Conflict-Related Sexual Violence

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1. Introduction

The world is currently experiencing the highest number of conflicts since the Second World War, exposing civilians to increased levels of conflict-related sexual violence (CRSV), exacerbated by arms proliferation, disregard for international law and increasing militarisation. The United Nations (UN) Special Representative on Sexual Violence pointed to a 50% increase in verified cases in 2023. Both state and non-state armed groups perpetrate rape, gang rape and abduction, disproportionately affecting displaced people (United Nations, 2024). CRSV is an omnipresent problem that is addressed and condemned by politicians, academics and the media, but is

often reduced to individual incidents. The perpetrators include the military, police, armed groups and civilians, whereby the victims are predominantly women. However, insufficient documentation makes it difficult to grasp the full extent of these crimes (Heinrich Böll Foundation, 2023). Until the introduction of sexual violence as a concept to be studied theoretically and empirically, gender issues were historically neglected in conflict research, but are now a central part of the literature on the victimisation of civilians (Nordås and Cohen, 2021, p. 195). This corresponds with a larger trend of increased attention to CRSV as a matter of global security, especially within the UN Security Council (UNSC) and the UN Department of Peace Operations (DPO). The UNSC is more likely to pass resolutions and a greater number of resolutions on conflicts involving large-scale CRSV. Meanwhile, the DPO is at the forefront of ensuring gender mainstreaming in peacekeeping, focusing on protecting women from violence and encouraging their participation in conflict resolution (Johansson and Kreft, 2023, p. 188-190). CRSV elicits not only increased attention but also a more interventionist response than other forms of violence. Evidently, since the mid-2000s, peacekeeping has been proportionally more common in civil wars with reported CRSV than in those without (Johansson and Kreft, 2023, pp. 190-191). However, current responses have been criticised as insufficient to prevent or curb this form of violence, indicating that further research is needed to assess whether key policy initiatives have been successful and why they may have failed (Nordås and Cohen, 2021, p. 206).

Source: Russo & McGowan (2024). Bridging Gaps in UN Tools that Address Conflict-Related Sexual Violence. (https://theglobalobservatory.org/2024/05/bridging-gaps-in-un-tools-that-address-conflict-related-sexual-violence/)

2. Definition and Legislative Framework

The investigation of CRSV is directly linked to political processes, in particular the recognition of sexual violence as a war crime, as well as activist efforts, especially by feminist movements. The war in the former Yugoslavia (1992-1995) and the genocide in Rwanda in 1994, which saw horrific cases of mass rape, were decisive turning points in the study of CRSV. The establishment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and the International Criminal Tribunal for Rwanda (ICTR) in 1994 marked critical advancements in the legal recognition of mass rape as a crime against humanity. These statutes were the first to unambiguously categorize mass rape as such, setting a historic precedent in international law (Ayiera and Ayiera, 2010, p. 10). Feminist activists and scholars at the time argued that rape should be recognised as a 'weapon of war' and in certain cases as genocide, with violence often targeted specifically at women. CRSV is considered not only as an expression of gendered power structures, but also as a practice deeply linked to issues of identity politics. This form of

violence often has complex symbolic meanings, as it goes beyond physical injury. Many researchers saw it as a continuation of violence against women that manifests itself even in peacetime (Nordås and Cohen, 2021, p. 196). Later studies show that CRSV can vary considerably in different conflicts, by different actors, in different forms, against different target groups (including male victims) and in specific locations. This challenges two fundamental assumptions of earlier studies: first, that sexual violence is an inevitable feature of war, and second, that all armed groups or soldiers would commit it if given the opportunity (Nordås and Cohen, 2021, p. 197).

There is no universally accepted definition of CRSV, with definitions varying primarily in terms of which forms of violence are included and what constitutes a conflict-related context. The International Criminal Court (ICC) defines CRSV as acts involving direct physical force or the threat of coercion and includes seven types: rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or abortion, sexual mutilation, and sexual torture. Meanwhile, the UN takes a broader approach, defining CRSV as any form of sexual violence that is directly or indirectly linked to conflict. This definition includes cases resulting from a climate of impunity for perpetrators, recognizing that sexual violence can be both an immediate tool of war and a byproduct of the instability that conflicts create (United Nations, 2024; Nordås and Cohen, 2021, p. 195). Furthermore, Security Council Resolution 1820 (2008) represents a pivotal step by the UN in recognizing and addressing the use of sexual violence as a tactic of war and terror. Adopted on June 19, 2008, it marked a groundbreaking moment in international policy by explicitly condemning sexual violence as a strategic method of warfare and recognizing its devastating impact on both individuals and societies. The resolution asserts that CRSV not only constitutes a violation of human rights but also serves as a significant barrier to peacebuilding, prolonging conflicts and destabilizing communities (United Nations, 2024). These developments in international law and policy have laid a critical foundation for understanding CRSV not only as individual acts of violence but as deeply embedded practices that reflect and reinforce broader social, political, and gendered power structures.

3. Literature Review

Building on the definitional and legal context, recent literature has explored the various dynamics, motivations, and implications of CRSV. This section reviews the evolving academic discourse, beginning with a focus on the functions and dynamics of CRSV, followed by a review of CRSV as part of the broader genocidal event in Rwanda in 1994.

3.1 Dynamics and Functions

CRSV occurs at the height of conflict, during population displacement and continues after conflict. It happens in homes, fields, places of detention,

military sites, and camps for refugees and displaced persons. That is, victims are often targeted whilst performing daily chores like collecting food and water. Further, sexual violence occurs within and around camps for refugees and displaced persons as well as in detention, where women and men have been raped, subjected to sexual mutilation, humiliation and torture. Perpetrators of CRSV include members of official armed and security forces, paramilitary groups, and non-state armed groups, civilians, including refugees and displaced persons, as well as humanitarian and peacekeeping personnel (Bastick, Grimm, and Kunz, 2007, pp. 13-14). Furthermore, evidence shows that governments are more likely to be reported as perpetrators of sexual violence than rebel groups. Exemplary, state officials were responsible for the overwhelming majority of sexual violence in the civil wars in both Peru and El Salvador (Nordås and Cohen, 2021, p. 205). However, peacekeeping is more frequently deployed in conflicts where CRSV is perpetrated by rebel groups rather than state forces. This is because peacekeeping requires the consent of the government to access civilian populations (Johansson & Kreft, 2023, p. 190).

The literature on the motivations behind CRSV includes arguments about strategy, as well as arguments about sexual violence as a practice. While early literature often understood sexual violence as opportunistic and driven by private motives and individual urges, facilitated by a lack of organizational structure and discipline, or linked to a general breakdown of law and order, more recent research suggests that CRSV is a weapon of war. Some argue that, in certain conflicts, CRSV has been strategically employed to achieve military objectives. These objectives include instilling fear in civilians to encourage collaboration or compliance, demoralizing the enemy, forcing populations out of contested territories, and providing combatants with institutional rewards or compensation, which are considered part of the spoils of war (Bastick, Grimm, & Kunz, 2007, p. 14; Nordås & Cohen, 2021, p. 199). When committed against women and girls, sexual violence is often intended to humiliate their families and communities, wherein women and girls are "bearers of honour", and men are shamed for failing to protect "their" women. This dynamic is especially destructive when armed groups perpetrate public rapes, force family members to witness sexual violence against each other, or coerce individuals into committing such acts against their own relatives, thereby dismantling social cohesion and trust (Bastick, Grimm, and Kunz, 2007, p. 14). While framing sexual violence as a weapon of war was a successful choice by advocates and activists, which enabled sexual violence to become accepted as a critical security issue and as a policy priority for the highest levels of politics, some view it as a simplistic analysis, as it might overlook significant underlying sociocultural, political, legal and socioeconomic factors (Alexandre and Mutondo, 2022, p. 150). In line with this argumentation, sexual violence can be understood as a practice that arises not from direct orders or deliberate military strategy but as a tolerated or unpunished behaviour. When

commanders are permissive, such violence can escalate due to peer socialization and the personal inclinations of combatants. High rates of sexual violence, therefore, do not necessarily reflect strategic intent but can occur independently of formal directives. The internal dynamics of rebel groups play a key role in shaping practices around sexual violence (Nordås and Cohen, 2021, p. 200). Ideology also influences the occurrence of sexual violence. For leftist groups, sexual violence often contradicts their declared ideals, such as gender equality, leading to restraint. Moreover, groups that abstain from sexual violence may have an advantage in recruiting women, as their reputation aligns with inclusive values (Alexandre and Mutondo, 2022, p. 159; Nordås and Cohen, 2021, p. 201). When understood as a practice, CRSV can be seen as a reflection of social attitudes towards women in peacetime; the difference lies only in quantity, intensity, and visibility. That is, peacetime and wartime rape are justified within a patriarchal society by the intention to dominate, humiliate, control or gratify a sexual need. This underlines the fact that acts of sexual violence during conflict are grounded in a complex web of cultural preconceptions, in particular regarding gender roles (Alexandre and Mutondo, 2022, p. 149).

Thus, violence against women cannot be understood independently of patriarchy as a social-political order that is based on male hegemony through dominance. Patriarchy centralizes power in both public and private spheres around men and enforces a binary gender ideology that excludes identities such as transgender and intersex individuals. Power hierarchies prioritize men over women and intersect with other forms of oppression, including racism, religious dominance, and ethnic discrimination. Gender and ethnicity often intersect to shape vulnerability to sexual violence (Ayiera und Ayiera, 2010, p. 13). In many contexts, marginalized groups, such as Indigenous populations or specific ethnic communities, are targeted based on their ethnicity. Certain groups, including single women, LGBTQ+ individuals, women heads of households, and displaced women and children, are particularly at risk during armed conflicts. Although publicly condemned, sexual violence is frequently tolerated as an expression of masculinity and dominance over femininity (Bastick, Grimm, and Kunz, 2007, p. 14). Accordingly, it is argued that sexual violence in conflict is not a new phenomenon but an intensification of pre-existing gender inequalities, reflecting and amplifying societal norms rather than creating new ones. The context of political instability and insecurity that occurs during conflict can provide the necessary conditions for large-scale sexual violence, as there is an absence of the rule of law in addition to ethnic, religious, and ideological conflict (Alexandre and Mutondo, 2022, p. 150). Yet, whether it is useful to view CRSV as a continuation of peacetime violations is contested amongst scholars. While the choice to commit rape and other forms of sexual violence is undeniably gendered and rooted in structural inequalities like patriarchy, it cannot fully explain the variations in the occurrence of such violence alone. Factors such as the timing, location, methods, perpetrators,

and victims differ across contexts, indicating that while patriarchy is a necessary condition, it is insufficient as a sole explanatory framework (Nordås und Cohen, 2021, p. 199).

The dynamics and functions of CRSV manifest in various ways across conflicts, however, these patterns take on their most extreme and systematic form in contexts of genocidal rape. The following section examines how these dynamics are amplified in genocidal campaigns, particularly in the case of the Rwandan genocide.

3.2 Sexual Violence as Genocide

Genocidal rape can be defined as a systemically organized military tactic of terror and part of the broader genocide event. Primary motivations for mass rape are first, generating fear in a subdued population since fear of rape is a common emotion women near or in combat zones experience. Genocidal rape capitalizes on this, enhancing stresses and anxieties already experienced by civilians, thus elevating widespread assaults to a tactic of terror. Second, the humiliation of the population, especially the male community, and the derogation of women are used as a tactic to destroy communities. Third, the "creation of a cohort of mixed-ethnic children" (Nharaunda-Makawa, and Kurebwa, 2021, p. 72) to maintain the humiliation and domination. These characteristics of genocidal rape are prominent when examining the 1994 Rwanda genocide, where women were subjected to sexual violence on a massive scale and "rape was the rule and its absence was the exception" (Nowrojee, 1996, 1; Nharaunda-Makawa, and Kurebwa, 2021, p. 73). Rape during the Rwanda genocide, especially targeting Tutsi women and girls, was well organized and encouraged by administrative, military, and political leaders as a tool to humiliate and annihilate the ethnic Tutsi population. During the Rwandan Genocide, sexual violence was pervasive, taking forms like rape, sexual enslavement, genital mutilation, and forced incest. An estimated 250,000–500,000 women were raped, often publicly or under humiliating circumstances. Women endured gang rapes, mutilation with weapons, and torture, sometimes in front of family members who were forced to participate. Many victims were killed immediately after the assault, and others were denied medical care or abortions. These acts were deeply tied to the genocide's broader patterns of torture, looting, and killings (Nowrojee, 1996, p. 1; Nharaunda-Makawa, and Kurebwa, 2021, pp. 71-74). During the Rwandan Genocide, sexual violence primarily targeted Tutsi women based on their gender and ethnicity, fueled by propaganda that sexualized Tutsi women as threats to Hutu society. Some Hutu women were also victimized due to political affiliations or relationships with Tutsi men. Survivors face social stigma, isolation, and rejection by their communities, and children born of rape are marginalized (Nowrojee, 1996, p. 2; Nharaunda-Makawa, and Kurebwa, 2021, p. 76).

Genocidal rape, as seen in the Rwandan Genocide, exemplifies how sexual violence can function as a deliberate, systematic weapon of terror, humiliation, and ethnic destruction, profoundly impacting individuals and communities.

4. Conclusion

In conclusion, CRSV is complex and multifaceted in nature, shaped by intersecting dynamics of identity, power and ideology. While early explanations perceived CRSV as opportunistic or inevitable, recent research highlights its strategic use and systemic roots, particularly within patriarchal and militarized structures. The literature reveals that CRSV is committed by a wide range of actors, including state forces, rebel groups, civilians, and even peacekeepers, and that its occurrence is shaped by factors such as group ideology, command structure, impunity, and social norms. While often portrayed as a tactic, CRSV also operates as a tolerated practice, reflecting broader societal inequalities. These dynamics become especially visible in the context of genocidal rape, where sexual violence is used systematically to terrorize, humiliate, and destroy targeted populations.

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