

# Women in War: Evolving Understandings of Rape

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# Gender-based Violence in Armed Conflict

- Impact on Women

- Gender-based violence (GBV)
- Forced migration
- Complex resettlement and recovery issues
- Widows, separated women
- New roles, new exposures
- Psychological stress and PTSD

# Gender-based Violence in Armed Conflict

- Impact on Women
  - Baseline vulnerabilities
    - Reproductive roles
    - Sexual objects
    - Child-raising
    - Household and field worker
    - Inferior status
    - Relative physical weakness and unfamiliarity with weapons

# Applicable IHL regarding prohibitions of rape in war

- Historical codes of honor and discipline in wars going back centuries
- Mid-19<sup>th</sup> century US code prohibited rape in war
- Post WW II international law prohibited rape in war
- Criminal prosecutions for rape in war rare until ICTY and ICTR 1990s on

# Applicable IHL regarding prohibitions of rape in war

- 1863 Lieber Code
- 1907 Hague Conventions
- 1945 Nuremberg Charter Law No. 10
- 1949 Fourth Geneva Conventions
- Common Article 3
- 1990s Findings of ICTY, ICTR
- 2000 International Criminal Court

# Rape in current wars

- Legal definition (Rome Statute of ICC)
  - requires [slight] penetration
  - allows subtle forms of coercion such as circumstances, threats to others
  - Includes use of instruments
- Observed patterns
  - Sporadic instances of rape in military combat
  - Episodic mass rape by warring parties as “spoils of war”
  - Systematic mass rape by warring parties as “tool of war” or as tactic of war

# Investigations of systematic mass rape in war

- Criminal charges in international courts under Rome Statute
  - Definitive but delayed
  - Sustains the norms of war
- Human rights accounts of high policy value
  - Contemporary documentation provides information base for later assignment of legal responsibility
  - Supplies early alerts to galvanize international community into action
  - Helps identify parameters for mitigation/prevention
  - Provides evidence for command responsibility

# Systematic mass rape in current wars

- Why does it occur?

- Underlying rationale

- Indiscriminant brutality inflicts fear and flight
    - Gang rape builds small group male bonding
    - Infliction of shame and humiliation

- Shifts in dynamics of current wars

- No home front or battle front—so no protection
    - Targets are overwhelmingly civilians, not military of the other side
    - Increased repudiation or even flouting of IHL to accomplish aims of killing civilians or driving them from the land



# Actions to take against systematic mass rape in war

- Always: Support and treat survivors and their families
- Mitigation for early warning
  - Assessment of conflict context
  - Population parameters
- Prevention
  - Strengthen international action against impunity
  - Intensify training of all armed forces in IHL
  - Intervene early to stop these communally based wars from accelerating

# Assessment of conflict context

- Systematic mass rape as war tactic
  - Increasingly prevalent
  - Occurs mainly in intra-state conflicts with strong elements of ethnic, communal, or sectarian fault lines
- Two main contexts now observed
  - 1. Intra-state conflicts, waged by non-state actors, poorly trained and with no commitment to IHL
  - 2. One-sided conflicts, where state (in defiance of its obligations under Geneva Conventions) acts through its military or paramilitaries against a stigmatized, hated, or feared subset of its population

# Assessment of population parameters

- 1. Non-state actors in communally based internal wars
  - Attacks on poorly defended sparsely populated villages or isolated communities **in rural areas**
  - No precise warning
  - Women and girls main targets
  - **Assaults characterized by**
    - **Public nature**
    - **Frequent gang rape**
    - **Substantial risk of death during or immediately following assault**

# Darfur 2004



# Assessment of population parameters

- 2. One-sided conflict against subpopulation
  - Assaults occur primarily **in urban settled regions**
    - Begin at checkpoints, home invasions, street arrests
    - Continue with transport to prisons, barracks, detention centers
  - **Assaults characterized by**
    - **Secret, closed-door assaults perpetrated by military or paramilitary**
    - **Often to extract information**
    - **Frequent gang rape**
    - **Moderate risk of death during or immediately following assault**
    - **Use of terrified survivors to prompt forced migration of communities**

**Bosnian 18yo gang-rape victim 1992**  
**Held for 10 weeks by Serbian soldiers in Pale rape camp**



**Photo by Nina Berman taken in Tuzla Hospital**

# Key elements of systematic mass rape in current conflicts

- Context and population parameters define three key elements to address in mitigation and prevention—all 3 must be decreased for protection
  - Opportunity—geography and relative force
  - Vulnerability—absence of protection
  - Impunity—failure to punish
- Different response strategies for rural vs urban contexts and nature of attackers (state vs non-state actors)

# Towards reducing opportunity

- Tackle geography and relative force
  - If rural, implement early warning systems
  - If urban, flee areas of attack
- Report to international community
- Documentation
  - Use of routine voluntary reporting to develop standing database to highlight potential hot-spots before they boil over
  - Provide more concrete information to decision-makers to create climate for more decisive action



# Towards addressing vulnerability

- Major issue is historical change in nature of war—the entire country becomes a field of battle
- Options:
  - Diversify and minimize domestic work
  - Evacuate women and children to relative safety
  - Train women and provide them with weapons
  - Create collective security parameters for at-risk areas
- Build connectivity to outside world

# Towards addressing impunity

- Strengthen evidence base for prosecution
- Action in real time is required
  - Speak out, combat community shame and silence
  - Challenge international community who find reasons to equivocate even when they are mandated to act
  - Information, in the form of contemporary data from the field, will support these efforts
- As long as there is silence on the part of the community, impunity will flourish

# International Responsibility

- Syria is the latest in a series of wars where large populations of women, girls, and some boys have been grievously harmed by rape
- The consequences are severe and long-lasting for individuals, their families, and the society
- These wars can be anticipated and the risks of systematic mass rape easily assessed
- With early warning based on our understanding, these wars must be stopped before they explode