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Fall 12-13-2012

## Human Rights Policy Paper: Rape as a Tactic of War

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Fitzgerald, Sarah, "Human Rights Policy Paper: Rape as a Tactic of War" (2012). *Global Studies Student Scholarship*. 19.

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## **Rape as a Tactic of War**

### ***Human Rights Policy Proposals***

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December 13, 2012

*This paper reports on rape used as a tactic of war, outlining the scope of the problem and introducing policy options to address the issue on a global scale. Policy options targeted at relief services include increasing direct aid through funding fistula surgeries, building rural hospitals, and providing skills training for women awaiting surgery. Additional policy options addressing the problem at its root include legislative changes to stop impunity at the International Criminal Court, revising the Convention on Genocide to include sex and gender, utilization of devices such as the Rape aXe, and changing the culture of misogyny through educational rights campaigns.*

In an era characterized by widespread affronts to political, civil, social, and economic human rights but faced with limited resources to combat such violations, the international community must prioritize and focus on the most egregious and mendable issues first. From the perspective of citizens of western democracies which generally respect and promote gender equality, women's rights would not qualify as an urgent priority. Women's suffrage has been achieved in the West, most gender-discriminatory laws have been repealed, and women are beginning to become legitimate players in the upper-levels of the political and business realms. However, this general blasé attitude is an intolerable affront to women across the globe, blatantly ignoring the daily realities and sufferings of millions women. While the worldwide female community faces numerous challenges, they also endure the most urgent, relevant, and insufficiently-addressed human rights abuse in the world: rape as a war tactic. This inexcusable human rights violation can no longer be tolerated.

#### **BACKGROUND**

In a strictly empirical sense, the sheer number of women victimized by rape during armed conflict is staggering. According to the UN Action Against Sexual Violence In Conflict's statistics, as many as 50,000 women were raped in the Rwandan Genocide, 64,000 in the Sierra Leone conflict, 40,000 in the Bosnia and Herzegovina War, 4,500 in a single province in the Democratic Republic of the Congo in merely six months, and hundreds of women are raped every single day in the Darfur region of Sudan. These numbers are only augmented by other small conflicts where rape has been used as a war tactic, such as the Bangladesh Army's rape of Jumma minority women in the 1970s and 80s as well as the use of rape by the Guatemalan Army and rebel groups in their 36 year Civil War. As documented by Guatemala's Historical Clarification Commission, some instances of rape during this conflict were a result of the Guatemalan army forcing civilian men, at gunpoint, to rape women with whom they had previous social

connections, such as their daughters or neighbors (AASA Science).

Yet, in the face of such staggering statistics, the intensely personal nature of rape must not be overlooked; individual pain should not be absorbed into impersonal statistics. Leah Chishugi, a nurse and survivor of the Rwandan genocide, has dedicated years of her life toward documenting the testimony of women in the eastern Congo who have been raped by marauding militias. During her work, Leah has uncovered rapes of girls as young as 12 months old and women of 90 years of age (Guardian Online). Another woman who wished to remain unnamed has born three children as the product of rape (Guardian Online). In another area of Congo, Nicholas Kristof discovered reports of rapes committed by Congolese militias “with sticks, knives, bayonets, or firing guns into the women’s vaginas” (Kristof, 84). In another case, soldiers raped a three-year-old girl and then fired their guns into her. She died shortly after being delivered to a hospital, and her father committed suicide out of grief (Kristof, 84).

Clearly, rape as a war tactic is far more than just an assault to an intimate and vulnerable aspect of an individual’s dignity. It is a violent attempt to rip apart the social fabric of communities. While all human rights violations are condemnable, some violations, such as silencing of political dissidents, poor access to clean water, or unequal access to education, primarily affect one aspect of a victim’s life, and individuals are generally able to maintain vital social relationships throughout their suffering. Rape, however, is multifaceted. Its effects include:

- *Psychological Consequences*: self-blame, post-traumatic stress disorder (including reliving the rape in dreams or flashbacks), depression, internalized misogynistic views, fear (resulting in living a life of silence), and suicide (Kristof, Milillo).
- *Family Consequences*: shame (in severe cases, resulting in killing the rape victim to alleviate the family’s shame), husbands’ abandonment of victimized wives, and unwanted children conceived by rapists (Kristof, Milillo).
- *Community Consequences*: disruption of traditional cultural practices, erosion of communal identity and trust, and destroying communities altogether (Milillo).

Additionally, rape as a war tactic deserves prioritized attention because this serious offense is still in the early “birth stage” as a human rights norm; though the UN Security Council approved a resolution in 2008 which condemned rape as a weapon of war and a threat to international security, few concrete steps have been taken to translate this important resolution into reality (United Nations Human Rights website). In fact, in June 2008 the International Criminal Court dropped the counts of sexual violence, including rape, leveled against Germain Katanga and Mathieu Ngudjolo, the two Congolese militia leaders currently on trial in the Hague (Kahorha). Current international policy regarding the prevention and treatment of massive rapes is essentially non-existent, besides relegating clean up measures to NGOs and international aid agencies. Universal condemnation of rape as a war tactic is far from becoming an institutionalized reality.

- *Physical Consequences*: STDs, impregnation, urinary tract infections, vaginal tearing and bleeding, chronic pain, broken bones, infections, fistulas, and death (Kristof, Milillo).

## **POLICY OPTIONS**

In order to tackle this top-priority human rights issue, two primary plans of action must be employed. First, the international community must provide more direct aid to address the immediate needs of victims of rape. Second, and more important toward a long-term solution, rape as a war tactic must be addressed at a deeper level by making legislative changes to international law, stopping impunity for perpetrators, and changing cultural attitudes which perpetuate rape.

### ***AIDING VICTIMS***

The first task facing humanitarians charged with tackling this issue is to provide greater aid to victims. Though human rights issues such as HIV/AIDS and hunger routinely receive media coverage and public attention, rape has never been a top priority in the human rights arena and rape treatment remains severely underfunded. The simplest means of delivering aid is pumping more cash through existing channels. Fistulas, holes punctured through the bladder and rectum which cause odorous urine and feces to constantly trickle out of a woman's vagina, are the frequent result of rapes using foreign objects such as the barrels of guns or broken glass. Though fistulas only cost \$300 to repair and an estimated 90% of cases are repairable, miniscule numbers of women actually receive the surgery (Kristof, 96-98). Most victims of rape are rural women, and it can often take their whole life's savings simply to make the journey to an urban center with a hospital, much less afford the surgery itself (Kristof, 97). By increasing funding to the World Wide Fistula Fund or directly financing hospitals like the Addis Ababa Fistula Hospital in Ethiopia, functioning foundations will be able to provide more care to more women.

Additionally, aid should also be directed in the form of skills training. After being raped, most women in underdeveloped

countries consider their lives effectively over; they might be forced to die alone in a jungle, abandoned by their husbands, never remarry, and become rejected by their communities (Kristof, 82, 94). However, providing skills training can transform a woman from a helpless economic drain into a productive and functioning member of society. At the HEAL Africa Hospital the city of Goma in eastern Congo, patients awaiting surgeries to repair trauma caused by rape have the option to learn a skill set: sewing, weaving, reading, soap-making, and bread baking are among the most common (Kristof, 91). Thus, after recovering from their surgeries, women have option to provide for themselves, often for the first time in their lives. This newfound financial independence is key in empowering women who now have the option to build a new life in a new town rather than return to a dangerous village where they must rely on a male figure to provide for them. Besides helping individual women, such skills training, if widely used, could help underdeveloped countries harness a previously untapped source of economic productivity.

Apart from increased funding for existing programs, additional health facilities need to be constructed. The HEAL Africa Hospital previously mentioned officially has 150 beds, yet typically the patient volume exceeds 250, decreasing its ability to provide quality, individualized care (Kristof, 90). Besides helping with the overflow of patients, construction of additional hospitals would decrease the distance women would have to travel to seek care. According to the American Public Health Association, the average African woman lives approximately 37.4 miles away from a specialty care hospital capable of treating and repairing damage from rape (Stewart). While establishing and funding hospitals may seem like a daunting task, rural hospitals such as the HEAL Africa Hospital can run on annual budgets as low as \$1.4 million, petty change in the realm of international aid.

## **LEGISLATIVE CHANGES**

A great paradox looms over the issue of war rape: though rape as a war tactic continues to proliferate in conflict regions, the legal groundwork needed to prosecute this crime is already in place. As early as 1949 rape was already explicitly prohibited in Article 27 of the Fourth Geneva Convention; the International Criminal Tribunal for the Former Yugoslavia made arrests based on the Geneva Conventions, classifying rape as a crime against humanity; the statute of the International Criminal Court classifies rape as a crime against humanity if “widespread or systematic” in practice; and in June, 2008 the UN Security Council passed Resolution 1820 which condemned rape as “a tactic of war and threat to international security,” enabling the Security Council to take action against widespread rape (“Rape: Weapon of War,” “International Criminal Court”).

Yet, as previously referenced, the ICC has thrown out charges of rape in its prosecution of war criminals in the Congo, and rape continues to plague women in situations of conflict (Kahorha). Why does this discrepancy between legal protection and real enforcement exist? While there are many possible answers to this question, the most plausible is that under current international law there are no mechanisms forcing states to respond to situations of mass rape. Though States publicly denounce sexual violence in areas of conflict, if they have no clear self-interest in such situations, simply defending human dignity is not enough to persuade them to spend blood and treasure in stopping massive rape.

The Convention on Genocide is the only international mechanism in existence which legally requires signatory States to take formal action. Therefore, preventing massive rapes could be achieved through altering the definition of genocide to include sex. Thus, the revised definition would include “*acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, religious group, sex or gender.*” While it is true that

women raped in areas of conflict are sometimes targeted because of their membership in a particular national, ethnic, racial, or religious group, they are *always* targeted on the basis of sex. Women are raped *because* they are women. Rape undoubtedly qualifies as “causing serious bodily or mental harm to members of a group,” one of provisions covered in the original Convention, and by explicitly naming women as a group protected under the Convention on Genocide State parties would be legally obliged to confront wartime rape (Carson, 34).

The other legal avenue for addressing massive rapes lies in pressuring the ICC to include charges of rape in its future cases. Given that Article 7 of the Rome Statute places “widespread or systematic” rape under crimes within the jurisdiction of the ICC, the Court has the full legal right to prosecute such crimes. Thus, since such prosecution has not yet happened, individual activists, NGOs, UN bodies, and individual states must publicly pressure to the ICC to include charges of sexual violence in future cases. While it is too late to include such charges in the trials of Congolese militia leaders Germain Katanga and Mathieu Ngudjolo, the ICC needs to make a formal commitment to including charges of sexual violence in future cases. This way, mass rapists will be denied impunity on the world’s largest stage, sending a message to the global community and deterring future occurrences widespread rapes.

## **STOPPING IMPUNITY**

Though the above policy changes endeavor to end impunity for perpetrators of mass rape on a legal level, more concrete measures to stop impunity must also be pursued. One of the biggest factors contributing to the continued use of rape as a war tactic is the lack of consequences faced by perpetrators. In fact, Dr. Syed who practices in Pakistan confesses that, “When I

treat rape victims, I tell the girls not to go to the police. If she does, the police will rape her” (Kristof, 84).

In order to address these direct affronts to respecting the human rights of women, a new UN body should be established solely focused on retraining domestic police who do not take cases of rape seriously. UN peacekeepers have had a longstanding tradition of providing training to domestic forces, such as training national police in Chad how to provide security for refugee camps while simultaneously respecting the refugees’ human rights (“Chad”). By forming a new UN body with such a specific mission, the UN team could develop a coherent policy on how to address cases of police abuse, develop a clear plan as to methods of training, monitor police activity post-UN training, and thereby reduce impunity for rapists at a local level.

Another form of ending impunity resides in establishing formal funding for distribution of Rape aXes among at-risk female populations. The Rape aXe is a toothed female condom which is inserted into the vagina like a tampon and painfully attaches to a rapists’ penis until it can be removed in a hospital (Rape aXe). Thus, rapists would be “tagged” after committing a rape against any woman using this medical device, forcing investigations of men who are found with such incriminating physical evidence. Funding the distribution of Rape aXe devices would therefore result in easier prosecuting of perpetrators as well as providing a strong deterrent for future rapes; if enough women begin to use Rape aXes, men will automatically have to factor in the possibility of being “bitten back” and facing criminal charges before committing a rape.

### ***CHANGING A CULTURE OF MISOGINY***

The final and most daunting component of addressing massive rape at the most basic level is creating a global shift in attitudes

condemning the practice of rape. Residual gender biases defining the role of women as sex objects, general public acceptance of rape as an unavoidable byproduct of war given males’ prolonged absence from female company, and lack of international outrage over mass rape must all be eradicated.

The most concrete way to achieve such elusive goals is through educational campaigns. Spearheaded by various UN branches, NGOs, individual activists, and States, such campaigns would promote gender equality and respect for women’s dignity and worth beyond just the female’s role in procreation. Armed with translated copies of the Universal Declaration of Human Rights, “rights educators” must spread knowledge of the rights each individual possesses solely by virtue of being human. Women must be encouraged to defend their rights, and men must be encouraged to reevaluate gender discriminatory biases. In order to overcome cultural barriers, such campaigns must include local partnerships so that individual communities can take ownership of the campaigns and effectively internalize the messages of gender equality. It is important to note, however, that UN-sanctioned military protection should be offered to individual professionals and NGOs working in regions affected by mass rape who are promoting physical and social healing for victims and communities.

Increasing the role of domestic media outlets in publicizing information regarding human rights will also help raise public consciousness of rights, thereby corroding gender-oppressive behavior. Simply increasing awareness of rights promotes the realization for rights. For example, an Ethiopian man whose daughter had been raped saw no point in seeking redress within the rural community after the attack. However, upon visiting a nearby city and hearing a radio commercial about women’s rights aired by the Ethiopian Women Lawyers Association, he consulted his

daughter and together “they decided that [she] would report the rape as a crime” (Kristof, 64).

These types of cultural shifts are often slow, daunting tasks, yet their implementation is necessary for the long-term resolution and dissolution of rape as a tactic of war.

## **CONCLUSION**

As stated by the former commander of UN peacekeeping forces in the Congo, Commander Major General Patrick Cammaert, “It is perhaps more dangerous to be a woman than a soldier in armed conflict” (Stop Rape Now). Women have lived under the physically- dominating, psychologically-crippling, and overall debilitating patriarchal world system for too long. That era ends now. A new era of female empowerment begins with the 21st century, starting with the elimination of rape as a weapon of war.

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