

# Justice for Women: Seeking Accountability for Sexual Crimes in Post-Conflict Situations



Seminar, Brussels, 13-14 May 2008

06

Conference Report / Informe de Conferencia

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## About FRIDE

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FRIDE is an independent think-tank based in Madrid, focused on issues related to democracy and human rights; peace and security; and humanitarian action and development. FRIDE attempts to influence policy-making and inform public opinion, through its research in these areas.

## Conference Report

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# Justice for Women: Seeking Accountability for Sexual Crimes in Post-Conflict Situations

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**LOLAMORA**  
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This seminar was organised by FRIDE and WorldCom – Lola Mora in Brussels on 13 and 14 May 2008.

Cover photo: Getty Images

The image on the cover shows a woman in the Democratic Republic of Congo as she describes her rape by a group of soldiers to a health worker.

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Over the last fifteen years, the International Community has repeatedly searched for answers to the devastating effects that protracted violent conflict leaves in its wake. Post-conflict reconstruction requires a combined effort by the international community and local actors to tackle issues such as military support, disarmament, and the creation of stable judicial frameworks.

The systematic use of extreme violence, in particular sexual violence, in conflict and post-conflict situations raises the pressing question of how to end the cycle of impunity. Although the priority is for national justice systems to bring the perpetrators of massive human rights abuses in their territories to account, it has been amply demonstrated that this is not always a practical answer. In the 1990s, the conflicts in Yugoslavia, Rwanda and Sierra Leone led to the creation of *ad hoc* tribunals to judge crimes of genocide and massive human rights violations. The recognition of sexual violence against women as a war crime has been hailed as a major advance in international law. The rapid emergence of the principle of universal jurisdiction has been a crucial factor in the fight against impunity. In 1998 the Rome Statute was signed, and the International Criminal Court was established in 2002. This marked a decisive step in ensuring that addressing massive violations of human rights were considered the responsibility of the entire international system and not only of the countries where they occurred.

While significant advances have been achieved in global women's rights law, many experts point to the shortcomings in national penal codes, and the challenges faced by the victims of sexual crimes. A key area of concern is complementarity between international and national jurisprudence. What can women do when national legal codes are in conflict with international norms? What happens when sexual crimes have been perpetrated before legal reform? Judicial procedures can have a direct influence on women's participation in judicial processes and the protection of victims and witnesses of sexual crimes is paramount. Another vital issue is the training and

sensitisation of legal actors to ensure due process and access to justice for women victims.

On 13 and 14 May 2008, representatives of the International Criminal Court and the *ad hoc* tribunals, the United Nations (Office of the High Commissioner for Human Rights), human rights organisations, and the European Parliament were brought together by La Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE) and WorldCom Foundation - LolaMora Productions to explore these questions. Experts focused on complementarity, participation of women in judicial processes and three case studies in Africa. What follows are the key points of debate as discussed in the different panels with proposals relating to the pending challenges in achieving justice for women.

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## Complementarity: The ICC and its instruments

### Complementarity

The Rome Statute creates an international criminal justice system based on the two key concepts of complementarity and cooperation. One of the key aspects of complementarity is information sharing – information gathered during the ICC investigations can be transmitted to national authorities to facilitate proceedings and provide technical advice. The ICC exercises jurisdiction where national legal systems fail to do so, or where they purport to act but in reality are unwilling or unable to genuinely carry out proceedings and, as such, are shielding the alleged perpetrators. It was noted that there are other cases when the ICC can act, for example when there are extreme inconsistencies between national law and the international standards adopted by the Rome Statute. Researchers have argued that when national law (e.g.

regarding rules of evidence) was fundamentally flawed, the way was opened for an international trial.

A question arose over how to include lessons learnt from good national experiences into international jurisprudence, and how to adapt national experience according to jurisprudence of international courts and the ICC. Complementarity between supra-national human rights systems, where they exist, such as the Inter-American Court of Human Rights, and national systems can lead to positive developments in national justice. As an example of complementarity in practice, the case of the Kivus in eastern DRC was raised. An initial focus investigation is being conducted by the ICC to decide which area of the Kivus to investigate and to ascertain exactly who the perpetrators were. "Circuit Judges" could then use these cases, and the information provided, to bring justice and accountability to the populations affected in the Kivus.

The ICC is a court of last resort; it will therefore only investigate and prosecute those responsible for the most serious crimes in each case and it has a mandate covering only crimes committed after July 2002. However, it was pointed out that information collected by the ICC from witnesses of events prior to 2002 can be transmitted to national courts to form the basis of independent investigations.

Those present referred to UN Security Council Resolution 1325<sup>1</sup> on Women, Peace and Security in relation to several themes. One expert felt that the advent of the ICC has given the Security Council more responsibility to take action on gender crimes. In this sense, the Security Council has "new responsibilities which should be leveraged to further women's rights". It was pointed out that there was geopolitical bias against women victims in certain countries considered "pariahs" such as Burma. Despite the fact that Burma has been certified by the Red Cross as having the longest running internal conflict in the world, Chapter VII has not been invoked.

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<sup>1</sup> UN Security Council Resolution 1325: [http://www.un.org/events/res\\_1325e.pdf](http://www.un.org/events/res_1325e.pdf)

## Definitions and judicial procedure

The provisions on sexual and gender violence crimes under the Rome Statute were a historic development under international law and several achievements were highlighted particularly in relation to the definition of sexual violence crimes. Other developments include significant procedural provisions such as, for example, that "there will be no inference of consent in cases where there was force, threat of force or a coercive environment; no reference should be made to prior sexual conduct of a victim." The safety and privacy of victims and witnesses is paramount and appropriate measures include conducting proceedings on camera.

## Reparation

It was underlined that prosecution is only one element of justice and that without reparation, the justice process does not fully respond to victims' needs. The ICC Trust Fund fulfils this role by providing assistance to victims and survivors. A full reparation policy has not yet been defined and as a result there is no definition of the concepts of "victim" or "reparation". The Trust Fund facilitates the transfer of resources to victims once the reparations have been ordered and it can also provide assistance during the lengthy trials. The fund may also assist other victims of crimes under the jurisdiction of the court and currently the bulk of assistance is provided under this mandate.

The Trust Fund does not have the authority to provide assistance to individuals, however, and a group-orientated approach is favoured. It was pointed out that this approach is more effective therapeutically as the community is best placed to assess the rehabilitation measures required. Two thirds of the Fund's projects have gender based violence as the main component.

## Other themes

Discussion covered a number of themes ranging from equality and impunity to transitional justice and repair. Several experts noted that violence against women is a



continuum of acts that violate women's basic human rights, and that this violence occurs before, during and after armed conflict. Referring to equality, one expert maintained that "equality has to be a premise to democracy and the rule of law". Women's parity in the judiciary is a challenge that needs to be met. It was stressed that impunity denies the fundamental principle of equality under the law. The issue of impunity was also referred to in peace time. Some participants pointed out that impunity is rife in society as the high levels of domestic violence indicate.

One expert considered that "the transitional justice period is a time to embed equality" for women and accountability for gender crimes and this cannot be achieved if there has been no parity enforcement in the form of ceasefires, peace agreements and constitutional committees.

A human rights expert reflected that justice is not only a question of prison sentences. It is a matter of redistribution and recognition and in this sense the Rome Statute highlights the importance of the victim and places the emphasis on reparation.

## Victim's participation in judicial processes

### Due process and consent

Several intertwining issues were discussed in relation to victims' participation in judicial processes. Two aspects were considered essential for the victim: formal justice, as in accountability through the State providing redress, and what was termed social justice, which is the victims' rights to access health care, housing and social assistance.

Accusations of omissions that result in acts of sexual violence never becoming the subject of indictments were addressed. In the International Tribunals, top

officials were not indicted for sexual violence, leaving women victims angry and embittered that justice had been denied. It was pointed out that prosecutors claim difficulties in persuading women to come forward and testify. However, women need to be sure that what happens in court will not be an exercise in re-victimisation. Analysing definitions of rape and consent stemming from the judicial interpretations of the international *ad hoc* tribunals, a legal expert concluded that the possibility of the victim having consented to this torment has to be considered as a matter of law. In a social context where women who are raped are frequently ostracised, to raise the issue of consent is to condemn them further, even when consent is not possible. The ICC has adopted a definition of rape applicable under the Rome Statute and the determination of the victim's consent is considered an improvement. The contention of this legal expert was that the way in which the prosecution is carried out is of vital importance in encouraging women to come forward and testify, as it determines whether "women seeking justice get merely law, or by getting law get justice".

The possibility of victims not even being able to depend on the law being upheld is very real, as amnesties are often included in peace agreements. Quoting Donald Steinberg, former US ambassador to Angola; "the peace accord was based on thirteen separate amnesties that excluded even the possibility of prosecution for atrocities during the conflict... including rape used as a weapon of war,... these amnesties meant that men with guns forgave other men with guns for crimes committed against women. This flaw undercut any return to a culture of the rule of law and accountability...".

There was some debate over the concept of honour and experts agreed that the evolution in prosecuting gender crimes lay in the fact that international jurisprudence is moving away from honour. Repressive national penal codes are based on honour, for example in Iraq, where rape is not considered a crime unless the victim or her family presses charges. Several references were made to the Iraqi High Tribunal, including the fact that

gender crimes are being tried using progressive definitions as contemplated by the ICC, contrasting sharply with the repressive national penal code. Women victims also received reparation under the new Iraqi constitution because rape is defined as torture.

## Willingness to speak out

Referring to the reported reluctance of women to demand justice, one human rights expert pointed out that there is irrefutable proof women do testify and speak out about the sexual violence they were subjected to, as was evidenced in testimonies recorded by UN agencies and women's rights activists in Africa. However, she noted that the idea persists that the absence of justice is due to the fact women do not denounce this kind of "intimate" violence, thus confirming the belief that women victims are ultimately responsible for the absence of justice. The contention that women do not report sexual crimes for fear of being stigmatised socially exempts the state and society from the responsibility of bringing the perpetrators to justice.

The need to guarantee the safety of women was stressed, especially bearing in mind cases in which victims have withdrawn charges because the courts have failed to ensure adequate protection for them. Figures from Colombia reveal that only 64 women out of 14,576 victims have pressed charges and activists have been murdered by paramilitaries. It was also argued that support and protection should be extended when protection programmes end, and measures put in place so that women can recover their livelihood and receive health assistance.

## Positive experiences in protecting women

In parallel with retributive justice, the area of preventative justice was described as being very effective, especially in conflict and post-conflict arenas. In Darfur, for example, the African Union undertakes "firewood patrols", where trucks with civilian patrols

follow groups of women collecting firewood to protect them – a system reported as being highly effective.<sup>2</sup> Demonstrative of changing attitudes, "reintegrative shaming"- where perpetrators apologise and acknowledge harm and guilt - is used in Bougainville as a restorative justice mechanism to reintegrate males into the society after they have committed rape and sexual harassment.<sup>3</sup>

## Case studies in Africa

Before turning to the case studies in Africa, several participants analysed the underlying causes of systematic violence and sexual violence in particular. One troubling question underlying the waves of violence, including gender-based violence, that have ravaged war-torn countries is how human beings can commit these acts of extreme violence. The reasons lie in the aspiration to gain full control of a territory rich in resources or of strategic importance. When the aggressors cannot force the population to flee, they undertake the social and psychological destruction of these communities by destroying their capacity to function as a society. This is especially true in Africa where societies are small and tended to live autonomously. Societies become dislocated and powerless when men are killed, women are raped and children are abducted. Rape as a war tactic is the annihilation of a group of people as a functioning society.

However, it was also pointed out that sexual violence in conflict is a manifestation of what goes on behind closed doors. One in three women will be a victim of sexual violence in peace time and domestic violence accounts for 70 percent of all sexual violence. The root cause is relations between men and women and the

<sup>2</sup> "African Union Firewood patrols in Darfur", in *Sexual Violence in Armed Conflict*. Editors: Megan Bastick, Karin Grimm, Rahel Kunz. Geneva Centre for the Democratic Control of Armed Forces, DCAF: Geneva, Switzerland, 2007. p.170.

<sup>3</sup> "Reintegrative Shaming in Bougainville", in *Sexual Violence in Armed Conflict*. Editors: Megan Bastick, Karin Grimm, Rahel Kunz. Geneva Centre for the Democratic Control of Armed Forces, DCAF: Geneva, Switzerland, 2007. p.170.

gender bias in society that allows the situation to become so extreme in times of confrontation. One expert enumerated the lessons learnt in combating sexual violence in society. She referred to the need to reform national laws, address gender bias in society and use a spectrum of justice mechanisms from grassroots to international level.

Sexual violence has tended to remain within the “private” sphere. However, rape has become a weapon of war and, as such, is a political phenomenon. It was suggested that this language is useful in addressing sexual violence and that campaigns should have a more political approach, rather than being female specific. In the Rwandan International Tribunal, the Akeseyu case was a landmark in that rape was tried as genocide, thus converting it into a national crime and a political phenomenon.

## Rwanda

The experiences of women testifying before the International Criminal Tribunal for Rwanda reveal the difficulties faced by women participating in judicial processes. According to one expert, testifying in court was a traumatic experience for women, principally because women victims were called to testify as witnesses. Their status as “victims” was not recognised and their role was limited to answering questions. As a result, women victims could not tell their story or express their pain. In addition, they were obliged to undergo cross examination by the accused who cast doubts on the witness’ credibility. Another expert argued that impugning the credibility of a witness does not take into account the legal obligation to protect witnesses against harassment.

A precise definition of rape was lacking when trials began before the *ad hoc* tribunal, and in the case of Rwanda, the extreme violence and systematic nature of sexual violence needed to be reflected. Judges built up legal criteria, on the basis of jurisprudence, defining these crimes of sexual violence as crimes against humanity and genocide, which was of great relevance for international jurisprudence.

One expert considered that the ICC should only deal with direct responsibility and the direct perpetrators of crimes. Another expert argued that the ultimate challenge is to have trials based on command responsibility and to set examples so that the high-level commanders, and not just mid-level commanders, are held responsible. It was noted that under the Rome Statute there were provisions for individual responsibility and command responsibility.

Experiences from other countries were cited to demonstrate ways women could be protected and encouraged to participate in judicial processes. In Iraq, a *fatwah* was issued stating that women should be protected if they report a crime.

It was noted that cultural considerations influence access to justice. These include women’s position in society, which was often already vulnerable and weak prior to the conflict. The need to sensitise legal actors at all levels was stressed, starting at the level of police, investigators and the prosecutors, as the people who first deal with the charges are often prejudiced and women still find themselves stigmatised. It was felt, however, that the greatest challenge in achieving justice in cases of sexual violence was coexistence: perpetrators and victims living in the same area, making it all the more difficult for women to testify.

### *Complementarity in Rwanda*

Referring to complementarity in the case of Rwanda, it was pointed out that there are four complementary legal justice systems:

- The ICTR
- National justice courts that have tried 10,000 people
- Traditional *gacaca* justice
- Trials on the basis of universal jurisdiction in Belgium, Switzerland, Canada and Spain

Rwanda has the highest percentage (48 percent) of women parliamentarians in the world and this is a very significant step in tackling gender bias in society. From the grassroots level of justice through to the

International Criminal Tribunal for Rwanda, there have been notable successes in achieving justice for genocide. However, shortcomings and challenges were also pointed out. Concerns have been expressed about the *gacaca* courts as they deal with hundreds of thousands of cases and the trials are very rushed. While originally inspired by tradition, *gacaca* justice can no longer be considered traditional as it has lost its restorative aspect and has become retributive, meting out heavy sentences on occasions. Concern was also expressed about recent legislation whereby thousands of sexual violence cases will be transferred from national courts to the *gacaca* courts. This situation will pose many problems concerning protection of victims, gender bias and stigmatisation, as the *gacaca* judges are drawn from the community. The rights of the accused are in doubt too as there are very few defence lawyers.

Of almost 10,000 trials in the national courts, only three percent had convictions for sexual charges. Referring to the ICTR, it was noted that there were high standards in the rules of procedure. However, as the trials took place in another country, many victims of sexual violence felt they had no ownership of the process. The accused received medical care from the UN while most of the rape victims who testified received no medical assistance. As a result, their experience of the justice process was exceedingly unfair. In response to a suggestion to set up courts specifically to deal with women's issues, several participants underlined that women should be seen as human beings and not as a "strange" sex. Gender mainstreaming was necessary at all levels of law.

## Democratic Republic of Congo

In the DRC, the origins of sexual violence can be traced back to pre-colonial times in the form of forced marriages and rape, and today there is sexual violence even in areas where there is no conflict. During armed conflicts in 2004 there was a sharp increase in sexual crimes and rape was used as a war weapon by insurgents. This form of violence shocked the collective consciousness of the Congolese and spurred the people to demand a law on sexual violence, which was passed

in 2006. Yet despite these advances, impunity is widespread.

A major challenge to encouraging women's participation in judicial procedures in DRC is the fact that victims are reluctant to press charges because they fear social rejection and the fact that their husbands may divorce them. One expert argued that this was because the victims were women and she outlined several sociological factors that contribute to difficulties in applying the new law including superstition, disintegration of the family unit, and a decline in living conditions. The challenges of the post-conflict situation also hindered its application. Continuing insecurity is a reality and many areas of the country are hard to access.-

Another pressing challenge is the dysfunctional justice system, including the fact that even when aggressors are charged, there are no appropriate detention centres and indicted soldiers can escape. Overcrowding in prisons gives rise to mass escapes which in turn leads to further threats to the victims. At the same time, the cycle of impunity is reinforced.

Several participants emphasised the importance of justice as the most effective instrument in the fight against impunity. However, shortcomings of the judicial system were highlighted, including the need for emergency justice measures. It is crucial that victims have access to a medical examination soon after the crime, even if the investigation starts later. In the same vein, improved liaison between health and legal personnel would improve the initial attention given to women victims and more trained legal and police staff, preferably female, are urgently needed as cultural prejudices still pose obstacles to justice for women.

In reply to the observation that the ICC can only try crimes committed after 2002, one expert suggested that this fact did not preclude an *ad hoc* tribunal for the DRC which could apply to any time period. It was also suggested that named rapists could be seized in any African Union or European country and tried under universal jurisdiction.

Parity in the judiciary in DRC was considered but several obstacles were pointed out. While a Law School exists, there is no magistrate's college for training judges. The high level of sexual harassment at university was noted, along with the detrimental effect this has on future women graduates. The need to create alliances with men was considered more useful and it was noted that the Gender Parity Law in DRC was passed in the National Assembly with the votes of male MPs.

### *Complementarity in DRC*

In the area of complementarity, one expert noted that military tribunals in DRC apply the Rome Statute, which is a significant advance. These tribunals have a big impact in terms of visibility and awareness-raising but they occur sporadically and depend on international funding and support.

## **Sudan-Darfur: After Rwanda and DRC**

It was stressed that the religious and cultural context in Sudan is very different and poses major challenges. In both Rwanda and DRC, progressive new laws on sexual violence have been passed. However, at the level of national law in Sudan, there are insurmountable barriers to achieving justice and accountability in the justice system. Definitions of rape are very restrictive and exclude acts defined by the Rome Statute. If the accused is not found guilty, the victim can be charged and sentenced for adultery. The police have been accused of dragging their feet in conducting investigations and collecting proof. Finally, even where proceedings take place, immunity laws ensure that all military personnel are not punished. One expert suggested that it was functionally impossible to prosecute rape in Sudan given current domestic law. She wondered if it was ethically correct to encourage women to file charges under the present system.

### *Challenges to be addressed in Sudan:*

Full reform of national law is needed including provisions for equality and implementation of international treaties.

Specialised tribunals should be established as national courts will not be able to deal with the volume of cases. Local justice mechanisms should also be put in place, including truth and reconciliation commissions.

Sudan has not ratified the ICC and the government provides little or no cooperation to the UN Security Council. In the cases before the ICC, sexual counts have been included but the ICC's chances of arresting those indicted are remote. It was pointed out that a new constitutional court, under the Comprehensive Peace Agreement, has been established and that it incorporates a full bill of rights. Using this new institution as a means to law reform, challenges are being made to the immunity laws and these advances were viewed with guarded optimism.

### *Recommendations for Sudan*

It was felt that the possibility of an *ad hoc* International Tribunal for Sudan and/or mixed courts should be considered. Non-judicial instruments may have a role to play in providing reparation for victims and contributing to peace processes.

It was stressed that the international community should monitor what happens in Sudan and ensure that the standards expected by the international community in terms of accountability for sexual crimes are applied. One participant considered that it was importance to raise awareness among women in Sudan of their rights, as they were often not aware of their right to abortion after rape.

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## **A way forward**

Over the last year, FRIDE has begun to deal with gender issues within the areas of Peace, Security and Human Rights and Humanitarian Action and Development. The implementation of UN resolutions under Chapter VII is a priority and in particular UNSCR 1325. It is vital to strengthen national jurisdictions and harmonise them with international jurisdiction. Complementarity plays a key role in this

area. In conflict situations, women need to be incorporated into the processes of transitional justice and peacebuilding. FRIDE aspires to influence policies nationally and internationally and to this end it creates forums for multidisciplinary dialogue between experts and produces a wide range of publications.

WorldCom - LolaMora provide the nexus between the media and women's rights. They work in synergy with local activists and professionals to denounce sexual violence. Since 2005, WorldCom-LolaMora has been running an international media campaign called: "Challenging the Silence – Media against sexual violence". Through their work with the media in Africa, Latin America and Europe, they raise public awareness about many aspects of sexual violence. Their aim is to provide more complete, balanced and reliable information. The fact that women speak out and denounce these crimes is highlighted in order to break the silence and dispel taboos. Women demand reparation and the right to regain their dignity and it was stressed that without reparation, there can be no justice.

## Overall proposals

Participants underscored the importance of strengthening national legislation and the fact that national laws should include the Rome Statute provisions. It was noted that the Rome Statute is a valid instrument in defending women's rights not only in war time but also in peace time. Complementarity was thus a priority in achieving coherent and effective legislation. The role of the media in raising public awareness and providing reliable information was also highlighted. Political outreach was recommended and it was suggested that the seminar's recommendations should be taken up at European Parliament level and at the level of national institutions in order to encourage debate and policy changes. It was suggested that in the future proposals could be divided into two areas; those regarding prevention of sexual violence and reparation and proposals to end the cycle of impunity.

- Discrimination against women in society during peace time, as evidenced by high rates of domestic violence and sexual harassment, is linked to extreme sexual violence in times of conflict. A key challenge for the media was the need to raise public awareness on this relationship and the need to act in peace time.
- Discrimination in the social and economic spheres is also linked to sexual violence. In post-conflict situations, economic and social rights should not be overlooked by transitional justice systems. Redressing the socio-economic imbalance empowers and protects women from being exposed to widespread violence.
- The importance of a multidisciplinary approach was stressed, particularly in the area of reparation where doctors, psychologists and anthropologists can have a direct impact on judges in assessing reparation.
- The need to provide a wide-ranging definition for reparation, based on the victims' perceptions of their needs, was highlighted. Many aspects were enumerated ranging from health care and employment to social inclusion and reconciliation.
- Security sector reform creates opportunities to integrate gender issues, for example by collaborating with women's organisations and increasing the recruitment of female staff. Measures such as these can contribute to creating an accountable and participatory security sector.
- The need to put in place mechanisms for documentation of sexual violence crimes was considered to be a fundamental step towards achieving justice for victims and ending the cycle of impunity.
- It was noted that policy creates laws and lobbying of member states regarding aspects of their policies was essential, including among others: Judicial processes in cases where soldiers in peacekeeping mission are involved in sexual violation (as they are only accountable to member states); Security sector reform; National Action Plans on 1325. To date only 6 EU states and 3 non-EU states have NAPs.
- An issue that needs to be debated at further meetings is the definition of concepts such as "victim" and "witness".



## Specific proposals for DRC

A judicial strategy to fight against impunity for crimes of sexual violence was recommended:

1. International institutions and NGOs should support local NGOs in establishing a special tribunal for DRC to judge all sexual crimes committed between 1993 and 2002.
2. National jurisdiction needs to be strengthened with more judges and support for the organisation of itinerant or “mobile courts”
3. The absence of clear political will to fight impunity was highlighted, and nothing less than zero immunity for crimes of sexual violence should be demanded.
4. It was recommended that a rigorous wide-ranging study should be undertaken to establish the real number of cases and the identities of the perpetrators. The findings of this study could then be used as the basis for legal proceedings before the ICC.
5. Legal clinics should be created to provide support for victims’ defence, including measures to protect victims and witnesses both during and after trials.
6. The need for training and sensitisation of legal personnel who deal with victims of sexual violence was considered vital.
7. An assistance fund for victims of sexual violence should be created.
8. The setting up of a campaign to eliminate corruption in the judiciary was also recommended.

Other subjects were flagged by some participants as needing urgent consideration:

1. Pregnancies resulting from rape are psychologically and physically traumatic for women. It was recommended that international NGOs should support local NGOs in opening a national debate on how best to support these women, including the

possibility of offering abortion as a therapeutic measure and as an option forming part of reparation in those cases where women decide to avail of it. Abortion is illegal in DRC, except in cases where the woman’s life is in danger. In Sudan, abortion is legal but women are often not informed of their rights.

2. In the three African countries under consideration the problem of children born to raped women is a source of grave concern. Their mothers are refused jobs and these children are rejected by society. As a result, they need to be protected and the situation of these children was likened to a ticking bomb. There were calls for an international debate on the subject of children born of rape. One expert pointed out that in general, all children tended to be vulnerable as many of them had witnessed extreme violence.

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## Conclusion

Daunting challenges are faced by women survivors of sexual violence: social rejection, impunity of the perpetrators, difficulties in access to justice, severe health problems, children born of rape and economic precariousness. Justice, in the widest sense, is a priority and some progress has been made regarding access to justice for women. Economic and social justice is an integral part of the process to restore women’s rights and dignity and the underlying gender bias in societies needs to be urgently addressed in order to prevent sexual violence. Only through the broad involvement of all levels of society will there be a wide-ranging commitment to justice for women. Local and international actors need to work hand-in-hand to ensure continued support for women victims of sexual violence before, during and after armed conflict. Sexual crimes and the impunity of perpetrators continue to pose a major challenge that must be urgently addressed by the international community.











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Over the last fifteen years, the International Community has repeatedly searched for answers to the devastating effects that protracted violent conflict leaves in its wake. Post-conflict reconstruction requires a combined effort by the international community and local actors to tackle issues such as military support, disarmament, and the creation of stable judicial frameworks.

The systematic use of extreme violence, in particular sexual violence, in conflict and post-conflict situations raises the pressing question of how to end the cycle of impunity. Although the priority is for national justice systems to bring the perpetrators of massive human rights abuses in their territories to account, it has been amply demonstrated that this is not always a practical answer.

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