

The Female Body as a Battleground and the International Community's (Non)Response

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The year is 2019, and despite an increase in global efforts to recognise women's rights and issues, the bodies of women and girls continue to be exploited through systematic wartime campaigns. From Sudan to Syria, Myanmar to the Democratic Republic of the Congo, sexual violence is a serious issue in modern conflicts. Prior to the 1990s, sexual violence during wartime was thought of as an inevitable by-product of the violent, militarised, and hyper-masculine setting within which conflicts occur.¹ It was during the conflict in the former Yugoslavia from 1991 to 1995 that wartime sexual violence—also termed 'war rape' throughout this paper—gained international recognition as a political issue with serious implications.² The Rwandan genocide of 1994, where rape was used as a genocidal tool against the Tutsi people, heightened this new-found awareness.³

With this new perception of war rape, the international community rallied to condemn the use of sexual violence during conflict and to develop preventative measures to protect the bodies of women and girls. Notable outcomes of the post-1990s attention to this issue include the United Nations Security Council Resolution (UNSCR) 1325 on women, peace, and security, and UNSCR 1820 on sexual violence during conflict. These resolutions were influenced by the work of women's advocacy groups as well as by scholarly research and NGO reports on the impacts of war on women and girls. However, since the enactment of these resolutions, research and news reports on current conflicts indicate that the use of sexual violence as a military strategy is still prominent. This horrendous situation should be drawing more attention and effort

from policymakers in the United Nations, individual states, and NGOs.

In this paper, I argue that UNSCRs 1325 and 1820 have thus far failed to protect the thousands of women and girls who have been the systematic targets of wartime sexual violence. Furthermore, I argue that these resolutions are largely ineffective, and that the issue of sexual violence requires further attention from the international community. In order to demonstrate the inadequacy of the international community's response to this issue to date, I first provide an overview of the genocides in former Yugoslavia and Rwanda in the 1990s as well as the present genocides in the Democratic Republic of the Congo (DRC) and the Darfur region of Sudan. Additionally, I outline the gradual responses of the international community, such as the precedents set by the criminal tribunals for both Yugoslavia and Rwanda and the development of UNSCRs 1325 and 1820. Finally, I reflect on scholarly arguments on the effectiveness of UNSCRs 1325 and 1820. Although there have been positive outcomes from the international attention to the issue of wartime sexual violence, the international community's responses have ultimately been ineffective and require genuine reform.

As previously mentioned, the systematic rape of women and girls as part of wartime campaigns was brought to the attention of the international community by eyewitness reports and journalists covering the 1991–1995 genocide in former Yugoslavia. These reports spoke of women and girls (mostly Bosnian Muslims) being raped in villages and held in “rape camps” where they were kept for sexual slavery and forced impregnation.⁴ This sexual violence was part of the Serbian military's campaign to build up an “ethnically homogenous” area between Serbia and parts of Bosnia and Croatia that they occupied, while also demoralising and striking terror into the Bosnian Muslim and Croat people.⁵ The brutality of the sexual violence during the conflict, as well as the vast amount of evidence pointing to its systematic nature, captured the attention of the international community in an unprecedented way.⁶ This continued as the full horrors of the Rwandan genocide came to light a few years later.

The genocide in Rwanda took place over just one hundred days in 1994 and resulted in the deaths of up to one million people.⁷ Leading up to and over the course of the conflict, the government and military used propaganda to provoke, encourage, and legitimise rape. The Hutu government propaganda painted Tutsi women as both “deserving of rape

and worth raping” by suggesting that they were traitorous, arrogant, untrustworthy, as well as sexually seductive and desirable.⁸ The extent of the sexual violence went largely unreported during the conflict. It was not until a few years had passed that reports from NGOs operating in Rwanda began to provide accounts of the violence. Reports reaching the international community estimated that 250 000–500 000 women were raped during the conflict. Furthermore, they reported forced impregnation, sexual torture and mutilation, deliberate spreading of the HIV/AIDS virus through rape, and sexual slavery.⁹ Since the horrors of Yugoslavia and Rwanda gained considerable international attention, one would think that the international community would have taken rigorous measures to ensure that such sexual violence would not occur in future conflicts. Although incremental measures have been adopted, rape and gender-based violence continue to be systematically used today as weapons of war, most notably in the DRC and in the Darfur region of Sudan.

Over the past twenty-five years, there have been multiple conflicts in the DRC. Beginning in 2004, the most recent fighting has been occurring intermittently in the eastern provinces of North and South Kivu.¹⁰ Wartime sexual violence has been documented in the DRC since the conflicts began; it has been committed by both government and rebel forces, often to punish or intimidate perceived enemies.¹¹ The extent of the sexual violence in the DRC has been so widespread and severe that it has been described as one of the worst epidemics in the world.¹² Sources have documented an enormous amount of brutal sexual violence—including rape, sexual torture, mutilation, and sexual slavery—and few perpetrators have been brought to justice.¹³

The Darfur region of Sudan, embroiled in conflict since 2003, has been called the first genocide of the twenty-first century.¹⁴ Along with rebel groups, the main belligerent parties include the Sudanese military and the Arab militia group ‘Janjaweed.’ Most of the widespread sexual violence that has taken place has consisted of attacks on non-Arab women and girls by the Janjaweed and the Sudanese military.¹⁵ Similar to the sexual violence in the DRC, reports from Sudan indicate that incidents of rape, sexual torture, mutilation, sexual slavery, and forced marriage have been occurring at alarming rates. There is also evidence that the sexual violence has a strategic military motivation as part of a genocide campaign being carried out against non-Arabs.¹⁶

Considering that the issue of systematic rape in conflicts remains a significant and widespread issue, one must wonder what the international community has done in response to it. In the post-World War II Geneva Convention (and in the Additional Protocols added in 1977), sexual violence was designated as a “lesser abuse” of human rights, as opposed to a “grave breach.” It was described in patriarchal language as an attack on a woman’s honour rather than as a physical and psychological attack on the woman as a person.¹⁷

The International Criminal Tribunal for the former Yugoslavia (ICTY), which took place from 1993 to 2017, set many historic precedents for the international court system in the domain of wartime sexual violence. These include the first trial to prosecute crimes of sexual violence against men, the recognition of rape as torture, and the establishment of a link between rape and ethnic cleansing.¹⁸ It was largely due to the impact of these trials and their testimony that rape came to be acknowledged by the international community as a tool or weapon of war, rather than a side effect.¹⁹ The ICTY was also the first trial of its kind to prosecute individuals for rape as a stand-alone crime. For instance, eight Bosnian Serb police officers and military personnel were charged with sexual crimes committed against women at a single location (three of the eight were detained and convicted).²⁰ This was a momentous occasion for women’s rights groups, as rape was acknowledged as a crime that should be prosecuted regardless of whether or not the perpetrator had committed additional crimes. In other words, rape was no longer a charge to be added on to the end of a list of other indictments. Instead, sexual violence was treated with the severity it warrants as a crime in its own right. Never before had wartime sexual violence been the focus of an international criminal tribunal, and these charges indicated a commitment to the prosecution of gender-related crimes at the international level.

The International Criminal Tribunal for Rwanda (ICTR), which took place from 1994 to 2015, also had a notable impact on the international stage. The United Nations did not initially acknowledge sexual and gender-based violence as part of the genocide in Rwanda. However, reports from NGOs, which emphasised that the vast majority of the victims in the Rwandan genocide were Tutsi women and girls, shifted the United Nations’ understanding of sexual and gender-based violence in the conflict.²¹ The ICTR was the first to define rape in international

criminal law, the first to acknowledge rape as a tool that can be used in the perpetration of genocide, and the first to prosecute media representatives for their role in encouraging and normalising genocide.²² Although this was a momentous step for women's issues on the international stage, the ICTR adopted fewer gender-sensitive frameworks than the ICTY, and prosecuted rape cases to a lesser extent.²³ Thus, although there were some successes and landmarks set in the prosecution of rape cases, the response to gender-related crimes during the genocide was not as strong as it was in the case in former Yugoslavia. Ultimately, more could have been done by the international community to combat the problem of wartime sexual violence.

In the late 1990s and early 2000s, the genocides in the former Yugoslavia and in Rwanda were pivotal in changing the discourse and response of international institutions to sexual violence during wartime. However, this change has been incremental. In 1994, the United Nations *Declaration on the Elimination of Violence Against Women* included sexual violence and recognised that women and girls are uniquely vulnerable to violence during conflict. However, it did not specifically mention sexual violence during wartime.²⁴ At the Fourth World Conference on Women in Berlin in 1995, the agenda of feminist human rights activists included all forms of violence against women, including women's experiences during war.²⁵ Two important developments came from these efforts by international institutions and from the continued advocacy and involvement of countless NGOs, women's rights organisations, transnational advocacy networks, and states: the unanimous adoption of United Nations Security Council Resolutions 1325 in 2000 and 1820 in 2008.

Resolution 1325 on women, peace, and security affirms that women play an important role in peacekeeping endeavors and peace processes.²⁶ It calls for the equal participation of women in peace processes and encourages political actors to include gendered perspectives in peace and security. It also calls for measures to protect women and girls during conflict, especially from sexual violence.²⁷ Resolution 1820 on sexual violence during wars is the first resolution to specifically condemn sexual violence during conflict. It affirms that sexual violence constitutes a war crime on the international stage, calls for states to end sexual violence during conflict, and demands that measures be taken to protect civilians from sexual violence during war.²⁸ These two resolutions are

crucial to define the unique problems that women experience during conflict and are also guides for subsequent steps to include women in international peace processes to ultimately eradicate wartime sexual violence. However, systematic rape during conflict continues to occur at a disturbing rate.

Some scholars argue that the simple existence of UNSCRs 1325 and 1820 is an accomplishment. With resolution 1325, the United Nations Security Council (UNSC) drew attention to the link between women's rights (traditionally considered a 'soft' issue in politics and international relations) and 'hard' international security, thereby placing women's issues on the UNSC agenda.²⁹ Resolution 1325 and its six companion resolutions (including resolution 1820, and collectively known as the 1325 framework) provide an internationally-recognised framework for the promotion of gender equality in peace and security processes as well as the prevention of sexual violence against women. Furthermore, they incorporate pre-existing international laws on the rights of women.³⁰ These resolutions demonstrate a certain dedication of the international community to ameliorating the problems women face during wartime and aim to include women in peace processes.³¹ There are also regional and national policy initiatives that have been developed in response to the UNSC framework.³² For these reasons, some scholars argue that the UNSCR 1325 has made a meaningful impact on the international stage.

Others have argued that these resolutions have been largely ineffective. These arguments tend to define effectiveness as the prevention of sexual violence during wartime, along with increasing the visibility of the issue on the international stage. Paragraphs ten and eleven of UNSC Resolution 1325 call upon states to take measures to prevent sexual violence against women in conflict areas and to protect women from this sexual violence. On the surface, this is a positive step taken by the international community toward the recognition of the unique effects of war on women and girls.³³ However, the 1325 framework has been largely unsuccessful, as the systematic rape of women and girls during conflict occurs in the present day on an alarmingly large scale.³⁴

There are multiple aspects of UNSCR 1325 that scholars have identified and put forth as explanations for the ineffectiveness of the resolution. First, resolution 1325 (and the entire 1325 framework) is not a treaty, and it therefore has no ratification process or formal mechanisms for its implementation.³⁵ With no accountability process in place,

implementation of the resolution has not been consistent across member states.³⁶ Secondly, UNSCR 1325 does not address structural causes of gender inequality that prevent women from participating in peace processes.³⁷ Most international organisations have ingrained power relations and institutional inequalities, and the United Nations is no exception.³⁸ Without an attempt to change structural gender inequalities in these international institutions, the masculine status quo is maintained.³⁹ Moreover, women who are simply placed in these institutions still face barriers to participation in peace processes in a meaningful way. In addition, it has been argued that the language of UNSCR 1325 reinforces gender inequality by portraying women who have suffered wartime sexual violence as ‘victims’ who are to be protected (by the masculinised international community). This language disempowers and negatively impacts the agency of women as actors in their own circumstances and in peace processes.⁴⁰

Beginning with reports from the conflicts and genocides in the former Yugoslavia and in Rwanda in the early 1990s, the topic of sexual violence was thrust into the spotlight on the international stage. Faced with this newly politicised issue and pressure from NGOs, women’s rights advocates, and other international actors, the international community responded with declarations, conferences, and resolutions. The most notable is the United Nations Security Council Resolutions 1325 and 1820 in 2000 and 2008, respectively. These two resolutions, along with several others, make up the 1325 framework on women, peace, and security, and they cover topics from increasing participation of women in peace processes to officially recognising rape as a tool of genocide. However, given the evidence of the extensive use of strategic and organised sexual violence in present-day DRC and Sudan, it is clear that the resolutions have been ineffective in ending wartime sexual violence. Some scholars argue that the resolutions have been ineffective because they are not treaties and therefore have no ratification process, no set framework for their implementation, and no accountability for states. Other scholars suggest that the resolutions do not address structural issues within the hegemonic masculinity of the United Nations and other international actors. This makes it difficult for women to meaningfully participate in peace processes, and it serves to maintain the gendered power relations that contribute to sexual violence. Finally, some have suggested that the patriarchal language of the resolutions

themselves prevent them from being effective tools in the effort to eliminate wartime sexual violence.

Clearly, the initiatives taken thus far need to be reconsidered. Future research into the effectiveness of international measures against wartime sexual violence, especially resolutions 1325 and 1820, should examine the responses carefully through a modern, gendered lens. In order to more effectively achieve their goals, it would be useful to determine whether the resolutions could be modified or if a more novel response is needed from the international community. It seems that the international community has stalled in its efforts to fight wartime sexual violence, even as reports emerge of war rape in Syria and Myanmar. Now is the time for action, continued advocacy, and genuine reform.

NOTES

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