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Spotlight on Sexual Violence in Conflict Situations

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A review of some of the issues highlighted in two recently released reports on sexual violence in conflict and post-conflict situations.

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In conflict and post-conflict situations members of local populations, particularly girls and women, are at increased risk of sexual violence perpetrated not only by combatants, but also by aid workers and United Nations peacekeepers. Two recently published reports highlight this problem. 'No One to Turn To' [1] is the report of a study carried out by Save the Children, UK in Cote d'Ivoire, Haiti and Southern Sudan. 'Forced Marriage within the Lord's Resistance Army, Uganda' is published by the Feinstein International Center. [2]

Sexual abuse and exploitation takes many forms. It is common for sex to be traded for food or other goods and services. There is also forced sex, verbal sexual abuse, child pornography and sexual slavery where a child is forced to have sex with an adult by someone else who then receives payment. The Save the Children study makes a distinction between forced sex and coerced sex. Although any sex with a person below the age of consent is illegal, the study distinguishes between 'children who are physically forced to have sex and those coerced into it owing to a lack of alternative survival tactics or through ignorance of their rights.' [3] It reveals that coercive sex is more prevalent than forced sex.

The Lord's Resistance Army (LRA) in Northern Uganda is notorious for its practice of forced marriage which involves not only forced or coerced sex but other abuses as well. The LRA systematically abducts adolescent girls to force them into marriage with the rebel group's soldiers. According to 'Forced Marriage within the Lord's Resistance Army,'

'Forced marriages are coercive relationships without valid consent of the female and her family. They have the traditional characteristics of shared domicile, bearing of children, domestic responsibilities, exclusivity and sex. The nature of these relationships forces women and girls to take on roles as sexual partners, mothers to the children born from these relationships, cooks, domestics, water collectors, porters, food producers, and gatherers. The relationships consist of a familial aspect where children are born and raised by abducted mothers and their captor husbands.' [4]

The authors of the report emphasize that forced marriage is not akin to sexual slavery and say that 'Distinct from sexual slavery or enslavement, the element of a conjugal union makes forced marriages an independent crime.' [5]

In Cote d'Ivoire, Haiti and Southern Sudan, a wide range of local and international actors were implicated in the sexual abuse of children. The overwhelming majority of those accused in Cote d'Ivoire were UN peacekeeping

troops. The prevalence of abuse by the troops was higher than that of other UN staff perhaps because

'Peacekeepers are capable of exerting particular influence over the communities in which they serve, especially over children and young people. This is largely due to the fact that they are armed and provide much-needed physical security within contexts of extreme fragility. Furthermore, peacekeeping forces contain a significant number of military personnel with discriminatory attitudes to women.' [6]

Staff from other UN agencies, local and international humanitarian organizations and religious organizations are also culpable for sexual abuse.

The LRA has been systematic in its abduction of tens of thousands of girls and keeps updated records on female abductees. When the numbers fall below required quotas, more abductions are organized to replenish the numbers lost through escapes or deaths.

LITTLE RECOURSE TO JUSTICE

'No One to Turn To' highlights the under-reporting of sexual abuse. One of the reasons for this is the fear of losing material assistance for instance in the case of the girls or women involved in sex for food transactions. Many others also fear the stigmatization that communities attach to survivors of sexual violence. Some feel powerless to report the humanitarian and peacekeeping agencies that seem to be so powerful in their regions. In many cases there is simply no avenue for recourse. For instance, abductees of the LRA are held within rebel territory outside the reach of the Ugandan government.

Save the Children calls for a global watchdog to be established to monitor efforts of organizations to eliminate sexual abuse by their workers, and for child protection services to be strengthened.

The authors of the report on forced marriage within the LRA argue that local and international legal jurisprudence does not recognize or address the crime of forced marriage. Although there is an emerging body of international criminal law addressing sexual and gender based crimes, these are inadequate to address the situation of girls and women abducted by the LRA. They argue that forced marriage should be classified as a crime against humanity, and say:

'There is no question that rape, sexual slavery, torture, enforced pregnancy, and forced labor exacted upon women and girls have profound physical and psychological repercussions. What is often overlooked when forced wives are characterized as solely sexual slaves is a particular quality of the injustice they have suffered—the forced imposition of the status of marriage. The consequences of the status of wife upon a young female abducted into the LRA and taken by a commander or fighter are complex and... the practice often has a profound impact on the affected females and their children, and families and communities of return.' [6]

The two reports turn a spotlight on gaps within international law and policy that need to be addressed in order to protect targets of sexual abuse and forced marriage. They also make several recommendations which, if adopted, would go

a long way in enhancing access to justice for survivors of conflict-related sex and gender-based violence.

Notes:

1. Csaky, Corrina, 'No One to Turn To: The under-reporting of child sexual exploitation and abuse by aid workers and peace keepers.' Save the Children, UK, 2008.
2. Karlson, Christopher and Mazurana, Dyan, 'Forced Marriage within the Lord's Resistance Army, Uganda.' Feinstein International Center, May 2008.
3. Note 1, p.5.
4. Note 2, p. 14.
5. Ibid.
6. Note 1, p.8.
7. Note 2, p. 15.