



AP R2P

Asia Pacific Centre for the Responsibility to Protect

P: +61 7 3346 6435 • E: r2pinfo@uq.edu.a

JUNE 2014 • ISSUE 9



UK Foreign Secretary William Hague and UN Special Envoy Angelina Jolie. Closing plenary of the Global Summit to End Sexual Violence in Conflict, 13 June 2014.

SPOTLIGHT ON R2P

Dispelling 5 Myths about Sexual Violence in Conflict: How can we do better with data on Asia Pacific?

Sara E. Davies and Jacqui True

AT THE GLOBAL SUMMIT TO END SEXUAL VIOLENCE IN CONFLICT IN LONDON LAST WEEK A NUMBER OF “MYTHS” ABOUT SEXUAL VIOLENCE HAVE BEEN DEBATED AND DISPELLED.

Asia Pacific – the single largest global

region – has been on the margins of this debate. The evidence base for claims about sexual violence in conflict has largely featured the Democratic Republic of Congo (DRC), Syria, Central African Republic, and Central America. However, this focus should not lead us to think that sexual violence in conflict – and outside of

conflict - is NOT an issue for Asia-Pacific region as well.

In this article we scrutinize the myths discussed in London with the data we have been collecting on Sri Lanka, one of our three Asian cases: Philippines, Myanmar and Sri Lanka. We argue this case illustrates the need to debunk the further myths that can arise when we are seeking to correct conventional myths concerning the inevitability of sexual violence in conflict. We argue that the when, how and why questions concerning sexual violence require deeper interrogation across a broader number of situations of political instability.

Myth #1 Sexual Violence in Conflict is Inevitable.

Angelina Jolie stated at the Global Summit this week: ‘It’s a myth



that rape is an inevitable part of conflict. It is a weapon of war'. The new International Protocol on documenting and investigating sexual violence promises to facilitate the crucial evidence collection for national and international prosecutions of sexual violence crimes. The Protocol, which has the support of 148 countries that are signatories to the UN Declaration to Prevention Sexual Violence, is part of a [broader package](#) that seeks to introduce accountability for these crimes, reform security and justice sectors to prosecute these crimes and support the survivors. The power of this united statement is that provides a clear signal that there is no impunity for anyone that perpetrates or condones this violence.

Our message: Yes, there is no reason to doubt the potential power of a united global call to end sexual violence through building prohibitions around the acts. But we also need to think about the situations in which widespread and systematic sexual and gender based violence (SGBV) occurs because of the desired political consequences from these acts. The [\[1998 Rome\] Statute of the International Criminal Court](#) is the first instrument in international

📌 We aim to show how the poor state of official reporting of sexual violence and the poor, gender-neutral construction of global conflict datasets in academic research are both part of the problem 📌

law to recognize “an expansive list of sexual and gender-based violence (SGBV) as war crimes relating to both international and non-international armed conflict”. It also recognizes that rape and other forms of sexual violence, as well as persecution based on gender may be crimes against humanity. Moreover, SGBV can be “committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group may also constitute acts of genocide.”

Widespread and systematic SGBV crimes – the focus in our research project (i.e. not ‘opportunistic’ or widespread sexual violence, but crimes that fit the above definition) are committed as a form of persecution for political gain. In these situations, the future prospect of prosecution may matter less than immediate short-term political gain. This means we must pay greater attention to human rights violations, including those of women’s human rights defenders, and to minority groups, especially women and girls within those groups. We must also pay attention to the fact that widespread and systematic SGBV can occur outside of conflict. It can occur before the onset of war to intimidate and repress rebellion, as we saw attempted in the case of [Syria](#). Or, as the Sri Lanka case reveals, sexual violence may persist - and indeed spike in even greater numbers - after the formal conflict ends.

In exploring the brutality that both the Sri Lankan armed forces and Tamil Tigers meted out to civilians in the last stages of this 30-year civil war, the [UN Secretary-General’s Panel of Experts on Accountability in Sri Lanka](#) found both sides had committed grave acts of sexual violence amounting to crimes against humanity and war crimes (para.151). Moreover, the UN report details how Tamil women were targeted for rape and sexual violence in the final stages of the conflict by Sri Lankan armed forces. These acts were “greatly under-reported” (para.152) due in part to “cultural sensitivities and associated stigma [which] often prevented victims from reporting such crimes, even to their relatives” (para 152). In March this year the

UN Human Rights Council passed a resolution declaring that the Sri Lankan government is failing in its responsibility to prosecute individuals for these crimes. In addition, the Office of the High Commissioner for Human Rights has been called upon to investigate allegations of war crimes and crimes against humanity committed by all parties during the civil war, and to specifically address ongoing “violations of human rights in Sri Lanka, including SGBV” (2014: 4).

In the Sri Lanka case, we have to ask why SGBV is occurring – and whether it is because of a failure to prosecute individuals for these crimes or just as importantly, because there are political structures that support and possibly encourage the commission of these crimes.

Myth #2 Sexual Violence Affects Only Women and Girls

No, it affects men and boys also. Moreover, men and boys may be even less likely to report sexual violence due to even greater ‘gendered’ stigma associated with being treated ‘like a woman’, which in many cultures is the ultimate form of degradation and subordination.

Our message: Yes sexual violence does not affect only women and girls. However, this fact may detract from the ‘gendered’ nature of this violence, as the ICC and the Sri Lanka case outline above, wherein masculine dominance over ‘others’ through rape and other sexual violence is precisely intended to ‘feminise’ and shame victims, their families and communities. The mere sex disaggregation of victims by male/female does not explain when, how and why sexual violence is gender-based and committed with the intent to destroy.

In the Sri Lanka case the majority being subjected to SGBV have been returning displaced persons to the impoverished Northern provinces of Sri Lanka (nearly 500 000 were forcibly displaced during the final months of the Sri Lankan military assault on the Northern province in 2009). These individuals are predominantly female, may include former Tamil combatants, and they are in situations of extreme

vulnerability with many political and economic restrictions on access to land rights, compensation, resources and income. Despite these vulnerabilities, Tamil women's support groups have sought to assert their right to compensation and land, as well as demand investigations into family members in a way that is unprecedented in a 'heavily patriarchal' Sri Lanka society. It may not, therefore, be a coincidence that Tamil women in the post-conflict environment have experienced extreme acts of sexual intimidation and violence upon their return by Sri Lankan military and police in a heavily policed security zone. Similarly, both male and female human rights defenders have experienced sexual torture under arrest. Many of these individuals – we know from their claims for asylum - have reported persistent harassment, sexual torture under arrest, and continued sexual intimidation and harassment after release. Those who remain within Sri Lanka appear unable to report their experiences due both the political danger in reporting these acts; and the social stigma attached to those who report these acts within their family and their community. In Sri Lanka, SGBV is being used as a form of political violence to (re)establish gender order and ethnic dominance, but we have little evidence on the ground – and few opportunities to receive reports on - the extent to which this violence may be widespread and systematic.

Myth #3 Rape is Used as an Intentional Weapon of War Through the Line of Command

This week several researchers have made the point that rape in the DRC and Sierre Leone conflicts, for example, have by and large not been ordered by chief military commanders or officers. In dispelling the 'rape as a weapon of war' myth, sexual violence is reframed as opportunistic. It happens in social environments where there is a lack of discipline, fractured hierarchies and a normalization of gender based violence with strong masculine and feminine roles in that society. Sexual



violence, understood in these terms, is not a 'political' act, nor even potentially an international security issue. As the 2012 Human Security Report dismissively suggested, "conflict-related sexual violence likely declines when the number and deadliness of conflicts declines."

Our message: We agree that sexual and gender based violence (SGBV) may not always be 'widespread and systematic' under the criminal definition of Rome Statute. But we should not throw the baby out with the bath water. What the above research suggests is that we need to significantly improve our knowledge of when sexual violence is deployed as political violence, against whom, and why. The difficulty in prosecuting command and control responsibility for SGBV does not mean that widespread and systematic sexual violence hasn't occurred; and the presence of widespread but not systematic SGBV, as has possibly been the case in DRC and other conflicts in Africa, does not mean this finding applies to all situations, including those in Asia Pacific.

Our analysis of the Sri Lanka conflict, particularly between 2009 and 2013

post-conflict period, above, reveals a pattern of SGBV being used to intimidate and silence political opposition. The accompanied failure by the Sri Lankan government to investigate these allegations reveals complicity, if not responsibility, for these crimes. At the same time, immediately after the end of conflict-related violence in 2009, there were reports of a general increase in domestic violence, prostitution, sex trafficking, forced marriage and sexual assault (by civilians) within the Northern province of Sri Lanka. We contend that the existence of both types of sexual violence – opportunistic and political – within one situation is possible and should not diminish their gravity. Rather, different types of sexual violence may require different strategies of intervention and prevention.

Myth #4 Sexual Violence Occurs in All Conflicts

Researchers have cited evidence that sexual violence is not used by some armed groups, and indeed is not perpetrated in some conflicts in the world. They argue that this shows sexual violence in conflict can be prevented – that it is specific

to some perpetrator groups, and is especially related to their tactics and socialization techniques.

Our message: We have found it very difficult in the Sri Lanka case, to date, to access independent reports of the activities and social culture of the LTTE. The Report of the [UN Secretary-General's Panel of Experts on Accountability in Sri Lanka](#) found both sides had committed grave acts of sexual violence amounting to crimes against humanity and war crimes (para.151). In addition, the Report noted that both the Human Rights Watch and UN Special Representative for Children in Armed Conflict had concerns about the gendered forms of violence LTTE were committing to increase conscript numbers and coerce civilian support. Even if it is true that some rebel groups

🔊 The difficulty in prosecuting command and control responsibility for SGBV does not mean that widespread and systematic sexual violence hasn't occurred; and the presence of widespread but not systematic SGBV, as has possibly been the case in DRC and other conflicts in Africa, does not mean this finding applies to all situations, including those in Asia Pacific. 🗣️

and militaries don't ever perpetrate sexual violence, the findings produce policy recommendations that could be potentially misleading. In situations where sexual violence is 'opportunistic' then military training and socialization may be effective; but in situations where SGBV is a gendered form of violent persecution delivered to achieve maximum political ends, socialization techniques and legal prosecution regimes may not work to prevent these crimes.

Myth #5 We Don't Have Good Data on Sexual Violence in Conflict So We Cannot Understand its Patterns and Causes

We have [very poor data](#) when it comes to understanding the trajectory and prevalence of SGBV. This is in part because sexual violence in conflict was only recognized as an international crime in 1998. Additionally, there are tremendous physical, social and political constraints for individuals to report such violence such as shame, [weak law and justice systems](#) especially in [remote/rural areas](#), and the [danger](#) of reporting in cases where such violence is deployed to oppress minorities. Hence, the UK government's call to create and implement an International Protocol for the Documentation and Investigation of Sexual Violence.

Our message: We agree that we have poor data but we think research should begin by better understanding the gendered social contexts that affect this data collection. Our research is highlighting the extent to which gendered political violence and oppression perpetuates a culture of fear, shame and silence in which sexual and gender-based violence (SGBV) is normalized, not reported, and not studied. We aim to show how the poor state of official reporting of sexual violence and the poor, gender-neutral construction of global conflict datasets in academic research are both part of the problem. That is, they reflect and reinforce the gendered social relations that are associated with a high risk of widespread and systematic SGBV.

Again, the Sri Lanka case reveals the need to penetrate the gendered social relations that may affect

the production of sexual violence datasets. Accurate data collection on SGBV violations relies upon both the government and security sector administrations faithfully reporting these violations, as well as the wider community taking such violations seriously. In a UNDP commissioned report on [Why do Men use Violence Against Women in the Asia Pacific](#), Sri Lanka had one of the highest rates of male respondents reporting that they had committed non-intimate partner rape (31%) and the highest percentage of men who reported they had committed rape but were not punished for their act (95%) (Bangladesh and Indonesia came in second and third, p.45). As the UNDP report, and a separate [UNICEF](#) report, have revealed, Sri Lanka is a society where reporting sexual violence is not normalised at any level, discussing this form of violence is a social taboo, and impunity prevails despite the prevalence of SGBV and child abuse.

Political and social engagement with the prevention of sexual violence in armed conflict globally would not have happened without the personal commitment of UK Foreign Commonwealth Secretary William Hague and Angelina Jolie. Debunking the myth that sexual violence is inevitable in any situation has the potential to empower gender equality – but the first goal will not happen without addressing the second. Sexual violence is almost always gender-based violence, it is frequently politically motivated, it can be widespread and systematic outside of conflict, and it has been committed with the intent to destroy, irrespective of prohibition norms, in many contexts. To prevent its concurrence means preventing the political and social conditions that give rise to these crimes in the first place.

Acknowledgements

We would like to acknowledge the research assistance of Sara Meeger.



Sara E. Davies

QUT Vice Chancellor Research Fellow at the Health Law Research Centre, QUT; and Program Leader of the Prevention of Genocide and Mass Atrocities Program, Asia Pacific Centre for the Responsibility to Protect



Jacqui True

Professor of Politics and International Relations in the School of Social Sciences; and Associate Dean-Research in the Faculty of Arts at Monash University.

**ASIA PACIFIC CENTRE FOR THE
RESPONSIBILITY TO PROTECT**

Building 91, 54 Walcott Street

School of Political Science
& International Studies

The University of Queensland,
St Lucia Brisbane QLD 4072

P +61 7 3346 6435

E: r2pinfo@uq.edu.au

W: www.r2pasiapacific.org