

- In *Afghanistan*, donors are blamed by many humanitarian agencies for being silent about constant violations of human rights by state actors and their supporters, and for not advocating for the rights of women and children.
- In the *oPt*, the EC was praised for advocating for protection and security of humanitarian workers. However, many other donors advocated at the political level for the lifting of the blockade only if it related to the projects they were funding. Donors did not speak out with one common voice, demanding that the Israeli authorities provide unrestricted access for all humanitarian goods and workers.
- In *Pakistan*, protection was not prioritised by donors, nor was the implementation of IHL. Pakistan considers the displacement crisis a law enforcement issue, not a military operation or a conflict, and therefore rejects the use of the term internally displaced person (IDP), further causing donors and agencies difficulties in engaging in dialogue with state actors. Humanitarian space and access are major problems because the people most in need of humanitarian assistance are also often those living in areas of fighting, to which the Pakistani military denies agencies access due to safety and operational concerns. This lack of free access has been a recurring difficulty since displacement in northwestern Pakistan began in 2007.
- In *Yemen*, donors were criticised for failing to advocate more proactively for protection. Some respondents described donors as gender blind when it comes to protection. On the other hand, some donors felt that when UN agencies are challenged to make a clear stand for human rights, they tend to hide under the “umbrella of neutrality and impartiality”. Many NGOs are afraid that they might be expelled from the country if they are too outspoken.

What can donor governments do to address these issues?

Respect for IHL, protection of civilians and safe humanitarian access are vital to minimise the devastating consequences for the people affected by crises. Donor governments can support this by:

- **Using every possible and appropriate means to advocate for the protection of civilians in situations of risk.** Donor governments have been silent in too many crises. They have not spoken out with one voice in other situations where access and protection are issues. Donor governments can exert pressure on parties through the Security Council and other channels but also work through mechanisms like the office of the Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict.
- **Continuing to fund and support agencies with a dedicated mandate for protection, such as the ICRC and UNHCR and ensuring better cooperation and coordination of protection among all actors.** Donors should not neglect the important role of NGOs and local civil society organisations in monitoring and responding to protection issues. They should invest in building their capacities at the same time as those of larger multilateral agencies. Donors can also promote the development and implementation of operational guidelines on protection within the humanitarian sector.
- **Signing and ratifying international legal frameworks to protect and safeguard humanitarian personnel.** Donors can demonstrate their commitment to improving access and protection by signing and ratifying legal frameworks such as the UN Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel and support the development of other legal mechanisms that could contribute to better protection and assistance.

Special contribution Ending sexual violence: From recognition to action

By Margot Wallström, Special Representative of the UN Secretary-General on Sexual Violence in Conflict

Despite its horrifying prevalence, sexual violence in conflict was left off the agenda of global policy-makers for too long. In 2000, the breakthrough UN Security Council Resolution (SCR) 1325 was first to recognise the impact of war on women and to emphasise the importance of their contributions to conflict resolution and sustainable peace. It was not until 2008, however, that SCR 1820 specifically recognised sexual violence as a “tactic of war” and brought security policy into alignment with international criminal justice standards. In 2009, SCR 1888 established my mandate as SRSG on Sexual Violence in Conflict and set out to translate SCR 1820 into practice.

During my second official visit to DRC, where part of the east is described as the “rape capital of the world”, a 70-year old woman told me how she had tried – in vain – to convince the rapists to leave her alone, pointing out to the perpetrators that they could be her own grandchildren.

In the DRC alone, more than 200,000 rapes have been reported since the protracted series of conflicts began. In July - August 2010, an additional 300 rapes were reported in the Walikale region of North Kivu province. For each rape reported, it is likely that as many as 20 are unreported (The Economist 2009). Why does sexual violence in conflict and post-conflict situations keep taking place? What can be done to prevent similar atrocities in the future?

Historical phenomenon

Sexual violence in conflict is often described as unavoidable, collateral damage or as “nothing new”. While no other human rights violation is routinely dismissed as inevitable, the latter is certainly true. Homer in the *Iliad* described Trojan women being treated as war prizes, the most famous of whom is Briseis who was given to Achilles for leading the assault on that city during the Trojan War. Within the Bible, Moses tells military officers to kill everyone in a recently pillaged town except for virgin females and to keep them for themselves.

There are also numerous examples of rape and sexual violence in more recent history from the Thirty Years War, the US Civil War, colonial wars in Africa and the Second World War. We currently hear of horrible accounts in the Western Balkans, Rwanda, Timor Leste, and DRC.

Thus, rape and sexual violence may seem unavoidable, as if it were something to be accepted as part or a consequence of any conflict. However, we must recognise that sexual violence in conflict is neither cultural nor sexual, but criminal. SCR 1820 acknowledges it is a matter of international peace and security and therefore, within the Security Council's mandate.

The changing nature of armed conflict

Modern warfare is predominantly intrastate, waged by non-state actors and triggered by issues of identity, ethnicity, religion and competition for land or resources, particularly oil and minerals. Those who are primarily affected by hostilities have also changed. In contemporary, low-intensity wars, rebel groups and government forces often kill civilians and defy international law (Human Security Group Project 2009). It has been said that most civilians tend to die from war rather than in battle (Slim 2008). Women have ended up on the front-line – not as soldiers but as victims.

Sexual violence in conflict has become the weapon of choice because it is cheap, silent, effective and only requires individuals and cruel intent. It maims victims mentally and physically and can destroy entire communities. Survivors can become pregnant, be infected with sexually-transmitted diseases, develop incontinence and are regularly rejected by their families. The perpetrators often walk free while their victims walk in shame.

Sexual violence as an obstacle to sustainable peace

In addition to long-term psychological injuries, sexual violence is also an obstacle to sustainable peace:

- Long-term, sexual violence undermines social safety through the destruction of families and societies.

- The fear of assaults is an impediment to women's participation in economic activities and girls' school attendance.
- If impunity reigns, the faith in a country's judicial system and its ability to protect its citizens is seriously undermined.

Women must be active participants during peace processes and decision-making. No peace agreement engineered solely by men will ever be legitimate so long as wars affect the lives and livelihoods of women. Unfortunately, many in power continue to see women as merely victims rather than agents of change and despite active engagement in informal efforts to build peace, women are often excluded from any *formal* peace-building efforts.

What has been done?

We must look at what has already worked well and how these actions can be further strengthened. The UN Action network has attempted to capture good practice in *Addressing Conflict-Related Sexual Violence – An Analytical Inventory of Peacekeeping Practice* (UNIFEM 2010). Evidence from the inventory shows the need for:

- Community liaison officers who can build trusting relationships with communities, including with women: ideally, with both women and men serving in these liaison positions;
- Mobile patrols – both by day and night – that actively engage the population, are trusted, accessible and approachable;
- Peacekeepers that are trained to recognise and report sexual violence;
- Early warning/distress call systems;
- UN patrols that include local military and security forces.

The primary responsibility for protecting citizens from violence is held by the state, and neither the UN nor any number of peace keepers can be substitute. The role of the SRS is to help build government capacity to meet its obligations and includes improving data collection, statistics, monitoring, evaluation, and reporting mechanisms that make it safer and easier to report crimes. The data, once available, must also be widely publicised in order to educate communities. In some

countries, building capacity can have a more comprehensive reach and include overhauling an entire judicial system – not a small challenge.

Donor governments must impose tougher terms when providing assistance to countries in such a situation. Donors, and parts of the UN system, must also be better coordinated. In DRC, for example, there are military and police officers who have received excellent but unharmonised support from donors and neighbouring countries, which risks that these two groups will have a different understanding of how their jobs should be carried out.

Although women's participation must go much further in efforts to prevent and address sexual violence, some achievements have been made in the last two decades. The Beijing Platform for Action in 1995, with 189 signatory countries, aims to strengthen the participation of women in national reconciliation and reconstruction and to investigate and punish those who perpetuate violence against women in armed conflict.

In 2000, the UN Security Council established SCR 1325. For the first time, the Security Council mandated that the UN and its Member States monitor enforceable protection from such violence. SCR 1820 demands nothing less than the 'immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians', and was a historic response to a horrific reality. Finally, SCR 1888 established the position I am the first to hold, to act as an advocate, coordinator and leader within the UN system to address the issue. It also requested that the UN Action against Sexual Violence in Conflict – a network of 13 UN entities – assist the SRS in this task.

The road ahead

The stories survivors tell of the mass rapes in DRC are indescribable. The terror, violence and cruelty these individuals endured is unimaginable. Journalists who accompanied me often asked how I reacted to the stories I was told. The answer to that question is, I think, very human: I wept. We all wept. Then I experienced an extreme sadness, followed by anger, and a fierce urgency to act.

One glimpse of hope during that visit was the arrest of 'Lieutenant Colonel' Mayele, a commander of the Mai Mai militia believed to be responsible for the mass rapes in Walikale. Only a few days later, the International Criminal Court (ICC) announced the arrest by French authorities of Callixte Mbarushimana, the alleged Executive Secretary of the FDLR's (*Forces Démocratiques pour la Libération du Rwanda*) Steering Committee and as such, the force behind a plan to intentionally create a human catastrophe through attacks against civilians. These arrests sent a strong message: these atrocities are not going unnoticed, and that justice will ultimately prevail.

The first point in the agenda I outlined to the Security Council is to end impunity, i.e. ensuring that perpetrators do not remain at the helm of security institutions and that amnesty is not an option. If women continue to suffer sexual violence, it is not because the law is inadequate, but because it is enforced inadequately.

Secondly, women must be empowered to become agents of change. A ceasefire is not synonymous with peace for women if the shooting stops, but rapes continue. Women activists should never have to risk their lives to do their work.

The third point is to mobilise political leadership. Resolutions 1325 and 1820 are tools in the hands of political leaders, and should be used as such. Both traditional and non-traditional stakeholders need to feel accountable for the success of this agenda.

Fourth is increasing recognition of rape as a tactic and consequence of conflict. Those who tolerate sexual terror should be notified that they do so in defiance of the Security Council, which holds the power to enact enforcement measures. The Council should not underestimate the tools it has at its disposal and should be ready to use them.

Finally, I will drive and empower efforts to ensure a coordinated response from the entire UN system, which means having more resources, and utilising the strengths of the individual entities for one common goal – to stop rape now.

My vision includes ensuring that the UN system is attuned to early-warning indicators. Crimes on this scale are no accident. They are often strategic, planned and therefore predictable – the painful reminder of the Walikale atrocities is an example.

Women have no rights if those who violate their rights go unpunished. Many women in conflict, such as those in the DRC, are not safe under their own roofs or in their own beds when night falls. Our aim must be to uphold international law so that women – even in war-torn corners of our world – can sleep safe and sound.

Sexual violence is part of a larger pattern. Rule by sexual violence is used by political and military leaders to achieve political, military and economic ends, and this presents a security crisis that demands a security response. Much more must be done to promote actions that have real impact, as we move from recognition to action and from best intentions to best practice. The journey has only begun.

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Pillar 5: Learning and accountability

Key finding: *Donor governments are collectively failing to improve their transparency and “downward” accountability towards affected populations.*

The GHD initiative was a positive step by donors to take action to improve their own accountability for the quality, effectiveness and impact of their humanitarian assistance. The underlying message of the GHD is that donors have a role and specific responsibilities to support more effective humanitarian action. This includes promoting and applying good practices and supporting humanitarian principles in their own practices. Several principles specifically call on donors to support accountability initiatives and evaluations in the sector, to ensure timely, accurate and transparent reporting on donors' assistance.

This pillar assesses how committed donors are to learning and accountability, asking such key questions as:

- Do donors consistently support accountability and learning at both the crisis level and the system level?
- Are donors transparent about how and where their humanitarian assistance funding goes, and for what purposes?

Accountability to affected populations (and to the humanitarian agencies that donors fund) is largely missing from the national policies and debates on improving accountability in humanitarian action. A cursory review of policies and procedures of the 23 different donor governments assessed in the HRI shows that while accountability (or similar concepts) are mentioned by the majority of donors, virtually none make any direct mention of any specific commitment – or responsibility – to meet the needs and priorities of the people that their aid intends to help.