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Sexual violence against women in armed conflict

Report

Committee on Equal Opportunities for Women and Men

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Summary

Sexual violence against women in armed conflict is a crime against humanity, a war crime, and an unacceptable - but, unfortunately, effective - weapon of war. Raping, sexually assaulting and mutilating, forcibly impregnating and infecting with HIV/AIDS the wives, daughters and mothers of the "enemy" not only have terrible physical and psychological effects on the victims themselves, but are capable of disrupting, if not destroying, whole communities.

It has taken centuries for sexual violence against women in armed conflict to be outlawed. It was not until 2008 that the international community, via United Nations Security Council Resolution No. 1820 on women, peace and security, recognised that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, and a constitutive act with respect to genocide.

However, sexual violence against women in armed conflict is unfortunately still common - it was a constitutive feature of the Balkan wars little more than a decade ago. Today, the main victims of this crime are found in the Democratic Republic of Congo (especially in Kivu) and in Sudan (especially in Darfur). To this day, thousands of victims are denied access to justice, reparation and redress. The lives of the victims remain blighted in many ways while the perpetrators enjoy almost complete impunity for their crimes.

This is why member states should take a number of measures to stop sexual violence against women in armed conflict, and ensure that justice is done each and every time a woman is raped in an armed conflict.

The Assembly also recommends appropriate steps to the Committee of Ministers, amongst which calling on it to instruct the Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) to include in the future Council of Europe convention the severest and most widespread forms of violence against women, including sexual violence against women in armed conflict.

A. Draft resolution

1. Sexual violence against women in armed conflict is a crime against humanity, a war crime, and an absolutely unacceptable weapon of war.
2. Unfortunately, it is also a very effective weapon of war. Raping, sexually assaulting and mutilating, forcibly impregnating and infecting with HIV/AIDS the wives, daughters and mothers of the “enemy” not only have terrible physical and psychological effects on the victims themselves, but are capable of disrupting, if not destroying, whole communities.
3. Following the devastating effect of chemical weapons in the First World War – another effective weapon of war – it did not take long for these weapons to be outlawed. Similarly, following the dreadful attacks on the civilian population in the Second World War – another effective weapon of war – it did not take long for the Geneva Conventions to be drafted to protect the civilian population. It is not the effectiveness of a weapon that leads to its use being outlawed: it is its total unacceptability as a violation of human rights, an attack on human dignity, and even on humanity itself.
4. It is thus surprising that it has taken centuries for sexual violence against women in armed conflict to be outlawed. The inclusion of rape and sexual slavery as a war crime and a crime against humanity by the Rome Treaty on the Statute of the International Criminal Court in 1998 marked a major step forward, but it was not until 2008 that the international community, via United Nations Security Council Resolution no. 1820 on women, peace and security, recognised that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, and a constitutive act with respect to genocide.
5. The Security Council demanded the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians,” expressing its deep concern that, despite repeated condemnation, violence and sexual abuse of women and children trapped in war zones was not only continuing, but, in some cases, had become so widespread and systematic as to “reach appalling levels of brutality”.
6. Today, the main victims of this crime are found in the Democratic Republic of Congo (especially in Kivu) – where it has been said that it is more dangerous to be a woman than a soldier – and in Sudan (especially in Darfur). However, sexual violence against women was also a constitutive feature of the Balkan wars little more than a decade ago. To this day, the exact figures are disputed, but it is estimated that upward of 20.000 Bosniak, Croat and Serb women were raped, often gang raped, and sometimes sexually enslaved and forcibly impregnated in so-called “rape camps”, by armies and paramilitary groups.
7. Since there have been almost no prosecutions for rapes and other crimes of sexual violence before the domestic courts, for example in Bosnia and Herzegovina, and even fewer before the International Courts, thousands of victims have been denied access to justice, reparation and redress. The lives of the victims remain blighted in many ways while the perpetrators enjoy almost complete impunity for their crimes.
8. The Council of Europe has a duty to ensure that human rights are guaranteed on the territory of its member states. Even though the mass rapes during the Balkan wars are not justiciable before the European Court of Human Rights now, this does not exclude the possibility that such crimes may again be committed on European soil in the future. The Council of Europe must not only be ready to face such a threat, but should also look into the possibility of providing assistance – in particular to its member states – in dealing with the legacy of past sexual violence in armed conflict.
9. The Parliamentary Assembly recalls that stopping sexual violence against women in armed conflict is intimately linked with empowering women and changing patriarchal societal models, as well as with ensuring that justice is done each and every time a woman is raped in an armed conflict, be it close, on European soil, or far away on another continent. The key to eradicating sexual violence against women in armed conflict is gender equality.
10. The Assembly thus calls upon member states to:
 - 10.1. comply with UN Security Council Resolutions 1325 (2000) and 1820 (2008), both on women, peace and security, and to draw up a National Action Plan, if they have not already done so;
 - 10.2. lobby on the level of the United Nations to extend Resolution 1820 (2008) to girls and women who are forced into the army and who do not fall under the scope of the current resolution;

10.3. recognise sexual violence in armed conflict as a gender-based form of persecution entitling to asylum in member states;

10.4. ensure that the appropriate laws are on the statute books, and that effective prosecution of crimes of sexual violence in armed conflicts is possible, should they occur within their jurisdiction;

10.5. consider sanctioning countries which are unwilling to protect women from sexual violence in armed conflict or unwilling to prosecute the perpetrators;

10.6. when national troops or international peace-keeping missions are sent into conflict situations, ensure they have a clear mandate to protect the civilian population, in particular women and girls from sexual violence, and that they are properly trained in gender equality. Furthermore, women should make up a substantial proportion of these missions;

10.7. consider sending in civilian missions to support and to monitor the rule of law to complement the protection provided by peace-keepers; such missions should ideally be composed of an equal number of women and men, and their members should be properly trained in gender equality;

10.8. promote gender equality, including respect for women's and girls' bodily integrity, before, during and in the aftermath of armed conflict and also through an appropriate participation of women in peace-making processes (at least 40%).

B. Draft recommendation

1. The Parliamentary Assembly, recalling its Resolution ... (2009) on *sexual violence against women in armed conflict*, reminds the Committee of Ministers that the Council of Europe has a duty to ensure that human rights are guaranteed on the territory of Council of Europe member states, as well as a moral obligation to help spread the human rights and rule of law values it is founded upon beyond its geographical borders.
2. The Assembly recalls that stopping sexual violence against women in armed conflict is intimately linked with empowering women and changing patriarchal societal models, as well as with ensuring justice is done each and every time a woman is raped in an armed conflict, be it close, on European soil, or far away on another continent. The key to eradicating sexual violence against women in armed conflict is gender equality.
3. The Assembly thus calls on the Committee of Ministers to:
 - 3.1. address a Recommendation on *the role of women and men in conflict prevention and resolution and in peace building* to Council of Europe member states without further delay, paying due attention to the prevention and effective combating of sexual violence against women in armed conflict;
 - 3.2. invite the member states to draw up, if they have not already done so, a national action plan, pursuant to United Nations Security Council Resolutions 1325 (2000) and 1820 (2008), both on women, peace and security;
4. The Assembly calls on the Committee of Ministers to instruct the Ad hoc Committee on Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) to include in the future Council of Europe convention the severest and most widespread forms of violence against women, including sexual violence against women in armed conflict.
5. The Assembly recommends that the Committee of Ministers provide assistance to member states in dealing with the legacy of past sexual violence against women in armed conflict, for example by assisting the member states in question in the drafting and the implementation of appropriate legislation to grant women victims of sexual violence in armed conflict a status of civil victims of war and help them on their path to full recovery by guaranteeing access to justice, granting pecuniary reparation, as well as medical and psychosocial assistance.

C. Explanatory memorandum by Ms Smet, rapporteur

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I. Introduction

1. “Sexual violence against women is a crime against humanity”. Thus wrote the Secretary General of the United Nations, Ban Ki-moon, on 6 March 2009 in the International Herald Tribune. Indeed, since the adoption of the Treaty on the Statute of the International Criminal Court in Rome on 17 July 1998, and the passing of United Nations Security Council Resolution no. 1820 on 19 June 2008, there is no longer any doubt as to whether or not sexual violence against women in times of armed conflict constitutes a war crime and a crime against humanity.

2. This is a great step forward. One of the first reports prepared by this committee was on “rape in armed conflicts”. Based on a report¹ by Ms Stanoiu from Romania, the Parliamentary Assembly adopted Resolution 1212 (2000) on the subject. However, at the time, the Assembly had to limit itself to reiterating “its desire to see rape treated as a crime against humanity”². Unfortunately, as great as the legal advances have been, the setbacks on the ground have been terrible.

3. Of course, rape and sexual violence in wars and armed conflict are not a new invention: Rape – and forced pregnancy – has been used as a weapon of war for centuries, if not millennia. The mass rape of German women at the end of the Second World War is slowly becoming less of a taboo subject; the mass rape of women during the Balkan and Caucasus wars in the 1990s is still very much clouded in secrecy and shame. Unfortunately, the violence continues as I write this report – for example, in Darfur (Sudan), and in Kivu (in the east of the Democratic Republic of Congo).

4. The upwards of 25.000 acts of sexual violence against women perpetrated every year in North Kivu alone are what have propelled me to write this report and bring this matter before the Assembly again. I thus drafted a motion for a recommendation on “Cases of sexual violence against women on the east of the Democratic Republic of Congo” last year. After some discussion, the committee agreed to broaden the scope of the report to all cases of sexual violence in times of armed conflict, and the Assembly seized the committee for report. I was appointed rapporteur on 5 December 2008, and hope to be able to present the report to the Assembly at the meeting of the Assembly’s Standing Committee in Slovenia at the end of May 2009.

II. The cases of sexual violence against women in the east of the Democratic Republic of Congo

5. The cases of sexual violence against women in the east of the Democratic Republic of Congo (DRC) make for a good case study of sexual violence in times of armed conflicts, even though they might, at first, seem “out of area”. However, the Assembly has often affirmed (and reaffirmed) that human rights are universal, and should not stop at the borders of the member states of the Council of Europe³. I believe that the Council of Europe should condemn the violence in East Congo, and create awareness on the theme of sexual violence against women in armed conflict. Together with some colleagues, parliamentarians from the Flemish Parliament and the Belgian Senate, I have established a relief fund “SOS stop sexual terror in East Congo”, which aims to support projects that provide aid to the victims of sexual terror.

6. During recent years, women and girls have been raped in East Congo on a scale never seen before. Accurate figures, are, however, very difficult to find because of the nature of the problem. The United Nations Mission in the Democratic Republic of Congo (MONUC) estimates that there are as many as 25.000 cases of sexual violence every year in North Kivu alone. According to John Holmes, Under-Secretary-General for Humanitarian Affairs and United Nations Emergency Relief Co-ordinator, there were 27.000 cases in South

¹ Assembly Doc. 8668 of 15 March 2000.

² Paragraph 6.

³ See, for example, Assembly Resolution 1621 (2008) on the general policy debate on the situation in China.

Kivu in 2006. A 2008 report, based on interviews held from September to December 2007, said that of those canvassed in the east, 23 percent had witnessed sexual violence, and 16 percent had been sexually violated - 12 percent multiple times⁴. Despite the Goma peace agreements that were concluded in January 2008, the violence continues.

7. Moreover, the cruelty with which the sexual violence is committed defies all description. Usually the rapes are preceded or followed by the deliberate infliction of injuries (e.g. breasts cut off), and of torture, including torture of a sexual nature (e.g. rape with a bayonet, a gun). Many of the girls (it appears that half the victims are under 18⁵) and women develop fistulas as a result of the violence against them – a rupture of the walls of the vagina, bladder and rectum that renders victims incontinent and prone to infection and disease, which can only be described as a traumatic injury.

8. But what is even more traumatic is that, in East Congo, victims of sexual violence are stigmatised, and thus generally ostracised from their families and villages, “all in the name of a false sense of shame”, as the UN Secretary General put it so aptly⁶. The victims of rape thus have to cope with physical, mental and financial problems (which can include infection with the HIV/AIDS virus), as well as with being left alone to face the consequences of the crime committed against them. The consequences of this sexual terror are huge: whole communities become disrupted, and women – as a group – are no longer respected.

9. Some of the women who have been raped are left pregnant. They not only suffer from being raped but they will also have to bear the child of the perpetrator of the rape. Some say that those children are time bombs in the sense that their position in households and the community is very difficult because – like their mothers – they are often not at all welcome in the household and in the community.

10. The perpetrators are not only armed groups and militias, but also the government army and police. The fact that the sexual violence also infects civilians, and that more and more civilians become perpetrators of rape, is particularly alarming.

11. The United Nations peacekeepers in Congo – of which there are over 18.000 – seem powerless to stop the violence. Addressing a Wilton Park high-level conference on the role of peacekeepers in countering violence against women in May 2008, Major General Patrick Cammaert, Former Division Commander of the United Nations Organizations Mission in the Democratic Republic of Congo, remarked, "It is more dangerous to be a woman than to be a soldier right now in Eastern DRC."

12. What is even worse, there is complete impunity for such crimes: the perpetrators are hardly ever prosecuted. The judicial system of the country is in ruins – East Congo has become a lawless zone. There is thus practically no access to justice for the victims. Without the ability to bring the perpetrators to justice, sexual violence will continue.

13. Many non-governmental organisations in the DRC are doing an excellent job in assisting the victims of sexual violence on the medical, psychological and juridical levels. They are also helping those women to become economically independent.

14. International organisations (beside the UN) are also active in the area. The European Union has had a mission in place since 2005 to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo). This mission provides advice and assistance for the reform of the Congolese armed forces, *inter alia* in order to ensure the security of the Congolese people⁷. With a view to strengthening judicial assistance in order to prevent impunity in cases of sexual violence, work on the REJUSCO ("Restoration of Justice in the East of the Democratic Republic of Congo") programme was in full swing and the programme was due to come on stream in November 2008. The European Union and the British, Dutch and Belgian co-operation agencies have joined forces to support this programme to restore justice.

⁴ "Living with fear", August 2008, by the International Center for Transitional Justice, the Human Rights Center at the University of California, Berkeley and the Payson Center for International Development at Tulane University.

⁵ Some witnesses estimate the number of child rapes at up to 70% (for example, social worker Michel Magayane, cited in UNICEF report "Child Alert: Democratic Republic of Congo" of 4 August 2006). The youngest victim he had seen was 4 years old. http://www.unicef.org/infobycountry/drcongo_35223.html.

⁶ "No crime more brutal", by the Secretary General of the United Nations, Ban Ki Moon, 6 March 2009, the International Herald Tribune, page 6.

⁷ It does not, however, seem to have an explicit mandate to prevent sexual violence. See <http://www.consilium.europa.eu/esdp>.

III. Sexual violence against women in armed conflict as a war crime and a crime against humanity

The Statute of the International Criminal Court

15. The inclusion of rape and sexual slavery as a war crime and a crime against humanity by the Rome Treaty on the Statute of the International Criminal Court in 1998 marked a great step forward in the way sexual violence against women is treated. UN-backed special courts for Rwanda and ex-Yugoslavia were the first to take testimony and bring charges based on the use of rape as a method of war. A similar body for Sierra Leone won the first conviction for sex slavery.

16. Three men from the Democratic Republic of Congo are currently awaiting trial before the International Criminal Court at The Hague, including on charges of sexual slavery and rape under article 8(2)(b)(xxii) of the Statute (war crimes), and article 7(1)(g) (crimes against humanity). Unfortunately, the former Serb Bosnian leader Radovan Karadžić is not being specifically prosecuted for rape and sexual torture, though the indictment recognizes the rapes which took place when villages were seized as part of the genocide ordered and perpetrated by him.

United Nations Security Council Resolution 1325 (2000)

17. On 31 October 2000, the United Nations Security Council unanimously adopted Resolution 1325 on women, peace and security which calls for the full protection of women in war and conflicts and their participation in peace processes. It was the first time that the Security Council adopted a resolution on issues concerning women's roles and experiences in armed conflicts. The resolution aims at strengthening the role of women in conflict situations, in the prevention, management and resolution of conflicts (a report is currently being prepared by my colleague Krista Kiuru from Finland on this aspect of the resolution)⁸. What is important for my report: The resolution calls for special measures to protect women and girls from gender-based-violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict. It further emphasizes the responsibility of the member states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, and war crimes including those related to sexual and other violence against women and girls, and to exclude these crimes from amnesty provisions in peace deals. Member states should also consider the special needs of women and girls in repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction.

18. Following up on the implementation of the resolution, in Presidential Statements in 2004 and 2005, the Security Council called on member states to continue to implement resolution 1325 (2000), including through the development of national action plans or other national level strategies. The creation of an action plan provides an opportunity to initiate strategic actions, identify priorities and resources, and determine the responsibilities and timeframes. The whole process of developing a plan is also a process of awareness-raising and capacity-building in order to overcome gaps and challenges to the full implementation of the resolution. Unfortunately, only 14 countries currently have national action plans in place (of which the majority are Council of Europe member states: Austria, Belgium, Denmark, Finland, Iceland, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom)⁹.

19. The question of how to ensure that this landmark resolution is properly implemented thus remains open. The NGO Human Rights Watch has proposed the establishment of a permanent subsidiary body or other mechanism linked directly to the Security Council, with a mandate to report on and monitor instances of sexual violence in conflict. In 2005, the Security Council set up such a mechanism to monitor and report on, in particular, the recruitment and use of child soldiers. Human Rights Watch remarked that, while this mechanism has not escaped criticism, it has certainly increased Security Council attention on the issue of child soldiers¹⁰. There are also whole networks of NGOs (eg "Peace Women: Women's International League for Peace and Freedom"), and also a government group ("Friends of 1325" – which again includes many Council of Europe member states), actively militating for a more successful and wider implementation of the resolution.

United Nations Security Council Resolution 1820 (2008)

⁸ See Doc. 11753 (motion for a resolution): Involving women in the prevention and solution of unsolved conflicts in the Council of Europe area.

⁹ http://www.un.org/womenwatch/ianwge/taskforces/wps/national_level_impl.html.

¹⁰ Human Rights Watch statement of 25 May 2008, <http://www.hrw.org/en/news/2008/05/25/un-take-action-against-rape-war>.

20. Perhaps equally important was the unanimous adoption last June of Security Council Resolution 1820 on women, peace and security. The Security Council demanded the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians,” expressing its deep concern that, despite repeated condemnation, violence and sexual abuse of women and children trapped in war zones was not only continuing, but, in some cases, had become so widespread and systematic as to “reach appalling levels of brutality”. Furthermore, the Security Council noted “that rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide”.

21. Most importantly, the Resolution also affirmed the Council’s intention, when establishing and renewing State-specific sanction regimes, to consider imposing “targeted and graduated” measures against warring factions who committed rape and other forms of violence against women and girls. It can be hoped that this willingness to sanction will, at least in part, push back the scale of sexual violence against women. The UN Secretary-General is to submit by 30 June 2009 a report on implementation of the resolution that would include, among other things, information on conflict situations in which sexual violence was widely or systematically employed against civilians; and proposals aimed at minimizing the susceptibility of women and girls to such violence. Mr Ban Ki-moon has also been requested to develop effective guidelines and strategies to enhance the ability of relevant United Nations peacekeeping operations to protect civilians, including women and girls, from all forms of sexual violence.

22. Unfortunately, Resolution 1820 only applies to civilian victims of sexual violence. Thus, girls who have been forced to fight in armies or militias, are not covered by the Resolution, even though they should not be seen as soldiers – and many of these girls do suffer from systematic sexual violence, including sexual slavery.

IV. Sexual violence during the Balkan wars: a European case study in impunity

23. In the Balkan wars in the 1990s, mass rape was used as a weapon of war for the first time since the Second World War on European soil. At first, the rapes were given little attention, as other atrocities (killings and massacres) hogged the headlines. It was only vigorous campaigning by women’s organisations which revealed the extent of the abuses in the early 1990s. To this day, the exact figures are disputed, but it is estimated that upward of 20.000 Bosniak, Croat and Serb women were raped, often gang raped, and sometimes sexually enslaved and forcibly impregnated in so-called “rape camps”, by armies and paramilitary groups.

24. The horrendous sexual crimes committed against these women – and their sheer magnitude – were one of the motors which led to the recognition of rape as a war crime and a crime against humanity by the International Criminal Tribunal for the former Yugoslavia and later the Rome Statute of the International Criminal Court. However, until now, virtual impunity reigns: While some prosecutions for rape and sexual enslavement did take place in particular before the former Court, only a handful of convictions were obtained. Since there have been almost no prosecutions for rapes and other crimes of sexual violence before the domestic courts, eg in Bosnia and Herzegovina, thousands of victims have been denied access to justice, reparation and redress¹¹. As the NGO Amnesty International pointed out already in 2004: “The men who raped them enjoy continuing impunity, while the lives of the victims remain socially and economically blighted. Apart from services provided by women’s organizations, appropriate medical and psychosocial support remains generally unavailable.”¹² While it appears that Bosnia and Herzegovina gave women victims a status of civil victims of war and helped them on their path to full recovery into the community at least as of 2006, giving them a chance for professional improvement, monthly allowances, as well as medical and psychosocial assistance¹³, the legacy of the sexual crimes committed upon these women does not seem to have been adequately dealt with on a judicial level.

25. In 2008, one of the laureates of the “Right Livelihood Awards” (often referred to as the alternative nobel prize) was Monica Hauser, the founder of the NGO “*medica mondiale*”, “...for her tireless commitment to working with women who have experienced the most horrific sexual violence in some of the most dangerous countries in the world, and campaigning for them to receive social recognition and compensation.”¹⁴ At the end of 1992, Ms Hauser was shocked by the media reports about the tragedy of the Bosnian women, and the instrumentalisation of the survivors in the media, which often reduced the women to

¹¹ “Justice shelved – impunity for rape in Bosnia-Herzegovina”, AI Index: EUR 63/005/2004, <http://www.amnesty.org/en/library/asset/EUR63/005/2004/en/b371296d-d584-11dd-bb24-1fb85fe8fa05/eur630052004en.html>.

¹² Ibid.

¹³ See intervention of the representative of Bosnia and Herzegovina at the 5916th meeting of the UN Security Council: <http://www.un.org/News/Press/docs/2008/sc9364.doc.htm>.

¹⁴ <http://www.rightlivelihood.org/hauser.html>

mere "rape victims". She assembled a highly motivated team of 20 Bosnian experts, collected the funding needed, brought the complete material for the clinics to Central Bosnia through the frontlines and built up *Medica Zenica*, a women's therapy centre, in the middle of war-torn Bosnia¹⁵. The NGO she created has since also helped women in Kosovo, the Democratic Republic of Congo, Liberia and Afghanistan; without organisations like these, there would have been little help for the victims of sexual violence in the Balkan wars. Personally, I find it depressing that governmental and international organisations have not been able to follow their example.

V. The role of the Council of Europe

26. The Council of Europe is not a peace-keeping organisation; and its European Court of Human Rights is not a Court of criminal justice. The mass rapes which took place in the Balkans wars are not justiciable in Strasbourg, as the crimes took place before the countries in question became members of the Council of Europe and ratified the European Convention on Human Rights. The only recent armed conflict involving Council of Europe member states was the one between Georgia and Russia in summer 2008, regarding which there were no reports of systematic sexual violence against women. So why should the Council of Europe get involved, and in what way?

27. The Council of Europe has a duty to ensure that human rights are guaranteed on the territory of Council of Europe member states. The mass rapes during the Balkan wars in the 1990 made very clear that, unfortunately, sexual violence, rape and forced pregnancy are weapons of war which are not limited to Africa, or to the generation of our mothers and grandmothers during and after the Second World War. Even if these crimes are not justiciable before the European Court of Human Rights now, does not exclude the possibility that such crimes may again be committed on European soil in the future. The Council of Europe must not only be ready to face such a threat, but should also look into the possibility of providing some sort of assistance – in particular to member states – in dealing with the legacy of past sexual violence in armed conflict.

28. The Council of Europe can ask its member states to comply with UN Security Council Resolutions 1325 (2000) and 1820 (2008), and heed the appeal of the Security Council of 2004 to draw up a National Action Plan pursuant to the former.

29. Furthermore, Council of Europe member states could lobby on the level of the United Nations to extend Resolution 1820 to girls and women who are forced into the army and who do not fall under the scope of the current resolution.

30. The Council of Europe also has a moral obligation to help spread the human rights and rule of law values it is founded upon beyond its geographical borders. In view of the current wave of sexual violence engulfing the African Great Lakes Region, as well as parts of Sudan, the Council of Europe must ensure it has a policy in place which defends women's right to a life without violence. It could thus, for example, promote the recognition of sexual violence in armed conflict as a gender-based form of persecution entitling to asylum in member states.

31. The Council of Europe could also encourage its member states to ensure that each country has appropriate laws on its statute books and is able to effectively prosecute such crimes should they occur within its jurisdiction. Furthermore, countries should be willing to consider sanctioning countries which are unwilling to protect women from sexual violence in armed conflict or unwilling to prosecute the perpetrators. When national troops or international peace-keeping troops are sent into conflict situations, they should have a clear mandate to protect the civilian population, in particular women and girls from sexual violence. The same logic should also be applied with regard to European Union missions. Finally, countries could also consider sending in civilian missions to support and to monitor the rule of law.

¹⁵ Ibid.

VI. Conclusions and recommendations

32. What makes sexual violence against women as a weapon of war so effective? Historians, politicians and psychologists have put forward a host of different theories, but many link the effectiveness of sexual violence against women in armed conflict to the patriarchal societies in which these crimes are committed. The (male) enemy is considered “dishonoured”, because he has been unable to protect his wife, his daughter, etc. Women become chattel, the booty of the common soldier: as in times of peace, rape is a power game, but with the added piquancy of hurting and/or destroying the enemy. “Dishonoured” women and girls are often ostracised by their own communities, and are made to bear part of the blame, thus further weakening the enemy. In effect, raped women who are ostracised from their communities lose not only social ties, but also shelter and work – and this, in turn, can badly affect the economic situation of the community in question¹⁶. In addition, in a patrilineal society, where the child’s ethnicity depends on that of the father (rather than the mother), raping and forcibly impregnating women of another ethnicity makes sense as a method of ethnic cleansing – shifting population “balances”. If, in addition, impunity reigns, it is hard to see how sexual violence against women in armed conflict can be stopped.

33. This is why stopping sexual violence against women in armed conflict is intimately linked with empowering women and changing patriarchal societal models, as well as with ensuring justice is done each and every time a woman is raped in an armed conflict, be it close, on European soil, or far away on another continent. The key to eradicating sexual violence in armed conflict is gender equality.

34. I thus suggest that the Assembly make a recommendation to the Committee of Ministers to consider providing some sort of assistance to member states in dealing with the legacy of past sexual violence in armed conflict, for example by assisting the member states in question in the drafting and the implementation of appropriate legislation to grant women victims of sexual violence in armed conflict a status of civil victims of war and help them on their path to full recovery by guaranteeing access to justice, granting pecuniary reparation, as well as medical and psychosocial assistance.

35. Furthermore, the Assembly should, in my view, make the following recommendations to member states to:

- i. comply with UN Security Council Resolutions 1325 (2000) and 1820 (2008), and to draw up a National Action Plan pursuant to the former, if they have not already done so;
- ii. lobby on the level of the United Nations to extend Resolution 1820 (2008) to girls and women who are forced into the army and who do not fall under the scope of the current resolution;
- iii. recognize sexual violence in armed conflict as a gender-based form of persecution entitling to asylum in member states;
- iv. ensure that the appropriate laws are on the statute books, and that an effective prosecution of crimes of sexual violence in armed conflicts is possible should they occur within their jurisdiction;
- v. consider sanctioning countries which are unwilling to protect women from sexual violence in armed conflict or unwilling to prosecute the perpetrators;
- vi. when national troops or international peace-keeping missions are sent into conflict situations, ensure they have a clear mandate to protect the civilian population, in particular women and girls from sexual violence, that they are properly trained in gender equality, and that women make up a substantial proportion of these missions;
- vii. consider sending in civilian missions to support and to monitor the rule of law to complement the protection provided by peace-keepers; such missions should ideally be composed of an equal number of women and men, and their members should be properly trained in gender equality.

¹⁶ Ostracised women may not be able to work the land anymore, for example.

Reporting committee: Committee on Equal Opportunities for Women and Men

Reference to committee: Doc. 11633 rev, Reference No. 3499 of 28 November 2008

Draft resolution and draft recommendation unanimously adopted by the committee on 14 May 2009

Members of the committee: Ms Pernille Frahm (Chairperson), Mr José **Mendes Bota** (1st Vice-Chairperson), Ms Ingrida Circene (2nd Vice-Chairperson), Ms Anna Čurdová (3rd Vice-Chairperson), Ms Sonja Ablinger, Mr Francis Agius, Mr Florin Serghei Anghel (alternate: Ms Maria **Stavrositu**), Mr John **Austin**, Mr Lokman **Ayva**, Ms Marieluise Beck, Ms Anna Benaki, Mr Laurent Béteille, Ms Deborah Bergamini, Ms Oksana Bilozir, Ms Rosa Delia Blanco Terán, Ms Olena Bondarenko, Mr Predrag Bošcović, Ms Anna Maria Carloni, Mr James Clappison, Ms Diana Çuli, Ms Lydie Err, Ms Catherine Fautrier, Ms Mirjana **Ferić-Vac**, Ms Sonia Fertuzinhos, Ms Doris **Frommelt**, Ms Alena **Gajdúšková**, Mr Giuseppe Galati, Ms Claude Greff, Mr Attila Gruber, Ms Carina **Hägg**, Ms Fatme Ilyaz, Ms Francine John-Calame, Ms Nataša Jovanović, Ms Birgen **Keleş**, Ms Krista Kiuru, Ms Elvira Kovács, Ms Angela Leahu, Mr Terry Leyden, Ms Mirjana Malić, Ms Assunta Meloni, Ms Nursuna **Memecan**, Ms Dangutė Mikutiėnė, Mr Burkhardt Müller-Sönksen, Ms Hermine Naghdalyan, Mr Mark **Oaten**, Mr Kent **Olsson**, Mr Jaroslav Paška, Ms Antigoni Papadopoulos, Ms Maria del Carmen Quintanilla Barba, Mr Frédéric Reiss, Ms Mailis **Reps**, Ms Maria Pilar Riba Font, Ms Andreja Rihter, Ms Jadwiga Rotnicka, Mr Nicolae **Robu**, Ms Marlene Rupperecht, Ms Klára **Sándor**, Ms Miet **Smet**, Mme Albertina Soliani, Ms Darinka Stantcheva, Ms Tineke Strik, Mr Michał **Stuligrosz**, Ms Doris **Stump**, Mr Han Ten Broeke, Mr Mihai Tudose, Mr Volodymyr Vecherko, Ms Tatiana Volozhinskaya, Mr Marek Wikiński, Mr Paul **Wille**, Ms Betty **Williams**, Mr Gert Winkelmeier, Ms Karin S. Woldseth, Ms Gisela **Wurm**, Mr Andrej Zernovski, Mr Vladimir Zhidkikh, Ms Rodoula Zissi.

N.B. The names of the members who took part in the meeting are printed **in bold**

Secretariat of the committee: Ms Kleinsorge, Ms Affholder, Ms Devaux