and other declarations, and to encouraging implementation and commitment. We mentioned a bit earlier in the session that we rely very much on our embassies to help us with reporting on that. But of course it is not just our embassies; we also talk to partner countries and other countries. I mentioned various trips that I have had, and that Baroness Anelay and Tom have had, and so on, where we discussed PSVI and swap information.

The Declaration of Commitment has been signed by 155 countries, which is a lot to monitor in a formal process. At the moment, I think we favour an informal process of the sort that we currently have. Moving away from that, we would have to balance effort, cost and result a little in what extra information it would bring us beyond the information sources we have at the moment.

The Chairman: How are you gathering that to give a kind of focus on where we are getting to with the monitoring process? How do you gather all those things and give us a sense of where we are at, and the most immediate challenge?

Mr Paul Williams: That is for Tom.

Mr Tom Woodroffe: We do it in different ways, really. We talked earlier about ensuring implementation of the Summit commitments. Through a formal process, we went out and commissioned our embassies and high commissions to find out whether governments had delivered on what they said they would do. It is a little bit the same on the commitments in the Declaration. At various points we asked key embassies or key high commissions for updates on what their governments are doing on PSVI, or they would voluntarily feed back. We get the information in different ways.

Lord Sterling of Plaistow: I just want to follow that up. You talked about 155 different countries just now. When we talked about this a few weeks ago, you said that many countries have signed up, but how many have actually ratified? You said just now that 155 is quite a lot to cover. If there is impetus and the wish to cover it, it can be covered, but if they have not even ratified it, to what extent does one expect that they have done something?

The Chairman: Do we know how many countries have ratified?

Mr Tom Woodroffe: Ratification implies a legal process, which is not appropriate for the form of document it is. It is a voluntary declaration of commitment or a statement of principles.

Mr Paul Williams: If you like, we are saying that 155 countries have endorsed the Declaration.

The Chairman: Just one more question, from Baroness Kinnock.

Q125 Baroness Kinnock of Holyhead: Thanks very much. I was interested in reading about the new cross-Whitehall joint UN Peacekeeping Policy Unit—a rather long description—which is of course intended to end impunity for peacekeepers, and the sorts of concerns that we have had recently, particularly because it has exposed the very bad behaviour of which they have been guilty. Could you tell us a bit more about the role of that Unit, and how far down the road of achieving some success you are?

Mr Paul Williams: You are right: that Unit was mentioned in the SDR, which Lord Hannay referred to earlier. It will be set up and will sit within the Foreign Office. It will join up the Foreign Office team there at the moment with some MoD resource to try to get a clearer, cross-government picture of UN peacekeeping policy. As part of that, of course, it will be interested in sexual exploitation and abuse. It will continue the work that the UK has been doing in that area.

Obviously, all instances of sexual exploitation and abuse by UN peacekeepers are completely unacceptable. Therefore, we fully support the UN Secretary-General's policy of zero tolerance on sexual exploitation and abuse. We are also one of the countries that try to bring up this issue in the UN. To give an example of how we have done that, we agreed some language at the spring session of the Administrative and Budgetary Committee, the Fifth Committee, of the UN General Assembly. A cross-cutting Resolution was agreed on peacekeeping, including some language on sexual exploitation and abuse, which was about strengthening the Secretary-General's hand in implementing his zero tolerance policy.

It might also be worth mentioning that the UK is increasing its own peacekeeping contribution. We will be sending troops to Somalia and South Sudan as part of the pledge that we made at the UN General Assembly and in the SDR. We of course hope that those troops can provide an example of the kind of behaviour that is expected from UN troops on peacekeeping duty. It is an issue that remains very important to us and we continue to press in the UN to try to get the number of cases of sexual exploitation abuse down to zero.

Baroness Kinnock of Holyhead: Very quickly, they have got away with impunity for a long time. I understand what you are saying, but I think we will be facing a really long-term, very difficult and acrimonious problem. If all does seem to fail, what then? Do we talk about prosecuting for crimes? What kind of options are there down the road to deal with this appalling behaviour?

The Chairman: Perhaps there even needs to be the setting up some kind of international tribunal to look at these cases.

Baroness Kinnock of Holyhead: That is what I meant by prosecution.

Mr Paul Williams: I appreciate that we are running out of time so maybe this is something we need to write on as well. There are several aspects to this. First, there is an aspect of training of peacekeepers before they go on duty and while they are on duty. Secondly, there is an issue of command. It has to come from the top that this is unacceptable behaviour—both from the UN and from force commanders on the ground. Thirdly, there is an issue of investigation. It is very important that all cases are followed up and investigated in a suitable timeframe. That is one of the key points that we continue to press.

Lord Hannay of Chiswick: Prosecution is the one that is missing. Your enumeration goes all the way until you stop just before prosecution. As we all know, the troop contributors do nothing. The countries in which the troops are deployed do not have suitable legal systems to try these people. That is why Baroness Kinnock and the Chairman are asking about what you are thinking about the possibility of some kind of international tribunal under UN auspices to try these cases in a proper way.

The Chairman: We understand the constraints of time and we have other witnesses coming. We might just clarify some of these questions that we have raised right at the end. It would be very helpful to our process if you could give us a written response. I thank you both very

much for coming and talking with us. We will finish this session now. Thank you very much indeed.

Foreign and Commonwealth Office – Oral evidence (QQ 157-168)

Evidence Session No. 21

Heard in Public

Questions 157 - 168

TUESDAY 8 DECEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witness

Baroness Anelay, Minister of State and Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, Foreign and Commonwealth Office

Q157 The Chairman: Good afternoon, and thank you very much indeed for joining us. It is extremely kind of you. Before we start, could I tell you how very grateful we were to the Ambassador to the DRC, who was absolutely magnificent when the Committee visited, and to our High Commissioner for Rwanda? Could you thank them both very much for their great hospitality, particularly the Ambassador to the DRC, where we spent most of our time? The colleagues who were with me would say that very strongly indeed.

Baroness Anelay: Thank you, I will happily relay that.

The Chairman: As you know, this is on the record, although a note will come in case anything that we publish is not quite correct, which I think is unlikely. How has the work that

you oversee on sexual violence in conflict become integrated into our UK military engagement for Syria and Iraq? Is it integrated yet or not?

Baroness Anelay: In terms of military operations, clearly, in Syria there is no ground operation, and the result of the vote last week does not change that. There is an aerial contribution, and of course we have always been giving technical advice to the coalition. Are we in a position on the ground to be able to say that we are currently taking part in work in Syria? Within Syria, that is not the case. There used to be training by the United States of military personnel. That was suspended. When there is the opportunity for that to be reinstated, we would very much encourage the US to see us as a partner, and indeed it does. I have already had meetings with those in the US Administration more generally about how we should co-operate better on PSVI work.

Clearly, I am able to discuss the military situation not only with the Foreign Secretary but with the Secretary of State for Defence, and attending Cabinet means that I am able to make my voice heard, particularly in the margins. It is important to see the work that we do through PSVI as core to the results of the military strategy.

The picture can be clearer in Iraq, because we have been launching projects there assisting NGOs to work within the country. For us, from the point of view of the military engagement, that has meant taking part in the training of Peshmerga forces in northern Iraq. The trainers from our Armed Forces who are there have trained 800 of the Peshmerga. We also work more generally with our coalition partners such as Norway and Italy. Overall, it means that the coalition in that area has trained 3,200, I believe.

I had the opportunity to see that at first hand when I visited Iraq just a couple of weeks ago. I spent four days there: two days in Baghdad, two days in Erbil. In the outskirts of Erbil, I was able to see the work that our troops are doing in training. I am one of those who likes people to do more. When they say, as they did there, that they are keen to do more, I hold them to that. Therefore, I will now be working out with my officials how we can make better use of their talents. Of course I realise the difficulties that they face. They do not have command and control over those whom they are training, they do not choose who they are going to train, but that still gives us a great opportunity to expand the breadth as well as the depth of that training.

We also have other ways in which we engage militarily. To give a brief example, when I was in Baghdad I went to a nearby training centre for new recruits for the Iraqi army. I was able to speak the whole of the new intake about the importance of PSVI, and explained why they, as the first people in contact with those who have suffered in conflict, should have sensitivity and why their training on PSVI would be important to them. That was a privilege, and I made the most of it.

The Chairman: Thank you very much. Following that very helpful statement, do you have any more comments that you would like to make before we move on to other questions?

Baroness Anelay: Thank you Lord Chairman. I would say that the United Kingdom has been in the lead on work on PSVI since 2012. Of course, the newspapers latched on to the Global Summit last year, and I know that my colleague Baroness Warsi was deeply involved in that. That was a huge success and launched the international momentum, but colleagues across Government had already done a lot of work on PSVI by that stage.

After that, I have been picking up the cudgel. I was asked in June by the Prime Minister to be his Special Representative. That gives me a rather special convening power not only across Parliament but internationally. The work I do on PSVI fits rather neatly with my other policy portfolio: matters such as leading on Women, Peace and Security. I am also lead on human rights at the Foreign Office and I am the lead Minister on international justice, with the ICC and other international tribunals.

I find that I am able to spread the importance of PSVI across not only this Government but other governments. That sounds woolly. What does it mean? It means that I am now putting together with all my colleagues in the Foreign Office a list of our ambitions for next year. I like practical things. The ambition, of course, is to continue with the work on PSVI to make sure that people realise that it is unacceptable behaviour: it is wrong and we need to stop it.

How do we do that? We are setting out a range of targets that we can make public when we have completed our work to show how we want to do three things. The first is to break the silence. The taboo, the stigma that attaches itself to victims undermines their self-esteem and undermines society. We need to find ways in which we can do that.

We need to support the survivors. That means not just bringing justice by way of prosecutions or compensation, which can take time, but more immediately to provide psychosocial help and health services and make sure that there is community work to assist them.

Key to that is something that I have just been mentioning: to make sure that those in the military both here and overseas are trained on how they should respond on their first contact with survivors. That was brought home to me particularly as I was about to leave Iraq. I was talking to our Armed Forces, who are delivering the training, on the day that the offensive against Sinjar was launched. I knew then what it meant to have trained personnel going into places such as Sinjar, where they would meet horrors among the suffering of people there.

Q158 The Chairman: Thank you very much, and many congratulations on the breadth of your responsibilities and what you are doing.

Will you comment on the impact of PSVI not sitting under a Cabinet committee? Would it be beneficial for it to sit under the National Security Council? It does not seem that it is precisely pegged down departmentally within the FCO. Given the value that you correctly place on PSVI, how will you secure it more effectively for the years ahead?

Baroness Anelay: I am always rather cautious about bureaucracy overtaking activity. I like to deliver. The advantage of being the Special Representative of the Prime Minister is that people know that I am directly responsible to him and make reports to him, and therefore they can be held to account as well. He has made clear his ambitions, which are fully supported by the Foreign Secretary, particularly on focusing our attention on Syria and Iraq, but also on other countries such as Yemen, South Sudan, Sudan and Somalia. So we are looking at how we concentrate efforts there without losing our focus. If one has a Cabinet committee or sees the work subsumed within the NSC, it loses its focus. I think that we need to have the structure that we have now, which is more nimble. As colleagues may know, when I am determined—when I think that it is the right thing to do—I do not give up.

The Chairman: Would you say that PSVI therefore retains its position as a core element of FCO policy?

Baroness Anelay: The fact that it was in the Conservative manifesto ensured that it would. At our very first Cabinet meeting, the Prime Minister said to camera that we should all go away and look at what was in the Conservative Party manifesto, if we had not already done so, see what the promises were and keep them. PSVI is in there, and we are keeping our promise. Yes, it is core to our work, but it has always been seen as complementary to the work of winning peace and security more generally and to the work of human rights, which are embedded across the whole of the work of the FCO, not only here in London but across our 260 posts around the world. And it is there that I hear some of the most ambitious projects suggested and where so much work is done.

The Chairman: I have a final supplementary on this question. As there is now no Whitehall ministerial group on PSVI, how are the Government's objectives on sexual violence being co-ordinated across these different agendas? How is it remaining a really important issue without some form of back-up?

Baroness Anelay: I have back-up in the form of the team in the FCO—it may be small, but it is perfectly formed, I would say. Some of them are behind me, but I say that because it is true, as well as because they are there. The real point is that my job is to co-ordinate work. I therefore work closely with my colleagues in the MoD, such as General Messenger, who I know has given evidence to you—and I have valued the work he has been doing. I have also worked closely with the Minister for the Armed Forces, Penny Mordaunt, and with Baroness Verma and Justine Greening at DfID. So it is a matter of being able to co-ordinate that and to ensure that, when we have projects, we complement each other's work rather than overlap it.

Q159 Lord Hannay of Chiswick: Can I ask you about your responsibilities for international justice, where there is a connection with what we are discussing this afternoon? So far, we do not seem to have managed to get much of a grip on the impunity that people in eastern Syria and Iraq have when they commit these appalling crimes, with which are all, alas, far too familiar. Are you giving any active thought to ways in which that impunity could be undermined? It has been suggested to us in evidence that the Government could more actively try to get Iraq to sign up to the Rome Statute, which would immediately bring jurisdiction of the International Criminal Court into any crimes committed in Iraq, even by Syrians, and by Iraqis anywhere. If that were too big a jump, are you giving any thought to how we might press Iraq to use the provision in the Rome Statute—I think that it is Article 12.3—which would enable them to ask the International Criminal Court to take up cases, in this particular instance, without yet accepting full applicability of the Rome Statute? Are you giving any thought to either of those two?

Baroness Anelay: The first answer is that I am looking at how we can work better with existing judicial systems to deliver impunity, which can be such a long-term project, of course. I will talk about some of the more immediate matters in a moment. Also, there may be other ways in which one can address that. There may be ways in which there can be prosecutions without having to have a new tribunal. There are lots of ideas coming forward. Over all this, my main concern is to find out what the victims want. When one talks to the survivors who have been victims, justice can mean a very different thing to them from that which we see as politicians on the international scene. It may be, as many say to me, "I want

to be believed". Being believed may mean that they want to see a prosecution, whether it is brought at the ICC or in international terms. For example, for Syria we have been making it possible for the human rights defenders there—very brave people—to gather information for the commission of inquiry, such that if we are able to have a referral to the ICC, there will be sufficient and substantial enough evidence to be able to bring a prosecution. I know that at the moment the chief prosecutor, Fatou Bensouda, has taken the decision not to take up the cases herself, as she believes that it is not appropriate at this time, but I shall keep talking to those at the ICC, as I have in the past, on these very matters.

There are other ways of bringing justice, too. It can be achieved not only through work with the Iraqi government themselves—I have had discussions with the Justice Minister there about how we can do that—but locally, or regionally; one can talk in terms of how local legislation can be changed. I know that the Kurdistan regional government has been looking at that in detail, too. For example, in Iraq when talking to the national government, one can discuss the National Action Plan and what that involves, and, yes, we can look for different ways to deliver justice. Above all, it has to be the survivors who tell us what justice means to them. It may not be a court case or compensation. It may be something as difficult, but most important of all is to be believed and to be received back into their community.

Q160 Bishop of Derby: I applaud your ambition and emphasis on activity. The National Security Strategy and Strategic Defence Review says that the Government is going to expand its PSVI reach and implementation, focusing on Iraq and Syria. I can understand that. What will the implications be for other areas where there is PSVI? What is the balance between ambition and activity and limited resources? What will the implications be for other areas?

Baroness Anelay: In every walk of life we have to balance the resources available, but we also have to make judgments about what is achievable, and of course those decisions will have to be considered. We are not walking away from anybody. This may sound corny, but it is something that I think of every day. When you look into the eyes of somebody who has been a victim and is now a survivor, you know that you are not going to let them down, and you know that you are seeing one out of many thousands when you go to any particular area. So the focus in particular will be on Syria and Iraq, not only because of the importance of the individuals but because of the importance to the region of stability thereafter. We are also looking at focusing, of course, on developing our work in Sudan, South Sudan, Somalia and Yemen. The work in South Sudan and Somalia fits in with the commitments given by the Prime Minister most recently in New York at the United Nations ministerial group, UNGA, that, for the first time in quite some while, we would take part in peacekeeping operations.

The Chairman: Does the UK support a UN-appointed tribunal for Syria, particularly to try those who have committed sexual violence in the conflict, and perhaps for Iraq, following Lord Hannay's point?

Baroness Anelay: I am certainly open to investigating what more the United Nations can do. The idea of a UN tribunal could be blocked in the first instance. In practical terms, we have clearly already seen China and Russia block any attempt by us to refer the Syria conflict to the UNSC, so I think there could be difficulties there. The most important thing of all is that we should use our position on the United Nations as one of the P5 to be able to raise these issues at each and every opportunity to be sure that PSVI is considered in all discussions. Of course last month, in November, we had the presidency of the UNSC and were able to focus in particular on the security of individuals and on international humanitarian law, so we

were able to raise these issues. That does not mean that we are going to stop; it is something that we can raise at other international fora throughout the year.

The Chairman: Might it be possible for HMG to propose a General Assembly-appointed tribunal, which might be easier to get?

Baroness Anelay: The first difficulty is that I am not sure how I would see that structured. I think there would be a problem with how some of the countries would see that and whether, indeed, it would be blocked. That is one of the greatest problems with having vetoes. I am not proposing the removal of the veto—it is something that we guard very closely indeed as a member of the P5—but clearly it has to be used in extremis. It is a difficult organisation to envisage as one that could deliver justice and that could be structured in a way that would engage all the countries involved.

The Chairman: Thank you so much. I turn to Baroness Kinnock.

Q161 Baroness Kinnock of Holyhead: Thank you very much for coming to share with us your expertise and the commitment that you are making to all these issues; they are very clear to us.

The section of the Strategic Defence and Security Review on PSVI is quite short and lacking in the kind of detail that we in this Committee would like to have. Could you expand on what the focus on Syria and Iraq looks like? That would be very helpful. The Review talks about peace and security and about women's rights being taken "fully ... into account in our overseas counterextremism work". I raised this earlier. I am not clear what this means, and I am not very comfortable with that description of what it stands for. Is it—an awful word—securitisation: putting women's rights into that box? I just wondered what you thought, because for me it does not bode well for women's security or women's rights.

Baroness Anelay: First, with regard to the section on PSVI, I do not think that one needs pages to be able to make the point, and this makes the point: that this is core to the work that we do, and it is a commitment for the whole period that is covered by the Review. It means that colleagues and I can ensure that the Government continue to focus on it. Small is not necessarily insignificant; that is what I would say in that respect.

You raise the important issue about what we mean. I will come back to Syria and Iraq in a minute, and focus now on the two paragraphs to which you have just referred. Are women's rights being put into a security box? No, they are not. Here, of course, we are talking about human rights as they have impacted on the work that we are doing on Women, Peace and Security, but that does not mean that it is through the prism of security. I grew up at a time when women's rights were seen for what they are, which is that they are of value in themselves because women are of value in themselves. One should not say that women should have equal rights because it is going to prevent bombs falling; women should have equal rights because women should have equal rights, because they are an equal part of humanity. When we look at policies and think about how we look at our policies, one then wants to say, "Women's rights are good in themselves, but when you, in the UK or elsewhere, are designing policy, just think about what would go wrong if you did not take women's rights seriously. Just think, at the end of conflict, if you ignore women's rights, about how you might go back into conflict again". It is the right thing to do, but it is what you need to do, too. That is two pieces of work. The "what you need to do now" is

something that one can persuade people of at the end of conflict, but that gives you the opportunity to say, “And that’s what you should be doing in any event, because that is the underlying value”.

I was asked about Iraq and Syria and what I mean by focusing on that. In Iraq, it means looking more closely at projects that we can fund through NGOs and the way in which we work with UN and other groups, many of which I met when I was in Iraq. I want to look more closely, for example, on the funding that we can provide for education, whether it is training for better understanding of the importance of combatting religious intolerance, whether it is looking at how we can provide help for education for young people so that they do not get into a mindset whereby religious intolerance becomes a way of life. We have already launched such a project in Iraq, and we are looking more generally now at another project to assist Syria, which obviously cannot be in Syria because of the difficulty there, and other parts of the Middle East, which will be launched in the new year so that we can look more closely at what we in the Foreign Office refer to as freedom of religion or belief but which is more commonly seen as combatting religious intolerance. There are specific projects on that. I have been very fortunate indeed in that I have been able to meet leaders of all faiths and none to discuss this both in Iraq and here. At the beginning of this year, we held a conference at Lancaster House to which we invited faith leaders from across the world. As a result of that we have been able to do further work with the Archbishop of Canterbury, too, on these matters, and I pay tribute to the work that he is doing on that.

Q162 Baroness Hodgson of Abinger: Thank you very much for coming this afternoon, and congratulations on all the work that you have done so far and that you will be doing.

There are no formal mechanisms for monitoring the commitments made by States on sexual violence in conflict. Are the Government in favour of a formal monitoring or reporting mechanism? If so, would this be a new instrument or an existing process, such as through CEDAW or the universal periodic review?

Baroness Anelay: I am certainly a great supporter of the universal periodic review—the UK, of course, makes sure that instead of waiting for four years we have an update every two years to keep us on our toes—and I am certainly a supporter of CEDAW. I want to ensure that any way in which we monitor the work on PSVI is going to encourage others to make progress and not discourage them. When people signed the Declaration, it was a voluntary act, not an intergovernmental agreement. Therefore, I would be reluctant to look at some formal monitoring mechanism and who would control it. We should use international events all the time to be able to hold ourselves to account. Germany, having recently presided over the G7, published an up-to-date report of where people are on their pledges. We do that too. We keep a tally of where the pledges are. In the new year, for example, I am inviting the ambassadors who represent the champion countries that made their pledges at the Global Summit to come and meet me and set out where they are now, whether they are as far as they should be, whether they have met their targets, and where we go from there. Also, of course, it is a matter of keeping going with the pressure. I mentioned the G7. Japan will preside over it next year, and I met its Minister of State yesterday and discussed with him the importance of PSVI being a continued part of the G7 maintaining that overview.

Having a bureaucratic system for doing would not quite fit the way in which the project and the drive were born; it was a voluntary agreement. We have the tools of what is now commonly called soft diplomacy for having a very hard determination to deliver.

Lord Hannay of Chiswick: Could I follow on from that, because I very much welcome what you say about taking advantage of upcoming international meetings to push this agenda forward? However, we have been trying to grapple with the World Humanitarian Summit in Istanbul, on which, I have to say, our indication so far is that the Government's priorities are dominated more by generality than by specificity. Since you have announced yourself as a champion of specificity, which I applaud, could you say a bit more about what objectives we will be pursuing in the run-up to the Summit, and whether we are taking steps to influence the Secretary-General, who is, I think, gathering material for a report which hopefully we will make some input into? If so, in what sort of areas do you think we could make progress?

Baroness Anelay: The World Humanitarian Summit is of course one of many significant events next year. We are working with DfID; DfID is the co-ordinating department on that. I shall be feeding in the objectives that I would like to achieve on PSVI. I find that working with DfID is productive, and we channel work through it, but I was also aware when I looked at the World Humanitarian Summit website a couple of weeks ago, that it has been changing not only the date but some of its websites, so it is a bit of a movable feast at the minute. DfID has been focusing very carefully on what it will deliver, and we will feed our ideas into that.

With regard to other summits, there will be a peacekeeping summit here in London next summer, for example, and there will naturally be a PSVI element to that. Tomorrow, I go to Geneva for the International Committee of the Red Cross and the Red Crescent's four-yearly conference. Not only do I have the UK statement on PSVI to deliver that to that conference, the ICRC membership has also allowed me to co-host a PSVI side event to concentrate on it.

There are other international events next year where we will always carry these ideas forward, because one needs momentum. It is a voluntary declaration by States, but that does not mean to say that we just let it go. Momentum keeps concentration on delivery.

Lord Hannay of Chiswick: Could you let us have a list of the upcoming events in 2016 at which we will be making an input on PSVI?

Baroness Anelay: I can certainly give the Committee a list of the international events where I shall be making submissions about the need to have a PSVI contribution. To give an example, even six months ago I could not have told the Committee that I would be hosting a side event at the ICRC conference, because it is run by the membership. It is rather like the United Nations Association, as opposed to the United Nations. I cannot pre-empt what the organisers of an event will do, but I can certainly say what I would like to do.

Q163 Baroness Goudie: Baroness Anelay, I would like to thank you very much for all the work that you have done since you have taken over from Lord Hague. There were some who thought that this would not be continued. I believed that it would, and we are all very grateful. It is about talking about it not just here at home but around the world, where our reputation and yours have risen on this issue, which has made us a world leader.

Coming on from that, I want to talk about the effect of the participation of women in peace negotiations and, even more so, the transitional arrangements going on in Syria, Iraq and

other places around the world. I mentioned this earlier to your colleagues from the Foreign Office and DfID. I am very worried about the United States' attitude—and some others, but the United States in particular, because it always wants everything done yesterday, no matter how it turns out. How can we influence the United States at those peace negotiations? I can feel and see from the public image of Secretary of State Kerry and others how their behaviour is: "We want it finished today, because we have had enough of this". They do not want to take into consideration what it is like afterwards or the transitional situation for health, education or women. Women have to be at the peace table, because they bear the brunt of war at every level. There are women there who can be part of this. There are also women trained to be around the peace table from other countries and diplomatic posts. How can we influence that, because if we do not influence it now we will never make that change? The momentum to make that change is here.

Baroness Anelay: I entirely agree. When the 1325 event was held in New York earlier this autumn, in October, we set out our ambition to ensure that women play a substantial part in peace processes. In 15 years' time, we should not look back and think that we missed the opportunity, because we would be letting down half the population of those in conflict—half the population of the world.

What do we do? How do we exercise influence? First, it is important, and we have pledged, that whenever we are hosting peace talks, we ensure that women are not only there but are seen to be there as participants. We use that as a vehicle to be able to say to others that that is the right thing to do. The work being carried out by Staffan de Mistura in Syria has always been influenced by our view that women should be part of that process. I met his deputy, Mohamad Ramzy Ramzy, this summer and made very clear that that would be an ask from the United Kingdom. It is something that needs to be pressed.

I have to refer back to last week's vote on the action against Daesh in Syria. I think that was a turning point not only in the effect that I hope it will have in reducing the number of days or years for which people have to suffer under that tyranny but in putting the United Kingdom firmly back among those in the lead for determining what happens at the Vienna negotiations. The Geneva negotiations had faltered, and Vienna had a difficult start. It is gathering momentum, it is a very delicate matter, but that decision now puts us very much among the leadership of those who have influence. For me, if women are not part of peace negotiations and delivering the peace afterwards, it will not be sustainable.

Baroness Goudie: It is very important that we bring in expertise, but it must also involve the local women's groups. We know that if that had not happened in Northern Ireland and Chile, we would not have the peace that we have managed to sustain. When there have been skirmishes, the women have managed to keep it down.

Baroness Anelay: Exactly. I was reminded that this is as relevant in every continent as it is within the United Kingdom and Northern Ireland when, in New York, I hosted an event where the Namibian representation made the very point that you have just made, Lady Goudie. The women who had been involved in NGOs and as human rights defenders for so long, who had been against the government for so long and who knew what the country had been through were involved in the peace process. Hearing the precise description of their determination through the peace process was very encouraging, and a model to be followed, perhaps, for never giving up. That showed how, in every continent of the world,

women taking part in the peace process means that there can be not only the end of conflict but stability that lasts.

Baroness Goudie: Because we, through the communities that we work with globally, know those women in those countries of conflict, when it is said that there are no local women available, we know that they are there because we are all speaking to them in different ways through our networks.

Baroness Anelay: When I hear words such as that, I always say, “It just means you haven’t looked hard enough”.

Baroness Goudie: Exactly. They never look.

Q164 The Chairman: What will the UK do to ensure the participation of women in the peace process, the post-conflict process, particularly in Syria? Will Her Majesty’s Government consider using their political strength within the coalition? Will that be a priority?

Baroness Anelay: We are already doing that, I must say, because of the work that we carry out not only through the FCO’s human rights and democracy department work and PSVI but through DfID in strengthening women’s organisations and human rights organisations generally. For example, when I visited a refugee camp in northern Iraq, I met the women, who of course have a strong voice and are able to represent their views, but do not necessarily have an outlet.

Our work across Syria and Iraq—Syria when it is possible for the NGOs to operate there safely—can replicate the work that we have carried out elsewhere. I am thinking of Afghanistan, where we have encouraged women to gain a political voice. We have assisted and trained them so that they can become local councillors, some of whom I met last year at a conference for the empowerment of Afghanistani women. What works in one part of the world can often work in another, but one needs to take account of local nuances and, above all, to listen to the people there—not dictate but listen.

Baroness Hussein-Ece: Thank you very much for your interesting and useful contribution today. Following on from that point, and recognising how much value and weight you put on women’s participation, do you think—to take it a step further and focus minds in countries that do not seem to think that it is important—that the Government should take a lead on this, given how important we know it is, and make it a condition of their engagement that there should be women representatives in peace and reconstruction summits and processes? For example, as was highlighted earlier, at the Vienna summit there were no women. People said that it was an absolutely horrifying sight. As Baroness Kinnock said, there was a woman at the back taking notes. Such a situation is surely no longer acceptable.

Baroness Anelay: These are two issues that I looked at carefully before Women, Peace and Security, a major event, earlier this autumn in New York. On women’s engagement, I wanted to ensure that women were part of the process. I do not want to dictate which part of the process, but what I was trying to get across in the pledges that we made was that if you have a peace process where the only people who are engaged happen to be men—they may be the most expert people that one can talk to; they may have great ability—it is not persuasive overall if one does not have an input from women, too. That has to be achieved

through a reaction, a discussion, for each and every conflict, which will have its own stresses and strains.

The other aspect was whether, if there are no women involved in the upfront process—the team photograph, the family photograph—we should not engage at all? I would say then that to muffle the voice of the United Kingdom would be to undermine a peace process. The respect that we have because of our diplomacy around the world means that we can have an effect. Therefore, although I do not want to encourage anybody to think that it is right to go ahead in peace processes without a female voice—because if they do, they risk instability—I do not want to risk being absent from the table, because then we cannot tell those uncomfortable truths that sometimes those whom we work with need to hear.

Q165 Baroness Warsi: Thank you very much. It has been an impressive evidence session today. I am really grateful for all the work that you are doing. Your commitment and passion in this area are visible to all of us in the Committee. I have a question about short-term funding and long-term engagement. To really deal with the issue of preventing sexual violence in conflict, there needs to be long-term local engagement, but, of course, given the way in which government spend works, it is a short-term funding cycle. How do you square that circle?

Baroness Anelay: Baroness Warsi has highlighted one of the greatest tensions in government funding. I suppose that I am poacher turned gamekeeper, because I spent my life before politics in the NGO world. One of my greatest complaints was the short-term availability of government funding, so I have seen it at the sharp end. It is a serious matter, because PSVI demands long-term commitment, and changing attitudes happens over generations—there is no quick fix; it is simply not possible. Therefore, for me, the important change during the past year has been not only the creation of the Conflict, Stability and Security Fund but the commitment by the Government in the past week in the Security Review to extend that. I have been able to take advantage of it already and have seen at first hand how flexible it can be—I will give an example of it in a moment. However, the specific answer to Baroness Warsi’s question is that the fact that the Conflict, Stability and Security Fund can now go on for four years gives any Government department the opportunity to plan for that length of time. It is important not only that we plan for it but that those with whom we work see our commitment over that period and then know that they can work to a longer timescale.

Perhaps I may give a brief example of where I found the conflict fund extremely helpful. I was in Kinshasa in the Democratic Republic of Congo formally to launch the International Protocol and was explaining how it was now translated into Swahili. “Ah”, they said, “but here in Kinshasa we speak Lingala”. So I was able through the conflict fund within about an hour to say, “It’ll be translated into that, too”. There again, when I was in Iraq, in the Kurdistan region, I was happily talking about the Protocol having been translated into Arabic but was then asked, “What about Kurdish?” I was able to say, “It will be translated into Kurdish”. So it has already had an impact for short-term funding; now we have the option of four-year funding to give more certainty to the brave people who do the work in the field.

Lord Williams of Elvel: Minister, one of the problems we have in this Committee is to understand quite what the impediments are. We are told that if national law on this whole subject is robust, there is no doubt that people who commit such acts are committing criminal offences. There is obviously a fund of good will, United Nations resolutions, film

stars and former Foreign Secretaries, yet there have been no successful prosecutions. When he came before us earlier, your former Permanent Under-Secretary said that there were projects in Iraq and Syria—I come back to Iraq and Syria—where they were collecting information. I asked him whether he was confident that there would be prosecutions, and successful prosecutions, as a result. He replied, “That is our intention”. Can you do better than that?

Baroness Anelay: Perhaps I can give the answer in two halves. Lord Williams is referring to the International Criminal Court. At the moment, we are enabling human rights defenders within Syria to gather evidence that can be submitted to the commission of inquiry. After there is a political resolution, one could then be in a position for having a successful prosecution brought. The difficulty is that the ICC has proved itself although a determined court, one that faces significant political difficulties. Therefore, it will not be the only solution. It also depends on a situation being post-conflict as well. Other prosecutions have been successful. I referred briefly earlier to the importance of working with local justice systems. Perhaps I may give an example from the western Balkans, thinking of the work that has been carried out in Croatia and Bosnia-Herzegovina. In Bosnia and Herzegovina, the law has now been changed and compensation has been awarded to victims of violence. In Croatia, the government have brought forward a law which will provide not only compensation but a pension to the victims of sexual violence in conflict. It was very controversial, because those who had been the protagonists, the fighters, in the conflict said that it was wrong for those who suffered sexual violence to be treated on the same level as those who had fought for the freedom of their country, so it was a brave act by the Croatian government. In Kosovo, they have been looking at how they can bring successful prosecutions. So other regional, local prosecutions can be brought. In Iraq now but in Syria for the future, we need to look at how prosecutions can be carried forward. However, we should always remember that, whenever one seeks a judicial resolution, the important thing is to protect the victim through the judicial process, because otherwise you can see that person being victimised all over again, and to me that has to be key: what does it mean to the victim?

Q166 Lord Williams of Elvel: Thank you. Would you agree that in order to raise the whole profile of PSVI, successful prosecutions are necessary and should be publicised?

Baroness Anelay: Absolutely. That is why I do my best to focus on what has been happening in Bosnia-Herzegovina, Kosovo and Croatia. It helps if one can at least give specific examples of cases, because that gives hope to those who are victims. It is only if you give that hope that victims are going to be prepared to take that risk of coming forward. You listen to the stories of those who said, “I’ve waited 20 years to tell my family, my husband, my children about this and I wasn’t sure that it was the right thing to do, because I was terrified of what others would say”. When you hear that, you know that you have to be ready to support those people through the whole of the judicial process and to work with communities to ensure that after a conviction has been upheld, as has been the case in some parts of the western Balkans, there is no victimisation of the victim or their family. Support has to be continued.

The Chairman: Thank you. We have two more questioners, whom I would like to get in if we can, although I know that time is running short. We have Baroness Hussein-Ece and Baroness Young, so I hope that they can be relatively short.

Baroness Hussein-Ece: I will be quick. What are the Government’s long-term objectives for the UK-based Team of Experts and for the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, and how will these be realised? I think that you started to answer that already.

Baroness Anelay: The Team of Experts is a group that assists and advises. They do not take action, they do not set policy, they do not monitor, they do not criticise. They are there to give assistance—for example, in psychosocial health. It is almost like training the trainers in some circumstances. They are enablers. They are a very important resource for the work that we do. When necessary, we advertise in the UK to invite people to apply. I have recently been able to respond to somebody and say, “Yes, we’d like you to be one of the experts on the team”. That does not mean that they will be asked to take part in each and every piece of work that we do, because by the very fact that they are experts we call on them only when they clearly fit in a particular country at a particular time with a particular expertise. They certainly have an important future for us.

Q167 Baroness Young of Hornsey: Good afternoon. I, like others, appreciate your commitment to this issue—it is sorely needed. I would like to ask you two quick questions. I was struck by what you said earlier in response to Lord Hannay’s question about impunity and the fact that sometimes the survivors of this criminal act were not necessarily interested in either compensation or going through a prosecution process; they wanted to be believed. I just wondered whether there was any kind of provision or interest in ways in which those experiences could be documented for the record, not necessarily for criminal prosecution, because that obviously demands a different level of quality. Perhaps you could comment on that or take it away.

The main question is about UN peacekeeping forces. Obviously, there have been huge problems of sexual exploitation and assaults, which have not been illuminated by any means so far. What action would the UK be prepared to take if the current initiative does not prove to be effective? Would we consider, for example, pressing for an international tribunal to deal with these matters?

Baroness Anelay: First, with regard to the matter that a lot of survivors say that it is not about the money but about being believed, yes it is possible to take people’s witness accounts and then help them with psychosocial care and healthcare, and help them to find economic help so that they do not have to go through a judicial system. I am thinking particularly of a project that I visited in Kosovo itself. There, the ladies concerned did not want anyone to know that they were going to a centre that victims attended, because they did not want people to know that they had been a victim. So the very fact that we were able to help an NGO financially to set up a place where the victims could go and learn a trade meant that they could meet other survivors and discuss their experience in the secure knowledge that people did not know why they were there. They knew that they were there to learn a trade, and they did. I came away with some of their embroidery too, by the way, which was very impressive. They were learning something that brought them economic benefit, but they also found a way of discussing an experience that they could not discuss with anyone else.

On sexual violence and peacekeeping, it is a cancer of the system. That is what Ban Ki-moon has said. He has made it clear that there is zero tolerance of illegal behaviour by

peacekeeping personnel, and I absolute support him in that. This summer, I had a meeting with Hervé Ladsous, who is the director in charge of peacekeeping operations, and certainly our focus is to ensure that we continue training not only our own troops but African Union troops to ensure that they are aware that that kind of activity is not only illegal but that as peacekeeping officers it is simply not acceptable. Before any country deploys its troops in a peacekeeping scenario, that country should make sure that its troops are trained and that they are trained again when they get in-country. We will have the chance to be able to demonstrate our leadership on that when we are able to commit our forces and technical help, as the Prime Minister set out in New York, in South Sudan and Somalia. We will lead the way and make sure that we hold others to account, as I will continue to do at the United Nations on exactly that point.

Baroness Young of Hornsey: But if that voluntary code does not work, what then? What about prosecution through an international court of some kind?

Baroness Anelay: I think there are different ways of carrying out prosecutions of those who have carried out sexual offences. One of the difficulties, of course, has been in getting evidence that will be fully proved in court. That is the first stage. I know that an investigation is already being carried out at the United Nations. We will wait to see the result of that. I have already discussed those issues too with Prince Zeid, the Human Rights High Commissioner. Having had Ban Ki-moon's declaration of zero tolerance, the United Nations and its members—because only its members make the United Nations—need to show that they mean business.

Lord Hannay of Chiswick: But all the evidence that we have had over the years, and it is still continuing, is that zero tolerance sounds wonderful but does not mean anything, because the commission of sexual offences by peacekeepers continues. There are very strongly-backed allegations—of course, we have to see whether they can be proved in a court—in the Central African Republic, and this continues year after year. After all, Prince Zeid wrote a report in 2005—10 years ago—when he said that if this could not be stamped out, consideration would need to be given to some form of international justice that could be brought to bear, because, as I am sure you know, the problem is a kind of a catch-22 situation. The troop-contributing State is the one that exercises jurisdiction. It tends to put somebody accused of such a crime on an aeroplane back home, and that is the last you ever hear about it. That has happened again and again in the past. On the other hand, you cannot ask that these people be tried in the country where the peacekeeping operation is going on, because almost certainly its justice system has collapsed, and in any case there could be very great prejudice against a peacekeeper from the local community. So there is a gap. Nobody seems to want to fill that gap. It has been suggested to us that you could do it without a fully fledged new international tribunal but with a kind of international tribunal-lite that would have available people who could gather evidence in these cases and actually prosecute somebody against whom there is enough evidence to justify a prosecution. I would like you to comment on whether we can really hope to eliminate this, which is the *quis custodiet ipsos custodes* question. How can we hope to do it if there is really no way of bringing people to justice?

Baroness Anelay: Lord Hannay asks, basically, how we can afford not to do it. I think that is absolutely the case. There has to be international pressure to ensure that people, if they have committed crimes, face some form of justice. I say "some form" advisedly, as there can be military courts or courts within the home country. Lord Hannay also rightly raises

concerns about what happens if somebody is simply returned to their country of origin. I would also ask what happens if they are then redeployed. There are more issues here than the important one of how we carry out a prosecution; there is also the question of how the troops are deployed. I would give two answers. First, the wider the pool of countries that are prepared to provide troops and to become TCCs—troopcontributing countries—the better, because the more one will then have a choice as to which countries shall provide them. Since a troopcontributing country can gain because of the payment to the troops, this becomes a financial incentive, so there is an incentive for better training. That is long term.

The shorter-term question is how we deal with the matter of the impunity of the peacekeeping troops. As Lord Hannay clearly set out, the United Nations States parties have not yet got this right. I think there will still be continued pressure on that. That does not take away from the importance of individual countries looking at their own judicial systems or the importance of the soft power of the United Kingdom and others being used to see that there are prosecutions where they can be brought, whether in the Democratic Republic of Congo or elsewhere, so that we can make sure that those who are carrying out the peacekeeping operations are there to keep the peace and not to cause more victims to suffer.

Q168 The Chairman: Thank you very much indeed. You have been amazingly kind. I have a final quick question for you, which really just asks for a yes or a no. Do you have a five-year strategic plan in place for PSVI?

Baroness Anelay: My ironic answer is that no politician plots their own course for five years; it would be most unwise. But I would say that my commitment to PSVI is embedded across the Foreign Office. The way in which I have found work with colleagues in DfID and MoD—and across the Cabinet—means that, under this Government, I know that the work of PSVI will be taken forward. As I mentioned at the beginning, I am now working on how we can set out what next year's work could be. I do not want to overpromise and underdeliver. It is not a case of a politician being scared; it is a case of a politician not wanting to let down the victims, because they are the ones who matter, not us.

The Chairman: Thank you very much indeed for your personal commitment and for the leadership and vision that you have given others. Thank you very much indeed also for the enormous amount of work that you and your team have put in. We are enormously grateful. You have given us just over an hour, which is really kind of you.

Baroness Anelay: Lord Chairman, thank you. I was delighted when the House of Lords decided to set up this Select Committee, because the voices of the House of Lords can ring loud around the world and not just here, because of the contacts that Peers have from their previous and current lives. I want those voices to be used to make sure that the work of PSVI is not just UK-led but heard around the world.

The Chairman: Thank you very much indeed.

Foreign and Commonwealth Office and Department for International Development –
Supplementary written evidence (SVC0062)

**Foreign and Commonwealth Office and Department for International
Development – Supplementary written evidence (SVC0062)**

[Submission to be found under Department for International Development](#)

Foreign and Commonwealth Office – Supplementary written evidence (SVC0067)

Supplementary evidence following Oral evidence (QQ 10-17)

1. PSVI attaches great importance to ending impunity for crimes of sexual violence in conflict. What is the FCO's strategy for bringing to justice all those who have committed such crimes in Iraq and Syria?

We continue to look at all of the options to ensure accountability for the perpetrators of these crimes in Iraq and Syria and to work with our allies to identify how to bring those responsible to account. This must be made on the basis of what will be the most effective means of bringing perpetrators to justice. The UK strongly supports the referral of the situation in Syria to the ICC. We supported a United Nations Security Council resolution calling for this in May 2014. Disappointingly the resolution was vetoed by the Russians and Chinese.

In Syria, justice and accountability are contingent upon securing peace and an inclusive political settlement that brings the conflict to an end. Planning for the endgame has been ongoing since the beginning of the conflict. The failure of the Geneva process put this work on hold for some time but we are revisiting it now that the Vienna process has given new hope.

In the meantime, we are doing all we can to gather the evidence of these crimes for any future judicial process. To date in Syria we have spent £5 million on building local capacity to document sexual violence crimes and other human rights abuses and to fund evidence collection. A further £2 million is being programmed to continue delivering this work.

We are supporting similar projects in Iraq that offer survivors access to health and psychiatric support while also documenting cases of sexual violence that can then be used to bring cases before the Iraqi justice system.

We will supplement this work with further roll out and training on the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. This builds on training we have already provided on the Protocol to Iraqi and Syrian human rights defenders. We are currently translating the Protocol into Kurdish which will increase its accessibility and use by a wider audience.

2. There have been a number of attempts to address sexual violence committed by peacekeepers. If current efforts fail, would the Government consider pressing for an international tribunal to prosecute such crimes, and if not, what other mechanism would it favour?

The Secretary General has described Sexual Exploitation and Abuse (SEA) as “the cancer in our system”. We agree and believe that UN member states must do everything to support his efforts to rid the UN system of SEA.

For these acts to be stopped, all Troop Contributing Countries (TCCs) must take the same strong stance. There cannot be a culture of acceptability or impunity within contingents. Educating and training troops is an important component of preventing abuse, but it must be accompanied by firm leadership.

There needs to be faster progress on achieving the Secretary-General's zero tolerance approach. We are pleased to see detailed initiatives from his Office being proposed which will help with both the prevention of SEA and with strengthening accountability when the policy is breached. They have the potential to deliver real change.

The UK wants to see major changes result from the Secretary-General's recommendations. This includes:

- Better training of peacekeepers: All peacekeepers should receive mandatory training before deployment as well as upon their arrival;
- A system that communities can trust: The communities served by peacekeepers must have confidence in their ability to protect them and that any allegations they make will be treated seriously;
- Timely and thorough investigations: TCCs must investigate any allegations against their troops and keep the UN updated on progress and outcomes;
- A robust UN response: Reporting mechanisms for SEA allegations need to be stronger. And the UN must follow up all allegations thoroughly with TCCs; and
- Improved remedial measures: Victims need to be adequately supported with access to appropriate assistance in-country.

An international tribunal is one option to consider though we would need to balance the time spent establishing such a body against the immediate needs of the victims.

3. In his evidence to us, Lord Hague said that he consistently raised the issue of sexual violence with his international counterparts, and that this momentum needed to be sustained. What further progress has there been in mainstreaming the fight against sexual violence?

The Government's continued commitment to PSVI has been reflected in the Conservative Party Manifesto⁷³, the subsequent appointment of Baroness Anelay as the Prime Minister's Special Representative (PMSR) on Preventing Sexual Violence in Conflict and most recently in the National Security Strategy and Strategic Defence and Security Review⁷⁴. The Foreign Secretary remains very supportive of this work and welcomes the progress made over the last year. His joint op-ed (in August 2015) with US Secretary of State Kerry on PSVI reflects

⁷³ "over the last five years, we have stood up for what we believe in... leading the world in tackling sexual violence in conflict... We will continue this leadership... We will drive forward the Preventing Sexual Violence in Conflict Initiative" *Conservative Party Manifesto, May 2015*.

⁷⁴ "The UK led the world with the Preventing Sexual Violence in Conflict Initiative. We will expand its reach and implementation, focusing on Iraq and Syria. Working with the UN, AU and other multilateral bodies as well as supportive governments around the world, we will do even more to tackle impunity for sexual violence crimes, secure widespread implementation of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, and encourage greater international support for survivors." [National Security Strategy and Strategic Defence and Security Review 2015](#) p.63

his determination that we do more on this issue. He continues to see this as a priority area of work for the Foreign Office.

In support of the Foreign Secretary and the PMSR, FCO ministers and officials regularly raise sexual violence in conflict with their counterparts in bilateral and multilateral meetings. Coupled with our work to ensure that PSVI is supported by robust and strategic project funding through the Human Rights and Democracy Programme Fund (now named the Magna Carta Fund for Human Rights and Democracy) and Conflict, Security and Stability Fund (CSSF), this ensures that PSVI is a key feature of our political and practical work in a wide number of conflict-affected states.

4. Which member of the National Security Council (NSC) assumes responsibility for the prevention of sexual violence in conflict within their brief, and what examples are there of the NSC prioritising preventing sexual violence in conflict in its decision making?

The Foreign Secretary has responsibility for PSVI at the NSC.

Information relating to the proceedings of Cabinet Committees, including when and how often they meet and which Ministers have attended, is generally not disclosed as to do so could harm the frankness and candour of internal discussion.

5. Can you provide examples of prosecutions that have used the Protocol? Please indicate if these have been successful.

Since its launch in 2014 we have funded a number of projects to support the dissemination and use of the International Protocol including:

- In Colombia we supported civil society organisations in adapting the Protocol for local use, working with local authorities and regional courts in remote areas outside Bogota to roll out the Protocol, and are currently pilot testing documentation of crimes with the Protocol in the two areas of the country most at risk of sexual violence;
- In the Democratic Republic of Congo we have been working with NGOs to adapt the Protocol for the national context in order to start training investigators and we launched as the Protocol with the government to secure greater political endorsement of its methodology;
- In Nepal we have trained human rights defenders on how to document sexual violence;
- In Syria we have supported training of activists both inside and across the border on the Protocol;
- In Iraq we have launched the Protocol in Baghdad and Erbil with both civil society and government representatives and have supported the training of activists on documentation in Erbil and Dohuk;
- In Bosnia we launched the Protocol in parliament and across the country and have since been working with NGOs on a capacity building programme for prosecutors and civil society; and
- We hosted an event in Istanbul which brought together 40 women from Syria and Iraq to be trained on the Protocol. In addition the event included a series of discussions on the challenges of the work these women face, their experiences and safety concerns around documentation in order to inform future work.

These projects, as well as the work of other organisations that are using the International Protocol in their work are supporting efforts to strengthen the evidence base for future prosecutions. This year we will carry out a review of the Protocol and are discussing with experts how to monitor the impact that this methodology has on documenting and investigating these crimes and the judicial and other outcomes for survivors.

6. Going forward, what are the plans for the Protocol?

We want the International Protocol to be widely used and recognised as best practice for practitioners and first responders around the world. We want evidence collected in line with the Protocol to stand up in a court of law and help to hold perpetrators to account.

To date, we have translated the Protocol into French, Spanish, Bosnian, and Arabic. We are also translating the Protocol into Burmese, Nepali, Albanian, Serbian, Swahili, Lingala and Kurdish. We have developed a set of training materials to support its use, regional training modules on how to implement the Protocol in different local contexts and a series of bespoke training packages. We have begun a programme of implementation and training in Bosnia, Colombia, DRC, Nepal and Uganda as well as of Iraqi and Syrian activists.

We are currently developing our training plans for 2016.

In line with our decision that the Protocol should be a “living” document and revised periodically to ensure it best reflects the needs of those using it and the context within which they are working, we have begun the process for a review of the Protocol. This process will include consultation with a number of organisations that have either used the Protocol or trained on its use.

7. Please provide more detail on the research work into how women will take part in the peace negotiations for Iraq and Syria.

We are actively looking at ways to engage Syrian women and increase their participation in the peace process. There were women delegates at the Syria Opposition Conference in Riyadh and we are supporting their participation in the next round of talks. We are also working with other members of the International Syria Support Group to emphasise the importance of women’s inclusion in the peace process. This includes supporting the establishment of a women’s advisory group that will work alongside the Syrian Opposition High Negotiations Committee. We are also working with the Syria Conference team to ensure women’s participation throughout the meeting.

Through the Conflict, Stability and Security Fund programme in Syria we have provided capacity building support, including mentoring and small grants, to grassroots peace-building leaders and organisations and to wider civil society groups to increase women’s ability to participate meaningfully and effectively in peace discussions.

There is currently no peace process in Iraq in the traditional sense but efforts are ongoing to promote political reform, national reconciliation and stabilisation. These are all areas where Iraqi women can make a positive contribution. The UK is lobbying for their inclusion. We are also supporting the implementation of Iraq’s National Action Plan on Women, Peace and Security and through the Conflict, Stability and Security Fund we are funding the

International Civil Society Action Network's (ICAN) small grants-making programme which supports grassroots organisations to promote women's political participation.

8. Can you provide more detail on the Global Acceleration Instrument? What is the UK's contribution to this? What type of organisations does the fund support? Does it support human rights defenders? Does it support women's participation to peace negotiations and the political process?

The Global Acceleration Instrument (GAI) is a new fund launched by UN Women in October 2015. GAI funding will be used to empower women to participate in, contribute to, and benefit from conflict prevention, crisis response, peacebuilding and recovery and support projects which build women's leadership skills.

The UK has contributed \$1m to the GAI. We expect the GAI to become operational in early 2016 at which point the GAI will agree geographical and thematic priorities, as well as the selection criteria for project approvals.

21 January 2016

Gender Action for Peace and Security – Written evidence (SVC0043)

Gender Action for Peace and Security (GAPS) is the UK's only Women, Peace and Security civil society network. We are a membership organisation of [17 NGOs](#) and experts in the field of development, human rights, humanitarian and peacebuilding.

ANSWERS

1. What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK's input to the Security Council's High-level Review of Resolution 1325?

i. The UK is an established global leader on Women, Peace and Security and has permanent member status at the UN Security Council, membership of NATO, the EU, the Commonwealth, and is a leading aid donor. Following on from the UK's global leadership on the Preventing Sexual Violence Initiative, and the Call to Action on Protecting Girls and Women in Emergencies, the UK Government must now ensure it continues to galvanise global attention, resolve and funding for the issue of Women, Peace and Security.

ii. Ahead of the High Level Review of UN Security Council Resolution 1325 taking place in October, GAPS has produced a position paper calling on the UK Government, through both its own policies and international role on Women, Peace and Security, to deliver commitments in the following three priority areas. It is paramount that the commitments made by the UK are specific and measurable to ensure progress can be measured annually in fora such as the Security Council as well as at UK level:

1. Support the inclusive and comprehensive implementation of the Women, Peace and Security framework, with a focus on women's and adolescent girls' participation.

For example, HMG should:

- Commit to supporting women's leadership and meaningful participation in international and regional peace and security meetings, peace negotiations and donor conferences, and associated consultations.
- Pledge to ensure that UK support to the six UK NAP focus countries to develop and/or implement their own costed and funded National Action Plans will include a technical focus on creating spaces for women's full and meaningful participation in their design, ongoing review and revision, and UK funding to facilitate such participation by local civil society organisations and women's rights groups.
- Call on the World Humanitarian Summit to advance gender equality and women's and girls' rights and leadership in all humanitarian action (see answer to question 1.d)
- Commit to scale up deployment of senior and operational gender advisors to UK military operations, as well as to UN Missions from the outset, and integrate their advice into planning, operations, training and Military Doctrine (see answer to question 7).

2. Commit new, dedicated and accessible funding for Women, Peace and Security, and better tracking of all HMG spend for Women, Peace and Security activities.

For example:

- Commit earmarked funding to UK Women, Peace and Security activities, with a clear and transparent budget for the four pillars of the NAP, tracked through the use of gender markers (including OCED and IASC markers). This should align with the UN target for a minimum of 15% of peacebuilding spending to be dedicated to further women's empowerment and gender equality and should include long-term funding support to women's rights organisations through the roll out of accessible funding streams for grassroots organisations.
- Commit new, additional UK funding to the proposed Global Acceleration Instrument for Women, Peace and Security.

3. Strengthen leadership and accountability for Women, Peace and Security at global, regional and UK levels.

For example:

- At the global level: **Encourage other Member States to ratify the Arms Trade Treaty, with a focus on implementation of Article 7 (4)**, which requires the exporting State Party to take into account the risk of conventional arms being used to commit or facilitate serious acts of gender-based violence (GBV) or serious acts of violence against women and children.
- At the UK level: **Announce dedicated capacity for Women, Peace and Security in all UK embassies in fragile and conflict-affected countries as well as in diplomatic missions to regional and global institutions** (ie dedicated Women, Peace and Security desk officers and training programmes).

iii. For the full GAPS position please visit: <http://gaps-uk.org/wp-content/uploads/2015/09/GAPS-HLR-Policy-Brief1.pdf>

The International Policy Agenda

1.d. How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?

iv. All too often, humanitarian leadership fails to hold actors accountable to gender-responsive funding, planning and programming or to prioritize actions that ensure lifesaving GBV services and promote gender equality. GBV coordination mechanisms lack capacity, limiting action on the ground and advocacy to mobilise other humanitarian sectors on GBV risk reduction. Women and girls are excluded from humanitarian assessment, design, planning and implementation. All these factors lead to poor and insufficient gender analysis which, in turn, leads to a paramount failure to (i) put in place specialised GBV services, (ii) to ensure risk reduction approaches across all programming to prevent GBV, or (iii) to identify opportunities to support the transformation of gendered power relations in the work of all humanitarian sectors.

v. GAPS, the Gender and Development Network and InterAction recently produced a briefing paper in which we call on all stakeholders involved in the World Humanitarian Summit to work with us towards realizing a transformative change in the way the humanitarian community prioritizes, integrates and coordinates gender equality and GBV in emergency response efforts. Towards this end, we call on the UK Government (alongside and other governments, UN agencies, civil society, and the private sector) to make the following pledges at the World Humanitarian Summit and through the summit preparations:

1. Empower women and girls from crisis-affected populations to participate in humanitarian assistance, protection and recovery programmes, as well as in 'accountability to affected populations' efforts.
2. Prioritize the engagement of local women's groups in humanitarian action through reforms in humanitarian funding, partnerships, leadership and coordination.
3. Strengthen government capacity to address gender equality and GBV in national disaster risk reduction (DRR), resilience, preparedness and response strategies and programmes.
4. Put minimum standards on gender equality and GBV at the heart of World Humanitarian Summit outcomes on humanitarian aid effectiveness and accountability.
5. Use the 'Call to Action on protection from GBV in emergencies' Roadmap to 2020 and the 15th anniversary review of UNSCR 1325 to guide gender equality and GBV outcomes of the WHS; and include specific references to GBV in the World Humanitarian Summit outcomes on International Humanitarian Law.

vi. Building on point 5, GAPS is calling for the UK Government to make the following commitments at the High Level Review of Resolution 1325 in relation to the World Humanitarian Summit (see answer to question 1c) and its humanitarian response work,

Specifically we are calling on the UK Government to:

- Use its international leadership role to call on the World Humanitarian Summit to advance gender equality and women's and girls' rights and leadership in all humanitarian action, by calling on humanitarian agencies and sectors to prioritise gender equality and address violence against women and girls (VAWG) in all emergency and humanitarian assistance, emergency assessments and response plans.
- Provide immediate funding at the onset of an emergency for the deployment of gender based violence/ violence against women advisors and gender/GENCAP advisors to support response efforts through the cluster system.

vii. The full briefing paper is available here: <http://gaps-uk.org/wp-content/uploads/2015/08/Position-Paper-on-the-World-Humanitarian-Summit.pdf>

Participation

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

a. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

viii. While much action on gender and conflict to date has provided a welcome spotlight on sexual violence, an increased focus is needed on women's and adolescent girls' leadership and their right to full and equal participation in all efforts to establish peace and security, at all levels. Such approach is critical in achieving transformative change for women and girls in fragile and conflict affected settings, and stopping violence before it starts.

ix. The UK can play an international leadership role in this regard by giving greater prominence to the importance of women's participation in peace building as part of the Preventing Sexual Violence Initiative. It is by ensuring women and girls are effectively integrated into conflict prevention, resolution and peacebuilding that will we see formal and informal institutions support the realisation of women's rights and gender equality. Without this, the unequal gendered power relations between men and women that drives sexual violence in all contexts, will not be addressed.

x. The UK should also model the importance of taking a comprehensive approach to the implementation of the Women, Peace and Security agenda by anchoring its work under the Preventing Sexual Violence in Conflict Initiative within the broader UK Women, Peace and Security agenda and National Action Plan for Women Peace and Security (NAP). This will foster greater linkages between the NAP pillars on the prevention of violence against women and women's participation in peacebuilding, as well as the pillars on humanitarian action and protecting women's rights.

xi. Better integration across the pillars of the NAP will also help to ensure the government takes a holistic approach to addressing violence across multiple levels (individual, relationships, community and society) and across sectors (economic life, education, health, justice, security and welfare) in line with DFID's Guidance notes.

xii. The government should ensure that it consults regularly with women's rights organisations in the planning and implementation of Women, Peace and Security work to identify civil society priorities and relevant national processes and ensure that any activities to address violence against women take a survivor-centred approach.

Military

7. Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict?

7a. What is military good practice in this area and how can this be scaled and implemented?

7c. How can the UK best work with the EU, NATO and other bodies to ensure the prevention of sexual violence in conflict is appropriately incorporated into training programmes, missions and multilateral defence policy?

xiii. As part of the package of commitments GAPS is calling on the UK Government to make at the High Level Review on Resolution 1325, we are calling specially for the UK to commit to scale up deployment of senior and operational gender advisors to UK military operations, and UN Missions, and integrate their advice into planning, operations, training and Military Doctrine (see answer to question 1c)

xiv. These gender advisors should be supported by the appointment of a senior UK dedicated military Gender Advisor to assist in advice to the Command – at top UK Defence level including the Chief of Defence Staff and the new UK Military Champion for Women, Peace and Security.

xv. In addition, GAPS is urging the UK to advocate for reform within the UN Missions at the High Level Review by calling for mandatory pre-deployment gender training for all peacekeepers as well as ongoing gender sensitivity training for all UN staff.

xvi. By deploying UK gender advisors on UN Missions the UK would set a strong example and complement the work being done by other Government departments who are involved with the Preventing Sexual Violence Initiative.

xvii. While the MoD training on sexual violence has increased in recent years to support the Preventing Sexual Violence Initiative, further training on Women, Peace and Security is needed for all UK military personnel as well as part of all training and assistance to overseas military.

18 September 2015

Gender and Development Network – Written evidence (SVC0034)

Summary of recommendations:

- The Committee asks for clarification on the UK Government’s strategy to support the meaningful implementation of commitments made at the Global Summit, particularly at the national level.
- The UK Government undertakes meaningful consultations with a wide range of women’s rights organisations (including those that work with marginalised groups of women) whilst developing the next phase of the PSVI, particularly in priority countries.
- The PSVI includes a strong focus on tackling gender inequality recognising this is a root cause of sexual violence, including sexual violence used as military tactic. We further recommend that PSVI is clearly and consistently grounded in a survivor-centred approach.
- The Committee asks the UK Government how PSVI is consistent and with other UK Government policies, programmes and funding streams on violence against women and girls and conflict, such as DFID’s Theory of Change on Tackling VAWG, DFID’s Country Operational Plans, FCO Business Plans, and the Conflict, Security and Stability Fund.
- The Committee asks the UK Government to clarify and publish the theory of change for preventing SVC and how this is consistent with existing literature and DFID’s Theory of Change on Tackling VAWG.
- The Committee asks the UK Government what monitoring, evaluation and learning processes have been designed and implemented for PSVI, what their initial findings/lessons are and to what extent local women’s rights groups are involved in this process.
- The UK Government increases the quality funding (long-term, flexible and core funding) available to local and national women’s rights organisations.
- The UK Government integrates comprehensive gender-sensitive protection mechanisms into civil society funding streams.
- The UK Government continues to advocate within the humanitarian and donor community for the recognition of VAWG as a pervasive issue in all conflicts and emergencies, continue to advocate for all humanitarian leadership to assume and belief VAWG is occurring in all emergencies as mandated by the Inter-Agency Standing Committee’s Gender-Based Violence Guidelines and respond accordingly.
- The UK Government increases funding to address gaps in frontline, comprehensive services for survivors of sexual violence, particularly through funding women’s rights organisations. We further recommend that the UK adopt a holistic, survivor-centred approach to supporting SVC survivors.
- The Committee asks the UK Government how PSVI directly contributes to supporting women’s empowerment and participation in peace and security processes, within the UK NAP.
- The Committee asks the UK Government how the PSVI supports SVC survivors holistically and supports them throughout the justice process, as well as what efforts it has done to improve the integrity and effectiveness of legal institutions.

The Gender and Development Network

1. The Gender and Development Network (GADN)⁷⁵ is a diverse, effective and inclusive membership network made up of leading UK-based non-governmental organisations' (NGO) staff, practitioners, consultants and academics working on gender, development and women's rights issues. GADN enables members to share information and expertise, lobby government and international bodies on gender and development issues, and provide expert advice and comment on policies and projects. Our members work in partnership with development and advocacy organisations throughout the world. This submission is made on behalf of the GADN Violence Against Women and Girls (VAWG) and Humanitarian Working Groups.

Introduction

2. The GADN VAWG and Humanitarian Working Groups welcome the opportunity to contribute to this inquiry, conducted by the House of Lords' Select Committee on Sexual Violence in Conflict (the Committee). This submission addresses some of the questions asked by the Committee on the causes of sexual violence in conflict (SVC), prevention of SVC, needs of survivors of SVC, women's participation and accountability for SVC. We have also provided an overview section on the working group's reflections on the Preventing Sexual Violence Initiative (PSVI).

3. We have based much of our submission on a consultation with civil society organisations based in Afghanistan, Bosnia and Herzegovina, Democratic Republic of Congo, El Salvador, Kosovo, Mexico, Myanmar, Nepal, Nigeria, Somalia and South Sudan. Twenty-five organisations and individuals responded to the consultation. The consultation took place in August 2015 and respondents were provided with the option of having their contribution anonymised; eight chose to be anonymised and we have not attributed their contributions or included the organisation's name in the list (see footnote 2 for the list of organisations who did not wish to be anonymised⁷⁶). We would like to thank the organisations and individuals who responded to the survey for contributing their time and expertise. We would also like to thank GADN members who contributed to our response and distributed the questionnaire to country offices and partners in conflict-affected countries, including ActionAid UK, Amnesty International UK, HelpAge UK, International Rescue Committee, Save the Children, Womankind Worldwide, Women for Women International (WfWI) UK and World Vision UK.

1. Overarching comments on PSVI

4. The GADN VAWG and Humanitarian Working Groups and respondents to the survey welcome the UK Government's work to tackle violence against women and girls (VAWG), including SVC. A respondent from Nepal noted: "*The PSVI and the Global Summit have been crucial to the global narrative around peace and conflict and women's rights.*" WfWI-Bosnia

⁷⁵ For more information please visit: www.gadnetwork.org

⁷⁶ **List of contributing organisations who did not wish to remain anonymous:** Action pour la Promotion de l'Environnement Social (APES), Advocacy Forum Nepal, Afghan Women's Development Centre, Appui aux Femmes Déminuées et Enfants Marginalisés (AFEDM), Centre d'Assistance Médico-Psychosociale (CAMPS), Centro de Derechos Humanos de las Mujeres, OMUSA, Saathi, Somali Women Development Centre, Synergie des Femmes, Women for Human Rights, WfWI Afghanistan, WfWI Bosnia and Herzegovina, WfWI Democratic Republic of Congo, WfWI Kosovo, WfWI Nigeria and WfWI South Sudan.

and Herzegovina stated that *“We believe PSVI has opened up a global dialogue on the issue.”*

5. Whilst respondents commended the UK’s efforts in raising the profile of the SVC, they also expressed concerns that the PSVI has not resulted in positive impact on the ground. An anonymous respondent from Nigeria told us *“The main action that the UK has focused on is getting the Nigerian government to sign up to the PSVI, support Resolutions at the UN. While this is important, the Nigerian government has a history of signing up to international treaties, declarations and not implementing them.”* Advocacy-Forum Nepal stated *“It was encouraging to see the pledging and commitments of various states during the Summit but unfortunately it has not changed the reality on the ground.”* In the Democratic Republic of Congo, Synergie des Femmes pour les Victims de Violences Sexuelles told us despite the appointment of an advisor to the President on sexual violence, the government has not provided resources to implement policies on ending sexual violence.

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks for clarification on the UK Government’s strategy to support the meaningful implementation of commitments made at the Global Summit, particularly at the national level.

6. Effective response to SVC requires a survivor-centred approach that works holistically in specific contexts. As a root cause, gender inequality manifests differently in different contexts. For instance, WfWI Afghanistan stated in Afghanistan gender inequality manifests in the practice of *baadal* (the exchange of daughters between two families for marriage). Ensuring interventions are context specific is a cornerstone of DFID’s Theory of Change on Tackling Violence Against Women and Girls and it recognises that working with local women’s rights organisations (who are often at the frontline of service provision in the absence of a functioning governments and at the forefront of advocacy efforts) is crucial to tailor effective responses⁷⁷. Despite this, however, one respondent told us that whilst promises were made to consult local women’s rights organisations on the implementation of PSVI – this never happened in practice.

GADN VAWG and Humanitarian Working Groups recommend that the UK Government undertakes meaningful consultations with a wide range of women’s rights organisations (including those that work with marginalised groups of women) whilst developing the next phase of the PSVI, particularly in priority countries.

2. Causes of sexual violence

7. The majority of the respondents attributed gender inequality as the root cause for SVC. One anonymous respondent noted *“Gender inequality remains the root of all types of violence against women, including [VAWG] perpetrated in conflict. Conflict can be seen as a contributing factor, which exacerbates the intensity and severity of violence, which however ultimately remains an abuse of power”*. Another stated *“South Sudan presents a context with extremely high rates of non-conflict sexual violence ... traditional practices that relegate women to inferior members of the family and society ... within conflict these norms*

⁷⁷ DFID (2012) *Guidance Note 1 A Theory of Change for Tackling Violence against Women and Girls*. Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

are exacerbated.” The Somali Women’s Development Centre response noted that the root causes of sexual violence included ‘cultural and traditional perceptions’ and WfWI Nigeria stated that sexual violence is driven by patriarchal ideology.

8. Women are not a homogenous group and face additional risks to SVC (and VAWG) based on other forms of discrimination, such as age, background, etc. Many respondents highlighted poverty and lack of education as important risk factors for SVC and highlighted that service provision for VAWG survivors may overlook marginalised groups of women. A respondent from Myanmar highlighted that Muslim women were particularly targeted for violence. In Nepal, Womankind’s partner Women for Human Rights stated widows face high rates of sexual violence. HelpAge highlighted efforts to end sexual violence often ignore older women. A survivor centred approach is crucial for effective response to individual survivors who face unique challenges, risks and needs as a result of SVC.

9. Respondents also cited gender inequality as the driver of sexual violence being used as a military strategy. Militaries capitalise on women’s unequal position within societies and use SVC to ‘pollute’ opponent groups, to attack shared identity of groups (e.g. ethnicity, religion, etc.) and to humiliate opponents via their inability to ‘protect’ women’s honour (sexual purity). A respondent based in South Sudan stated “as women are valued in a large part on the basis of their relationship to (or ownership by) men, violence against women can be used not only to terrorise populations but to violate the men who claim ownership of them.” Similarly the feminist organisation ORMUSA (El Salvador) told us sexual violence against women is particularly used as a tactic because “the control of the sexual and reproductive rights of women is central to social organisation”. World Vision’s partner in DRC, Action pour la Promotion de l’Environnement Social, highlighted that gender inequality across multiple levels (i.e. individual, relationship, community and societal levels) drives violence against women and girls. This is supported by the UK’s own Theory of Change of tackling VAWG which recognises that social change is a necessary enabler and that “sustained reduction in violence against women and girls will only occur through processes of significant social change, including in power relations between women and men, and in the values, beliefs, attitudes, behaviours and practices (social norms) related to violence against women and girls, at all levels – from individuals to communities to institutions.”⁷⁸

GADN VAWG and Humanitarian Working Groups recommend that the PSVI includes a strong focus on tackling gender inequality recognising this is a root cause of sexual violence, including sexual violence used as a military tactic. We further recommend that PSVI is clearly and consistently grounded in a survivor-centred approach.

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks the UK Government how PSVI is consistent and with other UK Government policies, programmes and funding streams on violence against women and girls and conflict, such as DFID’s Theory of Change on Tackling VAWG, DFID’s Country Operational Plans, FCO Business Plans, and the Conflict, Security and Stability Fund.

⁷⁸ Ibid

3. Prevention

10. Many respondents highlighted effective prevention of SVC requires focusing on promoting gender equality outside of conflict. For example, WfWI Kosovo stated that a key way to prevent sexual violence in conflict is to work towards more gender equitable societies before conflict breaks out. Womankind's partner in Nepal (Saathi) told us that *“sexual violence against women starts right from childhood affecting a woman throughout her life cycle and this needs to be addressed.”* In addition, respondents raised concerns on addressing SVC in isolation from other forms of violence against women and girls. One respondent stated *“Other types of violence also increase during conflict, including physical and emotional violence within the home (which are always the majority of reported cases in refugee settings). Emotional violence, such as severe limitations of movement for women and girls, can be closely related to fear of sexual violence, but by focusing only on the prevention and response of acts of sexual violence we risks ignoring other consequences which might affect an entire community or society ... The UK Government, other donors and humanitarian actors need to recognise violence against women and girls as a pervasive phenomenon which happens along a continuum and cannot be isolated to one setting, one type of perpetrator or one type of violence.”* Whilst recognising the need for the PSVI to have a strong focus, it is therefore critical that there is a clear link between PSVI's focus on conflict-affected countries and the UK Government's broader work to achieve gender equality and tackling VAWG. This is also consistent with the existing literature which suggests that conflict correlates with VAWG prevalence (wider than SVC), perpetrated by both combatants and civilians⁷⁹, and that intimate partner violence (in particular) rises in during the conflict period⁸⁰.

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks the UK Government to clarify and publish the theory of change for preventing SVC and how this is consistent with existing literature and DFID's Theory of Change on Tackling VAWG.

3.1. Programmatic interventions

11. Respondents told us that **long-term** prevention of sexual violence in conflict rests on the achievement of more gender equitable societies. They highlighted the below efforts as good examples of efforts to challenge gender inequality and prevent violence.

12. Empowering women and girls

- Increasing women's agency, including by supporting the development of women's only safe spaces.
- Supporting women's leadership and advocacy efforts (in particular supporting survivors to support other women who have experienced violence).

13. Working with communities, including men and boys

⁷⁹ World Bank (2014). *Voice and Agency: Empowering Women and Girls for Shared Prosperity*. Online, Available at:

http://www.worldbank.org/content/dam/Worldbank/document/Gender/Voice_and_agency_LOWRES.pdf

⁸⁰ Manjoo, R. and McRaith, C. (2011) *Gender-Based Violence and Justice in Conflict and Post-Conflict Areas*. Available online at: <http://www.lawschool.cornell.edu/research/ilj/upload/manjoo-mcraith-final.pdf>

- Raising communities' awareness of women's rights, including in schools.
- Engaging men and boys, including to become peer-educators (this should not be as single-sex interventions, but sit in parallel to interventions working with women and girls.)
- Engaging and training local, traditional and religious leaders.
- Developing 'edutainment', including street theatre and radio shows on VAWG.
- Supporting communities to understand laws on VAWG.

14. Working with governments

- Advocate for high-level leadership from governments to end VAWG.
- Working with governments to develop robust laws and policies on VAWG.
- Working with governments to create gender equitable laws and policies.
- Supporting multiple sectors (education, health, justice) to address VAWG.

15. Respondents highlighted **medium-term** interventions to address sexual violence in conflict including:

- Increasing protective measures for women and girls.
- Tackling impunity and ensuring justice for survivors of violence.

16. This approach is supported by both DFID Theory of Change on tackling VAWG⁸¹ and the UK Government's National Action Plan on Women, Peace and Security⁸².

GADN VAWG and Humanitarian Groups recommend that the Committee clarifies to what extent PSVI was informed by other UK Government policies (specifically DFID's Theory of Change on VAWG and the NAP) as well as the emerging evidence base, including that presented through DFID's What Works Programme.

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks the UK Government what monitoring, evaluation and learning processes have been designed and implemented for PSVI, what their initial findings/lessons are and to what extent local women's rights groups are involved in this process.

3.2. Key actors in prevention

17. Respondents also highlighted key actors in the delivery of prevention work, including women's rights organisations and international non-governmental organisations.

18. Respondents highlighted that national and local women's rights organisations are vital actors that the UK Government should be supporting and partnering with in efforts to end sexual violence in conflict, particularly through raising awareness of rights and providing

⁸¹ DFID (2012) *Guidance Note 1 A Theory of Change for Tackling Violence against Women and Girls*. Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

⁸² UK National Action Plan on Women, Peace and Security (2014-2017), Foreign and Commonwealth Office, Her Majesty's Government, June 2014
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_final3.pdf

support for survivors. A respondent based in South Sudan stated “*women’s rights organisations play the most important role in reducing the risk of VAWG – [these organisations] have an understanding of the context and the power of collective voice.*” The Somali Women Development Centre told us that, since the collapse of the central government in 1991, it is women’s rights organisations that have been filling the gap including working to prevent violence, providing survivor services and delivering work to hold perpetrators to account. WfWI Bosnia and Herzegovina stated “*Civil society is instrumental in efforts to prevent sexual violence.*” This position is supported by recent findings of a four-decade research effort in 70 countries, which found that the mobilisation of feminist movements is more important for combating violence against women than the wealth of nations, left-wing political parties, or the number of women politicians.⁸³

19. Respondents from multiple countries also highlighted barriers facing women’s rights organisations including lack of quality funding (long-term, flexible and core funding). Action pour la Promotion de l’Environnement Social (DRC) told us the UK Government should work more closely and support local organisations who “*live everyday with survivors of violence*”. WfWI Nigeria said the UK Government should fund organisations working directly with survivors. Similarly Somali Women Development Centre said the UK Government could be more effective by directly supporting grassroots women’s rights organisations and community-based organisations. Commenting on the PSVI’s funding for civil society organisations one respondent noted “*FCO PSVI funding is only available for one year. By the time projects gain traction and implementation begins to yield tangible results, the project ends.*”

GADN VAWG and Humanitarian Working Groups recommend that the UK Government increases the quality funding (long-term, flexible and core funding) available to local and national women’s rights organisations.

20. A number of the respondents also highlighted threats and attacks faced by women human rights defenders. Synergie des Femmes pour les Victims de Violences Sexuelles told us that threats against women human rights defenders are a major barrier to civil society’s work in the DRC and urged the UK Government to support protection of activists. Centro de Derechos Humanos de las Mujeres A.C. (Mexico) stated that women human rights defenders face serious risks. The Somali Women Development Centre told us women human rights defenders “*face severe challenges including threats, assassinations and sometimes kidnap in their line of duties. They are targeted by state and non-state actors because they are seen as promoters of human rights.*” Advocacy-Forum Nepal stated that “*human rights defenders and lawyers working with victims contesting impunity have been the subject of various persecutions, threats and intimidation but very little has been done [to support these individuals]*”.

⁸³ Htun, M. and Weldon, L. 2012. ‘The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975–2005, *American Political Science Review*, Cambridge University Press and the American Political Science Association. Available at: www.polisci.unm.edu/common/documents/htun_apsa-article.pdf

GADN VAWG and Humanitarian Working Groups recommend that the UK Government integrates comprehensive gender-sensitive protection mechanisms into civil society funding streams.

3.3. Early warning systems

21. A UNIFEM review of early warning indicators in 2008 found only 11 out of 832 indicators made reference to gender and only 1 monitored women’s human rights.⁸⁴ The UN has noted that *“by overlooking female stakeholders early warning systems were missing women’s potential contribution to more comprehensive information and responses.”*⁸⁵ In Afghanistan, Afghan Women’s Skills and Development Centre told us early warning indicators include women remaining in the home, women changing their dress (lose clothing and/or covering bodies), women not leaving the house alone and women not going to school, college or work. WfWI Bosnia and Herzegovina stated early warning signs include *‘increasing violations of personal freedoms, separating women from more and openly aggressive behaviours’*.

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks how the UK Government ensures meaningful participation and inclusion of women, and attention to gender equality, within early warning systems.

3.4. Humanitarian response

22. An anonymous respondent noted that resources for VAWG work remain very limited and that specialist services for survivors of VAWG are often side-lined and deprioritised in order to provide what the humanitarian community considers ‘urgent’ assistance—shelter, food, water and medical care. Whilst the Call to Action to protect women and girls in emergencies (initiated by the UK Government) was a welcome step to prioritise VAWG within humanitarian/emergency response, more still needs to be done to ensure adequate resources and accountability mechanisms are focused on responding to VAWG at the onset of crises. In particular, the UK Government should closely monitor and advocate to address: weaknesses and gaps in commitment from all levels of humanitarian leadership to gender-based violence (GBV) response; low levels of GBV emergency response funding; gaps in GBV coordination mechanisms; and the weakness in the GBV’s sector capacity to respond to all emergencies which impacts availability of life-saving services and the fulfilment of minimum GBV risk reduction standards from all humanitarian sectors.

23. In addition, it is critical that humanitarian programmes adopt a much more systematic approach to women’s participation, leadership and agency. This is strategic both in terms of the effectiveness of humanitarian action overall; but also specifically in terms of ensuring that humanitarian assistance and protection more effectively address SVC and wider gender-based violence. For example, in the Syrian crisis, Syrian women-led organisations have been able to provide support to survivors of SVC, as well as empower them to tackle the stigma which they face; as well as to partner with wider humanitarian agencies to bring

⁸⁴ UNIFEM review (2008) Available online at:

www.unifem.org/gender_issues/women_war_peace/prevention_early_warning.php

⁸⁵ UN Women (2012) *Gender-Responsive Early Warning: Overview and How-to Guide* Available online at:

http://www.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/10/wpsso_urcebook-04e-genderresponsiveearlywarning-en.pdf

greater focus on gender issues and identify more effective, locally-appropriate strategies on gender-based violence. Efforts to strengthen and promote more systematic approaches to women's agency in humanitarian action, such as through the piloting of 'gender equality measures' across the different sectors of the refugee response in Jordan, should be given support going forward.

GADN VAWG and Humanitarian Working Groups recommend that the UK Government continues to advocate within the humanitarian and donor community for the recognition of VAWG as a pervasive issue in all conflicts and emergencies, continue to advocate for all humanitarian leadership to assume and belief VAWG is occurring in all emergencies as mandated by the Inter-Agency Standing Committee's Gender-Based Violence Guidelines and respond accordingly.

4. Needs of survivors

24. While recognising the need to build institutional capacities to investigate and prosecute, respondents to our survey emphasised the comprehensive range of services survivors need and have a right to access, including:

- Health care, including sexual and reproductive health care, psychological support and trauma care.
- Provision of safe spaces, including shelters and women-only groups.
- Legal support, including legal aid, hotlines and witness protection.
- Economic empowerment, including livelihood training and other support.
- Reintegration into communities.

25. The United Nations recommends that, where possible, services for survivors should be run by "independent and experienced women's non-governmental organisations providing gender-specific, empowering and comprehensive support to women survivors of violence, based on feminist principles".⁸⁶

GADN VAWG and Humanitarian Working Groups recommend that the UK Government increases funding to address gaps in frontline, comprehensive services for survivors of sexual violence, particularly through funding women's rights organisations. GADN further recommends that the UK adopts a holistic, survivor-centred approach to supporting SVC survivors.

26. Many respondents highlighted threats and targeting of survivors of sexual violence who seek redress. The Somali Women's Development Centre stated that "survivors have been facing threats from the family of the perpetrators during the legal process and after prosecution". Many respondents based in the Democratic Republic of Congo highlighted survivors who seek justice are also threatened and attacked. Centre d'Assistance Médico-Psychosociale (CAMPS) stated that a major obstacle to pursuing justice is "insecurity in relation to survivors, their witnesses and their lawyers". The importance of ensuring the safety of survivors is a key principle of DFID's Theory of Change on Tackling Violence Against

⁸⁶ UNIFEM (2010) *Handbook for legislation on violence against women*. Available online at: <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

Women and Girls⁸⁷ and the related Guidance on Community Programming⁸⁸. The latter outlines measures to reduce the risk of violence and respond to violence if it occurs, which should be systematically adopted during the design and implementation of all UK Government programmes on VAWG. In particular, all interventions should take a survivor-centred approach, based on respect for women’s confidentiality and decisions in regards to incidents of violence – including in cases where women decide not to pursue a case against the perpetrator(s) or choose not to be involved in the case. Services should be provided to all survivors of VAWG – regardless of their desire to pursue prosecution i.e. services should not be an incentive for prosecution.

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks how the UK Government has integrated survivor safety into PSVI programmes and funding, beyond the International Protocol.

5. Participation

27. The UK NAP recognises the need to invest in women’s empowerment to support community and national recovery and rebuilding and prevent further conflict⁸⁹. Respondents also highlighted gender inequality as a core barrier to women’s full and meaningful participation in peace processes. Synergie des Femmes pour les Victimes de Violences Sexuelles (DRC) stated “*women are seen as victims, not agents of change, hence they are always forgotten and are not involved in the resolution of conflicts in our country*”. The Somali Women Development Centre highlighted as barriers to women’s participation “*cultural perceptions that exclude women not only from conflict prevention [peace discussions] but from all other social life and limited knowledge of women themselves of their own rights.*” It has also been suggested that rising levels of VAWG post-conflict undermine peace processes and women survivors of conflict-related VAWG, including SVC, continue to carry both stigma and scars long after peace agreements are signed⁹⁰. Women survivors of violence often become marginalised from their communities and bear the stigma of the abuse, making them more vulnerable to further VAW.

28. As with violence against women and girls, barriers to women’s participation are inherently linked to gender inequality. SVC risk factors are represented by multiple manifestations of gender inequality, such as vulnerable working practices, low levels of income, lack of access to services (e.g. health, education, justice), restrictions on freedom of movement etc. A respondent based in South Sudan noted that barriers to women’s

⁸⁷ DFID (2012) *Guidance Note 1 A Theory of Change for Tackling Violence against Women and Girls*. Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

⁸⁸ A Practical Guide on Community Programming on Violence against Women and Girls, DFID CHASE Guidance Note 2 (May 2012). Available online: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67335/How-to-note-VAWG-2-community-prog.pdf

⁸⁹ HMG (2014) *UK National Action Plan on Women, Peace and Security (2014-2017)* Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_final3.pdf p3.

⁹⁰ Domingo, P., O’Neil, T. and Foresti, M. (2014) *Women’s participation in peace and security Normative ends, political means* Available online at: <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8961.pdf>

participation include “*low rates of literacy, marginalisation from the public sphere and deeply embedded cultural norms*”. One respondent recently involved in the Syria response stated a lack of safe spaces was particularly problematic for women’s participation. WfWI Afghanistan highlighted poverty, lack of education, discriminatory customs and traditions as some of the main barriers to women’s participation in Afghanistan. Supporting existing efforts by local civil society organisations, including women’s rights groups, is vital for both challenging discrimination that blocks women’s opportunities to participate and tolerates/perpetuates VAWG and also to support women’s capacity development.

29. Many respondents therefore highlighted the need for efforts to include a strong focus on achieving gender equality as well as addressing the manifestations of gender equality that prevent women from participating in public life. Some suggested that the UK Government should work at a **community level** to develop the awareness and capacity of community leaders and family elders; challenge harmful social norms and raise women’s awareness of their rights. Respondents further suggested that the UK works at a **local, national and international level** by increasing funding to political participation programming; advocating for 50% representation of women in peace discussions including through the use of quotas; building the capacity of women; engaging male leaders through diplomatic and aid programmes to recognise women’s contribution and by increasing funding to women’s rights organisations. This is supported by DFID’s Theory of Change⁹¹ which recognises that VAWG is both a driver and consequence of gender inequality and, therefore, challenging harmful and discriminatory norms is crucial for promoting women’s participation as well as reducing VAWG prevalence. This is further supported by the UK NAP which advocates working at a community level (including with women, girls, men and boys) and at a local, national and international level to promote women’s participation in peace and security efforts⁹².

GADN VAWG and Humanitarian Working Groups recommend that the Committee asks the UK Government how PSVI directly contributes to supporting women’s empowerment and participation in peace and security processes, within the UK NAP.

GADN VAWG and Humanitarian Working Groups further recommend that the UK Government articulates the role of women’s organisations with the PSVI strategy and how it has supported their efforts to date.

6. Accountability

30. Respondents (from PSVI priority countries) noted that they had not seen an increase in prosecutions for SVC (such as WfWI Kosovo and an anonymous respondent from South Sudan). Even when respondents noted that prosecutions continued to be inconsistent with justice for survivors, including from lack of protection for survivors. WfWI Bosnia and Herzegovina told us there has not been an increase in prosecution and instead “*the majority*

⁹¹ DFID (2012) *Guidance Note 1 A Theory of Change for Tackling Violence against Women and Girls*. Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

⁹² HMG (2014) *UK National Action Plan on Women, Peace and Security (2014-2017)* Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_final3.pdf p3.

of perpetrators are released on some legal technicality before serving any time ... this is tragic for the victims who feel betrayed and lose faith in the justice system". Appui aux Femmes Déminuées et Enfants Marginalisés (AFEDEM) noted that there has been an increase in prosecutions brought but not in perpetrators going to jail (in DRC). Synergie des Femmes pour les Victims de Violences Sexuelles (DRC) noted that whilst there has been an increase in prosecutions there has been some issues with judges not adhering to the Constitution and that corruption means that some perpetrators do not serve their sentence. The Somali Women Development Centre stated that survivors pursuing justice have been facing threats and the majority of perpetrators who were sentenced to jail have been released without explanation. Advocacy Forum Nepal noted that many cases are withdrawn because of lengthy legal processes and stated that *"there is no positive change... [we] have been working with the victims of sexual violence, assisting them to bring their case for criminal prosecution but none of the cases have been investigated, not a single perpetrator involved in sexual violence during the conflict has been brought to justice."* This was echoed by other respondents who also reported a complex picture of corruption, threats to survivors and lack of effective protection mechanisms, lack of functioning judicial systems and limited knowledge of rights frameworks.

31. Accountability is but one part of a holistic, survivor-centred approach. Notably, when asked about the needs of survivors, the vast majority of the responses cited access to justice but within the context of the survivor's needs if they sought justice when they emphasised important aspects of the survivor's journey such as witness protection or legal aid. Furthermore this was within a wider, holistic analysis of needs including other economic, social and health needs such as shelters, psychosocial counselling, livelihood support, etc. The lack of a functioning state and state mechanisms is noted as problematic by the DFID Theory of Change which states that in *"situations where legal or other infrastructure is limited, absent or under stress (such as in conflict or humanitarian contexts or in remote rural settings), interventions addressing violence against women and girls that do not rely on legal support have proved effective."*⁹³ Many respondents recommended that the UK Government focus efforts on supporting states to build more effective and responsive institutions (health, security and justice) to support SVC survivors who seek accountability.

GADN VAWG and Humanitarian Groups therefore recommend that the Committee asks the UK Government to clarify what needs assessment the PSVI strategy was based upon. We further recommend that the Committee asks the UK Government how the PSVI supports SVC survivors holistically and supports them throughout the justice process, as well as what efforts it has made to improve the integrity and effectiveness of legal institutions.

32. There was, however, some ad hoc welcome improvement. Women's rights organisations in Afghanistan, for example, cited the establishment of Family Response Units as a positive development. Family Response Units, established in 2006, are designed to provide a separate space staffed by female police officers within police stations where women from the community can come to seek help on VAWG issues. However, it should be noted the effectiveness of Family Response Units has been seriously hampered by the lack

⁹³ DFID (2012) *Guidance Note 1 A Theory of Change for Tackling Violence against Women and Girls*. Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

of female police officers available to staff them. As a result, many Family Response Units are staffed primarily or entirely by male officers, effectively defeating their purpose.⁹⁴

GADN VAWG and Humanitarian Working Groups welcome the development of Family Response Units and recommend that the Committee asks the UK Government to confirm if the UK has plans to support these Units in the future.

18 September 2015

⁹⁴ Human Rights Watch (2013) News Article: Afghanistan: Urgent Need for Safe Facilities for Female Police Available online at: <https://www.hrw.org/news/2013/04/25/afghanistan-urgent-need-safe-facilities-female-police>

Global Justice Center – Written evidence (SVC0044)

Summary

The Global Justice Center's submission answers the following questions from the Lords Select Committee on Sexual Violence in Conflict's Call for Evidence on Preventing Sexual Violence in Conflict (PSVI):

1c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK's input to the Security Council's High-Level Review of Resolution of 1325?

¶¶ 3-7

1d. How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance this project?

¶¶ 8-13

3b. To what extent is sexual violence in conflict used as a deliberate tactic?

¶¶ 14-18

3c. To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

¶¶ 19-22

5a. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

¶¶ 23-27

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

¶¶ 28-31

6a. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

¶¶ 32-34

7. Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict? How can the UK best work with the EU, NATO and other bodies to ensure the prevention of sexual violence in conflict is appropriately incorporated into training programmes, missions and multilateral defence policy?

¶¶ 35-36

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

¶¶ 37-39

9c. To date, there have been no convictions at the International Criminal Court (ICC) for crimes of sexual violence in conflict situations. Why is this and how could it be addressed? What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal for the former Yugoslavia, the International Tribunal for Rwanda and the Special Court for Sierra Leone?

¶¶ 37-39

Background

1. The Global Justice Center (GJC) welcomes the opportunity to submit written evidence to the Lords Select Committee on Sexual Violence in Conflict.
2. The GJC is an international human rights organization based in New York that uses legal expertise to shape and leverage international legal precedents in order to dismantle historically patriarchal legal and political structures and replace them with equality-based human rights precepts. GJC has worked with the UK's PSVI team, including in the lead-up to and during the Global Summit to End Sexual Violence in Conflict.

Issues

1c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK's input to the Security Council's High-Level Review of Resolution of 1325?

3. The UK can use its role on the UN Security Council (UNSC) to ensure that the UNSC takes all possible measures to prevent sexual violence in conflict, including but not limited to: the use of the full range of UNSC powers, including those under Chapter VII of the UN Charter, to enforce the rights of girls and women under international humanitarian law (IHL). This could include the use of sanctions, the establishment of ad hoc tribunals and compensation funds for victims, referrals to the International Criminal Court (ICC), and concrete punitive measures for parties listed to the "naming and shaming annex" of the UN Secretary-General's (SG) annual report on conflict-related sexual violence.
4. In particular, on the use of sanctions, the UK should ensure all UNSC sanctions mandates include designation criteria pertaining to acts of rape and other forms of sexual violence and ensure that the framework that governs sanctions includes the capacity to issue sanctions for these crimes. As a permanent member, the UK should also work to establish a sanctions regime for sexual violence in armed conflict which would allow more targeted measures in situations where a country-specific sanctions regime does not exist.
5. Furthermore, the UK should use its position as a permanent member to mainstream the prevention of and response to conflict-related sexual violence, including as identified in the High-Level Review of the implementation of UNSCR 1325, into all areas of the UNSC's work. This includes other relevant thematic mandates, such as the protection of civilians or children in armed conflict, and country-specific mandates, such as those states identified in the SG's naming and shaming annex on conflict-related sexual violence. This should also include steps to ensure that countries and situations of concern are added to and/or remain on the UNSC's agenda, in order to facilitate UNSC's oversight and monitoring. The UK has already demonstrated such leadership with respect to Burma, which was due to be deleted from the UNSC's agenda in February 2013, but due in large part to concerns over continued human rights abuses, including conflict-related sexual violence, the UK has successfully kept Burma on the Council's agenda since then.
6. Significantly, the UK is not only a permanent member but also the penholder for UNSC resolutions on women, peace and security (WPS). This key position allows the UK to take leadership in ensuring that WPS resolutions are comprehensive, include concrete steps and build up the operations framework to prevent conflict-related sexual violence. It is also

essential that the UK, in putting forth such resolutions, consults civil-society and takes their recommendations into account. One forthcoming opportunity is the High-Level Review on the implementation of UNSCR 1325 in October 2015, which will provide a genuine assessment of persisting gaps and best practices in the implementation of the WPS agenda. The UK should use the High-Level Review to create a forward looking agenda on WPS, both at the UNSC and domestically, and make concrete pledges based on the findings of the Global Study.

7. Finally, the UK should consider joining France’s campaign for UNSC permanent members to not utilize the veto in cases of mass atrocities, including conflict-related sexual violence. This will enable the UNSC to take action in such cases, including to adequately respond to and ensure accountability for mass atrocities.

1d. How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance this project?

8. In light of increased targeting of civilians and the fact that the last global discussion on humanitarian action took place 25 years ago, the World Humanitarian Summit (WHS) presents a unique opportunity for the global community to make meaningful and powerful changes to reduce the unimaginable hardships confronting victims of conflict. The UK, as one of the world’s largest donors of humanitarian aid, should use the opportunity presented by the WHS to guarantee the rights of one of modern conflict’s most vulnerable groups: war rape victims. In particular, the UK should take strong leadership to ensure that humanitarian action is gender responsive and respects the rights of victims of sexual violence in conflict under IHL.

9. First, gender blind humanitarian policies have devastating consequences on the safety and health of girls and women and can lead to an increase in sexual violence. For instance, food distribution sites are still set up in areas that are not easily accessible and latrines for women and girls continue to be built without locks. Including women in the design, monitoring and implementation of humanitarian action can avert gender blind policies and ensure that attention is paid to the gender-based repercussions of conflicts.

10. Second, rape and other forms of sexual violence in war often have distinct characteristics rarely, if ever, seen outside of conflict. As the WHS’s Scoping Paper in “Serving the needs of people in conflict” notes “even issues that are common also in other types of emergencies, such as sexual and gender-based violence and forced displacement, have specific dynamics during conflicts that must be considered.”⁹⁵ Accordingly, the UN Secretary General has recognized that humanitarian action supporting war rape victims must respond to their specific legal, medical and psychological needs, in a non-discriminatory manner and in accordance with their rights under IHL.⁹⁶ Similarly, UNSC

⁹⁵ World Humanitarian Summit, *Scoping Paper: Serving the Needs of People in Conflict* (Sept. 1, 2014), available at <https://www.worldhumanitariansummit.org/node/449559>.

⁹⁶ See The Secretary-General, Report of the Secretary-General on Sexual violence in conflict, ¶12, *delivered to the Security Council*, U.N. Doc. S/2013/149 (Mar. 14, 2013); The Secretary-General, *Report of the Secretary-General on women peace and security*, ¶172(a), *delivered to the Security Council*, U.N. Doc. S/2013/525 (4 Sept. 4, 2013).

Resolution 2122 (2013) recognized “the importance of Member States and United Nations entities seeking to ensure humanitarian aid and funding includes provision for the full range of medical, legal, psychosocial and livelihood services to women affected by armed conflict and post-conflict situations, and noting the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination.”⁹⁷ Consequently, humanitarian action must systematically ensure the full range of medical care for victims of sexual violence, in particular access to abortion services for female victims of war rape. Refusing an abortion not only re-traumatizes, but also has devastating medical consequences resulting in increased maternal mortality, and compounds the physical, psychological, and social consequences of rape.

11. The challenges facing modern humanitarian action, including the need to provide abortion services to victims of war rape, make it more important than ever that the WHS include the rights enshrined in IHL as part of its appraisal of the needs of victims of conflict and the framework for humanitarian action. When engaging at the WHS, the UK must insist modern humanitarian action acknowledges the particular needs and rights of victims of armed conflict under IHL. The WHS should highlight the changing nature of modern conflict and its specific targeting of civilians, especially women and girls, and the use of sexual violence.

12. In this vein, the UK has already shown historic leadership by becoming the first country to affirm that abortion services must be a part of the care offered to women rape victims, as a part of their rights to non-discriminatory medical care under IHL. In June 2014, DFID operationalized this policy and stated that “The UN Security Council Resolution 2122 notes the need for access to comprehensive sexual and reproductive health services for women affected by armed conflict and post conflict situations. It is the UK’s view that in situations of armed conflict or occupation where denial of abortion threatens the woman’s or girl’s life or causes unbearable suffering, international humanitarian law principles may justify offering a safe abortion rather than perpetuating what amounts to inhumane treatment in the form of an act of cruel treatment or torture.”⁹⁸ We urge the UK to promote this view among other humanitarian stakeholders at the WHS as well as Member States and ensure that this policy becomes a part of the framework of humanitarian action set up by the WHS.

13. To that end, the UK should use the WHS to address the need for humanitarian aid to be non-discriminatory and to meet the gender specific needs of women and girls, especially those raped and impregnated in conflict. In doing so, it is of the utmost importance that the WHS follows the UK’s position on abortion and IHL and guarantee (1) access to abortion services as part of IHL’s right to all necessary medical care without adverse distinction on the basis of sex, (2) the right of war rape victims to be free from torture and to enjoy humane treatment, and (3) IHL protections for medical personnel, guaranteeing that their sole focus can be on the well-being and health of their patients.

⁹⁷ S.C Res 2122, preamble, U.N. Doc S/RES/2122 (Oct. 18, 2013).

⁹⁸ DEPARTMENT FOR INTERNATIONAL DEVELOPMENT, SAFE AND UNSAFE ABORTION - THE UK’S POLICY ON SAFE AND UNSAFE ABORTION IN DEVELOPING COUNTRIES (a DfID Strategic Document), June 2014, at p. 9.

3b. To what extent is sexual violence in conflict used as a deliberate tactic?

14. It is indisputable that rape has been used—systematically, ruthlessly, and with impunity—as a deliberate tactic of war around the world.⁹⁹ Strategic (or deliberate) rape used to gain a military advantage is one means of accomplishing, amongst other crimes, genocide, ethnic cleansing, forced impregnation, political intimidation, and demoralization. Because rape is a cheap, powerful, and effective tool, its use as a tactic of war has persisted for many years.¹⁰⁰ The direct and indirect deaths of women and girls from war rapes, including strategic and opportunistic rapes, constitute a significant number of conflict deaths in modern armed conflicts.¹⁰¹

15. In the past thirty years, strategic rape has been wielded as a “weapon of choice” in various conflicts, including in Burma, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Mali, Nigeria, Somalia, South Sudan, Sudan (Darfur), Syria, Yemen, and Zimbabwe.¹⁰² The following country-specific examples illustrate some instances of strategic war rape. For decades, the Burmese military has systematically used rape in its campaign against ethnic minorities to terrorize, humiliate, and destroy communities, gain information about the ethnic armies, punish support for ethnic groups, and even accomplish ethnic cleansing.¹⁰³ In Rwanda, rape was used to accomplish genocide.¹⁰⁴ More recently, acts of sexual violence have been used to terrorize and displace civilians in Syria. Syrian women, as well as men and community leaders, identify sexual violence, mainly rape, as a primary reason for fleeing the country.¹⁰⁵ In Nigeria, both state and non-state forces have raped women and girls as a tactic of war: the military has used rape and abductions as part of its counterinsurgency plan; Boko Haram has raped women and girls and committed gender-based abductions and forcible transfers of children.¹⁰⁶ The

⁹⁹ Press Release, Foreign & Commonwealth Office & the Right Hon. William Hague, Foreign Secretary and UN Special Envoy Urge UN to Tackle Sexual Violence in Conflict (June 24, 2013), *available at* <https://www.gov.uk/government/news/foreign-secretary-and-un-special-envoy-to-urge-un-to-tackle-sexual-violence-in-conflict>.

¹⁰⁰ Janet Benshoof, *The Other Red Line: The Use of Rape as an Unlawful Tactic of Warfare*, 5 GLOBAL POL’Y J. 146, 147 (2014).

¹⁰¹ GLOBAL JUSTICE CENTER, FACT SHEET: STOPPING THE USE OF RAPE AS A TACTIC OF WAR: A NEW APPROACH 2 (2014).

¹⁰² See U.N. Secretary-General, *Rep. of the Secretary-General on Women and Peace and Security*, U.N. Doc. S/2014/693, *available at* http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_693.pdf. See generally Dara Kay Cohen, *Explaining Rape During Civil War: Cross-National Evidence (1980–2009)*, 107 AMERICAN POLITICAL SCIENCE REVIEW 461 (2013).

¹⁰³ Over the years, the Special Rapporteur on the Situation of Human Rights in Myanmar has reported on the use of sexual violence by the military in Myanmar against ethnic minorities. See Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Tomás Ojea Quintana, ¶ 32, U.N. Doc. A/66/365 (Sept. 16, 2011); Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sérgio Pinheiro, ¶ 41, U.N. Doc. A/HRC/4/14 (Feb. 12, 2007) (internal citations omitted); Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sérgio Pinheiro, ¶ 78, U.N. Doc. E/CN.4/2006/34 (Feb. 7, 2006).

¹⁰⁴ Prosecutor v. Akayesu, Case No. ICTR 96-4-T, Judgment, ¶¶ 732–34 (Sept. 2, 1998).

¹⁰⁵ *April 2015 Monthly Forecast: Women, Peace and Security*, SECURITY COUNCIL REPORT (Mar. 31, 2015), http://www.securitycouncilreport.org/monthly-forecast/2015-04/women_peace_and_security_6.php; INTERNATIONAL RESCUE COMMITTEE, SYRIA: A REGIONAL CRISIS: THE IRC COMMISSION ON SYRIAN REFUGEES 6 (2013), *available at* <http://www.rescue.org/sites/default/files/resource-file/IRCReportMidEast20130114.pdf>.

¹⁰⁶ AMNESTY INTERNATIONAL, STARS ON THEIR SHOULDERS. BLOOD ON THEIR HANDS: WAR CRIMES COMMITTED BY THE NIGERIAN MILITARY 36, 90 (2015), *available at*

example of Boko Haram in Nigeria also indicates how overtly non-sexualized deliberate war tactics, such as abductions, can result in or coincide with systematic gendered attacks including sexual violence.

16. Both opportunistic and strategic rapes occur during times of armed conflict; however, international humanitarian law (IHL) calls for different treatment of strategic rape. Under the IHL weapons framework, which regulates the means and methods of warfare, strategic rape is a prohibited tactic or method of warfare.¹⁰⁷ This was recognized in the Chair's summary of the Global Summit to End Sexual Violence in Conflict, which stated that: "it is a grave breach of the Geneva Conventions and when used as a method of warfare it will always be unlawful."¹⁰⁸ However, no state, international body, or tribunal has treated strategic rape under this framework. The failure to treat strategic rape as such also violates women's rights to non-discrimination and equal protection under IHL.¹⁰⁹ Presently, the way strategic war rape is handled has, for instance, denied women and girls their rights to necessary medical care, such as access to safe abortion services, and comprehensive access to justice.

17. Recognizing and treating strategic rape under the IHL weapons framework would help provide rape survivors the same opportunities for justice, reparations, medical treatment, and deterrence available to survivors of other unlawful weapons or tactics, including conventional weapons.¹¹⁰ The stigmatization of strategic war rape under the IHL weapons framework would also help end the perpetration of and impunity for sexual violence crimes.

18. This should include the following steps:

- Take leadership in convening states to join a declaration that strategic rape is a *per se* unlawful tactic of war and should be treated as such under IHL, as it did with the G-8 and GA declarations.
- Take leadership in international and regional venues, such as at the UN and the European Parliament, to declare that the use of rape as a tactic of war is a prohibited method of warfare under IHL.
- Through the UNSC's women, peace and security mandate, urge states agree to translate their recognition that sexual violence is being used as an unlawful tactic of war from rhetoric to action. This can include urging steps to reform domestic laws on means and methods of warfare and ensure the integration of IHL and this prohibition into states' national action plans on Security Council Resolution 1325 (including the UK's).
- Add rape as a prohibited tactic of war to UK domestic law implementing IHL.

<https://www.amnesty.org/download/Documents/AFR4416572015ENGLISH.PDF>; "Those Terrible Weeks in Their Camp", HUMAN RIGHTS WATCH (Oct. 27, 2014), <https://www.hrw.org/report/2014/10/27/those-terrible-weeks-their-camp/boko-haram-violence-against-women-and-girls>.

¹⁰⁷ GLOBAL JUSTICE CENTER at 6.

¹⁰⁸ FOREIGN & COMMONWEALTH OFFICE, CHAIR'S SUMMARY - GLOBAL SUMMIT TO END SEXUAL VIOLENCE IN CONFLICT (2014), available at <https://www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict/chairs-summary-global-summit-to-end-sexual-violence-in-conflict>.

¹⁰⁹ Benshoof at 149.

¹¹⁰ *Id.* at 156.

3c. To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

19. Inequality and conflict are inexorably linked. For instance, there is a direct correlation between increased gender inequality, including gender-based violence and the outbreak of conflict.¹¹¹ During conflict, women are at higher risk of violence at the hands of both state and non-state actors, which in turn prevents women's equal enjoyment and exercise of fundamental rights.¹¹² In post-conflict settings, the exclusion of women and issues of sexual violence from the peace table means that the violence does not stop with ceasefires or the signing of peace agreements.¹¹³ In fact, as the CEDAW Committee has acknowledged, all forms of gender-based violence, in particular sexual violence, *escalate* in post-conflict settings.¹¹⁴ Accordingly, the UK should ensure that its PSVI efforts support efforts to both eliminate discrimination against women and achieve substantive gender equality, as defined under CEDAW.

20. With regard to the UK's National Actions Plan (NAP) on Women, Peace and Security, the UK should first be commended for its leadership in developing a comprehensive plan and for its regular updates to ensure the plan remains relevant. However, there is one area where the NAP could be strengthened in order to make the UK's action on WPS more effective.

21. The UNSC's resolutions on WPS calls for the implementation of rights that fall into both international human rights law (IHRL) and IHL: the IHRL mandate to achieve gender equality and the IHL mandate to provide protection, medical care, and justice to women and girls affected by sexual violence in conflict. Distinguishing between which rights fall under which legal regime permits identification of (1) which body of law applies and (2) which governmental body or branch is responsible for enforcement of the right.

22. Many NAPs, including the UK's, however, fail to distinguish between these two legal regimes in their implementation of the WPS resolutions. This conflation of IHRL and IHL, which have distinct legal bases and distinct legal force, causes states to overlook the absolutely obligatory nature of their IHL obligations. By failing to explicitly state that the protection of women and girls is pursuant to IHL mandates, states are not using the strongest legal force available to enforce such protections. In order to properly carry out states' obligations under IHL, the UK's NAP should explicitly state throughout under which regime a right is being enforced and clearly delineate the aspects of the NAP that are pre-

¹¹¹ W Comm., General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations, ¶ 29, U.N. Doc. CEDAW/C/GC/30, Oct. 18, 2013. Accordingly, rapid increases in the prevalence of sexual violence can serve as an early warning of conflict. (*Id.*)

¹¹² *Id.* at ¶ 34; Fourth World Conference on Women, Beijing, Sept. 4-15, 1995, *Beijing Declaration and Platform for Action*, Platform for Action ¶ 135.

¹¹³ CEDAW Committee, *General Recommendation 30*, at ¶ 34; U.N. Security Council, *Women's Participation in Peacebuilding: Report of the Security Council*, U.N. Doc. A/65/354-S/2010/466 (Sept. 7, 2010); UN Women, *Gender and Post Conflict Governance: Understanding the Challenges* (Oct. 2012).

¹¹⁴ CEDAW, General Recommendation No. 30, *supra* note 3, at ¶ 35; *see also* Rep. of the Special Rapporteur on Violence Against Women to the Economic and Social Council (Radhika Coomaraswamy), U.N. Doc. E/CN.4/2001/73 (Jan. 23, 2001).

existing duties under the IHL regime (e.g. responses to sexual violence in armed conflict), distinguishing them from additional mandated duties under the IHRL regime (e.g. measures to enhance gender equality).

5a What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

23. Stigmatization and reprisals are almost universal for victims of conflict-related sexual violence.¹¹⁵ The risks, threats and trauma faced by victims are often compounded by a sense of futility stemming from the limited services and the painfully slow pace of justice.¹¹⁶ Despite the political momentum of recent years, “the reality on the ground is that many Governments have not been able to create an environment in which survivors feel safe to report sexual violence.”¹¹⁷ As a result, sexual violence in conflict is dramatically underreported.¹¹⁸

24. One significant consequence of rape that often causes further stigmatization is pregnancy; war rapes resulting in pregnancies carry significant physical, mental, and social consequences, particularly for familial and communal relationships.¹¹⁹ Many victims describe feeling stigmatized and ashamed due to bearing a child from war rape.¹²⁰ Impregnated war rape victims can be up to six times as likely to be divorced as those who were not raped and may face community rejection and physical violence.¹²¹ For example, in Syria, one war rape survivor committed suicide because she was unable to obtain an abortion; another died after having been thrown from a balcony by her father.¹²²

25. For those victims who become pregnant from rape, it is essential that the option of abortion, in line with their rights under IHL, be available. As “wounded and sick” in armed conflict, women and girls impregnated by war rape must be provided, “to the fullest extent practicable and with the least possible delay the medical care and attention required by their condition,” with no adverse distinction made “on any grounds other than medical ones.”¹²³ IHL does not spell out the types of treatments that should be given, but only

¹¹⁵ Report of the UN Secretary General to the Security Council on Conflict Related Sexual Violence, ¶ 5, U.N. Doc. S/2015/203, Mar. 23, 2015.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ Physicians for Human Rights & Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support and Assure Justice for Darfuri Women*, May 2009, at 5.

¹²⁰ Helen Lieblich and Henry Slegh, *Bearing Children Through Rape in Eastern Congo: Community and State Responses*, Oct. 2012, at 7.

¹²¹ See Physicians for Human Rights & Harvard Humanitarian Initiative, *Nowhere to Turn: Failure to Protect, Support and Assure Justice for Darfuri Women*, May 2009, at 5.

¹²² Annick Cojean, *Syria’s Silent Crime: Systematic Mass Rape*, LE MONDE, 11, Mar. 2014. See also World Health Organization and the United Nations Populations Fund, *Mental health aspects of women’s reproductive health – a global review of the literature*, 2009, at 9 (Noting that “suicide is disproportionately associated with adolescent pregnancy, and appears to be the last resort from women with an unwanted pregnancy in settings where reproductive choice is limited; for example, where single women are not able to obtain contraceptives, and legal pregnancy services are unavailable.”).

¹²³ Common Article 3 to the Geneva Conventions; AP I to Geneva Conventions, Art. 10; AP II to Geneva Conventions, Art. 7.

requires that they be those based on the condition of the patient.¹²⁴ The concept of no adverse distinction means that, in certain circumstances and depending on the special needs of certain groups of victims, preferential treatment must be granted to them. Thus, embedded in this right is the fact that medical treatment, in all cases, should be as favorable to women as that granted to men.¹²⁵ As rape is perpetrated against women and men in different ways and by different methods, the injuries suffered necessitate different medical care. In the case of women and girls raped and impregnated in armed conflict, necessary medical care includes the provision of abortion services.

26. Where a war rape victim wants an abortion, the refusal of the service can not only cause re-traumatization, but also severe suffering amounting to torture and cruel, inhuman and degrading treatment. The denial of abortions to raped women and girls has devastating consequences resulting in increased maternal mortality and compounds the physical, psychological, and social consequences of rape.

27. As noted above in paragraph 12, the UK is a leader on this issue, being one of three EU countries¹²⁶ to have explicitly affirmed that girls and women impregnated by rape in armed conflict are entitled to abortion services as part of their right to comprehensive medical care guaranteed under IHL,¹²⁷ and the *only* country that has taken the further step of operationalizing this position by incorporating it into a national humanitarian aid policy. Moving forward, the UK should continue its leadership by seeking to influence the European Union and other donor states, including the United States, to ensure that their aid policies respect the requirements of IHL, as well as broader policy frameworks, such as the outcome of the WHS.

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

28. UNSC Resolution 1325's call for gender equality in peace processes is as well-cited as it is necessary. However, the majority of peace processes since the passage of 1325 have by-and-large excluded women and women's issues from the negotiation table. In order to redress this failure, it is crucial that third-party states (such as the UK) that support these processes, whether financially, logistically or substantively should require women's participation as a condition to their support of peace processes.

29. For example, the UK government is a major funder of the Myanmar Peace Center ("MPC") (the organization charged with shepherding the peace process between the

¹²⁴ Letter from Former ICRC Legal Director Louise Doswald-Beck to US President Barack Obama, 10 Apr. 2013.

¹²⁵ Geneva Convention III, art. 14; ICRC, *Customary International Law Database*, Rule 110.

¹²⁶ The two others being France and the Netherlands. (Security Council, 7160th meeting, U.N. Doc. S/PV.7160 (Apr. 25, 2014), at 15 (statement by France); Security Council, 6984th meeting, U.N. Doc. S/PV.6984 (June 24, 2013), at 48 (statement by Netherlands); Written parliamentary answers from Frans Timmermans, Minister of Foreign Affairs, and Liliaane Ploumen, Minister of Foreign Trade and Development Aid, (Mar. 8, 2013) [hereinafter *Parliamentary Responses (2013)*] (in answer to questions from Parliament Member Sjoerd Sjoerdsma regarding safe abortion for raped women in war zones).)

¹²⁷ Department for International Development, *Safe and Unsafe Abortion - the UK's policy on safe and unsafe abortion in developing countries*, June 2014, at 9. See also Department for International Development, *Response to the Woman's Hour debate on BBC Radio 4 around access to abortion services in conflict zones* (11 Feb. 2013).

Government of Myanmar and ethnic armed groups).¹²⁸ However, the MPC's mandate is devoid of mention of the need for women's participation, gender perspectives, the impact of conflict on women and girls, or even Resolution 1325 generally. As a result, women have been effectively excluded from participating in negotiations for peace and transitional processes.¹²⁹ In 2013, the 52-member delegation representing the Myanmar government included only two women (who are duly elected representatives of the Pyithu Hluttaw)¹³⁰ and the 11-member "central committee" did not include any women.¹³¹ The Special Rapporteur on the situation of human rights in Myanmar found that "women have been largely excluded and have not been a part of the negotiating teams thus far."¹³² It should be noted that, with a few notable exceptions, women have generally been absent from ethnic delegations as well.¹³³ Unsurprisingly, none of the preliminary ceasefire agreements made reference to women, or to accountability for acts of systematic sexual violence perpetrated against ethnic populations by the military.¹³⁴ Indeed, evidence indicates that the ceasefire agreement frameworks and their implementation continue to ignore underlying gender roles and associated power dynamics that lay the basis for institutionalized gender discrimination.¹³⁵

30. It should be noted that as part of a Norwegian-led coalition of donors, the UK government has contributed to the establishment of two local peace programs that aim to empower women.¹³⁶ While crucially important, this inclusion of women and women's issues must also be present at all levels of negotiation.

¹²⁸ The UK has funded the Myanmar Peace Center directly through the Department of International Development, as well as with other donors via the United Nations, the European Union, and Peace Donor Support Group. (Myanmar Peace Center website, http://www.myanmarpeace.org/stakeholder/donors_and_partners (last visited Sept. 16, 2015); Myanmar Monitor – Stakeholders, <http://www.mmpeacemonitor.org/stakeholders/pdsg> (last visited Sept. 16, 2015); Financial Tracking Service, UNOCHA, Myanmar 2015, https://fts.unocha.org/reports/daily/ocha_R10_E16516_asof_1509161624.pdf (last visited Sept. 16, 2015).

¹²⁹ Rep. of the Special Rapporteur on the situation of human rights in Myanmar to the Human Rights Council (Yanghee Lee), ¶ 34, U.N. Doc. A/HRC/28/72 (Mar. 23, 2015); The Swedish Burma Committee, *Where are the Women: Negotiations for Peace in Burma*, at 4 (2013), [hereinafter *Where are the Women* (2013)], available at <http://www.burmapartnership.org/wp-content/uploads/2013/05/Where-are-the-Women.pdf>.

¹³⁰ President Office, Order No.14/2013, *Union Peace-Making Central Committee reformed*, Republic of the Union of Myanmar, July 5, 2013.

¹³¹ Myanmar Peace Monitor, *Government Peace Plan*, <http://www.mmpeacemonitor.org/peace-process/government-peace-plan> (last visited June. 23, 2015).

¹³² Rep. of the Special Rapporteur on the situation of human rights in Myanmar to the Human Rights Council (Yanghee Lee), ¶ 33, U.N. Doc. A/HRC/68/397 (Sept. 23, 2013) [hereinafter Lee, Special Rapporteur Report (Sept. 2013)].

¹³³ UN Women, *Forging a new path: Women at the peace tables in Myanmar* (Oct. 31, 2012).

¹³⁴ The Swedish Burma Committee, *Where are the Women: Negotiations for Peace in Burma*, at 11 (2013); Min Zaw Oo, *Understanding Myanmar's Peace Process: Ceasefire Agreements*, at 26 (Dec. 2014), available at <http://scar.gmu.edu/publication/understanding-myanmar%E2%80%99s-peace-process-ceasefire-agreements>.

¹³⁵ Salai Isaac Khen & Muk Yin Haung Nyoi, *Looking at the Current Peace Process in Myanmar through a Gender Lens: Catalyzing Reflection*, at 16 (2014).

¹³⁶ Myanmar Peace Monitor, Myanmar Peace Support Initiative (MPSI), <http://www.mmpeacemonitor.org/stakeholders/mpsi>, (last visited Sept. 16, 2015).

31. Without international donors taking the lead and conditioning their funding on the inclusion of women and women’s issues in peace processes, the mandates of resolution 1325 will remain out of reach. Moving forward, the UK’s support of peace processes, including those in Myanmar, should require the inclusion women, women’s issues, and the larger contextual issues which underlie gender-based discrimination.

6a. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

32. Critical barriers to the implementation of the WPS agenda are (1) the UNSC’s failure to leverage its strongest tool, the preexisting absolute international legal obligations of states and the UN to take positive action to end breaches of IHL; (2) the insufficiency of the UNSC’s reliance on its recommendatory powers under Chapter VI of the UN Charter to effectively address situations of ongoing breaches that threaten international peace and security; and (3) the UNSC’s failure to distinguish the rights of women under IHL. The Council’s failure to ensure compliance with IHL in the WPS agenda particularly harms victims of war rape and other forms of sexual violence.

33. The UK and the UN have absolute duties to “respect and ensure respect for” IHL, including the rights it guarantees to girls and women. These duties are non-derogable and, in many cases, stronger than those under national and international human rights laws. The UNSC’s duty to “ensure respect” requires it to use its strongest powers under Chapter VII of the UN Charter to enforce the rights of girls and women under IHL. While the UNSC’s actions have been robust, it has failed to fully uphold this duty. Rather than using the legal framework of IHL to strengthen the resolutions on women, peace and security, the UNSC does not acknowledge IHL in its WPS resolutions.

34. The UK, as a permanent member of the UNSC should take a leadership role in ensuring that the actions under the WPS agenda respect and ensure respect for its non-derogable obligations IHL, including:

35. The duty to ensure application of IHL without discrimination—common Article 3’s prohibition on “adverse distinction”, which is interchangeable with non-discrimination, is a foundational principle of IHL. Women have absolute rights to non-discrimination in the application of IHL, which go largely unenforced. Under both IHL and human rights law, non-discrimination takes into account that men and women may require medical treatments specific to their biology, and prohibits only unfavorable or adverse treatment.

36. The duty to ensure accountability for grave breaches of IHL—Central to the obligation under common Article 1 of the Geneva Conventions to “respect and ensure respect” for IHL is the mandate for states to ensure accountability for grave breaches of IHL, including sexual violence.

37. The duty to act in all situations when faced with breaches of IHL—The non-derogable duty under common Article 1 to “respect and ensure respect” for IHL imposes duties on both State parties to a conflict, as well as all other Higher Contracting Parties, to act in all situations of breaches of IHL. Accordingly, when the UNSC has seized itself of an issue – such as sexual violence in armed conflict under the WPS series – it should use all available measures to respond to breaches in all situations.

38. The duty to regulate the means and methods of warfare (as discussed above in paragraphs 14-18)—There is global consensus that sexual violence has been and is being used as a tactic of war, as the UNSC has acknowledged numerous times in the WPS agenda. Under IHL, the use of sexual violence in this manner falls under rules governing illegal methods of warfare. However, despite the UNSC’s acknowledgement that sexual violence is being used as an unlawful tactic of war, no sexual-violence-using State party to a conflict or individual perpetrator has been held accountable for the use of rape as a prohibited means or method of warfare. The UK could spearhead a campaign to promote the legal framework to hold perpetrators accountable and to treat strategic rape like all other unlawful weapons or tactics.

7. Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict? How can the UK best work with the EU, NATO and other bodies to ensure the prevention of sexual violence in conflict is appropriately incorporated into training programmes, missions and multilateral defence policy?

39. The UK’s Joint Service Manual of the Law of Armed Conflict comprehensively incorporates the UK’s obligations under IHL to prevent, respond to and ensure accountability for conflict-related sexual violence and is a model document for other states and entities. This includes prohibitions on sexual violence and rape, provisions to ensure all necessary medical care without discrimination, and protections of doctors from prosecution for providing care in line with medical ethics. Accordingly, when working with bodies such as the EU and NATO, the UK should promote the need for all actions to comply with relevant obligations under IHL, as delineated in the Law of Armed Conflict Manual.

40. Additionally, as discussed above in paragraphs 14-18, the UK should take steps to recognize under domestic law, including the law of Armed Conflict Manual, strategic rape as a prohibited tactic of war. This could be done perhaps, in the same way that starvation is recognized as a prohibited tactic in the Manual.¹³⁷

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

41. A key aspect of ending impunity is the need to expand the capacity at the domestic level for accountability for conflict-related sexual violence. This is because impunity cannot be ended unless all states have national laws reflecting and implementing its “willingness and ability” to prosecute rape as a crime against humanity, war crime, or element of genocide. For example, while many of the states who have endorsed the General Assembly’s Declaration of Commitment to End Sexual Violence in Conflict have ratified the Rome Statute of the International Criminal Court (ICC), which criminalizes sexual violence as a war crime, crime against humanity and genocide, and provides a thorough definitions of sexualized crimes, the majority have not implemented the Rome Statute’s crimes into their own domestic law. According to REDRESS and FIDH, “Ratification of a treaty without implementing the obligations and ensuring respect for its provisions is practically meaningless. As a first step, states must therefore ensure that the crimes outlawed under

¹³⁷ UK Ministry of Defence, *The Manual of the Law of Armed Conflict*, §5.27 (Jul. 1, 2004).

the treaty are considered ‘criminal’ and can be prosecuted and punished under their domestic law.”¹³⁸

42. This is particularly important in the context of laws on rape and sexual violence, as these laws are often antiquated and non-comprehensive in domestic penal codes, especially as compared to those provided by the Rome Statute. GJC’s research has shown that often times domestic rape statutes are troublingly narrow, thereby creating the opportunities for impunity. Common defects in domestic legislation are (1) the language is too narrow; (2) burdens of proof and other obligations are placed on rape victims; (3) the severity of rape is diminished; (4) the terms articulating the required activity are overly vague.

43. Understanding that the ICC is a court of last resort, it is essential that domestic courts have the capacity to prosecute sexual violence crimes as war crimes, crimes against humanity and as a constituent act of genocide. Therefore, the UK should lead efforts to ensure the domestication of the Rome Statute, as the UK itself has already done,¹³⁹ by all states that have signed or ratified the treaty.

9c. To date, there have been no convictions at the International Criminal Court (ICC) for crimes of sexual violence in conflict situations. Why is this and how could it be addressed? What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal for the former Yugoslavia, the International Tribunal for Rwanda and the Special Court for Sierra Leone?

44. The International Criminal Tribunals for the former Yugoslavia and Rwanda set forth historic and important precedents for the prosecution of acts of sexual violence under international law. Of particular importance are precedents whereby perpetrators were held accountable not only for rape and sexual violence in and of themselves as war crimes and crimes against humanity, but also how those acts were also prosecuted as other prohibited acts, including torture¹⁴⁰ and genocide,¹⁴¹ opening up the accountability framework for such acts. As noted by this Call, the ICC’s statistics on accountability for sexual violence are bleak—to date, no sexual violence charges have resulted in a guilty verdict¹⁴²—and it is essential that the Office of the Prosecutor (OTP) be able to utilize the full panoply of tools for accountability.

45. One step to open up the accountability framework is be the inclusion of rape as a tactic of war in the Rome Statute’s list of enumerated weapons and tactics. Classifying strategic rape as an unlawful tactic under the Rome Statute would provide the OTP with an additional tool to build a strong case against those who use rape to wage war. While it is still an open question how the elements of weapons and tactics crimes will be interpreted by the ICC, as

¹³⁸ REDRESS & FIDH, *Extraterritorial Jurisdiction in the European Union: A Study of the Laws and Practice in the 27 Member States of the European Union* (Dec. 2010), at 6.

¹³⁹ International Criminal Court Act, 2001, c. 17.

¹⁴⁰ Prosecutor v. Delalić et al. (*Čelebići*), Case No. IT-96-21-10, Judgment, ¶¶495-496 (November 16, 1998).

¹⁴¹ Prosecutor v. Jean-Paul Akayesu, Case No. ICTR 96-4-T, Trial Judgment, ¶ 731 (Sept. 2, 1998).

¹⁴² See Kelly Askin, *Katanga Judgment Underlines Need for Stronger ICC Focus on Sexual Violence*, Blog Post for International Justice Monitor (March 10, 2014), <http://www.ijmonitor.org/2014/03/katanga-judgment-underlines-need-for-stronger-icc-focus-on-sexual-violence/> (“[O]ver a decade of its mandate to end impunity for certain atrocity crimes, the ICC has failed to convict anyone at all of rape, sexual slavery, or other sexual crimes.”).

no weapons trials have yet been held, it is likely that criminalizing rape as an unlawful tactic—in addition to its current criminalization as a war crime, crime against humanity and act of genocide—will increase the probability of ICC convictions and thereby justice and reparations for victims of war rape. This is because the elements of the crime of rape (as a war crime or crime against humanity) differ markedly from those for the war crimes of using an unlawful weapon or tactic, which would permit prosecutors to choose the charge that best fits the evidence available.

46. For instance, the war crime of rape requires detailed proof of penetration, the mode of penetration and the type of force, threat or coercion employed by the defendant.¹⁴³ The crime of using starvation as an unlawful tactic, on the other hand, requires proof that the “perpetrator deprived civilians of objects indispensable to their survival” and “intended to starve civilians as a method of warfare.”¹⁴⁴ The latter’s focus is on the intent of the perpetrator, and the elements of the unlawful tactic are not spelled out. Therefore, being able to charge rape as an unlawful tactic would provide the prosecutor a more appropriate crime to charge where she has evidence of widespread rape—by, for instance, medical records and affidavits—but lacks individual witnesses willing or able to testify to the specific elements of rape. In addition, pursuant to regulation 55, the ICC Trial Chamber has the flexibility to recharacterize the crime or mode of liability with which a defendant is charged, such that a defendant initially charged with rape as a war crime can instead be convicted of using an unlawful tactic if the evidence turns out to better support that charge.

47. Further, the inclusion of rape as a prohibited tactic in the Rome Statute would complement the stated priorities of the OTP, as evidenced in its Policy Paper on Sexual and Gender Based Crimes. The OTP acknowledged in this paper that despite the progress represented by the Rome Statute, “justice still eludes many victims” of sexual violence.¹⁴⁵ To remedy this gap, the OTP suggests, among other things, “being innovative in the investigation and prosecution of these [sexual violence and gender-based violence] crimes” and using “cumulative charges in order to fairly reflect the severity and multi-faceted character of sexual violence and to enunciate the range of sexual and gender crimes supported by the evidence.”¹⁴⁶ Both of these objectives would be furthered by the inclusion

¹⁴³ International Criminal Court, *Elements of Crimes* (2011), art. 8 (2) (b) (xxii)-1 War crime of rape (“1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. 2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent. 3. The conduct took place in the context of and was associated with an international armed conflict. 4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.”).

¹⁴⁴ International Criminal Court, *Elements of Crimes* (2011), art. 8 (2) (b) (xxv) War crime of starvation as a method of warfare (“1. The perpetrator deprived civilians of objects indispensable to their survival. 2. The perpetrator intended to starve civilians as a method of warfare. 3. The conduct took place in the context of and was associated with an international armed conflict. 4. The perpetrator was aware of factual circumstances that established the existence of an armed conflict.”).

¹⁴⁵ Office of the Prosecutor of the International Criminal Court, *Policy Paper on Sexual and Gender Based Crimes*, ¶ 3 (Feb. 2014).

¹⁴⁶ Office of the Prosecutor of the International Criminal Court, *Policy Paper on Sexual and Gender Based Crimes*, ¶¶ 37, 72 (Feb. 2014).

of strategic rape as an unlawful tactic in the Rome Statute: this additional crime would provide a prosecutor broader leeway in investigating war rape and choosing a charge that fits the evidence. In fact, the OTP explains that the purpose of having a multiplicity of categories of crimes to charge sexual violence (currently war crime, crime against humanity, and genocide) is to capture “the nature, manner of commission, intent and context of each act.”¹⁴⁷ Strategic rape, depending on its mode of commission and the evidence available, will sometimes fit the elements of “unlawful tactic” better than it will any other crime.

48. As noted above in paragraph 16, the UK has already recognized that rape, when used as a method of warfare, is unlawful. This should now be translated to leadership at the international level, including as a member of the Assembly of States Parties of the ICC, to recognize it as such.

19 September 2015

¹⁴⁷ Office of the Prosecutor of the International Criminal Court, *Policy Paper on Sexual and Gender Based Crimes*, ¶¶ 73 (Feb. 2014).

Goldsmiths, University of London and Women's International League for Peace and Freedom – Written evidence (SVC0015)

The international policy agenda

How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?

1. A number of international organizations, such as OXFAM, Care International, Women's International League for Peace and Freedom and so forth have issued a joint statement regarding the World Humanitarian Summit and how it can be used to empower women. We encourage you to take a look at the statement which can be found at <http://www.careinternational.org.uk/joint-position-calling-pledge-empower-women-world-humanitarian-summit> .

What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

2. The engagement of PSVI in Bosnia and Herzegovina (BH) with international organizations such as UN has thus far been on short-term basis, while at the same time this issue requires long-term commitment coupled with strong capacities to deliver results. This is not an issue that is dealt with through project-based thinking. What is also required is a continuous dialogue with government officials, and representatives of international bodies, as well as a coordination mechanisms.

3. The engagement of PSVI in BH demonstrates the need for a continuous dialogue to be maintained with the PSVI implementing partners. What we see in the field is a lack of expertise and ability to translate the PSVI vision into reality. There is an assumption that the implementing partner has the capacity to deliver, and will do it right. But this is not necessarily the case, which requires PSVI representatives and experts to put in place strong training, monitoring and evaluation mechanisms. Additionally, they must put a minimum requirement to the level of expertise multi-lateral and international organizations should demonstrate when implementing PSVI funded projects. With this type of targeted, high profile initiative, activities and project that are provided financial support by PSVI cannot give room for mediocrity.

4. Attention must also be given to the effectiveness of the national NGO partners. Under this Call for Evidence only one question regards the CSOs (under the Prevention segment), and it is focused on provision of additional support. However, as much as we hold the government accountable for not placing systems in place that can ensure full integration of the survivors of sexual violence in the BH society, we must also evaluate the engagement of the local NGO actors that have been provided with financial support by PSVI, mainly to deliver psychosocial and other types of services to survivors. Immediately after the war NGOs took over the service provision, as the country was not putting in place any serious mechanisms for adequate and effective services. However, the effectiveness of NGO service provision has never been seriously evaluated and we do not know whether it is cost efficient

– most of the service providers are based in two-three cities in the country making their outreach to bigger parts of survivor community a challenge. In order to truly be able to understand the effects of the PSVI support a serious evaluation of the outcome of the services provided must be conducted. How many victims have been provided with assistance and concrete services compared to the amount of money thus far invested in this area? Would it not be more efficient in the long run to start building the capacities of public institutions that are mandated to deliver this type of service, namely Centers for Social Welfare and Centers for Mental Health Care?

Causes of sexual violence in conflict

What evidence is there as to the causes of sexual violence in conflict?

5. Scholars and practitioners do not yet have a sufficient knowledge base to answer this question. Further empirical data and robust methodologies are needed.

Prevention

Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

6. Scholars and practitioners do not yet have a sufficient knowledge base to answer this question. Further empirical research and programme evaluation are needed.

The needs of survivors

What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

7. Of all the mechanisms for dealing with the past that are put in place in a post-conflict setting reparations have the most transformative potential on the lives of women – if they have an explicit gender dimension, and if they are planned and carried out in a way that is sensitive towards the complexities of the country in question. When it comes to reparations, not just to survivors of sexualized violence but also to all civilian victims, the situation in BH is very complicated. Partial benefits resembling reparations (but in fact being part of social benefits) have been introduced through the legal framework to some of the categories of civilian victims of war, and dependent on whether they live in Republika Srpska (RS) or Federation of Bosnia and Herzegovina (FBiH). The political and administrative division of BH, through its fragmented legal framework is thus at the moment facilitating discrimination between the different categories of civilian victims of war.

8. In BH PSVI has recognized the problems in regards to reparations and has made it one of its action points in the country. PSVI is financially supporting part of the joint UN programme *Seeking care, support and justice for survivors of conflict related sexual violence*. Within the joint programme International Organization for Migration (IOM) has taken the lead in supporting the development of a reparations fund for survivors of sexual violence during the war. At the same time PSVI supported TRIAL – Track Impunity Always (Swiss based organization with local branch office in Bosnia) in their advocacy towards the judicial institutions in BH through which victims of sexual violence during war, in two landmark

cases, were awarded compensations as part of criminal proceedings related to crimes committed during war.

9. By seeking solution for one category of civilian victims of war only, PSVI might contribute to the already existing discrimination between the victims, ultimately leading to unhealthy competition over (already) scarce resources.

10. When it comes to reparations we believe that a far better approach is to support a **comprehensive solution** for **all** the categories of civilian victims of war. Even though PSVI is focused on sexual violence the strategic approach to dealing with all of the consequences of sexualized violence must be broader, and take into account interrelatedness of the harms suffered. In the long run, for the country of BH, it is both financial, administratively and politically more efficient to deal with a comprehensive reparations programme than to deal with several "individual" reparation funds for each of the category of victims.

11. The UK government, through PSVI and the local Embassy should thus, in coordination with its implementing partner (UN/IOM) change their strategic approach and work on supporting a development of a comprehensive reparations fund for all civilian victims of war (which will include the survivors of sexual violence during wartime in BH and overall be gender sensitive); Any such initiative must be fully inclusive of the CSO in general and victim associations in particular – victim associations must have full ownership of both conceptualization, implementation and monitoring of this process.

12. In Bosnia and Herzegovina PSVI has mainly been focused on working with state level governmental institutions and NGO service providers, while the engagement with the victim community has been minimal. The quality of the PSVI would benefit from looking at how it can provide direct support to victim associations as well – not through NGOs that provide service to victims, but direct support to the victim and victim associations. For many victims their associations are a source of strength and a way out of isolation. All of the associations are locally based and very few of them receive any kind of support from the local municipal government. The PSVI should use its influence to engage with local municipality decision makers so that a permanent solution is found for the associations (such as permanent meeting venues), but also in regards to individual problems faced by the victims that are within the competency of the local level governments (such as housing, employment, scholarships for children etc.).

13. In Bosnia, in the last 20 years fighting stigma related to sexual violence in war has been done through campaigns urging the public to "accept" the survivors of sexual violence, and to see them as heroes rather than victims; and through educational activities with professionals coming in contact with the survivors – as an attempt to change attitudes and behaviors. However, ending or lessening the stigmatization is not just about changing attitudes of individuals it is as much about creation of an enabling environment for the survivors of sexual violence to, without any legal, administrative or financial obstacles, gain access to **services** that will help them to physically and mentally recover from the trauma they've experienced; receive **reparations** (both monetary and symbolic) as means of state-level acknowledgment of the harms committed against them; and ensure a sense of **justice** being served through prosecution and adequate punishment of perpetrators. All this together, as a package, demonstrates a commitment on behalf of the society and those in

power to change the attitudes and behaviors that cause the victims of SV to feel and be stigmatized.

Participation

How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

14. To gain full understanding of the reasons for exclusion of women we must understand how existing power relation between women and men look like (political, social, economic, religious and other) and seek to understand how these power relations are used during conflict. Women are commonly perceived as victims (as opposed to agents of change) while at the same time the approach to solutions taken by key actors in peace negotiations (UN, regional systems, the majority of mediators) is grounded in a narrow understanding of the armed groups as both the problem and part of the solution, making them the only “legitimate” party in negotiating peace, thus excluding the groups with the greatest investment in peace. This is evident by the level of participation by women and civil society in the most recent peace and transition processes, in Syria, Libya, but can also be seen if we look at the peace negotiations that took place 20 years ago in Bosnia and Herzegovina. At the same time women in these countries have been taking on much of the responsibility for relief and recovery work, documentation of harms suffered by civilians, provision of psychological and medical support to victims of violence, as well as engaged in community peace making and reconciliation. It is that narrative of women as a victim, rather than women as active agents of change, that needs to change if we are to see full implementation of Women, Peace and Security Agenda.

15. In order to overcome the barriers to meaningful inclusion of women the approach to how conflicts are analyzed and understood must change, as well as the mechanisms for conflict resolution. We propose few steps in order to achieve this:

(a) An analysis of structures of power from a gender perspective to change the binary approach to conflict and include those currently excluded from peace processes and reconstruction; Identification of obstacles to participation including the manifestation of violence against women; Constant monitoring and revision aiming at increasing the number if women and men engaged.

(b) Promote full and meaningful participation of women in all efforts to promote peace and security, and their full and meaningful involvement in decision-making on conflict preventions and resolution (through for example inclusion of women as independent delegates to peace negotiations; ensuring that the mediator's team include gender competent advisors; and through opening up a channel for continuous dialogue with the civil society working on the ground in affected areas throughout the peace negotiations);

(c) Ensure financial, political and other support to civil society working for peace on the ground in conflict affected areas so that their voices are heard and addressed and included in the peace agreement; Identification of capacity needs and provision of training and sharing of experiences from other countries in direct communication between the peace

activists; Establishment of a continuous mechanism for dialogue between the UN/mediators and civil society activists on rights violations and how to address them;

(d) Legal analysis of gaps framework and implementation from a human rights and gender perspective; Identification of entry points within the multi lateral system eg. CEDAW, and other treaty bodies, Special rapporteurs, HRC, SC

The role of the military

Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict?

16. Military training in this area is crucial for preventing and responding to CRSV. However, these programmes cannot be developed and delivered on an ad hoc and consultancy basis. To be effective they require ongoing expert development and implementation with military, civil society, and academic experts.

Accountability

The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

17. The UK's support (financial and political) for prosecution of CRSV cases, and remedies for survivors, remains crucial to national justice sector reform. However, systematic evaluation of the effectiveness of this support and review of priority areas should be developed and strengthened. The use of ad hoc short-term projects based on consultancies is not helpful for ensuring sustainable reform.

18. A good example of support for justice system reform is the provision of direct support to NGO organizations lobbying for, and working to change, poor practices of the courts. PSVI support to the NGO TRIAL - Office in Bosnia and Herzegovina on compensation claims where existing legal provision was finally incorporated in court practice - is an excellent example of effective support.

19. The priority areas to address in the criminal justice system are securing the full independence of judicial system from politics and corruption, making sure that due to overload of cases the prosecution of CRSV cases does not suffer, ensuring that the reform complies with the ECHR standards (to avoid disastrous outcomes such as the retroactive application of law in cases of war crimes in Bosnia and Herzegovina).

20. Another important factor is to reform national Law faculties to ensure that national justice reform is sustainable.

21. There is still a very limited evidence base for (1) describing patterns of sexual violence in conflict; (2) evaluating existing criminal justice responses, and (3) identifying appropriate justice strategies, despite the rapid increase of academic and practitioner interest in this area. The problem is not addressed by providing more 'data'. Rather, that data needs to be more robust and reliable.

22. The UK can support better data collection and analysis by addressing:

(a) existing significant gaps in the existing knowledge base. This can be done by funding research networks of established academic and practitioner experts working on longer-term research programs.

(b) significant data gaps in legal institutions. International and domestic criminal courts prosecuting CSRV have not historically systemically collected or released information about CSRV as an area of high priority. Existing criminal justice systems could be supported in improving their practices in this area.

23. There is the need to support gender sensitive trial monitoring of war crime cases. This should be done on a continuous basis by civil society organizations with ensured standing and trust relations with the courts.

24. CSRV data collection, management, and review are crucial for effective prosecutions. However, the public release of such information is also crucial for addressing cultures of impunity. Such information is important for public understanding of these crimes, and to make their punishment visible to the wider society.

25. There is insufficient systematic research to establish what lessons can be learnt from ICC, ICTY, ITR and SCSL. However, there are now some significant empirical projects currently undertaking this work. These include formal institutional projects, such as the important ICTY Legacy project; and academic research projects, such as, 'The Gender of Justice' (European Research Council funded) examining the ICTY and war crimes prosecutions in Bosnia and Herzegovina, and *Valerie Oosterveld's* research on the legacy of the SCSL.

26. Given that the Protocol was launched only less than 15 months ago there is insufficient evidence about its effectiveness and usage. Rigorous research is required for such evaluation. In order for such research to be effective, it should be undertaken now, with results to be published at the five years anniversary of the Protocol. For the Protocol to be useful and effective, it should be approached as a living document: trusted on the ground, contextualized within certain circumstances and significantly further developed.

18 September 2015

Lord Hague of Richmond, Baroness Helic and Ms Angelina Jolie Pitt – Oral evidence (QQ 1-9)

Evidence Session No.1

Heard in Public

Questions 1 - 9

TUESDAY 8 SEPTEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)

Lord Hannay of Chiswick

Baroness Hodgson of Abinger

Baroness Hussein-Ece

Baroness Kinnock of Holyhead

Lord Sterling of Plaistow

Baroness Warsi

Baroness Young of Hornsey

Examination of Witnesses

Lord Hague of Richmond, former Foreign Secretary and co-founder of the Preventing Sexual Violence Initiative, **Baroness Helic**, former Special Adviser to William Hague, and Ms **Angelina Jolie Pitt**, Special Envoy of the UN High Commissioner for Refugees and co-founder of the Preventing Sexual Violence Initiative

Q1 The Chairman: Good afternoon, and thank you very much for being with us. I will address the public first, please. I remind you that photography is forbidden. Secondly, we would be grateful if you would be kind enough to remain seated at the end of the session until our witnesses have departed.

A very warm welcome to our panel of witnesses. Thank you very much indeed for agreeing to come to us today. Could we as a Committee thank Mrs Jolie Pitt for giving the Committee eight DVD copies of the film, “In the Land of Blood and Honey”? Thank you very much indeed.

This is a formal evidence session. You have a list of interests that have been declared by Committee Members. This is a formal evidence-taking session of the Committee, and a full

shorthand note will be taken. This will be put on the public record in printed form and on the parliamentary website. The session is on the record. It is being ‘webcast’ live and will be subsequently accessible via the parliamentary website. Apart from that, please provide any supplementary written material if you feel that something has not been covered. We would welcome that. As a final point, it would be really helpful if everyone could speak clearly so the whole room can hear. Thank you very much.

Before we move in on the questions, I wondered whether you would like to give us your free-ranging thoughts as to what you would like us to think about this afternoon. Are there any comments that you would like to open the discussion with?

Lord Hague of Richmond: Lord Chairman, first, I strongly welcome the establishment of this Committee and its work. Part of our objective in the Preventing Sexual Violence Initiative has been to ensure that this subject is debated and discussed all over the world, in parliaments and governments all over the world. I hope that many other parliaments will do so following the example of this House. We will certainly continue to support that in many different parts of the world.

I will make just three very short points in opening. One is that this subject is one on which it is possible to succeed. There is often complacency or cynicism, but it is possible to combat sexual violence in conflict. The second is that it is a crucial part of foreign policy; it is not an add-on, it is not something to be dealt with when we are not too busy doing something else. If your questions will allow me, later in the session I want to argue that it is a fundamental part of a successful foreign policy to tackle this issue. The third is that it is a subject that must be addressed by men as well as women. I have often been asked why a man is pursuing this subject—a breath-taking question when you think about it, but you do get asked that. These are crimes that are committed almost exclusively by men, and that they happen and have happened for many years and go unchallenged should shame all men. Men and male leaders in the world have a crucial role to play in tackling this issue. Those are the three points that I hope to explain in more detail during our session.

The Chairman: Thank you very much indeed. I hope it is not out of place to welcome you very warmly as a Member of the House of Lords.

Lord Hague of Richmond: I am not here yet as a Member of the House of Lords. When I am I will pursue this issue in the House of Lords, along with many of you.

The Chairman: We have you in this nice middle moment.

Lord Hague of Richmond: Exactly.

Angelina Jolie Pitt: Thank you, Lord Chairman, Lords and Ladies. I am very grateful to be here today and to have the opportunity to speak with you and to express my gratitude to the UK for its leadership on this issue.

For over 10 years, I have been visiting the field and meeting families and survivors of sexual violence who have felt for so long that their voices simply did not matter. They were not heard and they carried a great shame. I remember distinctly meeting this little girl who was very young, probably about seven or eight. She was rocking backwards and forwards and staring at the wall. She had tears streaming down her face because she had been brutally raped multiple times. You could not talk to her, you could not touch her. I felt absolutely helpless and did not know what do to for her.

More recently I met a 13 year-old girl in Iraq who had been kept in a room with many other girls. They were taken out in twos, brought to this very dirty room with this dirty couch and raped repeatedly. But she told me that what was even worse than the physical violence was that they then had to stand in rooms, watch their friends be sold and hear men arguing about what they were worth. Were they worth \$40, \$50? What was their price? What was their value? She told me how humiliating and demoralising that was, and it made her question what she was worth. Knowing that, knowing that people around the world know of her situation, wondering why not enough was being done to stop it, and knowing them, meant that it meant a great deal to be with the Foreign Secretary of the United Kingdom in Congo and to hear him speak to girls and express his opinion that they should have no shame, that it was not their fault, that the shame should be on the perpetrators and that he would do what he could. I saw what that meant.

I then had the privilege of being at the G8 to witness Foreign Ministers of powerful countries around the world speaking about these issues and trying to figure out what best needs to be done, and to see civil society, NGOs and governments coming together to talk about what could be done. Now today I can say what it means to be here with you in this Committee in your Parliament, knowing that you are studying the best ways to help these women. I think that speaks to these young girls about their value. That is the answer: we do value them and we are going to work together. I am very happy to be here and to be a part of this with you today. I thank you very much and I look forward to your questions.

Baroness Helic: There will be very short remarks from me. I am absolutely privileged to be here to give evidence to this Committee and in particular to be with two people whose leadership and compassion have given hope to so many survivors of conflict-related rape and the people who work with them. I would like to take this opportunity to thank my former colleagues at the Foreign and Commonwealth Office who have continued to work tirelessly on this issue under the excellent leadership of the Prime Minister's Special Representative Baroness Anelay. I look forward to answering your questions and eventually to your insights into what we should be doing collectively to try to find answers to why these crimes happen, why they take place and what we can and must do to help eventually eradicate them.

Q2 The Chairman: Turning to a slightly more formal question, I declare my interests that are relevant to this Committee. I chair the AMAR International Charitable Foundation, I have a badged member of staff, Mr Richard Crow, who is the Chief Executive of the AMAR foundation, and I am also the UK delegate in the International Parliamentary Network, 'Women Free from Violence'.

You may feel you have answered my first question, but you might elaborate a little more on the genesis of the Preventing Sexual Violence Initiative, because that will lead us into how you foresee the next steps and how we can ensure that this is bedded down and firm and secure for the future. Do you have a comment on that?

Lord Hague of Richmond: Yes, Lord Chairman, it allows me to expand on what each of us said before. For all of us who have been involved in this, the genesis is in our personal experiences. In my case, the first time I visited IDP camps in Darfur was when I heard about the experiences of the women in those camps, who were always expected to collect the firewood and were always at risk of rape whenever they left the camp. Then I visited Bosnia a number of times and heard about the people who had been systematically raped in the

wars of the 1990s without any justice being done—without these crimes and without the perpetrators ever being brought to justice. I formed the view that tackling this is part of foreign policy, because if it is true that these crimes are committed to make peace more difficult to achieve, and it is true in most cases, and if it is true that these crimes are designed to make reconciliation between communities more difficult, and it often is true, and if it is true that these crimes are designed to create greater flows of refugees out of conflict areas, which is also generally true, then tackling sexual violence in conflict is an essential part of a foreign policy that seeks peace and security in the world. That is why I say it is not an add-on subject. That is the genesis of why I, as Foreign Secretary, made it part of the work of the Foreign Office, which I am very pleased to see is now continuing.

When Angelina made her film, “In the Land of Blood and Honey”, my special advisers at the time, including now Baroness Helic, persuaded me to watch it and then to show it in the Foreign Office, and that was what brought us together in what we came to call PSVI. That brought together two elements that had been missing so far. This is a subject on which NGOs have done fantastic work—the real heroes of this subject are the people working in hospitals in the Democratic Republic of Congo and the people who supported survivors in Bosnia for years—but what was missing was a major country in the world using its seat at the United Nations and its diplomatic reach to raise this subject around the world.

The other thing that was missing was a global reach, which Angelina Jolie Pitt has brought, helping people all over the world see what an important subject this is. So by working together on this we have brought two missing ingredients to the work to prevent sexual violence.

Baroness Helic: Having been born and brought up in Bosnia-Herzegovina and having somehow, in a certain way, seen the impact this crime has on individuals, their families and a particular ethnic group, from the moment I came to work in the Foreign Office I always hoped that I would somehow be able to explain what happens when war happens in a country. I saw the film almost as a documentary, because I saw two hours of an incredibly powerful and historically and contextually precise account of what was going on in Bosnia between 1992 and 1995. I realised that I found myself in the very powerful position of being an adviser in the Foreign Office and I thought that if there is one country that can take a lead on this, if there is one moment when we can use this, that was the moment. I had the privilege and the luck of working for William, who had it in him to understand that this is not a left-over of conflict and it is not incidental. There are wars around the world, as we witness today, where women become battlefields, where ethnic cleansing and genocide are a part of daily routine, and so is sexual violence.

Angelina Jolie Pitt: I spent so much time simply meeting victims and wanted to be able to communicate what I felt sitting in the room with them and hearing them, as I know many of you have done. Having been affected by them, you want to bring their voices forward. I wanted to do so and did my best, but felt very limited as an artist. We can express certain things and we can get people around the world feeling what is right, and outraged and condemning. There has been a change in my view of the world. Working closely with the Government of the United Kingdom, I understand that all that good will is wonderful but laws need to change and policy needs to change. Governments and leaderships need to come together, and that will make the real change for all the wonderful people who I have met and worked with in the field. They are heroes of mine, and I absolutely love them, but they can do only so much. What they do is extraordinary, but what governments and

leaders can do and what real policy change and these declarations and protocols can do from the top down are the only things that are finally going to make the difference.

Q3 Baroness Hodgson of Abinger: I declare my interests relevant to this Committee. I am a member of the steering board of the PSVI and am chair of the advisory board of GAPS, Gender Action for Peace and Security. I am the co-chair of the All-Party Parliamentary Group on Women, Peace and Security, and I am a member of the Oxfam association.

What do you perceive to be the root causes of sexual violence in conflict, and to what extent you think there are commonalities or significant differences between conflicts?

Angelina Jolie Pitt: The most important thing is to understand what it is not, and it is not sexual. It is a violent, brutal, terrorising weapon. Unfortunately, it is everywhere, in and out of conflict, in every country basically. I cannot think of one where there is not this issue. The most aggressive terrorist group in the world today knows what we know, that it is a very effective weapon, and it is using it as a centre point of its terror and its way of attacking, destroying and dehumanising communities and families. As to the differences, I see far too many things in common, unfortunately. It is too simple. It seems so base and common. It is everywhere, and it has been going on for so long. Impunity is also very common. It is everywhere. Everywhere you go you meet women and men, girls and boys who talk about how they feel, what it has done to their lives, what it has done to their communities and that there is impunity. This is also common.

Baroness Helic: Naively, I believed that Bosnia was the only country that suffered from this ill. Having travelled extensively in different countries, I realise that this kind of crime does not belong to Africa or Bosnia but is a crime that routinely happens in conflict. There are various schools of thought; there are those who say that it is incidental, but there are very persuasive reasons to believe that it often becomes organised crime. It is used as a weapon of war because it causes fear and terror. From my experience, the most effective method of ethnic cleansing in Bosnia-Herzegovina was the use of rape as a weapon of war in eastern Bosnia, where swathes of that part of the country were cleansed purely because there were reports—not rumours, sadly, but reports that proved to be genuine—of women being kept in rape camps, and the same thing happening to men, regardless of their age, and that caused enormous terror. Villages and towns where this information arrived would almost self-cleanse and the people would disappear.

Lord Hague of Richmond: The others have put it very well.

Q4 Baroness Hussein-Ece: You have all eloquently set out how PSVI has been established to prevent the use of rape and other forms of sexual violence as a weapon of war. Specifically, in what areas do you think PSVI has made the most and the least progress towards achieving this goal?

Lord Hague of Richmond: We have now made quite a lot of progress in creating the essential tools to address this issue. The International Protocol that we launched at the Global Summit is a document of immense value. It is the guidance to assist people all over the world in the investigation and documentation of these crimes. This is very important, because usually one of the most significant reasons why the crimes are not prosecuted is that evidence is difficult to obtain or preserve. That is now in place, and much of the continuing work of the Foreign Office on this is dedicated to rolling out that Protocol,

translating it and training people in its use. So that tool is there. The UN Declaration of Commitment has been signed by 155 countries, more than three-quarters of the UN, so their commitment to take action is there. Many other things have started to move.

It would be quite a long list, and perhaps we should write to the Committee with our summary of what we think PSVI has achieved so far. It includes military training around the world so far, including the training of 8,000 African peacekeeping personnel and thousands of members of the new army in Mali. It includes the training of the Kurdish Pashmerga in Iraq. There have been 60 deployments of the UK Team of Experts, supported by the Foreign Office, to 13 countries to give training on the investigation and prosecution of crimes. There are 40 practical projects around the world supporting human rights defenders and NGOs in their work on this subject. We have begun to see change in the actions of some of the governments of the world. The government of the DRC have launched an action plan for the Congolese army on sexual violence, and have appointed a Special Representative of the President on Child Recruitment and Sexual Violence. The government of Cote d'Ivoire has begun legal reform. The governments of Croatia and Kosovo have revised their laws to allow victims of sexual violence to access compensation and state support. The court of Bosnia has awarded compensation, setting an important precedent. The EU has decided to build the prevention of sexual violence into common security and defence policy missions. NATO has detailed guidelines now on the prevention of sexual violence in conflict to be incorporated into training. Many of these things have happened because of our initiative so far, linked in with the work of hundreds of other people across the world.

So I feel that we have begun, but since our objective is to change the entire global attitude to these crimes, it is only a beginning. Some people say, "Well, it hasn't worked". How does one begin to answer that? Of course it is not going to work in all its objectives in two or three years, nor would any of the great campaigns of history have worked if people had decided after two or three years that they had not. However, we have made a great deal of progress in the ways that I have described. The missing part now is getting more of the governments of the world to implement the Protocol and use those tools that we have created—the policy statements, the Protocol—and to set about the right training of military, judges and prosecutors. The framework is all there. Now we need several governments and countries to do sufficiently well at this that they become inspiring examples to other countries. I am sorry that that is a bit of a long answer but we could, and perhaps we should, give the Committee a lot more detail in writing.

Lord Hannay of Chiswick: Could you give us any idea of which countries have not signed up—those remaining between 155 and 193—and whether any of them gave a reason for not signing up, or have they just been too ashamed to do so?

Lord Hague of Richmond: There is a mixture of reasons among that minority, which includes governments who do not sign very many international resolutions: North Korea and Iran have not signed, for example. It is disappointing that Russia has not signed, despite having supported the G8 Declaration. Some countries are reluctant to sign for their own legal reasons, and are concerned that they might be subjecting themselves to some new body of supranational law or investigation. On the whole, many countries that are not supportive of the International Criminal Court end up not signing, although many have signed even though they are not members of the ICC. So there is a mixture of reasons. There can be a suspicion of the motives of westerners putting forward these ideas, or concerns about

national sovereignty. Nevertheless, the great majority of nations in the world have signed, and wanted to sign.

Baroness Hussein-Ece: I have a supplementary question. I think William Hague has already answered part of it, but I want to ask you whether in your view there are areas where progress has been a bit limited and what more could be done to persuade or even encourage better progress. We want to present some solid recommendations as to how we can roll this out.

Lord Hague of Richmond: If I could I will mention two and let my colleagues in on this as well. One is to mobilise transnational organisations, such as the African Union. Since the general election, since I left office, we have continued this work informally. Angelina and I addressed the African Union Foreign Ministers' Summit in South Africa in June, again something that would not have happened before we launched this initiative, at the invitation of the chairperson of the African Union Commission, Madame Dlamini-Zuma, who attended the Global Summit. More can be done, as we did at that meeting, to mobilise some of the great regional institutions and organisations of the world to lead their members on this subject. It is vital as well for our own Government and strongly supportive governments such as Germany and the United States to raise this constantly at the bilateral level, which was the habit that I got into as Foreign Secretary—to the shock, to begin with, of other Foreign Ministers in the world that at every meeting all over the world I was raising this subject. They all started to have briefings about it. That has to be sustained.

Sorry, I am talking too much.

The Chairman: No, I just wondered whether Baroness Helic or Ms Jolie Pitt wanted to comment on that supplementary question or the main question.

Angelina Jolie Pitt: On the question of what more can be done, I will simply and briefly, if I may, first speak about what I feel has been done. In very human terms, we have seen that many of the victims have now come out of the shadows. That cannot be quantified, but people around the world who have gone through these things now feel that they can speak out, that this is being discussed, that if they speak it is worthy of their time, efforts, pain and tears. They will be heard and they can feel that things are moving and that there is some momentum. Each individual feels less stigmatised. Many have come forward as a result, and to me that is everything. In Bosnia, the case that William spoke about was particularly moving for all of us. This is a man who we met in Medica Zenica, an organisation in Bosnia that helps survivors. He had been raped 20 years ago, and he spoke about his situation, which was obviously very sensitive and very difficult. Just this year in August, he was the first man to be recognised as having civil war victim status. What that means for other male victims is that other men will then speak out and young boys will be less ashamed. This is what is happening at a very human level and it is very, very important.

What more can be done? There is so much more, so we also look forward to your ideas—to any ideas. Whoever we speak to we ask how they feel. Awareness is important, and that is certainly something that I can do my best to achieve. William and I speak out wherever we can whenever we have a chance to make sure that citizens of the countries that have not signed know why they have not signed, can understand more about this and hopefully can encourage their countries to support and sign. It is a good sign to me in a way. I am a citizen so I do not know much about some of these things sometimes, it is a bit over my head, but I do know that it seems almost as though when things are signed too easily there is not

enough in them. When it comes to what has been asked, people have to sign up for something that they are going to be held against, that is very detailed and well thought out and that they cannot just sign, it looks good and they can walk away and not have to make an active difference. That is good, and I think they will eventually sign, but we are asking them to make big changes and think very differently and not just speak but do.

The political will to mount and see through successful prosecutions is what will make the biggest difference: when there is finally case after case, from the UN blue helmets to the military to men in the ICC, as rapists around the world start to be held accountable for their crimes. The more the world knows about this the more we make a point of doing that. That is going to be the difference.

Baroness Helic: I will be very brief. One moment that summarises for me what had been achieved was when I visited Iraq with William when he was Foreign Secretary. Before we had a chance to raise this issue with our counterpart, he raised it with us. That was quite a moment, and I realised that what used to be an uncomfortable conversation between two Foreign Ministers suddenly became almost something that needed to be addressed. For me that was when I thought that we might have broken this taboo and now had a good starting point on which to build.

Q5 Baroness Warsi: Thank you very much for attending this session. My questions follow on from what has been discussed: this culture of impunity, which was a key priority of the PSVI scheme. I have a number of questions, so I hope you will bear with me. The first is to understand the rationale behind making that a key priority. I agree with it, but it would be good for the Committee to hear that. Secondly, the international protocol, which a number of countries have signed, is seen at the moment as a best-practice guidance document. Do you see it as more than that, and do you see it developing into more than that? How much success has there been in prosecutions? Are we seeing more crimes of sexual violence in indictments, both in international courts and in national courts? If not, what more could be done? Finally, in tackling the culture of impunity, is prosecution the only way, or is there also scope for more informal truth and reconciliation-type work? Have you seen examples of that, or do you feel that our focus should still be on prosecutions?

Baroness Helic: On impunity, there are different ways, and many NGOs and civil society groups have been dealing with this for the last 10 to 20 years, some more successfully than others. When we discussed initially how to take this forward, we focused very narrowly on impunity, because in my mind it is very simple, it is common sense—if you have broken the law and committed a crime, you must take responsibility for that. We can see in so many theatres of war, whether in Iraq at the moment, in the Democratic Republic of Congo, in Kosovo or elsewhere, that people who commit these crimes do not find themselves in front of judges or military commanders. Actually, they get promoted. If you commit this crime, to start with your moral values are of dubious quality, but if you get no punishment and if there is no responsibility to be taken, you might even consider that this is something to be rewarded. Although tackling impunity is not the only way forward—there are ways in which you can go for training if you are in the military, or for education if you are a civilian—if I had to put a finger on the most important pillar of this I would say that it is impunity, because you have to know that if you commit a crime there are consequences and you have to face up to them.

Lord Hague of Richmond: I agree. I do not think that we can change an entire global attitude if people are not punished when they go totally against that attitude. It is a crucial part of changing the approach in many different parts of the world. Although it is very important to support survivors, and that has been part of our work, and it is very important to try to prevent these crimes, which is part of good development aid, it is crucial to attack impunity. That is bringing an axe to the very root of the problem, which is that people think they can commit these crimes and get away with it. We have to do that.

One of Baroness Warsi's other questions was about the International Protocol. It is guidance and best practice. It is not designed to turn into a new body of law. In the vast majority of countries, we do not need new laws. It is already against the law virtually everywhere in the world to commit these crimes. What is needed is knowledge, techniques and expertise that help people to enforce the law. That is what the Protocol is designed to be.

On prosecutions, the ICC has before it the prosecution of Jean-Pierre Bemba. We are awaiting the judgment on that. There is the prosecution of Bosco Ntaganda, who is charged with rape and sexual slavery. It is the first time, I think, in international law that a commander has been charged with crimes of sexual violence committed against children in his own militia group. That prosecution started last week. There is the forthcoming trial of Laurent Gbagbo, the former president of Côte d'Ivoire, which will also raise some of these issues. The work of the ICC on this is to be encouraged, as is prosecution throughout the world. Those prosecutions go up and down from year to year, but I hope that as the Protocol is used more widely, they will go more steadily upwards. For instance, part of our work has been to meet prosecutors and judges in Bosnia to encourage them to see that successful prosecutions can be obtained.

On the other questions, there could be a role for truth and reconciliation commissions, but impunity is still of central importance. I would reiterate that.

Angelina Jolie Pitt: I would say that despite immense efforts, there has yet to be a single conviction for sexual violence in the ICC. Also, many cases are lost before they are brought to trial. I was there for the Bemba trial. There was clear evidence on this and clear evidence on that, but with sexual violence the evidence is harder, so somehow it ends up being lost. Sometimes it does not even make it to trial, even though in that case there were women victims who were coming to speak. It is important to have a precedent set and that these cases go forward. It is clear that a big part of this is the collection of this evidence. That is why we focus on it. The teams that go in are speaking on how better to collect evidence. These women need to know. For example, when a woman is raped she needs to feel that there are people there to help her and that it is worth speaking out, that she is going to be listened to. If she goes to a clinic and there is evidence that she has been raped, it needs to be documented. What has happened to her has to be documented, and that information has to be kept in the clinics and the local courts with the local lawyers and eventually brought to trial, locally or in the International Criminal Court. In order to do that, these women have to believe that it is going to make difference, because it is very hard for them. Why does impunity matter? I think of my family, and I know what would happen to my family if I or my daughters were raped. I imagine everybody in this room can think, just for a moment, of what it would do to their family structure and their lives if their daughters, their sons, their wife or their husband were raped. You would want support, but you would also want the world to know that it was wrong and that the person who did it should not just walk free and get away with it. In whatever way that needs to be done, that is part of your

healing so that you can move forward in your life. It is what victims deserve. If that family or community decided that a truth and reconciliation commission was something they wanted, were open to and felt was a step forward—we have seen that that is possible in other ways—why not? It is something on which we listen to people and communities and they will guide us about when it is time for that.

Q6 Baroness Kinnock of Holyhead: Thank you for your presentations today. We really appreciate the time that you are giving us. Hearing what you are saying, I remember very well being in Congo during the war and meeting in Panzi hospital three women who had been raped. They had told their children to run away when the men came, and I learnt after I had met them and talked to them that they never saw their children again. You never forget those stories. They affect you for the rest of your life, as is clear from what you said.

No one has mentioned the Summit, and perhaps we should have done. You certainly raised awareness, which was very welcome. What is the long-term strategy now? We have had the Summit and have agreed with each other, but I do not think that we are properly challenging the continuing challenges. We have quite a distance still to go. Many of us think that that strategy must be embedded in the work of the United Kingdom Government, and as far as I know it is not now. In its current reviews, DfID should be looking at its bilateral and multilateral funding and making that a priority. Those are the things that we need to take from here in order to make some difference for the women and families who you have described so movingly.

Baroness Helic: PSVI is not and should never be an initiative that is connected to one Parliament, one parliamentary Session, one particular party or one particular Government. It ought to be embedded into the workings of the United Kingdom Government because we have achieved enough for it to present a very good base on which to build. I declare my interest as a Conservative Peer, and I am very proud to say that the Conservative Party manifesto had a commitment to PSVI which the Conservative Government are now taking forward. I was delighted to see that the Prime Minister appointed our colleague Baroness Anelay as the new Prime Minister's Special Representative. I also welcome the appointment of the MoD champion, General Messenger. The support the Government have also given to setting up the LSE Centre for Women, Peace and Security speaks for itself. But however strong our political will is, we cannot take it forward on our own. We always have to know that this belongs to every single party. This is not a political issue. This is not something over which we can agree or disagree. This is wrong whether you are yellow, blue or red within our House, and I hope that we can embed it so deeply and strongly within Whitehall that when in future we look back we will say, "We started in a very modest way and look where we are now". That is my desire and ambition, and I hope that in your recommendations you will forcefully call for such an effort.

Baroness Kinnock of Holyhead: Just very quickly on the question of what DfID should be doing through its current review of bilateral and multilateral funding to achieve all the things you have been talking about, there has to be reliable funding.

Baroness Helic: Absolutely. It is a wonderful idea. If I were the Secretary of State for DfID, which I am not, my funding would always hinge on whether that country had a commitment and whether that commitment was respected, and I would want to see that respect shown in concrete terms, not just in signing a declaration, showing up at a meeting or being nice and collegiate to international colleagues, but in genuinely taking it forward.

Q7 Baroness Young of Hornsey: I thank the panel for their contributions this afternoon. I should declare an interest as patron of Anti-Slavery International, one of the oldest human rights organisations in the world. In some of the comments you were making earlier, Mr Hague, you referred, perhaps subtly, to the movement to abolish the slave trade, which took a couple of centuries. We sincerely hope that we can do things a little faster, given what we have at our disposal today.

You have answered this question in bits and pieces, but I would like to get a sense of other things that you could say to us. We know that international governments are obliged under international law to prevent sexual violence in armed conflict, but how can the international community support further the efforts of those who really are making that effort to do something different and make the change and to encourage those who are not? What specific tactics and levers can you bring to bear on members of the international community, particularly those countries whose own armies are engaged in this activity? Recently I read, “These are a group of war heroes, so we don’t want to bring in this issue about them having perpetrated sexual violence”. What can the UK Government and other governments do to address that situation?

Lord Hague of Richmond: In the interests of time, I will be very quick. I think this includes the continued focus of the British Government and hopefully other governments. My successor Philip Hammond has recently written a joint article with Secretary Kerry on this, so I hope the United States government are constantly raising these matters around the world. There is the mobilisation of regional organisations, such as the African Union, and there is a major role for churches, particularly the Catholic Church, which has such reach in many parts of the world, including parts of the world severely affected by sexual violence in conflict. There is a major role for NGOs and civil society to use their connections in and within other countries to put pressure on governments who have not implemented their commitments and persuade them to sign up to new commitments. Many of them have great international reach and can use new technology to contact people all over the world. Increasingly we have to uphold and publicise the role models of success. There are people who achieve amazing things. Baroness Kinnock mentioned Panzi hospital in DRC, and the work there of Dr Mukwege is remarkable. The work of Medica Zenica in Bosnia is remarkable. These are people who should be known about all over the world because they can inspire others. There may be more that we can all do together to ensure that.

Q8 Baroness Hodgson of Abinger: I endorse what was said about the work of Medica Zenica. Having gone to Bosnia last year and met the male survivor, I was blown away by his bravery in coming forward. He was one of the most outstanding people I have met. How do you think the UK Government and the international community should respond when rape, sexual slavery and forced marriage are used as instruments of terror by State and non-State actors, such as ISIL? How do you think PSVI fits with asylum and immigration policy? How should we determine who is a victim of sexual violence in these conflicts when they come to this country?

Angelina Jolie Pitt: I know from working with UNHCR on issues of migration that there are very intensive interviews, and sometimes clinics try medically to understand and assess this. When anybody applies for asylum, they sit and confess what they feel and what has happened to them. That has to be vetted, and it is vetted as carefully as it can be. That must be done. Of course, we are going to be seeing a lot of that right now. I was in Malta

when a boat had sunk and a few survivors were being pulled out. One man who we met had lost his wife and two children. They were living in the war in Syria and they were dealing with the violence. He was doing his best to stay as a doctor. They ended up going to Libya to try to find a better life. They found when they were there that the biggest threat was that the children and his wife would be sexually assaulted. That is what made the final decision for them to get on that boat, and they lost their lives. We know that the terrorist group that we are dealing with in Syria and Iraq is absolutely using rape. It is dictating it as policy. This is beyond anything that we have seen before. This is organised and put into its policy. It is saying that this should be done and that this is the right way to build a society. It is saying, “We are going to do this and cleanse and use this, so we ask you to rape”. We have to have a very strong response at this time to this particular group on this issue.

Lord Hague of Richmond: On ISIL, this is a key part of a strategy for preventing sexual violence going forward. We should make it a very important strand of our work to counter ISIL. Rape and sexual violence is its actual policy, as Angelina said. Opposing that should be part of the counternarrative to what it is doing. Helping survivors who have suffered from its brutality should be a key part of the global coalition against ISIL so that it is not seen just as a military effort but is part of the humanitarian assistance. I hope that the UK, the United States and other leading countries in the global coalition will give increased importance to combatting sexual violence and to highlighting the crimes that are being committed in Iraq and Syria.

Baroness Helic: On asylum and immigration policy, when we were in government we had a very strong and constructive relationship with the Home Office and the Home Secretary. We started a programme of receiving the victims of torture, which has made some progress. I hope that we can build on that, in particular with the announcement by the Prime Minister yesterday, which I welcome. I hope that in as far as one can give priority here, victims of this particular torture and crime are going to be given more support. We, as a country that has led on this, may have a particular responsibility to lead on bringing them to safety and providing them with the support they need.

Q9 Lord Hannay of Chiswick: I declare my interest as the joint chair of the All-Party Parliamentary Group on the United Nations and the All-Party Group on Global Security and Non-Proliferation. I should perhaps also mention that I was the British Ambassador to the UN when the events in Bosnia first came to light and when in particular it became clear from the Warburton report on the events in Bosnia that sexual violence was being used as a tool of policy designed to increase ethnic cleansing and the domination of the Bosnian Serbs in one part of the country.

I shall put a couple of questions about Britain’s role as a permanent member of the UN Security Council and the way it could help to advance this agenda in that role, particularly about what you would like to see from the Security Council’s current High-Level Review of Resolution 1325, which was the one about sexual violence and women in conflict. How can the UK best use its influence there? Will you also address the serious problem of peacekeepers, including UN peacekeepers? A very bad case has come to light in the past month in the Central African Republic, but it is not an isolated case. How should we be addressing this issue more effectively? Up to now it has not been addressed effectively. The troop contributors simply do not take it seriously. They do not prosecute their own troops. Should we be trying, for example, to get the Secretary-General to make it an absolute

condition that any troop contributor should be giving training on this issue to its troops, and that if it does not, it does not become a troop contributor? Is there a case—I have been pressing this for years—for some kind of international tribunal to deal with accusations? You cannot hand these troops over to the country they are in, because there is probably no system of law there at all. Equally, if you leave it to the troop contributors, they probably do nothing about it.

The Chairman: Lord Sterling, will you put your question now?

Lord Sterling of Plaistow: My question is different. It is really a supplementary coming back to the law. Over 5,000 or 10,000 years, humanity has not found an answer to the problem we are trying to solve. Mr Hague made the point that this is the beginning of trying to persuade 7.5 billion people about how they should behave. I believe that what has changed dramatically is the rule of law and justice being seen. You commented that this is a crime in most countries. The international court in The Hague is hugely respected worldwide, but the problem is that Russia, America, China—the big ones—are not part of it. I have spoken to friends in all those countries who tell me that they are not likely to become part of it. Ultimately, modern communications are such that whoever misbehaves in any part of the world cannot possibly say that they had no idea that they were going to be hounded for all time, brought to justice and, if you want, hanged to high heaven. They can have no have no misunderstanding about what is going to happen, but the speed of what happens at The Hague is so slow that people lose interest in what can happen. With everything we have been discussing about what we are trying to do—and this House, by the way, is totally non-partisan on issues of this type—the rule of law has the biggest effect in the short term.

Lord Hague of Richmond: We will each answer very quickly. Lord Hannay and Lord Sterling make very good points. We can further develop what we do at the UN Security Council. We took the initiative in recent years. In fact, when we had the presidency of the Security Council in June 2013, I hosted a debate and we passed a Security Council Resolution on these issues. I hope that the UK and other countries will continue to lead at the Security Council on this.

Peacekeeping missions are fundamental to this, as Lord Hannay said. This Committee will be able to decide what to recommend, but I think that the kind of provision on troop contributing countries which Lord Hannay mentioned may be an extremely good idea. It is important for the Security Council to have regular debates on these subjects so that in that central forum of the world sexual violence is regularly discussed and debated and there is greater bureaucratic and financial support for the work of the Secretary-General's Special Representative—Zainab Bangura at the moment—on sexual violence. The UK makes donations to her office to enable it to work well, but greater support could be marshalled for that. Many things can be done at the UN.

Lord Sterling is right about the central importance of the rule of law, which links to our point about impunity. Unfortunately, legal processes take a long time in many countries, but if the Protocol that we have devised is widely disseminated, translated and employed by prosecutors, there can be a great many more prosecutions and we will start to tackle impunity.

Angelina Jolie Pitt: I do not have an answer so much as that I just absolutely support what both Lord Hannay and Lord Sterling have said. This is exactly what needs to be done with the kind of force and determination that they expressed. We are speaking about cases as

fresh as a month ago, as Baroness Young said. This cannot be, so we have to find a way to come together and use all these tools that we are putting together. We will not rest. The military and peacekeepers certainly have to lead by example. Their job is to protect. Any time they break this code and abuse the people they are supposed to protect, there does not just have to be justice, they have to be made an example of. I would like to learn more about the suggestion about how they are got together, where they are tried and what kind of court it is. I would like to know more about what could be done, what that would look like and how to make it possible.

The ICC is slow. It is relatively young. It has far to go. It is even harder in that there are countries that do not support it and can undermine it, but the countries that support it have to stay strong, as you have been, and help to pull the others over. Hopefully, the evidence being collected is one step so that next time there is a case—there are cases pending at this moment and hopefully they will be the first to set precedents—it will help to turn the tide in some of these final decisions and we will see justice begin.

Baroness Helic: I have a very short point to make. I agree with Lord Hannay that peacekeepers are meant to protect the most vulnerable and that it is not a good example when we see reports from the Central African Republic and elsewhere that the very people who are supposed to protect the most vulnerable are the ones committing the crime. The onus is on the UN Secretary-General, and I know he has done some work on this, to have zero tolerance applied to this kind of behaviour. Going back to Lady Warsi's point about where the Protocol could be taken next, this is one of those situations where not only should the Protocol be used when the crime has taken place but lessons from the Protocol should be taken and applied before the crime has taken place. I see no reason why, if countries see that there is some value in it, they should not use it in training their own soldiers, the peacekeepers. I would be delighted to see that their own manuals had sections informing their military men and women how to conduct themselves and how to respond to the crimes that take place. The UK Government have influence in the UN Security Council and could take this forward.

We launched the commitment at the UN General Assembly, and I would like to see an index of where countries that have committed to it are now, three years later. The UN General Assembly is next week, and I would like to see an index launched at it that would go through every single country that has made the commitment and say, "Since then, this is what you have done, and this is what you have not done". I would name and shame those who do not fulfil their commitment.

The Chairman: Wonderful. Thank you all very much indeed. Baroness Kinnock and I had two more questions to put so, with your permission, we will put them in writing. We would very much welcome any more evidence that you have to give us. You are the progenitors of this, and we are enormously grateful for all the highly valuable knowledge and information that you have given us this afternoon. Thank you all. Apologies for keeping you. I hope you will feel it has been 100% worthwhile. We certainly do.

Mr David Hammond – Written evidence (SVC0001)

Introduction

1. I have been asked by the Foreign and Commonwealth Office (FCO) to submit evidence to the House of Lords Select Committee on Sexual Violence in Conflict. My evidence is provided on a personal basis and does not reflect the views of the FCO. All evidence has been gathered through my personal experience including working as part of, or engaged alongside, the FCO Preventing Sexual Violence Initiative (PSVI).

2. I am an English criminal Barrister-at-Law in private practice at 9 Bedford Row International, the Chambers of Anthony Berry QC. I am the former Royal Marines' barrister to the UK Chief of Joint Operations (CJO) responsible for legal counsel, incident reviews and pre-deployment training for senior officers and ranks in relation to worldwide military operations. This included investigations into alleged cases of serious sexual abuse. I retired in 2013.

3. I am currently instructed by the FCO through the UK Stabilisation Unit as the Head International Humanitarian Law (IHL) trainer for the EU Training Mission (EUTM) Mali. This encompasses EU-led legal training to Malian troops, Non-Commissioned Officers (NCOs) and Officers in areas of law and policy, including IHL, Human Rights, Gender, Child Soldiers and Preventing Sexual Violence in Conflict (as part of PSVI).

4. In 2014 I participated in the London Global Summit to End Sexual Violence in Conflict as prosecution Counsel for the mock trials of UNSCR 1325 over the three-day period and I continue to represent Libyan rape victims as the instructed UK Counsel to the Libyan National Council for Civil Liberties and Human Rights, Tripoli. Further, I work alongside the Romeo Dallaire Foundation and I am the CEO of the UK charity 'Human Rights at Sea'.

International Policy Agenda

5. UK participation - 2016 World Humanitarian Summit. The UK would benefit from re-running and leading specific forum events that assess the continued effectiveness, or otherwise, of UNSCR 1325 and subsequent UNSCRs through the medium of mock trials using victims as witnesses. In 2014, the effect of such mock trials, saw maximum event attendance and drew direct interest from State authorities, such as Libya. I understand that Libyan authorities announced during the 2014 Summit that they would implement a National Action Plan for UNSCR 1325, noting that this was before the current political turmoil beset the then Government. Nonetheless, this highlighted the effect of international attention for legally focused events relating to sexual violence in conflict.

6. International evidence of UK effectiveness working with other States. In the case of the UK participation for leading the International Humanitarian Law and preventing sexual violence in conflict training as part of the EU mandated Training Mission (EUTM) in Mali, the evidence points to positive behavioural effects of IHL and PSVI training directly influencing 23 nations contributing forces, the EU military chain of command responsible for implementing training, and the Malian soldiers, NCOs and Officers who previously had little

if no previous understanding or training of what amounted to lawful actions during military operations.

7. UK Policy. Prioritisation for UK policy and practices must start with a clear articulation of the engagement policy for all national, military and overseas operations. This must include the requirement for upholding and where necessary, reinforcing sensitization, awareness, education and training in the Rule of Law. This articulation should then set the conditions for establishing subsequent HMG-led Programmes and Projects in order to deliver comprehensive IHL, Human Rights and preventing sexual violence in conflict training to targeted audiences.

Causes of Sexual Violence in Conflict

8. Mali. As the focal point for the IHL training for EUTM Mali, the UK-led team has witnessed during training periods and practical training scenarios the embedded cultural and societal drivers that for some soldiers create an atmosphere of acceptability for justifying acts of sexual violence in the absence of education as to their consequences. To some soldiers such violations are their right on the battlefield. These unlawful attitudes and behaviours continue when there is a lacuna in education and behavioural change is not specifically addressed as part of training.

9. Libya. Interviews, witness testimonies and case reviews by the Libyan National Council for Civil Liberties and Human Rights (NCCLHR) in Tripoli between 2013-2015 highlighted direct evidence from victims, of the widespread use of rape as a weapon of conflict. The tactic is used as a known method of forced compliance, shaming and for psychologically asserting power over victims, whatever their sex.

Prevention

10. General. One of the best measures to counter sexual violence in conflict is continuous education of frontline soldiers and their immediate superiors by small teams of IHL/PSVI trainers. This can be scaled according to need and funding, but at the very least can be implemented by teams of 1-2 persons with the necessary force protection. While empirical Measures of Effect (MOE) are often hard to quantify, the effect of a good teacher can never be underestimated in planting the seeds of what is fundamentally right and wrong.

11. Experience has shown that often senior ranks within military chain of commands who do not fully understand, or embrace IHL training, accountability and lawful actions, do not necessarily want junior ranks to be educated too highly as this may led to challenge and questioning of their own leadership and knowledge. Experience has further shown that the junior officers who are the future military leaders are thirsty for knowledge, that they wish to question legal structures such as the ICC and national courts and that they desire objective IHL/PSVI teaching.

12. Sexual abuse of men and boys. Greater focus must be placed on highlighting the abuses of men and boys, issues of forced sexual servitude, rape and other serious sexually motivated actions. This should be part of established HMG training packages and taught to the same level of detail as subjects such as the Geneva Conventions, Human Rights and use of Child Soldiers. Experience has shown that this particular subject in many States is taboo,

perceived as a non-issue, or when the subject is raised in open forum it is often treated with incredulity.

13. Human Rights Defenders. It is usual to find Human Rights Defenders voluntarily working in regions of conflict due to the nature of the environment in which abuses are occurring, often due to a lack of enforceable and effective rule of law in those States. Such roles are undertaken at extreme personal risk in order to obtain evidence and highlight atrocities. As a suggestion, HMG could develop a dedicated cadre within the UK Stabilisation Unit's Security and Justice section of Human Rights defenders who have direct logistical, legal and consular support when working in such challenging environments. This would be based upon their role in evidence collection in support of HMG policies and practices, as well as informing HMG government ministers of the ground-truth. They could also provide a measure of early warning of potential outbreaks of sexual violence in susceptible regions and States; a role which is otherwise currently championed by NGOs and civil society organisations who are prepared to take greater risks to achieve the aim.

The role of the military

14. Experience shows that UK military training covers IHL (otherwise known as Law of Armed Conflict (LOAC)) as part of an annual military training requirement for the individual service person, but in reality it often lacks detail in terms of gender, human rights, sexual violence and issues of identifying and dealing with child soldiers. It is rare to find individuals in the chain of command who have a sound understanding and knowledge, for example, of the singular principle of the International Committee of the Red Cross (ICRC), are aware of how many Geneva Conventions there are and what they are, of how many Additional Protocols to the Geneva Conventions there are and what they are, let alone having knowledge of the need for and effect of UNSCR 1325 and PSVI. These knowledge gaps need to be highlighted and addressed as a core UK military training requirement.

15. The effectiveness of UK-led training, mentoring and support should not be underestimated. As members of multi-national missions, experience shows that UK troops alongside other European states stand out in terms of their lasting effect and influence, particularly on small-scale mentoring and training missions. This is currently evidenced first-hand in Mali.

16. The effectiveness of UK Forces in relation to promoting understanding and application of IHL and preventing sexual violence in conflict alongside EU, NATO and other bodies is best demonstrated through leadership in those roles and provision of appropriately trained civilian trainers prepared to enhance existing military staff on deployments. The effect of English IHL/PSVI trainers should not be underestimated, noting the high esteem that the English law and judiciary are held in worldwide.

Accountability

17. Reform. Reform of national justice Programmes within foreign States is assessed as a very difficult issue for projecting effective long-term influence by HMG. At the grass roots level the experience gained of the effectiveness of small training teams should not be underestimated in affecting behavioural change at the junior end of the political, constabulary, judicial and military spectrums. Reform has to come from within the State and the priority must be to train future leaders.

18. Long-term vs short-term change. The issue of enhancing accountability in foreign States should be viewed in terms of a generational change. It is not a quick fix and HMG should take a long-term view of influencing attitudes to law and justice in foreign States taking into account the context and established local legal systems that are often embedded and preferred over formal western notions of law and justice. Somali Xeer customary law is one example.

19. Measures of Effect. The focus on empirical statistics and percentage-based Measures of Effect (MOE) should be taken with a degree of healthy skepticism; for the influencing of long-term attitudes and the changing of perceptions towards preventing unlawful acts can often be unquantifiable. For example, how does one quantify the one soldier within a unit of a foreign state who steps in and stops a rape, extra-judicial killing or torture because they were educated, inspired and came to believe in the strength of rule of law, IHL & PSVI standards from a UK trainer?

20. Publications and References. The awareness and knowledge of the existence of pertinent UNSCRs, International Protocols and Declarations on the subject of sexual violence in conflict is virtually unheard of at the frontline in most military forces and from experience, almost certainly does not exist in foreign State forces that see a prevalence of sexual violence in conflict.

21. Education. The challenge to reduce impunity should be actioned through greater awareness and education operating in the frontline forces where the split-second decisions are being taken, where the troops operate under violent and challenging conditions and where command oversight may well be lacking. In such situations the reliance for undertaking lawful actions in conflict is often focused on the youngest and most inexperienced soldiers. It is they who need our training support the most.

22. In Mali, we train and educate as to what is right and wrong in terms of lawful and unlawful actions in conflict. If successful in our training processes the trainees may self-regulate to operate lawfully at least, and at best inspire others through lawful actions and educated leadership.

10 August 2015

Baroness Helic, Lord Hague of Richmond and Ms Angelina Jolie Pitt – Oral evidence (QQ 1-9)

Baroness Helic, Lord Hague of Richmond and Ms Angelina Jolie Pitt – Oral evidence (QQ 1-9)

[Evidence to be found under Lord Hague of Richmond](#)

Home Office – Written evidence (SVC0072)

INTRODUCTION

1. The UK provides protection for those who genuinely need it, in accordance with our international obligations under the Refugee Convention and the European Convention on Human Rights (ECHR). We are committed to treating all those who seek asylum with dignity and respect, including women and girls whose fear is based on gender related persecution, such as sexual violence in conflict situations or Female Genital Mutilation (FGM).

2. All asylum claims are carefully considered on their individual merits in light of published country information, which covers issues relating specifically to gender, including sexual violence, risk of FGM, the ability of national authorities to protect women and girls from such harm and provide effective redress and justice for those who suffer these heinous crimes. We provide accommodation and other support that makes sure asylum seekers are not destitute while their asylum claim is under consideration and no one who is found to be at risk of serious harm in their country of origin is expected to return there.

3. However, not all those who have suffered sexual violence in the past qualify for international protection, for example, where the country situation changes or there is otherwise no real risk of such harm reoccurring on return. Protection status (that is refugee status or humanitarian protection) is only granted where someone is at real risk of serious harm in the future, the authorities of their country are unable or unwilling to provide adequate protection and they cannot reasonably move to another part of the country to avoid such treatment.

4. The Home Office liaises closely with corporate partners on gender related issues, including active involvement in the wider Home Office strategy to tackle violence against women and girls (VAWG). We have further developed an asylum gender action plan and have made good progress in improving the asylum process for women. Indeed, our progress in improving the gender sensitivity of the asylum process has been recognised by corporate partners. Asylum Aid recently wrote to the Immigration Minister to say they were delighted that recommendations put forward as part of the ‘Protection Gap’ campaign have been included in our asylum gender action plan and acknowledged the progress we have made so far.

ASYLUM POLICY GUIDANCE AND TRAINING

5. All decision-makers receive extensive training on considering asylum claims and must follow published Home Office policy guidance, including specific guidance on [gender issues in asylum claims](#). This highlights issues relating to gender-based harm and requires caseworkers to carefully and sensitively consider such issues.

6. Home office guidance on [asylum interviews](#) makes clear that caseworkers must adopt a sensitive approach to encourage asylum seekers to provide all relevant information to support their claim so that all relevant evidence can be carefully considered. In addition, guidance on [assessing credibility and refugee status](#) is clear that those fleeing persecution and conflict may not be able to provide documentary evidence and therefore oral testimony

and any written statements about their experiences will often be vital in support of such claims.

7. In addition to the extensive training on general decision making, the Home Office provides further mandatory courses. For example, from June 2015, specific training on credibility assessment has been rolled out across asylum casework teams. This course includes a rape case study and information about the effects of trauma on memory recall. A separate training module on 'The Psychological Factors Affecting Decision Makers' has been delivered to many decision makers across the UK and is being rolled out to all caseworkers as resources allow.

8. Other gender specific courses are being reviewed in conjunction with training, policy and operational leads and this will include information relevant for Asylum staff to raise awareness and manage asylum claims relating to female-specific forms of abuse such as Female Genital Mutilation (FGM).

9. We have worked closely with corporate partners to deliver training to Screening Officers to enable them to identify and respond to sexual violence through signposting to appropriate services. Feedback on this training was very positive and we are looking to incorporate relevant elements into the mandatory Foundation Training Programme.

IMPROVING THE ASYLUM PROCESS

10. For UK Visas & Immigration (UKVI), a key aim in this space for 2015 was to ensure that the asylum system was as gender sensitive as possible. UKVI had four action points in the Government wide VAWG Action plan. All actions with the exception of establishing a referral process for women who claim to have been victims of sexual violence have been completed. Good progress is being made on that action, with Home Office officials working closely with colleagues from the Refugee Council, the Scottish Refugee Council and the UNHCR.

11. We have made progress on key actions in the asylum gender action plan and have received positive feedback from corporate partners on progress. In particular:

- From April 2015, we have guaranteed a female interviewer at the substantive asylum interview, if requested when they are screened. In fact, from May to July 2015 we exceeded this commitment – on all but one occasion a female interviewing officer was provided even when the request was not made in advance of the day of the interview;
- We provide a female interpreter on request where operationally possible and we are exploring options for increasing the pool of female interpreters;
- We recognise the importance of childcare provision to give women, and men, the space they need to disclose relevant information and have considered how childcare facilities may be provided in all locations. We now have interim child care facilities in all casework hubs across the country apart from London. We have shared our interim plans with partners and continue to make progress. In the long term we will seek a national childcare contract;
- We are reviewing the information provided to women who seek refuge so that it clearly sets out their rights and access to services as part of our wider work to ensure all correspondence is customer focused. This also highlights how important it is for asylum

seekers to disclose all relevant evidence, including experiences of sexual violence so that decision makers are able to take such evidence into account;

- We have introduced a process for signposting women who may have been the victims of sexual violence to existing support services. The pilot was developed in conjunction with external partners and is planned to be rolled out to all screening staff;
- We continue to improve and deliver training to better equip caseworkers to interview and make decisions on vulnerable asylum seekers including the need to be aware of those who may have been victims of violence and the effects of trauma on memory recall;
- Decision-makers are also listening to Refugee Voices, an independently funded training programme facilitated by the Employability Forum, in order to gain more understanding of the claimants' experience of the asylum process. A training module on 'The Psychological Factors Affecting Decision Makers' is also being piloted.
- We have published revised guidance for caseworkers responsible for dispersing asylum seekers. This acknowledges that those who are pregnant require continuity of care and should, wherever possible, be dispersed to the area where they are receiving treatment. The guidance is available on Gov.UK at: [Health care needs and pregnancy dispersal policy](#).

RESETTLEMENT PROGRAMMES

12. The Syrian Vulnerable Person Relocation (VPR) scheme provides protection in the UK for displaced Syrians. Priority will be given to survivors of torture and violence, including sexual and gender –based violence, and women at risk or those in need of medical care. Those resettled under the scheme are entitled to apply to have their immediate family join them under the existing family reunion provisions.

13. The intention is to provide sanctuary to several hundred vulnerable Syrians over three years and with 216 cases resettled as of June 2015, we were on track to do that. The Prime Minister announced on 7 September 2015 that the scheme would be expanded to resettle 20,000 Syrians in need of protection during this Parliament. We are working closely with UNHCR to identify vulnerable Syrians that they deem in need of resettlement and whose particular needs can only be met in countries like the UK.

14. The Prime Minister announced on 16 December, that we delivered on the promise to resettle 1,000 vulnerable Syrian refugees before Christmas. From 1 March 2014 to 30 September 2015 (the date of the last published statistics) 252 had been resettled to the UK – (76 principal applicants and 176 dependants). The primary referral category comprised on 23 medical cases, 41 survivors of violence and torture and 12 women at risk.

FAMILY REUNION

15. The Home Office family reunion policy allows immediate family members of those granted protection status in the UK, that is a spouse or partner and children under the age of 18, who formed part of the family unit before their sponsor fled their country of origin, to reunite with them in the UK. There is also provision in the policy to consider other dependant relatives outside the Immigration Rules where there are exceptional or compassionate circumstances. This is in addition to other immigration routes, which cater

for post-flight spouses or partners and adult dependant relatives of those with protection status or British citizens.

16. In the last five years we have granted over 21,000 family reunion visas, including around 3000 Syrian nationals since the conflict began. This is in addition to those granted asylum after having claimed in the UK and refugees resettled here under our three resettlement programmes. It is open to those applying under family reunion provisions to use any of UKVI's global network of over 200 Visa Application Centres when making their application.

17. Whilst there no plans to widen existing family reunion criteria we are reviewing the process for dealing with such applications in consultation with the Ministry of Justice, the Foreign and Commonwealth Office and corporate partners. We accepted recommendations from the British Red Cross in their report, [‘Not so straightforward – the need for qualified legal support in refugee family reunion’](#) that related to simplifying the application process. We are currently improving our guidance to caseworkers and redesigning the application form to ensure applicants better understand the process and what is expected of them.

HUMANITARIAN VISAS

18. The UK has a proud record of providing protection to those who need it, in accordance with our international obligations under the Refugee Convention and European Convention on Human Rights (ECHR). However, there is no provision in the Immigration Rules for someone to be given permission to travel to the UK to claim asylum and we have no plans to introduce such a provision. Whilst we sympathise with people in difficult situations we are not bound to consider asylum claims from the significant numbers of people overseas who might like to seek refugee here. Our position is that those who need international protection should apply for it from the authorities or the local office of the UNHCR in the first available safe country they reach.

DOMESTIC VIOLENCE

19. There is provision in the Immigration Rules to grant leave to remain where a spouse or partner has suffered domestic violence. This only applies to those who have leave in the UK as the spouse or partner of someone who is a British citizen or settled who have later suffered domestic violence and the relationship has ended as a result. The domestic violence provisions in the Immigration Rules mean that they can leave an abusive relationship and obtain indefinite leave even though the relationship has broken down. The rationale for granting leave in such circumstances is that these individuals are likely to have come to the UK with the expectation of making a permanent life here with someone who already has the rights of permanent residence and may well have lessened ties with their country of origin as a result.

20. The Destitute Domestic Violence Concession is linked to the domestic violence provisions in the Immigration Rules. It is intended to facilitate an application under the Rules by giving an individual a short period of time (three months) with access to public funds while an application under the Immigration Rules is made and considered. Eligibility for the concession is therefore limited to those eligible to apply under the Rules.

21. Those who have suffered sexual violence in other countries are not in the same position and it would not be appropriate to offer a concession similar to that in cases where

domestic violence is perpetrated in the UK. Where someone is at risk of serious harm on return to their country of origin they will normally qualify for protection but if there is no such risk and they do not qualify for leave on other grounds they are expected to return home. However, there is provision to grant leave on a discretionary basis where there are particularly exceptional or compassionate circumstances that mean removal is not appropriate, for example, where someone has suffered serious persecutory treatment in the past which has had a severe traumatic impact on their physical or mental health.

APPEALS

22. In 2014, 41% of decisions in asylum claims lodged by female applicants resulted in a grant of leave – this was the same percentage as males. In the same period 28% of appeals lodged by males were allowed in comparison to 35% allowed for female claimants. Further statistics are available at **Annex A**.

23. There several reasons why a decision may be overturned at appeal, including the introduction of additional evidence not made available to our caseworkers. An allowed appeal does not necessarily mean the original decision was wrong based on the evidence presented at the time. We need asylum seekers to disclose all relevant evidence to support their claim at the earliest opportunity – however difficult that might be. We have found no evidence to suggest there are systematic issues with how credibility is considered by caseworkers that are specific to claims from women. However, we recognise this is a difficult area and that is why we have improved policy guidance and training on assessing credibility to provide more support for caseworkers and are working with partners to look at what more we can do to encourage women to disclose as much as possible as early as possible.

24. We also aim to reduce the allowed appeal rate by analysing the reasons why appeals are allowed and using the results of this evaluation to further improve guidance, training and mentoring for caseworkers.

DETENTION

25. Immigration detention decisions in the United Kingdom are made according to a published policy and are taken on a case-by-case basis. Such decisions take full account of the particular circumstances of the individual and their case, with the appropriateness for detention being regularly reviewed.

26. Existing detention policy sets out factors which would normally rule against detention, unless very exceptional circumstances exist. Broadly, these factors include pregnancy; disabilities or physical or mental illnesses that cannot be satisfactorily managed in detention; those with independent evidence of torture (which can include rape and domestic violence); and victims of trafficking.

27. In response to recommendations from Stephen Shaw, who conducted a review of the welfare of vulnerable individuals in detention, the Home Office will be introducing a new “adult at risk” concept into decision-making on immigration detention. This will involve adopting a wider definition of those at risk, including victims of sexual violence, individuals with mental health issues, pregnant women, those with learning difficulties, those with post-traumatic stress disorder and elderly people, and recognising the dynamic nature of

vulnerabilities. There will be a clear presumption that people who are at risk should not be detained unless there is compelling evidence that other factors which relate to immigration abuse and the integrity of the immigration system outweigh the vulnerability factors. This approach will run alongside other reforms, including a detailed mental health needs assessment in immigration removal centres and a new approach to the case management of those detained. The Government expects these reforms, and broader changes in legislation, policy and operational approaches, to lead to a reduction in the number of those detained and a reduction in the duration of detention before removal, in turn improving the welfare of those detained.

28. The Detained Fast Track (DFT) process was suspended by the Minister for Immigration in 2015, following a number of legal challenges. Although the DFT policy itself was not found unlawful, he made clear at the time that he would restart the process only when he was sure that the right structures were in place to minimise the risk of unfairness to certain vulnerable applicants who may enter DFT.

29. When DFT restarts, it will also be underpinned by the “adults at risk” policy and the other safeguarding measures, as well as a clear commitment to flexibility in its timescales. As before, it will include an induction process, which explains the procedure to applicants, ensures that they are appointed publicly funded legal representation if they require it, and checks again (following asylum screening) whether they have a gender preference for the asylum interviewer and interpreter. DFT caseworkers and other officers will continue to be readily contactable by applicants who may have questions about the process or the progress of their case.

Annex A: Key statistics on Asylum

The following tables provide statistics over the last five years for asylum decisions (table 1) and appeals (table 2):

Year	Male: Total decisions	Male: Total grants of leave	Male: Total refusals	Female: total decisions	Female: total grants of leave	Female: Total refusals
2010	13,997	3,558 (25%)	10,439 (75%)	6,250	1,633 (26%)	4,617 (74%)
2011	12,566	3,920 (31%)	8,646 (69%)	4,805	1,727 (36%)	3,078 (64%)
2012	12,087	4,087 (34%)	8,000 (66%)	4,682	1,970 (42%)	2,712 (58%)
2013	12,850	4,508 (35%)	8,342 (65%)	4,686	2,034 (43%)	2,652 (57%)
2014	14,340	5,926 (41%)	8,414 (59%)	5,433	2,223 (41%)	3,210 (59%)

Year	Total appeals determined: males	Total appeals allowed: males	Total appeals dismissed: males	Total appeals determined: females	Total appeals allowed: females	Total appeals dismissed: females
2010	9,246	2,397 (26%)	6,849 (74%)	4,834	1,631 (34%)	3,203 (66%)
2011	7,013	1,860 (27%)	5,153 (73%)	2,899	919 (32%)	1,980 (68%)
2012	5,430	1,473 (27%)	3,957 (73%)	2,249	735 (33%)	1,514 (67%)
2013	5,653	1,432 (25%)	4,221 (75%)	2,104	646 (31%)	1,458 (69%)
2014	4,210	1,190 (28%)	3,020 (72%)	1,629	568 (35%)	1,061 (65%)

Note: figures for total appeals determined exclude appeals withdrawn.

24 February 2016

Human Rights Watch – Written evidence (SVC0049)

Summary

When William Hague was Foreign Secretary, the UK government demonstrated international political leadership on the issue of sexual violence in conflict, for example by hosting the Global Summit to End Sexual Violence in Conflict in London in 2014, promoting a new international protocol on the documentation and investigation of sexual violence in conflict, and by championing new commitments in this area by the G8 and the UN General Assembly. The UK also displayed a willingness to match its rhetoric with practical action, in a way that appears to have yielded some early benefits. Significant numbers of international peacekeepers have been trained, with UK support, on issues relating to sexual violence. The national team of experts has carried out some 65 deployments since its creation in 2012. And a number of governments have taken steps to better address these issues.

Although the Conservative government, elected in May 2015, has reiterated its commitment to PSVI, it is unclear how much political capital it will invest in this initiative and the broader women, peace and security agenda over the course of this Parliament. In the period since the election, there appears to have been some loss of momentum and the government has yet to fully articulate its priorities and vision in this area.

While global standard setting and high-level political statements are important, the real test of the UK's commitment in the coming period will be the extent to which international legal obligations and global norms are mainstreamed and given priority in the UK's bilateral relationships around the world and in its role within regional and global institutions, and the extent to which this effort translates into tangible improvements on the ground.

The UK government should:

- **Use its position on the UN Security Council and in other international forums to make this issue a central focus of global concern. The upcoming 15th anniversary of UNSCR 1325 is a particularly critical opportunity to do this.**
- **Promote accountability for sexual violence. As a member of the International Criminal Court and a strong supporter of international and national justice in many settings, the UK is well placed to help tackle the scourge of impunity and secure justice for the victims of these crimes, including in complex setting like the Democratic Republic of Congo.**
- **Press for survivors of sexual violence and other forms of gender-based violence to have access to essential medical and psychological care, as well as economic and social support, and make this case at next year's World Humanitarian Summit.**
- **Champion the participation of women in peace and security decision-making, including in the leadership of centres for those who have been displaced and for refugees, conflict resolution efforts and post-conflict reform processes. The UK can leverage its role in Afghanistan to support women's full participation in that nascent peace process and to embed women's rights more fully into the outcomes of that process.**

- **Promote reforms to international peacekeeping to tackle sexual exploitation and abuse, including through the public and timely reporting of investigations and prosecutions in situations like the Central African Republic, and through training and new systems of accountability; and a strengthened focus on sexual violence and abuse in UK-supported security sector reform.**
- **Better support human rights defenders: those on the frontline in dealing with sexual and gender-based violence, and promote national legal reforms to better address these issues.**
- **Practice what it preaches on sexual violence by bringing UK law into compliance with the latest international standards: specifically by ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).**

About Human Rights Watch

1. Human Rights Watch is an independent non-governmental organization that monitors and reports on compliance with international human rights standards in more than 90 countries around the world. For over twenty years, we have investigated and documented sexual violence and rape in conflict and post-conflict settings, including in the Democratic Republic of Congo, Colombia, Somalia, Iraq, Sierra Leone, India, Kosovo, Cote d'Ivoire, Guinea, Nigeria, Sudan, Sri Lanka, Nepal, Libya, South Sudan, Rwanda, Uganda, and Haiti.¹⁴⁸

Using UK influence internationally to make this a central focus of global concern

2. In a number of international forums in which the United Kingdom plays a leading role, words far outpace action on preventing sexual violence, and on the entire women, peace and security agenda. The UN Security Council, the G8, and other multilateral bodies remain inconsistent in their work in this area. For example, according to analysis by the [NGOWG on Women, Peace and Security](#), the UN Security Council's daily work does not include consistent or regular information and analysis on the status of women's rights in conflict, and the Council does not properly follow up on its own requests on these matters, for example on the deployment of gender advisors to peacekeeping missions. Briefings from senior UN officials often lack specific information on women's rights violations, on the inclusion of women in peacemaking efforts, and on the levels of women's participation in security sector reform. Use of sanctions and other tools at the Security Council's disposal are also applied inconsistently with respect to women, peace and security. The Security Council rarely takes advantage of available information on perpetrators to hold them to account and prevent future violations. For example, despite evidence of widespread crimes of sexual violence committed by Sudanese forces in Tabit in Darfur in 2014, the Security Council has not yet adopted a strong response.

3. On the occasion of the High Level Review of UNSCR 1325 in October 2015, the UK should particularly support strengthened systems within the Council to address these gaps. The Council should also be pressed to report more regularly and consistently on progress against the commitments made in this area.

¹⁴⁸ <https://www.hrw.org/topic/womens-rights/sexual-violence>

Bringing abusers to justice

4. Human Rights Watch has documented impunity for sexual violence in many conflicts around the world. The case of DRC is illustrative. Horrific levels of rape and other forms of sexual violence have plagued eastern DRC for almost two decades. Tens of thousands of women, girls, men and boys have been raped and otherwise sexually abused. In recent years, Congolese authorities have carried out an increasing number of arrests and prosecutions for rape, but the vast majority of perpetrators remain unpunished.

5. The UK should also use its influence to improve the quality of national law enforcement and judicial processes for dealing with sexual and gender-based violence, including by recruiting and training more female staff, developing specialized teams. The UK and other donors should also support programmes that train female police officers, offer gender-sensitive training to all members of law enforcement and the judiciary, and protection measures for victims and witnesses before, during and after trials.

6. When national level efforts fail or are inadequate, the UK should support alternative paths to justice, such as independent commissions of inquiry, the use of universal jurisdiction, and when applicable, referrals to the ICC.

Access to services

7. Human Rights Watch's research has documented many examples of sexual and gender-based violence in conflict and emergency situations around the world. It is in these circumstances that women and girls – and also some men and boys - are placed at greater risk of sexual violence and abuse. These risks can be even greater for very marginalized and vulnerable groups.¹⁴⁹

8. Women with disabilities in conflict situations also face discrimination on the basis of gender, disability, and poverty, and thus need particular measures to address their protection concerns.¹⁵⁰ Lack of mobility and communication barriers, for example, mean women with disabilities are at particular risk of sexual violence. This discrimination, as well as more general social stigma, prevents them from realizing their rights to accessible information, and accessing health care and other government services. In a displacement camp in Northern Uganda, [name redacted], a woman with a physical disability, recounted her experience: "People told me I should just die so others can eat the food: 'You are useless. You are a waste of food.'"¹⁵¹

9. Sexual and gender-based violence have acute and long-term physical, psychological and social consequences. Access to immediate medical and psychological assistance for survivors is therefore a crucial first step to recovery. Consistent and consolidated information on funding for these services is difficult to come by, but previous studies and recent [research](#) indicates that reproductive health services are woefully under-resourced in crisis settings.

² United Nations Security Council, *Report of the Secretary-General on women and peace and security*, S/2014/693, p. 19.

¹⁵⁰ World Bank and World Health Organization, "World Report on Disability," 2011, http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf (accessed July 21, 2015), p. 8.

¹⁵¹ Human Rights Watch, "As if We Weren't Human."

10. The UK should be pressing for greatly increased investment to address the health needs of survivors of sexual violence and governments should be pressed to invest in comprehensive emergency health services, including medical treatment for injuries, treatment for HIV and other sexually transmitted infections, emergency contraception, safe and legal abortion, and trauma counselling. The UK should champion these concerns at next year's World Humanitarian Summit.

Champion the position of women in peace and security decision making

11. Women's participation in all levels of decision-making – from refugee camp design to the most formal of peace talks – is fundamental to efforts to address sexual violence in conflict. These are not separate issues, but rather connected pieces of the same issue. Fifteen years after the adoption of UNSC resolution 1325 (2000), barriers to implementation include lack of funding, insufficient political will, and inconsistent attention at the national level. While the United Kingdom has used its leadership role in certain instances to promote women's participation in peace talks, including the 2014 efforts at negotiations regarding the conflict in Syria, the UK needs to deploy this type of support earlier and more consistently in all peace efforts it supports.

12. There are many barriers to women's full participation in conflict settings. Women human rights defenders often face risks, particularly in times of armed conflict. Human Rights Watch has documented physical attacks, death threats, threatening phone calls, sexual harassment and assault, rape, and threats against children of activists in armed conflicts, all of which can create a chilling environment in an effort to silence these women.¹⁵² In the 2015 Sudan elections, for example, National Intelligence and Security Service officers arrested Dr. Sandra Kadouda, a prominent political and human rights activist, on April 12 as she drove to an anti-elections event at the National Umma Party headquarters in Omdurman. The authorities held her for three days at an unknown location, and then freed her on April 15, visibly bruised and with injuries to her shoulder, credible sources reported.¹⁵³

13. Women often are subject to hostile work environments that dissuade them from staying in the security sector, or from even joining police and military services. In Afghanistan, for example, despite efforts to increase their numbers, women have remained about 1 percent of the Afghan police over the last several years.¹⁵⁴ In addition to a lack of the most basic toilet and changing room facilities, women in the Afghan police face abuse and sometimes assault, including sexual assault, by male colleagues. Despite multiple reports of such

¹⁵² "UN Human Rights Council: Call to Recognize the Status of Women's Human Rights Defenders," Human Rights Watch Oral Statement during the Annual Day of Discussion on Women's Human Rights, June 26, 2012, <http://www.hrw.org/news/2012/06/26/un-human-rights-council-call-recognize-status-womens-human-rights-defenders>.

¹⁵³ "Sudan: Surge in Detention, Beatings, Around Elections," Human Rights Watch news release, April 28, 2015, <http://www.hrw.org/news/2015/04/28/sudan-surge-detention-beatings-around-elections>.

¹⁵⁴ "Afghanistan: Urgent Need for Safe Facilities for Female Police," Human Rights Watch news release, April 25, 2013, <http://www.hrw.org/news/2013/04/25/afghanistan-urgent-need-safe-facilities-female-police>.

incidents, these crimes often go unpunished, and government officials, including the minister of interior, have denied that abuses against women officers are a problem.¹⁵⁵

14. The UK government should press for women's full participation in all efforts to create and maintain peace, including formal and informal peace talks, as negotiators, mediators, and civil society experts. The UK should also support efforts to safeguard women's security and support women's participation in post-conflict elections, referendums and constitutional drafting, and reform processes. This includes promotion and protection of women candidates, voters, election workers, and women's human rights defenders.

Reforming peacekeeping and security sector reform

15. Over the past decade, there have been many allegations of sexual exploitation and abuse in peacekeeping missions in the Central African Republic, Haiti, Somalia, and the Democratic Republic of Congo. In 2014, Human Rights Watch published a detailed report on sexual exploitation and abuse by African Union peacekeeping forces in Somalia. Our research showed that AMISOM soldiers, deployed to Somalia since 2007 to help restore stability in the war-torn capital, Mogadishu, have abused their positions of power to prey on the city's most vulnerable women and girls. Soldiers have committed acts of rape and other forms of sexual abuse.

16. To tackle this, the UK and other governments should be pressing for a major overhaul of existing accountability mechanisms for peacekeeping operations, to ensure that there are clear policies and training in this area, independent investigative mechanisms when allegations are made, and that any peacekeepers who are found to have committed these crimes are brought to justice. The UK should also support greater transparency and accountability in the UN's efforts to eradicate sexual exploitation and abuse, including through the public and timely reporting of investigations and prosecutions.

17. The UK government should promote security sector reform, with vetting of police and other security personnel, the recruitment, hiring, and training of female security personnel, and the provision of training for prosecutors, as well as judges and defense lawyers, on respecting women's rights in the justice system, including handling crimes of sexual violence. This should identify and exclude individuals from the security forces who are under investigation, have charges pending against them, or have been subjected to disciplinary measures or criminal convictions for sexual violence or other serious abuses.

Supporting human rights defenders and reforms at the country level

18. Human rights defenders assist survivors of sexual violence, expose abuse and impunity, and press their own governments to tackle this problem more effectively, including through changes in policy and practice. Many do this at great risk to themselves. Human Rights Watch works with many remarkable human rights defenders around the world. In Mali, for example, we have worked with an organization called GREFFA, based primarily in the north. They courageously documented rape and sexual slavery by the armed groups, including the MNLA (Taureg separatists) and several Islamist armed groups. In Cote d'Ivoire we have also worked with a range of human rights organisations like FIDH, MIDH, AFJCI and LIDHO, who

¹⁵⁵ "Afghanistan: Surge in Women Jailed for 'Moral Crimes,'" Human Rights Watch news release, May 21, 2015, <http://www.hrw.org/news/2013/05/21/afghanistan-surge-women-jailed-moral-crimes>.

are providing vital services to victims of sexual violence to allow them to act as civil parties in the proceedings and advocate for investigations to take into account the sexual violence committed during the conflict.

19. The UK government should be pressing for greater international support for human rights defenders. This should include more emergency and quick impact funding to support efforts to document violations in the middle of conflict and more support to local lawyers to help secure local justice for crimes of sexual violence. The UK should also be pressing for measures to protect human rights defenders from threats, intimidation and violence.

20. National legal frameworks and social norms can exacerbate these problems, for example in [Afghanistan](#), where victims of sexual violence can be prosecuted for “moral crimes” and are at risk of murder through so-called “honor killings.” Human Rights Watch has documented how in [Nigeria](#) Boko Haram abducted and raped women and girls and forced them into marriage, and how, after the women escaped, the Nigerian government provided inadequate protection and assistance. Lesbian, gay, bisexual, transgender, and intersex (LGBTI) people, often face particular threats of sexual violence in conflict, as Human Rights Watch research has indicated in Iraq and [Syria](#). A recent [Arria Formula](#) meeting of the UN Security Council highlighted the particular threats against LGBTI individuals in conflict settings.

Strengthening UK law

21. The UK must practice at home what it preaches internationally, and strengthen its domestic laws to support survivors of sexual and gender-based violence. A vital step the UK can take is [ratification](#) of the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention), which would legally bind the UK to the highest standards for prevention, protection, and accountability. A recent parliamentary report found that the UK can ratify with minimal legislative changes, and noted that delays threaten its “international reputation as a world leader in combating violence against women and girls.”

23 September 2015

Human Rights Watch and Ms Lauren Wolfe – Oral evidence (QQ 63-72)

Evidence Session No. 10

Heard in Public

Questions 63 - 72

TUESDAY 3 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Bishop of Derby
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witnesses

Mr David Mepham, UK Director, Human Rights Watch, and **Ms Lauren Wolfe**, Journalist and Director, Women Under Siege Project (via videolink)

Q63 The Chairman: Thank you very much for joining us. Could you confirm that you are picking us up now?

Ms Lauren Wolfe: Yes.

The Chairman: Excellent. Thank you both very much for joining us. We are all very grateful to both of you. I want to make a couple of housekeeping points. This session is on the record. It is being broadcast and will go on the parliamentary website. We take a full note of the meeting but we will ask you to comment on that first, in case there are any minor inaccuracies, before the final note is published. You have knowledge of the Committee Members and have seen our declaration of interests. We have approximately half an hour for this session. For any questions that you cannot answer or are not yet ready to answer, please be kind enough to follow up with something in writing, as we would be very grateful if you would share the maximum amount of your information and knowledge with us on this

very difficult subject that we are investigating. I wonder if you might like to begin by commenting on your own views of the topic. Do you have any opening remarks to make?

Mr David Mepham: I am very happy to kick off, if that is helpful. Thank you very much for the opportunity to give evidence to the Committee today. By way of introduction, Human Rights Watch has been supportive of the PSVI initiative since it was launched by the previous Foreign Secretary William Hague. I have been a member of the PSVI steering board for the last number of years, along with some of the Members of the Committee, and so there are people around the table who I am very familiar with. I appreciate the role that they have played. I also very much welcomed what Baroness Verma had to say at the open working group on the Women, Peace and Security debate on 13 October. She set out a number of commitments on behalf of the British Government and I am appreciative and supportive of many of those.

I will perhaps make two opening comments to contextualise how Human Rights Watch approaches these issues. Taking on board what I have just said about our broad endorsement and support for the Initiative, we are worried about whether there is the same level of political commitment to this Initiative since the election. For William Hague, this was a very personal thing and he was deeply attached to it. As Foreign Secretary, he said regularly that this was a personal priority. His successor took over before the election and has not, I do not think, made it quite such a personal priority. He has chosen a member of his Foreign Office ministerial team to be the champion on this issue rather than himself, and that does give us some cause for concern about whether the issue will be at the highest levels in Whitehall-wide discussions. I think we should be cautious and concerned about that.

The second point is a big concern for Human Rights Watch currently in the context of the upcoming spending round. We are worried about where human rights fit in the Government's priorities and the budgetary priorities that are coming up. Some Members of the Committee will be aware of this, but when the new Permanent Secretary at the Foreign Office, Sir Simon McDonald, gave evidence to the Foreign Affairs Committee just a couple of months ago, he was asked about the role of human rights. His reply was, "Although it is one of the things we follow, it is not one of our top priorities". That should be of concern to the Committee because it may have budgetary implications for our work on human rights more generally and for the work on PSVI. I would urge you to be vigilant and have robust discussions with Ministers when they appear before you on those kinds of issues.

My final point on how we conceptualise these issues, and I suspect that some Members of the Committee will be supportive of what I say, is that Human Rights Watch has been making the argument throughout this Initiative that it is very important to situate work on PSVI in the wider Women, Peace and Security Agenda. You cannot detach these issues from broader issues around women's participation and empowerment, their social and legal status, and some of the systematic discrimination that they face in many other contexts around the world. It is important to join up the dots and see these issues in that broader canvas.

The Chairman: Thank you very much. Lauren, would you like to make any initial comment?

Ms Lauren Wolfe: Thank you to the Committee for having me here via videolink from New York. I appreciate the chance to speak with you. I start by saying that I am a journalist. I am not necessarily a human rights defender, although I work with many around the world.

What I can add to this conversation is what I have seen in various contexts of conflict, from Syria to Central America. I can talk about what activists and human rights defenders are facing and what I have witnessed personally, including attacks against them. I will then talk about what it is that they are not receiving in terms of support from States and NGOs internationally. I look forward to answering your questions with that lens.

Q64 The Chairman: The first question is a straight-down-the-line one. What is your comprehension of the term “human rights defender”? The EU uses the definition of “civil society activists, journalists, bloggers, or anyone who works to promote human rights in a non-violent way”. Does that fit your understanding of the term?

Mr David Mepham: That is a very interesting question, which is presumably why you asked it. Interestingly, I was talking to a colleague of mine just yesterday about this whole area of work. She has worked a lot in Afghanistan, and said that it is interesting because the Taliban does not particularly differentiate who it chooses to attack. It will not just attack the NGOs or the journalists; sadly, from its warped perspective, it will see as legitimate targets people who are working on empowering women or tackling discrimination and abuse. I suspect that Members of the Committee will be familiar with the fact that the most senior Afghan woman police officer was tragically killed, and very shortly thereafter her successor was also killed. From the perspective of the Taliban, she was a legitimate target because of what, as a woman, she personified and represented, and what she was doing was perceived as a threat. Similarly, if we think about the DRC context, you have the remarkable Dr Mukwege—again, people on the Committee will be familiar with him; he runs the Panzi Hospital in South Kivu. He is a medical man but he is also an activist. So in response to your question I would say that we should not narrow the definition too far. There are courageous women, and courageous men, in many places around the world tackling this appalling abuse, sexual violence and rape and championing the rights of women. We should have an expansive definition of human rights defender rather than narrowing it down to just activists or journalists.

The Chairman: Thank you very much.

Ms Lauren Wolfe: That is an interesting question. Here in the United States we do not consider journalists to be human rights defenders. But I know that in the EU and the UK that is considered to be within the definition. I have a background working at the Committee to Protect Journalists. We saw a number of sexual attacks on journalists who work in conflict zones, particularly on journalists who are reporting on human rights issues and sexual violence. In that sense, you can consider journalists as part of this issue. To that end, it is quite important to talk about journalists as non-combatants who are not receiving particular protections although they face the same risks as activists and people treating survivors.

Q65 Baroness Warsi: The G8 Declaration on PSVI called on governments to provide more political and diplomatic support for human rights defenders. Has that happened?

Mr David Mepham: I am happy to always be the first to answer or do you want to flip it over?

The Chairman: Perhaps you will start.

Mr David Mepham: Thank you very much. I will make two quick responses. The previous person sitting here was asked a similar question and replied that maybe it is a bit too early

to tell. That would probably be our response also. The awareness-raising was hugely important, and the political attention that that generated has been very important. But we are still some way from seeing that translated into real action by many of the G8 countries, and certainly action on the ground.

I have two thoughts in response to your question on the things that ought to be done but are not being done sufficiently strongly. I am sorry to stick with Afghanistan but, for the last two years, the EU has done a lot of work on developing a plan to support Afghan human rights defenders. Workshops and meetings have been held and things have been drafted, but, when the Taliban seized Kunduz, very recently, the activists there were specifically targeted by the insurgents and many of them were forced to flee. So even though there had been discussion around having focal points, key contact people to call and assistance that could be provided by EU governments, that did not seem to materialise. These people were left to their own devices to find their way out in very dangerous and insecure circumstances. There are questions to be asked about whether the plan that had been worked up was sufficiently robust when put to the test in that situation.

There is another Afghanistan example about what G8 countries can do, which is obviously very relevant to the UK. As many of you will know, a London conference on Afghanistan was held in December 2014. We were disappointed that there was not a more prominent role in that event for Afghan women and activists. There was an event the day before for civil society, as though they could be nicely dealt with the day before. But when it came to the actual conference, at which the key people were present and the decisions were made, just a couple of Afghan women were allowed to speak for about three minutes each, 10 were allowed to observe on a video screen and the rest were not part of the process. That was a shame. I think that more could have been done to draw in Afghan women activists to those kinds of discussions.

The Chairman: We have quite a lot of questions to get through. I think that Baroness Warsi would very much like to hear from Lauren on that question.

Ms Lauren Wolfe: I have a very simple answer based on what I have learned from speaking to various groups, such as the Nobel Women's Initiative. The G8 Declaration on Preventing Sexual Violence in Conflict has not changed anything so far. What those groups point to as a more useful mechanism is the UN General Assembly Resolution on the Protection of Women Human Rights Defenders, which came about at around the same time. The G8 Declaration is nothing more than a statement. The UNGA Resolution requires member countries to vote on it and implement action plans. Of course these action plans have not been implemented widely so far, but it is a starting point. Other than that, they also point to EU guidelines on protections of human rights defenders as another positive step. However, when it comes to the G8 Declaration, the activists I have spoken to are quite sceptical.

The Chairman: Thank you. I turn to the Bishop of Derby for the next question.

Q66 Bishop of Derby: I would like to ask you two questions about the position of human rights defenders in the various countries that you have experience of. First, have you come across legal structures in place to protect them? Do those work and what could we learn from them? Secondly, is there are difference between how local and international human rights defenders and treated?

Mr David Mephram: I am happy to answer that first. Again, it is an important question. The reality is that in many of the countries where, for example, the PSVI initiative has focused—Afghanistan, Colombia, Somalia, the DRC and Syria—the social status of women is already very limited. Their legal standing is extremely low and there are all sorts of patterns of discrimination against them. So they start from a very disadvantageous position. Although some of those countries may have legislation or constitutions that, in theory, allow free expression and free association, in practice, when women activists try to challenge abuse or discrimination or raise these sensitive issues in cultural contexts where it is fairly taboo to talk about them, they face all sorts of difficulties in doing so. Somalia is perhaps a good example to focus on, because the British Government have rightly invested a lot in Somalia because sexual violence and rape are big issues there. To their credit, the Somalian government have developed a new plan to try to address this. However, we work a lot in Somalia, and when I talk to local activists involved in Somalian research, they say that, again, very little is happening on the ground to change things and issues around stigma and so on have not really been tackled—and some of those stigma issues are particularly important.

There are also situations that we have documented in the recent past in which people have come forward to say that they have been raped by members of the security forces. Rather than being supported and given counselling and all the rest of it, they are treated as criminals, because they are challenging the security forces and making allegations about the good soldiers of Somalia—how dare they do that. There is an irony that the survivors and victims are treated as criminals, and that is a big problem.

You asked about the difference in treatment for local and international human rights defenders. Of course they both have a very important role to play, but local defenders are often much more attune to the local context; they speak the language and understand the history. They do not necessarily have the same level of resourcing or access to international decision-makers in the corridors of power. As an international human rights organisation, Human Rights Watch tries to work very closely with local organisations, learning from and supporting them, but also perhaps bringing some media exposure to their concerns and helping connect their issues with policymakers in key capitals.

Bishop of Derby: Thank you.

Ms Lauren Wolfe: Just to add to the Somalia example, if you look at the Democratic Republic of Congo you will see that one of the major perpetrators of rape is the Congolese army. When human rights defenders or women are sexually violated, they do not want to go to the State and receive protection because it is the State that is perpetrating these attacks against them.

As for what kinds of legal mechanisms are already set up for certain countries, I do not know of many that are successful but I can point to Mexico and Honduras where they have laws to protect human rights defenders. But the issue is implementation.

The biggest recourse in the Central American and South American region is the Inter-American Commission on Human Rights. I can point to two examples: Lydia Cacho, a journalist in Mexico who was attacked, was able to take her case there; and Jineth Bedoya, a journalist who was raped about 15 years ago because of her reporting. She went to the Colombian government, and it took 11 years for her case to sit in the attorney-general's office. But because that is the first recourse before you can make it to the Inter-American Commission on Human Rights, she had to wait all that time until she could finally bring her

case to the Commission. There may be mechanisms in place but they are being implemented well, and the process is slow and works against victims and human rights defenders overall.

In terms of international organisations, I echo what has already been said. I do not believe that we pay enough attention to the grass-roots organisation that work locally, speak the language and understand the issues better. I have in fact seen international NGOs come in and try to take over, but they are not paying attention to the people who already understand the issues and can guide the larger groups.

Mr David Mepham: May I make a five-second intervention?

The Chairman: Very quickly. We have a lot more questions.

Mr David Mepham: Having spoken to my colleagues who work in the DRC, one of the tragic ironies about the whole situation of appalling levels of sexual violence is that it has strengthened and given momentum to the women's movement in the DRC. One of my colleagues told me that the movement has really grown in prominence and profile over the past 10 years, partly as a consequence of what has happened. Maybe that is an inadvertent consequence on which we could build.

Q67 Baroness Hilton of Eggardon: To a large extent, you have already answered my question about the level of support and security that human rights organisations get, which I gather is pretty minimal. What steps would you like to see taken to improve the security and protection that human rights organisations get in these various countries? Is there some way that things can be improved?

Mr David Mepham: It will depend, from case to case. However, to make some general comments, clearly there is an issue about the enforcement of the law. Where the law exists, and says that people have the right to protest, associate and criticise, that law needs to be upheld. There are many cases in which it has not been. In terms of the United Kingdom's relationship with key countries through its National Action Plan on Resolution 1325 and through the work of the PSVI plans, we should be thinking about ways in which we can help countries to have the right laws in place, properly enforce them and allow people to get redress when their rights are not respected; that is very important.

There is also a difficult issue around challenging cultural conservative norms and the reluctance of people to talk about these issues. The PSVI has been very helpful in showing that we are prepared to talk about this; it may be seen as a stigma or a taboo topic in your country, but we want to force this into the open and talk about what is going on as a way to build the opportunity for further progress.

A more practical thing is whether the United Kingdom and other G8 member countries can provide support to those defenders who are very vulnerable, imperilled or threatened. There are times when those people need to be taken out of their country and, frankly, given a visa to come to the United Kingdom to be safe. I think that we are sometimes a bit slow to do that.

Ms Lauren Wolfe: If we cannot issue visas, which I support, one thing I have seen help human rights defenders is receiving a high-level award from a country. It gives them a level of protection. I am thinking in particular of Julienne Lusenge in the Democratic Republic of Congo, who runs an amazing organisation that works with survivors of sexual violence,

called SOFEPADI. She has received many threats because of her work, but she was given the French Legion of Honour medal and, since then, has become an international figure and therefore more untouchable.

My other comment on the greater security and protection that could be given is that very little funding is given by State governments overall for such issues. Even when it is given, it is given on a project-by-project basis. So there is very little operational support, which means that when human rights defenders go out to do their work, they are taking shortcuts and are not able to do things in the safest possible way. As a journalist, I know what that is like: if you cannot take the safe road because you have to get there fast and cheaply, you are putting yourself at risk. That needs to be addressed.

Baroness Hilton of Eggardon: Thank you. That is extremely interesting.

Q68 Baroness Hodgson of Abinger: Do you think that links with foreign governments or the international community present risks for human rights defenders, and how might these risks be mitigated? On the one hand, they want international support—and I take your point that awards and making people internationally prominent can help—but sometimes, just giving support in-country without that international media focus can present risks. It is a balance. Would you like to comment on that?

Mr David Mepham: That is another very good question and there is no snappy answer. A lot will depend on context. You are right to say that there are times when international engagement and context might put people at risk or in greater jeopardy. Human Rights Watch works all the time with activists in very dangerous situations, and we make a very frank assessment of whether our involvement and that of the international community will help or hinder. There are times when it might hinder, and we need to be honest about that. But our overall view, and we very much take a steer from the local activists on this, is that it tends to be beneficial in most cases to shine the spotlight on events so that people in the wider world are aware of what is going on. The dissemination of what is happening is quite an effective way to get even the most abusive local commanders or local autocratic governments to hold back a bit because they know that everybody is watching. It varies from case to case but, on balance, there are probably more circumstances in which shining a spotlight and international pressure and engagement are beneficial for women's rights activists.

Baroness Hodgson of Abinger: Lauren, what is your view on this?

Ms Lauren Wolfe: I would add one quick point. As a member of the media, of course I believe in shining the spotlight. But what I do, and what groups such as Human Rights Watch do, is take our cues from the local grass-roots groups. They know which survivors are able to speak, receive protection and be safe if we use their names in the spotlight. Listening to the local groups is the best course of action.

The Chairman: Lauren, you commented earlier that you knew of several cases that had come to court. Do you recall whether those cases won or not?

Ms Lauren Wolfe: I was speaking of two particular cases from the many that I know about. If you look at sexual violence cases that have come to the ICC, you will see that it is a very slow-moving mechanism. When Jineth Bedoya went to the Inter-American Commission on

Human Rights, one of the perpetrators came forward, but it took years—these things just take years.

While I am talking about the ICC, I want to add one point. I think governments and international NGOs very much focus on finding justice through courts such as the ICC. But when you speak to local activists, that is the farthest thing from their minds. They are not interested in the ICC; they are interested in local justice. That needs to be much more the priority.

Q69 Baroness Young of Hornsey: Both of you in different ways deal with the documentation of sexual violence. Perhaps you can give us an insight into the work that you do on that front and how you use that documentation. Sometimes it can be useful as a way of simply noting the history, as it were, of what has happened and recording those experiences. But there do not seem to be many cases in which it is possible to use that documentation to bring about prosecutions and break down this culture of impunity. Could both of you please comment on that?

Mr David Mepham: Documenting human rights abuse of any kind is a sensitive thing to do. That is what Human Rights Watch, Amnesty and other organisations do, day in, day out: we document human rights abuse and talk to people who have been badly treated in all sorts of ways, and we have developed protocols for doing that. But of course sexual violence and abuse is even more sensitive and difficult, and so we have developed further internal guidance and protocols about how we go about doing that. As you would expect, that is very much based on an understanding of how some of these crimes are hidden: they are not documented, people do not want to talk about them, there are problems of stigma, and there are concerns about what the effect would be were a woman to come forward in Afghanistan or Somalia to say that she had been raped by her uncle. I have not squared this with my colleagues, but it may be that I could share something with you in written form about our protocols—that may be useful. Of course, there is the PSVI Protocol as well, which was a very good thing that had a lot to say about how this should be done.

There are two other core points. One of the things that is most important is that you do not retraumatise, to use a slightly clunky expression, those who are already traumatised by what they have been through. We have to be incredibly careful in the way in which we do the interviewing and secure the testimony. The other point is that are times when you simply cannot do it. There are times when it is not possible to get this information because the woman, or the man, would be put in further jeopardy or made more insecure as a result of getting the testimony, or because we are not in a position to help by referring them on to some sort of service provision. So there are times when we decide that it is not possible to do that because it would be retraumatising to the individuals concerned. We have done a lot of work on that, and I will look to see whether we could share something with you in written form. Obviously we take incredibly seriously how we do that and the protocols and so on.

The Chairman: Thank you. That would be helpful.

Baroness Young of Hornsey: Lauren, would you like to comment on that?

Ms Lauren Wolfe: Sure. One of the interesting projects that I have done at the Women's Media Center at the Women Under Siege Project involved the creation of a map—it was originally meant to be crowd-sourced—with Columbia's Mailman School of Public Health.

We started documenting cases of sexualised violence and putting little red dots on a map of Syria—the project was all about Syria. We did this for about three years and aggregated all the cases, whether they came from Human Rights Watch, the International Rescue Committee, the UN or media reports. Also, I personally went on the ground and documented about 40 different cases. Putting that all together showed where in the country particular cases might be occurring and where responder services would be useful, if there was any way of getting them into the country, but of course we have seen that it is nearly impossible to get inside Syria. I think that doing something innovative was helpful in getting it on to the world stage. I have worked with investigators at The Hague and elsewhere at different NGOs to make sure that the documentation could be used in the future as evidence. It is not evidence right now but, if there are going to be some sort of trials, I would like to know that the documentation could be useful. It is a potential model, moving forward, for documenting this kind of crime. It is a variation of what journalists and human rights activists already do.

Baroness Young of Hornsey: If you want it to be used in some sort of future criminal prosecution, does that mean that it has to be developed to a particular standard? Do people share those standards, so that there is that potential?

Ms Lauren Wolfe: No. I have found it quite surprising how standards vary. I am assuming that the protocols that have been developed by PSVI could be some sort of standard. When you speak to lawyers who work on these issues, they tell you things that they will need, but it is not some sort of guidebook or handbook. I have done media training with other journalists trying not to retraumatise victims but to gather the documentation that could be useful.

Mr David Mepham: The other part of the question, which I did not answer, was whether we used that in court—

The Chairman: Let me come on to Baroness Hodgson. I think you have some supplementaries to Baroness Young's questions.

Q70 Baroness Hodgson of Abinger: I think that to a large extent David has answered this supplementary that I was going to ask about whether the PSVI aids you in this work. To what extent does your organisation utilise the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict and how would you see it developing? Lauren, perhaps you could also comment on this documentation and on whether you think it has been helpful and how you would like to see it develop to become even more effective. Perhaps you would like to start, David, as you partly answered it already.

Mr David Mepham: We are positive about the PSVI Protocol. We think that it is an important step forward. Again, the challenge is to translate that into systems nationally and locally that people can use, because there is no point in just compiling the evidence if you cannot do anything with it, which is what I was just about to say on the second part of the last question. There are cases around the world before international tribunals—Human Rights Watch has given evidence before the ICC—so we can take evidence of appalling crimes of sexual violence and abuse and people have been prosecuted as a result of that. To come back to Baroness Hodgson's question, yes, we need to find ways to translate very good guidance, protocols and principles into things that are useable and implementable at the national level. That is the challenge.

Baroness Hodgson of Abinger: Lauren, would you like to comment on that?

Ms Lauren Wolfe: Just briefly, I would shift over to talking about the lack of survivor services. I think that that should become more of a priority for the PSVI and any government interested in getting involved in this issue. There really are very few of these services and the grass-roots groups are struggling to provide them.

Q71 The Chairman: Thank you very much indeed. We have hit our time limit, so could I just ask each of you to make a final comment? What single thing would you like our Committee to recommend that would enable your work to be more effective? Lauren, will you answer that first?

Ms Lauren Wolfe: Sure. It is very clear to me that the missing voices at the London summit on sexual violence, which received quite a bit of criticism since, showed that survivors' voices are not being heard—I am thinking of the Afghan women who sat not speaking at the teleconference, as was mentioned. I think that bringing survivors' voices into this discussion is the most crucial thing that we can do. A lot of countries are implementing sexual violence initiatives, but it is becoming an excuse for militarisation and any grass-roots-level group that includes survivors can tell you that this is a problem. I would leave it there: the grass-roots groups and the survivors need to be more a part of all this as we move forward.

Mr David Mepham: I agree with that. I know that Baroness Kinnock would like to come in.

The Chairman: What would you like to say?

Mr David Mepham: I agree with the point that has been made. Bringing in the voice of survivors is absolutely essential.

Q72 Baroness Kinnock of Holyhead: My question is really to Lauren on an issue that some of us here in Parliament have been following very closely. The Human Rights Council recently raised concerns—this included the UK—about the Helms amendment. Should there be a recognition that women and girls raped in conflict are not seeking to use abortions as family planning, which is what is implied when these cases are discussed? I would be very interested in hearing your view on the Helms amendment.

Ms Lauren Wolfe: I am sorry if I am smirking, but in all my reporting trips I have never witnessed any of the young women I have met seeking family planning when they are seeking abortion services. I know that if we are looking at Syria and talking about Yazidi women who are returning pregnant, or pregnant women returning in Nigeria in mass numbers from Boko Haram, one of the problems is that there are no local abortion providers; there is nowhere to turn. The Helms amendment is preventing troops providing those services. This is Obama—how do I put this?—saying that it is okay to keep this thing in place but it is not a legal restriction at this point; he needs to sort of wave it away. That is entirely possible and it will be entirely beneficial to young girls whose lives are being changed not only by rape but by having a child that they did not want and do not want to care for.

The Chairman: Thank you very much indeed, both of you. It is possible that there are still a couple of questions that we have not asked. With your permission, we will put them in writing to you and look forward to your answers. If you have any further comment in addition to your answers today, please feel free to put them on paper for us. We are most grateful to both of you. Thank you very much indeed.

Institute for International Criminal Investigations, Judge Mary McGowan Davis and Women's Rights International – Oral evidence (QQ 110-117)

Evidence Session No. 15 Heard in Public Questions 110 - 117

TUESDAY 17 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Lord Black of Brentwood
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witnesses

Ms Niamh Hayes, Head of Office, Institute for International Criminal Investigations, **Judge Mary McGowan Davis**, former acting Justice of the Supreme Court of New York and **Dr Shana Swiss**, Founder and Director, Women's Rights International

Q110 The Chairman: Good afternoon, and thank you very much for joining us. We are immensely grateful. Although you will have heard it the first time, I will repeat that this meeting is on the record. We will give you a transcript, which you will be able to check for minor corrections. The meeting is being broadcast and will be on the website. You have had, I think, the details of the interests of individual Members of the Committee. I do not think we have any new ones, so my suggestion is that we go straight ahead. We have a number of questions for you. There is no need for you to answer all of them—if one is not up your street, just discard it and wait for the next one. Afterwards, we are bound to have more

questions, and you may have more answers or more points to raise, so please elaborate in writing. That would be massively welcome. Could each of you, whoever wishes to go first, kindly talk for a moment or two about your own work and why you think this is an important issue?

Ms Niamh Hayes: I have both an academic and a professional interest in the issue. My original introduction to it was as part of my PhD research, which related to the investigation and prosecution of sexual violence by all the international criminal tribunals to date. Some of them have got on better than others: it has been quite a Sisyphean process, with a lot of steps forward, followed by steps backwards, but it is remarkable how much commonality there is. Even though they are investigating very different conflicts, the issues that they have encountered relating specifically to how to effectively investigate and successfully prosecute sexual violence have been common throughout the different tribunals. For the last three years, I have been working for an NGO based in The Hague called the Institute for International Criminal Investigations. We provide expert specialist training to professional practitioners who are already doing this kind of work. We are aware that it requires a very specific set of skills. It is not only about the underlying professional skill—whether that be as a lawyer, investigator, forensic scientist, psychologist, security expert or whatever it might be—but about how to apply those skills in an ongoing or a post-conflict context, which can be extraordinarily difficult. There is also the question of how to work as an interdisciplinary team in situations of security instability, to put it this way. We have noticed that there is a huge demand for training on how to investigate sexual violence, in part because of the increased attention that it has received over the last couple of years. That can be a good thing or a bad thing. The good thing is that at least we are talking about it. The bad thing is that sometimes there can be a tendency to engage in box-ticking exercises. I am happy to go into any kind of detail that you want me to go into about the legal or the investigatory side of things, but that is what has brought me to this issue.

Judge Mary McGowan Davis: I am a retired New York Supreme Court Justice. That sounds very exciting and august, but it actually means I am a trial judge and tried serious felony charges for many years. The Supreme Court of the State of New York is not the top court but the main felony trial court. Since retiring from that work, I have been roaming the world, basically, working on various projects relating to training judges and assessing justice systems. I am here today, despite the relatively small amount of time I have spent on this compared with the distinguished people who are sitting at my side and who have focused on eastern Congo, because I was asked by the Open Society Foundations in the spring of 2011 to make a trip out to eastern Congo. We ended up on a hilltop in Kamituga, eight hours into the bush from Bukavu, attending mobile court sessions facilitated by the American Bar Association's Rule of Law Initiative. Much of the funding at that time was provided by the Open Society Foundations. I spent several days sitting in a tent on a hilltop watching and attending the proceedings. I wrote a long report afterwards assessing my experience with that mobile court session. During the time that I was researching this in the field, I spoke with many judges, with the lawyers involved, with community organisers in Bukavu, with NGOs and with local civil society. To get a good sense of the issues, I also spoke to some of the survivors who had testified during the court session. The week I spent in place focused intensively on South Kivu, which in particular was a granular experience. I guess that is why I am here: to tell you about that and about the local courts, which are one way in which I think justice has been brought to some survivors in that part of the Congo.

The Chairman: Thank you very much. We met Charles Guy in Kinshasa last week, so we learned a lot about the ABA in east Congo. Dr Swiss.

Dr Shana Swiss: How did I get into this work? When I finished my medical and clinical training, I went to Physicians for Human Rights to start their women's programme in the early 1990s. As part of a mission for the Special Rapporteur on the former Yugoslavia, a team of five women physicians was sent into the former Yugoslavia to try to address the incredible explosion in the media of stories of women being raped—up to 60,000 women, according to the media—and what was going on. The team of physicians I was with had all decided that we had a fairly good human rights background and were going to interview women who had been victims of sexual violence. When we arrived in Zagreb, we found out that a refugee woman in Spain had committed suicide after talking to a psychiatrist there. So we looked around and said, "There is no safety net here, no services and no support for women, and we cannot interview women, as it would be unethical to do so". We had 10 days to come up with some way to understand what was going on in the former Yugoslavia. We divided ourselves up. Two of us went to Zagreb, I went to Zenica and Sarajevo, and two people went into Serbia. We decided that we would go to hospitals, talk to doctors and look at hospital records. We really had no idea what we were looking for. I just said, "Look for everything. Look for sexually transmitted diseases, look for pregnancies, look for whatever you can, and talk to the doctors. We are going to have to come up with some proxy here and some reason for what is going on". It was very interesting that in a sample of six hospitals—two in each of the three countries, which is a very small sample given the size of the former Yugoslavia, which had 20 million people—we found that 119 women had become pregnant as a result of rape.

We had no data on the first-trimester abortions, because abortion was legal in the former Yugoslavia, and the doctors had decided not to ask those women why they were having abortions, so these were appeals to the hospital ethics committee for a second-trimester abortion. Starting with the 119 pregnancies as a result of rape in these six hospitals, we used the medical statistic that an unprotected act of sexual intercourse will result in a pregnancy between 1% and 4% of the time. In order to have 120 pregnancies, you would need between 4,000 and 12,000 acts of rape. So we were able to say that, yes, the scale and scope of rape in the former Yugoslavia was huge. Although we could never come up with the exact numbers, it was certainly happening. This was the first war that really made rape public. That is how I got into this work. In talking with a few women in the former Yugoslavia who wanted to talk with us, we had a paralegal with us: someone who understood what talking to human rights people was about and could really understand informed consent, which I would like to talk about a bit later today as well. We heard how betrayed women felt, which we now know from other conflicts as well. People come in and ask the same questions multiple times, and the same survivors are spoken with by multiple groups and organisations that come through. Out of that grew the work that I have developed over the last 20 years, which is to put the documentation into the hands of women in the countries that they are living in, to work with them to develop skills, to do very good, sound scientific research on documenting violence against women, sexual violence against women and the impact of war on women, and to be able to determine the questions and what they want to find out about what has happened to women during the conflicts in their countries. This work has been published in the *Journal of the American Medical Association*, the *Lancet* and other journals, and just underscores how possible—and if not easy, then worthwhile—it is

to help women in their own countries to become the documentarians, along with other ways of helping women survive violence in conflict.

Q111 The Chairman: Thank you very much. We have about eight questions, and we need to finish at about 5.45 pm, or 5.50 pm at the latest. It might be that just one person chooses to answer a question. If you all answer them, perhaps you could be fairly brief. I will start with the first couple of questions.

The first is about the visibility of justice. How important is it that justice is seen to be done, and not merely done? Secondly, what barriers do survivors face in trying to achieve accountability for the crimes of sexual violence in conflict?

Ms Niamh Hayes: I can address the visibility question, if you would like. It has a tremendous impact on a number of different levels. The witnesses in the earlier sessions spoke about the impact, positive and negative, of impunity on survivors who have been through an experience like this. One thing that struck me most about some of the work that Dr Dolan's organisation does with male survivors is that when they testify in public, one of the things that they all say is, "I thought I was the only person on earth this had happened to. I thought I was the only one". Everything about the way sexual violence is committed is designed to psychologically intimidate someone, punish them, and induce stigma and shame. There is a tendency for people naturally and automatically to feel as if there must have been something about their behaviour that led to this incident. The more visible all possible examples of victims of sexual violence are, the more that is undermined because people realise that if it could happen to someone else, maybe it is more explicable that it could happen to them.

On a legal basis, on a normative basis particularly, the importance of precedent in this question is absolutely overwhelming. To look at the international criminal tribunals alone, just over 20 years ago, when the Yugoslavia tribunal was being set up, from a legal point of view there was a genuine dilemma and proper academic debate about whether rape could constitute a crime against humanity. There was less of a debate about whether it could constitute a war crime, and I do not even think anyone was even having the argument about whether it could be an act of genocide at that point, as it would have been purely theoretical. Twenty years later, purely on the basis of the work of the Yugoslavia tribunal, the Rwanda tribunal, the Special Court for Sierra Leone and the International Criminal Court to date, we can say, as a matter of law, that rape committed in situations of ongoing armed conflict and in connection with that armed conflict constitutes a war crime. If it is committed as part of an ongoing or systematic attack against a civilian population, it constitutes a crime against humanity. If it is committed as part of an overall policy to destroy a national, ethnic, racial or religious group, in whole or in part, it constitutes an act of genocide. Evidence of sexual violence is relevant to prove other crimes, such as torture, extermination, persecution and outrages against personal dignity. In such a short space of time—20 years—the law on this has completely changed and the conversation has changed as a result. If you can say that this is a marginal crime and do what people always try to do and downplay the obvious, overwhelming criminality of it, it becomes easier to gloss over it, ignore it in policy and not deal with it on a societal basis. If it is held up as the absolutely appalling crime that it is, it becomes almost untenable to not react to it. That is part of the issue and one thing that is worth mentioning to all of you.

I know you have used the phrase “conflict-related sexual violence” to refer to the type of situations that we have all discussed. The pedantic lawyer in me looks at the word “conflict” and says that it is not entirely necessary, but the very fact that we are having this conversation means that we are not glossing over it and are not pretending any more that it did not happen. The genie cannot be put back in the bottle: there is no circumstance in which anyone, whether they are a potential perpetrator or the Prime Minister of a diplomatically recognised country, can say, as matter of legal notice, that they are not aware that rape committed in those circumstances is a violation of international criminal law. War is a complex thing, and if someone is killed in an armed conflict, any lawyer will tell you that you need a lot more information to know whether that constitutes an international crime. But there is no circumstance in which it is legally permissible to use sexual violence in armed conflict. It is never not a crime, whether it is committed against a young civilian woman, a male child soldier or a four-star general. There is no circumstance in which it is not an international crime when committed in those circumstances. It is because of the prosecutions that we have had to date that we can say that as an established fact.

The Chairman: Perhaps you could guide us on why it is proving so difficult at the moment to bring a charge of a crime against humanity or genocide, whichever way you look at it, right up front for the Yazidi people in northern Iraq at the moment?

Ms Niamh Hayes: The Yazidi issue is purely one of jurisdiction. The problem is that for the International Criminal Court to have jurisdiction, it would have to have either physical jurisdiction over the countries of Iraq and Syria or the situation referred to it by the Security Council. Alternatively, it could—maybe—prosecute nationals of States parties that had joined the ICC. So if you had an ISIS fighter from France, the UK or another European country that had joined the ICC, the ICC could exercise jurisdiction over them. Otherwise it is not possible for it to do so, so at the moment it is purely a question of being able to exercise jurisdiction over the situation. What has proved so difficult in practice is tying the sexual violence to more remote perpetrators. That has been the hardest part.

The Chairman: So your point is related only to the ICC not to global justice in general?

Ms Niamh Hayes: It relates to international criminal prosecutions, because they require a degree of political or diplomatic establishment that domestic prosecutions would not. Chris Dolan made a point about the Rome Statute earlier, and it is worth pointing out that there are more than 130 States parties to the ICC, all of which have had to incorporate the Rome Statute into their domestic law or to ratify it. That means that all of them have validated the definitions of rape and of gender violence and the fact that all of these constitute international crimes. Unfortunately, people's determination tends to waver a bit when it comes to actually grabbing someone and putting them in a dock. That generally tends to be where the wheels come off the bus, unfortunately.

Judge Mary McGowan Davis: I will comment briefly, if I may, on the visibility question that you mentioned. To be quite candid, I was completely blown away in the eastern Congo after a week spent talking with people who had been able to access the justice of the mobile courts. The phenomenon that I found really extraordinary was that young women were coming forward and saying, “That man did this to me”. Visibility means that they know that if there is a court, a prosecution is brought and the evidence is there, people will be convicted and will suffer punishment. Even a 10 year-old girl testified at a trial I attended. Her father was counselled by the judge: “You can tell her she can come and talk to me in

camera". They said, "No, I want to tell everybody. My community is listening, and this man did this to me". Throwing off the silence is what visibility is about.

Dr Shana Swiss: I will speak to the barriers, but first we need to ask about the definition of justice. What is justice? It is a very different thing to different people. It is very different to us in the global north than it may be to rural women in the global south. It is really important to constantly and continually be in discussion with women in these countries about what justice is, what it would look like, what it would mean and what needs to happen in order for them to feel that justice has occurred. In a lot of countries, the perpetrator is still in the village: they teach in the school or work at the police station. Cases can take six to 10 years in Sri Lanka, and longer in some countries, where they can go on and on. The justice systems are pretty much universally broken in the countries that we are talking about that have seen years or decades of conflict. The health systems are broken or in severe need of a lot of help and a lot of input. Besides all of the things that we have talked about—that they do not have transportation or money to buy legal documents or to do this or that—there are bigger questions that need to be answered first. I do not have those answers but I know that the women do, and all of our work is based on that. Justice will look different in different countries, so I would just encourage us to do this. I know the Nairobi declaration on reparations for women and girls discusses throughout that women need to be included in any and all discussions of reparations and justice in these countries.

I want to make one other point here, about informed consent, so I am going to jump over to prosecutions. I will let you all know my bias from the beginning: I am not at all in favour of encouraging or promoting prosecutions. If a woman wants to come forward and understands what that process is about, I would totally support that and give her as much support as I possibly could and as she needs in order to come forward. But partly as a result of my background as a physician and public health person, and partly as a result of having worked in the field for a couple of decades, I think it is very hard for a rural women living in Africa, Asia or somewhere else to really understand what this process is about. It is not just a question of reading of a list and saying, "This is what is going to happen, this is what we are going to do. Can we use your data and who can we give it to?". It is a much deeper and more ethical question than that. We really need to look at that as we are planning what is going to happen post-conflict. I am very in favour of transitional justice mechanisms. I was involved with the Truth and Reconciliation Commission in Liberia and would very much like to talk a little about that at a different question.

Lord Hannay of Chiswick: Could I possibly ask a supplementary question?

The Chairman: I am going to move on Lord Hannay if you do not mind, as we have a lot of questions. Could we go to the Bishop?

Lord Hannay of Chiswick: I am asking a supplementary question.

The Chairman: We are coming to you in a minute.

Lord Hannay of Chiswick: I am not trying to ask that question. I am asking a supplementary question. I am sorry. I was very interested in what you said, but does that not cut across efforts to deal with the issue of impunity?

Dr Shana Swiss: Cut across?

Lord Hannay of Chiswick: I mean contradict. If you are saying to women who have been horribly treated in this way, “I am not encouraging you to bring this matter to court if you do not feel like it”, then are you not basically weakening the effort to clamp down on impunity?

Dr Shana Swiss: There are other ways to address impunity, and maybe we can get into that in another question. I am not against what you are talking about, but we need to think of other ways that we can do that as well.

Q112 Bishop of Derby: This is probably a question primarily for Dr Swiss. You have just taught me a new word, “documentarian”. You said it is important that the women themselves become documentarians. Especially in the light of this last little debate, could you say a bit more about the role of documentation? What are we trying to achieve by it and how does it best help survivors?

Dr Shana Swiss: I am so glad that you asked that. The former Yugoslavia was our first. I had been to Liberia before that and started thinking about working on the documentation that we did there. Then the former Yugoslavia and everything with the media happened and I thought, “Well now the whole world knows that rape in war is a huge problem, so we don't need to keep documenting it any more, because we know about it”. Well, it took a while. We did not know it then, but I think we know it now. In Liberia, I said, “I don't think we need to do the documentation, because of the former Yugoslavia. I think we can move on and develop the programme that we were going to develop after we found out how extensive a problem this was”. They said, “No, no, we want to do this”. I realised—this is important—that the documentation itself was extremely empowering. We think we know what happened to women during this conflict, but now we have the raw data, as they call it, to prove it. It gives me the goose bumps just saying that again, but that is exactly what they said. Documentation has a very empowering role. Do we need to go and document how many women have been raped in every conflict in the world? No, I do not think we should be doing that; we do not need to count any more. If we ever had a war where there was no rape, maybe we should start counting again, but until that happens, we do not need to be counting.

There has been a shift in the last number of years, and documentation has been increasingly driven by donors, who say they are not going to fund a programme until they know the numbers. This has a very destructive aspect, and I think we need to stop it. We do not need to be counting any more, 20 years later.

Ms Niamh Hayes: Can I make one brief point about the counting issue to back up something that Dr Dolan said earlier? One area in which we absolutely do need to keep counting, simply because the process has not existed before, is in relation to male victims. There is an amazing quote from Sherlock Holmes: “It is a capital mistake to theorize before one has data. Insensibly one begins to twist facts to suit theories, instead of theories to suit facts”. One of the things that you encounter here is phrases such as “women and girls represent the overwhelming majority of victims”, or, “this is an issue that disproportionately affects women and girls”. The only point that I want to make is that in the absence of certainly sufficient information, in the absence, frequently, of anyone even asking the question of men, I do not think you can use phrases like “majority” or “proportion”, because they

necessarily involve two comparable figures. We really only have one, and even that represents, in many ways, an iceberg figure of the true total. That is one thing.

Baroness Young of Hornsey: Again, a quick question to Dr Swiss but also to others in the light of this claim that we do not need to count any more. Do you not feel perhaps, without trying to put words into your mouth, that there is a case for an historical record of what has happened, which is not necessarily about counting but is just to say, “This is what happened in this particular period, in this particular place”, for the record?

Dr Shana Swiss: Absolutely. I totally believe in historical records. There are other ways to get them. I am going to speak about the Liberian Truth and Reconciliation Commission, because I am most familiar with it. It took about 21,000 written testimonies and about 500 public testimonials. Half the written testimonies and about 40% of the public testimonials were from women. The Commission was also able to document male sexual abuse. It had a very different character, and I think it is very important that we keep these separate. I do think that sexual violence disproportionately affects women—that is my hypothesis—and that the sexual violence is very different. For men I think it is more shaming, humiliating—a variety of different things, at least in Liberia. The Commission also documented a large percentage of men. This is another way of getting documentation without having continually to interview women for that information if what we want is an historical record.

The Liberian Truth and Reconciliation Commission was terrific in the way it really put women and children forward in the gathering of information for the Commission. It invited the team that I worked with in Liberia to present its quantitative data on violence against women in the conflict to give background at the thematic session for women at the beginning of the Commission before it heard women's testimonials, because it also realised—this is a place where this data can be useful—that you can have 10,000 women come forward and say they were raped and you still do not know what percentage of women were raped in the country. I thought that was very forward-thinking, and it was wonderful that we could do that. We did it in a very creative way. Hundreds of women came from the countryside, many of whom had never had any formal education. We had statistics to share with them, and we did that through a presentation of dramatic plays and pictorial graphics relating back to the plays that we had presented. People were very thrilled with that.

The Chairman: Thank you for that very helpful supplementary.

Q113 Lord Sterling of Plaistow: The full title of this Committee, by the way, is the Select Committee on the Prevention of Sexual Violence in Conflict. Doctor, you said that given the numbers who were pregnant in Yugoslavia, some 10,000 people must have been raped. As many people in the army will say, most of the women do not have a clue who raped them, so bringing them to justice is impossible. We have witnesses here with huge experience—a Justice from New York and someone at The Hague itself—and some of us are extremely keen to hear your views on how the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict is being used. When there is rape on a massive scale in an area, what form of law would you want to see take place and really happen that could prevent that sort of scale of rape in violence, which affects numbers of people running into the thousands? If somebody facing you says, “That bloke across the road at the post

office raped me”, if you do not mind my saying so, that is reasonably clear cut. This is very different.

Judge Mary McGowan Davis: There are several problems relating to the incidents of rape in conflict zones that I learnt about when I went out. There are these ghastly mass rapes involving hundreds of victims on a wide scale, which are suited for prosecution in some sort of a court that applies international rules—the Rome Statute essentially, or some version thereof. I also learnt in the Congo that when you have this mass rape going on and impunity for that, it has this trickle-down effect; suddenly everybody is raping. They called it the ‘normalisation of rape. When I was there in 2011, which was a quieter time in terms of some of the bigger mass rapes, the cases that the court I visited was trying were of little girls being raped by their relatives, their priest or their teacher. Apparently when you have impunity on this scale, it trickles out into the civilian, the wider, community, so not only do you need to prosecute these huge cases and to bring in the resources that those who are experienced in trying and prosecuting these cases can bring in, but you also need to build up the local justice system so that the ones that are closer to home—in the sense of everybody’s lives—can be tried and prosecuted too. You have to work on two levels, I think.

Ms Niamh Hayes: I agree. I can give you quite a detailed example of that. If you look at Rwanda, the statistic that you will also encounter is 250,000 rapes in a 100-day period. As Dr Swiss said, if you look into how that figure was obtained, 2,500 children in the 1995 census in Rwanda were listed as having been conceived as a result of rape. They applied the “one in every 100 acts of unprotected sex results in pregnancy” statistic to that, multiplied the number of acknowledged rape babies by 100 and came up with the figure of 250,000. That does not take into account the number of people who were raped by more than one perpetrator, people who were raped and then killed, people who availed of the amnesty on abortion that was introduced in the aftermath of the genocide in Rwanda. So essentially 250,000 rapes in 100 days, which is already at a scale that is nearly beyond comprehension, is in fact the lowest starting guess. So how can any legal process, or any combination of legal processes, address criminality on that scale, particularly when—you are right—a lot of the time the victims could not identify an individual perpetrator.

Lord Sterling of Plaistow: Just to develop that, have you ever come across a time when a commander, or whoever is in command in some form, has actually ordered a mass rape? Have you ever got one of those and hung them up a tree? We cannot get the lot of them, and the one who gave the instruction is the one you have to get your hands on.

Ms Niamh Hayes: This is the whole point: that you cannot go after every individual perpetrator. Even between the International Criminal Tribunal for Rwanda, the national prosecutions and the informal Gacaca justice process, you still cannot come close to every perpetrator. There have been situations, including with the Rwanda tribunal, where both military and political leaders have been held responsible for directly ordering rapes. What is quite interesting and one of the routes, I think, with the greatest potential is the facility for holding someone responsible for failing to prevent or punish sexual violence. They do not even have to be stupid enough—and it would take a degree of stupidity—to give a written order to rape; they simply have to allow it to happen and let people get away with it to become criminally responsible themselves. The most valuable outcome would be a systematic targeting of the senior leaders. That has been of limited success so far because of the difficulty that the international tribunals have had with the mode of liability. In holding

someone who is more remote from the crimes to account, you are not prosecuting them for committing a crime but for a failure to prevent and punish it, for complicity in it, for aiding and abetting it or for something like that. The legal elements are quite complex, but if I had a magic wand I would remove the reticence of judges to hold more remote perpetrators accountable. What you find is that when it comes to mass killing, ethnic cleansing or any other large-scale policy, the judges are fine holding remote perpetrators to account. However, they develop a degree of squeamishness, caution or legal purity when it comes to holding people responsible for mass sexual violence. You find that some judges will even enter a dissenting opinion giving out to their fellow judges for not being willing to take that extra step. Basically, if you have different justice systems addressing different targets, then you have some hope of providing overall accountability in a very limited form. But you have to manage expectations. The chances of any international criminal tribunal prosecuting anyone's individual rapist are beyond minuscule. However, they are in the best position in terms of the rules of evidence, the forms of liability and the way the crimes are defined. If anyone has any hope of holding senior leaders accountable, it is international tribunals. That is the role that they can play, rather than pretending that they can go around and find every rapist. The ICC is looking at eight countries. You could not possibly begin to deal with all of them.

Judge Mary McGowan Davis: I will make a pitch for local justice systems taking up some of the slack here. Yes, the ICC is very important for the ringleaders, but the mobile courts that I have been assessing in eastern Congo have had some success. They not only convicted a colonel over his individual rape of women in Fizi in January, on New Year's Day 2011, but held him and eight of his soldiers accountable on command responsibility for rape, pillaging and other serious crimes. So it can be done. This was a Congolese military court applying international law, and I think 42 women came forward as witnesses. They testified anonymously, but that was huge in terms of the message it sent out to South Kivu at the time. More of that is needed. It can be local; it does not have to be the ICC.

Q114 Baroness Hussein-Ece: This is extremely interesting. I wanted to ask a supplementary about the mobile courts. They are ad hoc, I suppose, having been established in places where there would normally not be a court, and you have large numbers of women coming forward. We heard from Dr Swiss how she does not think it is a good idea to press women who do not want to give evidence if they do not feel like it. On the other hand, how much support is given to women in those situations out in the field—and protection, because there must be intimidation? How much support and protection is given to women to encourage them? Obviously, we want prosecutions, especially of these senior commanding officers, because that in turn will prevent this happening again, even post-conflict. I am interested in what support networks there are.

Judge Mary McGowan Davis: The model that I was assessing, as I mentioned, was supported—facilitated is perhaps the right word—by the American Bar Association's Rule of Law Initiative. Other NGOs are also operating mobile courts in eastern Congo, many of which are supported by the United Nations and by governments. There are various different models. Most of those models, as the ABA model clearly did, rely on local medical facilities such the Panzi Hospital in Bukavu—places where people go and can get counselling—to refer directly to the mobile courts. They are supported in the field, and locally before the court even goes out into the field to have its hearings. So it is not only about going to court

and testifying; there are support services that are definitely part of the mobile courts package and what it offers survivors who testify before them. It is not one or the other. They provide holistic services in some of the more urban areas such as Bukavu and Goma, although it is much harder when they are way out in the bush. Usually when they have access to a mobile court, people are given protection. This is all taken very seriously from what I was able to see from the programme that I evaluated. Good things are happening with these mobile courts, although they are not the only answer. I know they are also talking about all kinds of mixed chambers and that there are various proposals out there. But the mobile courts offer a model. One thing that the Congolese like about this is that it is all Congolese. That is hugely important. I was down there and heard people say, "We care that the international community cares about us, and we appreciate the funding and the resources, but we are proud people, we have an excellent legal framework", which they do. They have hugely experienced judges, prosecutors and lawyers; it is very sophisticated. They have great laws, including a 2006 sexual violence law that is excellent and up to date. They have protections under a revised constitution. There is good stuff. They have to be able to put it into practice, and implementing is always hard, but I liked what I saw. I think it is a good model. There have been mobile courts in the Congo forever, because so much of it is inaccessible. In 2011, when the feeling was that the government was totally absent out there, they fulfilled a real function. I was very moved when the presiding judge, who is one of the most distinguished military judges and has tried a lot of these important cases, said, "We appreciate the international community, the American Bar Association and the UN, but we want our government to give us the means to do the work ourselves". I respect that, and we have to understand that that is part of what we are working with when we try to figure out what the best model is.

The Chairman: A second supplementary from me. We have not touched on the question of protecting the judges. In many of these instances, the judges themselves, or members of their families, in particular their sons, are targeted and killed. Could you comment on that? How do you see that proceeding? It is sometimes very difficult to get local funding or local arrangements for that. What is your guidance?

Judge Mary McGowan Davis: Speaking from the experience of the mobile court situation that I know about, in 2011 in Bukavu and Kamituga, this was a very particular concern in April that year, because one month earlier, a prison transport taking one of the defendants from Uvira to one of the courts was attacked and a prisoner, a prison guard and, I believe, a civilian were killed. In April 2011, there was a huge sense of concern on the part of the judges. There is security—it is built in as part of the model that the American Bar Association was facilitating—but there was concern that some of the lodgings that they were staying in were not the best. That was a very real concern. On the other hand, it was interesting that the presiding judge in the Fizi case said one of the reasons why the whole case with the colonel had such an impact locally was that the judges, the prosecutors and the lawyers travelled way out and lived in the same conditions as the victims and the community. He said, "That made an impression". These kinds of things do. These judges are brave and go out knowing that they are going to be vulnerable. Security is clearly an important concern.

The Chairman: Were the sentences handed down actually served or were they merely notional?

Judge Mary McGowan Davis: One of the features of the American Bar Association programme is that they actually follow up and go to the prisons, because some of these prisons are not secure. Again, this was in 2011, but I saw statistics that said that each person who had been convicted by one of their courts was still in prison.

The Chairman: The question is really more general, as we cannot rely on the American Bar Association to look after every set of judges everywhere. Do you not have a more general comment to give us on this?

Ms Niamh Hayes: Part of the issue is stigma. You will find that whoever the crusading character is or whoever the person is making life awkward for somebody else—whether that is the judge, the prosecutor, the person running the support network or the particularly rowdy victim group representative who keeps knocking on doors—that is what tends to make people a target. In many cases, it is the refusal to be silenced that leads to the escalation of reprisals against them. In many ways, people are relying on a general culture of stigma and intimidation. It already takes an unusual and quite persistent personality type to persist in the face of that. It is one of those issues that is a bit like asking, “How do we prevent sexual violence?”. How do you make people not be awful in the way they behave towards each other? Essentially, the human element cannot be removed from the equation here because it is the single most relevant factor for security, stigma, impunity, prevention, societal responses and everything else. If individuals behave in a way that is worthy of the word “humanity”, then quite a lot of these secondary issues are not as acute. If people are going to behave in an appalling, barbarous, unfair and unjust way, to what extent can you build a system that is designed to make that impossible and to what extent should you?

Lord Sterling of Plaistow: Let us come down to brass tacks: when you went to the prisons, what sentences were handed out?

Judge Mary McGowan Davis: Some life sentences were handed out recently. A general, I believe, received life. Colonel Kibibi Mutware received 20 years. So there are some significant sentences.

Lord Sterling of Plaistow: But is it a comfortable sentence? It is not in his own quarters, is it?

Judge Mary McGowan Davis: Not to my understanding. I did not actually visit that prison. I have visited prisons in Rwanda but not in Congo.

The Chairman: Do any colleagues have more questions to ask that they do not think have yet been covered?

Lord Hannay of Chiswick: I have a question if you want me to ask it.

The Chairman: Do you want to ask it?

Q115 Lord Hannay of Chiswick: I will be very happy to do so. Leaving on one side the question of prosecution, does documentation help survivors in other ways than preparing the ground for a criminal prosecution? Is it useful for survivors that you carry out this documentation—not for statistical purposes, which is what I think you were talking about at an earlier stage, but in individual instances? Or is it simply a continuation of the trauma?

Ms Niamh Hayes: It depends very much on the individual person. This goes back to the question that you asked earlier about whether you are taking one step forwards and two steps backwards in terms of impunity. Any accountability process that is at the expense of

the victim is so counterproductive that, to my mind, it is not worth engaging in. I say that because whether you look at traditional justice processes, prosecutions or documentation processes by civil society, there is an underlying tendency, however well-intentioned people are in their actions, to commodify victimhood or to turn it into something that you need from them. Victims are very sensitive about that once they feel that it is not about them or about making them feel better but about what somebody else needs from them. That makes sense in the context. If someone is suffering from a feeling of a lack of control, of being exploited and of not being in charge of what happens to them, any process that you corral someone into that triggers or reinforces that is one that ultimately no one would be happy with, because it does not contribute to prevention and does not even contribute to improving the situation that they find themselves in afterwards.

I would say the following about documentation generally. The overwhelming majority of the work that is done with survivors of sexual violence in conflict is documentary work, not investigatory work. It is not something with a mandate or with the authority to compel information. It is not done by someone who necessarily has anywhere further to take it. What you find if nothing else is that, whether they are for future prosecutions or not, the data is valuable to the survivors themselves. You can say to them, as with the Refugee Law Project, that they are in a situation where X proportion of all the people who are present at that refugee camp have been through an experience like the one they had in their country of origin, and that they are not unusual, not exceptional and not alone. However, it also means that at a certain point you can start to identify patterns. How many of those people experienced the sexual violence immediately before they fled their country or sought refuge? How many of them have experienced it in the IDP camps since they arrived? How many of them had experienced it in a domestic context that predates the conflict? You will find that people do not fit into just one box. There is a level at which all those groups interact: even just something as simple as being able to find out how many victims of sexual violence, never mind their gender, also experienced persecution on the basis of their ethnicity, their sexual orientation or their political opinions—something else about them—helps you in, hopefully, a comprehensive and minimally invasive way. Again, there is the human element. If you are going to sit down with someone who has been through something like that, you need to conduct yourself in a way that reflects the duty of care not to put them in a worse situation as a result of interaction with you. That is the absolute minimum. The best possible standard is empowerment through participation, but the absolute minimum is to do no harm. If you can navigate those two buffers, I would say that, in general, it is a worthwhile exercise.

The Chairman: Baroness Goudie will ask the last question of this afternoon.

Q116 Baroness Goudie: I am very impressed with what you have had to say on a number of issues today. One issue we need to look at is what role truth and reconciliation commissions play in achieving accountability, as we have seen in South Africa and Chile.

Dr Shana Swiss: I will start with the Truth and Reconciliation Commission of Liberia. It is ironic—more than ironic, very unfortunate—that that particular report, which is public, has not been implemented, even though it came out in 2009. The reason for the lack of implementation is the recommendations that were made by the Truth and Reconciliation Commission to guarantee non-repetition, saying that anyone who had been part of the conflict could not serve in the government. It also recommended prosecutions of specific

people, so the legislature did not act on it. I have heard very recently that they might try to implement some of it in the near future—maybe the next couple of years, I do not know. It was an amazing truth commission. It looked at historical and root causes, and interviewed women—I will talk about women, as that is the part I am familiar with, although it was obviously much broader than that. They interviewed women in the diaspora: in Africa and in Europe and the United States. They had a gender committee and a gender policy. They had some excellent things in place: for example, every woman who testified, in all of the 15 counties, got six weeks of follow-up in groups with psychosocial support, or whatever you would like to call it. The groups themselves said they had 100% participation in those groups. It was done in a truly respectful, supportive and empowering way for the women who participated in it. The recommendations were quite excellent, and that Truth and Reconciliation commission went a long way towards helping to heal some of the wounds of that conflict. I hope that the implementation, which is half of it, will happen. If they implement half of what they are suggesting should be implemented, that would be really good. It is a question of building the justice system and the healthcare system, rather than having a lot of special groups: instead of having a special group here for women who were raped, which will be responsible for that issue, and a special group there for whatever, they are integrated into the government systems. I feel quite strongly that we need to strengthen government systems. In Liberia and other places, when you go from emergency to development, the healthcare system takes a deep nosedive. I know it is a huge challenge, and I have not always felt this way, but I have come to the view more recently, over the past couple of years, especially since a little bit of work I did in northern Uganda, that we have to build the government systems. As difficult and awful as they are, that is what is going to last, whereas everything else will leave the country. Just coming in and doing some little thing here and another little thing there, even if it is for several years, does not help in the end.

Ms Niamh Hayes: With some conflicts, a truth and reconciliation commission is essentially the only historical record, or even the only talking shop, that you are going to get. Some really valuable work was done in the Truth and Reconciliation Commission in Guatemala in relation to sexual violence. So many conflicts in central and southern America have featured sexual violence to a huge degree, and there has been absolutely no other formal or informal justice process that has tried to address that. Sometimes they are the only show in town, and as a result they are very valuable.

Judge Mary McGowan Davis: I have one quick, final remark, which is not truth and justice-related. Although I respect the commissions and think they are very appropriate and useful, I am a judge and a prosecutor. I think that people should be held accountable after court cases where the evidence has been produced and investigated, people's rights have been respected scrupulously, including those of the accused and the victims, and the survivors who have come to testify are treated appropriately. What is needed in the eastern Congo at this point is the local mobile courts doing the work that they are doing. There is also talk of creating specialised mixed chambers that would really be in a position to take on the higher-ups who, frankly, are being protected at various different levels of the military and political system. The internationals who participate in that would be Africans—there are so many specialised African judges, for example those from the Rwanda tribunals and from Sierra Leone. I would make the pitch that it would be good to get the special mixed-chambers Bill out of committee or wherever it has been lingering for the last year or so in the Congo. That would be an effective complement to the ICC and to the other courts that are doing the

work for people who have been raped in their communities. There are various levels that need to be looked at, but I do think that prosecutions are important.

Q117 The Chairman: A quick question for the judge. A truth and reconciliation commission, as you have highlighted, almost involuntarily does not contain true justice. It is really a form of mediation. I gave evidence to the Truth and Reconciliation Commission in South Africa, for example, and was struck by the fact that there was no judging or sentencing at the end. Nonetheless, given the extreme value of them that we have been told about this afternoon—

Judge Mary McGowan Davis: The value is in setting out the evidence of what happened. One of the reasons why these international court proceedings take forever is that the judges think that is part of what they have to do. Personally, I do not think so: take a couple of the higher-up people and prosecute them if you have the evidence. The TRC can lay it all out.

The Chairman: Would you therefore recommend that we think about proposing that formal mediation courts are set up in countries that have been in conflict? Would you see that as a longer-term form of truth and reconciliation or not? Mediation courts have been set up for example in Jordan and in one or two other places—the ABA has been highly instrumental in this. Do you think that mediation as a formal part of the justice system might be something to propose?

Judge Mary McGowan Davis: I certainly think there is a role for mediation in justice systems. The courts are overburdened, and it is appropriate. But in terms of some of these mass crimes of rape and sexual violence, no: I say prison for the higher-ups who are ordering this. Mediation would not be quite enough for me, I am afraid, but it certainly has a role at the lower levels that we have been talking about.

Ms Niamh Hayes: Ms Wambui said earlier that sometimes the informal justice process essentially gets turned into a form of mediation. For this type of crime, there is an element of horse-trading about it. If, in principle, it is wrong, do you just provide someone with a receipt?

Baroness Goudie: I think you have to have room for both. Truth and reconciliation commissions are sometimes the only way of getting some form of closure for some people. At the same time, we have to have prosecutions—there is no question about that. But the commissions are very important for closure because we want people and the generations after them to be able to move on, as we have seen in Ireland and other places. Otherwise it is not three generations but 10 to 12 generations. That is where I personally feel that they are very important.

The Chairman: Thank you all very much indeed. We are most grateful. We have covered a lot of ground in a relatively short space of time. There may well be some further written questions, and you may, as I said at the beginning, have further comments, in which case please provide them. We are most grateful to all of you.

Institute for International Criminal Investigations – Supplementary written evidence (SVC0070)

Can you give a brief summary of the relationship between the work of the Institute of International Criminal Investigations and domestic and international prosecutions for sexual violence in conflict?

The Institute for International Criminal Investigations is an NGO based in The Hague which provides specialist training for practitioners on the professional skills necessary for the investigation of widespread human rights abuses and violations of international criminal law. We offer training on analysis skills, interview skills and investigating sexual and gender-based violence as well as a comprehensive international investigator course. All of our training courses incorporate a focus on investigating sexual and gender-based violence, in recognition of the need for greater understanding and competence to enable practitioners to effectively address such crimes. The development of a specialist training course on the investigation of sexual violence was a direct response to the very high level of demand for such training from both international institutions and individual practitioners.

In addition to the IICI training course on investigating sexual and gender-based violence in The Hague, which is open to any practitioners with relevant professional experience, over the past three years we have also conducted training courses on sexual violence investigation skills for UN Women, the International Criminal Tribunal for the former Yugoslavia and the UK Foreign and Commonwealth Office. We have run courses on the investigation of sexual violence as an international crime in different cultural contexts across four continents, including Bosnia, South Africa, Jordan, Colombia, Qatar, the Democratic Republic of the Congo and Senegal. We have trained hundreds of participants from a range of professional and geographic backgrounds, including investigators, lawyers, human rights monitors, forensic scientists, gender and policy officers, analysts and interpreters, many of them from the Global South. They all have experience in investigating or documenting conflict-related sexual violence, whether through domestic war crime units, international tribunals, UN organisations or civil society, and they all confirm that there is a pressing need for more competence to increase levels of accountability for this type of crime.

In our experience, there has been a much greater demand for training on how to investigate sexual violence as an international crime in recent years, as the issue has increased in visibility and inclusion as a policy priority in the work of international organisations. However, in order to be effective, any such training needs to include instruction on basic principles of international criminal law and the investigative skills necessary to establish individual criminal responsibility for international crimes, as well as instruction on how to understand and respond to the particular needs of victims and witnesses of sexual violence. Practitioners often expect that the most difficult aspect of the investigation will be obtaining victim testimony about the specific acts of sexual violence, but in fact the greatest obstacle encountered in both international and domestic prosecutions for sexual violence as an international crime has been proving other aspects of the case, such as the link to an armed conflict or the liability of senior military or political commanders.

It is undoubtedly important for practitioners working on this issue to receive training on the impact of sexual violence, recognising trauma, stigma and other cultural issues in order to understand their own ethical obligations towards victims and witnesses of sexual violence. In our experience, it is also vital to incorporate a specific focus on identifying and responding to male victims, as they are most frequently overlooked by investigators and civil society. However, to have the greatest impact on increasing the effectiveness of existing efforts to investigate and document sexual violence in conflict, practitioners need to understand the legal elements of international crimes, the forms of liability that can be used to hold more remote perpetrators accountable, and the investigative skills and methodology needed to obtain a high standard of relevant credible evidence about all aspects of the case, not just the specific acts of sexual violence.

The purpose of our training courses is to provide practical guidance on international investigation standards to professionals who are already engaged in the investigation or documentation of widespread human rights abuses. Our goal is to increase the pool of international expert professionals who can lead investigations, work within multi-disciplinary teams, and pass on their skills by training their own colleagues. For this reason, all of our training courses include some instruction on investigating sexual violence, as we believe that it should be normalised and included as a central part of any international criminal or human rights investigation. In conjunction with UN Women and Justice Rapid Response, we have provided sexual violence investigation training for dozens of domestic and international practitioners, who are then added to a roster of expert professionals available for rapid deployment to investigate conflict-related sexual violence, including appointment as the gender expert for any UN Commissions of Inquiry.

Participants from our training courses have been involved in efforts to pursue accountability for sexual violence at both the international and domestic level. We have trained staff from the International Criminal Court, the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, the Extraordinary Chambers in the Courts of Cambodia and the Special Court for Sierra Leone. Our alumni have worked with UN Commissions of Inquiry on Syria, Côte d'Ivoire, North Korea and Libya, the Office of the UN High Commissioner for Human Rights, UN peacekeeping missions and the Organisation for Security and Cooperation in Europe. We have trained police officers from conflict-affected countries such as Uganda, Liberia, Afghanistan and Pakistan, as well as officers from domestic war crime investigation units in the UK, Australia, Sweden and the Netherlands. We have trained lawyers and investigators involved in domestic prosecutions from Central America to Kosovo.

Some of the greatest impact and satisfaction, however, has come from our experience training staff from domestic or international NGOs and civil society organisations. They are often the first responders for victims and witnesses of sexual violence, and they understand both the local cultural context and the importance of coordination with international justice efforts. If they are appropriately trained to know what information is required to prove responsibility for international crimes, they have the potential to make a huge impact on efforts to increase accountability for sexual violence. For example, we provided training for a number of staff members from a small Liberian NGO called the Global Justice and Research Project, established to investigate atrocities committed during the Liberian civil

war. The Global Justice and Research Project has gone on to provide evidence and testimony to support the prosecution in Belgium of Martina Johnson, a former Liberian militia commander, on charges of crimes against humanity including allegations of sexual violence.

The value and impact of high-quality training is not restricted to those with the formal authority to conduct investigations on behalf of the state or an international institution. Anyone who is involved with monitoring or documenting sexual violence, recognising and analysing fact patterns or supporting survivors can contribute to accountability efforts if they know what is required to hold individuals responsible for international crimes. The impact of the training is also extended and amplified by participants passing on the skills they have learned to their colleagues and others working in their field, leading to an overall increase in professional standards, greater competence and less acceptance of impunity for sexual violence crimes.

5 February 2016

Institute of Development Studies – Written evidence (SVC0045)

SUMMARY

- Sexual violence against both men and women is prevalent not only in conflict zones but also in conflict-related settings, like camps and urban areas where people have fled to. More than half of the world's 13 million refugees live in urban areas with only a minority living in camps. One in five female refugees or IDPs living in camps or urban areas worldwide has experienced sexual violence while displaced. It is critical to try and understand all its forms and not just its use as a 'weapon of war' to ensure access to care and support for all survivors.
- 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, 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.
- One of the main challenges to addressing sexual violence effectively is tackling entrenched gender inequalities and tackling practices, including forced marriage and female genital mutilation, is essential.
- Interventions seeking to address these inequalities must be anchored in participation and designed and coordinated in close cooperation with local communities. They must form part of a coordinated response to sexual violence that also includes health, housing, employment and justice service provision.
- Implementing a more integrated approach to addressing all forms of conflict-related sexual violence is needed to help prevent it in the future and will require a multi-faceted approach including improved health information systems between staff working on sexual and domestic violence, strengthened and reformed justice systems to deal properly with sexual violence in (post) conflict settings and co-constructed interventions that are built and administered with affected communities.

ABOUT IDS

The Institute of Development Studies (IDS) is a leading global institution for development research, teaching and learning, and impact and communications, based at the University of Sussex. Our work focuses around three key areas - reducing inequalities, accelerating environmental sustainability and building inclusive and secure societies - and we believe that the research knowledge we produce with partners can help accelerate global progress on these issues.

This evidence has drawn from the knowledge and expertise of IDS research fellows Pauline Oosterhoff, Elizabeth Mills, Marjoke Oosterom and Catherine Mueller

EVIDENCE

1. International Policy

Conflict-related sexual violence remains pervasive across the globe, and although measurements of the incidence and frequency vary, its widespread use has been reported in Rwanda, Liberia, Northern Uganda, Democratic Republic of Congo (DRC), Sudan, Iraq, Libya and Syria.

1.2 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 also perpetrated. While international humanitarian law as well as refugee law applies to refugee camps, it does not apply outside of armed conflict zones. International human rights law applies across contexts but is limited in the sense that perpetrators have to be state agents.

2. Sexual violence beyond the conflict zone

When focusing on the issue of sexual violence in conflict it is important that attention and focus is given to the multiple forms of sexual violence that occur beyond official conflict zones. Sexual violence against both men and women is prevalent in conflict-related settings, like camps and urban areas where people displaced by war have fled to seek refuge. It is critical to try and understand all its forms and not just its use as a ‘weapon of war’ to ensure access to care and support for all survivors.

2.1 More than half of the world’s 13 million refugees live in urban areas with only a minority living in camps¹⁵⁶. The International Red Cross (IRC) has identified migrants and young people as being most at risk of sexual violence in these settings. Slum areas, which refugees are likely to inhabit within cities, 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. One in five female refugees or IDPs living in camps or urban areas worldwide has experienced sexual violence while displaced. 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 checks¹⁵⁷.

3. Causes of sexual violence in conflict

The Sexual Violence in Armed Conflict dataset¹⁵⁸ shows that sexual violence is not only used as a weapon of war during conflict. In displacement camps in northern Uganda (1996-2007) sexual violence 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.

¹⁵⁶ [UNHCR Refugee figures 2014](#)

¹⁵⁷ [Hidden and exposed: Urban refugees in Nairobi, Kenya](#)

¹⁵⁸ <http://www.sexualviolencedata.org/>

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.

3.1 New IDS research (yet to be published) on violence against women in the Gaza strip post the Israeli military operation ‘Protective Edge’ in July 2014 shows a clear link between political violence and violence against women. It reveals a link between the economic situation as a result of the political violence, the feelings of stress and depression experienced by men in that setting and their wives’ exposure to violence in the home.¹⁵⁹

4. Perpetrators and victims of sexual violence

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. But, sexual violence does not only occur by those in authority in conflict- and post-conflict settings (like the camp leadership or state militia). It is also perpetrated by militant factions in contexts of simmering conflict. This was 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 relationship between simmering conflict and sexual violence has also been highlighted by IDS research in repressive regime and fragile settings, like Egypt, South Sudan and Zimbabwe¹⁶⁰.

4.1 The idea that sexual violence is primarily perpetrated by the state and armed militias is further challenged 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.¹⁶¹ 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.

5. Needs of survivors

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.

5.1 Recognising that sexual violence takes place in conflict-affected areas such as camps, the IRC has implications for the care and support needed for survivors and prevention. In Thailand the Karenni Women’s Organisation (KnWO) established a coordinated response

¹⁵⁹ Catherine Mueller, 2015

¹⁶⁰ Marjoke Oosterom

¹⁶¹ [Association of Sexual Violence and Human Rights Violations With Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo](#)

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 Thailand¹⁶².

5.2 Lessons from Nairobi and South Africa have shown that there needs to be more integrated care and support systems for survivors. 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 from government, UN Refugee Agency (UNHCR), humanitarian INGOs, national NGO and clinics and referral centres attempts to address these problems. All actors have started to develop a joined up approach of referring refugees with health and trauma-related issues experienced in their home country, as well as while living in Nairobi.

5.3 South Africa is one of only a few countries that recognises the right of legal residents to access state resources, irrespective of their citizenship status. Working with the South African government the UNHCR has streamlined its humanitarian response to the needs of refugees by integrating them into existing state-support systems, particularly in areas of health, shelter, social grants and employment. IDS believes that these efforts should be more widely adopted as part of a networked approach to providing sustainable humanitarian assistance to conflict-affected populations.

5.4 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.

6. Prevention

In post-civil war South Sudan, citizens experience a deep sense of insecurity, due to actual incidents of violence in their home areas and because they hear about violent conflict elsewhere in the state and the country. This sense of insecurity is deepened by the lack of protection from the state and the perceived injustice in the national political settlement. In response to this sense of insecurity, citizens develop protection strategies based on local institutions. These strategies are mainly developed by men, informed by a version of masculinity that emphasises their role as protectors of their communities and their land.¹⁶³

6.1 Some of these strategies restrict productive and reproductive activities (such as planting or collecting water). At the same time, men expect these activities to continue and when

¹⁶² [Safe Haven, Thailand Case Study](#)

¹⁶³ [‘It May Approach as Quickly as a Bushfire’: Gendered Violence and Insecurity in South Sudan](#), Oosterom, 2014

women fail to manage this, domestic violence may occur. The institutions and practices in which security is organised and masculinity confirmed have exacerbated a gender divide. While many interventions treat inter-community violence and domestic violence as distinct problems, IDS calls for approaches that relate them.

6.2 Often, in post-war contexts the levels of sexual and domestic violence increase and women continue to experience threats to their bodies (Handrahan 2004; Pankhurst 2003). The question ‘Whose security’ (Luckham and Kirk 2013) is particularly relevant to women in post-conflict settings to expose the particular threats they experience. Feminist literature on war recognises that armed conflicts affect men and women differently, and that post-conflict recovery processes also function differently for men and women (Sjoberg and Via 2010). The specific security needs of women are often not recognised or prioritised by national governments. The international community also overlooks their specific security needs – not in the least due to its inability to address its own patriarchy (Handrahan 2004).

6.3 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.

7. Participation

One of the main challenges to addressing sexual violence effectively is tackling entrenched gender inequalities and tackling practices, including forced marriage and female genital mutilation, is essential.

7.1 In South Sudan, men seeking to reassert their authority after the civil war, have imposed rules that have reduced women's mobility and prevented them for carrying out their usual responsibilities such as collecting wood and water. As a result women have faced the dual risks of being punished by men in the community for not completing their duties, and of being beaten by their spouses for breaking these rules.

7.2 Interventions seeking to address these inequalities must be anchored in participation and designed and coordinated in close cooperation with local communities. They must form part of a coordinated response to sexual violence that also includes health, housing, employment and justice service provision.

8. Accountability

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.

8.1 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.

9. Recommendations

Implementing a more integrated approach to addressing all forms of conflict-related sexual violence is needed and will require:

9.1 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.

9.2 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.

9.3 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.

9.4 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.

21 September 2015

International Alert – Written evidence (SVC0017)

The international policy agenda

1. What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

a. How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict be coordinated and monitored?

1. Sexual violence, especially in conflict, has been the focus of numerous programmes by the international community, local CSOs, and the government with significant resources devoted to this, yet there are limited results to date and perceptions that inefficiencies limit the impact, so regular monitoring is essential. The key is implementation on the ground, and listening to the feedback of civil society organisations working directly with affected communities. This requires a deep understanding of the dynamics of sexual violence in a particular, given context; the readiness to accept the complexities involved instead of aiming for 'quick fixes'; a willingness to engage for the long term, not the short-term; and the allocation of appropriate time and resources (both in terms of personnel and finances) for this work, most of which will need to be done through and with local grassroots actors. Furthermore, actors which the UK supports politically and financially such as the UN, EU, OSCE and NGOs need to take the policies and commitments on issues such as SGBV, sexual exploitation and abuse which they have signed up to seriously in the field, including not cracking down on whistleblowers who expose abuses.

b. How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

2. It is important that States are accountable both to other Member states and international institutions like the UN, but also accountable to their citizens and civil society and respond to their requests. Setting indicators and regular reporting on activities plays an important role. Reliable, long-term financing of this work must be secured, and these resources need to be made available to both grassroots organisations and experts working on these issues. In addition, there needs to be greater conditionality in the financial commitment of donors to states with clear consequences if they are found to be in violation of those commitments. For example, Nigeria signed up to ESVC at the same time as girls abducted from Chibok, but too little was done to rescue them or prevent further abductions.

c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK's input to the Security Council's High-level Review of Resolution 1325?

3. The UK can build on its position as a permanent member of the UNSC to ensure that the recommendations of the HLR are taken up, that Member States and UN bodies pledge clear commitments to implement them and agree to regular public reporting on the implementation of commitments. SGBV needs to be seen in the context of a spectrum of other gendered inequalities such as women's lack of access to land and resources or political participation, which are included in the participation, prevention and recovery

pillars of 1325 but need to be given more attention. The UK should support greater inclusion of female voices and gender issues into peace processes and agreements, for example the 2013 Peace, Security and Cooperation Framework for the DRC and the region (PSCF) makes no reference to neither gender issues nor SGBV while the PSCF national benchmarks include only weak references to sexual violence. Beyond the high level processes, this requires support for local capacities to build peace on the ground, within communities. The UK should also ensure that SGBV against men and boys as well as against trans- and intersex persons is addressed alongside SGBV against women and girls.

4. The UK should use its position to ensure that the underlying causes of sexual and gender-based violence – which is rooted in unequal gender relations – are addressed in order to fulfil its own and global commitments to SVC prevention. The UK should use this leverage and its recognised leadership on these issues in other international fora, such as the UN, EU and the OSCE. The UK should also leverage its influence to ensure that sexual violence and abuse committed by UN forces, such as in CAR, are addressed swiftly and transparently. It should encourage (and support) costed workplans to accompany NAP implementation at the national, provincial and local levels in conflict affected countries, since merely passing NAPs at the national level is often not an effective policy. It should ensure adequate research is conducted on specific SGBV issues in each context before financial contributions are provided to national governments, particularly to fragile and conflict affected states where the perceived levels of corruption and nepotism pose a risk of PSVI funds being spent on other priorities. The UK should also lead the debate on SGBV being both a consequence and a potential cause of violent conflict and therefore stressing more effective development aid that has adequate funding for gendered conflict analysis and that prioritizes explicitly addressing gender inequities. At the moment, DFID is funding the Voices for Change programme in Nigeria that is working in attitudinal change around gender identities and it is appreciated that the UK development agency can fund this essential but “softer” side of development.

5. The UK should extend its leadership on this issue as well to raising issues of SGBV, vulnerability and sexual exploitation and abuse in the context of the current refugee crisis. The effectiveness of the ESVC message is much greater if there is consistency, i.e. that work on SGBV in conflict areas is matched by work on SGBV ‘at home’, be it in terms of providing support for domestic violence shelters or giving adequate support to refugee survivors of SGBV. The UK should also consider assuring that its own staff is trained in SGBV, sexual abuse and exploitation (SEA) as well as conflict sensitivity more broadly, including understanding that SGBV and SEA are something that can affect all members of society, regardless of age, gender or sexual orientation. Staff also need to be given adequate mandates and resources to address these issues.

d. How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?

6. The UK can use its influence to ensure that sexual violence in conflict is acknowledged and addressed as a serious issue through humanitarian interventions, and ensure that support and protection are also extended to men and boys, as well as members of sexual

and gender minorities, who have become victims of sexual and gender-based violence in conflict.,

7. The UK can push for host country governments to assure that the humanitarian actors (national and international) have adequate cultural and contextual knowledge as well as particular SGBV training, particularly government counterparts. For example, in the case of north eastern Nigeria, the military officials that “liberate” communities can be the first point of contact for abducted women and girls who have lived under duress for weeks or years. However, these officials lack training and their interaction with victims reveals very little understanding of the needs of those who are victims of SGBV.

2. What evidence is there on the effectiveness of the UK’s work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

a. What more could the Government do to ensure international and multilateral organisations prioritise the prevention of sexual violence in conflict and embed this into their policies and practice?

8. HMG should be vocal in calling for transparent and swift investigations and accountability in cases of accusation of SGBV, sexual abuse and exploitation against international peacekeeping forces as well as civilian staff and apply pressure to the staff contributing nations where needed to ensure accountability. Respect for human rights, women’s rights and gender equality should be an integral part of any training provided to foreign governments and troops. These issues need to be taken seriously in the trainings, mainstreamed throughout rather than be added on as separate, one-off presentations.

9. In addition, activities undertaken to prevent and end sexual violence in conflict are more likely to be effective and sustainable if they are based on nuanced gender analysis and include strategies for engaging men and boys. Addressing SGBV must also be broadened to encompass male and LGBTIQ victims, including acts of SGBV committed within and by security sector institutions¹⁶⁴, as male or LGBTIQ victims are frequently missed out by relief, medical and justice providers. UK leadership on this could make a crucial difference.

Causes of sexual violence in conflict

3. What evidence is there as to the causes of sexual violence in conflict?

a. To what extent are cultural and societal factors responsible for sexual violence in conflict and how effective has the Government’s response to these been?

10. The cultural and societal factors influencing the prevalence of sexual violence in conflict vary greatly depending on the conflict, and can vary between different locations in the country. For example, a forthcoming report on ‘Masculinities, Conflict and Violence’ by the DfID funded Nigeria Stability and Reconciliation Programme (NSRP) highlights that the causes of sexual violence in Nigeria vary greatly between regions. With different rationales for SGBV within the same country, a one-size-fits-all approach would be ineffective. A detailed conflict analysis which assesses gendered power dynamics at the local level is therefore essential in guiding programming. In the Great Lakes region, anecdotal evidence points to women and girls being sexually exploited by university or school teachers in order

¹⁶⁴ For more information see Callum Watson (2014) [Preventing and Responding to Sexual and Domestic Violence against Men: A Guidance Note for Security Sector Institutions](#). DCAF: Geneva

to obtain the necessary grades, or marital rape justified with cultural narratives seeing wives as the husbands' property, while in SGBV is also committed by insurgents. These cases are about power, but also about the claim that societally women are still seen as inferior and less equal to men which 'justifies' violence against them, although they have, over time, become significantly more important bread winners in many regions. In a context like Pakistan, it is also important to look at local level conflicts/ social dynamics (and not just overt outbreaks such as war) and how they shape sexual violence.

11. An example of how predominantly male law makers allowed cultural and societal gender inequalities to hinder progress in that of the Violence against Persons Bill (VAPP) in Nigeria that was passed one day before former President Goodluck Jonathan left office. It took 13 years to move this Act to a Bill which at last outlaws a number of "culturally and societally" accepted forms of SGBV. The UK could push for the implementation of that bill at the state levels to assure that it goes beyond being a law at the central level only. The UK could also open a dialogue about cultural and religious practices globally that condone or facilitate SGBV. For example, young women recovering from SGBV post-abduction in north eastern Nigeria are being re-victimized by the Federal government as their "contact" with Boko Haram implies that they (the victims) are also insurgents., Training on SGBV and accountability for abuses needs to be extended to all relevant security actors, including civilian and para-military units. The UK should be much more vocal about the need to have adequate psycho-social care for victims and to assure that the nuances between victim and perpetrator are understood as the lines are not always as explicit and clear as the government narrative supports.

c. To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

12. International Alert considers violence, including SV, as being shaped by gender inequalities while in turn violence impacts gender dynamics¹⁶⁵, as also evidenced by our research on the ground¹⁶⁶. Alert and other research shows that inequalities are often the underlying roots of sexual violence, but also that much of the sexual violence in conflict, such as in the DRC, is committed by the victims' intimate partner¹⁶⁷.

Prevention

4. Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

13. The majority of interventions focus on existing conflicts that have escalated, much more can and should be done to prevent conflicts in the first place. In order to prevent conflict, it is essential to tackle the underlying drivers of conflict and consider how all government agencies can support conflict prevention, for instance by ensuring that security approaches

¹⁶⁵ International Alert (2010), [Programming Framework for International Alert](#). London

¹⁶⁶ Chris Dolan (2010), [The War is Not Yet Over - Community Perceptions of Sexual Violence and its Underpinnings in Eastern DRC](#). International Alert: London

¹⁶⁷ See also chapter 6 in Laura Davis, Paola Fabbri and Ilot Muthaka Alphone (2014) *Gender Country Profile 2014 – Democratic Republic of the Congo*. Kinshasa: Swedish Embassy in collaboration with DfID and the European Union Delegation and the Embassy of Canada.

are properly complemented with longer term efforts and undertaken in a conflict sensitive manner (e.g. Libya). The current Strategic Defence and Security Review represents an opportunity to do this. In order to do so the UK needs to effectively resource its conflict capacity, for example DfID needs more personnel to support conflict sensitive programming. The UK could also increase pressure on its partners to work in a more gender and conflict sensitive way that avoids harm and reinforces peace, especially humanitarian partners where the UK has a high degree of leverage.

a. What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled?

14. Holistic approaches addressing underlying social inequalities, economic insecurities, as well as awareness raising of rights and working with gatekeepers / allies are likely to be most effective. Change needs to occur at all levels, from individually and communally held norms around the acceptability of various forms of violence to ensuring proper referral mechanisms in the health care sector and functioning judicial and police responses. Given the sensitivity of the issues around societal taboos, cultural identities and the dangers inherent in conflict situations, local grassroots efforts are often best positioned to assist but require resources and technical support, often for the long-term. A recent ‘Analysis of Effective Interventions to Prevent Gender-based Violence Against Women and Girls in Nepal’ which Alert undertook for DfID as well as initial findings from the UK-funded ‘What Works to Prevent Violence Against Women and Girls’ which Alert is involved in indicate that there are no easy, clear cut intervention that will address all factors that enable GBV against women in girls, but that a multi-sector, multi-actor, multi-media approach is needed, requiring sufficient time and flexibility in approach and design. Scaling up interventions that work in one context is not easily done, and instead a nuanced gendered power and conflict analysis is required at the local level to guide interventions.

15. With regard to sexual violence within and by security sector and other institutions, two elements are key: a motivated perpetrator (which is about the individual exercise of power over others) and an enabling environment fostered by a combination of command climate, institutional culture and reporting climate. Countermeasures would entail the promotion of civilian control of security institutions so as to de-stigmatize survivors, discredit perpetrators and provide for survivors’ need¹⁶⁸.

b. PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

16. Working with men and boys is essential for gender equality and lasting social change. Since the past two years, there has been a noticeable ‘sea change’ in terms of an engagement with the issue on a policy level and in terms of research into the extent and complexities of the issue at the local level, where previously there had been little or no interest. These efforts need to be continued and supported, as there are still immense research gaps. While various actors (including the UK Government, but also UNHCR, ICRC, the ICC and several NGOs) have started using more inclusive language on SGBV against men and boys (and also trans- and intersex persons in some cases), it is still too early to tell what

¹⁶⁸ Watson (2014) op cit

approaches have had an impact on the ground. Opening up the taboo on the issue has in and of itself been an extremely important, albeit very initial, step. The next steps will need to include increasing the awareness of relevant actors on the issue, providing adequate support for survivors and beginning to understand and address root causes. Importantly, however, this new, highly commendable and important interest on the issue should in no way mean reducing support and funds available to VAWG work. Rather, the funds available to both strands of work need to be increased.

17. Men and boys are also increasingly being engaged as ‘agents of change’ for preventing violence against women and girls. While this kind of ‘attitudinal change’ work has been successful in numerous contexts and the results both impressive and important, a degree of caution needs to be applied. Clear communication about interventions (what problem they seek to address and why they do it in this way) is essential to avoid backlash against women if programming targets women without explaining why. Prevention programs are increasingly targeted at men and boys, but these projects must be carefully designed and monitored to avoid the creation of new types of male privilege even though these may be more benevolent (and less physically violent) than previously¹⁶⁹.

18. Ambiguity and confusion prevail around the terms ‘gender’ referring to women only and SGBV being committed by men towards women only. There is a lack of recognition of women’s agency to be perpetrators of SGBV or other types of violence, which limits the effectiveness of response programming. Public awareness campaigns that address a number of these heavily stigmatized issues and transform them into more mainstream discussion topics need to be tailored to the particular context, e.g. by giving support for traditional rulers and community leaders to sensitize them to issues and ask them to pass on this new information to their communities in addition to high level approaches.

d. What can the Government and the international community do to support human rights defenders and civil society in their work to prevent and mitigate sexual violence in conflict?

19. Human rights defenders run the risk of threats, harassment, stigmatisation and other forms of repression, with women activists facing greater risk of such repression. Listening to their concerns and publicly following up on these is important, as is provision of direct support including financial support to enable this vital and dangerous work to continue. Female Human Rights Defenders have called for support in drawing up and funding security plans, for example through dedicated emergency funds, facilitating exchange on best practice with international organisation and inclusion into protection mechanisms, as well as work that addresses negative perceptions of them, as they are often portrayed as troublesome, intolerable women, and abuse, threats and violence against them is often committed with impunity¹⁷⁰. International actors need however to be cognisant of the degree to which overly brash interventions can not only end up harming the cause but also place survivors, defenders and other local actors into situations of great danger if the support is not handled in a sensitive manner. The UK and international community should

¹⁶⁹ H. Myrtilinen, J. El-Bushra and J. Naujoks (2014), *Rethinking Gender in Peacebuilding*, International Alert: London,

¹⁷⁰ These are based on field consultation in the DRC organised by Alert in May for the Swedish Ministry of Foreign Affairs as part of the revision process of the Swedish NAP on 1325

urge national parliaments to adopt laws protecting human rights defenders where these are absent.

e. How can early warning of potential outbreaks of sexual violence in conflict best be achieved?

20. Local civil society organisations (CSOs) including women's groups are likely to be the first informed but often lack the means or access to convey this information to actors who might be able to intervene. Local CSOs need however to be made aware of what the mandates of various actors are (e.g. UN peacekeepers may not be mandated to intervene), and any interaction between international actors and local CSOs needs to be attuned to the fact that this interaction may easily 'taint' the local party, potentially with lethal consequences. CSOs and government agencies need to be given the necessary training, support and resources to work on these issues. . The UK should also press for the meaningful integration of gender perspectives and increased female participation in SSR and DDDR processes.

f. Are there further measures that the UK might usefully take? Should, for example, the Government consider ratifying the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)?

21. Yes, absolutely and wholeheartedly. The Istanbul Convention is one of the most comprehensive documents on the issue and ratifying it is not only beneficial to women and girls in the UK but also sends the immensely important message that the UK takes the issue seriously domestically and internationally, thus giving far more credence to its voice abroad than in case it is not ratified.

The needs of survivors

5. What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

22. International Alert's PSVI project in Pakistan successfully addressed various forms of violence experienced by women and girls in four districts, including SGBV, forced and early marriage, as well as different forms of structural violence, flagging up key ways of working: Understanding these forms of violence and tackling them required research to develop an intimate knowledge of the local complexities and conflicts and how these influence the different forms of violence – kidnapping of girls and SGBV can for example be linked to local level land and real estate disputes as much as to 'higher-level' political/sectarian conflicts, or both simultaneously. Due to very low levels of access to formal justice for victims, the project reached out to informal justice actors and mechanisms. The inter-generational dynamics of various forms of violence need to be taken into account, also in looking at vulnerability and access to services/justice after acts of violence. Working on violence must deal with real violence and perceived violence (which can greatly reduce mobility, exacerbate structural violence, and be used as a form of emotional violence). Last but not least, one component key to the success of the project was not only outreach to women but also to third-gender hijras as well as men and boys.

a. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

23. Stigmatisation is an immense challenge to the survivors themselves (be they women and girls, boys and men, trans- or intersex persons, though the stigmatisation plays out in different, gendered ways for different survivors/victims), to their families and to any children born to survivors. Supporting the survivors holistically with legal, medical, psychosocial as well as economic / livelihood support is essential, but must be carried out in ways which are acutely sensitive to the social and cultural environment survivors must navigate. Interventions supporting survivors must be complemented with interventions targeting their families and communities in order to change harmful gender dynamics in those communities and reducing the stigma of survivors. Mutual support groups can allow survivors to feel less alone in their grief, and careful outreach to raise awareness in the communities can make a difference. Community trauma healing is needed to help communities move collectively away from the heavy stigma attached to victims of SGBV. The UK could provide more humanitarian assistance through trained humanitarian advisers to help support host country governments and contribute more to organizations like MSF and ICRC who due to their neutrality can access certain communities and people that other organizations cannot.

Participation

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

24. The UK can insist on and facilitate the participation of women in high-level peace negotiations, such as those on Syria and Colombia, or support the inclusion of their views and concerns in parallel mechanisms. This support could be direct and financial, enabling women leaders who wouldn't otherwise be able to afford the travel and participation, as well as strategic, in terms of demonstrating to all parties concerned that HMG sees women's meaningful participations as important to the process and the outcome. This is also required in the implementation and monitoring of peace agreements, such as the PSCF in the Great Lakes. The UK can show its global leadership by ensuring its own delegations of peacekeeping troops, mediators and embassy staff are gender diverse.

a. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

25. Some of the barriers are financial, due to the lack of sustainable, multiyear funding for these slow, long term changes. Other barriers are encountered in the lack of effective implementation despite commitments on paper and in policies. The UK can assist tackling these by providing international attention, encouraging states, and through funding mechanism requiring approaches that increase gender equality and don't disadvantage women. The UK can also improve HMG staff knowledge on WPS and PSVI and ensure these are mainstreamed .

The role of the military

c. How can the UK best work with the EU, NATO and other bodies to ensure the prevention of sexual violence in conflict is appropriately incorporated into training programmes, missions and multilateral defence policy?

26. The key here is training and sharing of best practice, as well as working with civilian counterparts such as local and international CSOs. The forthcoming handbook on Teaching Gender in the Military by the Partnership for Peace Consortium of Defence Training Academies and DCAF will be a good resource for comprehensive training on gender dimensions including but not limited to SGBV.

Peacekeeping

8. How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

27. By ensuring swift and transparent response and investigations of accusations, and clear consequences for those found guilty. Only this will demonstrate the end to impunity. Training on issues of SGBV and SEA, codes of conduct, their application and responses need to be standardised and their centrality to the missions re-iterated throughout, especially by commanding officers and SRSGs. Gender advisors/focal points need to be taken more seriously in the missions and given more political support. Approaching gender in a broader and deeper way (i.e. including masculinities issues) can help in gaining more buy-in institutionally and ensuring that gender is not regarded by military staff as an essentially meaningless add-on forced upon the mission by civilians.

28. Addressing SGBV committed by national and international forces is key, and the UK could play an important role in building up the capacity of national forces, for example the Nigerian forces in the light of Nigeria's influence in the AU and ECOWAS, to give south-south training to other armed forces on the continent.

Accountability

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

29. In countries like Nepal, the coexistence of several justice systems and actors (formal, informal, religious based) can lead to confusion and ineffective response to SGBV crimes. International Alert set up Justice Facilitation Groups as district level to coordinate support and provided legal training to informal justice providers, which proved effective at increasing access to justice including for SGBV.

a. What evidence is there on the effectiveness of the UK's contribution to the reform of national justice programmes and, going forward, what are the priority areas to address?

30. DFID has funded the Justice for All programme in Nigeria for the past five years. There is some evidence that donor aid is contributing to improving the judicial and legal systems including for SGBV crimes, although with high level turn over in the administration, tracking that impact is challenging.

17 September 2015

The International Rescue Committee – Written evidence (SVC0035)

Summary:

1. **The international policy agenda:** Despite high-level commitments to strengthen the response to SVC and GBV in emergencies, donors and the humanitarian community have yet to take effective and consistent action to address the protection concerns of women and girls in crises. **Recommendations:** Progress should be measured based on whether this is happening for women, girls and GBV survivors in current emergencies. The UK Government's DfID and FCO should require all humanitarian actors to be trained on GBV risk reduction and/or specialised services; make their contributions to common funding pools contingent upon allocations to GBV programmes in compliance with the 2015 IASC GBV Guidelines; as investments in GBV coordination are made, ensure public accountability mechanisms are in place for the GBV Area of Responsibility (GBV AoR) and in-country mechanisms; require funding proposals from all sectors to outline planned GBV risk reduction activities and account for them; and create a pooled funding mechanisms for GBV capacity building.

2. **The causes of sexual violence in conflict:** Pervasive gender inequality which, render women and girls as a subordinate class with less rights, access to opportunities and control over resources, is the primary driver of sexual violence and other forms of GBV. Gender inequality and social and cultural norms must be addressed in order to prevent GBV. **Recommendation:** UK government initiatives to tackle SVC are placed within wider efforts to prevent and respond to GBV in all emergencies and tackle gender inequality.

3. **Prevention:** Long-accepted humanitarian standards acknowledge that there will always be SVC and GBV in emergencies until transformative change is achieved to tackle the deep-rooted gender and social norms and beliefs that entrench gender inequality and VAWG. **Recommendation:** The FCO and DfID should advocate for risk mitigation and primary prevention strategies to be implemented across all phases of conflicts, emergencies, and disasters to be included in all assessments and response plans.

4. **The needs of survivors:** DfID has been particularly effective in supporting and assisting survivors of GBV and it has increased its provision of violence against women and girls prevention and response services by 33% between 2012 and 2014. **Recommendation:** All UK Government initiatives, policies and practice concerning on SVC and GBV should adopt a survivor-centred approach, ensuring that medical, psycho-social, investigation and justice related interventions are all led by the survivors' needs and self-determination.

5. **Participation:** Key barriers to the implementation of the Women Peace and Security Agenda and the UK Government's National Action Plan include the roots causes of all forms of GBV women experience in times of emergency and peace. **Recommendation:** The UK Government should increase their support to local organisations and communities to tackle these entrenched beliefs and norms on gender inequality and work towards gender equality and women's increased participation in the public sphere.

6. **Peacekeeping:** All humanitarian actors and peacekeepers must have Preventing Sexual Exploitation and Abuse (PSEA) policies and mechanisms in place. Staff and beneficiaries should know and understand where to report sexual exploitation and abuse.

Recommendation: UK Government agencies, including the FCO, DfID, the MoD and the SU should be required to implement, coordinate and monitor multi-pronged PSEA mechanisms.

7. **Accountability:** Investigation and documentation of SVC has proven dangerous and life-threatening for survivors in some instances. **Recommendation:** The implementation of the [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict](#) should ensure a survivor-centred approach and respect humanitarian principles.

Introduction:

8. The International Rescue Committee (IRC) welcomes the opportunity to contribute to the House of Lords Select Committee on Sexual Violence in Conflict (the SVC Committee) in its inquiry into the United Kingdom's (UK) efforts in preventing sexual violence in conflict (SVC). IRC's submission addresses the questions put forward by the SVC Committee on the international policy agenda, causes of sexual violence in conflict, prevention, the needs of survivors, participation, peacekeeping and accountability.

9. This submission focuses on the impact of SVC and its relation to gender-based violence (GBV) in humanitarian settings. It is based on IRC's knowledge and participation in various processes and initiatives including the *Preventing Sexual Violence Initiative* (PSVI), the UK-launched *Call to Action to protect women and girls in emergencies* (Call to Action), the World Humanitarian Summit (WHS), and the High-Level Review of the UN Security Council Resolution 1325 (UNSCR 1325). It builds on our expertise of over 19 years of specialised programming to address the needs of GBV survivors in fragile and conflict affected settings by analysing the progress made towards the prevention of SVC, as well as the gaps and challenges ahead of the international community to tackle this phenomenon. It proposes recommendations to the UK Government's Foreign and Commonwealth Office (FCO), the Department for International Development (DfID), the Ministry of Defence (MoD), and the Stabilisation Unit (SU) to inform their policies and practice in tackling SVC.

The International Rescue Committee:

10. IRC works in conflict-affected and fragile countries around the world to deliver life-saving assistance to people affected by violent conflict and disaster, and remains working with communities to assist with rebuilding through the post-crisis phase. Our presence in over 40 countries includes programmes in education, health, economic recovery and development, child protection, and women's protection and empowerment. These programmes provide us with a unique understanding of the humanitarian and development challenges in the context of conflict and fragility.

11. Since 1996, IRC has been addressing the needs of women, girls and GBV survivors in acute and protracted emergencies, including SVC. As a recognised global leader in preventing and responding to GBV in conflict and other emergencies, IRC works to foster communities where women and girls are free from violence and have the rights and resources to promote their own safety and self-determination.

12. IRC's innovative women's protection and empowerment programmes are present in 27 countries and in disaster and conflict-affected countries across Africa, Asia and the Middle East.

13. Our women's protection and empowerment programmes aim to support the development of holistic, survivor-centred services and the empowerment women and girls within their communities. IRC's programmes also focus on preventing GBV, researching effective ways to tackle GBV and conducting global advocacy towards the prioritisation of GBV in emergency response. Underpinning our work are the beliefs that GBV stems from and reinforces gender inequality; the structural forces that hold women and girls back from achieving gender equality are reinforced by systematic violence.

14. In emergencies and during active conflict, IRC delivers life-saving care for GBV survivors, ensuring that health care and counselling are available for rape survivors, including the prevention of unwanted pregnancies and transmission of HIV/AIDS. We believe GBV services are life-saving, not optional: when a woman is raped she has 72 hours to access care and prevent the potential transmission of HIV/AIDS; she has 120 hours to prevent an unwanted pregnancy; and could have only a few hours to ensure that life-threatening injuries do not become fatal.

15. In protracted crises IRC provides safe spaces for women to come together for support and to build their skills. We also work with men and communities to change beliefs and attitudes that underlie and cause GBV. In all our work, IRC works in partnership with women and girls and promotes their participation in the issues that affect their lives and programmes that address their needs.

16. In 2014, over 11,500 incidents of GBV were reported to IRC's programmes in Burundi, CAR, Cote D'Ivoire, DRC, Ethiopia, Haiti, Iraq, Jordan, Kenya, Lebanon, Liberia, Mali, Pakistan, South Sudan, Tanzania and Thailand. 93% of GBV survivors who reported to the IRC in 2014 were females; 29% of these reports were acts of rape, 4% sexual assault, 26% physical assault and 22% psychological abuse. During 2014, only 19% of all GBV acts reported to the IRC were committed by armed actors.¹⁷¹

The international policy agenda:

I. What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

17. There is evidence of effectiveness of the UK Government's strong commitment to address SVC as well as GBV in emergencies more broadly. Positive examples include the DfID launched '[Call to Action on Protecting Girls and Women in Emergencies](#)', the [UK National Action Plan on Women, Peace and Security](#) (UK NAP on WPS) and the FCO's '[Preventing Sexual Violence Initiative in Conflict](#)' (PSVI) and related [G8 Declaration on Preventing Sexual Violence in Conflict](#) and [Global Summit to End Sexual Violence in Conflict](#).

¹⁷¹ These statistics represent data reported to IRC's Women's Protection and Empowerment programmes and their local partners from 16 countries in 2014, as collected through service-based data through the GBV Information Management System. The statistics represented here include only information from survivors who have consented to share their aggregate information. The statistics included are only from reported cases, and are in no way representative of the total incidence or prevalence of GBV.

18. Although these efforts are needed to drive change on the ground, more needs to be done to ensure that these commitments are being implemented and to monitor their impact in the lives of women, girls and GBV survivors in ongoing emergencies and conflicts. Furthermore, it is important to ensure that all initiatives led by different UK Government departments and offices are coordinated and build on each other's principles, objectives, outcomes and lessons learned.

19. All UK Government's policies and practice to respond to and prevent SVC must be in line with policy commitments and legal obligations under international law, the Women, Peace and Security (WPS) Agenda and humanitarian principles. All survivors participating in PSVI-related activities should be guaranteed the same GBV services that DfID funds and prioritises in humanitarian settings, including life-saving health services, counselling and case management. Survivors should be able to access services regardless of their decision to participate in investigation efforts.

20. IRC recommends that FCO efforts to investigate and monitor SVC strengthen coordination with DfID's humanitarian aid and expertise in supporting GBV survivors, and that activities to prevent sexual violence in conflict, including those led by the MoD or SU,¹⁷² are underpinned by broader efforts to tackle and prevent GBV in emergencies. This work should include empowering women and girls in fragile and conflict affected settings, increasing women and girls' participation in humanitarian efforts and peace building processes, addressing gender inequality and partnering with local civil society organisations to build their capacity to respond to GBV.

21. IRC's September 2015 paper *Are We There Yet? Progress and challenges in ensuring life-saving services and reducing risks to violence for women and girls in emergencies* analysed how high-level commitments and processes to tackle GBV in emergencies –including the PSVI and the Call to Action– were implemented in GBV emergency response in Iraq, Central African Republic, South Sudan and Sierra Leone. It concluded that despite these high-level commitments to strengthen the response to SVC and GBV in emergencies, global humanitarian leadership have yet to take effective and consistent action to address the protection concerns of women, girls and GBV survivors in crises, especially those related to funding GBV programmes in first phase emergency response, complying with GBV risk reduction minimum standards and availability of GBV specialised services. The following are the main conclusions IRC made in this paper and recommendations to the UK government to address identified gaps:

- Humanitarian leadership does not prioritise or hold actors accountable for action on GBV in emergency response. In two of the emergencies analysed, Iraq and Sierra Leone, it took twelve and five months, respectively, to even analyse GBV needs in common humanitarian assessments and documents.
 - The UK government should require humanitarian leadership (particularly humanitarian coordinators, cluster leads and humanitarian country teams) to include

¹⁷² Where the SU 'trains and deploys qualified and experienced civilian experts to support government work in conflict situations, and to multilateral missions on behalf of the Foreign and Commonwealth Office.' This recommendation for the FCO should apply to the SU as well. See: <https://www.gov.uk/government/organisations/stabilisation-unit/about>

GBV analysis in all emergency assessments and response plans, and to be trained on GBV risk reduction and/or specialised services prior to deployment.

- Donors, particularly common funding pools, do not consistently fund GBV in emergencies. The 2014 Humanitarian Response Plans (HRPs) for the Central African Republic, South Sudan and Iraq, for example, only fulfilled 5.2%, 20.9%, and 5.5%, respectively, of what was requested for GBV programmes.
 - The UK government should make its contributions to common funding pools contingent upon allocations to GBV programmes in compliance with the 2015 Inter-Agency Standing Committee’s [Guidelines for Integrating GBV Interventions in Humanitarian Action](#) (2015 IASC GBV Guidelines) and in response to identified needs. It should also require all entities seeking funding to explicitly address in their funding applications how they will respond to GBV regardless of their sector or area of focus.
- GBV coordination continues to face capacity limitations, and local-level advocacy is ineffective due to weak support at higher levels. In the Iraq emergency, for example the GBV coordination mechanism was activated when the level three emergency was declared (August 2014), but the coordination lead only arrived in early 2015.
 - The UK Government must hold the GBV AoR and in-country mechanisms publicly accountable for effective implementation of coordination, information-sharing, awareness-raising and advocacy responsibilities. As an important donor to GBV coordination efforts, DfID should require the GBV Area of Responsibility (GBV AoR)¹⁷³ and sub-clusters to report on global and local capacity-building efforts through periodic reports. The UK government should require the deployment of interagency GBV coordinators within 72 hours of an emergency.
- Specialised GBV services are inadequate or absent in emergency response, and existing guidance on GBV risk reduction is not operationalised by all humanitarian sectors. Only 19 out of 44 sites for internally displaced people in Bangui, Central African Republic had essential GBV services during the first phase of the emergency response.
 - The UK government should require funding proposals from all sectors to outline planned GBV risk reduction activities and ensure minimum service delivery is in place (health and psycho-social care) and account for them in monitoring and evaluation plans and reporting. DfID should continue to support annual real-time evaluations of all level three emergencies to monitor implementation of the IASC GBV Guidelines.
- GBV implementing agencies do not have the capacity to respond to the current levels of need. Nine months into the conflict in South Sudan –due to weak capacity– only seven out of 18 locations identified as being of concern, had a GBV lead agency to coordinate efforts.
 - The UK should support a creation of a pooled funding mechanism to resource the implementation of the actions and recommendations in the [GBV AoR Capacity Building Strategy for 2015-2020](#). A global GBV capacity-building initiative should train; provide tools and ongoing-support to organisations interested in gaining or scaling up GBV expertise. DfID and FCO should make funding for agencies delivering GBV specialised services contingent upon having received GBV training and capacity building.

¹⁷³See: <http://gbvaor.net/>

b. How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

22. In order to hold States accountable to commitments made at the 2014 Global Summit to End Sexual Violence in Conflict; the FCO should lead on monitoring progress with partners and participants and report this under its obligations within the UK NAP on WPS.

Accountability mechanisms could include requiring States and institutions –including the DRC, Libya, Somalia and the African Union– to report annually on progress and challenges in implementing their NAP or National Strategies to Fight Sexual Violence. Progress reports on the implementation of these commitments and National Plans should be public. States that made specific national and international funding commitments and interventions –including Australia, Bahrain, Finland, the UAE, the UK, and the US– should also be held accountable in the same way, by publishing annual progress reports and ensuring the activities of their partners are monitored.

23. Additionally, the FCO should conduct a consultation with civil society organisations of conflict-affected states (particularly those that participated in the Global Summit and committed to a NAP) evaluating the impact of the high-level policy achievements and UK-led trainings, missions and interventions to prevent SVC, including those lead by the SU. The FCO and the SU should have clear accountability mechanisms to hold themselves and other States to account. The results of this consultation should be public.¹⁷⁴

c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK’s input to the Security Council’s High-level Review of Resolution 1325?

d. How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?

II. a. What more could the Government do to ensure international and multilateral organisations prioritise the prevention of sexual violence in conflict and embed this into their policies and practice?

24. The failure to address the gendered impact of crises, including gender equality and GBV, continue to be one of the biggest weaknesses and gaps in the international and national responses to emergencies and crises. Whilst it is crucial to tackle SVC, this is only one type of GBV in one type of emergency, thus siloed efforts will fail to address systemic problems such as gender inequality and resulting GBV.

25. The UK Government must use its position as a permanent member of the UN Security Council, a major humanitarian donor participating in WHS consultations, the originator of the Call to Action and a State with a NAP on WPS by:

¹⁷⁴ Where the SU ‘trains and deploys qualified and experienced civilian experts to support government work in conflict situations, and to multilateral missions on behalf of the Foreign and Commonwealth Office.’ This recommendation for the FCO should apply to the SU as well. See: <https://www.gov.uk/government/organisations/stabilisation-unit/about>

- Calling for the strengthening of system-wide accountability mechanisms to measure effectiveness and impact of GBV emergency response in humanitarian action in all UK Government advocacy efforts towards the WHS.
- Holding humanitarian actors (particularly those receiving UK Government funding) accountable for the lack of inclusion of GBV analysis and experts in humanitarian response efforts, the failure to fulfil minimum GBV standards, and the lack of funding for GBV response in common humanitarian funding pools.
- Supporting the dissemination and requiring training and implementation of the recently released 2015 IASC Guidelines¹⁷⁵ from all partners and advocate for all multilateral and international organisations to implement these Guidelines, which their purpose is to “enable humanitarian actors and communities to plan, establish, and coordinate a set of minimum multi-sectoral interventions to prevent and respond to sexual violence during the early phase of an emergency.”¹⁷⁶
- Continue to mobilise equal high-level leadership and resourcing for combating SVC and broaden the scope of this advocacy by calling for more States and organisations (particularly from the Global South) to prioritise gender equality and GBV at the WHS and endorse the Call to Action Communiqué¹⁷⁷ and Roadmap.
- Include this broadened perspective in the High-level Review of the UNSCR 1325, which should call for accountability towards minimum standards and specialised GBV response in all conflict affected settings. The High Level Review should require all donors and humanitarian actors to include GBV analysis in all emergency assessments, humanitarian response plans and common funding pools.
- Strengthening partners’ capacity to address gender equality and GBV in national disaster risk reduction (DRR), resilience, preparedness, and response strategies and specialised programmes, particularly those of governments with NAPs on WPS and SVC.
- Supporting the inclusive and comprehensive implementation of the WPS framework; committing to new, dedicated and accessible funding for WPS efforts; and better tracking all UK government departments spending for WPS activities.
- Using the ‘Call to Action on protection from GBV in emergencies’ Roadmap to 2020 and the 15th anniversary High-Level Review of UNSCR 1325 to guide gender equality and GBV outcomes at the WHS; and include specific references to GBV in WHS outcomes on International Humanitarian Law.

¹⁷⁵ See: http://interagencystandingcommittee.org/system/files/legacy_files/tfgender_GBVGuidelines2005.pdf

¹⁷⁶ Ibid p. 2.

¹⁷⁷ See:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/256872/Final_Communique_v_11_Nov_4.pdf

Causes of sexual violence in conflict:

III. What evidence is there as to the causes of sexual violence in conflict?

a. To what extent are cultural and societal factors responsible for sexual violence in conflict and how effective has the Government's response to these been?

b. To what extent is sexual violence in conflict used as a deliberate tactic?

c. To what extent is inequality a factor underlying sexual violence in conflict?

26. After 19 years of experience in GBV programming and research in emergencies and fragile contexts, IRC knows that women and girls are specifically targeted in conflict and emergencies. The needs of women and girls have been historically under-addressed and yet, pervasive gender inequality, war, and conflict continue to fuel VAWG. IRC believes efforts to tackle SVC and GBV must seek to promote the safety, wellbeing and empowerment of women and girls.

27. In times of peace and conflict, women and girls do not have the same rights, access to opportunities and control over resources and decisions as men in their societies. Addressing these inequalities demands a specific focus on breaking down the obstacles that threaten and constrict women and girls' safety, potential and opportunity. The 2015 IASC GBV Guidelines define GBV as "an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private."¹⁷⁸

28. Structural forces that hold women and girls back are reinforced by systematic violence that maintains their subordinate status. These structural barriers include women and girls lack sufficient autonomy and agency; women and girls being excluded from decision-making; discriminatory laws and policies that fail to recognise the different needs of women and men; and discriminatory social norms perpetuate and condone gender inequality.

29. Cultural and societal factors shape structural and systemic violence as well as physical and sexual violence. These cultural manifestations can include the belief that a man has the right to assert power over a woman and is socially superior; that a woman's freedom outside the home should be restricted and that physical violence is an acceptable way to resolve conflict, particularly in domestic relationships.

30. Because if these factors, although SVC can affect men and boys or be used by armed actors to humiliate, attach and demoralise civilians and opponents, the vast majority of this violence is still committed against women and girls. Therefore, the majority of SVC is also underpinned by the structural and systemic violence that women and girls face in all areas of life in times of peace and conflict. The links between the systemic and structural violence that women and girls face and the direct physical, sexual, emotional, violence in conflict and emergencies reveals that the absence of physical violence (or SVC) is not enough to end or prevent GBV.

¹⁷⁸See: http://gbvguidelines.org/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_full-res.pdf, p. 5.

31. All efforts to combat SVC as a type of GBV should therefore clearly address the causal relationship between gender equality and GBV. Applying a gender analysis to these initiatives requires looking at gender and power dynamics between men, women, girls and boys and aiming to reduce gender discrimination against women and girls.

32. Rape and SVC can be viewed as deliberate tactic by armed actors, although this cannot be assumed. In 2014, out all the GBV incidents reported to IRC programmes, only 19%¹⁷⁹ of perpetrators were part of the police/military/other security official or a non-state armed group or militia.

33. Because the causes of SVC are linked to gender inequality and wider GBV, IRC recommends that UK government initiatives to tackle SVC are placed within wider efforts to prevent and respond to GBV in all emergencies. DfID's *Theory of Change on Violence against Women and Girls*¹⁸⁰ provides an ideal framework for this coordination. This Theory of Change incorporates a strong gender analysis grounded in the recognition of gender inequality worldwide and its severe impact on the safety and rights of women and girls. The same focus and rationale has been long accepted by multiple humanitarian standards such as the *Inter-Agency Standing Committee Gender Handbook in Humanitarian Action*, the *Inter-Agency Standing Committee Gender Equality Policy*, the [2015 IASC GBV Guidelines](#), and the [WPS framework](#)¹⁸¹.

Prevention:

IV. Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

a. What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled?

34. During active conflict and the acute phase of emergencies, prevention efforts must focus on GBV risk reduction and mitigation. The most important and universally accepted guidelines to reduce the risks to GBV in emergencies are the 2015 IASC GBV Guidelines. As the updated IASG GBV Guidelines have been recently launched, the UK Government should support their dissemination and require partners and UN agencies to train their staff and monitor implementation of these Guidelines.

35. The UK Government, particularly the FCO, DfID and the MoD, should require that all UK funded humanitarian, peacekeeping and SVC investigation efforts understand and implement the new 2015 IASC GBV Guidelines in their responses and interventions. The FCO and DfID should require all funding proposals, from all humanitarian agencies include GBV risk reduction activities and hold them to account for this implementation. DfID should

¹⁷⁹ These statistics represent data reported to IRC's Women's Protection and Empowerment programmes and their local partners from 16 countries in 2014, as collected through service-based data through the GBV Information Management System. The statistics represented here include only information from survivors who have consented to share their aggregate information. The statistics included are only from reported cases, and are in no way representative of the total incidence or prevalence of GBV.

¹⁸⁰ See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

¹⁸¹ See: http://www.un.org/womenwatch/ianwge/taskforces/wps/Strategic_Framework_2011-2020.pdf

continue to support real-time evaluations of the implementation of the 2015 IASC GBV Guidelines in all level-three emergency response efforts.

36. Furthermore, preventing sexual exploitation and abuse (PSEA) mechanisms are crucial to prevent SVC and GBV in active conflict and humanitarian settings. Implementation of the UK NAP on WPS should ensure that all partner agencies adopt multi-pronged PSEA mechanisms that include: (a) training staff providing aid and services on the PSEA; (b) putting in place and enforcing organisational codes of conduct on the PSEA, ensuring that staff and refugees can effectively report sexual exploitation and abuse; (c) disseminating information to refugees on how to report abuse; and (d) working with local partners to implement the PSEA mechanisms.

37. Prevention efforts that tackle the roots and causes of SVC and GBV more broadly can also be implemented in previous or later stages of conflict. IRC has developed and uses different evidence-based programmes and models to prevent and respond GBV (including SVC):

- Family and community interventions to prevent violence against women and girls (VAWG), such as Ugandan originated [SASA!](#), is uniquely designed to address a core driver of violence against women and HIV: the imbalance of power between women and men, girls and boys. Documented in a comprehensive and easy-to-use Activist Kit, SASA! inspires and enables communities to rethink and reshape social norms.
- IRC has developed an innovative model called [EAŞE](#) (Economic and Social Empowerment)¹⁸² that gives women financial stability and helps enhance their status in their homes/ families, allowing women to engage in the male dominated domestic and public spheres. Research that fed into the EAŞE model showed that pairing economic interventions such as VSLA with couple's sessions to enhance gender equality was effective in decreasing physical violence and economic abuse. After a successful launch in Burundi, IRC has implemented EAŞE programmes in Ivory Coast, Liberia, Sierra Leone, South Sudan, the Democratic Republic of the Congo (DRC), Uganda, Kenya, Ethiopia and Haiti.¹⁸³

38. IRC is also leading on a DfID-funded research programme, [What Works to Prevent Violence Against Women and Girls in Conflict and Humanitarian Emergencies](#), which consists of five research projects in crisis-affected countries, including: Dadaab, Kenya; South Sudan, DRC, Nepal and Yemen. What Works will produce knowledge and evidence on prevalence, drivers and causes of GBV in fragile settings, and the social and structural factors that sustain this violence.

b. PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

39. Working with men and boys in the wake of conflict can present opportunities for reflection on negative patterns and behaviours. In order to prevent intimate partner violence and GBV in communities, engaging men in individual behavioural change is crucial

¹⁸² See: <http://gbvresponders.org/wp-content/uploads/2014/07/EAE-Research-Brief-Jan-2014.pdf>

¹⁸³ See: <http://gbvresponders.org/empowerment/eae-tools-resources/>

to address the gender inequality and the patriarchal norms and beliefs that shape how individuals and groups are socialised and promote the use of violence.

40. IRC developed [Preventing Violence Against Women & Girls: Engaging Men through Accountable Practice](#) (EMAP), a primary prevention resource package that contains a ten-month individual behaviour change intervention created with conflict-affected communities, which aims to reduce GBV by addressing its root causes. EMAP is based on research carried out in Cote D'Ivoire, where Men's Discussion Groups on gender roles and gender equality contributed to a decline in intimate partner violence.¹⁸⁴

e. How can early warning of potential outbreaks of sexual violence in conflict best be achieved?

41. Long-accepted humanitarian standards acknowledge that there will always be SVC and GBV in emergencies until transformative change is achieved to tackle the deep-rooted gender and social norms and beliefs that entrench gender inequality. Therefore, "it is important to remember that GBV is happening everywhere. It is under-reported worldwide, due to fears of stigma or retaliation, limited availability or accessibility of trusted service providers, impunity for perpetrators, and lack of awareness of the benefits of seeking care [...] all humanitarian personnel ought to assume GBV is occurring and threatening affected populations; treat it as a serious and life-threatening problem,"¹⁸⁵ as mandated by the 2015 IASC GBV Guidelines¹⁸⁶, regardless of whether there are alerts or prevalence data available, action to prevent and address GBV must be taken.

42. For different reasons, GBV, including SVC, is more prevalent in different contexts and conflicts. When the violence is militarised there is usually an increase in media attention, although it must be noted that violence by intimate partners occurs and is heightened in every conflict. In 2014, 42% of GBV incidents reported to IRC's Women Protection and Empowerment programmes were acts of intimate partner violence.¹⁸⁷

43. Therefore, the UK government and humanitarian leadership should assume GBV is happening in all conflicts and include specialised programmes to respond to GBV in all emergencies regardless of whether a warning has been developed. The FCO and DfID should advocate for risk mitigation and primary prevention strategies to be implemented across all phases of conflicts, emergencies, and disasters to be included in all assessments and response plans.

¹⁸⁴See: <http://gbvresponders.org/wp-content/uploads/2014/07/Mens-Engagement-Research-Brief-Jan-2014-Final-2.pdf>

¹⁸⁵ http://gbvguidelines.org/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_full-res.pdf, p. 2.

¹⁸⁶ Ibid.

¹⁸⁷ These statistics represent data reported to IRC's Women's Protection and Empowerment programmes and their local partners from 16 countries in 2014, as collected through service-based data through the GBV Information Management System. The statistics represented here include only information from survivors who have consented to share their aggregate information. The statistics included are only from reported cases, and are in no way representative of the total incidence or prevalence of GBV.

The needs of survivors:

V. What evidence is there on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict?

44. DfID’s Theory of Change¹⁸⁸ on VAWG provides an overarching framework for the Department’s policy and practice in ensuring “women and girls are free from all forms of gender-based violence and from threat of such violence”. Different policies and plans follow this Theory of Change, such as DfID’s Business Plan for 2011-2015 –which identified VAWG as a key priority and commits DfID to pilot new and innovative approaches to address VAWG¹⁸⁹-, DfID’s role within the UK NAP on WPS, the *Humanitarian and Emergency Response Review*, and the *Building Stability Overseas Strategy*. Furthermore, the DfID’s launched Call to Action has garnered global and multi-sectoral commitment to driving high level commitments to change on the ground for survivors of GBV in all emergencies.

45. DfID has been particularly effective in supporting and assisting survivors of GBV. Its prioritisation on GBV in all emergencies allow for a more comprehensive understanding of the phenomenon of GBV and its root causes and has broader reach of survivors to support and assist. As a recent review found, there has been a 46% increase between 2012 and 2014 in DfID’s VAWG programmes and a 63% increase in DfID-funded VAWG programmes.¹⁹⁰ Furthermore, between 2012 and 2014 DfID has increased its provision of VAWG prevention and response services by 33%.¹⁹¹

46. DfID has also led in researching effective ways to support different types of survivors, such through its research projects: [*Creating Opportunities through Mentoring, Parental Involvement and Safe Spaces in Pakistan, Ethiopia and the Democratic Republic of the Congo \(DRC\) \(COMPASS\)*](#). This project, led by IRC is a three-year programme that will create safe spaces for girls and implement a locally tailored life skills and asset building curriculum for both girls and their caregivers; build the capacity of local service providers (especially health services and case management) to respond to violence against adolescent girls, and engage the wider community in this effort. The programme will be implemented in refugee camps in Ethiopia, and with displaced communities in both the DRC and Pakistan.

47. DfID funds IRC’s programmes on women’s protection and empowerment, most of them focused on the support and healing of GBV survivors, in the DRC, Syria, Iraq, Jordan, Lebanon, Turkey, South Sudan, and Sierra Leone. The UK Government through also pledged support for survivors through its PSVI¹⁹²; yet monitoring of the impact of these initiatives has yet to be shared.

¹⁸⁸See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

¹⁸⁹See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67582/strategic-vision-girls-women.pdf

¹⁹⁰See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368932/Map-DFID-VAWG-prog-2014b.pdf

¹⁹¹See: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368932/Map-DFID-VAWG-prog-2014b.pdf

¹⁹² See: <https://www.gov.uk/government/publications/2010-to-2015-government-policy-sexual-violence-in-conflict/2010-to-2015-government-policy-sexual-violence-in-conflict>

V. (continued) How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

a. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

48. The UK Government should sustain and increase its funding to support GBV survivors and prioritise life-saving services during first phase emergency response, as well as building the capacity of the humanitarian community to have more GBV responders to cover the multiple emergencies the humanitarian community is facing.

49. IRC has invested in developing a [GBV Emergency Response & Preparedness](#) programme model, training tools and resources and is committed to building the capacity of humanitarian aid workers and policymakers to prioritise and address the needs of women and girls in emergencies. IRC developed the GBV Emergency Toolkit to help humanitarian organisations lead action that facilitates the healing of survivors and fosters environments in which women and girls are safe. The Toolkit is presented in five sections: Emergency Preparedness, Emergency Assessments, Emergency Response, Emergency Response and Preparedness Training, and Resource Library. In the last three years, IRC has trained over 450 partners in its GBV Emergency Response Programme Model.

50. Beyond lessening the stigma of survivors, all UK Government initiatives, policies and practice concerning on SVC and GBV should adopt a survivor-centred approach, ensuring that medical, psycho-social, investigation and justice related interventions are all led by the survivors' needs and self-determination. Although stigma is one of many challenges faced by survivors, during active conflict and emergencies, many survivors are concerned about their safety, health and sustenance.

51. A survivor-centred approach ensures that survivors have confidential support, access to timely information about their choices, and access to specialised services such as health services, psychosocial support services, case management services, safe space programmes (women's centres), and access to justice. IRC recommends working closely with community-based organisations, including women's groups, to ensure specialised service provision is available even when international NGOs (INGOs) have to be evacuated or before they arrive.

52. Specifically, the UK Government should ensure that all of their gathering of evidence on SVC is survivor-focused. When approaching survivors to participate in investigation, monitoring and evidence-gathering procedures, information should be made available about the possible consequences and potential harm their participation may bring. This information should include potential retaliation from armed actors, community and family members and/or members of other communities or groups; as well as stigmatisation, trauma and increased risks to other types of GBV. When the risks cannot be mitigated or when investigation compromises the survivors' safety, efforts should be suspended in respect the principle of do no harm.

53. IRC has invested in developing various tools that INGOs and local service providers can use to ensure adequate support to survivors depending on their needs:

- [Clinical care for sexual assault survivors](#): To support health care providers serving sexual assault survivors in low-resource settings, IRC has developed modules on clinical care

for sexual assault survivors guidelines and training tools, developed to improve clinical care for and general treatment of child and adult sexual assault survivors by providing medical instruction and encouraging competent, compassionate and confidential care.

- [Caring for child survivors](#): Child survivors have a profound need for care and treatment that is appropriate to their age, cultural context, psychological symptoms, and specific type of abuse. IRC, in partnership with UNICEF, developed field-tested guidelines and tools for health and psychosocial staff working with child survivors of sexual abuse in humanitarian and emergency settings. They include new care guidelines for child survivors and tools to build the capacity of service providers working with children affected by sexual abuse and their families.
- [GBV and disability inclusion](#): The needs of GBV survivors include persons with disabilities. IRC and the Women’s Refugee Commission developed the GBV and Disability Toolkit as part of a project piloted in Burundi, Ethiopia, Jordan and the Northern Caucasus in the Russian Federation. The project aimed to identify barriers to access, and to pilot and evaluate strategies for promoting disability inclusion in GBV programmes.

Participation:

VI. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

54. Women’s equal and meaningful participation and influence “is needed to make and build peace and prevent conflict from breaking out”.¹⁹³ The participation of women in peace processes and decision-making is an outlined outcome of the UK NAP on WPS. Beyond ensuring that all women and girls from crisis-affected populations of UK NAP on WPS priority countries participate in peace-building and negotiation processes, the UK Government should also ensure that women and girls benefiting from DfID aid participate in the design, implementation, monitoring and evaluation of humanitarian assistance, protection and recovery programmes. This should include disaster risk reduction, resilience, emergency preparedness and response strategies.

55. DfID, the FCO and the MoD should hold themselves and their partners to account by requiring annual reports on efforts, progress and challenges in increasing women’s participation in humanitarian and peace building efforts. Additionally, they should require all programmes, funding proposals, and response plans to include women and girls’ participation components.

56. IRC’s GBV programmes in South Sudan researched how to effectively listen to women and girls and learned that women and girls want to participate in programme design, planning, implementation, monitoring and evaluation; and not just give feedback on services provided. They value women’s safe spaces to gather and learn about each other, the services available in the community, learn skills including literacy, and build stronger social and community networks. These programmes allow women to grow their leadership skills and are entry points for women to integrate into political participation and decision-making.

¹⁹³See:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_final3.pdf

a. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

57. Key barriers to the implementation of the WPS Agenda and the UK NAP on WPS include the roots causes of all forms of GBV women experience in times of emergency and peace. The UK Government should work increase their support to local organisations and communities to tackle these entrenched beliefs and norms, and work towards gender equality and women’s increased secure participation in the public sphere. The UK Government could do this by ensuring there is sufficient, earmarked, and funding for women and adolescent girls’ listening and participation programmes, and for the creation of safe spaces for women and girls in the UK Government’s focus countries.

Peacekeeping:

8. How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

58. The UK Government, particularly DfID, the MoD and the SU should guaranty that all humanitarian actors and peacekeepers have PSEA policies and mechanisms in place. Staff and beneficiaries should know and understand where to report sexual exploitation and abuse. International peacekeepers and other humanitarian staff must understand that they are allowed to report such exploitation and abuse and they should not fear reporting. UN Peacekeepers’ Troop Contributing Countries and Police Contributing Countries should provide adequate pre-deployment PSEA trainings for military and police personnel. Moreover, the UK and especially the MoD should advocate for reform within UN missions, by calling for mandatory pre-deployment gender training for all international peacekeepers as well as ongoing gender sensitivity training for all UN staff.

59. When investigating and prosecuting perpetrators of sexual exploitation and abuse, survivor confidentiality must be ensured and the survivor must be provided with appropriate support and accessible and comprehensive services. Findings of administrative investigations on sexual exploitation and abuse should be published and there should be greater transparency and accountability regarding the processes and findings, whilst ensuring confidentiality and protection of the survivors.

60. UK Government agencies should be required to implement, coordinate and monitor multi-pronged PSEA mechanisms. These mechanisms should :

- Train all staff in providing aid and services on PSEA.
- Put in place and enforce organisational/departmental codes of conduct on PSEA ensuring that staff and victims can effectively report sexual exploitation and abuse.
- Disseminate information to staff, beneficiaries and communities on how to report on sexual exploitation and abuse.
- Work with local partners and communities to implement these PSEA mechanisms.

Accountability:

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

e. What evidence is there on the effectiveness and usage of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict? How can the dissemination and usage of the Protocol best be supported?

61. Investigation and documentation of SVC has proven dangerous and life-threatening for survivors. The DRC Monova trials, which only led to two junior soldiers being convicted of rape; left the multitudes of survivors of sexual violence alone, traumatised and at a greater risk continued GBV, including sexual violence. Despite attention going to investigation and prosecution, GBV survivors in the DRC and other emergencies continue to be underserved and face multiple challenges.¹⁹⁴

62. The implementation of the [*International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*](#) should ensure a survivor-centred approach which was explained above.

63. Furthermore, when documenting and investigating SVC, and when training partners on doing this, there should be an important differentiation between data collected through GBV service provision and data collected for the documentation and investigation of SVC. Data collected through service provision is confidential and should not be shared and used for documentation and investigation purposes. The inappropriate use of this confidential data puts survivors and humanitarian agencies providing services at risk of violence and abuse.

18 September 2015

¹⁹⁴See: <http://www.theguardian.com/world/2015/jun/13/rape-victims-congo-world-turned-away>

The International Rescue Committee – Supplementary written evidence (SVC0063)

Section I: Introduction

1. The International Rescue Committee (IRC) welcomes the opportunity to contribute additional evidence to the House of Lords Select Committee on Sexual Violence in Conflict (the SVC Committee) in its inquiry into the United Kingdom's (UK) efforts in preventing sexual violence in conflict (SVC). This submission addresses the questions put forward by the SVC Committee Chair, the Baroness Nicholson of Winterbourne, on what the UK Government should be doing to prevent SVC on the short, medium and long term.

2. This submission focuses on how the UK Government can address and prevent SVC as part of a broader spectrum of gender-based violence (GBV) in humanitarian settings in the short, medium and long term. It builds on our expertise of almost 20 years of specialised programming to address the needs of GBV survivors in fragile and conflict affected settings by analysing the progress made towards the prevention of SVC, as well as the gaps and challenges ahead of the international community to tackle this phenomenon. It also builds on IRC's expert participation in high level initiatives including the *Preventing Sexual Violence Initiative* (PSVI), the UK-launched *Call to Action to protect women and girls in emergencies* (Call to Action), the World Humanitarian Summit (WHS), and the High-Level Review of the UN Security Council Resolution 1325 (UNSCR 1325). It proposes recommendations to the UK Government's Foreign and Commonwealth Office (FCO), the Department for International Development (DfID), the Ministry of Defence (MoD), and the Stabilisation Unit (SU) to inform their policies and practice in preventing SVC.

Section II: The International Rescue Committee

3. IRC works in conflict-affected and fragile countries around the world to deliver life-saving assistance to people affected by violent conflict and disaster, and remains working with communities to assist with rebuilding through the post-crisis phase. Our presence in over 40 countries includes programmes in education, health, economic recovery and development, child protection, and women's protection and empowerment. These programmes provide us with a unique understanding of the humanitarian and development challenges in the context of conflict and fragility.

4. Since 1996, IRC has been addressing the needs of women, girls and GBV survivors in acute and protracted emergencies, including SVC. As a recognised global leader in preventing and responding to GBV in conflict and other emergencies, IRC works to foster communities where women and girls are free from violence and have the rights and resources to promote their own safety and self-determination. IRC's innovative women's protection and empowerment programmes are present in 27 countries and in disaster and conflict-affected countries across Africa, Asia and the Middle East.

5. Our women's protection and empowerment programmes (WPE) aim to support the development of holistic, survivor-centred services and the empowerment women and girls within their communities. IRC's programmes also focus on preventing GBV, researching effective ways to tackle GBV and conducting global advocacy towards the prioritisation of

GBV in emergency response. Underpinning our work are the beliefs that GBV stems from and reinforces gender inequality; the structural forces that hold women and girls back from achieving gender equality are reinforced by systematic violence.

6. In emergencies and during active conflict, IRC delivers life-saving care for GBV survivors, ensuring that health care and counselling are available for rape survivors, including the prevention of unwanted pregnancies and transmission of HIV/AIDS. We believe GBV services are life-saving, not optional: when a woman is raped she has 72 hours to access care and prevent the potential transmission of HIV/AIDS; she has 120 hours to prevent an unwanted pregnancy; and could have only a few hours to ensure that life-threatening injuries do not become fatal.

7. In protracted crises IRC provides safe spaces for women to come together for support and to build their skills. We also work with men and communities to change beliefs and attitudes that underlie and cause GBV. In all our work, IRC works in partnership with women and girls and promotes their participation in the issues that affect their lives and programmes that address their needs.

8. In 2014, over 11,500 incidents of GBV were reported to IRC's programmes in Burundi, Central African Republic, Côte D'Ivoire, the Democratic Republic of the Congo, Ethiopia, Haiti, Iraq, Jordan, Kenya, Lebanon, Liberia, Mali, Pakistan, South Sudan, Tanzania and Thailand. Ninety-three percent of GBV survivors who reported to the IRC in 2014 were females; 29% of these reports were acts of rape, 4% sexual assault, 26% physical assault and 22% psychological abuse. During 2014, only 19% of all GBV acts reported to the IRC were committed by armed actors.¹⁹⁵

Section III: Sexual Violence in Conflict in relation to Gender-based Violence in Emergencies

9. The Parliamentary Under Secretary of State at DfID, Baroness Verma, [recently restated](#) the UK Government's commitment to drive forward the *Preventing Sexual Violence in Conflict Initiative* (PSVI) over the next five years. This is a welcome pledge that should be closely coordinated with all UK Government's efforts across all departments, and include the response and prevention of all types of GBV. SVC is only a small percentage of incidents of GBV in emergencies which receive UK aid support. For example, 67% of incidents of violence reported to IRC's programmes in 2014 were not sexual violence.¹⁹⁶ GBV encompasses all types of violence; it is pervasive, life-threatening and heightened in crises.

10. One of the most prevalent types of GBV is intimate partner violence (IPV). Forty-two percent of all incidents of violence reported to IRC's programmes in 2014 were IPV, which increases in emergencies due to the additional stress that displacement places on families,

¹⁹⁵ These statistics represent data reported to IRC's Women's Protection and Empowerment programmes and their local partners from 16 countries in 2014, as collected through service-based data through the GBV Information Management System. The statistics represented here include only information from survivors who have consented to share their aggregate information. The statistics included are only from reported cases, and are in no way representative of the total incidence or prevalence of GBV.

¹⁹⁶ Ibid

the lack of economic and other stability, and lack of access and security to income, food and safety for their families.¹⁹⁷

11. Sexual violence and GBV do not solely occur and increase during conflict. GBV spikes in every type of emergency, whether it is conflict, man-made or a natural disaster. Furthermore, the UK Government and other humanitarian actors should assume that GBV is taking place in all humanitarian and development settings: “it is important to remember that GBV is happening everywhere. It is under-reported worldwide, due to fears of stigma or retaliation, limited availability or accessibility of trusted service providers, impunity for perpetrators, and lack of awareness of the benefits of seeking care”¹⁹⁸.

12. While sexual violence is present in conflicts across the globe and garners the most media attention, the UK Government must not forget that tackling SVC in an isolated way will not be effective: GBV is a systemic problem that requires systemic solutions.

13. In order for the UK Government’s efforts to foster tangible change to the lives of women and girls in conflict, emergencies and fragile settings, it must broaden its efforts from exclusively SVC and improve coordination with other initiatives that tackle the root causes of GBV in emergencies. This includes addressing the issue of GBV and women’s protection and empowerment in a systemic way, such as the Call to Action and the UK National Action Plan on Women Peace and Security (UK NAP on WPS). Additionally, all UK Government efforts should address the underlying causes of SVC and GBV, which include deep-rooted gender and social norms and beliefs that entrench gender inequality and GBV.

Section IV: Recommendations for the UK Government’s policies, funding and response to GBV in emergencies

14. IRC’s experience and recent research have evidenced that there are key lessons to be learned from the humanitarian response to GBV in emergencies. IRC’s September 2015 discussion paper *Are We There Yet? Progress and challenges in ensuring life-saving services and reducing risks to violence for women and girls in emergencies* analyses how high-level commitments and processes to tackle GBV in emergencies – including the UK’s PSVI and the Call to Action – were implemented in GBV response in four acute emergencies: Iraq, Central African Republic, South Sudan and Sierra Leone.¹⁹⁹

15. The discussion paper identified that despite these high-level political commitments to improve SVC and GBV in emergencies, global humanitarian leadership has yet to take effective and consistent action to address the protection concerns of women, girls in emergencies. These key lessons were echoed in similar recent studies, including [the Evaluation of the Implementation of the 2005 IASC GBV Guidelines in the Syria Crisis](#)

¹⁹⁷ Ibid

¹⁹⁸ See: Inter-Agency Standing Committee, 2015, “Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery,” <http://gbvguidelines.org/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines-lo-res.pdf>, p 2

¹⁹⁹ See Embargoed Report attached

[Response](#)²⁰⁰ and research findings from a study of the ‘What Works to prevent violence against women and girls’ consortium, – [Responding to Typhoon Haiyan: women and girls left behind](#).²⁰¹

16. Lesson 1: Humanitarian leadership does not prioritise or hold actors accountable for action on GBV in emergency response. In Iraq in August 2014, a GBV Sub-Cluster was activated for both the internally displaced persons (IDPs) crisis and to bring together the sexual and gender-based violence working group for the refugees from the Syrian conflict (originally led by the UN High Commissioner for Refugees). Although the lead for the two crises, the UN Population Fund (UNFPA) did not arrive until early 2015 and the terms of reference were not only circulated in May 2015. Key stakeholders, donors and humanitarian leadership did not hold UNFPA accountable for their inactions and therefore subsequent delays in the prioritisation and response to GBV in Iraq.

- The UK Government should, in the short term, require their own department’s personnel, DfID, MoD, SU, their grantees and implementing partners. Most importantly, all humanitarian coordinators, sector/cluster leads and humanitarian country teams should include GBV analyses in all emergency assessments and response plans, and be trained on GBV minimum standards and risk reduction, and/or specialised services prior to deployment.

17. Lesson 2: Donors, particularly common funding pools, do not consistently fund GBV in emergencies. The 2014 Central African Republic (CAR) Humanitarian Response Plan had only one GBV project funded - representing less than 0.9% of the protection funding, and covering only 5.2% of what was originally requested for GBV. Furthermore, not a single dedicated GBV programme was funded within the two Common Humanitarian Fund (CHF) rounds for CAR in 2014. Bilateral donors such as DfID provided most of the funding for GBV programmes during the crisis peak, though funds did not all come in a timely manner. While bilateral funding plays a critical role in sustaining life-saving programming for women and girls in CAR, they alone, are not enough to provide prevention and response services to match the need.

- DfID, MoD, SU and FCO should make their contributions to common funding pools and any humanitarian emergency response contingent upon allocations to GBV programmes in compliance with the revised 2015 Inter-Agency Standing Committee Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action (IASC GBV Guidelines)²⁰² in the short, medium and long term. It should also require all agencies seeking funding or partnership to explicitly outline in their funding proposals how they will prevent and address GBV regardless of their humanitarian sector.

²⁰⁰ This Evaluation is a result of a recommendation that IRC made in the 2014 report, *Are We Listening? Acting on Our Commitments to Women and Girls Affected by the Syrian Conflict* concerning the gap of GBV response in the context of the Syria Crisis.

²⁰¹ See <http://www.whatworks.co.za/resources/all-resources/publications/item/77-responding-to-typhoon-haiyan-women-and-girls-left-behind-a-study-on-the-prevention-and-mitigation-of-violence-against-women-and-girls-in-the-emergency-response>

²⁰² See: www.gbvguidelines.org

18. Lesson 3: GBV coordination continues to face capacity limitations, and local-level advocacy is ineffective due to weak support at higher levels. In South Sudan, by September 2014, nine months into the conflict, only seven out of 18 locations identified as being of concern had a GBV lead agency to coordinate response efforts.

- The UK Government must hold the Protection Cluster, the GBV Area of Responsibility²⁰³ (GBV AoR) and in-country mechanisms publicly accountable for effective implementation of coordination, GBV information-sharing, awareness- raising and advocacy responsibilities in the short, medium and long term. As a major humanitarian donor to GBV coordination efforts, the UK Government's DfID should continue to maintain GBV coordination efforts; and require the GBV AoR, the Protection Cluster and the GBV sub-cluster to report on global and local capacity-building and advocacy efforts through quarterly reporting. The UK Government's DfID should also support the requirement of the deployment of inter- agency GBV coordinators within 72 hours of the onset of an emergency in the short, medium and long term.

19. Lesson 4: Specialised GBV services are inadequate or absent in emergency response, and existing guidance on GBV risk reduction is not operationalised by all humanitarian sectors. By February 2014 there were only four GBV service providers operating in all of CAR, and by mid-2014 fewer than half of the sites for IDPs in Bangui had specialised GBV services, referrals, and sensitisation efforts in place.

- The UK Government should require all agencies receiving UK funding to adopt and operationalise GBV minimum standards in the 2015 IASC GBV Guidelines. This can be done at proposal, monitoring and evaluation stages of humanitarian programming cycles; if a proposal does not include a section describing how it reduce risks to GBV or a project is not implementing them, the UK should not fund it or make funding dependant in its inclusion²⁰⁴.

20. Additional recommendations from the Evaluation of the Implementation of the 2005 IASC GBV Guidelines in the Syria Crisis Response, which IRC jointly contributed to, detail that donors, like DfID should request updates on the implementation of the 2015 IASC GBV Guidelines to be included in their monitoring and evaluation plans of all grantees and partnerships. The UK Government, specifically DfID, MoD, SU and the FCO should hold all partners accountable for failing to implement and operationalise the 2015 IASC GBV Guidelines in all humanitarian response sectors. This should be done through the implementation of a programme improvement plan and future restrictions on funding opportunities for partners if their do not meet the requirements of implementing GBV minimum reduction standards.

- DfID should continue to support in the short and medium term annual real- time evaluations, like the Evaluation of the Implementation of the 2005 IASC GBV Guidelines in the Syria Crisis Response, of all level-three emergencies to monitor effective implementation and operationalisation of the 2015 IASC GBV Guidelines by all humanitarian sectors.

²⁰³ See: <http://gbvaor.net/>

²⁰⁴ Guidance can be found here: www.gbvguidelines.org

21. Lesson 5: GBV implementing agencies do not have the capacity to respond to the current levels of need. Lead actors and funders in the response to Ebola in Sierra Leone gave little priority to the specific needs of women and girls, including their risks of GBV. There was only one DfID funded GBV programme that began one year after the Ebola Outbreak began.

- DfID should support a creation of a pooled funding mechanism to resource the implementation of the actions and recommendations in the [GBV AoR Capacity Building Strategy for 2015-2020](#). A global GBV capacity-building initiative should train; provide tools and ongoing-support to organisations interested in gaining or scaling up GBV prevention and programming expertise. DfID and FCO should make funding for agencies delivering GBV specialised services contingent upon having increased their capacity and received GBV specialised services training.

22. The UK Government should also ensure that all training and implementation of the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*²⁰⁵ have a survivor-centred approach, are paired with sustained services (health, safe space, psychosocial support), and respect the principle of ‘do no harm’. As stated in IRC’s original submission to the SVC Committee, when investigation efforts do not put survivors’ safety above all and respect the principle of do no harm, investigation and documentation of SVC has proven to be dangerous.²⁰⁶ In Iraq, IRC knows of survivors being pressured by organisations conducting investigation of SVC who have been abused and ostracised when they decide not to participate. SVC reporting can be used by one party of the conflict to accuse another. The UK Government must ensure through required public periodic reporting from partners and transparent reporting of its own Government efforts that the survivors of sexual violence are protected and provided with the appropriate GBV specialised services.

IRC welcomes the [UK Government’s pledges](#) on the 15th anniversary and High Level Review of the United Nations Security Council Resolution on Women, Peace and Security 1325 (UNSCR 1325). While the UK Government’s efforts across DfID, MoD and FCO should be commended, yet there is an immense more amount of targeted effort, financial support and political will needed to fully reach the goals of the UNSCR 1325 and the UK’s National Action Plan on Women, Peace and Security (UK NAP on WPS).

23. As a member of the Gender Action for Peace and Security network (GAPS), IRC recommends that in the medium-term DfID, MoD, FCO and SU should focus on ensuring women’s equal and meaningful participation in all peace processes, negotiations and state-building discussions by advocating for this at the highest levels and necessitating women’s equal and meaningful participating at all UK hosted discussions and events held by those receiving UK funding and/or partners. These UK Government Departments should also require their partners to report periodically on their progress, challenges and failures.

²⁰⁵ See:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf

²⁰⁶ IRC Submission to the House of Lords Select Committee on Sexual Violence in Conflict, Call for Evidence, 18 September 2015, p 14

24. As the Parliamentary Under Secretary of State for DfID recently reiterated commitment to drive the PSVI forward, the IRC encourages the UK Government to do so by tackling the root causes of sexual violence and GBV. Barriers to achieve the goals of the UNSCR 1325 and the UK NAP on WPS are the failure of states and key humanitarian stakeholders to address gender inequality that is entrenched deeply in societal, cultural and political norms. To address and combat gender inequality and discrimination, the UK Government must support the capacity of local organisations, particularly women’s organisations, through funding and training to provide life-saving services to GBV survivors and participate freely and equally in the public sphere. To achieve this DfID, FCO and MoD should certify that there is sufficient earmarked funding for local organisations and violence prevention programmes, especially in the UK NAP on WPS’ priority countries and level- three emergencies.

25. In addition to addressing the root causes of sexual violence and GBV, IRC recommends that the UK Government through its NAP on WPS require all personnel (including military and peacekeeping), humanitarian actors and partners deployed to or funded in humanitarian crises, conflicts and emergencies to be trained on gender equality, the prevention and mitigation of GBV, and the prevention of sexual exploitation and abuse (PSEA). A multi-pronged mechanism should be implemented, which includes: “(a) training staff providing aid and services on the PSEA; (b) putting in place and enforcing organisational codes of conduct on the PSEA, ensuring that staff and refugees can effectively report sexual exploitation and abuse; (c) disseminating information to refugees on how to report abuse; and (d) working with local partners to implement the PSEA mechanisms”.²⁰⁷

Section V: Recommendations for the UK Government’s advocacy and diplomatic efforts to support global initiatives to tackle GBV and SVC

26. During the 2015 High Level Review of the United Nations Security Council Resolution on Women, Peace and Security 1325, the UK Government stated²⁰⁸ that it would help seek positive outcomes for women and girls at the World Humanitarian Summit (WHS). For those outcomes to be included in the final WHS outcome document and turned into concrete actions on the ground; the UK Government should advocate to European and Global South States to voice their support to this priority and join the Call to Action.

27. The UK Government should focus its efforts on ensuring that gender and GBV have sufficient political and leadership support to be included in the final outcomes of the 2016 WHS. Specifically, the UK Government can advocate for more states, particularly from the Global South, and agencies endorse the Call to Action²⁰⁹ and call for the three

²⁰⁷ IRC Submission to the House of Lords Select Committee on Sexual Violence in Conflict, Call for Evidence, 18 September 2015, p 8.

²⁰⁸ See: <https://www.gov.uk/government/speeches/the-uk-firmly-believes-that-the-15th-anniversary-must-represent-the-start-of-a-new-era-on-women-peace-and-security>.

²⁰⁹ Also known as the [Call to Action on Protection from Gender-based Violence in Emergencies](https://www.womensrefugeecommission.org/programs/gender-based-violence/research-and-resources/1240-call-to-action). The Call to Action is a global initiative to coordinate donors, UN agencies, NGOs and many other stakeholders on protecting women and girls in humanitarian emergencies. The campaign and the accompanying Call to Action Road Map 2016-2020 outlines concrete efforts for all humanitarian stakeholders over the next five years. See <https://womensrefugeecommission.org/programs/gender-based-violence/research-and-resources/1240-call-to-action>

recommendations on gender and GBV to be reflected in the WHS outcome document. The WHS will be a unique and crucial opportunity to ensure the humanitarian system is effectively responding to the needs of women and girls in all emergencies. The FCO has the opportunity to support DfID in these efforts through its permanent missions and can advocate at the highest levels with States, EU Institutions, UN Agencies and NGOs for the vital reforms to include and address gender inequality and GBV.

28. Furthermore, effective women's participation in the humanitarian system – one of the three current recommendations for the WHS – will only be achieved if this is a priority in the summit's process and events. Thus, the UK Government should resource and prioritise women's participation at the summit in Istanbul, including representatives from women's groups and leaders from emergency affected-countries.

29. The UK Government should work closely with Sweden, as upcoming Chair of the Call to Action for 2016, to ensure that humanitarian stakeholders operationalise the Call to Action Road Map 2016-2020 and their promises. Further collaboration with Sweden is necessary to lobby at the highest levels to key states, such as the European Union (EU), EU Member States and States in the Global South to sign up to the Call to Action Communiqué and join the global movement to protect women and girls from GBV in emergencies.

11 December 2015

International Truth and Justice Project - Sri Lanka – Written evidence (SVC0024)

The International Truth and Justice Project was set up in 2013 and is administered by the [Foundation for Human Rights](#) in South Africa under transitional justice expert Yasmin Sooka. Our team includes ex-International Criminal Tribunal for the Former Yugoslavia (ICTY) prosecutors and transitional justice experts who have decades of experience in investigation of sexual violence and building cases and our spokesperson is former BBC Foreign Correspondent Frances Harrison. For more information and our two full reports on ongoing torture and sexual violence dated March 2014 and July 2015 please see www.itjpsl.com. We work on documenting sexual violence and torture in Sri Lanka where the civil war ended in May 2009 but the violations have continued until the present day on a scale that is widespread and systematic.

1. The international policy agenda:

Based on past meetings with the FCO we believe they have been out of step with the UN Secretary General on the issue of rape in post-war Sri Lanka. The UN Secretary General's 2015 report on conflict-related sexual violence found, "one of the major unaddressed issues is impunity for conflict-related sexual violence" in Sri Lanka. It went on to say there were:

"...indications that abduction, arbitrary detention, torture, rape and other forms of sexual violence have increased in the post-war period. Notably, Tamil women and girls have reported sexual abuse in the context of the on-going militarization of their areas of residence. Allegations of sexual violence by the Sri Lankan security forces against members of the Tamil community in the closing months of the war and in the post-conflict period have been extensively documented, but rarely addressed."

The Report of the OHCHR Investigation on Sri Lanka (OISL) published this week also says one of its most disturbing findings was the often extremely brutal sexual violence used against men and women by the security forces during and after the war. It said the incidents were not isolated acts but part of a deliberate policy and that allegations of rape persisted up until this day. However in meetings the FCO have cast doubt on the prevalence of post-war sexual violence by state forces on the grounds that they had not received reports about it from NGO's or contacts inside the country. In fact in one meeting they told us it had stopped as of March 2014.

(a) *PSVI and Asylum Seekers:* We were told by the FCO that the Preventing Sexual Violence Initiative only documents sexual violence in countries that have signed the G8 Declaration on Preventing Sexual Violence in Conflict. Sri Lanka is not a signatory. Where the PSVI team does not have access to a country it also does not document sexual violence as reported by asylum seekers in the UK, even though these victims are accessible and safely out of the country where the crime took place. In the case of Sri Lanka, our group has worked successfully outside the island to document more than a hundred cases of systematic and widespread sexual violence by the security forces since the end of the civil war in 2009. This includes eleven such cases under the new Sri Lankan government where the crime occurred in 2015. There is nothing to stop the PSVI team investigating abuses reported by asylum

seekers or collaborating with other groups that do this work outside the island. This would help refine the UK's asylum policy based on a deeper knowledge of what violations are being committed; currently the FCO relies on information from NGO's inside Sri Lanka who rarely meet the survivors of the most egregious crimes because they flee or hide until they can escape the country.

(b) There appears to have been a marked unwillingness on the part of the FCO to engage with the issue of Sri Lankan sexual violence at last year's ESVI summit or to meet survivors from Sri Lanka in private. This observation is based on the following:

(i) The then Foreign Secretary told [The Guardian](#) he would investigate Tamil rape survivors being deported but this never happened. The NGO Sri Lanka Campaign later [followed up](#) on this twice and in vain. Several groups have made appeals to the Foreign Secretary to meet some Tamil sexual violence survivors privately so he could fully appreciate the experiences of the victims and personally witness the harm inflicted upon them. We were told this might happen after PSVI as he was busy then, but it has not happened to date since June 2014.

(ii) Ms. Jolie said she would meet Tamil rape survivors but did not, even when one survivor accredited by the FCO came to the summit to see her.

(iii) In addition, the FCO commissioned a play on the issue of male rape for the summit from the Ice and Fire drama group. When officials learned that one of the three stories was that of a Tamil rape survivor they asked an NGO to front it for them.

2. What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

We suggest the UK government encourages the office of the UN Secretary General's Special Representative on Sexual Violence in Conflict to focus in depth on the issue of accountability for sexual violence in Sri Lanka given there is plenty of documentation regarding past and present violations. The representative's office could be encouraged by the UK, which is a major donor, to put more political pressure on Sri Lanka to take meaningful steps to tackle this issue so that it is not ignored in the government's plan for accountability. The UK government could also consider other UN mechanisms available to the SRSV and UNSC.

3. Causes of sexual violence in conflict

We have documented and analysed 180 cases of post war torture and/or sexual violence by the security forces that occurred in Sri Lanka to examine whether the crimes are systematic and widespread. We have identified 48 sites where these crimes have occurred after the end of the war in 2009 and identified many of the alleged perpetrators and military and civilian officials in overall command. We found a clear pattern of violations and a sense of total impunity for the crimes that involved multiple wings of the security forces.

For more information about the use of sexual violence as a deliberate tactic in Sri Lanka from 2009-2015 please read our reports produced in March 2014 and July 2015 at www.itjpsl.com. Please note the widespread use of sexual violence by the security forces against young men as well as women.

4. Prevention

The first step to preventing this crime is puncturing the culture of denial and disbelief. This should start with FCO officials who have refused to engage on these issues when it comes to Sri Lanka at least.

The UK government's War Crimes Unit could also do more to work with groups who hold evidence and help track the movements of alleged perpetrators of sexual violence. Other European countries have been more active on the issue of war crimes in Sri Lanka than the UK and this is despite having much smaller Tamil diaspora populations. As the G8 declaration says, "We must shatter the culture of impunity for those who commit these crimes, by bringing those responsible to justice – as a critical element of our prevention efforts. There should be no safe haven for the perpetrators."

We also urge the UK government to ratify the Istanbul Convention.

5. The needs of survivors

There are hundreds, if not thousands, of Tamil survivors of recent sexual violence – young men and women – in the UK whose basic needs are not served on a daily basis. Most suffer from social and personal stigma as survivors. Dealing with their needs swiftly on arrival in the UK would help them overcome the stigma, integrate and achieve a sense of justice through the asylum process and transform them from victims into survivors so they can become productive members of society. Rape survivors who seek asylum in the UK are routinely rejected for asylum and put through years of additional suffering and uncertainty; we have encountered scores of such cases.

(a) Immediate Needs:

Shortage of Housing: Currently a woman who has face repeated gang rape is living in temporary Red Cross shelter because there is no housing for her and her children and this is causing her additional stress. In one recent case, a Tamil sexual violence survivor was put in NASS housing with a Sinhalese asylum seeker and that caused major distress and security problems – there was no system to address this failure.

Difficulty in Accessing Medical Attention: We meet sexual violence survivors who struggle to get registered with a GP because they have no documentation initially. This means they go to A&E in hospitals instead. Several wait months before anyone even photographs their scars from torture or administers an HIV test. Torture survivors quite often arrive with fresh wounds that need immediate treatment, while has been common in recent years for war survivors to arrive from Sri Lanka with multiple pieces of shrapnel still inside their bodies that need removing.

More Provision for Psycho-social Help: There is a marked lack of swift provision of psycho-social care of sexual violence survivors from conflicts abroad. A monitoring programme needs to be put in place to establish how many asylum seekers attempt suicide on arrival in the UK; of 40 survivors we [documented](#) last year almost half had attempted to kill themselves after reaching our shores. Currently a disproportionate number rely on charities such as Freedom From Torture and Helen Bamber Foundation who are overwhelmed.

(b) Medium Term Needs:

Access to Legal Assistance: A fund with a simplified application system should be established to assist sexual violence and torture cases to obtain the necessary medical proof from legal aid provisions. Many Tamil sexual violence survivors go to small private Tamil solicitors because they speak their language and are known to them in some way and therefore trusted. Even if the solicitor does the work pro bono (as some do) or defers payment, the client still has to pay for medical legal reports and psychiatric reports to prove torture and/or sexual violence. Small firms say they cannot work the legal aid system efficiently as they don't have the infrastructure to do the elaborate administrative work. Unaware how long the process will take and how expensive it is, the clients often run in to financial difficulties especially if they lose touch with their families back home because they are routinely subjected to reprisals.

Lack of Awareness of Asylum Rights: Female asylum seekers are often not aware of their right to have only female officers and interpreters interview them at Home Office interviews. Indeed asylum seekers we meet generally are not aware of any of their rights, especially if they are put in detention and/or fast track. More needs to be done to make this information known in the relevant languages at the entry points to the UK, in detention centres and in the vernacular media in this country.

6. Participation

The ESVI summit was a very positive step in terms of bringing a lot of activists to London to discuss this issue but the choice of who was invited was primarily made by UK embassies around the world. The circle of participants could be expanded beyond those who have attended similar summits in past to ensure a wider and more representative voice for sexual violence survivors.

7. The role of the military

The UK (Scotland) funds a controversial community liaison police programme in Sri Lanka. This should be subject to independent review as the Sri Lankan police are complicit in widespread torture and have been for decade (see our July 2015 report and other human rights groups' reports eg – [Freedom From Torture](#) and [Amnesty](#)).

We propose there be more active vetting of UN Peace Keeping troops who come from countries where rape by the military is systematic and widespread. This should include Sri Lanka where the security forces are accused of war crimes as well as sexual violence. The new Sri Lankan government is keen to participate in Peace Keeping missions and this should be made conditional on substantial security sector reform being implemented.

8. Accountability

Although there has been transition from the former Rajapaksa government to a new government under President Sirisena in Sri Lanka (as of January 2015) the issue of accountability for sexual violence and other crimes against humanity and war crimes remains unresolved. The UK government could do a lot more diplomatically to prioritise these issues. The new Sri Lanka government speaks of accountability and reconciliation in a milder more reconciliatory tone but in reality the violations are still ongoing and following the same pattern as in previous years.

Nationally

There is no evidence that the UK has contributed effectively to the reform of the national justice programme in Sri Lanka.

The UK government could exert a great deal more political pressure on the issue of accountability for sexual violence and other human rights abuses by the Sri Lankan state. Cases of torture and sexual violence that are linked to the Commonwealth Heads of Government Meeting (CHOGM) illustrate this failing. When the UK Prime Minister visited Jaffna in November 2013, a protest was held by families of the Disappeared. Our July 2015 report documented in detail 5 cases where Tamils now claiming asylum in the UK allege they were tortured and/or sexually violated by the security forces as a result of participating in the protest during Mr Cameron's visit. To date there has been no response whatsoever by the UK Government to these allegations even though they were contacted in July 2015 by Channel 4 television for a comment. This conduct gives the Government of Sri Lanka the impression that in practice specific incidents of torture and sexual violence are not really a priority for UK policy.

Another example is, during the week of the PSVI summit in London in June 2014, the British High Commission in Colombo that week arranged an event on sexual violence (see <https://www.youtube.com/watch?v=8n8i2ojdBeo>) which did not mention rape of Tamils in Sri Lanka by the security forces, though it did mention other countries such as Burma. It was mostly about domestic violence issues and had nothing to do with the conflict. This rolled back the position of the UK government on conflict sexual violence in Sri Lanka.

Internationally

The FCO could fund litigation or other accountability processes for Sri Lankan rape survivors. There is precedent for such legal initiatives. An FCO grant to the Swiss-based advocacy group, Track Impunity Always (TIA), as part of the [Prevention of Sexual Violence in Conflict](#) has resulted in recent landmark compensation claims by rape survivors in Bosnia. See this [report](#).

The UK government could also do more to assist NGO's in tracking perpetrators' movements outside their country to enable criminal prosecutions under universal jurisdiction. Ultimately holding the perpetrators accountable is the only way to stop this.

18 September 2015

Ms Angelina Jolie Pitt, Lord Hague of Richmond and Baroness Helic – Oral evidence (QQ 1-9)

Ms Angelina Jolie Pitt, Lord Hague of Richmond and Baroness Helic – Oral evidence (QQ 1-9)

[Evidence to be found under Lord Hague of Richmond](#)

Kachin Women's Association Thailand – Written evidence (SVC0016)

1. The Kachin Women's Association Thailand (KWAT) was set up in 1999. It is a non-profit organization working for the empowerment and advancement of Kachin women.
2. Since the Burmese government broke its 17-year ceasefire with the Kachin Independence Army (KIA) in June 2011, renewing the war in Kachin areas of Burma, KWAT has documented sexual violence committed against 77 women and girls by Burma Army personnel. 22 of these women and girls died.
3. In almost all the cases, the crimes were committed with impunity. In only three cases were perpetrators arrested and sentenced to prison by military courts.
4. Most of the cases took place during fighting, in remote jungle areas, where it was impossible for survivors or their families to report the crimes to police or other local authorities. Often, survivors were anyway too afraid of the Burmese military to push for justice.
5. The most recent case of sexual violence we have documented is that of the two Kachin teachers who were raped and brutally murdered in Kawng Kha village, northern Shan State, on the night of January 19, 2015.
6. There is strong circumstantial evidence that Burma Army soldiers committed this crime. A group of about 30 soldiers of Battalion 503 arrived at the small village in the morning of January 19. The commanding officer stayed at the headman's house, and the other soldiers stood guard around the village that night. No civilian would have dared commit such a crime with such a large military presence in the village. There were also military boot prints around the crime scene.
7. The bodies were found by villagers in the early morning in their hut, partially naked, with bruising and multiple knife wounds on their faces, breasts, back and hands. The villagers called the police from the Pangsai-Kyukok police station to investigate the crime. After the police had collected evidence from the bodies, the bodies were taken to the Muse Hospital for an autopsy.
8. Since January 20, police have been conducting an investigation into the crime. However, their investigation has been overseen by high level Burma Army officers brought in to monitor the proceedings. Soldiers present in the village were interrogated as well as local residents, but villagers had already seen a truckload of soldiers leaving the village early in the morning of January 20, and it is believed that they have escaped investigation.
9. Till today, the police have not completed the investigation. In the meantime, the Burmese military authorities have threatened to take action against anyone implying that their troops were responsible for the crime.

10. The Kachin Baptist Convention (KBC), for whom the murdered teachers were working, wrote to **President Thein Sein on January 23, 2015**, asking for the perpetrators of the crime to be arrested and punished according to the law.

11. After the police began focusing their investigation on two young villagers, the KBC wrote another letter to **President Thein Sein on February 28, 2015**, asking that no scapegoats be arrested for the crime, and informing him that they had set up their own "Truth Seeking Committee," with 17 members.

12. **On July 2, 2015**, after consultation with Kachin women's organizations and legal advisors, the **KBC wrote another letter to President Thein Sein**, complaining that they had faced obstacles in conducting their own investigation into the crime, due to lack of official authorization. In the letter, they made the following demands:

- For official government recognition of the committee, which is formed of religious leaders, lawyers, legal and other experts, and civil society representatives;
- For official permission to investigate soldiers, police and other officials;
- To be allowed to monitor the police's investigation procedures, including evidence collection;
- To be allowed to get help from international and local experts when examining evidence;
- To be allowed to take video recordings, photos and sound files of all steps of their investigation;
- To have the safety of witnesses guaranteed;
- For media to be allowed to accompany and cover their investigation trips
- For cooperation and recognition from the government, as their investigation is being carried out according to existing laws and the 1959 Military Act;
- For information from relevant government offices and authorities to be made available.

However, up till now, President Thein Sein has not replied to this letter.

13. KWAT is very disappointed that the President has failed to use his authority to ensure that the perpetrators of this heinous crime are brought to justice. This indicates a lack of political will to address the problem of military sexual violence, despite the Burmese government's signing of the Declaration of Commitment to End Sexual Violence in Conflict last year.

14. A KWAT member attended the PSVI Global Summit last year in London, and we very much appreciate the UK's leading role in this initiative. We are also glad that Angelina Jolie was able to visit Kachin State as part of the PSVI in July 2015, to raise awareness about the problem of sexual violence in conflict.

15. However, we would like to see more pressure from the British government on the Burmese government to end impunity for military perpetrators of rape, and in particular for justice to be served in the case of the two Kachin teachers.

16. We therefore urge the British government to formally request President Thein Sein and Commander-in-Chief Senior General Min Aung Hlaing to comply with the KBC's demands (in

their letter of July 2, above) for official authorization and cooperation with the KBC's own investigation into the crime.

17. We also urge the British government to start giving direct support to community-based organizations in ethnic conflict areas which are assisting survivors of sexual violence and helping them seek justice.

18. Finally, we urge the British government to pressure the Burmese government to stop its ongoing military offensives in Kachin State and northern Shan State, which are not only fueling sexual violence and other abuses against local civilians, but also destroying trust in the current peace process.

18 September 2015

Dr Michael Korzinski – Written evidence (SVC0039)

My background and qualifications

1. I am a psychologist and psycho-social expert with some 25 years' experience of working with the victims of torture, including trafficking, and sexual and other forms of extreme violence and of complex trauma.

2. After some years with the Medical Foundation for the Care of Victims of Torture (now Freedom from Torture), with Helen Bamber in 2004 I co-founded the Helen Bamber Foundation and was its Clinical Director until 2012. Since then I have worked as an independent consultant; projects have included deployments to Bosnia by the PSVI to train prosecutors, judges and others (I have worked subsequently in Bosnia with similar groups and undertaken supervision from the UK), and training for officers in the Royal Military Police before an investigation into a complaint. I worked in Afghanistan with a group of women traumatized by violence before and during the rise of the Taliban.

3. I am the co-author of a training manual on wartime sexual violence for judges, prosecutors and witness support officers, commissioned by the British Embassy, Sarajevo and the Organisation for Security and Co-operation in Europe which includes sections on perpetrators and the impact on victims, both immediate and long-term. I have provided a copy to the Committee's officers.

4. I am making this submission as an individual. I have not answered questions which fall outside my area of expertise.

Introduction and summary

5. The norms of humane conduct (and the rules of war) preclude the intentional targeting of the civilian population, but there are conflicts in which those involved do not follow the rules. There are particular circumstances in which civilians are targeted (but inadequate research, especially with regard to male victims. Sexual violence in conflict has its roots in violence outside war but may be used for reasons arising from war. Survivors require special support, as do those who provide the support and those involved in the investigation of offences and the prosecution of perpetrators.

The international policy agenda

What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

6. The United Kingdom is an acknowledged thought and policy leader regarding the prevalence of sexual violence in conflict. Through the efforts of William Hague and others the awareness of the issue and the plight of victims has been set firmly in the minds of the public and of government.

How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict be coordinated and monitored?

How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

7. However, looking at the impact of the PSVI in the short, medium and long term on the areas of deployment, it is not clear to me how, or if, the work of the teams was followed up, and how it was assessed. Monitoring and assessment itself requires relevant skills, knowledge and experience, and I am not aware of any mechanism for capturing and building on the experiences of people working in the field. It will be a pity if this is absent as the multi-disciplinary teams brought together by the PSVI are an admirable model.

8. There are models in other complex areas involving sexual violence such as trafficking. The US Government uses a Trafficking in Persons Report to engage foreign governments in dialogue to combat trafficking and advance reform, with the aim of targeting resources on prevention, protection and prosecution programs. Countries are ranked according to a tier system in which their compliance with the minimum standards set out in the Victims of Trafficking and Violence Protection Act 2000 is monitored. Naming and ranking countries to reflect their meeting agreed targets can be a powerful motivator, especially if followed by some form of censure should they fail to improve.

9. Sanctions can be applied in line with established criteria. There are of course important differences between trafficking in people and wartime sexual violence, although in certain conflicts they are closely connected. Minimum standards might include the training of the Military, the introduction of legislation and GBV (gender-based violence) programmes in schools. If a country's inability to comply is a resource issue (technical or financial) assistance should be provided.

10. The Fragile States Index produced and published by the Fund for Peace is the annual ranking of 178 nations based on their level of stability and the pressures they face. The research methodology used to rank countries is comprised of 12 key political, social and economic indicators and over 100 sub-indicators. It is a rigorous system of monitoring and evaluation that with little effort could be adopted and applied to sexual violence.

11. There is an urgent need to develop programmes that target States that are in distress. Reaching out to individuals and organizations who are working under the most challenging circumstances is the only option available in the absence of viable State institutions which can be engaged.

How might the UK use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?

12. The PSVI is an excellent model (though see my comments as to aspects of implementation) which could usefully be shared and adopted by other countries.

What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

13. The absence of agreed metrics makes it difficult to assess effectiveness. A good start would be to reach out to the jurisdictions to which the PSVI teams have been deployed and

request their feedback (including from a range of NGOs). My impression (through my own experience, and from discussion with the colleagues with whom I worked) is that there has been little follow-through with participants (either those deployed or “service users”). I was deployed with international lawyers, and would have valued continuing joint working, including debriefing. I worked intensively but briefly with groups of witness support officers in Bosnia and have kept in touch with them, on a voluntary unpaid basis, including providing supervision by Skype from the UK. Among those in my training group was a judge with whom I have worked subsequently (outside the PSVI) in training witness support officers. None of the follow-through in my experience has been systematic, and I am not aware of any opportunity for individuals and teams deployed to different areas to share views and build on their individual work for the benefit of the Initiative.

Causes of sexual violence in conflict

What evidence is there as to the causes of sexual violence in conflict?

To what extent are cultural and societal factors responsible for sexual violence in conflict and how effective has the Government’s response to these been?

To what extent is sexual violence in conflict used as a deliberate tactic?

14. One must consider the pre-existing societal narratives around sexuality, sexual development and gender as well as the position of vulnerable people within a society and the response to them. If a woman does not have access to justice or is considered inferior during times of peace, what hope does she have during periods of lawlessness and conflict? If homosexuality is condemned and men and women are raped as a means of “curing” them of their affliction, what will happen in conflict? If child protection mechanisms are limited or non-existent during times of peace what will happen to a child in time of war? In my experience the intrinsic power imbalances that exist within a culture during peacetime have the potential to metastasize during conflict when to kill another human becomes the norm. These imbalances can be expressed through religion, traditional beliefs, politics and in one’s own family. We know that when it comes to anything related to sexuality, people struggle to talk sensibly about it, and so it has a very particular status. Sexuality is as basic to our shared humanity as eating and drinking. But sexuality has been a target in war and in peace throughout recorded history.

15. Rape is an extreme act of violence perpetrated by sexual means. It is widely agreed that it is a crime of violence that is about power and control, not sex. Sex is used to dominate the victim in an abuse and violation of the sense of self. From my clinical experience I would argue that it is not an either / or proposition. It is about all three: sex and power and control. It is precisely because it is sexual in nature that is so destructive to the self. I realize that I may appear to be at odds with those who state unequivocally that is categorically not about sex. To understand we must look at it from a developmental perspective; this applies to all cultures. In the training module referred to in paragraph 3 I wrote, “As we grow up in a family we slowly begin to develop a sense of our own body as something that is both separate from the world and yet connected to the world around us. We slowly gain mastery of our body, from learning to walk to controlling our bowel movements. During our earliest stage of development we learn about our body and our connection to others through being touched by loving parents, siblings and relatives. Being bathed, swaddled, having our nappy

changed – all ways of experiencing love, affection and comfort, given consistently and unconditionally. If one's upbringing is good enough we learn to feel safe in our body and establish a body boundary, both physically and psychologically. Rape is an assault on our innate subconscious experiences of these processes. Areas of sexual sensitivity have particular symbolic and psychological significance that have been perverted for violent and non-loving purposes.

16. "With rape, the body becomes lost like a territory in war: a land from which the victim has been violently and permanently expelled. The body becomes a place where the battle is fought over and over again. In this sense, the victim can never return home – the previous security of her body and what it represents is lost to her. What is raped is not just the physical body but a role in society, a place in the family as a provider, a sister, brother, mother, husband, or wife. This security of self, once violated by rape, is lost. "

17. In drawing analogies between rape in wartime and in peace Kristine Hagan writes, "First, wartime rape is an extension of the power imbalances, gender discrimination, and acceptance of violence that exists in societies during peace. In the case of male victims it is to impose a power imbalance upon the victim in order to emasculate him.²¹⁰ Second, rape that occurs in gangs is common not only in war rape but also in sport teams, men's groups, and fraternities across North America (Lefkowitz, 1998; Messner, 2005; Sanday, 2007)... A third element common in war and peacetime sexual assaults is that women often know their perpetrators. In war the same. According to the [US] 2005 National Crime Victimization Survey 73% of rapes are perpetrated by family members, friends, partners, and/or acquaintances"²¹¹

18. If masculinity as defined within a rigid patriarchal society is considered "sacred" efforts will be made to desecrate maleness either collectively or individually. Whatever is considered most sacred, a woman's virginity or a man's masculinity, it will be at risk of an assault through either sexual or other means during conflict.

19. The literature that has been published as to causes of sexual violence and its prevalence in conflict zones is not without problems and is controversial. Obtaining accurate data in conflict zones pre-, during and post-, is difficult for reasons including access and victims' reluctance to come forward and give testimony. In the Human Security Report 2012, Sexual Violence, Education and War: Beyond the Mainstream Narrative (Simon Fraser University) the following sparked a heated debate:

"The mainstream narrative on wartime sexual violence that has emerged over the past two decades has been greatly influenced by a series of prominent UN reports and innovative initiatives—in particular, those associated with the Security Council's Women, Peace and Security policy agenda. But while highly effective in drawing attention to wartime sexual violence and building support to prevent it, the mainstream narrative rests on a set of assumptions that are partial, misleading, and sometimes flat wrong. Some of the assumptions also have unfortunate implications for policy."

²¹⁰ Much of what has been written about women and girls I would argue can be applied to men and boys

²¹¹ The Nature and Psychosocial Consequences of War Rape for Individuals and Communities
Kristine T. Hagen, M.Ed. International Journal of Psychological Studies Vol. 2, No. 2, December 2010

The report, the response from different experts in the field and the ensuing discourse deserve more than I can give them in this response.

20. During war, rape is often used as a weapon to humiliate and undermine morale, inflict psychological trauma, disease, unwanted pregnancy, stigmatization, rejection by the victim's family and community (sometimes because of a societal belief that victims are to blame for acts of violence against them), injury and sometimes death. The great majority of victims are female, and the concept of women as property or chattel, without sexual or other rights, has a tribal, biblical and feudal history.

- German soldiers raped Jewish, Polish and Soviet women during World War II, sometimes before mass executions, sometimes forcing them to work in brothels, branded on their bodies as "whore for Hitler's troops"; German women raped by Soviet soldiers were denied abortion, further to humiliate them.
- In China during the same war, as many as 80,000 women were raped by Japanese soldiers during the six weeks of the Nanking massacre.
- Rape was seen as a method for soldiers to bond with each other, and also to enhance their aggressiveness and establish total dominance of the enemy. US soldiers' rape of Japanese women in World War II, estimated at more than 10,000 in three months, was "general practice"²¹².
- In Rwanda the widespread rape of Tutsi women comprised a form of genocide according to the International Criminal Tribunal for Rwanda.

21. Elizabeth Jean Wood, professor of political science at Yale University, describes wartime sexual violence as follows:

*"Rapes in war are often systematic and thorough, and military leaders may actually encourage their soldiers to rape civilians. In some conflicts, sexual violence takes the form of sexual slavery, whereby women are abducted to serve as servants and sexual partners of combatants for extended periods. In some wars, women belonging to particular groups are targeted; in others, the violence is indiscriminate. In some wars, only women and girls are targeted; in others, men are as well. Some acts of wartime sexual violence are committed by individuals but many are committed by groups. Some acts occur in private settings; others are public, in front of family or community members. In some conflicts, the pattern of sexual violence is symmetric, with all parties to the war engaging in sexual violence to roughly the same extent; in other conflicts, it is very asymmetric. Systematic rapes are often employed as a form of ethnic cleansing"*²¹³

22. In the case of men three effects have been identified as desired by perpetrators: emasculation/feminization, homosexualization, and prevention of procreation.²¹⁴ Male rape in times of war has been used as a weapon and a means of punishment in many cultures. In

²¹² Kristine T. Hagen, M.Ed. The Nature and Psychosocial Consequences of War Rape for Individuals and Communities, International Journal of Psychological Studies Vol. 2, No. 2, December 2010

²¹³ Variation in Sexual Violence during War, Elisabeth Jean Wood
<http://www.sscnet.ucla.edu/polisci/cpworkshop/papers/Wood>

²¹⁴ Sivakumaran, Sandesh (2005) "Male/male rape and the taint of homosexuality." *Human Rights Quarterly*, 27. Sivakumaran, Sandesh (2007) "Sexual violence against men in armed conflict." *European Journal of International Law*, 18(2): 253-276.

ancient wars and societies, male rape in times of war was considered as an absolute right of the victorious soldiers to declare the totality of the enemy's defeat and to express their own power and control. In the military context, there was a widespread belief that when a victorious soldier emasculated a vanquished enemy and sexually penetrated him, the victim would lose his manhood, and could not be a warrior or a ruler any more.²¹⁵

23. There is a paucity of longitudinal research addressing the psychology of the perpetrator of wartime sexual violence. Questions remaining unanswered include:

- How do combatants think about their actions when they return to civilian life?
- How does their behaviour impact on their relationships with their spouses and their children?
- Is sexual violence perpetrated during conflict more prevalent in patriarchal societies?

Prevention

Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled?

PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

24. The British Government in 1993 allowed 1,000 Bosnian men, who had been detained in Bosnian Serb camps, to come to the UK with their families (a total of 4,000 people). At the time I was working at the Medical Foundation for the Care of Victims of Torture and was developing with some success a program to work with the men and their partners. The men had been subjected to the most extreme forms of sexual violence I had encountered then or since. One man was forced to have sex with his daughter. Another had witnessed his wife and daughter being multiply raped. One man had been shackled to a fence and repeatedly sodomized with sticks, bottles and other foreign objects. In 2015 I discussed a case with a High Court Judge in Bosnia Herzegovina where two brothers were forced to have oral sex with one another to the point of ejaculating in each other's mouth; to this day they are unable to speak to one another. The Judge and I reflected on the duty of the State and civil society to help the men to repair their severed relationship.

25. The experiences of male victims have caused some of the most complex trauma that I have come across. The omission of male victims from the mainstream narrative on wartime sexual violence—and from most official and NGO reports—has clear and inequitable policy consequences, the most obvious being that the needs of male survivors of wartime rape are largely ignored. The extent of this neglect is remarkable. One recent study found that of the

²¹⁵ Awati

more than 4,000 NGOs around the world that address the issue of wartime sexual violence, only 3 percent even mentioned males in their informational materials²¹⁶

The role of the military

Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict?

26. The Military must fulfil an extremely complex role in the context of modern conflicts where the division between combatants and victims may become blurred within the complex operational environments in which they are required to function. It requires a wide range of behavioural skills to be able to move from a combat role to addressing the needs of a traumatized civilian population, and to combine the two at the same time

27. The training which I led under the auspices of the PSVI brought together experts in law and in trauma. It was notable that the participants (actors in the justice system) wanted to understand the responses of victims which at times they found baffling and incomprehensible. We were able to demonstrate how these behaviours were entirely consistent with what we know about sexual violence and trauma. It would have been extremely valuable to coordinate our efforts in the Justice sector with those of the Military.

28. The following is an extract from The Prevention of Sexual Violence in Conflict Generic Reference Curriculum for Training in Security Sector prepared in collaboration with the British Embassy in Sarajevo, Bosnia and Herzegovina Ministry of Defence and Security and Peace Support Operations Training Centre :

“The Prevention of Sexual Violence Training Module Train the Trainer Workshop from 4th to 6th June 2014. 24 participants, 15 from the Armed Forces of Bosnia and Herzegovina (PSOTC), 7 from the Ministry of Security and different police agencies of Bosnia and Herzegovina, and 2 from the British Embassy, are attending the workshop. This Prevention of Sexual Violence workshop offered a unique opportunity to gain knowledge and share best practices in the field of Prevention of Sexual Violence. It offered to participants a unique opportunity to participate in high level training events, panels and workshops on Prevention of Sexual Violence and network with international experts, academia and practitioners. This is a pilot delivery of a generic PSV Training module for future instructors and lecturers by providing them with a possible methodological framework for running different exercises and syndicate discussions within the PSV module. The main goal of this project is to increase conceptual understanding of gender issues, sexual violence, the application of zero-tolerance for sexual exploitation/abuse, and possible roles of military, police and civil components in PSV in the context of Peace Support Operations (PSO)..”²¹⁷

It is a much needed piece of work, which could be added to and used more widely. The authors acknowledge that it is a living document.

²¹⁶ Del Zotto, Augusta and Adam Jones (2002) “Male-on-male sexual violence in wartime: human rights’ last taboo?” Paper presented to the annual convention of the International Studies Association, New Orleans, 23-27 March.

²¹⁷ http://mod.gov.ba/OS_BIH/struktura/Komanda_z_a_podrsku/KOid/PSOTC/news/?id=33490

29. I searched the training manual, which is 171 pages, for the word “trauma”; it appears only 7 times in the context of a few short sentences. The phrase “male victim/s” only appears once: “Kishawayo has been looted, several huts burnt and one of these contains a large number of male victims. There are 20 - 30 naked women and girls in a very distressed state beside one of the larger huts and several dead women within it.” One does not know if the male victims are alive or dead, or for that matter if the thought might cross anyone’s mind that the men, if they are alive, might also be survivors of sexual assault.

30. A comprehensive briefing on trauma, male victims, and what is known scientifically about how sexual assault survivors may behave would be a useful and significant addition to such an important training manual.

The needs of survivors

What evidence is there on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

31. The needs of survivors are multidimensional and complex. I do not feel able to do justice to the topic in this submission. (The needs of survivors is a subject that I covered extensively in the training module that I co-authored).

32. Men, women children and experience a range of emotions including shame, humiliation, confusion, fear and rage following trauma. Some may demonstrate clinical syndromes such as Post Traumatic Stress Syndrome or Enduring Personality Change after Catastrophic Experiences. It has long been accepted that traumatic experiences rooted in interpersonal violence such as rape and torture produce a traumatic response that is more complex and enduring than other forms of trauma. We recognise that in many cultures being identified as suffering from a mental health problem carries with it its own stigma and shame. Many cultures have different ways of expressing trauma that may not be captured in a modern western diagnostic framework. In some cultures trauma will be expressed through physical rather than psychological symptoms.

33. Men and women from other cultures will have developed their own traditional ways of metabolizing and recovering from the trauma. All of this needs to be understood and respected when working with survivors from other cultures and who have different belief systems. I supervised a project in Afghanistan in the early 90s which worked with women who had been subjected to the most extreme forms of sexual violence. The victims, who never identified themselves as such, were completely breaking down. We developed a culturally sensitive approach that was highly effective in helping the women recover from their experience of sexual violence. They had been presenting at the local hospital with physical symptoms which never improved, but when they became involved in groups focused on activities (such as knitting and story-telling) which we organised, they began to be able to discuss their experiences and start to recover. (The security situation at the time, and the opposition of local elders to “therapy”, required the team to leave. It was a great

loss because a project that was potentially a great success ultimately failed as it was no longer safe for the team to operate.)

34. One of the most serious problems facing sexual prosecutions is sexual assault attrition: of the total number of cases that are reported very few ever result in a trial with even fewer ending in a successful prosecution. This is true both in wartime and in peace. Secondary victimization and re-traumatization are terms that are often used to describe a victim's experience as he or she engages with the criminal justice system. These are usually behaviours and or attitudes that are experienced as victim blaming.

35. Understanding why and how a victim of sexual assault may have responded during the attack and later to the investigatory process is critical if we are to start from perspective of the victim. It is imperative that we take a trauma-informed approach to investigation which includes having an in-depth understanding of why victims for example may "freeze" during an assault and not struggle against the attacker. There are many easily understood reasons, such as extreme physical threat, as why this may be the case. However, basic understanding of the neurobiology of trauma helps to explain a much wider range of behaviours exhibited by sexual assault survivors including how the victims encode the experience in memory. This understanding is important for prosecutors and judges who would be likely otherwise to misread a victim's conduct, and at worst lead to the victim withdrawing from the criminal justice system.

36. Cutting edge research into the neurobiology of trauma combined with a deep appreciation of how a victim's culture or belief system shapes her presentation, and appropriate techniques for questioning, are critical if the survivor is to be supported and empowered to give the best possible evidence, and not be re-victimized as in many cases they will be the only witness to the alleged assault. Addressing stigmatization raises the same issues and requires the same approach as addressing revictimisation and retraumatization.

37. The impact of dealing with victims of sexual violence on actors in a State's criminal justice system should not be under-estimated. They themselves need not only training but support. They are likely to have the same cultural background as the victim, and may even (particularly victim support officers) know the victim's own community. They will have had their own experience of the conflict. Some will start from embedded rape myths (rape is not damaging – it is only sex; real victims have signs of injury because you can't be raped against your will; men cannot be raped). Most will be distressed by the evidence.

Accountability

The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

38. I hope the above responses taken together answer this question.

Conclusion

39. The UK is well-placed to disseminate knowledge and training, to and in partnership with local experts, actors in the local criminal justice and health systems, and local community organisations.

18 September 2015

Major (ret.) Philip Lancaster and Ministry of Defence – Oral evidence (QQ 26-32)

Evidence Session No. 4

Heard in Public

Questions 26 - 32

TUESDAY 13 OCTOBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)

Lord Black of Brentwood

Bishop of Derby

Baroness Goudie

Baroness Hilton of Eggardon

Baroness Hussein-Ece

Baroness Kinnock of Holyhead

Lord Sterling of Plaistow

Baroness Warsi

Lord Williams of Elvel

Baroness Young of Hornsey

Examination of Witnesses

Major (ret.) Philip Lancaster, former Canadian Military (via videolink), and **Lieutenant Colonel Alcuin Johnson**, Ministry of Defence

Q26 The Chairman: Good afternoon, Major Lancaster. Can I double-check that you can hear us? Thank you very much for joining us. We are very grateful to you. We are also pleased to welcome Lieutenant Colonel Johnson.

By way of introduction, I should remind you both that this discussion is on the record. It is being webcast and the written transcript will go to you before it is put on the official record in case you want to make any minor corrections or changes. We have a large number of Members and quite a lot of questions, which you have been able to look at. I should remind Members that as they are speaking on the public record, they should declare their interests if they have not already done so. However, our witnesses know what our interests are.

These sessions never really cover everything, so if either of our witnesses has written evidence that they want to give afterwards, please do so; the more the better. We are grateful to you, and we look forward to hearing your answers, and more afterwards.

Do not feel obliged to answer every question. If you do not have anything else to add, please do not worry about it. Would you both like to make some opening remarks before we talk directly with you? Perhaps I should start with Major Lancaster.

Major (ret.) Philip Lancaster: Thank you. Perhaps it would be useful to explain that I have been retired for nearly 17 years. Since my retirement I have spent most of my working life in conflict zones in Africa and Afghanistan, but I am not as confident in my own expertise as I might once have been. My knowledge of military forces is no longer intimate.

Lieutenant Colonel Alcuin Johnson: I will just give a little context about who I am and where I am coming from with this. I am not a trained gender adviser. I know that the Committee requested one, but unfortunately they tend to be quite in demand at the moment, which is very good news. The brigade of which I am part, 77th Brigade, is a new organisation created under the reforms of Army 2020 to bring together all the non-lethal effects that the Army has to deliver. That is everything from media operations to stabilisation operations and the whole spectrum of non-lethal effects that come with those. That is why we have started to develop the capability and capacity that we have with gender advisers and gender field advisers. We recognise that this is not only a fundamental part of understanding the nature of the conflicts we are involved in but a key part of the advice that we as an organisation can bring to other headquarters when they are doing their planning. So while I am not formally trained in this, I look after that element of the Army where at present our deployable gender adviser and gender field adviser capability sits. Over the past year or year and a half that I have been in this post, I have worked intimately with them, particularly on the development of their roles in a variety of operations.

Q27 Baroness Young of Hornsey: My first question is to Lieutenant Colonel Johnson. I want to clarify some of what you have said about the gender advisers. I understand that you are not one of those advisers. Can you tell us how many there are and where they are deployed? Can you also tell us in broad terms what their responsibilities are?

Lieutenant Colonel Alcuin Johnson: It is quite a difficult question to answer. We have a variety of people with a variety of experience and training in this area, so it is a little too black and white to describe someone as being trained as a gender adviser. We are trying to instil in everyone who we work with in the brigade a level of knowledge about this area so that they have a level of awareness, as well as getting individuals who have formal NATO-accredited training. We will provide in writing afterwards the answer to exactly how many we have at the moment.

I will probably come back to this in later questions, but the only adviser we have who is properly deployed, if you count it as such, is Major Rachel Grimes, who I know a number of members of the Committee have met before. She has just flown out to New York to work with the United Nations in developing some of this law in the wider United Nations peacekeeping operations. We can provide the precise details in writing afterwards, if that would be helpful.

Baroness Young of Hornsey: That would be very helpful, as would the job description and those kinds of things. It will give us a sense of what the specific tasks are.

Lieutenant Colonel Alcuin Johnson: The best description I have come across of gender advisers and gender field advisers is in a NATO Bi-Strategic Command directive, which has a really good annex describing the roles and responsibilities and how they support headquarters in their planning processes. It is a good, publicly available document.

Baroness Young of Hornsey: Is that what we are following?

Lieutenant Colonel Alcuin Johnson: That is the most accurate and up to date definition of a gender adviser and a gender field adviser, and it is the definition that we use. All the formalised training that we undertake is NATO-accredited, so that is the framework within which we work and the framework within which the training that we attend is delivered.

Lord Williams of Elvel: Do all NATO countries have gender advisers in their armed forces?

Lieutenant Colonel Alcuin Johnson: I do not know. I cannot answer that, I am afraid.

Lord Williams of Elvel: You say that there is some sort of NATO directive.

Lieutenant Colonel Alcuin Johnson: There is a NATO definition and standardisation of what a gender adviser and a gender field adviser is, and what their roles, responsibilities and training should look like. I could not comment on how much other NATO countries have adopted it. It is certainly something that we have adopted, but I cannot comment for other NATO countries.

Baroness Warsi: When were gender advisers first appointed to the British Armed Forces, and why?

Lieutenant Colonel Alcuin Johnson: Again, that goes back to a little before my time in this job. The first publication of the NATO directive was in 2009. We have only relatively recently had formally trained individuals and really started to get to grips with the importance of this. I could not really comment on what happened before 2009 when the NATO directive was first published. We absolutely recognise that this is a fundamental part of the way a lot of state and non-state actors are waging conflict at the moment, so it is an extremely important thing for us to be aware of and to integrate into the planning that we are undertaking.

Lord Williams of Elvel: Could we address that question to Major Lancaster as well? Does Canada have a gender adviser?

Major (ret.) Philip Lancaster: I believe we do, but as I said I retired some 17 years ago. I recently came back from an EU training mission in Mali, and we had gender advisers there. All the participating countries seemed to be quite comfortable with the role taken by those advisers.

Baroness Hilton of Eggardon: Which countries participated in Mali?

Major (ret.) Philip Lancaster: Some 27 countries participated. I do not remember them all, but just about everyone was there. All the western nations and members of NATO had at least some participation.

The Chairman: How many gender advisers are there in post in the British military at the moment? Is it just one? How many do you anticipate there being in the future, and within what timeframe?

Lieutenant Colonel Alcuin Johnson: We do not have any individuals whose posts are dedicated to this. No one has a job description saying that they are solely a gender adviser or a gender field adviser. This links into some of the broader work that we do. We have a number of individuals with a range of specialist qualifications, so this is a qualification that a number of individuals would have as part of their wider job description, rather than their sole role being a gender adviser or gender field adviser. As I have said, we can provide the details of exactly how many we have trained in a written answer afterwards, if that is acceptable.

Lord Sterling of Plaistow: I would like to ask a supplementary question on the gender advisers. Is there a balance between male and female? Secondly, it is always important to know to what level in the service they report.

Lieutenant Colonel Alcuin Johnson: That is a really interesting point. We have a variety all the way through. We have staff sergeants who are trained, and then all the way up to majors and lieutenant colonels, who are also trained. One of the key nuggets of our experience in what we have learnt from this is that you have to get the level of advice you are giving to resonate with your audience. For example, we were doing some training for the battalion that has gone out to Erbil to train the Peshmerga in northern Iraq. If you have a battalion's-worth of young, 19 to 21 year-old, soldiers, having a major or a lieutenant colonel lecturing them might not come across particularly well. They would just feel that it is another lecture that they are being given without really understanding the importance of it. If it is someone who is of a similar rank and experience, such as a senior non-commissioned officer, then our experience is that that resonates much better with them. So we have both male and female officers and soldiers. It is about picking the right individual to resonate with the training audience that you are delivering to. We have found that to be of key importance in making sure that the message gets across and resonates with your training audience.

Lord Sterling of Plaistow: I could not agree more. Thank you.

Q28 Bishop of Derby: I want to invite each of you to say a little more about UN peacekeeping operations. You have already alluded to the fact that gender advisers are part of the armoury of a UN peacekeeping operation, but to what extent alongside that role do you see UN peacekeeping involving not just the kind of holding operation and then sensitising, but more positive elements such as education and new opportunities for victims, so that they can be prepared possibly to be witnesses and to be put on to a positive road ahead and not just in a holding context really? Would you like to comment on anything that we might aspire to for making a contribution to UN peacekeeping operations, that positive element, as well as the holding element?

Major (ret.) Philip Lancaster: Perhaps I could say a few words on that. As I said, I have spent much of the time since I left the army wandering around conflict zones either as part of a UN peacekeeping mission or closely associated with one. The first problem on any mission is the composition of that mission. Today, there are very few western armies represented as troop-contributing nations, and very few western contingents, so we find ourselves faced

with the difficulty of trying to work with armies that have been recruited from the developing world with a wide range of skills, education and cultures that need to be persuaded in the first instance that the western view of gender equality is the correct one. That is problem number one.

Much could be said about the need to get western nations back into taking up their share of military responsibilities in peacekeeping, but that is a different issue. What could very easily and usefully be done, if you want to look closely at mitigation methods and procedures, would be to look at supplying people to Human Rights Watch or to the UN human rights organisation. That is where instances of gender violence are first picked up. They are generally reported through the human rights chain. If we think that deterrence through the application of legal process is worthwhile, that might be the place to start. However, that is a tall order in places like Congo where the legal system just has no purchase. It is also very difficult in places like Mali where the legal system is virtually non-existent.

Lieutenant Colonel Alcuin Johnson: I would echo many of the points that Major Lancaster has just made. I do not have significant direct experience of UN peacekeeping operations myself, but countries are deploying where there is little formalised or UN-mandated training. Troops from a wide variety of cultures are deploying to countries where there is naturally increased instability and decreased rule of law within those countries. The UK deployed the first gender field adviser into a UN peacekeeping operation in the Democratic Republic of Congo about a year ago, and that individual is the person who we have now sent to New York to try to develop that role within the wider UN peacekeeping operation. It is something that the UN is really starting to get to grips with. So while I do not have any direct experience, it is certainly an area where the UN realises that there is a deficit and that more work needs to be done, and hence Major Grimes, who works for me, has gone out to New York for six months to try to develop this.

Baroness Goudie: I would like to ask a supplementary question. As we know, in all areas of conflict it is women, at the end of the day, who say that enough is enough, and it is women who should make up 50% of the peace table. Also, however, there is a problem, as Major Lancaster has just said, with the community allowing women to be at the peace table, although it is now part of human rights legislation. We know that, and Britain and other countries support it. Also, some of the peacekeepers are women. What are we doing to ensure—I do not mean train, but ensure; it is a different word—that that agreement is respected? I ask, because we have seen in Angola and other places that it is not respected. The men sit around the table and forgive each other, and that is it. I have the proper gospel if you want it, but I do not think we need to do that here. How are we going to respect that ongoing agreement in terms of the conflicts around the world just now?

Lieutenant Colonel Alcuin Johnson: I am afraid that that is a little out of my level of experience.

Baroness Goudie: That is how we sorted out Northern Ireland. Do you remember Northern Ireland?

Lieutenant Colonel Alcuin Johnson: We absolutely understand that if you ignore women and do not have them as part of the development of the solution, you are not going to have a sustainable solution. All I can say is that the role of the gender advisers that we have is both to provide advice to the UK on the planning that is ongoing and to mentor. In Somalia at the moment, for example, we have a team of UK military who are mentoring the African Union

force headquarters in Mogadishu that is looking after the various countries that are providing troops into Somalia. We provide mentors to those headquarters to make sure that this is something that they consider, as well as pre-deployment training for the troop-contributing countries before they go in. They include Rwanda, Ethiopia, Burundi—a variety of countries. We are providing their hierarchy with training before the troops from those countries deploy as well as mentoring the headquarters in the country itself. That is the one place where I know we are trying to do something positive in ensuring that gender is at the heart of their considerations and the planning that they are undertaking.

The Chairman: I have just a quick question for Lieutenant Colonel Johnson. What is the gender qualification that you kindly referred to?

Lieutenant Colonel Alcuin Johnson: A variety of courses are being run by a number of organisations around the world. The predominant NATO-accredited one is held at a NATO school in Sweden that formally trains NATO-accredited gender advisers and gender field advisers, but there is a variety of other courses. Recently we had a number of individuals attend the Peace Support Operations Training Centre in Sarajevo, which runs a two-week course that looks specifically at the role of gender in peace support operations. There is a spectrum of training and courses covering everything from two days in the Stabilisation Unit up the road to having individuals who are qualified to train other people in this area. We try to maintain a broad spectrum of qualified people through the wide range of qualifications that exist.

Q29 Baroness Kinnock of Holyhead: Thank you both for sharing your knowledge and information with us. Major Lancaster, what assessment would you make, given what is clearly your extremely wide experience in many countries, of the effectiveness and success or otherwise of efforts to make sexual violence a priority? I note from your record that you are very familiar with DRC. I wonder how it is managed there and what priority has been given to the importance of engaging with local women living in villages close to where these things happened. Obviously the military will not give those women the confidence that they often need after their terrible and violent experiences. It would be helpful if you could give us some background, perhaps using DRC as an example. That will enable us to take useful elements from your experience and learn from them.

Major (ret.) Philip Lancaster: Thank you. DRC is a very complex place, but it is the place where we see a wide array of competencies, which are brought together under the auspices of the UN peacekeeping mission, or in some cases just working loosely alongside it. A lot of those agencies are aimed particularly at dealing with gender violence—with victims of rape. I think you are quite correct in saying that the military is probably badly placed to do that, particularly since most rapes seem to have been the result of people in uniform.

The problem I see in contexts like that is that there has been a degradation of traditional values and the complete erosion and destruction of the legal system. While they are trying to find their way back to some kind of stability that holds, violence of all kinds is being carried out at very low levels, as different vulnerabilities are addressed and as people try either to deter attack or to so dominate their neighbour that the risk of attack disappears, and rape is part of the arsenal that they use, sadly.

What have we done in DRC? There is a fairly active gender awareness system within the UN family. UN troops are quite closely watched and disciplined if there are transgressions. They

are asked to serve as a sort of example for the local forces. But it is a really difficult task, and getting behavioural change out of that seems to me to be pretty challenging.

Baroness Goudie: Perhaps I may ask a further supplementary question. What percentage of the personnel receiving gender training are women?

Lieutenant Colonel Alcuin Johnson: Of those we have trained in the last year, I would say that the ratio is roughly 50:50, but again we can provide the precise details afterwards. I come back to the point I made earlier: you have to get the right person to resonate with your training audience. We find that if you just have this as a women-only sport, you do not get a significant amount of traction.

Baroness Goudie: No. There must be men and women working together.

Major (ret.) Philip Lancaster: Can I perhaps weigh in here? I am concerned that by creating gender advisers and a gender advisory structure, there is a danger of taking responsibility for gender violence out of the chain of command—displacing it from where it needs to be. I would be very careful about looking at exactly what the content of gender adviser activity is and at how those responsibilities link into the chain of command.

Baroness Goudie: That is a very good point.

Baroness Warsi: I agree that that is a helpful intervention, and perhaps I too can ask a supplementary question on the back of it. My question is in two parts. First, Major Lancaster, have your own armed forces ever faced allegations of sexual violence in conflict, and if so, what has been your experience of how that was dealt with? That is not necessarily on the ground in terms of the local civilian population but, for example, as a means of questioning combatants who may be picked up during a conflict.

Secondly, I should like to ask Lieutenant Colonel Johnson a really straight question. Can you tell me how seriously our Armed Forces actually take the PSVI? My own sense was that the Armed Forces—not you personally, but Armed Forces representatives—got there, but kicking and screaming. How seriously do you now take that initiative and, on the back of the statement just made by our other witness, is the gender adviser a convenient way of parking the issue?

Lieutenant Colonel Alcuin Johnson: Certainly the way I see this evolving now is that the role of the gender adviser is to make sure that this is at the heart of the thinking and the planning that we are doing. Essentially, there is a lot of use of the phrase “mainstreaming of gender”. You make an extremely valid point: that people see this as a niche activity, that “We can put the gender bit to one side while we do the main bit of our activity”. But the whole rationale for having a gender adviser or a gender field adviser is to make what would be considered to be a niche activity part of the core thinking and the core planning in a headquarters of whatever size or shape. The role of the adviser is to do precisely that: it is to make sure that the commander who might not have a deep understanding of these issues is forced to consider them; he is forced to consider the views and particular circumstances of 50% of the population of the country that he may be operating in and to consider what activity the adversary is using—how they are using sexual violence as part of their campaign. He must make sure that that is a key consideration in the operation that they may potentially be delivering.

As I have said, this is something that we are very quickly realising is non-discretionary; it is something that we have to consider. It is perhaps only relatively recently that we have come to realise the importance of it, but I think that we have been doing an awful lot in the last few years to bring the issue into the mainstream.

Baroness Hilton of Eggardon: Can I reinforce that point in relation to my experience as a police officer? When we had a race relations department, that issue was felt to be its business and not the business of everyone in the organisation. I think there is a serious danger that people will feel that it is not their responsibility. It has to be handled very carefully so that it permeates the whole organisation.

Lord Williams of Elvel: When you say that the commander should be “forced”—that is your expression—to consider these things, it should be noted that he or she is an adviser and not part of the command structure as such. How can an adviser force someone to listen to their advice?

Lieutenant Colonel Alcuin Johnson: A deployed military headquarters has a variety of advisers. You would certainly have a cultural adviser and a political adviser in it. It is difficult to force a commander to take account of these things, but it is done by having an individual who has the credibility, training and experience to point out to the commander why these things should be taken seriously and be part of his plan.

The Chairman: Before I invite Lord Sterling to speak, would you mind telling us what rank the gender adviser is?

Lieutenant Colonel Alcuin Johnson: We have trained a number of people at a variety of ranks ranging from, I think, staff sergeant through to lieutenant colonel.

Q30 Lord Sterling of Plaistow: I could not agree more than with what Major Lancaster has just said. Anyone who studies the history of what happened to the Russian Army during the war will know that everyone had a senior-level commissar attached, and that led to huge problems. If the gender adviser gets out of kilter, it will finish up being a very political role, which will then make a commanding officer deeply concerned about what his responsibilities truly are.

Lieutenant Colonel Johnson, you come from a very proud regiment, and I know a lot about it. Anyone who has done square bashing will always remember that the real backbone of any army is of course its non-commissioned officers, and you have already talked about the role they play. I had the pleasure of having a long discussion with General Messenger, who has the lead role in all this. He said that the problem is that when people join the Army or when Reserves come in, they come because they want to learn how to fight. They want the excitement of what it is all about, and the balance of how much you put into their social responsibilities, so to speak, and what you are teaching them at the same time, is quite important. I should like to get your views on that, but I get the impression that the role of non-commissioned officers in all three services—I am somewhat involved in them all—is probably the crucial area both when soldiers are being trained and when they are on the battlefield, which is when it really comes down to it. I would be interested to learn about the experience of both the major and the lieutenant colonel as to how this works out and how well trained the non-commissioned officers are in this role.

Lieutenant Colonel Alcuin Johnson: We are just in the process of starting an across-defence training needs analysis to work out exactly where the gaps in our training are. We are asking what sort of training should be delivered and at what level. It is being taken through from the basic training that an individual coming in off the street receives all the way through to the high-level and highly experienced gender field advisers. That work is ongoing within the department to look at where the gaps exist and how we should then design the training to get the right amount of understanding, experience and expertise at all levels. We have taken the opportunity to use the existing training courses that are out there to get a number of our individuals trained, because there is a call for them. We can see how busy these individuals are in east Africa, west Africa, Iraq and other countries, which just shows that there is a real demand for them. So we have taken the opportunity in advance of the broader defence training needs analysis to get some individuals trained. I think that will be the real development that will hopefully provide the answer to your question. It is about what it is that you deliver in the course that your junior non-commissioned officers and senior non-commissioned officers are going on. At every level of that training, from private soldier to general, we need to look at what we need to include in the training that we are delivering to ensure that this becomes part of the mainstream. If I were talking to any of my gender advisers now, I think they would say that hopefully in 15 years' time they would not be required, because it would become part of the mainstream, something that is just part of the DNA and the thinking of our commanders and soldiers at every level.

Lord Sterling of Plaistow: As we are sitting here today—this has been asked before—forgetting about what might happen in due course, what is the role of a corporal, a sergeant and a sergeant-major in talking to new entrants and so forth about their responsibilities and how they are to behave in action, not tearing a village apart or whatever it might be? That is nothing to do with a gender adviser or any other kind of adviser, it is how they are—their instincts and their pride in what they are doing.

Lieutenant Colonel Alcuin Johnson: We absolutely pride ourselves on being a professional armed force that routinely operates within the law of armed conflict. As part of their training, which is updated annually, every soldier receives training on the law of armed conflict and what is appropriate and proportionate, and what legally they must do. Within the Geneva Conventions there are specific comments about the protection of women. As I say, all our soldiers are routinely trained on and routinely updated on the law of armed conflict, their responsibilities and their roles in conflict.

Lord Sterling of Plaistow: Thank you. May we now have Major Lancaster's observations?

Major (ret.) Philip Lancaster: I quite agree with the statement that senior and junior NCOs are absolutely critical in this process. Perhaps I can draw a parallel with my recent experience of trying to teach international humanitarian law to African soldiers. The main challenge was getting their NCOs and junior officers to accept the operational necessity of respecting international law. Once they could be brought to see that they could undo their own battlefield victories by poor behaviour afterwards, they began to get it. If you can get that idea through and then confirm it with clever and realistic training that puts them in the picture and in the frame right down to the corporal level, which perhaps exercises the chain-of-command responsibility for incidents going all the way up, you can very quickly get across the idea that there is a danger to be avoided and a way and a process for doing that. If you are looking for a concrete idea of what the junior or senior NCO's role is in all this, you can exercise that in and demonstrate it by just working through incidents.

Baroness Hussein-Ece: My question was going to be about how training on gender and sexual violence in conflict is being delivered, but you have both already started to answer that. I am particularly interested in considerations of mainstreaming, which again you have talked about. When we consider mainstreaming, we talk about the fact that the most junior officer or member of staff will understand exactly what is meant by that rather than the more senior officers or those who are facing it on the front line. Are you satisfied that it is in place? How far down the track are you in terms of mainstreaming?

Lieutenant Colonel Alcuin Johnson: Interestingly, there is a meeting ongoing just at the other end of Whitehall with a number of my officers with the Stabilisation Unit and our Mission Training and Mobilisation Centre. It is looking at exactly how we do this: that is, what needs to be delivered to soldiers of whatever rank deploying. I believe that we will be making a commitment that, by November next year, every single UK soldier deploying overseas on operations will have had an element of gender awareness and sexual violence in conflict training as part of their pre-deployment training. So admittedly it is not immediate, but within a relatively short period every single UK soldier deploying overseas on operations will have received some training at what we hope is the appropriate level. It is designed to be at the appropriate level for the individual as part of their routine pre-deployment training.

Q31 Baroness Young of Hornsey: I shall speak first to Lieutenant Colonel Johnson. You have now talked quite a lot about training and you have mentioned how mainstreaming should be at the core and the heart of this. There is something slightly different about something being mainstream from having it absolutely embedded within the whole ethos and doctrine of how military operations are run. I wonder if you wish to make a comment about that.

Major Lancaster, I am interested in a number of your earlier comments, but do you think that if there was a different gender balance in the military, that would make any difference to the ways in which forces would think about the whole issue of gender violence? In fact, Lieutenant Colonel Johnson might like to respond to that as well.

Major (ret.) Philip Lancaster: Boy, I really have no idea. You are asking me to speculate on something that has been slowly evolving over, in my experience, at least 30 years now. But if I think of my mother's experience as a WREN in the Second World War, perhaps it goes back further than that. I am not sure that changing the gender balance would be possible in the combat arms. If I can be snide for a moment, I think that women have more sense than to get involved in that sort of thing. How you would achieve it is part of the challenge, and what that would look like on the ground I am not entirely sure. I think it would be liable to bring in more problems than it would solve.

Baroness Young of Hornsey: One of the reasons I have asked you about this is because earlier today we had a witness with lots of military experience who suggested that there would be a different feel to things. Yes, it is speculation, but he based his suggestion on his experience and his commitment to trying to change some of those areas in the military.

Lieutenant Colonel Alcuin Johnson: Without going too much out of my area, the Chief of the General Staff has spoken several times on the record about the importance of maximising the talent that we have within the Army, and perhaps we have not done that in the past with the number of women we have had and how those individuals have been managed. So there is certainly a real desire on the part of the current CGS to make sure that we do get

the best out of the broad talent that we have. It is about ensuring that, where it is appropriate, those individuals are used in these sorts of roles. I think it is about having a culture—again, the CGS is very much on the record in the Army Leadership Code, which talks quite explicitly about having the right culture within the Armed Forces. It is one that is not discriminatory and does not tolerate bullying or inappropriate behaviour at any level. That can only be good for the overall balance and atmosphere within the Army. Whether that would have a direct positive effect on our interactions overseas is, again, a matter for speculation and probably not something that I could really answer.

Q32 The Chairman: We had an excellent session this morning with General David Morrison, the former head of the Australian military, who made an interesting comment that it is important to ensure that the soldier himself and herself understands the benefits in operations of receiving training on gender and on sexual violence in conflict. What benefits would the Canadian or the British soldier see from this effort in terms of operations in theatre, or would they see it as something that was purely outside that because the abuse would be elsewhere?

Major (ret.) Philip Lancaster: Perhaps I may take this one first. From the Canadian point of view, and I think from the point of view of most of the western armies that I have worked alongside over the past few years, that it has become increasingly obvious to us all that any gross violation of human rights undoes the operational effectiveness of those who commit it. Simply because of the nature of war today, we are often involved in stabilisation operations or perhaps counterinsurgency operations where we are working among civilian communities. The most important thing that we must achieve in those conflicts is to keep or win over civilian support, so any abuse by our own side has a very obvious negative impact on that objective. It is very clear to Canadians. We just reject the idea that rape is in any way excusable on or off a battlefield, and our military folk treat it that way. It seems to work and to help us.

Lieutenant Colonel Alcuin Johnson: I would absolutely echo those comments. Again, certainly in our recent experience on stabilisation operations, the point was made earlier that if you ignore the views and the responsibilities of 50% of the population of the country you are working in, you are making your job significantly harder. That is becoming a broad understanding among the military of every rank, from the soldier all the way through to the senior commander. If you do not consider those views, you are making your job that much harder, and ensuring a stable country at the end of the operation is going to be a significantly more challenging enterprise.

The Chairman: We thank you both very much. I am particularly pleased to see that the videolink has worked well, because it is such a complicated thing. Thank you for putting up with the occasional blips. The whole Committee is grateful to you both. We value your interventions and we look forward to any written submissions that you wish to add to what you have said today. I hope that we will continue to be in touch with you.

Dr Jacqueline Troy Lavers – Written evidence (SVC0013)

This submission will deal with (6) Participation from the Committee’s list of questions.

“How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?”

What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?”

Summary

- Military intervention to stop conflict and thus sexual violence in conflict has been used by the UK government in the past but far more emphasis is put on the intervention and not the peace building post intervention.
- This submission argues that women’s participation in conflict resolution, and peacebuilding is limited because combatants are always prioritised.
- Women are usually portrayed solely as victims and not given places where they can input change or any form of decision making.
- Peacebuilding need holistic support not just prosecutions, economic aid to families, and access to health care and education.
- At least 30% women participation in conflict resolution and peacebuilding as proposed by the 1995 Beijing Platform for Action
- Use of gender index for foreign affairs, civilian and military missions and evidence gathering post conflict for prosecution
- UK Funds for rebuilding in a post conflict era should be dependent on inclusion on women at a meaningful level of participation in decision making reconstruction, peacebuilding and evidence gathering.
- Adherence to the UN’s 7 point action plan on Women’s Participation in Peacebuilding

1. This submission makes concrete recommendations for the participation of women in peacebuilding, evidence gathering and post conflict decision making so the transition to peace can be more holistic for the community at large and hopefully lead to prevention of widespread sexual violence in conflict in the future. It also makes reference to the underpinnings of the dominant decision making that can affect conflict resolution.

2. Past interventions: UK was part of the NATO forces that intervened in Kosovo to stop the ethnic cleansing which included the systematic rape of Muslim women by Serbian forces. However a trade in women trafficking developed once the NATO forces were in the area to maintain peace.²¹⁸ The conflict may have ceased but sexual violence against women continued. A female police officer who became a whistle-blower brought it to the attention of the UN officials.²¹⁹ Unfortunately the peacekeepers had immunity at that time and could

²¹⁸ Kosovo UN Troops Fuel Sex Trade. BBC News, 6 May 2004, <http://news.bbc.co.uk/1/hi/world/europe/3686173.stm>

²¹⁹ Neil Macfarquhar, Peacekeepers Sex Scandals Linger on Screen and Off. New York Times, September 2011, http://www.nytimes.com/2011/09/08/world/08nations.html?_r=0

not be prosecuted.²²⁰ This example highlights two things the importance of the participation of women in post conflict peacebuilding and the fact that even humanitarian intervention does not always protect women from sexual violence.

3. The goal of women's participation in post conflict peacebuilding is referenced in the Coalition for the Responsibility to Protect has included in its outcome document. There is a section on Gender Equality and Empowerment of Women, promoting increased representation of women in government and decision-making bodies. Section 116, entitled 'Women in the prevention and resolution of Conflicts', makes reference to Security Council Resolution 1325 and its "full and effective implementation". Meaningful participation of women should be a priority. But this has not been the case in Iraq, Afghanistan or Libya where the UK has intervened.

4. It is not just about getting a women into a decision making body or institution, the 1995 Beijing Platform for Action recommended at least a 30% representation in order to have meaningful representation.²²¹ Having a minimum requirement is not only more democratic and allows for potential diversity of views it is seen as a minimum necessity in order to establish the chance for the women's voices to be heard.

5. When it comes to military interventions the focus is on the military and not the post military period where the real investment needs to take place. Peace is a process post conflict it is not always spontaneous. Rarely are investigations completed well. Some investigators do not realise that it may be culturally difficult for women to speak out about sexual violence so they only deal with victims who come forward. Also rarely is the post conflict investment in health and education equal to the investment in armaments.²²² Finally it is the demands and the story of the combatant that is dealt with a peace talks and negotiations, not the civilians. Significant time and investment is put into reintegration of combatants into society so society can move forward. Victims are often seen as one homogenous group. These are essential issues for the Women Peace and Security Agenda.

6. The UK's development of a task force to be deployed into post-conflict areas and collect information and statements that will help promote prosecutions of gender crimes against women is a positive step as a national action plan on the UN Security Council Resolution 1325. This is dependent on funding and support from the government. However, Anecdotal and confirmed evidence from past post conflict investigations has shown that rape is often ignored when there is criminal evidence gathering and in another example as in the first case at the International Criminal Court for the prosecution of child solders, the experience of girl child solders, which often included sexual violence, was ignored in the indictment.²²³ Women's participation needs to be included in all areas of post conflict and evidence gathering for criminal prosecutions.

²²⁰ United Nations Security Council Res 1422, 12 July 2002.

²²¹ United Nations, 'Women and Democracy', *Global Issues*, available at <http://www.un.org/en/globalissues/democracy/women.shtml>

²²² H. Charlesworth, 'Feminist Reflections on the Responsibility to Protect.' in A. Bellamy, S. E. Davies & L. Glanville (eds), *The Responsibility to Protect and International Law*, Leiden: Martinus Nijhoff Publishers 2011

²²³ *Akayesu* case ICTR-96-4-T, 2 September 1998 and *The Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06.

7. The track record of the participation of women in peace negotiations in the past is not positive and does not live up to the Women, Peace and Security Agenda. A study of fourteen peace negotiations since 1992 shows that less than 8% of the negotiating teams were women and less than 3% of the signatories were women.²²⁴ Also out of 585 peace agreements signed since 1990 only 92 mention women at all, even only in passing. Women are usually excluded because they are not well represented as government agents in negotiations or are in a supporting role, they are not usually heads of military as well. Non-governmental organisations tend to have a good level of women participation but they usually have a supporting or grass roots role.

8. After the 2003 war in Iraq, the Governing Council was made up of ethnic and religious group but only 8% were women.²²⁵ However a survey completed by the NGO 'Women for Women International', which outlined that 94% of women wanted equal rights, 84% wanted the right to vote on the constitution and 80% wanted no limitation on women's participation in local or regional councils.²²⁶ The US and UK, spent billions on the bombing campaign of 'shock and awe' but faltered in the peace process, especially with women.

9. Post intervention in Libya, the UK, US and French governments did not promote the inclusion of women in the new Libyan Parliament instead it was a non-governmental organisations such as the Libyan Human Rights Alliance and other members of civil society who wanted the 10% quota for women raised to a more meaningful level.²²⁷ Libya Women's Platform for Peace in partnership with other non-governmental organisations, put together a series of recommendations to empower participants and to recommend actions to include women in reconstruction efforts for the Libyan Interim Council, which was the precursor to the General National Congress. Peace activists from eleven other states met in the US to put pressure on the UN to ensure there was a gender component in Libya's reconstruction process.²²⁸ The main issue here is that history is repeating itself: attempts by civil society groups to get the power brokers to include women in the transition to a new type of state post-conflict are limited. The amount of effort and money going into this type of intervention is meaningless compared to the amounts put into military campaigns.

10. Afghanistan is another depressing example; the Lloya Jirga government had 12% women, which is well below any level that would be considered meaningful or democratic, but intimidation by local war lords caused several women to leave their posts, including the Minister for Women's Affairs after she received death threats.²²⁹ The status of women in Afghanistan is very concerning with women being intimidated for attending school and

²²⁴ C. Nicol, 'Women's Participation in Peace Processes: A Critical Analysis.' *Australian Institute of International Affairs* 2012

²²⁵ 'Iraqi Governing Council Members' *BBC News*. 14 July 2003

²²⁶ *ibid*

²²⁷ Libyan Human Rights Alliance, 'Libya's 10% Parliament Quota for Women. Press Release', May 2012, at <http://www.wluml.org/news/libya-libyas-10-parliament-quota-women>

²²⁸ S. Bhagwan Rolls, 'Women Peace Activists call for Women's Participation in Libya's Reconstruction Process', 25 October 2011

²²⁹ G. Hentschel, 'Gender Justice in Peace and Security Politics Feminist Approaches and Perspectives in the 21 Century' at http://www.glow-boell.de/media/de/txt_rubrik_3/gender_justice.pdf

working. This is the remnants of the influence of the Taliban which were supported by western governments when Russian forces were present in the state.

11. The Women Peace and Security agenda can cover several relevant problems when examining war, fighting sexual violence in conflict, intervention and reconstruction. These range from the practical to the more ideological. Security for women needs to be seen as valuable and necessary. Security includes, access to essential services, access to decision making bodies, and the opportunity to have their voices heard. These recommendations listed below urge the UK to re-evaluate its foreign policy on peacebuilding and make women's participation a priority.

12. An action point should have been that UK funds for reconstruction was dependent on the inclusion of a certain number of women in order to reduce the intimidation of women who wish to participate in post conflict peace building in all three examples mentioned above. This is something the UK can do in the future. Also the development of a gender index for the fields of foreign and security politics, which should be applied to military and civilian missions in cases of intervention and post-conflict rebuilding. Re-examining methodological underpinnings of who makes the decisions, how they are taken and what are the mechanisms that will be deployed in the long term could lead to a better understanding of a more balanced form of international relations. They could also use their influence with other states in diplomatic efforts and link investments and aid to ethical issues, human rights standards and the status of women. The UK needs to adhere to the United Nation's 7 point action plan on Women's Participation in Peacebuilding.

13. The traditional view of conflict is combatants are important, civilians are not mentioned and women as a group are forgotten. The National Action Plan on Women Peace and Security 2014-2017 has a range of in-depth strategies for the way forward. Hopefully the work of the House of Lords Select Committee on Sexual Violence in Conflict such may mean that there is meaningful women's participation in post conflict peace building not just at a tokenistic level, so that conflict prevention and resolution can be realised.

18 September 2015

Lieutenant-General (ret.) David Leakey – Oral evidence (QQ 48-52)

Evidence Session No 8

Heard in Public

Questions 48 - 52

TUESDAY 27 OCTOBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witness

Lieutenant-General (retired) David Leakey, Gentleman Usher of the Black Rod

Q48 The Chairman: Good afternoon. Thank you very much for joining us. We are very grateful to you for coming. As you know, you have the list of interests that Committee members have declared. This is a formal evidence-taking session, and a full note is going to be taken. It will be on the public record in printed form and on the parliamentary website. Our clerks will send you a copy of the transcript in case we have made any errors that you might wish to correct. It is on the record and is being webcast, and it will subsequently be accessible on the parliamentary website. We would very much welcome any supplementary written evidence; we have a short time to ask for a lot of information, and subsequent written evidence to back that up would be very helpful. Would you like to make any opening introductory remarks to the Committee?

Lieutenant-General David Leakey: Thank you very much. I feel passionately about this, but I think there is quite a lot of rhetoric and misunderstanding about sexual violence in conflict

because of the nature of conflict these days, where I think people are rather inclined to see the rather old-fashioned concept of binary or even three-sided conflict with regular combatants, but most conflict these days is not of that nature; it is made up of, or conducted by, irregular soldiers, if indeed they are soldiers at all—militia, armed men, gangsters, criminals—not in an organised or trained structure. That would be my opening point. The only other thing I would say is that it is probably right to celebrate today the 15th anniversary of UN Security Council Resolution 1325, which was a breakthrough resolution in this whole subject area. It was the first time that the Security Council had reached agreement on, if I can put it in shorthand, the world community's revulsion in this area.

Q49 The Chairman: Thank you very much for reminding us of that; you are absolutely right. When in your military career did the whole issue of sexual violence come up at all? Why was this, and in what context?

Lieutenant-General David Leakey: I cannot remember when it first came up, but I can say that from the very first day the treatment of civilians or non-combatants, and the recognition of the Geneva Conventions and all the other civilising customs and traditions of conventional warfare, were part of our training. Sexual violence was part of that, but then any sort of violence that was not lawful was very much part of our training, not just the formalised training—in other words, we had to understand and read and be tested on the Geneva Convention and the other relevant associated regulations, along with our own UK military regulations about conduct in conflict—also during the practical training related to the specific theatres, when I joined and as I progressed through my career, for wherever the British military were deployed. That meant Northern Ireland in particular, where the British military did not have an unblemished reputation but where any misconduct—I am not talking only about sexual misconduct—or misuse of force or of military powers was subject to very severe disciplinary sanction. That then applied through all the other theatres of conflict, whether that was the Falklands, the Gulf, the Balkans and so on. In the British military, training, both generic and specific to theatre, has always focused not only on the values and standards of the British Army but on those related particularly to the Geneva Convention and human rights generally.

The Chairman: Thank you. We might have a comment from Baroness Goudie.

Baroness Goudie: My supplementary question was going to be about Ireland and the other bases that you have served in, but I think that you have answered it in your statement just then, so thank you.

Q50 Lord Williams of Elvel: In your experience as an officer in various theatres, did you ever come across an incidence of sexual violence as far as UK forces, anywhere near you or under your command, were concerned?

Lieutenant-General David Leakey: Not in any theatre of operation. I cannot recall ever coming across a situation where there had been such a violation by the British military. I would add that the British military is no more than a reflection of our own society, and British soldiers—I am talking mostly about soldiers (as opposed to servicemen from our sister services), from my experience—have committed crimes. I have experience of soldiers committing crimes of a sexual nature, not in a theatre of conflict but in the barracks and the local towns. Soldiers are human beings: they get out of control, get drunk and lose their

moral compass, and they act and react badly. The reason why that sometimes has happened, in my military experience, is because when they are out of the military structures—in other words, they have gone on leave or on holiday abroad—they are not under the military regime, whereas when you take British soldiers to conflict areas they are under the strictures of the chain of command and the regulations 24/7. In a way it is therefore perhaps not surprising, given the opportunities for the inappropriate use of violence or force, that it happens occasionally, but not to the scale that you might expect. I am speculating here, but if you take the whole of the British Army over the last 25 years, I suspect that there has been more violent crime and sexual crime in peace-time locations than in all the British military engagements in conflict in the Balkans, the Falklands, Iraq and Afghanistan put together. Hundreds of thousands of soldiers have been in these situations. A few have been prosecuted or investigated for abuse of the use of force, perhaps in a prison situation such as Abu Ghraib. Many other cases have been brought against British military soldiers but not that many have been proved, and the British military record is therefore not bad. To answer your question, I repeat that I cannot remember encountering a case of sexual violence by the British military in any of the theatres where I have been directly involved.

Q51 Baroness Hussein-Ece: Why do you think that during the Bosnian conflict sexual violence was used so extensively by paramilitary groups? As a supplementary, in retrospect, it is surprising that at Dayton there were no representatives of women's organisations or indeed civil society during the peace negotiations. Could you give your personal view on that?

Lieutenant-General David Leakey: Those are very relevant questions. On the first part of the question, what led to the quite extensive sexual violence during the Bosnian business, in no order of priority as these occur to me they were drunkenness and drugs, ill-discipline, the lack of effective chain of command and recognised military structures, the lack of any sort of formal military training among many of the cadres of people—you called them paramilitaries; I would call them irregulars—and a historical culture of violence in that part of the world. One has only to read the relatively recent history of the area of the former Yugoslavia—I was going to say the Balkans, but that would be too much of a generalisation; certainly let us say Bosnia and that area—to see those sorts of atrocities, and an attitude to violence and indeed to women that was probably 30 to 40 years behind those in areas further north in Europe.

Lord Hannay of Chiswick: Can I just ask a supplementary?

The Chairman: First there is a supplementary from Baroness Kinnock and then I will come back to you.

Baroness Hussein-Ece: I still have a second part to my question.

Lieutenant-General David Leakey: I was just going to finish answering the first part of your question. The other reason for the prevalence of sexual violence in Bosnia was the overall climate of what was going on there. It was not just sexual violence; there were atrocities of all sorts there, breaches of every imaginable human right. You only have to recall what was going on in the orphanages, and the arson attacks on farmsteads and villages. The nature of some of the conflict, if you want to call it that, was medieval. There was therefore in many parts of that conflict a total loss of a moral compass, of a sense of common decency and

standards, and no recognition in some cases of even the basis of what I might describe as the Geneva Convention. It was on our media screens—the photographs of the concentration camps, for example, the nature of which was completely outlawed. That was going on as well. It is therefore not surprising that this seeped down into sexual violence. There were no sanctions and the rule of law did not apply. The whole of Bosnia was run under a regime of black marketing and criminality. In fact the people who were the political, police and to a certain extent military leaders before the conflict were the same kleptocrats, if I may call them that, under the previous political and civic society system in the former Yugoslavia. They were prosecuting the war and running the rackets, and indeed the same people continued to do so after the war, partly because there were no other people to be leaders. So the absence of the rule of law, training, standards, sanctions or the ability of anyone to investigate added to the blackness, not the fog, of the climate of that war. The atrocities, the culture, the drunkenness and drugs—that whole cocktail meant that sexual violence was, I guess, going to be inevitable; people were simply out of control.

On the second part of your question, the purpose of Dayton was to get a quick fix during the interval of a ceasefire. Too many peace processes have come unstuck because they have gone on too long and become too complicated. The Americans who led the Dayton peace agreement process therefore pretty much set a deadline; in fact, in the end it was linked to Thanksgiving Day—November the twenty-whenever-it-is.

Lord Hannay of Chiswick: Fifth.

Lieutenant-General David Leakey: The 25th. They set a very tight timetable, which meant that the scope of what could be agreed, discussed or included in the peace agreement had to be the things that were going to set the conditions for better civic society and better human rights. Those things were, first, a military ceasefire, a division of the territory and the setting up of the political and other critical civil service institutions, such as banking and tax, and political institutions—in other words, to set up the framework. So there were really no other elements of civil society present or included in the Dayton agreement. There was nothing about children, women's rights – only references to “human rights” - but the specific human rights of orphans, children, women and animals were not included in Dayton. Having got the Dayton framework and political structures in place, it was for the locals to sort out for themselves, including the setting up of the courts, the judiciary and the police forces to investigate and deal with such things as sexual violence in conflict. The top priority was then not only the other atrocities such as the Srebrenica massacre but all those who were indicted by the war crimes tribunal, The International Criminal Tribunal for the former Yugoslavia or ICTY.

Baroness Kinnock of Holyhead: I have been to Bosnia a few times, mainly to talk with women. They always tell me that no one ever believes them. They tell me it was easier to talk during the war, but now they find that they cannot move on at all. The misery and the suffering has been carried through their entire lives after the end of the war. You would agree, would you not, that this was on official orders as it was Bosnian Serb strategy? It was ethnic cleansing—that was their objective. I know you have said that general blanket characteristics existed across the board, but I think that these were official orders. That has happened not only in Bosnia; it has happened in other conflicts. Only seven people faced trial. Women have never felt that there has been any end to their suffering. Only one suspect ever pleaded guilty. This is in the context of 20,000 or 50,000 women, and that is a hell of a lot of women, subjected to sexual violence. It is an outstanding example of the way

in which these men used women's bodies as a way of telling everyone that they were the superior beings, and they were the ones who were going to be making the decisions.

Lieutenant-General David Leakey: Are you implying that it was only one side that was doing it?

Baroness Kinnock of Holyhead: Not necessarily.

Lieutenant-General David Leakey: I do not have evidence of it being part of the strategic plan of any of the participants in the war. There may well be evidence, but I am simply unaware of it.

Baroness Kinnock of Holyhead: There is evidence.

Lieutenant-General David Leakey: Then I would not dispute that. I was there for about one week a month from 1993 to 1995. I visited some of the refugee camps, for want of a better phrase, particularly those that were quite distressing places to visit where there were mostly women and children. I, too, spoke to the women who had undergone these experiences, and I had no reason to disbelieve them. The problem with all these sorts of cases, as with every other atrocity that happened in Bosnia, whether it was sexual violence, arson on villages or any of the other things that happened, was that if you were going to bring someone to justice—the standards of justice that we respect—you had to have good evidence for it. There were simply insufficient resources at that stage, either indigenous or international, to get the quality of forensic evidence required ever to bring a case.

Baroness Kinnock of Holyhead: They will not give that evidence, understandably, because then they would draw attention to the suffering that they have been through.

Lieutenant-General David Leakey: I think that in many of the cases, certainly of the women I spoke to—I remember one harrowing afternoon I spent in one of these places—the women had not the slightest clue who the men were. Frankly, some of the men were so drugged and drunk that they would not have remembered what they had done anyway. The destitute state of some of the soldiers and the conditions in which they lived meant that they did not even know whether it was Christmas. They would shoot at anyone, including the blue helmets who were very often keeping their supply routes open.

The Chairman: It would appear that we are about to have a vote. Is it possible for you to return to give more evidence? Your timetable is probably very tight.

Lieutenant-General David Leakey: I note that I am due to chair another meeting shortly. Would you like to reschedule?

Lord Hannay of Chiswick: Could we have one last question?

The Chairman: I think we might take you up on your kind offer of written evidence. Lord Hannay, could you be very brief? Then there might be time for Baroness Goudie.

Q52 Lord Hannay of Chiswick: You have—rightly, I am sure—identified the kind of breakdown in normal moral codes and so on in Bosnia, but surely there is quite a lot of evidence now that sexual violence was used as a tool of policy to achieve ethnic cleansing, and that particularly Bosnian Serb but also to some extent Bosnian Croat attempts to cleanse various parts of Bosnia were backed up by a policy of permitting and indeed encouraging sexual violence, to break the morale and drive out the Bosniak population from various places. I have seen plenty of evidence from Anne Warburton's report on that. Surely

this is rather an important element, because then you are talking about something that is a matter not of individual responsibility but of command responsibility.

Lieutenant-General David Leakey: Absolutely. There are well-recognised international conventions that capture this area; I am struggling for the name of the convention that is named after the trial of a Japanese general. Of course if there is proof that this has systematically been used as a weapon of war, then the commanders are responsible. I think I have probably said all that I can.

The Chairman: Thank you very much.

Lieutenant-General (ret.) David Leakey – Supplementary written evidence (SVC0054)

14. We turn to your role as UK Military Representative at the Bosnia peace negotiations in Dayton. a) Did you have any role in putting together the list of delegates to the negotiations? b) Was there any discussion as to why civil society or women’s representatives were not included in the peace negotiations?

(a) No.

(b) Not that I recall. However, the evident and main purpose of the Dayton Peace Agreement was to put in place a “framework agreement for peace” covering, inter alia, the following: a secure and enduring ceasefire including controls over all military and para-military activity, arms and ammunition, a settlement of the territorial issues and boundaries (the map), the establishment of essential governance structures for the ‘state’ such as political/electoral mechanisms, local and state governance and administrative structures, banking, police, courts and judicial mechanisms. Given the urgency and desperation of the situation in BiH, there was not the time to draft and negotiate a comprehensive peace agreement. The elements, each in an annex of the Agreement, constituted a sufficient framework within which to address the economic, restructuring, human rights, legal and civic affairs needed within BiH. Indeed, the Peace Agreement was only intended to establish this framework. Moreover, it was all that was realistically achievable in the short time available in order to satisfy the urgent regional and international needs and expectations – sometimes referred to as “the construction of necessity”. It was the intention that, with direct international support from NATO, the EU, UN and its many agencies including ICTY, OSCE, individual states and hundreds of NGOs, such matters as prosecutions of criminals, including war criminals, and the associated investigation of criminal, civil and human rights violations would be possible within the security framework, structures and funding established subsequent to and dependent on the Dayton Peace Agreement.

15. Looking back, when you returned to Bosnia and Herzegovina as Commander of EUFOR Althea, what might the international community have done at, or after Dayton to stem the sexual violence?

Following the Dayton Agreement in 1995 I am not aware that there was any continuing ‘sexual’ violence by combatants. My recollection is that there was, as in every society, sexual criminality in BiH at the time of and after Dayton, but not remotely on the same scale or nature of the sexual violence by combatants and others during the years of conflict. There was no sexual violence to be ‘stemmed’, certainly not in 1996/7 when I commanded a UK brigade in BiH. It had ended. Consequently, if there was sexual violence post conflict, I surmise that it was more of a criminal, societal (and police) matter rather than part of military activity or on a scale which might have drawn military resources to assist control it.

The consequences of sexual violence were, of course, a different matter. I recall that more was done in BiH by international agencies and NGOs for the welfare, medical and psychological care of victims of sexual violence than in any other area of post-conflict which

I have experienced. Although it was well resourced and publicised, even that was insufficient.

16. What training on sexual violence in conflict did EUFOR Althea troops receive?

None, to my knowledge, and I do not recall setting such a requirement in my training directives. By 2004 the occurrence of sexual violence (other than Bosnian societal criminality) was absent. There would have been no point in training troops in this topic in preparation for their tasks in BiH. Treating the consequences of sexual violence requires specialist experience and expertise to which the military is not ideally suited or adapted.

There was, to my recollection, no prevalence of sexual misconduct by EUFOR troops amongst the civilian population during or in the three years after my tenure as commander.

17. During and after hostilities there are conflicting imperatives between stopping the violence and bringing perpetrators to trial. What is or should be the role of the military?

Bringing perpetrators successfully to trial requires proper processes of investigation, arrest, detention, access to lawyers, evidence handling, prosecution etc. these are not military skills. If there is only a 'military' intervention force available in a conflict situation (i.e. no OSCE, UN or EU police or prosecutors deployed), the overriding military imperative must be to stop the violence.

If that is best achieved by, inter alia, seizing the commanders or identified perpetrators of sexual violence then the military will surely do so, provided that it is within their mandate to do so and part of their authorisation for the use of force. However, the 'detention of perpetrators' whether of sexual violence or other illegitimate acts is as far as most UN and EU military mandates extend. In most developed societies it is unacceptable for the military (to be seen) to exercise such powers as bringing perpetrators to trial. This needs to be done by professionals both for presentational reasons and to uphold proper judicial standards. That is why constraints are generally placed by governments (and international organisations) on the authorisations or mandate of the military to act.

However, the military is often (as in the case of IFOR, SFOR and EUFOR in BiH) mandated to support the local and international police, investigation and prosecution services. Such support can include the provision of information, security, detention facilities, surveillance, transport and other military capabilities such as protection for the police or investigators. This was an area of considerable and focussed activity by NATO and EU forces after Dayton and certainly up until I left EUFOR in 2005. It led to the detention and prosecution of many Indicted War Criminals.

18. "There are a number of annexes to the Dayton Agreement, which cover a range of areas. Gender issues, however, appear to be a notable exception. Do you have any insights as to why this might be?"

I refer to my statement in Paragraph 1.b. above. The DPA set a general framework for the establishment of enduring peace, within which such specific issues as gender could be properly addressed. There are many similar specific areas which the DPA did not address, such as child welfare, notably orphans, which was a most dreadful problem, hygiene and

animal welfare both of which were life threatening to many communities at the end of the war and for months and years after. Study of Annexes 4, 6, 7, 10 and 11 of the DPA reveals references as to how all these and many other issues were to be addressed in a generic framework, but without identifying each specific problem. Gender was but one of many urgent and serious issues which was not specifically addressed in the DPA.

30 October 2015

MADRE, His Honour Judge Jonathan Carroll, Department for International Development, Foreign and Commonwealth Office and Physicians for Human Rights – Oral evidence (QQ 10-17)

MADRE, His Honour Judge Jonathan Carroll, Department for International Development, Foreign and Commonwealth Office and Physicians for Human Rights – Oral evidence (QQ 10-17)

[Evidence to be found under his Honour Judge Jonathan Carroll](#)

Mansfield Chambers – Written evidence (SVC0036)

A BRIEF SUMMARY

There has only been one reported conviction of Sri Lankan soldiers for the rape and murder of a Tamil woman since the conflict in Sri Lanka began, and that was in 1996. This is because people are too afraid to testify in court against the Government. When they do they are “disappeared”.

While the Sri Lankan Military say there have only been five reported incidents of sexual violence in the predominately Tamil north of the island between 2005 and 2012, Human Rights Watch have documented 62 cases since the end of the war. The similarities in the cases, the numerous rapes, anal rapes, gang rapes, sexual assaults, the beatings with hot metal rods, the cigarette burns, forced oral intercourse, waterboarding, strongly suggest that abuse by the GOSL is widespread and systematic, and not the work of ‘rogue’ soldiers.

Despite the change in Government in Sri Lanka, human rights abuses are as common as they were under the Rajapakse government.

In this context of on-going violations it is extremely difficult for the victims and their families to envisage a domestic accountability process, even with some form of international involvement, in which they could safely testify against perpetrators who are members of the security forces. The last hybrid international domestic mechanism in Sri Lanka (IIGEP (2007-2008) was an abject failure with tens of thousands of non-combatants killed since its inception and countless others tortured and sexually violated since.

The Government of Sri Lanka does not support a hybrid investigation and rejects international assistance in forming a hybrid court in Sri Lanka. Therefore the only possible course is a referral of Sri Lanka to the ICC by the UN Security Council. Ultimately if there are no convictions there will be continued impunity.

CALL FOR EVIDENCE: SUBMISSIONS

1. There has only been one reported conviction of Sri Lankan soldiers for the rape and murder of a Tamil woman since the Civil War began, and that was in 1996²³⁰, because people are too afraid to testify in court against the Government. This is because people who speak out are victimised, as Charu Lata Hogg²³¹ has said before.

²³⁰ BBC's Sri Lanka: the Unfinished War 8/11/13

²³¹ <http://www.chathamhouse.org/about-us/directory/70651> Associate at Chatham House.

Causes of sexual violence in conflict

3. What evidence is there as to the causes of sexual violence in conflict?

a. To what extent are cultural and societal factors responsible for sexual violence in conflict and how effective has the Government's response to these been?

b. To what extent is sexual violence in conflict used as a deliberate tactic?

c. To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

2. The BBC's documentary on Sri Lanka's Unfinished War included testimonies from 12 victims, male and female, of rape or sexual assault by the Sri Lankan security forces, each of whom has been granted asylum in a European Union country: 6 of them are in the UK, and 4 of those had documentation to prove that they were held in detention camps and independent medical reports. One of these was a man known as '[name redacted]'. He was forced to join the Tamil Tigers and was with them for six months at the end of the Civil War, but was detained for more than four years for 'rehabilitation', where he was tortured and sexually assaulted. '[Name redacted]', a former rebel who was granted asylum, was captured in 2009 and badly tortured by men wearing the Sri Lankan security forces uniform. While in detention, he witnessed what was referred to as the "horrific sexual abuse of a captured woman fighter in a Colombo police station". '[Name redacted]' was a Tamil human rights worker in Sri Lanka who was forced to join the Tamil Tigers. She escaped at the end of the Civil War, and after six months was identified by an informer and detained. She said, "so many different men" raped her "many times", and with "no hope of justice" for herself she choose to speak out in the hope of stopping the same crime being perpetrated on others in the name of 'rehabilitation'. '[Name redacted]' is the first Tamil rape survivor to talk publically about her ordeal. The number of claims of sexual violence represent the tip of the iceberg given the cultural taboo associated with having been raped. Dr Alison Callaway, a doctor who is an expert witness for the UK courts, has investigated more than 200 alleged torture cases from Sri Lanka in the past five years. She examined [name redacted] and counted more than 30 cigarette burns on her body, including her genitals, and concluded the physical and psychological evidence corroborated her story of recent rape and torture. '[Name redacted]' was granted UK asylum in 2013, earlier that year she was abducted and brought to detention. Though she could not see anyone else, she could hear women screaming in Tamil. She was raped every three days by different men, sometimes in uniform and sometimes in civilian clothes, and has scars and burns from being tortured.

3. Chanel 4 released footage, ahead of the 2013 CHOGM, of LTTE journalist Issapriya being dragged crying by members of the Sri Lankan army, apparently mistaken for Prabhakaran's daughter. While there are no visuals of her being shot, the fact that she was captured on camera while being dragged away crying and found later dead in a trench, half-naked with hands tied, proved she was killed in custody. However, the Sri Lankan military has claimed that Issapriya was killed in combat. Chanel 4 reported that she was sexually assaulted before she was killed; they also state that Issapriya's six-month-old baby was killed in a battle in May 2009. Images of Issapriya's dead body, with her clothing pulled up or down respectively to display her private parts, were demonstrative of the SLG's pattern of killings, have been accepted by the UN as raising strong inferences of rape after or prior to the execution.

4. Several women's groups in Northern Sri Lanka have reported large numbers of unwanted pregnancies among Tamil women, from rape or coercion by military members. 'Shabiya' a Sinhalese shelter worker who wished to remain anonymous because abortion is illegal in Sri Lanka except where the mother's life is at risk, said that they regularly bring Tamil women for "underground abortions" because they have been raped and beaten, sometimes tortured, and they are mostly women who have complained to the police after their husbands have been abducted.

5. While the Sri Lankan Military say there have only been five reported incidents of sexual violence in the predominately Tamil north of the island between 2005 and 2012, the campaign group Human Rights Watch have documented 62 cases since the end of the war. The similarities in the cases, the numerous rapes, anal rapes, gang rapes, sexual assaults, the beatings with hot metal rods, the cigarette burns, forced oral intercourse, waterboarding, strongly suggest that abuse by the SLG is widespread and systematic, and not the work of 'rogue' military workers as the President would have us believe (Charu Lata Hogg).

6. In December 2014²³² the UN Women UK Event in Partnership with Sri Lanka Campaign for Peace and Justice took place, involving 16 days of activism which came to a close today with International Human Rights Day. The works of an artist currently in Sri Lanka were presented. Three speakers then addressed the issue of the challenges faced by Tamil women and girls in Sri Lanka. Frances Harrison, the journalist and author of "Still Counting the Dead: Survivors of Sri Lanka's Hidden War", spoke about sexual violence in Sri Lanka. Natalie Samarasinghe, Executive Director of the United Nations Association, then discussed the role of the UN in ending violence against Women and Girls, the successes and failures of the UN system, and how much more work is needed. Finally, Ms Jegarajah, a Human Rights barrister from Michael Mansfield's Chambers, then discussed whether women in occupied war zones and post conflict zones should be considered a protected group with respect to their refugee status in the United Kingdom.

7. Ms Jegarajah also represented the appellant in **PP (Sri Lanka) v Secretary of State for the Home Department [2014] EWCA Civ 1828 (11 December 2014)**, which referred to "Country Information and Guidance Sri Lanka: Tamil Separatism" (a report from the Country Information department of the Home Office). The relevant section of this is paragraph 1.3.8 and in particular the sentences which read: "*The threat of a revived LTTE is also used to justify militarisation in the north. NGOs recorded incidences of sexual abuse to Tamil men and women. Tamil women, especially ex LTTE cadres, widows and the wives of disappeared or 'surrendered' are vulnerable to sexual harassment, exploitation or assault by army personnel or other militias.*" At paragraph 34 of Lady Justice Arden's judgment, she accepted "the subsequent material that we have been shown concerning the vulnerable position of Tamil women" and at 35 that "*we know from the GJ decision²³³ that the Government of Sri Lanka's method of identifying LTTE sympathisers is now much more sophisticated and technically based than it used to be*".

²³² <http://www.unwomenuk.org/un-women-uk-event-in-partnership-with-sri-lanka-campaign-for-peace-and-justice/>

²³³ **GJ and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 00319 (IAC)**

8. Despite the change in Government in Sri Lanka, human rights abuses are as common as they were under Rajapakse's Government.

9. On 12 February 2015 in an Open Letter to the Sri Lanka President from the clergy regarding a visit to Batticaloa: *"We were also extremely disturbed to learn from one of our hosts that we visited that they had already been questioned by military intelligence officials about our visit. We were told that this type of surveillance, intimidation and harassment is commonplace, even since the election of the new government"*. An article in the Tamil Guardian, on 23 Feb 2015, about Vipoosika Uthayakumar, a Tamil teenage girl, whose dead body was found with her hands tied in a well in Jaffna. The Colombo Mirror printed an article on 8 March 2015 about the gang rape of a school girl in Wannu and allegations of a cover up which are addressed promptly by Women's Affairs Minister on her Facebook page. The Minister later orders the body of the victim exhumed on the 1st April 2015.

10. On 11 March 2015 Sri Lankan military threatened distributors of Tamil weekly, Ithu Nam Theasam saying *"You will be burnt to ashes together with these papers if you continued to distribute this paper,"* (TamilNet). On 29 March 2015 the Daily Mirror reported that 8 (or some reports say 5) Tamils were arrested for producing a film deemed defamatory of the military. The police said the documentary contained *"scenes portraying the Sri Lanka Army as an immoral, inhumane and atrocious group."* An article published on the JDS website on 31 March 2015 by Journalists for Democracy in Sri Lanka alleged that secret torture camps are still operating in the North of Sri Lanka in Keppapulavu and Mullaitivu, despite denials from the Prime Minister that any secret camps still exist. On 8 April 2015 a Tamil journalist was detained while investigating the assault of a schoolgirl by Sri Lankan police officer (Tamil Guardian). In the Colombo Mirror on 14 May 2015 a report of an 18-year old school girl, who went missing was found murdered in an abandoned house in the islet of Punkudutivu in the Northern Jaffna peninsula.

11. On 17 May 2015 Human Rights Watch said that Sri Lanka's promotion of Maj. Gen. Jagath Dias whose 57th Division was allegedly implicated in serious human rights abuses casts doubt on government pledges to credibly investigate war crimes. On 21 May 2015 Tamil Civil Society Forum (TCSF), in a statement said that a post-war environment of heavy militarisation, lenience towards drugs and alcohol abuse, and damaged social networks are contributing factors to rape within society. On 31 May 2015 the Sri Lankan police were blamed for shocking post-war increase of child abuse, sexual abuse and exploitation, drug addiction and crime rates in the island's embattled northern Jaffna peninsula (Colombo Mirror).

12. On 18 June 2015 The Sri Lankan Army said that no army camp has been closed down in the Northern Province since January this year (Ada Derana). On 25 June 2015 information about abductions and the existence of secret torture camps run by the government security forces with the full knowledge of ministers and top leaders of the previous government during and after the war, were revealed during judicial proceedings in Colombo (Colombo Mirror).

13. In July 2015 a new report by the International Truth & Justice Project exposed the systematic persecution of the Tamil community through torture, rape, illegal detention and killings committed by the state authorities. The report goes as far as to identify torturers

and rapists. It also pinpoints 41 detention facilities, including secret camps, where victims say they were abused after the war. It lays bare the continuation of state-organised abductions, torture and sexual violence by the security forces long after the change of government in January 2015. The report warns the international community they will fail the victims of this conflict if they do not take action. It calls upon the UN Security Council to refer its report to the Prosecutor of the International Criminal Court for further action against those who bear the greatest responsibility.

14. A new film²³⁴ (published on YouTube on the 13th September 2015) by the International Truth and Justice Project contains interviews with two Tamils survivors, who describe how they were abducted in Sri Lanka's notorious "white vans" this year. They do not show their faces for fear of on-going reprisals against family members still in Sri Lanka. The video contains testimonies from two from a total of eleven cases of security force torture and sexual violence that occurred in 2015 and have been documented by ITJP. All eleven victims (3 women and 8 men) are now outside Sri Lanka.

Accountability

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

- a. What evidence is there on the effectiveness of the UK's contribution to the reform of national justice programmes and, going forward, what are the priority areas to address?**
- b. How can the UK best support the gathering and utilisation of data in this area?**
- c. To date, there have been no convictions at the International Criminal Court (ICC) for crimes of sexual violence in conflict situations. Why is this and how could it be addressed? What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal of the Former Yugoslavia (ICTY), the International Tribunal for Rwanda (ITR) and the Special Court for Sierra Leone (SCSL)?**
- d. The UK Team of Experts has carried out 65 deployments since its creation in 2012. How important are these kind of interventions and what should their future role be?**
- e. What evidence is there on the effectiveness and usage of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict? How can the dissemination and usage of the Protocol best be supported?**

15. The UN panel of experts report refers to other instances towards the end of the war that classify as war crimes and acts against humanity, such as the widespread bombing of so-called safe zones, how makeshift hospitals in Tamil areas were systematically attacked by military forces, the 40-70,000 Tamil civilians who were killed in the final months. The government consistently denies such events, but continues to oppose any independent international investigation.

16. Dr Frank Arnold, in an interview with Frances Harrison (the BBC correspondent with Sri Lanka from 2000-20004) said in regards to the claims of torture against Tamils by the military, "*My fear is that this is an organised activity and I find it hard to believe if that is*

²³⁴ https://youtu.be/_HxyZCHA2P8

true that this could be done without conniving of state authorities.” Dr Arnold has worked with over 1000 survivors of torture from various countries, but since the end of the Civil War his case load has mostly been comprised of Tamil people.

17. Torture becomes genocide once it no longer affects just a handful of people, but rather people from the same *ethnic background*, the same crimes against the same sorts of people. Systematic abuse is a travesty for it suggests that this is the policy of the Sri Lanka Government. In November 2013, Kirsty Brimelow, QC, Chair, Bar Human Rights Committee England and Wales told the BBC that:

“the cases... gathered are striking because they have common features in relation to how the victims are picked up, what happens to them. Particularly there is evidence of cigarettes being used to burn the victims in order to get compliance basically to carry out torture. Now the use of cigarettes has long been held to be within the definition of torture so there’s absolutely no dispute upon that. Is it systematic, is it widespread - there is plenty of evidence to tick both those boxes. What does that mean? It all equates to a crime against humanity and therefore in cases like this normally you’d be looking at them being referred to the international criminal court for further investigation.”

18. Unfortunately, as Sri Lanka is not a signatory of the Rome Statue it is almost impossible to seek justice before the ICC. When talking about Rwanda in 2004, Kofi Annan said that *“we must all acknowledge our responsibility for not having done more to prevent or stop the genocide”* sooner. If Ghandi is to be believed then *“there is a higher court than the courts of justice and that is the court of conscience”*. It is everyone’s responsibility to defend our rights, to live, to be free from torture and inhumane or degrading conditions, and all that encompasses, and if we cannot then to have faith that someone else will defend them for us. For those who do not have the ability or the availability to defend these rights, the UN, the ICC, HRW and various other bodies have raised their voice so that the whole world may hear them. People in Sri Lanka have to suffer in silence until such a time that they can escape safely, and even then, many are terrified of being returned. People on ‘stop lists’ are sent for rehabilitation, people who complain to the police are sent for rehabilitation, people who question the war crimes or give evidence regarding those allegations are sent for rehabilitation. The government insists that their detention centres offer facilities for health care, education, sports and entertainment, but from all accounts but theirs this is not so.

19. A successful grant of asylum, or a successful appeal against a refusal, is indicative that these testimonies are believed to be true: that these crimes are happening and that these people are suffering because of their ethnicity and beliefs. Yet no one has been prosecuted. No one is being punished. Those who commit egregious acts of abuse, are not being tried, are not being convicted, and that is impunity. As Kofi said, *“We have little hope of preventing genocide, or reassuring those who live in fear of its recurrence, if people who have committed this most heinous of crimes are left at large, and not held to account... Anyone who embarks on genocide commits a crime against humanity. Humanity must respond by taking action in its own defence”*.

20. On 11 April 2015 Observations by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Pablo de Greiff, on his recent visit to Sri Lanka said:

"In the past, Sri Lanka has established numerous commissions of inquiry for mass violations. Some of these commissions have produced useful reports, including wide-ranging recommendations. Others have produced reports that have never been made public. Failed, inadequate or uneven implementation of their recommendations has been a common feature."

21. On 09 May 2015 "**The 2014 Impunity Index**" report jointly released by the International Federation of Journalists and the South Asia Media Solidarity Network (SAMSN) says that journalists in Sri Lanka are among the most vulnerable in South Asia, because their assailants generally go free.

22. Impunity is what often happens in Sri Lanka.

23. So what is the Government of the United Kingdom doing to hold the Government of Sri Lanka accountable?

24. The 23rd Commonwealth Heads of Government Meeting (CHOGM) was held in Colombo, Sri Lanka, from 15 to 17 November 2013. The Prime Minister of Canada Stephen Harper threatened to boycott the conference unless Sri Lanka's human rights record improves. The Foreign Affairs Committee of the British House of Commons had called on that country's Prime Minister, David Cameron, to not attend the meeting to protest Sri Lanka's human rights record. However, Cameron attended, while Harper did not attend. It was the first CHOGM not attended by Queen Elizabeth II in 40 years; however, unfortunately, Prince Charles went in her stead.

25. Given that the Sri Lankan government has taken no serious steps towards promised human rights and political reforms—and has in some respects further entrenched its authoritarian tendencies—the Prime Minister is right to stay away. Canadian non-participation can be easily dismissed by the Sri Lankan government as reflecting pressure from Canada's large Tamil diaspora (whom Sri Lanka portrays as irredeemably nationalist and pro-LTTE). In May 2013, UK Prime Minister David Cameron has stated that he will attend the Commonwealth Summit in November despite serious divisions within the organisation over the human rights record of Sri Lanka, the host government. It was claimed that Mr Cameron had decided to make a robust stand in person against Sri Lanka's human rights record and attacks on its democratic standards by its authoritarian president.

26. In their 2006 report, however, Amnesty International stated that "*escalating political killings, child recruitment, abductions and armed clashes created a climate of fear in the east, spreading to the north by the end of the year,*" while also outlining concerns with violence against women, the death penalty, and "*numerous reports of torture in police custody.*" Although Sri Lanka has not officially practiced the death penalty since 1976, well-documented cases of state-sponsored 'disappearances' and murders by non-partisan humanitarian organizations, notably Human Rights Watch, contradict official statements. In 2012, the UK charity Freedom from Torture reported that it had received 233 referrals of torture survivors from Sri Lanka for clinical treatment or other services provided by the charity.

27. The Sri Lankan government failed to advance justice for the victims of the country's 26-year-long civil war in 2011. While Sri Lanka's war-ravaged North and East became more open, the government deepened repression of basic freedoms, notably limiting the right to free speech. The long-awaited Lessons Learnt and Reconciliation Commission report on the fighting failed to call for investigations into well-documented allegations of violations of international humanitarian law. The government largely ignored complaints of insecurity and land grabbing. The Tamil population in the North benefitted from greater access by humanitarian and local human rights groups and the media, but inadequate steps were taken to normalize their living conditions.

28. Canada, along with Australia, raised concerns at the last Summit meeting in Australia, about the Sri Lankan government's failure to investigate accusations of war crimes and human rights violations that occurred in the final phase of the Sri Lankan army's successful defeat of the Tamil insurgency in 2008-09. A panel appointed by UN Secretary-General Ban Ki-Moon found credible evidence for such abuses having been committed both by the army and the Liberation Tigers of Tamil Eelam (LTTE). Upwards of 40,000 civilians were killed. Further, despite promises made to the UN by Sri Lankan President Rajapakse when the LTTE was defeated, his government has taken no credible steps towards limited devolution and minority rights guarantees for the Tamils.

29. Despite the UN report, the Sri Lankan government resisted pressure for an independent investigation of war crimes allegations, and instead appointed its own "Lessons Learned and Reconciliation Commission" in 2010. Even though the composition of this group was tilted towards government supporters, its report made recommendations for investigations of specific incidents, as well as pointing to areas where reforms were needed to ensure respect for human rights. However, the government has largely ignored even this report.

30. It is not just that President Rajapakse is resisting inquiries into past abuses, or delaying reforms regarding devolution for Tamil majority areas. His hostility towards any checks on his increasingly centralized power is manifest in many ways. Censorship is increasing. Journalists who criticize the regime are vilified and threatened, with some having been assaulted and many forced into exile. In late 2013, the Chief Justice was removed arbitrarily from office in the wake of issuing decisions that went against the government; a former legal adviser to Rajapakse's cabinet was installed in her place.

31. Mr Rajapaksa led Sri Lanka for a decade before he was dramatically ousted as president by Mr Sirisena in January. Mr Rajapaksa remains hugely popular among large sections of the majority Sinhalese community for presiding over the crushing defeat of Tamil guerrillas in 2009 after their 37-year war for a separate homeland. He was shunned by Western governments over the brutal end to the island's ethnic conflict, and remains deeply unpopular among its Tamil and Muslim minorities. The perception that nepotism and corruption flourished during his administration also damaged his political reputation. In August 2015, Prime Minister Ranil Wickremesinghe's centre-right party (the United National Party) came into power.

32. In November 2013 David Cameron criticised the "appalling" and "chilling" crimes committed by the Sri Lankan government, and he prepared to defy the President and travel to the north of the country to meet victims of the civil war; demanding an international

inquiry into war crimes believed to have been committed at the end of the civil war in 2009, when as many as 40,000 people were killed. The Prime Minister refused to boycott CHOGM despite being urged to do so by critics of the Sri Lankan government, including Ed Miliband, the then Labour leader. Mr Cameron believed that by attending the summit and visiting the north of Sri Lanka, where most of the Tamil minority is based, he would be able to “shine a light” on any human rights abuses. In response, Rajapaksa said:

“If anyone wants to complain about a human rights violation in Sri Lanka — whether it be torture, whether it be rape — we have a system. If there are any violations, we will take actions against anybody.”

33. And yet, on 30 November 2014 in the Colombo Mirror, General Secretary of the Jathika Hela Urumaya, Patali Champika Ranawaka said, *“Whether it is the President, the Defence Secretary (Gotabaya Rajapaksa), the then Service Commanders – Sarath Fonseka and Karannagoda or the likes of Shavindra Silva and Presanna Silva, we will not allow any of these people to be tried before the International Criminal Court (ICC).”* In December 2014 Senaratne stressed that they would, *“settle our matters in our country”*. On 19 December 2014 Sirisena released his manifesto for presidential elections in Sinhala and English but not Tamil which clearly stated, *“no international power will be allowed to ill-treat or touch a single citizen of this country on account of the campaign to defeat terrorism”* (Tamil Guardian).

34. The 23rd March 2015 Security Council Report, named *“Conflict Related Sexual Violence”* urged the UN Security Council to take action to prevent and ensure accountability for sexual violence in conflict. It examined ongoing concerns of sexual violence since 2014 in 19 countries, including Sri Lanka. *“One of the major unaddressed issues is impunity for conflict-related sexual violence,”* the report said on Sri Lanka. It further noted: *“There are indications that abduction, arbitrary detention, torture, rape and other forms of sexual violence have increased in the post-war period”* and *“allegations of sexual violence by the Sri Lankan security forces against members of the Tamil community in the closing months of the war and in the post-conflict period have been extensively documented, but rarely addressed.”* In his recommendations, Ban Ki Moon said: *“I call upon the newly elected Government of Sri Lanka to investigate allegations of sexual violence, including against national armed and security forces, and to provide multi-sectoral services for survivors, including reparations and economic empowerment programmes for women at risk, including war widows and female heads of household.”*

35. Following the election of President Maithripala Sirisena in January 2015 and the appointment of a new government, Sri Lanka took a number of positive steps to address human rights and democracy concerns, including establishing new institutions and undertaking legal reforms. Freedom of expression improved, with exiled journalists invited to return to the country and a number of banned websites unblocked. The democratic space has opened up with travel bans on foreign nationals visiting the north lifted, and the NGO Secretariat moved from the Ministry of Defence to the Ministry of Policy Planning and Economic Affairs. Local contacts in the north and east noted a significant reduction in surveillance by security forces with increased space for journalists and civil society activism.

36. However, challenges remained, including those related to high levels of militarisation, such as military involvement in civilian life, and the continued occupation of land by the armed forces. There were also concerns over women's security²³⁵ as well as reports of journalists being intimidated.

37. On the 7 March 2015 Prime Minister, Ranil Wickramasinghe, said in a long interview to Thanthi TV (The Hindu): *"I said no International inquiry. If the UN Human rights commission wants an inquiry, I'm willing to talk to them."*

38. In March 2015, Mr Cameron said the Sri Lankan government had taken "encouraging steps" but added that he would call on President Sirisena to keep up the pace. President Sirisena was the acting defence minister at the end of the conflict - and has echoed his predecessor's refusal to co-operate with the UN investigation. Media reports²³⁶ indicated that a team of senior legal experts was examining the cases of 275 political prisoners. There has been no progress on investigations into widespread disappearances that occurred during the conflict, including those of missing ex-combatants (who allegedly surrendered to Sri Lankan security forces). Tamil activists and politicians continued to allege the existence of secret detention centres²³⁷, which authorities have denied.

39. On Sri Lanka specifically, David Cameron has a personal responsibility to push for action and, with the UK re-taking a seat on the Council this year, he has a prime opportunity to do so. The Prime Minister was praised for raising human rights concerns when he visited Sri Lanka for the Commonwealth Heads of Government Meeting (CHOGM) in November 2013. It was, however, deeply disappointing that he failed to call then for an international inquiry into alleged war crimes by both sides during the Sri Lankan civil war. The Prime Minister overlooked President Rajapaksa's repeated failures since the war ended in 2009 to deliver an independent, credible investigation, to address human rights abuses suffered by Sri Lankans to this day, or to implement the recommendations of his own Lessons Learnt and Reconciliation Commission.

40. Paikiasothy Saravanamuttu, the executive director of Sri Lanka's Centre for Policy Alternatives, told Al Jazeera on 12th March 2015 that Sirisena's push for an inquiry was a departure from the previous administration, which had rejected any engagement with the Office of the United Nations High Commissioner of Human Rights. *"Some will insist that only international investigation will bring justice, but I think the point needs to be made, that in order to go to an international mechanism, all domestic remedies need to be exhausted,"* Saravanamuttu said. Now, it seems that even David Cameron is backing Sri Lanka's appeal for an internal, domestic investigation. But the Prime Minister must learn from his past mistakes; he chose to go to CHOGM in 2013 – against the advice of human rights experts and world leaders – and he cannot turn his back on the people of Sri Lanka once the cameras are off.

41. In fact, in the Tamil Guardian on 07 May 2015, the Sri Lankan Foreign Minister pledged that a domestic mechanism of accountability would be in place before the UN Human Rights

²³⁵ <http://www.bbc.co.uk/news/world-asia-32820033>

²³⁶ <http://www.ceylontoday.lk/16-87450-news-detail-deadly-blasts-hit-pakistan-churches-in-lahore.html>

²³⁷ <http://asiancorrespondent.com/133600/sri-lanka-political-detainees/>

Council's 30th session this September. But on the 30 June 2015 Prime Minister Ranil Wickremesinghe's United National Party reiterated in the Colombo Mirror that it would not allow any international war crime probe against former president Mahinda Rajapaksa, former defence secretary Gotabhaya Rajapaksa or former army chief Field Marshal Sarath Fonseka.

42. On the 28th July 2015, Channel 4 News was supplied with a leaked document from the United Nations which critics claim could pre-empt and undermine this September's Human Rights Council discussion on a UN's long-awaited investigation into crimes committed at the end of Sri Lanka's 26-year civil war. The document appears to have been created by the UN in conjunction with the Sri Lankan government, and outlines plans to set up a purely domestic inquiry into human rights violations - with technical support from the UN. Most human rights groups regard plans for an internal judicial process as unacceptable and many warn it would inevitably be seen as a "victor's court". But that council's chief minister, former Sri Lankan Supreme Court Judge CV Wigneswaran, told Channel 4 News that the UN had not even consulted them on the plan. The diplomatic shift in Governments after the 2015 election led some to re-appraise the calls for international justice. In the US some commentators, notably former ambassador to Sri Lanka Teresita C Schaffer, called for the US government to "lower its voice" on human rights in the country. But many Tamils doubt the government's ability to create an internal inquiry that will not be swayed by the views of the victors. They point to the fact that although there has been much talk of "reconciliation" from the new government, there have been few concrete changes for the Tamils of the north and east. Many thousands of Tamils taken into captivity during and in the immediate aftermath of the war are still missing and the government denies knowledge of all but 273 of them.

43. Together Against Genocide (TAG) published a statement on 16th September 2015 on the Report of the OHCHR Investigation on Sri Lanka (OISL). They note High Commissioner Zeid's statement that the government of Sri Lanka, though cordial did not change from former President Rajapaksa's stance on allowing access to the country to OHCHR investigators. They also point out that the next step must be for UN investigators to be granted access to the many sites of mass graves and scenes of grave crimes for forensic analysis, as well as to be able to interview witnesses within Sri Lanka. To-date the majority of witnesses who have been interviewed remain outside of Sri Lanka. As noted by High Commissioner Zeid Sri Lanka currently does not have domestic laws recognizing Crimes Against Humanity. Rather than 'reinventing the wheel', it must accept international standards and ratify the Rome Statute. As they stated, survivors of mass atrocities in Sri Lanka have waited too long. *"We urge the Human Rights Council to now take concrete steps and a concrete timeline to deliver successful prosecutions and thus an end to impunity in Sri Lanka"*.

44. In this context of on-going violations it is extremely difficult for the victims and their families to envisage a domestic accountability process, even with some form of international involvement, in which they could safely testify against perpetrators who are members of the security forces. The last hybrid international domestic mechanism in Sri Lanka (IIGEP (2007-2008) was an abject failure with tens of thousands of non-combatants killed since its failure and countless others tortured and sexually violated since. Even those witnesses abroad [who make up the vast majority of those who testified to the UN

investigation (OISL) and to ITJP] cannot reveal their identities to the Sri Lankan authorities for fear of what will happen to them if their asylum applications fail, or to their families back home. The new witness protection legislation in Sri Lanka will not address these issues.

45. The Government of Sri Lanka does not support a hybrid investigation and rejects international assistance in forming a hybrid court in Sri Lanka. Therefore the only possible course is a referral of Sri Lanka to the ICC. If there are no convictions there will be no witnesses, no evidence and continued impunity.

17 September 2015

Marie Stopes International – Written evidence (SVC0040)

Background

1. Marie Stopes International (MSI) is one of the world's largest providers of sexual and reproductive health services. For nearly 40 years women have trusted MSI to provide them with quality reproductive healthcare and in 2014 over 18 million women across 38 countries were using a method of contraception provided by MSI. Through DFID's support we are delivering over half of DFID's commitment (2010-2015) to avert 50,000 maternal deaths²³⁸ and we are an integral part of many national health systems, for example in Malawi we provide approximately 50% of all family planning services.

As a provider of services to many women and girls who have experienced sexual violence and as a health partner to governments, donors and the private sector across the world, MSI welcomes the opportunity to contribute to this critical Committee. Many of our programmes operate in countries where violence against women (both conflict/post-conflict and systemic) is particularly brutal - for example Afghanistan, PNG and Sierra Leone. Given our expertise this evidence focuses on the needs of survivors with reference to the international policy agenda.

Key recommendations:

2. **Increased prioritisation, resources and programming are needed to ensure that women and girls who have experienced sexual violence can access comprehensive, affordable and non-discriminatory health services.** Clinical services are an essential - yet frequently overlooked - component of a comprehensive response to addressing sexual violence in conflict.

Critical medical services include the treatment of injuries, emergency contraception, prevention and treatment of STIs including HIV, and access to safe abortion. As noted in The UN Secretary General's Report (March 2013) on 'Sexual Violence in Conflict,' *'emergency contraception and safe abortion services should be integral components of any multi-sectoral response.'*²³⁹ For many women, their first and only contact with care and possible recourse to justice is the health system. Services are therefore vital entry points not just to save lives and support women but for onward referral to legal and other support services.

The Prevention for Sexual Violence Initiative (PSVI) is ambitious and has drawn much needed global attention to a long neglected issue. The desire to use the UK's influence and resources to tackle sexual violence in conflict and to end the culture of impunity is warmly welcomed however the initiative will fail to serve women adequately if it does not also address the need to improve access to clinical services.

3. **A clear and effective cross-government strategy is required across all development, conflict, security and humanitarian agendas** - and resources mobilised to deliver on commitments made. More needs to be done to ensure relevant departments have the

²³⁸ DFID Annual Report 2013/14, pg43

²³⁹ http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/149

access, authority and resources to drive this strategy forward across government, with an annual report to parliament on progress. Improved co-ordination would be particularly useful between the FCO and DFID to ensure that efforts focused on prevention and response, access to justice, security sector reform, and wider humanitarian responses are mutually reinforcing; avoid duplication; and reduce the disconnect between progress at the international level and the reality for women and girls on the ground.

4. Increase efforts to remove the unnecessary policy restrictions and barriers that prevent women and girls accessing clinical services. Through its financial support to multilateral institutions the UK can influence other humanitarian actors, donors and national governments to develop their capacity to remove barriers and to deliver services so ensuring they provide what women need and want.

The British government has shown strong recent commitment to promoting and protecting sexual and reproductive health and rights, through for example the FP2020 Summit and during the SDG negotiations. The current momentum for addressing sexual violence in conflict as a foreign and development policy priority provides a further opportunity to continue to show leadership in this area by ensuring programmes and co-ordination mechanisms integrate and allocate sufficient resources to the provision of clinical services.

Additional Background

5. We would like to refer the Committee to this DFID briefing paper to which we contributed, which although focussed on humanitarian emergencies provides some information on sexual violence in conflict, forms of violence, consequences and recommendations for programming:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271932/VAWG-humanitarian-emergencies.pdf

6. Survivors of violence face numerous barriers in trying to access care, including a critical shortage of health workers and commodities (highest levels of sexual assault occur when conflict and disorder are at their height - at the same time as providers are evacuating); social stigma and discrimination from providers and the wider community; and legal and policy restrictions on the provision of safe abortion services, despite international agreements such as the Geneva Convention.²⁴⁰

7. In addition to sexual violence being specifically used as a weapon of war (e.g. in DRC, Sierra Leone, Sri Lanka), maternal and neonatal mortality and levels of sexual violence are far higher in fragile states and humanitarian settings. Over 50% of the approximate 536,000 maternal deaths each year occur in fragile states where the average health spend is just \$9 per person per year.²⁴¹ In humanitarian settings reproductive services are often forgotten or seen as 'non-life saving' and are therefore under resourced and are not integrated into the provision of other essential services such as shelter, water and food. However without

²⁴⁰ We welcome DFID's robust and comprehensive position paper on safe and unsafe abortion in developing countries, and in cases where women have been raped in armed conflict UK funded medical care should include access to safe abortion and post abortion care services, in compliance with international law.

²⁴¹ Merlin, All Mothers Matter, Investing in health workers to save lives in fragile states - www.healthandfragilestates.org/index2.php?option=com_docman&task=doc_view&gid=51&Itemid=38

emergency obstetric care, pregnancy and childbirth complications can quickly become life threatening and countries affected by conflict such as Somalia and Afghanistan appear year after year at the bottom of safe motherhood rankings²⁴² Global spending on sexual and reproductive health in humanitarian settings is still not officially tracked but research shows that between 2003 and 2009 of the \$25.30 billion made to 18 conflict-affected countries in average annual ODA disbursements only 3.11% was allocated to SRH.²⁴³

The UK should ensure that SRHR is adequately integrated into the UK's aid and assistance during all conflict responses and earmark money for SRHR programmes within DFID country budgets to fragile states (e.g. Afghanistan).

8. The health sector can play a key role in accessing justice for survivors of violence. The testimony from a professional health worker that a woman's injuries are consistent with charges of sexual abuse is often necessary to secure a conviction in court. In many countries however, this testimony is not admissible as evidence unless provided by a qualified doctor. The chronic shortage of doctors in developing countries, especially in fragile states and humanitarian settings, can therefore make prosecution impossible. The UK should generate greater recognition of this issue and work with other donors, the WHO and national governments to ensure that the professional assessment of injuries by mid and lower level providers such as nurses, midwives and community health workers, are admissible as evidence in courts of law in cases of sexual violence.

18 September 2015

²⁴² In Uganda the rate for unsafe abortion in Northern Uganda is 70 per 1000 women, compared to 54 per 1000 women as a whole.

²⁴³ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2682761/>

Sir Simon McDonald – Oral evidence (QQ 139-146)

Evidence Session No. 19

Heard in Public

Questions 139 - 146

TUESDAY 8 DECEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witness

Sir Simon McDonald, Permanent Under-Secretary and Head of the Diplomatic Service,
Foreign and Commonwealth Office

The Chairman: Good afternoon, Sir Simon, and thank you very much for joining us. I briefly remind you that this is a formal evidence-taking session, and we will send you a transcript to correct if you find anything that has gone astray. I think you already know the interests of the Members of the Committee. If there is any new interest, I am sure that Members will announce it, but I think that that is unlikely.

We will go straight into the questions. I call Baroness Goudie.

Q139 Baroness Goudie: I have a question on the follow-up to when you gave evidence to the Foreign Affairs Select Committee. Then, Lord Faulks, the Minister in the Lords, was in denial that human rights had been downgraded by the Government. I was unable to ask a

supplementary question, because it was during the part of Question Time when you cannot come back.

Would you tell the Committee where you see the priorities of human rights and where you see PSVI at present and running up to the next couple of years? I will ask Baroness Anelay this question as a supplementary. We have the conference of donors coming up early next year and various other conferences that Britain is taking the lead on. If we are taking the lead on these issues, where does it now stand in the Foreign Office and in the Government more generally, because the Foreign Office is one of the most senior departments?

Sir Simon McDonald: Thank you, Baroness. Of course, I gave evidence before the House of Commons Select Committee, and we discussed the whole remit of the Foreign Office. The context was in the middle of a spending round when we were modelling cuts of 25% and 40%, so I felt that metaphorically I had my arm up my back and had to describe the FCO's top priorities. With our top priorities, by the way that we distribute our efforts, you can see what is most on the Government's mind right now. Prosperity has more resource than human rights, but human rights are a priority of the Foreign Office. We have 240 full-time equivalents in the FCO network who are doing that work. That probably equates to 1,000 people, because the 240 full-time equivalents include parts of officers overseas. In London, we have the human rights and democracy department, which has 29.5 full-time equivalents. We have the PSVI team of seven within the conflict department. Human rights and PSVI remain priorities for the Foreign Office, but the question I was trying to answer compared it with the prosperity agenda. Right now, with about 2,900 people in the network, including UKTI, which is principally working on prosperity, that is why I ordered them as I did.

Baroness Goudie: That explains it to us very clearly. We wanted to be sure today that this is at the top of the agenda, along with the prosperity agenda. I know that some of the people in the embassies are also working on this when they can help out.

Q140 The Chairman: Sir Simon, a question from me. We are now through the spending review, which must have been a very difficult process, and it looks as though you have more or less kept an even keel. I think we all hope so.

Sir Simon McDonald: Yes, Chairman, although we are in that difficult stage before we have actually received the settlement letter from the Treasury. The indications are that we have about flat cash for this spending round.

Lord Hannay of Chiswick: So actually, you are down, Sir Simon?

Sir Simon McDonald: I think, Lord Hannay, that it is actually a slight increase when you look at the ODA plus the non-ODA money. Non-ODA is flat cash, ODA is going up slightly, so the total budget will increase over the four years.

The Chairman: Yes, we read the complex discussion that you had on the ODA, and so on and so forth, in the House of Commons Committee. It would be enormously difficult, I suggest, on soft power internationally, which is very large at the moment—congratulations—if human rights were seen to be downgraded. With the spending review, and pending receipt of the settlement letter, are you comfortable that PSVI, which is our particular focus here as one of the human rights, will still be fully, properly or adequately funded? Will it, as Baroness Goudie already said, receive a top priority in your in-tray?

Sir Simon McDonald: Yes, Chairman. Although we do not have the detail, we know that the various funds from which we take money for PSVI projects will increase. The Conflict, Stability and Security Fund will increase to £1.3 billion per year. The detailed discussion about how we divide that is yet to start, but I am confident that PSVI will remain a priority for this cross-departmental fund. As you know, we have spent £29 million since 2012, and that order of magnitude of funding will continue.

The Chairman: Just a quick, small additional comment before I call supplementary questions from Members such as Baroness Hussein-Ece. PSVI seems to me to be a bit of a floating balloon because of the way it was introduced. Will you be able to peg it down departmentally in some way, or will it continue to float?

Sir Simon McDonald: There are two parts to my answer. The first is that later this afternoon you are seeing Baroness Anelay, who is the Prime Minister's Special Representative for PSVI. She was nominated in June and is the focal point across the Government for all this work. My second point is that PSVI is a project across Government. The Stabilisation Unit is the focal point. Although it sits in the Foreign Office, it is a cross-departmental unit with the MoD and DfID. Its head, who is also coming this afternoon, is a colleague from DfID.

Baroness Hussein-Ece: Sir Simon, thank you very much for confirming that human rights in conflict remain a priority. My question follows on from that of the Chairman. Do you feel, then, that PSVI is sufficiently embedded within the Foreign Office and seen as a mainstream priority rather than an add-on that has to be thought about later?

Sir Simon McDonald: I do feel that it feels like a mainstreamed priority. The fact that the United Kingdom staged the conference in June 2014 was a signal to the UK, as well as internationally, that the Government of the United Kingdom is closely associated with this initiative. I would say that the conference that we had last year is one of the few that continue to reverberate. There are many international meetings, as Members of the Committee will know. There are not so many that are still discussed 18 months after they happen, but our conference last year is in that small category.

Q141 Bishop of Derby: You have been talking about the priority and the amount of money. I want to ask about the style of spending of the budget in this area. Clearly, preventing sexual violence means tackling attitudes and behaviour in communities and society, and that is a long-haul operation. A lot of funding, as you know, is targeted for specific, project-based activities. Do you have any thoughts about whether, if we are really going to get under the skin of this, we can look to you to help to promote funding arrangements that are sustainable for that long-haul task?

Sir Simon McDonald: We agree, Bishop, that annual funding has been an obstacle. In this CSSF, there will be mechanisms for multiannual funding, so I expect that projects in this Parliament will be multiannual and address the problem which you correctly identify.

Bishop of Derby: That is encouraging.

Q142 Baroness Kinnock of Holyhead: Thank you for coming in to share your expertise with us. In the Strategic Defence and Security Review, the section on PSVI is quite short and lacks detail on what is intended. It talks about taking women's rights into account as part of counterextremism work. I do not know about others here, but I am not clear exactly what that might mean. Would you argue against the securitisation of women's rights, because

that, to me, is what is suggested in this paragraph? If that is the case, it does not bode well for women's security or women's rights.

Sir Simon McDonald: Baroness, I would say that the SDSR was our strategy, so it aims to be a shorter rather than a longer document. It is to provide guidance through this Parliament, so the Committee should not be alarmed that it is a relatively short paragraph.

I do think that security is an aspect of PSVI. "In conflict" is in the title of the initiative, so I do not think we can divorce that.

Baroness Kinnock of Holyhead: The words were "as part of counterextremism".

Sir Simon McDonald: I answered the bit about securitisation. Security is a fundamental part of the challenge. As part of counterextremism, women's rights are very important, as extremism often flourishes where women's rights are least regarded. Again, I do not think there is any contradiction in that.

Q143 Lord Hannay of Chiswick: Could you look, now, at the UK Team of Experts, which seems to us an important component of PSVI? I think our understanding is that requests for funding for deployments of the Team of Experts can come from a number of different sources: for example, from the FCO itself, from the Conflict, Stability and Security Fund, from DfID or even from a foreign government. What is lacking, for us, is whether the Team of Experts can identify its own priorities, or whether it is purely reactive. Does it simply sit there waiting to be asked by someone else to do something, or is it proactive? If so, what is the chain of command for pursuing that form of proactivity?

Sir Simon McDonald: As you identify, Lord Hannay, the projects come in from different sources, but this is a resource recruited centrally by the Stabilisation Unit. It advertises. At the moment, we have 74 experts on the books, each of whom comes with identified expertise that is known to the department. I think you are right that the plans are developed elsewhere, but they are developed in the knowledge of the skills of our experts. I agree that perhaps it would be better to involve them earlier in the process. I think there is scope for that, from what I have learnt in recent days about how the Team of Experts works. They have been deployed 65 times. The process of review is continuing, and early assessment is that they have been effective deployments. I think we are making good use of this team.

Lord Hannay of Chiswick: I follow all that. So who determines the priorities, assuming that the unit gets more suggestions or requests for its activity than it can cope with? Who actually decides that the Yazidis in northern Iraq are more important than someone somewhere else in the world?

Sir Simon McDonald: My understanding is that it is the head of the Stabilisation Unit, under ministerial direction.

Lord Hannay of Chiswick: Which Minister?

Sir Simon McDonald: Baroness Anelay.

The Chairman: Sir Simon, how do counterextremism and PSVI fit together? Have you made a connection—I am sure you must have done—with the Home Office and the specialist unit in Scotland Yard? As a follow-on comment from that, I still feel a little concerned that PSVI, which we would see as an extremely important section of human rights, is floating between departments. Is there no way in which you could peg it down?

Sir Simon McDonald: To answer the last question first, it is one of the strong points in how we deal with this, in our view, that it is cross-departmental. It comes together in one unit, the Stabilisation Unit, and the PSVI people that we have in the conflict department in the Foreign Office. The Foreign Office draws in the resource from across Whitehall. Generally, when we work closely with colleagues in other departments, there is a better result, so I do not think that we want to change that.

At the same time, it is very important that we have Baroness Anelay at the top of this Initiative. She is the only Prime Minister's Special Representative for anything. This was a clear signal from the Prime Minister in June of his attachment to this agenda. It is quite a broad agenda that touches legitimately on others, including counterextremism, but it is brought together in the FCO under Baroness Anelay's leadership.

The Chairman: How do you incorporate PSVI into the prosperity agenda, which is highly laudable and a top priority, given that an integral part of the prosperity work must be the complexities of corporate social responsibility and the long-term businesses in areas of conflict? Are you fitting that together or offering it to those who are key in the prosperity agenda?

Sir Simon McDonald: I agree, Chairman, that this is part of our long-term prosperity agenda, because, again, it is provably the case that where women are economically active, where they are integrated into the economy of a country, it does better. This is a long-term, slow-burning aspect. I could not personally point to a project that had delivered this in the short term, but it is absolutely part of the long-term philosophy and justification.

The Chairman: Thank you. I think that Baroness Young has a comment.

Q144 Baroness Young of Hornsey: Thank you, yes. Good afternoon. I would like to come back to Baroness Kinnock's question to get a bit more clarification. I want to understand precisely what you are saying. I see it as potentially problematic if women's rights are linked to countering extremism. That seems to me to be saying that women's rights is a means to an end rather than an end in and of itself. Surely that would influence the way in which spending on particular initiatives is deployed. To me, women's rights are part of a human right, which should not necessarily be linked to another agenda which is about combating extremism.

Sir Simon McDonald: Women's rights are an end in themselves, and that is clearly stated and understood, but it is also the case that, separately and unthreateningly to that fact, when we are analysing extremism in the world, we find that countries and territories where it is a problem also have a problem with women's rights, the status of women in those communities. So, legitimately, we are tackling that as well. Addressing women's rights can have a positive result for more than just the women themselves—for their communities and what else is happening in them.

Baroness Young of Hornsey: I suppose, then, that it is a question of emphasis, is it not? If you are going to prioritise a project or an initiative that is primarily concerned with combating extremism and then think, "We can infuse that with a bit of women's rights", that is a question of emphasis.

Sir Simon McDonald: But I hope, Baroness, that it is a way to leverage more money out of the system, because that is another set of projects where this agenda is relevant—central—to our success.

Q145 Baroness Hodgson of Abinger: You have said that it is still a priority in the Foreign Office. Where does it sit in embassies across the world? Is there any way in which the Committee could help with this by our recommendations? I am certainly very concerned that, having put so much into getting PSVI up and rolling, it continues its work in years to come. There is a long way to go to address these issues, and it would be a terrible shame if things were to roll back.

Sir Simon McDonald: I agree. The effort is not uniform across the world. I was in west Africa recently, and there is more emphasis on PSVI work in Africa than in most parts of Europe. We have a lot of projects in the Middle East, on the Syrian border and in eastern Iraq. We have a lot of projects in central Africa, in the DRC and around Somalia.

We prioritise our efforts around the globe, and I think that is a legitimate response to what is still a relatively constrained resource. I think the Committee's report will be an extra stimulus to the Government, a reminder of wider interest in this agenda, and will ensure that it remains a priority of the FCO and Government as a whole.

Baroness Hodgson of Abinger: Can I ask a supplementary? Many countries where there is no conflict signed up at the UNGA meeting. Do you, through the embassies, encourage those countries also to work on PSVI?

Sir Simon McDonald: We do. In the brief, which I have not memorised, there are lots of examples in other countries—such as the Balkans—where governments who made pledges at the conference last year have followed them up. From memory, we have done that in Bosnia. It is around the world, but not evenly around the world; we tailor our effort to local circumstances.

Lord Hannay of Chiswick: But is not the reality in the real world that we are actually going backwards on PSVI? The events that have taken place in eastern Syria and northern Iraq since PSVI launched are horrendous and do not have any very close similarity to anything that has taken place in recent decades. Surely what we were missing in response to an earlier question was any specific recognition in the Strategic Review for the next five years that we are having to push the stone uphill again, not simply trotting off after it as it goes gently downhill in the right direction.

Sir Simon McDonald: It is true that it is a difficult agenda. It is true that there are some very bloody conflicts happening right now. You mention the Syrian conflict. I think this is the first time that there have been people in countries around Syria receiving women fleeing from Syria and taking their testimony with PSVI in mind, so that something can happen later. That is a positive development. The war is dreadful, but testimony has been taken.

Lord Hannay of Chiswick: And where are you going to prosecute people?

Lord Williams of Elvel: Have these projects in Syria and Iraq succeeded in identifying somebody who is patently criminal in this respect?

Sir Simon McDonald: My understanding is that they are gathering the evidence but, as we all know, the conflict still continues, so it is at the evidence stage rather than the

prosecution stage. But that comes; we have seen that in other conflicts. It was years after Bosnia stabilised that convictions started in The Hague.

Lord Hannay of Chiswick: But in that case, an international tribunal was set up by the Security Council, which had jurisdiction. Nobody has jurisdiction here.

Sir Simon McDonald: We have the International Criminal Court.

Lord Hannay of Chiswick: The International Criminal Court does not have jurisdiction in either Syria or Iraq, as you know.

Sir Simon McDonald: The International Criminal Court is a standing institution that was not there in earlier conflicts and has been successfully used in some—not in all, as you point out—but it is an option of the UN to have a tailored reaction to the conflict now in Syria. I am not making an announcement or prejudging, but by gathering evidence you keep your options open. By gathering evidence, it is better than it was before.

Lord Hannay of Chiswick: But we have been given evidence from legal experts that Iraq, for example, even if it did not accept the full jurisdiction of the International Criminal Court, could ask it to be active and have jurisdiction in the context of what is going on in the north-west of the country. Are the British Government doing anything about that? That is in Article 12.3 of the Rome statute. Are you pressing the Iraqis to go down that road?

Sir Simon McDonald: Lord Hannay, I do not know as I sit here; I will find out. It seems on the face of it a good idea. I will pursue it.

Lord Williams of Elvel: Can I press this question a little further? Are you confident that in the course of time there will be prosecutions as result of all your efforts in Iraq and Syria?

Sir Simon McDonald: That is the intention.

Q146 Baroness Warsi: I have two short questions. Thank you very much for coming in to give evidence. First, you may well have to write to us on this, but how was the £29 million figure to which you referred split between 2014 and 2015?

Sir Simon McDonald: I will have to write to you, but I can tell you that that figure does not include the expenses of the conference: it is £29 million on PSVI projects themselves.

Baroness Warsi: The second question is: do you feel that there is a conflict between the Home Office and the Foreign Office in the way they view and respond to sexual violence in conflict?

Sir Simon McDonald: No.

Baroness Warsi: Do you feel, therefore, that our asylum policy towards women seeking refugee status who have been subjected to sexual violence in conflict is consistent with our commitments given in the protocols and documents that we signed as part of the conference?

Sir Simon McDonald: I feel that that is beyond my competence, Baroness.

Baroness Warsi: If I may just come back to you, Sir Simon, you said that there was no conflict between the two.

Sir Simon McDonald: One word is not a sufficiently long answer. We work very closely with the Home Office. Although it is not formally part of the Stabilisation Unit, there are many

fora in which we come across our Home Office colleagues. I believe they are part of the cross-Government effort on this agenda. For the detailed cross-application to asylum policy, I repeat that I do not think I am qualified to comment.

The Chairman: Sir Simon, you have given us an enormous amount of information and all your energy and fruitfulness. Thank you very much. I hope that you will be able to see the situation of women post-conflict who have been physically abused as a building block in the stabilisation of an area subsequent to conflict—thinking particularly of Syria, say. If you do not bring women in, as we have heard from other witnesses, a country is unlikely to be rebuilt very efficiently or well. I hope you will take that thinking away with you about the outcomes of conflict and the outcomes for victims. If we cannot find a method of bringing them back inside, it will be hard to rebuild families, villages, communities, tribes and cities. I hope that the Foreign Office will think of that. Congratulations on the enormous amount of work the Foreign Office does on a very slender income. We very much hope that PSVI will be a star in your agenda in the coming few years. We think that it is a very important initiative that the Foreign Office has created and it should carry on.

Sir Simon McDonald: I agree, Chairman. Thank you very much.

The Chairman: Thank you for coming.

Judge Mary McGowan Davis, Institute for International Criminal Investigations and Women's Rights International – Oral evidence (QQ 110-117)

Judge Mary McGowan Davis, Institute for International Criminal Investigations and Women's Rights International – Oral evidence (QQ 110-117)

[Evidence to be found under Institute for International Criminal Investigations](#)

Dr Emilie Medeiros – Written evidence (SVC0042)

A. Background and Relevant Experience

1. I am a clinical psychologist with 13 years of experience working in various conflict zones. I have been engaged in providing direct clinical support to survivors of severe human rights violations, and in training and supporting frontline workers engaging with this population through a variety of international organisations and United Nations agencies. I am an associate victim-expert as part of the Office of the Prosecutor, Gender and Children's Unit (GCU), International Criminal Court (ICC) since 2005. As part of the investigation team, I have been supporting survivors of sexual violence and other forms of tortures, in providing testimony in the DRC, Uganda, Ivory Coast, CAR, Kenya and Darfur cases. Since March 2013, I have been working as a PSVI psychosocial expert in supporting documenters of sexual violence in conflicts and supporting the Mental Health and PsychoSocial (MHPSS) needs of survivors in Syria and Libya [*CV attached*].

2. In December 2009, I was appointed as a UK Stabilisation Unit, Deployable Civilian Psychosocial Expert. In October 2012, I was appointed to the UK Preventing Sexual Violence in Conflict Initiative (PSVI) Team of Experts.

UK PSVI work/deployments to date

3. **January 2015 - ongoing:** working with Syrian doctors and lawyers in countries surrounding Syria, to build a network capable of producing expert medical reports on torture and sexual violence in conflict which would be admissible in criminal courts.

June 2014: advice as part of a multi-disciplinary expert team on the implementation of Libyan legislation regarding compensation for victims of sexual violence in conflict.

March-April 2013: scoping as to the level of conflict-related sexual violence (CRSV) that took place both during and after the Libyan uprising, and the existing nature of the legal and psychosocial services infrastructure surrounding Sexual and Gender-Based Violence (SGBV).

B. Main Submissions

4. These submissions will focus on the topic of accountability and PSVI deployments as set out in Questions 5(a), 9(d) in the Select Committee's Call for Evidence. They relate to current events in the MENA region, and sexual violence in the Syrian conflict in particular.

Scale and Impact of Sexual Violence

5. As is common in post-conflict countries, an accurate assessment of the levels of Sexual Violence (SV) that took place in the Libyan and Syrian conflict is impossible to make. Due to the lack of disclosure and reporting mechanisms, there is an absence of reliable data. There are cultural barriers and community resistance to reporting such crimes, and further, it is extremely difficult for SV survivors to tell their story without having access to confidential, appropriate facilities where they can speak to a trained empathetic interviewer.

6. Professionals and Documenters report high crimes of SV, both in detention facilities as well as in towns. During the Syrian and Libyan conflicts, SV has targeted towards men, women and children (including young children and adolescents). In Libya, SV against men

appears to have been prevalent in detention centres, particularly during the uprising. It is alleged that these violations were perpetrated by Qadhafi's forces.

7. Many of the Syrian professionals involved in the documentation project with PHR (Physician for Human Rights) have been detained and/or have had experiences of SV.

8. Professionals explained that women 'lost their honour and their families' honour' and, in some instances, men were reduced to being victims who could neither protect their families, nor themselves. The taboo around the disclosure of SV against men is explained by the fact that men are the symbolic representation of strength, and the protectors of women. Thus, if they cannot guarantee their own protection, then it means that they are unable perform their roles as men/husband/brothers. This violence (associated to anal rape) also relates to the taboo surrounding homosexuality, condemned by culture and the law in both Libya and Syria.

Psychological impact, stigma and disclosure

9. The impact of the experience of SV on the survivors' mental health depends on four factors:

(a) The contextual dynamics driving the violence that has been suffered by that survivor. In the context of detention, SV is used to humiliate, degrade, and dehumanise detainees and their family members.

(b) The context around the disclosure of the event. This will depend, for example, on whether witnesses were present, or if the event was shared with others (e.g. through video evidence). It becomes more traumatic when the survivor has no choice in disclosing or making this experience public.

(c) The social context in which survivors find themselves. Their choice to disclose their experience will be based on whether the shame and risk of undermining the family unit can be balanced by the emotional support that disclosure can provide. The survivor's perception that individuals in their close circle will support them and maintain confidentiality is also crucial in their decision process. Further, the family and community response to their disclosure will be instrumental to survivors' ability to psychologically process events that have occurred. There is no consensus as to how 'society' will react to a disclosure. The social attitude towards disclosure differs. The communities from Syria and Libya often greatly stigmatise survivors, which has serious repercussions for marriage opportunities. In some cases, women have been married to save their 'honour'. The issue becomes more complex when pregnancies occur due to rape. As the practice of abortion is illegal in Syria and Libya, it is difficult to measure the prevalence of abortions that are performed upon Libyan women in neighbouring countries. The children of rape are often maltreated by the family. In Libya, they are also sometimes placed under the care of a rehabilitation home (*bureeda*), where bonding with mothers is prevented, and where they are forced to live until the age of 18.

(d) The survivors' individual psychological resources and experiences prior to the experience of SV. The degree of impact often correlates the severity and number of traumatic experiences the individual has undergone prior the experience of SV.

Mental health issues among survivors and frontline professionals

10. Survivors of SV in Syria and Libya suffer from significant mental health problems. Societal dynamics prevent survivors from accessing social and emotional support. Self-destructive and risk-taking behaviours are common, particularly amongst men. Suicide is frequently committed, often triggered by mismanaged disclosures and the maltreatment of family members. The most common method of suicide for men tends to be hanging, and for women an overdose of pills. Documenters also mentioned the high rate of contemplation of 'self sacrifice', also commonly called 'suicide bombing'. Drug and alcohol addictions are also serious issues among this population. The professionals also often described this population as suffering from significant post-traumatic symptoms that affects the survivors' ability to function in their daily lives. They also mentioned that some of the survivors had to be medicated and admitted into psychiatric facilities, when available, after suffering from severe stress.

11. In my capacity as PSVI-self-care lead in the Syrian project, I was able to observe significant mental health issues with the frontline professionals involved in the documentation of sexual violence. The PSVI project followed best practices in adopting a 'do no harm approach' by ensuring that a 'parallel process' was in place for the care of the Documenters so that they could continue to care for the survivors they were engaging with. I have met these professionals in the form of individual or group clinical sessions, with the aim of strengthening their inner resilience, preventing vicarious trauma and providing initial care. This was very innovative and reflected the high quality of the standards applied to this project.

12. Clinically, I have mostly had to address issues varying from grief and the effects of direct trauma, suicidal ideations and also the risk of 'self-sacrifice'. Common issues have also been related to vicarious trauma where the Documenters have, for example, identified themselves with the survivors and have had recurring nightmares where they were the ones being submitted to some of the atrocities narrated by the survivor. This work has also occasionally impacted on their personal lives and, further, their relationships with their partners or children. My role has been to not only mitigate the impact, but also in some cases to find adequate resources in the locations where the documenters live, so that they can access further mental health support. This is often a great challenge, as formal support structures are very limited, of low quality and they are often highly stigmatising for the individual accessing the support.

Syrian deployments

13. Since January 2015, I have been regularly deployed to Turkey and its border with Syria, and have worked remotely to train and support a network of Syrian expert doctors and lawyers who collect medical documentations of torture and sexual violence perpetrated during the Syrian conflict. The documentation process takes place within and outside Syria in bordering countries, with the aim of submitting evidence to the Commission of Inquiry for Syria. This is a project implemented by PHR, which is funded by the UK FCO. Technical expertise is provided by several PSVI experts. The expertise provided by PSVI experts complements PHR trainers in Forensic medicine, providing a truly multidisciplinary approach to the project, a factor which I believe is extremely valuable and contributes to the success of the project as a whole. This approach enables a greater understanding between donor

and implementing partner, as well as greater fluidity and creativity in the development of the project.

14. As a psychosocial expert, I have been struck by the Documenters' dedication to the well-being of the survivors they are documenting, and their constant effort to ensure that the survivors' needs are held first, and that their medical (and psychiatric) documentation does not impact onto the mental state of these individuals. Over time, the Documenters have improved their interviewing skills and conduct clinical assessments of survivors to a very good standard. The quality of the training and the group's commitment, professionalism, emotional investment and the quality of their work are making this project crucial to addressing the needs of survivors.

Conclusions and some suggested recommendations

15. Continued and extended support to the UK PSVI unit, and for further deployment of UK experts on the PSVI Team of Experts to work with governments and SGBV responders on the ground.

16. Ensure that survivors have access to a holistic approach to their needs, which particularly addresses the mental health and psychosocial (MHPSS) dimension. This approach should be integrated to the overall needs of war-affected populations. Addressing these issues is vital to sustainable peace and security – issues such as justice, reconciliation, and reintegration will be difficult to achieve if sexual violence abuses are not addressed.

17. Funding needs to be focused on the accessibility of services of quality, especially with professionals who are skilfully trained in engaging and supporting survivors appropriately.

18. Ensure the culture of 'do no harm approach' is widespread and systematically embedded in all the projects and sectors engaging with survivors and war-affected populations as a whole. The parallel process of care is essential for all frontline professionals who are potentially exposed to the effects of vicarious trauma in conflict zones, and in IDP or refugee camps. Self-care must be systematically embedded in all projects.

19. Longer-term funding cycles and projects to develop the sustainability of the changes implemented. Addressing issues of stigma and changing behaviours takes time, and requires continuous investment and support.

20. More international partners need to commit to tackling sexual violence in conflict. The UK will not be able to end sexual violence in conflict on its own – it needs its international partners to do more on this to succeed.

18 September 2015

Medica Mondiale – Written evidence (SVC0058)

For more than 20 years, *medica mondiale* has been providing support in areas of conflict and war to women and girls who have survived sexualised violence. Armed conflicts may come to an end, but the suffering of survivors generally does not. They experience social exclusion and re-traumatisation. At both individual and societal level, the destructive consequences of wartime rape manifest in the long term – for the survivors and through transgenerational traumatisation also to the next generations. It impedes the consolidation of post-war societies that would be structurally capable of peace. This has been convincingly demonstrated in our unique study: “We are still alive!” – A research on the long-term consequences of war rape and coping strategies of survivors in Bosnia and Herzegovina.

For example, more than 70 per cent of the participants in the study indicated that 20 years later the rapes were still significantly influencing their lives. Even in times of peace the lifetime prevalence for post-traumatic stress after rape is between 50-65 per cent, which shows that sexualised violence is one of the most serious traumatic experiences. Reasons for this include personal barriers being breached drastically, with a massive undermining of the sense of self-determination. The additional factor of war is then characterised by ongoing hazards to life and limb, with cumulative and sequential (i.e. repeated) traumatising effects. On top of this, even after the war has ended, many women and girls are subjected to gender-based violence and social stigmatisation. So it is not surprising that in a fragile context such as this, the consequences of sexualised violence become long-term.

Survivors of sexualized wartime violence need trauma-sensitive and holistic support – including medical care, psychosocial counselling and legal advice, as well as assistance to secure their own livelihoods. A trauma-sensitive approach counteracts psychological and social dynamics which were triggered by the existentially threatening traumatic experiences and then had destructive and stressful consequences. The principles involved are the creation of security, empowerment (enhancing self-efficacy and self-appreciation) and the promotion of solidarity and social connections. Up to now, it has mostly been NGOs providing such services. Regrettably, those organisations have been chronically underfunded, particularly regarding long-term planning and programs. In order to sustainably deal with consequences of sexualised gender-based violence in conflict, appropriate financial support to NGOs needs to be guaranteed. Long-term financial commitment from donors, ensuring dependable funding for trauma-sensitive and holistic programs to support survivors is key.

However, governmental institutions cannot leave everything to civil society: they, too, have to commit themselves to deal with the issue at policy and structural levels, enacting relevant reforms and services. In post-war contexts it is therefore crucially important to carry out trauma-sensitive and gender-specific reforms in the sectors of healthcare, justice, education and security. Moreover, the process of coming to terms with sexualised wartime violence and the way its consequences are dealt with are both tasks for society as a whole and cannot be left only to those affected (and the women's organisations which support them).

In order to prevent sexualised violence in armed conflicts, it actually comes down to overcoming everyday violence against women and girls in times of peace and achieving gender justice. Sexualised and gender-based violence (SGBV) becomes established in times of peace, is exacerbated during armed conflict, and propagates in post-conflict contexts. Therefore, we must address the continuum of violence against women and girls. Sustainable strategies to prevent and eliminate SGBV are most successful when tackling root causes – such as gender discrimination – and promoting gender equality. Such initiatives need to address unequal power relations and degrading gender roles and norms in society. Advocacy is one tool to challenge patriarchal structures. Women’s rights defenders demanding justice for survivors need political support and protection by the international community.

medica mondiale e.V. is an international aid and women’s rights organisation supporting women and girls in war and conflict regions. medica mondiale provides psychosocial and legal counselling and trauma-sensitive medical consultation. It also works to improve protection against violence and supports income-generation programmes for women – both through its own projects and in co-operation with local women’s organisations. At a political level, medica mondiale actively advocates the enforcement of women’s rights and interests and demands consistent punishment of crimes as well as effective protection, justice and political ownership for women survivors of violence.

16 November 2015

Ministry of Defence and Major (ret.) Philip Lancaster – Oral evidence (QQ 26-32)

Ministry of Defence and Major (ret.) Philip Lancaster – Oral evidence (QQ 26-32)

[Evidence to be found under Major \(ret.\) Philip Lancaster](#)

Ministry of Defence – Written evidence (SVC0053)

The International Policy agenda

3c To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

(MOD input to part three)

As a global leader on Women, Peace and Security (WPS), the UK was one of the first countries to devise a National Action Plan (NAP), now in its third iteration (2014 – 2017).

The NAP commits Her Majesty's Government (HMG) to: 'put women and girls at the centre of all our efforts to prevent and resolve conflict, to promote peace and stability, and to prevent and respond to violence against women and girls'. The NAP articulates HMG's objectives to fulfil this requirement, both domestically and overseas.

A NAP Implementation Plan was laid before Parliament and then published in December 2014. Progress made against the targets in the NAP is independently monitored and evaluated so HMG can assess its effectiveness.

A report detailing HMG's progress against the NAP, and the impact of projects being delivered in the NAP-focus countries (Afghanistan, Burma, Democratic Republic of Congo, Libya, Syria and Somalia) will be submitted to Parliament in Autumn 2015.

The MOD has 19 actions within the current NAP and is making good progress against these.

4f Are there further measures that the UK might usefully take? Should, for example, the Government consider ratifying the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)?

No MOD input required

7 Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict?

The Prevention of Sexual Violence Initiative (PSVI) is a Departmental priority for MOD. The UK military is at the forefront of doctrinal best practice in PSVI and the MOD Defence Concepts and Doctrine Centre considers WPS and PSVI issues in all its work.

The MOD has taken significant steps to ensure every member of the UK Armed Forces has an awareness of the PSVI, and to ensure our personnel are trained to protect and empower women and girls in conflict. UK military training already incorporates PSVI, and is being refreshed with the latest thinking.

Please see the table below for further information on UK military training on the PSVI.

Details of UK military internal training

ID	ACTIVITY	LOCATION	TIMEFRAME	OUTCOME/IMPACT	COSTS (Approximate)	FUNDING SOURCE
1	Each Single Service (sS) mandates Core Diversity and Inclusion training that covers sexual harassment, respect of others, and other forms of harassment.	sS training establishments	Delivered in week one of training	Provides new entrants with an awareness of law, definitions of harassment and discrimination, and the business case for treating others with respect.	One Service instructor for one hour per entry	Core funding
2	Each sS has Advanced Diversity and Inclusion training that covers sexual harassment, respect of others, and other forms of harassment.	sS training establishments	Delivered every two years to OF5 (Army Colonel and equivalent level) and below	Delivers training and facilitates discussion on aspects of equality law, definitions of harassment and discrimination, and the business case for treating others with respect.	Unit carries costs	Core funding
3	Each sS has Senior Officers Diversity and Inclusion training which covers sexual harassment, respect of others, as well as other forms of harassment.	Defence Academy, Shrivenham	Remains valid for three years	Delivers training and facilitates discussion from a command perspective on aspects of equality law, definitions of harassment and discrimination, and the business case for treating others with respect.	One external facilitator for one day per course (one course per month).	Core funding
4	Pre-Deployment Training (PDT) for augmentees	sS training establishments	As required	Training delivered to personnel in accordance with syllabus provided by Permanent Joint Headquarters (PJHQ). Subject matter varies	Costs vary according to the nature of the training	Core funding

Ministry of Defence – Written evidence (SVC0053)

				according to deployment destination.		
5	PDT for units and formations	In unit, delivered as part of the unit pre-deployment training package	Prior to deployment	Training delivered to Armed Forced personnel in accordance with syllabus provided by PJHQ. Subject matter is tailored according to deployment destination.	Costs vary according to the nature of the training	Core funding

7a What is military good practice in this area and how can this be scaled and implemented?

United Nations Security Council Resolution 1325, the United Nations Department of Peacekeeping Operations, and the Office of the Special Representative of the Secretary General for Sexual Violence in Conflict are central to the promotion of guidance and best practice.

The North Atlantic Treaty Organisation (NATO) has a dedicated Office of the Gender Advisor and a Centre of Excellence on gender - the Nordic Centre for Gender in Military Operations (SWEDINT) based in Sweden. Both the NATO Office and SWEDINT regularly update Member States on policy and doctrine relating to gender via national Gender Advisors or Gender Focal Points.

There is an annual conference held by NATO Committee on Gender Perspectives (NCGP), and this forum is used to share best practice and lessons identified.

The UK is an integral member of the NCGP, having twice held the Deputy Chair role, and has supported the development of Bi-Strategic Directive 40-1, which is NATO's best-practice document for integrating UNSCR 1325 into military policy and activity.

In the European Union (EU), the European Institute for Gender Equality promotes gender equality, including gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex; it also raises EU citizens' awareness of gender equality. Its work flows in to EU Common Security and Defence Policy considerations, where all missions and operations support a clear gender issues policy. This policy states explicitly the code of conduct and standard of behaviour expected of all those engaged within the EU mission or operations. All major EU training initiatives incorporate training on sexual violence issues.

The UK is at the heart of policy and decision making within international organisations such as NATO, the EU, and the UN. This informs our own national doctrine and training which is provided to all Armed Forces personnel at the entry, career development and pre-deployment stages.

UK Armed Forces seek to share and integrate good practice with other nations both directly, through training courses delivered in the UK and overseas, and through their own good conduct when operating alongside allied and partner forces.

Furthermore, most of the MOD's research projects in this field (for example, the review of Female Engagement Teams and PSVI training development packages) are widely shared with allies and partners.

HMG has recently appointed a senior officer, Lieutenant General Gordon Messenger (Royal Marine), as the WPS / PSVI Champion for the Armed Forces.

7b What evidence is there on the effectiveness of the UK-led training and support provided to the forces of other States, how can this be scaled and monitored?

The MOD provides significant training and support to the armed forces of overseas countries, either through UK based institutions or overseas training establishments. A list of the activities which contain PSVI / WPS is articulated in the activity matrix dated 16 July 2015 that the MOD provided to the Select Committee: Serials 6 – 38 in its previous submission.

There is no one measure of effectiveness for all these courses, but all British military training courses contain an element of evaluation by participants and scrutiny from military training experts. There is continuous internal monitoring and improvement of training provided by the Department by the MOD's training experts. The training by the UK Armed Forces has a global reputation par excellence.

7c How can the UK best work with the EU, NATO and other bodies to ensure the prevention of sexual violence in conflict is appropriately incorporated into training programmes, missions and multilateral defence policy?

The UK and NATO Alliance members work through the Operations Committee and the NCGP to prevent and reduce conflict-related Sexual and Gender-Based Violence (SGBV). Planning is closely associated with existing UN Resolutions (e.g. UNSCR 1325) and is in strict accordance with international law. On 13 July the North Atlantic Council passed the 'Military guidelines on the prevention of, and response to, conflict-related SGBV'. Partner Nations, as well as Australia, Afghanistan, Japan, Jordan, New Zealand, and the United Arab Emirates, also associated themselves with the guidelines.

The UK also works with the EU to ensure that all missions and operations support a clear gender issues policy, which states explicitly the code of conduct and standard of behaviour expected of all those engaged within the EU mission or operations. All major EU training initiatives incorporate training on sexual violence issues.

13 October 2015

Ministry of Defence – Supplementary written evidence (SVC0055)

1. Information on the differing gender adviser roles (purpose; responsibility; and fit with command structure).

a. The following definitions are taken from the [NATO Bi-Strategic Command Directive \(Bi-SCD\) 40-1 - Integrating UNSCR 1325 And Gender Perspective into The Nato Command Structure](#). Gender Advisors (GENADs) and Gender Field Advisors (GFAs) are designed to support the Commander in order to ensure that gender is an integrated part of any operation.

1. Gender Advisor (GENAD). GENADs serve in a peacetime HQ and at strategic and operational HQ levels. The GENAD should have direct access to the Commander/Command Group in order to be able to communicate promptly and directly with decision makers. The GENAD maintains functional contact with other GENADs, GFAs and GFPs in higher and subordinate commands.

2. Gender Field Advisor (GFA). A GFA is deployed in an operation area. The GFA reports directly to the Commander and provides support to ensure that planning, execution and evaluation properly integrate gender perspective.

3. Gender Focal Point (GFP). A GFP is a dual-hatted position that supports the Commander in implementing directives and procedures with gender perspective. The GFP maintains a functional dialogue with the GENAD/GFA but reports within the chain of command. At the tactical level the GFP ensures that gender perspective is fully integrated into the daily tasks of the operation.

2. Information on the number of gender and gender field advisers, including how the roles would be developed.

a. Detailed in the table below is the current trained and scheduled training (supported and funded) that has been completed to date by personnel assigned to 77 Bde. It should be noted that this does not reflect individuals available for deployment.

Officers	SNCOs	Male (M) / Female (F)	Remarks
Gender in Peace Support Operations Advisors			
2	2	4 x M	
Training Objective: To increase awareness and provide a conceptual understanding of gender issues in the security sector. It has a particular focus on Peace Support Operations (PSO) and how successful missions need to communicate with women in the society they are tasked to protect and thus how it is essential that female soldiers, police officers, and civilian staff are involved in the planning and conduct of operations.			
Gender Field Advisors (GFA)			
4	2	4 x F, 2 x M	<i>2 Individual will complete course 16-27 Nov 15, 1 Individual will complete course Jan 16</i>

Training Objective: In the implementation of gender perspectives into planning, execution and evaluation of military operations. The two week course prepares the participants for the work as GFA or GENAD. By presenting the background of the UNSCR 1325 and related resolutions, the NATO BI-SC Directive 40-1 and international humanitarian law, a framework is created where lessons learned, methods, experiences and research creates the foundation of the role and responsibilities of a GFA.			
TOTALS			
6	4	4 x F, 6 x M	

b. Ongoing work within 77 Bde is being developed in two streams:

Development of a ‘Gender Cadre’. A core of specialist trained individuals who can be embedded with UK, Multi-national and Multi-lateral formations or missions. They should be able to implement Gender Perspectives and PSVI from military planning through to tactical delivery prior. For core Staff Officers, specialist training will be undertaken on courses delivered or accredited by the Nordic Centre for Gender in Military Operation in Sweden, the NATO lead for Gender Training Delivery.

1. Mainstreaming of Gender Perspectives. The Stabilisation Unit, the Army’s Mission Training and Mobilisation Centre (MTMC) and 77 Bde are jointly developing a generic Gender and PSVI Training Package to be delivered to all deploying UK Troops as part of established pre-deployment training as well as on UK delivered overseas Short Term Training Teams. It is expected that this material will be in draft by Dec15.

3. Details of the work of Major Rachel Grimes

a. Major Rachel Grimes activity in this area are summarised below:

1. United Nations Mission in Democratic Republic of Congo (MONUSCO). Maj Grimes extended her post within the DRC by 4 months to implement a new post of UN Child Protection and Gender Field Advisor at the height of the M23 Rebel advance across Eastern DRC. She was instrumental in the identification of the need and subsequent creation of the post.

2. Op SHADER (Iraq). Maj Grimes (with the support of a 77 Bde SNCO) deployed to Erbil in support of the UK Build Partnership Capacity (Kurdistan) (BPC(K)) team providing training to the Kurdish Peshmerga. She was tasked to conduct training in order to provide an enduring Protection of Civilian²⁴⁴ (POC) training capability to the Peshmerga soldiers. In two months, the two individuals instructed almost 1000 military (Peshmerga and coalition instructors) and ensured this training would be delivered as part of the core UK package to the Peshmerga.

3. NATO Committee on Gender Perspectives. Maj Grimes has served as the volunteer Deputy Chair of the NATO Committee on Gender Perspectives.

²⁴⁴ Note – Protection of Civilians was settled upon as a generic term covering Gender Perspective, PSVI etc in order to gain traction and access within the traditional Kurdish Paramilitary Forces.

4. UN HQ New York. Maj Grimes has recently deployed to New York to work in the UN HQ developing the role of Gender Advisers and Gender Field Advisers in UN Peacekeeping Operation.

4. What percentage of personnel receiving gender training are women?

The percentage split of women to men currently trained (or being trained) within 77 Bde is 40 / 60.

4 November 2015

Ministry of Defence and Department for International Development – (Oral evidence (QQ 147-156))

Ministry of Defence and Department for International Development – (Oral evidence (QQ 147-156))

[Evidence to be found under Department for International Development](#)

Ministry of Defence – Further supplementary written evidence (SVC0071)

1. How, and to what extent, is PSVI and WPS covered in pre-deployment training?

As part of the High Level Review of UN Security Council Resolution 1325, the MOD made a significant commitment to ensure that by November 2016 all pre-deployment training will include WPS and PSVI. We are already making progress towards this commitment, with the MOD's Mission Training and Mobilisation Centre (MTMC) working with the Stabilisation Unit to produce and develop a specialised WPS/PSVI training module that will be delivered to troops before they deploy on overseas missions. The module aims to train troops to not only understand the gravity of sexual violence in conflict, but how to prevent it and respond to it within armed conflict environments.

The creation of this course, which is nearing completion, will help to further inform the Training Needs Analysis (TNA) being undertaken on all troop training and the wider pre-deployment training requirements carried out by individual units. The MOD is currently on course to meet the November 2016 deadline.

Currently, pre-deployment training varies depending on the theatre-specific demands of the deployment, and the specialised roles that the personnel will fill. For example, personnel deploying to specific overseas training establishments such as the Kurdish Training Coalition Centre (KTCC) in Erbil, Iraq to train on gender received more specific WPS/PSVI training before their deployment.

2. At present, there are a total of 10 gender advisors and gender field advisors. How do you envisage these roles developing?

At present, gender advisors are currently an optional requirement within a unit or headquarters. In a recent report into the MOD's gender cadre, it was recommended that gender advisors should become a mandatory requirement. As we look to develop and grow our gender expertise in the future, we will also review the optimum construct regarding the number of gender advisors and the appropriate organisational structure in which they should be placed to maximise on their expertise and ensure the WPS and PSVI message is disseminated effectively throughout the whole of the MOD.

We are committed to increasing the number of trained gender advisors available for deployment in order to meet this requirement.

Additionally, the MOD, in conjunction with the Nordic Centre for Gender in Military Operations (NCGM), has organised a gender 'training of the trainer' course which took place at the end of January 2016. It is the first of its kind in the UK and provides 34 students from across the three services with NATO accredited, operational gender training. It qualifies successful participants as gender focal points which form part of NATO's qualified structure of Gender Advisors. Under NATO BS Directive 40-1 and the UK's National Action Plan, the MOD is mandated to increase its operational effectiveness by delivering gender awareness training and developing a specialised gender advisors capability. Qualified Gender Focal Points not only gain an awareness and understanding of gender issues, but also the skills necessary to deliver this training to others across their unit.

3. Demand for UK military training of overseas forces exceeds supply. What plans are there to roll-out such training more broadly, perhaps in partnership with allies and regional organisations? How much time is spent on addressing PSVI? Are you aware of any conflict between cultural sensitivity and the ethos/values regarding attitudes to gender-based violence embedded in this training? Please illustrate with a case study of recent pre-deployment training and the WPS and PSVI elements within this.

In recent years, it is true that demands for our resources have been higher than in the past. Despite this, however, we have been able to make good progress in this area.

All of the capacity building training the MOD delivers will have elements of WPS/PSVI included through the International Humanitarian Law, Geneva Convention and Law of Armed Conflict (LOAC).

The inclusion of PSVI is mandatory in all field training packages delivered to deploying contingents by our overseas training establishments in Africa (British Peace Support Teams - BPSTs). For example, more than 10,000 African military and police personnel have now been trained by the BPST. We have also helped to develop a PSVI module to be delivered through the Peace Support and Operations Training Centre in Sarajevo, which has recently received NATO accreditation.

Nevertheless, we recognise that we can be more effective and can build on the experience of others or use existing platforms to deliver PSVI training. Although we do not have any concrete plans at this stage to deliver training in partnership with allies, we do actively share information and experience of best practice in order to maximise the impact of the training we and others deliver.

We do this by engaging with the UN Department of Peacekeeping Operations and the Office of the Special Representative of the Secretary General for Sexual Violence in Conflict, which are central to the promotion of guidance and best practice.

NATO has an office dedicated to gender and a centre of excellence on gender, based in Sweden (the Nordic Centre for Gender in Military Operations, NCGM).

Both the NATO office for Gender and the NCGM regularly update members on policy and doctrine relating to gender via national Gender Advisors or Gender Focal Points. There is an annual conference held by the NATO Committee for Gender Perspectives (NCGP) and this forum is used to share best practice and lessons identified.

We have also worked closely with the EU to ensure that all major EU training initiatives incorporate training on sexual violence issues.

As described in my answer to question 2, MOD has also organised a gender 'training of the trainer' course in collaboration with the NCGM. The course has equipped successful participants with the skills to deliver this gender training to others in their unit. The course has attracted considerable interest from across the services and as it was a success, we intend to organise further courses in the near future. Subject to the results of the Training Needs Analysis (TNA), it is possible that it could become a regular fixture in the future. We are also currently exploring the possibility of offering this training to representatives from

other countries' armed forces and of coordinating their involvement through the UN. PSVI is central to this training. Sexual and Gender Based Violence in conflict is addressed directly and through the prisms of International Humanitarian Law and Human Rights and in the context of culture and religion.

At its core, the promotion of WPS and PSVI is bringing about a shift in culture and changing people's attitudes. Inevitably, not everyone will agree with the prominence we afford this agenda and some will actively reject its teachings, particularly if some elements do not accord with deeply held cultural or religious beliefs. Cultural shifts take time. They come about only if the message is conveyed regularly and in a consistent way by those at the top of the organisation. I believe that we have made great progress on this in the MOD in recent years. WPS and PSVI are not 'optional add ons' to our training but are steadily becoming an intrinsic part of all we do.

On operations, the UK and other NATO forces in Afghanistan encountered a difficult and disturbing conflict between one particular cultural norm in some predominantly Pashtun areas and the values we instil in our PSVI and gender training. Soldiers discovered that it was commonplace in these areas for older men, known as 'bacha-bazi', to keep young boys for sex. Far from being kept a secret in Afghan society, knowledge of the abuse was widespread and the men and boys could be seen in public. Afghan society's tacit acceptance – its acquiescence - in the arrangements of 'bacha-bazi', and the fact that many of the perpetrators were locally powerful warlords or even senior officers in the Afghan forces made it difficult for NATO troops as foreigners, to challenge. Indeed, there were occasions when NATO soldiers intervened to prevent abuse and their actions contributed to an increase in conflict with members of the Afghan forces.

Before deploying to Afghanistan, all UK troops received extensive training in the Laws of Armed Conflict (LOAC) and the need to protect civilians from all kinds of violence – including sexual violence. After the abuse came to light, troops were also briefed on the issue of 'bacha-bazi'; they were made aware of their obligations under International Human Rights Law and this element of PSVI was incorporated into the training of Afghan forces delivered by UK personnel. The issue was also raised with the Afghan government.

The pre-deployment training in PSVI currently being designed specifically references the case of 'bacha-bazi'. It makes clear that it is not merely a cultural issue; that such abuse violates International Law and that UK forces on operation are required to intervene.

4. The prevention of sexual violence in conflict and WPS are MoD priorities. What will be the impact of this prioritisation on the UK's engagement in Syria? In regard to preventing sexual violence in conflict, how will this engagement differ from previous UK engagements in Iraq and Afghanistan?

The prevention of sexual violence in conflict and WPS are MoD priorities. We are proud for having taken the initiative in this area in the military and as part of government more widely.

The important distinction at the moment between our engagements in Afghanistan and Iraq on the one hand and Syria on the other is our overall footprint. In the former, we have had

and continue to have a significant UK presence on the ground. This has allowed us to have a direct impact.

For example, in Afghanistan, the UK has taken the coalition lead at the Afghan National Army Officer Academy (ANAOA), and has provided the majority (currently 64) of mentoring staff. The role of women has been actively promoted here. In addition to training in PSVI, modules covering women's rights in the context of international law, Islamic attitudes, including towards women and the rights of the family, and the role and equality of women in contemporary Afghan society have also been delivered.

In Iraq more than 800 members of the Kurdish Peshmerga forces and NATO allies have been trained by Short Term Training Teams from the UK, with a focus on Sexual and Gender Based Violence prevention.

In Syria, the UK does not have a presence on the ground. Right now, the most effective action we can take, given the egregious abuses of women and girls by Daesh, is to deny them the ability to expand into new territory and to target them where they are already in control. By taking part in the campaign against Daesh, the UK is protecting civilians in neighbouring areas at risk from Daesh and ensuring that we have a bigger say in any post-conflict settlement. The MoD with other Government Departments and our international allies will work to ensure that WPS and PSVI are at the heart of the reconstruction effort, as we have in Afghanistan and Iraq, when that time comes.

5. If possible, could the MoD share any of the draft written policy it is producing with regard to how PSVI is being incorporated into UK military doctrine/policy? Could you also please specify the timelines on this policy work?

While the National Action Plan (NAP) is the national policy document and strategic framework informing MOD's work in this area, it is recognised that members of the Armed Forces face unique challenges in the practical implementation of the UK's commitments. Members of the Armed Forces are the representatives of the UK most likely to encounter victims of sexual violence in conflict. It is, therefore, desirable for the MOD to have a standalone policy on WPS, setting out the MOD's own commitments in the NAP and the means of achieving them. This document will incorporate how PSVI is being incorporated into UK military doctrine and policy. A first draft is to be discussed at a cross-Whitehall Working Group meeting in late February and subject to the incorporation of any changes, this draft could be made available to the Select Committee in early March.

5 February 2016

Lieutenant-General (ret.) David Morrison – Oral evidence (QQ 18-25)

Evidence Session No. 3

Heard in Public

Questions 18 - 25

TUESDAY 13 OCTOBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Bishop of Derby
Baroness Goudie
Lord Hannay of Chiswick
Lord Sterling of Plaistow
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

Examination of Witness

Lieutenant-General (ret.) David Morrison, former Chief of the Australian Army (via videolink)

Q18 The Chairman: Good evening, General Morrison.

Lieutenant-General (ret.) David Morrison: Good evening.

The Chairman: Thank you very much for joining us. We are very grateful to you. This is a formal evidence-taking session of the Committee, as you know. We will take a full note, which will be published and put on to the public record. We will also send you a copy of the transcript so that you can put in corrections.

Lieutenant-General (ret.) David Morrison: Okay. Thank you very much.

The Chairman: The session is on the record and is being webcast live, so it will be accessible on the parliamentary website. As a further point, we would very much welcome any written evidence that you might want to give us after the session is over, which we will incorporate as supplementary evidence. Before Members put questions to you, would you like to make a few introductory remarks? You have an extraordinarily varied and interesting background that is closely related to the topic that we are researching.

Lieutenant-General (ret.) David Morrison: I have concluded a thirty-six and a half year career, which has provided me with a wonderful opportunity to serve with both Australians and the soldiers of great allies such as the United Kingdom. I have seen military forces provide so much a force for good. I know that there is a lot of concern, and very appropriate it is too, not just about the levels of violence in the world at the moment but about the targeting of women and children—marginalised individuals within conflicted societies. There is much debate about the role of military forces in protecting those marginalised societies and how they can best do that.

Without doubt I have come to realise during the course of my career, and certainly during my time as the Chief of the Australian Army, that there is a level of targeting of women and children that builds on the barriers and hurdles that women face in many societies around the world in both developed and developing countries in both secular and non-secular societies. We have now reached a point where, in the so-called enlightened world of the 21st century, we are seeing violence perpetrated against women and children by military forces as well as, of course, by other organisations at levels that you have to go back centuries in history to see. It calls into question, at least in my mind, what we can do about this.

My own view was that, despite the Australian Army's proud record of being a force for good in so many parts of the world throughout a century and a quarter, we had cultural problems in our own organisation that needed to be addressed. As we started to approach those cultural issues, it shone a light on where Australia's military needed to work as part of a collaborative effort of like-minded countries around the world to ensure that our military forces and the personnel who make up those military forces are best prepared to deal with the type of conflicted society and the circumstances that they may face when they are deployed by their sovereign governments. I will leave it at that.

The Chairman: Thank you very much. I am going to call Lord Hannay to put the first question from the Committee.

Q19 Lord Hannay of Chiswick: Good morning, General. I should perhaps explain that I was the British representative on the Security Council at the time of some of the peacekeeping operations that I would like to ask you about. What lessons regarding the response to and the prevention of sexual violence in conflict did the Australian Army learn from its role in Cambodia and East Timor as peacekeepers and its engagement in Iraq and Afghanistan?

Lieutenant-General (ret.) David Morrison: The Australian Army, like the British Army, is a highly credible national institution that is derived, in Australia's terms, from its constitution and, in the United Kingdom's terms, from that extraordinary long history of being a force for good. I have worked with the British Army in operational theatres and I had two years in the early part of my career as an instructor at the Royal Military Academy at Sandhurst, so I had an understanding of how much time is spent preparing officers and soldiers for the role that they may play in military conflict.

Nonetheless, my own experience in East Timor certainly—and perhaps to a lesser extent in Iraq because we were in Almatana province, a relatively quiet section of Iraq—and then reinforced again in Afghanistan, was that the preparation of our soldiers for operational service needs to focus as much on cultural, including gender, issues as it does on what you would describe as the traditional military preparation for conflict, because the role of

Australia's soldiers in Cambodia, East Timor, Iraq and Afghanistan, similar to that of the British Army, has largely focused on issues of human security. If you are going to work within conflicted societies, you need to have an understanding of their culture, but you also need to be able to have access to as much of that conflicted society as you can. Of course, an overwhelmingly male force, as is the case with the British Army and the Australian Army, will struggle in environments such as East Timor, but particularly in Islamic countries such as Iraq and Afghanistan, if they do not have the means by which they can interact with that conflicted society, and with 51% of that conflicted society: the women.

We have looked to United Nations Security Council Resolution 1325. Australia is certainly a signatory to it. I do not know if the United Kingdom is, but I envisage that it would be. We have drawn on a number of areas of detailed study and analysis, plus training scenarios that are provided under that United Nations Security Council Resolution, to target the preparation of soldiers for the types of work that both the British Army and the Australian Army are still doing now in Iraq and Afghanistan.

Lord Hannay of Chiswick: Thank you very much, General. I can confirm that Britain was a co-sponsor of that Resolution.

Lieutenant-General (ret.) David Morrison: Of course.

Q20 Baroness Warsi: Good evening, General, and thank you for everything you have done for the PSVI, which was led by William Hague. I do not normally offer flattery, but you were one of the most impressive speakers at that conference and I know that the whole hall appreciated what you had to say.

I will ask a question that takes us to a slightly different place. What is your experience of sexual violence having been alleged to have been used by armed forces such as the British Armed Forces not in areas of conflict but as a means of interrogation? Do you see a distinction between allegations such as those and allegations of sexual violence that are committed on the ground on the civilian population?

Lieutenant-General (ret.) David Morrison: Thank you very much for your kind words. It was one of the moments of my life to be part of that global summit in London. I am not sure about the resolution of the screen at your end, but I blushed when you said what you said.

I am not entirely certain that I understand your question. I have no personal or operational experience of any acts being perpetrated by either Australian soldiers or British soldiers that would give rise to any cause for concern that they were not conducting their military operations with anything less than a very appropriate regard to the ethical basis that they needed to have. It was certainly my experience in East Timor that sexual assault and sexual predation had been committed against the women of Timor-Leste by militia elements that had given rise to the social insurrection which the international force was deployed to correct. I have no personal knowledge in countries outside East Timor of sexual assault being perpetrated either by British or by Australian forces, but of course I am aware as a student of contemporary military operations as well as history that women in particular, but also children, have been targeted, sometimes as part of a deliberate military strategy to achieve a questionable but nonetheless dramatic military end, which is largely the cowering and subjugation of a civil society. I would throw the question back; I do not quite understand what you want a specific comment about.

Baroness Warsi: Let me try to clarify the point, because perhaps I did not make myself entirely clear. Do you have any comment to make on allegations that have been made and are in the public domain of where armies, including what happened in Iraq, have been accused of using sexual violence as a means of interrogation once combatants have been captured during a war?

Lieutenant-General (ret.) David Morrison: Other than to observe that if it is done it is done in contradiction to any number of United Nations resolutions and laws of armed conflict that have been agreed to by countries such as the United Kingdom and Australia—that is, the norms that have established the societies that we all enjoy—I know of no particular instances at first hand. I did not serve in Iraq or Afghanistan, so I could not offer any comment on them. I would simply offer the view that I expressed in London two years ago: that there is a deficiency in the way the international community, and indeed sovereign governments, pick up on allegations of actions such as those that you have spoken about and deal with them either in the International Court of Justice or domestically. This is a problem that I think we all face now.

Q21 Bishop of Derby: Thank you very much for speaking with us. You said something in your introductory remarks about the cultural issues that you have dealt with within the Australian military. You are well known for your campaign to tackle gender discrimination within the Australian Army. Can you say a bit more about how that work translates to being more effective on the ground in terms of tackling and trying to prevent sexual violence in conflict? Can you say a bit more about the relationship between those two things as you see it?

Lieutenant-General (ret.) David Morrison: Certainly. This is a personal journey in some respects of discovery and, I guess, introspection. Because I had stewardship of the Australian Army during a period of leadership, it was something that I had not necessarily expected when I began my appointment as the Chief of the Australian Army in June 2011. I thought that I had been well prepared. I have been a soldier for a very long time and had operational service, and I have dealt with major budgetary, capability and development issues, as well as all the human interaction that is actually the cohering force in militaries. I came to understand, though, as a result of independent inquiries into the treatment of women in the Australian Defence Force that were conducted by Australia's Sex Discrimination Commissioner, Miss Elizabeth Broderick, that there are two ways of looking at these incidents. One was to see them as a series of actions by rogue actors who behaved outside the rules that govern military forces, and which looked depressingly like the actions of rogue actors who had done exactly the same thing months or years before. You could see them as isolated incidents that you could somehow draw a tenuous line between. I think that is the way that many leaders, including me up to a particular point in my life, view these matters; they see them as just the unfortunate recurrence of individuals who display the worst traits in human nature. Or you can see these incidents as systemic flaws in an otherwise strong military culture that has cohesion, which tear at the heart of what you want as a military; it is supposed to be a reflection of your contemporary society, but it also has to be the protector of the long-term security and prosperity of the country.

In Australia, that realisation was a fairly dramatic one for me. I am not sure how familiar you are with Australian military history, but the Australian Army is a great national institution. When I speak to corporate entities, as I do on a very regular basis, I say, "Your brand is good

but my brand is just as good if not better”. The captains of industry roll their eyes and laugh, but then I point out that the army’s brand is founded on names like Gallipoli, Alamein, Tobruk, Kokoda and Kapyong and, for us, Vietnam, Iraq, Afghanistan and East Timor. It is rooted in the hundred thousand names that are on the roll of honour on our Australian war memorial. That tends to shut up the captains of industry.

The point, though, is that the culture is largely the stories that we tell ourselves about ourselves. So if you have a military that tells itself stories that are exclusively male, exclusively Anglo-Saxon in my own country’s case, and based on the idea of a roughhewn country boy who fights best with a hangover and who never salutes officers, especially the Poms, you have a culture that is largely exclusive in the tales that it tells itself about itself. What does that say to women? What does that say to Australian men and women who are not Anglo-Saxon in their heritage or Christian in their beliefs? It says very little other than that someone probably does not fit the stereotype of our culture and therefore there is either no or a limited place for them. I have my critics in this view. I have my critics within the military, although not all that many any more. I also have social critics here in Australia. But I believe that I took the right step at the right time and that I probably found a different way of describing the issue. I then searched for the language to convince my overwhelmingly young, male, Anglo-Saxon workforce that I had not lost the plot. I went back to the plethora of analysis that has been done in the corporate world that shows that a diverse and inclusive workforce is indeed a more capable workforce. That logic applies as equally to military forces as it does to a mining industry or an investment bank.

Bishop of Derby: Can I just confirm something? I understand you to be saying that that reshaping of the culture to be more inclusive and diverse presumably equipped it better to understand issues of inclusivity and diversity in the cultures in which you were serving where there was sexual violence.

Lieutenant-General (ret.) David Morrison: People do not do things for your reasons; they only do them for theirs. Like a very long line of senior British officers, we in Australia had dealt with instances of sexual predation, sexual assault, bullying and harassment largely by appealing to the better aspects of human nature and largely finding the logic in altruism. I guess that I have been knocked around enough in life to no longer believe that that altruistic argument necessarily cuts through with young soldiers, so we found a different argument. We found a language based on capability, and there were instances when I used that when I was speaking to soldiers, particularly around the idea, “If you are in Afghanistan, East Timor or Iraq, what are the reasons for your being there? They are largely to do with matters of human security, and if you cannot speak to over 50% of the population because of cultural taboos, how are you going to be the most effective military force that you can be?”. That sort of argument does not switch lights on readily, but I think it has more traction with young soldiers than does appealing to the idea of a fair go or behaving with respect for your colleagues. Of course you have to have an education campaign that is founded in values and the proper approach to ethics, but you also need to focus on the fact that young men, and women of course, join a military force to be soldiers and to do things: to be on operations, to represent their country. If you can demonstrate that you are approaching these matters to make them more capable, you are much more likely to have them start to do things for the reasons that they also believe in.

Bishop of Derby: Very helpful, thank you.

Q22 The Chairman: General Morrison, has the work that the Australian Army done on gender equality impacted on the troops from other nations with which the army serves?

Lieutenant-General (ret.) David Morrison: I am not sure whether it has in operational theatres or not. I am probably not qualified to give a view on that, but I would offer what I think is the relatively objective view that the approach the Australian Army has taken has certainly garnered a lot of international attention. I have spoken in a number of countries now, both while I was Chief of Army and subsequent to it, on the approach that we took and why we think it started to cut through. The last thing I would do is offer you the view that in the space of four brief years we went from a troubled state to one of perfection; we are a long way short of that, and I am sure that the current Chief of Army would agree with me. But we did make a significant inroad here, and a lot of statistics now tend to show that we have been successful. We have attracted many more women to join our army. We have increased our numbers by almost a thousand in the space of only a couple of years. We have put female soldiers and officers into positions of authority that have been denied them in the past largely as a result of gender issues in the past. Without turning the screw on the British Army, from the last count I think we have seven times the number of female brigadiers in the Australian Army than you do in the British Army, yet you are still the much larger army. While those can only be seen as examples, and you are absolutely right to step back and look at them from a number of different perspectives, none the less we seem to have made a significant difference. My argument is that we have become more capable as an army as a result.

Q23 Baroness Goudie: Good evening, General. One of the things that I feel is very important in all these aspects is how we measure success and how we are successful. Do you have any thoughts on how we should measure the issue and how we are trying to cope with it?

Lieutenant-General (ret.) David Morrison: The first thing that I did at the instigation of the Sex Discrimination Commissioner was to consider the idea of setting a public target for increasing the number of women in our army. It did not take me long to decide that that was the right thing to do at the time, in early 2012, so I named a target for the next two years, which we got to by the way. Now, 2% does not sound like a very big increase, but when you are dealing with a permanent force of over 30,000, 2% is an additional 660 women, as it was for us, joining and being retained in our army. That was important because it was a very tangible and easily measured target that you could chart some progress by.

As I came to understand it, though, there were many broader issues. It was not just about the number of women in the military, it was about incidents of poor behaviour, incidents of inappropriate use of alcohol, incidents of the use of non-prescribed medication or drugs, instances of bullying and harassment, how we dealt with them, and the length of time that we took to deal with complaints from soldiers, both male and female, about inappropriate behaviour. All those were then captured, analysed and trapped, and on every measure—from memory now—we showed improvement, and where improvement was slow it allowed us to come back and to start to ask why. You can talk about these matters until the cows come home—to use an Australian expression—but it probably will not move anything forward, except in the most ad hoc fashion. If you have data that you can chart your progress by, you can certainly see where the effort is working and where further effort needs to be applied.

So we took as best we could a fairly scientific and hard-headed approach to this, and I think it was a successful part of the steps that we took.

Baroness Goudie: May I ask a further question? Once you have a percentage of women in the army, how do those women, when they are out in combat working on the ground, combat sexual violence in conflict by those who are on the ground?

Lieutenant-General (ret.) David Morrison: It is my view, and I think it is supported by a considerable body of evidence gained from decades of analysis of military operations, that if women peacekeepers are present, and certainly present in sufficient numbers, the level of sexual violence committed against marginalised women in conflicted societies is reduced. It is reduced not only by the military forces that are present but in the context of the broader society. There are pretty straightforward and logical reasons for that. Women talk to other women about their concerns for their safety and well-being and for the safety and well-being of their children. That provides military forces that are there to provide security for those conflicted groups and societies the opportunities to take practical steps. If you are listening only to the men, you are getting only half the picture. That is well understood, and I do not think that any student of military history would debate that point. If you are there to protect populations, you have to have access to all the populations.

Increasing the number of women who are overtly there in a combat or combat-support role also has a very telling effect on the military forces that are present, and these operations are often undertaken as part of broader coalitions. Indeed, the army of the United Kingdom has a proud tradition in this. It opened up areas of military service to women long before the Australian Army did so. You can look at the strong performance of the British Army and the army of the United States, but also of course Canada, Australia, New Zealand and many other countries that have embraced as best they can the idea of more opportunities for women in military roles, and you see the impact that they have. My rather simplistic argument is that we need to keep doing more of that, because not only are we then providing a better level of security and safety for the women in the societies that we are there to protect, we are also performing in our own right as military forces more effectively.

Baroness Goudie: Thank you very much. That is really helpful.

The Chairman: We have another 10 minutes of your time, General Morrison, for which we thank you. I turn now to Lord Sterling.

Q24 Lord Sterling of Plaistow: Good morning, General. I was going to begin by asking whether you could give us some advice on how to play better rugby, but perhaps that would not be a very good start.

Lieutenant-General (ret.) David Morrison: You really do need to give me credit here, because I was not going to mention it. For all of being the stereotypical Australian, I was going to let that one flow as quietly as the waters of the Avon, so we might just leave it there.

Lord Sterling of Plaistow: I have an Australian colleague and we have both decided that we will not talk about cricket or rugby.

I have colleagues in the armed services, particularly the army, who I am sure you know well, such as Peter Wall, who stood down a couple of years ago as Chief of the General Staff, and

then obviously we have Nick Carter and General Messenger. I am sure you all share the same views, ideas and approach to conflict, but I want to remind us all that this is about conflict as against some of the individual acts that some people do which they should not do, and which we all know about.

I have a two-part question. This is not just about the UK but about the NATO forces, because after all they are the critical force as far as the West is concerned. Number one in a two-part question, is there any single area where you would have a strong view or advice to give on what might be an improvement in how NATO forces behave?

Could I also come back to the view that when you talk to people like Peter Wall and Nick Carter, we are talking about how front-line troops behave, not the clerks and others behind them, in the excitement, or whatever you want to call it, of action? Noting your experience in East Timor, you commented earlier on how some of the militia forces behaved. How can one deal with the long-term and ongoing problem of those who are considered to be the rebels, the other side, the instigators, IS or whoever it might be?

Lieutenant-General (ret.) David Morrison: Perhaps I can take this by answering your last question and moving back sequentially to your first. I am not sure what you can do about rebel and militia forces. The actions of ISIS take us back to the barbarity of the 7th century. I take a straight military view here. If you cannot convince them, you need to remove them from the equation, and however you do that is obviously done within the parameters set by democratically elected Governments and the rules of law in the international community. It is hard to conclude that anything other than the very same base human attributes that drove rape in war before the birth of Christ are still evident in certain sections of human society today, and I am not sure what you can do with it. I am a student of history, but I have no blinding insights into how you change human nature. I do think that you need to have military forces that are strongly ethical in how they conduct their part of the military operation. The United Kingdom has a wonderful history in that, as does Australia and many of the NATO countries. I have a view now that the more gender balance, and indeed racial balance, you have within the military forces of developed countries, the better they will perform as military forces, and that will also have the added advantage of being able, as I said earlier, to engage with 100% of the societies within which those military forces are working.

My own view, and I may have misunderstood your question, is that I think women have a role in all aspects of military endeavour. It is up to the societies from which military forces are drawn and their elected representatives to determine the parameters for that military service. However, in Australia's case we have opened up all areas of military service to women, which I think is a very good thing. We have women commanding engineer regiments, we have women commanding tank troops, and we have women flying helicopters. Indeed, my own experience is that there is no front line any more in the types of military operations that have largely been conducted by the British Army and the Australian Army since the secession of our involvement in the Korean peninsula in the 1950s. So there has to be a focus by people such as me who are charged by my Government with building the most capable military force and army possible to make the best use of all the talent that is on offer. My argument is a hardnosed one formed not out of altruism but with a focus on capability and that we need to be as creative as we can be in giving

everybody, male or female and irrespective of their racial heritage or the god they believe in, the chance to reach their potential.

In answer to your first question, I would make no comment about the NATO forces. It is not my experience of working with them on operations, and I have certainly travelled through a number of the countries. I would make the point, though, that NATO has reached out to speak to me about some of the steps that the Australian Army has taken to better understand how it could make better use of the talent that is available within its populations.

Lord Sterling of Plaistow: General, I think there has been a slight misunderstanding. I was really talking about front-line troops, not vis-à-vis the gender factor. For argument's sake, a clerk sitting in Kandahar is not quite the same as a patrol going behind enemy lines in Erbil province. I was looking at it more through those eyes. But you are particularly experienced—

Lieutenant-General (ret.) David Morrison: I am sorry, but if I could just correct you. The British Army has had women well out beyond the wire in harm's way for the entire period that you have been in Afghanistan, as has the Australian Army. I think we have to be careful about seeing contemporary operations for what they are.

Lord Sterling of Plaistow: I am sorry. Again, there might be a slight misunderstanding. I was not talking about whether women are involved or not. I was talking about the attitude of troops actually going into formal action as against doing the other roles which are obviously the back-up of any major army.

I refer to your experience in East Timor, when you commented about the militia behaving the way they did. Did you come to any views when you were there as to what one does with people who act like that and how one could or could not bring the process of the law into action?

Lieutenant-General (ret.) David Morrison: I do not speak with current knowledge, but I would think that the number of militia who were prosecuted for crimes of murder, rape and assault was depressingly small. There are many reasons for that. In part it was due to a decision made by the incoming President of Timor-Leste, Xanana Gusmão, to engage with both Indonesia and the East Timorese population that had fled west across the border into Indonesia from a basis of reconciliation. It was an extraordinary step to take but one that has had long-lasting beneficial consequences for contemporary Timor-Leste. More broadly, the way that the international community identifies and collects evidence, interviews witnesses, and draws people into a prosecutorial world to establish their guilt or innocence of alleged crimes against humanity, including of course rape and murder, is something that has been pretty ineffective, probably since time began. Even with all the powers that we have now, along with all the imagery and the means by which we can conduct surveillance of battle spaces, it still remains exceptionally problematic. Even if you can collect the evidence, you will still find it difficult to get national governments to release the individuals alleged to have committed these acts into the international communities to be dealt with.

Lord Sterling of Plaistow: Thank you, General. That is very interesting to hear.

Q25 Baroness Young of Hornsey: Good evening, General. I would like to ask you a few questions, some of which relate to a previous question from Lord Sterling. They connect

Lieutenant-General (ret.) David Morrison: I think there is a fairly straightforward way that you can achieve that: you could change the rules that govern the commitment of forces under the United Nations. That could be done right now if it were possible to get agreement in that body. That would provide no immunity for individuals who are alleged to have committed these crimes, because of course it is only the first step. There has to be the proper gathering of evidence and then a holding to account. That is not the case under the United Nations now. In multinational forces that deploy under a NATO banner or a coalition of the willing as we saw in, for example, Iraq and certainly in East Timor, there could, under a status of force agreement or under the rules that bind an international agreement, be the removal of that immunity, but I see no instances of that at all. These are not, to be fair, matters for soldiers. These are matters for politicians and governments.

I will correct you on a small point, if I may. This is not a project that I am on. I understand more clearly now the issues around domestic violence and sexual violence against women in a way that I had not done before. I am deeply committed to whatever I can do to add a small voice to try to improve the lot of women and children around the world, and I think that many in my position have a responsibility to speak as forthrightly as they can about that.

Baroness Young of Hornsey: I am sorry, I did not intend to be insulting. On the contrary, as far as I am concerned—

Lieutenant-General (ret.) David Morrison: I did not take it that way. I just wanted to correct you.

The Chairman: Colleagues, I think we have very warm thanks to give to General Morrison for his incredibly full answers, which have covered all the points that Members raised.

We thank you also, General, for your past service and for your current responsibilities because there is no doubt that you have been pushing for change in this particular field of work, which is our prime concern at this time. Thank you for what you have done and all you are doing at the moment. We hope to see you in one way or another. Perhaps you will drop in on us in the House of Lords and join us for coffee some time.

Lieutenant-General (ret.) David Morrison: Thank you very much. I wish you all the best in your endeavours.

Ms Harriet Moynihan and Ms Elizabeth Wilmschurst – Written evidence (SVC0059)²⁴⁵

Executive Summary

- International law provides a framework for the investigation and prosecution of crimes of sexual violence in armed conflict.
- The real difficulty is in implementing the law, both in relation to crimes by fighters and by peacekeepers.
- In the first instance, responsibility rests with states to investigate and prosecute crimes of sexual violence in conflict. Due to the nature of these crimes there are benefits to local prosecutions in terms of gathering evidence and victims giving testimony.
- There is no one simple measure that will improve prosecution at the domestic level; it will require multiple levers applied over time. For example, national police and judicial systems may need strengthening.
- Where domestic prosecutions are not possible, international criminal tribunals offer another forum for the accountability of those most responsible in the conflict.
- For peacekeepers, the United Nations (UN) Secretary-General is reforming the framework for their accountability with a range of recommendations to make the system more robust.
- Further measures that could increase accountability include greater transparency from the UN about allegations and more stringent requirements on states of nationality and troop-contributing states to exercise criminal jurisdiction over their peacekeepers.
- Proposals for a new international tribunal and a universal jurisdiction convention could be followed up if there is evidence of lack of progress on prosecutions.

Detail

1. This paper addresses the question of accountability for crimes of sexual violence committed either in armed conflict or by UN peacekeepers in hostilities-related situations. It summarises both the existing measures available under international law and the proposals that have been made for increasing accountability.²⁴⁶

I The existing law on sexual violence in armed conflict

2. The framework of international law prohibiting sexual violence in armed conflict is drawn from international humanitarian law (or the law of armed conflict), international criminal law and international human rights law.

3. Rape and other forms of sexual violence are prohibited in international and non-international armed conflict under the Geneva Conventions of 1949 and their Additional Protocols and under customary international law.²⁴⁷ This body of law applies only to acts

²⁴⁵ This paper is submitted in their individual capacities.

²⁴⁶ The paper deals primarily with the law and criminal sanctions, while recognising that they can be only a small contribution to the solution to the problem of sexual violence in conflict as a whole.

²⁴⁷ The prohibitions are either express or implied: see Geneva Convention IV Article 27; Additional Protocol I, Articles 75 and 76(1); Additional Protocol II, Article 4(2)(e) and (h). The G8 Declaration on Preventing Sexual Violence in Conflict has affirmed that 'rape and other forms of serious sexual violence in armed conflict are

committed in the context of ‘armed conflict’, in the legal sense,²⁴⁸ and connected with that conflict.

4. Rape and sexual violence may constitute war crimes or, in certain circumstances, the constituent parts of torture, crimes against humanity or acts of genocide. As defined in the Statute of the International Criminal Court (ICC), which can be taken as representing the international consensus on the matter, it is a war crime in international armed conflict to commit ‘rape, sexual slavery, enforced prostitution, forced pregnancy,...enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions’.²⁴⁹ Because of the reference to grave breaches, the definition of war crime also includes ‘torture or inhuman treatment’ and ‘wilfully causing great suffering or serious injury to body or health’.²⁵⁰ For the purposes of a non-international armed conflict, the definition of war crimes contains provisions with similar wording, including ‘violence to life and person, in particular ...cruel treatment and torture’ and ‘committing outrages upon personal dignity, in particular humiliating and degrading treatment’.²⁵¹

5. Sexual violence in conflict is also prohibited under international human rights law, primarily through the prohibition of torture and cruel, inhuman and degrading treatment or punishment. International human rights law imposes obligations on states to prevent state agents from committing sexual violence against women, to adopt laws and policies to prevent such abuses by private persons, and to investigate and prosecute those responsible.

II Enforcement of the law

At the national level

6. The provisions of international law mentioned above should be incorporated in the law of every state, and many states have done this, including the UK. States are also under a legal obligation to disseminate international humanitarian law and to train the military and other state agents.²⁵²

7. Serious sexual violence as defined above constitutes a grave breach of the Geneva Conventions if committed in international armed conflict, giving rise to ‘universal jurisdiction’. States are required under the Conventions to search for any individual who is alleged to have committed or ordered a grave breach, regardless of the nationality of the suspect or victim or where the crime occurred, and either bring them before their own courts or hand them to another state party for trial.

war crimes and also constitute grave breaches of the Geneva Conventions and their first Protocol’. For customary international law (i.e. general practice that is accepted as law by states) see Henckaerts and Doswald-Beck, Study by the International Committee of the Red Cross (ICRC) on *Customary International Humanitarian Law* (Cambridge 2005), Rule 93.

²⁴⁸ An international armed conflict can be defined as armed violence between two or more states; a non-international armed conflict can be defined as protracted armed violence between governmental authorities and organized armed groups or between such groups within a state.

²⁴⁹ Article 8(2)(b)(xii) of the ICC Statute.

²⁵⁰ Article 2(a)(ii) and (iii) respectively of the ICC Statute.

²⁵¹ Article 8(2)(c)(i) and (ii) respectively of the ICC Statute.

²⁵² GC I/II/III/IV Articles 47/48/127/144 (dissemination) and Articles 82, 83 and 87 of AP I (military instruction).

8. As there is no provision for grave breaches in the law on non-international armed conflicts, universal jurisdiction (in the obligatory form of requiring investigation and prosecution) does not apply. Under customary international law however states have the right to vest universal jurisdiction in their national courts in relation to war crimes committed in non-international conflict.²⁵³

9. Whatever the opportunities for prosecution by domestic courts, the problem is that in practice they are infrequent. As indicated in written evidence to the Committee, the prosecution of sexual offences is difficult and complex; securing evidence is often a sensitive matter and there is social stigma attached. The difficulties are increased where the suspects are to be prosecuted in courts far from the location of the alleged offence and the victims have to give evidence there.

At the international level

10. There are various international or hybrid courts which have prosecuted crimes of sexual violence in conflict. The International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the Special Court for Sierra Leone, and the Extraordinary Chambers in the Courts of Cambodia, have all adjudicated on the elements of rape and sexual violence.²⁵⁴ These tribunals are restricted to specific past conflicts.

11. As a permanent court, the ICC has jurisdiction over war crimes as defined in paragraph 4 above. The ICC may take jurisdiction over a situation only where the state where the crime was committed, or the state of nationality of the alleged offender, is a party to the ICC Statute (or has accepted the Court's jurisdiction for the particular situation), or where the UN Security Council, acting under Chapter VII of the Charter, has referred the situation to the Court. These limitations present problems in practice. For example, neither Iraq nor Syria is a party to the ICC Statute, and therefore the ICC has no jurisdiction over sexual atrocities committed by members of ISIL in those states, unless (a) the perpetrator is a national of a state which is a party (e.g. the UK), (b) the state of nationality or the state where the crime was committed accepts the jurisdiction of the Court in respect of the specific situation, or (c) the Security Council, without encountering a veto by a permanent member, refers the situation to the Court.

12. There are further reasons why the ICC should not be regarded as a major solution to the impunity problem, although it can play a part. The Court prosecutes only persons 'most responsible' for a crime, that is, generally, the leadership. So in practice it is able to prosecute only a tiny minority of persons who have committed crimes around the world.

13. Human rights courts may provide a forum for claims against states where there are allegations that the state has failed to protect individuals against sexual violence, to adopt laws preventing such abuses, or to investigate claims.²⁵⁵ The African Commission on Human

²⁵³ Rule 157 of the ICRC's Study on *Customary International Humanitarian Law*.

²⁵⁴ Examples are provided in the evidence of the Foreign & Commonwealth Office (FCO) (Written and Oral Evidence to the Committee, page 93).

²⁵⁵ 'Redress for Rape: Using international jurisprudence on rape as a form of torture or other ill-treatment', Redress, October 2013.

and Peoples' Rights has found violations of the UN Convention on the Elimination of Discrimination against Women and the African Charter on Human and Peoples' Rights on the basis of the rape and killing of Congolese women carried out by soldiers of Burundi, Rwanda and Uganda during the conflict in the DRC.²⁵⁶ But while international human rights law has broad application, most obligations are imposed on the state and public officials of the state and compliance rates vary hugely. As a result, it may be a useful tool for identifying and addressing systemic failings but is not necessarily helpful in individual cases.

III Sexual exploitation and abuse by international peacekeepers

14. Sexual exploitation and abuse by persons participating in UN peacekeeping operations continues to be a problem, as recent allegations regarding peacekeepers in the Central African Republic show. Allegations of sexual exploitation and abuse have also been made against personnel in African Union peacekeeping operations.²⁵⁷ The offences that peacekeepers commit will not be 'war crimes' if not committed in the context of and associated with an armed conflict; but they are likely to be contrary to the law of the 'host' state in which the peacekeepers are operating and to the law of their own nationality.

15. States which contribute members of their national forces to a peacekeeping operation retain exclusive jurisdiction over offences committed while the peacekeepers are in the 'host' country; the host state itself cannot prosecute offences. But in practice the state of nationality rarely brings a prosecution. Sometimes there may be a genuine difficulty in securing evidence, sometimes the problem is the lack of national legislation or a weakness in the legal system, and sometimes there may be a lack of political will.

16. The UN component of peacekeeping missions - UN 'officials and experts on mission' including UN police, military advisers and consultants - have immunity from the jurisdiction of the host state when they are exercising their functions. In most circumstances they will either not enjoy immunity for allegations of sexual misconduct or their immunity can be waived by the UN. In such cases the primary forum to try offences will be the host state. But in many cases involving peacekeeping missions the legal system of the host state is dysfunctional and unable to provide a fair and effective trial for the individuals concerned. In such circumstances the UN will be unwilling either to waive immunity or to confirm that no immunity exists. At the same time, the state of nationality of the official concerned may not wish to prosecute or lack the necessary legislation. The UN officials and experts may face disciplinary measures from the UN such as repatriation and a ban from future peacekeeping operations. But prosecution of peacekeepers is rare.

IV Options for increasing accountability

17. In considering the options for further accountability mechanisms, we separate the problem of prosecuting war crimes of sexual violence committed by fighters in an armed conflict and associated with that conflict, from the question of accountability for peacekeepers, as they each present different problems.

²⁵⁶ D.R. Congo v. Burundi, Rwanda, and Uganda, Communication No. 313/05, 33rd Ordinary Session, May 2003.

²⁵⁷ *The Power These Men Have Over Us: Sexual Exploitation and Abuse by African Union Forces in Somalia*, Report by Human Watch, September 2014, <https://www.hrw.org/report/2014/09/08/power-these-men-have-over-us/sexual-exploitation-and-abuse-african-union-forces>.

(A) SEXUAL VIOLENCE IN ARMED CONFLICT

18. In the first instance, responsibility rests with states to investigate and prosecute crimes of sexual violence in armed conflict. But in practice, states have often failed to take action. This section looks at the options for strengthening accountability at the domestic level before considering the international options.

(i) Measures to Improve Prosecution in the State where the Alleged Abuse Took Place

19. There is no one simple measure that will improve prosecution at the domestic level; it will require multiple levers applied over time. One of the most significant reasons why crimes are not prosecuted is that the evidence is difficult to obtain or preserve. This makes the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (the 'International Protocol') of significance as a set of practical guidelines for those working to document incidents of sexual violence.

20. Local prosecutions can be increased and strengthened by bolstering the capacity of national legal systems, in particular to ensure that they incorporate definitions and elements of crimes of sexual violence, provide procedures for victim and witness protection, and reparations in line with international standards. The International Protocol serves as a basis for training officials in investigation and prosecution. Capacity-building efforts by the UN and UK have made some progress in this area.²⁵⁸

21. The prospects of investigation and prosecution of crimes of sexual violence will vary depending on the stage of the conflict. In post-conflict societies such as Croatia, Serbia and Liberia specialised courts have been set up to deal specifically with crimes of sexual violence.²⁵⁹ In ongoing conflicts where there is no functioning judicial system, and/or where it is too dangerous to operate, investigation and prosecution may need to follow at a later stage. Immediate measures can still be taken to document and store evidence on sexual violence for criminal prosecutions in the future, as is happening in Syria.²⁶⁰

22. In relation to non-international armed conflicts, the organization Geneva Call has been engaging with certain non-state armed groups (NSAGs) to help prevent and prohibit sexual violence in armed conflict and to increase the prospects that perpetrators are sanctioned. It has developed a 'Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination' that allows signatory NSAGs to undertake to respect international standards as they cannot become parties to treaties.²⁶¹ So far, 15 NSAGs have signed the Deed and over 20 have been engaged in

²⁵⁸ The Global Study on the Implementation of UN Security Council Resolution 1325 by Radhika Coomaraswamy, the former UN rapporteur on violence against women describes how the UN's Team of Experts on the Rule of Law and Sexual Violence in Conflict has supported investigations and prosecutions in DRC and Guinea, page 108 ('Preventing Conflict, Transforming Justice and Securing the Peace', 14 October 2015, <http://wps.unwomen.org/~media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf>, page 107). The FCO provides examples of successful assistance in Bosnia on page 91 of the Written and Oral Evidence to the Committee.

²⁵⁹ Increasing numbers of international actors are now contributing to these courts; *ibid*, page 107.

²⁶⁰ Evidence of Dr Ingrid Elliott on page 62 of the Written and Oral Evidence to the Committee.

²⁶¹ http://www.genevacall.org/wp-content/uploads/dlm_uploads/2013/12/DoC-Prohibiting-sexual-violence-and-gender-discrimination.pdf.

dialogue by Geneva Call on this issue. Such deeds are not legally binding and have inherent limitations, but overall there is reported to be a high level of co-operation and compliance.

(ii) Convention on Universal Jurisdiction for Crimes of Sexual Violence in Conflict

23. Universal jurisdiction provides another means of strengthening national prosecutions of sexual violence in conflict and the idea of a universal jurisdiction convention has been suggested as an option to reinforce this. Such a convention requires states to take jurisdiction to prosecute alleged offenders or to extradite them to states that will. There are already many such treaties dealing with particular crimes, including the Convention on Torture; depending on the circumstances sexual violence can be a component part of torture.

24. Serious sexual violence in international armed conflict constitutes a grave breach of the Geneva Conventions and therefore, as noted above, universal jurisdiction already exists, with an obligation on states to bring perpetrators to justice wherever and by whomever the crimes are committed. There is thus no need for a further treaty in this regard. But the obligation to prosecute applies only in *international* armed conflicts. Most conflicts today are not international. Many states however take wide jurisdiction over these crimes in non-international armed conflict and universal jurisdiction is permitted in such conflicts as a matter of customary international law.

25. In considering this issue, the key question is whether a universal jurisdiction convention covering war crimes in non-international armed conflict would result in more prosecutions of sexual offences. National prosecuting authorities are alive to the difficulties of prosecuting cases where all the evidence is abroad and in the case of sexual offences may be particularly difficult to secure. The longstanding grave breaches provisions of the Geneva Conventions are not often used to bring prosecutions in ‘foreign’ national courts and the other existing universal jurisdiction conventions do not seem to have had much impact, with the exception of a few well known cases.²⁶² This suggests that a convention may not in itself lead to an increase in prosecutions, in which case its added benefit would be slight. Treaties regarding international humanitarian law are within the purview of the ICRC, but the ICRC have not made any proposal for an additional treaty in this regard.

26. As is clear from the above, the problem is that states have not tended to use the framework that already exists for national courts to exercise universal jurisdiction over serious crimes of sexual violence in conflict. States should be encouraged to rely on their existing powers to try offences in their courts. This will require political will and for governments to commit adequate resources to their prosecution authorities to enable them to investigate and prosecute alleged offenders found in their territory. States that accept refugees who have suffered sexual violence in conflict can also play a role in increasing accountability for these crimes, for example by working in partnership with specialist voluntary organizations to gather evidence from survivors that can be assessed in terms of its potential for prosecution under universal jurisdiction.

²⁶² For example the House of Lords ruling in 1999 that Pinochet could be extradited under UK legislation implementing the UN Convention against Torture, and the prosecution in 2004 of Zardad, a former Afghan warlord, for torture and hostage-taking under universal jurisdiction.

(iii) Prosecution of Crimes of Sexual Violence in Conflict in International Courts

27. War crimes already fall within the jurisdiction of the ICC under the conditions mentioned in paragraph 4 above. As a result there is no need to create a new tribunal with a specific mandate to try crimes of sexual violence in conflict.

28. Efforts would be better expended in encouraging states particularly affected by sexual violence in conflict to sign up to the ICC's Statute. For example, if Iraq were to become a party to the ICC Statute, or at least to accept the Court's jurisdiction for the purposes of this particular conflict, the ICC would have jurisdiction in respect of the horrendous crimes of sexual violence reportedly being committed in the conflict in Iraq, both by ISIL and other actors,²⁶³ and the Court could launch investigations.

(B) SEXUAL EXPLOITATION AND ABUSE BY PEACEKEEPERS

29. There have been initiatives over the years to improve the accountability deficit for all categories of peacekeeping personnel. Some progress has been made since the seminal report by Prince Zeid in 2005, 'A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations' (the 'Zeid Report').²⁶⁴ Following that report, the General Assembly mandated a group of experts to advise on the accountability of UN officials and experts while serving on peacekeeping operations; they reported in 2006 (the 'Group of Experts' Report').²⁶⁵ Their proposals included an international convention under which states would agree to investigate, prosecute or extradite alleged offenders; the establishment of hybrid courts; the shared exercise of jurisdiction by the host state and other states; and the establishment of an international tribunal with jurisdiction to try all categories of peacekeepers.

30. In February 2015, the UN Secretary-General published a report setting out special measures for protection from sexual exploitation and abuse to strengthen accountability at all levels (the 'Secretary-General's Report').²⁶⁶ Its key recommendations are the creation of immediate response teams inside peacekeeping missions to gather and preserve evidence for use in investigations, and a six month deadline for the UN and Member States to complete investigations. In June 2015, a High Level Independent Panel on UN Peace Operations recommended further measures,²⁶⁷ including increasing sanctions on individuals

²⁶³ Transcript of the oral evidence of Ms Rosy Cave and Mr Dan Chugg to the Committee on Tuesday 15 September at 2.45 pm, page 2.

²⁶⁴ UN Doc A/59/710 (UN General Assembly, 24 March 2005), <https://cdu.unlb.org/Portals/0/Documents/KeyDoc5.pdf>.

²⁶⁵ "Report of the Group of Legal Experts on Ensuring the Accountability of United Nations Staff and Experts on Mission with Respect to Criminal Acts Committed in Peacekeeping Operations," UN Doc. A/60/980 (UN General Assembly, 16 August 2006), http://www.un.org/ga/search/view_doc.asp?symbol=a/60/980&referer=http://www.codebluecampaign.com/un-docs/&Lang=E.

²⁶⁶ UN Doc A/69/779 (UN General Assembly, 13 February 2015), http://www.un.org/ga/search/view_doc.asp?symbol=A/69/779.

²⁶⁷ UN Doc A/70/95 (UN General Assembly, 17 June 2015), http://www.un.org/sg/pdf/HIPPO_Report_1_June_2015.pdf.

and troop-contributing states where there is credible evidence of abuse²⁶⁸ and that governments whose forces are listed in the annual reports of the Secretary-General on children and armed conflict and on conflict-related sexual violence should be barred from contributing troops to UN missions until they are delisted.²⁶⁹ It also recommended revising the model memoranda of understanding with troop-contributing states to require national investigation officers within contingents and training of all troops on sexual exploitation and abuse.

31. The question of legal options to address the accountability problem for UN officials and experts has been on the agenda of the UN General Assembly's Sixth (Legal) Committee for the past few years. The Committee has been debating the recommendations of the Group of Experts.

(i) Universal Jurisdiction Convention (or an 'extradite or prosecute' convention)

32. The Group of Experts' Report annexed a draft convention on sexual exploitation and abuse by UN peacekeeping personnel.²⁷⁰ It would require states parties to the convention to prosecute a suspect found in their territory if they did not extradite the suspect to another state. The Secretary-General's Report states that the Secretary-General intends to remain closely engaged with member states in urgently concluding the longstanding discussions on the adoption of such a convention.²⁷¹ It also encourages states to consider amending their national legislation to permit extraterritorial jurisdiction where necessary, to allow for prosecution in those states of sexual exploitation and abuse by the UN personnel concerned.²⁷²

33. The recommendation for a draft convention has so far received a mixed reaction in the Sixth Committee. The summary of the proceedings in 2014 states:

*'Different views were expressed concerning the potential elaboration of a convention to ensure criminal accountability, as recommended by the Group of Legal Experts (A/60/980, annex III). While some delegations were in favour of a convention, or expressed support to consider such a legal framework, other delegations considered that it was premature to discuss a draft convention or that it was unclear whether jurisdictional gaps did in fact exist.... The view was expressed that such a convention was not needed, since the problem could be adequately addressed through the adoption of appropriate national legislation.'*²⁷³

34. As noted in paragraph 25, above in practice national courts are often reluctant to assert jurisdiction for offences committed abroad. In addition, there are some forms of sexual exploitation and abuse which are not caught by the higher threshold offences set out in the

²⁶⁸ E.g. withdrawing entitlements from staff members dismissed for sexual exploitation and abuse and suspending portions of pay due to troop-contributing countries in connection with abuse by individuals (Report of the High Level Independent Panel on UN Peace Operations, page 86).

²⁶⁹ Report of the High Level Independent Panel on UN Peace Operations, page 88.

²⁷⁰ Annex III of UN Doc. A/60/980 (UN General Assembly, 16 August 2006).

²⁷¹ Secretary-General's Report, para 57.

²⁷² Secretary-General's report, para 58.

²⁷³ Summary available at http://www.un.org/en/ga/sixth/69/criminal_accountability.shtml.

draft convention provided by the Group of Experts. It would be difficult to negotiate the inclusion of lower level conduct because universal jurisdiction is usually only asserted in relation to the most severe crimes. The UN might be asked for clearer information about the nature of allegations of sexual exploitation and abuse by peacekeepers, so that the General Assembly can more clearly identify whether the conduct concerned is appropriate for a convention or not.

35. The recommendation for the convention which is being debated in the General Assembly concerns only the UN personnel component of a peacekeeping mission. The difficulties in securing agreement on a convention covering only this component would suggest that opposition would be even stronger if it were proposed to extend the proposal to the military component, allowing other states jurisdiction over members of a state's armed forces.

(ii) An International Tribunal

36. The establishment of an international tribunal with jurisdiction to try all categories of peacekeepers was considered in the Group of Experts' Report and is the preferred option of the Global Study on the Implementation of UN Security Council Resolution 1325 by Radhika Coomaraswamy, the former UN rapporteur on violence against women (the 'Coomaraswamy Report'), published in October 2015.²⁷⁴ It would provide a permanent means of bringing to justice persons who at present are not being prosecuted. The main disadvantages are the significant resources needed, both financial and human. Further and as noted above, many problems, such as that of securing evidence and suspects, do not go away just because the court is an international one. Indeed, in some cases they may be compounded by the distance of the international tribunal from the location where the alleged events took place.

37. The Group of Experts' Report notes that a tribunal could be established either by treaty or by a Security Council decision pursuant to Chapter VII of the UN Charter.²⁷⁵ The negotiation of a treaty, and subsequently bringing it into force for the states parties, would be a lengthy process. There is also the risk that not all states would participate in it, limiting its effectiveness. Establishing the tribunal by a Security Council resolution carries with it the perceived problem of legitimacy since the Council would be creating a tribunal that did not relate to a specific situation of threat to peace and security. But the Council has already adopted resolutions on sexual violence in conflict generally, and stated that the problem can be a threat to international peace and security, thus coming within its remit.²⁷⁶ This approach would require the consent or acquiescence of the permanent members of the Council.

²⁷⁴ Group of Experts' Report, para 72; Coomaraswamy Report (link at footnote 14), page 149. The Group of Experts also considered the establishment of hybrid courts composed of both nationals of the host state and international judges, like the Special Court of Sierra Leone. But whereas hybrid courts would be restricted to one particular conflict situation, an international tribunal could investigate and prosecute any sexual offences by all components of peacekeeping missions.

²⁷⁵ Group of Experts' Report, page 20.

²⁷⁶ For example in resolution 1820(2008).

38. To avoid some of the costs of a permanent tribunal, consideration might be given to the possibility of establishing a ‘lighter’ version of an international tribunal. There might be a standing roster of judges and potential staff, available to be called on when required but not located in one city. Only a small number of permanent staff would be needed. The Mechanism for International Criminal Tribunals, which has been established by the Security Council to take over the functions of the two ad hoc Tribunals (ICTY and ICTR), may offer a useful precedent.²⁷⁷

(iii) Measures to Improve Prosecution by Relevant States

39. The best way of ensuring more accountability for peacekeepers is to increase prosecution by the troop-contributing state (for the military component), by the state of nationality (for UN personnel), or by the host state in circumstances where the legal system operates properly. A number of recommendations have been made in this regard. For example, as suggested by the Zeid Report and the Secretary-General’s Report, troop-contributing states could hold on-site courts martial, which would facilitate access to witnesses and evidence in the peace-keeping area.²⁷⁸ National legislation regarding on-site courts martial would be needed, as well as fair trial guarantees.

40. The Zeid Report also recommended that if the UN has prima facie evidence of misconduct, the home country of the alleged perpetrator should exercise criminal jurisdiction over that person by submitting the case to its relevant authorities; if they decide not to prosecute, they should be obliged to provide a detailed explanation of the reasons why. It further recommended that these obligations should be reflected in the memoranda of understanding between the UN and troop contributors, in return for the immunity conferred upon them by the host state and acceptance by the UN of an offer to supply troops.²⁷⁹ These recommendations have not been implemented and would help to improve the prospects of prosecution as well as to understand the reasons why prosecutions have not occurred.²⁸⁰

41. As the Secretary-General’s Report has recommended, a key improvement so far as military members of a mission are concerned would be to ensure that as soon as allegations are made, the peacekeeping mission itself investigate them so that the evidence is properly preserved even before investigators arrive from the sending State.²⁸¹ All UN peacekeeping missions should be given the capacity to undertake these investigations, and should ensure they are familiar with the International Protocol as best practice in documenting and investigating crimes of this nature. As regards the other members of the mission, where prosecutions should take place locally, it is a long term project to undertake capacity building in the host state. But in the short term even in states with dysfunctional legal systems, it may be possible to undertake quick impact projects to equip the host state with

²⁷⁷ The Mechanism functions as a court, but has a very limited number of permanent staff, including the President of the Judges. It has a roster of judges and of potential staff who will be able to act when called upon to do so: <http://www.unmict.org/en/about>.

²⁷⁸ Zeid Report, paras 35-36; Secretary-General’s Report, para 60.

²⁷⁹ Zeid Report, paras 78-83.

²⁸⁰ Coomaraswamy Report, page 148.

²⁸¹ Secretary-General’s Report, para 44.

some basic capacity to carry out investigations, at least in relation to serious crimes against the person.²⁸²

42. The UN Secretary-General is committed to continuing reform in this area, as is evident in the two reports published in 2015 on sexual exploitation and abuse referred to in paragraph 30 above. Some of the recommendations in those reports can be implemented without great difficulty (e.g. increasing reporting requirements on member states; strengthening UN disciplinary sanctions) and may lead to further strengthening of accountability. If not, then there may be greater political will amongst states for the more difficult and resource-intensive options of a new international tribunal and/or convention on universal jurisdiction.

VI Recommendations to increase accountability

(A) SEXUAL VIOLENCE IN ARMED CONFLICT

HMG should:

- Continue its work to strengthen the capacity of national legal systems in states where conflicts are taking place, including ensuring that war crimes of sexual violence are criminalised in those states and continuing to use the International Protocol as a tool to provide training in evidence gathering and law enforcement.
- Support initiatives to collect evidence in ongoing conflict situations so that even if prosecutions are not possible at present, the evidence is retained for the future.
- Support the work of experienced NGOs such as Geneva Call as intermediaries with non state armed groups to encourage more of those groups to abide by key principles on sexual violence.
- In relation to the extensive abuses alleged in Iraq, call on Iraq to become party to the ICC Statute or to accept the jurisdiction of the ICC under Article 12(3) of its Statute.
- Ensure that there is capacity in the prosecuting services in England and Wales to bring to justice any alleged offender of war crimes of sexual violence found in this country.
- Ensure that HMG's Prevention on Sexual Violence Initiative is reflected in its policies towards those in the asylum system (including the Syrian resettlement scheme), since some of the refugees are likely to be survivors of sexual violence in conflict.

(B) SEXUAL EXPLOITATION AND ABUSE BY PEACEKEEPERS

HMG should:

- Press the UN for greater transparency about allegations of sexual exploitation and abuse and about follow-up action, so that states that do not investigate and prosecute the allegations can be named and shamed.
- As a permanent member of the UN Security Council, secure the inclusion, in the resolution for each peacekeeping mission, of requirements that the state of nationality and troop-contributing states criminalize sexual exploitation and abuse by peacekeepers of their nationality, ensure that their legislation has extraterritorial effect, bring to justice any individuals against whom credible evidence is produced by the UN of abuses, and provide information to the UN on their follow-up action regarding alleged abuses.

²⁸² See for example Group of Experts' Report, paras 39 and 78.

- Press the Secretary-General that the same requirements be included in the memoranda of understanding that regulate the relationship between the troop-contributing state and the UN. And ensure that each peacekeeping mission is provided with the capacity to begin investigations of allegations of abuse as soon as they are made, so that the evidence is preserved.
- Press for similar reforms for regional peacekeeping operations, including those of the African Union.
- If the above measures and the Secretary-General's reforms do not lead to an increase in prosecutions, explore with other members of the Security Council the possibility of creating a standing international tribunal - a tribunal 'light' - to try peacekeepers charged with sexual exploitation and abuse.

17 November 2015

Ms Chitra Nagarajan – Oral evidence (QQ 40-41)

Evidence Session No 6

Heard in Public

Questions 40 - 41

TUESDAY 20 OCTOBER 2015

Members present

Bishop of Derby (Chairman)
Lord Black of Brentwood
Baroness Goudie
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Baroness Warsi
Lord Williams of Elvel
Baroness Young of Hornsey

In the absence of the Chairman, the Bishop of Derby was called to the Chair

Examination of Witness

Ms Chitra Nagarajan, Gender and Conflict Adviser, Nigeria Stability and Reconciliation Programme, and former Director, Gender Action for Peace and Security (via videolink)

Q40 The Chairman: Friends, we are on to panel 2. We have an agreed order of questions. Can I welcome Ms Chitra Nagarajan? Can you hear us?

Chitra Nagarajan: I can, thank you very much.

The Chairman: Thank you so much for joining us. I need to say one or two things to set the context. This is a formal evidence-taking session of the Committee. A full note will be taken, which goes on the public record. It will also be on the parliamentary website. You will be sent a copy of the transcript and, if you want to suggest minor alterations, they can

be made. The session is being webcast live and will be on the parliamentary website. After the session, you are very welcome to submit any written evidence if you would like to add anything to your replies to the questions. As we begin, I will ask you to make any opening statement you would like to make to us, and then we have six or seven questions, if we have time, that we would like you to answer, please. Would you like to make an opening statement?

Ms Chitra Nagarajan: Thank you very much. Thank you for inviting me to give evidence to the Committee. All of us who are working in the field of women, peace and security are very heartened to see the increasing attention that has been paid to preventing sexual violence in conflict in recent years. The UK maintaining its strong position as a leader internationally on this agenda is really welcome. I am looking forward very much to speaking more to you about the reality in situations of violent conflict such as Nigeria, where I am currently living and working, and talking to you about what more the UK and other members of the international community can do. I have not really prepared an opening statement, but I welcome your questions and I am looking forward to hearing what you have to ask me.

The Chairman: Thank you very much indeed.

Q41 Baroness Young of Hornsey: Good afternoon. What are the kinds of factors in place that heighten the risk of sexual violence in conflict? How should such factors affect the responses of the international community and NGOs? Is there a way of having some kind of early-warning system that will help to mitigate some of the worst aspects of such situations?

Ms Chitra Nagarajan: Thank you very much for that question. Before I answer it, I would just like to reiterate that sexual violence is both the cause and the consequence of gender inequality. We need to see the broader links between what happens to women and girls—to some men and boys too, but it is predominantly to women and girls—reflecting partly what happens in part of the society.

In terms of the factors that heighten the risk of sexual violence, first I should mention violent masculinities. The NSRP recently conducted some research in Nigeria looking at masculinities and the relationship between masculinities, conflict and violence. We found that where men, especially young men, need to prove masculinity in certain ways and where masculinity is linked to earning money to support a family and to being married, there is a link with sexual violence in conflict. In the north-east of Nigeria, for example, where we have been seeing insecurity due to conflict between the forces of Jama'at Ahl as-Sunnah lid-Da'wah wa'l-Jihad, commonly known as Boko Haram, and the Nigerian armed forces, you have lots of young men joining the group because they feel that doing so gives them so-called access to young women who have been abducted. Really, when we are looking at sexual violence in conflict, we need to address the role of violent masculinities as well as looking at women's vulnerabilities.

I would also like to talk about the ways in which services are constructed and the lack of consultation with the women concerned. Some of my work is working with women and girls with disabilities, and we have found that in IDP camps in particular, women and girls with disabilities are at heightened risk of sexual violence, because those camps are not accessible, because no effort is being made to reach out to them and because, quite frankly,

it is a matter of survival of the fittest in which women and girls with disabilities do not have any access to food and other services and are therefore forced to exchange sex in return for food as men offer to so-called help them, and that is really their only way of surviving.

I would also like to talk a bit about military cultures. We find that in a lot of armed forces and armed groups there is really a culture of impunity. Either there is no policy on sexual exploitation or abuse, or if there is a policy it is not followed in practice. When I talk to military officials, I hear either, “These things do not happen—not in our military” or, “Well, what can you expect? These men are so far away from their homes”. There is this overwhelming feeling that violence is normal. That really needs to change. If you have a culture where sexual violence is seen as something natural for men to do to “satisfy their urges”, that leads to a heightened risk of it happening in such a context.

I am sorry. What was the second half of your question?

Baroness Young of Hornsey: It was about what the implications of what you have just said are for the actions of NGOs and the international community. How can we do something that will have an impact on those ways of thinking? The other question I was going to ask you was whether you had any examples of campaigns, organisations or individuals that have successfully challenged or that are beginning to have a positive impact on these very negative attitudes towards women. Sorry, did you hear that?

Ms Chitra Nagarajan: I did. I am sorry. The connection is cutting in and out a bit, so it is a bit difficult to hear everything, but I caught the gist of it.

The Chairman: We are picking up most of it, so keep going.

Ms Chitra Nagarajan: On the question of what the international community can do to impact negative ways of thinking, and promising signs—I hope I caught the gist of that question—there is a lot that countries such as the UK and others in the international community can do when it comes to looking at military cultures. The UK and other countries already try to do a lot. We have seen increasing attention being paid to issues of sexual abuse and exploitation at the international level—the UN level—but we really need to make sure that that translates into practice on the ground.

I would say that number one is looking at who makes up these militaries: armed forces and peacekeeping forces. We know that only 3% of international military peacekeeping forces are women. We know that means that there is a hyper-masculinised culture there. A very good example is the all-female contingent of the UN peacekeeping mission in Liberia, which meant that not only did Liberian women not feel at risk of sexual abuse and exploitation by peacekeeping forces but they also felt more able to go out and engage with them on their own security concerns, including concerns about sexual violence.

We also need to look at training. The UK did some very promising work in Mali recently, whereby the armed forces were trained on gender, sexual abuse and exploitation. That is something—

The Chairman: We seem to have lost you. We cannot hear you very clearly. We will either have to restore this connection or ask you to answer our questions in writing, if you are willing to do that.

[Due to technical difficulties the evidence session was unable to continue]

Open Doors UK & Ireland – Written evidence (SVC0020)

1. Open Doors UK & Ireland is part of an international NGO network which, for 60 years, has supported persecuted Christians and now works in over 50 countries around the world. An increasing area of our work is providing trauma care for women who have been raped or sexually abused in conflict. Open Doors works predominantly with Christian women who have been abused and also supports others from a variety of backgrounds. We have much individual testimony but have kept this evidence factual and statistical.

Open Doors work with women and girls who have suffered sexual violence in conflict

2. In 2008, Open Doors started working with women who have suffered sexual violence. Today, Open Doors provides specialist trauma training in over 18 countries worldwide. Local people, from the countries and culture of the traumatised women, are trained as trauma carers to provide the most effective and impactful support. These people then work to support and train further trauma carers and trainers, in order to maximise the number of women and children who can be helped.

3. Open Doors trains trauma carers in the Middle East – Syria (75 trauma carers), Iraq (over 300), Egypt and the West Bank/Gaza. Trauma carers are also trained in Africa: in Kenya, Nigeria, Ethiopia, the Central African Republic (CAR), across North Africa and in the Horn of Africa. In South East Asia we work in Burma/Myanmar, Malaysia and Laos. We also work in Colombia, Latin America. These trauma carers are all supporting women who have suffered sexual violence in areas of conflict. Predominantly this work is with victims of Islamic State (IS) and Boko Haram, however Open Doors is also working with victims of sexual violence resulting from extreme, localised religious conflict in other countries such as India.

4. In a number of countries, we either work under the radar or by helping women once they have travelled out of the country. We would be happy to expand on this ‘in-camera’ only. These women face great security risks if identifying themselves as victims of sexual violence, and there is little culture of confidentiality in many of the areas where Open Doors is working, further lessening the likelihood that many women will come forward.

5. Any statistics on violence against women in the Middle East, Asia, Africa, etc. will be very low, despite the reality of the current epidemic. The reason for this is that women do not want to come forward in an atmosphere where they will not only not be believed, but will be further harmed due to a culture of shame. Furthermore, the perpetrators are likely to act with impunity, expecting exemption from punishment by police, judges, local authorities etc.

6. Much of the sexual violence that we witness in conflict situations occurs in areas of all-out war and civil war. However, sexual violence also occurs in more localised religious conflicts in countries such as India, Pakistan and Afghanistan, where sexual violence is used to keep minority communities ‘in their place’. Some of this violence even involves women organising the rape of Christian women to punish them for publicly proclaiming their Christian beliefs. (See Annex).

Cultural and societal factors

7. The position of women in the countries where this violence is occurring plays a significant role. Women are often considered second class citizens, with few rights and a lower status than their male counterparts. Open Doors finds that Christian women and girl children face a double-vulnerability, due to their minority faith and 'lesser' gender, consequently face a double vulnerability.^{283 284}

8. Women who are raped are shunned and often unable to access medical help, food or shelter after total rejection by family and friends. The scale of need was illustrated when Open Doors team members set up a trauma healing session for women in CAR. They had planned to spend time debriefing 30 victims but, on the first day, 130 women showed up. The next day, double the number of women attended.

9. Furthermore, women who have been raped are stigmatised by government sanction. In Nigeria, the governor of Borno State, Kashim Shettima, has publicly warned that these pregnant women and girls could breed a new generation of terrorists: "They [the unborn children] could indeed inherit their father's ideology somehow," Shettima has told government officials. He is now advocating for a special mentoring program for these mothers-to-be to ensure they do not give birth to 'future insurgents'.²⁸⁵

Sexual violence as a deliberate tactic in conflict

10. The use of sexual violence in conflict has been documented as a deliberate tactic by Islamic extremist groups such as IS: of this we have individual testimony from victims of IS, and second-hand testimony from trauma carers working with victims. IS has adopted an almost ritualization of rape. Male fighters regard rape as a religious act drawing them closer to God and pray before and after the act.^{286 287}

11. This has also been documented as a deliberate tactic by Boko Haram in Nigeria. Again, there is vast personal testimony of the victims of this violence. Open Doors commissioned the 37 page research report *Our Bodies, Their Battleground: Boko Haram and Gender-Based Violence against Christian women and children in North-Eastern Nigeria since 1999*, which

²⁸³ ***Gender Based Violence as an expression of Christian Persecution in Muslim Based lands*** – report commissioned by the Open Doors World Watch Research Unit, 2013.

<https://www.worldwatchmonitor.org/research/2533678>

²⁸⁴ 'Women and girls: the gender dimension of persecution', ***Freedom of Religion and the Persecution of Christians: The Open Doors Report, 2015***, pp. 22-23

http://www.opendoorsuk.org/advocacy/documents/world_watch_report.pdf

²⁸⁵ ***Freedom brings stigma and fresh fears for Boko Haram 'wives'*** –

<http://www.irinnews.org/report/101937/freedom-brings-stigma-and-fresh-fears-for-boko-haram-wives>

²⁸⁶ ***ISIS Enshrines a Theology of Rape*** http://www.nytimes.com/2015/08/14/world/middleeast/isis-enshrines-a-theology-of-rape.html?_r=1

²⁸⁷ ***Iraq: Supporting victims of 'the theology of rape'***

http://www.opendoorsuk.org/news/stories/iraq_150818.php

sheds light on Boko Haram's ultra-Salafist ideology which underlies the use of rape as a weapon of war.²⁸⁸

12. This report reveals how tremendously effective and efficient it is to focus attacks on women and girls, as the knock-on effects are devastating to their communities. Entire families and Christian communities are thus 'dishonored', regularly leading husbands to reject wives who are victims of rape, with all the consequences for their children.

13. The research asserts that the suffering of Christian women and children at the hands of Boko Haram is a carefully calculated part of the movement's multi-pronged front-line offensive, designed to intimidate the population into accepting political-religious change.

14. The use of rape was also justified by Boko Haram militants on the basis of 'sex as jizya', a reference to a tax that early Islamic rulers demanded from their non-Muslim subjects for their own protection.

Needs of survivors

15. Women and girls who have been abused need to feel able to speak about their abuse and to receive help to overcome their experiences and rebuild their lives. Much work needs to be done to educate the wider communities so that support can be readily accessed without fear of stigmatisation or recrimination.

16. Trauma training is vital. In many countries a woman may be supported, but will most likely be subjected to further harsh treatment, abuse, shunning, extreme isolation or even threats of deaths even by trusted, leading members of the community. This is why trauma support training in churches, mosques, local and national authorities is so needed.

How can UK assist?

17. There is a desperate need for more trauma care. Current human resources are stretched to the maximum, so the UK has a role play in training and equipping further trauma carers in conflict situations. These trauma carers must be trained in areas of cultural sensitivity as a vital part of trauma provision.

18. Further, much more research is needed. There is a very low, if not complete absence, of research regarding gender-based violence targeting women and children conflict – specifically against Christians and those of other smaller ethnic/religious communities caught up in these conflicts. The reasons are not far-fetched: security concerns, cultural sensitivity, bureaucratic processes and the financial implications remain the greatest obstacles in exposing the truth of coordinated gender-based violence. However, research is needed in order to further uncover the scale of this, and provide a suitable response.

²⁸⁸ [Our Bodies, Their Battleground: Boko Haram and Gender-Based Violence against Christian women and children in North-Eastern Nigeria since 1999](https://www.worldwatchmonitor.org/research/3117403) – report commissioned by the Open Doors World Watch Research Unit, 2013. <https://www.worldwatchmonitor.org/research/3117403>

What can be done to lessen the stigma / prevent the act?

19. Trauma care is essential. Bringing together women with shared experiences helps individuals to feel more valued and that they are not alone – and therefore not solely accountable – in their experience.

20. Much work needs to be done in communities to ensure women are seen as victims in need of help and support, rather than guilty parties who should be cast out. Education – both adult and child – is vital if women and girls are to be seen as victims, and if communities are to be encouraged to support them after their ordeal.

21. Education – both adult and child – is also needed if the cultural and ideological influences perpetuating the act of sexual violence in conflict are to be successfully challenged and eradicated.

Annexe

Indian 15 year old raped for publicly sharing her Christian Belief – 7 September 2015 from Open Doors worker in the field.

Fifteen-year-old Roshni (name changed for security reasons) is still struggling to forget the trauma of her past. Two years ago, she was raped as a punishment for passionately sharing her Christian faith with everyone around. She and her parents filed a case against the assaulter, but they were denied justice and he was set free after mere two years of imprisonment. The news of his release petrified Roshni. So much so that she stopped eating; she fainted due to weakness and was admitted to the hospital to recover.

Roshni is just one of the hundreds of Christian women in India who are physically or sexually assaulted because of their faith in Jesus Christ. Many such women fear disgrace and thus do not file official complaints. If they manage to report the abuse, they are called into the court hearing to remember and speak in public about their horrific experiences. They are usually denied justice because the judicial system is never in favour of Christians.

Roshni began telling her neighbours about Christ. “I used to share my faith with my neighbours. They ridiculed me for it,” she remembers. “The ladies in my neighbourhood often made fun of me, but one day they seemed very interested about my faith. They called me home to share about Jesus and served me juice, which I drank, not knowing that they planned to drug me and have me raped afterwards. After the drink I lost consciousness. When I came back to my senses I realized I had been raped. Since I feared public disgrace I ran to my home silently and told my parents everything. A police complaint was made and the case lingered for two years. My attacker was jailed during that period of time but was proven innocent and released.”

18 September 2015

Organization of Women's Freedom in Iraq – Oral evidence (QQ 73-78)

Evidence Session No. 11

Heard in Public

Questions 73 - 78

TUESDAY 3 NOVEMBER 2015

Members present

Baroness Nicholson of Winterbourne (Chairman)
Bishop of Derby
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Baroness Warsi
Baroness Young of Hornsey

Examination of Witness

Ms Yanar Mohammed, President, Organization of Women's Freedom in Iraq

The Chairman: Good evening. This is Emma Nicholson speaking. How do you do? Are you able to hear us, Mrs Mohammed?

Ms Yanar Mohammed: Yes, I can hear you, but the picture is not very clear.

Now it is clear.

The Chairman: Thank you very much for joining us. We are very grateful indeed. You know the Committee. You have seen who we are. We are taking this as a recorded interview that is on the record. It will be published, but we will ask you to give us any minor corrections that you want to make. We will have a lot of questions for you. If you cannot answer them today, or if we run out of time, please write to us. We very much welcome all the knowledge that you can give us, because you are in a very important and powerful position.

Ms Yanar Mohammed: Thank you.

Q73 The Chairman: My first question is not a question; it is just to ask you to tell us a bit about yourself and your work, and what you would like us to concentrate on.

Ms Yanar Mohammed: I am a woman activist and I have been working in Iraq since 2003. I have set up an organisation where the main focus of work is on sheltering women who are fleeing gender-based violence. We started out working on honour killings and later on worked with women who were escaping trafficking. Recently, more of our focus has been on women who are fleeing ISIS violence, so for me it is very important that the future of Iraq becomes a future where women are safe, where legislation allows the protection of women and human rights defenders have a say in what happens in the country, whether it is laws in Britain, policies that are decided or the way in which women are treated by governmental institutions. For me, it is very important to reach out to the international community and find ways and mechanisms that empower us in Iraq and help the government to understand our position on women's rights.

Q74 Bishop of Derby: Thank you very much, and thank you for speaking to us.

You commented that the Iraqis are devastated now and that it will take decades for any progress to be made. Within that situation of devastation, what part does sexual violence play? Is it a major driver of the devastation, or is it just one part of a much more oppressive situation that women are in? It would help us to know the part that sexual violence plays.

Ms Yanar Mohammed: If we are looking at the landscape of women's devastation in Iraq, the most difficult spots, or if you like the hot zones, where women are hurt the most are to do with gender-based violence, where they have been violated by ISIS fighters and kept forcibly in marriages that they do not want, or if they were enslaved by ISIS in Mosul and taken to Raqqa. Those are the most difficult parts, but that does not happen only under ISIS. A similar situation happens under the Iraqi government, where orphans of the war have become the material for a highly thriving sex industry. Every Iraqi city is full of brothels and very young women and teenagers are stuck in a cycle of violence and are unable to step out of it. If we look again at the landscape of violence against women and the devastation, I would say that these two parts are the most difficult parts that need to be addressed by very clear and immediate mechanisms. Overall we are speaking of a population of 10 million or 20 million, and the displaced are a big part of it. Millions of mothers are displaced from western Iraq and living in mainland Iraq, and they do not have a single penny with which to feed their children. So some of the landscape is poverty, some of it is homelessness and not having a roof over their heads. A considerable part of it is being widowed by the war between Iraq and ISIS, which has left hundreds of thousands with no husband and sons and suffering a lot. Violence based on conflict affects the biggest numbers of women, but the ones who are hit very profoundly are those who are enslaved by ISIS and those who are trafficked into the sex industry in Iraq—something which the government are not addressing adequately.

There are many other issues, but I would say that these three issues are the ones that you see most clearly when you look at the landscape of the devastation of women in Iraq.

Bishop of Derby: Thank you very much indeed. That is very helpful.

The Chairman: May I turn to Baroness Hodgson, but before she asks her question, I have an additional point to the Bishop's question. What do you think the Iraqi government need to do to assist in the situation?

Ms Yanar Mohammed: Thank you. That is a much needed-question. The government are not preparing the ground to assist the NGOs to protect the women who need shelter, empowerment and protection. The NGOs are not allowed at this point to open shelters for women. Although there is no specific article in the legislation that does not allow them to do so, the officials' understanding of some of the laws is preventing organisations such as mine from having women's shelters that are legally accepted by the government. So the first step is for the government to legislate to allow the private sector, and specifically the NGOs, to have women's shelters and to have them across the country in the more vulnerable places.

The second thing is for the government to provide more help in issuing identification papers for women who are fleeing violence and who have no ID papers on them. Tens of thousands of women are stateless at this point, and they cannot get IDs for themselves because the government's policy is for women to have a male relative in order to be issued with an ID card. Although there have been some regulations to issue cards for displaced women, not much has been done on the ground. This is the second issue that needs to be addressed.

The third issue is to support freedom of speech and media for women. I will give an example. We in our organisation had a radio station for women called Radio Al-Musawat, which addressed violence against women in conflict zones and under trafficking. In June 2014, the government ordered us to close the radio station under different pretexts, and they denied us the freedom of speech to defend women and to empower those who are most vulnerable.

I mentioned that the first thing is that the government need to legislate to give us a written article in legislation to give women's shelters run by NGOs legal status. The second is to address the issue of identification papers for women who are displaced and women who have been and are trafficked and who need to have government services. The third is freedom of speech, so that women's radio stations, democratic radio stations at large and media should not be closed by the government. These are the main issues.

Of course, the protection of human rights defenders is also an issue. In Baghdad last week we tried to save a woman from a compromised situation in which her tribe was keeping her against her will, and after we saved her—the law was on our side—we were surprised that the tribes came at us with their machine guns and wanted to kill us, human rights defenders. There was not much that the security personnel were prepared to protect us with, and the government need to address this not only with governmental measures but with governmental campaigns to address the patriarchal mentality of the tribes at large in Iraq. That is doable, but the government are not moving on it.

Q75 Baroness Hodgson of Abinger: Thank you. Does your organisation receive any support from international organisations or foreign governments? For example, has the UK's Preventing Sexual Violence Initiative helped you at all? Have any of these links caused extra risks to you or your organisation and, if so, how could these be mitigated? Sorry, there are three questions in one really. Let us start with whether you receive support.

Ms Yanar Mohammed: My government receive funding from the European Union and from the Dutch government, and the funding is very helpful. We would have preferred it if we did not need to disclose to the community at large that we are receiving these funds. With the Dutch government we do not have a problem, but with the European Union, under the visibility programme, we have to announce that we are receiving the funding directly from

it. That does not make us look very good to some parts of our community. As for the PSVI, we have received no funding from it. It is a very welcome Initiative, but it has not been addressed to us and we have not been contacted about it. We in Iraq have almost 12 years of NGO culture where we are supported by the international community. We do not find it much of a threat for us.

As for international NGOs, the bigger ones have not been very responsive to our very difficult work of saving women from violence. But there are some sister organisations that I would like to mention, such as the one in the US called MADRE, which has supported us with very strong training on human rights according to international human rights law and helped us put our knowledge into writing and apply it for the UN agencies, such as the Human Rights Council, the UPR and other mechanisms. The bigger ones that are connected directly to the UN or UN Women were not responsive to our needs on the ground. But we would welcome the Initiative and them, and we hope that the mechanisms for their work are more closely connected to the work of women's rights defenders on the ground in the future.

The Chairman: Did you have a supplementary question?

Lord Sterling of Plaistow: I will wait.

The Chairman: I am asking Baroness Hilton to ask a question.

Q76 Baroness Hilton of Eggardon: What sort of support or security does your organisation have? Does it have any protection at all from the government or elsewhere? Presumably your workers are at risk.

Ms Yanar Mohammed: Our work on the ground has no governmental protection. On the contrary, we have been called names since we were founded and accused of encouraging promiscuity among women and tearing the fabric of families apart. These are the expressions that we hear from some officials. A few of them have become understanding and acquired an awareness of the need for sheltering women from violence, and we have a network of supporters of individuals in the security institutions who have stood at our side and are becoming the referral point for victims who need our services.

As for the policy or the general understanding of officials of the work that we do on the ground, it is not even at a basic level. Many governmental institutions need to be trained as to the importance of the protection of women and how much the NGOs can play a role on the ground; we are local, we understand women's issues and we have become experts in this matter.

We would like and welcome forums that are encouraged by the UN or the international community to deal with women in civil society as a consultative base in order to empower us in front of our own governments. There is an anti-trafficking department in the Ministry of the Interior, and another for community and policing. We are in contact with the officials who run those departments, but so far we have not got much help from them with the hundreds of women who we have helped who were suffering from violence or had been trafficked. It is still at the first stage, and most ministries and the government are not very understanding of the difficulties that we are taking upon ourselves. We need more procedures in place in order to empower us.

The Chairman: Thank you, Baroness Hilton. I come now to Lord Sterling.

Q77 Lord Sterling of Plaistow: Madam Mohammed, Salaam Alaikum. May I say that you are a very courageous lady? I happen to know that you are up against huge corruption in government and very vested interests that do not want the sort of work that you are doing being carried out.

Your organisation was established in 2003. Lady Greenstock, wife of the ambassador in 2003, Sir Jeremy Greenstock, was appointed by Bremer specifically with responsibility for the women of Iraq. It was at exactly the same time that your organisation was set up. There are two parts to my question, if it is not too indelicate. Is there a difference between the ways that the government treat Hashemite, Shia, Sunni, Kurd and so on? Is there a difference between how those various tribal backgrounds respect or treat their own women? Thank you.

Ms Yanar Mohammed: Patriarchal pressure in Iraq has been the law of the land for ever, but at the same time this period has brought sectarian conflict into the picture—a sectarian conflict in which politicised Islamist Shi'ite parties have legislated all the constitution and are in command of the Ministry of the Interior and whichever institutions are connected with the protection of women. You would find most of the women in their own families under patriarchal pressure, but who is most subject to gender-based violence in Iraq at this point? It is the women of the minority that is oppressed: the Sunnis. If we are speaking about numbers and the political sectarian map, I would say that the Sunni women of western Iraq are subject to most of the violence. Then again, the recent lessons of history have taught us that it is the minorities who are not supported by any of the local governments who are hit the most. A stark example of that is the Yazidi women's ordeal, where the KRG—the Kurdistan Regional government—did not protect them from the ISIS fighters. The Arab government—when I say “Arab” I mean the mainland Iraqi government—did not protect them from the Sunni ISIS fighters, and they were left all alone. The women in the minorities that are not supported by the Shi'ite ruling political parties and the minorities that are not supported by the main opposition, which is ISIS, are the most threatened. I would start with the Yazidis, then go to the Turkmen Shia of the Tal Afar, where we know for sure that a population of 200,000 has been displaced and that not much is being said about how devastated those women are. The Turkmen Shia women of Tal Afar are in a major dilemma now and not much of their situation is being addressed. If you look at the map of Iraq, there is a sectarian divide. The heaviest intersectionality is where a woman is from a minority that is oppressed. When she is living in a part of Iraq where her minority is looked at in a bad way, that is when is in the most vulnerable situation.

As for the lady you mentioned who came to Iraq and was assigned to address the gender-based violence, I might be mistaken, but in a women's meeting in 2004, where I put all our concerns on the table, I was advised by the British woman in charge to go back to my tribal leader or my religious leader for more help. I was very disappointed, because neither the tribal head nor the religious clerics had offered much for the women of Iraq. We lost most of our status in Iraq because of the two most powerful cultures in Iraq: tribalism and the politicised religious groups.

Lord Sterling of Plaistow: That is very interesting. Thank you.

Q78 Baroness Young of Hornsey: Could you tell us something about how the documentation of sexual violence and abuse can be of value? Clearly there are at least two

ways in which you can do that. One is to document what has happened, perhaps for the sake of history—for the archive or the record. Then there is the use to which maybe some of that information, but also other documentation that is gathered, can be put to prosecute criminals who have committed these acts. Could you say something about that and the extent to which perhaps you engage in that activity?

Ms Yanar Mohammed: Yes. It is a much needed question and issue at this point. I will give examples while I am speaking so as to make the issue more real. In the area under ISIS, women are being forced into marriages and younger women are being kidnapped in broad daylight by ISIS fighters, and not much is being done about it—not that much can be done, because this is an area under ISIS. We have outreach to these areas on a daily basis to document what is happening. In the city of Hawija recently, women were ordered to divorce their husbands who are fighting with the Iraqi army and are being forced, one after the other, into marriages with ISIS fighters. In the city of Mosul, groups of women are facing public execution on the pretext that they are prostitutes, but the reality is that their husbands are in the Iraqi army. The cities of other parts of Iraq are being attacked by ISIS, and many of the camps are in danger.

So international groups' documentation and support for the local organisations' endeavours is needed, and its purpose for the future will be to have four goals. The first is to bring the perpetrators to justice so that they get their rightful punishment at some point by means of their names, pictures and all the proof in very well built cases. The second is to offer compensation to the victims who have been enslaved and forced into compromised situations. The third is to provide protection for women who will not be safe once the ISIS cities are liberated. Maybe everybody in the international community thinks that Iraqi cities will be regained by the Iraqi government and that everybody will live happily ever after, but that will not be the situation for women who were forcibly violated by ISIS. They will be humiliated, if not killed in honour killings. Those women need to be protected. My organisation wrote a statement saying that we want safe zones for women in the cities that are liberated from ISIS, and we want them to be supervised by the NGOs who know how to keep women in dignity and safety. So the protection of women is the third goal that is needed.

The fourth is that in future wars in other places in the world, or maybe even in Iraq, we want documented all the violations against women and how they happened, whether they were committed by ISIS fighters, by militias under the Iraqi government, or by individuals who operated with impunity because there were no laws and no measures taken against them. We want all these things documented so as to bring about a new legal culture that holds them accountable in the future so that such massacres against women will never happen again. One way to address this systemically is to have laws and measures put into the legislation in Iraq and practices put into the security institutions in Iraq. The other thing is to learn lessons for the future where wars happen under the auspices and the attention of the international community, so that women's issues are addressed.

In short, I want the protection of women, the empowerment of women, compensation sometimes for the families of women who have been killed and for the children who have lived in very difficult situations, and legislative output. There is a fifth, and it is political: never again should any war in any country make tens of millions of women in that country live in devastation like the devastation that we witnessed in Iraq.

Baroness Young of Hornsey: Thank you very much.

The Chairman: Thank you very much indeed. You have been incredibly kind, thoughtful and generous with the knowledge that you have shared with us. We are enormously grateful. I think you would like to know that earlier this year we had the opportunity to listen to three young Yazidi ladies who were victims and who managed to escape. They came to London for a few days, so we have already had some of the knowledge that you have shared with us from the other side. Thank you very much indeed for all you have told us today. We have a few more questions, and if we put them in writing we would be grateful if you could answer them. For the moment, thank you. We are most grateful to you, and highly respectful of your work and your organisation.

Ms Yanar Mohammed: Thank you very much for giving me the time.

The Overseas Development Institute – Written evidence (SVC0038)

About the Overseas Development Institute

1. The Overseas Development Institute (ODI) is the UK's leading independent think tank on international development and humanitarian issues.
2. The ODI Social Development Programme, whose work this submission draws upon to a great extent, brings together leading experts on gender, adolescence, health and psychosocial wellbeing and has been working on these issues for the past ten years. With relevance to sexual violence the programme has undertaken a wide range of work, including a three-country study on mental health and psychosocial support needs for adolescent girls in Gaza, Liberia and Sri Lanka; a longitudinal qualitative study in four countries exploring discriminatory social norms of which sexual violence was a key vulnerability facing adolescent girls (Nepal, Ethiopia, Uganda, Viet Nam); a national baseline study on gender-based violence in Zambia; and an analysis of the potential role of the private sector in addressing gender-based and sexual violence in Papua New Guinea.
3. ODI has also undertaken a review of Norway's Gender Aid in 2013-2014, one pillar of which focused on gender and sexual-based violence.
4. The Social Development Programme is currently setting up a major nine-year longitudinal policy research programme, funded by DFID, on adolescent girls in four developing countries, including at least one conflict-affected context, where sexual violence will be a key theme for further investigation.
5. This submission will also elaborate upon a case study on Uganda and a case study on the Democratic Republic of Congo. Both case studies are conducted under the Secure Livelihoods Research Consortium (SLRC) and are part of upcoming publications. SLRC is a unique six-year, eight-country research programme exploring livelihoods, basic services and social protection in conflict-affected situations that is funded by the Department for International Development (DFID), Irish Aid and the European Commission, and led by ODI.

Causes of sexual violence in conflict; 3. What evidence is there as to the cause of sexual violence in conflict? A. To what extent are cultural and social factors responsible for sexual violence in conflict and how effective has the Government's response to these been?

6. Gendered social norms are a key driver of sexual violence both in conflict and in post-conflict environments. In fact, there has been inadequate attention paid to the ongoing legacy of the normalisation of sexual violence in post-conflict contexts, a key example of which is Liberia, where sexual violence has become so much part and parcel of everyday life that it too often goes unchecked²⁸⁹. However, there are differences across contexts; for

²⁸⁹ Jones, N., Cooper, J., Presler-Marshall, E. and Walker, D. (2014): [The fallout of rape as a weapon of war: The life-long and intergenerational impacts of sexual violence in conflict](#). London: The Overseas Development Institute.

example, this normalisation is not as commonplace in Gaza²⁹⁰ and Sri Lanka²⁹¹, where checks and balances do exist, even if inadequately or not systematically operationalised.

7. Amidst UK Government's overall major recent focus on sexual violence in conflict, it as well as other governments and organisations working on development often struggle to respond to the social and cultural aspects of the issue, in part because these are often extremely challenging to deal with effectively even in a stable context, let alone in fragile states.

8. Moreover, there often is neither the political will nor the human resource capacities within governments to tackle these. Ministries in developing countries typically tasked with these issues - social development or women's ministries - are often the least influential and under-resourced in terms of finances and human resources and capacities.

The needs of survivors; 5. What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area? A. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

9. We know very little about the specific effects of sexual violence on adolescent girls and other vulnerable groups of women and girls, including people with disabilities, ethnic and religious minorities and people living in remote areas, as well as on the range of formal and informal coping repertoires that such girls have access to.

10. Our primary research suggests that there has not been enough evidence collected on the legacy effects of social violence over time on individual women survivors as well as inter-generationally. ODI research highlights that adolescent girls who were not part of the conflict in Sri Lanka and Liberia have been suffering from the conflict-legacy of hyper masculinity and normalisation of sexual violence, including under-resourcing of services.²⁹²²⁹³

11. Learning from the evaluation of the Norwegian Agency for Development Cooperation's activities that ODI participated in²⁹⁴ suggests that, given the non-linear nature of social norm change processes, in order to tackle entrenched discriminatory gender norms it is vital to invest in programme funding that is long-term, i.e. spanning at least ten years.

²⁹⁰ Jones, N. and Abu-Hamad, B. (2015): [The hidden costs of the 2014 Gaza– Israeli conflict: adolescent girls' psycho-social wellbeing](#). London: The Overseas Development Institute.

²⁹¹ Wettasinghe, K., Emmanuel, S., Samuels, F. and Galapatti, A. (2015) [Mental health and psychosocial support service provision for adolescent girls in post-conflict settings: a culturally sensitive response](#). London: The Overseas Development Institute.

²⁹² Jones, N. and Abu-Hamad, B. (2015): [The hidden costs of the 2014 Gaza– Israeli conflict: adolescent girls' psycho-social wellbeing](#). London: The Overseas Development Institute.

²⁹³ Emmanuel, S., Wettasinghe, K., Samuels, F., Thambaiah, S., Rajendran, I. and Galapatti, A. (2015) [Adolescent psychosocial wellbeing in the post conflict context of Sri Lanka](#). London: The Overseas Development Institute.

²⁹⁴ Jones, N., Gupta, T. and Tefera, B. (2015) [Evaluation of Norway's support to women's rights and gender equality in development cooperation: Ethiopia case study report](#). Oslo: Norad.

12. Possible interventions to tackle the stigma associated with sexual violence include: community dialogue approaches to tackling gender-based violence more generally and tailoring these to post-conflict contexts; media approaches raising community awareness about gender equality and sexual violence specifically, including through the use of mobile technologies; community dramas which have been found to resonate well in many communities; engaging with religious and traditional leaders or elders (evidence shows that when they disseminate messages around taboo or stigmatised issues significant change at community level in contexts where they have considerable influence can occur); and engaging with men and boys, especially to promote progressive, alternative masculinities.

13. Finally, it is crucial to understand that stigma, especially against sexual violence households, can play a central role in making them “fair game” for more crime and harm. Research done by SLRC in Uganda, to be published in the coming months, showed that these households lack status and so no one will defend them or come to their aid; their land is vulnerable to stealing because local leaders and courts will not support them or enforce rulings; their children and women are targeted because they do not have the social connections and resources to defend them. This reality means that efforts to combat sexual violence among conflict-affected populations need to provide services that help the victims defend themselves and their property (like access to legal services) and much more work with communities and local leaders to reduce stigma and violence.

14. DFID should consider providing funding to carry out innovative evidence gathering activities and to consolidate and synthesise the existing evidence base from conflict and post-conflict settings. Additionally, funding international good practice in the areas identified above would be an important support activity.

Participation; 6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution? A. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

15. Broader understanding of the multi-dimensional vulnerabilities that girls and women face is key as well as the multi-faceted fall out of sexual violence violations. While there is much emphasis on the importance of women's and girls' participation in the development process, it is often precluded due to the pervasiveness of discriminatory gendered social norms. In particular, it is critical to pay greater attention to psychosocial wellbeing dimensions which evidence suggests is a foundational dimension of broader empowerment and wellbeing, and ultimately a critical entry point to achieving development dividends.

Accountability; 9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

16. Efforts to truly address impunity need to come to terms with the long-lasting effects of this violence on households, including how it sets them up for experiencing more, and more diverse, forms of violence and injustice. Our research in Uganda suggests that currently efforts to address impunity focus nearly exclusively on the original perpetrators of the acts

of sexual violence. However, the original act and its harms multiple and expand over time, spreading into the entire household and through a variety of different channels.

17. Our research in the Democratic Republic of Congo, also yet to be published, reveals another factor complicating the legal aspect of responding to violence: local people believe that the women are seeking justice for personal gain, often based on first-hand knowledge of the alleged perpetrators being put in prison or forced to pay. This results in Congolese nationals becoming disengaged with the topic, considering sexual violence to be an international ‘thing’.

18. The case of the Democratic Republic of Congo suggests that the exclusively legal approach to sexual violence should be accompanied by more educational approaches on sexual relations and reproductive health. In the legal sector, special attention needs to be given to pre-judicial, investigative capacities and the respect for rights of suspects of violence.

18 September 2015

Oxfam Novib, Center for Education and Research in Humanitarian Action and Refugee Law Project – Oral evidence (QQ 101-109)

Oxfam Novib, Center for Education and Research in Humanitarian Action and Refugee Law Project – Oral evidence (QQ 101-109)

[Evidence to be found under Center for Education and Research in Humanitarian Action](#)

Ms Pramila Patten and Ms Madeleine Rees – Oral evidence (QQ 42-47)

Evidence Session No 7

Heard in Public

Questions 42 - 47

TUESDAY 20 OCTOBER 2015

Members present

Bishop of Derby (Chairman)
Lord Black of Brentwood
Baroness Hilton of Eggardon
Baroness Hodgson of Abinger
Baroness Hussein-Ece
Baroness Kinnock of Holyhead
Lord Sterling of Plaistow
Baroness Warsi
Baroness Young of Hornsey

In the absence of the Chairman, the Bishop of Derby was called to the Chair

Examination of Witnesses

Ms Pramila Patten, Member, Committee on the Elimination of all forms of Discrimination Against Women (via teleconference), and **Ms Madeleine Rees**, Secretary-General, Women's International League for Peace and Freedom (via teleconference)

Q42 The Chairman: Thank you very much for bearing with us with the technology. We are very honoured and glad that you can speak with us. We have about 25 or 30 minutes, if that is okay. I just have to make one or two formal announcements. This is a formal evidence-taking session of our Committee. A full note will be taken, which goes on the public record in printed form and on the parliamentary website. We will send you a copy of the transcript, and if either of you want to make any alterations, you can inform us and we will make them. This conversation is being webcast and will be accessible via the parliamentary website. Especially as the time is truncated and we have six or seven questions, if we can get through them in half an hour, if there is anything you would like to

say that you do not have a chance to say today, we would very grateful to receive written evidence with your further reflections.

I wonder whether each of you, Ms Patten and Ms Rees, would like briefly to give an introductory remark and then I will ask colleagues to put their questions.

Ms Pramila Patten: Good afternoon. It is an honour and a pleasure for me to have this opportunity to submit before your distinguished Select Committee. My name is Pramila Patten. I am a practising lawyer from Mauritius. I have been a member of the Committee on the Elimination of All Forms of Discrimination against Women since 2003. I am also chairperson on the committee that produced the general recommendation on women in conflict prevention, conflict and post-conflict. I was also appointed by the Secretary-General in 2009 to a Commission of Inquiry into the massacre in Conakry, Guinea, where a lot of sexual violence was perpetrated against women and girls. More recently, last year I was appointed by UN Women and the Secretary-General to the High-level Advisory Group for Global Study on Security Council Resolution 1325.

Ms Madeleine Rees: Good afternoon. I am Madeleine Rees. I am the Secretary-General of the Women's International League for Peace and Freedom. I was also on the High-level Advisory Group for Global Study with Pramila. As probably most of you know, I am also a member of the advisory board for PSVI. I have been working on its implementation through the work I have been doing as Secretary-General of WILPF with our partners in various countries in relation to how to make it work in practice.

The Chairman: Thank you very much indeed. Because this is audio and not video, I am going to ask my colleagues to identify themselves for the record as they ask their questions.

Q43 Baroness Young of Hornsey: Good afternoon. I am Lola Young, an independent Cross-Bench Peer. I am going to ask you two questions together, and obviously both of you can answer them. First, to what extent is gender inequality a cause of sexual violence in conflict? What other factors can exacerbate the risk of sexual violence in these conditions? How should these factors affect the ways in which the international community contributes to solving some of these problems? How can we engage NGOs in these processes, which will help mitigate some of the worst aspects of sexual violence in these circumstances?

Ms Pramila Patten: I will start with your question on gender inequality as a cause of sexual violence in conflict. I would just like to highlight that sexual violence is not created by conflict. In both war and peace, sexual violence is driven by gender norms that socially sanction the dominance of men over women and by notions of men that actually valorise sexual conquest, grant men a sense of entitlement to women's bodies and allow them to trivialise men's violence against women. It is also true that conflict exacerbates the gender inequalities and abuses of power that can lead to gender-based violence, and that although conflict does not cause sexual and other forms of gender-based violence, it may manifest new forms of gender-based violence in those settings.

In terms of contributory factors, I would say that women are targeted for violence on the basis of their sex because there are laws and practice everywhere whereby women are subordinate and unequal to men. Women continue to be frequently denied their right to equality—to substantive equality. Many States continue to fail to uphold women's rights to sexual autonomy and bodily integrity in peacetime, and women are legally unable to protect

themselves from unwanted sex. In far too many countries, the honour of the community or family, for example, is still very closely tied to controlling the sexual activity of women and girls. We know that male family members put a premium on female virginity, purity or sexual inexperience. Everywhere, combatants know that targeting women and girls both inflicts great harm on individuals and symbolically assaults the larger community to which the female victim belongs. Until this fundamental fact changes, women and girls will always be at risk.

Other factors include this gender inequality, which explains the way the violence manifests itself. For example, we see that combatants routinely abduct women for long and short periods of time and force them to become wives, essentially obliging women to cook, clean, wash clothes and have sex, all of which are stereotyped gender-specific forms of labour. Such relationships mimic relationships during peacetime, especially peacetime situations in which forced marriage and expectations of free female labour are common practice. The stereotyped perception of women persists in wartime and puts women at great risk of abduction and violence.

Ms Madeleine Rees: I have very little to add to that, because that was a very fulsome explanation. I agree with it absolutely. I would add one or two other things, perhaps. A lot of work has been done now on the political economy of violence and how that factors into the creation of a climate where sexual violence in armed conflict takes place. As Pramila very aptly said, it does not happen just because there is armed conflict; it happens before, it happens during and it happens again afterwards.

One thing that is also very important to factor in is that the prevalence of violence is based on unequal power structures and on access, in particular to social and economic rights and to the ownership of the means of production, the tools of production, education, employment, and so on and so forth, all of which are involved or implicit in a political economy analysis, which means that women are less likely to participate in civil and political life as well. In unequal societies, you have fewer women in government structures. Research has now shown that that increases the potentiality of violent conflict being used to address any form of conflict, instead of going for political solutions. It is a vicious cycle that replicates itself and there are various entry points in which you can try to break that cycle and prevent it.

In answer to the second part of your question, which was about what is necessary and how we intervene to give the rights or the support, a tremendous amount of work has been done on working with first responders. The protocol that has been developed on the documentation is an entry point, and we have been working with women from Iraq and Syria. We just had the second consultation last week—the first was funded by the PSVI—in order to ascertain what they wanted. We brought in our own expertise from Bosnia and other conflict countries where similar practices have been used to try to break the cycle of social stigmatisation, et cetera. What women want—this is very important to take forward in strategic planning—is a safe space to go to in order to enable access to psychological support. In that safe space, there is access to the potential for documentation. If you have documentation, you have the possibility, eventually, of accountability, but it also helps you to understand how the types of violence are manifesting and who the persecutors are—who are the ones committing this and how are they able to commit it. If you have that information, that makes women better able to defend themselves and to work on their own security issues. We have learnt that very strongly from women who are living under ISIL:

how do they manage to share information and to share what you need to do in order to be able—to a degree—to protect yourself?

These are all very important entry points that you can have and that need support. The most vital thing is to be able to provide the funding and the expertise to these women on the ground, who can then deliver the services that are required. It also gives us the information that we need to know on the patterns of violations and how they are happening.

Q44 Baroness Hussein-Ece: Both of you have already touched on gender inequality and the lack of women in political structures. My question is simply this: what practical measures can the international community and the UK Government take to advance the participation of women in conflict resolution and post-conflict politics?

Ms Madeleine Rees: That is a big one, and I am glad you have raised it. The UK has been quite a champion in relation to putting women into peace processes. As you probably know from the global study, and as the research has shown, there is now empirical evidence that the absence of women from peace agreements ensures that they will not work. You need to have women involved from beginning to end. It cannot just be tokenism. Having women at the table who are the wives of the leaders of the warring factions does not work. Nor does this binary narrative of only talking to women if they will include themselves in the government, the opposition or whichever opposing faction it is. The only way it really works is if you include women as part of civil society; they are the ones who have the greatest vested interest in peace. The only way you can do that is by convincing the United Nations that the third-party interveners are the ones who will make the difference. Unfortunately, the problem we have right now is that I do not think for one minute that the Department of Political Affairs believes it. We are working very closely with them and with UN Women to try to get women included. Certainly in the cases of Syria and Ukraine, we are working to try to get that inclusion. Their rhetoric is fine; they say, “Yes, we know women are very important”, but when push comes to shove and there is the possibility of delivering on that promise, they do not do it. They revert to the men with the guns. This came out in the Security Council debate when one of the women said, “I know the only thing that will get me into the discussion is if I carry a gun. That is the only guarantee”. That cannot be the way in which we conduct peace negotiations.

The UK can assist by working with the friends of the Security Council resolutions to make sure that the Department of Political Affairs takes seriously the resolutions and the obligations under international law as regards equality, not just because it is a matter of international law that they have to but because it is a matter of actual, practical common sense if you want a sustainable peace agreement. We have to convince them of that. The most practical way is engagement with the United Nations where they are the brokers, and if they are not the brokers, as was the case in Colombia, then it is working with those States that are trying to ensure that women are included. As we have seen from the progress that is being made in Colombia, that is having tremendous effects.

Ms Pramila Patten: I just want to add that CEDAW, in its General Recommendation 30, has made recommendations for third-party States participating in conflict resolution processes, either individually or as members of international organisations. We recommend—and the UK Government could do this—that women are included in negotiation and mediation activities as delegates, including at senior levels—for example, as chief mediators or

special envoys. We urge third-party States to desist from any use of observer status as a substitute for real and effective participation. Women should not be on the sidelines observing; they should be an integral part of negotiation and decision-making on the future of their country.

Technical assistance could also be provided on conflict resolution processes to countries emerging from conflicts so as to promote women's effective participation. We know that the immediate aftermath of conflict can provide a strategic opportunity for state parties to adopt legislative and policy measures to eliminate discrimination against women in the political and public life of their country.

Ms Madeleine Rees: Can just I say one more thing? This is important. In all the work that we have been doing, it has been the NGOs who have been responsible for bringing the women to VPA and to the processes, which means there is very little security provision. They always have to beg, steal and borrow money in order to get here, whereas the negotiators and the parties are put in secure locations, they are flown, they are looked after and they are given status. It is unrealistic to expect women to have to expose themselves to that degree in a way that the factions do not have to. We need to elevate their status so they are taken seriously.

Ms Pramila Patten: I would really like to reinforce the point about providing support, for example, to State parties to elaborate their national action plan on 1325. That is something very concrete that the UK could support, along with ensuring that civil society organisations focused on women's issues are also included in all peace negotiations and post-conflict rebuilding and reconstruction efforts.

The Chairman: Thank you very much indeed. We have three or four questions that we want to squeeze in over the next 10 or 12 minutes, if we can.

Q45 Baroness Hodgson of Abinger: Good afternoon. It is Fiona Hodgson here. I am a Conservative Member of the House of Lords. It is very kind of you both to have given us the time this afternoon. There are two parts to what I want to ask you. First, what effect and impact has the Preventing Sexual Violence in Conflict Initiative had? How has it influenced this whole issue? Secondly, what policies or practices can the UK Government implement or lobby for that would do the most to prevent sexual violence in conflict or ameliorate its effects?

Ms Madeleine Rees: The greatest impact that PSVI has had so far is that it really has raised the issue into the international fora. We have never had so many States actually paying attention to the issue of sexual violence in armed conflict before. That started with the Summit and has been continued thereafter. That has been vital. Having champions has also been an extremely good value-added. The fact that it is now continued through all the UK embassies in the various countries is also very significant, because it means that we are not stopping that. It has been an entry point, and I know, because I am part of the advisory team, that it is now being seen as the entry point in order to better understand gender relations and what the overall position is. The various governments implicated in the Women, Peace and Security Agenda, which is everybody, should now be addressing the issue of sexual violence more broadly. It starts with that whole issue of political economy and then how it manifests itself during armed conflict.

The crucial issue for me has been what can be done on the ground, and what is being done on the ground, through the PSVI. A lot of really good work has been done, but there has also been some misplaced faith in certain projects that have not been part of a holistic approach to dealing with the issue. It would be very helpful from now on if PSVI had a very clear strategy on how to implement the various elements that it is looking to do: documentation, accountability, effective prosecutions, and providing the safe spaces for women for medical and psychological support that are needed in order to facilitate the accessing of justice. That of itself is a wonderful, and if you like neat, way of closing the circles around what women need. There is an awful lot more, but establishing that in every place in conflict where PSVI undertakes to engage to prevent and deal with sexual violence should be an approach that can be expected. If you know that PSVI is coming, you should know that you are going to get those elements within the overall strategy. That is one.

In terms of what we can do to stop the military perpetrating acts of sexual violence, that does not happen just where there is gender inequality. We know from what happened in Bosnia, and we know from the sexual exploitation and abuse that happens in peacekeeping, that men from whichever country will take advantage of a situation. It is done for different purposes, but this is about power dynamics. One thing that is crucial is to have better training and accountability within the military. That is about command responsibility and ensuring that we make best use of the existing legal structures, such as the ICC, for referrals for command responsibility, so that we have a demonstrable legal framework, which, again, is carrot and stick. You should prevent, but one element of prevention is accountability, which is one of the main thrusts of the PSVI: that is, ensuring command responsibility and serious sentencing that follows from that in order to try to get militaries to control their troops. The downside and the more difficult part is the militias, as we know, and how and in what way they can be prosecuted, but again I come back to using existing legal frameworks and giving more power to the ICC to investigate and prosecute.

Ms Pramila Patten: That was very comprehensive. Maybe I could just add that I fully support a holistic approach. That is an approach that addresses women's political, social and economic empowerment, which is central to long-term efforts to prevent sexual violence in armed conflict and post-conflict situations. However, it is also important to address sexual violence in mediation efforts, ceasefires and peace agreements.

On the question of measures to address sexual violence perpetrated by peacekeeping forces, I also fully support the need to deploy greater numbers of female military and police personnel and especially to provide all military and police personnel with adequate training on sexual and gender-based violence. I fully agree that the declaration has gone a long way to bringing visibility to sexual violence and the different forms of sexual violence in times of conflict.

Q46 Baroness Kinnock of Holyhead: My name is Glenys Kinnock and I am a member of the Labour Party in the House of Lords. Thank you very much for joining us and for your answers to the questions so far. I would like to ask you a very short question but probably quite a challenging one. Why have there been so few successful prosecutions for sexual violence in conflict, and what exactly is planned to be done in order to address those shortcomings?

Ms Madeleine Rees: You could write a book about that.

Ms Pramila Patten: Indeed, there are many reasons that could explain not only the low level of successful prosecutions but in fact the low level of prosecutions in short. Maybe the first thing I would say is that transitional justice mechanisms, in spite of everything, continue to fail women. Transitional justice mechanisms everywhere are not delivering justice and reparations. Women are not being involved at all in the design, implementation and monitoring of transitional justice mechanisms. That is one reason.

In terms of prosecution at the national level, we see that challenges existing prior to the conflict faced by women in accessing justice, including legal, procedural, institutional, social and practical barriers, engrained gender discrimination and impunity for perpetrators, are all exacerbated during conflict. These persist during the post-conflict period and operate alongside the breakdown of the police and judicial structures, and in the end they deny or hinder women's access to justice. At the level of international tribunals, although international tribunals have contributed to recognising and prosecuting some gender-based crimes, there are a number of challenges. Again, there are many procedural, institutional and social barriers that continue to prevent women from participating in the international justice system.

We know that at the international level—because we know that sexual violence has been prosecuted primarily at the international level through ad hoc courts—both the ICTY and the ICTR have been plagued by weak investigations. Neither has had an effective long-term prosecution strategy that acknowledges the degree of wartime sexual violence suffered by women in Rwanda and in Yugoslavia. We know, for example, how the ICTR has been very ineffective in investigating and prosecuting sexual violence. There are a number of factors that explain this: lack of financial resources, poor staff training, lack of political will, poor witness protection, weak investigation and a general perception by investigators that rape cases are too hard to prove in court.

There has also unfortunately been a lack of post-conflict social integration. How governments treat survivors of sexual violence in the aftermath of conflict is also a critical measure of their seriousness in addressing the crime and of their commitment to preventing future abuses. Communities often blame women and girls abducted by members of warring factions for what happened to them. When conflict ends, the women and girls often do not return home for fear of being rejected. As such, many are left with no option but to remain with the rebel or militia husband who abducted and most often raped them. There is persistent stigma attached to sexual violence. Women feel too much ostracism by their families. Those infected by HIV can expect more discrimination and stigma from their families and communities.

What governments could do is also an important question, but maybe I will leave Madeleine to address the first part of the question, because I am not sure whether you asked what measures should be taken by the UK Government, the international community or other national governments.

The Chairman: As she does that, can I ask my colleague Lord Sterling to ask his supplementary question that relates to this?

Q47 Lord Sterling of Plaistow: Ladies, thank you very much. This Committee is interested in whether particular moves can be made done that can help the prevention of violence in conflict. To keep this on a much narrower front, you both have huge experience, but you

also have the great advantage of being senior lawyers. Wherever you have operated, you are seeing it: you have the United Nations, you have the Security Council and so forth, and you have resolutions, conventions and protocols. Keeping you on a very narrow focus, is there any one of these that has been signed up to and ratified that either of you could demonstrate you have seen an outcome from, over a period of years, of unquestionable improvement? Anybody can sign up to anything; what they do about it is another matter entirely.

The second part of this question is that in conflict there are always two sides. The two sides are not necessarily national armies. In practice, how can we enhance the rule of law on those who are, if you want, the enemy or the rebels—call them whatever you want—for them to realise that they are going to be caught and justice is going to be carried out? In particular, do you have any experiences yourselves that you can really point to and say that there is something that has been agreed to and signed up to for which you have unquestionably over the years seen evidence that demonstrates that it is working?

The Chairman: Thank you. Things that work. Your quick comments.

Ms Madeleine Rees: Spot the cynic.

Ms Pramila Patten: Let me talk from the UN perspective. I will talk about my very own experience. I did the Commission of Inquiry in 2009 in Conakry, Guinea, when the President of Guinea, as you know, ordered the massacre and rape of women, especially those who were close to political leaders who were against him in the opposition party. Today, Moussa Dadis Camara has been indicted. Between 2009 and now a number of Ministers and allies have been indicted. It took time, but if it was not for the Commission of Inquiry and the continued interaction between the Commission and the International Criminal Court, and the pressure that civil society kept placing on all the stakeholders, there would never have been an indictment. It took time to indict him because he was hiding in Burkina Faso.

On the convention, CEDAW is an important tool that has to be used not in isolation but in a holistic manner when we are addressing the situation of women in conflict. We have to look at the complementarity between international humanitarian law and human rights law, and between human rights law and international refugee law and, for example, international criminal law. There is also the optional protocol to the convention that allows the Committee to initiate inquiries into grave or systematic violations of women's human rights. For example, we are now conducting an inquiry into sexual violence perpetrated in post-conflict Sri Lanka. We have the possibility of asking for an exceptional report from the Committee outside the normal reporting cycle of four years. Through an exceptional report, we have addressed communal violence in India. We have asked Nigeria for an exceptional report on the acts and doings of Boko Haram. We have asked Guinea for an exceptional report.

There are way and means of using the accountability mechanisms that exist, but they all have to be used together. The Human Rights Council is increasingly conducting fact-finding missions and Commissions of Inquiry. We work a lot with the Human Rights Council. Madeleine and I just came back from New York. Last week was the launch of the Global Study on the implementation of Resolution 1325. One of the key recommendations is that the Women, Peace and Security Agenda should not be behind the closed doors of the

Security Council. There needs to be a holistic approach. We all have to work together, and we all have to use all the tools and all the accountability frameworks that are available.

The Chairman: Thank you very much indeed. I am afraid we have run out of time formally. We are really grateful to you and to people in the public gallery for your patience with the technological hitches that we have had. We are very appreciative of the superb quality of your answers, and I do hope that we might be able to submit another couple of questions and invite you to make a written response to help us in our thinking, but we need to end the formal session now. Can I thank you very much indeed and say we look forward to some written material, if you are able to provide it? Thank you.

Physicians for Human Rights, His Honour Judge Jonathan Carroll, Department for International Development, Foreign and Commonwealth Office and MADRE – Oral evidence (QQ 10-17)

Physicians for Human Rights, His Honour Judge Jonathan Carroll, Department for International Development, Foreign and Commonwealth Office and MADRE – Oral evidence (QQ 10-17)

[Evidence to be found under his Honour Judge Jonathan Carroll](#)

Promundo US – Written evidence (SVC0041)

Focusing on men to increase security and support stabilization in North and South Kivu - Gendered sources of conflict and war in the Eastern DRC and gendered responses for security and stabilization support

1. Several wars and conflicts over the last decades in the Democratic Republic of Congo (DRC) have caused tremendous damage to relationships between men and women and greatly exacerbated partner violence, including sexual violence between partners. War related rape of women and girls, committed by uniformed and armed men, militia members, or civilian men, was a daily reality for many families. Many men and boys were also raped, and countless were forced to watch their wife or daughter being raped.
2. The results of the International Men and Gender Equality Survey (IMAGES) carried out in North Kivu by Promundo in 2012 explored the numerous and complex factors that contribute to high levels of SGBV in a context of post-conflict DRC²⁹⁵. (Slegh et al, 2014) The study found that support for traditional gender norms, including male dominance, is high among both men and women in North Kivu. Men who are less supportive of gender equality were more likely to have perpetrated physical or sexual violence against a partner. The study also found that nearly 24% of women reported being raped during the conflict; those women who experienced sexual violence in the conflict were highly likely to be rejected by their husbands and families.
3. In addition, men who were exposed to childhood violence were more likely to use partner violence as adults. Men who were forced to have sex or raped in conflict were also more likely to use physical or sexual violence against their partners. Finally, men's reports of higher levels of economic stress and regular binge drinking were also associated with elevated levels of violence against partners. Men in North Kivu also reported high levels of economic stress due to poverty, displacement and loss of property. The construction of violent masculinities in men is strongly influenced by childhood exposure to violence and exposure to violence during armed conflict.
4. Additionally, communities affected by conflict in the region are often left in economic turmoil. In the case of the DRC, conflict left many men and women without the ability to provide for their families, with IMAGES revealing that 71% of men post-conflict (versus 39% before conflict) reported never having enough means to support their families, leading to further interpersonal conflict, stress and depression.
5. In this context, women's increased access to economic resources can contribute to a range of positive outcomes for themselves and their families, as well as for economic growth more broadly. Many livelihood and 'economic empowerment' initiatives in the Global South, including those in the Great Lakes region, thus focus primarily or exclusively on women: of the 82 million poor clients served by microfinance programs in 2005, 84% were women. However, as the Dutch multi-annual strategic plan for the Great Lakes region

²⁹⁵ Slegh H., Barker G., Levto R., Gender relations, SGBV and the effects of Conflict on women and men in North Kivu, DRC. Promundo & Sonke, 2014.

has assessed, “For many men in the region, it remains difficult to accept new and equal rights of women. The majority of agricultural workers are women, with a large percentage of female-headed households, which has changed the role of women in communities.” Efforts to boost economic development after the conflict that focus (solely) on the empowerment of women may aggravate men’s sense of lost power and fragile sense of manhood.

6. When men are unable to fulfill the culturally defined male roles as protectors and providers for their family due to war and poverty, self-perceptions of failure and loss of power and control lead many of them to use more violence at home, as affirmed in the IMAGES study. Indeed, the study found that many men cope with shame and feelings of loss and failure with alcohol abuse and violence against women; for some, this sense of lost masculinity is also a motive for joining armed groups. Constructions of masculinity based on rigid and traditional notions of power, control and honor also contribute to new forms of conflict when fighting and violence are seen as the only way to resolve interpersonal and inter communal conflicts.

7. In North and South Kivu specifically, rape and sexual violence in private and public domain reached and remains an epidemic. The prior portrayal of rape as primarily a weapon of war has made way for a broader understanding that rape was used as a strategy to destroy others, however several other studies confirm that rape and sexual violence should also be understood as an expression of failed masculinity in a failing state. (Baaz et al, 2013).²⁹⁶

8. Men’s multiple identities in conflict and post-conflict settings—as perpetrators of violence, but also as witnesses to and victims of violence—must be appropriately addressed in any effort to end SGBV against women and girls, to promote gender equality, and to facilitate women’s and men’s access sexual and reproductive health resources and services.

9. The primary activities implemented to achieve this goal will be based on the evidence-based methodologies and activities that are part of Promundo’s Living Peace Groups program. The program was funded by the World Bank and was informed by the results of the IMAGES study in the Eastern DRC which showed that failed masculinity and men’s trauma and sense of loss significantly contributed to men’s use of violence against women. With a two-year grant from the World Bank, Promundo then worked with local NGOs in North and South Kivu to develop a program with a focus of working with men as both perpetrators and victims of violence.

10. The intervention was piloted in the DRC and Burundi in 2013, and the goal of the groups was to: (1) restore peace in communities and at home; (2) support women who experienced rape in conflict; and (3) help men to cope with their trauma and reconstruct their identities in non-violent, gender transformative ways. The groups are one of many evidence-based initiatives that Promundo has conducted as part of efforts to engage men and boys around violence and conflict prevention, peacebuilding and gender equality in conflict and post-conflict settings around the world. Promundo’s approaches are always subject to rigorous impact evaluation and have been recognized by the World Bank, UN Women, UNFPA and

²⁹⁶ Baaz M., Stern M., *Sexual Violence as a weapon of war?* Nordic Africa Institute Sweden, 2013

many bilateral funders as being “state of the art” in terms of leading to transformations in gender relations, reducing GBV and improving health outcomes.

11. The results of the evaluation of the Living Peace groups was clear and decisive, as indicated in both the quantitative and qualitative data collected. Men reported high rates of positive attitude and behavior change in the following areas, for instance:

Reported Change in the Following Domains :			
Areas of Change	% Reporting Positive Change		
	BURUNDI	GOMA	LUVUNGI
Understanding the problems men experience	99.0%	100.0%	99.0%
Coping with problems	100.0%	100.0%	96.0%
Fewer problems and conflicts at home	100.0%	100.0%	97.0%
Relationship with partner	100.0%	98.2%	99.0%
Sexual relations with partner	100.0%	98.2%	89.9%
Controlling my aggression and frustration	100.0%	100.0%	87.9%
Equality between men and women	99.0%	100.0%	88.9%
Relationships with my children	98.9%	96.4%	97.0%
Social relations with other men and women	99.0%	98.2%	98.0%
Sexual violence at home	94.8%	98.2%	97.0%

12. In focus groups and individual interviews, group participants reported many positive outcomes as a result of their participation in the groups, including:

- **Improved partner relations and reconciliation between partners.** All of the respondents (women and men alike) said that violence has ended and that the women and children are happier. Several men and women reported that many men had gone back to their wives whom they had previously rejected due to SGBV and ceased conducting extramarital relationships. Others said that communication between spouses had resulted in an end to partner violence and a better sexual relationship.
- **Economic improvement and increased trust.** Due to the intervention, male participants realized the true costs of GBV on their lives and household. They reported doing better economically since they began to share their income and make decisions jointly with their wife, and also because they stopped drinking.
- **Improved gender relations and sexual relationships.** In the formative research and baseline many participants, especially the men, said they consider men to be the natural head of the family and perceive gender equality as “culturally inappropriate.” However, following the intervention most participants reported changes that included more gender-equal attitudes by men. They shared income with their partner because they saw the benefits; they communicated with her as a more equal partner; and they reported less conflict.

- **Increased stability and security.** The numerous indicators in the qualitative data suggested that people feel more secure and stable in their home and community as they feel more connected and supported through the Living Peace groups. One indication is through increased social cohesion; in Luvungi men and women men and women reported feeling more secure in their village because they made new friends in the groups. Soldiers in the military group reported intervening when they saw other FARDC members using violence. A second indicator was the participants' willingness to partner with each other outside of the groups, including in economic investments. In Goma some group participants began joint economic activities including farming and raising rabbits for food, showing both increased trust in others but also a greater sense of security and freedom from conflict. It also seemed to renew hope in some of the participants; as one member of the military group said, "If we could reach all people in Goma, we may reach peace in our country."

13. There were additional positive side effects: children responded very positively to the more peaceful home environments, and all family members reported better health. Most women also reported improvements in their sexual relationships with their husband, particularly in the areas of him showing respect and approaching her with a more equitable attitude, as the following quotes suggest:

"I was raped by the M23 and my husband rejected me. We lived in separated rooms. After the fourth session, on a Saturday, he came to my room and asked me to come back to him. We are a couple again and I felt like the day of my marriage." (Woman in Goma)

"My husband made me pregnant every year. I delivered babies yearly [eight children] like an animal. Now he completely changed: he works in the field with me, he is nice and we are like lovers, like when we were young, and he participates in family planning." (Woman in Luvungi)

14. Additional positive side impacts of the intervention included:

- **Children benefit from the positive changes in partner relationships.** There were several accounts of children saying that they are very happy to have a father who is better now, and that there is peace at home.
- **Children—including girls—have better access to school** because their father is now willing to pay the school fees.
- **Some men began income-generation activities with other men in the community** based on increased trust and the development of social networks that resulted from the groups. Collaboration between husband and wife on economic activity also resulted in increased family income for many.
- **Many participants reported improved health conditions**, including better access to food and reductions in men's alcohol use.

15. Living Peace: Lessons Learned

The three pilot applications of Living Peace Groups in 2013 were very beneficial in providing feedback to refine, improve and adapt the intervention for future applications and scale-up. Some of the key lessons learned included:

- *The importance of having a well-developed and correctly implemented supervision plan for the facilitators.* Although they all received training and some were enrolled in ISL moving toward their degrees in mental health counseling, the experience of facilitating the groups led many to go through a process of personal change themselves, similar to that experienced by group participants. Through both one-on-one and group supervision they received support for their own process as well as feedback and guidance in providing trauma support to the group. Supervisors also helped them set boundaries so they did not become the village social worker, trying to solve everyone's problems (which some participants were seeking), and helped them deal with technical issues around sometimes difficult group dynamics and maintain appropriate ethical standards of "do no harm."
- *To ensure sustainability the groups should take place in community, guided by facilitators from the same community, at the lowest cost possible.* The groups should be organized in a community place (under a tree, in a school or church, etc.) where it is not necessary to pay a rental fee. The community facilitators should receive a small stipend to cover their transport costs, to acknowledge their efforts, but they do not receive a salary. At the end of the 15 sessions there should be a community celebration in which participants share their new knowledge and personal growth with the community to help broaden the impact of the group, contribute to shifting community norms, and inspire other men to want to participate in the program.
- *The community celebration is also important for helping participants effectively transition from being just participants in a group to feeling comfortable talking about trauma healing and violence prevention in the community.* In becoming an activist like this, participants feel that they can do something with their new insights and contribute in a new way, and they are perceived in new and positive ways by their community. In particular for those who may have been known in their community for using violence before, this allows for them to make a new start and atone for past behavior.
- *Both men and women must be involved in the project throughout, but in different ways.* The pilot Living Peace groups used three different models of women's participation but the version tested in North Kivu that will be replicated in this project—primarily men in the groups, but with regular participation from their wives—seemed to be the most effective.
- *There is and should continue to be a strong emphasis in program design on strengthening trust, restoration of positive relationships and social cohesion.* The community therapy group approach is a methodology where the group rules are used as an instrument to create a climate of trust. Men can share, exchange and learn from each other, using the curriculum as a guide through different phases related to trauma, guided by facilitators. One of the main drivers of their positive behavior change, as measured in pilot testing, was the increase of trust and social cohesion resulting from the group sessions. The increase of trust among the men also led to their participation in joint economic activities when the program ended.

16. Living Peace: How it Differs from Existing Interventions

There are many organizations and ongoing activities in the DRC which share the primary and secondary objectives of this project, however Promundo engagement of men and incorporation of gender-transformative group trauma therapy are unique and strongly complementary to existing efforts in North and South Kivu provinces. The Living Peace

methodology builds on Promundo's extensive research in the region and insights of how gendered coping in the post-war context and self-perceptions of failed masculinity are linked to the use of violence in both the public and private domains. Therefore, Living Peace interventions address those problems that men are dealing with as entry point for change.

17. Finally, many of the innovative elements in Living Peace are new to the eastern DRC. Working with men to develop great problem-solving capacity and addressing male identity issues related to use of violence, trauma and failed masculinity have not been done previously. Living Peace also aims to develop men's intrinsic motivation for change rather than relying on external (and as a result temporary) factors to induce and sustain change. The intervention is also very low cost for its impact and is community based.

18. [IMAGES conducted in the Mutobo Demobilization and Reintegration Center in Rwanda](#)

The International Men and Gender Equality Survey (IMAGES) was conducted in the Mutobo Demobilization and Reintegration Center in Rwanda by Promundo and partners during October 2013 and January 2014. The study aims to understand men's practices and attitudes as they relate to gender equality, and the impact on men of participation in collective violence and armed groups, with a specific focus on the effects of demobilization and reintegration programming on gender dynamics and male identity construction. The study consists of both quantitative survey data, collected from 145 ex-combatants in the Mutobo Center, as well as qualitative research, consisting of focus group discussions and in-depth individual interviews carried out with members of the same group of ex-combatants. The qualitative research focused on exploring men's lived experiences of manhood, in childhood, as partners and fathers and as combatants, and men's perspectives on their male identity as civilians.

18 September 2015

Dr Noëlle Quénivet – Written evidence (SVC0012)

I welcome the opportunity to comment on the issue of sexual violence in conflict. In my submission detailed below I focus primarily on matters relating to the international policy agenda and the sexual violence perpetrated by peacekeeping personnel.

First I believe that the reporting system established by the Convention on the Elimination of all Forms of Discrimination against Women could be successfully used to monitor States' compliance with the G8 and UN declarations if the Committee were to interpret the General Recommendation No 30 in a broad manner. Alternatively, the UK could support the creation of a Working group on Sexual Violence in Armed Conflict, emulating from the success of the Working Group on Children and Armed Conflict. Such a Working Group could make use of and build upon the current Monitoring, Analysis and Reporting Arrangements so as to review State's compliance with amongst other instruments the G8 and UN declarations. In the case of a violation, the Working Group could refer the matter to the UN Security Council, the International Criminal Court or the relevant Sanctions Committees as well as support the Secretary-General in drawing the list of parties that are credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence.

Second, despite the zero-tolerance policy of the United Nations, and good progress shown in the last few years, sexual violence perpetrated by peacekeeping personnel remains a significant problem. With regard to UN Staff and Experts I suggest that State whose nationals have had credible allegations confirmed against them be obliged to provide information to the United Nations on the measures adopted towards such individuals. If the acts are of a criminal nature than the UN should consider waiving immunity for a trial in the courts of the host State, but maintain immunity for the verdict should the trial not comply with human rights standards. In relation to national contingents I recommend that joint United Nations-troop-contributing countries (TCCs) investigation teams be the norm and that, if allegations are substantiated, the team recommendation, including criminal prosecution, be implemented by the TCC without delay. Further I would support a 'naming and shaming' list of TCCs that do not collaborate with the United Nations by failing to either investigate the allegations or report the measures adopted within a certain timeframe. Also commanders' responsibility should be strongly emphasised and in fact reinforced by requiring them to respond to such allegations.

The international policy agenda

1. What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

a. How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict be coordinated and monitored?

1. As a matter of introduction I would like to explain our understanding of the terms 'coordinated and monitored' as used in the question. Coordination involves a single body or mechanism responsible for the collation of information, oversight of activities, etc whilst

monitoring denotes the active involvement of a body or mechanism in examining information provided by States. In contrast reporting relates to the obligation of States to provide such information to the body and/or mechanism. Usually both reporting and monitoring mechanisms involve some form of commentary and recommendations by the body/mechanism after reviewing the information.

2. Generally, when looking at options to coordinate and monitor a set of commitments, there are two main options: the first one is to use a mechanism that is already in place and the second is to devise a new mechanism and often thereby establish a new monitoring body.

3. The main established mechanism I believe could be used is the reporting system under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). According to Article 18 States are obliged to report to a specifically dedicated Committee on how they fulfil their obligations. The legal basis of reporting on the commitments under the G8 Declaration and UN Declaration could be General Recommendation No. 30 which focuses on armed conflict and other situations of a similar nature (encompassing internal violence not reaching the threshold of an armed conflict, peacebuilding, post-conflict reconstruction, etc.). General Recommendation No. 30 obliges States to report which steps they have adopted to prevent, investigate and punish sexual violence.²⁹⁷ Both declarations encourage States to adopt measures to this effect. Thus the Committee could request information on the implementation of G8 Declaration and the UN Declaration in the same way as it currently requests information on the Women, Peace and Security resolutions of the United Nations Security Council. Indeed, paragraph 83 of General Recommendation No. 30 requires States to provide information on their compliance ‘with any agreed United Nations benchmarks or indicators developed as part of that agenda’.

4. The UN Declaration could, alongside the global indicators on women, peace and security,²⁹⁸ be considered as a United Nations benchmark. However, two issues need further attention. First the UN Declaration and the G8 Declaration cover issues that go beyond women, peace and security as they refer to sexual violence against men and boys. However even if States were to report only on sexual violence against women and girls, this should be viewed as progress. Second, although UN benchmarks have so far been set by the United Nations Security Council they are not legally binding as they were not adopted under Chapter VII of the UN Charter; in this regard their legal nature is not fundamentally different from the UN Declaration or the G8 Declaration. If that is viewed as too big a hurdle to jump, at the very least the States (122 at the moment) that have endorsed the UN Declaration and the G8 States should be asked to report on how they are fulfilling their commitments or attempting to meet these political commitments. In the long term such an approach might assist in transforming the UN Declaration and the G8 Declaration into legally binding documents of customary nature.

²⁹⁷ Committee on the Elimination of Discrimination Against Women, *General Recommendation No. 30 on Women in Conflict Prevention, Conflict and Post-Conflict Situations*, UN Doc CEDAW/C/GC/30, 18 October 2013, paras 34-38.

²⁹⁸ United Nations Security Council, Resolution 1889 (2009), UN Doc S/RES/1889 (2009), 5 October 2009, para 17.

5. Besides the advantage of using an existing mechanism, it should be mentioned that nearly all States (189) have ratified the Convention and are thus familiar with their reporting duties under CEDAW, having established a fairly good relationship with the Committee. Further the Committee is able at the next reporting cycle to verify that a State has taken on board the recommendations by the Committee. This cycle of monitoring and reporting no doubt encourages States to improve on their behaviour and ultimately adjust their acts with a view to complying with their obligations.

6. There are two main disadvantages of using the CEDAW Committee though. First, it is not a coordination but a reporting body. Second, it focuses only on women as the thrust of CEDAW is that violence against women and girls is a form of discrimination stemming from gender inequalities.²⁹⁹ In contrast, both the G8 Declaration and the UN Declaration cover sexual violence perpetrated against any individual, irrespective of his/her gender.

7. Rather than crafting a completely new mechanism it might be possible to emulate from a success story. In 2005 the UN Security Council passed resolution 1612 which set up the Working Group of Children and Armed Conflict to which the newly crafted Monitoring and Reporting Mechanism (MRM) on grave violations against children in armed conflict reports.³⁰⁰ Such a mechanism has to a certain extent been successful. Alike the MRM, this new Sexual Violence in Armed Conflict (SViAC) mechanism could operate at three levels: the country, the UN headquarters (Secretary-General and Special Representative on Sexual Violence in Armed Conflict) and 'destinations of action' (UN Security Council, International Criminal Court, Sanction Committees or other institutions the Working Group considers as suitable enforcement mechanisms).

8. Interestingly, there is already a Monitoring, Analysis and Reporting Arrangements (MARA) established under UN Security Council resolution 1960 which at the moment does not seem to have much visibility and could become central to this new mechanism. It could act as a relay, providing systematic and reliable information that is then fed not only into the reports of the Special Representative on Sexual Violence and the Secretary-General but also in country reports to be reviewed by a Working Group on SViAC which would appraise the situation and progress made in the implementation of the 1) time-bound commitments made by the parties to the conflict³⁰¹ and 2) National Action Plans implementing resolution 1325, which serve as guiding national policy documents. The United Nations, and especially the Special Representative of the Secretary General on Sexual Violence, could push for States parties to reiterate their commitments undertaken under the G8 and UN Declarations or commit to its provisions, be it in the time-bound commitments or in the National Action Plans. In fact the G8 Declaration clearly refers to her as the person who can 'build coherence and coordination in the UN's response to sexual violence in armed conflict through UN Action against Sexual Violence in Conflict as well as her focus on national ownership and responsibility'.³⁰² I do not see any objections to requiring non-State parties to commit to the

²⁹⁹ Committee on the Elimination of Discrimination against Women, *General Recommendation No. 19 on Violence against Women*, UN Doc A/47/38, 29 January 1992.

³⁰⁰ United Nations Security Council, Resolution 1612 (2005), UN Doc S/RES/1612 (2005), 26 July 2005.

³⁰¹ United Nations Security Council, Resolution 1960 (2010), UN Doc S/RES/1960 (2010), 16 December 2010, para 5. See also UN Security Council, Resolution 2106 (2013), UN Doc S/RES/2106 (2013), 24 June 2013.

³⁰² G8 Declaration, para 2.

UN Declaration as the wording of the Declaration can be so interpreted as to apply to non-State actors too. As the Secretary-General explained ‘we now focus our collective efforts on converting these political commitments into concrete actions’.³⁰³

b. How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

9. In law, accountability is viewed in terms of State responsibility and such State responsibility can only occur if the obligations upon the State are legally binding. Neither the Commitments made at the 2014 Global Summit nor the ones enumerated in the G8 Declaration are legally binding which means that States cannot be held legally responsible for failing to abide by them. In this light I understand the term accountability to denote the ability of a body/mechanism to comment on whether States have complied with their commitments, not whether they can be brought to court for failure to comply with their international law obligations.

10. As explained earlier, I believe that the establishment of a UN Working Group on SViAC would enable a system whereby States are held accountable to their commitments. Under the current system of MARA it is the task of the Secretary-General to track and monitor the implementation of such commitments. A working group would be more suited for this task. It could also write its Conclusions and make recommendations to the parties to the conflict as well as the destinations of action that include the Security Council. The system would thus be part of the wider Women, Peace and Security agenda. This does not in any way impact on the annual reports by the Secretary-General; on the contrary, the Secretary-General could rely on the Working Group on SViAC to monitor compliance with the commitments (including the UN Declaration) which would assist him/her in drawing the list of parties that are credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence, as encouraged by Resolution 1960³⁰⁴ as well as removing such parties from the list.

11. Besides the Security Council as a possible destination of action, the Working Group could also refer matters to the various Sanctions Committees of the Security Council. Rather than the Special Representative encouraging each Sanction Committees to impose sanctions, the Working Group could bring more consistency and systematicity into the system. Of course the Special Representative should continue her excellent work of briefing sanctions committees, as called upon by the UN Security Council in Resolution 1960.³⁰⁵

c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK’s input to the Security Council’s High-level Review of Resolution 1325?

12. First, the UK could transform the UN or G8 declarations into United Nations Security Council resolutions that are part of the wider women, peace and security agenda. Although the title refers to women, the United Nations has espoused a broader view, including men

³⁰³ United Nations Secretary-General, *Report on Conflict-related Sexual Violence*, UN Doc S/2014/181, 13 March 2014, para 10.

³⁰⁴ UNSC, Resolution 1960 (2010), (n 5), para 3.

³⁰⁵ UNSC, Resolution 1960 (2010), (n 5), para 7.

and boys in the Secretary-General reports on conflict-related sexual violence.³⁰⁶ The resolution does not need to be adopted under Chapter VII and thus be legally binding. Indeed, experience demonstrates that resolutions adopted under Chapter VI, such as those in the context of the protection of children in armed conflict, can be as effective as legally binding ones.

13. As the UK is well regarded in the United Nations as the initiator of the G8 and UN declarations it has a certain leverage that other States do not have. It might therefore be in a position to enter into a dialogue with the CEDAW Committee and ask it to include these declarations into the review of national reports. It could also path the way by doing it itself when submitting its next report in July 2017.

14. If the UK believes that a new mechanism, such as the Working Group on SViAC, is warranted, then it will have to take the lead in setting it up via a United Nations Security Council resolution. In this case the UK will be able to use its position as a permanent member of the Security Council by proposing and supporting such a mechanism. Also, at a later stage when situations will be referred to it by the Working Group the UK could push for resolutions to be adopted and thereby ensure that the mechanism is a success.

Peacekeeping

8. How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

15. Following the revelation of sexual violence perpetrated by peacekeepers in the Central African Republic, Ban Ki Moon has reiterated the zero-tolerance policy of the United Nations with regard to sexual violence. As he stressed in his latest report ‘a single substantiated case of sexual exploitation or sexual abuse involving United Nations personnel is one case too many’.³⁰⁷ The problem is sadly not new. After trying to seize the extent of the problem the Secretary-General issued the 2003 Bulletin ‘Special Measures for Protection from Sexual Exploitation and Sexual Abuse’.³⁰⁸ The 2008 report prepared by the now UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, further recommended an array of measures to curb the problem, most of which were adopted by the UN General Assembly.³⁰⁹ Whilst there has been a decline in the number of allegations that might be explained by the implementation of the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel a number of problems remains as shown by the 2015 Evaluation Report of the Office of Internal

³⁰⁶ Reports are based on the implementation of four resolutions. United Nations Security Council, Resolution 1820 (2008), UN Doc S/RES/1820 (2008), 19 June 2008; United Nations Security Council, Resolution 1888 (2009), UN Doc S/RES/1888 (2009), 30 September 2009; UNSC, Resolution 1960 (2010), (n 5); United Nations Security Council, Resolution 2106 (2013), UN Doc S/RES/2106 (2013), 24 June 2013.

³⁰⁷ United Nations Secretary-General, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, UN Doc A/69/779, 13 February 2015, para 1. [hereinafter UNSG 2015 Report]

³⁰⁸ Secretary-General’s Bulletin, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, UN Doc ST/SGB/2003/13, 9 October 2003.

³⁰⁹ United Nations General Assembly, *Resolution: United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel*, UN Doc A/RES/62/214, 7 March 2008.

Oversight Services (OIOS).³¹⁰ I will focus here on two issues (all within the enforcement pillar of the sexual exploitation and abuse (SEA) policy): the lack of common standards applicable to all those involved in peace operation missions and thus the inability of the United Nations to take action and the lack of power of the United Nations to prosecute those perpetrating sexual crimes.

16. Depending on the status of individuals working in peace operations, different sets of rules apply to them. For example UN officials are bound by the UN Staff Regulations and Rules that are complemented by the Secretary-General bulletins (including the 2003 Bulletin). The standards on SEA have been extended to UN experts. As a result, allegations of SEA-related offences made against UN staff and personnel deployed with the status of experts on mission (police personnel and military observers) can be investigated by the OIOS. Where allegations are confirmed, the United Nations can take disciplinary action against its own staff. In the case of experts on mission the United Nations can repatriate the individuals concerned and prevent them from taking part in future peace operations but disciplinary or other types of measures can only be actioned by the relevant Member States which will be alerted by the OIOS. There is however no obligation on States to provide information on actions taken though a number of States do. Our recommendation is that in all cases (UN staff and personnel as well as UN experts) the State of nationality should be informed of the confirmed allegations and be asked to report on the adopted measures, in line with the standards applicable to national contingents. In this view I support the UN Secretary-General's recommendation that Member States commit to a six-month timeline for completing investigations.³¹¹

17. As for military and civilian police members of national contingents, they are bound by their own national laws. The 2009 Memorandum of Understanding³¹² signed between the United Nations and the troop-contributing country (TCC) makes the UN standards of conduct (eg the 2003 Bulletin) of conduct binding on such personnel. With regard to investigation the Model Status-of-Forces Agreement³¹³ grants the troop-contributing state exclusive jurisdiction over such members when crimes are committed on the territory of the host state. In addition, under the 2009 Memorandum of Understanding,³¹⁴ the latter has the primary responsibility to investigate alleged cases of sexual violence by its military personnel. It is left to States to investigate allegations and take disciplinary or any other measures. As the largest number of allegations involve military personnel³¹⁵ this issue needs to be tackled as a matter of urgency. Investigations are carried out by national investigation officers of the troop-contributing countries, the OIOS being relegated to a role of preserving

³¹⁰ Office of Internal Oversight Services – Inspection and Evaluation Division, *Evaluation Report – Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, 15 May 2015, para 7. [hereinafter OIOS Report]

³¹¹ UNSG 2015 Report, (n 11), para 48.

³¹² Memorandum of Understanding between the United Nations and [Participating State] Contributing Resources to [the United Nations Peacekeeping Operation], Chapter 9 in UN Doc. A/C.5/63/18, 29 January 2009, Article 7bis. [hereinafter MoU]

³¹³ United Nations Secretary-General, *Comprehensive Review of the Whole Question of Peace-keeping Operations in all Their Aspects: Model Status-of-Forces Agreement for Peace-Keeping Operations*, UN Doc A/45/594, 9 October 1990, Annex. [hereinafter Model SOFA]

³¹⁴ MoU, (n 16), Article 7 quinquies.

³¹⁵ OIOS Report, (n 14), page 9.

the evidence prior to the TCC investigation or investigative and logistical support to investigations conducted by the TCC. That being said, the OIOS and field missions do conduct investigations where troop-contributing countries do not act. Whilst I understand that national contingents have to follow their national laws the consequence is that military personnel in the same mission are subjected to different levels of willingness to investigate. I thus recommend that joint United Nations (either OIOS or field missions) and troop-contributing countries investigations be the norm. I support the UN Secretary-General's proposal to create a team tasked with responding to SEA-related allegations, comprising of officers from the TCC.³¹⁶ This team should however not only take care of the initial response and support the process, as suggested by the UN Secretary-General, but also carry out the full investigation, possibly using the International Protocol on the Investigation and Document of Sexual Violence in Conflict. If the allegation is substantiated, the panel could recommend appropriate sanctions that would then have to be applied by the troop contributing country using its national laws.

18. At the moment the only way for the United Nations to ensure some form of accountability is that the troop-contributing country is obliged to report to the United Nations on the outcome of the investigation and the actions taken. It appears that States are increasingly collaborating with the United Nations as the last few years have shown an increased number of notifications to the UN Secretariat of measures adopted by national authorities. As suggested by the 2015 OIOS report I support the adoption of a strict timeline regarding the completion of the investigations,³¹⁷ the UN Secretary-General having proposed a deadline of six months.³¹⁸ This would no doubt speed up the investigations (unless there are serious reasons for failing to comply with the timeline). This however does not solve the problem of non-responsive States (despite regular follow-up). I thus believe that a naming and shaming policy as suggested in Recommendation 5 of the OIOS report³¹⁹ and the Secretary-General in his 2013³²⁰ and 2015³²¹ reports be put in place. The annual Special Measures Protection from SEA report of the Secretary-General should indeed identify failure to initiate or complete SEA allegations and report measures adopted by the troop-contributing country. In its 2015 report the UN Secretary-General has also referred to a number of options to strengthen accountability.³²² I believe that payments to States that are named and shamed in for example three such reports and thereby display a pattern of non-compliance should be reduced or suspended until action is taken by the States. Many developing States send troops because the United Nations is generous in its payments. Yet, to avoid reaching this point, the United Nations should engage in a constructive discussion with the troop-contributing countries and offer them amongst others further training on the UN zero-tolerance policy.

³¹⁶ UNSG 2015 Report, (n 11), paras 44-46.

³¹⁷ OIOS Report, (n 14), para 69.

³¹⁸ UNSG 2015 Report, (n 11), para 48.

³¹⁹ OIOS Report, (n 14), page 28.

³²⁰ United Nations Secretary-General, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, UN Doc A/67/766, 28 February 2013, para 25.

³²¹ UNSG 2015 Report, (n 11), para 55.

³²² UNSG 2015 Report, (n 11), paras 54 and 64.

19. The type of measures imposed on individuals found to have committed SEA-related acts must be questioned too. The most commonly used measure is dismissal from service for UN staff, and disciplinary repatriation, usually combined with disbarment from future peace operations, for UN experts.³²³ Although the investigation concludes that the allegations are credible UN inquiries never lead to anything more serious than a dismissal even if such acts are of a criminal nature.³²⁴ This is due to the fact that the United Nations lacks an internal criminal justice system. Prosecution of UN staff and experts is left to the host state or the State of nationality of the offender. It is often not possible for the host State to prosecute as United Nations personnel engaged in peace operations enjoy immunities with regards to local laws.³²⁵ Furthermore, experts on mission are by virtue of the Model SOFA³²⁶ protected by the Convention on the Privileges and Immunities. Immunities however are only conferred for acts undertaken in official capacities and thus should not affect prosecution for criminal acts of sexual exploitation and abuse. Yet, in practice, an immunity waiver is sought. I share the concern of the United Nations that as peacekeeping personnel are usually deployed in states with inadequate legal and judicial systems, due process and human rights standards might not be guaranteed to UN personnel when standing trial in national courts. Thus prosecution in the host State is questionable. Two solutions are possible. First, such individuals could face prosecution in their home State. With this view the UN General Assembly has urged States to establish jurisdiction over crimes committed by their nationals when deployed on UN missions³²⁷ and the UN to facilitate the use of information and material for the purpose of criminal proceedings.³²⁸ Yet, there is no obligation for these States to take action though they are expected to ‘prosecute credible allegations of criminal offences brought to their attention by the Secretariat’.³²⁹ An international convention on the accountability of UN personnel and an obligation on States to report on the outcome of the investigation would be welcome.³³⁰ Alternatively, I suggest that the United Nations, when it waives the immunity of its personnel, only does so for the trial itself but not the outcome and requires that a member of the aforementioned investigation team observe the trial. Should the member believe that the human rights of the accused have been breached, the United Nations could the refuse to waiver the immunity for the enforcement of the punishment. The advantage of such a system is that the suggestion for appropriate sanctions made by the panel would be taken into consideration whilst the human rights of the UN personnel safeguarded. Concurrently the rights and ability of the State to prosecute territorial crimes, as stipulated in the Status of Forces Agreement, would be preserved. Furthermore, it would also demonstrate that justice is been done, thereby setting out a

³²³ OIOS Report, (n 14), Figure 5 and paras 35-38.

³²⁴ According to the latest UN Secretary-General report, 35% ‘of the number of allegations involved the most egregious forms of sexual exploitation abused’, ie sexual activities with minors and non-consensual sex with persons aged 18 or older. UNSG 2015 Report, (n 11), para 8.

³²⁵ Convention on Privileges and Immunities of the United Nations, 13 February 1946, 1 UNTS 15.

³²⁶ Model SOFA, (n 17), Article 26.

³²⁷ United Nations General Assembly, *Resolution 66/93: Criminal Accountability of United Nations Officials and Experts on Mission*, UN Doc A/RES/66/93, 13 January 2012, para 3.

³²⁸ *Ibid*, para 11.

³²⁹ UNSG 2015 Report, (n 11), para 93.

³³⁰ See Draft Convention on Criminal Accountability in United Nations Secretary-General, *Ensuring the Accountability of United Nations Staff and Experts on Mission with Respect to Criminal Acts Committee in Peacekeeping Operations*, UN Doc A/60/980, 16 August 2006, Annex III.

precedent and hopefully deterring further crimes. Indeed the local population would be aware that such behavior is totally unacceptable. Moreover, it would ensure conformity in the criteria applied and not be dependent on the State whose national has committed the crime.

20. With regard to national contingents, the laws of their home country are applicable which means that, when warranted, criminal sanctions can be imposed. I welcome the fact that prison terms can be imposed as some of the sexual acts committed by military personnel are crimes and should be treated as such. Whilst the national authorities report to the UN Secretary-General on the measures adopted following an investigation the local population is not aware that such crimes are examined and/or are treated seriously. For this reason I support the proposal that, whenever appropriate, courts martial be used for military personnel in peacekeeping missions.³³¹ It would have the twin effects of promoting accountability and improve (if not create) transparency; in other words, it would enhance the visibility of the actions taken by the national contingents and show a true zero-tolerance policy in action. As the saying goes ‘justice must be seen to be done’. Further it would act as a deterrent to other personnel of the contingent and, as words would spread, to members of other national contingents.

21. I also believe that the principle of command responsibility should be used in a more constructive fashion all the more as it is anchored in military law and international humanitarian law. It should be noted that the responsibility of commanders is also relevant in other areas of international law, such as State responsibility. For example, as early as 1976 the European Commission of Human Rights found that as a result of commanders having taken inadequate measures to prevent sexual violence and failed to take any disciplinary measures following the events, the rapes could be imputable to the State.³³² First, as suggested by the OIOS report,³³³ I support the idea that communications on sexual offences allegations be sent to the contingent commanders rather than the capital. The State should, of course, be included in the communication but it should be the commander’s duty to respond to such allegations. Whether he waits to be instructed by his State before initiating an investigation should be left to national preferences but the point is that I believe that such a system would make him clearly understand that it is his responsibility to ensure that his troops are behaving in an appropriate manner. It reinforces the view that the commander is, as the 2009 Memorandum of Understanding stipulates in Article 7ter, ‘responsible for the discipline and good order of all members of the contingent’. There is no doubt that the accountability of contingent commanders has not been sufficiently stressed and acknowledged. In a military environment where hierarchy is ever-present, the role of a commander is of utmost importance and I should use this opportunity to ensure that troops do not act in contravention of the zero-tolerance policy of the United Nations. As the UN Secretary-General explains, failure to exercise effective command and control equates to turning a blind eye.³³⁴ Failure of the commanders to take action should as such be reprimanded. The Department of Field Support has actually recognized that

³³¹ OIOS Report, (n 14), para 69 and UNSG 2015 Report, (n 11), para 60.

³³² European Commission of Human Rights, *Cyprus v Turkey*, Applications Nos 6780/74 and 6950/75, 10 July 1976, para 373.

³³³ OIOS Report, (n 14), para 69.

³³⁴ UNSG 2015 Report, (n 11), para 51.

command responsibility is an issue and needs to be tackled. It has recommended that a third category of OIOS investigation be introduced, namely failure of commanders to take action.³³⁵ As a result their action (or rather their lack thereof) would be recorded in the Misconduct Tracking System and related reporting functions. I believe that the creation of such a category would send a clear message that it is the responsibility of commanders to ensure that their troops comply with the UN zero-tolerance policy. It would act both as a deterrent and a sanctioning mechanism.

17 September 2015

³³⁵ OIOS Report, (n 14), page 49.

REDRESS – Written evidence (SVC0022)

INTRODUCTION

1. The Redress Trust (REDRESS) is an international human rights organisation whose mandate is to seek justice for survivors of torture and related international crimes. REDRESS' work is comprised of direct representation of and provision of support to survivors, advocacy to strengthen survivors' access to justice, capacity building and research. This has included making written submissions to United Kingdom (UK) parliamentary committees on matters concerning torture and related international law matters in the past years.
2. REDRESS has a long experience of working with local civil society organisations and grassroots victim groups to combat impunity for sexual violence in conflict (SVC) and obtain reparations for survivors. Together with our partners, we litigate cases at the domestic, regional and international levels. REDRESS also advocates for victim rights to be reflected in the procedures of national and international courts, including the International Criminal Court (ICC).
3. REDRESS welcomes the initiation of an inquiry into the UK's policy and practice of preventing sexual violence in conflict. In this submission, REDRESS responds to the Call for Evidence issued by the House of Lords Committee on Sexual Violence in Conflict (the "Committee").
4. Given the focus of REDRESS' field work, the evidence presented herein is mainly based on REDRESS' analysis of SVC issues in Kenya, Uganda and the Democratic Republic of the Congo (DRC). The submission also proposes recommendations to be made by the Committee to the Foreign & Commonwealth Office (FCO) to strengthen the on-going efforts to combat SVC.

EXECUTIVE SUMMARY AND SUMMARY OF RECOMMENDATIONS

5. The consequences of SVC on victims, their families and communities are wide-ranging. To enable victims to participate in a judicial process, their needs have to be addressed through a **holistic victim support scheme** which incorporates psycho-social support, financial assistance, translation, protective measures, free legal representation, and other necessary services before, during and after the trial. As part of its continuing support to the eradication of SVC, HMG should develop a best practice model and support the institutionalisation of such services.
6. At the end of a judicial process, judgments are issued awarding reparation and/or convicting the accused to a prison sentence. The **enforcement of such decisions** is essential to the lives of SVC victims. HMG should help states to identify the obstacles to effective enforcement and support them in overcoming them.
7. Despite numerous complaints against **international peacekeepers**, not all troop-contributing states are investigating and prosecuting suspects. Additionally, many states are not sufficiently reporting on the outcomes of their efforts. HMG should actively engage with

the UN to work to remove all loopholes impeding investigations and prosecutions and promote compulsory audits of troop contributing countries. HMG should also ensure that the necessary legal and procedural frameworks are in place so that any allegations concerning UK troops operating abroad can be promptly investigated.

8. SVC can be **investigated and prosecuted** at the national level and/or international level. More needs to be done on both fronts. At the national level, the lack of capacity, resources and/or political will pose barriers to accountability for SVC. They reinforce the factors, such as social stigma, poverty, shame, and mistrust in authorities, which hinder victims from seeking justice. HMG should offer continuous training, support civil society and increase the pressure on states by setting relevant benchmarks for bilateral development aid.

9. At the international level, little progress has been made to carry forward the legacy of previous *ad hoc* tribunals in prosecuting SVC. The **International Criminal Court** has not yet issued a conviction for gender crimes due to the belated introduction of SVC evidence and for other related reasons. HMG should extend support to international mechanisms by providing resources, promoting cooperation of states and building capacity of local actors to document evidence of SVC as part of a holistic approach.

ISSUES

I. Needs of survivors

10. The consequences of SVC on victims, their families and communities are wide-ranging.³³⁶ SVC affects victims' physical and psychological well-being and also impacts on their economic status and their standing in society.³³⁷ As a result, victims have multiple needs, ranging from the need for medical treatment and counselling to vocational training and/or income-generating measures.

11. This submission focuses on victims' needs in the context of their participation in justice processes. Victims often have a strong interest to engage in the prosecution of the alleged perpetrators and/or in seeking reparations.³³⁸ However, certain pre-conditions must be met to enable them to participate meaningfully.

(1) Victims need holistic support throughout the justice process

12. Most of the victims interviewed by REDRESS in Uganda, Kenya and the DRC have limited education. Their financial situation is precarious and they live in remote areas far away from courts. Judicial processes, on the other hand, are complex and resource intensive barring

³³⁶ See overview of consequences in: Nicola Jones et al., Overseas Development Institute, *The fallout of rape as a weapon of war - The life-long and intergenerational impacts of sexual violence in conflict*, June 2014, available at http://cdn.basw.co.uk/upload/basw_100421-5.pdf.

³³⁷ *Ibid.*

³³⁸ For example, at the Extraordinary Chambers in the Courts of Cambodia 3,866 victims are participating in the current war crimes case on trial, see statistics at <http://www.eccc.gov.kh/en/statistics-civil-party-applicants-case-file>.

many SVC victims from participating.³³⁹ To overcome these hurdles, SVC survivors who want to engage in judicial procedures need holistic support before, during and after the trial.

13. Many jurisdictions allow victims to be represented by a lawyer and some grant victims the right to legal aid.³⁴⁰ However, merely covering assistance in dealing with the legal aspects of the case is rarely enough. Being part of a judicial process can cause great stress to SVC victims, especially when they are called to testify.³⁴¹ Additionally, many victims do not have the means to pay for the necessary costs, for example for travelling to the court, and some do not speak the language of the trial.³⁴² SVC victims often fear for their security, especially in an instable post-conflict context where state structures are not in place.³⁴³ Therefore, a holistic support scheme needs to incorporate psycho-social support, financial assistance for court fees, transport, and other costs, support for child care, translation services, and protective measures, in addition to free legal representation.

14. The participation in a judicial process starts long before the first day of trial with the filing of a complaint or claim for damages. Support schemes need to be accessible from the moment where victims decide to engage in the judicial process. Similarly, SVC victims need support after a judgment is issued, for example when it comes to enforcing the judgment.³⁴⁴ For their participation to be an empowering process, they should not be simply forgotten after the trial ends.³⁴⁵ Any holistic support scheme needs to factor in follow-up measures.

15. We encourage the Committee on SVC to call upon HMG to:

- ***As a complement to the PSVI tools, develop a best practice model for a holistic victim support scheme for criminal and/or civil judicial procedures: The FCO has developed***

³³⁹ See for example description of complex legal procedures in the DRC in: REDRESS communication to the African Commission on Human and People's Rights, *S.A. v. DRC*, No. 502/14, available at <http://www.redress.org/downloads/engcommunication-sa-v-drc20-nov-2014.pdf>.

³⁴⁰ REDRESS, *Victim Participation in Criminal Law Proceedings – Survey of Domestic Practice for Application to International Crimes Prosecutions*, September 2015, available at <http://www.redress.org/downloads/publications/1508Victim%20Rights%20Report.pdf>, pp. 82-83.

³⁴¹ See for example experience of rape victims who testified at the International Criminal Tribunal for the Former Yugoslavia and before domestic courts in Bosnia and Herzegovina: Medica Mondiale, *The Trouble with Rape Trials – Views of Witnesses, Prosecutors and Judges on Prosecuting Sexualised Violence during the War in the former Yugoslavia*, December 2009, available at http://www.medicamondiale.org/fileadmin/redaktion/5_Service/Mediathek/Dokumente/English/Documentations_studies/medica_mondiale_and_that_it_does_not_happen_to_anyone_anywhere_in_the_world_english_complete_version_dec_2009.pdf, p. 56 ff.

³⁴² See for example obstacles in the DRC: FIDH, *DRC – Victims of sexual violence rarely obtain justice and never receive reparation*, October 2013, available at: https://www.fidh.org/IMG/pdf/rapport_rdc_.pdf, p. 49 ff.

³⁴³ On protection issues for SVC victims see: University of California et al., *Safety Denied: Victim and Witness Protection in Sexual Violence Cases*, May 2011, available at <http://www.aidsfreeworld.org/Our-Issues/Sexual-Violence/~media/Files/Sexual%20Violence/Witness%20Protection%20Paper%20for%20SOA%20Workshop.pdf>.

³⁴⁴ See below para. 11-13.

³⁴⁵ For example, lack of communication and follow-up with rape victims who testified at the International Criminal Tribunal for the Former Yugoslavia led to disappointment about the judgment, see: Nicola Henry, *Witness to Rape: The Limits and Potential of International War Crimes Trials for Victims of Wartime Sexual Violence*, *International Journal for Transitional Justice*, Vol. 3, 2009, available at <http://ijtj.oxfordjournals.org/content/3/1/114.abstract>, p. 131.

and published a comprehensive manual for practitioners: the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, which is based on best practices. Complementary to this manual which mostly targets investigators, police and prosecutors, there should be a manual for service providers on how to support victims in a coordinated fashion throughout legal procedures. Such a manual should collect the best practices with regard to service provision but also with regard to a holistic approach. Such a manual will at the same time serve the purpose of assisting governments to set up holistic support schemes.

- **Promote and support the establishment and institutionalisation of a holistic support scheme based on this model:** *The FCO has promoted the use of the International Protocol by supporting trainings in various conflict-affected countries. Similarly, the holistic support scheme model could be used to train stakeholders in relevant countries. Additionally, technical assistance could be offered to governments which seek to establish and institutionalise the services for SVC victims based on the best practice model.*

(2) Victims need judicial decisions to be enforced

16. At the end of a judicial process, judgments are issued which may contain an order of reparations and/or a conviction and sentence. The enforcement of such judgments and orders is essential to the lives of SVC victims.

17. Survivors often find themselves in financially precarious situations because of their experience of SVC. For example, REDRESS spoke with a number of women in Uganda who were abducted as young girls and forced to become wives of rebel combatants. After years in captivity, they returned to their communities as single mothers without education and employment opportunities.³⁴⁶ Court-awarded reparations, including monetary compensation, can help SVC victims rebuild their lives. However, in countries, such as the DRC, the state fails to pay damages despite court orders in favour of SVC victims.³⁴⁷

18. SVC victims' security, especially after having testified against an alleged perpetrator, is often highly dependent on the imprisonment of the convicted person. However, in DRC, for example, prison escapes are common due to a lack of security measures and corruption.³⁴⁸ If enforcement of the sentence is not guaranteed, many SVC victims will shy away from filing complaints and from participating in the process.

19. We encourage the Committee on SVC to call upon HMG to

- **Engage in a dialogue about the obstacles to the effective enforcement of judicial decisions:** *To be able to ensure effective enforcement, states need to first analyse why*

³⁴⁶ On needs of SVC survivors in Uganda see also: ICTJ, *Confronting Impunity and Engendering Transitional Justice Processes in Northern Uganda*, June 2014, available at <https://www.ictj.org/sites/default/files/ICTJ-Uganda-GenderBriefing-New-2014.pdf>.

³⁴⁷ See REDRESS communication to the African Commission on Human and People's Rights, *S.A. v. DRC*, No. 502/14, available at <http://www.redress.org/downloads/engcommunication-sa-v-drc20-nov-2014.pdf>.

³⁴⁸ US Department of State, *2014 Human Rights Report: Democratic Republic of Congo*, June 2015, available at <http://www.state.gov/documents/organization/236558.pdf>, p. 4; Al Jazeera, *Mass jail break as DR Congo violence worsens*, 19 October 2014, available at <http://www.aljazeera.com/news/africa/2014/10/mass-jail-break-as-dr-congo-violence-worsens-20141019843356169.html>.

judicial decisions are not enforced and who the key players are to change this. As part of its foreign policy, HMG could encourage relevant states to embark on such an exercise and, where possible, provide technical support, for example for the establishment of a database to monitor enforcement.

- **Offer support to the relevant authorities on how to best overcome these obstacles:** *Once the obstacles to the effective enforcement of judicial decisions are identified, states need to develop solutions to address them. HMG could provide advice during the process of finding solutions, for example by promoting learning exchange with countries which have developed necessary solutions. During the implementation of the solutions, HMG could help monitor the steps taken and, where necessary, offer additional technical support.*

II. Peacekeeping

20. As the Call for Evidence references in its question no. 8, SVC is not only committed by warring armed groups or local military forces but often involve peacekeeping forces. Current incidents of sexual violence allegations made against international peacekeepers confirm the continued prevalence of these crimes. As recent as April 2015, allegations of sexual abuse of children by (non-UN) peacekeepers in the Central African Republic have been made public.³⁴⁹ Later this year, Amnesty International raised allegations of rape of a 12-year old girl by the UN peacekeepers in the same country.³⁵⁰

21. The UN Secretary-General's report to the General Assembly on sexual abuse and exploitation in the UN system records a total of 51 new complaints against at least 60 civilian and military UN personnel in 2014 out of which 47% were filed against military contingents.³⁵¹ It should be noted, however, that sexual violence is usually

³⁴⁹ See overview of events in: Aids-Free World, *Submission to the external independent review panel*, 15 July 2015, available at <http://static1.squarespace.com/static/514a0127e4b04d7440e8045d/t/55b279d2e4b0981127c2b55b/1437759954603/External+Independent+Review+Submission+-+15+July+2015.pdf>.

³⁵⁰ Amnesty International, *CAR: UN troops implicated in rape of girl and indiscriminate killings must be investigated*, 11 August 2015, available at <https://www.amnesty.org/en/latest/news/2015/08/car-un-troops-implicated-in-rape-of-girl-and-indiscriminate-killings-must-be-investigated/>; see also BBC, *UN inquiry into Central African Republic child rape claim*, 12 August 2015, available at http://www.bbc.co.uk/news/world-africa-33880414?utm_source=Sailthru&utm_medium=email&utm_term=*Morning%20Brief&utm_campaign=New%20Campaign.

³⁵¹ UN Secretary-General's report to the General Assembly, *Special measures for protection from sexual exploitation and abuse*, A/69/779, 13 February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504176.pdf>, para. 53 and Annex IV.

underreported.³⁵² Between 2008 and 2013, 62% of all allegations concerned military and police forces.³⁵³

(1) International peacekeepers are insufficiently prosecuted

22. According to the UN Model Memorandum of Understanding which is signed by troop-contributing countries as a bilateral contract with the UN, the authority and responsibility to prosecute suspect members of military contingents lies exclusively with the troop-contributing countries.³⁵⁴ As they enjoy immunity for their conduct in the course of their official duty, the host states cannot exercise criminal jurisdiction over such personnel.³⁵⁵

23. More than one-third of the complaints recorded in 2014 allege sexual activities with minors or non-consensual sexual activities with an adult.³⁵⁶ Despite the fact that in most jurisdictions such conduct would constitute a criminal offense, such as rape or statutory rape, only 22 out of 65 proven perpetrators received prison sentences according to reporting by troop-contributing countries for the period of 2010 to 2012.³⁵⁷ Additionally, there is no consistency in the type of sanction imposed when allegations are proven, some of which are limited to salary cuts or demotions.³⁵⁸

24. One of the challenges for investigations and prosecutions is the difficulty to obtain evidence in the host country where troop-contributing countries may not have the authority to undertake investigative measures.³⁵⁹ The UN Office of Internal Oversight Services has found that another blockage for investigations and prosecutions lies in the lengthy referral

³⁵² UN Expert Mission to Evaluate Risks to SEA Prevention Efforts in MINUSTAH, UNMIL, MONUSCO, and UNMISS, Final Report, 3 November 2013, available at <http://www.aidsfreeworld.org/Newsroom/Press-Releases/2015/~media/Files/Peacekeeping/2013%20Expert%20Team%20Report%20FINAL.pdf>, p.13; UN Office of Internal Oversight Services Inspection and Evaluation Division, *Evaluation Report – Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, 15 May 2015, available at <https://oios.un.org/page?slug=evaluation-report>, p.

³⁵³ UN Office of Internal Oversight Services Inspection and Evaluation Division, *Evaluation Report – Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, 15 May 2015, available at <https://oios.un.org/page?slug=evaluation-report>, p. 10.

³⁵⁴ Article 7 quinquies (1) of the Revised draft model memorandum of understanding, A/16/10 (Part III), 12 June 2007, available at <https://cdu.unlb.org/Portals/0/Documents/KeyDoc8.pdf>.

³⁵⁵ See Section 11(a) of the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly of the United Nations on 13 February 1946, available at https://treaties.un.org/doc/Treaties/1946/12/19461214%2010-17%20PM/Ch_III_1p.pdf.

³⁵⁶ UN Secretary-General's report to the General Assembly, *Special measures for protection from sexual exploitation and abuse*, A/69/779, 13 February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504176.pdf>, para. 20.

³⁵⁷ UN Office of Internal Oversight Services Inspection and Evaluation Division, *Evaluation Report – Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, 15 May 2015, available at <https://oios.un.org/page?slug=evaluation-report>, para. 39.

³⁵⁸ *Ibid*, para. 39.

³⁵⁹ Carla Ferstman, *Criminalizing Sexual Exploitation and Abuse by Peacekeepers*, September 2013, available at <http://www.usip.org/sites/default/files/SR335-Criminalizing%20Sexual%20Exploitation%20and%20Abuse%20by%20Peacekeepers.pdf>, p.4.

process from the field missions to the decision-makers in the capitals of the member states.³⁶⁰

25. *We encourage the Committee on SVC to call upon HMG to*

- ***Actively engage with the UN Special Committee on Peacekeeping Operations and with the Secretary-General in order to ensure that an adequate framework is put in place so that loopholes currently impeding investigations and prosecutions are closed. In particular, the UN should be encouraged to work with states to institute better vetting processes so that only persons of the highest standing are selected for sensitive missions. Troop contributing countries should have adequate domestic legislation and procedures in place to deal with SVC incidents, prior to the UN agreeing to receive troops from those countries.***
- ***If the UK deploys troops abroad, whether under the guise of a UN peacekeeping operation, under NATO or other multilateral or bilateral arrangements, it should include personnel with expertise on investigating SVC in the troop deployment so that timely investigations and prosecutions can occur when complaints are made:***³⁶¹ *Timely investigations by experts on investigating SVC increase the likelihood of collecting valuable and useful evidence. If troops deployed by the UK already have personnel with the required expertise, these individuals who are already in the country of the alleged crime can quickly reach the crime site and speak to victims or witnesses.*

(2) Troop-contributing countries are not sufficiently audited

26. One way of ensuring that offenders are investigated and prosecuted is through public scrutiny of their efforts. By signing the UN Model Memorandum of Understanding, states agree to report on the outcome of the measures taken to deal with complaints of sexual abuse and exploitation.³⁶² However, not all troop-contributing countries follow suit, prompting the UN Secretary-General to call on Member States to respect their reporting duties.³⁶³

³⁶⁰ UN Office of Internal Oversight Services Inspection and Evaluation Division, *Evaluation Report – Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, 15 May 2015, available at <https://oios.un.org/page?slug=evaluation-report>, para. 10-12.

³⁶¹ Recommended by UN Secretary-General to member states in his report to the General Assembly, *Special measures for protection from sexual exploitation and abuse*, A/69/779, 13 February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504176.pdf>, para. 49; and by the UN Office of Internal Oversight Services Inspection and Evaluation Division in its *Evaluation Report – Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and Related Personnel in Peacekeeping Operations*, 15 May 2015, available at <https://oios.un.org/page?slug=evaluation-report>, para. 69.

³⁶² Article 7 sexiens of the Revised draft model memorandum of understanding, A/16/10 (Part III), 12 June 2007, available at <https://cdu.unlb.org/Portals/0/Documents/KeyDoc8.pdf>.

³⁶³ UN Secretary-General's report to the General Assembly, *Special measures for protection from sexual exploitation and abuse*, A/69/779, 13 February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504176.pdf>, para. 53; see also UN Expert Mission to Evaluate Risks to SEA Prevention Efforts in MINUSTAH, UNMIL, MONUSCO, and UNMISS, Final Report, 3 November 2013, available at http://www.aidsfreeworld.org/Newsroom/Press-Releases/2015/~/_media/Files/Peacekeeping/2013%20Expert%20Team%20Report%20FINAL.pdf, p.20.

27. Once a rigorous reporting system is established, more pressure can be exerted on troop-contributing countries to fulfil their obligation to hold peacekeepers accountable for sexual violence. For example, countries with a bad prosecution record could be excluded from contributing troops in the future.³⁶⁴ They could also be barred from receiving premiums for the contribution of implicated troops.³⁶⁵ If bad prosecution records are made public, it would also shame the respective country and create public pressure.³⁶⁶ The UN Secretary-General has expressed his intention to provide country-specific information on prosecution rates in his future public reports to the General Assembly.³⁶⁷

28. *We encourage the Committee on SVC to call upon HMG to*

- ***Record, report and publish information about any complaints made against UK forces operating overseas and the outcomes of the cases: The UK should aspire to be a model for other states on recording and reporting complaints and adequately responding to them.***
- ***Promote and support compulsory and public audits of troop-contributing countries by the UN: Being a weighty member of the UN, the UK should use its influence to push for compulsory and public audits in order to ensure zero tolerance of sexual violence.***

III. Accountability

29. SVC can be investigated and prosecuted at the national level by the respective domestic judicial systems and/or at the international level by international or hybrid courts, including the International Criminal Court (ICC). REDRESS has found that more needs to be done on both levels.

(1) Little progress is made at the national level

30. Whereas some international and hybrid courts, such as the International Criminal Tribunals for the Former Yugoslavia and Rwanda, have issued ground-breaking convictions on gender crimes in the past,³⁶⁸ many states have yet to live up to their obligation to investigate and prosecute SVC at national level as enshrined in the UN Security Council

³⁶⁴ See Carla Ferstman, *Criminalizing Sexual Exploitation and Abuse by Peacekeepers*, September 2013, available at <http://www.usip.org/sites/default/files/SR335-Criminalizing%20Sexual%20Exploitation%20and%20Abuse%20by%20Peacekeepers.pdf>, p.12.

³⁶⁵ See UN Secretary-General to member states in his report to the General Assembly, *Special measures for protection from sexual exploitation and abuse*, A/69/779, 13 February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504176.pdf>, para. 54.

³⁶⁶ See Carla Ferstman, *Criminalizing Sexual Exploitation and Abuse by Peacekeepers*, September 2013, available at <http://www.usip.org/sites/default/files/SR335-Criminalizing%20Sexual%20Exploitation%20and%20Abuse%20by%20Peacekeepers.pdf>, p.12.

³⁶⁷ See UN Secretary-General to member states in his report to the General Assembly, *Special measures for protection from sexual exploitation and abuse*, A/69/779, 13 February 2015, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/N1504176.pdf>, para. 55.

³⁶⁸ See overview of jurisprudence in: K. Alexa Koenig et al., Human Rights Center University of California Berkeley, *The Jurisprudence of Sexual Violence*, May 2011.

Resolution 1325 (2000)³⁶⁹ and reiterated again in the latest UN Security Council Resolution 2122 (2013)³⁷⁰ on this issue.

31. In Kenya, for example, despite widespread sexual violence committed during the post-election violence in 2007/2008, only a very limited number of cases were investigated and prosecuted.³⁷¹ REDRESS is supporting a constitutional petition which presents evidence for the failure of the Kenyan Government to take action against prevailing impunity.³⁷²

32. In the DRC, on the other hand, some progress has been made in bringing perpetrators of SVC to justice.³⁷³ However, between January and September 2014 alone, 11,796 complaints of sexual violence were recorded in four provinces.³⁷⁴ In view of this staggering number of incidents, the UN Special Representative to the Secretary-General on Sexual Violence in Conflict continues to call for systematic prosecution of such crimes.³⁷⁵

(2) Barriers to accountability at the national level persist

33. There are a multitude of reasons why accountability for SVC is lagging behind at national level. The main obstacles can be found at the institutional level on the one hand and at the individual level on the other hand.

34. Looking at the state institutions mandated to investigate and prosecute SVC, there is often a lack of investigation skills. In countries such as Kenya the relevant bodies, including police and prosecutors, are not specifically trained on how to deal with sexual violence.³⁷⁶ The FCO's *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* is a useful and welcome tool for organisations such as REDRESS which train local actors. However, its impact needs to be reinforced with follow-up coaching after one-off trainings to allow for continued capacity building.

35. Additionally, state institutions often lack the necessary resources to investigate and prosecute SVC crimes. In the Eastern DRC, for example, the prosecution of cases is very

³⁶⁹ UN Security Council Resolution, S/RES/1325 (2000), 31 October 2000, para. 11.

³⁷⁰ UN Security Council Resolution, S/RES/2122 (2013), 18 October 2013, para. 12.

³⁷¹ Sosteness Franci Materu, *The Post-Election Violence in Kenya – Domestic and International Legal Responses*, 2015, p.111; ICTJ, *The Accountability Gap on Sexual Violence in Kenya: Reforms and Initiatives Since the Post-Election Crisis*, April 2014, available at <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Kenya-SGBVAccountability-2014.pdf>, p. 10f.

³⁷² COVAW et al. v. Attorney General of the Republic of Kenya et al., see <http://www.redress.org/cases/kenyan-sgbv-petitiona>.

³⁷³ MONUSCO and OHCHR, *Progress and obstacles in the fight against impunity for sexual violence in the Democratic Republic of the Congo*, April 2014, available at http://monusco.unmissions.org/LinkClick.aspx?fileticket=Gyh_dUBNGcs%3D&tabid=10770&mid=13783&language=en-US.

³⁷⁴ Report of the Secretary-General to the UN Security Council on conflict-related sexual violence, S/2015/203, 23 March 2015, available at http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf, para. 23.

³⁷⁵ *Ibid*, para. 27.

³⁷⁶ See for Kenya: ICTJ, *The Accountability Gap on Sexual Violence in Kenya: Reforms and Initiatives Since the Post-Election Crisis*, April 2014, available at <https://www.ictj.org/sites/default/files/ICTJ-Briefing-Kenya-SGBVAccountability-2014.pdf>, p. 10.

much dependant on external funding from the UN or other organisations.³⁷⁷ The cases which eventually proceeded to a judgment were all backed by international organisations.³⁷⁸ Sometimes the insufficient allocation of funds can be traced back to the lack of political will to ensure accountability for conflict-related violence in general. In Kenya, for example, previous commissions³⁷⁹ mandated by the government to examine past mass atrocities called for the investigation and prosecution of crimes committed in the context of post-election violence but their recommendations have so far been ignored by the government whose members are suspected of having been involved in the violence.³⁸⁰

36. Looking at the individual sphere of SVC victims, many factors, including social stigma, poverty, shame, mistrust in authorities, offers of out-of-court settlements, prevent women from reporting the crime and/or testifying at trial. In the DRC, for example, perpetrators can evade criminal prosecution by offering a goat or other material benefits to the family of the victim.³⁸¹ In statements taken by REDRESS and local partners with 26 SVC survivors in three regions in Kenya, some women who wanted to report were sent away while others were discouraged from reporting by the disrespectful behaviour of the police towards them. Some of the SVC survivors interviewed by REDRESS in Kenya also stated that they refrained from reporting their experience of rape because either the perpetrator was a member of the police/special forces or because they would risk to be abandoned by their husbands.

37. We encourage the Committee on SVC to call upon HMG to:

- **Offer training and follow-up coaching on investigation and prosecution of SVC to investigative or judicial bodies specialized in dealing with international crimes:** *Capacity building requires long-term engagement by those who provide training and those who receive training. Building on the previous achievements in capacity building, the FCO should shift its current approach of one-off trainings to a more durable approach of supporting specific institutions over a period of three to five years. During this time, different methods of capacity building, such as mentoring or coaching, can be used depending on the needs of the counterpart.*
- **Use the level of implementation of Security Council Resolution 1325 (2000) and its sister resolutions as a benchmark for providing bilateral development aid:** *HMG is an*

³⁷⁷ ICTJ, *The Accountability Landscape in Eastern DRC – Analysis of the National Legislative and Judicial Response to International Crimes (2009-2014)*, July 2015, available at <https://www.ictj.org/sites/default/files/ICTJ-Report-DRC-Accountability-Landscape-2015.pdf>, p. 23 ff.

³⁷⁸ See table of cases in: ICTJ, *The Accountability Landscape in Eastern DRC – Analysis of the National Legislative and Judicial Response to International Crimes (2009-2014)*, July 2015, available at <https://www.ictj.org/sites/default/files/ICTJ-Report-DRC-Accountability-Landscape-2015.pdf>, p. 41 ff.

³⁷⁹ The Commission of Inquiry into Post-Election Violence released a report on 15 October 2008, available at http://www.kenyalaw.org/Downloads/Reports/Commission_of_Inquiry_into_Post_Election_Violence.pdf; the Truth, Justice and Reconciliation Commission released its report in May 2013, available at <http://www.kenyamoja.com/tjrc-report/>.

³⁸⁰ Amnesty International, *Crying for Justice – Victims' Perspectives on Justice for the Post-Election Violence in Kenya*, July 2014, available at <https://www.amnesty.org/en/press-releases/2014/07/kenya-victims-still-seeking-justice-post-election-violence/>, p. 24 ff.; ICTJ, *For All Kenyans to Be Equal, Kenyatta Must Move Beyond Words on Justice*, 5 August 2015, available at: <https://www.ictj.org/news/all-kenyans-be-equal-kenyatta-must-move-beyond-words-justice>.

³⁸¹ FIDH, *DRC – Victims of sexual violence rarely obtain justice and never receive reparation*, October 2013, available at: https://www.fidh.org/IMG/pdf/rapport_rdc_.pdf, p. 55.

important provider of development aid to many conflict-affected countries. Setting benchmarks for the achievement of certain goals as a requirement for funding is a common tool used by donor countries. The UK Government should use this leverage to ensure that partner states are complying with their obligation to investigate and prosecute SVC which are set out in the Security Council Resolution 1325 (2000) and its sister resolutions.

- **Fund local civil society organisations and victims groups which assist victims to file complaints and participate in legal proceedings:** *Civil society organisations and victims groups are often the first point of contact for victims of SVC and sometimes the sole providers of support services. Through funding programmes such as through the Department for International Development (DFID), HMG should make sure that victims can continue to resort to such organisations where governmental structures are inadequate. This should be complementary to the assistance provided to the states as recommended above.*

(3) Insufficient progress is made at the international level

38. On the international level, much progress has been achieved by the international tribunals in the Balkans and in Rwanda in holding perpetrators accountable for SVC with convictions of rape as a crime against humanity and as a form of genocide.³⁸² The International Criminal Court (ICC), however, has not convicted an accused of rape or other forms of SVC to date. The reasons for this differ depending on the case.

39. In the case against Thomas Lubanga for crimes committed in the DRC, the indictment did not include any allegations of sexual violence.³⁸³ In the course of the trial, however, former child soldiers testified about their experience of sexual violence which prompted the victims' lawyers to request the addition of gender crimes to the trial.³⁸⁴ This request was eventually rejected by the Appeals Chamber because it was of the view that the applicable law at the ICC did not allow the Trial Chamber to add and try factual allegations not contained in the indictment.³⁸⁵ As a result, Mr. Lubanga was not convicted of gender crimes.³⁸⁶

³⁸² See overview of jurisprudence in: K. Alexa Koenig et al., Human Rights Center University of California Berkeley, *The Jurisprudence of Sexual Violence*, May 2011.

³⁸³ Pre-Trial Chamber I, *Decision on the confirmation of charges*, ICC-01/04-01/06-803-tEN, 29 January 2007, available at <http://www.icc-cpi.int/iccdocs/doc/doc266175.PDF>.

³⁸⁴ See summary of events in: AMICC, *Deconstructing Lubanga, the ICC's First Case: The Trial and Conviction of Thomas Lubanga Dyilo*, 7 September 2012, available at http://www.amicc.org/docs/Deconstructing_Lubanga.pdf, p. 12 ff.

³⁸⁵ Appeals Chamber, *Judgment on the appeals of Mr Lubanga Dyilo and the Prosecutor against the Decision of Trial Chamber I of 14 July 2009 entitled "Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court"*, ICC-01/04-01/06-2205, 8 December 2009, available at <http://www.icc-cpi.int/iccdocs/doc/doc790147.pdf>; for suggestions on possible legal avenues to amend the indictment see: Carla Ferstman, 'Limited charges and limited judgments by the International Criminal Court - who bears the greatest responsibility?', *International Journal of Human Rights* (2012) vol 12(5).

³⁸⁶ See final judgment issued by the Appeals Chamber, *Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction*, ICC-01/04-01/06-3121-Red, 1 December 2014, available at <http://www.icc-cpi.int/iccdocs/doc/doc1876833.pdf>.

40. The Lubanga case shows the importance of including SVC at the outset of investigations and incorporating gender crimes in the prosecutorial strategy. In view of the fact that in the majority of past and current conflicts sexual violence incidents were and are reported, investigations need to be conducted on the assumption that some form of SVC occurred. In an effort to learn from this experience, the ICC Office of the Prosecutor developed a policy paper on sexual and gender-based crimes which sets out the strategies for incorporating these crimes during investigation and prosecution.³⁸⁷ REDRESS welcomes the paper as a first step to improve accountability for SVC before the ICC but at the same time notes that success can only be measured by the level of implementation of the policy.

41. In the other DRC case against Germain Katanga, the Trial Chamber found that during an attack on a village in Eastern DRC, the attackers raped a number of women and held them in sexual slavery over a period of time.³⁸⁸ However, the accused was acquitted of aiding and abetting these acts of sexual violence because the Trial Chamber was of the view that sexual violence did not form part of the common plan concocted by Katanga and the direct perpetrators before the attack.³⁸⁹ Other crimes committed by the direct perpetrators, such as murder and pillaging, were considered to form part of the common plan and, consequently, Katanga was convicted to aiding and abetting these crimes.³⁹⁰

42. At the 2014 Global Summit to End Sexual Violence in Conflict, the Women’s Initiative for Gender Justice criticized the Katanga judgment’s differentiation between sexual violence and other forms of violence as a bias against gender crimes:

“[...] what we see in this judgement, emblematic of so many cases, is a perhaps subconscious but clear bias requiring sexual violence to be a more explicit component of a common plan; that the preparation considered necessary to commit rape and sexual slavery is different from the preparation necessary to commit other crimes which occur simultaneously; and that the scale and volume of sexual violence may be rendered invisible by an incomplete assessment of the evidence.”³⁹¹

43. Following the judgment convicting Mr. Katanga, the Prosecution filed an appeal against the acquittal of the sexual violence charges but decided to discontinue this appeal after Katanga’s defence counsel withdrew their appeal.³⁹² It is unfortunate that the Prosecution eventually refrained from challenging this judgment which can potentially set a negative

³⁸⁷ Office of the Prosecutor, *Policy Paper on Sexual and Gender-Based Crimes*, June 2014, available at <http://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>.

³⁸⁸ Trial Chamber II, *Judgment pursuant to article 74 of the Statute*, ICC-01/04-01/07-3436-tENG, 7 March 2014, available at <http://www.icc-cpi.int/iccdocs/doc/doc1963464.pdf>, para. 958-1023.

³⁸⁹ *Ibid*, para. 1663-1664.

³⁹⁰ *Ibid*, para. 1657-1662.

³⁹¹ Speech of Brigid Inder, Executive Director of Women’s Initiative for Gender Justice, at the Global Summit to End Violence in Conflict, *A critique of the Katanga Judgment*, 11 June 2015, available at: <http://iccwomen.org/documents/Global-Summit-Speech.pdf>, p.7.

³⁹² Office of the Prosecutor, *Prosecutor’s Appeal against Trial Chamber II’s “Jugement rendu en application de l’article 74 du Statut”*, ICC-01/04-01/07-3462, 9 April 2014, available at <http://www.icc-cpi.int/iccdocs/doc/doc1759535.pdf>; Office of the Prosecutor, *Notice of Discontinuance of the Prosecution’s Appeal against the Article 74 Judgment of Conviction of Trial Chamber II dated 7 March 2014 in relation to Germain Katanga*, ICC-01/04-01/07-3498, 25 June 2014, available at <http://www.icc-cpi.int/iccdocs/doc/doc1794475.pdf>.

precedence for future trials involving gender crimes. The absence of SVC charges also pre-empts those victims from being eligible for reparations through the ICC.

44. Apart from the two aforementioned cases, nine on-going cases in five African countries include charges of gender crimes but these have not yet reached the stage of judgment.³⁹³ In the case against Dominic Ongwen from Uganda, it was recently announced that the Prosecution is considering expanding the charges to include gender crimes.³⁹⁴

45. The prosecution of SVC as war crimes or crimes against humanity has also been considered by several hybrid courts which are based on national laws but also apply international law. The Special Court for Sierra Leone which completed its mandate in 2013 is widely acknowledged as having contributed tremendously to the prosecution of gender crimes.³⁹⁵ So far, the Extraordinary Chambers in the Courts of Cambodia has yet to fully address sexual violence committed by the Khmer Rouge.³⁹⁶ Earlier this year, the Central African Republic also decided to establish a hybrid court to prosecute international crimes.³⁹⁷ It remains to be seen how far this latest mixed tribunal will incorporate gender crimes.

46. In conclusion, insufficient progress has been made at the international level to carry forward the legacy of previous tribunals in prosecuting SVC. It is important that the UK which is a state party to the ICC and a major donor to hybrid courts support these mechanisms to advance SVC prosecutions as part and parcel of their mandates.

47. ***We encourage the Committee on SVC to call upon HMG to:***

- ***Engage with and support the ICC and other mechanisms to prosecute international crimes, to ensure they have sufficient resources for the investigation and prosecution of SVC: As a state party to the ICC, a current donor to the Extraordinary Chambers in the Courts of Cambodia and a potential future donor of the Special Court in the Central African Republic, HMG should continue funding efforts to investigate and prosecute gender crimes on the international level.***
- ***Promote cooperation by other states parties with the ICC on SVC investigations: Successful investigations of SVC by the ICC often relies on the willingness of national***

³⁹³ These include the cases against Bosco Ntaganda in the DRC, Joseph Kony et al. in Uganda, Ahmad Muhammad Harun et al., Omar Hassan Ahmad Al-Bashir and Abdel Raheem Muhammad Hussein in Sudan, Simone Gbagbo, Laurent Gbagbo et al. in Côte d'Ivoire, see list of charges for each case at http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/cases/Pages/cases%20index.aspx.

³⁹⁴ The Observer (Kampala), *Uganda: Dominic Ongwen Could Also be Charged with Sexual Crimes – ICC*, 3 August 2015, available at <http://www.observer.ug/news-headlines/39044-dominic-ongwen-could-also-be-charged-with-sexual-crimes-icc>.

³⁹⁵ See Valerie Oosterveld, *Lessons from the Special Court of Sierra Leone on the Prosecution of Gender-Based Crimes*, in *Journal of Gender, Social Policy & the Law*, Volume 17 Issue 2, 2009, available at <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1029&context=jgspl>, p. 407-430.

³⁹⁶ See overview in Silke Studzinsky, *Victim's Participation before the Extraordinary Chambers in the Courts of Cambodia*, in *Zeitschrift für Internationale Strafrechtsdogmatik*, Issue 10/2011, available at http://www.zis-online.com/dat/artikel/2011_10_627.pdf, p. 890-891.

³⁹⁷ See FIDH, *New Special Criminal Court: A Key Step Toward Justice*, 24 April 2015, available at <https://www.fidh.org/International-Federation-for-Human-Rights/Africa/central-african-republic/new-special-criminal-court-a-key-step-toward-justice>.

authorities to share evidence or allow ICC investigators to access sources of evidence. Consequently, states parties to the ICC have an obligation to cooperate with the ICC. In international forums and in bilateral meetings, HMG should continuously remind states parties to comply with this duty.

- ***Build capacities of local actors in investigating and documenting SVC, in particular in areas the ICC or hybrid courts have little or no access to:*** *In areas which are difficult to access for investigators due to security reasons, language barriers, limited resources, or other reasons, local actors, such as civil society organisations or community leaders, are often ready to help collect evidence on SVC. In order to ensure that the process meets the necessary standards and the evidence can be used in court later on, their capacities need to be strengthened. Using the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, HMG should ensure training and mentoring of local actors in addition to the national authorities as recommended above.*

18 September 2015

REDRESS and AIDS-Free World – Oral evidence (QQ 53-62)

REDRESS and AIDS-Free World – Oral evidence (QQ 53-62)

[Evidence to be found under AIDS-Free World](#)

Ms Madeleine Rees and Ms Pramila Patten – Oral evidence (QQ 42-47)

Ms Madeleine Rees and Ms Pramila Patten – Oral evidence (QQ 42-47)

[Evidence to be found under Ms Pramila Patten](#)

Refugee Council and Scottish Refugee Council – Written evidence (SVC0050)

Scottish Refugee Council

Scottish Refugee Council is an independent charity providing advice and information to people seeking asylum and refugees living in Scotland, campaigning for their fair treatment, and speaking out on refugee issues.

The Refugee Council

Refugee Council is a human rights charity, independent of government, working to ensure refugees are given the protection that they need, are treated with the respect and understanding that they are entitled to, and that they are assured the same rights, opportunities and responsibilities as other members of society.

About our response

1. We welcome this opportunity to respond to the call for evidence from the House of Lords Select Committee on Preventing Sexual Violence in Conflict. Our organisations would be happy to provide any further written or oral evidence to the Committee.
2. We welcome the UK Government's commitment to addressing sexual violence in conflict. Sexual violence or fear of sexual violence forces many women and girls to flee their homes and seek international protection. Women on the move are further exposed to risks of sexual violence and exploitation. In the context of the worst refugee crisis since the Second World War, more attention is urgently needed on preventing and responding to the experiences of sexual violence faced by women who are forcibly displaced by such violence.
3. Our response to this inquiry focuses on the most prevalent issues concerning refugee women's safety and protection in flight, during their journeys in search of a safe haven and their experiences upon arrival in the UK. In each section we provide recommendations that focus on the prevention of sexual violence and the rights and needs of survivors.

Global displacement and sexual violence

Background and key concerns

4. When people are forcibly displaced because of conflict or persecution it is often many years before they are able to find a safe haven where they can begin to rebuild their lives. Displacement can expose people to dangerous circumstances within their country of origin, transit countries and also in the country in which they seek protection. Women are at particular risk of sexual violence when on the move, as the power dynamics at the root of the inequalities facing women around the globe are magnified in precarious situations of transit and marginalisation.
5. With almost no legal avenues for international travel open to them, refugee women are forced to take ever greater risks in order to find protection. There have been many cases of women being raped by smugglers or forced to 'exchange' sex for passage to safety, while a growing number of refugees and internally displaced persons (IDPs) are at risk of trafficking for sexual exploitation. Some have even been targeted by traffickers in reception centres

and refugee camps. When collecting water and firewood women risk sexual violence, either from other refugees or from host communities, and shortages of food can put women under pressure to offer sex so that they and their families can eat. Many refugee women have been separated from the father, partner or male relative who might normally protect them, while changes in gender roles brought about by displacement can also lead to high levels of domestic violence.³⁹⁸

6. Displaced women's experiences of violence have been well documented by international humanitarian organisations. UN Women has evidenced the high incidences of violence against women and girls in camp settings, such as those surrounding Syria.³⁹⁹ Medecins Sans Frontier (MSF) has documented the high risk of sexual violence facing women and girls at the hands of criminals, smugglers and traffickers travelling through transit countries such as Morocco, Libya and Egypt. Between May 2009 and January 2010, one in three women treated by MSF in Rabat and Casablanca reported being subjected to one or more sexual attacks, either in their country of origin, during their journey and/or in Morocco, which is likely a significant underreporting.⁴⁰⁰ A recent Amnesty International report evidences the sexual abuse of women in transit in Libya by smugglers and criminal groups.⁴⁰¹ Save the Children has highlighted the high risks of violence to displaced children, commonly separated from their families and often compelled to walk for days alone without protection.⁴⁰²

Prevention and solutions

7. In order to prevent women and girls from having to make dangerous and irregular journeys in their search for a safe haven, there is an urgent need for the expansion of existing legal channels to protection in Europe (e.g. resettlement, family reunion), and the creation of new routes (e.g. humanitarian visas). Such solutions will help minimise the dangerous journeys women are forced to make. The processes themselves must also be gendered and take women's rights into consideration in order to guarantee their safety and protection and ensure they do not put women further at risk.

Resettlement

8. Resettlement is the selection and transfer of recognised refugees from a state in which they have sought protection to a third state which has agreed to admit them. As such, it provides a safe and legal route to protection in other countries, including the UK, for those

³⁹⁸ Refugee council (2009) *The Vulnerable Women's Project: Refugee and Asylum Seeking Women Affected by Rape or Sexual Violence. Literature Review*. Accessible online at:

http://www.refugeecouncil.org.uk/assets/0001/7039/RC_VWP-report-web.pdf

³⁹⁹ UN Women (2014), *Gender-based violence and child protection among Syrian refugees in Jordan, with a focus on early marriage*. Accessible online at: <https://data.unhcr.org/syrianrefugees/download.php?id=4351>

⁴⁰⁰ Medecins Sans Frontiers (2010), *Sexual Violence and Migration: 2010*.

http://www.msf.org/sites/msf.org/files/old-cms/fms/article-images/2010-00/Sexual_violence_morocco.pdf

⁴⁰¹ Amnesty International (2015) *Libya is full of cruelty: Stories of abduction, sexual violence and abuse from migrants and refugees*. Accessible online at:

<https://www.amnesty.org/download/Documents/MDE1915782015ENGLISH.pdf>

⁴⁰² Save the Children (2014) *Unspeakable Crimes*. Accessible online at:

https://www.savethechildren.org.uk/sites/default/files/docs/policy_brief_unspeakable_crimes.pdf

refugees that qualify for a resettlement place.⁴⁰³ The vast majority of resettlement places are offered by the USA, Canada and Australia.⁴⁰⁴ European countries' resettlement commitments have, until recently, compared poorly, with Europe *as a whole* providing a global annual total of 5,500 places. Since 2004, 500-750 of the resettlement places available in Europe have been offered by the UK via the Gateway Protection Programme. Additionally, there have also been other much smaller ad hoc schemes offering resettlement places for specific groups such as Afghani interpreters.

9. We welcome the UK Government's recent commitment to resettle 20,000 Syrians from the Middle East by 2020 through expansion of the existing Syrian Vulnerable Persons Relocation scheme. We have been calling for a substantial commitment to resettlement by the UK Government since the UN Refugee Agency (UNHCR) appeal in 2013 to states to admit through resettlement or other legal forms of admission 30,000 Syrian refugees.⁴⁰⁵

10. The number of refugees in need of a resettlement place continues to increase year on year and UNHCR has projected that 1,150,000 refugees will be in need of resettlement in 2016. With the number of resettlement places required dwarfing the number of globally available places, **the UK Government's resettlement targets should be kept under review and revised upwards according to need. Programmes should also be expanded to provide resettlement opportunities to refugees in other parts of the world.** Our organisations are keen to support the Home Office in this significant expansion in its refugee resettlement programmes, working closely with the devolved administrations in Scotland, Wales and Northern Ireland.⁴⁰⁶

Family reunion

11. Family reunion is one of the few existing legal channels available for refugees to come to Europe. The families of recognised refugees and those granted humanitarian protection can apply to enter the UK under refugee family reunion rules. However, evidence suggests that refugees seeking to bring their family members to join them in the UK face considerable barriers. Currently, very few refugees with relatives in the UK would qualify for family reunion due to the very restrictive nature of family reunion rules.

12. The UK Government definition of family for the purposes of family reunion is founded on a Western understanding of the 'nuclear family' and is very narrow. Unlike in other EU member states, unaccompanied children granted asylum or humanitarian protection in the UK, are denied the right to reunite even with their closest family members. For adult refugees, only partners and dependent children under the age of 18 qualify for family reunion. This means that a Syrian father granted asylum in the UK would be allowed to bring

⁴⁰³ See the UNHCR resettlement handbook for more information on the resettlement submission categories (including Women and Girls at Risk who have protection needs particular to their gender), accessible online here: <http://www.unhcr.org/3d464e842.html>

⁴⁰⁴ In 2014, 73,000 were resettled in the USA, 12,300 went to Canada and 11,600 were resettled in Australia. UNHCR, 2014, *World at War: UNHCR Global Trends, Forced Displacement in 2014*. Accessible online at <http://unhcr.org/556725e69.html>

⁴⁰⁵ In 2014, UNHCR increased this target to 130,000 to be met over 3 years (2013-2016).

⁴⁰⁶ The Refugee Council has played a leading role in providing specialist support to refugees who are resettled via the Gateway Protection Programme in Sheffield and Hull since 2004, and more recently in Leeds.

his wife and younger children to join him; but his 18 year old daughter would not ordinarily be allowed to travel with the family and they would be forced to leave her behind or pay smugglers to bring her to the UK – in either scenario, putting the young woman at considerable risk. The Refugee Council is aware of a number of such cases, including a young Syrian woman who was forced to return to Damascus to live with her elderly grandmother while the rest of her family travelled to live in safety in the UK. Her family remain desperately concerned for her.

13. A British Red Cross report highlights the complexity of the family reunion process.⁴⁰⁷ Most worrying, it highlights the humanitarian and protection needs of family members who wish to reunite with a refugee in the UK. Of the 91 cases included in the study, the majority of sponsors (in the UK) were men while 95% of applicants were women and children (seeking to join their sponsor in the UK). 51% of applicants were exposed to security risks. 96% of those exposed to security risks were women and children. The report makes clear that family members of refugees in the UK, entitled under current rules to join them, may be living in insecure conditions and still at risk while they seek to resolve the significant complexities arising from their family reunion application. Where this is not possible and family members are refused, it is reasonable to assume that travelling to the UK through irregular channels, possibly at great risk, becomes the family's only option if they are to live together in safety.

14. Our organisations recommend that **the UK Government proactively seeks to reunite families separated by forced displacement** by:

- (a) Making legal aid available for family reunion
- (b) Simplifying the family reunion process and seeking ways to make it safer for applicants living in insecure conditions
- (c) Amending the rules so that unaccompanied children found to be in need of protection are allowed to bring their family to the UK
- (d) Taking a more flexible approach to the definition of family during this time of exceptional need.
- (e) Ensuring that the relevant team in the Home Office is sufficiently resourced to swiftly process family reunification applications.

Humanitarian visas

15. Humanitarian visas are a further safe and legal route that should be given full consideration by the UK Government in order to prevent women and girls making dangerous journeys to seek protection. Humanitarian visas allow those fleeing war and persecution to legally and safely travel to a country so that they can apply for asylum. Although processes vary, generally the individual approaches a potential host country's

⁴⁰⁷ British Red Cross (2015), *Not so straightforward: the need for qualified legal support in refugee family reunion*. Accessible online at: <http://www.redcross.org.uk/~media/BritishRedCross/Documents/About%20us/Not%20so%20straightforward%20refugee%20family%20reunion%20report%202015.pdf>

consular representation to say that they want to seek protection in that country. The consular representation decides whether to issue a humanitarian visa based on a basic pre-screening exercise. Upon granting the visa, the individual can then travel to the host country where they then lodge an asylum application.

16. France and Brazil have both established such schemes in response to the Syrian crisis. As of February 2015, Brazil had issued over 7,000 humanitarian visas to Syrian refugees, while France had allowed 1,880 Syrians to travel on such a visa in order to apply for asylum in country. In contrast, the UK Government has actually made it *more difficult* for Syrians to reach the UK legally, for example, by dramatically reducing the number of visas it grants to Syrian nationals since the conflict in Syria began: in 2010 the UK approved 70% of visas for Syrian nationals; in 2014 this dropped to 40%.⁴⁰⁸

17. We recommend that the UK Government **explores the use of humanitarian visas to facilitate access to protection in the UK for refugees** through discussion with other EU member states and other states already issuing similar visas.

Refugee women arriving in Europe

Background and key concerns

18. Reception conditions for refugees in European countries currently experiencing a high volume of new arrivals are wholly inadequate and put women and girls at high risk of exposure to sexual violence. The failure of a Common European Asylum System is forcing women and children, as well as men, to continue to travel irregularly, creating ‘hot spots’ or pressure points in different locations across Europe where there is insufficient or no shelter and protection for women and children. Inevitably, women’s safety will be compromised. For example, in Calais, there have been reports of around 200 women sleeping rough amongst 3,000 men, leading to women reportedly being forced to seek out male ‘protectors’ and/or transactional relationships as survival strategies.⁴⁰⁹

Prevention and solutions

19. The UK Government must acknowledge that a more equitable sharing of responsibility for refugees is required at EU level. As a first step, the UK should be participating in EU plans to relocate 160,000 people from Italy, Greece and Hungary in clear need of temporary protection to other member states. The UK should also be insisting that any relocation scheme is rights based and gendered.

20. **The UK Government must also play a greater role by making full use of the clauses in Dublin III Regulations (EU regulation 604/2013) that protect family unity** (specifically articles 8, 9, 10, 11, 16 and 17).

21. The Dublin regulations aim to deal with the situation where an individual applies for asylum in one EU member state, but has previously made an application (or been present) in another. In such cases, the individual may be transferred to the first EU state. The Dublin regulations have been recast twice and the most recent version, Dublin III, clearly states that

⁴⁰⁸ <http://www.theguardian.com/uk-news/2015/mar/11/syrian-refugees-uk-visa-asylum-seekers-vsa>

⁴⁰⁹ The Pool, The Brutal and Devastating Hardship faced by women at Calais, August 2015. Available here: <https://www.the-pool.com/news-views/latest-news/2015/34/the-hardships-faced-by-the-women-at-calais>

respect for family reunion and the principle of family unity should govern decisions about which country is responsible for deciding asylum applications.⁴¹⁰ However, while Dublin III came into force in 1 January 2014, the publically available UK guidance used to determine Dublin cases has not been updated to reflect this change, and still refers to Dublin II.⁴¹¹ As a result, it is unclear what written instructions staff in the Home Office are working to, which is a concern because of the significant improvements made to policy in the latest iteration of the regulation. **The needs addressing as a matter of urgency.**

22. The Dublin III regulations also contain a discretionary power for governments to bring together relatives where family or cultural considerations prompt a request for the UK to take responsibility for asylum requests made in other Member States (articles 16 and 17). A generous use of this discretionary power would not only be a way of showing solidarity with those countries experiencing most pressure on their asylum systems, but also of preventing women and girls from taking risks and making irregular secondary journeys within Europe in order to join relatives in the UK. Some women in Calais may be eligible to have their asylum claims considered by the UK under Dublin III.

23. We ask that the UK works with other European countries to share responsibility for refugees arriving in Europe and reduce the need for women to take dangerous onward journeys through irregular means by:

- (a) Participating in the EU-wide relocation scheme
- (b) Ensuring that the latest iteration of the Dublin Regulation is reflected in UK guidance as a matter of urgency
- (c) Making full use of the provisions contained in the Dublin III regulations to protect family unity.

Refugee and asylum seeking women and girls in the UK

Background and key concerns

24. Our organisations have significant concerns about how women who have experienced or fled the risk of sexual violence in conflict are treated in the UK asylum process, in particular how the needs of survivors are identified and addressed by the UK Government; the poor quality of decision making in women's asylum claims; and how the asylum support system fails to guarantee women's ongoing safety and protection from violence.

25. A report by Scottish Refugee Council found that 70% of newly arrived asylum seeking women in Scotland had experienced physical and/or sexual violence in their lifetimes.⁴¹²

⁴¹⁰ Article 8 requires Member States to reunite children with family members, siblings or relatives. Articles 9, 10 and 11 relate to the reunification of family members (spouse, partner and dependant children)

⁴¹¹

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265184/oeachapter28.pdf

⁴¹² Scottish Refugee Council & London School of Hygiene & Tropical Medicine (2009) *Asylum seeking women: violence and health*. Accessible online at:

http://www.scottishrefugeecouncil.org.uk/assets/0000/0097/Asylum_seeking_women_violence_and_health.pdf

Identifying and responding to disclosures of sexual violence

26. Since 2013, our organisations have been working with the UK Government, alongside UNHCR, to support the Home Office to improve its response to women in the asylum process who disclose sexual violence. We have welcomed engagement with the Government on this issue, which has led to our organisations delivering training to 100 asylum screening staff on responding to sexual violence and signposting women to support services. However, we feel that obstacles to this work, such as funding and capacity on the part of the UK Government, have made progress very slow. The culmination of two years of work has been the delivery of six training sessions and we are still waiting for commitment from the Government to a relatively small amount of funding for roll out of the training, and a pilot referral mechanism to support survivors to be referred directly to support services by Home Office staff. We feel strongly that **as part of its commitment to tackling sexual violence in conflict, the UK Government must prioritise and resource work to address the needs of those women who seek our protection from such violence.**

Decision making on women's asylum claims

27. We have continued concerns about the quality of decision making in women's asylum claims despite notable efforts by the Home Office in recent years to improve decision making on asylum claims, including on women's claims. This work has not only involved updating relevant guidance but has also included developing training for decision-makers on women's issues. However, the proportion of asylum decisions overturned by a court is still consistently higher in women's cases than men's,⁴¹³ leading the Home Affairs Select Committee to conclude that the Home Office is more likely to get decisions on women's claims wrong.⁴¹⁴

28. On-going problems with decision-making on women's claims may in part be explained by problems with implementation, and practice not reflecting updated guidance and policy. They may also in part be explained by the fact that Home Office efforts to make the asylum system more gender sensitive have tended to focus on the asylum determination system in isolation and there is a lack of recognition of how the wider asylum system may impact on a woman's ability to present her case.

29. The most extreme example of reception procedures that obstruct the ability of women (and men) to present their case for protection is the Detained Fast Track (DFT). Our organisations are fundamentally opposed to the use of DFT and believe that the process, found to be unlawful in its current form, is particularly inappropriate for women who have experienced sexual violence. Home Office policy identifies certain people as being unsuitable for the DFT, including pregnant women and victims of trafficking and torture. We strongly recommend that the exclusion criteria should be extended to include women who disclose that they have been affected by gender based violence. A rapid process, which takes place in detention where women are unlikely to feel safe, is patently inappropriate for women expected to disclose difficult details of the violence they have experienced.

⁴¹³ In 2014, 33% of appeals by women were allowed by the courts compared to 27% of appeals by men. See statistics accessible online here: <https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2015/asylum>

⁴¹⁴ House of Commons Home Affairs Committee. October 2013. *Asylum*. Seventh report of session 2013. Para 46

Asylum seeking women's safety in the UK

30. The Istanbul Convention on combatting and preventing violence against women and girls, which has been signed but not ratified by the UK, requires signatories to develop gender-sensitive reception procedures that take into account women's and men's differences in terms of experiences and specific protection needs to ensure their right to safety. Our organisations believe the asylum support system in the UK fails to do this principally because of a lack of attention to women's safety in Home Office guidance and rules on asylum support, the guidance that determines how and if a woman will be housed and supported while she is waiting for a decision on her asylum claim. **Appropriate safeguards must be developed to ensure that women are not forced into circumstances that make them more vulnerable to sexual violence and exploitation in the UK.**

31. Currently, there is only one piece of guidance that specifically addresses the issue of women's safety within the asylum support system relating to reports of domestic abuse by those accommodated in Home Office contracted accommodation.⁴¹⁵ This guidance excludes those women not in receipt of asylum support and those in receipt of subsistence-only support not living in Home Office contracted accommodation. Without access to mainstream benefits, asylum seeking women are not eligible for refuge accommodation and may be forced to choose between street homelessness and returning to a violent home whilst they wait for a response from Home Office contractors to a report of abuse, or a response from the Home Office to an application for asylum support in their own right. **The Home Office must guarantee funding for immediate access to refuge places for women and children seeking asylum who have been affected by domestic abuse** until they are found safe and secure accommodation through the asylum support system.

32. Difficulties accessing asylum support and gaps in the system, for example, for those refused asylum or recently arrived in the UK seeking to access the asylum process, can result in women facing destitution. Research commissioned by Scottish Refugee Council, British Red Cross and Refugee Survival Trust found that, in one week alone in March 2012, 148 asylum seekers using services in Glasgow were destitute - 38% were women.⁴¹⁶ Destitution forces women to rely on extremely unsafe strategies for survival and puts them at significant risk of sexual violence and exploitation.

33. Even when women are able to access asylum support, accommodation provided by the Home Office through its contractors G4S, Serco and Clearel, is often unsafe and of poor quality.⁴¹⁷ Shared living and social areas in initial accommodation centres are overwhelmingly dominated by men, and many such centres have few or no women-only spaces, potentially further exposing women who have experienced violence to additional

⁴¹⁵ UK Government Home Office, *Asylum Support Policy Bulletins: Instructions*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422990/Asylum_Support_Policy_Bulletin_Instructions_Public_v6.pdf

⁴¹⁶ Gillespie, M (2013) *Trapped: destitution and asylum in Scotland*, Scottish Poverty Information Unit, Glasgow Caledonian University. Accessible online at:

http://www.scottishrefugeecouncil.org.uk/assets/0000/5050/Trapped_destitution_and_asylum_final.pdf

⁴¹⁷ Scottish Refugee Council (2014) *The extent and impact of asylum accommodation problems in Scotland*. Accessible online at:

http://www.scottishrefugeecouncil.org.uk/assets/0000/8609/Scottish_Refugee_Council_asylum_housing_report.pdf

trauma and/or risk. It should be a requirement that **all initial accommodation centres have clear policies and procedures in place specifying measures to guarantee the safety of women residents, including the implementation of women and children only corridors and social areas and, where provision includes meals, these should be organised so that women and children are able to access the canteen without feeling intimidated.**

34. **Similar measures are needed in some detention centres.** Dungavel Immigration Removal Centre has a capacity of 170 men and 18 women. Although there are separate sleeping areas for men and women, social areas are open to both men and women. The vast gender imbalance within these social spaces has led to female detainees speaking of feeling intimidated and threatened by this overwhelmingly male environment. Many detainees are refused asylum seekers, and given the prevalence of gender based violence experienced by women in the asylum process, there is a serious risk that this disparity could reawaken underlying trauma or indeed heighten existing trauma.

35. Our organisations believe that detention has no place in the asylum system and continue to be alarmed by reports that torture survivors, pregnant women and women with mental health needs are still being detained against UK Government guidance. Given the level of criticism of Yarl's Wood and other detention centres, including by independent scrutinisers, we would like to see **a wholesale review of detention that looks at the decision to detain and to continue to detain and not just the welfare of detainees.**

Conclusion

36. The UK Government's commitment to tackle sexual violence in conflict is to be commended. However, in an age of unparalleled forced displacement there is an urgent need to build on this work by seeking to address the risks and dangers facing women on the move, often fleeing sexual violence or fear of it. Efforts to address the violence and exploitation experienced by refugee women must also examine how attempts by states, including the UK, to tackle irregular migration through border enforcement, have the unintended consequence of putting women still further at risk, forcing them to travel irregularly often with smugglers. Similarly, while piecemeal efforts in the UK to improve the system for women are welcome, they are lost in a wider system that prioritises deterrence, inevitably impacting on women's safety here in the UK.

We hope that the issues outlined in this submission from initial displacement through to the asylum system in the UK, offer a starting point for further exploration by the Committee.

30 September 2015

Refugee Council and Dr Chaloka Beyani – Oral evidence (QQ 89-100)

Refugee Council and Dr Chaloka Beyani – Oral evidence (QQ 89-100)

[Evidence to be found under Dr Chaloka Beyani](#)

Refugee Law Project – Written evidence (SVC0037)

Evidence submitted on behalf of Refugee Law Project (www.refugeelawproject.org) -
Kampala, Uganda

This evidence lends support to the importance of sustaining the position clearly established in the course of the Global Summit of June 2014, namely that the experiences and needs of male survivors of conflict-related sexual violence be given much needed humanitarian and human rights attention in synergy with those of women and girls.

Refugee Law Project Description

1. Refugee Law Project (RLP) works directly with refugees, internally displaced persons (IDPs), and other forced migrant groups to provide legal aid, psycho-social counselling, referrals for treatment of SGBV, and access to medical care, housing and education. RLP's clients come from the Great Lakes region including the Democratic Republic of the Congo, Burundi, Rwanda, South Sudan, Kenya, and Somalia.
2. Our systematic screening of both male and female refugees for experiences of sexual violence establishes that sexual violence affects an average of 3 out of 10 refugee men, alongside the 6 out of 10 women. In short, men constitute 1/3 of the total SGBV caseload we deal with. These figures are in line with existing data from other conflict-affected settings (e.g. Liberia, DRC) which suggest a broad ratio of one male victim to every two female victims.
3. RLP provides direct services to all survivors of SGBV but – confronted with a 'GBV' discourse that prior to the 2013 G8 Declaration and the 2014 Global Summit was concentrated almost entirely on women and children – we have focused our SGBV related advocacy work on drawing attention to the humanitarian needs and legal challenges faced by male survivors.
4. Key moments in our research and advocacy include i) as a co-author on UNHCR's first *Need to Know Guidance Note on Working with Men and Boy Survivors of Sexual Violence in Forced Displacement* ii) as partner in a joint research project to develop the first screening tool for male survivors in humanitarian settings iii) as a founding member of the South-South Institute on Sexual Violence Against Men & Boys in Conflict & Displacement⁴¹⁸ iv) as a unique resource for policy leaders in SGBV (such as by presenting at the first workshop on male victims convened by the SRSV-SVC's office in July 2013 and at the Global Summit to End Sexual Violence in Conflict in June 2014) and key institutions involved in the prosecution of sexual violence crimes (International Criminal Court). RLP's knowledge has directly shaped UNHCR's first ever three-day training on working with male survivors held in

⁴¹⁸ The South-South Institute is brings practitioners, government representatives, academics, male survivors, service providers, students, and activists together from across the global south to respond to the needs of male survivors. The report of the first South-South Institute held in Kampala-Uganda in 2013 available at: <http://www.refugeelawproject.org/resources/briefing-notes-and-special-reports/11-sprpts-gender/331-report-of-1st-south-south-institute-on-sexual-violence-against-men-and-boys.html>

Amman, Jordan, from 15-17 September 2015 as a necessary step in responding to the Syrian crisis in the region.

Response to the Call for Evidence

International Policy Agenda

1 a. How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict... be coordinated and monitored?

5. One of the most striking aspirations of the G8 Declaration was that “further action at the international level is imperative to end sexual violence in armed conflict, to tackle the lack of accountability.” For greater accountability to be possible requires that:

(a) the Rome Statute be domesticated in a number of countries affected by conflict-related sexual violence

(b) the OSRSG-SVC be mandated beyond its origins in the Women Peace & Security agenda to fully monitor crimes against men and boys

(c) a second edition of the 2014 Investigations Protocol be produced to include the additional guidance on investigating sexual violence crimes against men and boys (this has already been prepared with PSVI funding support)

(d) the Special Rapporteur on ending Violence Against Women work in line with the gender-inclusive position of the G8 declaration, namely to recognise victims, be they women, girls, men or boys.”

6. To make it possible to coordinate the provision of comprehensive support services to victims (again, be they women, girls, men or boys) requires revisions to key structures such as the Inter-Agency Standing Committee to ensure that a gender-inclusive rather than the current women and girls perspective is given priority.

1 c. How can the UK use its position as a permanent member of the UN Security Council ... ?

7. In the Security Council’s High-level Review of resolution 1325, the UK must seek to use its position to ensure that either the G8 language of ‘women, girls, men and boys’ is adopted, OR catalyse discussion about whether an additional UN Security Council Resolution is required that generates a similar level of policy and practice momentum around the humanitarian, human rights and strategic (peacebuilding and security) grounds for recognising and working with male survivors of conflict-related sexual violence.

1 d. How might the UK use the World Humanitarian Summit that will take place in May 2016?

8. Untreated medical, psychological and psychosocial trauma prevents male survivors from engaging in economic livelihoods, maintaining healthy relationships with their family members, and recovering from traumatic experiences of sexual violence in conflict. This aggravates already acute humanitarian crises.

9. The fact that civilian men and boys continue to be largely excluded from necessary medical, legal, psychosocial, and protection interventions in conflict settings represents an attack on the core principles of humanitarianism, namely to respond to human need in an impartial manner. One of the 2016 Summit's themes, *Serving the Needs of People in Conflict*, provides an opportunity for the UK government a) to promote a gender inclusive model of humanitarian response to the needs of SGBV survivors b) to make a strong call for the core principles of humanitarianism to be foregrounded c) to emphasise the close interconnections between women's and men's victimisation and the related need to address them in a synergistic fashion rather than seeing them as competing interventions d) to argue the case for further revision of policy documents and gender policies along with the need to develop guides on how to recognise, respond, and prevent SGBV against men and boys e) make a call to medical schools in countries that send large numbers of humanitarian workers to include modules on working with female AND male survivors of conflict-related SGBV as standard in their training curricula.

10. Strong advocacy by the UK government can play a crucial role in convincing humanitarian actors of the need to mainstream male survivors, thereby strengthening response to sexual violence in conflict for all survivors.

11. Other key fora include a) the UN Security Council b) the Inter-Agency Standing Committee c) NATO d) supporting efforts to make the reports of the Special Representative of the Secretary General on Sexual Violence in Conflict (SRSG-SVC) gender-inclusive e) funding of training to peace-keepers and humanitarians.

2. What evidence is there on the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

12. In our work we can identify at least two instances in which other States have sought to maintain the momentum generated by the PSVI:

- the Swedish Embassy in Uganda convened a high level discussion about Uganda's SGBV action plan in August 2015
- the panel on Ending Sexual Violence in Conflict at the Bled Strategic Forum in Slovenia, September 2015

Causes of sexual violence in conflict

3 a. To what extent are cultural and societal factors responsible for sexual violence in conflict?

13. The most important cultural and societal factors that give sexual violence its considerable capacity to harm are gender norms of masculinity and femininity and related power imbalances. Our work with male survivors indicates that sexual violence is generally understood by perpetrator and victim alike as feminising the victim and thereby contributing to his subordination. Prevention efforts have focused on preventing the subordination of biological females and ignored the subordination of those who have been 'feminised' by being subjected to sexual violence.

b. To what extent is sexual violence in conflict used as a deliberate tactic?

14. Both male and female victims are targeted through acts of sexual violence as a deliberate tactic in warfare though the extent of violence inflicted on men is underreported. By inflicting sexual violence on the males of a community feminise and degrade their victims allowing the perpetrators to fracture community cohesion, shame the community, and attack the ethnicity or social identity of a group.

15. Acts of sexual violence against men and boys can include: person to person rape (including gang rape), coerced participation in acts of sexual violence (such as forced to commit rape), rape with objects, sexual torture particularly genital torture (including beatings, electrocution, tying, and burning), forced to observe and/or listen to sexual violence inflicted on others, threats of rape against the individual or the individual's family and friends, forced nudity, sexual humiliation, targeting of reproductive organs (e.g. Snipers shooting men in the groin), forced marriage (e.g. Khmer Rouge in Cambodia, Lord's Resistance Army (Uganda)), forced to bite off another man's testicles or penis (multiple cases at ICTY), forced circumcision (documented in Kenya and Iraq), being used as a mattress while perpetrators rape their family members on top of them (Northern Uganda), being held for lengthy periods of time as sexual slaves.⁴¹⁹ Many of the forms that target the male genitalia are coupled with expressions of genocidal intent.

Prevention

4 b. PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

16. Prevention programmes deal almost exclusively with men and boys as actual or potential perpetrators who need to engage in conscious behavioural and attitudinal modification to ensure prevention of SGBV against women and girls. Prevention programmes working with men and boys as potential and actual victims are non-existent and actual strategies to prevent SGBV against men and boys are rare and underdeveloped.

17. Given that 1/3 of male refugees coming to Uganda from DRC are themselves victims rather than perpetrators, the existing approaches that fail to recognise their victim status are inevitably ineffective for this section of the male population. Men and boys deserve prevention programmes that consider their vulnerability and actually address their protection risks.

18. Prevention programmes for men and boys should address: the forms, locations, and perpetrators of sexual violence against men and boys; the situations where men and boys are at risk, the impacts of sexual violence on men and boys (physical, psychological and psychosocial); and the obstacles to disclosure including both security risks and social dimensions such as stigma. These programmes should also consider how gender norms and cultural taboos affect survivors.

⁴¹⁹ List compiled from RLP systematic screening of SGBV, RLP work documenting past human rights abuses in Northern Uganda, and international documentation such as the Commission of Inquiry Reports on Libya and the Syrian Arab Republic.

19. Valuable prevention programmes can include training targeted at key stakeholders: police and security forces; prisoners, medical practitioners, legal students, community groups, and humanitarian workers. For example, in 2015 RLP has been working with UNHCR on trainings for protection officers on conflicted-related sexual violence against men and boys to inform protection staff how to recognise male survivors of sexual violence. Such trainings can be further strengthened by better considering how to increase protection for men and boys in conflict and situations of forced displacement.

The needs of survivors

5 a. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

20. Men and boys are silenced by “deeply entrenched cultural assumptions about male invulnerability”⁴²⁰ in addition to being met with disbelief and outright rejection by service providers when they do seek assistance. If male survivors do come forward they are typically denied access to services, are accused of homosexuality, and may be rejected by their communities. Revealing experiences of sexual violence also greatly impacts the interpersonal relationships of men and boys with their family members. Male survivors can be ostracised by their own wives and children just as with female survivors. Furthermore, survivors’ sense of sexuality and masculinity are distorted through experiences of sexual violence. Most male survivors are not aware that sexual violence can happen to men and boys so they experience acute feelings of shame and fear that they are alone in these experiences.

21. Acknowledging the existence of male survivors can do a great deal to address the stigma men and boys face. RLP conducts community outreach sessions in Kampala in order to sensitive refugee communities about the existence of male survivors among the refugee populations living in the city. This work is imperative in challenging social stigma and is especially important in regions such as East Africa where perceptions of homosexuality associated with male survivors are stigmatising -- if not life threatening.

22. To further combat stigma, sensitisation programmes instructing communities and service providers how to recognise and treat male survivors of sexual violence are acutely needed. Such initiatives are crucial for ensuring that men’s and boys’ relationships with their family members and their communities are reinforced so that these survivors are not further stigmatised. Male survivors need to be supported by being granted access to necessary service provision (medical, legal, psychological, psychosocial, and security) and being targeted by outreach programmes to help them reintegrate to their communities. The UK’s Preventing Sexual Violence Initiative can accomplish much by supporting organisations and/or associations who undertake outreach mechanisms (such as community sessions or radio shows) that sensitise communities regarding the existence of male survivors.

⁴²⁰ “Report of Workshop on Sexual Violence Against Men and Boys in Conflict Situations New York.” Office of the United Nations Special Representative of the Secretary- General on Sexual Violence in Conflict. (2013) available at: <http://www.slideshare.net/osrsgvc/report-of-workshop-on-sexual-violence-against-men-and-boys-final>

Accountability

9 c. To date, there have been no convictions at the International Criminal Court (ICC) for crimes of sexual violence in conflict situations. What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal of the Former Yugoslavia (ICTY), the International Tribunal for Rwanda (ITR) and the Special Court for Sierra Leone (SCSL)?

23. Strengthening accountability for conflict-related sexual violence requires prosecution of SGBV crimes against all victims including men and boys. Significant evidence of SGBV against men and boys has been presented as evidence in international tribunals but these crimes have not been adequately prosecuted as crimes against men and boys nor have the gender elements of these acts been sufficiently covered. Experiences at the ICTY, ICTR, ICC, and SCSL demonstrate that evidence of SGBV crimes against men and boys are used as evidence to prosecute crimes against female victims but not the male victims. Furthermore, when incidents of sexual violence against men and boys are included in charges they are not prosecuted as sexual violence but fall into other categories such as torture. This means that the gender elements of the crimes committed against men and boys are not considered.

24. For example, at the *ICTY in Prosecutor v. Zdravko Mucic* (aka the Celebici case) there was a charge of rape as torture for female victims but the act of forcing two brothers to perform fellatio while also tying a burning fuse around their genitals was prosecuted as a grave breach of inhumane treatment as a war crime - not as rape.⁴²¹ The Prosecutor in the ICC trial *Prosecutor v. Kenyatta* did seek to adequately prosecute sexual crimes by charging forcible circumcision as a form of sexual violence but the pre-trial chamber found that “not every act of violence which targets parts of the body commonly associated with sexuality should be considered an act of sexual violence” and the act was categorised as other inhumane acts.⁴²²

25. International tribunals must ensure that when evidence of sexual violence against men and boys is brought forward in legal cases that the indictment charges these crimes as crimes as sexual violence. International law provides a strong basis for prosecuting acts of sexual violence against men and boys. The Rome Statute widened the scope of sexual violence addressed in international criminal law to include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and other forms of sexual violence while also framing the crimes in gender neutral terms so that each act can apply to both female and male victims (with the exception of forced pregnancy).

26. To utilise this strong foundation, prosecutors must ensure that their charges reflect the gendered nature of crimes against men and boys so that there is no impunity for such crimes and jurisdiction on sexual violence in conflict is strengthened for all victims.

27. International prosecution of cases of sexual violence against men and boys is critical considering that domestic legal systems afford very little protection to male victims; 90 per cent of men in conflict-affected countries are in situations where the law provides no

⁴²¹ ICTY. *Prosecutor v. Zdravko Mucic*. IT-96-21-T. Trial Judgement. (16 November 1998) para 1066.

⁴²² ICC. *Prosecutor V. Francis Kirimi Muthaura And Uhuru Muigai Kenyatta*. Case No. Icc 01/09-02/11 (24 July 2012) para 10

protection for them if they become victims of sexual violence: 62 countries which represents almost two-thirds of the world's population only recognise female victims of rape, 67 states criminalise men who report abuse, and in 28 countries only males are recognised as perpetrators of sexual violence.⁴²³

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⁴²³ 2014. *Dolan et Luedke* study (forthcoming) survey of penal codes in 189 countries.

Refugee Law Project, Center for Education and Research in Humanitarian Action and Oxfam Novib – Oral evidence (QQ 101-109)

Refugee Law Project, Center for Education and Research in Humanitarian Action and Oxfam Novib – Oral evidence (QQ 101-109)

[Evidence to be found under Center for Education and Research in Humanitarian Action](#)

Saferworld – Written evidence (SVC0009)

Introduction

This submission to the House of Lords Select Committee on Sexual Violence in Conflict brings together Saferworld's research and expertise on the causes and means to prevent sexual and gender-based violence (SGBV) in conflict-affected and fragile states, and the importance of identifying and addressing the root causes of conflict. We have drawn on our experience of working with UK conflict prevention policy and reflected on our engagement with the Preventing Sexual Violence in Conflict Initiative (PSVI) to recommend ways in which the Committee can use its inquiry to ensure UK government policy and practice on preventing sexual violence is effective, impactful, and sensitive to the needs of survivors by addressing the root causes of violence.

Summary of recommendations to the Committee:

- Question the UK government on how it is taking a holistic approach to preventing SGBV that considers and directly responds to the causes of SGBV, including conflict, while being sensitive to the needs of survivors and the challenges they face;
- Determine whether the Joint Analysis on Conflict and Stability (JACS) has been conducted in all operational countries and whether it has been used to adapt policy and inform programmes on SGBV;
- Ensure the UK government conducts a gender analysis as part of every JACS process;
- Ask the UK government about what evidence of gender-sensitive upstream conflict prevention has been generated, and how progress on implementation has been assessed in country;
- Ensure that the UK government supports women's leadership and meaningful participation through UK financial and diplomatic support to women's rights and peacebuilding organisations from conflict-affected and fragile states;
- Encourage the UK government to ensure gender and conflict is integrated into future international summits, conferences and meetings relevant to peace, security and development.

Q3) What evidence is there as to the causes of sexual violence in conflict?

1. Sexual and gender-based violence (SGBV) – in conflict-affected countries and elsewhere – is primarily a result of gender inequality, the widespread prevalence of patriarchal attitudes and beliefs, power imbalances between women and men, and notions of masculinities and femininities that normalise these social inequalities. Sexual violence against women and girls in particular reinforces women's subordination and inequality in both the private and public spheres; while sexual violence against men and boys is used as a means of bringing shame and stigma which results directly from societal attitudes toward masculinity and gender roles.

2. A comprehensive prevention strategy should seek to address these causes of SGBV by transforming harmful social norms and gender inequalities, securing women's rights and the empowerment of women, and by promoting understandings of nonviolent masculinities. These transformative strategies must be employed in all contexts, regardless of whether

there is an active conflict, in order to make progress on prevention with a realistic expectation of the timescale needed to make progress. Other factors, such as unaccountable and unresponsive security and justice sectors, play a role in the prevalence of SGBV. Pursuing criminal prosecutions alone will not sufficiently prevent SGBV immediately, but can be effective in the long-term (alongside primary prevention activities – i.e. those that address its underlying causes) and help to create an environment in which such violence cannot be committed with impunity. We recommend that the Committee question the UK government on how it is taking a holistic approach to preventing SGBV that considers and directly responds to the causes of SGBV, including conflict, while being sensitive to the needs of survivors and the challenges they face.

3. While there are some commonalities, the underlying causes and triggers of SGBV can vary across different contexts, and it is therefore important that any strategies to prevent and eliminate SGBV are based on sound analysis of the societal context. In areas affected by conflict or fragility, this should include a conflict analysis, which should be used to ensure that all interventions are conflict-sensitive, such that they do not exacerbate conflict dynamics, and wherever possible they contribute to building peace.

4. The Joint Analysis on Conflict and Stability (JACS) is the UK's conflict analysis tool, introduced in 2012 to help officials to map and understand the conflict dynamics and drivers in any given context. It is unclear to what extent JACS have been conducted in all operational countries however, and Saferworld would encourage the Committee to question the Government on this, including how the JACS has been used to adapt policy and inform programmes on SGBV. From our understanding, the JACS methodology did not include guidance on how to include gender in its analytical approach, though the Stabilisation Unit is currently producing supplementary guidance on how to integrate gender analysis into conflict analysis. We therefore also recommend the Committee question the Government on how it will ensure that gender analysis will be part of every JACS process.

Q4) Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

5. UN Security Council Resolution (UNSCR) 1325 affirms “the important role of women in the prevention and resolution of conflicts” under one of its main ‘pillars’ (the others focusing on the promotion of women’s participation, protecting the human rights of women and girls, and addressing women’s and girl’s needs in humanitarian relief and recovery). However this ‘pillar’ of UNSCR 1325 is often interpreted in practice as referring only to the prevention of SGBV in conflict, and not to the prevention of conflict itself. The lack of attention given to conflict prevention has led some to express concern that the women, peace and security agenda has become limited to “making war safe for women”, rather than preventing the outbreak of war.⁴²⁴ Preventing SGBV is important to promoting long-term security, and working to prevent violent conflict from breaking out in the first place – ensuring women and other marginalised groups are able to play an active and equal part in this – can help to prevent forms of SGBV which increase during conflict.

⁴²⁴ See, for example, Cora Weiss, quoted in Cohn C (2008), ‘Mainstreaming gender in UN security policy – a path to political transformation?’ (Boston Consortium on Gender, Security and Human Rights), p 14.

6. A more comprehensive vision of conflict prevention involves careful analysis of, and long-term strategies for addressing the root causes and drivers of conflict in any given context. This may include, for example, ensuring equitable access to basic services such as security, justice, health and education for all social groups; transforming political institutions that are exclusionary or corrupt; or reforming economic systems that are perceived to be unjust. Conflict prevention that successfully builds sustainable peace for all groups must, among other things, integrate a gender perspective, also referred to as taking a gender-sensitive approach.

7. A gender-sensitive approach would involve analysing and responding to the gender dimensions of root causes and drivers of conflict which are identified through using the JACS methodology. This could include, for example, ensuring that youth livelihoods programming responds to the needs of both women and men who are un- or under-employed; or challenging cultures of militarised masculinity within the security sector which fuel human rights abuses. The UK government's commitment to gender-sensitive conflict prevention is contained in the Building Stability Overseas Strategy (BSOS) and in the UK National Action Plan (UK NAP) on Women, Peace and Security. While this is welcomed and necessary for the prevention of SGBV, the extent to which this has been implemented is unclear. While the UK has articulated a progressive vision of 'stability' in the BSOS and how to achieve this by preventing conflict 'upstream', there remains a lack of clarity around what an 'upstream' approach means and how it should be put into practice. Identifying appropriate 'upstream' responses that are also gender sensitive is a challenge, not only due to the complex and often rapidly changing environment in conflict-affected states, but also due to the differing working cultures and capabilities across UK government departments working in fragile contexts. Therefore, an examination of what each department means when they say they are 'doing' upstream conflict prevention and how and whether this reflects the best available evidence of what works in promoting long-term stability should be a priority going forward. Saferworld suggests that the Committee ask the UK government about what evidence of gender-sensitive upstream conflict prevention has been generated, and how progress on implementation has been assessed in country.

Q6) How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

8. A culture shift is needed towards understanding gender as an important factor in conflict and security work, rather than an issue of secondary importance or a separate work stream. The participation of women in the peace and security field is central to this, whether it is local women's participation in local, national and international peace processes or participating in and leading work on conflict prevention and resolution. Although the provisions of UNSCR 1325 are often interpreted as referring only to conflict-affected contexts, the resolution in fact calls on all Member States to ensure increased representation of women in institutions and mechanisms for the prevention, management, and resolution of conflict.

9. The UK government can support this culture shift by appointing both male and female senior officials in government departments – particularly the Foreign Office, the Ministry of Defence and the Department for International Development – to champion the importance of gender mainstreaming, demonstrating that gender issues are not to be addressed solely

by women. The UK can also lead by example on the participation element of the NAP by increasing the number of women working on conflict and security issues in the UK government, particularly in areas commonly dominated by men, such as senior positions in the military and delegations to peace negotiations.

10. Saferworld suggests that the UK government supports women's leadership and meaningful participation through UK financial and diplomatic support to women's rights and peacebuilding organisations from conflict-affected and fragile states. It can lead by setting a strong example, ensuring all of its international delegations have a gender balance and are led equally by both male and female officials and diplomats. The UK government can affirm this commitment by making the full and meaningful participation of women as condition of its support for peace processes, negotiations and donor conferences. This should include not only the presence of women on negotiating teams but also ensuring that civil society actors, including women's rights organisations, can scrutinise and influence decision-making on peace and security issues.

11. The UK government can also use its influence to ensure that gender, peace and security is meaningfully included at all international summits, conferences and meetings relevant to peace, security and development. The Wales NATO Summit in 2014 would have been a good opportunity to do so, capitalising on the recently published NATO action plan on Women, Peace and Security. It would have been particularly valuable for the Ministry of Defence to work with NATO to explore the lessons learned of what works in implementing gender and conflict prevention objectives. Saferworld was disappointed to learn that there was no inclusion of gender and conflict at the main Summit, and would encourage the Committee to question the Government on why this was the case and how this will be addressed at future such meetings.

About Saferworld

Saferworld is an independent international organisation working to prevent violent conflict and build safer lives. We work with local people affected by conflict to improve their safety and sense of security, and conduct wider research and analysis. We use this evidence and learning to improve local, national and international policies and practices that can help build lasting peace. Our priority is people – we believe that everyone should be able to lead peaceful, fulfilling lives, free from insecurity and violent conflict.

We are a not-for-profit organisation with programmes in nearly 20 countries and territories across Africa, the Middle East, Asia and Europe.

17 September 2015

Scottish Refugee Council and Refugee Council – Written evidence (SVC0050)

Scottish Refugee Council and Refugee Council – Written evidence (SVC0050)

[Submission to be found under Refugee Council](#)

Professor Patricia Sellers, Dr Kirsten Campbell and Ms Elizabeth Wilmshurst – Oral evidence (QQ 132-138)

Professor Patricia Sellers, Dr Kirsten Campbell and Ms Elizabeth Wilmshurst – Oral evidence (QQ 132-138)

[Evidence to be found under Dr Kirsten Campbell](#)

Shan Human Rights Foundation – Written evidence (SVC0014)

1. This submission cites continuing sexual violence by the Burma Army in Shan State, and identifies the Burmese government's ongoing militarization in the ethnic states and military impunity as the root causes of this. In order to effectively address the problem of military sexual violence, SHRF urges the British government to start pressuring Burma's government to end its military offensives, begin troop withdrawal from the ethnic states, and enter into dialogue to bring about political reform that will end the civil war and establish a genuine civilian-led, federal democracy in Burma.
2. The Shan Human Rights Foundation (SHRF) is a non-profit, non-governmental organization, which has been documenting human rights abuses in Burma's Shan State since 1990. In 2002, SHRF and the Shan Women's Action Network jointly published the report "Licence to Rape," documenting 173 incidents of sexual violence by the Burma Army, involving 625 women and girls. The report exposed the systematic use of rape by Burma Army personnel as a weapon of war against ethnic peoples.
3. Most of the sexual violence documented in SHRF's 2002 report took place during a large-scale forced relocation campaign by the Burma Army in 1996-1998 in southern Shan State, in which over 300,000 people were forced at gunpoint from their homes. Women and girls were raped, killed and mutilated as part of a campaign to terrorize and demoralize the local population.
4. Since that time, the Burma Army has steadily increased its military presence in Shan State, which is now one of the most heavily militarized ethnic states in Burma. It contains four of the Burma Army's 14 Regional Military Commands, including the newest regional command, the Central Eastern Command, set up in 2010. Over a quarter of the Burma Army's over 500 infantry battalions are stationed in Shan State. Despite new ceasefires being signed with most ethnic armed groups in Shan State since 2011 under the current "peace process," the Burma Army has withdrawn no troops from our state and is continuing to launch large-scale military offensives. It has fought over 500 times with the Restoration Council of Shan State/Shan State Army-South (RCSS/SSA-S) and the Shan State Progress Party/Shan State Army-North (SSPP/SSA-N), after signing new ceasefires with both groups; its current offensive against the Kokang, in northeast Shan State is the fiercest in decades.
5. The Burmese troops have been continuing to commit sexual violence with impunity, and SHRF has issued periodic reports about such incidents. For example, in March 2011, SHRF documented three incidents of gang-rape by Burma Army troops of three different battalions within five days, during an offensive against the SSPP/SSA-N in violation of an existing ceasefire.
6. Apart from the much publicized rape-murder case of two Kachin teachers in northern Shan State in January, 2015, where all evidence points to Burmese military perpetrators, this year SHRF has documented six incidents of sexual violence by Burma Army personnel in southern and eastern Shan State (between April and August 2015). We have already issued a detailed report on one of these incidents: a case of rape-murder by Burma Army troops in Ho Pong, which took place on June 6, 2015 (see

<http://www.shanhumanrights.org/index.php/news-updates/221-villagers-remain-fearful-after-burma-army-rape-murder-in-ho-pong-despite-punishment-of-alleged-culprit>), and plan to release a detailed report on the other incidents soon.

7. In the Ho Pong case, a housewife was raped and murdered on her way back from giving alms at a local temple in a remote rural village. The perpetrators were Burmese soldiers based at a military outpost next to the temple. In fact, there was no active conflict in the area, as a ceasefire had been signed with the local Shan armed group, the RCSS/SSA-S, since December 2011, so the Burma Army had no need to maintain its outpost in this village. However, as in other areas of Shan State, no troop withdrawal or closure of bases has taken place in this area a result of the ceasefire.

8. In our report on the Ho Pong case, we highlighted how the culprits were so confident of impunity that they committed the crime only 60 meters from the military outpost where they were stationed. The local military commander initially refused to investigate his troops for the crime, and it was only due to pressure from community leaders, that a higher officer was brought in and authorized an investigation and arrest (but of only one soldier, although villagers know that there was more than one culprit). The Eastern Regional Commander himself came to give money and food as compensation to the victim's husband. However, the case has now been hushed up, and the community has no way of knowing what sentence, if any, was meted out to the alleged culprit.

9. We stated in our report: "This case shows clearly that even though the Burmese government signed the Declaration of Commitment to End Sexual Violence in Conflict in June 2014, nothing has changed on the ground to protect women from military sexual violence in ethnic conflict areas. Reparations made by the Burmese military in this latest case in Ho Pong are token, arbitrary, and fail to address the structural root causes of military sexual violence, making it inevitable that such crimes will continue to occur."

10. We identified the key root causes of military sexual violence as: the ongoing militarization by the Burma Army in ethnic areas, and the military's exemption from civilian control under the current constitution, making troops confident they can commit crimes with impunity.

11. Therefore, we urged: "To seriously address the problem of military sexual violence, SHRF reiterates our calls for the Burmese government to end its military offensives, begin troop withdrawal from the ethnic areas, and enter into dialogue to bring about political reform that will end the war and bring the military under civilian control."

12. We are aware that the British government is taking a lead in opposing military sexual violence globally under its Initiative to Prevent Sexual Violence in Conflict, and that it is taking a keen interest in Burma. Most recently, in July of this year, Angelina Jolie visited Burma as part of this initiative, and spoke out about the need to improve access to justice and accountability for survivors. The British Ambassador too spoke out about the need to end impunity for sexual crimes.

13. However, neither of these envoys spoke about the urgent need to end the Burma Army's continuing military offensives and militarization in the ethnic states, which are

fuelling sexual violence, and running counter to the peace process (which Britain is publicly committed to supporting).

14. During Foreign Office Minister Hugo Swire's most recent visit to Burma in July 2015, he also made no public mention of these issues.

15. In other words, we are concerned that there has been no meaningful pressure from Britain on the Burmese government to address the policies of militarization which are fuelling the ongoing military sexual violence.

16. Meanwhile, we see that Britain has been developing military-to-military cooperation with the Burma Army, and is strongly promoting trade and investment in Burma despite the ongoing offensives, militarization and abuses by the Burma Army. In other words, Britain is giving Burma's government a clear signal that it is more interested in business than in human rights and justice.

17. If the British government is serious about wanting to address the problem of military sexual violence in Burma, SHRF urges it to start putting pressure on the Burmese government. The British government should call on the Burmese government to start acknowledging that their troops have been committing systematic sexual violence, and to take the following steps to end the war and bring about political reform:

- To immediately end its military offensives
- To begin troop withdrawal from the ethnic areas
- To begin political dialogue to bring about constitutional reform to establish a genuine civilian-led, federal democracy

18. At the same time, SHRF urges the British government to immediately end its military-to-military engagement with the Burma Army, and to limit further investments in Burma, particularly in the ethnic conflict areas, where security is being provided by government troops who are continuing to commit sexual violence with impunity.

18 September 2015

SOFEPADI – Written evidence (SVC0051)

Fighting sexual violence

According to SOFEPADI experience, *fighting impunity* is central, we should be less focused on quick visible and measurable results in terms of numbers of convictions, and:

- Invest more in improving investigative capacity, guaranteeing minimum fair trial standards.
- Combine punishments with interventions recognizing the effects of traumas and cycles of violence among perpetrators
- Rather than superficial training program focusing on international legal frameworks, design locally adjusted programs.

18 September 2015

Soroptimist International of Great Britain and Ireland – Written evidence (SVC0007)

Soroptimist International is an international organisation for women. It is committed to a world where women and girls achieve their individual and collective potential, realise aspirations and have an equal voice in creating strong peaceful communities.

Soroptimist International has Special Consultative status at the UN and SIGBI has General Consultative status.

Soroptimists world wide are helping women and girls who have suffered from all types of abuse during and after conflict to regain their ability to live peaceful and free lives with their families.

In the last 10 years Soroptimists have had and continue to have a significant presence in Afghanistan, Bosnia, Rwanda and Sierra Leone. They also work in other countries which have suffered from conflict.

Soroptimists' strengths are their ability to work with women and girls in situ, to be able to work with local and national government and to have a presence at the UN. Soroptimists are very vocal in their call to eliminate all forms of violence against women and to prevent sexual violence in conflict.

Members of Soroptimist International Great Britain and Ireland were part of the team who worked with the FCO to put this resolution together and to get it passed and ratified not only through the UK Parliament but also at the UN.

Soroptimist International Great Britain and Ireland were also part of the Global Summit held in June 2014 and have attended many meetings, workshops and focus groups.

1. What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

- (a) The same body should be reporting back to all organisations with a collective responsibility.
- (b) NGOs in country should monitor what is happening and be given facilities to be able to monitor what is happening.
- (c) NGOs should be able to build relationships with the women and girls on the ground and facilitate education on sexual violence in schools and communities.
- (d) The UK should set a high profile example to other countries developing and developed on how to monitor and report any instances of sexual abuse and rape.
- (e) Appropriate monies should be put aside to develop the UK's policy.

(f) Increase the facility for evidence gathering and use all multi national meetings to highlight what is happening and increase other government's awareness and participation.

(g) We need more experts to be going to countries to support, train and effect change.

2. What evidence is there of the effectiveness of the UK's work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

(a) The government should listen to the many NGOs that have a lot of experience in dealing with other government.

(b) The UK government should encourage all governments to use gender mainstreaming and introduce gender mainstreaming across all UK government departments.

3. What evidence is there as to the causes of sexual violence in conflict?

(a) The countries where women suffer from sexual abuse have a patriarchal system Women are not considered equal to men and are not treated with the same deference.

(b) Need better education of youth and communities in general, in particular gender based violence and to challenge religious teaching.

(c) Many aggressor countries think that by raping and making women pregnant they will dilute the gene pool of the victim's country.

(d) The National Action Plan has helped in some countries with Women Peace and Security. However the NAP only highlights 6 specific countries although the UK government does try to help all countries.

4. Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

(a) Agree with this but have no evidence.

5. What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict?

How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

(a) Further training of military and UN personnel on gender based violence

(b) Need to educate the families and communities of the victim that it is not the fault of the victim. An example of this is with the Yezidi people who have declared that any girl who escapes the ISIS is not at fault but is a victim.

(c) Make sure the perpetrators are brought to justice and punished accordingly.

(d) More use of mobile phones for women and girls to get help if needed.

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

- (a) Need more women at high-level decision making positions.
- (b) Make sure that governments are aware of the different needs and requirements of men and women.
- (c) Make sure the UK Government sets a positive example and use UNSCR1325 whenever it can and always have 50% of women on a committee. All International Agreements and Resolutions relating to Sexual Violence in Conflict must be ratified by the UK Government.

7. Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict?

- (a) There have been some very good examples of military action in places such as Afghanistan. However the attitude of the MOD is not always as gender sensitive as it should be.
- (b) There is evidence that the UK military has responded to women seeking help in a sensitive and appropriate way however this should be the norm not an exception for all countries.
- (c) The UK military are training the UN peacekeepers on how to deal with women and girls who have suffered sexual violence either during or after conflict.
- (d) Mapping and evaluation on what has been done already and what more is expected.

8. Does UK military doctrine and training adequately support the prevention and response to sexual violence in conflict?

- (a) Over the past year the military have improved their training to the UK military personnel and to military personnel in other countries.
- (b) More accountability, training and legal requirements to be implemented.

9. How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

- (a) Accountability and regular inspections by women and men who understand the issues of WPS.
- (b) Some movements have been made on this through teams of lawyers and investigators being deployed but more required as it has only been limited.
- (c) We need more deployments of psychological workers supporting victims alongside NGO's, UN and military in conflict countries – this has been woefully absent.

10. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What

progress has been made? What remains to be done and what are the barriers to achieving these goals?

- (a) One barrier is the reluctance of women to report sexual crimes because of “Shame Trauma” These women and girls must be regarded as the victims. Soroptimists have been working in Sierra Leone with girls who have been victims, to try to reunite them with their families and also to teach them skills so that they can earn a living for themselves.

17 September 2015

Dr Jill Steans – Written evidence (SVC0060)

Summary

The literatures on the women's peace and security agenda, women's human rights and gender mainstreaming have repeatedly raised the persistent gap between rhetorical commitments and reality and the lack of political will and political leadership needed to translate paper commitments into effective responses. The UK Government's political leadership since 2010 ensured that sexual violence was afforded a high profile and sustained attention by the international community. Concrete initiatives on preventing sexual violence in conflict (PSVI and related protocol) that aim to shatter the culture of impunity are also to be applauded.

The PSVI and protocol is unlikely to produce immediate results with regard to the number of prosecutions, but it is nonetheless a milestone on the way to securing more effective deterrence and in delivering justice to survivors. The *Global Summit to End Sexual Violence against Women* (2014) raised public awareness of this pervasive problem. The 2013 G8 *Declaration on Preventing Sexual Violence in Conflict* and dedicated funding to support research and programmes to confront such crimes was also an important step forward. The PSVI employs the language of men and boys as well as women and girls, thus addressing silences and exclusions in the language of measures such as UNSCR 1325. Gender inclusive language better captures the complexities of conflict related sexual violence, although more needs to be done to both acknowledge men and boys as survivors and identify the varied roles they can play in preventing and responding to sexual violence.

Overall, the available empirical evidence points to the need for a more nuanced understanding of conflict related sexual violence. There is no simple explanation for or solution to the problem, nor can prevention strategies be built on the basis of evidence from single-cases. Differences in the causal or constitutive mechanisms behind acts of sexual violence in conflict present challenges for policy-makers and civil society organizations, but also give reason for optimism. Sexual violence is a choice, not an inevitable consequence of warfare and so can be prevented, but prevention strategies must be cognizant of the complexities of the phenomenon. In line with the general direction of developments in approaches to sexual violence in conflict since the 1995 Beijing Conference, the UK's effort has focused mainly on international legal instruments. There are advantages in a legalistic approach, but there are limits in what law can deliver and law is not the most effective way to address many dimensions of the problem. The UK's approach to the problem should maintained a balance between using legal instruments and supporting initiatives to promote changes in social and cultural norms and attitudes towards sexual violence over the longer-term, initiatives that engage NGOs and grassroots civil society movements (as does DFID's *Theory of Change*).

Strengths and weaknesses of international humanitarian law, laws of war and human rights approaches

1. The focus on impunity in the PSVI and protocol allows for a more focused effort aimed at increasing the number of prosecutions. This focus makes the task of prevention more

manageable and also makes it easier to define benchmarks for success.⁴²⁵ It is important that states own responsibility for the problem. The protocol provides an excellent tool for local activists and human rights defenders. Over the longer-term this is likely to have a significant impact on the number of prosecutions. So too will the provision of a team of experts.

2. In this context, it is important to continue to support the work of international and local organisations that provide ongoing support to survivors so they are better able to withstand the often traumatic prosecution process.

3. International legal instruments can be an important tool in efforts to generate change in attitudes towards sexual violence⁴²⁶, but are not sufficient in deterring or preventing sexual violence. The ICTR and ICTY have demonstrated the limited scope of indictments and convictions, conflicts of interest and lack of attention to culturally appropriate interventions. Tribunals have sometimes reinforced dominant gender norms (SCSL), rather than addressing sexual violence as a human rights issue. This undermines the intent of CEDAW and the Beijing Platform of Action.

4. There is an active debate in feminist circles on whether or not diversity in cultural norms explains the continuing gap between the application of legal principles and local practices.

⁴²⁷

5. There is a need to both educate survivors about their rights and promote change in social and cultural norms and attitudes towards sexual violence. Overall, the literature points to the need for a holistic approach in which legal instruments are combined with other prevention initiatives based on local knowledge and understanding of cultural norms and socialisation.

Engagement with the global policy agenda on preventing sexual violence in conflict

6. The international community has developed various instruments and mechanisms for monitoring and reporting on prevention and punishment and has developed an institutional structure within the UN to address sexual violence in conflict. Continuing UK engagement with and leadership in this area is important. However, the later UN Security Council resolutions particularly have narrowed the scope of the work needed to advance the *Women, Peace and Security* (WPS) agenda, specifically the transformative potential of the WPS agenda in empowering women as agents of change in the fight against gender-based and sexual violence.⁴²⁸ It is also important that women and girls are recognized and included as actors and not seen as, and represented only as, victims and survivors.

⁴²⁵ Skjelsbaek, Inger (2012) 'Responsibility to Protect or Prevent? Victims and Perpetrators of Sexual Violence Crimes in Armed Conflicts', *Global Responsibility to Protect*, 4, (2), 160-1; Sivakumaran, Sandesh (2007) 'Sexual Violence Against Men in Armed Conflict', *European Journal of International Law*, 18, (2), 253–276.

⁴²⁶ Chinkin, Christine (1999) 'Gender, Inequality and International Human Rights Law.' In: Andrew Hurrell and Naigre Woods (eds.) *Inequality, Globalization and World Politics*, Oxford, Oxford University Press.

⁴²⁷ Engel Merry, Sally (2006) *Human Rights and Gender Violence*, Chicago: Chicago University Press.

⁴²⁸ Grey, Rosemary, and Laura J. Shepherd (2012) "'Stop Rape Now?'" Masculinity, Responsibility, and Conflict-Related Sexual Violence', *Men and Masculinities*, 16, (1), 115-135; Skjelsbaek, 2012: 163.

Evidence on the causes of sexual violence in conflict

7. Recognition of rape as a deliberate strategy or tactic in war informs the work of many international governmental and non-governmental organizations.⁴²⁹ However, a growing body of research indicates that there is not a single or even predominant cause of sexual violence. It differs significantly depending on the conflict setting. It is not always nor necessarily a regular pattern of the conflict, but can follow various and simultaneous ‘rape regimes’, such as opportunistic rape.⁴³⁰

8. Studies also point to different motivations when perpetrating rape and other form of sexual violence.⁴³¹ Third parties can be coerced into offending (as in former Yugoslavia, DRC and Sierra Leone), meaning that it is not always possible to draw a clear distinction between victims and perpetrators. The dominant perception that sexual violence is mainly perpetrated by men against women is supported by the literature, but men and boys might also be survivors and women can be perpetrators.⁴³²

9. Much of the extant literature supports the view that sexual violence in conflict is linked to gender inequality⁴³³, but the view that the pernicious effects of inequality are visited on women alone is empirically inaccurate and theoretically misleading. Women might –and do– belong to ethnic groups that are relatively disempowered vis-à-vis the state or dominant armed groups, and it is the ethnic group, male and female members, that are the main target of aggression and sexual violence.⁴³⁴

10. Group dynamics have been identified as important in some studies.⁴³⁵ Rape might be used to foster cohesion among combatants, to forge social ties and to gain leverage among peers.⁴³⁶ The social norms shared by combatants must be addressed in preventative

⁴²⁹ Leiby, Michele (2009) ‘Wartime Sexual Violence in Guatemala and Peru’, *International Studies Quarterly*, 53, (2), 445–468.

⁴³⁰ Boesten, Jelke (2014) *Sexual Violence during War and Peace: Gender, Power and Post-Conflict Justice in Peru*. New York: Palgrave Macmillan, 22-23.

⁴³¹ Baaz, Maria and Maria Stern (2009) ‘Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)’, *International Studies Quarterly*, 53, (2), 495–518.

⁴³² Kirsten, Jennifer Scott, Bigy Rughita, Michael Kisielewski, Jana Asher, Ricardo Ong, and Lynn Lawry (2010) ‘Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo’, *The Journal of the American Medical Association*, 304, (5), 553–562.

⁴³³ Brownmiller, Susan (1975) *Against Our Will: Men, Women and Rape*. New York: Fawcett Columbine; Stigmayer, Alexandra (1994) *Mass Rape: The War against Women in Bosnia-Herzegovina*, Lincoln: Nebraska University Press.

⁴³⁴ Pratt, Nicola (2013) ‘Reconceptualizing Gender, Reinscribing Racial–Sexual Boundaries in International Security: The Case of UN Security Council Resolution 1325 on “Women, Peace and Security”’, [International Studies Quarterly](#), 57, (4), 772-783; Davies, Sarah and Jacqui True (2015) ‘Reframing Conflict-Related Sexual and Gender-Based Violence: Bringing Gender Analysis Back in’, *Security Dialogue*, published online. 0967010615601389.

⁴³⁵ Wood, Elisabeth Jean (2009) ‘Armed Groups and Sexual Violence: When Is Wartime Rape Rare?’ *Politics and Society*, 37, (1), 131–161; Cohen, Claire (2014) *Male Rape is a Feminist Issue*, London: Palgrave.

⁴³⁶ Cohen, Dara (2013) ‘Explaining Rape during Civil War: Cross-National Evidence (1980–2009)’, *American Political Science Review*, 107, (3), 467.

strategies; in the training given to military personnel and throughout the entire command structure in military and peacekeeping forces.⁴³⁷

11. Research suggests that cultural norms are always implicated in conflict related sexual violence, but not always in the same way. Cultural factors are highly pertinent to the low rate of prosecution that feeds impunity. The full extent and prevalence of sexual violence is hard to uncover due to cultural taboos surrounding sexuality and for fear of social ostracism. However, where shared norms condemn sexual violence, its occurrence is less likely.⁴³⁸

The effectiveness of the UK National Action Plan on Women, Peace and Security

12. There is a general problem of conceptual clarity in the formulation of National Action Plans (NAPs); individual UN member states have a different understanding of what security means and how it should be 'gendered' in their own context. Questions of effectiveness cannot be answered in isolation from what it means to mainstream gender and achieve peace and security and how the state configures its relationship to conflict and post-conflict societies.⁴³⁹ A key challenge in implementation remains in how statements of principles and commitments outlined in UNSCR 1325 can be effectively translated into the actual practices of the UN and at national levels.

13. The literature is generally critical of adding women's concerns to existing frameworks without substantially challenging them; for example, 'bringing in women' in areas traditionally the preserve of men such as combat roles in the military.⁴⁴⁰ This will not challenge entrenched gender norms, which are a big part of the problem. Current research also suggests that it is misplaced to see women as bringing different (more 'feminine') values and practices to processes like conflict resolution and peace-building.

14. NAPs should aim to be transformative, creating a new standard for both women and men and aiming to deliver equality and justice to all.⁴⁴¹ The UK NAP evidences a mixture of bringing in women and a transformative approach. It reaffirms the important role of women in all efforts to maintain and promote peace and security. It also sets out concrete measures to support the meaningful participation of women in peace processes and decision-making, including at the grassroots level. This is helpful.

15. A general criticism of NAPs in Western states, including the UK, is that they are largely focused on developing countries. More prominence might be afforded to domestic initiatives on gender integration in UK peace and security institutional and policy-making

⁴³⁷ Cohen, 2013.

⁴³⁸ Wood, 2009.

⁴³⁹ McLeod, Laura (2016 forthcoming) 'The Women Peace and Security Resolutions: UNSCR 1325 to 2122.' In: Steans, Jill and Daniela Tepe-Belfrage (eds.) *Handbook of Gender in World Politics*, Oxford: Edward Elgar, (page references not yet available).

⁴⁴⁰ Hudson, Natalie Florea (2010) *Gender, Human Security and the United Nations: Security Language as a Political Framework for Women*. Routledge: London, 153 (cited in McLeod, 2016); Kronsell, Annica (2012) *Gender, Sex and the Postnational Defense: Militarism and Peacekeeping*, Oxford: Oxford University Press; True, Jacqui and Lara Parisi (2012) 'Feminist Strategies in Global Governance: Gender Mainstreaming.' In: (eds.) Prugl, Elisabeth Gulay Caglar and Susan Swingel *Gender and International Governance*, London: Routledge; Mackenzie, Megan (2015) *Beyond the Band of Brothers: The US Military and the Myth that Women Can't Fight*. Cambridge: Cambridge University Press.

⁴⁴¹ Hudson, 2010.

processes in order to emphasise that this is not viewed only as problem that exists elsewhere in the world.⁴⁴²

16. Identifying target countries, as the UK has done, allows resources and effort to be more focused and this can potentially make a substantive difference to outcomes. Yet progress has been disappointing in some of the UK's target countries.⁴⁴³ The possibility of using aid as a tool to compel compliance has been raised in the House of Lords on occasions. If this is given serious consideration it is necessary to assess potential impacts since sanctions also have gender differentiated impacts.⁴⁴⁴

17. The UK NAP reflects the discursive heritage of UNSCR 1325 in foregrounding women. As noted, the gender inclusive language in subsequent UNSCR resolutions and in PSVI that acknowledges men and masculinities would be preferable in future iterations of the NAP.

18. Greater clarity on measurement and indicators regarding women's participation in political processes would be helpful, as would clearer timelines on implementation. This has been a major obstacle in translating rhetorical commitments to concrete measures.

19. All measures outlined in the UK NAP require that adequate resources are committed and protected.

How men and boys are being included. The extent to which existing prevention programmes targeted at men and boys are effective.

20. Perpetrators of sexual violence must be held to account. The justice system also has a role to play in challenging social and cultural norms that contribute to the problem of impunity.

21. In so far as justice sectors are male-dominated, it is important to both increase the number of women and also engage men as key players in enforcing laws and in ending the culture of impunity.

22. In their roles as political leaders, community leaders, aid workers, service providers and medical professionals, men have important roles to play as agents of change in conflict and post-conflict settings. However, it is important that roles assigned to men do not reinforce a perception of men as protectors of women, women who are always vulnerable. Programmes are most effective when engaging men and boys as active participants in preventing sexual violence while also empowering women and girls as agents of change. Efforts to educate and engage men must be done in the context of efforts to promote greater gender equality. As such, this is best done in partnership with organisations that actively promote gender equality, women's rights and justice for women.

⁴⁴² Shepherd, Laura J. and Jacqui True (2014) 'Australia on the United Nations Security Council: progressing the Women, Peace and Security agenda' *Australian Journal of International Affairs*, 66, (3), 253-256.

⁴⁴³ For example, Burma. See: <http://policy-practice.oxfam.org.uk/blog/2015/01/violence-against-women-oxfam-in-myanmar-staff-speak-out> (accessed November, 2015)

⁴⁴⁴ Drury A. Cooper and Dursun Peksen (2014) 'Women and Economic Statecraft: The Negative Impact Economic Sanctions Visit on Women', *European Journal of International Relations*, 20, (2), 463-490.

23. In so far as current research indicates that violence against women and girls is more prevalent than violence against men and boys in conflict settings, the distribution of resources should continue to be skewed to meeting the needs of women and girls, but some resource must be devoted to programmes that engage, educate and support men and boys too.

24. Men and boys are afflicted by various forms of sexual violence, but there remains a shroud of silence over male victimization.⁴⁴⁵ This extends to existing national and international policies to address the problem. Analyses of UN policy documents have shown how gender is often conflated with sex and how sexual violence is predominantly represented as male-on-female rape.⁴⁴⁶ This is also true of jurisprudence. National and international courts often categorise sexual violence against men as an ‘inhumane act’, but name it as ‘sexual violence’ when the victim/survivor is a woman.⁴⁴⁷

25. If dominant frames continue to construct only women and girls as victims and men and boys as perpetrators, men might feel that they are accused, while their suffering is ignored. This will likely undermine efforts to assist female survivors.⁴⁴⁸ In garnering support for the implementation of new laws, men and boys must be educated to understand sexual violence as a human rights issue so that new laws are not perceived as ‘anti-male’ and/or against male interests.⁴⁴⁹

26. There have been positive developments in gender inclusive language since UNSCR 2106, but the language of women as only victims and men as only perpetrators remains pervasive. References to ‘engaging men’ in programmes to prevent and respond to sexual violence are often vague. Support for national legal and policy responses will be enhanced through international acknowledgment of the varied ways men are involved and impacted by sexual violence, as perpetrators, witnesses, survivors and potential agents of change.

27. The inclusive gender language in the PSVI is welcome. Yet, in practice sexual violence against men continues to receive little attention. This was the case at the *Global Summit to End Sexual Violence in Conflict*, for example.

28. Historically, discourse on sexual violence has also tended to be based on and reproduce heteronormative assumptions, thereby obscuring the complex nature of sexual violence that might be perpetrated against homosexual, bi-sexual or transgender people. In

⁴⁴⁵ Johnson et al., 2010, 561; Amalendu Misra (2015) *The Landscape of Silence: Sexual Violence Against Men in War*, C Hurst and Co Publishers Ltd.

⁴⁴⁶ Carpenter, R. Charli (2006) ‘Recognizing Gender-Based Violence Against Civilian Men and Boys in Conflict Situations’, *Security Dialogue*, 37, (1), 83–103; Sivakumaran, 2007; Grey, Rosemary and Laura Shepherd (2012) ‘“Stop Rape Now?” Masculinity, Responsibility, and Conflict-related Sexual Violence’, *Men and Masculinities*, 16, (1), 115-135.

⁴⁴⁷ Sivakumaran, 2007.

⁴⁴⁸ Smits, Rosan and Serena Cruz, (2011), ‘Increasing Security in DCR’, *CRU Policy Brief*, 3. Available at: http://www.clingendael.nl/sites/default/files/20110531_cru_policybrief_rsmits.pdf (accessed November, 2015).

⁴⁴⁹ Barker, Gary et. al. (2010) *What Men have to Do with It: Public Policies Promoting Gender Equality*. Washington, DC: The Men and Gender Equality Policy Project, International Center for Research on Women and Instituto Promundo. Available at : <http://www.icrw.org/files/publications/What-Men-Have-to-Do-With-It.pdf> (accessed November, 2015).

inculcating norms that condemn sexual violence, entrenched constructions of masculinity as tied up with power and control over women and other men must be addressed, but the nexus between understandings of what it means to be a ‘real man’ and homophobia and transphobia must also be disrupted.⁴⁵⁰

The effectiveness of the UK Government’s policy in regard to non-state actors. Strategies on prevention and the mitigation of the actions of non-state actors.

PMSCs

29. Private Military and Security Companies (PMSCs) which have grown rapidly since the Iraq conflict are neglected actors. This is a retrograde step for women’s equality since the PMSC sector mainly draws staff from male-dominated special-forces backgrounds.⁴⁵¹

30. There is clear evidence that PMSC personnel have been involved in conflict related sexual violence and in sex trafficking. The codes of practice that exist to monitor PMSCs marginalize sexual abuse. The accountability of PMSCs is frequently restricted to ‘a few bad apples’, which compounds the problem.⁴⁵²

31. Special measures are needed to counter sexual violence and abuse by private contractors and the legal challenges of so doing also need to be addressed.⁴⁵³ The FCO’s (2011) effort in this area is welcome. The UK should make it a condition of use that PMSC better train their personnel and the UK should also take a leading role in devising more effective ways to monitor their activities and hold them to account.⁴⁵⁴

Sex-trafficking

32. There is ongoing concern regarding the role played by non-state actors in sex trafficking. Much of the scholarship on post-conflict violence has neglected non-combat externalities in peacekeeping, but recent research indicates a clear link to peacekeeping operations.

33. This research also indicates that levels of trafficking roughly correspond to the size of the force deployment. The introduction of a large troop deployment can serve to disrupt local criminal networks, but the suppression of existing networks reduces the barrier to entry for transnational and regional actors seeking to exploit the lapse. There is evidence of peacekeepers forming partnerships with these emerging networks.

⁴⁵⁰ Zarkov, Dubravka (2001) ‘The Body of the Other Man: Sexual Violence and the Construction of Masculinity, Sexuality and Ethnicity in Croatian Media’, In Caroline O. N. Moser and Fiona C. Clark (eds.), *Victims, Perpetrators or Actors? Gender, Armed Conflict and Political Violence*, London: Zed Books, 69–82.; Baaz, Maria and Maria Stern (2009) ‘Why Do Soldiers Rape? Masculinity, Violence, and Sexuality in the Armed Forces in the Congo (DRC)’, *International Studies Quarterly*, **53**, (2), 495–518; Lwambo, D. (2011), ‘Before the War, I Was a Man: Men and Masculinities in DCR, cited in: <http://promundoglobal.org/wp-content/uploads/2014/12/Gender-Relations-Sexual-and-Gender-Based-Violence-and-the-Effects-of-Conflict-on-Women-and-Men-in-North-Kivu-Eastern-DRC-Results-from-IMAGES.pdf> (accessed November 2015).

⁴⁵¹ Stachowitsch, Saskia (2013) ‘Military Privatization and the Remasculinisation of the State’, *International Relations*, 27(1), 87.

⁴⁵² Higate, Paul (2016 forthcoming) ‘Solving the Problem of Men and Masculinities in the Private Military and Security Industry.’ In: Jill Steans and Daniela Tepe-Belfrage (eds.) *Handbook of Gender in World Politics*, Oxford: Edward Elgar, (page references not yet available).

⁴⁵³ Harrington, Carol (2016 forthcoming) ‘Peacekeeping.’ In: Jill Steans and Daniela Tepe-Belfrage (eds.) *Handbook of Gender in World Politics*, Oxford: Edward Elgar (page references not yet available)

⁴⁵⁴ Harrington, 2016.

34. Where sexual violence is linked to criminal activities, there is a lack of accountability in the justice system which leads to impunity for perpetrators. Research demonstrates that the problem of impunity for sexual crimes is not just a failure of political will, but the result of the structural weaknesses of international law in addressing non-state actors.⁴⁵⁵

35. In order to prevent military related trafficking in post-conflict regions, national and international laws and their application should be strengthened, code of conducts strengthened and enforced and training improved. There is need to develop international standards and guidelines on anti-trafficking measures in post-conflict reconstruction programmes.

36. The problem of trafficking should be guided by a women's human rights perspective. Women's organizations that have experience with trafficking are a valuable resource in identifying learning experiences which can feed into the future development of conflict-related anti-trafficking programmes and in establishing criteria for monitoring their outcomes.

37. While recent research has added to knowledge, there remains a paucity of accessible data to analyse the formation and expansion of criminal networks involved in trafficking. Consequently, the literature on the links between peacekeeping and trafficking is largely theoretical and lacking in rigorous empirical evidence.⁴⁵⁶ More research geared to detailing the conditions and factors that lead to post-conflict trafficking is needed. This would facilitate the development of more effective post-conflict rebuilding programmes that identify trafficking risks and that can be used when formulating anti-trafficking measures.

Holding international peacekeepers to account

38. Much of the literature on the involvement of peacekeepers in sexual violence suggests that hegemonic masculinity (dominant norms which value physical toughness, male-bonding and heterosexual virility) that prevails in military and peacekeeping occupations is a core part of the problem.⁴⁵⁷ This is further entrenched in the deployment of large numbers of militarized male security personnel from various national defence forces, civilian police and private security companies.

39. Despite efforts to increase the number of female peacekeepers, men continue to dominate, particularly in senior positions, in peace operations. More effort is required to increase the participation of women in peacekeeping operations, especially at senior levels.

40. However, not all scholars agree that soldiers and ex-soldiers are inherently unsuited to the role of peacekeepers. Peacekeeper wealth, impunity and privilege might better explain

⁴⁵⁵ Simm, Gabrielle (2013) *Sex in Peace Operations*. Cambridge: Cambridge University Press.

⁴⁵⁶ Drumond, Paula (2015) 'Sexual Violence against Men during Conflict: Bridging the Gap between Theory and Practice.' Scientific Report of an Exploratory Workshop. Programme on Gender and Global Change, Graduate Institute, Geneva.

⁴⁵⁷ Harris, Vandra and Andrew Goldsmith (2010) 'Gendering Transnational Policing: Experiences of Australian Women in International Policing Operations, *International Peacekeeping*, 17, (2), 292–306; Harrington, 2016; Whitworth, Sandra (2004) *Men, Militarism, and UN Peacekeeping: A Gendered Analysis*, Oxford: Lynne Rienner; Cockburn, Cynthia (2010) 'Gender Relations as Causal in Militarisation and War, *International Feminist Journal of Politics*, 12, (2), 139-157.

sexual exploitation than simplified notions of military/militarised masculinity.⁴⁵⁸ Context also matters; military identities and culture might be transformed in peacekeeping operations.⁴⁵⁹ Thus, with adequate and appropriate training, peacekeepers can be effective in protecting both women and men from sexual abuse.

41. As advocates for gender training, gender advisors can play an effective role in moulding military culture in peacekeeping operations. Gender advisors might also be effective in liaising with non-governmental organisations to advance gender equality. However, gender advisor positions have been under-resourced and advisors sometimes side-lined by mission leaders.⁴⁶⁰

42. UNSCR 1820 calls on countries contributing troops to missions to train and educate them about sexual exploitation and abuse and to also hold them accountable in instances of misconduct. However, the delivery of training is patchy and varies between operations. The effectiveness of the same depends on resources devoted to training and education and to effective leadership.

The International Criminal Courts

43. While imperfect, the International Criminal Courts (ICCs) are a watershed in efforts to end impunity for sexual violence as a war crime, crime against humanity and in genocide. Yet while sexual violence might now be prosecuted as a war crime, act of genocide or a crime against humanity, prosecutions and conviction rates remain extremely low. Very low prosecution and conviction rates have generated scepticism on the question of whether renewed political will to act will translate into actual prosecutions and convictions.

44. This scepticism notwithstanding, it is evident that lack of forensic evidence is one of the major reasons for the low number of successful prosecutions. Reliance on witness testimony has limitations, including the widespread problem of intimidation of witnesses. The PSVI, protocol and the provision of a team of experts are, therefore, very important measures. The emphasis given in the PSVI and protocol to protecting and supporting human rights defenders and to survivors and witnesses is also crucial.

45. The collection of evidence is reliant on survivors reporting early and there remain major obstacles to survivors reporting early or not reporting at all, notably the stigma and shame surrounding the crime.⁴⁶¹ Therefore, while the UK might continue to focus its efforts on prosecutions to end the culture of impunity, again this is only one-albeit core- part of the holistic approach needed to confront the problem.

Summary of recommendations

46. The UK must: 1) Be pro-active in maintaining the momentum that has built since 2010, during which time the UK has played an important, leading role; 2) Ensure that the pervasive problem of sexual violence in conflict continues to have a high international profile such

⁴⁵⁸ Higate; 2016.

⁴⁵⁹ Duncanson, Clair (2009) 'Forces for Good? Narratives of Military Masculinity in Peacekeeping Operations', *International Feminist Journal of Politics*, 11, (1), 63–80.

⁴⁶⁰ Harrington, 2016.

⁴⁶¹ *Institute for War and Peace Reporting*, 2014

that there is no roll-back in the progress that has been made; 3) Continue to fully support the work of the international criminal courts in the prosecution of offenders and so in ending the culture of impunity; 4) Work with other UN member states to devise more effective ways of strengthening legal instruments, monitoring and holding to account non-state actors who, too often, evade prosecution and are otherwise largely accountable; 5) Consider ways to strengthen existing diplomatic pressure on target countries, while ensuring that this does not have unintended and negative impacts on women and girls particularly; 6) Ensure that the emphasis on legal instruments and mechanism is not skewed to such a degree that other, non-legalistic prevention strategies and initiatives are side-lined or undermined. A holistic approach to the problem is needed; 7) Place more emphasis on women and girls as agents of change and not as only victims and survivors; 8) Use gender inclusive language in all documentation on sexual violence in conflict; 9) Develop a gender inclusive approach that recognises the diverse roles played by men and boys in sexual violence and which further recognises that ‘gender inclusivity’ extends to LGBTQI people; 10) Continue to ensure that resources devoted to all efforts to prevent sexual violence in conflict are protected, particularly in the context of ongoing ‘austerity’ measures and cuts.

26 November 2015

Survivors Speak OUT – Written evidence (SVC0052)

Introduction

1. This submission to the House of Lords Select Committee on Sexual Violence in Conflict contains the views and experiences of Survivors Speak OUT (SSO) network members. Five members of the network, both male and female and survivors of torture including sexual violence, came together to provide evidence for this inquiry.
2. Survivors Speak OUT is the UK's only torture survivor-led activist network and is actively engaged in speaking out against torture and about its impacts. Set up by survivors of torture, for survivors of torture, SSO uses first-hand experience to speak with authority for the rights of torture survivors. The network is supported and facilitated by Freedom from Torture and all network members are former Freedom from Torture clients.
3. Based on our first-hand experiences, rape and sexual violence are acts of torture when committed as acts of punishment, oppression, intimidation or discrimination and at the instigation of, or with the consent of, a person acting in an official capacity, in and outside of conflict, in state detention and beyond.
4. The evidence contained in this paper is taken from the varied personal experiences of network members but also our direct experience of working with the Preventing Sexual Violence Initiative (PSVI) team since 2012. It focuses on an area that we can speak about with authority: the needs of survivors of torture including sexual torture.
5. The following evidence was guided by three questions from your Terms of Reference:
 - (a) Prevention: What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict?
 - (b) The needs of survivors: How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?
 - (c) What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

SSO engagement with the PSVI

6. SSO has engaged with the PSVI since 2012. An SSO speaker stood alongside the then UK Foreign Secretary William Hague MP to launch and promote this initiative at the 2012 and 2013 Conservative Party conferences. In September 2013 an SSO speaker addressed over 500 state representatives at the United Nations General Assembly to launch the "Declaration of Commitment to End Sexual Violence in Conflict." The following year at the June 2014 Global Summit, an SSO member spoke at the official launch of the International Protocol for the Documentation and Investigation of Sexual Violence in Conflict alongside William Hague and Angelina Jolie-Pitt. In July 2015, the Survivor Advocate and SSO Network Coordinator was invited to join the external Steering Board for the Prime Minister's Special Representative (PMSR) on Preventing Sexual Violence in Conflict. But perhaps most importantly, SSO contributed to the development of the International Protocol on the

Documentation and Investigation of Sexual Violence in Conflict by commenting on the draft and having many of those comments included in the final protocol.

7. We believe that we have been instrumental in inserting SSO into the PSVI both in public work and in the development of the Protocol. There has been a positive shift from the PSVI team in response – the team is now much faster to think about survivor participation at the outset in its work and recognises survivors not as ‘victims’ who are only there to share their personal testimony, but as vital voices in shaping solutions.

What evidence is there on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict?

8. As survivors we feel that the PSVI is important because it shows that at least something is being done to expose and address the issue of sexual violence. Trips by William Hague MP and Angelina Jolie-Pitt to conflict zones to meet with survivors of sexual violence highlight their ability to bring attention to these issues on a global scale and the willingness of States to sign the Declaration itself offers hope and encouragement to survivors that States consider the issue of sexual violence important and will address it. There is clearly an intention to move beyond awareness-raising and symbolic gestures to help survivors receive justice and reparation, but it is unclear yet how much has been achieved for survivors in these concrete terms.

9. The signing of the Declaration at the UN General Assembly in 2013 in New York and the further commitments made at the Global Summit in 2014 in London are a good first step in a global commitment made by signatory States to uphold protections and support for survivors - however so much more needs to be done to make a signature action meaningful on the ground.

10. The engagement of SSO with the PSVI, including now via the PMSR's Steering Board, highlights willingness to include survivors' input but more should be done to include survivors in decision-making processes and solutions.

SSO Recommendations

11. SSO believes that signatory States need to establish systems and institutions that effectively address the needs of survivors and align closely with the PSVI, offering means of rehabilitation, health services, protection, welfare, and reparations.

12. States must be held accountable to their Summit commitments and a framework for monitoring and evaluating initiatives and holding to account States that fail to comply with their commitment is essential. Signatory States should allow outside organisations with expertise on working with survivors to provide an independent and objective report on the country’s treatment of survivors of sexual violence, and enact changes recommended by survivors and these organisations to state policies and practices. This could include giving the Special Representative of the United Nations Secretary General on Sexual Violence in Conflict greater access to areas of conflict in order to produce accurate reports and create effective mechanisms to ensure accountability.

13. SSO recommends that the UK government use its political powers to pressure States to deliver on their commitments, including by partnering with them on practical initiatives and

seeking alliances with other post-conflict countries that are not signatory of the declaration. This should begin with the Sri Lankan government. This is a real opportunity for the UK to encourage Sri Lanka to become an active stakeholder in the PSVI. This should include an effort by both governments to tackle impunity for sexual torture as well as including survivors of torture in an expert capacity in these efforts.

14. SSO recommends that governments engage more with survivors in the implementation of the PSVI. A survivor-centred approach will best reflect the needs of those the PSVI is trying to help, as survivors are the only ones who truly know what is best for them. States that have signed the Declaration need to follow emerging good practice from the PSVI team in including survivors in relevant decision-making processes.

15. For the Summit to be judged a success there needs to be long-term funding for initiatives aimed at addressing sexual violence.

16. At times the PSVI has felt like an individual commitment, driven by former Foreign Secretary William Hague MP, rather than a government cause. With the transfer of leadership to Baroness Anelay, including welcome ongoing involvement by Mr Hague and other key architects of the initiative such as Baroness Helic, there is an opportunity to address this.

17. The domestic policies of the Home Office towards survivors of sexual violence seeking asylum in the UK need to be aligned in a way that reflects the policies of the PSVI. We feel that this is one of the most important recommendations we can make as a network of survivors who have struggled to be believed and treated with dignity and respect within the UK asylum system. SSO calls for cross-departmental consistency so that survivors of sexual torture who seek safety in the UK are no longer disbelieved, detained, forcibly removed and denied treatment, protection or justice.

18. In order to align Home Office practices with the policies of the PSVI, we recommend that the Home Office be invited to join the PSVI Steering Board in order to better understand the policies of the Protocol and how best to implement them domestically. In addition, the Home Office should be invited to address this issue of contradictory domestic treatment of victims of sexual violence and international commitments by the FCO of the PSVI before the House of Lords Select Committee on Sexual Violence in Conflict.

19. The issue of sexual violence and approaches to tackle it must be seen through a gendered lens. This means, for example, that the PSVI should be careful always to consider that men and boys are also affected by sexual violence as demonstrated by Freedom from Torture research reports (to which SSO contributes) on torture practices connected with conflicts and their aftermath.⁴⁶²

20. It is important to consider sexual violence outside of direct conflict zones. SSO is concerned that by limiting resources and focusing initiatives on only the conflict zone itself,

⁴⁶² See for example 'Tainted Peace: Torture in Sri Lanka Since May 2009' (August 2015) available at <http://www.freedomfromtorture.org/features/8481>. Two thirds of the men in the research study (83 out of 125) disclosed sexual torture.

wider, more systemic issues that lead to sexual violence, including sexual violence amounting to torture, may not be addressed.

How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

21. The PSVI Protocol is an important tool in the eradication of sexual violence in conflict. Its focus is on establishing basic principles for documenting sexual violence as an international crime so that more survivors speak out and give evidence that leads to justice, which in turn leads to prevention.

22. SSO welcomes the Protocol's acceptance of the principle that a survivor's participation in the documentation process should be an empowering experience that enables them to achieve justice, rather than causing further harm to them, their family and community.

23. SSO also welcomes the Protocol's clarity regarding how vital survivor participation is in the risk-assessment process. We welcome the recognition of how significant and complex a survivor's decision to give informed consent is, and that sufficient time must be given for survivors to appreciate the risk involved in this engagement. SSO also welcomes the survivor centred practice the Protocol recommends regarding referrals, confidentiality, interpretation, and intermediaries.

24. SSO engaged in the drafting of the Protocol, highlighting the importance of a survivor centred approach to documentation. It is essential that the Protocol remains an evolving document so that more work can be done on it to reflect expert opinion and survivor experience.

SSO Recommendations

25. The FCO and the international community must continue to seek the involvement of survivors in the development of the Protocol as it evolves and in any other initiatives aimed at tackling the issue of sexual violence in conflict. This involvement of survivors should be done in a sensitive way, ensuring both safety and accessibility through strict anonymity and confidentiality of participants.

26. The UK government should make sure survivors feel both safe and empowered so they feel that they can engage confidently throughout the evidence gathering process. SSO believes that governments must provide better means of protection and reassurance in a way that encourages survivors to come forward without fear of persecution. This could be done through heightened confidentiality and witness protection.

27. A survivor-centred approach is vital to continue the development and implementation of the Protocol, to address the risks and challenges of this process and to meet both the needs of survivors and the needs of international justice. By survivors working together with expert service providers and States we can shift the shame and stigma from survivors to perpetrators. But, because SSO believes that both the experts and the survivors are users of the protocol, it is equally important for both groups to be informed on how to use the Protocol and how they can benefit from it.

28. A survivor-centred approach should also be applied to methods of prevention of sexual violence. The training of police and military forces should be informed by survivor experiences and expertise, and efforts at changing cultural perceptions regarding victims and perpetrators and shifting the understanding that rape can be used as a weapon should be heavily influenced by survivors themselves.

29. SSO believes that the UK should also focus on future development of the Protocol and further encourage other States to implement it. We believe that international pressure will force States to publicly re-evaluate their treatment of survivors and open up a dialogue surrounding the resources, support, and protection that should be made available to them.

What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

30. Survivors of sexual violence face a number of complex and painful issues that affect not only their existence within their communities and relationships with their families but also their health and livelihoods. The long-term health consequences of sexual violence include reproductive health problems, surgical problems and psychological health problems. Other profound impacts on physical and mental health include HIV and other infections, death as a result of suicide, forced pregnancy, elevated rates of trauma, Hepatitis B, rejection of children conceived through rape, and stigma and rejection from their community and family.

31. To adequately address the physical and mental health issues of survivors of sexual violence, emergency screening and treatment to prevent HIV and pregnancy, separate camps to protect children, women, and other vulnerable refugees such as gay men and lesbian women, and access to mental health professionals are viable options. In addition, medical staff who is not already equipped to assist survivors of sexual violence should be trained by experts in the field in order to provide the best possible care.

32. In many instances, the survivors' family and community are complicit in creating a hostile environment for the survivor; therefore it is imperative that the community as a whole is educated on the role of both the survivor and the perpetrator. This education is aimed at raising awareness in order to shift the stigma from the survivor to the perpetrator. Not only will this increase support and assistance for the survivor, but it will act as a deterrent in the future.

33. This education should also be extended to state actors, including the police and government officials, as well as peacekeepers and other outside organisations. This will go a long way in changing public views regarding survivors of sexual violence, and enable more effective rehabilitation within the community itself.

34. SSO strongly believes that survivors of both sexual and other forms of torture should not be detained at any point during the asylum-seeking process in the UK or elsewhere. The detainment of survivors further supports the stigma that likens being a survivor to criminality.

35. The perpetrator should be criminalized, not the survivor, and support and assistance to survivors from governments sends a strong message to the community that survivors are not at fault.

36. Survivors working together with expert service providers and States can also shift the shame and stigma from survivors to perpetrators. Survivors lending their knowledge not only gives States and experts a better understanding of the issues and obstacles survivors face, but also changes the public image and perception of the survivors themselves. Their positive alignment with the government shifts the blame and stigma onto the perpetrators instead.

37. SSO believes that national legislation must provide a legal framework that recognises all forms of sexual violence as crimes. This framework must include independent investigations and should take account of learning from good practice elsewhere in investigating and prosecuting abuses.

38. Prosecutions must consider the needs of the survivors including reparations and financial compensation, and holistic rehabilitation of survivors of sexual violence must be provided so that the feelings of shame and guilt are reversed.

7 October 2015

Tearfund – Written evidence (SVC0031)

1. Summary

1.1 Violence against women and girls (VAWG) is a global epidemic, with 1 in 3 women worldwide experiencing physical and/or sexual intimate partner violence or non-partner sexual violence at some point in their lifetime.⁴⁶³ In times of conflict, sexual violence (SV) is exacerbated as systems of protection, security and justice are weakened; rape is used as a war tactic to intimidate, dominate, and humiliate; and a culture of impunity grows. SV, including in conflict, is gendered as it is disproportionately perpetrated by men and boys and experienced by women and girls.

1.2 In 2014, over 2,500 cases of conflict-related SV were documented in the Central African Republic.⁴⁶⁴ From January to September 2014, the United Nations Population Fund (UNFPA) recorded 11,769 cases of sexual and gender-based violence in the Democratic Republic of Congo in the provinces of North Kivu, South Kivu, Orientale, Katanga and Maniema; 39 per cent of which were considered to be directly conflict-related.⁴⁶⁵ These figures only represent a fraction of the violence that takes place. SV is chronically underreported due to the stigma and retribution faced by those who disclose, in addition to weak documentation systems.

1.3 Not only does SV have long-lasting physical, emotional, psychological, social, and economic effects on survivors, it also perpetuates and significantly exacerbates armed conflicts, hindering peace and reconciliation.⁴⁶⁶ Furthermore, research shows that communities affected by SV in conflict are more at risk of experiencing increased SV in a post-conflict setting, partly as a result of military hyper-masculinity infusing with civilian masculinities.

1.4 Tearfund welcomes this opportunity to contribute to the Select Committee on Sexual Violence in Conflict's inquiry on UK Government policy and practice in preventing SV in conflict and its effectiveness. The submission draws particular attention to the important role of faith leaders and groups in supporting survivors, and to the need to transform harmful masculinities. Our recommendations are that the UK Government:

⁴⁶³ World Health Organization (WHO) (2013), *Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence*, http://apps.who.int/iris/bitstream/10665/85239/1/9789241564625_eng.pdf it is worth noting that the vast majority of such violence is from an intimate partner: Globally 7.2% of adult women have experienced sexual violence from a non-partner.

⁴⁶⁴ UN Security Council (2015), *Conflict-Related Sexual violence (S/2015/203)*, Report of the Secretary General, 23 March, paragraph 14, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf

⁴⁶⁵ UN Security Council (2015), *Conflict-Related Sexual violence (S/2015/203)*, Report of the Secretary General, 23 March, paragraph 23, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf

⁴⁶⁶ UN Security Council (2008), Resolution 1820, S/RES/1820, paragraph 1, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf>

- (a) Continues to proactively work alongside faith leaders, faith communities and faith-based organisations (FBOs) in designing, funding and implementing programmes to prevent and respond to SV, especially in conflict.
- (b) Invests in research that strengthens the evidence base and the added value of faith-based responses in addressing SV in conflict.
- (c) Ratifies and implements the Istanbul Convention in order to fulfil its role as an international leader on tackling violence against women and girls with integrity and so as not to undermine its progressive work in this area.
- (d) Promotes meaningful and stronger collaboration between FBOs and humanitarian actors.

1.5 As the founding member and co-chair of the GBV hub within the Joint learning Initiative on faith and local communities, Tearfund completed a DFID-funded scoping study on evidence of faith response to SV.⁴⁶⁷ This research highlighted the importance and need for increased investment in encouraging research and promoting learning around the value of faith in preventing SV. Over 80 per cent of people in conflict affected communities profess to have a faith, meaning that faith is a critical and powerful influence. This 'added value' needs to be understood in each context thereby influencing strategies that can show impact.

2. Prevention

2.1 What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled? *(Question 4a in call for evidence)*

2.2. Prevention measures that are able to address the root causes of SV have been shown to be effective. Harmful social norms, often influenced and justified by religious beliefs, in relation to gender inequality, are widely recognised as key root causes of violence. Addressing these underlying factors is therefore vital for effective prevention of SV. This is why Tearfund's SV strategy focuses on key outcomes which are geared towards prevention such as:

- (a) Mobilising and equipping faith leaders to break the silence, encouraging communities to speak about sensitive issues related to SV in conflict.
- (b) Addressing harmful masculinities, working towards communities where there is zero tolerance to SV in conflict.
- (c) Integrating SV into humanitarian responses, specifically to ensure there are adequate measures in place to both prevent and respond to SV in humanitarian contexts.

2.3 Tearfund's work on preventing SV with local faith-based partners in the Democratic Republic of Congo (DRC) has been funded by the Department for International Development's (DfID) Global Poverty Action Fund (GPAF) and Challenge Fund, and Tearfund is now a recipient of the Foreign and Commonwealth Office (FCO) funding administered as

⁴⁶⁷ Forthcoming publication

part of the ‘Prevention of Sexual Violence Initiative’ (PSVI). This project focuses on mobilising faith groups in the DRC, working through the Anglican Church of Congo to take a faith-led approach in implementing prevention measures to SV.

2.4 The principles behind this approach are to prevent and eliminate SV by supporting the church to speak out against SV, show strong and positive leadership and become a ‘safe’ place for people to go to for support. Initial findings from the DRC PSVI project show that the faith leaders have continued with their programme of incorporating issues of gender equality and SV into their preaching and bible studies. Some of the leaders have been proactive and started training sessions on positive masculinities for the men’s groups to inform how they value women and prevent attitudes that lead to behaviours that result in SV. Many of the faith leaders have already begun reaching out through church networks to share their learning with neighbouring communities, and as the new PSVI project is now launched, the faith leaders from this project will share their learning and experience with the new target communities and will support the roll out over the next year.

2.5 A key component of our prevention measures is the use of training faith leaders, given their position of influence especially in conflict-affected countries like DRC where more than 90 per cent of the population are Christians.⁴⁶⁸ In a recent quantitative knowledge, attitudes, beliefs and practices (KABP) survey completed in Eastern DRC, involving 1200 respondents, faith leaders were shown to be the most influential social referent. Faith leaders are key local opinion leaders, and faith groups are present even in remote, conflict-affected or displaced communities, which government and other agencies find difficult to reach.

2.6 However, the training of faith leaders goes beyond simple activities to raise general awareness on the facts of SV in conflict, although these are naturally components of it. They are specifically designed to go deeper; to look at values, attitudes, social norms, and the Biblical and other faith texts, which form their basis. The trainings are participatory, focusing on actively challenging these assumptions and understandings through an interactive process of discussion, group activities, Bible studies, reflection, and action planning, addressing individual participants’ perceptions and understandings of these foundational beliefs, and beginning the process of transforming attitudes and translating this into practical actions.

2.7 The DRC is one of many countries in which Tearfund’s work focusing on SV prevention related outcomes has demonstrated evidence of impact. Other examples include work in Rwanda. Here Tearfund has had a long track-record of working with local women’s groups, such as the Women’s Union for the Advancement of Peace in Society, and faith leaders, in working to prevent SV through campaigning for stronger national government action and ending the culture of impunity. In 2008, Rwanda passed a law on the prevention and punishment of sexual and gender based violence. In late 2010 the Ministry of Gender and Family Promotion developed a national policy against GBV. This policy was published in 2011, which was also a catalyst for the national strategic plan for fighting against GBV for the period 2011-2016.

⁴⁶⁸ <http://joshuaproject.net/countries/CG><http://joshuaproject.net/countries/CG>

2.8 Since ‘attitude and behaviour change as a prevention measure’ is a long-term process, there are various opportunities to scale up the initial intensive trainings, which Tearfund has already started implementing by;

(a) Establishing Community Action Groups (CAGs) to provide an immediate and ongoing practical forum at the community level to share information and put the learning into practice, in supporting survivors within their communities to access available services, further training is also provided for CAG members.

(b) Establishing Positive Masculinities groups, led by ‘Champions’ to continue the discussions around gender in a regular, ongoing forum within communities, and thus promote longer-term attitude and behaviour change within communities.

(c) Annual follow up meetings for the faith leaders, and CAG representatives, to meet together will be held to reinforce and update key learnings from the trainings, follow up on Action plan progress, and enable peer learning through sharing experience and lessons, and providing mutual support, challenge and encouragement.

2.9 Tearfund urges the UK government to continue to work alongside national and local churches, faith leaders and FBOs in designing, funding and implementing these prevention measures. Long-term prevention projects need to address the broader gender dynamics and address the root causes of SV as they are influenced by culture, religion and other beliefs. Faith communities have a proven track record in provision of practical care and support, but they also have untapped potential to transform harmful attitudes, faith understandings and culture in longer term. In regards to SV in conflict designing prevention measures that use the influence of faith must be scaled up and disseminated in other appropriate country contexts.

2.10 While there is general consensus on the importance of faith actors, in humanitarian response, there is little evidence on real partnerships between the two actors. Faith leaders are trusted by their communities and continue to function during times of war and displacement even as INGOs leave and governments struggle.

2.11 PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective? (Question 4b in call for evidence)

2.12 Evidence shows that men who experience violence or witnessed domestic violence as children are more likely to accept violence as a means of resolving conflict both in their relationships and lives.⁴⁶⁹ While there have been numerous studies carried out on this theme of engaging men and boys in the mainstream development and humanitarian setting, few have been based within the faith-based context given the role religion plays in shaping values, beliefs, attitudes and behaviours. Understanding and exploring any harmful values or practices will aid in transforming these, and will encourage the church to adapt, integrate and transform its response to addressing these crucial issues.

⁴⁶⁹ Contreras M, Heilman B, Barker G, Singh A, Verma R, Bloomfield J. Bridges to Adulthood: Understanding the Lifelong Influence of Men’s Childhood Experiences of Violence: Instituto Promundo and International Center for Research on Women (ICRW); 2012

2.13 To address this research gap (what role the church can play in targeting men and boys in effective prevention programmes), Tearfund has invested in studies that examine how faith, with its interpretations and teachings about masculine values, may influence behaviours and lifestyles. In 2013 Tearfund commissioned research and produced a report '[Transforming masculinities](#)' in three countries – DRC, Burundi and Rwanda - within the African Great Lakes Region.⁴⁷⁰ The report documented experiences of women and men, their understanding of gender equity and equality, and their beliefs around SV. For example the survey showed that in DRC and Burundi, nearly 50% of participants believed women had no right to refuse sex with their husbands, and higher proportions felt that women should 'tolerate violence to keep the family together'. These beliefs about the way manhood is understood and defined within the home and within communities are deeply rooted. From a faith perspective, the country studies aimed to understand in more depth the gender dynamics driving sexual and gender-based violence.

2.14 Tearfund has used the findings from these surveys and workshops to inform how it designs suitable prevention programmes that can adequately use the church to engage men and boys to help end SV. This has been implemented in the PSVI funded project for the DRC and some of effective initiatives have included the launch of the First Man Standing (FMS) campaign - mobilising positive male role models who stand against violence against women and girls. The campaign uses materials designed by the international organisation *Restored*,⁴⁷¹ to encourage men to pledge to act as positive role models and speak out against violence against women and girls. These materials were shared and discussed during the Positive Masculinities trainings - but instead of prescribing this specific FMS campaign as the single essential approach, participants are instead encouraged to use or adapt to their own contexts, or to make their own responses, and this is what they have been doing. Participants in this project have also been signing the 'We Will Speak Out' pledge to speak out against SV.

2.15 The prevention programme also includes trainings on positive masculinity and gender equality, which have been shared in all 15 target communities and are already having a positive impact, with those who received the initial training now speaking up on these issues and initiating further training within their churches, schools and among university students. It is estimated that the learning has already been disseminated to more than 300 people (both male and female).

2.16 Tearfund recommends the following possible strategies and interventions in effectively engaging men and boys in the prevention of SV and promoting gender equality. Addressing some of the root causes and broader gender dynamics discussed here will not only help to prevent SV, but also break the cycle of violence in many conflict affected countries.

- (a) Break the silence: the church and its leadership should break the silence surrounding SV and stigma. The church should take the lead in denouncing violence, and this must be an integral part of preaching the gospel. This will be crucial in opening the space for discussion on SV not only at the grassroots, but also on a national level.

⁴⁷⁰ <http://www.wewillsspeakout.org/wp-content/uploads/2014/06/Transforming-masculinities-English-FINAL.pdf>

⁴⁷¹ www.restoredrelationships.org

(b) Awareness and education: theologically-based education and training for men and women on creation (equality), relationships, headship (based on Christ as the model) and gender roles. Information relating to laws and policies around SV also has to be promoted in order to end impunity.

(c) Leadership: the church must continue to be committed to addressing SV within its congregations and communities. Their leadership is crucial to breaking the stigma of victimization and opening up safe spaces for dialogue on gendered roles. Working in partnership with other agencies and groups is also important. Leadership should promote positive role models and good practices and principles to contribute to the larger movement in Rwanda working to end SV.

(d) Safe spaces: for men and boys, and survivors, to share and heal from their own traumatic experiences, and share vulnerabilities to facilitate the process and space for transformative masculinities. There should be a non-judgemental space for men to talk about the challenges of being a man in their personal lives and where they live. Teaching a biblical understanding of shared roles, responsibilities and leadership is important in order to promote more equitable relationships, and a society free of violence.

(e) Partnerships: the church can reach not only the most vulnerable, but also the most inaccessible areas. It has a strong voice and influence in all strata of society within conflict and post-conflict affected countries with a large Christian population. This can be a valuable asset for other key agencies and groups also looking to end SV.

2.17 Are there further measures that the UK might usefully take? Should, for example, the Government consider ratifying the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)?
(Question 4f in call for evidence)

2.18 Tearfund recognises the international leadership that the UK Government has demonstrated with regards to tackling SV in conflict, notably through the Preventing Sexual Violence in Conflict Initiative. However, concerns have been raised that its reputation as an international leader in tackling violence against women is at risk due to its failure to ratify the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) - despite having committed to do so.⁴⁷² Following its recent inquiry into violence against women and girls in the UK, the Joint Committee on Human Rights warned that delaying the ratification of the Istanbul Convention could harm the UK’s international reputation as a world leader in this area.⁴⁷³

⁴⁷² HM Government (2014), A Call to End Violence against Women and Girls: Action Plan 2014, pages 36, 40 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf and

Oral evidence: Evidence from the Prime Minister, HC 939, Tuesday 14 January 2014, Question 27, <http://data.parliament.uk/writtenevidence/WrittenEvidence.svc/EvidenceHtml/5219>

⁴⁷³ Joint Select Committee on Human Rights (2015), ‘Violence against Women and Girls’, *Sixth Report of Session 2014–15*, paragraph 39, page 63, <http://www.publications.parliament.uk/pa/jt201415/jtselect/jtrights/106/106.pdf>

2.19 In order to fulfil its role as an international leader on tackling violence against women and girls with integrity and so as not to undermine its progressive work in this area, it is essential that the UK Government ratifies and implements the Istanbul Convention. Tearfund acknowledges the steps the UK Government has taken to comply with the Istanbul Convention prior to ratification, including introducing the Anti-social Behaviour, Crime and Policing Bill which includes provisions on forced marriage. Nevertheless, Tearfund is concerned that ratification of the Istanbul Convention is being delayed because the UK Government has not yet addressed the remaining primary legislation required regarding jurisdiction and legislative measures that devolved powers consider necessary prior to ratification. Tearfund urges the UK Government to take the final legislative steps required and ratify the Istanbul Convention without delay.

About the organisation submitting this response

Tearfund is a Christian relief and development agency working directly in response to disasters and in partnership with organisations in more than 50 countries, alongside or through networks of local partners and churches. Tearfund has been responding to sexual violence for over 5 years by mobilising and training faith leaders and faith communities to speak out and respond practically empowering survivors, and engaging men and boys. Tearfund has developed a response to sexual violence in Rwanda, Burundi, Democratic Republic of Congo, Central African Republic, Liberia, and South Africa - often in conflict and post-conflict settings. A number of reports have been produced on ending sexual violence, which can be found here

http://tilz.tearfund.org/en/themes/sexual_violence/resources_and_publications/

Tearfund is one of the founding members of [We Will Speak out \(WWSO\)](#), a global coalition of Christian-based NGOs, churches and organizations, supported by an alliance of technical partners and individuals who together commit themselves to see the end of sexual violence across communities around the world. The WWSO coalition is committed to empowering women and girls, to transforming relationships between women and men, and to ensuring that the voices of survivors of sexual violence – women, girls, men and boys – are central to their work. The coalition partnership works together to harness efforts to prevent and eliminate sexual violence by supporting the church to speak out against sexual violence, show strong and positive leadership and become a ‘safe’ place for people to go to. The coalition now comprises 17 members and strategic partners, with ‘sister’ coalitions in the USA, South Africa and DRC. Tearfund holds the role of the Steering Group Chair and Secretariat.

18 September 2015

Track Impunity Always (TRIAL) – Written evidence (SVC0002)

I. Introduction

1. This document is submitted in response to the call for evidence on preventing sexual violence in conflict issued by the Select Committee on Sexual Violence in Conflict of the House of Lords. Only those questions of the call for evidence that are directly pertinent to the organisation's areas of interest and expertise are answered.

II. The Needs of Survivors

2. Given the area of expertise and the mandate of TRIAL, it is considered that the **provision of high-quality free legal aid** to victims of sexual violence is extremely important in order to enable them to exercise their rights to an effective remedy and access to justice. For instance, in Bosnia and Herzegovina, TRIAL offered legal aid and support to 28 victims of sexual violence before domestic authorities. This not only led to the sentencing of some perpetrators (see below at para. 10), but also enabled the adoption of the first two landmark rulings in the country (respectively of 24 and 29 June 2015) where victims of sexual violence were awarded compensation in the context of criminal proceedings.

3. In the case of Nepal, the provision of free legal aid to victims of sexual violence allowed the filing of two communications before the Human Rights Committee. In both cases, currently pending before the Committee, domestic remedies had proven ineffective. The submission of the complaints at the international level gave an increased visibility to the problem and it aims at obtaining Committee's decisions that set the standards domestic authorities must comply with, eventually increasing the level of protection granted to victims and lessening the stigma they experience on a daily basis.

4. However, more remains to be done. In particular, to provide an effective support to victims of sexual violence, measures must be adopted to **enhance witness protection** prior, during and after proceedings take place. Similarly, long-term **psycho-social and medical support** must be ensured. In two of the countries where TRIAL is active (i.e. Nepal and Bosnia and Herzegovina), victims of sexual violence stressed the imperative to adopt effective measures to facilitate their access to **adequate housing, vocational trainings to obtain employment**, and to guarantee **education to their children**. The **stigmatisation of children born from rape** has emerged in both countries as a crucial issue to be addressed as a priority and on which too little has been done to date.

5. Both in Nepal and Bosnia and Herzegovina **domestic legislation is at odds with international law and contains discriminatory provisions that disproportionately affect women victims of sexual violence**, especially in matters related to compensation and the applicable statutes of limitation both to report the offence and to claim redress. The provision of **technical support and capacity building to local authorities** may facilitate the amendment of domestic legislation.

III. Accountability

6. With regard to the usage of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (hereinafter "the Protocol"), TRIAL is persuaded

that this is of capital importance not only in order to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account but also to foster the prevention of such crimes.

7. To better support the usage and dissemination of the Protocol, **trainings** play a pivotal role. TRIAL was directly involved in trainings on the Protocol delivered in Nepal and Bosnia and Herzegovina. Based on those experiences, TRIAL considers that such trainings must be directed at a plurality of beneficiaries, including human rights defenders and other members of civil society, governmental authorities, the judiciary, forensics and medical personnel, and law enforcement personnel. In light of the diversity of the potential beneficiaries, **targeted trainings** (where the specific needs, expectations and level of knowledge of the participants are duly taken into account) prove to be especially useful and effective.

8. Based on TRIAL's experience, it is of essence that trainings are **ensured on a regular basis**, allowing participants to strengthen their knowledge and be up-to-date with potential developments. Having in mind the high levels of turn-over among the staff in certain sectors, it is important to think of repeated and regular trainings and to enhance the **training of local trainers that can thus ensure long-term sustainability**. Eventually, the integration at the domestic level of regular trainings on the Protocol in the curricula of law enforcement personnel, civil or military, public officials, the judiciary, and medical personnel can be pivotal in ensuring a lasting change.

9. The **amendment of domestic legislation** concerning sexual violence that is at odds with international law standards is also crucial to ensure accountability. For instance, the amendment, in May 2015, of Articles 172, para. 1(g) and 173, para. 1(e), of the Criminal Code of Bosnia and Herzegovina can be regarded as a good practice, as it led to the removal of the requirement that the victim is coerced "by force or by threat of immediate attack upon his or her life or limb, or the life or limb of a person close to him or her" from the provisions codifying rape and other forms of sexual violence as a crime against humanity and as a war crime. This will most likely facilitate the prosecution of such crimes.

10. As mentioned above, when **victims of sexual violence obtain adequate legal support, this can have a direct impact in the number of perpetrators held accountable**. Between November 2013 and May 2015, TRIAL provided legal assistance to 28 victims of sexual violence in Bosnia and Herzegovina. Through these activities, TRIAL triggered the opening of several investigations and also contributed to the raising of indictments and the issuing of verdicts against perpetrators of sexual violence. Namely, eight perpetrators have been or are being prosecuted. Four of them have already been sentenced.

IV. Causes of Sexual Violence in Conflict

11. Based on TRIAL's experience, cultural and societal factors, including inequality, play a crucial role in the commission of sexual violence in conflict. As referred above, TRIAL managed to lodge two communications before the Human Rights Committee concerning cases of sexual violence committed during the Nepalese conflict. In both cases, the victims were especially vulnerable as they pertained to indigenous communities and to families living in poverty (which, in one case, led the victim to being subjected also to forced labour). Additionally, in one of the two cases, the victim was a minor and, as such, inherently vulnerable. The two victims, as indigenous women, were thus subjected to multiple forms of

discrimination. The communications submitted to the Human Rights Committee highlight the existence of a strict relation between cultural and societal factors and the perpetration of sexual violence and analyse how this is also mirrored in existing flawed domestic legislation. The decisions that the Human Rights Committee will issue on these matters can therefore be groundbreaking and contribute to better spell out the applicable international standards. The submission of further similar complaints may be of use in giving greater visibility to these issues and in triggering structural and institutional changes in the country (that, *mutatis mutandis*, could also have an impact in other states).

12. The fact that sexual violence in conflict is used as a deliberate tactic is evident in three of the countries where TRIAL is active (i.e. Nepal, Bosnia and Herzegovina, and the Democratic Republic of Congo). Adequate documentation of the phenomenon and its features is essential in order to conduct strategic litigation and trigger the adoption of rulings that duly recognise this aspect and adequately sanction the perpetrators taking it into account.

Information on the submitting organisation

Founded in 2002 **TRIAL** is an association under Swiss law based in Geneva putting the law at the service of victims of crimes under international law (genocide, crimes against humanity, war crimes, torture and enforced disappearances). TRIAL fights against the impunity of perpetrators and instigators of the most serious crimes under international law and their accomplices. The organization defends the interests of the victims before Swiss and foreign courts and various international human rights bodies. TRIAL also raises awareness among the authorities and the general public regarding the necessity of an efficient national and international justice system for the prosecution of crimes under international law. To date TRIAL has defended more than 350 victims in the course of 143 international proceedings. In addition, 40 reports were submitted to the United Nations and 15 criminal complaints filed in Switzerland, which have led to various investigations and a trial.

5 September 2015

Vital Voices Global Partnership – Written evidence (SVC0025)

The needs of survivors

5. What evidence is there on the effectiveness of the government’s support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

1. Though not radically different from the needs of survivors of gender based violence in non-conflict settings, the needs of survivors in conflict and post-conflict settings pose particular and specific problems for advocates, organizations and service providers. Survivors of sexual violence in conflict require services that are locally, culturally, and linguistically accessible. These services are most appropriately and successfully provided by organizations that are locally founded and operated. Ideally, services for victims of sexual violence during conflict will be provided by organizations which are already established and experienced at providing GBV services in the community, rather than by outside or international organizations that appear in response to the crisis. Therefore, it is imperative to support the capacity of grassroots organizations that have the experience, knowledge, and an existing reputation in the community to provide services to these individuals. Many of these local organizations struggle to respond to the needs of GBV survivors in times of peace; therefore it is even more important to support them in times of crisis, so that these organizations can respond to the increasing demand for their services. The UK can improve the effectiveness of their support by identifying and funding community based and founded organizations that are already operating in the community. This approach ensures that not only are the services being provided in the most culturally sensitive and appropriate way, which will lessen the stigma experienced by survivors, but also ensures sustainability and sound investment because when the UK funding ends, these organizations remain in place because they were already established in the community.

2. An example of the benefits and impact of working with locally founded and managed organizations is the agency ASUDA. ASUDA is a women’s rights organization in Kurdistan, Iraq which provided protection, support, and help to victims of GBV. ASUDA was founded by local, Iraqi women and opened the first women’s shelter in the Kurdish region. For more than 10 years, ASUDA provided services to victims of domestic violence, honor crimes, and other non-conflict related GBV. In the summer of 2014, ASUDA notified Vital Voices about the plight of women and girls who are experiencing extreme forms of GBV by the Islamic State of Iraq and the Levant (ISIL). ASUDA noticed that the stories of these women are tragically similar: A Yezidi woman or girl was kidnapped and imprisoned by ISIL. The male members of her family and older women were either killed or kidnapped and not heard from again. If she had a sister or sisters they were kidnapped along with her. During her imprisonment she experienced extreme forms of violence including gang rape, sexual assault, forced religious conversion, beatings and other forms of torture, and forced marriage to ISIL soldiers. At some point, she managed to escape from this situation. She and her sisters returned to their hometown. However, having experienced extreme forms of sexual and gender based violence, and without any remaining male family member, they are

stigmatized and unwelcome in their home communities. The women have no means for survival, and must rebuild their lives from scratch. As a result, many were living in deplorable conditions on the outskirts of their home towns. They are not eligible for humanitarian assistance provided by the international community because they are not “officially displaced” and are not living in camps. These women need medical services, psychosocial assistance, livelihood support, and in most cases relocation.

3. Working with ASUDA, Vital Voices is seeking to close the gap that exists between current needs and existing services for victims of ISIL. Having worked over a decade in the region to provide protection, shelter, and psychosocial support to survivors of GBV, ASUDA and its staff have a history providing services to victims in both relative peace and conflict. Because ASUDA had been providing services to women in this community for more than a decade, survivors knew about them and trusted them and with the onset of the crisis, ASUDA faced a much higher demand for their services than ever before. With a disparity between their current capacity and the overwhelming need however, it is imperative that services and resources are dedicated to ASUDA and other similar organizations to assist in the response.

4. The government of the United Kingdom would benefit from increased efforts to find methods of supporting organizations providing emergency services to victims, including psychosocial, livelihood, legal, and relocation. As one can see from the example of ASUDA, service providers do have the experience and ability to address the pre-conflict need for support and services in the aftermath of sexual violence. Yet with the onset of conflict, these service providers bear the burden of absorbing exponential numbers victims of sexual violence from the immediate and surrounding areas sometimes without the necessary expansion of resources and support to assume the expanded need. To ensure these already overburdened service providers are not overwhelmed by this influx, it is crucial that donor organizations and governments provide the necessary resources. This is needed not only during the conflict, but remains critical well after the conflict has subsided and international organizations have left.

5. Rather than looking to larger humanitarian organizations to address the needs of survivors, the UK Government should seek to support the in-country expertise of grassroots organizations. ASUDA, as with many organizations in Iraq and other conflict and post-conflict zones, have a deep understanding of the communities in which they operate and existing contacts with key local stakeholders. They are often the first to sound the alarm well before the international community is aware of issues on the ground. The Government should provide continued support for these organizations by continuing to build their capacity and support initiatives currently doing so. In expanding these NGOs’ capacities to create deeper investments in their communities, the Government will be able to make certain that their reach is far reaching and sustainable.

6. In this regard, one can look to the U.S. State Department’s Gender-Based Violence Emergency Response and Protection Initiative (GBV Initiative) as one successful example currently supporting smaller grassroots organizations. The GBV Initiative provides assistance to individuals for medical needs, psychosocial services, legal aid or livelihood support. Grassroots organizations are able to support survivors through this initiative without diverting limited resources away from other operations and programs. By supporting programs such as the Gender-based Violence Emergency Response and Protection Initiative,

the UK Government can create a direct line to victims and survivors of gender-based violence and ensure that they receive the services they need.

18 September 2015

Waging Peace and Article 1 – Written evidence (SVC0065)

Waging Peace and Article 1 – Written evidence (SVC0065)

[Submission to be found under Article 1](#)

War Child UK – Written evidence (SVC0032)

This is War Child UK’s response to the Call for Evidence from the House of Lords Select Committee on Sexual Violence. We have taken the liberty of only responding to questions relating to our areas of expertise. This submission has sought input from our country teams in Afghanistan, DRC, CAR, Jordan and Iraq as well as London-based colleagues.

The International Policy Agenda

1. What evidence is there on the effectiveness of the UK’s engagement to date, with the global policy agenda on preventing sexual violence in conflict?

1. The UK demonstrated strong global leadership through the G8, UN and Global Summit to End Sexual Violence in Conflict – with tangible policy results including the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict;⁴⁷⁴ G8 Declaration on Preventing Sexual Violence in Conflict;⁴⁷⁵ UNGA Declaration of Commitment to End Sexual Violence in Conflict;⁴⁷⁶ the End Sexual Violence in Conflict Statement of Action⁴⁷⁷ and the adoption of the National Action Plan for the implementation of UN Security Council Resolution 1325.⁴⁷⁸

2. Although some progress has been made since the Global Summit,⁴⁷⁹ the second phase of translating policy commitments into practical and programmatic outcomes on the ground has not yet transpired and there is a need for defining ‘what success looks like’.

1a. How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly (UNGA) Declaration of Commitment to End Sexual Violence in Conflict be coordinated and monitored?

3. There needs to be shared global vision that draws on both the G8 and UNGA declarations.

4. G8 Declaration – establish shared ownership from the PSVI Champions⁴⁸⁰ by designating leads on each objective and facilitating bi-annual (remote) meetings to coordinate and monitor progress.

⁴⁷⁴ www.gov.uk/government/uploads/system/uploads/attachment_data/file/319054/PSVI_protocol_web.pdf

⁴⁷⁵ [www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration -
_FINAL.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration_-_FINAL.pdf)

⁴⁷⁶

[www.gov.uk/government/uploads/system/uploads/attachment_data/file/274724/A_DECLARATION_OF_COM
MITMENT TO END SEXUAL VIOLENCE IN CONFLICT.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274724/A_DECLARATION_OF_COMMITMENT_TO_END_SEXUAL_VIOLENCE_IN_CONFLICT.pdf)

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[www.gov.uk/government/uploads/system/uploads/attachment_data/file/319958/Global_Summit_to_End_Se
xual_Violence_Statement_of_Action_1_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319958/Global_Summit_to_End_Se
xual_Violence_Statement_of_Action_1_.pdf)

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[www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_fina
l3.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_fina
l3.pdf)

⁴⁷⁹ Progress made since the Global Summit on PSVI: Written Statement in Parliament

[http://www.parliament.uk/business/publications/written-questions-answers-statements/written-
statement/Commons/2015-03-12/HCWS396/](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-
statement/Commons/2015-03-12/HCWS396/)

5. UNGA Declaration of Commitment – a key element of the PSVI champions’ role; ensuring high-level lobbying is taking place at the UN and country-level through ambassadors.

1b. How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

6. Establish a UN SViC secretariat that monitors, evaluates and reports commitments made by UN Member States in the UNGA Declaration and reinforced in the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

7. The UK Government to use its political status to increase diplomatic pressure on national governments to prevent and respond to sexual violence against children. Spearheading the engagement and involvement of men, boys and girls in achieving sustainable peace inline with the UNGA declaration; where children, boys and girls are specifically acknowledged as victims of sexual violence.

8. PSVI champion countries commit to making sexual violence a standing issue on the G8 agenda to ensure it does not lose momentum at the expense of progress.

1c. How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK’s input to the Security Council’s High-level Review of Resolution 1325?

9. Systematically inputting assertive language around sexual violence against men, women, boys and girls on UN Resolutions relating to conflict.

1d. How might the UK use the World Humanitarian Summit (WHS) that will take place in May 2016 to further the prevention of sexual violence in conflict? What other fora might the UK use to advance its objectives?

10. The UK should use its political weight to ensure the WHS ushers a step-change in humanitarian response – giving equal status to non-material forms of aid such as child protection and education in humanitarian responses. **The root causes and prevention of sexual violence in conflict cannot be addressed without education and protection.**

11. The UK should reinvigorate the PSVI Champions around the WHS, producing a strong, joint statement to the OCHA Secretariat, calling for protection, child protection and prevention of sexual violence (against men, women, boys and girls) to be recognised as an urgent intervention within humanitarian response planning and programming.

2a. What more could the Government do to ensure international and multilateral organisations prioritise the prevention of sexual violence in conflict and embed this into their policies and practice?

12. Lobby for commitments from international and multilateral organisations to deploy sexual violence experts, who have specific child-protection expertise, as part of their

⁴⁸⁰ The PSVI Champions are understood to be the Governments of Australia, Canada, Croatia, Denmark, France, Germany, Guatemala, Indonesia, Italy, Japan, Jordan, Liberia, Malawi, Mexico, Republic of Korea, Senegal, United Arab Emirates, the United Kingdom and the United States.

emergency first response teams in crises. This could be encouraged through joint missions with the UK Deployable Civilian Experts.⁴⁸¹

13. Increase financial support to the offices of the UN Special Representative on SViC, Zainab Bangura⁴⁸² and UN SRSG Children in Armed Conflict, Leila Zerrougui; and encourage other states to commit to predictable and long-term support of them.

14. G8 countries conduct a multilateral pilot on preventing and responding to sexual violence to ensure commitments made at the G8 are supported by best-practice and international humanitarian law and standards.

15. Prioritise gender-sensitive child protection programming as a key element of a comprehensive approach to prevent sexual violence in conflict in compliance of the 2013 “Call to Action”.⁴⁸³

Causes of Sexual Violence in Conflict

3b. To what extent is sexual violence in conflict used as a deliberate tactic?

16. The deliberate targeting of children with sexual violence is rife - and this spreads fear and displacement among communities. Recent incidents in the CAR, Iraq and Syria are examples that demonstrate this.

17. Standardised use of the phrase ‘rape as a weapon of war’ has skewed the approach to SViC. Based on evidence and expertise working on the ground in conflict for over 20 years, it is likely that sexual violence in conflict is a result of societal breakdown. As one study shows, based on hospital records, if you were a child in Eastern DRC during 2004 and 2008 you were almost 93 times more likely to be raped by a civilian rather than by a combatant.⁴⁸⁴ In another study, 62% of children who had experienced sexual violence identified an unarmed civilian as the assailant.⁴⁸⁵

18. War Child’s work in the field has also confirmed the trend of community members being the main perpetrators of sexual violence against children, from teachers and policemen down to direct relatives. The focus on armies, militia and rogue forces will therefore not necessarily bring a reprieve for children who could also be abused by someone in their community; any intervention needs to be directed to all individuals in positions with power and/or authority.

⁴⁸¹ Formally known as FCO PVTI Team of Experts

⁴⁸² FCO supported Bangura’s office with £1million post-summit No. 2.8 (ii) UK Transparency report, <http://transparency.number10.gov.uk/business-plan/9/69>

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www.gov.uk/government/uploads/system/uploads/attachment_data/file/256872/Final_Communique_v_11_Nov_4.pdf

⁴⁸⁴ Nelson B et al (2011), Impact of sexual violence on children in the Eastern Democratic Republic of Congo, *Medicine, Conflict and Survival*, 27:4, p.215 [online], Available: <http://www.tandfonline.com/doi/abs/10.1080/13623699.2011.645148>

⁴⁸⁵ Duroch F et al (2011), Description and Consequences of Sexual Violence in Ituri Province, Democratic Republic of Congo, p. 7. [online], Available : <http://www.biomedcentral.com/content/pdf/1472-698X-11-5.pdf>

Prevention

4. Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

19. In order to be successful, PSVI needs to be focused on supporting a culture of respect for Human Rights and international Humanitarian Law and Standards, as opposed to one only of “a culture of deterrence”. Fear of prosecution should not alone be the factor that prevents sexual violence from occurring as this will not tackle any root causes and would make the UK’s investments limited and unsustainable (law and order breaks down often in these areas so this is even more pertinent).

20. War Child UK would suggest that the cross-Whitehall teams are involved in pro-active monitoring of situations and that deployment not only be triggered in ‘a state of emergency’. This is key, considering **the current focus on prevention cannot be met reactively**.

21. PSVI champion countries should lead the way by creating and implementing joint political and development strategies on reducing sexual violence in conflict through two separate strands:

- **Political and Diplomatic** – using their political and diplomatic leverage to support, strengthen and encourage national government accountability towards achieving a reduction in sexual violence. This focuses energies on local and national capacity building to tackle root causes and provide quality and accessible welfare and protection structures.
- **Development programming** – donor programming around sexual violence ensures a continuum of care and protection: focuses on prevention as well as response; supports local community prevention mechanisms; conducts monitoring disaggregated by age and gender and includes explicit programming that deals with the needs of boys and girls – including child protection and psychosocial support and care.

4a. What measures to prevent sexual violence in conflict have been shown to work and how can such measures be disseminated and scaled?

22. Preventing sexual violence demands investment in human security and protection and acknowledging the limitations prosecutions have on eliminating sexual violence by ensuring a continuum of care and protection for both adults and children.

23. Community involvement is essential in building sustainable protection systems to prevent sexual violence; systems which bring about the reintegration of survivors and attitudinal change, moving beyond mere deterrence. Working with the community instils trust and incentivises survivors to come forward – working with NGOs and civil society groups which have already built these relationships within communities may best support the initiative’s aims.

24. Preventing sexual violence initiatives cannot be successful in the long term unless they support and build upon local and national capacities to protect and care for its citizens. A narrow or gendered focus often excludes children (including boys) and will prohibit overall

success in conflict affected and fragile states - where children and young people form the majority demographic, at an average of 60%.

25. War Child UK has established and runs child helplines in conflict-affected countries. They provide a mechanism for identifying patterns of behaviours and areas of risk through early identification and early warning.

4b. PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

26. Recommendations made within the ‘Sexual violence in conflict: men and boys as victims’ session on experts’ day of the Global Summit to End Sexual Violence in Conflict have seen no demonstrable progress.⁴⁸⁶ Definitions and language used within toolkits, guidelines, policies and UN documents still systematically exclude men and boys, resulting in an absence of programmatic response for men and boys as victims. The UK should lobby, as agreed at the Summit, for the Interagency Standing Committee Guidelines (IASC) on Gender Based Violence in humanitarian emergencies to include men and boys as survivors/victims.

27. PSVI communications are indicative of a lack of acknowledgment of men and boys as victims/survivors. Our analysis of documents on the PSVI section of the UK government website showed that only half refer to children and less than a quarter acknowledge that men and boys can experience sexual violence. Of those articles that make reference to men and boys experiencing sexual violence, the majority use exactly the same text **“Sexual violence is indiscriminate, affecting men and boys as well as women and girls”** which demonstrates that men and boys are a secondary consideration.

28. The UK Deployable Civilian Experts have not received any child safeguarding or protection training including responding to sexual violence against men and boys.

29. Further, the UK Government should create operational guidance to support and respond to cases of SViC for children; including men and boys. For example, programmes that have supported men and boys as victims of sexual violence in conflict have been absent from DFID’s response.

4f. Are there further measures that the UK might usefully take? Should, for example, the Government consider ratifying the Council of Europe’s Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention)?

30. The UK Government should immediately ratify the Istanbul Convention.

⁴⁸⁶ <https://www.gov.uk/government/publications/global-summit-to-end-sexual-violence-in-conflict-programme-of-events>

The Needs of Survivors

5. What evidence is there on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

31. Diplomatic efforts through ambassadors should include messaging around education programming within national curricula and informal contexts in conflict affected and fragile states that address positive gender norms. In addition, increased attention and funding for education in emergencies that can transmit life-saving information as well as build positive gender relations and conflict resolution skills.

32. Sustainable, long-term funding models are critical to the success of programmes supporting survivors.

33. More evidence is crucial. A joint global fund for research on preventing sexual violence that accounts for all genders and all ages, to inform evidence-based action, should be formed. Data collection and research studies on sexual violence must be genuinely inclusive and findings should be disaggregated based on both age and gender to rule out bias. Therefore, accurately informing appropriate programmatic interventions. The UN Monitoring and Reporting Mechanism on children in armed conflict must be accounted for in information gathering that influences broader efforts and policies to address sexual violence.⁴⁸⁷

34. International interventions on sexual violence should prioritise working with local communities and funding community-based approaches to prevention and aftercare, as well as creating platforms and dialogues that address the challenges of perpetrators themselves. Support the establishment of local communication, advocacy and sensitisation campaigns in conflict affected and fragile states.

5a. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

35. The UK Government needs to support, through policy, practice and funding, psychosocial and reintegration programming as an essential element of all SViC programming.

36. Community awareness raising projects that target all stakeholder should be prioritised to lessen the stigma associated with all victims of SViC; men, women, boys and girls. Interventions must address all aspects of the impacts and consequences of sexual violence; physical, psychological and life-limiting, while taking into consideration the cultural conditions, community and institutional attitudes and behaviours.

Participation

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

37. This question is indicative of a wider issue that the PSVI initiative tends to lapse into a reductionist ‘women only’ approach to SViC.

⁴⁸⁷ www.unicef.org/protection/57929_57997.html

38. Participation of all children and young people, male or female, is also critical as they represent the future of the community/country in question and have different, extremely valuable, inputs to prevent intergenerational cycles of conflict and sexual violence.

The Role of the Military

7c. How can the UK best work with the EU, NATO and other bodies to ensure the prevention of sexual violence in conflict is appropriately incorporated into training programmes, missions and multilateral defence policy?

39. By ensuring the UK funds positions within NATO that specialise in CAAC. Recent calls by NATO to recruit CAAC specialists for Afghanistan went largely un-funded by member states.

40. Expand the concept of the UK Deployable Civilian Experts into other countries to ensure a broader roster of expertise in child protection and scale-up in-house training.

41. Lobby for the creation of multilateral training programme on SVIC, e.g. through an accessible online course that has to be completed pre and post-deployment to encourage and capture learning.

Peacekeeping

8. How do we ensure that international peacekeepers are held to the highest standards and that any perpetrators of sexual violence and/or exploitation are held to account?

42. Ensuring Child Protection experts are included in all UN Peacekeeping missions (and the UK commit to fund these); and child protection training mandatory for ALL deployments.

43. Introduce financial costs to governments where peacekeepers have committed crimes of sexual violence (enforced by the UN).

44. Build on attempts to prohibit government security forces listed in the annexes to the Secretary-General's annual report on children and armed conflict from contributing troops to UN-mandated missions. This would help to incentivise governments to sign and implement action plans, enhance the protection of children in armed conflict, demonstrate the UN's commitment to child protection, and reinforce the legitimacy of UN missions.⁴⁸⁸

Accountability

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

45. Local customs, laws and practices must be taken into account and fully considered when addressing sexual violence as an international issue. Prosecution is extremely challenging solution in complex cultural and conflict contexts and therefore community-based judicial systems will need to be explored and developed.

⁴⁸⁸ <http://watchlist.org/policy-precluding-listed-government-forces-from-contributing-troops-to-un-missions-forthcoming/>

46. Legal action must not be an isolated intervention but should be seen as part of a broader prevention approach to sexual violence that focuses on protection. Focusing on prosecutions of SViC makes this an inherently top-down approach – progress needs to be made on integration with DFID programmes on security and justice sector reform and governance capacity-building that ensure a longer-term approach.

9d. The UK Team of Experts has carried out 65 deployments since its creation in 2012. How important are these kind of interventions and what should their future role be?

47. Deployable Civilian Experts, formerly known as the PSVI Team of Experts, deployments must each include individuals with experience of child rights and protection and of interviewing and engaging with girls and boys. All personnel should receive pre-deployment Child Protection training.⁴⁸⁹

48. The Terms of Reference for deployments have not yet required knowledge or experience of working with children who are survivors of sexual violence.

9e. What evidence is there on the effectiveness and usage of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict? How can the dissemination and usage of the Protocol best be supported?

49. The Protocol outlines how to interview vulnerable adults, but very little of it covers children and the safeguards that need to be in place to reduce trauma to child survivors.

50. The UK should host an annual training on the protocol for NGO actors and those operational in conflict contexts.

18 September 2015

⁴⁸⁹ APPG inquiry,

<http://www.warchild.org.uk/sites/default/files/APPG%20CAAC%20Report%20FINAL%2020Feb2015.pdf>, page 38, Feb 2015.

Widows for Peace through Democracy – Written evidence (SVC0003)

WIDOWS AND WIVES OF THE “FORCIBLY DISAPPEARED OR MISSING” FACE VULNERABILITY TO SEXUAL VIOLENCE BOTH DURING AND AFTER CONFLICT BECAUSE THEY ARE WITHOUT AN ADULT MALE PROTECTOR. THEY HAVE SPECIAL NEEDS THAT MUST BE ADDRESSED IF THEIR EXPERIENCES OF SEXUAL VIOLENCE ARE TO BE PROPERLY DOCUMENTED AND IF SEXUAL VIOLENCE IN CONFLICT ENVIRONMENTS IS TO BE ELIMINATED, ITS PERPETRATORS BROUGHT TO JUSTICE, AND THEY ARE TO BE GIVEN ADEQUATE REPARATIONS TO REBUILD THEIR LIVES.

WIDOWS MAY BE KEY PROSECUTION WITNESSES IN SEXUAL VIOLENCE CASES BUT AS THE ARUSHA TRIBUNAL EXPERIENCE DEMONSTRATED, WIDOWS RISKED THEIR LIVES BY GIVING EVIDENCE.

WIDOWHOOD ISSUES NEED TO BE PRIORITISED IN UK POLICY DEVELOPMENTS

As we all know, sexual violence in conflict situations does not spring out of the blue or appear like overnight mushrooms, but is rooted in the deep ingrained inequalities in societies where tradition, custom and interpretation of religion debases the status of women. In such cultures, (and conflicts are occurring mostly in countries where women’s status is low), widows are likely to be the most vulnerable to such attacks and thereafter the most stigmatised, and the most unheard.

Moreover they are the least likely to enjoy their basic human right, access justice, obtain protection from violence, or inherit and own land. Before, during and after conflicts, widows in Africa in particular will continue to be coerced into participation in harmful traditional practices such as those required in some mourning and burial practices. They may be blamed and branded as witches when they become infected with the HIV virus, which was a common result of rape during the Rwanda genocide.

In recent conflicts rape is increasingly being used as a weapon of war, and women regarded as the trophies, loot of armies and militias. Often the men and boys are separated from the women and girls, the former are killed and the latter subjected to rape and sexual slavery. The horrific torture of Yezidi women and girls, among them many widows and their daughters, by ISIL, is an extreme example, but widows, wives of the disappeared, and their daughters were rape victims in the rape camps in Bosnia Herzegovina, and in the DRC. Tamil widows and wives of the missing were and continue to be targets of sexual violence by security and police forces, as are many widows in minority communities such as the Kurds in Turkey Syria and Iran.

The poverty of widows, due to their lack of rights to inheritance and land ownership, and the stigma and discrimination they suffer (see the WPD report to the CEDAW), lays them open to continual sexual exploitation long after formal peace accords have been signed.

Wars leave uncounted millions of widows, of all ages, from child widows, to young mothers and elderly grandmothers, all of whom, in most of the conflict afflicted countries, suffer extreme forms of abuse and violence, because of the traditional stigma their status brings

them. Widows suffer stigma in multiple ways: as women, as widows, as perhaps HIV and AIDs carriers, and as rape victims. Of sexual abuse and rape in war they are the least able to speak of what happened, in a way that can be properly documented to be used in prosecutions of perpetrators. Widows have particular needs and require specific help to rebuild their lives, and be able to create a home and a livelihood to support their children and other dependents.

Widowhood is probably the most neglected of all gender and human rights issues, and therefore we hope very much that this House of Lords Committee might help to lift the blanket of taboo and silence on this important gender topic, and that UK policies could lead the international community to address the challenges of unsupported widowhood so as to reduce the poverty and marginalisation of widows that makes them so at risk of sexual violence.

The international policy agenda

What evidence is there on the effectiveness of the UK's engagement to date, with the global policy agenda on preventing sexual violence in conflict?

While the 2014 Global Summit on PSVI was hugely successful in promoting much greater awareness of this type of violence, implementation of the International Protocol has been limited to a few countries where the investigation teams deployed by the FCO Stability Unit have been invited, or chosen to go. We would like to see the International Protocol more widely disseminated, translated and distributed, so that countries like Sri Lanka, that has the most well documented evidence of sexual violence spearheaded by the government, brought into its orbit. Also more effort to work with , share experience, and train with women's NGOs working with sexual violence victims in refugee and IDP camps in the Middle East, ensuring that the Manual for Documenting cases of sexual violence is translated into vernacular languages and that training of trainers on how to interview and document is provided at the grass-roots.

How can the commitments and aspirations set out in documents such as the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict be coordinated and monitored?

Monitoring should be undertaken by the women's and other civil society organisations who are directly dealing with the victims of the conflict. When we were in Syrian Kurdistan, barely any of the women's organisations or women's committees in Rojava had heard of the Protocol or the Manual of Instruction.

How can States be held accountable to the commitments they made at the 2014 Global Summit to End Sexual Violence in Conflict?

Many conflict afflicted countries are members of the Commonwealth, for example Sri Lanka. Refusing to comply with an international (UN) investigation into war crimes, and crimes against humanity (which include rape and sexual slavery) should be a matter to be decided by the Commonwealth Secretariat which could use diplomatic means to ensure compliance. There can be no successful prosecutions without reliable evidence, so it is imperative that more resources, human, logistical, technical, financial are given to the key grass-roots organisations that are the first to be in contact with the victims. Speed is essential so that

prosecutions take place as soon as possible, before witnesses disappear, or forget. And for victims to be encouraged to speak out about the most private and intimate areas of their lives, they must be assured that at the end of the process, they will get reparations, restorative justice, to rebuild their lives, which mean land, housing, training for income, protection, and pensions, rather than simply the punishment and imprisonment of their abuser.

How can the UK use its position as a permanent member of the UN Security Council to advance the global policy agenda on preventing sexual violence in conflict, for example, through the UK's input to the Security Council's High-level Review of Resolution 1325?

The UK should use the World Humanitarian Summit that will take place in May 2016 to further the prevention of sexual violence in conflict to ensure that among the priority issues for action are the vast uncounted numbers of widows, widow-headed households, wives of the disappeared, who are sole carers of children, orphans, the elderly and other wounded or sick dependents, but have no access to justice, and without rights add to the humanitarian crises because they have not the means to house, care for, feed or educate their children, who thus, in adult hood become a cost, rather than a benefit to their countries.

Uneducated, jobless, such children will turn to crime, girls will be sold or trafficked in child marriage or prostitution, and others may turn to terrorism. Inequality breeds poverty and poverty fuels future conflict so WIDOWHOOD should no longer be ignored. It has a central role in increasing poverty across the generations.

Causes of sexual violence in conflict.

As stated above, among the various cultural and societal factors responsible for sexual violence in conflict is the low status of women generally and the prevalence of unreported sexual violence and oppression of women in countries which hitherto were in peace.

In Africa, South Asia and the Middle East, widows are commonly regarded as mere chattels, part of the estate, so that on a husband's death, they can be "inherited" by the dead man's brother, cousin or other male relative. The vernacular words for "Widow" are mostly pejorative, they may be called "prostitutes, harlots, witches, whores", and there are many harmful traditional practices, such as ritual cleansing by sex in mourning and burial rites that cement attitudes that view widows as "the evil eye", and women to be exploited and abused. Such stigma promotes the attitudes that tend to shame the victim of rape, rather than the rapist. Policy makers have to work harder to help change or modify such social attitudes, since they carry on in the post conflict period where displaced widows and their children desperately need to find respect and dignity. They deserve recognition as sole heads of families, and should be empowered to obtain rights to own land, grow food, acquire credit, and find an income, without having to be forcibly remarried, or coerced, through poverty, into begging, prostitution, crime, and into the hands of traffickers.

We think that the FCO or DFID could do more to address these wide-ranging cross cutting widowhood issues, and that gathering data on widowhood should be an indicator for the implementation of UN SCR 1225 and the subsequent SCRs dealing with Women, Peace and Security and sexual violence.

The absence of reliable data on numbers, ages, support systems, survival or coping strategies, needs, numbers of dependents, health and economic status, incidences of

violence, is one of the main barriers to getting governments to address widowhood issues. We would like DFID and the FCO to work with UNWOMEN with additional funding to set up a Special Desk in New York to address Widowhood issues in Conflict and Post Conflict. For the UN SG to appoint a Special Representative on Widowhood in Conflict (on the lines of the Graca Machel report on Children in Conflict), and for the UN to commission a special report on WIDOWHOOD.

To what extent is sexual violence in conflict used as a deliberate tactic?

Sexual violence in conflict is used as a deliberate tactic to demoralise the adversary, to make them flee their homes, and also as a reward to its fighters. So it has always been,

To what extent is inequality a factor underlying sexual violence in conflict? How effective has the Government been in ensuring compliance with the obligations under the Convention on the Elimination of Discrimination against Women (CEDAW) and how effective is the UK National Action Plan on Women, Peace and Security?

We consider that the Government has not sufficiently complied with the Convention on the Elimination of Discrimination against Women (CEDAW), since it has responded to the CEDAW's concluding remarks to its Annual Report of 2013; the UK has not, in 40 years, once nominated a UK woman to sit on the Committee, and we no longer, have, as required by our obligations under the Beijing PFA, an institutional mechanisms for UK Women (a point made by the CEDAW remarks in 2013). We also urge the Government to include Northern Ireland in its NAP on 1325, and this is a request also made by the CEDAW. We are of course aware that NI comes under the Home Office and not the FCO, but there was in our view a "conflict" in NI, it was not, as Mrs. Thatcher described it, merely a "crime and terror scenario", and there is much work to be done to promote the status of women in NI where reports of domestic violence, directly due to the conflict, needs urgent addressing, and where implementation of 1325 could great improve the status of N Ireland which is also home to many conflict widows.

Are there further measures that the UK might usefully take?

We should ratify the Istanbul Convention

What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

The Government should review and revise the administration of our asylum procedures to ensure that they comply with the gender guidelines on implementation of the Refugee Convention. It was distressing that Tamil women, who alleged they were rape victims, had been deported to face further torture, and death, and that the FCO PSCI Summit organisers did not wish for asylum concerns to be addressed by the participating NGOs. In addressing PSVi we need also to look within our own national borders at Yarl's Wood where women, among them several widows or wives of missing men, have crossed borders to seek asylum in the UK and have met with inhumanity and sexual abuse at the hands of Yarl's Wood staff. It would be more than hypocritical if we in this country did not condemn this violence against women, and did not make those responsible accountable.

What evidence is there on the effectiveness of the Government’s policy and practice in relation to preventing sexual violence in conflict as committed by non-State actors? What more might usefully be done to prevent and mitigate the actions of such groups?

Widows are of course victims of sexual violence perpetrated by non-state actors, even in peace, while during conflict and the violent post conflict period widows are even more at risk. This is because, being without an adult male protector they are targeted in refugee and IDP camps, at check points in flight to safety, and, through poverty, by traffickers forcing them and their daughters into prostitution. In the KRG, Iraq, Lebanon and Turkey and probably other countries, there are commercial networks operating for the remarriage of impoverished widows and their daughters, for sale, to richer Arabs from the Gulf States. In post conflict Nepal, the then government attempted to legislate to pay men to marry the many conflict widows, to save them from the need to provide pensions, but this Bill was stopped by the national widows NGO WHR-SWG, supported by the UK NGO WPD. Selling women for remarriage is a form of sexual violence and yet another reason why WIDOWHOOD should be referenced in the revision of the UK National Action Plan for Implementation of UNSCR 1325.

What evidence is there on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

Evidence is weak on the effectiveness of the Government’s support, assistance and reparation for survivors of sexual violence in conflict. Women and girls bear the scars, physical and psychological, of sexual violence, for the rest of their lives, and they need support and reparations that will provide them with the means to live in dignity and with respect. Again, we must stress the need for sustained and effective actions to ensure that widows get the support that they deserve.

To be effective, governments must be able to HEAR the widows’ voices. It is they who can best articulate what they need, as well as describing what their roles are as sole heads of households, sole carers of children. Therefore it is essential that our aid programmes do not “write off” widows as simply “PVNs “(poor, vulnerable and needy!) exclusively as “victims”, but acknowledge them as women who carry very heavy responsibilities, as contributors to the economy, as carers, farmers, workers and as key to the restoration of the social fabric in a fragmented society. To do this WIDOWS need to be supported to BAND TOGETHER, form their own organisations, that can be represented in decision making at all levels from the national parliament down to the village and the refugee camp

In view of the huge increase in widowhood numbers due to conflicts and sectarian strife, the voices of these women need to be listened to at the UN, and in regional and national parliaments and other decision-making committees, such as the European Parliament, and OAU.

To Conclude

LACK of Statistics appears to be the greatest obstacle to creating awareness of the WIDOWHOOD issues. But there are alternative methodologies to gather such data, through Mapping and Profiling projects undertaken in Nepal, in India and in Sri Lanka. We know, for example, that in Sri Lanka there are over 100,000 Tamil war widows, 30,000 under the age

of 30 who have been gang raped. Wives of the Missing have been targeted for sexual violence by security and police when they attempt to find out the fate of their missing husbands. In Nepal the WHR-SWG using its local rural widows groups in the villages have profiled over 80,000 widows. This “Best Practice “should be shared. In every conflict afflicted country widows should form their own organisations, that should be supported by donors with the necessary training and sharing of best practice, to represent themselves to their governments, and join the WPD international partnership so that they can participate at the UN CSW where and other international and regional meetings. Widows are the best people to interview other widows as to their experience of sexual violence due to the conflict, and they, working with local women’s NGOs and women’s paralegals could improve documentation.

We would like to see the gathering of data on widows, and sexual violence, introduced into the UK NAP on 1325.

11 September 2015

Ms Elizabeth Wilmshurst and Ms Harriet Moynihan – Written evidence (SVC0059)

**Ms Elizabeth Wilmshurst and Ms Harriet Moynihan – Written evidence
(SVC0059)**

[Submission to be founder under Ms Harriet Moynihan](#)

Ms Elizabeth Wilmshurst, Dr Kirsten Campbell and Professor Patricia Sellers – Oral evidence (QQ 132-138)

Ms Elizabeth Wilmshurst, Dr Kirsten Campbell and Professor Patricia Sellers – Oral evidence (QQ 132-138)

[Evidence to be found under Dr Kirsten Campbell](#)

Ms Lauren Wolfe and Human Rights Watch – Oral evidence (QQ 63-72)

Ms Lauren Wolfe and Human Rights Watch – Oral evidence (QQ 63-72)

[Evidence to be found under Human Rights Watch](#)

Womankind Worldwide – Written evidence (SVC0008)

Summary of Womankind Worldwide’s Main Recommendations

Preventing Sexual Violence Initiative

Womankind Worldwide recommends that:

- *The Committee asks the FCO how efforts to prevent sexual violence in conflict are linked to the UK government’s broader work to tackle violence against women and girls, including partner sexual violence, and promote gender equality across conflict, fragile and non-conflict states.*
- *The UK government makes tackling violence against women and girls, including sexual violence, a priority for the new DFID Country Operational Plans and efforts are made to ensure there is a clear link between diplomatic and programmatic work.*
- *The Committee asks the FCO whether it will commit to screening all applicable aid commitments against the OECD-DAC Gender Equality Policy Marker, the women’s equality organisations and institutions purpose code and the VAWG purpose code to ensure funding is traceable.*
- *The Committee asks the UK Government if it will track and report on the amount of funding allocated to gender work under the Conflict, Security and Stability Fund.*

International Policy Agenda/Accountability

Womankind Worldwide recommends that:

- *The UK Government should advocate for and support the development of a multi-stakeholder task team (including national government representatives, representatives from inter-governmental organisations, and women’s rights organisations) responsible for the collation of data and the production of an annual report on progress against commitments made at the Global Summit and in the G8 Declaration, UNSCR 2106 and UN Declaration of Commitment to End Sexual Violence in Conflict.*
- *The UK Government increases funding for women’s rights organisations to undertake national advocacy to ensure commitments made at the Summit are implemented.*
- *The Committee asks the UK Government how violence against women and girls, including sexual violence, will be incorporated into the Multilateral Aid Review.*

Causes of sexual violence

Womankind Worldwide recommends that:

- *The FCO increases the PSVI’s focus on addressing the root causes of violence against women and girls, including efforts to empower women and girls and tackle harmful social norms.*

Prevention

Womankind Worldwide recommends that:

- *The Committee asks the FCO what percentage of PSVI funding for civil society has gone directly to national and local women’s rights organisations and if specific steps have been taken to ensure funding is accessible to women’s rights organisations.*

- *The FCO should incorporate women’s rights organisations’ systems as expert sources on early warning indicators, act on their recommendations and consider supporting this work.*

Needs of survivors

Womankind Worldwide recommends that:

- *The UK Government ensures, where possible, initiatives to support survivors of violence are delivered by independent and experienced women’s rights organisations.*

Womankind Worldwide

1. Womankind Worldwide (Womankind) is the UK’s leading international women’s rights and international development organisation working with 28 women’s rights organisations across 13 countries in Africa, Asia and Latin America. Many of our partners are based in fragile and conflict-affected countries, and work to eliminate violence against women and to increase women’s participation in decision-making at all levels.

Introduction

2. Womankind welcomes the opportunity to contribute to the work of the House of Lords Select Committee on Sexual Violence in Conflict (the Committee) in its inquiry into preventing sexual violence in conflict. This submission addresses the questions asked by the Committee on the international policy agenda, causes of sexual violence in conflict, prevention and needs of survivors. We have also provided an overview section on Womankind’s and our partners’ reflections on the framing and scope of the Preventing Sexual Violence Initiative (PSVI).

3. We have based much of our submission on a consultation with our partners who attended the Global Summit to End Sexual Violence in Conflict as Experts. These partners are: Afghan Women’s Skills and Resource Centre (AWSDC; Afghanistan – who are a member of our partner Afghan Women’s Network); CDIMA (Bolivia); FIDA-Kenya (Kenya); Liberian Women Media Action Committee (LIWOMAC; Liberia); Saathi (Nepal); Women for Human Rights (Nepal); WAVES (Sierra Leone); WLAC (Tanzania) and Isis-WICCE (Uganda). The consultation took place in August 2015. We would like to thank our partners for contributing their time and expertise on ending violence and supporting survivors.

1. Preventing Sexual Violence Initiative

4. Womankind welcomes the PSVI and the strong leadership that the UK has provided in securing, inter alia, the G8 Declaration on Preventing Sexual Violence in Conflict, the UN Declaration of Commitment to End Sexual Violence in Conflict and the Global Summit to End Sexual Violence in Conflict (Global Summit). Whilst the UK government’s efforts to prevent sexual violence in conflict are commendable, in Womankind’s and our partners’ experience efforts to address sexual violence in conflict must be closely linked to broader initiatives to end violence against women and girls (in non-conflict and fragile settings). We also urge the UK to ensure the PSVI takes a gender transformative approach (approaches that seek to transform gender roles and promote more gender-equitable relationships between men and women) and ensure FCO funding is channelled through the OECD Gender Equality Policy Marker.

1.1. Framing and scope of the Preventing Sexual Violence Initiative

5. The global estimate for the proportion of women who have experienced non-partner sexual violence since the age of 15 is 7.2%, with the prevalence ranging from 5% in South East Asia to 12% in Africa.⁴⁹⁰ In terms of men's perpetration of violence, the UN Multi-Country Study on Men and Violence found prevalence ranging from 4% in Bangladesh to 41% in Bougainville, Papua New Guinea.⁴⁹¹ Evidence suggests that sexual violence perpetration is linked to norms of masculinity (discussed below) and it has been well-documented that in times of conflict militaries and other armed groups may cultivate 'hyper-masculinities'.⁴⁹² Whilst recognising the need for the PSVI to have a strong focus (which is currently conceptualised as sexual violence used as a military strategy), it is important to note that hyper-masculinities in times of conflict are not disconnected from discriminatory norms existing prior to the conflict.⁴⁹³ It is therefore critical that efforts to prevent sexual violence in conflict are linked to broader efforts to prevent partner and non-partner sexual violence and address gender inequality. Womankind's partner WLAC (Tanzania) who works with refugees fleeing conflict told us it is important that efforts to address sexual violence in conflict 'address its roots in the continuum of violence against women and the lack of equality for women in all walks of life.' Womankind's partner Saathi (Nepal) told us 'sexual violence against women starts right from childhood affecting a woman throughout her life cycle and this needs to be addressed.' CDIMA (Bolivia) stated the UK Government through the PSVI should 'prioritise tackling violence against women in all its forms'. The development of DFID's new Country Operational Plans⁴⁹⁴ provides a good opportunity to ensure violence against women and girls, including partner and non-partner sexual violence, is prioritised in DFID's country work and presents an opportunity to strengthen links between diplomatic and programmatic work.

6. Womankind recommends the Committee asks the FCO how efforts to prevent sexual violence in conflict are linked to tackle violence against women and girls, including partner sexual violence, and promote gender equality across conflict, fragile and non-conflict states.

7. Womankind recommends that tackling violence against women and girls, including sexual violence, is a priority for the new DFID Country Operational Plans and efforts are made to ensure there is a clear link between diplomatic and programmatic work.

8. The PSVI and the Global Summit included a strong focus on male survivors of sexual violence. Whilst this is welcome, it is important that the PSVI does not take a gender-neutral approach to ending sexual violence in conflict. Violence against women and girls, including

⁴⁹⁰ Heise, L. and Fulu, E. 2014. What works to prevent violence against women and girls? State of the field of violence against women and girls: What do we know and what are the knowledge gaps?

⁴⁹¹ Ibid.

⁴⁹² Wright, H. 2014. Masculinities, conflict and peacebuilding: Perspectives on men through a gender lens. Saferworld. Available online at: <http://www.saferworld.org.uk/resources/view-resource/862-masculinities-conflict-and-peacebuilding-perspectives-on-men-through-a-gender-lens>

⁴⁹³ Sexual Violence Research Initiative. 2011. Engaging Boys and Young Men in the Prevention of Sexual Violence: A systematic and global review of evaluated interventions. Available online at: <http://www.svri.org/menandboys.pdf>

⁴⁹⁴ Country plans for all countries where DFID works bilaterally, which set out the priorities for aid programmes and how they will deliver results and measure progress. Current Country Plans are available online at: <https://www.gov.uk/government/collections/dfid-operational-plans-and-summaries-2014>

sexual violence, is a systematic, widespread and pervasive human rights violation, experienced largely by women because they are women. It occurs because of the pervasive inequality and discrimination experienced by women and girls throughout their lives. Womankind's partner WAVES (Sierra Leone) told us they were worried about the focus of the Global Summit '[We were] concerned that there was a sudden strong shift to focusing on violence against men and boys'. Womankind's partners Isis-WICCE and Saathi noted the inclusion of sexual violence against men and boys as important, however also that it is vital not to lose sight that the majority of those who experience sexual violence are women and girls and funding should not be diverted away from women survivors. Similarly, LIWOMAC (Liberia) stated that it is important to understand and address the different needs of women and men survivors. Evidence reveals gender transformative approaches are more effective in preventing violence (See section 4 below).

9. Womankind recommends the FCO ensures that PSVI's policies and programmes take a gender transformative approach that is necessary to ending sexual violence in conflict.

1.2. Tracking and reporting applicable aid

10. As a member of the OECD's Development Assistance Committee (DAC), the UK Government is required to provide the DAC with statistical data on its aid-related activities and expenditure. Furthermore, measurement of aid focused on achieving gender equality has been an integral part of the DAC's reporting requirements for over two decades. The main reporting mechanism employed in this regard is the OECD Gender Equality Policy Marker (GEM), which is one element of the Creditor Reporting System (CRS) database on aid activities providing publically available data on where aid goes and what purposes and policies it supports. The Gender Equality Marker (GEM) is intended to measure the extent to which an aid activity contributes to the advancement of gender equality and women's empowerment or to the reduction of discrimination and inequalities based on sex.⁴⁹⁵

11. In addition, donor support for gender equality can be measured using the CRS purpose code 'women's equality organisations and institutions'. This purpose code provides a means by which donors can specify where they have supported women's rights organisations (civil society) and women's institutions and ministries (government). Similarly, earlier this year a new Violence Against Women and Girls purpose code was agreed to track aid pledged in support of ending violence against women and girls/gender-based violence.⁴⁹⁶ The 2013 OECD data shows DFID's coverage of the GEM is 100%, whilst the FCO's is only 1%.⁴⁹⁷

12. Womankind recommends the Committee asks the FCO whether it will commit to screening all applicable aid commitments against the OECD-DAC Gender Equality Policy Marker, the women's equality organisations and institutions purpose code and the VAWG purpose code to ensure funding is traceable.

13. The announcement that the Conflict, Security and Stability Fund (CSSF) will include a section to reflect on gender in the application form is welcome. However, it is not clear if

⁴⁹⁵ <http://www.oecd.org/investment/stats/37461060.pdf>

⁴⁹⁶ <http://www.oecd.org/dac/gender-development/dac-gender-equality-marker.htm>

⁴⁹⁷ calculations based on CRS database, 2013 reporting

this is the case across all regions and whether the UK government will track and report on the amount of funding allocated to gender work under the CSSF.

14. Womankind recommends that the Committee asks the UK Government if all CSSF applications will include a requirement to consider gender and whether the UK Government will track and report on the amount of funding allocated to gender work under the CSSF.

2. International policy agenda

2.1. Accountability (Global Summit to End Sexual Violence in Conflict)

15. Womankind welcomes the commitments States made at the Global Summit. To ensure these aspirations are achieved it is critical that commitments are coordinated and monitored. Womankind recommends the FCO draws learnings from the Family Planning Summit, Girl Summit and Call to Action on Gender-Based Violence in Emergencies and convenes a multi-stakeholder task team responsible for the collation of data and the production of an annual report on progress against commitments made. For example, the High Level Call to Action on Violence against Women in Emergencies contained a commitment in the communique⁴⁹⁸ to develop an operational framework that sets out specific actions to implement commitments; report publically on progress; and monitor collective progress.

16. Womankind recommends the UK Government should advocate and support the development of a multi-stakeholder task team (including national government representatives, representatives from inter-governmental organisations, and women's rights organisations) responsible for the collation of data and the production of an annual report on progress against commitments made at the Global Summit and in the G8 Declaration, UNSCR 2106 and UN Declaration of Commitment to End Sexual Violence in Conflict.

17. Another key mechanism for ensuring commitments States made at the Global Summit are implemented and monitored is to work in partnership with national women's rights organisations. Womankind's partners Women for Human Rights and Saathi (Nepal) have used the momentum of the Global Summit to lobby policy-makers, including the Ministry of Foreign Affairs, and have also been invited by the British Embassy to the launch of the International Protocol in Nepal. In Afghanistan, AWSDC has received funding from the FCO to combat sexual violence. However, on the whole, the contact between DFID/FCO country offices and the invited experts has been inconsistent. Womankind's partner LIWOMAC (Liberia) recommended that 'the UK government funds women's organisations to monitor and advocate around sexual violence at the country level'. This is supporting by a recent large-scale quantitative study which confirmed the crucial role of WROs in advancing the issue of violence against women on national and international agendas.⁴⁹⁹ The findings

⁴⁹⁸ Please see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/256872/Final_Communique_v_11_Nov_4.pdf

⁴⁹⁹ The study is based on four-decades of data from 70 countries. See Htun, M. and Weldon, L. 2012. 'The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975–2005, *American Political Science Review*, Cambridge University Press and the American Political Science Association. Available at: polisci.unm.edu/common/documents/htun_apsa-article.pdf

show that feminist mobilisation in civil society has had a greater role in policy development than political parties, women in government or economic factors.

18. Womankind recommends the Committee asks how the UK Government has followed up with country experts who attended the Global Summit and if there are plans to re-engage with these experts.

19. Womankind recommends the UK government increases funding for women's rights organisations to undertake national advocacy to ensure commitments made at the Summit are implemented.

2.2. UK government's position on UN Security Council

20. Womankind supports the recommendations of the Gender Action for Peace and Security Network⁵⁰⁰ which states UK government can play a key role in the UN Security Council's High Level Review of United Nations Security Council Resolution 1325 (UNSCR1325) by: supporting the inclusive and comprehensive implementation of the Women, Peace and Security framework; commit new, dedicated and accessible funding for Women, Peace and Security and better tracking of all HMG Government spend for Women, Peace and Security activities; and strengthen leadership and accountability for Women, Peace and Security at global, regional and at UK levels. Womankind has also recommended the UK government should commit funding to the proposed Global Acceleration Instrument for Women, Peace and Security and call for the Instrument to ensure funds reach women's rights organisations in conflict-affected countries. The UK should also advocate for women's rights organisations to be represented within the Instrument's Steering Committee, for transparency in decision-making and the rapid disbursement of funding to women's rights organisations.

21. Womankind recommends the UK Government should commit funding to the proposed Global Acceleration Instrument for Women, Peace and Security, and ensure that that funding reaches women's rights organisations in conflict-affected countries.

2.3. Other international, regional and national opportunities

22. Womankind and our partners have identified the review of the Beijing Platform for Action and the Sustainable Development Goals (SDGs) as key ways to further support the ending of sexual violence. Our partners also highlighted regional and national opportunities including: the Africa Unite Campaign, South Asia Feminist Forum in Sri Lanka and the Truth and Reconciliation Commission (Nepal). In addition, the announcement that the UK Government will be undertaking a Multi-lateral Aid Review is another opportunity to ensure tackling sexual violence is prioritised.

23. Womankind recommends the Committee asks the UK Government how it has integrated its aim to end sexual violence in conflict into its policies and advocacy around the SDGs and the review of the Beijing Platform for Action.

⁵⁰⁰ Gender Action for Peace and Security. 2015. The 15th Anniversary of UNSCR1325: UK Leadership and Commitment at the 2015 UN High Level Review.

24. *Womankind recommends the Committee asks the UK Government how violence against women and girls, including sexual violence, will be incorporated into the Multilateral Aid Review.*

3. Causes of sexual violence in conflict

25. A study across South Asia, South-East Asia, East Asia and the Pacific, including two post-conflict sites, found the most common motivation that men reported for rape perpetration (70-80%) was related to sexual entitlement—men’s belief that they have the right to sex, regardless of consent.⁵⁰¹ The second most frequently reported motivation in most countries was related to entertainment. Other research found that sexual violence perpetration is indicative of a preoccupation with demonstration of (hetero) sexual performance and sexual dominance over women.⁵⁰² There is a strong overlap between the perpetration of non-partner sexual violence and intimate partner sexual violence. In the UN Multi-Country Study on Men and Violence, two-thirds of men who had raped a non-partner reported that they had also forced their partner to have sex.⁵⁰³ Both partner sexual violence and non-partner rape appear fundamentally related to unequal gender norms, power inequalities and dominant ideals of manhood that support violence and control over women.⁵⁰⁴

Womankind’s partner Saathi (Nepal) told us sexual violence was rooted in ‘patriarchy, impunity, lack of laws and policies and lack of political will.’ Our partner FIDA-Kenya told us the cause of sexual violence is ‘patriarchy and cultural practices that promote the subjugation of women.’ Similarly our partner CDIMA (Bolivia) told us violence against women ‘has to do with colonial structural and cultural heritage.’ Our partner Women for Human Rights (Nepal) also highlighted that gender can intersect with other identities to increase the risk of violence. Women for Human Rights particularly highlighted widows: ‘Thousands of women have lost their husbands at a very young age due to the insurgency in Nepal over the last twelve years, many more are HIV widows and all of them live under profound emotional shock.’ Given the PSVI’s aim is to end sexual violence in conflict, the focus should not only be on increasing investigations and prosecutions, but include an increasing focus on empowering women and girls and addressing harmful social norms that condone violence against women and girls.

26. *Womankind urges the FCO to increase the PSVI’s focus on addressing the root causes of violence against women and girls, including efforts to empower women and girls and tackle harmful social norms.*

27. As noted above, evidence suggests that when looking at sexual violence in conflict it is not necessary to separate acts of violence from soldiers from their broader social settings to

⁵⁰¹ UN. 2013. Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific. Available online at: <http://www.partners4prevention.org/node/515>

⁵⁰² Heise, L. and Fulu, E. 2014. What works to prevent violence against women and girls? State of the field of violence against women and girls: What do we know and what are the knowledge gaps?

⁵⁰³ UN. 2013. Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific. Available online at: <http://www.partners4prevention.org/node/515>

⁵⁰⁴ Heise, L. and Fulu, E. 2014. What works to prevent violence against women and girls? State of the field of violence against women and girls: What do we know and what are the knowledge gaps?

understand the drivers of abuse.⁵⁰⁵ However, it is also important to note that the use of sexual violence as a tactic of war is well documented and is inherently linked to women's position in societies.⁵⁰⁶ Womankind's partner Isis-WICCE (Uganda) told us 'the bodies of women have become battlegrounds; because fighters want to hit at the opponent through women ... when you attack women, you are actually socially, economically, politically and emotionally destroying your nation.' In addition, it is critical that peace is conceptualised in a way that includes women's experiences. Womankind's research *From the Ground Up*⁵⁰⁷ found that women tended to have a broader understanding of peace which includes peace at the household-level and focuses on the attainment of individual rights and freedoms such as education and healthcare. Importantly, across all the countries researched, women associated violence against women, and specifically domestic violence, as a key barrier to peace. Womankind's partner the Liberia Women Media Action Committee stated 'There is violence in the home, but too often women are silent, that is not peace.' Addressing violence against women and girls, including sexual violence, should therefore be a key priority in the UK Government's efforts to bring peace, stability and security.

28. Womankind recommends the Committee asks whether a member of the National Security Council is the designated lead on tackling international violence against women and girls, including sexual violence.

4. Prevention

29. To prevent sexual violence in conflict, efforts must include a focus on addressing the root causes of violence and discrimination before conflict breaks out (as outlined above). Whilst Womankind is not aware of robust evidence on programmatic interventions that have reduced non-partner sexual violence in the **acute stages** of conflict/crisis, we have outlined below some of the evidence on what works in preventing partner and non-partner violence (including in post-conflict settings).

4.1. Current evidence on what works to prevent partner and non-partner violence

30. An evidence review of interventions to prevent violence against women and girls⁵⁰⁸ found there is fair evidence to recommend relationship interventions such as Stepping Stones⁵⁰⁹; microfinance combined with gender-transformative approaches such as

⁵⁰⁵ Sexual Violence Research Initiative (2011) *Engaging Boys and Young Men in the Prevention of Sexual Violence: A systematic and global review of evaluated interventions* Available online at: <http://www.svri.org/menandboys.pdf>

⁵⁰⁶ Womankind Worldwide. 2014. Interview with Ruth Ojiambo Ochieng. Available at: <https://www.youtube.com/watch?v=2aQjZEagD30>

⁵⁰⁷ ActionAid, IDS, Womankind Worldwide, 2012. *From the Ground Up: Women's roles in local peacebuilding in Afghanistan, Liberia, Nepal, Pakistan and Sierra Leone*. Available online at: <http://www.womankind.org.uk/wp-content/uploads/downloads/2012/09/From-The-Ground-Up-FINAL.pdf>

⁵⁰⁸ Fulu, E. Kerr-Wilson, A. Lang, J. 2014. What works to prevent violence against women and girls? Evidence Review of interventions to prevent violence against women and girls

⁵⁰⁹ Stepping Stones is a small group intervention approach used in over 40 countries that engages both men and women and is designed to improve sexual health by applying participatory learning techniques and stimulating critical reflection. Its primary emphasis is on building knowledge, risk awareness and communication skills around HIV, gender, violence and relationships. An evaluation of the Stepping Stones programme in India found significant changes in knowledge and behaviours of participants and their close

IMAGE⁵¹⁰; community mobilisation interventions to change social norms; interventions that primarily target men and boys through group education combined with community mobilisation and parenting programmes. The evidence review also found that in general multi-component interventions are more effective than single component interventions in preventing violence. This reaffirms that there are multiple drivers of violence, across multiple levels that need to be addressed in violence against women and girls programming. Womankind's partner LIWOMAC (Liberia) stated 'The PSVI response to sexual violence should involve a multiple level approach that promotes individual and community participation, as well as other strategies.' Saathi (Nepal) raised the success they have had by working with men and boys through sport (football and cricket) to combat violence against women and girls.

31. The assessment also found that gender transformative approaches are more effective than interventions simply targeting attitudes and behaviour change. Whilst interventions that focus on changing infrastructure or providing services, such as WASH facilities, without addressing the gender and power dynamics that underlie abuse, appear to have little impact in reducing violence.⁵¹¹ In addition, the review found that interventions that work both with men and women are more effective than single-sex interventions.

32. Womankind recommends the Committee asks the FCO how it is utilising the evidence coming from DFID's What Works programming to inform PSVI's policies and programmes.

4.2. Supporting women's rights organisations

33. There is a growing body of research demonstrating that women's rights organisations and movements are important catalysts in interventions to promote greater gender equality, realise women's rights and end violence against women and girls. Recent findings of a four-decade research effort in 70 countries found the mobilisation of feminist movements is more important for combating violence against women than the wealth of nations, left-wing political parties, or the number of women politicians.⁵¹²

contacts. Attitudes around male-female roles were the most resistant to change. While Stepping Stones yielded significant positive results for those who participated, it was less effective than intended in terms of influencing broader social norms and the broader community environment.

⁵¹⁰ IMAGE programme (South Africa): The Intervention with Microfinance for AIDS and Gender Equity (IMAGE) programme integrated a 10-session participatory training on understanding gender, HIV, domestic violence and sexuality into an existing group lending and savings scheme. Women participated in the one-hour learning and action training, known as Sisters for Life, when they attended fortnightly SEF loan meetings. Women deemed "natural leaders" by their peers were then elected by loan centres to receive additional training to help mobilise the wider community around issues of common concern. *The IMAGE study* demonstrated that the microcredit and empowerment initiative enabled women to challenge the acceptability of violence, expect and receive better treatment from partners, leave violent relationships, give material and moral support to those experiencing abuse, mobilise new and existing community groups, and raise public awareness about the need to address both gender-based violence and HIV infection.

⁵¹¹ Fulu, E. Kerr-Wilson, A. Lang, J. 2014. What works to prevent violence against women and girls? Evidence Review of interventions to prevent violence against women and girls

⁵¹² Htun, M. and Weldon, L. 2012. 'The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975–2005, *American Political Science Review*, Cambridge University Press and the American Political Science Association. Available at: polisci.unm.edu/common/documents/htun_apsa_article.pdf

34. Research shows that progress towards gender equality can only be achieved through demand driven approaches i.e. through women’s mobilisation, awareness raising and collaborative action, as opposed to traditional supply driven interventions aimed at empowering individual women.⁵¹³ Womankind’s partner Isis-WICCE pointed out the fallacy of efforts to empower women which simultaneously exclude women ‘We need to change the attitudes of policy-makers ... to see women as the solution ... asking men on board to provide solutions without addressing the institutionalised patriarchy and masculinity in decision-making processes is an up-hill task’. Women’s right organisations are particularly well placed to increase women’s consciousness and agency and have pioneered a range of effective models for mobilising and empowering women to come together to know and claim their rights.⁵¹⁴ In Nepal, Womankind’s partner Women for Human Rights has successfully created widow groups to mobilise around the needs of widows. These groups have decreased violence and also change discriminatory national policies. In Sierra Leone, our partner WAVES, works with women in rural areas and highlighted the importance of women’s rights organisations who work outside of urban areas/capitals. However, despite their enormous value, women’s rights organisations’ contribution to ending violence is often ignored and these organisations remain critically underfunded and often struggle to access funding⁵¹⁵. On a whole our partners are not aware of PSVI funding streams that are available to women’s rights organisations in their country.

35. Womankind urges the FCO to ensure funding for women’s rights organisations is available and accessible, including by acting on recommendations by the OECD DAC Network on Gender Equality⁵¹⁶.

36. Womankind recommends the Committee asks the FCO what percentage of PSVI funding for civil society has gone directly to national and local women’s rights organisations and if specific steps have been taken to ensure funding is accessible to women’s rights organisations.

37. Womankind partners were also clear that the UK Government can also provide non-financial support, including providing capacity-building, opportunities to share knowledge and technical assistance. In addition, many women human rights defenders (WHRDs) face increasing threats and attacks whilst carrying out their work to defend the rights of women and donor governments should consistently monitor and respond to security threats faced by WHRD’s as they work to tackle violence against women and girls. The EU Human Rights Defenders Guidelines provide an important framework, and should inform measures taken to support WHRDs.⁵¹⁷

⁵¹³ Association for Women’s Rights in Development .2013. Women moving mountains. Available at: <http://www.awid.org/Library/Women-Moving-Mountains3>

⁵¹⁴ Esplen, E. .2013. Leaders for Change: Why support women’s rights organizations, Womankind.

⁵¹⁵ Ibid

⁵¹⁶ DAC Network for Gender Equality .2008. *Issues Brief 3: Innovative Funding for Women’s Organisations* Recommendations included: applications should not be expected to be written in perfect English; applications can be in an language; application forms are kept simple and short; evaluations are timed to suit women’s rights organisations and are participatory and meaningful; and extensive evaluations are not imposed.

⁵¹⁷ European Union. ‘Ensuring protection – European Union Guidelines on Human Rights Defenders’. Available online at: <https://www.consilium.europa.eu/uedocs/cmsupload/guidelinesdefenders.pdf>

38. *Womankind urges the UK Government to address the security needs of women human rights defenders by building security and protection into programmes and funding mechanisms, based on the EU Human Rights Defender Guidelines.*

39. In Afghanistan, AWSDC raised the issue of violence against women human rights defenders: ‘countless women human rights defenders across the globe risk imprisonment, harassment, torture and even death to defend human rights’. Whilst the announcement of the EU+ Human Rights Defenders Strategy for Afghanistan⁵¹⁸ to support human rights defenders is positive, it is imperative that adequate new resources are devoted to implementing the strategy.

40. *Womankind recommends the Committee asks the FCO what new financial resources have been allocated to the implementation of the EU+HRD Strategy for Afghanistan.*

4.3. Early Warning Indicators

41. A UNIFEM review of early warning indicators in 2008 found only 11 out of 832 indicators made reference to gender and only 1 monitored women’s human rights.⁵¹⁹ Women’s roles in communities can often give them a unique perspective on stability and impending conflict, and this should be recognised in the Government’s conflict prevention strategies. Any early warning systems developed should include indicators on levels of violence against women and gender inequality. In Afghanistan, AWSDC told us early warning indicators include women remaining in the home, women changing their dress (loose clothing and/or covering bodies), women not leaving the house alone and women not going to school, college or work. As well as early warning systems and reports including indicators on violence against women and gender inequality, any ‘horizon scanning’ or ‘emerging issues’ documents that are relevant to stability overseas should incorporate information received from women’s rights organisations and networks. Many women’s organisations and networks (including those working at regional levels) often have early warning systems which they use to detect and respond to conflict.

42. *Womankind recommends that the FCO should incorporate women’s rights organisations’ systems as expert sources on early warning indicators, act on their recommendations and consider supporting this work.*

5. The needs of survivors

43. Women survivors of violence face great difficulties in sustaining participation in investigations and judicial processes without access to a range of comprehensive services, including health, livelihoods, legal and psycho-social support, and protection from further violence and reprisals. Many cases are dropped as they progress through the legal system,

⁵¹⁸ EU. 2014. EU+ Local Strategy for Human Rights Defenders in Afghanistan. Available online at: http://eeas.europa.eu/delegations/afghanistan/documents/eu_afghanistan/eu-local-strategy-for-human-right-defenders-in-afghanistan-2014.pdf

⁵¹⁹ UNIFEM review, 2008: unifem.org/gender_issues/women_war_peace/prevention_early_warning.php

with only a fraction of cases ending in conviction because these basic conditions are not met⁵²⁰.

44. It is vital the international community recognises that access to comprehensive services is a right and responds to the priorities of survivors. Womankind's partner in Uganda, Isis-WICCE, has undertaken extensive research on the impact of armed conflict on women and girls and the priorities and needs of survivors. It has found that whilst access to legal justice is important, survivors have a range of other needs that must be met before pursuing prosecutions including:

- Access to basic services such as education, shelter, health care and economic opportunities;
- Trauma management and counselling;
- Influencing the direction of post-conflict recovery in their communities.

45. Womankind's partner in Kenya, FIDA-Kenya, has found the phrase 'I want to start a new life' is common among the women survivors they support. They identify key priorities of survivors of violence as:

- Free or affordable medical treatment;
- Relocation from where they reside owing to safety issues, including the perpetrator continuing to issue threats, and stigma;
- Easy and user friendly reporting mechanism at the police stations;
- Counselling.

46. Similarly, in Nepal, Women for Human Rights advocates an holistic approach to supporting survivors including counselling, legal services, skill development and mentoring through Chhahari (safe spaces for women).

47. Women's rights organisations are delivering innovative methods to support survivors of violence to provide services to other survivors. In Uganda, Isis-WICCE is developing peer-to-peer counselling methods, supporting survivors of violence to provide counselling for other women. Womankind's partner in Zimbabwe is working to develop community shelters and Saathi (Nepal) piloted a community programme working with men to become peer educators.

48. Women's rights organisations are also working to erode the stigma survivors of violence face. Womankind's partner in Sierra Leone, WAVES, highlighted the work to ensure survivors do not face stigma, including leading an integration process back into communities. FIDA-Kenya stated a key way to challenge stigma was to educate the public on the issue of sexual violence and support survivors of violence to become public champions to discuss the issue.

49. It is this holistic, empowering and gender-specific approach that leads the United Nations to recommend that where possible services for survivors should be run by

⁵²⁰ UN Women. 2011. Progress of the World's Women 2011-2012: In Pursuit of Justice Available online at: <http://progress.unwomen.org/pdfs/EN-Report-Progress.pdf>

“independent and experienced women’s non-governmental organisations providing gender-specific, empowering and comprehensive support to women survivors of violence, based on feminist principles”.⁵²¹

50. Womankind recommends the UK Government ensures, where possible, initiatives to support survivors of violence are delivered by independent and experience women’s rights organisations.

17 September 2015

⁵²¹ UN. 2010. Handbook for legislation on violence against women. Available online at: <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

Womankind Worldwide – Supplementary written evidence (SVC0064)

Situation of human rights defenders in Afghanistan

1. Women human rights defenders (WHRDs) are defined by Amnesty International as “women and men who are peaceably engaged in activities to promote and protect nationally and internationally recognised rights of women and girls⁵²².” WHRDs face challenges not only because of what they do but because they are women. They work to defy the cultural, religious and social norms and constructs which define the role of women and form the foundation of societies. This is challenging to male conservative societies and puts WHRDs at greater risk of retaliation in the form of physical and sexual violence and other forms of violence against women. Our Afghan partner, Afghan Women’s Network (AWN) notes that WHRDs have played a major role in providing chances for women to be active and contribute to Afghan society. They fight for the rights of women and girls to have education, freedom of speech and opportunities to participate in government, amongst other things, but their success makes them vulnerable to attack.

2. In Afghanistan, WHRDs frequently suffer violence at the hands not only of armed opposition groups, warlords and the Taliban, but also state-actors, government officials and family members. This violence takes various forms including threats, sexual assault, assassinations, murder of family members, car bombings and grenade attacks on homes. Some are attacked multiple times, and many continue their work despite this⁵²³. Additionally, WHRDs may themselves be convicted of moral crimes, attacks on their reputation and social isolation⁵²⁴.

3. Laws meant to support WHRDs are poorly implemented, if at all, and the Government of Afghanistan has shown little political will to act in order to support and protect them, or to bring the perpetrators of abuse to justice. This is due, at least in part, to weak state structures, a culture of impunity, a system based on ability to wield power rather than the concept of justice, and the existence of a multiplicity of legal systems⁵²⁵. Afghan security and law enforcement agencies routinely fail to respond to reports of threats or investigate allegations of attacks, and prosecutions and convictions are even rarer. It is common for WHRDs who report violence or attacks to find themselves at further risk, and facing stigmatisation or threats simply for speaking out⁵²⁶.

4. We are currently seeing a critical juncture in Afghanistan, where WHRDs are concerned about the erosion of women’s rights amid a revitalised conservative movement and that this

⁵²² Amnesty International (2015). Their Lives on the Line: Women Human Rights Defenders Under Attack in Afghanistan. ASA 11/1279/2015

⁵²³ <https://www.amnesty.org/en/latest/news/2015/04/afghanistan-women-human-rights-defenders/> [Accessed 11/12/15]

⁵²⁴ Amnesty International (2015). Their Lives on the Line: Women Human Rights Defenders Under Attack in Afghanistan. ASA 11/1279/2015

⁵²⁵ Amnesty International (2015). Their Lives on the Line: Women Human Rights Defenders Under Attack in Afghanistan. ASA 11/1279/2015

⁵²⁶ <https://www.amnesty.org/en/latest/news/2015/04/afghanistan-women-human-rights-defenders/> [Accessed 11/12/15]

trend will continue. Also concerning is the national and international shift in focus away from ‘development’ and towards ‘security’ in recent years⁵²⁷, as western troops have withdrawn, to leave a focus on the training and support of Afghan security forces. AWN has noted a dramatic reduction in political and economic support from the international community, and they believe that this has led the Government of Afghanistan to de-prioritise human rights.

Situation of women in Afghanistan

5. Despite progress having been made towards greater gender equality since 2001, women continue to be subordinated legally, socially and politically, and women’s contributions economically and as positive agents of change continue to be underestimated and unrecognised. There are strong cultural and historical roots of gender discrimination, as Afghanistan is a traditional society, with tribal elders playing a strong role in governance.

6. In 2011, Afghanistan was ranked the most dangerous country in the world for women and the worst in terms of health, violence, and lack of access to economic resources⁵²⁸. It has one of the highest maternal mortality rates in the world, with an estimated 1,800 maternal deaths per 100,000 live births⁵²⁹. Access to primary education for girls remains a major issue, with a 75 percent dropout rate before the fifth grade⁵³⁰. Women continue to be disadvantaged by interpretations of *Sharia* Law by the courts and wider society, and the constitutional legal provisions supporting the realisation of women’s rights tend to be poorly enforced. An estimated 50% of women in prisons in Afghanistan have been imprisoned for ‘moral crimes,’ and the majority of these are victims of rape, forced marriage or domestic violence⁵³¹. Afghanistan is near the bottom of the UN Gender equality index.

7. Violence against women is prevalent in Afghanistan; in 2013 the number of women killed increased by 20% from the previous year. VAWG in Afghanistan is based on patriarchal traditions that normalise it and render it acceptable. The Special Representative from the UN Secretary-General at that time, Jan Kubis, told the UN Secretary Council that, “the majority (of women killed) is linked to domestic violence, tradition, culture of the country, (but) women activists have been deliberately targeted.”⁵³²

8. There has been a notable lack of government action around the protection of women in public life. The government has made minimal efforts to counteract negative images of working women, and women risk being threatened and killed for working. In 2012 alone a number of working women were assassinated, including the Head and the Acting Head of the Department of Women’s Affairs.⁵³³⁵³⁴ Progress towards increasing the number of

⁵²⁷ <http://news.bbc.co.uk/1/hi/uk/8698452.stm> [Accessed 18/12/15]

⁵²⁸ <http://www.trust.org/item/20110615000000-na1y8/?source=spotlight> [Accessed 11/12/15]

⁵²⁹ http://www.unicef.org/infobycountry/afghanistan_47120.html [Accessed 11/12/15]

⁵³⁰ Jackson, Ashley. 2011. High Stakes: Girls’ Education in Afghanistan. (Oxfam: Kabul.) [Accessed 11/12/15]

⁵³¹ <https://www.hrw.org/news/2013/05/21/afghanistan-surge-women-jailed-moral-crimes> [Accessed 18/12/15]

⁵³² Amnesty International (2015). Their Lives on the Line: Women Human Rights Defenders Under Attack in Afghanistan. ASA 11/1279/2015

⁵³³ <https://www.amnesty.org/en/press-releases/2012/12/afghanistan-another-women-s-affairs-official-murdered/> [Accessed 18/12/15]

women in political life was undermined after the 2013 election law saw the women's quota in provincial councils reduced from 25% to 20%⁵³⁵, and the quota for district councils removed completely.

9. Conflict-related violence also presents a notable risk to women; in 2014 UNAMA recorded the highest number of women's deaths and injuries from conflict-related violence since 2009 when they began documenting civilian casualties, with 909 women casualties (298 deaths and 611 injured). On average more than 17 civilian women were killed or injured in conflict-related violence each week in 2014⁵³⁶.

10. The recent Taliban invasion of Kunduz demonstrates how women can be targeted in a gender-specific way during conflict, when women including human rights defenders were specifically tracked down and attacked by Taliban fighters. The (female) head of the Kunduz Women and Youth for Peace NGO, a women's rights organisation, reported that the Taliban had a list of female activists and workers, which included herself, which the fighters used to hunt down specific women⁵³⁷. One WHRD reported that her home and office were burned down and that Taliban fighters called her numerous times to try to find out the whereabouts of the women she had helped. Taliban fighters raped and murdered family members of police officers and soldiers, and a female midwife was reportedly gang-raped and killed for allegedly providing reproductive health services to women. While male prisoners were given arms to fight with the Taliban, female prisoners were raped and some were abducted⁵³⁸.

11. AWN state although the international efforts of recent years have brought about some positive changes in women's lives, there is still a very long way to go and inclusion of women in politics, leadership, and peace processes must be prioritized.

Implementation of 1325

12. Afghanistan is a signatory to conventions on human rights and women's rights, including CEDAW, and the 2004 Constitution guarantees the rights of all women and men. In 2009 the Elimination of Violence against Women (EVAW) Law and the National Action Plan for Women in Afghanistan (NAPWA) were adopted. The NAPWA maps out the government's commitment to taking practical steps to adhere to its women's rights obligations and implement UNSCR 1325. In 2015 the Government of Afghanistan launched the Afghan National Action Plan (NAP) for implementing UNSCR 1325. The Ministry of Foreign Affairs heads the NAP Steering Committee, which is the main agency responsible for the development, monitoring and evaluation of the NAP. It works in collaboration with other government agencies, civil society organizations, and international organizations. Additionally, The Tokyo Mutual Accountability Framework (T-MAF) was

⁵³⁴ <http://www.bbc.co.uk/news/world-asia-20662105> [Accessed 18/12/15]

⁵³⁵ <https://www.gov.uk/government/case-studies/the-role-of-women-in-afghanistan> [Accessed 18/12/15]

⁵³⁶ <https://unama.unmissions.org/Portals/UNAMA/human%20rights/2015/2014-Annual-Report-on-Protection-of-Civilians-Final.pdf> [Accessed 18/12/15]

⁵³⁷ <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/11938891/We-cant-go-back-say-women-activists-on-Taliban-Kunduz-hit-list.html> [Accessed 18/12/15]

⁵³⁸ <https://www.amnesty.org/en/latest/news/2015/10/afghanistan-harrowing-accounts-emerge-of-the-talibans-reign-of-terror-in-kunduz/> [Accessed 18/12/15]

approved in 2013. It has five thematic goals which, if implemented, could support Afghanistan's progress towards gender equality and women's empowerment, in line with the other international and legal instruments to which Afghanistan has committed. An additional mechanism to support women's rights is the Afghanistan Independent Human Rights Commission (AIHRC), which is responsible for the promotion, protection and monitoring of human rights.

13. On paper and from a legal standpoint, women's rights are protected in Afghanistan. However, in reality women continue to suffer grave human rights violations and abuses, as their rights on paper are not translated into practice and Islamic law running in parallel to the constitutional legal system is still highly influential.

14. In their 2014 CEDAW Shadow Report, AWN acknowledges two key factors which create and maintain the current situation in which women's rights are routinely abused:

1. The lack of legal clarity in the Constitution since Islamic law has primacy over all other laws; and
2. The lack of political will in ensuring that the laws are fully implemented.

15. The National Unity Government has thus far failed to put into practice any of their election promises to support WRs. In the 2013 EVAW law debate MPs branded the law as 'un-Islamic', questioned the minimum marriage age for girls and branded women's shelters as 'un-Islamic'. Without the political will to ensure that they are properly implemented, laws and policies cannot in themselves result in transformative change.

16. Ministry of Women's Affairs (MoWA) has struggled to fulfil its objectives, is weak and lacking capacity, with inadequate power to influence policy. The reasons for this include inadequate programming resources for its gender coordination and mainstreaming responsibilities, and because male MPs have seen it as ineffective and therefore unnecessary⁵³⁹. Provincial-level Departments of Women's Affairs (DoWAs) - decentralised extensions of the MoWA – lack strategic planning, capacity, resources and technical skills, as well as coordination with MoWA and other provincial level authorities⁵⁴⁰.

17. Afghan women have traditionally been excluded from peace talks⁵⁴¹, and women's rights activists have expressed concerns that, without the presence of women, the government might trade away women's rights in order to reach an agreement with the Taliban⁵⁴². Earlier in 2015 President Ashraf Ghani promised that women would be included in the current round of peace talks "at the right time;" meaning that women currently continue to be excluded, which is contrary to international legal standards, the National Action Plan on 1325, UNSCR 1325 itself and later resolutions, which state that women should fully

⁵³⁹ <https://www.amnesty.org/en/documents/asa11/1279/2015/en/>

⁵⁴⁰ <http://asiafoundation.org/in-asia/2013/12/11/in-afghanistan-provincial-level-institutions-critical-to-protecting-and-advancing-womens-rights/> [Accessed 18/12/15]

⁵⁴¹ <https://www.oxfam.org/en/pressroom/pressreleases/2014-11-24/afghan-women-frozen-out-peace-talks-danger-losing-gains-made-fall> [Accessed 18/12/15]

⁵⁴² <https://www.hrw.org/news/2015/02/28/afghanistan-dont-leave-women-out-peace-talks> [Accessed 18/12/15]

participate in all stages of the peace process⁵⁴³. The government is also committed to including women in the High Peace Council, which oversees political negotiations with the Taliban and the implementation of Afghanistan Peace and Reconciliation Program (APRP). Where women have been included, they have not been provided with the resources they need to fulfil their duties. There has been a lack of mandates, inadequate financial resources to implement programmes and a lack of measures, including bodyguards, to ensure the physical protection of high-profile women (highlighting a blindness to the fact that women require a different set of resources in order to participate effectively in the peace process at the national level). As a result, women's participation in such programmes remains largely a token gesture.

Role of the UK Government and international community

18. The UK government has worked with the international community and other partners to support Afghanistan's economy, governance, infrastructure, and the development of Afghan security. They have also made progress on women's rights in Afghanistan, which is a key indicator of the wider progress of an inclusive, democratic, and peaceful society⁵⁴⁴. The UK government and the international community continue to have an important role to play in supporting and protecting WHRDs and their work.

19. Firstly, they must ensure that adequate resources and support are given to WHRDs, particularly in insecure and volatile areas of Afghanistan. They should ensure that training opportunities for WHRDs are properly funded, particularly at the grassroots level, so that WHRDs can learn about strategies and tools to assess and mitigate the risks that they face.

20. Financial and technical assistance to law enforcement and judicial systems should also be prioritised, with benchmarks linked to improved access to justice for women human rights defenders.

21. The Afghanistan Independent Human Rights Commission requires continued support both financially and technically, including support for staff protection. The international community can also contribute by funding public awareness campaigns that highlight the importance and value of the work of WHRDs s defenders⁵⁴⁵.

22. The international community should ensure that development assistance is channelled towards commitments made under the Tokyo Mutual Accountability Framework on gender equality, women's empowerment and implementation of the EVAW law.

23. Coordination mechanisms for gender programming to reduce overlapping funding and competition between organizations should be strengthened.

⁵⁴³ <https://www.hrw.org/news/2015/09/27/afghanistan-accept-full-role-women-talks> [Accessed 18/12/15]

⁵⁴⁴ <https://www.gov.uk/government/publications/uks-work-in-afghanistan/the-uks-work-in-afghanistan> [Accessed 18/12/15]

⁵⁴⁵ <https://www.amnesty.org/en/documents/asa11/1279/2015/en/>

24. Additionally, the international community including donors should push for the meaningful inclusion of women in all peacebuilding efforts⁵⁴⁶⁵⁴⁷.

25. The EU+ Group should continue to work to ensure that the necessary funding and resources are available for the implementation of the EU+ Strategy to protect human rights defenders, and to ensure that WHRDs in rural areas are protected in the same way as those in urban areas. There is scheduled to be a review of the EU+ Strategy in early 2016 and the UK Government should work together with the EU+ community to take on board the recommendations following this review to improve implementation of the strategy.

26. The development of psycho-social and health provisions would be beneficial, as would working towards a coordinated approach with other international actors focusing on WHRDs⁵⁴⁸.

22 December 2015

⁵⁴⁶ <https://www.amnesty.org/en/documents/asa11/1279/2015/en/> [Accessed 18/12/15]

⁵⁴⁷ <https://www.hrw.org/news/2015/09/27/afghanistan-accept-full-role-women-talks> [Accessed 18/12/15]

⁵⁴⁸ <https://www.amnesty.org/en/documents/asa11/1279/2015/en/>

Women for Refugee Women – Written evidence (SVC0021)

Introduction

1. Women for Refugee Women works closely with women who have come to the UK to seek asylum to challenge the injustices of the asylum system. We are very pleased to have the opportunity to submit evidence to this inquiry. Our response is focused on the third of inquiry's overarching themes, meeting the needs of survivors of sexual violence in conflict. Specifically, we address the question asked by the call for evidence, 'what evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict?'

2. As an organisation working in the UK, we are specifically concerned with the support and assistance provided by the Government to survivors of sexual violence in conflict who subsequently seek asylum in the UK. Around 6,000 women claim asylum in their own right in the UK every year, and many of these are survivors of torture, rape and sexual violence, including sexual violence in conflict.

3. We welcome the Government's international work in the area of preventing sexual violence in conflict. However, we are very concerned about the way women who have experienced sexual violence who subsequently come to the UK to seek protection are treated, as we set out below. We set our concerns out under four main headings: **asylum decision-making; asylum support; destitution; and immigration detention.**

Our work is currently predominantly focused on the use of immigration detention for women seeking asylum, and one of the key policy reforms we want to see implemented is an **end to the detention of survivors of rape and sexual violence.** We end our evidence with a case study on the experience of one of the women in our network, who fled sexual violence in conflict and was subsequently held in immigration detention in the UK before being granted refugee status.

Previous experiences of women seeking asylum in the UK

4. As highlighted above, many of the women who come to the UK to seek asylum are survivors of torture, rape and sexual violence, including sexual violence in conflict. While it is not possible to extrapolate from the following statistics the prevalence of survivors of sexual violence in conflict among women seeking asylum in the UK, it is nevertheless worth noting that across our three research reports (*Refused*, 2012; *Detained*, 2014; and *I Am Human*, 2015) between half and three quarters of the women we spoke to who disclosed their experiences of persecution said they had been raped in their countries of origin, and between a quarter and a third said they had been raped by soldiers, police or prison guards.

Asylum decision-making

5. Our research, alongside that of organisations including Asylum Aid, has documented the serious problems women seeking asylum, including those who have experienced sexual violence in conflict, face in getting their need for protection recognised by the Home Office.

6. Women who have survived sexual violence can find it extremely difficult to disclose what has happened to them. The difficulty of describing the trauma they have experienced is exacerbated by what can be a hostile and intimidating environment, including because they may be expected to disclose their experiences to a male interviewer, or with the help of a male interpreter. As childcare is not consistently available at asylum interviews, they may also be expected to talk about their experiences with their children present. Moreover, although the impact of trauma on memory has been well evidenced, and it is now well known that going through traumatic experiences can significantly affect a person's ability to give an accurate and chronological account of events without discrepancies, this is often not taken into account by decision-makers and apparent 'mistakes' and inconsistencies can result in a claim being refused.

7. Our research and that of others has also pointed to a lack of knowledge of gender-based persecution among decision-makers, and thus lack of recognition of women's experiences in their countries of origin as constituting persecution. Decision-makers may also rely on inaccurate information about women's home countries, or may use country of origin information reports inaccurately and inappropriately, and women may also have poor or no legal representation. A number of research reports have also documented a 'culture of disbelief' within the Home Office, and women we work with have spoken to us about this time and again: three quarters of the women we interviewed for our report *Refused* said they were refused asylum because they weren't believed by Home Office staff.

8. The majority of the women we spoke to for *Refused* (67 out of 70) had had their claims for asylum rejected. It is important to highlight that a significant proportion of decisions on women's asylum claims are overturned on appeal: research by Asylum Aid found that 42% of the decisions they looked at were overturned on appeal, compared with a rate of 28% for asylum cases generally.

The refusal of their asylum case has a significant negative impact on women who have already been through serious trauma and are extremely vulnerable. Women who are refused asylum may be made destitute or held in detention (see below), and refusal also has a serious effect on women's mental health. Ninety-seven per cent of the women we spoke to for *Refused* whose claims had been rejected said they were depressed, 93% said they were scared, and 63% – almost two-thirds – said they had thought about killing themselves.

9. We recognise, as set out in the Women's Asylum Charter submission to this inquiry, that UK Visas and Immigration (UKVI) has included recommendations from the Protection Gap campaign in its Asylum Gender Action Plan to help improve women's experiences of the asylum decision-making process. However, as the Charter Group response also notes, progress in this area is very slow and UKVI has limited resources for this. Much, therefore, remains to be done.

Asylum support

10. Those seeking asylum are not usually allowed to work while waiting for the outcome of their claim, and asylum support levels are very low. The current weekly rate of Jobseeker's Allowance is £73.10; for those awaiting a decision on their asylum claim, the comparable rate is £36.95 – so, those seeking asylum are expected to survive on half the amount those on mainstream benefits receive. The women we work with find it very difficult to subsist on

this, and they struggle, for instance, to fulfil their basic health and nutritional needs. Additionally, a reduction in the amount of financial support given to families who are seeking asylum was introduced in August, so women seeking asylum who have children now receive significantly less than they did previously. For instance, a single parent with one child now receives a total of £73.90 in weekly financial support, compared with the previous amount of £96.90.

11. Women who are refused asylum but who are unable to return home may, in limited circumstances, be deemed eligible for Section 4 support, which is cashless support (on a payment card) of £35.39 per week. This type of financial support causes particular difficulties and hardship because of its inflexibility, as the payment card can only be used in certain shops and leaves women without cash for, for instance, buses or phone calls.

12. The difficulties of living on asylum support are illustrated by the experience of one of women in our network, a survivor of torture from the Democratic Republic of Congo, who has been refused asylum and is preparing a fresh claim with the assistance of Freedom from Torture. She has two young children, including a son who has recently started school. She is currently eligible for Section 4 support, and she is accommodated in NASS (Home Office) accommodation which provides only one room for all of them, in a house in which they must share the bathroom and kitchen with other residents, and which is overrun with cockroaches.

On her current support she struggles to ensure that her children have the most basic of day-to-day necessities, including food and toiletries, let alone items that her son now needs in order to attend school such as the correct school uniform and the bus fares to take him to school. We assist her with small cash handouts when we can but we are aware that her children are living well below the poverty line, and that this is having a serious impact on her mental health as well as her children's health and wellbeing.

Destitution

13. The Home Office position is that if an individual has their asylum claim refused, they should take steps to return to their country of origin. However, as highlighted above, women seeking asylum face significant problems in getting a fair hearing and many women whose claims are refused have very real and justified fears about returning to their home countries. Although, as highlighted above, in limited circumstances the Home Office will continue to provide low-level cashless support to those whose claims have been refused, the majority of women we work with who are refused asylum have experienced destitution: they are refused accommodation and financial support.

14. Our research has documented the impact of being made destitute on women seeking asylum in the UK. In *Refused*, 45 women who had been made destitute told us about their experiences of living without any support in the UK. Of these:

- 96% had relied on charities for food;
- 56% had been forced to sleep outside;
- 16% had experienced sexual violence while destitute;
- 18% had worked unpaid for food or shelter;
- 9% had worked illegally.

Women we spoke to told us about the serious impact of destitution on their physical and mental health. Some also explained that they had become involved in prostitution or had engaged in transactional sex to survive while destitute.

15. We have real concerns about the sexual violence, exploitation and abuse that asylum-seeking women who are made destitute are exposed to. We have spoken to women who have been raped or sexually assaulted while destitute who have told us that they haven't reported it to the police because they are afraid to talk about their situation, and are worried about the possible consequences for them of going to the police. Women have also told us how they have remained in violent and abusive relationships to avoid going back on the streets. By driving women who have been refused asylum but who cannot return to their home countries into destitution, the Government is making women who have already fled rape and sexual violence vulnerable to further abuse.

16. The Home Office appears to think that making those who have been refused asylum destitute encourages them to return to their countries of origin. However, our research for *Refused* found that despite being made destitute, not a single woman we spoke to felt able to contemplate voluntary return. This was also the case when we carried out follow-up research with 30 women a year later, even though some had experienced prolonged periods of destitution, including one for 13 years, one for eight years, one for six years, and others for periods of between six months and five years. Our experience of working with refused asylum seekers who are living destitute shows us that such punitive action does nothing to encourage people to return home, but simply re-traumatises vulnerable individuals and makes them vulnerable to further exploitation.

Immigration detention

17. We are also very concerned about the use of immigration detention for women seeking asylum, and our work is currently focused predominantly on this area. Around 2,000 women seeking asylum are detained every year in the UK, mainly in Yarl's Wood detention centre near Bedford. The majority of these women are survivors of torture, rape and sexual violence, including sexual violence in conflict. The case study which closes this submission, below, sets out the experience of a woman within our network, Margaret, who was imprisoned and repeatedly raped in the Democratic Republic of Congo before fleeing to the UK, where she was locked up in Yarl's Wood.

18. The Chief Inspector of Prisons, Nick Hardwick, recently called Yarl's Wood a 'place of national concern'. Women who have fled rape and sexual violence have told us how being locked up forces them to relive the trauma they experienced in their home countries, and our research reports have highlighted the high levels of mental distress among asylum-seeking women in detention. One in five women we spoke to for *Detained* said they had tried to kill themselves in detention, and 40% of the women we interviewed for *I Am Human* said they had self-harmed. Similarly, the most recent Prisons Inspectorate (HMIP) report draws attention to the 'evidence of the distress caused to vulnerable women by their detention', noting that 54% of women held in Yarl's Wood said they felt depressed or suicidal when they first arrived, and that levels of self-harm had almost tripled since the last inspection.

19. The trauma of being detained is exacerbated by conditions in Yarl's Wood. Our research has documented how women held there are routinely watched by men in intimate situations: in *I Am Human*, more than 85% of the women we spoke to said that male guards had seen them in intimate situations, including while naked, partly naked, in bed, in the shower and on the toilet. This happens when male guards enter women's rooms without knocking or waiting for a response, and when women who are placed on suicide watch or 'constant supervision' are watched by male guards. Women also told us about being rubbed down searched while male officers watched, and their rooms and possessions being searched by male guards.

20. In June 2014, Serco, the private company that runs Yarl's Wood, admitted to the Home Affairs Select Committee that it had dismissed ten Yarl's Wood staff members in relation to allegations of 'improper sexual contact' with female detainees, explaining that the dismissals related to eight separate cases out of 31 that had been investigated over the past seven years. The evidence gathered by *I Am Human* pointed to ongoing inappropriate sexual conduct and exploitation at Yarl's Wood: six of the women who spoke to us said that a member of staff had made a sexual suggestion to them, and three said that they were touched sexually. While the recent HMIP report concluded that there was no evidence of widespread abuse at Yarl's Wood, it nevertheless highlighted that four women detained there at the time of the inspection reported instances of sexually inappropriate comments from staff, one woman reported sexual contact from staff, and one woman reported comments, contact and abuse.

The report highlighted that, given 'the vulnerability of the women held, the closed nature of the institution and the power imbalance between the staff and detainees' instances of sexual abuse are 'an ever-present risk', and 'constant vigilance' is needed to protect women from this. Worryingly, however, it noted that the whistleblowing policy for Yarl's Wood 'contained numerous warnings about the potential consequences of whistleblowing', adding that 'some staff felt they would not be supported if they spoke up'.

21. There are also real concerns about healthcare in Yarl's Wood. Women in *Detained* and *I Am Human* spoke about a culture of disbelief among medical staff, and the HMIP report noted that there had been 'a significant deterioration in healthcare provision since our previous inspection'.

22. Apart from the harmfulness of detention for women who are already vulnerable, two-thirds of asylum-seeking women who are locked up are subsequently released to continue with their claims in the community, so their detention serves no purpose at all. Detention is also very expensive – it costs just under £40,000 a year to hold someone in a detention centre – and community programmes have consistently been found to be cheaper.

23. It is important to highlight that the Home Office's own guidance sets out that survivors of torture should only be detained in very exceptional circumstances; however, our evidence and that of other NGOs and inspection bodies shows that survivors of torture are in fact routinely detained. Additionally, although recent case law has now set out an expanded definition of rape as constituting torture, Home Office guidance doesn't explicitly specify survivors of rape and sexual violence as unsuitable for detention. Women for Refugee Women wants to see an overall end to the detention of women who come to the

UK to seek asylum: one of the key steps we want to see on the way to this is an end to the detention of survivors of rape and sexual violence.

[Name redacted]’s story

25. [Name redacted], a woman in our network, came to the UK to seek asylum from the Democratic Republic of Congo, where she was imprisoned and repeatedly raped by many different men. When she got to the UK she was detained without warning when she went to the Home Office to report. In detention, she experienced flashbacks to her previous imprisonment and became extremely depressed. She has now been granted refugee status.

‘Until two years ago I had a normal life in the Democratic Republic of Congo. I’m a mother of three kids. I was lucky because of my business. I ran a restaurant. I had a small car, I would drop my kids at school and bring them back home. I wanted to give my kids a good education. I wanted to give them everything.

One day I had just got home and somebody knocked on the door. He said, “Can you come with us? We need to ask you some questions about your brothers, the rebels.” I had no choice but to go with the men. I was scared, I had heard people were being kidnapped but I am not political so I didn’t think it would happen to me. I got in the car. They were talking, and said, “If we take her in the prison, maybe the Red Cross will come. Let’s take her to another place. She needs to talk.”

They stopped at what looked like an abandoned house. I started to scream and tried to resist. They dragged me into a room. There were five women already there, and all were naked. There was a pile of old doors in the room, stacked up to make a bed. One man pushed me on to it. Two men held my legs while a third held my arms. The fourth man raped me. Then they all raped me.

After that every morning men came into the room and raped us. About two weeks after I arrived a large group of men came and raped all of us. Two women struggled. I saw men stabbing their legs with knives to keep them apart. One of the women died just after they finished and the second died in the night. The dead women were left in the room. After this they tied us. I was tied with a thick rope around each ankle, and each rope then tied to a window handle.

They brought me food and water, but they would not take me to the toilet. Every morning I was untied and a cleaner would pour cold water and disinfectant on me. One day this man spoke to me. He said, “Every day I expect you to be dead, but you are still alive.” He talked to me. He found he knew my pastor. I said, ask him to pray for me. A few days later he said the pastor had paid the man to set me free. I was in so much pain I could hardly walk. A car was waiting on the road and my pastor was in it. We drove and drove to Uganda. I was left with a Christian family near Kampala. In Uganda I was scared to go outside in case the soldiers found me. I paid an agent to bring me here.

I didn’t even know I was coming to the UK. When we arrived in London he took me to Croydon, to Lunar House. I went into this place and said, “I have come from the Congo.” I asked for protection. I had to report to the Home Office centre every month. The second time I went in they said they were taking me into detention.

Women for Refugee Women – Written evidence (SVC0021)

We arrived at midnight. And I saw it was a prison. I came here only just to ask asylum, I'm not a criminal. I am so depressed that they think I am going to kill myself here and I am watched by men and women night and day. When the men watch me it makes me have so many bad feelings about myself and my body. I feel full of shame about what happened to me and what is happening to me. Being in prison here is a torture in my head.'

18 September 2015

Women for Women International UK – Written evidence (SVC0018)

Summary of recommendations:

- That the Committee asks the UK Government to clarify its criteria for PSVI focus countries and to also clarify, if not publish, country strategies for comprehensively addressing PSVI priorities in those countries [paragraph 4]
- That the Committee asks the UK Government to clarify its theory of change and overall strategy (including long-term objectives) for PSVI and how supporting women's empowerment features in this strategy [paragraph 5]
- That SVC is recognised as a form of VAWG and that UK policy and practice focuses on addressing gender inequality as the root cause, in line with other UK Government policy [paragraphs 6 and 7]
- That the Committee asks the UK Government to clarify how PSVI strategy and objectives reflect its VAWG theory of change [paragraphs 9 – 11]
- That the Committee asks how the PSVI strategy coherently sits within the UK's women, peace and security policy and practice, particularly with regards to supporting women's participation in conflict prevention and development efforts in conflict-affected countries [paragraphs 9 – 11]
- That approaches for tackling VAWG and supporting women's participation in conflict prevention should be women-centred and community based, working with all members of communities, including men. This should be coherently and consistently in line with the UK's Women, Peace and Security obligations and wider efforts [paragraphs 12 and 13]
- That the UK Government supports women's human rights defenders and civil society (particularly women's rights organisations) through capacity building efforts (including funding) and actively consults with them in the development and review of UK plans and efforts [paragraphs 14 and 15]
- That the UK ratifies the Istanbul Convention [paragraphs 16]
- That the UK Government present a holistic, survivor-centred approach to addressing the needs of SVC survivors [paragraphs 17 – 21]
- WfWI recommends that the UK [paragraphs 21 and 22]:
 - Supports, at a **local level**, civil society organisation (including women's rights organisations) including through funding, capacity building, and actively consult with CSOs;
 - At a **national level**, work with governments to strengthen institutional capacity and mechanisms, including through the development and effective implementation of National Action Plans;
 - At an **international level**, champion the women, peace and security agenda at international fora including at the UN Security Council through the implementation of commitments made in response to the High Level Review. As well as working with other donor governments to provide a more coordinated and comprehensive support to women in conflict-affected countries and mobilise funding.
- That the Committee asks the UK Government to expand upon how its efforts to address impunity have been complemented with building institutional capacity and are consisted with a survivor-centred approach [paragraphs 23 and 24]

- That support for all women survivors of conflict to be provided immediately and unconditionally [paragraphs 25 and 26]

About Women for Women International:

1. Since 1993, Women for Women International has supported more than 429,000 marginalised women in eight countries affected by war and conflict. We began working with women survivors of conflict-related sexual violence in what is now Bosnia and Herzegovina. We now provide a combined social and economic empowerment programme for marginalised women survivors of conflict, offering them support, tools, and access to life-changing skills to move from poverty and isolation to self-sufficiency and empowerment. We bring women together in a safe space to learn life, business, and vocational skills through this year-long programme and provide them with access to referral services as part of a holistic approach. We also deliver a men’s engagement programme that trains male leaders and male community members in gender equality and women’s rights. We work in Afghanistan (since 2002), Bosnia and Herzegovina (since 1994), the Democratic Republic of Congo (since 2004), Iraq (since 2003), Kosovo (since 1999), Nigeria (since 2000), Rwanda (since 1997) and South Sudan (since 2006).

Introduction:

2. Women for Women International (WfWI) welcomes this opportunity to contribute to the work of the House of Lords Select Committee on Sexual Violence in Conflict (the Committee) in this inquiry into Preventing Sexual Violence in Conflict (SVC). In this submission, we have included information gained through more than 20 years of experience of working with marginalised women survivors of conflict, backed by research and monitoring and evaluation data.⁵⁴⁹ WfWI has established Country Offices in all countries of operation who are locally staffed and highly experienced in working with marginalised women survivors of conflict. WfWI Country Offices inputted into this submission through a questionnaire based on the questions posed by the Committee.⁵⁵⁰ In this submission, WfWI has responded to select questions from the Committee’s call for evidence. This submission does not, therefore, comprehensively cover all of WfWI’s observations or recommendations regarding SVC and other women, peace and security issues. We would therefore welcome the opportunity to provide oral evidence before the Committee and would be happy to provide further information to assist in this inquiry.

⁵⁴⁹ The majority of the data presented in this submission is attained from WfWI’s 2014 monitoring and evaluation data, which is based on a set of 10,058 participants who graduated from Women for Women International’s social and economic empowerment programme in 2014, representing approximately 29% of all 2014 graduates. Data are self-reported and are gathered on a geographically stratified sample of participants at enrolment and graduation. Reported personal earnings at graduation include the \$10 monthly stipend in all countries except Kosovo. For the question on reported practice of family planning, we exclude the 24%-28% of respondents who report family planning as being N/A to them at the time of the survey. Only participants who were tracked and surveyed at both of these points in time are included in this analysis. We do not collect routine data from a comparison group. Our Monitoring, Research, and Evaluation team is engaged in ongoing efforts to establish the effects of our programmes more definitively.

⁵⁵⁰ <http://www.parliament.uk/documents/lords-committees/sexual-violence-in-conflict/Call-for-Evidence.pdf>

The international policy agenda

2. What evidence is there on the effectiveness of the UK’s work with other States, multinational, regional and international bodies to prevent sexual violence in conflict?

3. Women for Women International welcomes the leadership that the UK Government has demonstrated through the Preventing Sexual Violence in Conflict Initiative (PSVI) since 2012. WfWI-Bosnia and Herzegovina stated that *“the PSVI has opened up a global dialogue about an issue that has affected many countries around the world and demands adequate action. It is an initiative that can drive the process of educating people as well as establishing relevant systems of protection.”*

4. The adoption of international commitments to prevent sexual violence in conflict⁵⁵¹ are demonstrative of the UK’s diplomatic achievements. Fundamentally, however, the impact of these and other international standards on SVC relies on their effective implementation. The UK has supported some PSVI priority countries to improve their response to SVC and has prioritised tackling impunity, including through the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.⁵⁵² The UK’s Team of Experts have also (since 2013) been deployed to the Syrian borders, the Democratic Republic of Congo (DRC), Bosnia and Herzegovina, Libya, Mali, and Kosovo to support the documentation and investigation of SVC.⁵⁵³ In Kosovo, for example, the UK provides continued support for the Kosovo Centre for the Rehabilitation of Victims of Torture, training on the International Protocol and the establishment of the Special Court on war crimes.⁵⁵⁴ The UK was also supportive around the March 2014 amendments to Kosovo’s Law on the Status and Rights of Martyrs etc. (Law No. 04/L-054), which now makes it possible for survivors of sexual violence and abuse (which occurred during the 1998-1999 war in Kosovo) to be recognised.⁵⁵⁵ Recent UK support for Bosnian survivors of SVC in accessing justice was important in setting a precedent to afford compensation to survivors⁵⁵⁶. Inter alia, the UK has also provided military training to AU troops and supported the Sarajevo’s Peace Support Operations Training Centre to develop training modules on SVC.⁵⁵⁷ However, it is not

⁵⁵¹ Including the G8 Declaration on Preventing Sexual Violence in Conflict (April 2013), the UNGA Declaration of Commitment to End Sexual Violence in Conflict and UNSC Resolution 2106 (October 2013).

⁵⁵² Preventing Sexual Violence in Conflict: Next Steps, William Hague, written statement to parliament (14 July 2014). Available online: <https://www.gov.uk/government/speeches/preventing-sexual-violence-in-conflict-next-steps>

⁵⁵³ 2010-2015 government policy: preventing sexual violence in conflict, Appendix 2. Last updated 8 May 2015. <https://www.gov.uk/government/publications/2010-to-2015-government-policy-sexual-violence-in-conflict/2010-to-2015-government-policy-sexual-violence-in-conflict#appendix-2-uk-team-of-experts-on-preventing-sexual-violence-in-conflict>

⁵⁵⁴ Baroness Anelay visits Kosovo and announces new UK support on PSVI, FCO Press Release, 21 July 2015, <https://www.gov.uk/government/news/baroness-anelay-visits-kosovo-and-announces-new-uk-support-on-psvi>

⁵⁵⁵ Letter to the Deputies of the Assembly of the Republic of Kosovo, Kosovo Women’s Network (20 March 2014) <http://www.womensnetwork.org/documents/20140326170649137.pdf>

⁵⁵⁶ *“Bosnia rape victims may claim compensation for first time”* the Guardian Julian Borger (30 June 2015). Available online: <http://www.theguardian.com/world/2015/jun/30/bosnia-victims-compensation-landmark-ruling>

⁵⁵⁷ Foreign Secretary and Angelina Jolie address military conference, FCO Press Release, 28 March 2014. Available online: <https://www.gov.uk/government/news/foreign-secretary-and-angelina-jolie-address-military-conference>

evident that the UK has adopted a consistent or comprehensive approach in all PSVI focus countries⁵⁵⁸ and across all priority areas.⁵⁵⁹ For example, South Sudan, has received limited support and only one PSVI project (as of March 2015)⁵⁶⁰ is being implemented. This is in spite of the high level of influence that the UK has as a member of the Troika and an important donor to the New Deal for Engagement in Fragile States.⁵⁶¹

WfWI therefore recommends that the Committee asks the UK Government to clarify its criteria for PSVI focus countries and to also clarify, if not publish, country strategies for comprehensively addressing PSVI priorities in those countries.

5. Effectively addressing SVC and the implementation of international protections requires transformational change at all levels of norms that have hitherto tolerated or enabled SVC. For marginalised women in conflict-affected countries, protections afforded by international standards (even when implemented at a national level) are largely inaccessible as formal authority is absent with institutions, infrastructure and effective governance eroded by conflict. Communities often rely instead on customary laws and mechanisms. In the contexts where WfWI works, we have found that these informal authorities are intensely patriarchal. In Eastern DRC, for example, a recent WfWI study found that levels of discrimination were so high and embedded that women were not supposed to speak in front of men in customary mechanisms and had to rely on male family members to speak for them.⁵⁶² Silencing women's voices was also noted in WfWI-South Sudan's response. The importance of building women's empowerment is further supported by the UK Government's National Action Plan on Women, Peace and Security⁵⁶³ as well as DFID's Theory of Change for tackling Violence Against Women and Girls (VAWG)⁵⁶⁴.

⁵⁵⁸ Bosnia & Herzegovina, Burma, Colombia, DRC, Iraq, Kosovo, Nepal, Somalia, South Sudan and Syria are noted as 'particular countries of interest' in "Guidance for potential implementers: Human Rights and Democracy Programme Fund" (Financial Year 2015-2016) p14. Available online:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375555/HRDP_1516_BIDDING_GUIDANCE_FOR_POTENTIAL_IMPLEMENTERS.pdf

⁵⁵⁹ "The aim of PSVI is the eradication of rape as a weapon of war, through a global campaign to end impunity for perpetrators, to deter and prevent sexual violence, to support and recognise survivors, and to change global attitudes that fuel these crimes." William Hague, written statement to parliament, 14 July 2014. Available online: <https://www.gov.uk/government/speeches/preventing-sexual-violence-in-conflict-next-steps>

⁵⁶⁰ South Sudan written question 225535, answered by James Duddridge MP on 5 March 2015.

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-02-26/225535/>

⁵⁶¹ For more information see: <http://www.pbsbdialogue.org/en/>

⁵⁶² "The women is a tractor: Marginalised women's access to land in South Kivu (summary report)", Women for Women International (December 2014). Available online:

http://www.womenforwomen.org.uk/sites/default/files/WfWI_DRC_Research_Summary.pdf

⁵⁶³ "The UK Government's ambition is to put women and girls at the centre of all our efforts to prevent and resolve conflict, to promote peace and stability, and to prevent and respond to violence against women and girls." UK National Action Plan on Women, Peace and Security (2014-2017), Foreign and Commonwealth Office, Her Majesty's Government, (June 2014). Available online:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_final3.pdf

⁵⁶⁴ A Theory of Change for Tackling Violence against Women and Girls, CHASE Guidance Note Series (number 1), DFID, June 2012. Available online:

WfWI recommends that the Committee asks the UK Government to clarify its theory of change and overall strategy (including long-term objectives) for PSVI and how supporting women's empowerment features in this strategy.

Causes of sexual violence in conflict

3. What evidence is there as to the causes of sexual violence in conflict?

b. To what extent is sexual violence in conflict used as a deliberate tactic?

6. SVC is a form of violence against women and girls (VAWG) and, as such, it is both a consequence and driver of gender inequality. Women's secondary status within societies and normalised levels of other forms of VAWG and discrimination tolerate and condone SVC. Gender inequality leads to VAWG in and out of conflict which, in turn, makes women and girls more vulnerable to SVC. For example, early and forced marriage which (as noted by WfWI-Afghanistan) makes girls and women particularly vulnerable to further abuse, including SVC. WfWI notes that prevalence of other forms of VAWG, including sexual violence, rise in conflict due to generally higher levels of tension, violence and opportunity. VAWG prevalence also often rises further post-conflict (particularly intimate partner violence).⁵⁶⁵ SVC survivors are often blamed for the abuse of forced to bear the burden of stigma, thereby further reducing their status (see paragraph 20).

7. WfWI acknowledges that SVC can happen as a result of general lawlessness and/or as a deliberate tactic in conflict by combatants. Many WfWI Country Offices reported that, when used as a tactic, women are targeted as a means to an end, e.g. to disintegrate social and family bonds, including through humiliation and targeting familial honour (i.e. through women's sexual purity). Women and girls are also deliberately targeted to bear children of attacking forces. The threat of SVC as a fear tactic can limit women and girls' movement to the household or other 'safe' areas. This interlinks with discriminatory norms that promote restrictions of women's movement as well as other forms of VAWG. In Afghanistan, for example, attacks against women's rights defenders⁵⁶⁶ and public officials,⁵⁶⁷ and escalating prevalence of VAWG serve as a threat to other activists and women's wider safety outside the home.

WfWI therefore recommends that SVC is recognised as a form of VAWG and that UK policy and practice focuses on addressing gender inequality as the root cause, in line with other UK Government policy.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

⁵⁶⁵ "Gender-Based Violence and Justice in Conflict and Post-Conflict Areas" keynote address by Rashida Manjoo & Calleigh McRaith at the 2010 Symposium. Available online:

<http://www.lawschool.cornell.edu/research/ilj/upload/manjoo-mcraith-final.pdf>

⁵⁶⁶ "Afghanistan: Their lives on the line: Women human rights defenders under attack in Afghanistan", Amnesty International, April 2015. Available online:

<https://www.amnesty.org/en/documents/asa11/1279/2015/en/>

⁵⁶⁷ "Top Afghan policewoman killed months after predecessor's assassination", *the Guardian*, 16 September 2013. Available online: <http://www.theguardian.com/world/2013/sep/16/afghanistan-policewoman-nigara-assassinated-taliban>

Prevention

4. Preventing conflict is the best single way of preventing sexual violence in conflict. Is enough being done in this respect?

8. As noted in paragraphs 6 and 7, gender inequality is the root cause for SVC, and other forms of VAWG. Promoting gender equality is therefore the most effective way to prevent SVC. Women have equal rights to participate and play vital roles in conflict prevention. The prevention pillar under the international women, peace and security framework (i.e. UN Security Resolution 1325 et al) recognises the importance of both preventing VAWG and women's participation in preventing conflict. It has been suggested that rising levels of VAWG post-conflict undermine peace processes⁵⁶⁸ and VAWG survivors continue to carry both stigma and scars long after peace agreements are signed, thereby decreasing their ability to contribute to the building inclusive, peaceful communities. UNSCR 2106, which the UK was influential in securing, affirms that *“women's political, social and economic empowerment, gender equality and the enlistment of men and boys in the effort to combat all forms of violence against women are central to long-term efforts to prevent sexual violence in armed conflict and post-conflict situations.”*⁵⁶⁹

WfWI therefore recommends that addressing gender inequality should be the focus of an effective approach to preventing SVC.

9. Women play multiple and important roles in the economic, social and political processes that prevent conflict. The dynamic between poverty and conflict is incredibly complex and poverty is a risk factor for post-conflict countries slipping back into violence. International agendas for conflict prevention and poverty reduction have become intertwined and the World Bank estimates that, by 2030 that people living in conflict affected and fragile states will represent the majority of those living in extreme poverty,⁵⁷⁰ the OECD estimates this could increase to 62% or half a billion.⁵⁷¹ Within this context, creating more inclusive societies is as important for peace as it is for development and women's participation in economic, social and political fora is key.

10. Gender inequality and the lower status of women and girls also means that they are disproportionately affected by poverty as men and boys are given priority access to the limited services and opportunities available in conflict-affected states, such as education and employment. There is growing consensus on the importance of the realisation of women's rights for effective and sustainable development. The OECD, for example, identifies women's economic empowerment as a prerequisite for sustainable development and pro-poor growth.⁵⁷² According to World Bank research, women reinvest 90% of income

⁵⁶⁸ Sexual Violence in Armed Conflict: Global Overview and Implications for the Security Sector, Megan Bastick, Karin Grimm and Rahel Kunz (Geneva Centre for the Democratic Control of Armed Forces, 2007.) Available online: http://www.essex.ac.uk/armedcon/story_id/sexualviolence_conflict_full%5B1%5D.pdf

⁵⁶⁹ Available online: http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2106.pdf

⁵⁷⁰ See: <http://www.worldbank.org/en/topic/fragilityconflictviolence/overview>

⁵⁷¹ OECD (2015). *States of Fragility – Meeting Post-2015 Ambitions*. http://www.keepeek.com/Digital-Asset-Management/oecd/development/states-of-fragility-2015_9789264227699-en#page14

⁵⁷² “Women's economic empowerment”, The OECD DAC Network on Gender Equality and Development (2012). Available online: <http://www.oecd.org/dac/povertyreduction/50157530.pdf>

back into families, compared to 30-40% by men,⁵⁷³ enabling them spend on education, healthcare and nutrition.

11. The support that WfWI provides for marginalised women survivors of conflict attempts to address some of the opportunity gaps faced by women by providing them with knowledge and skills training to, inter alia, earn and save money and have control over how that money is saved, spent and invested. By routinely conducting surveys with a representative sample of each cohort of programme participants, we have found that participants report increases in their average personal earnings (from \$0.39 per day to \$1.49 per day among 2014 graduates globally) and improvements in their saving behaviour (those who report that they do not save using any available savings tool/method drops from 52% at baseline to 5% at graduation). In South Sudan, 75.1% of 2014 graduates reported earning less than a dollar a day at enrolment, this proportion reduced greatly within the year of the programme to 45.8% at graduation.⁵⁷⁴ Whilst it is unacceptable for anyone to be living on less than a dollar a day, this reported improvement is particularly encouraging given that it was achieved during an outbreak and escalation of violent conflict (December 2013). The importance of women's economic empowerment is well recognised internationally⁵⁷⁵ and by the UK including through its NAP which commits to "*Get economic assets directly to girls and women in conflict-affected states, including by providing programmes that support women and girls' jobs and livelihoods, training & skills, property rights, financial inclusion and social protection. The UK will also work on creating an enabling infrastructure for girls and women and a favourable investment climate*" (Output 3.3, page 14).

WfWI recommends that the Committee asks the UK Government to clarify how PSVI strategy and objectives reflect its VAWG theory of change.

We also recommend that the Committee asks how the PSVI strategy coherently sits within the UK's women, peace and security policy and practice, particularly with regards to supporting women's participation in conflict prevention and development efforts in conflict-affected countries.

WfWI further recommends that the UK Government coherently links its approach to the SDGs with its approach to international security, particularly its commitments to Women, Peace and Security in both policy and practice.

b. PSVI recognised that men and boys can be victims as well as perpetrators of sexual violence in conflict. To what extent are prevention programmes targeted at men and boys, and are existing approaches effective?

12. Working effectively and sustainably with communities to effectively challenge the discriminatory norms and practices that tolerate VAWG requires working with all members of communities (women and men) to improve opportunities for women and build their

⁵⁷³ "Women's Rights Vital for Developing World", Chris Forston, Yale News Daily (2003). Available online: <http://yaledailynews.com/blog/2003/02/14/womens-rights-vital-for-developing-world/>

⁵⁷⁴ See first footnote.

⁵⁷⁵ For example, see the UN Peacebuilding Commission's Draft Declaration on Women's Economic Empowerment for Peacebuilding: http://www.un.org/en/peacebuilding/pbso/pdf/women_economic_empowerment_draft_declaration.pdf

capacity to take advantage of them. For example, WfWI women beneficiaries who reported running for a leadership position almost tripled between enrolment and graduation a year later (21.1% up from 7.2%, based on global averages of 2014 graduates). WfWI works with communities for an average of 3-5 years and, in 2002, WfWI-Nigeria piloted a men's engagement programme which continues to run and has since been rolled out to Afghanistan, DRC, and South Sudan. Initially, we worked with a variety of male leaders (e.g. traditional, military, or religious) providing them with training in VAWG, women's rights and gender equality and we have now expanded our support to male family members of women beneficiaries. We have seen marked improvements in attitudes for example, of the 100 men who participated in the Level 1 training in DRC in 2015, 70 men articulated a net increase in knowledge and positive attitudes regarding women's rights, including the right to land ownership. In Afghanistan, 51% of WfWI men graduates reported having taken at least one action to reduce VAW at the end of the three-month training, compared to just 13% at enrolment. In their response, WfWI-DRC stated that: *"The strategy and the solution must be the community"*.

13. The importance of women's empowerment, reduction of VAWG and the importance of gender equality in communities is supported by the UK's National Action Plan on Women, Peace and Security (NAP) which acknowledges the need to invest in women's empowerment and break down barriers (including VAWG) to support community and national recovery and rebuilding and prevent further conflict.⁵⁷⁶ DFID has also introduced initiatives that support comprehensive approaches to addressing VAWG in conflict such as through the UK-initiated Call to Action and the provision of £25 million for the What Works Programme to Prevent Violence Against Women and Girls⁵⁷⁷ to address the lack of evidence around effective strategies to reduce VAWG prevalence, including in conflict-affected countries. WfWI welcomes the leadership that DFID has demonstrated in implementing a robust theory of change on VAWG,⁵⁷⁸ which aims to comprehensively prevent VAWG through interventions at the individual (i.e. empowering women), community (i.e. changing social norms), national (i.e. building political will and legal and institutional capacity) and provide comprehensive services, including through core funding for women's rights organisations. DFID's theory of change explicitly recognises that dominant social norms that support male dominance are a core barrier to tackling VAWG.

WfWI recommends that approaches for tackling VAWG and supporting women's participation in conflict prevention should be women-centred and community based, working with all members of communities, including men. This should be coherently and consistently in line with the UK's Women, Peace and Security obligations and wider efforts.

⁵⁷⁶ UK National Action Plan on Women, Peace and Security (2014-2017), HMG, June 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/319870/FCO643_NAP_Printing_final3.pdf p3.

⁵⁷⁷ See also www.whatworks.co.za

⁵⁷⁸ A Theory of Change for Tackling Violence against Women and Girls, CHASE Guidance Note Series (number 1), DFID, June 2012. Available online: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67336/how-to-note-vawg-1.pdf

WfWI further recommends that the Committee ask the UK Government to provide some illustrative examples of how PSVI funding has supported individual and community-level change.

d. What can the Government and the international community do to support human rights defenders and civil society in their work to prevent and mitigate sexual violence in conflict?

14. Women's groups and networks provide an important source of support for many women, a force for change through advocacy and have a wider access to other women. In contexts where the state and formal services are largely absent (as in conflict affected countries), women's groups are also often front-line responders and service providers for other women. WfWI Country Offices highlighted the important role that civil society plays in educating, raising awareness, supporting local leaders to implement national policies, providing services and advocating for change. WfWI-Nigeria, for example, noted that NGOs help to train community members in national policies, facilitating an important connection between the national and the grassroots. WfWI-Afghanistan also highlighted that CSOs are important sources of information for governments and donors, and can support them to develop more effective responses.

15. WfWI is acutely aware of the challenges that local NGOs face in accessing funding and the isolated impact their efforts can have.⁵⁷⁹ AWID (the Association for Women's Rights in Development) has done extensive research that highlights the severity of underfunding for the women's rights movement and women's rights organisations. For example, the median budget for 740 women's organisations globally was only \$20,000 USD (£13,770⁵⁸⁰) in 2010.⁵⁸¹ Funding for women's groups is crucial to support survivors' access to services and consultation with them is important to support women's participation, increase the UK's openness and transparency to intended beneficiaries, and support the effectiveness of the UK's interventions.

WfWI therefore recommends that the UK Government supports women's human rights defenders and civil society (particularly women's rights organisations) through capacity building efforts (including funding) and actively consults with them in the development and review of UK plans and efforts.

f. Are there further measures that the UK might usefully take? Should, for example, the Government consider ratifying the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention)?

16. Having signed the Istanbul Convention in June 2012, and with the Convention entering into force in June 2014, the UK Government is long overdue for ratifying it. The Convention requires states to put in place a comprehensive package of measures to address VAWG experienced by all women, including those seeking asylum and refuge in the UK and also

⁵⁷⁹ "The women is a tractor", Women for Women International (December 2014). Available online: http://www.womenforwomen.org.uk/sites/default/files/WfWI_DRC_Research_Summary.pdf

⁵⁸⁰ Using an exchange rate of \$1 to £0.69 from June 2010.

⁵⁸¹ "20 years of Shamefully Scarce Funding for Feminists and Women's Rights Movements" AWID, Lydia Alpízar Durán (14 May 2015), <http://www.awid.org/news-and-analysis/20-years-shamefully-scarce-funding-feminists-and-womens-rights-movements>

supporting a stronger, global protection tool for VAWG survivors.⁵⁸² Ratifying the Convention would strengthen the UK's leadership on women's rights and preventing SVC as well as encourage other states (including non-EU states) to accede to the Convention.

WfWI strongly recommends that the UK ratifies the Istanbul Convention.

The needs of survivors

5. What evidence is there on the effectiveness of the Government's support, assistance and reparation for survivors of sexual violence in conflict? How can the UK best assist with the gathering of evidence and dissemination of good practice in this area?

a. What can be done to lessen the stigma that is often experienced by survivors of sexual violence in conflict?

17. A holistic, survivor-centred response is needed to effectively support SVC survivors. Whilst there are some commonalities, contexts differ and survivors are individuals. WfWI Country Offices reported numerous needs of survivors in all aspects of their lives. All six offices who responded highlighted that safe spaces (or shelters), psychosocial and medical support were needs of SVC survivors. Five of our Country Offices also noted that survivors need economic support, including access to employment or financial services. WfWI-Bosnia and Herzegovina, South Sudan, and Nigeria also noted that accommodation or resettlement were also important. Over more than twenty years, WfWI has learnt that you cannot support women without supporting them as whole individuals. Within the context where women are both providers and carers for themselves and families, supporting women's economic participation is key to helping daily needs be met, including food and shelter. Without women's empowerment, however, women have little decision making capability in their homes and therefore have little say in how their income is saved, spent or invested. Women's influence over decision-making is an important indicator of empowerment and a core part of our work. We have seen how, through the foundational support we provide, even the most marginalised women can become agents of change in their households and communities. For example, women graduates reported significant increases in being involved in household decision making on family planning (from 31.2% to 60.7%) and finances (from 64.3% to 81.7%) between enrolment and graduation (global averages, 2014). In Kosovo, almost all (96.9%) of women 2014 graduates reported attending community activities compared to only 3.5% at enrolment.

18. WfWI adopts a holistic approach by complementing our combined social-economic training programme for marginalised women, which included rights and health education (including on VAWG), as well as business and vocational training. Importantly, the programme provides a safe space for women to learn, develop skills and connect with other women over a twelve month period. We also created partnerships with government entities and local NGOs to be able to refer women to available resources such as micro-finance institutions, shelters, health services and legal representation.

19. As recognised by the Committee, stigma is often experienced by survivors of SVC. This is rooted in the lower status of women and their social value as a commodity was noted by

⁵⁸² "UNHCR welcomes Council of Europe convention on combatting violence against women" UNHCR Press Release, 1 August 2014. Available online: <http://www.unhcr.org/53da56749.html>

WfWI-Afghanistan through *Baad* (marriage of a daughter to settle a dispute with another family) and *Badal* (the exchange of daughters between two families for marriage) and WfWI-South Sudan (bride prices). This subjugation and value on their sexual purity are driving factors in forcing SVC (and other VAWG) survivors to bear the burden for the abuse: for not preventing it; actively inviting it; or bearing the stigma for being ‘tainted’. Combatting stigma is dependent on creating a more enabling environment for survivors to speak out and access services and thus needs to be entrenched into wider efforts to promote women’s status and gender equality, as well as supporting existing civil society efforts to provide services for survivors and raise awareness.

20. Sustainable support for survivors is crucial for overcoming both stigma and trauma following the abuse. WfWI regularly witnesses the importance of the support that women provide each other in helping marginalised women move from isolation and poverty to self-sufficiency and empowerment and programme graduates report that strengthened self-confidence and solidarity with women and others in their communities help to sustain changes in, inter alia, income, savings, family planning, nutrition, stopping violence, community participation.⁵⁸³ For example, almost all (93.4%) of WfWI-Afghanistan women graduates (2014) reported educating another woman on her rights, compared to only 2.4% at enrolment a year earlier. Recent analysis of our work in Rwanda and Eastern DRC notes that increased confidence is an important factor in influencing women’s ability to take advantage of opportunities, and the formation of groups (such as informal networks or cooperatives) is important to building resilience and sustaining the development of their empowerment.⁵⁸⁴

WfWI therefore recommends that the UK Government present a holistic, survivor-centred approach to addressing the needs of SVC survivors. Local women’s rights organisations are crucial partners in this effort for providing sustainable support and reducing stigma and other barriers caused by gender inequality.

Participation

6. How can the UK best use its influence to promote and increase the participation of women in conflict prevention and resolution?

a. What are the barriers to the implementation of the Women, Peace and Security Agenda and how can the UK assist in tackling these?

21. As recognised by William Hague, global attitudes on SVC must change⁵⁸⁵. For women affected by conflict, this must happen at all levels: international, national and community. As noted in paragraphs 8-11 women play multiple roles in preventing conflict, building peace and face barriers through discrimination, including continuing high levels of VAWG.

⁵⁸³ “Confidence, Capacity-building, and Cash: How a Holistic Program for Ultra-Poor Women in Rwanda and the Democratic Republic of Congo Yielded Sustained Impact for Graduates”, paper presented to the IDS Conference on Graduation and Social Protection (Kigali Rwanda), *Kassie McIlvaine and Corey Oser, Women for Women International* May 2014.

⁵⁸⁴ Ibid

⁵⁸⁵ Preventing Sexual Violence in Conflict: Next Steps, William Hague, written statement to parliament (14 July 2014). Available online: <https://www.gov.uk/government/speeches/preventing-sexual-violence-in-conflict-next-steps>

22. As an important international player and influencer who has demonstrated leadership and commitment to the Women, Peace and Security agenda, WfWI recommends that the UK:

- Supports, at a **local level**, civil society organisation (including women’s rights organisations) to provide appropriate and accessible services for SVC survivors and challenge discriminatory and harmful norms. Such support should include funding, capacity building, and actively consult with CSOs in planning and reviewing of UK Women, Peace and Security policy and practice.
- At a **national level**, work with governments to strengthen institutional capacity and mechanisms, including through the development and effective implementation of National Action Plans.
- At an **international level**, champion the women, peace and security agenda at international fora including at the UN Security Council through the implementation of commitments made in response to the High Level Review. As well as working with other donor governments to provide a more coordinated and comprehensive support to women in conflict-affected countries and mobilise funding.

Accountability

9. The Government is seeking to address the culture of impunity that exists for crimes of sexual violence in conflict and increase the number of perpetrators held to account. What progress has been made, what remains to be done and what are the barriers to achieving these goals?

23. In their responses, four of the six WfWI Country Offices identified legal services as a need for SVC survivors. As highlighted in paragraphs 17-20, this was within a much more holistic assessment of needs that included psychosocial support, access to safe spaces/shelters and economic support. Efforts to address impunity, therefore, are only one part of a holistic, survivor-centred approach.

24. WfWI Country Offices did not report increases in effective prosecutions. Furthermore, WfWI-Bosnia and Herzegovina reported that the majority of accused perpetrators are found not guilty on technicalities or serve minimal sentences. WfWI-South Sudan also noted early releases of convicted perpetrators as an issue. Many Country Offices also reported that the poor state of legal and judicial institutions and services failed to support survivors in seeking justice. WfWI-Nigeria for example reported that the lack of professional support placed the burden of proof on victims. WfWI-Kosovo further noted that supporting women to prove they had suffered SVC was a particular need. Fear of reprisals for SVC survivors is common, as highlighted by WfWI-DRC and South Sudan, discouraging many from coming forward. Corruption was a common factor of dysfunctional institutions and many CO’s recommended that the UK Government supported institutional capacity. The lack of access to appropriate justice systems, which are safe, confidential and supportive for women survivors were significant disincentives for reporting abuse and seeking justice. Building government capacity to implement commitments with stronger justice systems is particularly important.

The UK's support for Bosnian women survivors seeking compensation⁵⁸⁶ is encouraging but needs to be part of a comprehensive approach that provides survivors with holistic support and strengthens Bosnian legal and juridical institutions. WfWI Country Offices suggested that an increase in men's training, including judges and police officers, should be an effective component.

WfWI therefore recommends that the Committee asks the UK Government to expand upon how its efforts to address impunity have been complemented with building institutional capacity and are consisted with a survivor-centred approach.

c. To date, there have been no convictions at the International Criminal Court (ICC) for crimes of sexual violence in conflict situations. Why is this and how could it be addressed? What lessons can be learned from the prosecutions of sexual violence at the International Criminal Tribunal of the Former Yugoslavia (ICTY), the International Tribunal for Rwanda (ITR) and the Special Court for Sierra Leone (SCSL)?

25. The ICTY and ITR were pivotal in establishing the legal precedent for SVC. Yet impact, for SVC survivors approximately twenty years later, has been limited. As mentioned in paragraph 4, SVC survivors in Kosovo were only formally recognised as victims of the conflict last year, affording an opportunity for survivors to access compensation and other forms of redress. This is dependent on survivors being able to prove that they were abused, which is problematic not least of all due to the high burden of evidence placed on survivors with such a long time passing since the alleged abuse.

26. Furthermore, it is WfWI's experience that survivors need to be able to heal and recover before they can talk about abuse. This takes time, access to support services and should not be dependent on making a complaint. For example, WfWI-Kosovo raised an example of two women, both SVC survivors who disclosed to WfWI-Kosovo in 2014, c. three years after graduating from WfWI's programme and more than 15 years after the abuse. The support from the programme (even so long after the conflict) was vital to help them recover and come to terms with what they had suffered. The support from other women on the programme helped their initial disclosure and WfWI-Kosovo referred the women to available services. For many women survivors of SVC and conflict, they continue to live in the war long after the peace agreements are signed and it is vital that they receive the support they need to heal, come to terms with the trauma, rebuild their lives, and access justice if they wish to.

WfWI therefore recommends that support for all women survivors of conflict to be provided immediately and unconditionally to support those who are SVC survivors recover sufficiently to come to terms with the abuse and access justice if they wish to do so.

18 September 2015

⁵⁸⁶ "Bosnia rape victims may claim compensation for first time" [the Guardian](http://www.theguardian.com/world/2015/jun/30/bosnia-victims-compensation-landmark-ruling) Julian Borger (30 June 2015). Available online: <http://www.theguardian.com/world/2015/jun/30/bosnia-victims-compensation-landmark-ruling>

Women's International League for Peace and Freedom and Goldsmiths, University of London – Written evidence (SVC0015)

Women's International League for Peace and Freedom and Goldsmiths, University of London – Written evidence (SVC0015)

[Submission to be found under Goldsmiths, University of London](#)

Women's Rights International, Institute for International Criminal Investigations and Judge Mary McGowan Davis – Oral evidence (QQ 110-117)

Women's Rights International, Institute for International Criminal Investigations and Judge Mary McGowan Davis – Oral evidence (QQ 110-117)

[Evidence to be found under Institute for International Criminal Investigations](#)

World Vision UK – Written evidence (SVC0006)

World Vision is the world's largest international children's charity. We are a child focused Christian relief, development and advocacy organisation dedicated to working with children, their families and communities to overcome poverty and injustice. We work in 100 countries to help improve the lives of millions of people worldwide.

World Vision has been actively engaged with the work of the UK Government's Preventing Sexual Violence Initiative, including as Expert Commentator for the International Protocol on Investigation and Documentation of Sexual Violence in Conflict. We currently sit on the external Steering Board for the initiative and a staff member is part of the deployable Team of Experts.

We welcome the opportunity to provide evidence to the Committee on "the United Kingdom's policy and practice of preventing sexual violence in conflict".

This submission addresses the three focus areas for the Inquiry: the international policy agenda; prevention; and the needs of survivors. We are particularly delighted that the needs of survivors is a being put front-and-centre in the Inquiry.

In particular we address the following issue areas set out in the Call for Evidence:

1. International policy agenda
2. Causes of sexual violence
3. Prevention
4. The needs of survivors
5. Participation
6. Accountability

SUMMARY

1. The UK's **Preventing Sexual Violence Initiative (PSVI)** has built global momentum on addressing sexual violence in conflict zones and been a catalyst for action in affected countries. However, much more remains to be done and a coordinated, cross-departmental prioritisation of the issue is needed in order to demonstrate leadership on ending sexual violence in conflict.

2. **Survivors must be at the centre of all prevention, protection and response initiatives – including efforts to end impunity.** The vulnerability of individuals to sexual violence and needs of survivors are pivotal to ending sexual violence in conflict. All survivors must receive the support they need – based on what they say they need (not what others decide they need). Efforts to end impunity must not be siloed from supporting survivors; from the survivor's perspective it is an 'access to justice' issue.

3. In many quarters, sexual violence in conflict is equated with 'violence against women and girls'. However, **sexual violence can affect anyone – including boys and men.** In some conflict settings, more than half of all victims of sexual violence are children, both girls and boys. The UK Government must champion the broader recognition of sexual violence as an

issue that affects women, men, girls and boys by consistently including reference to all potential victims, particularly children, in all public communications.

4. Sexual violence is linked to underlying gender norms and perceptions of the appropriate roles for men and women in society. The risk linked to these norms is exacerbated during conflict.

5. Monitoring and measurement of progress on principles and commitments made to date must be rooted in evidence of real change on the ground - from the perspective of survivors and those at risk of sexual violence. To date there has been little formal accountability for the individual commitments made, and even less for the principles States have committed to in the G8 and global declarations. Now it is important to have a central reporting mechanism for these commitments, which is focused on outcomes rather than activities and makes survivors' views pivotal to determining success.

6. Sexual violence in war zones is not exclusively conflict-related. While sexual violence is sometimes used as a weapon of war, it is not always the case and in some conflicts there is no evidence of it. Research shows sexual violence is a symptom of larger structural issues in society, including a culture of impunity and the breakdown of the rule of law seen during conflict. The majority of perpetrators are in fact civilians.

7. Empowerment of women and girls is critical to ending sexual violence over the long-term. While the participation of women in public life is vital, it is not efficient to focus only on those over 18. By empowering girls today, we create the building blocks for a society where women are active participants, and men grow up thinking this is the way it should be.

8. The link between stigma and accountability must not be underestimated. Stigma is a significant barrier to survivors' participation in justice. World Vision research shows that each survivor does a cost-benefit analysis before deciding to come forward to report the crimes against them. So the benefits of holding perpetrators to account must outweigh the social and economic costs they are likely to face. Addressing the cultural issues that perpetuate stigma and victim-blaming are vital to ending impunity and helping survivors rebuild their lives.

RECOMMENDATIONS

World Vision UK strongly supports the UK Government's continued prioritisation of ending sexual violence in conflict. Based on the evidence below, World Vision recommends that the UK Government:

9. Provides greater coordination across departments, importantly the Foreign Office and Department for International Development, to ensure a survivor-focused approach is central to all PSVI, humanitarian, recovery and development interventions.

10. works with relevant stakeholders, such as UN Women, UNICEF and the Office of the UN Special Representative of the Secretary-General on Sexual Violence in Conflict to develop guidance on outcome-focused, beneficiary-led reporting against the principles and commitments agreed at the Global Summit to End Sexual Violence in Conflict and associated G8 and UNGA declarations.

11. Champions ending sexual violence against all individuals at risk or victims of sexual violence (including women, men and children) – both through political and programmatic channels. Special effort is required to ensure that children, particularly boys, do not drop off the agenda.

12. Invests in projects that aim to prevent sexual violence in the long-term as well as respond to it once it occurs. The ultimate solution to preventing sexual violence is to make it unacceptable in communities. This requires large-scale and long-term changes in attitudes towards gendered roles and empowering everyone, particularly children and women, to be active and equal contributors to their community.

EVIDENCE

The international policy agenda

13. The UK Government's leadership in the fight against sexual violence in conflict has clearly demonstrated the value of strong, continued support for this important issue and we are pleased to see the appointment of the Rt Hon Baroness Joyce Anelay of St Johns DBE to succeed the Rt Hon William Hague as the Prime Minister's Special Representative on this issue.

14. Baroness Anelay's overlapping roles as Special Representative and Ministerial lead on Women, Peace and Security (WPS) and human rights at the FCO provide opportunities to exploit synergies between these areas for political coherence. However, 'sexual violence in conflict' must not be seen as synonymous with WPS or violence against women and girls.

15. A review of statements, press releases and speeches since the Global Summit reveals decreasing references to children, and almost no references to boys as victims of sexual violence.⁵⁸⁷ The UK Government must champion ending sexual violence against all individuals at risk or victims of sexual violence (including women, men and children) – both through political and programmatic channels. Special effort is required to ensure that children, particularly boys, do not drop off the agenda.

16. As a champion for ending sexual violence in conflict, the UK Government has led the process of developing two international declarations: the G8 Declaration on Preventing Sexual Violence in Conflict and the UN General Assembly Declaration of Commitment to End Sexual Violence in Conflict (UNGA Declaration). These documents and the Global Summit to End Sexual Violence in Conflict last year have marked a turning point in this fight. These

⁵⁸⁷ Based on a review of FCO communications between 9th June 2014 and 1st September 2015. Of the 85 speeches, written and oral questions and answers, press releases, ministerial statements that referenced their work on preventing or ending sexual violence in conflict:

7 out of 85 pieces (8.2%) referred directly to "children" in relation to sexual violence in conflict.

13 out of 85 pieces (15.3%) referred directly to "girls" in relation to sexual violence in conflict. However, in these cases PSVI is referred to largely as VAWG, with reference to the WPS agenda, or when highlighting specific cases e.g. Boko Haram or Yezidi girls.

Only 5 out of 85 pieces (6%) referred directly to "boys" in relation to sexual violence in conflict, with two of these in speeches at the ESVC summit by William Hague and Angelina Jolie. One instance was in reference to changing the power dynamics between women, men, girls and boys (not referring to boys as victims). Since the ESVC Summit, there have only been two cases where boys were mentioned in relation to being survivors of sexual violence (by Baroness Anelay), or addressing their needs (by Ambassador Mark Lyall Grant to the Security Council open debate on protection of civilians).

documents all recognise that women, men and children can be victims of sexual violence and highlight the need to support survivors. The UNGA Declaration also includes children born as a result of sexual violence amongst those needing support.

17. However, it takes more than declarations and commitments to end sexual violence in conflict zones. Both Declarations commit signatories to concrete action to improve prevention, response and accountability. Success in achieving these aims can only be measured effectively if survivors are central to the monitoring and evaluating process. For example, the Global Declaration commits all signatories to ‘provide better, more timely and comprehensive assistance and care....that addresses the long-term consequences of sexual violence in conflict, to female, male and child victims and their families, including children born as the result of sexual violence’.

18. Whether the response is ‘better’, ‘timely’, ‘comprehensive’ and addresses ‘long-term consequences’ can only be determined by those who are meant to benefit from this assistance. It is therefore important to have a central reporting mechanism for these commitments, which is focused on outcomes rather than activities and makes survivors’ views pivotal to determining success. The UK Government should work with relevant stakeholders, such as UN Women, UNICEF and the Office of the UN Special Representative of the Secretary-General on Sexual Violence in Conflict to develop guidance on outcome-focused, beneficiary-led reporting against the agreed principles and commitments. An independent platform for posting these reports (and any alternative reports) publicly would facilitate national advocacy around the obligations, even without a formal mechanism for evaluating the reports.

19. To demonstrate the UK’s leadership on ending sexual violence in conflict, the issue must be seen as a priority across Whitehall. To date, the effort has been led by the FCO, which has made considerable progress in building political will to address sexual violence in conflict. Although some of the work of DFID overlaps with the aims of the initiative - including security and justice sector reform, support for survivors, gender equality and social norm change – DFID consistently refers to preventing sexual violence in conflict as an ‘FCO issue’ and there is no joint workplan or implementation strategy for the initiative. Better coordination, particularly between the FCO and DFID, and cross-departmental prioritisation of the issue would ensure that the commitments made translate to change on the ground.

20. As an example of a lack of coherence across Whitehall, DFID focuses more narrowly on preventing and responding to VAWG, sometimes using the terms VAWG and ‘gender-based violence’ (GBV) interchangeably – despite the fact that GBV also affects men and boys. The 2013 DFID-led Call to Action to End Violence against Women and Girls in Emergencies⁵⁸⁸ was a missed opportunity to address all GBV during humanitarian crises.

21. We recognise that girls and women make up the majority of victims, DFID’s approach should be extended to match PSVI’s principle that any individual could be a victim of sexual violence in times of conflict. This focus reinforces the mentality that it is a ‘women’s issue’, adding to the unconscious bias against male victims in programming. This also reinforces the

⁵⁸⁸ Call to Action on VAWG (2013) Keep Her Safe Communiqué

difficulty in gathering reliable statistics on male survivors (as they are even less likely to report or seek help)⁵⁸⁹.

Causes of sexual violence

22. Sexual violence does not appear as a result of the outbreak of war or political instability; it is prevalent in communities before conflict erupts, often due to gender and power inequalities. Sexual violence can be an expression of domination and control over others, or an exertion of power.

23. Understandings of masculinity and femininity – what it means to be a man or a woman – play a large role in sexual violence generally. Women, girls, men and boys can all be victims of sexual violence. Inequality and negative gender norms are at the heart of sexual violence, which manifests itself differently depending on the age and sex of the victim.

24. Conflict exacerbates these cultural and societal factors, creates a void in the rule of law and erodes social order and structures, further perpetuating impunity and victim-blaming. This includes the erosion or destruction of previously ‘safe spaces’, such as schools, churches and community meeting points. These are either physically damaged or their protective function in the community is eroded through violence and displacement.

25. Furthermore, not all sexual violence in war zones is perpetrated by combatants – while it is used as a deliberate tactic of war, research has shown that sexual violence is more commonly perpetrated by civilians than by armed groups.⁵⁹⁰ It is more often an expression of rage, frustration, opportunism, gender and other power imbalances than a clearly articulated military strategy. It arises in the vacuum generated by the breakdown in state authority and community cohesion. Raised levels of sexual violence continue long after the active conflict phase has passed.

Prevention

26. Addressing the underlying causes of sexual violence in conflict is pivotal to preventing it happening. Preventing conflict is one way to avert an increase in sexual violence. However, the ultimate solution to preventing sexual violence is to make it unacceptable in communities. This requires large-scale and long-term changes in attitudes around community perceptions of gendered roles and empowering everyone, particularly children and women, to be active and equal contributors to their community.

27. Relevant literature suggests that an increase in acts of sexual violence is often an indication of building tensions and escalating conflict⁵⁹¹. There is a clear link between the rise in sexual violence and violation of rights, particularly against women and girls, and the outbreak of conflict. Similarly, child protection violations such as abductions and

⁵⁸⁹ See World Vision, *Stigma and Justice: Addressing the Needs of Survivors of Sexual Violence in Conflict Zones*, forthcoming (authored by Hilary B Stauffer, Visiting Fellow, LSE Centre for Women, Peace and Security).

⁵⁹⁰ See eg Human Security Report (2012) “Sexual Violence, Education and War: Beyond the Mainstream Narrative”; Ward, J et al (2007) “The Shame of war: Sexual violence against women and girls in conflict”, OCHA/IRIN, <http://lastradainternational.org/lisdocs/IRIN-TheShameofWar-fullreport-Mar07.pdf>

⁵⁹¹ Key finding from GSDRC (2009) Helpdesk inquiry: Has Conflict inevitably been associated with increases in violence against women? Literature review available: <http://www.gsdrc.org/go/display&type=Helpdesk&id=500>

recruitment are often linked to crimes of sexual violence⁵⁹². Integrating gender-sensitive and child protection indicators into all early warning mechanisms aimed at detecting rising tensions and instability, as well as context analysis tools such as HMG’s cross-governmental *Joint Analysis of Conflict and Stability (JACS)* assessment model, is an effective way of capturing potential outbreaks or increases of sexual violence in conflict⁵⁹³.

28. Additionally, identifying risks and prevention of sexual violence must go hand in hand. World Vision has found that addressing rigid and harmful gendered roles of females and males in society, as well as strengthening the protective system surrounding those at risk and building their resilience against violence can go a long way to addressing all forms of GBV.⁵⁹⁴

29. In the large majority of cases, perpetrators of sexual violence are male. It is therefore essential to engage men and boys as allies in efforts to end sexual violence. For example, World Vision works in partnership with MenCare and Promundo, supporting men and boys to reflect on gender norms within their communities, defining what it means to be men and fathers in their communities. The programme enables constructive spaces for men and boys’ discussions and helps to advance women’s and girls’ empowerment and end discriminatory practices such as sexual violence, domestic violence, child marriage and gender-based violence.

30. World Vision commends the FCO for recognising the important role of faith leaders in efforts to prevent sexual violence, including by co-hosting an international inter-faith conference on mobilising faith communities against sexual violence in conflict with the We Will Speak Out Coalition⁵⁹⁵ in February 2015. World Vision believes that working with faith leaders is instrumental to changing negative social norms that underpin sexual and GBV. Through our *Channels of Hope* project model⁵⁹⁶, we engage faith and community leaders who have the ability to influence and challenge mindsets and behaviours to promote the rights of women and children and prevent acts of sexual violence both in peacetime and during conflict. For example, World Vision worked with Pastors in the DRC to change their attitudes towards the perceived lower value of girls in comparison with boys in their communities.

⁵⁹² The ‘forced wives’ system of Joseph Kony’s Lord’s Resistance Army in Northern Uganda in the 1980s-2000s; and the abduction of more than 200 girls in Chibok, Nigeria by Boko Haram in 2014.

⁵⁹³ Advice and a proposed list of indicators can be found in UN Women (2012) *Gender-responsive early warning: Overview and How-to Guide*.

⁵⁹⁴ Through World Vision’s *Channels of Hope* model, we have successfully seen the breakdown of harmful gender norms replaced with increased respect for and participation of all members of the community. In the Solomon Islands, for example, this has resulted in a decrease in domestic violence and greater participation of women in community decision-making. Through DFID’s Programme Partnership Arrangement (DFID) World Vision has worked with children to realise their rights to care and protection and raise awareness of the appropriate reporting mechanisms should children feel they are at risk of violence.

⁵⁹⁵ We Will Speak Out (WWSO) is a global coalition of faith-based organisations working to end sexual violence. World Vision is a member. The report of the FCO/WWSO conference can be found here: <http://www.wewillspeakout.org/interfaithevent2015/>

⁵⁹⁶ World Vision’s *Channels of Hope* model works with Christian and Muslim faith leaders using religious texts to challenge misconceptions around gender and social roles. Working in partnership, World Vision and the leaders then promote attitude changes within the community through open community conversations.

31. Programming interventions in refugee and internally displaced camps and in communities which focus on building an individual's resilience, providing information on their rights and building the protection system around them can prevent sexual violence but also assist in mitigating the immediate and longer term negative impacts of such violence. World Vision has, for example, found that men often fear abduction into armed groups and so responsibility for chores such as fetching water and collecting firewood for cooking then falls to women and children, leaving them vulnerable to abduction and risk of sexual violence. From the outset of conflicts, World Vision works to keep vulnerable groups safe. These include providing women and child friendly spaces as well as practical measures such as building water points inside camps and ensuring separate WASH facilities are built for women and men and located in well-lit locations.

The needs of survivors

32. In 2014, World Vision conducted a multi-country survey to identify the needs of those affected by sexual violence⁵⁹⁷. A key recommendation to come out of the survey was the necessity for UN agencies and governments, including the UK, to take a survivor-centred approach in their efforts to tackle sexual violence.

33. What happens to someone after they have been sexually attacked affects the rest of their lives. The journey to recovery is complex and depends greatly on the survivor's situation and needs. However, survivor-centred support should cover five broad areas: immediate and long-term medical help; long-term psychosocial support; legal support and justice; education and livelihood support; and acceptance in the community.

34. These five areas should not be seen in siloes, but must be addressed comprehensively. In practical terms, the mandates of different UK Government departments cover the spectrum of action required. Outcomes for the PSVI and for survivors would be improved if the departments – particularly the FCO and DFID worked more closely together on implementation. To date, the PSVI has been located almost exclusively within the FCO with £29.5million spent on the initiative since its launch⁵⁹⁸, including support to civil society projects focused on access to justice, legal advice and psychosocial support. In the same period, DFID have spent nearly £9.5million on addressing VAWG specifically in two of the PSVI priority countries⁵⁹⁹, with £30million spent globally on research on VAWG, funding to UN Women and support to SGBV survivors within IDP and refugee camps (with no specifically identified activities to address sexual violence against girls and boys or men)⁶⁰⁰. While the Ministry of Defence is reportedly incorporating sexual violence prevention into its military training, there is no transparency regarding the training and its content, including whether the specific vulnerability of children is included. Drawing together different

⁵⁹⁷ Surveys were conducted in DRC, Somalia, South Sudan, Uganda, Pakistan, Nepal, Kosovo, El Salvador and Lebanon by asking survivors, their families and development practitioners working to respond to sexual violence in conflict settings. Key findings informed World Vision UK's 2014 publication, *Journey of a Survivor*.

⁵⁹⁸ Spending from 2012-13 fiscal year to date. Written Answer from Grant Shapps on Armed Conflict: Sexual Offences answered in the House of Commons on 21 July 2015

⁵⁹⁹ Nepal and Syria. Details can be found in Oxford Policy Management (2014) Violence against women and girls: map of DFID programmes.

⁶⁰⁰ DFID VAWG Expenditure to 2014. Source: Oxford Policy Management (2014) Violence against women and girls: map of DFID programmes.

Whitehall efforts to implement UK Government commitments in this area into a coordinated implementation plan would enable better attention to the needs of victims – which would also improve greater accountability of perpetrators (see Accountability section below).

35. In particular, based on our experience, World Vision recommends that roll-out and training on the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, would have greater impact if there was more breadth of training in select countries, combined with support for legal literacy sessions in communities. The training, which currently focuses on training governments (lawyers, judges and police) and human rights defenders, should particularly target survivors and those organisations and individuals who support them, to build awareness of the law and legal processes. This could be held in tandem with social norm change programmes (currently funded by DFID and, to a limited extent by the FCO under the Human Rights Department funding stream).

36. The stigma faced by survivors has a profound impact on their lives and helps to perpetuate impunity. The very real threat and damaging impact of stigma, often described as more devastating than the violence itself, discourages survivors from reporting their cases.⁶⁰¹ This has a knock-on effect on understanding of the true scale of the problem. Effective monitoring and reporting of conflict-related sexual violence will be achieved only by tackling stigma that so often prevents survivors from coming forward. We must first address the negative attitudes held by communities that lead to the shaming and stigmatisation of survivors purely for falling victim to an act of violence they had no control over. Creating an environment where survivors feel safe and empowered to report acts of violence is an important step in ending impunity.

37. It is important to remember that men and boys are also victims of sexual violence in conflict zones, although the stigma attached to it makes reporting even more difficult. In many cases, men and boys classify conflict-related sexual violence as ‘torture’ rather than ‘sexual violence’.⁶⁰² World Vision medical partners in the DRC have noted that men and boys who have experienced sexual violence will seek care only if they fear they have contracted a sexually-transmitted infection or, if the pain is too great, will seek care but under the guise of another ailment, such as haemorrhoids.⁶⁰³

38. Male victims are caught in a vicious cycle of under-reporting and lack of tailored programming. A lack of inclusive programming keeps reporting levels even lower than for women and girls, resulting in the perception that no specific programming is required for men and boys. Many programmes are specifically tailored for women and girls (eg, medical response programmes that focus on female reproductive health) or unintentionally dissuade male victims from attending by being seen as a place for women and girls (eg, situating care

⁶⁰¹ Findings from World Vision research on impacts of conflict-related sexual violence stigma conducted in Uganda, August 2014, and eastern DRC in April 2015.

⁶⁰² See Eg, OCHA (2008), *‘Discussion Paper 2: The Nature, Scope and Motivation for Sexual Violence against Men and Boys in Armed Conflict’*

⁶⁰³ World Vision, *A Heavy Burden: The Stigma of Sexual Violence Survivors in the Eastern Democratic Republic*, forthcoming October 2015.

within a gynaecological or maternity ward). In many cases, there is great confusion over where men or boys can and should be referred for help.⁶⁰⁴

39. Survivors of sexual violence identified religious leaders and institutions as very important for their recovery in our latest research. While many felt that religious leaders supported them individually, others were not, and all felt that religious leaders could do much more to address misconceptions about victims of sexual violence and victim blaming.⁶⁰⁵

40. In all cases, community participation in programme planning, implementation and monitoring and accountability mechanisms, including by children and youth, is vital to ensure approaches are survivor-focused and result in real change on the ground.

Participation of women and girls

41. The meaningful participation of women and girls in efforts to prevent and resolve conflict is essential to secure long-term peace and security. This is reflected in the UN Security Council Resolution 1325 (UNSCR1325), subsequent resolutions and the UK National Action Plan for Women, Peace and Security (WPS).

42. However, a noticeable failure of WPS activities to date is the absence of promoting girls' empowerment and participation in conflict prevention, resolution and recovery. Without the political commitment and programming interventions to promote girls' active participation, widespread and effective implementation of the WPS agenda cannot be achieved. Girls and women are often the most exposed to the negative impacts of conflict. Girls, specifically due to their age and stage of development face particular vulnerabilities. However, if empowered, girls can provide insight into the vulnerabilities they face and the violence they experience, and also become powerful agents of change in their communities.

43. The simple argument for girls' participation is that girls can engage with, and ultimately lead, efforts to tackle the root causes of gender inequality and violence. It is essential to engage girls as change-makers rather than beneficiaries within the WPS agenda. Harmful social and gender norms often act as a barrier to prevent girls from being treated as full and equal members of their community. New research shows that harnessing girls' active participation in society is an effective way to break down those barriers for good and to overcome issues of gender inequality in the long-run.⁶⁰⁶ It stands to reason also that boys who grow up witnessing the equal participation of their female counterparts in childhood will continue to respect and expect their participation as adults. Ultimately, combining current efforts to promote women's participation in conflict prevention and peace processes with initiatives to build the capacity of girls as strong peace advocates from a young age would shift the paradigm for women's participation in the future.

⁶⁰⁴ See eg, Report on the 1st South-South Institute on Sexual Violence Against Men & Boys in Conflict and Displacement, Inclusive Responses to Sexual and Gender Based Violence (2013).

⁶⁰⁵ World Vision, *A Heavy Burden: The Stigma of Sexual Violence Survivors in the Eastern Democratic Republic*, forthcoming October 2015.

⁶⁰⁶ The Global Partnership for Children and Youth in Peacebuilding (2015) *Global Evaluation for Children and Youth Participation in Peacebuilding*. World Vision, Save the Children Norway, Search for a Common Ground, the United Network of Young Peacebuilders, PATRIR. More information available: <https://www.sfcg.org/3m/>

44. Through Justine Greening's *Youth for Change* initiative and her speech setting out DFID's priorities after her reappointment to Secretary of State, the UK Government has already shown its leadership and commitment to girls' empowerment and active participation in global development issues⁶⁰⁷. The UK Government is now in a position to extend their commitment to girls' participation by championing it within the WPS agenda. Using its influence in high level political dialogue, the UK Government can ensure that girls' empowerment and participation is integrated comprehensively and systematically into international and national WPS efforts. The high level review of UNSCR 1325 in October 2015 is a platform where the UK Government can demonstrate this commitment by facilitating girls' participation at the global level. It is essential to ensure the voices and perspectives of girls are brought into WPS discussions from the local to the global level.

45. Political commitment must also transfer into practical implementation. For example, currently within the UK National Action Plan, girls' participation is mentioned at output level but there is an absence of subsequent activities inclusive of girls. Without the inclusion of girls, the UK Government will be unable to achieve these outputs.

46. In other cases, it can be argued that, globally, we have taken a backwards step regarding the need to address girls' distinct needs and vulnerabilities. Summaries of the Global Study on the Implementation of UNSCR1325 distinctly lack any mention of girls at all.

Accountability

47. One of PSVI's key objectives is to end a culture of impunity and the UK Government has shown their leadership by encouraging national governments to hold perpetrators accountable and increase the number of those prosecuted for crimes of sexual violence. However, evidence from World Vision research conducted earlier this year in the DRC suggests that the increased focus on prosecutions is having an inadvertent negative impact on the wellbeing and recovery of survivors, where the quality of support for victims is sacrificed for speed in the judicial process⁶⁰⁸. The UK Government has a role to play in changing this – by recognising the barriers to survivors' participation in justice processes and helping to address the stigma and other obstacles they face.

48. Improving legal systems and training those in the justice system is important, but is not enough. Our research indicates that survivors conduct a cost-benefit analysis before reporting crimes made against them. Currently, the benefit of perpetrators being held to account does not outweigh the personal cost to survivors of participating in justice processes. Therefore, increasing the benefits (such as improving the likelihood that the perpetrator will be held accountable) is only half of the picture. We need to decrease the financial, social and emotional costs to survivors of identifying themselves as victims of sexual violence and participating in a judicial process. Benefits also need to be increased, for example by creating effective and accessible reparations systems.

⁶⁰⁷ Justine Greening's *Changing world, changing aid* speech given at ODI on 2 July 2015. Transcript available: <https://www.gov.uk/government/speeches/changing-world-changing-aid-where-international-development-needs-to-go-next> and further information on Youth for Change: <http://youthforchange.splashthat.com/>

⁶⁰⁸ Research carried out in eastern DRC on the impact of stigma on survivors. Full report will be launched in October 2015.

49. Successful prosecutions do help survivors rebuild their lives in most cases, but ‘success’ can be defined differently by survivors and legal bodies. For example, the military trials in Minova in eastern DRC in 2014 were seen by some as a ‘success’ because two people were held accountable for crimes of sexual violence. However, most of the personnel were not convicted, high-ranking people responsible were not even tried, and victims’ evidence was, in many cases, deemed not credible because there was inadequate understanding of the impact of trauma on survivors’ memories and the way they re-tell what has happened to them. In survivors’ eyes, this is tantamount to telling them they were lying.

50. The UK Government’s political and practical support will bear greater results if all elements of their support are aligned throughout the emergency, recovery and development cycles. Efforts to prevent sexual violence and support national governments to end the culture of impunity must go hand in hand with support and reparations for survivors. Supporting survivors is not a process that can sit within siloed emergency, recovery and development approaches, but rather should cut across all phases and be taken into consideration when establishing funding frameworks and political actions.

17 September 2015