

# Research Report

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Human Rights Council

Rehabilitation, compensation and reintegration  
of rape victims during and after conflict  
situations



MUNISH



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<b>Forum</b>	Human Rights Council
<b>Issue:</b>	Rehabilitation, compensation and reintegration of rape victims during and after conflict situations
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## Introduction

Women, men and children. At home, at school, at work, or on the street. By acquaintances, strangers, gangs and even by officers. Rape is something that can happen in many different ways by many different people. It happens in individual cases in for example the Western world, but rapes particularly tend to occur in conflict zones, in large numbers. In June 2011 the American Journal of Public Health reported a shocking result of 48 women per hour being raped in the Democratic Republic of Congo.

Rape is something that not only causes physical damage, such as HIV or AIDS or even an unwanted pregnancy, but 48 women per hour in the DRC will also suffer from mental damage for the rest of their lives. Unfortunately, mass rapes during and after conflicts hardly get any attention in the conflict areas themselves, in contrast to the individual rapes happening in MEDCs with a law enforcement for such cases, who often get offered at least mental help by specialists by the government. As the Human Rights Council, it is our job to change this and give rape victims in conflict zones the same rights as other people have in other parts of the world, by taking care of their rehabilitation, compensation and reintegration.

## Definition of Key Terms

### War rape

These rapes are committed by soldiers, militants or civilians during armed conflicts, war or military occupation. The term covers rapes, sexual abuse and assaults and cases where women and girls are constrained into prostitution or sexual slavery by an occupying power. Currently war rapes occur in the Democratic Republic of Congo in a huge amount in

the Democratic Republic of Congo and according to a Report by Physicians for Human Rights an estimated 50,000 to 64,000 internally displaced women in Sierra Leone have experienced sexual abuse. But also in the past there have been terrible situations involving sexual violence, such as the Bosnian war in the early 1990s, where it is estimated that between 20,000 and 50,000 women were raped.

### **Gang rape**

The rape of one person by a group, often involves physical violence.

### **The Universal Declaration of Human Rights (UNDHR)**

The United Nations have set up an agreement of thirty articles in total, describing a foundation of human rights, applying for every single country, area, county, city and village in the world. However, various countries do not assert the universal 'rules' regarding the human rights that have been made and especially in conflict zones the majority of the content of the declaration is being offended.

### **Millenium Development Goals (MDGs)**

In September 2010, 193 United Nations member states and at least 23 international organizations agreed to achieve eight international goals by 2015, also known as the Millennium Development Goals, to reduce poverty in different forms around the world. Combatting HIV and Aids is the sixth goal on the list, and since it often is a consequence of sexual abuse, achieving this Millenium Development Goal will help women recover and be a form of compensation.

### **The United Nations Development Programme (UNDP)**

In order to achieve these eight goals by 2015, the United Nations Development Programme (UNDP) was established. The UNDP helps countries to reach the eight goals, by for example helping them to (re)build a safe environment. The UNDP is especially active in countries far from the ideal goals, such as war areas like South Sudan.

## **General Overview**

### **Occurrences of rape, sexual abuse and prostitution**

'Rape as a weapon of war', an expression often used to describe the situation in conflict zones, such as the situation in Rwanda in 1994, Uganda and the Democratic



Republic of Congo, the former Yugoslavia, Liberia, Sudan and the Central African Republic. There have been many conflicts during and since 1990 in which rape was an assault felt by many.

Predominantly women and even young girls are the victims of rape and prostitution. Military officers use sexual abuse to manipulate women and children; only after they have been used for sexual intercourse by a number of men, are they allowed to get food, a house or medical care. Some women and children even get held captive for a while having to be used for a number of days, sometimes even over a month. Those women and girls are forced to work as a prostitute, in order to be able to live. Vulnerable women, women who are desperately in need of basic needs such as food and accommodation, have no other choice but to follow the commands of the military officers, since it is the only possible way for them to stay alive. Military officers have the power to kill women when they misbehave, and to decide when they will be allowed to receive food and medical care.

Meanwhile, governments focus on getting themselves and their name secured, to prevent international interference or action (such as boycotts) from happening, instead of the health of civilians. Especially when it is done by inter alia military officers, the government will always be supporting the their side.

### Consequences of sexual misuse

The use of contraceptives has unfortunately not trended yet in continents Africa and Asia. This leads to an enormous amount of pregnancies each year, most of them unwanted and unprepared. Statistics dating from 2011 show us that the highest fertility rates per total births per woman tend to belong to Less Economically Developed Countries (LEDCs). Countries such as the Democratic Republic of Congo have a rate of 5,7 children per woman, a shocking 6,2 children per woman in Afghanistan, 6,1 children per woman in Uganda, 6,3 children per woman in Zambia and a whopping 7,0 in Niger. This compared to a fertility rate of 1,9 in the United States of America and 2,0 in the United Kingdom. In some area, the fertility rate has risen because of the influence of Christianity, who condemns the use of contraceptives. In for example the Democratic Republic of Congo an estimated 50% of the citizens are Roman Catholic and another 20% are protestant.

Since conflict zones are already a struggle for adult civilians to survive in, considering the shortage in safe accommodation and food is certainly limited. To then give birth to unexpected children as a consequence of rape is not convenient at all, to say the least. Chances for the children to have education and build a life of their own in the future are

close to or non-existent and the neonatal and post-neonatal mortality rate is high. Many families consider pregnancies and sexual intercourse before marriage as highly inappropriate, leading to disownment of rape victims, leaving them fully on their own in this difficult situation. Disownment is one way of families showing their disapproval, physical violence is another mean to show their disappointment and restore their family's honour, however this depends per culture. This, on top of the physical damage that might have been done with the sexual violence, make rape victims very much in need of medical care.

A reaction to the lack of contraceptive use in most conflict areas is the frequent occurrence of sexually transmitted diseases such as HIV and Aids. Women are already twice as likely as men to receive HIV or Aids during unprotected sex, and science shows that forced sex increases the chances of infection, since the offender does not tend to use protection during forced sex. HIV was first discovered in 1983 in the Democratic Republic of Congo, however a cure of the disease has yet to be found, but with the right treatment extending lifetime is possible. Some claim, that the perpetrators intent on infecting their victims with HIV and thus intent to murder their victims, since HIV is a deadly illness. Currently, an estimated one million people are living with HIV in Congo, of which only 30% is receiving treatment, for the majority it is out of reach, due to the lack of facilities and money.

The consequence of being neglected due to a rape can be mental damage as well as low self-esteem. Women will live in fear for a long period after the committed crime. In many societies, sexual violence is still hardly acknowledged as a crime committed by the rapist, but more as a default of the victim, women lose their position in the society, feeling even more abandoned and insecure. The mental damage can take a lifetime to cure, especially in countries that do not emphasize that sexual violence is a crime and in countries that not provide women with their highly essential psychological treatment.

### **Treatment of rape victims**

In most conflict zones rape is not recognized as a crime by the rapist. The victims are treated as if they have had the possibility of preventing the situation, and when one speaks out about the committed crime, one can at least expect a prisoned punishment, as seen by the case of Lul Ali Osman (see: Major Parties involved and their views – Central African Republic) or in some cases even death. Women who are infected by HIV/Aids or are pregnant as a consequence of rape can be completely abandoned and disowned by the society, leaving them with no opportunities. If lucky, women are able to find shelter, including food and medical care. Unfortunately, this is still rare, and there are only a few NGOs who actually work to help rape victims, like Amnesty International and the Stop Rape Now action.

It is very important that there are NGOs or human rights activist helping them not only after the conflict, but also during the conflict, which is even more rare, and is only done by very radical human rights activists.

However, according to Article 8 and Article 10 of the Universal Declaration of the Human Rights, one has the right to be heard, when concerning a violation of the human rights. Trials convicting the rapist, since it is sometimes a military or political officer, is hardly done by governments in conflict zones, leaving the situation with no chance to develop. Women who were victims of rape during war should have rights to psychological and physical rehabilitation and security. A progress can be seen in for example Rwanda; during the genocide of Rwanda in 1994 approximately between 250,000 and 500,000 women were been raped. These victims have slowly been taken care of. A tribunal was established in November 1994 and is located in Tanzania and is to this day still busy with the condemning and trailing offenders.

## Major Parties Involved and Their Views

### Human Rights Watch

Rape and sexual abuse violate Article 3, 4, 5, 28 and 29 of the Universal Declaration of Human Rights and is recognized as a crime against humanity in the Rome Statute, established in 1998. The Human Rights Watch is a very important organization for this issue. The organization is dedicated to protect the human rights of people. Human Rights Watch is one of the world's leading organizations monitoring and reporting those violations of human rights. The organization keeps an eye on conflicts and its inhumanities, reporting them to both the government as the rest of the world.

### Amnesty International

Again an organization motivated for the maintenance and the protection of the human rights. Amnesty International is an international organization campaigning to end the abuse of human rights. The non-governmental organization reports on issues and affairs in for example conflict areas such as Sudan, Syria and the Democratic Republic of Congo, where mass rape takes place, but also report on issues regarding each country in the world. These reports are found on their website. They promote their research findings and try to raise as much attention as they can to them via public demonstrations, petitions and campaigns. They also offer education and community activities.



## World Health Organization (WHO)

This international body of the United Nations is an organization focused on the health matters the United Nations face. The organization monitors and notes issues considering health worldwide and establishes aid programs in order to (attempt) solving the matter, also the WHO publishes statistics regarding the public health for every country on their website. For years the WHO has been busy with helping cases of HIV and Aids, sexual transmitted diseases, which, because of the frequent sexual misuse, occur in a large number in conflict areas. The organization mainly focuses on the prevention and treatment of HIV and Aids victims. Since the diseases are direct consequences of sexual misuse, the WHO is key for the recovery of rape victims in conflict zones.

## War Child

Unfortunately, a part of the rape victims in war areas consist of children. War Child is a non-governmental organization dedicated to the protection of children's rights during, but also after conflicts. This also means helping children after experiencing sexual misuse and preventing the sexual misuse from happening by creating safe environments for children to live, by establishing child helplines, vocational trainings and 'Child Friendly Spaces', where education and counselling is provided. Currently, the War Child's organization is active in Afghanistan, the Central African Republic, the Democratic Republic of Congo, Iraq, Syria and Uganda.

## United Nations International Children Emergency Fund (UNICEF)

Again an international organization of the United Nations, devoted to supporting children and their mothers in development countries around the world. By doing so, also keeping the Millenium Development Goals (see previous definitions) in mind and therefore also committed to help children and mothers suffering from HIV or Aids. Besides that, UNICEF provides children help, differing from food and medical care to shelter and education and tries to protect children from (sexual) violence. UNICEF does not receive any money from the United Nations, but different governments around the world. Most European countries contribute an amount of money each year to this organization. Besides that, the organization raises money via events, sales and personal contributions.

## International Rescue Committee (IRC)

The International Rescue Committee is a non-governmental organization reacting to crisis happenings in the world and helps people rebuild their lives, a very important and



difficult thing for people having experienced sexual abuse, and therefore an excellent organisation regarding this issue.

### The Democratic Republic of Congo

Currently known as one of the places where the rate of sexual violence is one of the highest in the world, the Democratic Republic of Congo is has, in its history, hardly seen long periods of peace. Currently, the circumstances in the country are more than worrying. War and militants are ruling the country and rape has never happened so frequently, considering the 48 rapes per hour. Officers supposed to offer the citizens aid and security commit sexual abuse and force women and girls to work as prostitutes. As a country with one of the largest numbers of rape victims, this issue is very much also focused on the Democratic Republic of Congo.

### Central and East Africa

Apart from the Democratic Republic of Congo, a part of Central Africa, its surrounding countries like Sudan (Darfur), Chad and Uganda are raising shocking numbers concerning the rape survivors as well. Shockingly, military officers or state officers commit a high percentage of these rapes. The countries are all well known for their low tolerance against women speaking out about being raped; especially if they announce it has been done by a military or state officer. In Somalia for example, a women called Lul Ali Osman Barake was condemned to a year in jail after telling reporters she was sexually abused by soldiers earlier this year (2013). Knowing that in these countries women can even get punished for being raped, a chance for them to properly restore themselves after their experiences or any form of compensation is tiny.

### Syria

Lately Syria has been in the spotlight for the possible use of chemical gasses during attacks as a weapon. But also in this situation, not only chemical gasses, but also rape as weapon of war applies, which is why Syria plays a critical role in this issue. There have been reports that sexual abuse is becoming a more and more used weapon to frighten and ruin others, also since this is a way to spread diseases easily. To prevent Syria from becoming the next Democratic Republic of Congo, resolutions as these are very important.



## Timeline of Events

Date	Description of event
1949	After the Second World War, Geneva Conventions include Article 27: Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.
1995	Rape has been recognized as one of the most serious offenses and have been charged and prosecuted as such by the International Criminal Tribunals for the Former Yugoslavia and Rwanda.
1998	A statute of the International Criminal Court (ICC) prohibits rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence.
2002	The Rome Statute considers even slight penetration of any part of the body of the victim with a sexual organ, or of the anal or genital opening of the victim with an object or other body part, such as fingers or hands, can constitute rape
2008	Rape has been recognized as a ‘tactic of war and a threat to international security’, by passing Resolution 1820 unanimously by the United Nations Security Council, instead of an inevitable side-effect war.

## UN involvement, Relevant Resolutions, Treaties and Events

- Integrating the human rights of women throughout the United Nations system, 14 December 2007 (A/HRC/RES/6/30)
- Protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 14 December 2007 (A/HRC/RES/6/28)
- Elimination of violence against women, 28 March 2008, (A/HRC/RES/7/24)
- Protection of the human rights of civilians in armed conflict, 18 September 2008, (A/HRC/RES/9/9)

- Situation of human rights in Sudan, 1 October 2010 (A/HRC/RES/15/27)
- Trafficking in persons, especially women and children, 17 June 2009 (A/HRC/RES/11/3)
- Accelerating efforts to eliminate all forms of violence against women, 17 June 2009, (A/HRC/RES/11/2)
- Trafficking in persons, especially women and children: regional and subregional cooperation in promoting a human rights-based approach to combating trafficking in persons, 17 June 2010, (A/HRC/RES/14/2)
- Mandate of the Special Rapporteur on violence against women, its causes and consequences, 24 March 2011, (A/HRC/RES/16/7)
- The situation of human rights in the Democratic People's Republic of Korea, 21 March 2013, (A/HRC/22/L.19)
- Promotion and protection of human rights in post-disaster and post-conflict situations, 21 March 2013, (A/HRC/22/L.23)
- Women and peace and security, 19 June 2008, (S/RES/1820)

## Evaluation of Previous Attempts to Resolve the Issue

Recognizing this serious issue amongst multiple countries in the world, the United Nations has set up an action in 2010 called 'Stop Rape Now', with the goal of ending sexual violence in war zones. The action has three main targets, tackling each of them with a separate part of the United Nations system. With their UN Country Teams and by establishing Peacekeeping Operations, such as MONUSCO in the Democratic Republic of Congo, they support strategies on how to develop the country, by for example training and sending advisers and specialists. Secondly, the action concentrates on raising awareness both publicly and raising awareness to the government, hoping they will recognise sexual violence as a crime. And thirdly, the action tries to collect as many knowledge as possible on the issue of rape in conflict zones, by consulting experts and exchanging effective responses from the United Nations with partners. The unity of entities such as organizations UNICEF and WHO are involved with this action, each establishing separate programmes to achieve this goal.

Apart from this action by the United Nations (UN), independent charities, such as War Child, have been raising awareness to this issue as well, and have each been setting up programmes to address the issue. In places like Bangkok in Thailand shelters for victims have already been established, regarding those it is just a matter of developing. However, sexual violence has still not been addressed enough by some governments who still do not stress the situation at all.

## Possible Solutions

Key in solving this issue is starting with raising awareness. Most of the statistics are published, if even published at all, falsely, since countries try to obscure the situation. Raising awareness has of course already been done by for example charities and the Stop Rape Now action, but it can never be done enough. With means such as commercials on television, social media or other media channels, for example the newspaper and magazines, demonstrations and events people will be informed about the issue, and hopefully pay more attention to the matter, and especially the consequences of this matter. Together with raising awareness, money to contribute the treatment of sexual misuse victims can be collected. This can be done via charities, such as War Child or other organizations.

As abovementioned, consequences of rape include pregnancies, HIV/Aids, but also other sexual transmitted diseases occur such as gonorrhoea and chlamydia. In traditional families, even if this were done by rape and was involuntarily, rape can be seen as highly offensive and transgressing, seeing as a woman is not allowed to have sexual intercourse before marriage. This is then followed by a repudiation by the family, leaving the rape victim nowhere to stay, and without any belongings or support. Therefore it is necessary to have enough well equipped shelters, for victims without a place to go. The danger of this though, is that other homeless people will make use of this. Incorporate a solution for this in your resolution. The shelters should at least be able to provide the rape survivors with food and medical care and a safe environment to stay. Preferably, the shelter would also have specialists in the field of psychology and counselling. This gives rape victims a proper opportunity to rehabilitate.

Besides raising awareness outside the war zones, awareness must also be raised in the conflict zones themselves. Rape and any other kind of form of sexual abuse has to be recognized as a crime with a punishment and a fair trial for the one being held responsible, whoever it may be, a random civilian or a military officer. This will make it easier for the rape victim to reintegrate in the country, and not to be seen as vulgar or as one offending the

nation's honour. However, this will be a very difficult task to fulfil, since this will take governments to turn to their own officers. Families will then show more understanding for the situation, now that it is known as something bad, a crime, and something done reluctantly. Hopefully, this will reduce the amount of women being disowned by their families and tribes, and gives them the chance to recover with the support of their confidants and will have them remain their position in the society.

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## Appendices

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