

## Conflict-Related Sexual and Gender-Based Violence: Case Studies

According to UNSCR 1820, preventing and responding to sexual and gender-based violence part of providing security i.e. a military task.

When looking at the security threats for both men, women, boys and girls, it becomes clear that sexual and gender-based violence is increasing in conflicts. Within this phenomenon lies both increased sexual and gender-based violence as result of the break-down of the state, poverty and lack of law enforcement, But also, sexual violence used as a weapon or a strategy by one or several armed parties in the conflict. In UNSCR 1820, sexual violence in conflict was defined as a security problem and as something that must be addressed as a part of protection of civilians. This meaning that whenever it is part of your task to increase security for civilians, this entails preventing and responding to sexual and gender-based violence.

### Some background information/definitions:

Military Guidelines on the Prevention of, and Response to, Conflict-Related Sexual and Gender-Based Violence gives the following definition of conflict-related sexual and gender-based violence:

“Any sexual and/or gender-based violence against an individual or group of individuals, used or commissioned in relation to a crisis or an armed conflict”

Bi-SC Directive 40-1 gives the following definition of sexual violence:

“Sexual violence is when the perpetrator commits an **act of a sexual nature** against one or more persons or cause such person or persons to engage in an act of sexual nature **by force, or by threat of force or coercion**, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by **taking advantage of a coercive environment** or such person's or persons' **incapacity to give genuine consent.**“

### Case Study 1:

You are part of a regiment to be deployed to a mission in X-land. Previous regiments from your nation have been accused of sexual exploitation and abuse in X-land, of women from the local communities, including paying for sex with destitute refugee women. Some soldiers were found guilty in confidential proceedings and transferred from mission area, but no disciplinary action has been taken. Many of the members of the contingent about to be deployed have served several tours in X-land. Your troops will have to patrol a large territory and have constant interaction with the local population. The Government of X-land is furious, but is reliant on the international community and forces.

Your Commanding Officer has strict instructions from the highest level to take all possible measures to prevent any misconduct. S/he is under extreme pressure to ensure nothing goes wrong this time and has been provided with full political and economic support but the soldiers are very reluctant to this issue. The CO has two months to prepare the troops. In planning the strategy with LEGAD and Conduct and Discipline, the CO asks for your advise on new, innovative and effective solutions.

In small groups or as a discussion, come with up with some effective solutions and ideas.

### Solution to Case Study 1/Possible Responses:

The training audience might suggest:

#### Training

- Understanding

Zero tolerance – Code of Conduct –that there will be clear disciplinary procedures and criminal responsibility

How SEA affects communities and the reputation of NATO

The mandate: how SEA prevents operational success

- Methodology

Any ideas for effective training, for example giving separate training for leadership and then soldiers, clear message to all by CO and then discussion in small groups? Creativity encouraged as long as it sends a clear message. Pre-deployment training might be followed up in theatre.

#### Accountability

- In this scenario, previous regiments have got away with it, so this is the time to make sure everyone understands that they will be held to account. CO should instruct LEGAD and J1 to prepare to investigate and take action.
- A particular challenge is that this contingent will be patrolling far away from base with plenty of contact with civilians, which is an elevated risk for SEA. Maybe patrol team leader need special instructions?

#### Leadership

- CO should make strong statement that s/he expect all to adhere to Code of Conduct strictly and will not tolerate any misbehaviour. All suspected of misconduct will be investigated.

SEA = Sexual Exploitation and Abuse

### Case Study 2:

You are part of an international force deployed to a country similar to the Democratic Republic of Congo (DRC). NATO forces are involved in a large-scale and highly publicised programme of training the national armed forces to increase operational effect in fighting rebels. The support includes weapons training and exercises to enhance discipline (obeying orders) and combat skills.

The Minister of Defence of your nation has publically praised the programme. During the close cooperation between the military, you realise that the commanders of the troops you are training are using their new capabilities to order subordinate units to carry out the systematic rape of civilian men and women as punishment for the suspected contacts with rebels. Your Commander informs you that his counterparts have admitted this to him in confidence and shown him photos and videos of their sexual assaults. The Commander was so shocked at the occasion that he said nothing. There have been no reports in media at all and victims are too embarrassed to speak out. Any change of your training programme might attract attention.

What do you advise your Commander?

#### Solution to Case Study 2/Possible Responses:

The training audience might suggest:

The national armed forces are committing grave violations of human rights which are most likely criminal under national law and may constitute as war crimes or crimes against humanity. All support must stop. Continuing support while knowing may be aiding and abetting a war crime.

The main problem for the CO will be how to communicate the message. Some ideas:

Moral argument: This is wrong, you are harming local men and women (civilians)

Legal arguments: We are not allowed to assist you in a way that you commit crimes

Operational arguments: abusing civilians create more insecurity, they will not trust you to cooperate or provide you with the necessary intel. The hostility can grow to attacks against your troops and alliances with the rebels. The sexual violence will continue the conflict.

Mentorship: This is no way to conduct professional military activities. Well-trained and respected officers don't do this. We can help you with training on code of conduct/human rights/humanitarian law instead?

Name-and-shame: WHEN this hits the media we are all doomed. Stop this now.

Although there have been no reports in media so far, the information is likely to get out, sooner or later and the reaction of the contingent will be scrutinized.

The CO should report the use of sexual violence up the chain of command to the higher level HQ. As the Minister has spoken publically about the programme, the MOD may need to understand why the programme has changed. Any documentation of the information received could be very helpful for future investigations for national and international legal action.

### Case Study 3:

As part of a NATO force, you are under a mandate to protect civilians in the post-conflict country of Y-land. There is a sudden and serious outbreak of conflict in Y-land and all parties to conflict, the local government and rebels, use sexual violence strategically to defeat their enemy. The commanders of the local troops are of a different ethnicity than the rebels and they are calling on their soldiers to exterminate the rebel ethnic groups including the women who bear their children, by all means. Women and girls are hiding in local churches, or in safe havens, too scared to fetch firewood or bring their sick children to hospital. Your Commander has established good relations with the Chief of Army of Y-land before the conflict.

There is political pressure through all nations and partners to take all possible measures to protect men, women, boys and girls from conflict-related sexual and gender-based violence. What are possible actions could the CO consider?

### Solution to Case Study 3/Possible Responses:

The training audience might suggest:

As the mission has a mandate to protect civilians, it must take all available measures to protect civilians against conflict-related sexual and gender-based violence. The full range of operational response should be considered including patrolling, perimeter security to places of refuge, evacuation of civilians at risk. Observations and information on sexual violence should be reported up the chain of command and shared, if appropriate, with UN partners. This response might require emergency medical capacity on standby and good referral mechanisms and information exchange with partners.

The CO should use the good relations with the Chief of Army of Y-land to stop the attacks against civilians, including sexual violence. Some arguments:

- Moral argument: This is wrong, you are harming civilians
- Legal arguments: This is a violation of humanitarian law and international criminal law (war crimes, genocide)
- Operational arguments: abusing civilians create more insecurity, they will not trust you to cooperate or provide you with more intel. The hostility can grow to attacks against your troops and alliances with the rebels. The sexual violence will continue the conflict.

- Mentorship: This is no way to conduct professional military activities. Well-trained and respected officers don't do this. We can help you with training on code of conduct/human rights/humanitarian law instead?
- Name-and-shame: WHEN this hits the media we are all doomed. Stop this now.