

Members' Meeting Discussion Summary: Conflict Related Sexual Violence, 27th April 2023

The UN Security Council will shortly receive the Secretary General's annual report on conflict-related sexual violence (CRSV) and a debate on the contents of the report will be held in the UN Security Council. The Security Council will hear about conflict and 'other' situations where conflict-related sexual violence is occurring.

This debate on the Council matters. Members were reminded that annual debate on CRSV in the UN Security Council chamber was a hard-won achievement, secured in 2010 under Women, Peace and Security Resolution 1960. It took more than four resolutions to secure. We were reminded that the security council is political and there are political considerations that play into decisions around which reports they receive. Intimidation and threats are used to reduce the ability of advocates to raise these issues. But what can also be lost in the discussion is understanding each context in which this violence occurs and how to prioritise prevention.

In the meeting, we heard from three incredible and knowledgeable speakers who are responding to situations where this violence is occurring. Joana Osei-Tutu discussed the work she is doing with peacekeeping missions, and her research on CRSV in the north-east of Nigeria. Rachel Banfield discussed her work with the ICRC and her research on interventions to prevent CRSV. And Susan Hutchinson, talked about the "Prosecute, Don't Perpetrate" campaign and Australia's duty to hold its citizens accountable for violence they perpetrate as combatants in other countries. Our speakers invited us to consider what the Australian government can do to address this violence as well as identify what we, as Coalition members, can do to support the prevention and elimination of conflict-related sexual violence.

Understanding CRSV in its complexity

Our first speaker, Joana Osei-Tutu, spoke about her research on Boko Haram and how they have used SGBV in all its forms as a tool in their insurgency, demonstrating the complex and nuanced ways in which CRSV is used in conflict settings

We learned about the origins of Boko Haram, how they initially offered a 'purer' version of Islam and proposed the use of Sharia Law to govern the North East of Nigeria. As time went on, however, reports of their atrocities grew. Some scholars have argued that the use

of women by Boko Haram was just an extension of violence already existing within local communities. Child marriage was endemic, and Boko Haram's use of child brides wasn't, in itself, viewed as a problem. However, kidnapping was.

Child marriage was supported by culture and interpretations of the Koran. There was a wider belief that when a woman is married she becomes an adult. As early as 13 or 14 girls are married off - bringing money to families in the form of dowry and bringing a sense of safety for parents as unmarried girls would become targets for abuse, leading parents to marry them off in an effort to protect them.

Many of us first became aware of Boko Haram in 2014 when 200 girls were taken from a secondary in Chibok school in one night. But systematic kidnappings had been happening on a smaller scale long before then but had not received the same attention.

Boko Haram used women in four main ways:

1. For procreation and to build the next generation of jihadists
2. For sex
3. To fulfil their domestic needs where they established camps with children to look after and chores to be done
4. As suicide bombers and human shields, particularly widowed women and young girls. Women were harder to spot by the military because the Nigerian security forces were made up of men who could not carry out searches on women. Boko Haram used the patriarchal structures and thinking of the security forces against them. When security forces raided camps, women and children were sent out to meet them as human shields and bargaining chips.

We learned about the role of the international community in supporting sovereign states to address conflict while not silently condoning violence by security forces. Countries like the US, UK, and Australia go in to support conflict affected states. At the height of these conflicts we are in a rush to support sovereign states to address the conflict and, aiming to support the government, at times turn a blind eye to the behaviour of those governments. We are quick to identify the 'enemy' but for those experiencing CRSV it is less clear who the enemy is. When the Chibok girls were kidnapped attention was given to their case at the expense of attention to other crimes the state had been accused of. There has to be a fine balance to make sure we are not silently condoning violence by security forces.

Women always become the casualties of conflict and that a fine balance is necessary to ensure that the international community is not inadvertently supporting violence against women.

Best practice in preventing CRSV

Our second speaker, Rachel Banfield, spoke about her research on addressing sexual violence in conflict settings with a focus on CRSV. We heard reflections on her work in South Sudan looking at perceptions of what works best in ending CRSV and were invited to reflect on whether a focus on CRSV might suggest hierarchy of violence; questioning whether we are inadvertently sending a message to other survivors that their experiences are less important. How can conversations on CRSV lead into discussion of broader issues related to GBV, recognising that we should not ignore other dimensions?

While an emphasis on accountability is important, we were also invited to question the emphasis on addressing impunity to deter perpetrators, as prosecution of these crimes is challenging, and may not have the same deterrent effect as for other kinds of crimes. Is there really a strong deterrent value, particularly where harmful social and cultural norms are entrenched? It is also important to have functioning domestic courts to have any real deterrent value, as most potential perpetrators aren't aware of international structures. This doesn't mean addressing impunity isn't important, but we need to look at behaviour change and other interventions that could have more of an effect.

The role of the international community was raised, where the continued focus on CRSV is important, but there is a need to push for not just attention but financial support from states. We heard the example of one country where a police force were dealing with well publicised cases of sexual violence perpetrated by armed actors. The police agreed that there shouldn't be impunity for the crimes but didn't have the resources or training to work on the issues. Greater financial support and more resources are needed.

We also discussed working with arms carriers as potential future perpetrators. We need more training for the military and arms carriers on the prohibition of CRSV and international law. However a question was raised around whether or not they already know it is a crime and unacceptable. If we teach about its prohibition, will sexual violence really not be perpetrated? What can we learn from behaviour change work outside of conflict and how we apply that to conflict settings? We need to continue to refer to legal frameworks but also start to address gender norms and masculinity, which can be tricky for practitioners not used to this focus.

In the Q&A, we discussed the ways in which people involved in military operations have often been told not to report other members of security forces for GBV on the basis that it wasn't their business, for example, this was the case in East Timor and Afghanistan. Such GBV was often dismissed as a cultural or domestic issue and not worthy of report. Those people should have been excluded from our security forces.

Australia's obligations to investigate Australian citizens who perpetrate CRSV

Our third speaker, Susan Hutchinson, shared information about the 'Prosecute, Don't Perpetrate' campaign. We heard about the tens of thousands of foreign fighters who travelled to Syria and Iraq to fight with ISIS, and who were deliberately using sexual and gender-based violence as part of the military strategy, including the kidnap and sexual enslavement of Yazidi women and girls. Many came from countries party to the Rome Statute of the International Criminal Court. These jurisdictions have a responsibility to investigate and report on the actions of their citizens.

In Australia, sexual violence is criminalised as a war crime, crime against humanity and genocide in Division 268 of the Commonwealth Criminal Code. Sexual Slavery is also criminalised in Division 270 of the Commonwealth Criminal Code. At least 20 foreign fighters travelled from Australia, many of whom were involved in CRSV, though none have been prosecuted. Prosecute; don't perpetrate campaigned with the Yazidi advocacy organisation Yazda to ensure both houses of Australian parliament passed multiparty resolutions recognising ISIS' genocide of the Yazidi, and calling for the investigation and prosecution of nationals who perpetrated sexual violence as war crimes, crimes against humanity and genocide. However, rather than investigate and uphold the law, policy and legislation was introduced by the previous government that sought to override the Australian governments' obligations, rather than uphold them. Leaving such people in Syrian prisons where they could be freed at a moments' notice is irresponsible - many of those prisons were being bombed at the time. There was a strong view that these people should not be allowed to return to Australia.

The 'Prosecute, Don't Perpetrate' campaign have called for the creation of a culturally appropriate mechanism to gather the testimony of survivors in Australia to be shared with international courts. Such a project could be then expanded for the purposes of inclusion in settlement programs for all migrant communities coming from places experiencing CRSV. They have also raised a question on notice about the size of the team responsible for overseeing these investigations, as to date it has been very small, and resourcing for this work. They have also campaigned for the Office of the Special Investigator to include a remit for all Australians that perpetrate these crimes, not just members of Australian Defence Forces. Their advocacy was effective in ensuring language in Australia's Second National Action Plan on Women, Peace and Security. The campaign has also called for greater investigation into the monetary value to ISIS of sexual slavery. Yazidi women want and deserve justice for what was done to them.

The Government must pursue investigations of our own nationals. Germany is so far the only country to prosecute someone in this way.

In the Q&A, discussed the ways in which technology is important for reporting but a concern was raised about overexposure and storytelling for its own sake. There are ethical concerns. There can be an expectation on the part of the survivor that something will happen when they tell their story; they want an action.

Takeaways for the WPS Coalition:

1. How can we encourage Governments and the Australian government in particular, to recognize the nuanced and complex ways in which CRSV is used in conflict settings, continue forceful advocacy on the issue, while avoiding the suggestion of hierarchies of violence that imply other survivors' experiences are less important?
2. How can we hold the Australian Government and the international community accountable to ensure a better balance between supporting sovereign states to address conflict while not condoning violence by their security forces?
3. How can we ensure that important campaigning on addressing impunity continues, but ensure it is balanced by a greater focus on behaviour change and other interventions that may have more of a deterrent effect?
4. How can we campaign for military and arms carriers to be trained on both the prohibition of CRSV and international law, and also gender norms, masculinity and behaviour change?
5. Financial support is needed to address CRSV, and behaviour change, including addressing gender norms and masculinity, is essential. How can our advocacy better make this point?
6. What role can we take in pushing the Australian Government to investigate and prosecute their nationals who commit sexual violence and other crimes during conflicts, not just members of the armed forces?

Members can learn more about the 'Prosecute, Don't Perpetrate' campaign at <https://prosecutedontperpetrate.com/>, including information on how to write to your MP in support of the campaign.