

# What Rape in War Looks Like

**G**ender-based and sexual violence have increasingly become tactics of warfare and are a defining characteristic of contemporary armed conflict. The EU is a global leader in the provision of humanitarian aid, but the EU's current approach to victims of sexual violence in conflict fails to provide them the full legal protection guaranteed to them under the Geneva Conventions.

## 1 The Prevalence and Characteristics of Rape as a Tactic of War

### War Rape is Widespread

Recent history has seen a rise in the use of sexual violence as an illegal tactic of war.<sup>1</sup> During the Rwandan genocide, between 250,000 and 500,000 women were raped in 100 days. In the Democratic Republic of the Congo, an estimated 1,150 women are raped every day—that is 48 women raped every hour.<sup>2</sup>

Rape continues with large-scale impunity in Afghanistan, Burma, Central African Republic, Côte d'Ivoire, Mali, Somalia, South Sudan and Yemen.<sup>3</sup> In the words of a former UN peacekeeping commander, "*it is now more dangerous to be a woman than a soldier in modern conflict.*"<sup>4</sup>

In light of growing concern over the increasing prevalence of sexual violence in conflict, the United Kingdom launched its Preventing Sexual Violence Initiative in 2013. As part of the initiative, all EU Member States have signed the Declaration of Commitment to End Sexual Violence in Conflict.<sup>5</sup>

### War Rape is Brutal

Adding to the horror of this prevalence, war rape is remarkable for its brutality. In the Democratic Republic of the Congo, as many as 72% of women reported additional forms of torture during their rape. Accounts range from genital mutilation, insertion of sticks, bottles, knives or guns into the vagina, forced rape between victims and rape in the presence of family members.<sup>6</sup> Some women, after being raped, were killed by gunshots fired into their vaginas.<sup>7</sup>

These rapes are often committed with a brazenness that indicates a complete lack of concern for being held accountable. Rapes are committed in front of groups, in public, and with women of varying ages. In Burma, one military attacker even claimed "*we have the authority to rape women.*"<sup>8</sup>

Darfuri  
girl  
speaking  
about  
Sudanese  
Army

*"I was in the house in the morning. I was with my mother and brothers. Six soldiers entered. Three men raped me. They had guns. If you try to do anything they will kill you. Everyone was raped."*<sup>24</sup>

## War Rape Happens Now

In current conflicts, women and girls are raped every day. The **Syrian civil war**, ongoing since 2011, has seen an estimated 50,000 rapes.<sup>9</sup> In Iraq, **Islamic State** terrorists have systematically abducted girls and women, held them in captivity and repeatedly subjected them to sexual violence, including rape and sexual slavery.<sup>10</sup> And in **Darfur, Sudan**, where sexual violence has been used as a tactic of war for over 12 years, a recent attack in Tabit<sup>11</sup> included the mass rape of over 200 women and girls in the span of three days.

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## 2 The Impact of War Rape on Women and Girls

Due to deep-rooted gender norms, women and girls are particularly targeted by the use of sexual violence, including as a “tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.”<sup>12</sup>

**Rape in conflict often focuses on young girls. In some conflicts, up to 80% of rape victims are children, some as young as six months old.**<sup>13</sup> A 15-year-old who was abducted in 2013 and was held for four weeks by Boko Haram told Human Rights Watch:

*“After we were declared married I was ordered to live in his cave but I always managed to avoid him. He soon began to threaten me with a knife to have sex with him, and when I still refused he brought out his gun, warning that he would kill me if I shouted. Then he began to rape me every night. He was a huge man in his mid-30s and I had never had sex before. It was very painful and I cried bitterly because I was bleeding afterwards.”<sup>14</sup>*

A similar story is told by a 15-year-old Yazidi girl held captive by the Islamic State, “*In [Iraq] we were held in a house with five other girls. There they did to me what they did to the many other girls. I was raped.*”<sup>15</sup>

After being violated, many victims continue to suffer from depression, anxiety, fear, anger, withdrawal, flashbacks, and substance abuse.<sup>16</sup> Women who have been raped are six times as likely to be divorced or separated as those who are not raped, and many women describe community rejection and physical violence by family members.<sup>17</sup> One Darfuri woman stated, “*After the man raped me, they [my family] would not eat with me. They treated me like a dog and I had to eat alone.*”<sup>18</sup>

These struggles are amplified if the victim is made pregnant by the rape. The dearth of medical facilities in conflict settings and restrictive national abortion laws greatly contribute to high rates of maternal mortality.<sup>19</sup> Where abortions are unavailable, women resort to “non-sterile” or “non-medical” methods which can lead to death, infection, scarring or sterilization. Even outside of conflict, where women and girls face increased maternal mortality due to many factors, childbirth is 14 times more likely to lead to death than a safe abortion.<sup>20</sup>

These victims should not be forced to bear the stigma of the abhorrent crimes committed against them. **The extent of rape, the resulting pregnancies, and the underlying poor health conditions in conflict settings point to an urgent need to guarantee abortion services as part of humanitarian aid programs.**

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### **3 EU Humanitarian Aid Fails These Victims**

These victims go through one of the greatest injustices of our time. And yet, their experiences are compounded by inadequate medical services. **As it stands, the EU's humanitarian aid policy denies women and girls raped and impregnated in conflict their rights under the Geneva Conventions and UN Security Council Resolutions 2106 and 2122.**<sup>21</sup>

Specifically, the European Commission denies abortion services for impregnated war rape victims by treating them the same as victims in any other emergency context, and relegating their care to the restrictive contours of national law. This policy ignores the Geneva Conventions' absolute and non-negotiable requirement that victims of armed conflict be given all the necessary medical care their condition requires.<sup>22</sup> **This means that the 15-year-old girls from Nigeria and Iraq quoted above can be forced to bear the child of their torturous rapists.**

The EU has provided funding for every single conflict featuring rape in war named by the Secretary General in his past three reports to Security Council on conflict-related sexual violence.<sup>23</sup> While credit is most certainly due for the EU's efforts in alleviating these victims suffering, the failure to affirmatively recognize their rights under IHL, undermines these efforts. **EU humanitarian aid should alleviate the suffering of war rape victims, not contribute to it.**

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### **4 Recommendation**

**The EU should revise their policies on humanitarian aid covering women raped in war to recognize those victims' absolute rights to all necessary medical care, including abortion.**

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## Endnotes

<sup>1</sup>Janet Benshoof, *The Other Red Line: The Use of Rape as an Unlawful Tactic of Warfare* (2014).

<sup>2</sup>A. Peterman, et al., *Estimates and Determinants of Sexual Violence against Women in the DRC* (2011).

<sup>3</sup>Major General Patrick Cammaert, Dep. Force Comm. of UN Mission to the DRC (2008).

<sup>4</sup>United Kingdom Office of Foreign and Commonwealth Affairs, *Summit Report: End Sexual Violence in Conflict (Global Summit, London 2014)*, at 11.

<sup>5</sup>Harvard. Hum. Ini. & Oxfam Int'l, *Now the World is Without Me: An Investigation of Sexual Violence in Eastern DRC* (Apr. 2010).

<sup>6</sup>Denis Mukwege & Cathy Nangini, *Rape with Extreme Violence: The New Pathology in South Kivu, DRC* (Dec. 2009).

<sup>7</sup>Women's League of Burma, *Same Impunity, Same Patterns* (2014).

<sup>8</sup>Le Monde, *Syria's Silent Crime: Systematic Mass Rape* (Mar. 11, 2014).

<sup>9</sup>Amnesty International, *Escape from Hell: Torture and Sexual Slavery in Islamic State Captivity in Iraq* (2014).

<sup>10</sup>Human Rights Watch, *Mass Rape in Darfur: Sudanese Army Attacks against Civilian in Tabit* (Feb. 2015).

<sup>11</sup>S.C. Res. 1820, Preamble, U.N. Doc. S/RES/1820 (Jun. 19, 2008).

<sup>12</sup>See Save the Children, *Unspeakable Crimes against Children: Sexual Violence in Conflict* (2013)

<sup>13</sup>Human Rights Watch, *Those Terrible Weeks in their Camp: Boko Haram Violence against Women and Girls in Northeast Nigeria* (2014).

<sup>14</sup>Amnesty International, *Escape from Hell: Torture and Sexual Slavery in Islamic State Captivity in Iraq* (2014).

<sup>15</sup>Missale Avele, *Public Health Implications of Mass Rape as a Weapon of War* (2011).

<sup>16</sup>Physicians for Human Rights & Harvard Hum. Ini., *Nowhere to Turn: Failure to Protect, Support and Assure Justice for Darfuri Women* (May 2009).

<sup>19</sup>Dr. H. Liebling et al., *Women and Girls Bearing Children through Rape in Goma, Eastern Congo: Stigma, Health and Justice Responses* (2012).

<sup>20</sup>See Harv. School of Pub. Health & Physicians for Human Rights, *The Use of Rape as a Weapon of War in the Conflict in Darfur, Sudan* (2004) at 20.

<sup>21</sup>Common Article 3 to the Geneva Conventions of 1949; Additional Protocol I to the Geneva Conventions, art. 10; Additional Protocol II to the Geneva Conventions, art. 7; S.C. Res. 2106, ¶19, U.N. Doc S/RES/2106 (June 24, 2013); S.C Res 2122, recitals, U.N. Doc S/RES/2122 (Oct. 18, 2013).

<sup>22</sup>Common Article 3 to the Geneva Conventions of 1949; Additional Protocol I to the Geneva Conventions, art. 10; Additional Protocol II to the Geneva Conventions, art. 7.

<sup>23</sup>See UNSG Reports to UNSC, 2014, 2013, 2012, <http://bit.ly/1BmDd5w>; Financial Tracking Service, <http://bit.ly/1avf02p>.

<sup>24</sup> Human Rights Watch, *Mass Rape in Darfur: Sudanese Army Attacks against Civilians in Tabit*, at 23 (2015).

## About Global Justice Center

The Global Justice Center (GJC) works for peace, justice, and security by enforcing international laws that protect human rights and promote gender equality.

We promote “power, not pity” as we advocate a model for justice that embraces the following tenets:

- Gender parity in power and under the law is essential to global security, justice, and prosperity for all.
- Discriminatory political and legal systems that fail to enforce human rights or ensure equal protection to women must be challenged.
- Progressive interpretation and enforcement of international law is a powerful catalyst for social and structural change and is necessary to establish a global “rule of law.”