



Addressing Conflict-Related Sexual Violence in Peace Negotiations

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Introduction

In a landmark decision in 2008, the UN Security Council unanimously passed resolution 1820, which recognized conflict-related sexual violence as a tactic of war and a matter of international peace and security. This resolution reclassifies sexual violence in conflict as a security issue in breach of UN member states' commitment to the protection of civilians, demanding "that all parties to armed conflict immediately take appropriate measures to protect civilians, including women and girls, from all forms of sexual violence".¹ (A good overview of sexual violence committed by armed actors from 1989–2015 can be found in the Sexual Violence in Armed Conflict (SVAC) dataset.)² Historically, conflict-related sexual violence has been framed as a "random and opportunistic act, committed by undisciplined soldiers exploiting the chaos of war – or as a legitimate spoil of war". As such, it has been overlooked in peace talks.³ While sexual-based violence is primarily seen as a form of violence

¹ UN Security Council, "Security Council Resolution 1820," PeaceWomen, December 18, 2014. Available at: www.peacewomen.org/SCR-1820.

² Available at: www.sexualviolencedata.org.

³ Robert Jenkins and Anne-Marie Goetz, "Addressing Sexual Violence in Internationally Mediated Peace Negotiations," *International Peacekeeping* 17, no. 2 (April 1, 2010): 261–77. DOI: [10.1080/13533311003643509](https://doi.org/10.1080/13533311003643509).

against women, it is vital that this lens is broadened, as men have also been victims of sexual-based violence in conflict. Furthermore, scholars make the point that conflict-related sexual violence against women and girls is often also experienced by male civilians.⁴ Male victims face an added layer of complexity as most of these crimes are committed by other men, resulting in an extra level of social stigma. This, in turn, leads to underreporting and reduced health services.⁵ Also, because many health services addressing conflict-related sexual violence are aimed at women and children, this effectively excludes male victims.

Stages of Peace Agreements for Addressing Sexual Violence

Provisions in relation to sexual violence must be implemented in all stages of peace agreements, including the “early-stage agreements”; ceasefires; Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR); post-conflict justice mechanisms; and reparations for victims. Examples below illustrate the importance of addressing conflict-related sexual violence during various stages of peace agreements.

Early-Stage Agreements:

The early stage of a peace process is a vital time to signal zero tolerance for sexual violence and commitment by all parties to prevent it. These early-stage agreements, such as humanitarian access agreements and confidence-building measures, help address conflict-related sexual violence by providing specialized services to victims and their communities, humanitarian presence, or human rights observers in the conflict zone. This can act as a deterrent to armed groups from committing sexual violence. Finally, humanitarian access agreements can help monitor patterns of sexual violence, which can inform the mediation process, including, but not limited to, transitional justice.⁶

Ceasefire Agreements Stage:

During the process of writing a ceasefire agreement, the parties need to determine how to categorize sexual violence. Should it be addressed with regards to protection of civilians issues, or should it be categorized under military acts such as artillery fire or systemic looting? During this stage, the mediator team is advised to consider the following four areas with regards to conflict-related sexual violence: preparing the ground and confidence-building measures; prohibiting sexual violence; promoting command responsibility; and ensuring a robust monitoring arrangement.⁷

⁴ R. Charli Carpenter, “Recognizing Gender Based Violence Against Civilian Men and Boys in Conflict Situations, 2006.

⁵ Natalia Linos, “Rethinking Gender-Based Violence during War: Is Violence against Civilian Men a Problem Worth Addressing?,” 2009.

⁶ Jenkins and Goetz, “Addressing Sexual Violence in Internationally Mediated Peace Negotiations,” 2010.

⁷ United Nations, “Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements,” United Nations Department of Political Affairs, 2012.

Examples of Language Prohibiting Sexual Violence in Ceasefire Agreements:

- [Nuba Mountains Ceasefire Agreement \(2002\)](#)⁸
- [Lusaka Agreement \(1999\)](#)⁹
- [Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu — FNL \(2006\)](#)¹⁰

Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR)

Disarmament, Demobilization and Reintegration (DDR): Post-conflict peace is fragile, and in order to prevent legacies of conflict-related sexual violence, the following three issues related to DDR should be addressed. The first is to address the unique needs of women and girls associated with the fighting forces. Women and girls who have been associated with fighting forces face a higher level of sexual violence and thus should be given specialized care. At the same time, women and girls who have been active combatants should not be relegated to the category of “victims” alone, but also “actors”, since the victim representation is prohibitive to their active participation in DDR processes.¹¹ The second is to provide and address the special needs of communities into which the demobilized former combatants return. The societal re-integration process frequently presents added risk to civilians in the area. One such risk is intimate partner violence following conflicts in which sexual violence has been prevalent.¹² As such, the DDR program must monitor for gender-sensitive security indicators within the receiving community. The third issue is to screen out perpetrators of sexual violence before their absorption into national security forces.

Examples of Existing DDR Language in which sexual violence is addressed:

- [Agreement of Disarmament, Demobilisation and Reintegration, Juba, Sudan \(2008\)](#)¹³
- [Darfur Peace Agreement \(2006\)](#)¹⁴- Article 26, paragraph 278 and 279

Security Sector Reform (SSR): Security Sector Reform is vital for long-term peace and the prevention of sexual violence. Such reform provides a unique opportunity to reshape ideas

⁸ Kathy Sturman, “Nuba Mountains Cease Fire Agreement,” 2000: 4.

⁹ Peter Kasanda, “Lusaka Ceasefire Agreement,” United Nations Security Council, 1999. Available at: peacemaker.un.org/sites/peacemaker.un.org/files/CD_990710_LusakaAgreement.pdf.

¹⁰ United Nations Peacemaker, “Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu - FNL,” 2006. Available at: peacemaker.un.org/node/127.

¹¹ Wenche Hauge, “Gender dimensions of DDR – beyond victimization and dehumanization: tracking the thematic”, 2019.

¹² Gudrun Østby, Michele Leiby, Ragnhild Nordås, “The Legacy of Wartime Violence on Intimate-Partner Abuse: Microlevel Evidence from Peru, 1980–2009”, 2019.

¹³ The Government of Uganda and the Lord’s Resistance Army/ Movement, “Agreement of Disarmament, Demobilisation and Reintegration, Juba, Sudan,” 2008.

¹⁴ United Nations High Commissioner for Refugees, “Refworld | Darfur Peace Agreement,” Refworld, 2006. Available at: www.refworld.org/docid/4c0375d62.html.

around human rights and to apply a gender-sensitive lens to security. Through training that explicitly prohibits sexual violence, SSR will help women participate in security institutions and provide more opportunities for women in decision-making roles.

The following three methods can help prevent sexual violence in the SSR provisions of peace agreements:

1. **Designing mandates** for security and military reform commissions that are specifically tasked with protecting civilians from sexual violence.
2. **Training and staffing of security forces** who are equipped to prevent and educate on sexual violence in conflict, in addition to recruiting women. To do this, Vulnerable Persons Units should be established to provide specialized care.
3. **Including women's groups** that can work with survivors of sexual violence within the security sector oversight and monitoring bodies such as the Civilian Advisory Council on Security.¹⁵

Post-Conflict Justice and Reparations¹⁶

With regard to conflict-related sexual violence in post-conflict peace agreements, including the process of transitional justice, there are three key provisions:

1. **Ensuring accountability** for those with a history of conflict-related sexual violence, including the sentencing of perpetrators.¹⁷
2. **The protection and participation of victims** and witnesses engaged in the process of justice and reparations and the goal of de-stigmatization for victims in their communities.
3. **Reparations** for the victims of sexual-based violence).

A growing area of focus for post-conflict justice and reparations is that of children born as a result of sexual violence in war. They constitute a hidden population, which has been overlooked by policy makers and academics alike. We are now witnessing a new generation of children born of the wars of the 1990s in countries such as Bosnia & Herzegovina, Rwanda, Uganda, Colombia and elsewhere. These individuals refuse to be hidden and silenced, and are instead organizing and learning from each other with regard to how to seek recognition, redress and rights.

¹⁵ Jenkins and Goetz, "Addressing Sexual Violence in Internationally Mediated Peace Negotiations," 2015.

¹⁶ United Nations, "Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements." Available at: <https://peacemaker.un.org/node/1447>

¹⁷ See Skjelsbæk, Inger, "The Military Perpetrator: A Narrative Analysis of Sentencing Judgments on Sexual Violence Offenders at the International Criminal Tribunal for the Former Yugoslavia (ICTY)," 2015.

Bibliography

- Carpenter, R. Charli. "Recognizing Gender Based Violence Against Civilian Men and Boys in Conflict Situations", *Security Dialogue* 37:1, 2006. Available at:
http://static1.1.sqspcdn.com/static/f/929640/14195000/1316266922443/CARPENTER_R_RecognizingGenderBasedViolenceAgainstCivilianMenBoysConflict.pdf?token=HJwDrci1mK1EBRcEUynB1H%2FQN8%3D
- Cohen, Dara Kay and Ragnhild Nordås. *Sexual Violence in Armed Conflict Dataset*, 2014.
<http://www.sexualviolencedata.org>.
- Hauge, Wenche. "Gender dimensions of DDR – beyond victimization and dehumanization: tracking the thematic", *International Feminist Journal of Politics*, 2019. DOI: 10.1080/14616742.2019.1673669.
- Jenkins, Robert, and Anne-Marie Goetz. "Addressing Sexual Violence in Internationally Mediated Peace Negotiations." *International Peacekeeping* 17, no. 2 (April 1, 2010): 261–77. <https://doi.org/10.1080/13533311003643509>.
- Kasanda, Peter. "Lusaka Ceasefire Agreement." United Nation Security Council, 1999.
https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_990710_LusakaAgreement.pdf.
- Linos, Natalia. "Rethinking Gender-Based Violence during War: Is Violence against Civilian Men a Problem Worth Addressing?" *Social Science & Medicine* 68, no. 8 (April 1, 2009): 1548–51. <https://doi.org/10.1016/j.socscimed.2009.02.001>.
- Refugees, United Nations High Commissioner for. "Refworld | Darfur Peace Agreement." Refworld, 2006. <https://www.refworld.org/docid/4c0375d62.html>.
- Skjelsbæk, Inger. "The Military Perpetrator: A Narrative Analysis of Sentencing Judgments on Sexual Violence Offenders at the International Criminal Tribunal for the Former Yugoslavia (ICTY)." *The Journal of Social and Political Psychology*. 3, no 1 (2015) 46-70 . doi: 10.5964/jspp.v3i1.273.
- Sturman, Kathy. "Nuba Mountains Cease Fire Agreement," 2000.
- The Government of Uganda and the Lord's Resistance Army/ Movement. "Agreement of Disarmament, Demobilisation and Reintegration, Juba, Sudan," 2008.
- UN Security Council. "Security Council Resolution 1820." PeaceWomen, December 18, 2014.
<https://www.peacewomen.org/SCR-1820>.
- United Nation. "Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements." United Nation Department of Political Affairs, 2012.
- United Nations Peacemaker. "Comprehensive Ceasefire Agreement between the Government of the Republic of Burundi and the Palipehutu - FNL | UN Peacemaker," 2006. <https://peacemaker.un.org/node/127>.