

The Aftermath of Sexual Assault in Warfare: Analysis of UN Security Council Resolution 2467

Reina Al Sayegh

To cite this article: Al Sayegh, R. (2023). The Aftermath of Sexual Assault in Warfare: Analysis of UN Security Council Resolution 2467. *Al-Raida*, 47(1), pp. 106-114

© 2023 The Author(s)

Corresponding author: Reina Al Sayegh

Author contact: reina.alsayegh@lau.edu

Article type: Article

Published online: 31st January 2023

Publisher: Arab Institute for Women

Publication support provided by: Escienta

Journal ISSN: 0259-9953

Copyright: This is an Open Access article, free of all copyright, and may be freely reproduced, distributed, transmitted, modified, built upon, or otherwise used by anyone for any lawful purpose. The work is made available under the Creative Commons Attribution (CC-BY) 4.0 license.

The Aftermath of Sexual Assault in Warfare: Analysis of UN Security Council Resolution 2467

Reina Al Sayegh

Architecture Major

Abstract

Sexual violence committed during conflict has been a critical subject of feminist analysis over the last several decades. As a result of this criticism and a global rise in interest concerning the rights of sexual assault survivors and victims during conflict, several UN Security Council Resolutions have been ratified with the explicit goal of preventing sexual violence in conflict. The aim of this paper is to analyze some of the resolutions, in particular UN Security Council Resolution 2467 (2019), to assess their efficacy.

Keywords: UNSCR 2467; sexual assault; conflict; UNSCR 1325; women, peace and security agenda

Introduction

Sexual assault, sexual exploitation, and trafficking are only a few examples of sexual crimes committed against women occurring during times of insecurity and conflict. Sexual violence has long been utilized as a weapon in conflict to achieve military or political goals. More than ever, sexual violence is one of the most serious risks to women in conflict zones. Sexual assault and violence during conflict has long-term psychological consequences for women, which can lead to major physical problems in the future. Women frequently face difficulties accessing justice; feminists have long criticized the lack of accountability for sexual violence during conflict and the

impunity with which opposing military groups often perpetuate such crimes. Worse, women's voices are often suppressed both during and after conflict, making it difficult to prosecute cases of sexual violence. Further, women are frequently denied basic reproductive healthcare services and other types of critical support following an experience of sexual assault, often due to the social stigma associated with sexual violence.

Over the years, several United Nations resolutions, notably UN Resolution 1960 (2010), have condemned such practices and stressed the need to protect women in conflict settings. Similarly, the International Criminal Court (ICC) has also worked to expand legislation to protect against sexual violence during conflict. However, several issues remain. For example, many of these UN resolutions are not legally binding, and they focus on how sexual assault in conflict undermines peacekeeping and security rather than on the consequences of sexual violence for survivors. In other words, these resolutions are not survivor-centered. Critics also point out that in most war-torn regions around the world, there is still anarchy, a lack of justice, and only minor consequences for sexual assault, leaving many women unwilling to try to prosecute their perpetrators in court. Another issue that needs to be addressed in resolutions addressing sexual violence against women in conflict is the different types of sexual violence that can occur, and how these various types are not always recognized as war crimes and hence, are not handled with the same gravity as other sexual war crimes.

The UN Security Council Resolution 2467 (2019) is another important example of the international legal framework that works to eliminate sexual violence in conflict. UNSCR 2467 confirms that sexual assault, when used or executed as a military tactic or as part of a broader systematic attack, can aggravate and prolong military conflicts and obstruct peace and security

efforts. UNSCR 2467 therefore asserts that effective policies to counter and respond to sexual violence in conflict can significantly contribute to successful peacekeeping. This resolution also begins to view the issue from a survivor-centered lens. However, there are still important gaps and challenges in this resolution that emphasize the need for a more complete, bolder, deeper, and survivor-centered vision of justice and compensation following sexual assault. To ensure that UNSCR 2467 can work, it is vital to bring these issues and inadequacies to the attention of the public, as well as relevant civil society organizations and the UN Security Council to ensure that we all—meaning, governments, international organizations, local civil society and nongovernmental organizations, and activists—work collaboratively to tackle this issue. More importantly, paying attention to this issue is critical given the prevalence of sexual assault in conflict zones including Ukraine, Syria, and Iraq, among others. Sexual assault is a war crime, and it should be acknowledged as such to treat all individuals fairly and equally, as well as to safeguard all genders and human rights.

Historical Background of Sexual Assault and Humanitarian Laws

Prior to the 1990s, rape was rarely prosecuted as a war crime. This was a direct consequence of the lack of humanitarian laws criminalizing sexual assault. However, Askin (1997) notes that even before international legislation emerged, traditions and national laws banned certain actions considered to be “inhumane” or “indecent”; in some instances, this included rape and sexual violence. Finally, in 1999 a humanitarian law was established to address civilian abuse and “any damage not justified by military necessity.”

As gender equality became increasingly important at the international level, more legislation was developed to protect women and girls from sexual violence during warfare. For

instance, the UN Security Council adopted Resolution 1820 in 2008, which stated that “rape and other forms of sexual assault can constitute war crimes, crimes against humanity, or a constitutive act with regard to genocide.” The following year, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) was established by UN Security Council Resolution 1888 (2009), one of a series of resolutions that recognized the negative impact of sexual violence in conflict and acknowledged that this crime undermines efforts to achieve peace and security as well as post-conflict reconstruction.

These resolutions acknowledge sexual assault and violence during conflict as a particularly detrimental form of sexual and gender-based violence. They push governments to ratify this and other legislation that protect women and foreground peacekeeping efforts during wartime. Their main concerns include ending impunity for sexual violence in conflict by assisting national authorities in strengthening criminal accountability; increasing their responsiveness to survivors and improving judicial capacity; protecting and empowering civilians facing sexual violence in conflict, particularly women and girls who are disproportionately affected by this crime; and finally, increasing recognition of rape as a tactic and consequence of war through awareness-raising activities at the international and national levels (Bobillier et al., n.d.). Through these resolutions, the UN has also focused on its role in harmonizing international responses to sexual violence during conflict. For example, the UN has organized the Action Against Sexual Violence in Conflict network which has focal points located in 13 different UN agencies that amplify programming and advocacy on issues related to sexual violence in conflict. Finally, the UN works to support government ownership of programming to combat sexual violence during conflict.

UN Security Council Resolution 2467 (2019)

While the work of these earlier UN resolutions has been critical in the fight against sexual violence in conflict, they did not foreground a survivor-centered framework. It was not until UN Security Council Resolution 2467, adopted in 2019 as part of the Women, Peace and Security Agenda (WPS), that the Security Council called for the adaptation of a survivor-centered approach in prevention and response to sexual violence in conflict and post-conflict situations (Chinkin & Rees, 2019). A survivor-centered approach guarantees that prevention and response to sexual violence is driven by the needs of survivors. It prioritizes the support and resources that survivors need after such a traumatic experience. Further, a survivor-centered approach is premised on inclusivity and non-discrimination. It is holistic and ensures that survivors are given access to proper healthcare as well as economic and social support.

UNSCR 2467 is also inclusive in its language. It avoids some of the restrictive language used in previous resolutions, which often resulted in various types of sexual assault being excluded. For example, UNSCR 2467 avoids framing sexual assault as only or primarily a military tactic or weapon of war, and instead emphasizes that all sexual assault that occurs during conflict requires a targeted response (Chinkin & Rees, 2019). This can include domestic violence or community-level violence perpetuated by non-military actors. The resolution also avoids narrow definitions of survivors of sexual violence and instead covers a broader population by using the phrase “victims of sexual violence,” rather than only women and girls, while simultaneously acknowledging that “women and children...are particularly targeted” (UNSCR 2467, Preamble, Operative Paragraph 32).

Despite these promising advancements, UNSCR 2467 has been met with suspicion and dissatisfaction. Two worries dominate: First, that this resolution, like the past eight WPS resolutions, will not be enforced. Second, that the lack of enforcement will consequently work to diminish the power of WPS resolutions around the world. The first step in tackling these issues is to make UNSCR 2467 legally binding. While UN security council resolutions are important for raising awareness about certain issues, especially those related to gender inequality, legal viability is important for enforcing these resolutions and ensuring that actual progress is being made toward gender equality. A second step includes updating the language used in some of these resolutions. Making language more inclusive can ensure that all types of sexual violence are included in these resolutions, which is critical to strengthening UN Security Council resolutions and fighting against sexual violence in conflict.

Recommendations

While these resolutions are critical, they will be more successful if gender equality is also mainstreamed across the social, political, and economic spheres. For example, the empowerment and hiring of women in military positions can potentially increase the number of people in the military invested in protecting people from sexual violence during conflict. Having women in positions of power in the military might also lead to an increase in reporting of sexual violence; women might also serve as powerful allies for implementing various parts of the actions and strategies outlined by UN Security Council Resolutions like 2467.

Another important strategy that can help strengthen the implementation of UNSCR resolutions targeting sexual violence in conflict is awareness-raising campaigns and trainings, especially for military and other security personnel, on issues related to gender equality.

Educating military personnel can empower these organizations to properly respond to cases of sexual violence; this is critical because a proper and immediate response to survivors of sexual assault is key for getting survivors the resources that they need to start the rehabilitation and healing process. By putting this information in the hands of military personnel, these resolutions can help strengthen the “front lines” of defense against sexual violence.

Another key aspect missing from current UN resolutions is an explicit definition of the sexual and reproductive healthcare resources that all survivors of sexual violence should be given access to. These resources are especially important in conflict settings, where the healthcare system might be unable to immediately respond to survivors’ needs because of infrastructural or financial damages incurred because of the conflict. It is therefore extremely important that future UN resolutions outline the ways that sexual and reproductive healthcare infrastructure must be protected to support potential survivors of sexual violence.

Moreover, it is of great importance for resolutions to clearly outline the legal actions to be taken against perpetrators of sexual violence. This will increase the legitimacy of these resolutions; the ability to mete out legal punishment will ensure that these resolutions are taken seriously. In other words, this can help to increase the legitimacy of these resolutions. This will not only support survivors but will equally deter perpetrators, who frequently benefit from impunity. The legal framework should include protection against any form of abuse no matter the gender or social position (citizen or military) of the person who perpetrated the act of violence. Further, these legal procedures should go into effect in all countries across the world in order to treat all citizens equally. Finally, survivors should be supported by these resolutions should they choose to pursue their abusers in court.

Conclusion

It is shocking that in the 21st century, women are still fighting for a right as basic as protection against sexual violence. Women and girls deserve a policy that legally protects them from all forms of sexual violence, and especially during conflict. It is therefore critical for international organizations like the UN to develop inclusive and substantive resolutions that encourage countries to fight against sexual violence during conflict. Such policies should be survivor-centered and use inclusive language to make sure that all survivors of sexual violence—not just women and girls—are protected and supported in the aftermath of this traumatic experience. These resolutions should also work in collaboration with other UN and international initiatives to mainstream gender equality to support women and girls both before, during, and after conflict. As conflicts continue to expand around the world, it is crucial that we take immediate action to support and protect survivors of sexual violence.

References

- Askin, K.D. (1997). *War crimes against women: Prosecution in international war crimes tribunals*. Martinus Nijhoff Publishers.
- Bobillier, S., Sassòli, M., & Issar, Y. (n.d.). *Women and sexual violence*. ICRC Casebook.
<https://casebook.icrc.org/case-study/women-and-sexual-violence>
- Chinkin, C., & Rees M. (2019). *Commentary on Security Council Resolution 2467*. London School of Economics.
https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/09/report/commentary-on-security-council-resolution-2467/19_0496_WPS_Commentary_Report_online.pdf
- United Nations Security Council Resolution 1888 (2009), S/RES/1888 (2009).
- United Nations Security Council Resolution 2467 (2019), S/RES/2467 (2019).