

## Action Sheet 4

# Gender-based Violence



### Key message

Gender-based violence (GBV)<sup>1</sup> is a grave human rights violation that can cause long-term and life-threatening injury and trauma to victims/survivors. All human rights and humanitarian actors must ensure that efforts are made from the onset of an emergency to prevent and respond to acts of gender-based violence and provide adequate care, treatment and support to its victims/survivors.

The **IASC Guidelines on Gender-Based Violence Interventions in Humanitarian Settings** provide guidance on minimum prevention and response in all sectors in emergencies. They are available at [www.humanitarianinfo.org/iasc/gender](http://www.humanitarianinfo.org/iasc/gender). This Action Sheet provides basic guidance but does not replace or duplicate the Guidelines, which should be used and implemented in all operations.

## 1. Gender-based violence in situations of internal displacement

Acts of gender-based violence are among the most common forms of violence in many countries and are estimated to affect the lives, health and wellbeing of millions of women, girls, boys and men worldwide. Gender-based violence takes place in all societies and all cultures. The conditions that often characterize forced displacement, including conflict, breakdown of the rule of law, and collapse of family and community structures, tend to increase both the frequency and the brutality of such violence.

### 1.1 What is gender-based violence?

Gender-based violence is defined as violence that is directed against a person on the basis of their gender or sex,<sup>2</sup> including acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. It includes physical, sexual and psychological violence perpetrated or condoned within the family, the general community or by the State and its institutions.<sup>3</sup> Such violence can take many different forms:

Overview of types of gender-based violence	
<i>Sexual violence</i>	Includes actual, attempted or threatened (vaginal, anal or oral) rape, including marital rape; sexual abuse and exploitation; forced prostitution; transactional/survival sex; and sexual harassment, intimidation and humiliation.
<i>Physical violence</i>	Includes actual, attempted or threatened physical assault or battery; slavery and slave-like practices; and trafficking.
<i>Emotional and psychological violence</i>	Includes abuse and humiliation, such as insults; cruel and degrading treatment; compelling a person to engage in humiliating acts; and placing restrictions on liberty and freedom of movement.

<sup>1</sup> The term gender-based violence (GBV) is used throughout this Handbook. The terms sexual and gender-based violence (SGBV) and violence against women may be used in other contexts. Despite differences in terminology the strategies and activities used to prevent and respond to such violence are similar.

<sup>2</sup> The term sex refers to biologically determined and fixed differences between males and females while 'gender' refers to social differences, that are learned, that can change over time, and that can vary widely both within and between cultures. Gender is a socio-economic, cultural and political variable that can be used to analyze roles, responsibilities, constraints, opportunities and needs of women and men in different contexts.

<sup>3</sup> Based on UNGA **Declaration on the Elimination of Violence Against Women**, Arts. 1&2, A/RES/48/104 of 20 Dec 1993.

<i>Harmful traditional practices</i>	Include female genital mutilation/cutting (FGM/C); forced marriage; child marriage; honour or dowry killings or maiming; infanticide, sex-selective abortion practices; sex-selective neglect and abuse; and denial of education and economic opportunities for women and girls.
<i>Socio-economic violence</i>	Includes discrimination and denial of opportunities or services on the basis of sex, gender, or sexual orientation; social exclusion; obstructive legal practices, such as denial of the exercise and enjoyment of civil, social, economic, cultural and political rights, mainly to women and girls.

### 1.2 What are the main causes of GBV?

Gender-based violence is deeply rooted in discriminatory cultural beliefs and attitudes that perpetuate inequality and powerlessness, in particular of women and girls. Various other factors, such as poverty, lack of education and livelihood opportunities, and impunity for crime and abuse, also tend to contribute to and reinforce a culture of violence and discrimination based on gender.

Such factors are frequently aggravated in times of conflict and displacement as the rule of law is eroded and families and societies are torn apart. The result is often an increase in both the frequency and brutality of gender-based violence. In its worst form, gender-based violence has become a weapon of war, intentionally directed against and aimed at terrorizing, displacing and destroying certain communities or ethnic groups.

Combating gender-based violence requires an **understanding of its causes and contributing factors, which often also serve as barriers to effective prevention and response:**

Causes	Common barriers to prevention and response
<b>Physical factors</b>	<ul style="list-style-type: none"> <li>• <b>Lack of physical security</b> owing to break-down of law and order, presence of armed forces/groups, collapse of law enforcement, justice institutions and family, social or community structures. Women and girls are particularly vulnerable when leaving their communities in search of work, food, water and/or firewood.</li> <li>• <b>Poverty</b>, lack of education and livelihood opportunities, and inadequate access to shelter, food, water, fuel, and income generation can increase exposure to GBV, including forced prostitution or survival sex.</li> </ul>
<b>Social / cultural / political factors</b>	<ul style="list-style-type: none"> <li>• <b>Discriminatory social, cultural or religious laws, norms and practices</b> that marginalize women and girls and fail to respect their rights.</li> <li>• <b>Collapse of family, social and communal structures</b> and disrupted roles within the family often expose women and girls to risk and limit coping mechanisms and avenues for protection and redress.</li> <li>• <b>Lack of confidence and/or trust</b> in social or public institutions, including law enforcement and justice institutions that discourage victims/survivors from seeking redress.</li> </ul>
<b>Judicial barriers</b>	<ul style="list-style-type: none"> <li>• <b>Lack of</b> access to justice institutions and mechanisms, resulting in culture of impunity for violence and abuse (<i>see Part V.10</i>). </li> <li>• <b>Lack of</b> adequate and affordable <b>legal advice</b> and representation.</li> <li>• <b>Lack of</b> adequate victim/survivor and witness <b>protection mechanisms</b>.</li> <li>• <b>Inadequate legal framework</b>, including national, traditional, customary and religious law, that discriminate against women and girls, fails to guarantee their rights, or exposes them to further harm and abuse. As an example, national law may <b>fail to guarantee</b> a certain right (e.g. non-discrimination), <b>fail to criminalize</b> certain</li> </ul>

	acts (e.g. rape), or <b>narrowly interpret</b> them (e.g. rape defined as not including marital rape). In some cases, national law also <b>criminalizes the victim</b> (e.g. rape defined as adultery) or criminalizes acts that allegedly are primarily associated with women (e.g. witchcraft or sorcery). In some cases, the victim/survivor faces harassment, intimidation and/or severe punishment.
<b>Individual barriers</b>	<ul style="list-style-type: none"> <li>• <b>Threat or fear of stigma, isolation and social</b> exclusion.</li> <li>• <b>Exposure to further violence</b> at the hands of the perpetrator, the community or the authorities, including arrest, detention, ill-treatment and punishment.</li> <li>• <b>Lack of information</b> about human rights and on how and where to seek remedies.</li> </ul>
<b>Humanitarian programming obstacles</b>	<ul style="list-style-type: none"> <li>• <b>Failure to address or prioritize GBV</b> in assessments, strategy development, planning and programming because of a lack of information or understanding about the extent or nature of GBV.</li> <li>• <b>Lack of gender-sensitive design of programmes</b>, services and facilities, including inadequate registration practices and distribution of food and non-food items.</li> <li>• <b>Sexual exploitation and abuse</b> by peacekeepers, human rights and humanitarian workers.</li> <li>• Other challenges including <b>weak links with other assistance and protection programmes</b>, lack of confidentiality, confusing reporting and referral mechanisms, and GBV committees that are isolated, under-resourced and weak, and lack support from the wider community.</li> </ul>

### 1.3 What are the consequences?

Gender-based violence can have serious long-term and life-threatening consequences for victims/survivors. These can range from permanent disability or death to a variety of physical, psycho-social and health-related problems that often destroy the survivor’s self-worth and quality of life, and expose her or him to further abuse. Gender-based violence can lead to a vicious cycle of violence and abuse as survivors risk being rejected by their family, excluded and ostracized by society, and even arrested, detained and punished – and sometimes abused again – for seeking protection, assistance or access to justice.

Examples of consequences frequently associated with gender-based violence		
Fatal	Acute physical	Chronic physical
<ul style="list-style-type: none"> <li>• Homicide</li> <li>• Suicide</li> <li>• Maternal mortality</li> <li>• Infant mortality</li> <li>• HIV/AIDS</li> </ul>	<ul style="list-style-type: none"> <li>• Injury, including fistulas</li> <li>• Shock</li> <li>• Disease</li> <li>• Infection</li> </ul>	<ul style="list-style-type: none"> <li>• Disability</li> <li>• Chronic pain or infections</li> <li>• Gastrointestinal problems</li> <li>• Eating or sleeping disorders</li> <li>• Alcohol/drug abuse</li> </ul>
Reproductive	Emotional and psychological	Social and economic
<ul style="list-style-type: none"> <li>• Miscarriage</li> <li>• Unwanted pregnancy</li> <li>• Unsafe abortion</li> <li>• STDs, incl. HIV/AIDS</li> <li>• Menstrual disorders</li> <li>• Pregnancy complications</li> <li>• Gynecological disorders</li> <li>• Sexual disorders</li> </ul>	<ul style="list-style-type: none"> <li>• Post-traumatic stress</li> <li>• Depression</li> <li>• Anger, anxiety and fear</li> <li>• Shame, self-hate and self-blame</li> <li>• Mental illness</li> <li>• Suicidal thoughts and behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Blaming of the victim/survivor</li> <li>• Loss of role or functions in society</li> <li>• Social stigma, rejection and isolation</li> <li>• Feminization of poverty</li> <li>• Increased gender inequalities</li> <li>• Loss of livelihood and economic dependency</li> <li>• Arrest, detention and/or punishment</li> </ul>

Discussing issues relating to sex or gender can be considered inappropriate in some cultures and may expose victims/survivors to risk. Victims/survivors of gender-based violence may also have suffered severe injury or trauma, which may resurface during interviewing. In general, victims/survivors should not be interviewed or questioned about their experiences except by trained staff having the required skill, experience and knowledge about appropriate referral and response mechanisms. The safety and best interests of the victim/survivor must be a primary consideration at all times and their informed consent must be sought for any action or disclosure of personal information.

#### 1.4 Who are the primary victims/survivors?

Gender-based violence affects women and men of all ages and backgrounds. Women and girls are the primary victims/survivors but men and boys are frequently targeted as well. They may however face different forms of violence. As an example, women and girls may be more often exposed to rape and other forms of sexual violence, while men and boys may be more likely to be forcibly recruited into armed forces or groups (see Part V.5). 

Persons who have been separated from their family or community, and/or lack access to shelter, education and livelihood opportunities, are among those most at risk of GBV. This includes unaccompanied or separated children, female and child heads-of-households, boys and girls in foster families or other care arrangements, persons with disabilities, persons in detention, working girls, girl mothers, and girls and boys born to rape victims/survivors. Persons that have been exposed to such violence are referred to as “victims/survivors.”

#### 1.5 Who are the main perpetrators?

Gender-based violence is usually perpetrated by persons who hold a position of power or control others, whether in the private or public sphere. In most cases, those responsible are known to the victim/survivor, such as intimate partners, members of the (extended) family, friends, teachers or community leaders. Others in positions of authority, such as police or prison officials, and members of armed forces and groups, are frequently responsible for such acts, in particular in times of armed conflict. In some cases, this has also included humanitarian workers and peacekeepers.

## 2. The responsibility of the State

The State has primary responsibility for preventing and responding to gender-based violence. This includes taking all necessary legislative, administrative, judicial and other measures to prevent, investigate and punish acts of gender-based violence, whether in the home, the workplace, the community, while in custody, or in situations of armed conflict, and provide adequate care, treatment and support to victims/survivors. To that effect States should, for example:

- **Criminalize all acts of gender-based violence** and ensure that national law, policies and practices adequately respect and protect human rights without discrimination of any kind, including on grounds of gender.
- **Investigate** allegations of GBV thoroughly and effectively, **prosecute and punish** those responsible, and **provide adequate protection, care, treatment and support** to victims/survivors, including access to legal counseling, health care, psycho-social support, rehabilitation and compensation for the harm suffered.
- Take measures to **eliminate all beliefs and practices that discriminate against women** or sanction violence and abuse, including any cultural, social, religious, economic and legal practices.

- Take action to **empower women** and strengthen their personal, legal, social and economic independence.

### 3. The role of human rights and humanitarian actors

While primary responsibility lies with the national authorities, human rights and humanitarian actors also play an important role in preventing and responding to gender-based violence. In addition to ensuring an effective GBV response from the outset of an emergency, this entails ensuring that gender concerns are adequately integrated into and mainstreamed at all levels of the humanitarian response (see *Part I.1* for information about gender-mainstreaming). 

Human rights and humanitarian actors, as well as peace-keepers, must **not** under any circumstances, encourage or engage in any form of sexual exploitation or abuse. We must at all times ensure that such acts do not take place by our staff or partners or as a result of our interventions. This includes any act or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, as well as any actual or threatened sexual act, whether by force or under unequal or coercive conditions. Such acts include, but are not limited to, all forms of rape and sexual assault, forced prostitution, trafficking and various forms of transactional or survival sex in exchange for money, food, access to shelter, education and other services.<sup>4</sup>

Several guidelines provide useful guidance on GBV prevention and response. These include, in particular, the **IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings**, which focus on minimum prevention and response to sexual violence in all sectors during emergencies; the **UNHCR Guidelines for Prevention and Response**,<sup>5</sup> which provide a comprehensive guidance on prevention and response, including in post-emergency and early-recovery settings; and the **IASC Gender Handbook**,<sup>6</sup> which sets forth standards that guide the integration of gender in humanitarian action. The table below gives some examples of possible activities that can be undertaken:



#### In our work we can ...

##### Assessment and analysis (see *Part III.1*)



- Ensure that protection assessments are based on participatory methods and identify the major causes and consequences of GBV: the individuals and groups most at risk; and existing coping mechanisms. In many cases, specific GBV assessments must be undertaken by trained staff with expertise in the area of gender-based violence.

##### Coordination (see *Part III.2*)



- Ensure that GBV is addressed by the protection working group and other relevant coordination structures. This may include appointing a focal point or a working group on GBV. Standard operating procedures, outlining roles and responsibilities of relevant actors, should be agreed upon and implemented.
- Work with other clusters/sectors to ensure that gender concerns are taken into account and integrated in planning and programming activities at all levels, including in areas such as shelter and physical planning, health, food and nutrition, and safety/security.



<sup>4</sup> These responsibilities are further outlined in the *UN Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse*, ST/SGB/2003/13, of 9 Oct 2003.

<sup>5</sup> Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons: UNHCR Guidelines for Prevention and Response, UNHCR, 2003. [www.refworld.org](http://www.refworld.org)

<sup>6</sup> Women, Girls, Boys and Men: Different Needs Equal Opportunities, IASC, 2006. [www.humanitarianinfo.org/iasc/gender](http://www.humanitarianinfo.org/iasc/gender)

	<ul style="list-style-type: none"> <li>• Ensure that humanitarian staff and partners, including peace-keepers, are familiar with relevant codes of conduct and the prohibition against engaging in sexual exploitation and abuse of any kind. Adequate and confidential complaints mechanisms should be established and complaints promptly investigated and followed up.</li> </ul>
<b>Advocacy</b> <i>(see Part IV.3)</i> 	<ul style="list-style-type: none"> <li>• Advocate with relevant actors, including national and local authorities, traditional, cultural or religious bodies, armed forces and security forces, law enforcement officials, civil society groups, and others, to ensure effective prevention and response. This may also include advocacy with non-state actors.</li> </ul>
<b>Information and communication activities</b> <i>(see Part IV.6)</i> 	<ul style="list-style-type: none"> <li>• Support or undertake information activities that aim to raise awareness of GBV and that combat discrimination and other underlying causes of gender-based violence.</li> <li>• Ensure that information about GBV prevention and response, including how and where to access relevant assistance and services, is readily available for all survivors of GBV.</li> </ul>
<b>Referral and response mechanisms</b>	<ul style="list-style-type: none"> <li>• Ensure that adequate referral and response mechanisms are put in place, including clear and acceptable referral and reporting mechanisms that respect confidentiality and the rights of the victim/survivor, and that these are known and available to the community. Guidance on setting up such mechanisms is available in the Guidelines mentioned above.</li> </ul>
<b>Physical safety and security</b> <i>(see Part V.3)</i> 	<ul style="list-style-type: none"> <li>• Take action to improve safety and security in and around camps, settlements, villages and other areas, paying particular attention to locations where acts of GBV have or are likely to occur. This includes food distribution sites, water points, areas for firewood collection, schools, public spaces, etc.</li> <li>• Ensure that mechanisms are in place to guarantee the security of victims/survivors and witnesses in order to protect them against further harm. These can include traditional protective mechanisms, establishments of shelters for victims/survivors, foster care arrangements for children, or, exceptionally, assistance to relocate to another place. In some cases, measures may need to be taken to protect the perpetrator from violence, such as at the hands of the victim's family or clan.</li> </ul>
<b>Health</b> <i>(see Part V.15)</i> 	<ul style="list-style-type: none"> <li>• Ensure that adequate and confidential basic health care, including physical, reproductive and psycho-social health care, is available and fully accessible to all women and girls, particularly victims/survivors of GBV.</li> </ul>
<b>Community mobilization</b> <i>(see Part IV.10)</i> 	<ul style="list-style-type: none"> <li>• Build the capacity of individuals to protect themselves and recover from acts of GBV, for instance by encouraging and promoting equal participation of men and women in all community activities and supporting education and vocational training programmes, income-generating activities and literacy programmes that empower women and girls.</li> <li>• Build the capacity of the local community by re-building family and community support systems, particularly women's/youth groups and organizations, including by encouraging and supporting social and recreational programmes and encouraging resumption of cultural and spiritual activities.</li> </ul>
<b>Livelihoods</b> <i>(see Part V.16)</i> 	<ul style="list-style-type: none"> <li>• Support self-reliance and sustainable livelihood programmes and ensure that these are available to victims/survivors of GBV. Such programmes can reduce the risk of GBV and mitigate its effects by facilitating rehabilitation and reintegration of victims/survivors.</li> </ul>



<p><b>Material assistance</b> (see Part IV.7)</p> 	<ul style="list-style-type: none"> <li>• Try to ensure that victims/survivors of GBV and their families, as well as those most at risk of GBV, have full and equal access to needed material and other support. This can, for instance, include safe shelter, livelihood support, NFIs, modest financial grants to access education or training, and/or micro-financing opportunities.</li> </ul>
<p><b>Technical advice and assistance, including training</b> (see Part IV.4)</p> 	<ul style="list-style-type: none"> <li>• Provide training or technical advice and assistance on human rights, including on GBV prevention and response, to relevant actors, including, for instance, community leaders, civil society and NGOs, the police and armed forces, judges and lawyers, health workers, social workers and others.</li> <li>• Ensure that peacekeepers, humanitarian workers and others working with displaced individuals and communities receive training and sensitization on GBV, including their responsibility to prevent and respond to such acts.</li> </ul>
<p><b>Shelter and physical planning</b> (see Part V.13)</p> 	<ul style="list-style-type: none"> <li>• Provide or advocate for the establishment of safe shelter for victims of GBV, in particular single women and unaccompanied children. Where individuals or families are provided with shelter material, ensure that gender concerns are considered. As an example, women or girls should not have to travel long distances to collect the material and should have the ability to erect the shelter themselves or receive adequate assistance to do so, without being exposed to pressures for transactional sex.</li> <li>• Ensure that gender concerns are taken into account in physical planning of camps and in the design and implementation of services, such as health care, education, water/sanitation and food distribution (see Part IV.7). </li> </ul>
<p><b>Justice</b> (see Parts IV.5 and V.10)</p> 	<ul style="list-style-type: none"> <li>• Ensure that victims/survivors have access to free and confidential counseling about legal and/or other avenues for redress.</li> <li>• Provide modest material and other support to victims/survivors and their families where needed to facilitate their access to justice (whether formal or informal). This can, for instance, include assistance with legal fees, translation, travel to and from court, and/or measures to ensure the safety and security of the victim/survivor.</li> <li>• Monitor and follow up on cases of GBV to ensure that these are investigated, prosecuted and resolved in accordance with established laws and procedures.</li> <li>• Help build the capacity of the justice sector, including police, prosecutors, lawyers and judges, to deal with issues related to GBV.</li> </ul>
<p><b>Legal reform</b></p>	<ul style="list-style-type: none"> <li>• Review national laws, regulations, policies, procedures and practices, including traditional and cultural practices, and, based on the result, advocate with relevant stakeholders to ensure they provide adequate protection against gender-based violence.</li> <li>• Where key human rights instruments, including the Convention on Elimination of All Forms of Discrimination Against Women, have not been ratified by the State or where their adoption has been accompanied by reservations, advocate for the adoption and implementation of these instruments or the lifting of reservations.</li> </ul>
<p><b>Education</b> (see Part V.17)</p> 	<ul style="list-style-type: none"> <li>• Promote and/or provide full and equal access for IDPs and other affected individuals to safe education, and vocational and skills training, that can strengthen self-reliance and economic independence.</li> <li>• Promote a safe learning environment both within and around schools and other educational facilities. This may include awareness raising among children, parents, teachers and other educational staff, and relevant local authorities.</li> </ul>



<b>Children</b>	<ul style="list-style-type: none"> <li>Ensure that child victims/survivors are provided with special care and assistance as appropriate. Such interventions should be guided by the key principles of the Convention on the Rights of the Child, namely the best interests of the child and the child's right to life, survival and development, non-discrimination, and participation.</li> </ul>
<b>Durable solutions</b> <i>(see Part VI)</i> 	<ul style="list-style-type: none"> <li>Advocate with relevant actors to encourage attention to GBV in all return, relocation and reintegration frameworks, developmental action plans, and disarmament, demobilization and reintegration programmes. Such frameworks and action plans should contain measures to prevent and respond to GBV and provide adequate care, treatment and support to victims/survivors.</li> </ul>



## 4. Key actors and coordination structures

All humanitarian actors have a responsibility to prevent and respond to gender-based violence. Ensuring an effective response requires a multi-sectoral and coordinated effort by a range of local, national and international actors. These include, for example:

- At the **national level**, displaced individuals and communities; ministries for justice, health, education, social services and the family; the parliament, particularly relevant legislative or monitoring committees; health care institutions and personnel; police and prison authorities; prosecutors; the military and para-military groups; traditional, customary or religious associations and councils; local NGOs and civil society, particularly women's and youth organizations.
- At the **international level**, UNICEF and UNFPA serve as focal point agencies for GBV within the Global Protection Cluster. Other important actors include OHCHR, UNDP UNHCR, DPKO, WFP, WHO, ICRC/IFRC, IOM, and many international NGOs.

## 5. International legal principles

Acts of gender-based violence, as well as threats or incitements to commit such acts, constitute a serious violation of international human rights and humanitarian law.

**International (and regional) human rights law** prohibits all forms of violence and discrimination, including gender-based violence. Any form of gender-based violence constitutes a serious violation of human rights. Depending on the act in question, it may violate a number of rights, such as the right to dignity and physical, mental and moral integrity; to freedom from torture and cruel, inhuman or degrading treatment or punishment; to liberty and security of person, and to freedom from slavery; the right to life; and the right to non-discrimination, equality and to equal protection of the law. Rape and sexual violence suffered at the hands of agents of the State, such as police or military officers, are generally considered to constitute an act of torture under human rights law.

See also **Principle 11** of the **Guiding Principles on Internal Displacement** (in Annex 1).

Gender-based violence also impairs or nullifies a range of other rights, such as the rights to the highest attainable standard of physical and mental health, to an adequate standard of living, to education, and to just and favourable conditions of work.<sup>7</sup>

**International humanitarian law and international criminal law.** Many acts of gender-based violence, including rape and any other form of sexual violence, such as sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, are strictly prohibited by international humanitarian law as well as by the military code of most States. Such acts

<sup>7</sup> CEDAW Committee, General Recommendation No. 19(1992) Violence Against Women, para. 7.

constitute a serious violation of the law and a grave breach of the Geneva Conventions.<sup>8</sup> In addition, depending on the context in which they are committed, such acts might constitute a war crime<sup>9</sup>, a crime against humanity<sup>10</sup> or genocide,<sup>11</sup> all of which are punishable under international criminal law. All States and non-state actors are obliged to take action to prevent such acts and investigate and prosecute those responsible, or extradite them to other States or international tribunals with jurisdiction to try such acts.

**Various resolutions and declarations** of the UN Security Council, the General Assembly and other bodies have repeatedly condemned various forms of gender-based violence and emphasized the responsibility of the State to end impunity for war crimes and crimes against humanity, including sexual and other violence against women and girls. The Security Council has passed a series of resolutions calling upon parties to armed conflict to fully respect international law and to take special measures to protect women and children from the effects of hostilities, including any form of sexual violence, including by ending impunity and prosecuting those responsible for such crimes.<sup>12</sup> The Security Council has also established a monitoring and reporting mechanisms on children in armed conflict, which includes rape and other sexual violence among the six gravest violations against children.<sup>13</sup>



## Resources

- *Guidelines for Gender-based Violence Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies*, IASC, 2005. [www.humanitarianinfo.org/iasc/gender](http://www.humanitarianinfo.org/iasc/gender) (available in 5 languages)
- *Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*, UNHCR, 2003. [www.refworld.org](http://www.refworld.org) (available in 7 languages)
- *Gender-based Violence Tools: Manual for Assessment, Programme Design, Monitoring and Evaluation in Conflict-affected Settings*, Reproductive Health Response in Crisis Consortium, 2004. [www.refworld.org](http://www.refworld.org)
- *Women, Girls, Boys and Men: Different Needs – Equal Opportunities*, Gender Handbook, IASC, 2006. [www.humanitarianinfo.org/iasc/gender](http://www.humanitarianinfo.org/iasc/gender)
- *Standard Operating Procedures for Prevention of and Response to Gender-based Violence*, UNHCR, 2006. [www.refworld.org](http://www.refworld.org)

<sup>8</sup> See Rules 90, 93 and 94 of Customary International Humanitarian Law, Volume I (ICRC, 2005). Such acts are also prohibited through (i) grave breaches provisions such as Art. 147 of the Fourth Geneva Convention and Art. 85 of Additional Protocol I, which prohibit torture, inhuman treatment, and willfully causing great suffering or serious injury to body and health; (ii) Common Art. 3, which prohibits violence to life and person, cruel treatment and torture, and outrages upon personal dignity; and other provisions, such as Art. 27 of the Fourth Geneva Convention, Arts. 75-77 of Additional Protocol I and Art. 4(2) of Additional Protocol II, which explicitly prohibit attacks against women, including rape, enforced prostitution and any form of indecent assault.

<sup>9</sup> See e.g. Arts. 8(2)(a)(ii) and (iii), 8(2)(b)(xxi) and (xxii), 8(2)(c)(i) and (ii), 8(2)(e)(vi) of the Statute for the International Criminal Court (ICC Statute). Note that even a single act of sexual violence can constitute a war crime.

<sup>10</sup> Art. 7(1)(g) of the ICC Statute; Art. 5 of the ICTY Statute; and Art. 3 of the ICTR Statute. Crimes against humanity are crimes that are committed as part of a widespread or systematic attack against civilians, regardless of whether they are committed in times of peace or armed conflict.

<sup>11</sup> Rape, sexual violence and abuse may amount to genocide if committed with intent to destroy, in whole or in part, a particular group, as defined in Art. 6(b) of the ICC Statute; Art. 2 of the ICTR Statute; and Art. II(b) of the Convention on the Prevention and Punishment of the Crime of Genocide. This was, for instance, confirmed by the ICTR in its judgment in *Prosecutor v. Akayesu* (Case No. ICTR-96-4-T).

<sup>12</sup> See in particular Security Council Resolution 1325(2000), op. paras. 9, 10 and 11. See also Resolutions of the Council on Protection of Civilians, including Resolution 1674(2005), and on Protection of Children in Armed Conflict, including Resolutions 1612(2005), 1539(2004), 1460(2003), 1379(2001), 1314(2000) and 1261(1999).

<sup>13</sup> See in particular Security Council Resolution 1612(2005) of 26 July 2005. For further information see the Report of the Secretary-General on children and armed conflict, A/59/695-S/2005/72, 9 Feb 2005.

## Further reading

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- Abuse and Exploitation Module, Action for the Rights of Children, 2002.
- *Clinical Management of Survivors of Rape: Developing Protocols for Use with Refugees and Internally Displaced Persons*, WHO/UNHCR, rev. ed. 2004. [www.refworld.org](http://www.refworld.org)
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