

Gender and age specific responses needed to address sexual violence against children in armed conflict

All Survivors Project: Briefing for UN Security Council Open Debate on Children and Armed Conflict-July 2019

This August marks the 10-year anniversary of Security Council Resolution 1882, which expressed deep concern “about the high incidence and appalling levels of brutality of rape and other forms of sexual violence committed against children, in the context of and associated with armed conflict including the use or commissioning of rape and other forms of sexual violence in some situations as a tactic of war.”¹

Despite significant challenges in documenting this violation, which include an absence of trained monitors, gender exclusive legal frameworks and pervasive social stigma, nearly 1000 verified cases of rape and other forms of sexual violence against boys and girls have been included in the UN Secretary-General’s 2019 Annual Report on Children and Armed Conflict. A 2019 UN Security Council resolution called for the Monitoring, Analysis and Reporting Arrangements (MARA) on Conflict-Related Sexual Violence to focus more consistently on the gender specific nature of sexual violence against all affected populations, including men and boys.²

Existing research clearly shows that children and other vulnerable groups suffer a continuum of violence in the situations of armed conflict and displacement. Age and other intersectional factors can create particular vulnerabilities for boys and girls, including when recruited and used for military purposes, abducted, forced into child labour, or when unaccompanied or separated from their families or carers. There is a clear co-relation between children’s involvement or association with conflict and their multi-layered vulnerability to various forms of victimisation. The recent Security Council resolution 2475 (2019) underlined “the benefit of providing sustainable, timely, appropriate, inclusive and accessible assistance to civilians with disabilities affected by armed conflict, including reintegration, rehabilitation and psychosocial support, to ensure that their specific needs are effectively addressed, in particular those of women and children with disabilities”.³

At the Annual Report presentation to the Human Rights Council, the SRSG CAAC noted: “*Abductions are frequently a precursor to other violations against children, such as recruitment and use or sexual violence. For instance, in Nigeria, Boko Haram often specifically abducts girls to use them as human bombs, tying improvised explosive devices to their bodies and forcing them to perpetrate suicide attacks. Abductions also have immense cross-border effects, as armed groups like Boko Haram and ISIL abduct children and bring them to neighbouring countries to be trained, used as fighters, married, sold or enslaved*”.⁴ Children associated with armed forces and armed groups (CAAFAG) are highly vulnerable to psychological and physical violence including sexual violence. The risk to girls of recruitment for sexual purposes is well established as are the enormous challenges that girl survivors face in returning and reintegrating into their communities. Although less well documented, boys are also known to have been subjected to sexual abuse by members of armed forces and non-state armed groups (NSAG) with which they are associated. In some cases, boys are specifically recruited for sexual purposes.⁵

¹ UN Security Council resolution 1882 (2009).

² UN Security Council resolution 2467 (2019).

³ UN Security Council resolution 2475 (2019).

⁴ Statement by Ms. Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict to the 38th Session of the Human Rights Council, 5 March, 2019.

⁵ See for example documented incidents/concerns in: **Afghanistan** (state security forces and NSAGs), UNAMA and OHCHR, Afghanistan: Protection of Civilians in Armed Conflict, Annual Report 2017, February 2018; UNAMA and OHCHR, Afghanistan: Protection of Civilians in Armed Conflict, Midyear Report 2016, July 2016 and Report of the Secretary-General on children and armed conflict, UN Doc. A/70/836-S/2016/360 (2016). **DRC** (NSAGs), Report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo, UN Doc. S/2018/502. **Nigeria** (NSAG), Report of the Secretary-General on children and armed conflict, UN Doc. S/2018/465; **Syria** (NSAG), ASP, “Destroyed from within”, 6 September 2018. **Uganda** (NSAG), ICC, Situation in Uganda in the Case of the Prosecutor V. Dominic Ongwen, Public with Confidential Annex: Victims’ requests for leave to present evidence and to present victims’ views and concerns in person, 2 February 2018. **Yemen** (NSAG), Committee on the Rights of the Child, Concluding observations, UN Doc. CRC/C/OPAC/YEM/CO/1 (2014) and Report of the

Accurate information on the nature and scale of sexual violence is essential to understanding who is at risk and why in order to inform actions to prevent and protect against it and to ensure appropriate services and programmatic responses for survivors. Data is also needed for monitoring the effectiveness of interventions and to fulfil reporting obligations to human rights treaty monitoring bodies on progress made towards implementation of relevant treaties. More comprehensive data on patterns, prevalence, causes and consequences of sexual violence against boys and girls can also contribute to dispelling myths and stereotypes that feed stigma and discrimination.

In order to respond to the deeply hidden problem of sexual violence against all children in situations of armed conflict, ASP calls upon UN member states to take steps towards:

Legal reform:

- Encourage national law reform to ensure that rape of all individuals, including males, is proscribed in national law (through gender-neutral or gender-inclusive language) and the definition of rape is consistent with international standards and inclusive of enforced rape;
- Ensure that rape and other crimes of sexual violence can be prosecuted at any time without being subject to statute of limitations and immunities, defences from prosecutions and amnesties prohibited for rape and other crimes of sexual violence;

Monitoring and documentation:

- Ensure mechanisms are in place to collect data on sexual violence against boys and girls as an integral part of relevant monitoring, data collection and reporting processes and strategies address the specific risks associated with documentation of sexual violence against them (such as homophobic laws, discrimination and stigmatisation);
- Ensure mechanisms are in place to facilitate the safe, confidential reporting of sexual violence and such mechanisms are available to and accessible by both girls and boys;
- Ensure strategies aimed at preventing grave violations against children in armed conflict factor in the gender-specific risks of sexual violence against girls and boys, and proportionate attention is paid to identifying and responding to situations where boys may be at heightened risk of such crimes;
- Deepen research and understanding of links between sexual and other forms of violence against boys and girls and its linkages with conflict mitigation.

Responses and support services:

- Ensure active, up-to-date, safe referral pathways are in place to enable those involved in monitoring and documenting sexual violence against boy and girl survivors to appropriate medical care, Mental Health and Psychosocial Support and other services;
- Ensure non-discriminatory and multi-sectoral assistance to all child survivors of sexual violence, including clinical management of rape, medical, psychosocial and legal services is provided, paying particular attention to the diverse range of victims including boys who may require specialised responses.

Secretary-General on children and armed conflict in Yemen UN Doc. S/2013/383. See also, Child Soldiers International, Why 18 Matters, A Rights-Based Analysis of Child Recruitment, 2018, www.child-soldiers.org/Handlers/Download.ashx?IDMF=1a608665-f302-4bf4-9710-580a4ee7892a