



**THEY CAME  
TOGETHER NOT  
TO BE SILENCED**

GENDER-BASED VIOLENCE IN CONFLICT &  
THE ROLE OF WOMEN'S RIGHTS ORGANISATIONS



### **The Kvinna till Kvinna Foundation | 2023**

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**Coverphoto: 8th of March Demonstration in DRC. Photo: Kvinna till Kvinna**



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## KVINNA TILL KVINNA

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The Kvinna till Kvinna Foundation has defended women's rights since 1993. For every woman's right to be safe and to be heard.

Today we are one of the world's leading women's rights organisations, working directly in areas affected by war and conflict to strengthen women's influence and power. We work closely together with more than 100 local partner organisations across 20 countries to end violence against women, reach lasting peace and close the gender gap once and for all.

# Contents

|  |           |
|--|-----------|
| <b>INTRODUCTORY REMARKS</b>  | <b>5</b>  |
| <b>EXECUTIVE SUMMARY</b>   | <b>6</b>  |
| <b>TERMINOLOGY</b>   | <b>13</b> |
| <b>ACRONYMS</b>  | <b>15</b> |
| <b>BACKGROUND</b>  | <b>16</b> |
| <b>CASE STUDIES</b>  | <b>20</b> |
| <b>Bosnia and Herzegovina</b>  | <b>21</b> |
| <b>Democratic Republic of the Congo</b>                              | <b>38</b> |
| <b>Iraq</b>  | <b>52</b> |
| <b>Ukraine</b>   | <b>66</b> |
| <b>CONCLUDING CHAPTER AND RECOMMENDATION</b>                         | <b>80</b> |
| <b>The role of women's rights organisations</b>                      | <b>81</b> |
| <b>Acknowledging other forms of GBV</b>                              | <b>84</b> |
| <b>Stigmatisation and discrimination as obstacles</b>                | <b>86</b> |
| <b>Reproductive pressure during and after conflict</b>               | <b>88</b> |
| <b>Working against GBV puts women human rights defenders at risk</b> | <b>90</b> |
| <b>To work against GBV is to work for peace and security</b>         | <b>92</b> |

# Introductory remarks

**Thirty years ago, in the spring of 1993, The Kvinna till Kvinna Foundation (hereafter Kvinna till Kvinna) was created in response to reports of widespread sexual violence committed against women and girls in the wars in former Yugoslavia. That spring, we began to support local women who assisted other women in the midst of the conflict, and who worked for women's rights. Since then, Kvinna till Kvinna has expanded to support local women's rights organisations in conflict-affected countries around the world. Today, we support 150 such organisations in 20 countries.**

In the three decades since our founding, we have witnessed new wars break out, with women and girls suffering GBV in one conflict after another. In many cases, governments and other actors, have looked the other way, allowing violence to continue and perpetrators to walk free.

However, in these years we have also witnessed something else. We have seen how local women's rights organisations have organised themselves and offered protection, medical and psychosocial support, as well as legal aid to victims/survivors of this violence. They have fought for peace agreements to recognise victims/survivors' rights and needs, and to get gender equality as well as GBV legislations in place. These brave women have been able to break the silence surrounding this violence and bring these horrific crimes on to the news agenda, into the courts and to the attention of the international community. During this period, and in many instances thanks to the tireless advocacy work of these women's rights organisations, international law and norms in relation to conflict related sexual violence (CRSV) have been strengthened and these crimes are now recognised as a matter of international peace and security and is no longer seen as just collateral damage of war.

This report is about these women who came together not to be silenced. Through this report we want to acknowledge their bravery, work, achievements, knowledge, and expertise to create a better understanding of the role they play in addressing the complexities of GBV in conflict-affected countries and in contributing to a fairer, more democratic and peaceful society.

In this report, we take a closer look at four conflict-affected countries: Bosnia and Herzegovina, the Democratic Republic of the Congo, Iraq, and Ukraine. While these contexts differ from each other in many ways, the experiences of victims/survivors are similar, as are many of the challenges women's rights organisations and women human rights defenders (WHRDs) face. For this reason, we believe the common themes and recommendations in this report can be of value for other contexts too.

We hope that this report will help women's rights organisations in conflict-affected countries get the attention, acknowledgement, and moral and financial support they deserve from the international community, donors and governments, so that their voices will be heard at every stage of addressing GBV, working for peace and rebuilding a sustainable society after conflict.

Photo: Viktor Gårdsäter



A handwritten signature in black ink, appearing to read 'Petra Tötterman Andorff'.

**Petra Tötterman Andorff**  
*Secretary-General, The Kvinna till Kvinna Foundation*



# Executive summary

In this study, we look at GBV in conflict-affected countries, the long-term consequences of this violence, the work of women's rights organisations to address the needs of victims/survivors and prevent further violence, and the obstacles that stand in the way for victims/survivors to access support and justice. We do so by exploring four case studies: Bosnia and Herzegovina, the Democratic Republic of the Congo, Iraq, and Ukraine. While there are many differences between these contexts, there are also striking similarities between victims/survivors' experiences and the obstacles women's rights organisations and activists face.

In this executive summary, we highlight some of the common themes we discerned and make recommendations to the international community, donors and governments on how to address these common themes.



## 1. The role of women's rights organisations

In all four case studies in this report, we identified high levels of conflict-related sexual violence (CRSV) and other forms of GBV. States were more or less unprepared, unable and, in some cases, unwilling to provide victims/survivors with sufficient support. In three of the case-studies, there were no appropriate legal frameworks to address different forms of CRSV and other forms of GBV at the outbreak of war. None of the relevant peace agreements included provisions for the state to address this violence. This has made it almost impossible for victims/survivors to get protection, support and legal aid. In some cases, it has resulted in near total impunity for perpetrators. One case-study that stands out is Ukraine, where the government has been both swift in its acknowledgement of the prevalence of CRSV and seemingly firm in its commitment to hold perpetrators to account. In two case-studies, in Iraq and in Bosnia and Herzegovina, women from different parts of the country or from different ethnic groups have different scope of rights in terms of CRSV and GBV. This is not only a form of discrimination, but also fuels division within a country.

Due to the lack of response by their governments and the absence of legal frameworks, local women's rights organisations came to play an essential role. They not only offer victims/survivors protection, medical and psychosocial support and legal aid, but have also been instrumental in driving change. They

have trained authorities, urged them to implement new practices, helped bring about legislative changes, and addressed harmful gender norms and attitudes. In spite of this, these organisations remain severely underfunded in most contexts, and their expertise is rarely taken into consideration by decisionmakers.

### Recommendations

The international community, donors and governments:

- must fund the advocacy work of women's rights organisations in peacetime, as they are actors that can drive change and hold governments accountable for having proper legal frameworks and providing GBV services;
- must insist on women's meaningful participation in peace negotiations (in line with the UN's Women, Peace and Security agenda), and the recognition of CRSV, GBV, and civilian victims of war in peace agreements and other relevant documents that regulate post-conflict peace and justice;
- must increase funding for local women's rights organisations that provide services and engage in advocacy in conflict-affected areas. Today, WROs and institutions in fragile contexts receive less than 0,5 % of the global Official Development Assistance (ODA) that is allocated to fragile contexts.<sup>1</sup> Funding must be long-term, predictable, and flexible for organisations to be able to create sustainable change;
- must insist on all victims/survivors' equal right to support and justice, regardless of their religion, ethnicity or location, and must avoid legal reforms and reparation funds that lead to victims/survivors being treated unequally or having unequal access to justice;
- must insist on the use of a victim/survivor-centred approach in all interventions related to CRSV and other forms of GBV, and must, where possible, encourage multi-sector cooperation involving local women's rights organisations, international organisations and government institutions; and
- must support international networking and learning & exchanging opportunities for women's rights organisations.

<sup>1</sup> OECD 2020. OECD-Gendernet-Financing-UNSCR.pdf



## 2. Acknowledging other forms of GBV

Focusing only on sexual violence in conflict risks neglecting other forms of GBV. To understand wartime GBV, we must recognize human security also beyond armed groups and how different forms of violence are interlinked and reinforce each other. It is also important to acknowledge that violent conflict results in new behaviours and norms, which often contributes to the normalisation and brutalisation of different forms of GBV in society.<sup>2</sup>

Domestic violence is one type of GBV that increases in societies affected by war. This is due to stress, trauma, insecurity, the disruption of social and protective networks, increased economic hardship, and displacement, reinforcement of harmful gender norms as well as the normalisation of violence which happens during conflict. As most conflict-affected countries lack comprehensive legal frameworks to address domestic violence, there is often little will and capacity to deal with domestic violence. The fact that domestic violence tends to be perpetrated by men and within a single group – unlike most war crimes, where one group subjects another group to – also tends to make investigating domestic violence less prioritised. All of this renders domestic violence as a non-priority in conflict affected countries and in the reconstruction efforts.

Sextortion is another type of GBV that often increases during and after conflict, but that is seldom highlighted or addressed. Sextortion is both a form of GBV and a type of corruption, used against

(mainly) women and girls by (mainly men) in positions of power. With sextortion, sexual favours are obtained through the coercive power of authority, rather than through physical violence or force. There have been many cases of sextortion being perpetrated by peacekeepers, by aid workers distributing food, medicine and other necessities, by armed groups operating checkpoints, and by employees of government authorities and institutions. In conflict-affected areas, sextortion is often so common that no one even takes notice. In post-conflict countries and protracted crises, where rule of law is weak and corruption common, sextortion is often widespread and normalised.

### Recommendations

The international community, donors and governments:

- must not only focus on CRSV, but also respond to other forms of GBV, including domestic violence and sextortion, which often increases and becomes more brutal in conflict-affected and post-conflict societies;
- must work to ensure all countries have a legal framework on domestic violence and put domestic violence on the agenda in conflict-affected and post-conflict societies during peacebuilding, state building and reconstruction;
- must offer psychosocial and rehabilitation support to returning soldiers to successfully reintegrate them into society and family life, and must ensure thorough disarmament to prevent small weapons from circulating in post-conflict societies;
- must have a victim/survivor-centred approach and insist on justice for all GBV victims/survivors, regardless of the identity of the perpetrator(s).
- Policymakers must acknowledge and address the widespread problem of sextortion and promote its inclusion in national anti-corruption and anti-GBV legislation, including by setting up secure and confidential complaints mechanisms and reporting systems.

<sup>2</sup> Svallfors, S.: "Hidden Casualties: The Links between Armed Conflict and Intimate Partner Violence in Colombia". In: *Politics & Gender*, 2023, vol.19:1, p.133-165.





### 3. Stigmatisation and discrimination as obstacles

In all four case studies, stigma has hindered victims/survivors from speaking up, seeking help and claiming justice. In some contexts, admitting to having been raped can even put one's life at risk. This leaves many victims/survivors without any help and justice. In Iraq, women and girls who are raped during war do not have the right to get an abortion. In the DRC, abortion only became legal a few years ago. For most Congolese women and girls, however, the service is inaccessible, and abortion remains frowned upon.

Children born of wartime rape are commonly excluded, stigmatised, discriminated and left without support and legal recognition in most conflict-affected countries. In Iraq, children whose mothers were raped by a member of ISIS risk not having their birth registered or issued with a civil document to establish their nationality. This lack of a birth certificate or nationality document deprives them of their basic rights and impedes their access to social services such as education and healthcare. In the DRC, children born of wartime rape are often abandoned and end up on the streets. They are then vulnerable to exploitation, including recruitment by armed groups.<sup>3</sup> In Bosnia and Herzegovina, 2022 marked the first time that children born of wartime rape were legally recognised as civilian victims of war in one part of the country, when a new law was adopted in the Brčko District. It took three decades for these children to receive recognition.

When children born of wartime rape are discriminated, they are deprived of their human rights as enshrined in the UN Declaration of the Rights of the Child (1959) and the Convention on the Rights of the Child (1989). By neglecting these children's rights, states contribute to the perpetuation of violence, which in turn threatens international peace and security. In two of the case studies in this report, religious leaders played an important role in reducing the stigma attached to victims/survivors of CRSV; we believe they could play an equally important role for the acceptance and integration of children born of wartime rape.

#### Recommendations

The international community, donors and governments:

- must acknowledge women victims/survivors of CRSV and children born of wartime rape as civilian victims of war who are entitled to reparations, and ensure that these children have access to their basic human rights;
- must work to grant people in conflict-affected countries access to sexual and reproductive health and rights (SRHR);
- must consider the immense stigma victims/survivors face, adopt a victim/survivor-centred approach in all interventions, and give victims/survivors access to services without forcing them to report a crime;
- must invest in the long-term work of organisations to change norms, raise awareness and advocate for the rights of victims/survivors and children born of rape in conflict-affected areas; and
- must work with religious and/or traditional leaders to reduce the stigma faced by victims/survivors and children born of wartime rape, to help them reintegrate into their communities.

<sup>3</sup> Report of the UN Secretary-General, S/2022/77.



## 4. Reproductive pressure during and after conflict

In several conflict-affected countries, women and girls are pressured into bearing more children during and after a war, to make up for demographic losses (either in the entire population or among a specific ethnic group). In Bosnia and Herzegovina, many women were under pressured to have more children to ‘rebuild the nation’, as many men had died during the conflict<sup>4</sup>. In some parts of Ukraine, the pressure on women to give birth to more children has also increased since the beginning of the full-scale invasion. In the region of Ivano-Frankivsk the local authorities have set up an initiative to encourage women to give birth to more children to make up for the demographic decline since the beginning of the war. In this area women are now given increased benefits if they have more children and local politicians have encouraged young women to have as many as five children.<sup>5</sup>

The idea that it is a woman’s duty to give birth to the next generation of the group, or to soldiers who can defend the land, is deeply rooted in some areas that have experienced protracted conflicts for generations.<sup>6</sup> This desire for a high birth rate can pose a risk to women and girls’ sexual and reproductive health and rights (SRHR), including their right to abortion. It can also negatively affect women’s active participation in their communities and societies.

<sup>4</sup> Interview 27 October 2022.

<sup>5</sup> <https://suspilne.media/356228-viplati-dla-porodil-ivano-frankivskoi-gromadi-u-2023-comu-zaprovadzuut-ta-hto-moze-otrimati/> and <https://report.if.ua/socium/buduyemo-majbutnye-u-frankivsku-rozpochynayut-proyekt-dlya-zbilshennya-narodzhuvanosti/>.

<sup>6</sup> Kvinna till Kvinna: “Listen to Her”, 2018.

## Recommendations

The international community, donors and governments:

- must make sure population-control policies in conflict-affected countries are not altered in a way that weakens women’s rights, including their SRHR and right to abortion;
- must insist on and fund sufficient services for women and girls’ SRHR, including emergency abortions, in conflict-affected areas; and
- must support the long-term work of local women’s rights organisations to improve and uphold women and girls’ SRHR in conflict-affected and post-conflict societies.



## 5. Working against GBV puts women human rights defenders at risk

In countries where women have limited rights, working against CRSV and other forms of GBV and promoting SRHR is often dangerous. Sometimes, the work of women's rights organisation is seen as a direct threat to powerful men, who risk being prosecuted and sentenced to prison. In other cases, it is seen as a threat to traditional values and men's right to exert power over their wives and families. As a result, women human rights defenders (WHRDs) are often subjected to violence and/or threats of violence by both state and non-state actors. In many conflict settings, simply being outspoken is enough for a woman or girl to be at risk. Threats are often connected to the WHRD's body: threats of rape or sexual violence are common examples. Other threats include smear campaigns that target the activist's 'honour', or threats against loved ones. Much of the violence against WHRDs is hidden behind what is considered 'ordinary' violence against women.

This GBV, which is sometimes deadly, is an effective way of silencing WHRDs and a serious threat to democracy and the fight for women's rights.<sup>7</sup> These WHRDs often work in extremely difficult and insecure environments and may be personally affected by the conflict raging around them. On top of this, they bear the difficult burden of listening to the stories of victims/survivors and supporting them on their journey, which puts WHRDs themselves at risk of

secondary trauma. All of this takes its toll on WHRDs in conflict-affected areas. More must be done to ensure their security, support their psychosocial wellbeing, protect their mental health, and make their work more sustainable. Burnout is also a security risk: when someone is stressed and tired, they make less-informed decisions, which can expose them to even greater risks.

In the Eastern DRC, women journalists who report on CRSV received death threats from armed groups, while the government threatened to have their media outlets shut down. In Bosnia and Herzegovina, women's rights organisations who exposed how local organised crime syndicates were engaging in and profiting from human trafficking where subjected to threats of violence, including break-ins at their offices, shelters, and homes. In Iraq, WHRDs have had to go underground to run safe-houses as life-saving mechanism after facing extreme security challenges. Many organisations and activists are regularly threatened and attacked, and often have to relocate on a regular basis for security reasons.

### Recommendations

The international community, donors and governments:

- must publicly condemn and duly investigate smear campaigns and online harassment against women human rights activists. Those in power who advocate for or support violence against women in public life must be held accountable;
- must be more flexible when supporting WHRDs, to meet the challenges of changing security situations. Long-term support and core funding should be prioritised, but emergency-response resources should be available too;
- must make resources available to holistically bolster the security and resilience of women's rights organisations that respond to GBV. This includes stress-management, self-care and wellbeing practices; and
- must work to bridge the digital divide and ensure WHRDs have affordable and secure access to the internet.

<sup>7</sup> Kvinna till Kvinna: "Solidarity Is Our Only Weapon", 2020.



## 6. To work against GBV is to work for peace and security

GBV does not exist in isolation from violent conflict and peacebuilding processes, both because GBV is a driver of conflict and instability, and because gender equality is interconnected with higher levels of peace. That is why sexual violence is now considered a war crime, not ‘collateral damage of war’. It is also why the UN Security Council recognised CRSV as a matter of international peace and security 23 years ago. The Security Council has since adopted no less than ten resolutions on Women, Peace and Security.

These changes of international norms and international law have been achieved, partly due to the work of WROs working on GBV in conflict affected countries, including some of the women interviewed in this study. Many of these organisations have also developed mechanisms for early warning of violence, which has helped shine a light on increased levels of violence which can often develop into full-scale violent conflicts.

In all the contexts this study looked at, and during the thirty years we have been working with these issues, we have seen clear overlaps between women’s rights organisation’s anti-GBV work and their work to end violence, war and armed conflict. As a result of their anti-GBV work, many women’s rights organisations have become important actors for peace. They build trust across borders or conflict divides and call for inclusive peace processes and peace agreements. Still, few women’s rights organisations are ever invited to participate in and

contribute to formal peace processes, and peace agreements rarely reflect their priorities. This is a real missed opportunity for sustainable and lasting peace.

### Recommendations

The international community, donors and governments:

- must insist on women’s participation in peace processes to ensure that their rights are accounted for in peace agreements and insist on specific provisions to guarantee their participation in post-conflict decision-making structures. Barriers to decision-making spaces, such as GBV and discrimination against women must be actively identified and removed to successfully include women in peacebuilding;
- must include adequate and well-informed provisions in peace agreements that focus on women’s specific needs. Instead of portraying women as victims only, their agency should be considered to draft provisions that include e.g. ownership rights. Including women in peace negotiations is the first step to accomplish this;
- must support the development of early-warning mechanisms to report cases of conflict-related and other forms of gender-based violence;
- must facilitate forums that serve as safe spaces for women to share experiences and connect across borders. Organisations that work with GBV have historically initiated peacebuilding between women which has resulted in legal provisions regarding gender equality;
- must ensure WHRD’s safety where they work and when they travel. Arbitrary arrest, threats and attacks, travel bans, and more hinder the progress of peacebuilding. If WHRD cannot travel safely, they cannot exchange knowledge, build relationships and develop capacity. If WHRD cannot work safely in their area, they cannot reach out to their target group and involve them in peacebuilding, and;
- must support memorialisation efforts in parallel to justice processes, to recognise the experiences of women and girls during war and to ensure that these experiences become part of the collective memory.

# Terminology

**Gender-based violence (GBV)** is an umbrella term for harmful acts that hurt, threaten, violate, force or restrict a person, that are directed at an individual or a group based on their gender, and that are based on a gendered power structure. This structure contains perceptions of masculinity and femininity that hierarchically rank different genders. This results in a power imbalance that puts women and girls at risk. GBV is rooted in gender inequality, harmful norms, and abuse of power. It is a brutal form of discrimination and a violation of fundamental human rights.

GBV includes different types of violence (physical, psychological, sexual, economic), can target either individuals or groups, and can be perpetrated by different types of actors (individuals, communities, states) in a variety of settings. Kvinna till Kvinna recognises that the gendered power structure GBV is based on intersects with other power structures that derive from factors such as social class, age, sexuality and ethnicity.

GBV occurs everywhere: at home and in public, in every society and country, regardless of people's social background. Most of the anti-GBV work that Kvinna till Kvinna and partner organisations are involved in addresses men's violence against women and girls in conflict-affected areas. By using the term gender-based violence, we acknowledge that both women and men can be survivors/victims and perpetrators of GBV. At the same time, GBV is much more commonly perpetrated by men, against women and girls. The term gender-based violence also emphasise that a person may be targeted because of their gender identity or sexuality or because they refuse to accept society's gendered expectations, norms and roles.

**Sexual violence** or sexualised violence<sup>8</sup> is violence that has a sexual expression, such as rape, sexual abuse and sexual harassment. It is not an expression of sexuality, but of power and control<sup>9</sup>. It is a sexual expression of aggression – which is not to be confused with sexuality. Sexual violence makes up a

significant part of GBV in general, and of violence against women and girls in particular.

**Conflict-affected** refers to a variety of conflict situations at different stages, with varying degrees and types of violence – from open warfare or sporadic altercations in unresolved conflicts to stable post-conflict situations with ongoing peacebuilding efforts.

**Conflict-related sexual violence (CRSV)** is a form of GBV that occurs during conflict. It is an abuse of human rights and, when perpetrated in the context of or in association with armed conflict, a war crime and a serious violation of international humanitarian law. The term was first introduced in 2000, in UN Security Council Resolution 1325, which launched the Women, Peace and Security agenda. It has been a mainstream UN term since UN Security Council Resolution 1820 of 2008.

There is no universal definition of CRSV, but existing definitions tend to address which forms of violations should be included, and what violence should be considered 'conflict-related'. There are different forms of sexual violence, with differences between countries, conflicts, perpetrators, and victims/survivors.<sup>10</sup> We use the UN's broad definition of the concept: "rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict."<sup>11</sup>

**Domestic violence** is violence that occurs within a household and that is used to exercise power and control. It can take on several forms. The Istanbul Convention defines it as "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim". Domestic violence and

<sup>8</sup> Sexualised violence (medicamondiale.org)

<sup>9</sup> Kvinna till Kvinna's Policy on Gender Based Violence

<sup>10</sup> Conflict-related sexual violence.pdf

<sup>11</sup> Report of the UN Secretary-General, S2022/272.

intimate partner violence are sometimes used interchangeably, but the former is more of an umbrella term for household violence, while intimate partner violence is a subtype of domestic violence.

Domestic violence can be physical, sexual, psychological/emotional or economic actions or threats of actions that influence another person. This includes behaviours that frighten, intimidate, terrorise, manipulate, hurt, humiliate, blame, injure, or wound someone. Domestic violence can happen to anyone of any race, age, sexual orientation, religion, gender, socioeconomic background or level of education – including children, parents, relatives, or any other household member. It can occur within all kinds of relationships, including among couples who are married, living together, or dating.

**Intimate partner violence** makes up the majority of cases of GBV against women and girls, and is the most common form of domestic violence. Sometimes used interchangeably with the term ‘domestic violence’, intimate partner violence is narrower: it refers solely to GBV between former or current partners/spouses. It can take the same forms as domestic violence. In most cases, perpetrators are male, while victims/survivors are female. Children are frequently victims/survivor too.

**Honour-related violence and oppression** is a form of GBV whereby violence is perpetrated in the name of honour, to uphold or re-establish the authority and reputation of a family or group. Women and girls’ sexuality and behaviour is often subject to control, both in the short term (e.g., their freedom to choose what to wear or what to do) and the long term (e.g., forced marriages or not being allowed to study). Honour-related violence occurs in all socioeconomic classes, cultures and countries. In conflict-affected areas, violence often increases both in private and public, and group identities become more important. This then results in a return to traditional values, which can in turn strengthen honour-related norms and forms of oppression and violence.

Victims/survivors can also include young men, who may be forced to marry or control female family members; LGBTQI+ persons, who may be prevented from expressing themselves or having relationships; and young persons, who are particularly vulnerable to honour-related violence and oppression. Perpetrators themselves may be oppressed too.

Honour-related violence and oppression is not necessarily an individual affair; in some cases, the perpetrator is an entire group and violence a matter of collective action. To liberate themselves, the victim/survivor may have to cut all ties with family and friends.

Honour-related norms are more common in communities dominated by patriarchal structures, where the group stands for social stability and security, and conflicts are resolved within the group.

**Sextortion** is a form of corruption and GBV, whereby a person in a position of authority abuses their authority to obtain a sexual favour, in exchange for a service or benefit that is within their power to grant or withhold. Sextortion is a coerced sexual quid pro quo, with sex as its currency. The responsibility always lies with the actor who abuses their entrusted authority (the perpetrator). Because the transactional aspect of sextortion can make the victim feel ashamed, afraid and invisible, they often appear ‘complicit’. Sextortion is a violation of human rights and an abuse of power that must be understood in the context of gendered power relations and norms.<sup>13</sup>

**A victim/survivor of gender-based violence** is someone who experiences, or has experienced, GBV. People may choose different terms to describe their experience.

The term ‘survivor’ implies strength, resilience and the capacity to survive. It emphasises that people are resourceful and can find the inner motivation and strength to reclaim their lives. This approach prevents those who have experienced GBV from being seen as passive: they are described as having agency, the power of initiative, which underpins their independence and potential. The term ‘victim’, on the other hand, has protective implications. It implies that someone who experienced GBV suffered an injustice that should be redressed. Victim also refers to those who have been subjected to deadly GBV. It is always the person who experiences/-d GBV who gets to define their own experience and decide whether they want to be called a survivor or a victim. That is why we use both terms in this study.

**A victim/survivor-centred approach** means prioritising the victim/survivor’s wishes, needs, safety and wellbeing in all matters and procedures. The approach is based on seven core principles: respect, non-discrimination, safety, confidentiality, informed consent, support, and prevention.

# Acronyms

|                |  |
|----------------|--|
| <b>BIH</b>     | Bosnia and Herzegovina   |
| <b>CEFM</b>    | Child, early, forced marriage                                  |
| <b>CSO</b>     | Civil society organisation                                     |
| <b>CRSV</b>    | Conflict-related sexual violence                               |
| <b>DPA</b>     | Dayton Peace agreement   |
| <b>DRC</b>     | Democratic Republic of the Congo                               |
| <b>DV</b>      | Domestic violence  |
| <b>GBV</b>     | Gender-based violence  |
| <b>ICTY</b>    | International Criminal Tribunal for the former Yugoslavia      |
| <b>IDP</b>     | Internally displaced person                                    |
| <b>IPV</b>     | intimate partner violence                                      |
| <b>ISIS</b>    | Islamic State of Iraq and Syria                                |
| <b>LGBTQI+</b> | Lesbian, gay, bisexual, transgender, queer and intersex people |
| <b>NGO</b>     | Non-governmental organisation                                  |
| <b>ODA</b>     | Official Development Assistance                                |
| <b>PMF</b>     | Popular Mobilization Forces                                    |
| <b>PTSD</b>    | Post-traumatic stress disorder                                 |
| <b>SEAH</b>    | Sexual exploitation, abuse and harassment                      |
| <b>SRHR</b>    | Sexual and reproductive health and rights                      |
| <b>UNSCR</b>   | United Nation Security Council Resolution                      |
| <b>WHRD</b>    | Women human rights defender                                    |
| <b>WRO</b>     | Women's rights organisations                                   |

# Background

Gender is a key factor to analyse and understand different types of violence perpetrated in both peace time and during war. In war civilian women and girls are much more likely to be subjected to sexual violence, rape, forced pregnancy, sexual exploitation and trafficking, while men are more often exposed to unlawful imprisonment, arbitrary killings, unlawful treatment, and torture during detention. Sometimes men and boys are also subjected to sexual violence in war, but the sexual violence against women and men is usually perpetrated with different goals. Rape against women and girls is often committed to destroy their 'honour' and break up the families and, by extension, their group. Whereas men are often raped to emasculate them and shame them in front of their peers. This indicates how conflict-related sexual violence is rooted in pre-existing and deeply entrenched gender stereotypes and explains why conflict related sexual violence (CRSV) continues to be used as an effective weapon of war.<sup>13</sup>

According to the UN Secretary General's annual reports, conflict related sexual violence is committed against women and girls, and to some extent men and boys as well as persons with diverse sexual orientation and gender identity and expression (SOGIE), in 18 countries around the world today<sup>14</sup>. Every year the UN lists the armed groups and state actors who perpetrates this violence, and 70 percent of these groups have been on the same list for more than five years without sufficient measures being deployed to stop the violence and prosecute the perpetrators<sup>15</sup>.

In addition to the CRSV, women and girls in conflict affected countries also continue to be subjected to other forms of gender-based violence (GBV), including domestic violence and intimate partner violence, which is the most pervasive form of GBV globally. It is important to bear this in mind and not lose sight of the fact that GBV in conflict does not occur in a vacuum, but rather in a continuum of violence, where the prevalence of the different forms of GBV, as well as the perpetrators, shift whether in pre- during or post conflict<sup>16</sup>.

Sextortion is another form of GBV which is common in conflict affected countries, and in countries with high levels of corruption and poverty. In humanitarian contexts, sextortion can occur in relation to for example food distribution or border crossings. In some countries sextortion is also commonplace in the sphere of education, sometimes referred to as 'sex for grades', or in the workplace, where sex is extorted in return for gaining employment, for collecting your salary or for staying in employment. In some contexts where corruption is particularly high, women's rights organisations also report that women are subjected to sextortion when trying to access different types of state services.

This study looks at the occurrence of different forms of GBV in four conflict affected countries where Kvinna till Kvinna is present and/or has partners: Bosnia and Herzegovina, the Democratic Republic of Congo (DRC), Iraq and Ukraine. In all these contexts we have seen high levels of CRSV, including sexual violence perpetrated by armed forces and armed groups, trafficking, sexual slavery and forced marriages. In these contexts, we have also seen high levels of domestic violence, and most likely an increase of this type of violence during and after conflicts, as well as widespread use of sextortion.

The case-studies in this report cover a period of 30 years, since the beginning of the war in Bosnia and Herzegovina in 1992 when Kvinna till Kvinna started supporting women's rights organisation's work to address GBV up until today, one year after Russia's full-scale invasion of Ukraine in February 2022. During these three decades several important milestones have been made in terms of establishing legal frameworks and international agreements addressing these crimes. These milestones are largely thanks to the women's rights movement, both locally and globally, who have pushed for and demanded recognition and accountability of these crimes. As a result of this development, conflict affected countries have much better possibilities of addressing cases of CRSV and other forms of GBV today than 30 years ago.

<sup>13</sup> Kyle Delbyck, 'Rape Myths in Wartime Sexual Violence Trials – Transferring the Burden from Survivor to Perpetrator'

<sup>14</sup> UNSC report of the Secretary General on CRSV. 2022.

<sup>15</sup> *ibid.*

<sup>16</sup> (World Bank Document )





Kvinna till Kvinna initiators at Stockholm City rally in Norrmalmstorg 1993

However, despite the historic achievement of the women’s movement securing ten UN Security Council resolutions on Women, Peace and Security, only 19.7% of peace agreements, relating to more than 150 peace processes between 1990 and 2018, included provisions addressing women, girls or gender.<sup>17</sup>

Furthermore, we still see a lot of non-action, lack of political will, lack of resources and attention to most of these types of crimes in conflict-affected countries around the world. Even in countries where measures are put in place the implementation is far from acceptable and many aspects of GBV and women’s rights are not prioritized. As in peacetime, but exacerbated in conflict, more marginalised groups in society, such as ethnic minorities, IDPs, refugees, LGBTQI+ community, elderly and persons with disabilities, face even more challenges to have their voices heard and their needs met.

As the prevalence of gender-based violence continues to be high and as victims/survivors still do not receive the protection, support and justice that they have a right to, the work of women’s rights organisations and women human rights defenders to address their needs, to raise awareness, to change harmful social and cultural norms and attitudes and to lobby for legislative changes and proper implementation

of laws and regulations continues to be absolutely essential for the security, rights and wellbeing of women and girls in conflict affected countries. Ultimately it is a matter of human rights, peace and security, democracy and sustainable development, which is fundamental for a prosperous and peaceful world.

### Scope and methodology

This study looks at the occurrence of GBV, including CRSV, against women and girls in four conflict affected countries where Kvinna till Kvinna is present and/or has partners, Bosnia and Herzegovina, the Democratic Republic of Congo (DRC), Iraq and Ukraine. The aim of the study is to give an overview of the different forms of GBV in conflict affected countries, and to showcase the crucial, but often hidden, work of women’s rights organisations in meeting the needs of the survivors of violence as well as demanding justice and driving change. The study is based on extensive desk research, and semi-structured interviews with 44 women’s rights activists from the four countries examined in the study. In many cases, the activists interviewed have worked for women’s rights for several decades and have in some instances led the work to change legislations and even been part of shaping international law, norms and standards in relation to CRSV and WPS.

<sup>17</sup> United Nations, Secretary General Report on Women, Peace and Security 2019, Document s/2019/800

# Important milestones

**1949** Geneva Convention – First time that sexual violence is recognised a war crime in International Law.

**1992** UN Security Council recognises rape as a crime against humanity.

**1995** the Beijing Declaration recognises gender-based violence as a violation of human rights and called for measures to eliminate it.

**1998** Adoption of the Rome Statute. It establishes the International Criminal Court (ICC) and includes provisions on sexual violence as a war crime, crime against humanity and act of genocide. It recognises rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or “any other form of sexual violence of comparable gravity” as a crime against humanity, when it is committed in a widespread or systematic way.

**1998** The ICTR (international criminal Tribunal for Rwanda) became the first international court to find an accused person guilty of rape as a crime of genocide.

**2000** UNSCR 1325. It calls for the participation of women in the prevention and resolution of conflicts and in the promotion of peace and security. It obligates conflicting parties to prevent violations of women’s rights, and to shield women and girls from sexual violence during armed conflict.

**2000** The Palermo Protocol is adopted – the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

|             |   |
|-------------|---|
| <b>2001</b> | The ICTY (International Tribunal for the former Yugoslavia) became first international court to find an accused person guilty of rape as a crime against humanity.  |
| <b>2002</b> | The International Criminal Court (ICC) is inaugurated and becomes the first permanent international criminal tribunal with jurisdiction over the most serious international crimes.   |
| <b>2008</b> | UNSCR 1820. It calls for an end to the use of acts of sexual violence against women and girls as a tactic of war and an end to impunity of the perpetrators.  |
| <b>2009</b> | UNSCR 1888. It calls for detailed measures to further protect women and children from sexual violence in conflict situations.   |
| <b>2009</b> | Establishment of the UN Special Representative on Sexual Violence in Conflict.  |
| <b>2010</b> | UNSCR 1960. It calls for targeted sanctions against parties suspected of sexual violence in conflict and the establishment of monitoring, analysis, and reporting mechanism specific to CRSV.   |
| <b>2011</b> | The Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence is adopted by the Council of Europe. The first legally binding instrument in Europe that comprehensively addresses gender-based violence, including sexual violence, in both public and private spheres. |
| <b>2013</b> | The Maputo Protocol is adopted by the African Union, on the rights of women to not be subjected to any from violence or discrimination, including gender-based violence, including measures to prevent and respond.   |
| <b>2013</b> | UNSCR 2106. It calls for annual reports from the UN SG on the implementation of 1820, 1888 and 1960 including recommended strategic actions.  |
| <b>2015</b> | UNSCR 2242. It calls for the increased participation of women in conflict prevention and resolution, and for the prevention of sexual violence in conflict.   |
| <b>2016</b> | The first ICC conviction for sexual violence as a war crime, Jean-Pierre Bemba Gombo, a Congolese warlord, is convicted for sexual violence committed by his troops in the Central African Republic.  |
| <b>2016</b> | UNSCR 2331 on human trafficking. It recognizes that the threats and use of sexual violence can be a tactic of the shadow economy of conflict and terrorism.   |
| <b>2019</b> | UNSCR 2467. It recognises men and boys as victims as victims of CRSV and calls for a survivor-centred approach to CRSV. UNSCR 2493. It recognises the importance of civil society organisations and women's organisations.  |



# Case Studies

# Bosnia and Herzegovina



Protests against gender-based violence at the end of 2022, as a reaction to a recent case of femicide.

## Introduction

This case study is based on desk research and interviews with Kvinna till Kvinna partner organisations, some of which started their work in response to the different forms of gender-based violence (GBV) perpetrated against women during the war in the 1990s and other non-governmental organisations who have been playing a key role in supporting victims/survivors of GBV in multiple ways. Seven organisations were involved in the study by taking part in interviews or responding to written questions: United Women (Banja Luka), Foundation Lara (Bijeljina), Center for Women's Rights (Zenica), Forgotten Children of War (Sarajevo), Vive Women (Tuzla), Trial International (Sarajevo) and Women Victims of War (Zagreb, Croatia). A few prominent women activists who set up organisations and mechanisms to address the immediate needs of victims/survivors during and in the aftermath of the conflict were also interviewed.

The case study does not aim to provide a comprehensive account of the conflict nor of all aspects of conflict-related and gender-based violence taking place during and after the war, but rather to provide an overview of the pioneering work of women's organisations in Bosnia and Herzegovina in this field, their challenges and approaches, the connection between the support to victims/survivors of violence and their peacebuilding work and the forming of the post-war feminist movement in BiH. Their work to address conflict-related sexual violence laid the foundations for the subsequent introduction of legislation on different forms of GBV, set-up of state services for victims/survivors of GBV and the multi-sectoral cooperation of institutions for the prevention and protection of women victims/survivors of GBV.

## Conflict overview

In 1992, a war broke out in the territory of Bosnia and Herzegovina (BiH) following the breakup of former Yugoslavia. During this four-year-long war, attempts were made to create ethnically homogeneous areas in what was before then a multi-ethnic republic. This led to severe human rights abuses and war-crimes, including ethnic cleansing, mass rapes and indiscriminate shelling of cities and towns. The war left an estimated 100,000 people killed and 2,2 million displaced,<sup>18</sup> out of a population of 4,4 million, making it the most devasta-

ting conflict on European soil since World War II. Over 30,000 people were reported missing as a result of the war and more than 7,000 are still missing.<sup>19</sup>

The armed conflict ended with the signing of the Dayton Peace Agreement (DPA) in Paris in December 1995. The agreement, which included 11 annexes comprising the new Constitution of BiH, established that Bosniaks, Bosnian Croats and Bosnian Serbs were the three constituent peoples and divided the country in two entities, the Federation of Bosnia and Herzegovina (consisting of 10 autonomous Cantons with their own government and legislature divided between Bosniaks and Bosnian Croats) and the Republika Srpska as well as the Brcko district, each of them with their own prime ministers, governments and parliaments. The Constitution enshrined in the DPA, which aimed to ensure a balance of constituent people at all levels of government (state and entity level), further entrenched ethnic divisions in the country along ethnic lines and created an incredibly complex state apparatus.

The war ravaged the lives of thousands of civilians, yet the peace agreement was negotiated exclusively by the warring parties, national political elites, international diplomats all of whom were male, in a military base and with military overtones. No women from Bosnia and Herzegovina were present at the negotiating table.<sup>20</sup> Civil society organisations were not involved. The agreement led to the establishment of a 'negative peace', as it failed to eradicate the main causes of injustice and inequality based on ethnicity, religion, gender or class.

## Gender-based violence during and after the war

### PREVALENCE OF SEXUAL VIOLENCE DURING THE CONFLICT

Since the beginning of the war, horrifying accounts of GBV, and especially sexual violence including rape perpetrated against women and girls, emerged in different parts of the country. According to UN reports, approximately 25,000 women, girls and men were sexually abused during the war<sup>21</sup> but a precise figure cannot be produced due to the challenges of compiling evidence during the war and the estimated underreporting of sexual violence by victims/survivors. Based on the available reports, the most affected

<sup>18</sup> Population Situation Analysis in Bosnia and Herzegovina, SeCons and UNFPA, page 60 (2019).

<sup>19</sup> Bosnia and Herzegovina Missing Persons from the Armed Conflicts of the 1990s: A Stocktaking, International Commission on Missing Persons, page 11 (2014).

<sup>20</sup> Engendering the peace process, Kvinna till Kvinna, page 20 (2000).

<sup>21</sup> See for example Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Bosnia and Herzegovina – Special Report (1994)

Photo: Irena Kaperović



Adrijana Hanušić Bećirović is a senior legal adviser at Trial International in Bosnia and Herzegovina.

areas were those of Višegrad, Foča, Rogatica, Prijedor, Zvornik, Vlasenica, Mostar, Konjic, Bijeljina and Brčko.<sup>22</sup>

As confirmed by the judgements of the International Criminal Tribunal of former Yugoslavia (ICTY) and the Court of Bosnia and Herzegovina, sexual violence was systematic and institutionalized<sup>23</sup>, it was used as a weapon of war and ethnic cleansing to force families away from certain territories as well as to prevent them from returning to their homes, particularly in areas where they belonged to the minority community.

” Sexual violence was explicitly identified as a crime against humanity, a war crime and an act of genocide which could be prosecuted by International Criminal Law and was no longer seen as a ‘collateral damage’ of the war, which is how it was perceived by society before.

ADRIJANA HANUŠIĆ BEĆIROVIĆ,  
TRIAL INTERNATIONAL

The majority of the documented cases of rape were perpetrated by Bosnian Serb forces against Bosniak

women, but women from all ethnic groups were victims/survivors of rape.<sup>24</sup> In some places where Serbs were the minority, Serb women were also exposed to violence, including rape, by members of the Croat or Bosniak paramilitary or military groups.

Sexual violence was perpetrated against both women and men, in particular in the so-called rape camps and concentration camps, but there are also cases of rapes that occurred in front of a whole village to terrorize the population and force them to flee.

Men, especially soldiers in prisons and civilians in detainee camps, were also victims/survivors of sexual violence during the war, although there are fewer documented cases. Reports show that victims in captivity would be continuously exposed to this type of violence<sup>25</sup> in order to belittle, punish and demoralize them in front of their peers and community members. In a patriarchal society such as that of Bosnia and Herzegovina, male victims/survivors of sexual violence would be subjected to double stigmatization and risk being accused of having homosexual tendencies (which was unacceptable). This would prevent male victims from speaking out, both within their families and communities.

Violence was also perpetrated against women and girls by members of their own communities, yet

<sup>22</sup> Bosnia and Herzegovina Study on Opportunities for Reparations for Survivors of Sexual Violence, Trial International, The Association of Citizens of Viva Women, Global Survivors Fund, page 15-16.

<sup>23</sup> Organization for Security and Co-operation in Europe (OSCE) Mission to Bosnia and Herzegovina, ‘Combating Impunity for Conflict-Related Sexual Violence in Bosnia and Herzegovina: Progress and Challenges, An analysis of criminal proceedings before the Court of Bosnia and Herzegovina between 2005 and 2013’ (2014) 10; Brammertz and Jarvis (n 24) 308-309.

<sup>24</sup> Special Rapporteur of the Commission on Human Rights (A/48/92-S/25341); ICTY Kunarac et. Al (IT-96-23 & 23/1);

<sup>25</sup> United Nations Security Council (UNSC), ‘Final Report of the Commission of Experts Established pursuant to Security Council Resolution 780’ (1994) S/1994/674 59.

these cases are less documented and continue to be considered taboo.

Women and girls were the primary targets for sexual violence during the conflict and had to bear the consequences of these acts, often unwanted pregnancies, sometimes with medical complications, stigma and trauma. Women and girl victims/survivors were stigmatized by their own communities for the violence they had suffered.

Children born out of wartime rape have also been a direct consequence of the war yet one that society struggled to acknowledge despite early reports by NGOs about the specific needs of mothers and children born under these circumstances.<sup>26</sup> Mothers of children born out of rape were stigmatized and marginalised by their communities and often left alone to deal with the trauma suffered during the war, the consequences of the rape and the lack of support by authorities and their communities.

The children born out of wartime rape themselves suffered from exclusion, stigmatization and discrimination, remaining an invisible group of victims of war until very recently. Only in August 2022 was the first legal and social recognition provided (in the Brčko District) to these children as a special category of civilian victims of war.

“Most of our mothers tried to hide the truth about the biological father because of the stigma associated with this and this makes the mapping of children born out of conflict-related sexual violence, peacekeepers, and humanitarian babies very difficult in BiH. My mother survived much stigmatization and verbal violence, they never questioned the biological father. She was marginalized.

AJNA JUSIĆ, FORGOTTEN CHILDREN OF WAR

Sexual violence against women and men was perpetrated with different goals. Rape against women was committed to destroy their honour and break up the families and, by extension, the ethnic communities they belonged to. Men were raped to emasculate them and shame them in front of their peers.<sup>27</sup> This indicates how conflict-related sexual violence was rooted in pre-existing and deeply entrenched gender stereotypes. The war contributed to a dramatic increase in GBV and the scale and gravity of the phenomenon was captured by official reports and media. However, conflict-related sexual violence was partly a continuation of the already existing patriarchal oppression.<sup>28</sup>

“The war contributed to the increase in sexual violence against women, but it was not the cause.

NELA PAMUKOVIĆ,  
CENTRE FOR WOMEN WAR VICTIMS – ROSA

### THE CONTINUUM OF SEXUAL VIOLENCE

Gender is a key factor to analyse and understand the type of violence suffered by the local population. Men were more exposed to unlawful imprisonment, arbitrary killings, unlawful treatment and torture during detention, while women were more likely to be displaced and forcibly transferred. Women and girls were also exposed to more forms of gender-based violence during the war, including sexual violence, rape, forced pregnancy, sexual exploitation, forced nudity, forced labour, trafficking and domestic violence during as well as after the war<sup>29</sup>. Most of these forms of violence were neglected and remained unaddressed also in the aftermath of the war.

The trafficking for the purposes of sexual exploitation escalated after the war.<sup>30</sup> Sex trafficking was at this time a fairly new phenomenon in Europe after the fall of the Berlin Wall. Initially the victims/survivors of human trafficking were mostly women from Eastern European countries. Later, there were women and girls from BiH among the victims/survivors.<sup>31</sup>

<sup>26</sup> See for example Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Bosnia and Herzegovina – Special Report (1994)

<sup>27</sup> Kyle Delbyck, 'Rape Myths in Wartime Sexual Violence Trials – Transferring the Burden from Survivor to Perpetrator' (TRIAL International 2017) 84.

International Commission on Missing Persons, page 11 (2014).

<sup>28</sup> Engendering the peace process, Kvinna till Kvinna, page 20 (2000).

<sup>29</sup> Interview 27th October 2022.

<sup>30</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) was adopted accompanying the UN Convention against Transnational Organised Crime, was adopted by the UN in 2000 although the negotiations of the Protocol started in 1998 (BIRN-Ivana-Radovic-FINAL-edited-1.pdf (balkaninsight.com)).

<sup>31</sup> Microsoft Word - Bosnia1102.doc (hrw.org)



Photo: Iliana Kapetanović



Brothels were everywhere around us and in 2000 we established the shelter for women victims of human trafficking. There were days when we used to place even 10 women a day... Due to our commitment the first night bars were closed, in which the sexual

exploitation of women used to happen and the model of the multi-sectoral cooperation in prevention of human trafficking was established for the first time in our office, when we gathered police, prosecution, court, social care centres and international organisations.

RADMILA ŽIGIĆ, FOUNDATION LARA

## Sexual exploitation and abuse (SEA) by UN peacekeeping missions

Sexual exploitation and trafficking of women and girls was enabled and sometimes even facilitated by UN peacekeepers and international staff, who were stationed in Bosnia and Herzegovina to protect the local population. Young girls from Eastern European countries were forced into prostitution in brothels next to the peacekeeping bases, demonstrating complacency on the part of several contributing countries. The brothels were operated by local organized crime groups.\*

“U.N. peacekeepers’ participation in the sex slave trade in Bosnia is a significant, widespread problem, resulting from a combination of factors associated with the U.N. peacekeeping operation and conditions in general in the Balkans. More precisely, the sex slave trade in Bosnia largely exists because of the U.N. peacekeeping operation. Without the peacekeeping presence, there would have been little or no forced prostitution in Bosnia<sup>32</sup>”

Allegations of sexual exploitation and abuse also continued to emerge in other countries hosting peacekeeping missions. DRC has the highest number of allegations of UN peacekeeper-perpetrated sexual exploitation and abuse of any country in the world.<sup>33</sup> The presence of peacekeepers has repeatedly been associated with a rapid increase in sex trafficking and brothels near military bases, child prostitution, the exchange of sex for goods or food, the creation and distribution of pornographic films, and the spread of sexually transmitted diseases such as HIV.

In March 2005, the Zeid Report, a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations, was issued. The Zeid Report provided a comprehensive and innovative package of recommended reforms for both the UN Secretariat and Member States. In the following years the UN had implemented a number of measures to address and prevent sexual exploitation by peacekeeping missions and in 2007, the General Assembly adopted the Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel.

In March 2016, the Security Council adopted resolution 2272 (2016), addressing sexual exploitation and abuse by peacekeepers deployed under Security Council mandates. The reality of prostitution and sexual exploitation in peacekeeping contexts has not been eradicated yet and continues to threaten the credibility and reputation of the missions.

The secretary-general's most recent report on special measures for protection from sexual exploitation and abuse acknowledges the disturbing fact that many paternity/child support claims relating to peacekeeping personnel remain unresolved.<sup>34</sup>

\* Hopes betrayed: Trafficking of women and girls to post-conflict Bosnia and Herzegovina for forced prostitution, <https://www.refworld.org/docid/3e31416f0.html>

<sup>32</sup> Disturbing the Peace: UN Peacekeepers and Sexual Abuse — Hampton Institute ([hamptonthink.org](http://hamptonthink.org))

<sup>33</sup> Sexual exploitation and abuse | Conduct in UN Field Missions ([unmissions.org](http://unmissions.org))

<sup>34</sup> Special measures for protection from sexual exploitation and abuse : ([un.org](http://un.org))



Exposition on women's stories from the war - Initiative Peace with Women's Face, Mostar, December.

Another form of gender-based violence was different forms of sexual exploitation, abuse and sexual harassment (SEAH) partly as e.g., 'transactional sex' or 'survival sex', which in turn is closely linked to the term coined later as **sextortion**; a form of corruption and GBV. During the war and in its aftermath many women and girls were taken advantage of. Desperate circumstances led to their sexual exploitation and abuse by men in a position of power. These men worked as part of the peacekeeping and humanitarian response and including both uniformed and civilian peacekeepers, humanitarian aid workers, diplomats and private contractors. They included international, local and regional staff and the exploitation made possible due to the deep imbalance of power and resources between them and their beneficiaries.

As early as 2012 the BiH chapter of the International Association of Women Judges (IAWJ) started compiling and summarising known and documented experiences, and for the first time managed to break the stigma around this phenomenon, placing a special emphasis on the mechanisms through which improvements could be made in combatting sextortion. This form of corruption is the hardest to monitor as it is massively underreported and under documented because the victim often faces social condemnation. Sextortion is surrounded by silence, due to shame and the lack of a functioning, survivor-focused, reporting mechanism.

Today Bosnia and Herzegovina is still faced with very high levels of corruption and ranks 110<sup>th</sup> out of 180, and according... According to Transparency International, the education sector has the largest number of reports/complaints filed by women. Although corruption and sexual harassment are very much present in higher education institutions, in a society where women's experiences are rejected, trivialised and dismissed as irrelevant and where perpetrators are often protected, given mitigating circumstances or not held to account at all, this is a taboo subject, and the reporting mechanisms are either ineffective or non-existent.<sup>36</sup>

#### OTHER FORMS OF GENDER-BASED VIOLENCE

Historically, in the lead up to the conflicts in the region, there was a 're-patriarchalisation' of Yugoslav society, with the concept of 'militant masculinity' portraying men in the role of violent warrior, whilst women were portrayed as biological reproducers or nurturers of the nation<sup>37</sup>. In the late 80s and early 90's the first SOS helpline and shelter in Eastern Europe was opened in Zagreb<sup>38</sup>. A recent



Silence about sexual violence within the same ethnic group partly influenced the increase in sexual violence after the conflict, because it was considered to be 'normal' and it still has the influence today so that women stand various types of sexual blackmails [sextortion] in order to solve their existential issues. Unfortunately, sexual violence is still one of the methods, which keeps the women in BiH in subordinate position.

RADMILA ŽIGIĆ, FOUNDATION LARA



Rape is not just happening during the war, it continues after the war so we cannot think of it as isolated.

JASNA ZEČEVIĆ, VIVE ZENE

<sup>36</sup> Sextortion ENG Korice FIN (ti-bih.org)

<sup>37</sup> Haider, H. (2017). Gender and conflict in the Western Balkans. K4D Helpdesk Report. Brighton, UK: Institute of Development Studies.

<sup>38</sup> Coll. Papers (women-war-memory.org)

Photo: Injana Koprivanac



Duška Andrić is a prominent women human rights defender in Bosnia and Herzegovina. She has been working with women's rights since the outbreak of the war in BiH (1992–1995).

survey from BiH also shows that almost one in two women have survived some form of abuse including intimate partner violence since the age of 15. It also showed that the prevalence of current partner violence is higher among women whose partner fought in conflict<sup>39</sup>.

In the aftermath of the war, as demobilized soldiers were returning home often with post-traumatic stress

” Women were under pressure during the war to provide new offspring because many men and boys had died and there was a need to ‘rebuild the nation’, lots of babies born towards the end of the war. It was problematic to have access to abortion and reproductive rights.

NADA GOLUBOVIĆ, UNITED WOMEN

disorder (PTSD) and in the absence of adequate psychological support mechanisms and negative coping mechanisms such as alcohol abuse, the incidence of domestic violence increased. Women who had already been victims/survivors of violence during the war were often exposed to domestic violence by their intimate partners and would be blamed for what they had suffered during the war. As they were expected to recognize the brave acts of the ‘returning heroes’ and the ‘compatriots-protectors’ and for fear of general condemnation they would not speak up about the GBV endured in their communities.

Women’s bodies were objectified, and women were expected to give birth to more children after the war, partly to make up for all the lives that had been lost. Patriarchal values and gender stereotypes and norms were also reinforced during the conflict and post-conflict period.<sup>40</sup>

The wide-spread use of sexual violence during the war, the narrative that this was a ‘collateral damage’ of the war, coupled with the absence of legislation on GBV including domestic violence in BiH, contributed to the normalization of the use of violence after the war.

<sup>39</sup> Well-being and safety of women, Bosnia and Hercegovina, results report, 423470\_1.pdf (osce.org)

<sup>40</sup> Interview 27th October 2022.

## The roles, contributions and strategies by WROs in addressing gender-based violence during and after the conflict

In the 1990s, Bosnia and Herzegovina did not have legislation on gender-based violence or domestic violence and there were no specialized services for women victims/survivors. While the hostilities were still ongoing, women activists across Bosnia and Herzegovina started the pioneering work of providing assistance - medical, psychosocial and legal - to women victims/survivors of sexual violence and other forms of gender-based violence. They were operating with institutions, international organisations and INGOs, as well as other women's organisations on 'the other side' of the conflict, often at great risk for their own and their families' safety and reputation.

The Dayton Peace Accords, which put an end to the hostilities, did not explicitly mention women's rights (though it referred to human rights), and did not mention the state's responsibility for prosecuting those who had committed rape or sexual abuses or for providing shelters and rehabilitation for victims/survivors<sup>41</sup>. The absence of any formal recognition of the violence suffered by women during the war coupled with the absence of a legal framework to address GBV in BiH pushed women's rights activists and organisations to initiate political advocacy efforts to recognize victims/survivors of conflict related sexual violence and their rights and subsequently to establish a comprehensive legal framework to tackle different forms of gender-based violence.

“The national courts were not prepared to take testimonies of victims, they were not sensitised to respect trauma of victims of sexual violence in conflict. There were no question about covering transport costs for victims, security issues [were] not taken into account, they were alone during the break of court hearings etc.

JASMINKA DŽUMHUR, OMBUDSPERSON FOR HUMAN RIGHTS FOR BOSNIA AND HERZEGOVINA

## PROVISION OF SERVICES TO VICTIMS/SURVIVORS OF VIOLENCE

To respond to the immediate medical and psychosocial needs of victims/survivors, women activists and organisations started to operate, formalise and get registered across Bosnia and Herzegovina, some of them were Medica Zenica in Zenica 1993, supported by Medica Mondiale, Vive Women in Tuzla, in 1994, United Women in Banja Luka, in 1996, and Foundation Lara in Bjielina, in 1998. As they were pioneers in this area, they had no blueprint for their work. Their approach consisted in “learning by doing” and listening to the needs of victims/survivors. This allowed them to develop strategies and approaches tailored to and informed by the needs of women as they evolved in the aftermath of the war.



We are not just legal aid providers, we are supporters, somebody who walks the women through the process. Now the support is part of the law.

DUŠKA ANDRIĆ, CENTER FOR WOMEN'S RIGHTS

Women's organisations established the first support services for victims/survivors of violence in BiH, including:

- Medical support, including abortion for women who had suffered rape and were dealing with unwanted pregnancies.
  - Free psychosocial support to women to address the trauma of war and violence.
  - Free psychosocial support to children to prevent transgenerational trauma.
  - Safe houses and rehabilitation centres for women victims/survivors of sexual violence and their children.
  - SOS hotlines.
  - Support to reintegration of women victims/survivors of violence in their communities.
  - Shelters for victims/survivors of trafficking during and after the war.
  - Mobile teams in different cities in BiH to support women and share information on their rights.
- Based on their unique expertise and cooperation with institutions in the response to GBV, women's organisations also developed specific protocols in response to sexual violence during the war as well as domestic violence response, prevention and protection of victims/

<sup>41</sup> Engendering the peace process, Kvinna till Kvinna, page 23 (2000).

survivors. The cooperation with institutions (police, prosecution, court, social care centres) who signed off on the protocols, led to the development of multi-sectoral approaches in addressing wartime and domestic violence as well as prevention of human trafficking. The provision of free legal support to women victims/survivors of conflict related gender-based violence has also been at the core and centre of the work of women's organisations in BiH. Many women who had been deprived of their rights during the war, lost their husbands, sources of income and/or property were

seeking legal assistance. The Center for Legal Assistance for women in Zenica, now renamed Center for Women's Rights, was set up to provide legal services and assistance for women in areas such as family law, criminal law and inheritance law. The Center for Women's Rights, among other activities, accompanies women victims/survivors through criminal proceedings and lobbied for the introduction of the institute of 'person of trust' already present in countries like Croatia, who has the responsibility to take care of the victim throughout the process.

Photo: Inirana Kopraković



Selma Badžić, Sabina Mahić and Aida Ćosić on coffee break. They all work at Center of Women's Rights, Zenica.

**INTRODUCING LEGISLATION ON CIVILIAN VICTIMS OF WAR, ON GBV AND LEGAL SUPPORT TO WOMEN**

Key steps towards the recognition of the gravity of the crimes perpetrated were the judgements of the ICTY identifying sexual violence as a crime against humanity and war crime. These established in an unequivocal manner that sexual violence and other forms of GBV are not a ‘collateral damage’ of the war, as they were often perceived before.

The first to adopt legislation on civilian victims of war was the Federation of Bosnia and Herzegovina in 1999. However, it took until 2006, after intense lobbying by WROs, activists and journalists supported by international NGOs before persons who had suffered rape or sexual abuse were recognized as a

specific category of civilian victims of war and allowed to apply for monthly allowances without the need to prove physical disability.<sup>42</sup> In 2008, the Brcko District established that all persons who had suffered permanent psychological damage due to sexual abuse or rape would be recognised as civilian victims of war.

Only in 2018, Republika Srpska adopted the Law on Victims of Torture, which includes victims of sexual violence. The law, however, is discriminatory as it only recognizes Bosnian Serbs victims of torture. The deadline for submitting requests for this status expires this year, in 2023, but the women’s organisations want the law to stay active as there are still many victims/survivors of sexual violence who did not get their status. And although exempted from fees in most parts of country for those victims/survivors who have claimed compensation there are now challenges related to costs relating to statutes of limitations as a number of courts in Republika Srpska continue to impose court fees on victims. These unexpected court costs for victims/survivors have in some cases led to women, in this already vulnerable position, being financially ruined, and even having had the properties seized.

A report published by some of the WROs in March 2022 found that BiH not yet had provided adequate and effective reparations to victims/survivors of conflict-related sexual violence due to an inadequate legal framework. Only about 1,000 of an estimated 20,000 victims/survivors had received some form of reparations<sup>43</sup>.

” The same patterns that expose women to risk of conflict related sexual violence remain also after the armed conflict is over and if we manage to break the patterns leading to sexual violence in conflict then we have contributed to change in the future  
ADRIJANA HANUŠIĆ BEĆIROVIĆ, TRIAL



Protests against gender-based violence at the end of 2022, as a reaction to a recent case of femicide.

<sup>41</sup> Bosnia and Herzegovina Study on Opportunities for Reparations for Survivors of Sexual Violence, Trial International, The Association of Citizens of Viva Women, Global Survivors Fund, page 51.



Photo: Center of Women's Rights



Street action against gender-based violence, Center of Women's Rights, Zenica.

Similarly, it was a long relentless advocacy process for years before the legislation on domestic violence was adopted. The Law on Protection against Domestic Violence was adopted in May 2005 in the Federation of Bosnia and Herzegovina and in December 2005 in the Republika Srpska, which further enhanced protection of women and girls from family violence through the adoption of special protective measures<sup>44</sup>. Women's organisations also contributed to the adoption of the Gender Equality Law in 2003 (revised in 2010) based on the principles of the CEDAW Convention, the passing of comprehensive legislation

on domestic violence in 2013, the amendment of the Criminal Code in BiH for a definition of sexual violence aligned with international standards, and the inclusion of victims of gender-based violence as a specific category entitled to legal aid in the State Law on Free Legal aid. Women's organisations have also been at the fore front of advocacy for the adoption of a state-level Transitional Justice Strategy and the Programme for Victims of Conflict-related Sexual Violence and of a draft-law on protection of Victims of Torture in BiH . These attempts have so far failed.

The current political climate in Bosnia and Herzegovina is very tense, with conservative ethno-nationalism still prevailing in the political discourse, with their dividing motto 'with us or against us'. The young generation born after the war are recipients of a very ethno-nationalistic narrative and alternative voices are marginalised.

Rehabilitation is the pre-condition for reconciliation, there was not a lot of rehabilitation of general population in BiH, there are a lot of people who are not direct victims of the war but were affected by the war. Depending on how society reflects the trauma, we shape trauma of people. If we ignore it then they cannot be healed. In 1994 we had a case of women who were from the second world war and traumatized and that was never dealt with in Tito's time and was passed on to the generation involved in the 1990s war. The new generation is at risk and we are late for this.

JASNA ZEČEVIĆ, VIVE ZENE

This is a deeply patriarchal society with weak institutions and every day we have to overcome again and again the resistance for gender prejudice, corruption, re-traditionalisation, which is a global trend. And each day we care about how to provide assets for work of the specialised services of support to victims of GBV, because we are aware that they still need us and that we are the only safe space, which victims of GBV have.

RADMILA ŽIGIĆ, FOUNDATION LARA

<sup>43</sup> GSFReportBiH\_ENG\_Web.pdf (trialinternational.org)

<sup>44</sup> Laws on Protection from Domestic Violence (unwomen.org)

<sup>45</sup> Bosnia and Herzegovina Study on Opportunities for Reparations for Survivors of Sexual Violence, Trial International, The Association of Citizens of Viva Women, Global Survivors Fund (2022), page 71.

## The role of the ICTY and domestic courts in dealing with conflict related sexual violence

The International Tribunal of the former Yugoslavia (ICTY) was established by the UN in 1993 to prosecute war crimes committed during the Yugoslav wars. Its jurisdiction covered grave breaches of the Geneva Conventions, violations of the laws on war, genocide and crimes against humanity. Its main contribution from the point of view of the gender-based violence perpetrated during the war was the recognition of sexual violence and rape as war crime and a crime against humanity. High-ranking officials from all sides of the conflict were prosecuted and convicted on accounts of rape and other forms of sexual violence. This Tribunal (and the International Criminal Tribunal for Rwanda, ICTR) paved way for ICC and the global recognition of CRSV.

However, this was just the tip of the iceberg and for wartime victims/survivors of violence it has been only symbolic justice. Many cases were transmitted to domestic courts of BiH, but the deficiencies of the system and the fragmentation and limitations of the legislation on civilian victims of war/torture made it difficult for victims/survivors to receive justice and access compensations<sup>46</sup>, as recognized also by CEDAW<sup>47</sup>.

In the absence of any comprehensive guidance and binding document on victim support, organisations such as TRIAL International and victims' associations started to advocate for a victims/survivors-centred approach and documented the challenges victims/survivors still face to date in accessing reparations.<sup>48</sup> Individual cases handled by domestic courts have been/are very important to victims/survivors to transfer the burden of shame from themselves to the perpetrators, validating their experience as victims/survivors also in front of their communities.

### Cooperation among and initiatives by women's organisations

In the post-war context, with a shattered economy and social system, the political scene was dominated by patriarchal ethno-nationalist politics and did not provide space to discuss women's priorities.

Most of the women working for these organisations, who had themselves undergone some sort of war-related trauma, were united by a common goal, that of providing support to women victims/survivors of gender-based violence and to fight for women's rights and access to political space. To claim access to public space and bring women's needs and rights

on the political agenda in BiH, women's organisations started to cooperate with each other early on at entity level and also across conflict and ethnic lines overcoming tensions around the conflict.

Communication across entity lines entities was difficult and dangerous since the tensions around the conflict were still high and conflict narratives from the different sides widely diverged. Women's organisations cooperating with 'the other side' were often under pressure and seen with suspicion by their respective communities. They were often accused of betrayal and of being 'foreign agents', particularly when they dared to speak up against

<sup>46</sup> CEDAW-Prevod-FINAL.pdf (pravazasve.ba)

<sup>47</sup> Sixth Periodic Report submitted by Bosnia and Herzegovina, Convention on the Elimination of All Forms of Discrimination against Women (2018).

<sup>48</sup> See Bosnia and Herzegovina Study on Opportunities for Reparations for Survivors of Sexual Violence, Trial International, The Association of Citizens of Viva Women, Global Survivors Fund (2022).

It was at the same time peace-activism, which we recognised later, to connect and act together in solving problems, which were mutual, and to leave the topics about which we could not talk, such as experiences from war years, for later. Our work on combatting GBV made us peace activists in many ways.

When it comes to women's organisations, we can nowadays talk about the period of war and lead the processes of facing the past without tensions, even when we have different opinions. If we hadn't worked together during all these years, that would not be possible.

RADMILA ŽIGIĆ, FOUNDATION LARA

the mainstream narratives about the conflict. Through cooperation in addressing the needs of victims/survivors of GBV and fighting for political participation, women's organisations practiced peacebuilding. While discussions about the war were fraught with tensions, they found common ground exchanging the similar challenges women faced in their respective communities and coordinating joint actions. By providing support to women victims/survivors of violence and their families, women's organisations gained the trust of their communities and succeeded in opening the space to talk about sensitive issues, including war-time rape.

The fight for political participation was the first joint endeavour of women's organisations across the country. This ultimately led to the adoption of the new Election Law and introduction of the quota system in 1998. These efforts continued over the years and between 2013-2019 with the establishment of a joint platform of women from different political parties in BiH and NGOs with different priorities including peacebuilding and women, peace and security.

Photo: Inirana Koperanović



United Women, Banja Luka.

## Examples of recent initiatives:

**Peace with Women's Face** is an initiative that, through a women activist movement, focuses on engendering the culture of remembrance and integrating needs of women in the politics of transitional justice. The significance of preserving and promoting women's experiences and achievements and highlighting the importance of women's marking of public space informs the initiative. This aims to create a society in which women are visible in public and political space and equally involved in creating lasting peace. Interactive dialogue workshops with women take place in 12 communities and established local peace networks of women involved in different sectors and dialogue about things they can do jointly.

**Women Citizens for Constitutional Reform** is an initiative promoting greater inclusion of women's rights and a definition of gender equality in the Constitution of Bosnia and Herzegovina, as well as ensuring a more gender-inclusive reform process. The initiative brought together an informal group of 35 civil society organizations and activists continuously working on the notions of sex and gender, peace, freedom, and human rights. The group drafted a number of amendments to the Constitution that are based on the following key objectives: a) application of gender inclusive language in the Constitution of BiH; b) introduction of affirmative action principles in the Constitution of BiH to work towards full gender equality; c) amendments to the existing catalogue of fundamental rights, to include provisions with respect to common health care services, social and family care; c) affirmation of a higher level of judicial and legal protection of human rights and liberties, and d) introduction of the principle of direct democracy.  
(<https://womencitizensforconstitutionalreform.wordpress.com>)

### Conclusion

Gender-based violence (GBV) against women and girls that took place during the war should not be understood in isolation from the violence perpetrated against them before and after the war. The war contributed to the spread of sexual and other forms of GBV against women and girls with the scope of contributing to the ethnic cleansing of particular groups, but the structural causes of violence were already present. Preventing the recurrence of violence in peace and conflict times requires addressing the structural causes of GBV and dismantling the patriarchal structures that keep women in a subordinate position in society vis-à-vis men.

The lack of participation of women from BiH in the official peace process and the failure to capture the impact of the war on women and girls in the DPA, including the wide-spread use of sexual violence, trafficking, forced pregnancies and other forms of GBV, made women's experiences of the war invisible. It also slowed down the process of recognizing the rights of women civilian victims of war and of

ensuring their access to justice and reparations. The dire consequences of the war for women and the absence of legislation and of bespoke services for women victims/survivors of conflict-related violence ignited the response of women activists and organisations which flourished across BiH. Their leading role in providing services to victims/survivors of gender-based violence, advocating for the prosecution of perpetrators of conflict-related sexual violence as well as of other forms of GBV and lobbying for legislation was groundbreaking. The women's rights organisations and relentless work to rehabilitate and improve their country through highlighting and addressing women's and girls' situation is an effort of heroic proportions. To have the courage to speak out and challenge the highly politicised divisions by continuously actively cooperate across divides towards common goals demands appropriate recognition, as well as funding. The huge effort just to maintain the status quo against backlash after a monumental gain is an ungrateful and largely invisible task to ensure the prospects of a functioning democracy and sustained peace.

# Lessons learnt from Bosnia and Herzegovina



- The provision of timely support to victims/survivors – legal, medical, psychosocial – listening to their needs and addressing them and including victims/survivors in designing solutions for them in partnership with non-governmental organisations to ensure that their needs are properly accounted for.
- The development of legislation and comprehensive approaches to protect the rights of victims/survivors and ensure multi-sectoral cooperation and training on victim/survivor-centred approaches for responsible institutions.
- The importance of victim/survivor-centred documentation and collecting evidence of cases of sexual violence.
- The importance of ensuring the participation of women and women’s rights organisations in peace processes to make sure that the rights of women are accounted for in peace agreements as well as specific provisions that guarantee their participation in post-conflict decision-making structures are included.
- The importance of referencing civilian victims of war and their rights in peace agreements, to lay the foundation for the design of transitional justice mechanisms in the aftermath of the war.
- The importance of including victims/survivors of sexual and other forms of gender-based violence as well as children born out of war-time rape as civilian victims of war entitled to reparations.
- Women’s organisations should not be solely responsible for tackling GBV and supporting victims/survivors but given their crucial role and expertise also in the provision of specialised services they should be consulted and adequately funded with a view at their long-term sustainability.
- In regard to stigmatization, the role of religious leaders in communities can be crucial. In 2017, the religious leaders of the Orthodox, Islamic, Jewish and Catholic in BiH signed a Declaration on denouncing stigmatisation of survivors of conflict-related sexual violence and later published a Manual for Members of the Clergy working with victims/survivors of conflict-related sexual violence.<sup>49</sup>
- The importance of continuing to fund and work with different types of initiatives tackling stigma, contributing to reconciliation and memorialisation in parallel to legal processes.

<sup>49</sup> UNFPA, A Joint Manual of the Interreligious Council in Bosnia Herzegovina for members of the clergy working with survivors of conflict-related sexual violence (2018).

# Democratic Republic of the Congo



Naomie Lagrisi and Solange Lwashiga, two women's human rights defenders from DRC.

## Introduction

This case study is based on desk research and interviews with Kvinna till Kvinna partner organisations, other NGOs, and prominent women's rights activists based primarily in the South Kivu province in the east of the DRC. All of them have played a key role in supporting victims/survivors of GBV and contributing to peacebuilding in the past 25 years. Representatives of seven non-governmental organisations from South and Kivu were interviewed for the study: Association des Femmes des Médias du Sud-Kivu (AFEM), Uwezo Afrika Initiative, Association des Femmes Juristes Congolaises (AFEJUCO), South Kivu, le Caucus des Femmes Congolaises de Sud Kivu pour la paix, Service d'Accompagnement et de Renforcement des Capacités d'Autopromotion de la Femme (SARCAF), South Kivu, Cercle d'échange pour le développement des jeunes dans la région des grands lacs. (CEDEJGL), South Kivu and La Prunelle, South Kivu.

Many of these organisations are also members of the Rien Sans Les Femmes network, a movement with over 400 members, both individuals and organisations of women's rights organisations and activists founded in 2015 to fight for women's equal participation in decision-making in the DRC.

We also interviewed a few prominent women's rights activists who have set up organisations and mechanisms to address the immediate needs of victims/survivors during the conflicts that have been plaguing the region.

This case study does not aim to provide a comprehensive account of all aspects of the conflicts and the conflict-related and gender-based violence taking place during and after the war(s). Instead, the goal is to provide an overview of the pioneering work women's organisations in South and North Kivu have done in this field, their challenges and approaches, and the connection between their support to victims/survivors of violence, and their contributions to establish a legal framework on GBV their peacebuilding work. These activists' and organisations' work to address CRSV laid the foundations for the introduction of article 14 on gender equality in the DRC's constitution, GBV legislation at the national and provincial level, prevention of GBV and protection of women victims/survivors, and work to address social and cultural norms that underpin the use of GBV both during conflict and in times of peace

## Overview of the conflict(s)

The provinces in the east of the DRC have been fraught with political instability, violent conflicts and human rights violations since the 1990s. Neighbouring countries have contributed to and benefitted from this protracted insecurity in the DRC, as it has allowed them to exploit minerals and other natural resources in the country. The so-called First Congo War took place between 1996-1997, when Rwanda and Uganda sent troops into the Eastern DRC to root out remaining perpetrators of the Rwandan genocide who were hiding there. In 1998, shortly after the First Congo War ended, the Second Congo War erupted. It carried on until the Sun City Agreement was signed in 2003. Not long after the agreement was signed, however, yet another conflict erupted.

In 2013, eleven African countries gathered in Addis Ababa and signed a peace deal aimed at ending decades of conflict in the Eastern DRC. National, regional and international commitments were outlined in the Peace, Security and Cooperation Framework. Sadly, the Eastern DRC remains plagued by conflict and instability, fuelled by many different armed groups and the exploitation of natural resources.

Twenty years after the signing of the Sun City Agreement, the Eastern DRC is still not at peace. Widespread violence, mass displacement, and a systematic use of sexual violence continue unabated. The human cost of the prolonged conflict is staggering: out of a population of approximately 95 million 6 million people have lost their lives and 5.6 million people are displaced across the DRC. This makes it the most serious displacement crisis on the entire African continent.<sup>50</sup>

## Sexual violence and GBV during the conflict

The conflicts in the Eastern DRC have been characterised by extreme levels of violence and brutality, including widespread and systematic use of sexual violence and other forms GBV, primarily against women and girls but also against men and boys. Sexual and gender-based violence is mainly perpetrated by non-state armed groups but also by state actors, including the DRC's armed forces of (FARDC) and the national police. The extent, aim and brutality of this sexual violence has been documented well by the UN Office of the High Commissioner for Human Rights, other international bodies, and NGOs.<sup>51</sup>

<sup>50</sup> According to the Norwegian Refugee Council, the world's ten most neglected crises are all in Africa. NRC, 1 June 2022.

<sup>51</sup> Report of the UN Secretary-General, S/2022/745.

During the different conflict cycles in the DRC, sexual violence flourished: there has been a context of near-total impunity of perpetrators and different forms of GBV are used to assert and maintain control over women and girls. Social and traditional norms that make women subordinate to men have legitimised this culture of violence and rape.<sup>52</sup>

Sexual violence has been used by militias to intimidate and punish communities and to control territory. Rape and sexual torture have been perpetrated systematically to destroy communities, humiliate families, and crush victims/survivors' lives. Most recently, and as documented in a report by the UN Secretary-General<sup>53</sup>, rape has also been used during abductions and raids on villages as a tool of collective punishment for perceived collaboration with other groups or with state forces. Some reports also indicate that combatants do not distinguish between civilians and enemy combatants, considering everyone a legitimate target.<sup>54</sup>

Sexual violence has often occurred in public and in the presence of witnesses, including family members, to humiliate the victim's family and husband.<sup>55</sup> Different types of rapes have been perpetrated in South Kivu, including individual rapes, group rapes, forced rapes among victims/survivors, and rapes whereby objects are introduced into the victim/survivor's genitals.<sup>56</sup> In a number of cases, rapes have been accompanied by torture or resulted in the murder of the victim.<sup>57</sup>

This problem is compounded by the absence of adequate medical facilities in rural areas (where facilities were often destroyed or damaged during decades of conflict) and inadequate infrastructure to connect these areas with hospitals in urban areas.<sup>58</sup> The fact that abortion was illegal up until 2018 made things even more difficult for women and girls who became pregnant as a result of the sexual violence; many lost their lives as a result of unsafe abortions. While abortion is technically legal today, it is still difficult for women and girls in rural areas to access medical services. And because abortions still aren't culturally accepted, most women and



Ever since the wars in the 1990s, there has been violent sexual violence, mass rape, gang rape, rape with a weapon, with murder, with pillage, and with great humiliation, conducted in front of the family, in front of the husband, in front of the children. The aim is to intimidate society, intimidate the community, crush human dignity, scare men so that the community does not rebel, take away men's pride and break women.

CLOTILDE BANGWENE AZIZA, FOUNDER OF ASSOCIATION DES FEMMES DES MÉDIAS DU SUD-KIVU (AFEM)

girls are forced to carry their pregnancy to term, even if they have no way of taking care of the child.<sup>59</sup>

Sexual slavery and forced marriages have also been a common practice among armed groups, who would abduct women and girls to keep them in camps in South Kivu and other eastern provinces, at the disposal of soldiers. Regular abuse of women and girls in these camps would often result in unwanted pregnancies and put the victims at high risk of contracting HIV and other sexually transmitted infections. Children born of wartime rape are rarely accepted in communities, which makes the mother's reintegration into community life more challenging. These children are often considered a threat to the community and the family, because they have the perpetrator's genes. Because of this stigmatisation, many of these children are abandoned and end up on the streets, where they then risk being exploited or recruited by armed groups. This perpetuates the brutal, vicious cycle of violence and fuels further insecurity and conflict<sup>60</sup>.

<sup>52</sup> Niamh Reilly, N. and Warren, R.: Women's Leadership and Participation in the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Great Lakes Region: Achievements, Challenges and Opportunities, 2014.

<sup>53</sup> Report of the UN Secretary-General S/2022/272, p. 20.

<sup>54</sup> World Bank, Elbert et al.: "Sexual and Gender-Based Violence in the Kivu Provinces of the Democratic Republic of Congo: Insights from Former Combatants", 2013, p. 37.

<sup>55</sup> Réseau des Femmes pour un Développement Associatif, Réseau des Femmes pour la Défense des Droits et la Paix, International Alert: "Le corps des femmes comme champ de bataille durant la guerre en République Démocratique du Congo", 2004.

<sup>56</sup> Ibid: p. 33.

<sup>57</sup> Ibid: p. 33.

<sup>58</sup> Report by the UN Secretary-General, S/2022/272, p. 21.

<sup>60</sup> Ibid.



Photo: Kimona Ilii Kimona/Eugénie Katangwa



Douce Namwezi and Gisele Baraka at the radio station Mama Radio, run by organisation AFEM in Bukavu.

According to a report by the UN Secretary-General, 3,901 children (3,377 boys and 524 girls) were recruited and used in conflict by 53 armed groups (most based in North Kivu, with South Kivu coming in second) in the two years from the spring of 2020 to the spring of 2022.<sup>61</sup> Children are recruited into supporting roles (cooks, cleaners, porters), to gather intelligence, and to serve as combatants.<sup>62</sup> Girls are mainly used in supporting roles and as sex slaves and so-called concubines, but also as combatants.<sup>63</sup> Over 50% of recruited girls reported being subjected to either sexual slavery forced marriage rape or gang rape during their time with these armed groups.<sup>64</sup>

Men and boys too have been victims of CRSV in the Eastern DRC, but this particular issue is underreported – as it is in most contexts. In the traditionally patriarchal societies of the DRC, men are perceived as providers of the family and protectors of their communities, representing virility and power. Sexual violence against men is therefore used to disempower men and undermine the strength of a community.<sup>65</sup> Raping men is symbolically significant, as it suggests the community is powerless because its protectors are emasculated and unable to defend themselves and their kin.<sup>66</sup> Sexual violence

against men also carries connotations of ‘feminisation’, ‘homosexualisation’, and prevention of procreation, which compounds the stigma male victims/survivors face.

### Women’s position and forms of violence against women

It is important to note that while armed conflict has exacerbated the use and brutality of sexual violence in the Eastern DRC, violence against women and girls should be understood as an expression of profound, pre-existing social inequalities in a traditional patriarchal society. Women are seen as subordinate to men in a society where discriminatory norms and religious beliefs and customs continue to dictate relations between the sexes.

There are considerable differences between urban and rural areas in terms of how women’s roles are perceived. In urban areas, women’s rights are more accepted; in rural and remote area, women and girls remain subject to discriminatory norms and practices. Several ethnic groups continue to consider women the private property of the husband’s family. In some contexts, fathers- and brothers-in-law have the right to have sexual intercourse with a married woman.<sup>67</sup>

<sup>61</sup> Report by the UN Secretary-General, S/2022/745, p. 6.

<sup>62</sup> Ibid: p. 7.

<sup>63</sup> Ibid: p. 7.

<sup>64</sup> Ibid: p. 8.

<sup>65</sup> Perdigao, Y.: “Invisible Victims: Sexual Violence against Men in the Great Lakes,” Think Africa Press, 2012.

<sup>66</sup> Ibid.

<sup>67</sup> Réseau des Femmes pour un Développement Associatif, Réseau des Femmes pour la Défense des Droits et la Paix, International Alert: “Le corps des femmes comme champ de bataille durant la guerre en République Démocratique du Congo”, 2004.

Photo: Claudine Kumbani/la Prunelle



The Association of Women Lawyers in Congo (AFEJUCO) local focal points for victims/survivors of sexual and gender-based violence Katana in Kabare territory, Zawadi Esperance.

In spite of significant legislative improvements – such as a revision in 2016 of the family code from 1987, which up until then designated the man the head of household and prescribed that the wife had to obey her husband – social norms and practices continue to affect women’s status.<sup>68</sup> In practice, women’s access to education, land, inheritance, jobs, and politics is often curtailed, especially in rural areas. Traditional leaders (the guardians of tradition and the main authorities when it comes to social norms) often do not recognise women and men’s equal rights. Women’s right to own land or inherit from their fathers or husbands, for example, is not widely accepted at the community level.

Discrimination starts early. Many families still prioritise sending their sons to school over their daughters. School drop-out rates are higher for girls than for boys; this can partly be explained by unwanted pregnancies, rape and child marriages. Adolescent girls are in fact often subjected to sexual violence in schools, by both other students and teachers. Many girls are subjected to sextortion by teachers, for example, forced to exchange sex for grades.

In addition, there is still deep resistance to talking about SRHR, including safe abortions, for women

in the countryside – despite the fact that the DRC published the Maputo Protocol in the state gazette in 2018, rendering it superior to national law.<sup>69</sup> In South Kivu, poor awareness of SRHR among girls and women contributes to the spread of sexually transmitted infections such as HIV, unwanted pregnancies, and maternal and child mortality. Comprehensive sexual education remains taboo in many areas in South Kivu, particularly rural ones, and decried by religious leaders. This prevents girls and women from taking informed decisions about their sexual and reproductive health, which has clear consequences for their wellbeing and their role in society.

Women in the Eastern DRC face extremely high levels of GBV, far above the global average. Domestic violence, and intimate partner violence (IPV) in particular, is common but rarely reported. Approximately one-third of Congolese women report having experienced sexual violence at some point in their lives\* which is multiple times higher than the WHO’s estimated global average of 6%.\*\*

However, in DRC and globally, there is recognition that violence against women in wartime is a manifestation of underlying gender inequalities, exacerbated by the

<sup>68</sup> Braunmiller, J.C. and Dry, M.: “Reforms to Enhance Gender Equality in the Democratic Republic of Congo: From Advocacy to Implementation,” World Bank Group, 2022.

<sup>69</sup> SAFE Engage, APHRC: “Policy Change for Women’s Rights: A Case Study of the Domestication of the Maputo Protocol in the DRC”, 2021.

\* DRC DHS 2014

\*\* WHO 2020.

“ Women who are beaten at home don’t dare denounce it. We’ve had cases of women tortured by their husband or their family, but it is rare that this is reported. Likewise, a woman who has been raped isn’t favourably looked upon by society, she has little chance of getting married. So it is rare for women to report having been raped.

GHISLAINE BISIMWA, ASSOCIATION DES FEMMES JURISTES CONGOLAISES (AFEJUCO)

victim/survivor from returning to their family home. Stigmatisation of victims/survivors is common. For this reason, many women who have suffered conflict-related and other forms of sexual violence prefer not to report the violence and do not seek medical support or legal redress. Studies have shown there is a significant correlation between war-related abuse and lifetime intimate partner violence and sexual violence, especially when related to displacement.<sup>73</sup>

### Women’s rights organisations’ work during prolonged armed conflict

As in many other conflict-affected contexts, women’s rights organisations were founded in the DRC during or after the war to address the needs of women and girls. These are generally neglected by conflict actors, mediators, and peace agreements. The conflicts have shed light on the atrocities committed against women and girls, but also on the extent to which they are discriminated in society and on the lack of legislation and policies to promote and protect their rights. In response to this, women’s rights activists, journalists and organisations have mobilised to address CRSV, introduce gender-equality provisions in national legislation, and address the social and cultural norms that underpin the use of GBV in times of conflict as well as peace.

### MONITORING, REPORTING AND DOCUMENTING SEXUAL VIOLENCE

In the early 2000s, women’s rights organisations, women journalists and activists in South Kivu played a key role in raising awareness of the widespread use of sexual violence as a tactic of war by armed

breakdown of gender roles, the rule of law, security institutions, economic life, and social capital during conflict<sup>70</sup>. Despite being more common than sexual violence by armed actors in DRC, IPV is far less visible because it occurs in the home, may not be reported and may be accepted or condoned due to cultural norms and taboos that inhibit speaking out against this form of violence<sup>71</sup>. Studies emphasize that extremely high rates of intimate partner violence may be one of the most pervasive yet invisible forms of abuse women in fragile contexts face.<sup>72</sup>

Even before the country was hit by conflict, rape was common in the DRC. It is seen as a humiliation for the family and the husband and can thus prevent the

Photo: Madame Furaha Chera



AFEJUCO talking about Women’s Rights in one of the most important radio in Bukavu (Radio Mandeleo).

<sup>70</sup> Ellsberg et. al, 2020a; Swaine et al., 2019; HRW, 2009

<sup>71</sup> Conflict, Displacement and Overlapping Vulnerabilities Understanding Risk Factors for Gender-Based Violence among Displaced Women in Eastern Democratic Republic of Congo, (World Bank Document)

<sup>72</sup> World Bank: “Conflict, Displacement and Overlapping Vulnerabilities”, 2021.

<sup>73</sup> Ibid.

groups and state actors in the Eastern DRC. While the media reported on the brutality of the war, including lootings, killings of civilians and mass displacements, there was at first little coverage of the violence perpetrated against women and girls. Journalists, who were predominantly men, trivialised the GBV and did not want to report on it. Some even suggested the women enjoyed the rapes, and that reporting on the issue would only shame and humiliate communities.<sup>74</sup>

The first challenge was to break the silence about the violence against women, including sexual violence, forced marriages and gang rapes, and bring them to the attention of both the authorities and national and international media. When women journalists started to receive information about widespread CRSV from the start of the conflict they tried to report on it, but national media outright refused to publish their stories.<sup>75</sup> Those who insisted on reporting about the violence received death threats from armed groups while the state threatened to have their media outlets shut down.

Women journalists and women's rights organisations raised awareness about the violations committed against women and girls not just in the Eastern DRC, but also in Kinshasa, where authorities turned a blind eye. Joint advocacy and pressure on the authorities eventually forced the government to recognise that the mass violations against women and girls were a national problem – not just a problem of the eastern provinces.

Monitoring sexual violence paved the way for women's rights organisations to also start documenting them and sharing that information with the International

“ One day, I was summoned by the rebel authorities. They said ‘it’s this woman who’s been saying on the radio that we’re raping [women]’. I was threatened with rape and they asked me to give up, but I told them that I wouldn’t, that if they would do good things, I would report it and that if they continued to rape, I would report it. They were shocked by my courage.

CLOTILDE BANGWENE AZIZA, FOUNDER OF ASSOCIATION DES FEMMES DES MÉDIAS DU SUD-KIVU (AFEM)

“ Women journalists believed that their microphones [radio] and their pens were powerful tools to raise awareness on GBV at a global level, to break the silence. That’s how we started, with these reports. But the media didn’t want to talk about it. Official sources did not talk about it.

JULIENNE BASEKE, ASSOCIATION DES FEMMES DES MÉDIAS DU SUD-KIVU (AFEM)

Photo: Sandra Simbakwira



Kvinna till Kvinna in collaboration with the Rien Sans Les Femmes movement organized an intergenerational exchange workshop consolidating the networking of feminist organizations and women's rights defenders. In the picture: Rosalie Kombe, Sarah Ndebo, Lady Gael, Julienne Baseke and Solange Lwashiga.

<sup>74</sup> Interview 10 January 2023.

<sup>75</sup> Ibid.

Criminal Court. Documenting what happened while the conflict raged was challenging, though. Victims/survivors were afraid of reprisals, of being stigmatised and of being persecuted for denouncing their attackers. This contributed to

low levels of reporting. In addition, most areas where violations took place were hard to access for organisations that wanted to provide medical, psychological, social and legal support.

Photo: Alice Kibwe/AFEMCO



A mobile court hearing in Katana with the military tribunal, Bukavu garrison, in favour of victims of sexual violence in this area. Women cover their faces to protect themselves against reprisals.

## Femme au Fone – Giving voice to women

The South Kivu Women’s Media Association (AFEM-SK) and Solidarity of Women for Peace and Reconciliation (SPR) developed new tools and approaches to report cases of sexual violence quicker and more efficiently. The project Femme au Fone allows victims/survivors to report security incidents through encrypted text messages and puts pressure on the authorities to respond. Women are free to decide what they want to report and what they want to talk about on air with the support of a professional team. The system is used both as an early-warning mechanism, a tool to share information, and a political advocacy platform for local women.

The development of the Femme au Fone led to the creation of a sub-nucleus listening club on sexual and gender-based violence. It has a committee of seven people representing the three communes of the city of Bukavu. This structure has the mission to monitor SGBV incidents in the city of Bukavu and propose concrete actions such as advocacy missions and other awareness sessions to combat SGBV and aims to identify and denounce cases of sexual and gender-based violence and other violations of women’s rights<sup>76</sup>.

<sup>76</sup> Bukavu: AFEM sets up a sub-listening club for the monitoring of sexual and gender-based violence cases: Mama\_Radio\_96.6MHz (mama-radio.info).

### Pro-women's rights legislation and legal aid for victims

In the 1990s, the DRC had no laws that recognised GBV or the equality of men and women. Women's rights organisations who had been supporting victims/survivors of conflict-related and other forms of gender based violence in the Eastern DRC decided to join forces to advocate the inclusion of two new articles in the constitution. The two were adopted in 2006 and amended in 2011.

Article 14 states that the state need to eliminate all forms of discrimination against women and protect and promote their rights. They must also take measures to stop violence against women, both in public and private, and ensure women's full participation in the political, economic, social and cultural domain.

Article 15 stresses that it is the state's responsibility to eliminate sexual violence against women, and that if such violence is carried out with the intention to destabilise, dislocate a whole family, or make a whole group of people disappear, it is a crime against humanity.

After the Sun City Agreement of 2003, women's rights organisations and networks in the Eastern DRC, including the Coalition Against Sexual Violence, campaigned for the introduction of national legislation to fight sexual violence against women. In 2006, Parliament passed the so-called sexual violence law, with amendments to the penal code to protect women against sexual violence – a milestone achievement for the women's movement. It outlawed rape and other forms of sexual assault, sexual harassment, sexual slavery, forced marriage, sexual mutilation, the deliberate transmission of sexually transmitted infections, sexual relations with minors, and forced pregnancy, among other acts.

However, the sexual violence law does not specifically address domestic and intimate partner violence. Through the consortium Strategic Alliance for Advocacy (Alliance Stratégique de Plaidoyer), AFEM, Caucus des Femmes and other women's rights organisations contributed to a new legislative proposal to address the law's shortcomings. The proposal is based on evidence, information and statistics on GBV in urban and rural contexts collected by the consortium. It is currently being reviewed by parliament. In addition, the women's rights network Rien sans les Femmes has advocated the adoption of decrees that would address violence against women and establish ways for

“The law on the punishment of sexual violence was initiated by us in the east: we carried it to Kinshasa and we lobbied international organisations and ambassadors. We really had to raise awareness. The government did not want to talk about this issue.

MATHILDE MUHINDO MWAMINI, FORMER DIRECTOR OF THE CENTER OLAME AND MEMBER OF THE CONGOLESE TRANSITIONAL GOVERNMENT

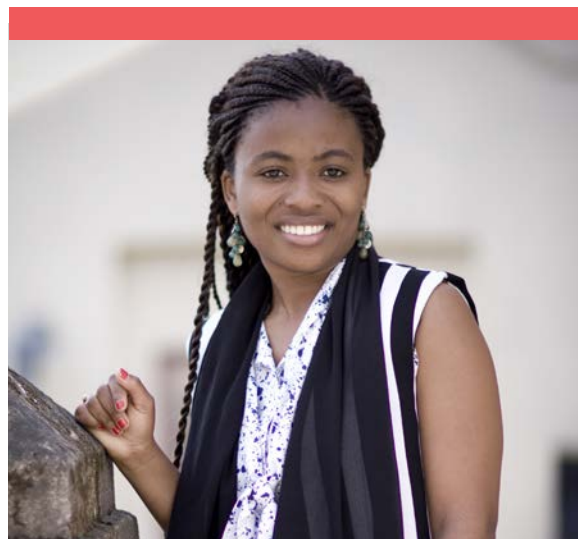


Photo: Cato Lahn

“Through exchanges with women's rights organisations from other conflict-affected countries, women in South Kivu felt strengthened in their conviction to lobby for legal reforms. Sharing experiences and strategies with women from other parts of the world who had lived through the same thing has given women's rights organisations in the DRC such a boost.

DOUCE NAMWEZI, UWEZO AFRIKA INITIATIVE

them to access justice in 11 provinces in South Kivu.<sup>77</sup>

Women's rights organisations were also the ones who helped bring about the 2016 revision of the family code.<sup>78</sup> Thanks to the revision, women no longer need their husband's permission to get a job, open a bank account, get a loan and sign a contract. While the implementation of this change hasn't been perfect, the revision was still a landmark achievement for women's rights in the DRC.

In 2022, women's organisations – led by *Rien sans les Femmes* and *Caucus des Femmes* – also successfully advocated for the introduction of a new electoral law, to promote gender equality ahead of the upcoming general elections in 2023. Political parties that submit candidacy lists whereby at least 50% of the candidates are women now no longer have to pay a deposit fee. This is the first time that an electoral law in the DRC promotes gender equality and will hopefully lead to more women in parliament and more support for legislation on women's rights, including GBV.<sup>79</sup>

In 2022, parliament also passed a law on reparations for CRSV survivors, following intensive lobbying by women's rights organisations. (Because the law

still misses modalities for application however, it cannot be used yet.)<sup>80</sup>

Several women's rights organisations specialise in accompanying women victims of sexual and gender-based violence during legal proceedings. AFEJUCO (the Association of Women Jurists, created in 1987 and active in South Kivu since 2002), for example, has raised awareness of the sexual violence law and women's rights in different territories of South Kivu, including Wualungu, Kabare, Kalehe and Idjwi. AFEJUCO accompanies women who have been subjected to violence and want to seek justice throughout the judicial process, while its staff attends mobile court hearings. Unfortunately, these hearings often expose victims/survivors to unnecessary harm. Several cases are often heard at the same time; those attending, lawyers, and the perpetrators all get to listen to the victims/survivors' stories. This approach is anything but victim/survivor-centred.<sup>81</sup>

Women's rights organisations in South and North Kivu have gained a lot by engaging with the international women's rights movement and participating in networking events and exchanges, especially with women's rights organisations from other conflict-affected areas.

Photo: Alice Kibwe/AFEJUCO



A mobile court hearing in Katana with the military tribunal, Bukavu garrison, in favour of victims of sexual violence in this area. Women cover their faces to protect themselves against reprisals.

<sup>77</sup> Interview 3 February 2023.

<sup>78</sup> Braunmiller, J.C. and Dry, M.: "Reforms to Enhance Gender Equality in the Democratic Republic of Congo: From Advocacy to Implementation," World Bank Group, 2022. in Eastern Democratic Republic of Congo, (World Bank Document)

<sup>79</sup> Ibid.

<sup>80</sup> Interview 5 May 2023.

<sup>81</sup> Interview 5 May 2023.

Photo: Christian Sangro/CEDEJ



Education, organized by CEDEJ-GL about sexual harassment in schools in Uvira.

### SRHR of women and girls

Forced early marriages, unwanted pregnancies, rape, and lack of access to SRHR information and services are closely linked to norms and customs that prevent women and girls from taking informed decisions about their sexual and reproductive life.

Sexual education in schools is still widely considered a taboo. Religious and traditional leaders, who exert considerable influence in their communities, block initiatives to raise women and girls' awareness of their sexual and reproductive rights.

Girls are sextorted by their teachers and subjected other forms of sexual violence by both teachers and fellow students. This often results in unwanted pregnancies, which then forces the girls to drop out of school and makes their communities reject them. These girls not only lose out on an education – and a chance at a better life – but also become more vulnerable to other types of exploitation, including further sexual exploitation. Sextortion also occurs in other arenas such as when women traders who cross borders to sell goods have experienced that law enforcement officers have demanded either money or sex.

Organisations such as CEDEJ work to tackle the issue by establishing dialogue groups in schools in the provinces of Fizi and Uvira. The goal of these groups is to raise awareness of SRHR among boys

and girls, but also school personnel and parents, and find solutions to reintegrate girls in their schools, families and communities.



Our priority was to use education to develop a culture of peace and show that just because violence is committed in the context of conflict, we cannot turn a blind eye to other violence that is due to customs and the patriarchal system.

SYLVINE KAHASHA, CEDEJ-GL.

### Peacebuilding and GBV

As in other conflict-affected contexts, working against CRSV has brought women's rights organisations together. Together, they have called for peace agreements to address women's rights and GBV and become more vocal on issues related to peacebuilding and conflict-transformation. Women successfully lobbied for a woman to represent civil society in the dialogue process that led to the Sun City Agreement in 2003. The priorities of women's rights organisations in the Eastern DRC included bringing an end to hostilities,



reunifying the DRC, and having armed groups withdraw. They also highlighted the impact of the conflict on women and the use of sexual violence as a weapon of war. Unfortunately, the final Sun City Agreement neither addressed specific issues raised by women nor acknowledged sexual violence perpetrated during the conflict.

After the agreement was signed, women who had contributed to the process met with armed groups in villages in Eastern DRC who were not aware of the content of the agreement to inform them.<sup>82</sup>

Several women rights organisations have also been working with other actors to have women and girls included in the Disarmament, Demobilisation and Reintegration (DDR) programmes. The focus has been to help the reintegration of women combatants and their dependants into the community, but also to monitor the disarmament, as the circulation of light arms is a big problem for the continuation of violence including GBV.

Several women's rights organisations also started peace clubs in villages and were able to have meetings, bringing together different authorities and parts of the society to discuss burning issues. In these forums the women's rights organisations sit and discuss with civil servants, representatives from the police, the military, the church and other traditional leaders.

After the Sun City peace agreement, a 'women's platform' was set up to support the participation of women's rights organisations in the implementation of the Peace, Security and Cooperation Framework and of action plans relating to UN Security Council resolution 1325.<sup>83</sup>

Women's rights organisations from the Eastern DRC kept up their advocacy efforts during the subsequent dialogue processes, including the one that led to the adoption of the 2013 Peace, Security and Cooperation Framework, which analyses the situation of women in the context of war and refers to sexual violence (although there is no specific provision on the issue).

Photo: Etienne Karangura/SIF



Women were the main contributors to this agreement. Because things weren't moving forward and the combatants did not want to sign the agreement, the women closed the doors and said no one would leave until the agreement was

signed. Other women who did not attend the dialogue meeting also contributed to the negotiations. It is thanks to this synergy and participation that the agreement was signed.

SOLANGE LWASHIGA,  
CAUCUS DES FEMMES CONGOLAISES DE SUD  
KIVU POUR LA PAIX

<sup>82</sup> Interview 18 January 2023

<sup>83</sup> Niamh Reilly, N. and Warren, R.: Women's Leadership and Participation in the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Great Lakes Region: Achievements, Challenges and Opportunities, 2014.

Photos: CEDEJ-GL



CEDEJ-GL outreach activity, Uvira Peace Club.



The issue of GBV allows us to address the issue of conflict-resolution.

We cannot separate the question of peace and the question of gender-based violence. GBV is structural; when working on conflict-transformation, we must analyse gender as a factor that can aggravate or diminish the conflict.

SYLVINE KAHASHA, CEDEJ-GL.



“We had to elbow ourselves into the room to have a seat at the table.

We may not go to war, but we do suffer from it, so we had to share our point of view with the combatants. Our weapon is Resolution 1325, which gives us the right to participate in the process.

SMATHILDE MUHINDO MWAMINI,  
FORMER DIRECTOR OF THE CENTER OLAME  
AND MEMBER OF THE CONGOLESE  
TRANSITIONAL GOVERNMENT

Advocacy around women’s participation in peace and dialogue processes and women’s priorities remains one of the key activities of Rien Sans Les Femmes, a national network with over 400 members, both individuals and organisations. In late 2022, the network mobilised to ensure women would get to participate in the Third Inter-Congolese dialogue process in Nairobi. It also shared a list of advocacy messages. While the network was at first not officially invited to participate, it was accredited and allowed in the room to listen in on the sessions. Rien Sans Les Femmes printed its messages on posters and widely distributed them.

### Conclusion

In the DRC’s context of prolonged armed conflict, the roles of women’s rights organisations have evolved

in step with the needs of their communities and developments in the peace and security context. In South Kivu, the conflict remains active in certain areas; insecurity has become part of everyday life for many organisations. While CRSV continues to occur in South Kivu, many women’s rights organisations have changed their focus and developed a more comprehensive approach to GBV. In a context that is still characterised by profound gender inequalities, they also address the social and cultural norms that underpin the use of violence against women and girls, lobby for improved legislation on GBV and access to SRHR, promote women’s participation in decision-making at the local and national level, and lobby for women’s participation in and contribution to peace processes and conflict-transformation.

# Lessons learnt from the Eastern Democratic Republic of the Congo



- The importance of collecting information, data and statistics on GBV with a victim/survivor centered approach in urban and rural areas, then use it to fuel evidence-based advocacy to improve legislation that addresses sexual violence.
- The importance of lobbying for provincial decrees to challenge customs and practices that harm women's rights and contribute to GBV.
- The importance of using a community-mobilisation approach to help communities create positive and sustainable changes to norms that perpetuate GBV.
- Develop early-warning mechanisms to report cases of CRSV and GBV through radio and text messages.
- Engage with traditional leaders and other prominent figures to promote positive masculinities and address GBV.
- Lobby for a victim/survivor-centred approach in mobile court hearings, to avoid further harm and stigmatisation of victims/survivors.
- Invest in the socioeconomic reintegration of victims/survivors in their communities.

# Iraq



Demonstrations in Bagdad against the government of Iraq in the summer of 2015.

## Introduction

This case study is based on desk research and semi-structured interviews with Kvinna till Kvinna partner organisations, other NGOs and prominent women's rights activists based in Iraq, who have been instrumental in supporting victims/survivors of GBV, women IDPs, and returnees during and after the ISIS occupation. Most organisations work in areas that were first occupied by ISIS and then liberated, including Diyala, Kirkuk, and parts of the Al-Anbar and Ninewe governorates, especially Sinjar and Mosul.

We interviewed representatives of nine organisations for the study: Hawa Organisation for Relief and Development (Diyala governorate), Pena Center for Combatting Violence Against Women (Kirkuk), Iraqi Organisation for Women and Future (Al-Anbar governorate), Humanline Foundation for Sustainable Development (Mosul), Iraqi Women's League (Baghdad), and Dak Organisation (Dohuk). In addition, we talked with several prominent women actively engaged in addressing GBV.

While there have been different conflicts in Iraq over the past decades, this case study focuses on the consequences of the ISIS occupation. The goal is not to provide a comprehensive account of all aspects of the conflict or the conflict-related and gender-based violence taking place during and after the ISIS occupation. Instead, we want to provide an overview of the main forms of GBV used against women and girls in this context of conflict and displacement, and of the work of women's rights organisations to address victims/survivors' needs in terms of support and access to justice.

## Overview of the conflict

Following the fall of Saddam Hussein in 2003, Iraq experienced a decade of political instability and sectarian violence. During this period, the country was occupied by the US, and several other countries sent military troops to Iraq. This continuous instability and civil unrest allowed jihadi extremists to gain strength in the country, first in the shape of Al-Qaida and later as the Islamic State in Iraq (ISI). When the latter group expanded into war-torn Syria, it became known as the Islamic State of Iraq and Syria (ISIS).

By 2014, ISIS had taken control of a third of Iraqi territory. It announced the establishment of a caliphate. This resulted in a reign of terror – based

on rape, executions, abductions, pillages, mass murders and smuggling – across several occupied areas in Iraq.

ISIS' control expanded for about three years, during which it targeted the ethnic and religious populations such as Christians, Turkmen, Shiites and Yazidis, especially in the city of Mosul. These populations suffered acts of genocide, as ISIS sought to cleanse areas from certain ethnic and religious groups. The most serious of these acts was the magnitude of the systematic sexual violence against Yazidi women.<sup>84</sup>

Between 2015 and 2017, the Iraqi military, the Kurdish Peshmerga forces and the Popular Mobilization Forces (PMF) retook the territory occupied by ISIS, with the support of the US-led coalition. By 2018, the government had retaken control over the entire country. Although ISIS no longer occupied any areas and had lost many militants, it continued to attack civilian and military targets.

The prospect of peaceful development in Iraq continues to be affected by the consequences of the occupation, including the internal displacement of thousands of people, the impact it had on national and religious minorities, the vulnerability of the families and children of ISIS militants, and the failure of the Iraqi government to address the grievances of the Sunni part of the population.



Awezan Noori Hakeem, at Pena Centre for Combatting Violence Against Women.

Photo: Rena Sadiq

<sup>84</sup> UNICEF and UNAMI, Rashee, A.J.: "Children born of rape and children born of ISIS fathers", 2019, p. 14.



Pena Centre for combatting violence against women

### Lack of a legal framework on GBV

Patriarchal norms and traditions in Iraq mean women and girls, as well as LGBTQI+ individuals, are exposed to high levels of sexual and gender-based violence.<sup>85</sup> Because of the honour system that is entrenched in the country, this violence is not only accepted but even expected, and condoned by law. Honour killings of women and girls by their family members are frequent and remain a serious concern. In January 2023, Tiba Ali – a young woman and YouTube star – was killed by her father during a ‘family dispute’.<sup>86</sup> These crimes are often reported as ‘accidents’ or ‘suicides’ and the perpetrators are rarely convicted. When they are, their sentences tend to be lenient. Article 41 of Iraq’s penal code allows husbands to ‘discipline’ their wives, which includes beatings. Article 409 states that when a man murders or permanently impairs his wife or a female relative because of adultery, the maximum prison sentence is three years.

Domestic violence, including rape, is common in Iraq. Women and girls subjected to such crimes are offered little protection. Sexual abuse, forced, early and child marriages (CEFM), and female genital mutilation have also been reported in several governorates, although there are no official statistics on these crimes. There are frequent reports of

‘suicides’ by women; women’s rights organisations believe these are often disguised murders committed by male family members. The police often fail to properly investigate these crimes due to tribal pressure and harmful social norms.<sup>87</sup>

Iraq has no national laws on domestic violence; only the Kurdistan region of the country has a law on domestic violence. Elsewhere, victims/survivors of violence have to rely on the 1969 penal code, which sentences assailants who cause bodily injury to at least one year in prison, but also considers it a husband’s right to punish his wife.

The Iraqi community police has a mandate to resolve intra-community conflicts, including domestic violence. But the police are famous for prioritising family reconciliation over justice for victims/survivors of GBV.<sup>88</sup> And because there is no legal framework, there is no effective way to report domestic violence. Neither are there clear regulations on shelters. In Kurdistan, the authorities run several shelters, but these services face many challenges. Outside of the Kurdistan region, the state has now been initiating the establishment of a few shelters in cooperation with the community police. The lack of legislation and regulations means there are no clear policies on how to operate these shelters,

<sup>85</sup> Human Rights Watch: “Everyone Wants Me Dead”: Killings, Abductions, Torture, and Sexual Violence Against LGBT People by Armed Groups in Iraq, 2022.

<sup>86</sup> The Independent: “Honour’ killing of YouTube star sparks outrage in Iraq,” 4 February 2023. Accessed on 10 March 2023.

<sup>87</sup> Al Jazeera: “شحن قريظجلا | قازم | قار عفا يبيون ج ءامرنلل قيرسلا نفاذملا قصى .. شائطجلا لالت

<sup>88</sup> Al Jazeera: “Iraqi women struggle to escape abuses as domestic violence rises,” 2021.

<sup>89</sup> Interview 28 April 2023.

## CRSV and GBV during the occupation by ISIS

With the occupation of ISIS, women and girls became exposed to even more brutal and systematic forms of GBV, and homosexuality became punishable by death. Violence was perpetrated in different ways and for different reasons, however, depending on the religious, sectarian and ethnic affiliations of women and girls.

According to the UN Special Representative for Sexual Violence in Conflict, sexual violence was at the core of ISIS' military, political, economic and ideological strategies.<sup>90</sup> ISIS recruited militants by promising them sexual access to women (wives and sexual slaves), for example, and financed its expansion by selling, trafficking, ransoming and gifting women and girls. They advanced their ideology by suppressing women's rights and freedoms and used religious justifications to revive sexual slavery. They also populated their so-called Islamic State or caliphate by controlling women's reproduction. Sexual violence was used to subjugate, control and forcibly displace populations from strategically important zones and to extract information during interrogations.

### SEXUAL SLAVERY AND OTHER FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS FROM RELIGIOUS MINORITIES

In the regions ISIS occupied in Iraq, its militants deliberately targeted religious and ethnic minorities, including Turkmens, Shabaks, Yazidi, Feyli Kurds, Christians, and Shia Muslims. Militants made widespread use of GBV against women and girls, using abduction, rape, sexual slavery, forced prostitution, forced marriages and forced pregnancy as a tool to achieve their goals.<sup>91</sup> While sexual violence targeted women of all sects, religions and minorities, Yazidi women and girls in particular were targeted. Thousands of Yazidi girls were abducted, raped, sold or given to ISIS fighters, and taken as slaves, often to Syria.

A report by International Federation for Human Rights<sup>92</sup> suggests the enslavement of Yazidi women and girls was carefully planned, organised and institutionalised. ISIS justified its actions by stating

that since Yazidis did not belong to any Abrahamic faith, they were pagans and infidels whose existence Muslims should question. As 'the lowest of the low', Yazidis deserved to be kept as slaves, ISIS claimed.<sup>93</sup>

In 2014, when ISIS invaded the Sinjar region, it specifically targeted and captured Yazidi civilians because of their religion and forcibly transferred them to multiple locations. Yazidi men and women were then separated (although boys who had not reached puberty were allowed to stay with their mothers). Women and girls were divided into unmarried women, married women without children, and married women with children. They were then transferred to sites in Iraq and Syria and evaluated based on age, beauty and virginity and then bought, sold or gifted.<sup>94</sup>



ISIS's reason for using gender-based violence was very clear. They attempted, through sexual slavery, to obtain their goal of creating a new generation that would be brought up under the influence and control of [ISIS]. Young Yazidi girls were viewed as very fertile and were considered to have the ability to produce this generation.

DR ASMAA JAMEEL – PROFESSOR AT THE UNIVERSITY OF BAGHDAD

Many Yazidi women and girls spent years in captivity and were forced to convert to Islam.<sup>95</sup> Those who escaped often found themselves in the Kurdistan region, with inadequate access to mental-health and psychosocial services. Although some services were provided for women and girls who had become pregnant during their captivity, safe and legal abortions were not available; Iraqi law only allows abortion in cases of medical necessity, such as when a mother's life is at risk – not in cases of rape.<sup>96</sup> Today, there is a Yazidi survivors law;

<sup>90</sup> Special Report by the UN Special Representative on Sexual Violence in Conflict, S/2016/1090, p. 5.

<sup>91</sup> Ibid.

<sup>92</sup> International Federation for Human Rights: "Iraq - Sexual and gender crimes against the Yazidi community: The role of ISIL foreign fighters," 2018, p. 12.

<sup>93</sup> Ibid. Special Report by the UN Special Representative on Sexual Violence in Conflict, S/2016/1090, p. 6.

<sup>94</sup> Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/32/CRP.2), p. 30-43.

<sup>95</sup> Human Rights Watch: "Iraq: Women suffer under ISIS", 2016.

<sup>96</sup> Human Rights Watch: Iraq Report, 2017.

Yazidi women and girls who were abducted are now returning to their communities. Still, they continue to face challenges, as implementation of the law has been patchy, and not all communities accept it.

There have also been reports of ISIS raping Christian women<sup>97</sup> and Shiite Muslim women (mostly Turkmen) detained by ISIS.<sup>98</sup> Such reports are more infrequent and there has been less research on them, however, so it is difficult to identify actual patterns or motivations behind this violence, unlike with the Yazidi minority.

### **CHILD, EARLY AND FORCED MARRIAGES AND SEXUAL EXPLOITATION OF WOMEN IN ISIS-CONTROLLED AREAS**

From the beginning, ISIS imposed its extremist ideology in the regions it occupied – Al-Anbar, Babil, Diyala, Salah al-Din and Nineveh provinces – including by forcing women to wear the hijab and niqab and only allowing them to leave the house if they were accompanied by a male relative. These rules were enforced by beatings or by fining male relatives, essentially isolating women from family, friends and public life.<sup>99</sup> Women also reported that their access to healthcare and education was curtailed because of discriminatory ISIS policies; there were rules that prevented male doctors from touching, seeing, or being alone with a female patient, for example. In more rural areas, ISIS banned girls from attending school. ISIS fighters and ‘morality police’ hit, bit, or poked women with metal prongs to keep them in line, leaving them too afraid to try and access the services they needed.<sup>100</sup>

Forced and early marriages of girls under the age of fourteen were also prevalent during the ISIS occupation. The risk that their daughters would be raped or abducted by ISIS scared families into marrying them off to protect the family’s honour. Some of these girls were as young as twelve.<sup>101</sup> In some cases, poverty was a motive too. Minority families were asked to pay taxes to ISIS; those unable to pay married off their daughters as compensation.<sup>102</sup>

There are no accurate statistics on ISIS-related sexual violence against women and girls. But reports and the interviews conducted with women’s rights organisations for this study confirm that violence was perpetrated also against Sunni women in and outside of the camps where people associated with ISIS were held after ISIS’ defeat. Amnesty International observed sexual violence against women associated with ISIS in eight such camps the organisation visited. Women reported to being sextorted by militants in the camps, who used their positions and ranks to force women into having sexual relations with them in return for cash, humanitarian aid, or protection from other militants.<sup>103</sup>

### **CHILDREN BORN OF RAPE AND REINTEGRATION OF WOMEN IN THEIR COMMUNITIES**

Children born of rape or of fathers involved with ISIS are one of the results of ISIS’ occupation and of the group’s practices and strategies, including sexual slavery, forced marriages and sexual violence. The issue concerns all religious and ethnic groups, because women and girls from all backgrounds were (to different extents) subjected to violence at the hands of ISIS militants. At the moment, there is still no solution for the issue, as the government has failed to address it in legislation and regulations on victims/survivors of war.

The issue has been particularly difficult and sensitive for Yazidi women and girls. Some of these women had their children taken from them after delivery to unknown whereabouts; others had to surrender their children to ISIS, to security forces, or to other armed militias.<sup>104</sup> A number of victims/survivors have said they left their children with ISIS, because they did not have any maternal feelings towards them and saw them as illegitimate, the result of abductions, forced marriages and rape.<sup>105</sup>

Since the Yazidi supreme leader has officially welcomed Yazidi women and girls who are victims/survivors of ISIS back into the Yazidi community, women have been able to return to their communities. The children that they gave birth to in ISIS captivity, however, have not been welcome: they are perceived as a source of danger. In 2019, the Yazidi Supreme

<sup>97</sup> International Crisis Group: “From Crisis to Disaster: The Situation of Minorities in Iraq”, 2014.

<sup>98</sup> Ministry of Migration and Displaced, Muftan, A.K.: “Needs of Women Survivors of ISIS Captivity: A Field Study in Duhok Governorate Shariya Camp” (unpublished research), 2016.

<sup>99</sup> Human Rights Watch: Iraq Report, 2017.

<sup>100</sup> Ibid.

<sup>101</sup> Interview 17 February 2023.

<sup>102</sup> Ibid.

<sup>103</sup> Convicted women and children are isolated, locked up and exploited in Iraq Amnesty International (2018)

<sup>104</sup> Convicted women and children are isolated, locked up and exploited in Iraq Amnesty International (2018)

<sup>105</sup> Ibid, p. 23.





Photo: Intesar Al-Mayali

“ We organised advocacy campaigns to raise awareness about the conditions in refugee camps, to help these women and speak out about their treatments. Women had to have sex in exchange for food. In

some camps, if a woman offered her body to the guards, she was more likely to get grants and services. The women could not get out of the camps and there were no facilities to address their needs.

INTESAR AL MAYALI, IRAQI WOMEN'S LEAGUE

Spiritual Council issued another statement to also accept these children. As the statement raised a lot of controversy in the community, the Council retracted it soon after.<sup>106</sup> Children's rights are not covered by the Yazidi survivors law either.

As a result, many of the children who have returned to Iraq with their mothers have been placed in shelters, orphanages or foster families. A number Yazidi women have chosen not to return to their communities as they do not want to give up their children, which leaves them very vulnerable. There are no official figures on how many women and children are in this situation.<sup>107</sup>

Sunni women who were subjected to violence by ISIS or affiliated with ISIS, and who carry children born of ISIS fathers, also face challenges. This is mainly due to the stigma of being associated with ISIS, irrespective of whether or not the women actively sympathised or cooperated with ISIS fighters or subscribed to ISIS' ideology. This now makes their return to and reintegration in their communities difficult, as they are seen as a threat to peace and stability. The problem concerns not only Syria and Iraq, but all countries ISIS recruited from, including many Western and European countries.<sup>108</sup>

<sup>106</sup> Ibid, p. 37.

<sup>107</sup> Ibid, p. 24.

<sup>108</sup> International Centre for Counter Terrorism, Wentworth, M.: "European Court of Human Rights Sitting on the Fence", 2022.



**”** In 2020, the government decided to close the camps, a compulsory eviction. Families were forced out of the camp, most inhabitants were women and children. [There was] no previous planning, so they were left without homes, shelters, and livelihoods. Women from Arab-Sunni

areas suffered greatly from social stigma. The stigma was there even before they returned to their home areas, and accompanied them when they arrived home. These women lost everything as they were seen as affiliated with ISIS.

DR BUTHAINA MAHMOOD ABBAS, HAWA ORGANISATION FOR RELIEF AND DEVELOPMENT

Children born of ISIS fathers risk not having their birth registered or not getting nationality documents. In addition to this challenge for the Yazidi women is that children from unknown fathers are registered as Muslims. This lack of birth certificates and nationality documents deprives these children of basic rights and prevents them from accessing services such as education and healthcare. Neither the federal nor local governments have so far made any attempt to solve this lack of documentation for children born of rape by ISIS fathers; in practice, civil registrations of families associated with ISIS have been suspended.<sup>109</sup>

UNDP recently studied the challenges women and children who are perceived to be affiliated with ISIS have faced when trying to return to and reintegrate into their communities in Iraq.<sup>110</sup> This includes women who suffered from sexual and other forms of gender-based violence. UNDP concluded that women and girls who have experienced violent extremism – whether as perpetrators, victims/survivors, supporters or bystanders – usually carry considerable trauma. Those who were subjected to sexual and other forms of gender-based violence may face consequences like pregnancy and motherhood.

<sup>109</sup> UNICEF and UNAMI, Rashee, A.J.: “Children born of rape and children born of ISIS fathers”, 2019, p. 5.

<sup>110</sup> UNDP: “Affiliated with ISIS: Challenges for the return and reintegration of women and children”, 2022.

The stigma they are subjected to does not help them reintegrate into society and can be passed on to future generations, leading to further violence in the future.

### **SEXUAL VIOLENCE COMMITTED BY SECURITY AND PRO-GOVERNMENT FORCES**

As pro-government forces and the PMF fought with ISIS to liberate the occupied provinces, crimes were committed by both sides. Human Rights Watch has reported summary executions, beatings of men in custody, arbitrary detentions, enforced disappearances, and mutilation of corpses, despite government reassurances that civilians would be protected.<sup>111</sup> Serious abuses were committed by government forces under the guise of fighting against terrorists. Perpetrators often weren't punished, especially when they had targeted Sunni men suspected of being affiliated with ISIS.

During the liberation of the occupied provinces, local officials also displaced hundreds of families of suspected ISIS members in Anbar, Babil, Diyala, Salah al-Din and Nineveh governorates. Iraqi forces did little to stop these abuses; in some instances, they participated in them, moving families to open-air prison camps.<sup>112</sup> At the same time, these families' houses and property were often destroyed, leaving them nowhere to return to. This had a devastating effect on women and children and left them vulnerable to other forms of exploitation and abuse by security forces and pro-government militias.

There have also been accounts of sexual violence perpetrated by security forces, the PMF and other pro-government forces in and outside of camps, against women and girls perceived to be affiliated with ISIS. There was no protection for these women against sexual and other forms of gender-based violence. Turning to the police would only expose the victim/survivor to greater danger, because the police often colluded with perpetrators in the security forces.<sup>113</sup>

Amnesty International has found that officials in the Iraqi security services, local government and militias who were in charge of guarding IDP camps sexually assaulted a "frightening" number of displaced women and girls whose male relatives

were suspected of being ISIS members.<sup>114</sup> In these camps, women – who had become the family's breadwinner following the death or disappearance of their husband – were repeatedly raped and subjected to other forms of sexual abuse.

Women's rights organisations interviewed for this study confirmed that women, especially Sunni-Muslim ones, were subjected to sexual violence by security forces as a form of collective punishment for their perceived affiliation with ISIS. Detained in camps, women and girls were also often forced into having sex in exchange for food or humanitarian aid. Sextortion also occurred when women visited male relatives in prison. Guards and prison officials would abuse the women, and only grant them access to their relatives if they gave the guards their phone number or agreed to a date with them.<sup>115</sup>



The women affiliated with ISIS were subjected to sexual violence after the liberation from ISIS. It was seen as a collective punishment towards these communities that left their homes and that were perceived to be affiliated with ISIS. Local authorities did not provide any protection for IDPs perceived to be affiliated with ISIS. They were taken to special camps, where the women were subject to continuous rapes. There was no protection and there were no services for these women, whether by the security forces or the police. Every night, the security forces took the women to be raped.

IRAQI WOMEN'S RIGHTS ACTIVIST

### **How women's rights organisations dealt with GBV in Iraq**

As in other conflict-affected contexts, many women's rights organisations were founded during

<sup>111</sup> Human Rights Watch: Iraq Report, 2017.

<sup>112</sup> Ibid.

<sup>113</sup> UNICEF and UNAMI, Rashee, A.J.: "Children born of rape and children born of ISIS fathers", 2019, p. 19.

<sup>114</sup> Amnesty International: "Human Rights in Iraq: Review of 2019", 2019.

<sup>115</sup> Interview 15 February 2023.



IWL participating in protests in Baghdad.

or after the war to address the needs of women and girls, which are generally neglected by conflict actors and peace agreements. The brutality of the conflict and of ISIS' occupation shed light on the atrocities committed against specific groups of women and girls. It also highlighted the lack of comprehensive legislation on domestic violence and systems to protect women and girls subjected to violence. In response, women's rights activists, politicians, and NGOs have mobilised to address CRSV and other forms of GBV. They have lobbied for the adoption of specific legislation to support women victims/survivors of sexual violence, and the adoption of national legislation on domestic violence. In the Kurdistan region, they have called for legislation to be improved. Organisations and activists have supported women IDPs and returnees and their children, and contributed to the adoption of policies and plans to ensure women's participation in decision-making on peace and security.

#### DOCUMENTING AND RESEARCHING CRSV

The magnitude and brutality of the CRSV perpetrated in Iraq during the ISIS occupation and during the government forces' liberation of the provinces under ISIS' control caught the attention of international media, international organisations like the UN, and international and national NGOs. The UN Special Representatives on Conflict-related

Sexual Violence<sup>116</sup> and the UN Secretary General issued reports on CRSV,<sup>117</sup> based on information provided by the fact-finding mission of the UN High Commissioner for Human Rights (2015) and the Independent Commission of Inquiry on the Syrian Arab Republic (2016). Both missions showed that ISIS perpetrated sexual violence and sexual slavery against ethnic and religious minorities on an unprecedented scale.

From 2014 to 2018, specific efforts were made by international and local NGOs to document cases of sexual violence against Yazidi women and girls



We are proud of them [Yazidi survivors], because they are

strong and brave enough to raise their voices. Many women passed away before they got reparations, but knew they had to share their stories, that they could not keep the violence a secret. They came together to not be silenced.

AWAZ KHALEEL, DAK ORGANISATION FOR YAZIDI WOMEN DEVELOPMENT

<sup>116</sup> S/2015/203; S/2016/1090.

<sup>117</sup> S/2016/316; S/2015/203.

<sup>118</sup> Human Rights Watch, Amnesty International, the International Federation for Human Rights and others have published reports on the issue.

who had escaped from captivity.<sup>118</sup> The victims/survivors were vocal in sharing their stories, to shed a light on the extreme violence and suffering they had been exposed to.

CRSV against other minorities and against Sunni-Muslim women, on the other hand, is not as well documented. Violence against the latter has been underreported for multiple reasons, including stigma, the victim/survivor's fear of consequences for her family and children, and her fear of losing her tribe's protection. Still, we know that many Sunni-Muslim women were subjected to violence at the hands of ISIS militants, forced to marry them or have sex with them, and abducted if they refused. International NGOs<sup>119</sup> and local women's rights organisations are now attempting to fill this

**”** [There are] major cultural challenges that prevent women from accessing justice. Women often do not dare to report rape because of the stigma that will follow them and their families. This especially applies to women in rural areas; traditions and stigma don't allow these women to disclose rape. If they do, the tribe punishes them and their families. This is why crimes are usually not reported.

DR ASMAA JAMEEL – PROFESSOR AT THE UNIVERSITY OF BAGHDAD

knowledge gap by conducting research on the violence experienced by Sunni-Muslim women.

#### **REPARATIONS AND ADOPTION OF LEGISLATION AND POLICIES ON CRSV**

International and local NGOs, including women's rights organisations, conducted advocacy campaigns to get the government to adopt laws, plans and policies to CRSV in Iraq. The 2022 National Action Plan on UN Security Council resolution 1325 actually refers to CRSV, thanks to the efforts of women's rights organisations, activists and experts. Given the magnitude of the crimes committed against minority groups and the Yazidi community

in particular, including sexual violence and slavery of women and girls, the international community and women's rights organisations have called for a law to be adopted to provide reparations to victims/survivors.

After intense campaigning, the Iraqi Council of Representatives adopted the Yazidi survivors law (no.8) in March 2021. This law formally recognises that ISIS committed acts of genocide and crimes against humanity against the Yazidi, Turkmen, Christian and Shabak communities.

This law became a complement to the Compensation law (no. 20), which had been adopted in 2009 to provide a legal basis for victim/survivors to seek reparations due to the violence and harm caused by conflict and terrorist activities. The adoption of these two laws have been hailed as successes, but many issues remain. One issue is that these laws have different qualifying requirements in terms of who can apply and what benefits that are offered, which means that victims/survivors from different groups have different rights and possibilities of

**”** There is no domestic violence law in Iraq and the Yazidi survivors law is discriminatory. There is inequality in the law for the victims [of GBV], all victims should be treated the same. There is a need for equality in the legislation, they all deserve compensation.

DR NADA AL-JUBORI, IRAQI ORGANISATION FOR WOMEN AND FUTURE (IOWAF)

accessing reparation.

Another concern is the slow and ineffective implementation of these laws, and the fact that the application processes are extremely cumbersome and lack a victim/survivor centered approach<sup>120</sup>. This has also been highlighted by a group of international human rights organisations in April 2023 who called on the Iraqi government to remove the requirement of survivors to file a criminal complaint in order to access reparations, as this carries security risks, risks for re-traumatization and simply means that less persons will be able

<sup>119</sup> See, for example, Human Rights Watch: "Sunni Women Tell of ISIS Detention, Torture", 2017.

<sup>120</sup> <https://c4jr.org/wp-content/uploads/2021/06/C4JR-Rec-to-CoM-ENG.pdf>.



The main challenge for the reparation process is compiling and submitting the application, as well as an insufficient budget for the compensation when an application has gotten accepted. So far only 25 persons have been compensated. It is still an ongoing process, but it is taking too much time. Some survivors have no one providing for them and they need the compensation in order to survive.

AWAZ KHALEEL, DAK ORGANISATION FOR YAZIDI WOMEN DEVELOPMENT

### NO COUNTRY-WIDE LEGISLATION ON DOMESTIC VIOLENCE

A major issue that most of the women's rights organisations interviewed highlighted, is the lack of a comprehensive national law on domestic violence in Iraq. Women's rights organisations have advocated the criminalisation of domestic violence for more than a decade, without success. A draft law on domestic violence was introduced in the Iraqi parliament in 2014, but progress stalled due to widespread political opposition, as legislators believed it risked eroding Iraq's social fabric.<sup>122</sup>

The draft law included provisions to protect victims/survivors of domestic violence, but also had several weak points, according to women's rights organisations. It promoted reconciliation rather than the pursuit of justice, for example, and offered no support to service providers. Women's rights organisations teamed up with Iraqi and international women's rights lawyers and experts to analyse the draft and compare it to international standards. They continue to lobby for a strengthened proposal and for the law's adoption.

### SERVICES FOR SURVIVORS OF GBV

Women's rights organisations have been providing services to women victims/survivors of violence amid enormous challenges. In the absence of

to access benefits<sup>121</sup>. Another big gap is that these laws do not address the issue of children born as a result of sexual violence by ISIS, nor does it recognize them as a specific category of victims/survivors or address their needs. The omission of children born out of war time rape will have long-term consequences not only for these children and their mothers, but also for Iraq as a country.

Photo: Tebo Sadik



Pena Centre for Combatting Violence Against Women

<sup>121</sup> Joint Statement on the Implementation of the Yazidi Survivors Law | Human Rights Watch (hrw.org).

<sup>122</sup> Al Jazeera: "Iraqi women struggle to escape abuses as domestic violence rises", 2021.

## Awareness raising on war crimes in Mosul:

The organization Human Line was founded in 2021 in Mosul, the second largest city in Iraq captured by ISIS in 2014. They support women's rights and protect and rehabilitate them from trauma and gender-based violence. ISIS occupation left profound scars on Mosul residents, who had to flee from their homes, many were abducted and went missing or suffered from different forms of violence.

Human Line is working to uncover information, raise awareness on the sexual violence faced by Sunni Muslim women during ISIS control of Mosul governorate. A topic which has received very little attention so far, both by the Iraqi government and by the international community. In a recent study published by Human Line, they uncover information, documents and testimonies from Sunni Muslim women subjected to sexual violence by ISIS-fighters. With the help of this new report, they are trying to advocate for the recognition of forced marriages of Sunni Muslim women with ISIS-fighters during the conflict as a form of sexual violence and a violation of international law. They are also advocating towards amending the Yazidi Survivors Law to include Sunni Muslim survivors of sexual violence.

country-wide legislation and a protection system for victims/survivors of gender-based violence, they have been offering psychosocial support, health referrals to competent structures, and legal aid. They raise women's awareness of their legal rights and accompany them during court proceedings.

They also offer economic empowerment services such as financial support and training, helping women pick up handicraft skills or find income-generating activities, so they can support themselves and their children and escape violence.



Meeting on women's right at Pena center.

Photo: Teban Sadiq

In the Kurdistan region of Iraq, the authorities run a few shelters, but these have many shortcomings. Elsewhere, the government is now opening some shelters; still, there are no clear regulations or policies on how to provide these services. Without a legal framework, it is impossible for women's rights organisations to run shelters. In addition to the legal difficulties, shelter-like operations are often attacked by both community members and tribal/religious leaders for ruining families. Shelters run without men are seen as brothels.

In spite of these difficulties, some organisations have been running underground shelters and safe houses. For many, this is a life-saving measure. The organisations regularly receive threats, are exposed to attacks, and often forced to relocate for security reasons.<sup>123</sup> Both the police and tribes have taken action against shelters run by women's rights organisations. The government has actually filed complaints against some women's rights organisations, accusing them of dividing families, exploiting women and helping them leave their husbands.

### Challenges and risks for women's rights organisations and activists

Women's rights organisations have been promoting women's rights and supporting women victims/survivors of violence despite significant challenges. Women's rights organisations are usually viewed with suspicion by communities, tribal/religious leaders, and the police. Many representatives of the organisations interviewed had been subject to threats, ostracised by their family, or had their work premises raided. Women lawyers who provide legal support to victims/survivors of domestic and other forms of GBV are often threatened and intimidated by family members of the victims/survivors, to convince them not to pursue the case.

According to the interviewees, the main challenges when working against GBV in Iraq are the lack of security, stability, a functioning rule of law, a country-wide law on domestic violence, and a system to protect women (e.g., shelters). They also mentioned the influence of religious leaders and Islamic political parties, which oppose any strengthening of women's rights, and the fact that society is very conservative, which prevents women from reporting domestic and other forms of gender-based violence. Last but not least, there is the honour system and the harsh stigma victims/survivors face, which mean victims/survivors fear reprisals and losing their tribe's protection.



A woman was abandoned by her husband. His relatives tried to create trouble for her and ruin her reputation in the conservative society. Her son could not go to school because he lacked the right documents. She reached out to us for help getting an ID for her son. When she saw we also offered other forms of help, she became interested in getting legal support. She went to court, with a domestic abuse case. Her son got an ID and could go to school, and she got monthly income support herself and her children. They were able to escape the threats and abuse of her husband's family.

AWAZ KHALEEL, DAK ORGANISATION

### Conclusion

Women and girls in Iraq continue to suffer from CRSV, domestic violence and other forms of GBV. Customs and social norms, and the lack of political will have so far prevented the advancement of women's rights and women's protection from GBV as well as access to SRHR. ISIS' occupation further exacerbated the precarious situation of women and girls, who are still left without adequate prevention and protection.

Against this backdrop, women's rights organisations have stepped in to support victims/survivors of GBV despite considerable security and legal challenges, to advocate the adoption of a domestic violence law and legislation to ensure reparations for victims/survivors of CRSV, and to call for the rejection of harmful social and gender norms that are deeply rooted. They cooperate with each other and with institutions to promote the rights of victims/survivors to carry out important peacebuilding work. This they do at great risk for their own safety and security and in spite of the criticism they face from their own communities. As state services are woefully inadequate, the contributions of women's rights organisations are vital to the survival of women and girls who have experienced or continue to experience GBV, and to the development of the rights of women.

<sup>123</sup> Iraq National Strategy to Combat Violence Against Women and Girls 2018-2030, p. 33.



# Lessons learnt from Iraq



- The importance of having a strong early warning mechanism to be ready to deal with any indicators of conflict.
- The importance of strengthening the capacity of the security and justice sector on women's rights and their response to GBV during conflict.
- The importance to conduct joint advocacy and awareness-raising campaigns, with women's lawyers, professionals and politicians, to get decision-makers to adopt country-wide domestic violence law.
- The importance of regional and international networking with women's rights organisations from other countries to learn, discuss challenges and methods, strengthen solidarity within the global movement, and organise international advocacy campaigns.
- The importance of working closely with government bodies (such as family protection units in police directorates under the Ministry of Internal Affairs) and with community police in charge of dealing with domestic violence to improve practices.
- The importance of providing multiple services to women victims/survivors of GBV, to take care of their financial needs and their children's needs, and make sure they have job opportunities and livelihoods.
- The importance of making sure young girls are aware of their rights, including in relation to forced marriages, and work with women's families and communities to garner support and build trust in the women's social circles.
- The importance of cooperating and engaging in dialogue with religious and tribal leaders, to ensure they do not obstruct women's rights and, if possible, even promote and help strengthen women's rights.
- The importance of conducting research and collecting data on domestic violence and other forms of GBV, to raise awareness among citizens, institutions and the government about the prevalence of these phenomena.
- The importance of promoting safety and security of staff working for women's rights organisations by having offices in safe locations (e.g., close to police stations or health centres), not asking them to work late hours, and providing security training.
- The importance of taking care of the physical and psychological wellbeing of those who work for women's rights organisations and offer them training on how to support victims/survivors of GBV.

# Ukraine



Demonstration for women's rights in Lviv.

## Introduction

This case study is based on desk research and semi-structured interviews with Kvinna till Kvinna partner organisations, international NGOs and other civil society actors. Some are still based in Ukraine, others had to flee the country after the full-scale Russian invasion in February 2022. We interviewed representatives of eight NGOs: Women's Perspectives (Lviv), La Strada (Kyiv), Zmina (Kyiv), Sphere (Kharkiv) Slavic Heart (Dnipro), Fight for Right (Kyiv), D.O.M.48.24 (Ivano-Frankivska) and WILPF. This case study does not aim to provide a comprehensive account of all aspects of the conflict or the CRSV and other forms of GBV that have taken place since the Russian invasion. Instead, the goal is to provide an overview of the main forms of GBV against women and girls in this particular context of conflict, the way women's rights organisations are responding to the victims/survivors' needs, and approaches, norms, legislation and practices in Ukraine to eliminate GBV.

## Overview of the conflict

In February 2014, Russia illegally annexed the Ukrainian Crimea Peninsula, with the help of pro-Russian separatists in Crimea. Two months later, Russia also tried to gain control over the Ukrainian eastern regions of Donetsk and Luhansk, again with the support of pro-Russian separatists in the areas. This led to several months of armed conflict between Ukraine and pro-Russian separatists backed up by Russian forces.

After months of fighting and thousands of casualties, a first peace plan – the Minsk Protocol – was signed by the Trilateral Contact Group for Ukraine, made up of Ukraine, Russia and the OSCE. The process was mediated by France and Germany in the so-called “Normandy format”.<sup>124</sup> The agreement failed to stop the fighting. In 2015, a new peace plan, Minsk II, was signed by the same actors. The agreement included a series of measures, including a ceasefire, the withdrawal of heavy weapons from the front line, and the release of prisoners of war, but it was never fully implemented and once again failed to stop the fighting.

On 24 February 2022, Russia launched a full-scale, unprovoked military invasion in Ukraine. Ever since, Russian forces have been attacking the country. Millions of Ukrainians have had to flee the country amid indiscriminate shelling and strikes aimed at civilian targets, including hospitals, schools and densely populated urban areas. This is a clear

violation of the Geneva Convention. Accounts of the atrocities committed by the Russian forces during the invasion include torture, sexual violence, summary executions, and attacks against civilians.<sup>125</sup>

Russia's attempt to gain control of Ukrainian territory, including the capital Kyiv, have failed, thanks to the Ukrainian military's ability to respond to Russian attacks and launch counteroffensives. Nonetheless, Russian forces have made considerable territorial gains in both northeast and south Ukraine. At this time of writing, in May 2023, up to 20% of Ukraine's territory, including the regions surrounding Chernihiv, Sumy, Kharkiv, Mariupol, Zaporizhzhia and Kherson, is in Russian hands, in addition to the Donetsk, Luhansk and the Crimean Peninsula.

## Forms of CRSV in Ukraine

Shortly after the start of the full-scale invasion of Ukraine in February 2022, accounts of CRSV began to emerge from the areas occupied by Russian forces. According to these reports sexual violence had been perpetrated against civilians in Russian-controlled areas or places where Russian troops were stationed. Several cases of rape were documented in small communities in the Kyiv and Kherson regions, for example. Locals in the Kyiv region told OHCHR that they tried to “hide girls and young women” from armed actors, who were sometimes intoxicated, by dressing them in old, baggy clothes and not allowing them to go out.<sup>126</sup> More accounts of war crimes against civilians, including rape and arbitrary killings, emerged from the village of Bucha in March 2022. Mass graves with the bodies of civilians were found in the village, and testimonies were collected of abuses perpetrated by Russian soldiers.



Photo: Kvinna till Kvinna/Karinika Jgelberg

Images from the manifestation at Norra Bantorget in Stockholm against the aggression of Ukraine.

<sup>124</sup> Peace, Security and Framework Cooperation Agreement.

<sup>125</sup> OHCHR: Independent International Commission of Inquiry on Ukraine. Last accessed on 10 April 2023.

<sup>126</sup> OHCHR: “Report on the Human Rights Situation in Ukraine 1 August 2022 – 31 January 2023”, 2023, p. 17.



According to the testimonies we heard, Russian soldiers paid regular visits to Ukrainian households in the occupied regions. They would rape women and say ‘now you won’t give birth to any more Nazis’. This indicates rape was carried out as part of a deliberate strategy.

KATERYNA CHEREPAKHA, LA STRADA

Photo: XXXX



We have seen some very serious cases and the most difficult ones are the ones where the violence is perpetrated against children. It is very taboo to talk about this and many parts of the areas that have been occupied are rural areas, where the knowledge about sexual violence and war-crimes is low. We suspect that we won’t know about many cases until years from now and we have to inform survivors that there are no expiry dates for war-crimes.

NATALIIA KYRKACH, SLAVIC HEART

Reports of the Independent International Commission of Inquiry have shown that sexual violence has affected victims/survivors of all ages, including children who were at times forced to witness the crimes.<sup>127</sup> So far, children have been victims of all the crimes the Commission is investigating, including torture and rape.

The majority of cases of sexual violence committed by Russian and Ukrainian soldiers that the UN Human Rights Monitoring Mission in Ukraine has documented concern male prisoners of war. This is not surprising, as all released prisoners of war have most likely been interviewed by UN investigators. However, this gives a very narrow image of the true extent of CRSV. Women’s rights organisations in the country have a different picture: they mainly encounter women and girl victims/survivors and believe that the cases recorded in official UN reports are only the tip of the iceberg.

Women’s rights organisations in the country have warned that victims/survivors are reluctant to come forward, especially in Russia-occupied areas, due to a fear of reprisals and that it is extremely difficult to document CRSV in Russia-occupied regions at this point. “People are afraid to report anything because the police are under the control of the Russian army. In addition, communication between people in Ukraine-controlled areas and people in the occupied regions is difficult, including due to limited mobile coverage”.<sup>128</sup>

In de-occupied regions, some women are also reluctant to report violence. According to local WROs, this is partly due to stigma, and because victims/survivors have their hands full with more pressing matters. Women’s rights activists also explain that the fact that doctors are obligated to report cases to the General Prosecutor’s office has become a deterrent for some women who want medical help, but don’t necessarily want report violence to the authorities.<sup>129</sup>



Victim-blaming is still widespread. If you are Ukrainian and living in the Kharkiv, Donetsk or Luhansk region, people think you should have known that you would risk being exposed to violence. ‘Why did you stay?’ they would ask.

ANASTASIIA POPOVA, SPHERE

<sup>127</sup> Report by the Independent International Commission of Inquiry, A/77/533, 2022.

<sup>128</sup> Interview 24 March 2023.

<sup>129</sup> Interview 28 March 2023.



Photo: Shutterstock

Refugees from Ukraine in Korczowa, Poland.

While cases of sexual violence against both combatants and civilians have been documented by the UN Human Rights Monitoring Mission in Ukraine and by international and national NGOs, the available evidence is insufficient to draw any final conclusions on the extent to which it has systematically been used as a weapon of war by Russian soldiers in the current phase of the conflict.

In October 2022, Pramila Patten, UN Special Representative on Sexual Violence in Conflict, stated that Russia is using sexual violence as part of its military strategy in Ukraine. “When you hear women testify about Russian soldiers being equipped with Viagra, it’s clearly a military strategy”, she said.<sup>130</sup> Some of the activists interviewed for this study similarly mentioned that they believe Russia is using sexual violence as a tactic of war and perhaps even genocide.<sup>131</sup> Other interviewees were of the opinion that while sexual violence may not have been the result of specific instructions received down the chain of command, those higher up the hierarchy are clearly not taking any measures to prevent it from happening.<sup>132</sup>

As in most conflicts, Russian forces in Ukraine have probably perpetrated CRSV for different purposes. It might take a long time before we know to what extent this violence was used as a tactic of war, and to what extent soldiers committed it for other reasons. The UN Human Rights Monitoring Mission in Ukraine is keeping track of cases of CRSV committed by Russian as well as Ukrainian soldiers. They have, recorded many cases of sexual violence perpetrated against male prisoners of war, but also civilians deprived of their liberty, as a form of torture or ill treatment. There have been cases of rape, electrocution, burning,

tying up and beating of genitals, forced nudity, forcing someone to watch or conduct sexual violence against another person, unjustified cavity or strip searches, homophobic insults, and threats of sexual violence towards victims or their loved ones<sup>133</sup>.

The cases recorded by the UN indicates that civilians and military personnel have been subjected to different forms of sexual violence, with different aims. The women’s rights activists interviewed in this study also expressed that that in Russian-occupied territories, sexual violence appears to have been used to control civilians. For example, women have been forced to cook, clean and provide sexual favours to Russian soldiers in order to be allowed to move around freely, which is a form of sextortion. Whereas in detention facilities, Ukrainian male combatants have been subjected to sexual violence as a form of humiliation, intimidation, and a show of superiority, and to prevent soldiers from returning to ‘normal life’. Accounts from the other case studies in this study reflect similar trends.

In addition, since the beginning of the full-scale invasion, civilians who lived in areas occupied by Russia who tried to flee the hostilities have been prevented by Russian forces from going to Ukrainian-controlled territories; instead, they have been sent to Russia or areas of Ukraine occupied by Russia. This type of forcibly transferring civilians is also a war crime. During the transfer, these civilians have also had to go through a ‘filtration process’ at checkpoints where many of them have been subjected to compulsory, punitive and abusive security screenings, including sexual violence in the form of stripping and forced nudity.<sup>134</sup> Thousands of Ukrainian children living in institutionalised

<sup>130</sup> CNN, Wang, P., Lister, T., Pennington, J.: “Russia using rape as military strategy in Ukraine”, 15 Oct 2022.

<sup>131</sup> Interview 17 March 2023.

<sup>132</sup> Interview 16 March 2023.

<sup>133</sup> Report by the Independent International Commission of Inquiry, A/77/533, 2022.

<sup>134</sup> Human Rights Watch: “World Report 2023”, 2023. Filtration processes are carried out by Russian officials or proxy-authorities in Russia-controlled areas of Ukraine, where individuals are temporarily detained and evaluated for their perceived threat. The processes often take place at checkpoints. US State Department: “How Russia’s Filtration Process in Ukraine Operates”, 2022. Last accessed 12 May 2023.



There is a perception that sexual violence only includes rape, so other forms of gender-based violence are often not identified or reported as sexual violence. But during the 'filtration process', there is a high risk of gender-based violence.

ONYSIIA SYNIUK,  
ZMINA HUMAN RIGHTS CENTER

care or who have lost their parents have also been deported to Russia since the start of the invasion<sup>135</sup>. Others were separated from their parents during 'filtration processes' and then disappeared. These children have often been placed in 're-education camps' and been put up for adoption by Russian families, with a simplified procedure. These children are in a vulnerable situation and at high risk of being subjected to exploitation and GBV, as there is no information on their whereabouts. UN investigators has called Russia's forced deportation and naturalisation of Ukrainian children a war crime, and the International Criminal Court has issued arrest warrants against Russian president Vladimir Putin and Maria Lvova-Belova, the country's Commissioner for Children's Rights for this particular crime<sup>136</sup>. Since the beginning of the invasion, UN agencies and civil society have also warned that displaced people, mainly



In most cases we don't know what has happened to people and children who have been deported to Russia. The risk of trafficking and sexual violence is high. There should be more attention to sexualised violence in other crimes, including deportation and torture.

ONYSIIA SYNIUK,  
ZMINA HUMAN RIGHTS CENTER

women and children, risk being trafficked, including for the purpose of sexual exploitation and forced prostitution. The main reasons for their concern are the lack of an adequate vetting system for accommodation and transportation, and the limited capacity of protection services, due to the sheer number of displaced people.<sup>137</sup>

#### GOVERNMENT RESPONSE TO CRSV

The Ukrainian government has taken steps to respond to CRSV by adopting a Strategy for the Prevention of and Response to Conflict-related Sexual Violence in Ukraine.<sup>138</sup> This strategy provides guidance and recommendations on how Ukrainian government institutions, civil society, international organisations and the UN can together prevent and respond to CRSV. The government has also signed a framework of cooperation with the UN,<sup>139</sup> to design and deliver priority interventions in the areas of justice and accountability, and provide services to victims/survivors, including sexual and reproductive health services, medical and specialised mental services, legal assistance, and livelihood support.

Trainings have also been offered to units of the prosecutor's team, the national police, and psychologists and psychiatrists working for NGOs, to adopt a witness/survivor/victim-centred approach when supporting victims/survivors and witnesses of sexual violence.<sup>140</sup> In practice, however, this is not always easy, and not all victims/survivors are ideally received when they get in touch with law enforcement.<sup>141</sup>

#### Increase in domestic violence and other forms of GBV during the conflict

As in many conflict contexts, domestic violence, predominantly intimate partner violence, tends to be overlooked during war. According to the women's rights organisations interviewed, there has been an upswing in domestic violence and other forms of GBV since the invasion of February 2022. War and conflict disrupt family relations and social and economic activities and have a considerable impact on the physical and psychological wellbeing

<sup>135</sup> Yale School of Public Health: "Russia's systematic programme for the re-education and adoption of Ukrainian children", 2023

<sup>136</sup> International Criminal Court: "Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova", 17 Mar 2023.

<sup>137</sup> UN, Security Council meetings coverage: "Sexual Violence 'Most Hidden Crime' Being Committed against Ukrainians, Civil Society Representative Tells Security Council", 6 Jun 2022.

<sup>138</sup> UN Women Ukraine, UN Human Rights Monitoring Mission in Ukraine: "Strategy for Prevention of and Response to Conflict-Related Sexual Violence in Ukraine". Last accessed on 11 April 2023.

<sup>139</sup> Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict: "Framework of Cooperation between the Ukrainian Government and the Office of the Special Representative of the Secretary General on Sexual Violence in Conflict", 2022.

<sup>140</sup> See, for example, the International Criminal Court: "Conflict-related sexual violence in Ukraine: ICC holds training on Victim and Witness support", 20 Mar 2023.

<sup>141</sup> Interview 28 March, 2023.

Compared to 2014, there is a high level of involvement of the state prosecution and the international community, who work closely with the prosecuting office and the national police. There is now a specific unit at the General Prosecutor's office and there is a clear commitment to try to work effectively and use a survivor-centred approach to collecting evidence, taking statements and treating victims.

KATERYNA CHEREPAKHA, LA STRADA

of people. Displacement, a lack of security and a lack of economic opportunities make conflict-affected communities even more vulnerable to GBV and household abuse. This is particularly true for women and children. Widows, women married to combatants coming back from the front, and women who are left alone with children to take care of and no source of income are all at greater risk. The same applies to other vulnerable individuals, such as the elderly, people with disabilities, IDPs who fled to other parts of the country, and refugees abroad.

Already in 2014, when the Crimea Peninsula was annexed, women's rights organisations recorded an increase in domestic violence linked to the return from the front of Ukrainian combatants. Many had untreated trauma and no or very limited



Photo: Kinnig till Kvinna/IASA/Unneden

The circulation and availability of firearms is increasing the risk of domestic violence for women. We had one case where a husband sent his wife a video showing a loaded

gun with ammunitions and said 'one of these is for you'. The war has brought new risks for women and children; addressing them all requires combined efforts and resources.

MARTA CHUMALO, WOMEN'S PERSPECTIVES



At the beginning of the full-scale invasion, Women's Perspective in Lviv had to do what they could to find more rooms for their shelters and to get necessities for women in need.

access to rehabilitation services and psychosocial support. At that point, however, numbers were still contained, and victims/survivors were able to get support. Since 2022, the situation has become considerably worse. This is due to the magnitude of the conflict, the increased availability of firearms, and the vast number of returning Ukrainian combatants, many of whom suffer from post-traumatic stress disorder (PTSD) and psychiatric problems and/or have issues with alcohol.

The influx of IDPs fleeing Russian-occupied areas has also put considerable pressure on shelters that were previously exclusively used for victims/survivors of domestic violence. Now, these are used to host IDPs. Women IDPs are in a particularly vulnerable situation, as facilities are inadequate and access to services is limited. In Ukraine-controlled territories, multiple IDP families often share one small facility or dormitory. Many have mental health issues and PTSD, are unemployed, and uncertain about the future, which in turn exacerbates the risk of GBV.

Then there are women victims/survivors of intimate partner violence who fled to Europe with their

children to escape their perpetrators, as the current simplified refugee procedures do not require the consent of the second parent. For some of these women, this opportunity has helped them escape a life of violence. Yet these women still face multiple challenges. Language barriers in particular may prevent them from seeking support.<sup>142</sup>

Women's rights organisations that are running domestic violence shelters indicate that because they have had to use their shelters to house women IDPs from different regions, they have less room and capacity to aid victims/survivors of domestic violence. The latter then risk having no other choice but to remain in the home of their abuser, for lack of alternatives and economic opportunities. In addition, victims/survivors of domestic violence are often discouraged by the authorities to report what has happened to them. If their abuser happens to be a former soldier, they may be met with resistance while the ex-soldiers is seen as a hero. In addition, some women feel that their experience of GBV pales in comparison to the war, which means they avoid reporting what is going on or reaching out for help.

<sup>142</sup> Ibid.





A woman who was subject to violence at the hands of her husband who had returned from the war reached out to the police for help. But they told her: 'you are his wife, he is a hero, you have to help him, he is ill'.

MARTA CHUMALO,  
WOMEN'S PERSPECTIVES



"In general, cases of domestic violence are not prioritised. There is still stigma around it, it is not considered a significant crime. And now, women themselves don't want to bother the authorities with this problem, because there are so many other issues during the conflict.

RUSLANA HNATCHENKO, NGO SPHERE

New forms of abuse too have emerged as a consequence of the war. Women's rights organisations have witnessed several cases where men who previously didn't live with their families suddenly try to force their children to live with them, as men with children in their custody (even if it is not legal custody) cannot be drafted. In some cases, men have even kidnapped their children to avoid being mobilised.

Overall, most women's rights organisations indicate that while the government has stepped up to tackle CRSV, domestic violence is not sufficiently prioritised by the authorities. In the context of the war, domestic violence is perceived as a 'lesser crime'. Moreover, as the numbers of victims/survivors and IDPs are growing, so does the need for specialised services. The facilities and services

currently provided by the state are insufficient to meet the needs of those affected.

### Sexual and reproductive health and rights

Since the beginning of the full-scale invasion medical centres, in at least some parts of Ukraine, have made it obligatory for women who want an abortion to share their medical files with the state<sup>143</sup>.

This seems to be for the purpose of being able to track abortions due to sexual violence or other war related reasons<sup>144</sup>. However, women's rights organisations have noticed that this increased monitoring of abortions has led some women to

Photo: Marta Chumalo



Facebook photo from Marta Chumalo at Women's Perspectives.

<sup>143</sup> NPR: "Ukraine: The Handoff", (22 mins in). 2022. Rough translation.

<sup>144</sup> NPR: "Ukraine: The Handoff", (22 mins in). 2022. Rough translation.

seek out alternative and more anonymous ways of carrying out an abortion<sup>145</sup>. If women end up using unsafe abortion methods as a result, it will have negative effects on women's SRHR in Ukraine.

In some parts of the country, the pressure on women to give birth to more children has also increased since the beginning of the full-scale invasion. In the region of Ivano-Frankivsk the local authorities have set up an initiative to encourage women to give birth to more children to make up for the demographic decline since the beginning of the war.<sup>146</sup>

Another recent policy change, which might have unintended negative consequences for women's SRHR in Ukraine is the decision of the Ukrainian Ministry of Health, in April 2023, to restrict a number of medicines unless patients have a prescription. As this new policy also concerns emergency contraceptives, women's rights organisations have raised concerns that this might have a negative effect on women's and girls' ability to avoid unwanted pregnancies during the war.<sup>147</sup>

Finally, during 2022, eight million Ukrainians (90 per cent of whom were women or children) left the country via Poland, with the intention to either stay in Poland or move on to other, mainly European, countries.<sup>148</sup> For many of these women, including victims/survivors of sexual violence, Poland's strict abortion laws prevented them from having an abortion. While the law technically allows for exceptions if a pregnancy is the result of a crime, rape, or incest, this provision is almost never respected and abortions are rarely performed.<sup>149</sup>



In my local area, in Ivano-Frankivsk, women are now offered money to have more children, and local politicians are encouraging young women to have as many as five children.

NATALIYA VYSHNEVETSKA, D.O.M.48.24

Photo: Kvinna till Kvinna/Johanna Redtel



We support persons with disabilities since no one else is doing it and we started to evacuate persons with

disabilities before anyone else. We are an invisible target. No one is paying attention to women with disabilities.

TANYA HERASYMOVA, FIGHT FOR RIGHT

<sup>145</sup> Interview 28 March 2023.

<sup>146</sup> <https://suspilne.media/356228-viplati-dla-porodil-ivano-frankivskoi-gromadi-u-2023-comu-zaprovadzuut-ta-hto-moze-otrimati/> and <https://report.if.ua/socium/buduyemo-majbutnye-u-frankivsku-rozpochynayut-proyekt-dlya-zbilshennya-narodzhuvanosti/>.

<sup>147</sup> <https://50vidsotkiv.org.ua/postynor-za-retseptom-chy-mozhe-derzhava-obmezhuvaty-prava-zhinok/>

<sup>148</sup> International Organization for Migration: "Poland-Ukraine Response 2022: Crossing to Ukraine - End of Year Fact Sheet", 2022.

<sup>149</sup> Balkan Insight, Ciobanu, C.: "Ukrainian war rape victims abandoned by Polish state", 12 Jul 2022.

## How women's organisations are dealing with CRSV and GBV

Before Russia's invasion, Ukraine had a strong and well-established network of women's right organisations. Some organisations had been active for 25 years, doing vital lobbying work and running shelters. After Russia's initial invasion in 2014, the women's rights movement and other parts of Ukrainian civil society actually became stronger and more organised. The security, social and economic implications of Russia's most recent invasion, however, have hit civil society hard.

### TO CONFLICT-AFFECTED COMMUNITIES

The full-scale invasion has disrupted the work of most organisations, affected the safety, security and wellbeing of staff, and changed organisations' priorities. Because pre-existing inequalities and vulnerabilities have been exacerbated, many organisations have redirected their resources to offer humanitarian aid to women and other groups in a vulnerable situation, including the elderly, people with disabilities, single mothers, and LGBTQI+ individuals. Staff have had to flee to other parts of the country or across the borders, which means many organisations have had to undergo considerable internal changes. In most cases, they have stepped up their support to women and girls victims/survivors of violence and worked with state institutions to try and meet needs triggered by the war, including the need for financial support and healthcare.

Women's rights organisations provide both financial support and first-aid 'dignity kits', with food, medicines, hygiene products, clothing, and other items. If someone had lost their source of income, organisations often also covered travel costs (train tickets or fuel) and rent and utilities. In some communities, this support has been lifesaving, especially as the state struggles to meet people's needs and does not pay extra attention to particularly vulnerable groups, such as LGBTQI+ individuals and persons with disabilities. Some organisations have also supported the integration of IDPs in new communities in order to prevent local outbursts of inter- and intracommunity violence.

The organisation Fight for Right, who focuses on persons with disabilities started to evacuate persons with disabilities and their families as soon as the full-scale invasion began.



Women's rights organisations immediately stepped in and tried to support the most vulnerable [people], especially IDPs, women with children, the elderly, etc. Arranging accommodation, opening shelters, trying to understand where to get food and sanitary items, ... During the first months of the full-scale invasion, we shifted our priorities to respond to the urgent needs of survivors. But after those first months, we were able to think about how to provide long-term support, in terms of access to employment, healthcare, education, and psychological support for women.

KATERYNA CHEREPAKHA, LA STRADA

## Support for the LGBTQI+ community in Kharkiv

Since the full-scale invasion, the organisation Sphere has stepped up its support to the LGBTQI+ community in the east of Ukraine. It provides material assistance to LGBTQI+ individuals and their families: food, medicines, hygiene products, accommodation, travel, and even tuition fees for children. Pre-war, the LGBTQI+ community was in a vulnerable situation; since the war, its problems have only worsened, so financial support has been essential. Sphere shared info about its programme on social media to reach as many recipients as possible. Those interested had to fill in an application and wait for a response. Sphere has also been providing mini-grants to people who want to restore their business after the full-scale invasion, since the area they work in have been subjected to heavy shelling. By providing this support they want to make sure that people do not get addicted to the humanitarian aid.

### PROVIDING SERVICES TO VICTIMS/SURVIVORS OF CRSV AND OTHER FORMS OF GBV

Many women's rights organisations already supported victims/survivors of domestic violence and other forms of GBV before the war. They now use their expertise to also deal with cases of CRSV, mainly providing legal, medical, and psychosocial support. They have been cooperating with the authorities, especially the police, social services and prosecutors, but maintain a victim/survivor-centred and trauma-informed approach, and respect and protect the confidentiality of those who seek help. Organisations like La Strada have been running domestic violence and trafficking hotlines for years. Since the start of the war, La Strada has developed additional tools, including a Telegram chat box to share information about CRSV (not just rape). The chat box is linked to the organisation's Telegram hotline, and people can anonymously fill in a form to report CRSV to the authorities.



We face new challenges now in the context of the war. Gender-based violence is taking place in IDP shelters/facilities, for example. Because it isn't perpetrated by family members, however, it is not considered domestic violence and survivors cannot access the same protection measures. We are trying to argue that if violence is perpetrated by someone living in the same premises, it should be considered domestic violence. So far, we haven't been successful.

HALYNA FEDKOVYCH,  
WOMEN'S PERSPECTIVES



Our hotline is anonymous and confidential. We receive messages from all over Ukraine; if we feel that the person needs support, we try to arrange assistance in the place where they are located. We inform them about their options and the channels available to them to report the crime.

KATERYNA CHEREPAKHA, LA STRADA

advocated a new law on domestic violence that would be in line with international standards. In 2018, such a law was finally adopted, while Ukraine's parliament finally ratified the Istanbul Convention in June 2022 (see text box below). These days, many organisations focus both on addressing GBV and delivering humanitarian aid.

As mentioned before, women's rights organisations have raised concerns about the government's lack of attention to domestic violence, as opposed to CRSV. They are also worried that the current state of insecurity, lack of economic opportunities, displacement, availability of firearms, and conflict-related PTSD will contribute to a sharp increase in domestic violence.

For years, Women's Perspectives in Lviv has been holistically supporting victims/survivors of domestic violence, including through medical, psychological and legal support and by representing them in court. At the beginning of 2022, the organisation ran one shelter for victims/survivors of domestic violence. By the spring of 2023, they ran no fewer than six shelters for women IDPs and victims/survivors of violence. Women's Perspectives also trains the police, social workers, and prosecutors to use a victim/survivor-centred approach.

### Advocacy on CRSV and GBV

Pre-war, women's rights organisations actively called for an end to gender-based violence. They

Since the outbreak of war, however, they have contributed to the development of government policies, including the Strategy for the Prevention of and Response to Conflict-related Sexual Violence in Ukraine<sup>150</sup> which was drafted in consultation with a group of experts, including representatives of NGOs, international organisations, law enforcement and other authorities in charge of prevention, protection and prosecution. They have also contributed to the second National Action Plan on UN Security Council resolution 1325 (2020-2025),<sup>151</sup> which outlines measures to respond to CRSV. In both cases, effective implementation, coordination among different actors, and adequate resourcing remain an issue.

<sup>150</sup> UN Women Ukraine, UN Human Rights Monitoring Mission in Ukraine: "Strategy for Prevention of and Response to Conflict-Related Sexual Violence in Ukraine". Last accessed on 11 April 2023.

<sup>151</sup> Cabinet of Minister of Ukraine: "National Action Plan for the implementation of UN Security Council Resolution 1325 on Women, Peace, Security until 2025", 28 Oct 2020.

## Legal framework on domestic violence and other forms of GBV

In 2018, Ukraine adopted a new **law on preventing and counteracting domestic violence**. The law, which criminalises domestic violence and distinguishes between physical, sexual, psychological and economic domestic violence, came into effect in 2019. New provisions include the establishment of a unified state register of domestic violence investigations, and social programmes for victims/survivors. A specialised domestic-violence police unit (Polina) was formed and the police can now issue restraining orders (although these are only valid for ten days).

Implementation of the new law has been fraught with challenges, however. The judicial system (including prosecutors' and judges' attitudes) has been slow to change, relevant police units have limited resources, there is GBV prejudice in the police, and it has been challenging to prove the systematic nature of domestic abuse.

In June 2022, the parliament **ratified the Istanbul Convention** – the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence. This will hopefully help align domestic legislation with international standards and definitions.

Last but not least, Ukraine updated its **National Action Plan on Women, Peace and Security** in May 2022, following consultations with civil society, to reflect needs that have emerged since the full-scale invasion.

Photo: Artem Hetman



Kateryna Khaneva, GBV Prevention and Response Project Coordinator from PO Slavic Heart speaks during UN Forum in Volnovakha, Donetsk region with other Activists.

### Main challenges for women's rights organisations

Staff wellbeing and safety have been one of women's rights organisations' main concerns since the beginning of the war. Taking care of staff while continuing operations has been challenging for both

small and larger organisations. Most have had to depend on volunteers to be able to keep running their services and meet the increased demand for support in conflict-affected communities. For women's rights organisations offering specialised services for victims/survivors of domestic violence and

“ At the beginning of the war, we talked to each other every day to make sure people were okay, we would have group calls. We tried to focus on survival and taking care of our families. Taking care of your mental health is very important.

RUSLANA HNATCHENKO, SPHERE

CRSV, the priority was to keep running their hotlines and shelters – amid the attacks, shortages of basic goods, and power cuts. Staff in these organisations paid a high toll in terms of mental and physical health and suffered an increased risk of burnout due to the impact of the conflict on both their personal and professional lives.

Many organisations also struggled to predict funding and manage running costs. At the beginning of the war, priority costs included salaries, premises, equipment, power stations, and internet and phones. It was only after a few months that organisation could start thinking about ways to access new funding, which activities to prioritise, and how to manage an increased influx of money.

All women’s rights organisations interviewed highlighted the importance of donor flexibility for organisations to be able to adjust to the needs of their target group(s) in a timely way. They also want donors to involve women and women’s rights organisations from the start in programming, to ensure funding instruments and opportunities respond to people’s actual needs.

“ Directly including women and communities in the development of programmes and projects is key. Organisations should also be included in planning, so that they are able to identify the most urgent needs and not just deliver what donors think is needed. We need donor flexibility, donor flexibility, donor flexibility.

KATERYNA CHEREPAKHA, LA STRADA

## Conclusion

In Ukraine accounts of conflict-related sexual violence committed by Russian forces began to emerge soon after the full-scale invasion in February 2022. The UN has documented more than a hundred cases of sexual violence perpetrated by soldiers. Women’s rights organizations in Ukraine believe that the real numbers are much higher and that it will take time before we know the full scale of the violence. As Ukraine had several well-established women’s rights organisations addressing predominantly intimate partner violence prior to the initial occupation in 2014, they have able to note the shift in the needs and the forms of gender-based violence in the different phases of Russia’s invasion. However, while the accounts of atrocious sexual violence conducted by Russian forces on civilian women has received considerable government and media attention, domestic and other forms of gender-based violence have not received hardly any attention. Traditional values and patriarchal views that condone discrimination and violence against women and girls remain widespread and has been exacerbated by the war.

Since Russia’s full-scale invasion in the country established women’s rights organisations have stepped up their engagement to support victims/survivors of CRSV and domestic violence, amidst considerable challenges. They have continued to run hotlines and shelters for victims/survivors of different forms of, GBV reached out to the most vulnerable in the communities including women with disabilities, single mothers, elderly women, LGBTQI persons and other minorities. In addition to their regular activities, they also started to provide humanitarian aid. Some organisations have reached out to IDPs at humanitarian centres and IDP-centres, to aid the integration of IDPs in new communities to prevent local outbursts of conflict.

One difference between Ukraine and the other case-studies in this report, is that there has been increased awareness and lowered acceptance as regards to sexual violence in general. This could be attributed to many things, such as the work of the women’s rights organisations for many years, the open-ness for and acknowledgement of the issue at the highest political level, the availability of information via social media and other communication platforms, which contribute to a faster shift in both public and political opinion. Whether this will have an affect also on the other forms of gender-based violence being perpetrated, in particularly intimate partner violence, is too early to say.

# Lessons learnt from Ukraine



- Support victim/survivor centered and trauma informed specialised services for victims/survivors of CRSV and domestic violence, including shelters and hotlines, and ensure availability of medical support, including access to SRHR and abortions, psychological support, trauma counselling and legal aid.
- Ensure predictability, continuity, and reliability of funding for WROs to effectively perform their work in support of immediate needs as well as long-term rehabilitation of victims/survivors of violence, reconciliation among communities and continued advocacy work for women's rights.
- Involve WROs, LGBTQI-organisations, disability organisations and other local organisations that cater to minorities or marginalised groups in planning and programming activities and ensure flexible funding that can respond to the changing needs and priorities of the communities.
- Ensure women's rights organisations have funds to take care of psychological and physical wellbeing of staff, train volunteers and continue to build a support network.
- Support joint and cross-border initiatives between women's organisations in Europe and Ukraine to support victims/survivors of CRSV, domestic violence and potential victims of trafficking including for the purpose of sexual exploitation and abuse.
- Insist that Ukraine's reconstruction/ recovery processes and funding invests in women's economic rights and opportunities, women's political participation and women's rights in a holistic way.



# Concluding chapter and recommendations



**This study has looked at GBV in conflict-affected countries, the long-term consequences of it, the work women's rights organisations are doing to prevent further violence and address the needs of victims/survivors, and the obstacles that prevent victims/survivors from accessing support and justice. In many ways, Bosnia and Herzegovina, the Democratic Republic of the Congo, Iraq and Ukraine are very different contexts, in terms of their cultures, legal systems and the types of conflict that have plagued or are plaguing them. Yet victims/survivors in these countries share many experiences, and women's rights organisations and activists face similar obstacles.**

**In this concluding chapter, we highlight some common themes we encountered in this study. Some are areas we and partner organisations have been working on since Kvinna till Kvinna was founded 30 years ago. Others have emerged more recently. Based on our and partners' extensive experience in this field, we have formulated recommendations for the international community, donors, policymakers and practitioners on how to address these common themes.**



## **1. The role of women's rights organisations**

In all four case studies, high levels of CRSV and other forms of GBV occurred in relation to the conflict. States were more or less unprepared, unable and, in some cases, unwilling to provide victims/survivors with sufficient support and redress and hold perpetrators accountable.

In three of four contexts, there was no legal framework to address CRSV and other forms of GBV at the outbreak of war. None of the peace agreements included provisions for the state to address CRSV or other forms of GBV. This has made it almost impossible for victims/survivors to get protection, support and legal aid; in some cases, there has been near total impunity for perpetrators. One case study that stands out is Ukraine where the government has been both swift in its acknowledgement of the prevalence of CRSV and seemingly firm in its commitment to hold perpetrators to account. In two case-studies, women from different parts of the country or from different ethnic groups have different rights when it comes to CRSV and other forms of GBV. This is not only discriminatory, but also creates further division.

Due to the lack of government response and the absence of legal frameworks, local women's rights organisations have played an essential role in protecting victims/survivors, offering medical and psychosocial support, and calling for legal accountability and redress. They have also been instrumental in driving change (including legislative change), implementing new practices, and dismantling harmful norms and attitudes. In spite of their valiant efforts, however, they remain severely underfunded in most contexts and their expertise is often not taken into consideration.

**In Bosnia and Herzegovina**, there was no GBV legislation before the war, and there were practically no specialised services for victims/survivors of sexual violence and other forms of GBV. Women set up organisations while hostilities were still ongoing, to respond to immediate needs: they set up shelters and provided medical, psychosocial and legal assistance to victims/survivors. Women's rights organisations cooperated with institutions, international organisations and NGOs to develop protocols to prevent and respond to CRSV, domestic violence and human trafficking, and to protect victims/survivors. This resulted in a multi-sectoral approach with the police, prosecutors, courts, and social services.

**In the Eastern DRC**, there was no legislation and there were no services either when the war broke out. Victims/survivors of CRSV received no support from the state. It took a lot of pressure and work by women's rights activists, journalists, and the international community to get the government to even acknowledge that the mass violations committed against women and girls were a national crisis. Women in the Eastern DRC began to mobilise

and set up organisations to address victims/survivors' need for psychosocial and medical support and legal aid. To this day, however, women's rights organisations in the DRC are prevented from running shelters, and levels of sexual violence remain extremely high.<sup>152</sup>

**Iraq** still lacks country-wide legislation on domestic violence and intimate partner violence, just like the DRC. Protection of and support for victims/survivors of sexual violence and other forms of GBV are almost non-existent. The Iraqi government has even filed complaints against women's rights organisations that run shelters, accusing them of dividing families, exploiting women, and helping women leave their husbands. Tribal leaders and large parts of society view shelters run by women, without the involvement of men, as brothels. In this difficult and hostile environment, women continue to organise themselves and to try and provide victims/survivors of violence with medical, psychosocial and legal support.

**In Ukraine**, women's rights organisations have been active for about 25 years: running shelters and offering psychosocial support and legal advice to victims/survivors of GBV (mainly intimate partner violence). For years, the women's movement lobbied for an improved legal framework. This resulted in a new law on domestic violence in 2018, legislative changes on sexual violence in 2019,<sup>153</sup> and the ratification of the Istanbul Convention in June 2022, four months after Russia's full-scale invasion. Since the invasion, many Ukrainian women's rights organisations have shifted their focus to deal with pressing issues. They have opened shelters for women IDPs and victims/survivors of violence, and provide medical, financial, psychosocial and legal support.

Bosnia and Herzegovina's **Dayton Peace Agreement** did not specifically recognise women's rights, nor did it mention that the state had any responsibility for prosecuting perpetrators of CRSV or other forms of GBV or for providing shelters and rehabilitation for victims/survivors. During and after the war, it was a major issue that the country had no comprehensive legal framework that would allow women who had suffered violence to claim their rights. The complex administrative set-up of post-war Bosnia and Herzegovina (which was enshrined in the Dayton Agreement) and the

coexistence of 14 different legal systems hindered the introduction of uniform legislation to protect women as civilian victims/survivors of war. Over the years, Bosnia and Herzegovina's different legal systems have led to an extremely uneven treatment of victims/survivors. These past three decades, the women's rights movement has lobbied for legal reforms for different groups of women, in different geographical areas, to ensure all victims/survivors in the country get justice and recognition as civilian victims of war.

Ahead of the signing of the **Sun City Agreement** in 2003, the women's rights movement in the Eastern DRC came together and lobbied for the agreement to include provisions on violence against women. They were unsuccessful. Three years later, they finally managed to get a sexual violence law passed that outlawed rape and other forms of sexual violence. Since then, the women's rights movement has also pushed through changes in the constitution that establish the state's responsibility to eliminate sexual violence. In 2016, the statement that a wife must obey her husband was removed from the family code. In 2018, after intense lobbying by women's rights organisations, the government finally adopted the Maputo Protocol: abortion became legal, and other important sexual and reproductive health rights were recognised. Today, the country's women's rights movement keeps fighting for parliament to adopt GBV legislation that would address domestic violence and intimate partner violence.

**In Iraq**, women's rights are heavily curtailed. While the constitution prohibits violence in the family, there is no country-wide law on domestic violence. The country's criminal code allows husbands to punish their wives. If a man kills or permanently impairs his wife or a female relative because of adultery or a matter of honour, his sentence may be reduced. While Iraqi women's rights organisations have been lobbying for a country-wide law on domestic violence for the last ten years, resistance against it is staunch. It is not just Iraqi society that hinders change: just like in Bosnia and Herzegovina, different parts of the country have different legislation. Some post-war laws only apply to certain groups of women. One example is the Yazidi survivors law of 2021, which was hailed as a success but doesn't cover all victims/survivors of ISIS-perpetrated violence. Securing rights for one group

<sup>152</sup> Médecins Sans Frontières: "Alarming numbers of sexual violence victims in camps around Goma", 9 May 2023.

<sup>153</sup> Sadly, these legislative changes still left much to be desired in terms of preventing and responding to CRSV. Jurfem: "Conflict-related sexual violence in Ukraine: Legislative regulation", 25 Jul 2022.

<sup>154</sup> Jurfem: "Study visit to Geneva on the topic of 'Reparation for survivors of conflict-related sexual violence'", 24 Apr 2023.

is a first step to claiming rights for all, but the uneven treatment of victims/survivors is difficult to bear for those without rights and divides different groups.

When Russia invaded **Ukraine** in 2022, the country already had well-established women's rights organisations that were applying acquainted with a victim/survivor-centred approach. It also had a legal framework on GBV. Early on after the full-scale invasion, Ukraine's government acknowledged that CRSV was taking place and cooperated with civil society and the international community to facilitate legal proceedings. Work is now underway to establish a solid legal framework to ensure victims/survivors of CRSV get reparations.<sup>154</sup> All of this

means Ukraine is better placed to address CRSV and support victims/survivors than the other countries in this study – and perhaps even than most other conflict-affected countries in the world right now.

Ukrainian women's rights organisations, however, warn that the focus on collecting evidence and taking Russian war criminals to court risks overshadowing the wellbeing of victims/survivors. They would like to see a trauma-informed victims/survivor centered approach and respect for the fact that not all victims/survivors are ready to go through a legal process. A lot of work remains to be done on norms and attitudes around GBV, and on the police and legal services' knowledge of and practices surrounding the issue.

## Recommendations



The international community, donors, and governments:

- must fund the advocacy work of women's rights organisations in peacetime, as they are actors that can drive change and hold governments accountable for having proper legal frameworks and providing GBV services;
- must insist on women's meaningful participation in peace negotiations (in line with the UN's Women, Peace and Security agenda), and the recognition of CRSV, GBV, and civilian victims of war in peace agreements and other relevant documents that regulate post-conflict peace and justice;
- must increase funding for local women's rights organisations that provide services and engage in advocacy in conflict-affected areas. Today, WROs and institutions in fragile contexts receive less than 0,5 % of the global Official Development Assistance (ODA) that is allocated to fragile contexts . Funding must be long-term, predictable, and flexible for organisations to be able to create sustainable change;
- must insist on all victims/survivors' equal right to support and justice, regardless of e.g. their religion, ethnicity or location, and must avoid legal reforms and reparation funds that lead to victims/survivors being treated unequally or having unequal access to justice;
- must insist on the use of a victim/survivor-centred approach in all interventions related to CRSV and other forms of GBV, and must, where possible, encourage multi-sector cooperation involving local women's rights organisations, international organisations and government institutions; and
- must support international networking and learning & exchanging opportunities for women's rights organisations.



## 2. Acknowledging other forms of GBV

Focusing solely on sexual violence during conflict risks neglecting other forms of GBV. To understand GBV during war, we must recognise that human security is about more than protection from armed groups, and that different forms of violence are linked. It is important to acknowledge that violent conflict creates new behaviours and norms, which often help normalise GBV in society.<sup>156</sup>

Domestic violence (especially intimate partner violence) tends to increase in societies affected by war, due to stress, trauma, insecurity, the disruption of social and protective networks, economic hardship, displacement, and decreased access to services, which leaves victims/survivors without support. As most conflict-affected countries don't have a comprehensive legal framework to address domestic violence, they often lack the will and the capacity to deal with domestic violence. This contributes to the deprioritisation of domestic violence in conflict-affected countries and during reconstruction.

Another form of GBV that often increases during and after conflict, but that is seldom highlighted or addressed, is sextortion. Sextortion is both a type of GBV and a type of corruption, used against (mainly) women and girls by (mainly men) in positions of power. An authority uses their coercive power, rather than physical violence or force, to obtain sexual favours. Often, power imbalances are so entrenched

that it is hard to combat sextortion. There have been many cases of sextortion being perpetrated during conflict by peacekeepers, by aid workers distributing food, medicine and other necessities, and by armed groups operating checkpoints. In many conflict-affected areas, sextortion is so common that no one even takes notice. In post-conflict areas, sextortion can also occur in other contexts: perpetrators may work for government authorities, for example, or educational institutions. Sextortion sometimes becomes normalised and widespread, especially if a conflict draws on, rule of law has been weakened, and corruption is rife.

**In Bosnia and Herzegovina**, domestic violence (especially intimate partner violence) increased after the war. Domestic violence perpetrated by for example returning soldiers was taboo; many women suffered in silence, expected to be supportive of the returning war heroes. They knew they would be condemned by their communities if they spoke up. Women's rights organisations in the country have warned that sextortion affects different parts of BiH society these days, but that the country's legislation does not address it.<sup>157</sup>

**In the DRC**, the fact that there is no comprehensive legislation that addresses domestic violence has resulted in a culture of impunity and causes great harm to women and children subjected to violence. During the conflict in the Eastern DRC, several cases of sextortion and sexual abuse by peacekeepers were exposed, as well as sextortion by aid workers, armed groups and international institutions. The acceptance and normalisation of GBV and the idea that women and girls are not allowed to decide over their own bodies permeates every aspect of women and girls' lives, including their situation in school and at work. Sextortion by teachers ('sex for grades') is a major problem, as is sextortion in the workplace, where managers and others in positions of power demand sex in exchange for allowing a woman to keep her job or receive her salary.

**Iraq** lacks a national law on domestic violence. Only the Kurdistan region has such a law, but its implementation and enforcement leave much to be desired. The Iraqi state is complicit in perpetuating GBV and jeopardises women's safety by obstructing their access to justice. The absence/ weakness of the rule of law has led to large number of weapons circu-

<sup>156</sup> Svallfors, S.: "Hidden Casualties: The Links between Armed Conflict and Intimate Partner Violence in Colombia". In: *Politics & Gender*, Vol. 19:1, 2023, p. 133-165.

<sup>157</sup> International Association of Women Judges: "Naming, Shaming, and Ending Sextortion: A Toolkit", 2023. Transparency International BiH: "Sextortion - Corruption Disguised" issue paper, 2021.

lating outside of the control of the state and entrenched tribal norms and traditions. The latter are often rooted in deeply ingrained cultural beliefs and harmful gender norms that prioritise the perceived honour of a family or community over the safety and autonomy of individuals, particularly women and girls. Weak governance and the breakdown of law and order can exacerbate honour killings and GBV.<sup>158</sup> These past few years, as the country continues to be plagued by crises, violence against women and girls has been increasing. Corruption is rife: people are often pressured for favours and bribes in transaction with the authorities and other actors in position of power. This facilitates sextortion. Sunni-Muslim women who were detained for their perceived affiliation with ISIS were often sextorted by the guards of detention camps, and had to trade sex for things like food, water and other basic provisions.

Whereas the **Ukrainian** government and authorities have acted swiftly to investigate cases of CRSV committed in Ukraine by Russian soldiers, women's

rights organisations in the country warn that domestic violence, mainly intimate partner violence, including femicide, is increasing as a result of the war. The same thing happened after Russia's partial invasion of Ukraine in 2014, when combatants returned from the front with mental health issues, including PTSD, but treatment and rehabilitation for soldiers were insufficient or non-existent. Now, history is repeating itself on a much larger scale.

Like organisations in Bosnia and Herzegovina, Ukrainian women's rights organisations are seeing how victims/survivors of domestic violence are turned away by the police and told to support and be understanding of their war-hero husbands. Women themselves sometimes avoid seeking help, as they do not want to burden the strained police or shelters in the middle of a war. Ukrainian society will continue to suffer the consequences for years if today's trauma and mental health issues, society's hypermasculinity, domestic violence, the increase in small arms, and the deprioritisation of domestic violence are not addressed.

## Recommendations



The international community, donors, and governments:

- must not only focus on CRSV, but also respond to other forms of GBV, including domestic violence and sextortion, which often increases and becomes more brutal in conflict-affected and post-conflict societies;
- must work to ensure all countries have a legal framework on domestic violence and put domestic violence on the agenda in conflict-affected and post-conflict societies during peacebuilding, state building and reconstruction;
- must offer psychosocial and rehabilitation support to returning soldiers to successfully reintegrate them into society and family life, and must ensure thorough disarmament to prevent small weapons from circulating in post-conflict societies; and
- must have a trauma-informed and victim/survivor-centred approach and insist on justice for all GBV victims/survivors, regardless of the identity of the perpetrator(s).
- Policymakers must acknowledge and address the widespread problem of sextortion and promote its inclusion in national anti-corruption and anti-GBV legislation, including by setting up secure and confidential complaints mechanisms and reporting systems.

<sup>158</sup> Al Jazeera: "Hills of Mistaken - The story of the secret burials of women in southern Iraq", 26 Jun 2020.



### 3. Stigmatisation and discrimination as obstacles

In all four case studies, stigma has hindered victims/survivors from speaking up, seeking help and claiming justice. In some contexts, admitting to having been raped can put one's life at risk. This leaves many victims/survivors without any support and justice. In Iraq, women and girls who become pregnant following wartime rape cannot legally get an abortion. In the DRC, women and girls only gained that right a few years ago. For most, however, the service remains inaccessible, and the practice is still frowned upon.

In most conflict-affected countries, children born of wartime rape are excluded, stigmatised, discriminated and left without aid and legal recognition. In some contexts, their births aren't registered. Elsewhere, they are abandoned and end up on the streets, where they then risk being exploited or recruited by armed groups.<sup>159</sup> All of this means that children born of wartime rape are deprived of their basic human rights as enshrined in the UN Declaration of the Rights of the Child and the Convention on the Rights of the Child. By neglecting these children's rights, state actors contribute to the perpetuation of violence, which threatens international peace and security. In most contexts religious and traditional leaders contribute and uphold to norms that affect women's rights negatively. They do however have the power to shift harmful gender norms in a positive direction. In the case studies, religious leaders

played an important role in breaking the stigma for survivors of CRSV; they could play an equally important role for the acceptance and integration of children born of wartime rape.

**In Bosnia and Herzegovina**, allegations of sexual violence emerged from the very beginning of the war in 1992. Due to the lack of a legal framework and high levels of stigma, however, it took a long time for women to come forward and report the violence. In 2017 – more than two decades after the end of the armed conflict – the leaders of the Orthodox, Islamic, Jewish, and Catholic Churches in BiH signed a declaration to denounce the stigmatisation of victims/survivors CRSV. For many victims/survivors, this declaration has been extremely important. Later, a manual was also published for members of the clergy working with victims/survivors of CRSV.<sup>160</sup>

**In Iraq**, sexual violence against women and girls is heavily stigmatised, due to the country's deeply-rooted honour system, which is embedded in the legal system. Women and girls who have been raped and their families are condemned by the community. They lose the protection of their tribe, which is essential in a context where the rule of law is very weak, and in many cases, the victim/survivor is killed. In other cases, the entire family is forced to flee. This has essentially made it impossible for women and girls to speak up and report what they have been subjected to.

In 2014, the Yazidi Supreme Spiritual leader, Baba Sheik, issued a declaration that stated that Yazidi women who had been enslaved by ISIS should be welcomed back into the community – a ground breaking moment. The declaration enabled women to speak up and seek justice, which eventually resulted in the Yazidi survivor's law. Sunni-Muslim women in Iraq, on the other hand, have not received any support from religious leaders. They have not been able to claim justice for the abuse they were subjected to at the hands of ISIS militants and are not entitled to claim reparations under the Yazidi survivors law.

**In the Eastern DRC**, many women and girls became/ become pregnant as a result of CRSV. Because raping a woman or girl is considered a humiliation for her family, it is difficult for victims/survivors in the DRC to return home after being attacked. Because of stigma, victims/survivors often avoid seeking medical assistance or reporting the attack. Although it is now legally possible to get an abortion

<sup>159</sup> Report by the UN Secretary-General, S/2022/77.

<sup>160</sup> UNFPA: "A Joint Manual of the Interreligious Council in Bosnia Herzegovina for members of the clergy working with survivors of conflict-related sexual violence", 2018.

in the DRC, few victims/survivors are able to access to the right medical care in practice. Culturally, abortions remain frowned upon. Girls who have become pregnant as a result of CRSV are instead pressured to give birth to the child; once the child arrives, however, it is often not accepted by the community and abandoned. For these reasons, many children born of wartime rape end up on the streets, where they are often exploited by armed groups. According to the UN, 3,902 children were recruited by armed groups in the Eastern DRC between April 2020 and April 2022.<sup>161</sup>

**In Bosnia and Herzegovina**, children born of wartime rape also suffered exclusion, stigmatisation and discrimination; for years, they remained invisible. It wasn't until 2022, when these children were old enough to lobby for their own rights, that children born of wartime rape were legally recognised for the first time as a special category of civilian victims of the war, following the adoption of a new law in the Brčko District one of the 14 legislative units in the country.

**In Iraq**, there are children born of ISIS rape in all religious and ethnic groups. Most mothers of children born of rape wartime are unable to return to their communities due to stigma, and because their children would not be accepted. For Yazidi women, neither their Spiritual Leader's declaration nor the Yazidi survivor's law extends to their children. Yazidi

mothers with children born of rape have thus either been forced to leave their children in shelters, orphanages or foster families, or have had to choose to leave their communities, which leaves them in a very vulnerable position. Iraqi children born of rape by ISIS fathers risk not having their birth registered, or not being issued with civil documents to establish their nationality. This lack of documentation deprives them of basic rights and prevents them from accessing social services such as education and healthcare. Neither the federal nor local governments have so far attempted to solve the issue.<sup>162</sup> The repatriation of non-Iraqi children from ISIS camps to their home countries (including several EU countries) has also been extremely slow and poorly handled, with little respect for children's rights.

**In Ukraine** too, victims/survivors of sexual violence are stigmatised. People often feel that if a woman didn't flee an occupied area in time, she only has herself to blame for being violated: "she knew what was coming". The idea that women are to blame results in fewer women and girls seeking help and reporting crimes. Women's rights organisations have also flagged that because doctors have to report sexual violence to the General Prosecutor's Office, some women are deterred from seeking medical help if they do not want to report what happened to them.

## Recommendations



The international community, donors and governments:

- must acknowledge women victims/survivors of CRSV and children born of wartime rape as civilian victims of war who are entitled to reparations;
- must work to grant people in conflict-affected countries access to SRHR;
- must consider the immense stigma victims/survivors face, adopt a victim/survivor-centred approach in all interventions, and give victims/survivors access to services without forcing them to report a crime;
- must invest in the long-term work of organisations that fight for the rights of victims/survivors and children born of rape in conflict-affected areas; and
- must work with religious and/or traditional leaders to reduce the stigma faced by victims/survivors and children born of wartime rape, to help them reintegrate into their communities.

<sup>161</sup> Report by the UN Secretary-General on Children and Armed Conflict in the DRC, S/2022/745, p 8.

<sup>162</sup> UNICEF and UNAMI, Rashee, A.J.: "Children born of rape and children born of ISIS fathers", 2019, p. 5.



## 4. Reproductive pressure during and after conflict

In several conflict-affected countries, women and girls are pressured into birthing more children during and after the war, to make up for their country's demographic losses or losses among a specific ethnic group. If women are primarily seen as mothers of the next generation, their reproductive ability becomes a concern for the group, which makes it more difficult for women and girls to make independent choices about their own body. This can endanger women and girls' SRHR, including their right to abortion, as well as women's active participation in society.

**In Iraq**, Yazidi women and girls were held as slaves by ISIS and forcefully impregnated to give birth to the next generation of ISIS fighters. This is perhaps one of the most extreme examples of how, during war, women and girls can be reduced to nothing more than 'reproductive machines'. Like in Iraq women and girls in Bosnia and Herzegovina were also subjected to systematised forced pregnancies or forced continuation of pregnancies.\*

In other conflict areas, it is more common for women to be celebrated for giving birth to the next generation – especially if they bear sons. The idea that it is a woman's duty to give birth to the future generation, or future soldiers who can protect the homeland can be particularly entrenched in areas that have experienced protracted conflict for generations.<sup>163, \*\*, 164</sup>

**In Bosnia and Herzegovina**, women's bodies were objectified, and women were pressured to give birth to more children at the end of the war and after the war to 'rebuild the nation', as many men had died during the conflict<sup>165</sup>.

In some parts of **Ukraine**, the pressure on women to give birth to more children has also increased since the beginning of the full-scale invasion. In the region of Ivano-Frankivsk the local authorities have set up an initiative to encourage women to give birth to more children to make up for the demographic decline since the beginning of the war. In this area women are now given increased benefits if they have more children and local politicians have encouraged young women to have as many as five children.<sup>166</sup> Since the beginning of the full-scale invasion medical centres, in at least some parts of Ukraine, have made it obligatory for women who want an abortion to share their medical files with the state<sup>167</sup>. This seems to be for the purpose of being able to track abortions due to sexual violence or other war related reasons<sup>168</sup>. However, women's rights organisations have noticed that this increased monitoring of abortions has led some women to seek out alternative and more anonymous ways of carrying out an abortion<sup>169</sup>. If women end up using unsafe abortion methods as a result, it will have negative effects on women's SRHR in Ukraine.

\* <https://academic.oup.com/jicj/article/15/5/905/4683651>

<sup>163</sup> Kvinna till Kvinna: "Listen to Her", 2018.

\*\* The recent ban on abortions in the Georgian breakaway region of Abkhazia is an example of an attempt to try and boost an ethnic population during conflict.

<sup>164</sup> Open Democracy, Kotova, M.: "Meet the women affected by Abkhazia's abortion ban", 17 Aug 2017.

<sup>165</sup> Interview 27 October 2022.

<sup>166</sup> <https://suspilne.media/356228-viplati-dla-porodil-ivano-frankivskoi-gromadi-u-2023-comu-zaprovadzuut-ta-hto-moze-otrimati/> and <https://report.if.ua/socium/buduyemo-majbutnye-u-frankivsku-rozpochynayut-proyekt-dlya-zbilshennya-narodzhuvanosti/>.

<sup>167</sup> NPR: "Ukraine: The Handoff", (22 mins in). 2022. Rough translation.

<sup>168</sup> NPR: "Ukraine: The Handoff", (22 mins in). 2022. Rough translation.

<sup>169</sup> Interview 28 March 2023.



# Recommendations



The international community, donors and governments:

- must make sure population-control policies in conflict-affected countries are not altered in a way that weakens women's rights, including their SRHR and right to abortion;
- must insist on and fund sufficient services for women and girls' SRHR, including emergency abortions, in conflict-affected areas; and
- must support the long-term work of local women's rights organisations to improve and uphold women and girls' SRHR in conflict-affected and post-conflict societies.



## 5. Working against GBV puts women human rights defenders at risk

In countries where women have limited rights, it is often dangerous for activists to work against CRSV and other forms of GBV. In some cases, the work of women's rights organisations is perceived as a direct threat to powerful men, who could be prosecuted and sentenced to prison. In other cases, it is considered a threat to traditional values, including men's right to exert power over their wives and families. As a result, women human rights defenders (WHRDs) are targeted with (threats of) violence by both state and non-state actors. This violence, which is sometimes deadly, is an effective way of silencing WHRDs and a grave threat to democracy and the fight for women's rights.<sup>170</sup>

WHRDs in conflict-affected countries tend to work in extremely difficult, insecure environments. Often, they are personally affected by the conflict. They perform the difficult task of listening to the stories of victims/survivors of violence and supporting them on their journey. All of this takes a toll on WHRDs in conflict-affected areas. More must be done to enable them to look after themselves and their security, mental health and wellbeing. This is also essential to secure organisations' sustainability and their work to drive change.

In many conflict settings, simply being outspoken is enough to put a woman at risk. Threats often target the WHRD's body: there may be threats of rape and sexual violence, for example. Other common tactics include smear campaigns that target the WHRD's 'honour', or threats against the activist's children and/or other loved ones. Much of the violence against WHRDs is hidden behind what is considered 'ordinary violence against women', however.

**In Bosnia and Herzegovina**, women's rights organisations that combat sexual trafficking have exposed both police officers, public servants, and staff of international organisations for aiding or enabling the trafficking. This risky work has made them quite a few enemies and exposed them to relentless threats. They have also provoked the ire of organised crime syndicates profiting from trafficking in the region. These now sometimes attend the organisations' events, indicate that they "know where the activists live", and break into their offices, shelters and homes. Women's rights activists have tried to show that they are not afraid. But after years of constant threats, they have changed their lives: they do not go out alone after dark, do not go out in public as often, etcetera. Even those organisations that have a good relationship with the police don't really feel protected.

**In the Eastern DRC**, women journalists started to receive information about widespread CRSV against women from the start of the conflict. They tried to report on it, but national media outright refused to publish their stories. Women journalists who insisted on reporting about the violence received death threats from armed groups, while the state threatened to having their media outlets shut down. The fact that these women still decided to share victims/survivors' stories with the international press, and set up their own radio channels inside the country, is a testament to their courage. One way to respond to such threats is holding perpetrators accountable and promoting free and independent media. Another solution is to support female journalists in conflict-affected countries, and to acknowledge the link between them and the women's rights movements.<sup>\*,171</sup>

<sup>170</sup> Kvinna till Kvinna: "Solidarity Is Our Only Weapon", 2020.

\* We have seen the latter in other contexts too, such as in Syria, where the Syrian Female Journalists Network is active.

<sup>171</sup> Syrian Female Journalists Network: "Call for Feminist Solidarity to Ensure Safety and Protection of Female Journalists". Last accessed on 24 May 2023.

**In Iraq**, women's rights organisations and activists face extreme security challenges. They have received grave threats, been ostracised by their families, had their workplaces raided, and have had to go underground to run shelters for victims/survivors of GBV. Women lawyers who provide legal support to victims/survivors of domestic violence and other forms of GBV have been intimidated by family members of the victims/survivors, who tried to convince them not to pursue the case.

**In Ukraine**, many women's rights activists have decided to stay in high-risk areas where they are under constant shelling to help other women. This is also true for local human rights activists, who collect evidence on and document war crimes, and for organisations that evacuate persons from areas international organisations dare not enter. Many Ukrainian women's rights organisations report that their staff are suffering mentally and are in desperate need of rest and psychological support. The conflict and the secondary trauma activists have developed by helping others are taking its toll.

Living with constant stress and threats is the harsh reality for many WHRDs around the world – not least in conflict settings. Many are exhausted but cannot take the time to rest, as there is always more to do; countless women and girls need support. It is important to acknowledge WHRDs' need for self-care and psychosocial support, both to make their work sustainable and to ensure a vibrant and independent civil society, which is key for a functioning democracy.

Burnout is a real security risk: when someone is tired, they make less-informed decisions, which can expose them to even greater risks. In some of Kvinna till Kvinna's earlier publications, such as 'Solidarity Is Our Only Weapon' and 'Suffocating the Movement', WHRDs witnessed told us that "the underestimation of the constant sexual harassment is a threat in itself to the movement". They mentioned that silencing activists not only affects activists and organisations, but also frightens and deters other women from becoming involved in the movement. In a time of shrinking civic space, this is a real threat to sustainable peace.

## Recommendations



The international community, donors and governments:

- must publicly condemn and duly investigate smear campaigns and online harassment against women human rights activists. Those in power who advocate for or support violence against women in public life must be held accountable;
- must be more flexible when supporting WHRDs, to meet the challenges of changing security situations. Long-term support and core funding should be prioritised, but emergency-response resources should be available too;
- must make resources available to holistically bolster the security and resilience of women's rights organisations that respond to GBV. This includes stress-management, self-care and wellbeing practices; and
- must work to bridge the digital divide and ensure WHRDs have affordable and secure access to the internet.



## 6. To work against GBV is to work for peace and security

This report has illustrated how women's rights organisations, often as a result of their work on GBV, have become important actors for peace. They build trust across borders and conflict divides and demand inclusive peace. However, women's rights organisations are still rarely invited to participate in formal peace processes, and their priorities are often neglected in peace agreements. This is a real missed opportunity for sustainable and lasting peace.

GBV does not exist in isolation from violent conflict and peacebuilding: it is a form of violence in and of itself and a driver of conflict and instability,<sup>172</sup> and gender equality is connected with higher levels of peace.<sup>173</sup> Or, in the words of Sylvine Kahasa from the **DRC**: *"we cannot separate the question of peace and the question of GBV."* Research has shown that GBV occurs as part of a continuum of armed conflict violence and that types of violence cannot be detached from the systems around violent conflict.<sup>174</sup> Many of the organisations we interviewed helped bring about changes to international law: sexual violence is now defined as a war crime rather than collateral damage of war. Women's rights organisations have also developed early-warning mechanisms for violence, which has helped them notice when violence

is increasing, often as a consequence of a spread of hypermasculinities a warning sign for potential upcoming full-scale violent conflict

Across the contexts we explored in this study, and during our thirty years of working with these issues, we have seen clear synergies between women's rights organisations' work to end GBV and their work to end violence, war and armed conflict.

During the active armed violence in **Bosnia and Herzegovina**, women's organisations supported victims/survivors of GBV in multiple ways, while also cooperating with different actors to try and end the conflict. As Radmila Zigic notes: *"our work on combatting GBV made us peace activists in many ways."*

At the time of writing, active violent conflict in **Ukraine** means women's rights organisations – many of which were founded as peacebuilding organisations – have to constantly readjust their priorities and ways of working to meet the emerging needs of their communities. Some organisations are supporting the integration of IDPs in new communities in order to prevent local outbursts of intra-and inter-community conflicts, providing support at IDP-centres and humanitarian centres.

**In Bosnia and Herzegovina**, women's rights activists who set up organisations to address GBV were the same actors who cooperated across conflict lines during the wars. They often did so at substantial risk to their own and their families' safety and reputation, and despite the risk of being accused of betraying their own community or labelled as 'foreign agents'. Even when the violence was at its worst, they opened up a space for dialogue between ethnic groups, creating alternative structures for cooperation and for rebuilding trust in society. By working together beyond borders, they were able to illustrate that the GBV that was happening wasn't just linked to the conflict, but part of a more structural problem.

**In the DRC**, women's rights organisations that worked together to raise awareness of CRSV were able to build on this cooperation to submit a joint list of priorities to the dialogue process ahead of the signing of the Sun City Agreement. Women's

<sup>172</sup> GSDRC: "Links between gender-based violence and outbreaks of violent conflict", 2014.

<sup>173</sup> Caprioli, M.: "Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict". In: *International Studies Quarterly*, Vol. 49:2, 2005, p. 161-178.

<sup>174</sup> Krause, U.: "A Continuum of Violence? Linking Sexual and Gender-based Violence during Conflict, Flight, and Encampment". In: *Refugee Survey Quarterly*, Vol. 34:4, 2015, p. 1-19. Kostovicova, D., Bojicic-Dzelilovic, V., Henry, M.: "Drawing on the continuum: a war and post-war political economy of gender-based violence in Bosnia and Herzegovina". In: *International Journal of Feminist Politics*, Vol. 22:2, 2020, p. 250-272. Väyrynen, T., Parashar, S., Féron, E., Confortini, C.C. (eds.): *Routledge Handbook of Feminist Peace Research*, Routledge, Oxon, 2021.

rights activists helped ensure the dialogue did not break down and that the agreement was signed. Sadly, the final text ignored most of the women's priorities; it did not acknowledge the sexual violence perpetrated during the conflict, for example. This was a missed opportunity: the violence could have been recognised, and women's rights organisations could have been co-owners and implementors of the agreement, raising awareness of its contents.

Our report has also found that networking among organisations and activists can be a useful tool of power and sustainability.

**In the DRC**, activists felt that exchanges and solidarity with women's rights organisations from other conflict-affected countries strengthened their convictions, gave them support, and allowed them to learn and adapt their strategies. This highlights the importance of exchanges and safe spaces (across conflict divides and borders) as a route to peacebuilding and ending violence against women and girls.

Women's rights organisations have benefited from increased international recognition of the gendered aspects of war and the importance of inclusive peace processes. In the words of Mathilde Muhindo Mwamini from the DRC: *"our weapon is Resolution 1325, which gives us the right to participate in the [peace] process"*. In Iraq women's rights organisations called for legislation and policies to recognise CRSV. As a result, their country's 2022 National Action Plan on UN Security Council Resolution 1325 actually refers to CRSV. Across the contexts we looked at, however, women still struggle to exercise their rights, in spite of these international policies that women's rights organisations can use to lobby for increased participation.

Despite the important work that women do to end violence, they are still often excluded from formal political mechanisms, including peace processes.

**Bosnia and Herzegovina's** Dayton Agreement was gender-blind: no women were asked to help negotiate or draft it. Because it does not mention the violence women and girls suffered during the war – and because the country still lacks a legal framework to address GBV – the status of victims/survivors has been politicised in BiH's different legal systems. Some of the women's rights organisations interviewed believe that silence about sexual violence enacted within ethnic groups contributed to an increase of sexual violence after the conflict.

Sexual violence continues to have an effect long after weapons have been laid down and victims/survivors often continue to be traumatised by what they were subjected to long after the event, which risks becoming an intergenerational trauma if not addressed and if not healed can contribute to future violence.

At the individual level, many women's rights organisations offer psychosocial support to victims/survivors of GBV, to un-silence violence and highlight the structures and norms that perpetuate it. At the societal and political levels, the memory of violence can fuel conflict and increase the risk it will flare up again. Authoritarian and violent conflict management is often normalised and condoned in post-conflict contexts and can therefore contribute to a quick re-escalation. Justice processes should go hand in hand with memorialisation efforts. Women's experiences of violent conflict should not be left out of the conflict narrative/analysis, nor seen as a mere side effect of war.

# Recommendations



The international community, donors and governments:

- must insist on women's participation in peace processes to ensure that their rights are accounted for in peace agreements and insist on specific provisions to guarantee their participation in post-conflict decision-making structures. Barriers to decision-making spaces, such as GBV and discrimination against women must be actively identified and removed to successfully include women in peacebuilding;
- must include adequate and well-informed provisions in peace agreements that focus on women's specific needs. Instead of portraying women as victims only, their agency should be considered to draft provisions that include e.g. ownership rights. Including women in peace negotiations is the first step to accomplish this;
- must support the development of early-warning mechanisms to report cases of conflict-related and other forms of gender-based violence;
- must facilitate forums that serve as safe spaces for women to share experiences and connect across borders. Organisations that work with GBV have historically initiated peacebuilding between women which has resulted in legal provisions regarding gender equality.
- must ensure WHRD's safety where they work and when they travel. Arbitrary arrest, threats and attacks, travel bans, and more hinder the progress of peacebuilding. If WHRD cannot travel safely, they cannot exchange knowledge, build relationships and develop capacity. If WHRD cannot work safely in their area, they cannot reach out to their target group and involve them in peacebuilding, and;
- must support memorialisation efforts in parallel to justice processes, to recognise the experiences of women and girls during war and to ensure that these experiences become part of the collective memory.



Sandrine Ramazani and Helene Makosho Luxene participates in an out reach activity on women's rights.

**For all women's rights,  
in every corner of the world.**

