

Masters in International Cooperation and Humanitarian Aid

Monitoring Sexual Violence in Conflict

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Objective: To provide a theoretical framework for the measurement of levels of Sexual Violence in any given conflict.

Background: Sexual Violence in Conflict is a global phenomenon both historical and current. Its roots can be traced back to the beginning of history. The modern age produced famous cases such as the Rape of Nanjing in 1936 and the Balkan conflict in the nineties – and less well known cases such as the rape of French Women by American Soldiers during the second world war. Today sexual Violence is a humanitarian challenge facing Governments, Donors, UN agencies, INGOs and Civil Society Organizations alike.

Introduction: The paper will propose a theoretical framework for collaborative data collection and data collation that can improve our understanding of this conflict phenomenon and ensure that policies, funds, programmes and projects are best tailored to address need. Understanding of the information streams is highly beneficial for humanitarian actors coordinating response to better enable the day to day allocation and reallocation of resources to points of greatest need.

Objectives of Data Collection

To fully understand how to engage with a humanitarian issue, it is essential to have a sophisticated understanding of the problem. In a situation of conflict the needs of the population affected are diverse and humanitarian actors wishing to impact on the situation are often insufficiently resourced to tackle all the challenges posed. Difficult decisions need to be made and in a world where accountability is increasingly important actors require strong foundations on which to justify their interventions as the opportunity cost of resource investment is so high in humanitarian terms.

The humanitarian community has a wide variety of tools at its disposal which are deployed at the multi-lateral, bi-lateral and national level by states, and by NGOs and civil society organizations with operational access to those affected by the conflict. The level of information available to these actors helps to form the humanitarian response and the higher quality the information the better the resource allocation.

Sexual violence is both a driver of conflict and a symptom of conflict. The existence of the issue at scale is a clear indicator of severe humanitarian implications for civilian populations. At the basic level, evidence of sexual violence is required to justify a response or a non-response. A more sophisticated appraisal of the situation will allocate resources to specific geographical areas and to specific groups most affected. It will also identify existing structures that have the potential to better address needs through capacity building activities. These range from preventative structures, warning systems and community organization to health and psychosocial care following incidents of sexual violence. They can also include broader issues such as capacity building of law enforcement entities, reform of security

sectors (including education on International Humanitarian Law), reinforcement of judicial structures, community reinsertion programs for survivors etc. Existing actors can include state structures, civil society and religious organizations. Dedicated humanitarian actors install themselves to develop existing infrastructures in support of humanitarian needs and to provide infrastructure where none exists (due to destruction by war, underdevelopment etc).

Indicators to be used

To justify an intervention for any given actor working on the fight against sexual violence, the following indicators would be helpful. These both assess the levels of violence and the ability of existing structures to respond

- Number of incidents of sexual violence
- Number of survivors of sexual violence
- Number of attempts of sexual violence
- Number of survivors suffering from fistulas
- Number of survivors requiring treatment for sexually transmitted diseases and infections
- Number of survivors presenting with other medical issues
- Number of perpetrators of sexual violence
- Number of arrests for sexual violence
- Number of judicial processes for sexual violence
- Number of prosecutions for sexual violence.

There would also be numerous indicators related to the longer term impact of sexual violence such as

- Number of children born as a result of sexual violence
- Number of families broken as a result of sexual violence
- Number of survivors obliged to marry their assailant

Ideally, these indicators would be broken down across geographical boundaries, by age, gender, ethnicity, faith, political affiliation and any other differential that would facilitate improved resource targeting. A variety of qualitative information will also support the data on sexual violence itself and will provide an improved understanding of the contexts in which sexual violence is taking place. Broader indicators of conflict would be used to assess the probable timeframe for the occurrence of sexual violence, ie if a peace agreements were signed and adhered too, the need for preventative measures would be reduced while the need for residual medical and psychosocial issues would remain.

Conflict and information – Challenges and Opportunities

Sexual violence is recorded by a variety of actors using a variety of indicators each pursuing different areas of work during a conflict. These include; National Military, International Peacekeepers, Protection Actors, Healthcare Providers, Security Service Providers, Judicial, Investigative (external). Each actor records information relevant to their own area of expertise providing a huge amount of valuable information which can be leveraged in the fight against sexual violence. While this data can in theory be used to produce an overall picture of the prevailing contexts and trends, data sets are often not harmonized, interoperability is prevented by important considerations such as confidentiality and witness protection, actors are working in competition and at times not willing to share and similar incidents in identical locales may not be one and the same. This list is far from exhaustive and the potential for miscounting remains.

Key Information Sources

It is acknowledged therefore that different qualities of information exist for different actors. Below are some of the key actors working on sexual violence. Methodological challenges exist for the data collection in each area meaning that no single data collection process will provide a complete picture. Stigmatization of sexual violence is an issue in each case meaning that survivors often do not share information. Incoherence is inevitable, population movements, personal choice not to pursue judicial, legal process, stigmatization – time taken to identify, structures in place to accept identification.

The following section will provide a description of their activities, assumptions used when collecting information and risks with regard to the quality of that information. It will also discuss other considerations that should be taken into account when using information collected.

1. Humanitarian actors providing protection - IDP camps

In an ideal context those working with Internally Displaced Persons and Refugees will, at first point of contact, have the opportunity to assess the particular needs of each individual. Often known as protection monitoring, protection actors use standard questionnaires to register new arrivals and to refer them as necessary to specific service providers. Survivors of Sex and Gender Based Violence are identified using this process and are enabled to provide information relevant to support they may require. They are then referred to medical and/or psychosocial health providers as required. Protection monitoring therefore provides information on levels of SGBV amongst those most affected by conflict, ie those that were forced to flee.

The methodology used assumes that each individual will respond truthfully to questioning to the best of their ability. It also assumes that individuals will not register with different protection actors in different camps using a different name or ID code.

Risks to information quality exist therefore. The process does not verify whether or not an individual is telling the truth and it is possible that some may misrepresent their past to enable them to benefit from perceived or real advantages to be gained from being regarded as an SGBV survivor. Some others may

visit more than one point of registration due to various reasons including rejoining with family members and dangers in current location. It is also possible that some may inform untruthfully at various locations. A further challenge with regard to disaggregated data is that upon informing of experience of SGBV, the informant has the right not to share information further. While some may share details on location, profile of perpetrator, details of the incident etc. others will not. This means that headline data for sexual violence is different from disaggregated figures.

2. Medical care Providers

The nature of warfare in the globalized age involves a variety of medical service providers mobilizing to support those affected by conflict. Following national and international standards, nearly all actors collect data on services provided to ensure accountability to their partners, funders, hierarchies etc. Patients details will therefore be recorded and will include diagnosis and treatment. The data is then shared in a variety of ways.

Services are provided on the basis of medical need alone. Information is shared regarding cause of injuries etc. to better enable an effective diagnosis only. It is assumed that information will be offered and recorded truthfully and that medical examination neither confirm nor deny the validity of the information offered (this is particularly important in cases where sexual violence had occurred a significant period prior).

Data collected refers therefore to number of services offered following sexual violence rather than to incidents of sexual violence. Unfortunately many suffer repeated abuse before accessing medical care. Confidentiality also prevents the sharing of certain types of information which hinders disaggregation. A further risk is that figures are exaggerated by service providers and while evidence of this is difficult to obtain it is an established part of the discourse and therefore worth mentioning.

3. Humanitarian actors providing other types of care

A variety of other types of care is often provided to survivors of sexual violence in conflict affected contexts. This can include psycho-social support (including both individual and group work), social and economic support, education and legal referral and are often engaged following identification of need by protection of healthcare actors. Methodologies for service provision are diverse due to the number of smaller actors that often proliferate conflict affected contexts.

It is assumed that services are provided exclusively to survivors of sexual violence and that providers share information in an honest and transparent manner. Survivors of sexual violence often require multiple interventions to ensure rehabilitation, resilience etc. Data therefore on number of survivors supported is essential to the production of a clear picture of societal need. However due to various challenges it is more common for actors to register service provision as opposed to number of survivors served. The risks of untruths also exist using this methodology.

4. Police (investigating authorities)

Depending on the conflict, the National Police force may play a role in investigating accusations of sexual violence, arresting offenders, and handing relevant documents over to judicial authorities. Registration of accusations of sexual violence can therefore provide an important data-set to consider.

It is often assumed that those suffering a violation of their human rights will seek recourse through the competent authority, indeed it can be seen as their duty to do so. Assuming that security services exist therefore it is assumed that the case will be registered.

The risks to this methodology are however significant. The challenges faced by police forces in conflict are such that many have little confidence in the process being pursued. Survivors also risk retaliation from the accused in contexts where scant protection is provided. It is therefore acknowledged that the number of incidents of sexual violence registered with the police will be significantly lower than the actual number. In the case that the military is undertaking the responsibilities of the police the above considerations remain in place.

5. Judicial Authorities

In conflicts where attempts at the rule of law continue, successful police investigations are handed over to judicial authorities for prosecution. In the event of conviction, perpetrators will be sentenced and likely imprisoned. It is assumed therefore that competent investigation of genuine allegations will result in court cases, and subsequent prosecutions. In many conflicts this is not the case, however sexual violence is included in truth recovery, reconciliation, acknowledgement and judicial processes following conflicts and amnesties for sexual violence are prohibited by international law making the indicator relevant for longer term or historical analysis.

The risks for using this methodology to gauge levels of sexual violence are many. Given that in sophisticated countries experiencing periods of peace that many problems exist with regard to successful prosecutions, these are compounded in times of conflict and the judicial system as a whole is subject to external shocks. From issues such as retaining paperwork in offices that can be looted, burnt down or bombed to ensuring that prisons retain their inmates in similar circumstances, the challenges facing the judicial system are many. Capacity to process cases is also an issue with many more processes than the amount which the system was designed to cope.

In addition to risks pertaining to insufficient police (or military) investigations, problems of corruption also arise particularly when violations are committed by the state and judiciaries have conflicts of interest that often do not benefit survivors of sexual violence.

6. Human Rights Monitors

Human Rights Monitors are a feature of conflicts in the modern era and sexual violence is increasingly on the agenda for both UN agencies, NGOs and Civil Society alike. Working both alongside state structures and critiquing state structures monitors provide important information on conflict related events particularly on protection of civilian issues. The UN takes a lead role in this area of work and investigates incidences of human rights violations including sexual violence that are reported by various

channels, including the above mentioned entities, civil society, the media etc. The purpose of the investigation is to provide verified information on incidents related by secondary or unconfirmed sources. The methodology is open and transparent and attempts at producing objective information. Similarly NGOs and Civil Society also take part in this process, developing their own methodologies and sharing the information for fundraising and advocacy.

It is assumed that thorough investigations will produce credible information on incidents that can be trusted by interested stakeholders and help insure that truth is not always a casualty of war. The independent nature of the investigations attempts to ensure that games of blame often played by combatants are thoroughly understood and that responsibility for human rights violations is appropriately attributed.

Conflicts almost always produce conflicting information and therefore targeting of investigations into particular events must be done to ensure that resources are optimized. It is unlikely that investigation of each incident reported from various sources (with varying levels of credibility) can be achieved in contexts where there are many needs competing for limited resources. It is both the case and resources are allocated to investigated events that did not happen, and that insufficient resources are available to investigate all incidents that did. Therefore, while in theory independent and transparent investigations produce reliable information on events under focus, the lack of comprehensiveness of the methodology means that much remains unknown about incidents for which resources to investigate were unavailable.

7. Others

There are a range of other actors whose data-sets will also record information on levels of sexual violence. These can include UN Peacekeepers, UN Police, Media, and Academic Researchers etc. Each of these information sources has methodological issues, assumptions that do not always hold, and risks with regard to the quality of the information. This does not mean that they should be regarded, however, given that they do not attempt at comprehensiveness in the same way as those discussed, they should not be considered as offering an indication the issue of sexual violence at the national level. That does not of course mean that they should not be considered, however they should be used as complimentary data-sets rather than foundational data-sets for the purposes of measuring levels of sexual violence.

Conclusions

A sophisticated, integrated, agreed and coordinated methodology and presentation has the potential to significantly improve the fight against sexual violence and to help provide an overall solution to conflict.

It is clear however, that any methodology which attempts to use all the available data sets will have issues with regard to validity of headline data produced. Due to the political nature of conflict and the use of information (and propaganda) as tools of war there will be actors who choose to critique existing information and manipulate it to their own ends. If a number of incidents of sexual violence is presented as occurring in a given timeframe, it is likely that this will compel interested actors to respond. Some

may respond with action and intervention, others may respond by refuting the data to justify inaction or alternative action.

It is therefore essential that information is presented in a holistic context and that issues pertaining to the methodology used are discussed at the same time. This ensures that the complexity of the issue is placed to the fore, that it cannot simply be discussed as a straightforward issue and that all actors with power to change the context for the better are educated and aware of the challenges inherent in producing an effective situation analysis. Technology has the potential to significantly improve the way that information is collated, shared and used with both the potential for integration of information within partnerships and open-platforms that can be used by all interested parties.

Overall, there is significant potential for the creation of improved understand of sexual violence in conflict, however due to the complexity of conflict and the wide ranging nature of both required preventative measures and response (and associated actors), information will continue to require synthesis and integration to provide an overall understanding of the situation. The more stakeholders, and particularly those with the power to effect real change, are aware of the context and understand the situation, the more sexual violence can be prevented and mitigated against and the more the burden of suffering on victims and their communities can be reduced.