
REDEFINING POLICY AND PRACTICE

UNRAVELING DEFINITIONS OF SEXUAL VIOLENCE
THROUGH A SURVIVOR-CENTERED APPROACH

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Women's Initiatives
for Gender Justice

UBC

School of
Public Policy &
Global Affairs

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CENTERED APPROACH

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ABBREVIATIONS

CRSV	Conflict-Related Sexual Violence
CSD	Civil Society Declaration (also referred to as the Declaration)
CSOs	Civil Society Organizations
DRC	Democratic Republic of Congo
GBV	Gender-Based Violence
GP2	Global Policy Project
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
NGOs	Non-Governmental Organizations
OSRSG-SVC	Office of the Special Representative to the Secretary-General on Sexual Violence in Conflict (also referred to as OSRSG)
SRSR-SVC	Special Representative to the Secretary-General on Sexual Violence in Conflict (also referred to as SRSR)
SGBV	Sexual and Gender-Based Violence
SVC	Sexual Violence in Conflict
ToE	Team of Experts
UBC	University of British Columbia
UN	United Nations
WIGJ	Women's Initiatives for Gender Justice
WPS	Women, Peace, and Security

CLIENT PROFILE

Women's Initiatives for Gender Justice (WIGJ) is an international women's human rights organization that advocates for gender justice through the International Criminal Court (ICC) and through domestic mechanisms, including peace and justice. WIGJ works with women and communities most affected by armed conflict and primarily focuses on countries under investigation by the ICC. In particular, WIGJ works with more than 6,000 grassroots partners, associates and members across multiple armed conflicts to advance social and gender justice for victims and survivors of sexual and gender-based violence.¹ Its main areas of work include:

- Advocating for accountability and prosecution of sexual and gender-based violence (SGBV) crimes and gender justice before the ICC and domestic courts and mechanisms,
- Building a more inclusive gender justice field through advocacy for international and domestic laws, policies, practices, adjudications and jurisprudence,
- Supporting and ensuring increased access to justice and security for victims and survivors, and
- Ensuring greater participation of women in conflict resolution, recovery processes and transitional justice mechanisms.

WIGJ is based in The Hague, Netherlands and has in-country focal points and partners in strategic locations such as Uganda and the Democratic Republic of the Congo (DRC). Their work also includes an extensive legal monitoring programme for all ICC situation countries and cases including sexual and gender-based crimes.

CLIENT PROFILE

Currently, WIGJ has a major ongoing project - *the Call It What It Is Campaign* - which seeks to expand the scope and definition of sexual violence as recognized by the ICC. This campaign calls on the collective strength of civil society to give survivors of sexual violence in conflict a voice in shaping policies, processes and definitions to be more comprehensive, survivor-centered and contextually-relevant. This will ultimately guide international criminal law practitioners on cases and understanding of what makes violence sexual.

One significant outcome of WIGJ's campaign is the launch of the Civil Society Declaration (CSD) in September 2019, which contains guidance on what makes violence sexual through a non-exhaustive list of acts that are intended by perpetrators or perceived by victims to be sexual including examples in specific cultural environments and acts that otherwise may not have been included in definitions of sexual violence.

The CSD is survivor-centered, inclusive, culturally-sensitive, and responds to the realities of sexual violence in the world today. It is extensively informed by input from survivors of sexual violence from around the world, and ultimately targeted at ensuring a better reflection of the harms suffered by victims of sexual violence in conflict at all stages of international criminal law procedures. It hopes to shape the definition and understanding of sexual violence in international criminal jurisprudence, for all actors and stakeholders.

EXECUTIVE SUMMARY

This report arises from an identified global policy challenge of ending sexual violence in conflict (SVC). The effectiveness of efforts to combat sexual violence is largely influenced by the scope of its definition, how it is understood, as well as the interpretation and application of this definition by actors involved in the process. Yet, current definitions of sexual violence do not reflect nor comprehensively capture the experiences of survivors. As a result, many victims of sexual violence are not recognized. This affects access to justice, reparations and other care and services needed. In order to acknowledge the experiences of and deliver justice to as many survivors as possible, the definition of sexual violence in conflict needs to be more inclusive, comprehensive, culturally-sensitive, and survivor-centered.

This report draws attention to the pertinent issues and aims to identify the impact and/or limitations of the current definition, and approaches to improve it. It seeks to answer the following questions:

- What is the scope, limitations or benefits of the OSRSG-SVC's definition and how does it impact the policy direction, and operations of UN agencies and related institutions?
- What opportunities, challenges, and constraints exist to address the gaps in the definition?
- How can the CSD and actors that engage with the OSRSG on SV and relevant international bodies improve this definition?

These questions were answered using both primary and secondary methods of research, relying mainly on qualitative methods. The project involved extensive desk research, including a literature review of the concept of sexual violence in conflict, the evolution of the definition, the scope of the current operational definition by the UN and its organs as well as other institutions (governments, CSOs and international institutions) to help better grasp the concept. This process also involved reviews of policies and relevant institutional documents on the issue. A series of interviews were conducted with various stakeholders from diverse groupings, backgrounds and interests;

primarily with senior policymakers and experts who work for the UN, ICC, academics and international human rights non-governmental organizations. Methods of analysis include thematic analysis, stakeholder analysis and mapping, case studies, and a political and environmental scan.

Key Findings

1. There are discrepancies between public discourses, written policies and practice due to the political and economic considerations in policy making. For this reason, it is difficult to arrive at a universally accepted definition that adequately covers the broadest understanding of sexual violence. There is a struggle between universality and the need for context-specific solutions and definitions. Participants were at odds between the need for a singular and universal understanding and definition of sexual violence however broad and inclusive it may be on one hand, and a preference for context-specific understandings and definitions on the other.

2. The research found that participants had varied opinions on how the CSD could improve or influence definitions of SVC currently employed by the UN, ICC, and other global human rights institutions. While some respondents saw the CSD as a guiding document that could influence the UN's policy making processes and which welcomed input from civil society, others questioned its ability as a non-binding, civil society initiative to influence legal and other decision-making systems.

3. The study found that there are fragmented efforts in addressing sexual violence which creates gaps in policy definition and implementation. While the OSRSG-SVC was created in order to eliminate these gaps and overlap in the response to conflict-related sexual violence (CRSV) and to coordinate UN initiatives for CRSV prevention, systemic and coordination gaps continue to exist. In particular, the study found significant differences in definition between institutions working on CRSV and those working to eliminate gender-based violence. This calls for increased collaboration between the different stakeholders involved in the process.

4. The research highlighted a lack of attention to how conflict-related sexual violence affects men and boys. Participants noted that men and boys are

affected in various ways when it comes to sexual violence beyond being perpetrators but also as victims and as experiencing loss or trauma as a result. Similar to the issue of men and masculinities, LGBTQI was another area where the focus on women and girls affected the reach of efforts to address sexual violence. In some cases, a distinction was made between LGBTQI and men indicating that the former is increasingly getting more attention, stakeholder interest and resources than the latter. Participants also noted that there is often conflation between the issue of sexual violence against men and homosexuality, highlighting the importance of being able to separate and address the individual issues.

5. Provision of acute and long-term health-care and psychosocial support is critical to the well-being and progress of survivors. Stigma, shame, and ostracism often amplify the adverse psychological impact of CRSV, isolating women and girls, and preventing their ongoing personal, social and economic development, which further heightens gender inequality. Stigma may also hamper help-seeking behaviour when services are available and perpetuates under-reporting. The physical and mental injuries caused by conflict-related sexual violence indicates that it is imperative for global, national and non-state institutions to redefine and address sexual violence in conflict in its contemporary form and make it survivor-centered.

6. Although the international community is increasingly recognizing the importance of centering victims, many institutions still do not recognize the importance or know how to go about this in their processes. This is especially difficult considering issues such as having victims repeatedly recount their experiences, expectations of what victimhood should look like and be expressed as, and being centered in emotions which can be a powerful tool but also a weapon for dismissal. Some participants pointed at the importance of work being done on-the-ground and how the bottom-up approach, rather than top-down, could be useful in encouraging participants to speak out and share their experiences.

7. The power of political pressure and the media as a tool for civil society action was also cited, including social media and the potential for their acceptance as evidence. In addition, it was pointed out that justice might be viewed as secondary to a survivor's immediate needs such as access to

health or counselling services. Interestingly, it was noted that within local contexts, the work being done does not involve classifying cases based on definitions unless it is necessary for legal action.

Based on our findings, our recommendations are structured into the following categories and include:

1. Adopt a Survivor-Centered Approach

- a. Definitions and policy responses to sexual violence in conflict need to be inclusive, comprehensive, context-specific and survivor-centered,
- b. Service provision for the range of survivors in a manner that trusts them to drive their recovery, make their own choices, decisions and state their needs or next steps,
- c. Encourage and provide opportunities for survivors of sexual violence to testify and to have their experiences heard and recognized,
- d. Actively recruit survivors to be a part of decision-making bodies, committees and meetings on sexual violence in order to have meaningful impact on policy, legal processes and implementation

2. Engage with the UN's initiatives

- a. Identify and monitor UN timelines and processes. Where specific changes are required, draft and highlight particular texts, required changes and amendments to be made,
- b. Advocate to the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict about shifting the current focus on rape in its messaging to reflect its broad mandate,
- c. Monitor and report incidences of sexual violence in conflict in order to provide data that will substantiate the annual reports of the Office of the Special Representative.

3. Close the Impunity Gap

- a. Train investigators to understand and recognize broader, context-specific and cultural understandings of sexual violence in their processes.

CHAPTER 1: INTRODUCTION

"Victims are the
experts in sexual
violence"

- Toufah Jallow

This report draws attention to the difficult, and often not well understood, topic of sexual violence, specifically in conflict, with the aim of making it easier to navigate the field for effective policy definitions and responses by key international organizations such as the UN. This study conducts a political and environmental scan of UN institutions dealing with sexual violence in conflict, tries to identify the discrepancies in their definitions, policies, operations and activities as compared to the CSD, and provides policy recommendations. It also aims to identify the impact and/or limitations of the current definition, and aims to improve the UN definition of sexual violence in conflict, and where possible, make connections with the ICC's jurisprudence.. It acknowledges UN Action's efforts to ensure reparations, accountability and the administration of justice as well as recognizes UN Action's provision of support services. It explores opportunities and challenges that exist within the UN framework to adopt a more comprehensive, inclusive, and survivor-centered approach for justice, accountability, and prevention of sexual violence in conflict.

The report covers the research conducted from September 2019 to April 2020 by a team of graduate students from the University of British Columbia's School of Public Policy and Global Affairs with the support of Women's Initiatives for Gender Justice. From November 2019 to January 2020, interviews were conducted with various stakeholders, including academics, senior policymakers and experts who work with the UN, the ICC, and international human rights non-governmental organizations. A total of 31 participants with diverse backgrounds, experience and stakeholder distribution were interviewed. For a list of interviewees see Appendix 3 and Appendix 2 for detailed information on methods.

The study focuses on the United Nations (UN) as a strategic and influential actor in the promotion of human rights globally. It tackles the issues from both conceptual and strategic perspectives. It examined and sought to address the definition of sexual violence in conflict based on the understanding that the policy definition of an issue informs the processes and operations of the institutions that use it and guides how sexual violence is addressed and understood. By tackling this, it will inform the processes that flow directly from current definitions in institutions that utilize a top-down approach to policy direction and implementation.

- Chapter 1 introduces the policy challenge, context and project methodology;
- Chapter 2 conducts a literature review and discusses findings;
- Chapter 3 presents the data and analysis, providing a general overview. It is organized into three sections: a) thematic analysis, b) stakeholder analysis and case studies, and c) the political and environmental scan;
- Chapter 4, concludes the report, offering recommendations and opportunities for further research and advocacy efforts.

Background and Content

Sexual violence has in the last decade received considerable attention from global policy actors such as the United Nations, the International Criminal Court, and civil society organizations. In 2007, the UN launched the UN Action Against Sexual Violence in Conflict (UN Action)² - a network of 13 UN Agencies, supported by a team of experts and investigators,³ and chaired by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC), which was subsequently established in 2009. UN Action was formed as a result of the 2006 International Symposium on Sexual Violence in Conflict and Beyond held in Brussels, based on the recognition that sexual violence impacts all aspects of survivors' lives - health, mental well-being, economic status, political participation, and security. The OSRSG-SVC's Policy Committee endorsed UN Action in June 2007 as a critical joint UN system-wide initiative to guide advocacy, knowledge-building, resource mobilization, and joint programming around sexual violence in conflict. The network also sought to eliminate gaps

and overlap in the response to CRSV that resulted from the absence of a central coordination system.⁴

The OSRSG-SVC was established to serve as the UN's spokesperson and advocate on SVC⁵ in addition to chairing the UN Action team. Composed of experts and investigators, the UN Action team strives to ensure that prevention of sexual violence in conflict is at the heart of the UN's humanitarian, human rights and peacekeeping operation. The policies and operations of the OSRSG-SVC is to a large extent guided by the definition of sexual violence in conflict adopted in the Rome Statute⁶ of the ICC. Accordingly, sexual violence in conflict is defined by the UN to include "*rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.*"⁷ This definition emphasizes sexual abuses involving physical or contact situations.

The effectiveness of the UN's efforts to combat sexual violence around the world is impacted by the scope of its definition and the interpretation of what constitutes sexual violence. Given the resources, expertise, and the influence of the UN, a narrow definition results in fewer victims of sexual violence being recognized within policy frameworks and institutional systems, as well as a lack of essential services provided to unacknowledged victims. Yet the gravity of some of these sexual violence experiences have the potential to damage survivors' physical and mental wellbeing in the long-term. Myriad forms of conflict-related sexual violence occur outside the current definition without reporting, justice, accountability, or reparations. Care services, including medical and psychotherapy services to the victims and survivors are curtailed by current definitions. More so, policy responses that emanate from these definitions fail to capture a wide range of acts that are either intended by perpetrators to be sexual or perceived by victims as such. Many victims and survivors of sexual violence feel unseen and/or unheard as they do not have access to justice because the current system does not recognize the acts of sexual violence perpetrated against them. As such, these definitions need to be more inclusive, comprehensive, culturally-sensitive, and survivor-centered.

In April, 2019, the UN acknowledged in its security resolution (Resolution 2468) that there are gaps in policy and law in addressing the issue of SVC and recognized “*the need for a survivor-centered approach in preventing and responding to sexual violence in conflict and post-conflict situations.*”⁸ Over the course of 2019, over 50 civil society organizations came together to bring the voices of survivors to the forefront of discussions about addressing sexual violence. More than 500 survivors were consulted to voice their experiences of sexual violence in conflict.. Information from consultations was complemented by input from civil society, legal practitioners, academics, and policy makers to create **The Hague Principles on Sexual Violence**. The Hague Principles on Sexual Violence consists of:

- The Civil Society Declaration on Sexual Violence which provides general guidance on what makes violence ‘sexual’, especially to survivors;
- The International Criminal Law (ICL) Guidelines – a tool for international criminal law practitioners that explains when acts of sexual violence in the Civil Society Declaration amount to international crimes, as well as practical elements to inform the international criminal law prosecution of these acts; and
- Key Principles for Policy Makers on Sexual Violence which are 10 key principles derived from the CSD to incorporate in policy development and implementation, legislative strategies, legal and judicial procedures.

The Hague Principles of Sexual Violence advocate for a wider and more diverse scope of contemporary forms of sexual violence to inform global and national policies and practices as well as international law. The Hague Principles of Sexual Violence thus champions the survivor-centered approach in policy-making and influences justice delivery, reparations, and service provision.

It is important, however, to acknowledge that it is complex to navigate what constitutes sexual violence due to differences in cultural and societal norms, as well as ignorance or lack of understanding on this issue. There are also discursive gaps - discrepancies between public discourses and policies on paper due to the political and economic considerations in policy-making.

Yet, for the effective administration of justice, accountability, reparations and support services to victims and survivors, the many forms of sexual violence need to be adequately addressed by international criminal laws, policies and practices.

Policy Challenge

Current definitions of sexual violence, particularly in conflict, need to be more inclusive, contemporary, victim and survivor-focused. The effectiveness of efforts to combat sexual violence is largely influenced by the scope of its definition and the understanding, interpretation and application of this definition by actors involved in the process. Addressing the definition and approaches to policy definition impacts the processes that flow directly from it in institutions that utilize a top-down approach to policy direction and implementation. It closes the efficacy gap in policy implementation and improves the impact on survivors.

Research Questions

- What is the scope, limitations or benefits of the OSRSG-SVC's definition and how does it impact the policy direction, and operations of UN agencies and related institutions?
- What opportunities, challenges, and constraints exist to address the gaps in the definition?
- How can the CSD and actors that engage with the OSRSG on SV and relevant international bodies improve this definition?

CHAPTER 2: LITERATURE REVIEW

"The presumption at the time was that the word rape captured a whole number of situations."

- Dr. Valerie Oosterveld

Coincidentally, 2019 was a major year for the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC) and the UN's mandate on sexual violence in conflict. It marked the 10-year anniversary of the establishment of both the mandate on sexual violence in conflict and the Office. In April 2019, the UN also adopted the most recent resolution in its Women, Peace and Security agenda - Resolution 2467. Our literature review prior to fieldwork primarily focused on the work of the OSRSG-SVC and the UN's efforts within its mandate on sexual violence in conflict. This chapter presents the literature review which is based on secondary document and desk research. It also includes information gathered from the live webcast of the 10-year anniversary event which informed part of our preliminary research.⁹ The chapter also covers the evolution of the definition of sexual violence in conflict, the need for a survivor-centered approach, the UN's mandate on sexual violence and the related shift to distinguishing conflict-related sexual violence from other forms of sexual violence.

The Evolution of the Definition of Sexual Violence in Conflict

The definition and interpretations of conflict-related sexual violence have evolved over time. Up until the second half of the 19th century, rape and other forms of sexual violence were not backed by concerted policies and international laws to address them despite being recognized as war crimes. Sexual violence in conflict was considered an inevitable part of conflict, and to some extent, spoils of wars. Sellers (n.d.) narrates some of the pioneering attempts to prohibit sexual violence, which includes military codes and treaties of the late 19th century and the early 20th centuries. Article 44 of the Liber Code (1863), for example, prohibited rape

and made it punishable if committed by an American Soldier in the American Civil War. It stated that “*crimes punishable by all penal codes, such as arson, murder, ... and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, ... the severer punishment shall be preferred.*” (Article 47)¹⁰

Similarly, Article 1 of both the 2nd and 5th Hague Conventions adopted in 1899 and 1907, respectively, prohibited all forms of conventional war crimes, including rape. In addition to that, the 1929 Geneva Convention codified after the First World War admonished parties to war to respect and honour the rights of prisoners, including treating the sexuality of women with dignity.¹¹ Conspicuous attempts have been made since the end of WWII to forbid all forms of sexual violence. The 1949 Fourth Geneva Convention Relative to Civilians indicated in Article 27 that “*women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault*” (p.179).¹² Critics have argued that these codes did not have any ramification of global status and their enforceability was almost non-existent. Besides, their main impetus was to safeguard the continuity of economic production and human society, rather than to protect the human rights of women.¹³

The establishment of the International Criminal Court (ICC) in 1998 through the Rome Statute 1998 can be said to be the most concerted effort by the United Nations to criminalize and prohibit sexual violence in conflict. The Rome Statute defines sexual violence in conflict to include “*Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity*”, and grants powers to the ICC to exercise jurisdiction over the administration of justice and accountability for wartime sexual violence crimes.¹⁴

At every point in time, there appears to be discrepancies between public discourses and understanding of these issues and the policies on paper. To a considerable extent, public and academic controversy is spurious because of ambiguous definitions of policy effectiveness, which partly stems from

confusion between (1) policy discourses, (2) policies on paper, (3) policy implementation, and (4) policy impacts.¹⁵

On this issue, like in many others, there are three policy gaps:

- The discursive gap - the discrepancy between public discourses and policies on paper,
- The implementation gap - the disparity between policies on paper and their implemented policies, and
- The efficacy gap - the extent to which implemented policies affect programs and the issues.

These gaps make it difficult to measure the impact of policies and their implementation. While implemented policies seem to be the correct yardstick for assessing policy effectiveness, in practice, the more pronounced discourses are often used as benchmarks which might lead to an over- or underestimation of policy failure.¹⁶

The Need for a Survivor-Centered Approach

The complexity of human sexuality has been cited as one of the issues making it difficult to understand and interpret sexual violence in conflict in its entirety as acts that are interpreted to be of a sexual nature in some regard may be different by culture, individual, groups or societies.¹⁷ Regardless of this, global policy actors need to make conscious efforts to prevent all forms of sexual violence used as a weapon in conflict due to the devastating impacts these can have on victims and survivors.¹⁸

A survivor-centered approach is described as one which seeks to empower the survivor by prioritizing their rights, needs and wishes. It means ensuring that survivors have access to appropriate, accessible and good quality services.¹⁹ The Hague Principles attempts to provide some indicators of what makes sexual acts violent. It defines sexual violence as “*singular, multiple, continuous, or intermittent acts which, in context, are perceived by the victim, the perpetrator, and/or their respective communities as sexual in nature....which*

can be committed 'forcibly' meaning through physical force, threat of force, or coercion, such as that caused by fear of violence, duress, detention, psychological oppression, or abuse of power against any person or persons, or by taking advantage of a coercive environment...or against a person who is unable or unwilling to give genuine, voluntary, specific and ongoing consent"²⁰ The CSD provides examples of contemporary forms of conflict-related sexual violence that may not be reflected in international laws or policies. This includes forced recording and dissemination of victims' nudity and other sexual parts on social media, acts that force victims to expose what is perceived in cultural-specific contexts as their sexual parts to the full glare of others, or force victims to engage in or watch others' sexual activity. These experiences have devastating effects on survivors such as trauma, social stigma, cyclical poverty, health issues, and unwanted pregnancies.

These harmful impacts of sexual violence in conflict threaten the security of women, communities and states, and disrupt peace processes. Sexual violence is thus a public health and human rights concern, as well as a matter of peace and security. Sexual violence, whether conflict-related or not, is associated with short-term and long-term health consequences, including injuries, HIV and other sexually transmitted infections, unwanted pregnancies, traumatic, depression, post-traumatic stress disorder, and anxiety; it can also lead to stigma and social rejection. Provision of acute and long-term health-care and psychosocial support is critical to the well-being of survivors. Stigma, shame, and ostracism often amplify the adverse psychological impact of conflict-related sexual violence, isolating women and girls, and preventing their ongoing personal, social and economic development, which further heightens gender inequality. Stigma may also hamper help-seeking behaviour when services are available and perpetuates under-reporting. The physical and mental injuries caused by conflict-related sexual violence indicates that it is imperative for global, national and non-state institutions to redefine and address sexual violence in conflict to make it comprehensive and survivor-centered.²¹

According to the report on the "*Impact of Trauma on Adult Sexual Assault*

Victims” submitted to Justice Canada, sexual violence can leave victims with trauma and neurological problems, which inherently affects the brain and the nervous system. The report concludes that the failure to comprehend the impact of sexual assault in the context of the “rape myths” leaves a gap in justice delivery to victims and, to a large extent, support services and reparations. It therefore recommends a survivor-centered approach in policies and justice administration of such cases. Without laws and policies reflecting the entire spectrum of survivors’ experience, many CRSV victims will be denied justice, accountability, and support services because of the evolution of the crime.

The UNICEF “Caring for Survivors Training Manual” states that it is essential for competent service delivery actors to have the appropriate attitudes, knowledge and skills to prioritize the survivor’s own experiences and input. Using this approach is observed to help professionals in this area create a supportive environment in which a survivor’s rights are respected and they are treated with dignity and respect. A survivor-centered approach is also reported to promote a survivor’s recovery and to reinforce their capacity to make decisions about possible interventions.²²

It is also important while bringing CRSV to the fore to be mindful not to sideline other survivors and their experiences, seeking to portray a holistic narrative of survivors, their lives and identities beyond sexual violence and associated trauma. Implementing a survivor-centered approach requires being intentional about both the concept and the practice.²³

Understanding the UN's Mandate on Sexual Violence in Conflict

"When I took office in 2017, I said Resolution 1888 which establishes my mandate and my office and which we are commemorating today, has the face of a survivor and today's event is really about survivors."

- Pramila Patten,
Special Representative of the Secretary-General on Sexual Violence in Conflict at
the 10-Year Anniversary of Mandate on Sexual Violence in Conflict²⁴

The United Nations Security Council Resolution 1888 was unanimously adopted on September 30, 2009. It was introduced by then United States' Secretary of State Hillary Clinton, who also presided over the session, and established the UN's mandate to protect women and girls from sexual violence in armed conflict as well as the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict.

A focal point of the mandate emphasized by the Special Representative has been to amplify the voices of survivors and bridge their perspectives and recommendations to policy-making bodies. The past decade has seen a paradigm and perspective shift in the treatment of conflict-related sexual violence. Having once been downplayed as "an inevitable byproduct of war" and mere "collateral damage", sexual violence is now understood as a preventable part of the repertoire of conflict, coercion, political repression, violent extremism, and trafficking, and is often deliberately employed as a tactic of war, torture and terrorism. The Office of the Special Representative of the Secretary-General on Sexual Violence notes that its persistence points to a wider set of continuing challenges, including disrespect for international humanitarian and human rights law, the challenge of engaging non-state actors, the rise of violent extremism, increasing inequality, mass displacement, and the proliferation of arms. The Office also notes that the continuously evolving nature of conflict requires the international community to identify innovative strategies not only to respond to sexual

violence, but ultimately to prevent it. This has lent a new sense of urgency and seriousness to efforts to confront this scourge that has been called “history’s greatest silence”, the “world’s least-condemned crime of war”.²⁵

The UN, in its Security Council Resolution 2467 (2019), acknowledged that there are gaps in policy and law in addressing the issue of sexual violence in conflict and recognized “the need for a survivor-centered approach in preventing and responding to sexual violence in conflict and post-conflict situations”. This resolution emphasizes the responsibility to care for survivors of these heinous crimes; calls for a more holistic understanding of justice and accountability, which includes the provision of reparations for survivors as well as livelihood support to enable them to rebuild their lives and support their families; and recognizes the necessity, in all prevention and response efforts, of civil society actors who are on the frontlines of conflict. It recognizes that men and boys are also targets of sexual violence in conflict and post-conflict settings, including in the context of detention settings and those associated with armed groups, and urges Member States to protect victims who are men and boys through the strengthening of policies that offer appropriate responses to male survivors and challenge cultural assumptions about male invulnerability to such violence.²⁶

The UN further recognized “the need for survivors of sexual violence to receive non-discriminatory access to services such as medical and psychosocial care to the fullest extent practicable and need to be free from... inhumane or degrading treatment...”²⁷ Some of the major steps taken by UN Action as revealed by the 2018 UN Secretary General’s Report on Sexual Violence in Conflict²⁸ include, but are not limited to, the following:

- Deployment of 21 women’s protection advisers in seven peacekeeping missions with the mandate to protect, monitor and report sexual violence in conflict areas,
- Mandating all peacekeeping missions to incorporate monitoring exercises for early warning signals of sexual violence in conflicts,
- Coordination by the UN with national authorities and civil society organizations to reform the legal structures, assistance programs, and

develop specialized services for victims and witnesses, alongside awareness-raising campaigns and rehabilitation programs,

- Support governments, UN missions and country teams on the ground to investigate and prosecute perpetrators,
- Raising a multi-partner trust fund, to support a Gender-Based Violence Information Management System, an inter-agency initiative that enables humanitarian actors to safely collect, store, analyse and share data.

According to the Secretary General²⁹, while 2019 marks the 10-year anniversary of the establishment of the mandate and Office of the Special Representative on Sexual Violence in Conflict, the past decade has witnessed a paradigm shift in the understanding of the scourge of conflict-related sexual violence, its impact on international peace and security, and the response required to prevent such crimes and the multidimensional services needed by survivors. The UN increasingly addresses the problem of sexual violence in conflict from an operational or technical perspective through the strengthening of security and justice institutions but highlights that it is essential to recognize and tackle gender inequality as the root cause and driver of sexual violence, including in times of war and peace. It emphasizes that structural gender inequalities and discrimination are at the heart of the differential impact conflict has on women, men, girls and boys.

Celebrating the 10-year anniversary of the Office, the Special Representative on Sexual Violence in Conflict stressed that the office, while providing coherent and strategic leadership to UN efforts to address sexual violence in conflict, also seeks to promote cooperation and coordination of efforts among all relevant stakeholders, primarily through the inter-agency initiative - UN Action Against Sexual Violence in Conflict (UN Action).³⁰ The 2019 Secretary-General's report³¹ also stressed that the mandate of the Office of the Special Representative is firmly rooted within the Women, Peace and Security agenda, with its origin in Security Council Resolution 1325. The report highlighted the significance of the Special Representative signing a framework of cooperation with the Committee on the Elimination of Discrimination against Women in 2018. This framework affirms the ways

in which the Convention on the Elimination of All Forms of Discrimination against Women, the response to conflict-related sexual violence and the broader discourse on women, and finally, peace, security and gender equality are linked.

The UN in its efforts on sexual violence in conflict emphasizes coordination and collaboration. It also highlights the links between conflict-related sexual violence and its work on gender equality. It maintains that preventing sexual violence requires the advancement of substantive gender equality before, during and after conflict, including by ensuring women's full and effective participation in political, economic and social life, and ensuring accessible and responsive justice and security institutions.

CHAPTER 3: CONNECTING POLICY AND PRACTICE

“In humanitarian practice and response, people become experts and in the process of becoming experts we sometimes lose the big picture which is 'what about the overarching protection needs of these populations and how do we collectively mitigate some of those protection risks?’”

- Dale Buscher

This chapter presents the key findings and analysis of data gathered from our primary research during the study. It provides a general overview, insights from our interviews, stakeholder perspectives on the evolution of definitions, the impact and implication of a broadened definition, and is classified into three subsequent sections. These are a thematic analysis, a stakeholder analysis and case studies, and finally, a political and environmental scan. It directly answers the research questions, and presents key themes and trends found across stakeholder groupings and stakeholder profiles detailing perspectives and reactions to the Declaration. It also provides information on opportunities to engage and broaden definitions as well as constraints obtained from the political and environmental scan conducted during the study.

Insights at a Glance

Statistical analysis of participant observations show that:

- 11 out of 24 respondents (46%) work with the OSRSG and UN Action in varying capacities.
- 20 out of 24 respondents (83%) identified an evolution in the definition of sexual violence.
- 20 out of 24 respondents (83%) cited limitations of the current definition.
- 12 out of 24 respondents (50%) mentioned constraints to expanding the current definition
- 20 out of 24 respondents (83%) identified opportunities to expand the current definition.

N/A - Not applicable or No answer.

The numbers in the table below were assigned to each respondent and are not serial.

No.	Stakeholder Group(s)	Works with OSRSG	Evolution of Definition	Limitation of Current Definition	Constraints to Expanding Definitions and Policies	Opportunities to Expand Definitions and Policies
1	NGO	Yes	Yes	Allows for impunity, fails to protect all victims, limits service provision for all victims	Vested interests in maintaining the status quo, societal understanding of sexual violence, struggle for finite resources	Through training and advocacy activities
2	Academia	No	Yes	Limited to just women in many cases, focus on narrow aspects of sexual violence leaving out others, limited by criminal mechanisms and processes	Current belief that only women can be victims, political tensions on contentious issues such as reproductive autonomy	Through formal legal processes and judgements, civil society action, art and performance, awareness and education activities
5	NGO	Limited, works more closely with other agencies in the UN Action Network	Yes	Too much focus on the definition and disagreements on what it should be which affects service provision. It's so general and vague which affects implementation. It also targets only rape and women, feeding into the misconception that only women can be sexually assaulted, leaving out boys and other genders.	It is time consuming and there are knowledge gaps on the how and what to do.	By finding new and creative ways to help people understand the extent of the issue.
6	UN	Yes	Yes	Tensions between various perspectives - feminist, humanitarian etc. Many definitions are left out because of these tensions.	The political push to keep the narrow scope, and maintain its position as a security issue within the Women, Peace and Security Agenda. While the UN and its Security Council	Small changes to the definition are made periodically. The current definition leaves open room for

				Definitions like in the declaration extend to areas typically left out eg. reproductive violence and forced sterilization.	wants to keep the momentum on CRSV, making it a gender issue rather than security plays into existing political tensions.	adjustment as the OSRSG is not closed. There is room to propose additional acts to be included as the UN definition is more fluid than the Rome Statute.
7	UN	Yes	N/A	Operational challenges in trying not to silo, single out or stigmatize one kind of survivor which definitions and the programmatic lens sometimes does. There are challenges in reporting and recognizing some survivors as survivors within the current system and definition.	There remain coordination and communication issues among the individual UN agencies, country-level and on-the-ground colleagues. There is not one definition or agreement on what that definition is among colleagues. Different agencies have their autonomy and can interpret definitions differently.	The UN Action Network brings together different agencies with different mandates, funds and perspectives. There is opportunity for growth if civil society pushes for the expansion of definitions. The lack of coherence in the definition and loose application or interpretation within some agencies also provides an entry point for civil society.
8	UN	Yes	No - hasn't evolved but has been confined to conflict situations	It is preferable that it sits under the broader umbrella of GBV. SVC has created a lot of tension for those working with GBV and the narrow definition does not sufficiently address the wide range of related issues. SVC	N/A - GBV is a broad term that does not need broadening and refocusing on this addresses the narrow definition of SVC	N/A

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				privileges certain experiences over others.		
9	UN	Yes	Yes	Besides the fact that it could be more inclusive, the challenge is coming up with a definition which is accepted by all entities.	The UN and its agencies are bureaucracies. There's also a lot of focus on the political side of the organization. There tends to be a lot of internal reflection and discussion. The way it is organized makes it difficult for external voices. Not having consensus about what the priorities may be.	Through major celebrations such as 16 Days of Activism, International Human Rights Day and similar events which are opportunities to inform the UN process, map entry points, and provide input.
10	UN	Yes	Yes	The definition is broad and open enough which can be perceived as a limitation. Almost every act of sexual violence can fall under it. The issues lie with how the definition is interpreted and a preoccupation with the list of crimes instead of the contextual elements	N/A	The definition does not need to change but the responses to it need to change and become more victim and community driven instead of being perpetrator driven
11	UN	Yes	Yes	GBV offers holistic services to the wide range of self-identified survivors of sexual violence. The distinction and focus on SVC could create a hierarchy of survivors and prioritize certain experiences over others	N/A	From the GBV perspective and in UNICEF's work, there is a drive to involve civil society especially local women's organizations - structured or not
13	Legal	No	Yes	CRSV is a lay term and was not intended to be legal. It is not a crime a	N/A	The OSRSRG has the power to include several forms of sexual

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				perpetrator can directly be charged with. CRSV is more narrow than GBV		violence in the definition and does not have to be limited to CRSV
14	ICC/Legal	N/A	Yes	Answering based on the definition at the ICC - the problem isn't so much the definition as it is getting the evidence for cases and how the prosecutor interprets the definition	International humanitarian law is growing, dynamic and open to additions and interpretations. The acts listed in the Declaration can be incorporated	Cooperation between civil society and the media to educate
16	NGO/Legal	No	Yes	N/A	N/A	By including survivors as active stakeholders in the processes
17	NGO	Yes	N/A	Not involving the perspective of victims	N/A	Yes
18	NGO/Legal	N/A	Yes	The definition is not so much the problem as how it is interpreted.	N/A	N/A
19	NGO/Legal	No	Yes	There is a limit to the possibility of prosecuting the full range of crimes and acts of sexual violence that exist.	The know-how at the state level.	Civil society should push for legal responses and output for sexual violence crimes. There is also opportunity through helping states to implement or adapt the Rome Statute and global policies. Through these processes, they can be expanded beyond the

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						global definition.
20	ICC/Legal	No	Yes	None. The current legal definition in the Rome Statute is sufficient.	N/A	The process of amending the Rome Statute is long and arduous.
21	Survivor	No	N/A	There are gaps between definitions, policies and the countries where they are implemented. There is also no linguistic diversity in policies as they are often in English or one local language even in countries where there are multiple local languages.	The language, constitutional frameworks, religion and court systems at country level are not aligned to the policies at the global level.	By ensuring that survivors are aware of the policies and opportunities are available through outreach and sensitization.
22	NGO/Legal	No	Yes	Some acts of sexual violence are not recognized in court proceedings. A racialized understanding of survivors and their credibility.	There is a reluctance to legally characterize sexual violence for what it is. National courts are reluctant to take this as the status quo	Immediate and repeated advocacy and engagement with states on the discrepancies between global policies and their implementation in countries.
23	NGO/Legal	No	Yes	Some acts of sexual violence are currently left out of the definition and therefore not protected against.	N/A	N/A
24	NGO/Legal	No	Yes	N/A	N/A	There is momentum in the international community - all the states and global institutions are looking to do more and

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						better about sexual violence in conflict.
25	UN	Yes	Yes	The mechanisms working on sexual violence in conflict are fragmented and do not reinforce each other. There is still difficulty in recognizing sexual violence for certain groups such as men and boys.	No	There is a strong push for women-led, women-focused initiatives which makes this a good time and has created space for civil society to demand for change and table issues of importance.
26	Academia/ State Actor/Legal	No	Yes	There are still debates over what acts of sexual violence are recognized as existing.	There is hesitation among some judges at the ICC to incorporate expanded definitions that are context-specific.	It is not necessary to amend the Rome Statute. A lot of the issues are related to legal interpretation and investigation processes. There is room, interest and political will to incorporate this within the Office of the Prosecutor at the ICC.
27	Academia	No	Yes	Current policies and definitions struggling to adequately capture cyberbullying, non-consensual distribution of intimate images and other forms of online and technology related sexual violence.	N/A	By using arts as a way to spread awareness.

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28	NGO	Yes	Yes	Gender and sexual minorities are still neglected.	Difficulty in documenting sexual violence against men and boys	N/A
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The Evolution of Definitions

Most participants noted that there has been an evolution in the definition of sexual violence specifically in recent times. There was a disparity between how well-known WIGJ was among the UN agencies and representatives that participated in the study when compared to the CSO, academics, and ICC participants who were at the Assembly of States Parties and had worked with, interacted or knew of the organization. Some of the participants from the latter groupings had also been involved at different stages of the process in developing the CSD.

Participants agreed that a much wider definition of sexual violence exists now and also that there is no universally accepted definition or singular understanding of sexual violence. Initial definitions of sexual violence were noted as being limited to rape and as such, sexual assault only happened to women. In juxtaposition to this is the expectation that an understanding of sexual violence needs to be culturally and context-specific.

One important finding of the research is that the evolution of definitions impacts the practice and ability to address issues of sexual violence. For instance, some participants working with the term GBV believed that CRSV should not be singled out of the broader GBV umbrella and attempts to do so and make distinctions between CRSV and GBV distract from the broader mission to address sexual violence, and other gender-based violence issues, for all. On the other hand, one respondent found that the term “sexual and gender-based violence” (SGBV) was more inclusive. The reason given was that the change from SGBV to GBV reframed the mandate to focus on gender which was conflated with women and girls. This left out a range of leaving out the wider focus of other sexual and gender based experiences. One participant noted missed opportunities to understand and highlight how sexual violence can take place even without physical touch, emphasizing that while there have been advancements, there are still gaps in the law and policies. While the importance of the definition was highlighted, the role of implementation and applicability on the ground was also emphasized as an important factor.

Implications and Impact of a Broadened Definition

Participants identified that a broadened definition could have an impact on the policies, practice, and programs of the ICC and UN bodies. Having a broader definition was identified to provide justice and accountability for a wider range of crimes of a sexual nature as well as serve a wider range of victims of sexual violence. A broader definition makes it possible to identify, pursue and convict perpetrators for crimes that might be omitted in a narrow definition.

A broader and context-specific definition also improves the understanding of those working on SVC and the way that these issues are reported, investigated and addressed. Participants expressed both a need for specific definitions that can be applied in legal circumstances and cases towards getting convictions as well as a broadened understanding that can improve applicability and efficiency of service provision, research, counselling services, among others.

Respondents also highlighted that recognition of the various acts of sexual violence contributes to the prevention of their occurrence or reoccurrence. Participants expressed the need for a departure from the silo of looking at victims and acts of sexual violence through the current narrow definitions.

When discussing the potential impact of a broadened definition on the legal field, some participants held opposing views. Some were optimistic that international and humanitarian law would be open to additions and interpretations with the possibility of amending the Rome Statute. However, other legal experts held a more pessimistic view of the ability to change international law and stated that it would require civil society pressure on the legal community and the output for crimes involving conflict-related sexual violence. This was based on political constraints and disagreements that exist in the international judicial system. Also mentioned was the time consuming procedure to amend the Rome Statute which the ICC was noted to currently have no interest in doing. Having an inclusive definition was deemed crucial, but there were disagreements on how this can be arrived at, thus our research was inconclusive on this.

Thematic Analysis



A number of key themes and trends emerged throughout this research project. All research participants agreed that the issue and definition of sexual violence spans, and should extend, beyond rape and acts of sexual violence against women and girls. Participants overwhelmingly agreed that the language of sexual violence should not be seen as synonymous with rape but should be inclusive of various forms of sexual violence, including the psychological and other torture and trauma that comes with this. The themes highlighted during our research were:

1. **Gender and sexuality:** A major issue highlighted by participants is the lack of attention to how conflict-related sexual violence affects men and boys. Participants note that men and boys are affected in various ways when it comes to sexual violence beyond being perpetrators but also as victims and as experiencing loss or trauma as a result. Similar to the issue of men and masculinities, LGBTQI was another area where the focus on women and girls affected the reach of efforts to address sexual violence. In some cases, a distinction was made between LGBTQI and men indicating that the former is increasingly getting more attention, stakeholder interest and resources than the latter. Participants also noted that there is often conflation between the issue of sexual violence against men and homosexuality, which may or may not be related to specific cases highlighting the importance of being able to separate and address the individual issues.

2. **The continuum of violence:** Participants noted that while conflict-related sexual violence remains an important issue and topic, it is necessary to remember and highlight the continuum of violence including domestic, family, intimate-partner and communal forms of violence in so-called 'peacetime' settings. An important point highlighted by participants is that efforts to address conflict-related sexual violence should not hamper efforts to address other forms of sexual violence. Another highlighted issue is that it is important to take note of not just how the victim and/or survivor is affected but also the extension of this beyond them to their families or those around them, especially in conflict-related circumstances where acts and

events of sexual violence do not happen in isolation. The stigma and social rejection may expand to these associated groups too.

3. **Rape:** Despite the overwhelming agreement that sexual violence is much broader than rape, participants emphasized that a major issue is that rape and sexual violence are still being conflated and used interchangeably. Rape was also noted to receive the most attention as it is the most acknowledged by the international community. One participant stated that the OSRSG focused mostly on rape in its messaging, citing one example of the official social media account for the Office: @endrapeinwar. Some participants expressed a preference for ICC processes as making important distinctions between rape and other acts of sexual violence, identifying and acknowledging more extensively that sexual violence goes beyond rape and penetrative sexual acts.

4. **Complexity within legal and judicial processes:** Many participants spoke to the shortcomings of judicial systems when it came to survivors seeking justice. In many countries, the judiciary is overstretched and/or corrupt, such that perpetrators can buy their way out of a charge. Impunity was also stated to be a rampant problem. In some countries, the domestic criminal codes do not align with international standards, such as in Iraq where the requirement that rape cases must be initiated by victims disincentivizes them from reporting due to fear or hopelessness. Legal experts repeatedly asserted that quality and quantity of the evidence is indispensable for survivors to see justice, pointing to a need for more outreach on the ground to encourage survivors to come forward. It was noted that civil society can play a crucial role with regard to this. Participants also pointed out that when survivors speak out, the judicial processes in many countries can be discriminatory in their handling of issues affecting women, including in relation to marriage, divorce, or inheritance. Ultimately, participants acknowledged that being able to testify means that one's experiences can be voiced and recognized. They also noted that this can be a process of healing for many survivors and thus, spaces and platforms for survivors who would not have been able to otherwise testify are crucial.

5. **Universality v. the context-specific:** Our research findings emphasized the struggle between universality and the need for context-specific solutions and definitions. Participants were at odds between the need for a singular and universal understanding and definition of sexual violence however broad and inclusive it may be on one hand, and a preference for context-specific understandings and definitions on the other. While certain communities (e.g. legal), need an accepted definition, it is beneficial for others to be able to apply varied and context-specific understandings.

6. **The survivor-centered approach and the role of civil society:** Although the international community is increasingly recognizing the importance of centering victims, many institutions still do not recognize the importance or know how to go about this in their processes. This is especially difficult considering issues such as having victims repeatedly recount their experiences, expectations of what victimhood should look like and be expressed as, and being centered in emotions which can be a powerful tool but also a weapon for dismissal. Some participants pointed at the importance of work being done on-the-ground and how the bottom-up approach, rather than top-down, could be useful in encouraging participants to speak out and share their experiences. While courts and the legal system were noted simply as net receivers at the end of the line who are reactive to situations, the potential for civil society to be active and motivated was stated. This was observed to be particularly useful in conflict areas as civil society have better knowledge and understanding of the culture in specific areas, emphasize survivors' needs and may even know the victims personally. The power of the media as a tool for civil society action was also cited, including social media and the potential for their acceptance as evidence. In addition, it was pointed out that justice is secondary to a survivor's immediate needs such as access to health or counselling services. Interestingly, it was noted that within local contexts, the work being done does not involve classifying cases based on definitions unless it is necessary for legal action. Finally, participants have mentioned that NGOs and UN agencies emphasize survivors' experience when working on the ground. The difference between them and civil society is that justice is secondary to a

survivor's immediate access to health services and the like. Interestingly, on the ground, their work does not classify cases based on definitions unless it is for legal purposes. It is important to note that when agencies do offer funding, they require groups to demonstrate such skills as an ability to manage money well and write reports and proposals proficiently. This proves to be a challenge for many civil society organizations, hindering their ability to do effective work.

Political and Environmental Scan



SOURCE: UN STATISTICS DIVISION
[HTTPS://UNSTATS.UN.ORG/UNSD/DEMOGRAPHIC-SOCIAL/MEETINGS/2016/BANGKOK--DISABILITY-MEASUREMENT-AND-STATISTICS/](https://unstats.un.org/unsd/demographic-social/meetings/2016/bangkok--disability-measurement-and-statistics/)

As part of its political and environmental scan of actors and the policy making environment, our research sought to identify opportunities and constraints to engaging and broadening definitions. This section covers the associated information obtained from our participants.

Opportunities to Engage with and Broaden Definitions

Participants highlighted that holistic programming that aims to meet a myriad of needs and build the agency of affected individuals and communities is important to prevent sexual violence. Some participants believed it would be easier to support the case for a broadened definition in the OSRSG-SVC's annual report than it would be to add a footnote in the Rome Statute or the policy guidance of the Office of the Prosecutor. One of the highlighted ways to use the CSD is to use it as a guide to legal interpretation. Participants noted that amendment of the Rome Statute is not necessary for the Declaration to be usable and applicable in broader contexts. A suggested way to apply this is through the investigation process, raising them in applicable cases within the current framework of the Rome Statute. It is however important to note that broadening the legal and policy definitions is an ongoing process as there is always an inherent issue with any definition of excluding newly understood forms of sexual violence that come up in the future. This is why the Hague Principles are tailored to broaden the understanding of the many forms of sexual violence, not necessarily to provide definitions on terms or to define the phenomenon in general.

Constraints to Broadening Definitions

Questions seeking to better understand the political and environmental contexts provided insights into the challenges and constraints to expanding the definition. One of the identified issues include country-related political constraints to expanding the definition. An example of this was illustrated using the example of the United States which is often hesitant and, in most cases, pushes back against inclusion of terms or issues, such as forced pregnancies or abortions. This reflects the political reality of the country as

this has been an issue of contention within the country and influences its position in international processes as its position at home needs to align with its position internationally. This issue has also been frequently opposed by many Arab League States, as well as countries influenced by Catholic or Christian actors.

Another highlighted constraint to broadening the definition is the vested interests in maintaining the status quo and current definition. This was pointed out by research participants but also encountered during the project. Actors rely on and apply the definitions and conceptualization of these issues in their programming. There is a common belief that a change to the current definition could also affect how funding, attention and stakeholder interest is directed. An important aspect to this is that organizations currently working with women often believe that if the definition is broadened, it further limits and diverts the finite pool of resources available for the work they do and that still needs to be done as well as limits donor, funder and stakeholder interest in favor of newer, and perhaps more engaging, areas such as working with men or with conflict-related sexual violence instead of gender-based violence.

While stakeholder interest was largely emphasized by participants, public interest and recognition of these various acts of sexual violence was also highlighted both as a constraint but also an opportunity to improve the definition. Participants noted that increased public awareness of the range of acts of sexual violence will improve understanding of the issues, influence stakeholder buy-in especially in relation to work indirectly funded by taxpayers' monies.

Moral, cultural and religious understandings and beliefs around issues of sexual violence were also identified as a challenge to being able to recognize and address acts and instances of sexual violence. Another challenge raised is incorporating a survivor-centered approach within legal processes where the rule of law, intent and evidence play a major role in securing convictions.

The project also highlighted that while there has been a a generational shift in the understanding of sex, sexuality, and victimization, there is yet to be a similar shift in terms of those who have access to resources, who direct those resources, or have power within the relevant policy and legal processes which slows down the application of these changes.

Stakeholder Case Studies

This section captures reactions and perceptions to the CSD, the survivor-centered approach and a broader, more inclusive definition by stakeholder grouping interviewed in this study. The representatives of civil society and academic groupings were overwhelmingly in favor of a broader, more inclusive definition. A number of them were involved in the process of developing the CSD and were in support of the broader definition it advocates. Participants representing the UN, ICC, Survivor and Legal points of view had varying reactions which are outlined in this section.

The United Nations

The participants representing the various United Nations agencies had mixed reactions to the CSD. Some recognized the importance of having a broader and more exhaustive list while others felt that the current definition is adequate. Participant ideas on the impact and significance of the CSD, especially in relation to the work of the OSRSG, varied. One of the issues raised by participants was the importance of context – noting that what is perceived as sexual assault in one culture is not necessarily perceived the same in another with the example given of touching a woman’s hair. Others felt that an inordinate amount of emphasis is currently placed on sexual violence and in particular CRSV, leaving out gender-based violence which is believed to be a much broader and inclusive term.

The United Nations Entity for Gender Equality and the Empowerment of Women (also known as UN Women)

UN Women is a member of the UN Action Network and supports the efforts of the OSRSG-SVC. It officially works with the OSRSG-SVC’s definition and its representatives noted that the current definition that the Office uses in its annual report leaves open an entry point for adjustment. Its representatives pointed out that the recent traction and focus on CRSV by the UN and its Security Council is because its members agree that it is an international crime which should be prosecuted. It

however also noted that there is still a political push to keep the view of CRSV narrow and opt for using SGBV. It also notes that UN definitions are more fluid than those of the Rome Statute and will face fewer objections. UN Women sees areas for improvement with regard to the current work being done. The participants also noted that rather than the current approach on the ground of keeping a count of the number of rape incidents that had occurred, a better approach may be to make the ultimate goal a reduction of CRSV incidences. This would mean that it is important to prevent an environment where CRSV is reinforced such as through counting. Furthermore, the UN Women respondents saw room in the current definition to include “new forms of violence”. They were supportive of the CSD and saw many benefits to it as the crux of the CSD is the perception by victim, perpetrator, and society on what is of a “sexual nature.” They also mentioned the contribution of the CSD to clarifying questions such as whether reproductive violence is a form of sexual violence. Finally, they note that not every report by the OSRSG has sufficient data to prove that the situation is concerning on the ground and recognized that civil society can play a pivotal role here by ensuring communities report incidences, which will help substantiate CRSV concerns.

The United Nations Children's Fund (UNICEF)

UNICEF works closely with the OSRSG-SVC, contributes to its annual report, and is a part of UN Action. UNICEF representatives stated that CRSV is too narrow of a definition to work with and instead, it uses the GBV definition in its work, which it says is broader and includes emotional, physical and sexual violence with gendered aspects. It explains that, in practice, international organizations are working with GBV as the definition because they are using inter-agency standing committee (ISC) standards for GBV which have recently been updated. Importantly, UNICEF operates under the assumption that the current definition is already inclusive, comprehensive, and survivor-centered. It believes that CRSV sits firmly in the gender-based violence and

emergencies program. UNICEF's program for gender-based violence includes 3 main pillars – response (including psychosocial case management, justice and safety), risk mitigation, and addressing root causes of GBV (such as social norms and laws). There is a drive toward involving civil society and local women's movements to improve their programming. The Office states that it is clear what sexual violence is. For example, any violence a girl or woman faces in modern types of sexual violence online and in emergencies is GBV and the same may be said of humiliation for sexual purposes. UNICEF offers one set of services to many types of survivors, including survivors of child marriage, intimate marriage, and economic abuse. The Office explains that the reason for the broad recognition of survivors is because focus on sexual violence may at times take away from the understanding of how violence may play out in a girl's life and without understanding the system of violence, she will be let down. The Office believes all survivors deserve services and it does not wish to create a hierarchy of survivors. Thus, UNICEF provides holistic services to all survivors of GBV - irrespective of who the perpetrator was and what the violence was. The Office states that this view is also shared by UNFPA in emergencies and other survivor-centered agencies. It believes that for many reasons, Security Council resolutions and legal ramifications in the definition have focused on physical acts and seen rape as a weapon of war, although it acknowledges that this merits a relook. It believes that due to global movements such as the SDGs, there is sufficient attention currently given to GBV. Along with the ISC standards that have been updated, the Office believes that it would be timely for legal mechanisms such as the ICC and related areas of the Security Council to be updated as well.

The United Nations High Commissioner for Refugees (UNHCR)

The UNHCR works with the OSRSG-SVC and is a part of UN Action. It does not engage in prevention programming targeting CRSV but

believes CRSV is preventable. The respondent noted that on the ground, justice delivery and accountability of perpetrators can be viewed as secondary to providing immediate health and psychosocial care. Another point raised is the importance of timing as the UN's operational guidance document was being developed. This, and similar processes, was highlighted as important to engage with and have a potential to influence the definition of CRSV and the operations of all the UN agencies that work with it. Another issue introduced is the gap between the policy mechanisms and their program implementation.

The United Nations Development Programme (UNDP)

From the perspective of UNDP, conflict-related sexual violence is an evolving definition and can be more inclusive. The highlighted issue was coming up with a definition that is acceptable among those who use it and interpret it. For example, the current definition does not include LGBTQ+ individuals or mention the elimination of sexual violence against boys. The UNDP respondent did not foresee political challenges in updating the definition. Overall, the UNDP stressed that it is difficult to know what they do not know.

Team of Experts

The participant from the team of experts saw the current definition as already inclusive, contemporary and victim centered, pointing to a limitation in how it is interpreted rather than in the definition itself. The respondent recognized the importance of the survivor-centered and community driven approach as well as the role of civil society in demanding changes to the definition where necessary and applying political pressure to this end.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA)

UN OCHA also works with the OSRSG-SVC and is part of UN Action. UN

OCHA raised concerns on the reprioritization of funding for gender-based violence and whether privileging certain experiences (such as men and boys) would be the consequence. OCHA looks at violence that occurs in general rather than just CRSV which it recognizes as a narrow definition. OCHA believes that when things are looked at through a narrow lens, the broad spectrum for women and girls is disregarded. Elaborating more on the topic of funding, UN OCHA saw that focusing just on sexual violence in conflict takes away or limits funding for other important topics under gender-based violence such as domestic abuse, or assaults that occur in refugee camps. UN OCHA advocated for focus on women's resilience and empowerment instead of vulnerability.

The International Organization for Migration (IOM)

The IOM works with the OSRSG-SVC and is a part of UN Action. They are service providers for migrants and advice governments on related issues. The organization in this context focuses on a wide range of humanitarian responses including specialized protection services, child protection, mental health and psychosocial support. The IOM acknowledges the risk of gender-based violence in conflicts and other situations that cause migration. They address these challenges proactively and work on SVC that fall under their broader definition of GBV. IOM is informally engaged in UN Action projects at a country level, not on the direct implementation of UN Action programs or direct assistance. They attempt to balance risk mitigation with specialized response services, both in conflict and post-conflict. IOM works under a broad umbrella of GBV, following the GBV definition adopted by the Inter-Agency Standing Committee (IASC) which take into account gender differences, physical and non-physical contact. Their approach focuses on addressing and preventing harm and acknowledges the responsibility to protect the right and dignity of survivors, respecting their wishes and priorities. They engage in working groups at the country level and contribute to SRSG's report.

The International Criminal Court (ICC)

ICC participants in this study, although a limited sample, expressed opposing views on broadening the definition. A former judge and prosecutor at the ICC stressed on the importance of the exhaustive list which the CSD provided, and how it is a powerful document that legal experts should refer to and can be advised by. To the contrary, a current judge at the ICC believed the Rome Statute sufficiently covers the issue and the problem lies not in the definition but rather the legal process, sentencing mechanisms, applications, and interpretations at the Court. This is particularly striking alongside the suggestions from UN agencies that noted the slow and arduous process of seeking amendments to the Rome Statute, and suggested seeking to influence the SRSG-SVC's annual report instead. Participants expressed the difficulty associated with prosecuting perpetrators accused of sexual violence due to the extensive proof needed to arrive at any judgement and difficulties in obtaining such evidence on the issue of sexual violence

Survivors

The survivor perspective was limited to just one participant in the study and is thus limited in its representativeness. However, the CSD is in itself a representation of survivor perspectives. This perspective offered a solution to improve the survivor-centered approach and how to make policies on sexual violence more inclusive and communicative. Survivors' testimonies were identified as imperative to unravelling the complexities of gender-based violence. Three main concerns were highlighted – the effect language barriers have on being able to express experiences of sexual violence and their effects; legal definitions of gender, particularly of being a woman; and the

lack of reporting databases and infrastructure. In particular, the concentration of resources in urban areas compared to rural areas was noted to widen the language and educational barriers to disseminating knowledge. The participant stressed the importance of including the voices and experiences of survivors as they help to directly inform what questions, policy decisions and resolutions must aim to address, repair, and reconcile. Legal frameworks were noted as perpetuating a culture of norms that allow the proliferation of sexual violence. Given the context of the legal difficulties, a participant stressed the need for infrastructure that ensures the safety of women coming forth with reports and allows for suitable data collection methods. The survivor perspective emphasized that for the CSD to create tangible change, it has to be communicated properly to the populations of affected regions alongside working to support efforts to create databases and collect information on sexual violence practices and reports. At the heart of this lies the importance of understanding the fundamental practices of communities, and properly allocating specialized resources for specific contexts.

The Legal Perspective

Participants from the legal field reiterated the importance of a definitional change that recognizes sexual assault as not being limited to sexual gratification, rape, a specific gender, or context. However, there was a consensus on the practicality of broadening the definition. From the limitations stated, there was a clear reiteration of a gap between the judicial system and the convictions made in various national contexts. Most of the legal experts highlighted the crucial role that evidence and data collection play in the strength of a survivor's case and, ultimately, justice delivery and

perpetrator accountability. Unfortunately, it was noted that even where evidence and testimonies are present, justice may still not be delivered. One major limitation noted in international law was the judicial system's requirement of significant proof and evidence, which limits the extent of, if any, sentencing imposed.

Another gap that was recognized was the adoption of definitions by nation-states. Although nation-states ratified the Rome Statute, they can choose not to abide by it in their national judicial system. This results in a discrepancy between international and national systems. While changing the definition in the international field was noted as important, it was also emphasized that this will not cause much impact if it is not applied within national systems. Legal experts stressed on the need for civil society to pressure their government towards changing how sexual assault is defined and perceived in its processes. Also stated was the clash between terms and crimes such as torture, crimes against humanity, or other broader categories which take precedence over charging perpetrators with sexual assault. When focusing on the survivor-centered approach, there was a consensus on listening to the victims and recognizing that they are the experts in this field. One participant went as far as to say that when listening to survivors, legal experts should put aside their title and allow survivors to identify what sexual assault meant to them.

CHAPTER 4: CONCLUSIONS AND RECOMMENDATIONS

"How can you tackle impunity if you promote the impunity of a whole range of perpetrators of acts of sexual violence and sexual harm by excluding what they've done from the definition?"

- Dr Chris Dolan, Refugee Law Project

Our research finds that there is no universally acceptable definition or approach to understanding sexual violence in conflict. Any attempt to arrive at a universal definition or view of what makes an experience of harm of violence sexual and covers the wide range of victims and survivors in today's political climate and global arena, might result in limiting the current protection and coverage that current definitions guarantee rather than addressing the issues.

Our research highlights the importance of multi-stakeholder involvement in processes addressing sexual violence. It is imperative that global and national actors address the gaps in definition, policies and laws when addressing and preventing sexual violence in conflicts. Full realization of the efforts of various stakeholders require the strategic coordination of efforts by a range of informed policy-makers and implementing partners bringing together representatives from governments, the UN system, experts, civil society, survivors and academics. This section provides recommendations for engaging with various stakeholders highlighted throughout our research and notes that every nation-state has its own legal procedure, therefore, a focus on implementing the definition at a national level is key.

On the question of how the CSD can improve current definitions, participants disagreed on the role it could play in changing definitions at the UN, ICC, or other global spaces. While some respondents saw it as a guiding or influencing document particularly within the UN system which welcomes input from civil society, others

did not believe it could play an influential role especially within legal and criminal law proceedings. The Civil Society Declaration remains a strong guiding document on the need for a survivor-centered approach to addressing sexual violence and covers a wide range of acts that might otherwise be excluded from the policy discourse. In its greatest favour is the nature of the Hague Principles of Sexual Violence as a living, iterative document. It is crucial that it lives up to its promise of periodic review, updates, and ongoing feedback. However, the ability for the Hague Principles - the CSD and the International Criminal Law Guidelines rely on its strategic use in policy processes. In line with this, our recommendations seek to address specific highlighted issues and opportunities raised by stakeholders which provide the greatest possibility for change and progress.

Recommendations

Adopting a Survivor-Centered Approach

Throughout our research, the importance of taking a survivor-centered approach was emphasized and agreed upon by participants. The big question was not why? or should we? but how. Participants highlighted the need for a survivor-centered definition that considers the various cultural contexts and settings and the potential for civil society organizations as allies and partners to play a role in broadening the definition. Different organizations had different ideas on how they were implementing this or how it should be implemented. The most vital steps and our recommendations in this regard are:

1. Continued service provision for the range of survivors. It is important that services provided to survivors are inclusive and respectful of their needs. Survivors should be trusted to drive their recovery, make their own choices, decisions and state their needs or next steps.
2. Survivors of sexual violence should have the opportunity to testify and have their experiences recognized. While legal proceedings do not always provide this space, this space can be created in various forms - online and offline. An example of this being the “Survivors’ Hearing” during the 10-Year

anniversary celebration of the mandate on sexual violence in conflict at the UN headquarters in New York before an audience composed of Member States, including members of the UN Security Council and donors, as well as civil society partners, UN officials, and the media. An important aspect of this is paying attention to the balance of those speaking and providing a platform to survivors who have not previously had the chance to make their voices heard. Both international organizations and civil societies need to encourage survivors to come forward with their stories and testimonies in order to:

- a) shed light on the types, impact and consequences of sexual violence in conflict;
- b) to be recognized as a survivor of such an experience so that national and international organizations may keep count of the types and number of incidences to understand how rampant the issue is;
- c) so immediate services in form of psychosocial support may be provided as well as long term support in the form of potential reparations may be made; and finally,
- d) so perpetrators are more likely to be convicted and held accountable.

Engaging with the UN's Efforts on Sexual Violence in Conflict

Our research finds that the UN welcomes stakeholder input on what can be done, early and collectively, to prevent and deter sexual violence in conflict and there are a number of avenues and opportunities to do so. This requires actively monitoring and exploring opportunities to engage in policy-making or revision processes at the UN. In line with this, we recommend:

1. Advocacy to the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict on shifting the focus on rape in its messaging and social media to reflect its broad mandate pointing out the effect that this has on its work and survivors of various kinds of sexual violence in conflict.

2. Identify and monitor UN review timelines and processes. While this research was being conducted, a review process of the Operational Guidance including definitional understandings, was undertaken. To be able to effectively influence these processes and the documents they review, timelines need to be identified ahead of time and coordinated into the organization's (i.e. WIGJ's) advocacy and programming agenda. Where specific changes are required, drafting and highlighting texts, as well as being specific about required changes and amendments to be made.

3. Develop detailed stakeholder mapping of the UN agencies, grasping their scope of work, and understanding their mandate and role in the organization's advocacy agenda in order to improve efficiency of advocacy efforts.

4. There is a need for more data on the state of issues on the ground. Our research findings suggest that civil society can play a pivotal role by monitoring and reporting incidences, which will help substantiate concerns and provide data for the reports of the OSRSG-SVC.

5. The UN's 10th anniversary was intended to set the stage for a forward-looking Agenda for Action for the coming decade. As part of this, the UN put forward a model legislation, commissioned by the OSRSG-SVC, to encourage more States to enact progressive, comprehensive laws on sexual violence at the national level. Participants also noted that while changing the global definition is important, for impact within national systems, civil society needs to pressure government towards changing how sexual assault is defined and perceived in its processes. This presents an opportunity to work with both the OSRSG-SVC and State Actors on legal advocacy to pass progressive and comprehensive laws that take a survivor-centered approach.

6. In response to the testimonies of survivors, as well as the repeated demands for justice and redress heard by successive SRSGs over the past ten years, a Global Fund for Survivors of Conflict-Related Sexual

Violence/Victim Assistance Fund, spearheaded by Nobel Laureates Dr. Denis Mukwege through the Mukwege Foundation and Nadia Murad through Nadia's Initiative, with support from the Office of the SRSG-SVC, was officially launched as part of the 10-year anniversary celebration. This fund is intended to be an important step towards implementing a survivor-centered, rights-based response to conflict-related sexual violence, in the context of an overall need to increase the volume and sustainability of resources. Issues have been raised by various stakeholders on how to utilize and equitably distribute this fund which presents an opportunity to contribute ideas and work with these organizations.

7. The OSRSG stressed the importance of cooperation, collaboration and coordination of efforts and in line with this, recommended that the entities comprising UN Action support the work of the Special Representative through enhanced information sharing and efforts to avoid gaps and overlaps in the UN system-wide response at both headquarters and country levels. It is important that these agencies develop systems that ensure increased collaboration and interagency sharing which also fosters an environment of shared ideals and efforts.

Closing the Impunity Gap

Our findings show that the definition is one step in the process but implementation and enforcement is the next step which has the power to close the impunity gap and ensure that perpetrators of sexual violence are held accountable. Most of the legal experts highlighted the crucial role that evidence and data collection play in the strength of a survivor's case and, ultimately, justice delivery and perpetrator accountability. In line with this, our recommendations include:

1. Training of investigators to understand and recognize broader, context specific and cultural understandings of sexual violence in their processes. Criminal investigation and prosecution of crimes plays a major role in closing the impunity gap and holding perpetrators accountable. If the ICC chooses not to amend the Rome Statute, it should focus on exercising the implementation and practice of the current definition of sexual violence.

Throughout our research, public awareness was highlighted as an important area to work on. While advocacy to other stakeholders remain important, recognition and acceptance of the range of acts of sexual violence by the public is influential to other processes. We strongly encourage continued public enlightenment campaigns, especially ones using visual and short pieces. One highlighted issue both for the public and other stakeholders is the wealth of information available and the short attention spans, which make it important to use succinct, captivating, creative, artistic and visual material in awareness campaigns.

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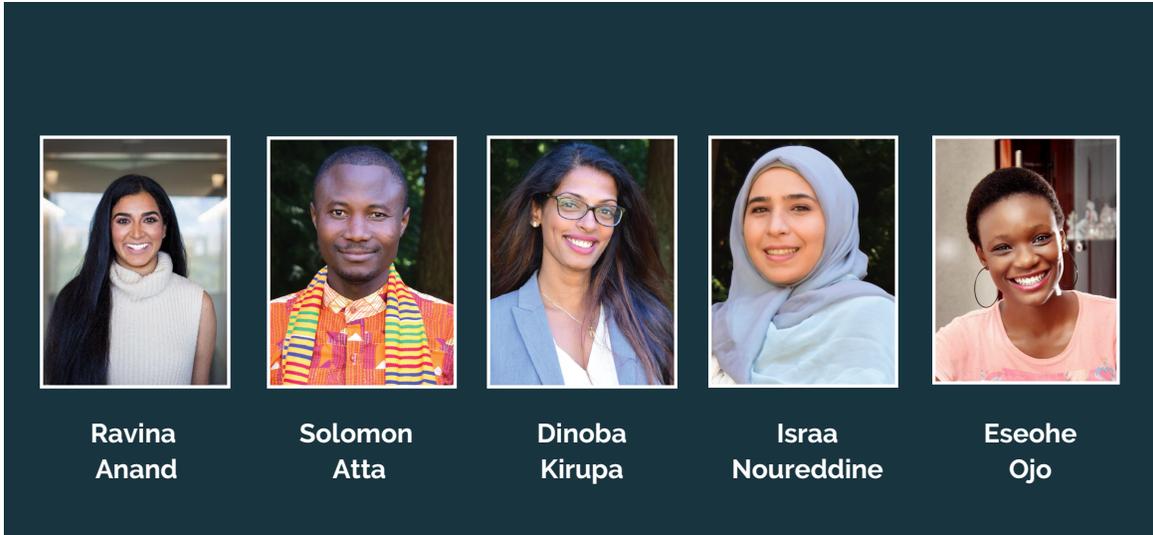
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APPENDIX I

All team members are second-year Master of Public Policy and Global Affairs students from the 2018 Cohort.



Ravina Anand, BSc, is a creative thinker and passionate leader. Her introduction to academia began by studying primate evolution, and later, pursuing predictive genomics to develop healthcare solutions from an anticipatory lens. She served as director of INLET, developing software to reduce the health inequities faced by rural and remote populations in Canada. As a previous Israel Young Scholar and CJPAC Fellow, she explores issues facing women in the Middle East. Currently, she is pursuing a Masters of Public Policy and Global Affairs. Her academic pursuits led her to receive the President’s Medal for academic excellence and student leadership and a nomination for the 3M National Student Fellowship, Rhodes and Fulbright Scholarship. Beyond academia, Ravina is determined to create technology to solve social problems. Right now, her attention is honed in on a global problem: only 19% of businesses across the world are run by women. As co-founder and COO of a social enterprise, FLIK, she is moving to increase women-led ventures across

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the world through curated apprenticeships and inciting the next generation of female entrepreneurs. With experience in municipal politics and community advocacy, she promotes diversity by encouraging people to fight injustices and challenge stereotypes. In order to implement tangible solutions and continue to advocate for women, she continues research on her passion for understanding religion and freedom of speech situated in the political milieu. Her myriad of interests in technology for good, freedom of speech, and global governance, has led to a culmination of recognitions which include Top 30 Under 30 and Global Changemaker.

Solomon Atta was born, raised, and worked in Ghana until he enrolled in the MPPGA program. Before studying at UBC, Solomon graduated from the University of Ghana with a degree in Political Science and Sociology. He worked as a Budget Analyst at the Local Government Service of Ghana for five years. During his time in this portfolio, he enjoyed working with various welfare agencies like the Department of Social Welfare and Community Development of Ghana, and other gender-based organizations, supporting their annual programs and activities with budgetary allocation. He is looking forward to understanding the international political dimensions relating to gender and human rights, relating to his research interest on the impacts of climate change on women and children in order to influence government and NGOs' tailored policies supporting women and children.

Dinoba Kirupa is a political and women's rights activist. Her dive into public policy was a natural step in her professional career. After earning a degree in Political Science from the University of Toronto, Dinoba immersed herself in the Canadian political landscape. She has played key roles in educating constituents on policy issues during elections in Ontario. Her passion for addressing gender and racial inequity influenced her work with Women in Toronto Politics, where she helped amplify the voices of women in the political realm. Through public speaking engagements and grant proposals, Dinoba has helped secure large funds

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from institutions and networks, such as Osgoode Law School and Rotary International. She also spent a summer in Nepal where she worked with the Education Section of UNICEF's Regional Office of South Asia and virtually with the UN Girls' Education Initiative in New York. Dinoba looks forward to effecting social change through a combination of top-down, policy driven approaches complemented by her grassroots experiences.

Israa Noureddine was born and raised in Vancouver, Israa is currently completing her Masters in Public Policy and Global Affairs at the University of British Columbia. Prior to this, Israa graduated from the American University of Beirut with a Bachelor of Arts in Psychology. During her undergraduate degree, she had the opportunity to work with NGOs such as Kayany where she discovered her high interest in International Human Rights. This led her to conduct psycho-social workshops for refugee teachers on trauma and visit the Syrian refugee sites to provide assistance. She also had the opportunity to partake in the Hague's inter-university year-long program which introduced her to the International Court of Justice, special tribunals, and the decision-making process regarding international human rights violations. This heightened her interest in social justice and was a gateway for her to probe her interests in public policy and global affairs. It also led her to initiate workshops on immigrant rights and difficulties around the world within MOSAIC's Youthlabz program. Israa is fluent in both English and Arabic.

Eseohe Ojo has a Bachelors' Degree in International Relations and 6+ years' experience working on human rights issues specifically Digital Rights and Internet Freedoms, Freedom of Expression, Access to Information, Gender and Youth, Sexual and Reproductive Health and Rights, Open Government and Civic Engagement. In addition to her Masters in Public Policy and Global Affairs from the University of British Columbia, she is an African Leader of Tomorrow (ALT) Scholar, R. Howard Webster Fellow, and has received human rights training from the University of Essex and University receiving the Law Society Scholarship, and from the Center for Human Rights at the University of Pretoria. She

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has worked in a variety of roles including Communications, Program Management and Consulting. While studying at UBC, she has worked as Project Coordinator of the Digital Tattoo Project and as a Graduate Research and Project Assistant of an Experiential Human Rights Research Project. She is excited to work on development, human rights and public policy projects at national, regional, and international levels. Her experience includes working on multi-year, multi-level projects with partners in Latin America, Asia, Africa and Europe on a variety of human rights issues. She is looking forward to a policy career working on digital rights, gender, youth and technology issues.

APPENDIX II

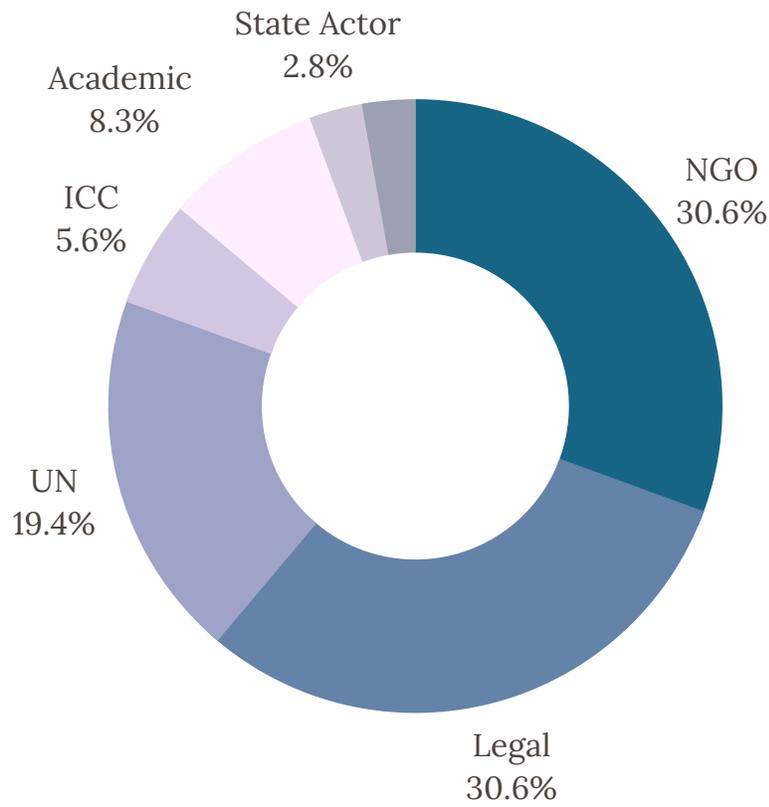
This study was carried out using both primary and secondary methods and relying mainly on qualitative methods although also utilizing quantitative methods where necessary. It comprised the following different stages.

1. Desk Research: The project involved extensive online and desk research including a literature review of the concept of CRSV, the scope of the operational definition by the UN and its organs as well as among other institutions (governments, NGOs and international institutions) to understand the concept better. This process also involved document reviews of policies and relevant institutional documents on the issue. Our research prior to fieldwork primarily focused on the work of the OSRSG-SVC and the UN's efforts within its mandate on sexual violence in conflict. Interestingly, it also includes information gathered from the live webcast of the 10-year anniversary event held by the office which formed part of our preliminary research.

2. Stakeholder Mapping and Analysis: This involved identifying, analyzing and categorizing relevant stakeholders working on the issue, their scope of work and varying interest areas.



3. Interviews: Before, during and after fieldwork, from November 2019 to February 2020, a series of interviews were conducted with various stakeholders from diverse groupings, backgrounds and interests. As part of the desk research and stakeholder mapping aspects, the team identified potential participants in the various areas – New York, The Hague, Geneva and the University of British Columbia, Vancouver. A combination of factors, such as changes in location and jobs, missions and out of location engagements, scheduling conflicts, challenges getting accurate contact information amongst others, affected the team’s ability to meet with all participants initially identified. Interviews were conducted virtually where possible or where participants were unable to meet in a given timeframe or location. Majority of the interviews conducted took place at UN offices in New York; the World Forum where the Assembly of State Parties were held and the offices of the International Criminal Court in the Hague, Netherlands, as well UN offices in Geneva. Interviews were recorded using a combination of audio recordings and note taking. All data was stored on secure UBC servers. A total of 27 interviews were conducted over the course of the project with a stakeholder distribution as illustrated in the chart below. Some participants identified as members of multiple stakeholder groupings and engaged with the study based on these intersections. They provided information relevant to these different experiences and environments such as representing Legal and NGO representatives, Legal and ICC representatives, or Legal and UN representatives. The Academic stakeholder group overlapped with others. While the UN, NGO and Legal perspectives were well represented, the Academic, Survivor, State Actor and ICC perspectives were limited. Research participants perform a range of activities on the issue of CRSV. The majority work on service provision, research and documentation, advocacy, training and legal services. Issues raised include feminist legal perspectives, judicial and nonjudicial accountability, supporting national justice systems, access to sexual and reproductive health, psychosocial services, risk mitigation, ethical and safe data collection.



4. Participant Observation: A crucial part of information gathering was through observation of research participants – their reactions, engagement with the subject and with each other where relevant. During the Assembly of State Parties, a number of sessions were held on this and related issues which was a valuable source of additional information as well as opportunity to engage with research participants both formally and informally.

5. Data Analysis: This report is a product of findings based on data collected during this study. The process of analysis involved an environmental and political scan of identified institutions, allied agencies, supporters and partners; stakeholder analysis and case studies; analysis of documents and data identifying themes, trends as well as drawing out statistical descriptions of the research findings where possible.

Assumptions And Constraints: This project acknowledges the non-binding nature of the UN’s definitions and policies and relies on its

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potential for influence which is more effective in certain contexts than in others. In choosing participants and policies to base this research study on, we focused on and prioritized UN agencies, NGOs, and other actors working directly on this issue with the power to influence definitional updates and policy processes. The UN and international definitions have an influence and impact on the national and domestic definitions which are legally binding. They also influence policy discourse in general. Despite expectations of limited access to key persons, the team was still able to speak to stakeholders representing the various groups as well as UN agencies and personnel working within the UN Action Network and Team of Experts.

APPENDIX III:

List of Interviewees

S/N	Name	Organization	Location	Stakeholder Group
1.	Chris Dolan	Refugee Law Project	Uganda	Non-Governmental Organization
2.	Rosemary Grey	University of Sydney	Sydney, Australia	Academic
3.	Dale Buscher	Women's Refugee Commission	New York, USA	Non-Governmental Organization
4.	Alejandro Sanchez	UN Women	New York, USA	United Nations (Member of UN Action Network)
5.	Emily Kenney	UN Women	New York, USA	United Nations (Member of UN Action Network)
6.	Anna Reichenberg	International Organization for Migration	New York, USA	United Nations (Member of UN Action Network)
7.	Alexandra Hileman	International Organization for Migration	New York, USA	United Nations Member of UN Action Network)
8.	Mariska De Keersmaecker	International Organization for Migration	New York, USA	United Nations (Member of UN Action Network)
9.	April Pham	United Nations	New York, USA	United Nations (Member of UN

LIST OF INTERVIEWEES

		Office for the Coordination of Humanitarian Affairs		Action Network)
10.	Toni Stewart	United Nations Office for the Coordination of Humanitarian Affairs	New York, USA	United Nations (Member of UN Action Network)
11.	Toby Bonini	United Nations Development Programme, Team of Experts	New York, USA	United Nations (Member of UN Action Network)
12.	Sofia Coelho Candeias	Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Team of Experts	New York, USA	United Nations (Member of UN Action Network)
13.	Lauren Rumble	United Nations International Children's Emergency Fund	New York, USA	United Nations (Member of UN Action Network)
14.	Catherine Poulton	United Nations	New York, USA	United Nations (Member of UN

LIST OF INTERVIEWEES

		International Children's Emergency Fund		Action Network)
15.	Maxine Marcus	Transitional Justice Clinic	California, USA/The Hague, Netherlands	Non-Governmental Organization
16.	Kathy Roberts	Transitional Justice Clinic	California, USA/The Hague, Netherlands	Non-Governmental Organization
17.	Howard Morrison	International Criminal Court	The Hague, Netherlands	Intergovernmental Organization and International Tribunal
18.	Kante Lassina	Confédération Des Organisations de Victimes de la Crise Ivoirienne	Côte D'Ivoire	Non-Governmental Organization
19.	Evelyn A. Ankumah	Africa Legal Aid	The Hague, Netherlands	Non-Governmental Organization
20.	Grant Shubin	Global Justice Center	New York, USA	Non-Governmental Organization
21.	Wayne Jordash	Global Rights Compliance	The Hague, Netherlands	Non-Governmental Organization
22.	Lorraine Smith	Redress	The Hague, Netherlands	Non-Governmental Organization

LIST OF INTERVIEWEES

23.	Jean-Jacques Badibanga	International Criminal Court	The Hague, Netherlands	Intergovernmental Organization and International Tribunal
24.	Toufah Jallow	N/A	Canada	Survivor
25.	Alexandra Lily Kather	European Center for Constitutional and Human Rights	Berlin, Germany	Non-Governmental Organization
26.	Luisa Martinez	Sisma Mujer	Colombia	Non-Governmental Organization
27.	Dorine Llanta	International Federation for Human Rights (FIDH)	The Hague, Netherlands	Non-Governmental Organization
28.	Joanina Karugaba	United Nations High Commissioner for Refugees	Geneva, Switzerland	United Nations (Member of UN Action Network)
29.	Valerie Oosterveld	Western University	London, Canada	Academic
30.	Shaheen Shariff	McGill University	Montreal, Canada	Academic
31.	Tomaso Falchetta	All Survivors Project	Multiple Locations	Non-Governmental Organization

APPENDIX IV

From: The MPPGA Hague Team

To: Women's Initiatives for Gender Justice

Subject: Engaging with the UN's Efforts on Sexual Violence in Conflict

Date: April 20, 2020

The Problem Statement

The United Nations' Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict serves as the United Nations' spokesperson and political advocate on conflict-related sexual violence, chairs the United Nations Action Against Sexual Violence in Conflict (UN Action Network). The definition of sexual violence in conflict in its policies influences the policy and program direction and implementation of the Office and its supporting agencies. However, the current definition is neither inclusive nor survivor-centered resulting in a lack of justice delivery for survivors.

Background and Context

Sexual violence has in the last decade received considerable attention from global policy actors such as the United Nations, the International Criminal Court, and civil society organizations. It can inflict short-term and long-term consequences including health issues, such as injuries, post-traumatic stress disorder, neurological problems, HIV and other sexually-transmitted infections, and unwanted pregnancies. It can also lead to social issues such as stigma and social rejection from the community for both the victim and their families.

In 2007, the UN launched the UN Action Against Sexual Violence in Conflict (UN Action) - a network of 13 UN Agencies, supported by a team of experts and investigators, and chaired by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (OSRSG-SVC), which was subsequently established in 2009. The UN Action team strives to ensure that prevention of sexual violence in

conflict is at the heart of the UN's humanitarian, human rights and peacekeeping operation. The effectiveness of the UN's efforts to combat sexual violence around the world is impacted by the scope of its definition and the interpretation of what constitutes sexual violence. However, there is no commonly accepted definition and understanding of sexual violence in conflict. Current definitions used by the United Nations, other international organizations, and international legal entities, such as the International Criminal Court, disagree on terminology and approach. These tensions take the focus away from service provision, delivery and program implementation. This leaves room for impunity on crimes of sexual violence and fails to protect the wide range of experiences and survivors as the current definition is not inclusive and thus fails to recognize many survivors and their varied experiences. This ultimately results in a failure to deliver justice, accountability, and support for survivors.

The Civil Society Declaration launched by Women's Initiatives for Gender Justice refocuses policy processes on survivors and the survivor centered approach. This will help improve the efficiency of service provision, delivery and program implementation. It helps ascertain who is acknowledged as a survivor, and the processes that flow from this recognition. A survivor-centric approach would help international organizations, the United Nations, and the international legal system effectively fulfill their mandate and fill in this gap in understanding on the ground and context-specific situations and experiences.

Analysis

Our team carried out a study of key international organizations and conducted a series of interviews with various stakeholders from diverse groupings, backgrounds and interests consisting of senior policymakers and experts who work for the United Nations, the International Criminal Court, academics and international human rights non-governmental organizations. This study involved a thematic analysis, political and environmental scan, stakeholder analysis and mapping of institutions dealing with sexual violence in conflict. It tries to identify the

discrepancies in their definitions, policies, operations and activities as compared to the Declaration.

- 83% of respondents in the study cited limitations of the current definitions of sexual violence in conflict.
- 50% of respondents highlighted constraints to expanding the current definition.
- 83% of respondents identified existing opportunities to expand the current definition.

A number of key themes and trends emerged from the study. All participants agreed that the issue and definition of sexual violence should be inclusive of various forms of sexual violence. Despite this, participants emphasized a major issue – that rape and sexual violence are still being conflated and used interchangeably. Rape was also noted to receive the most attention as it is the most acknowledged by the international community. One participant stated that the OSRSG focused mostly on rape in its messaging, citing one example of the official social media account for the Office: @endraperinwar. Some participants expressed a preference for ICC processes as making important distinctions between rape and other acts of sexual violence, identifying and acknowledging more extensively that sexual violence goes beyond rape and penetrative sexual acts.

Participants noted that while conflict-related sexual violence remains an important issue and topic, it is necessary to remember and highlight the continuum of violence including domestic, family, intimate-partner and communal forms of violence in so-called ‘peacetime’ settings. Participants also noted that men and boys are affected in various ways when it comes to sexual violence beyond being perpetrators but also as victims and as experiencing loss or trauma as a result. Many participants spoke to the shortcomings of judicial systems when it came to survivors seeking justice. Legal experts repeatedly asserted that quality and quantity of the evidence is indispensable for survivors to see justice, pointing to a need for more outreach on the ground to encourage survivors to come forward.

Participants however remained at odds between the need for a singular and universal understanding and definition of sexual violence however broad and inclusive it may be on one hand, and a preference for context-specific understandings and definitions on the other. While certain communities (e.g. legal), need an accepted definition, it is beneficial for others to be able to apply varied and context-specific understandings.

The study finds that the UN welcomes stakeholder input on what can be done, early and collectively, to prevent and deter sexual violence in conflict and there are a number of avenues and opportunities to do so.

Alternative Solutions

To address these issues, a number of recommendations and suggestions were made towards adopting a survivor-centered approach and engaging with the UN's efforts.

- Create opportunities for survivors of sexual violence to testify and have their experiences recognized. Legal proceedings do not always provide this opportunity, but civil society can create these spaces in various forms - online and offline.
- Advocacy to the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict on shifting the focus on rape in its messaging and social media to reflect its broad mandate pointing out the effect that this has on its work and survivors of various kinds of sexual violence in conflict.
- Active monitoring and exploring of UN review timelines and opportunities to engage in policy-making or revision processes at the UN. Where specific changes are required, drafting and highlighting texts, as well as being specific about required changes and amendments to be made.
- Develop detailed stakeholder mapping of the UN agencies, their scope of work, and understanding their mandate and role in the organization's advocacy agenda in order to improve efficiency of advocacy efforts.

- Working with civil society, monitor and report incidences to help substantiate concerns and provide data for the reports of the OSRSG-SVC.

Conclusions and Recommendations

Although these solutions all provide useful next steps to inform Women's Initiatives for Gender Justice's advocacy and help understand the actors working in the field, they are not all priority areas given time, resources and immediate feasibility. We therefore recommend the following short- and long-term actions.

Short-Term

- Approach the OSRSG-SVC with the need for a broadened, inclusive, and survivor-centric definition of CRSV. This campaign should focus on advocating for the messaging and social media accounts of the OSRSG to reflect its broad mandate pointing out the effect that its current focus on rape has on its work and on survivors of various kinds of sexual violence in conflict.

Long-Term

- Develop detailed stakeholder mapping of the UN agencies, their scope of work, mandate and role in order to improve efficiency of advocacy efforts.
- Monitor and explore UN review timelines and opportunities to engage in policy-making or revision processes at the UN. Where specific changes are required, drafting and highlighting texts, as well as being specific about required changes and amendments to be made.
- Monitor and report incidences to help substantiate concerns and provide data for the reports of the OSRSG-SVC.