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Conflict-related sexual violence as a threat to peace and security of the world

Сексуальне насильство, пов'язане з конфліктом, як загроза миру і безпеці світу

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Abstract

The aim of the article is to conduct a review of the main trends in the impact of sexual violence in the course of armed conflict on the growing threat to world peace and security. The subject of the study is conflict-related sexual violence. The research methodology includes the following methods of scientific knowledge: dialectical, logical, normative and dogmatic, monographic, system and structural, summarization. Research results. The concept of sexual violence related to the conflict, provided in international legal acts, is considered, its features and characteristics are studied. The goals of the use of sexual violence during armed or military conflict are established. Practical meaning. It is emphasized that every military conflict is accompanied by sexual violence, despite the adopted international agreements, conventions and resolutions that prohibit such actions. Value / originality. It is noted that conflict-related sexual violence remains a systematic, widespread, pervasive and universal phenomenon that poses a direct threat to world peace and human security.

Анотація

Метою статті є проведення оглядового дослідження основних тенденцій впливу сексуального насильства під час збройного конфлікту на зростання загрози миру та безпеки всього світу. Предметом дослідження є сексуальне насильство, пов'язане з конфліктом. Методологія дослідження включає такі методи наукового пізнання: діалектичний, логічний, нормативно-догматичний, монографічний, системно-структурний, узагальнення. Результати дослідження. Розглянуто поняття сексуального насильства, пов'язаного з конфліктом, надане у міжнародних нормативно-правових актах, досліджено його особливості та характерні ознаки. Встановлено, які цілі «переслідує» застосування сексуального насильства під час збройного чи військового конфлікту. Практичне значення. Наголошено, що кожен військовий конфлікт супроводжується сексуальним насильством, не зважаючи на прийняті міжнародні угоди, конвенції та резолюції, які забороняють такі дії. Цінність / оригінальність. Доведено, що сексуальне насильство, пов'язане з конфліктом,

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Keywords: armed conflict, peace, security, sexual violence, threat, war.

залишається систематичним, масовим, поширеним, та повсюдним явищем, яке містить в собі пряму загрозу світовому миру та безпеці людства.

Ключові слова: сексуальне насильство, збройний конфлікт, війна, загроза, мир, безпека.

Introduction

Full-scale invasion of the Russian Federation on the territory of Ukraine has endangered not only the territorial integrity, independence and sovereignty of Ukraine. The whole concept of international security is under threat. A significant number of international agreements and treaties have not provided reliable protection of human rights and freedoms from the atrocities of authoritarian regimes.

The Charter of the United Nations (UN) of 1945 prohibited war, but armed conflicts started more than they ended. At the same time, civilians are increasingly becoming their victims. For example, only 2% of civilians died during the Franco-Prussian War. The war in Vietnam lost 3 million civilian lives compared to 150 thousand militaries, or 95% (Senatorova, 2018, p. 7).

On the one hand, the world has formulated a prohibition of war. However, in parallel, there is a process of codification of international humanitarian law, which defined the laws and customs of war, protection of victims of war (Hague Conventions and Declarations of 1899 and 1907; Geneva Conventions of 1949 and their Additional Protocols).

Not only internationally declared rules and laws of war are grossly violated during a military conflict; violations of fundamental human rights, enshrined in the international human rights standards and international humanitarian law, are becoming significant.

Every military conflict, being a global threat to human security, at the local level leads to an increase in the number and variety of forms of sexual violence (rape, sexual slavery, forced pregnancy, etc.). The vulnerability of women and girls to the threats of sexual violence, abduction, torture and murder is maximized during the military conflict (UN General Assembly, 2000; Tudorică, 2021).

Victims of such crimes are both women who find themselves in the occupied territories and those who have left their homes in search for a safe

place for themselves and their children. The latter are often victims of rape, human trafficking, harassment, sexual slavery, etc. This situation creates a state of danger not only for the population of a particular country, where an armed conflict is taking place; the level of global security is also becoming fragile, as the aggressor country cynically wants to demonstrate to the world not only ignoring the provisions of international agreements, but also their own dominance through violence and neglect of fundamental principles of a civilized and legal State.

Thus the purpose of this article is to conduct a review of the main trends in the impact of sexual violence during armed conflict on the growing threat to world peace and security. Any military conflict not only violates the rule of law, but also exacerbates the dangerous situation and instability, undermines development, and creates favorable conditions for the rise in crime, including cross-border crime.

Methodology

The methodological basis for the study is dialectical method, according to which such phenomena as sexual violence in the course of armed conflict is examined and its consequences are considered.

Logical method makes it possible to study the negative impact on equality between women and men during military conflicts, as well as how sexual violence related to the aggression exacerbates the threat to peace and security.

Normative and dogmatic method is used to investigate the content of international legal instruments, which enshrine that all parties to the armed conflict should take special measures to protect women and girls from gender-based violence, especially rape and other forms of sexual violence in armed conflict.

Monographic method is applied to examine the views of the researches on the problem of

committing sexual violence during armed conflicts.

With the help of system and structural method the goals of the use of sexual violence during armed or military conflict are established.

The method of summarization allows to conclude that each military conflict is accompanied by sexual violence, despite the adopted international agreements, conventions and resolutions that prohibit such actions.

Literature Review

A number of foreign and domestic researchers have considered the problem of sexual violence in the course of armed conflicts. In particular, Gaggioli (2015) states that conflict-related sexual violence has always been wide spread phenomenon during all wars in every country and still "holds its positions" in the course of armed conflicts.

Beck (2004), in her turn, substantiated that women are raped in war not because of their sex, but because they belong to "another camp" and are therefore enemies. Accordingly, rape has a special function both in war and in peacetime: it is a method of deliberate, systematic intimidation, by which all men keep all women in constant fear.

Seifert (1993) provides ample evidence that rape should be considered an important element of military strategy. The author develops five explanations for the function of rape in war. Finally, light is shed on the logic of "silence" that characterizes war crimes against women to this day.

Dudorov and Pysmensky (2019) examined international legal instruments regulating the protection of sexual sphere and condemning the violations against sexual integrity of the person. They also investigated the methods to protect this sphere in a number of European countries, as well as studied their legal policy concerning this issue.

Movchan et al., (2021) based on the research conducted concluded that the ways of committing violence including sexual one do not change over time. Women and children remain the most vulnerable sector of society due to their psychological features.

Levchenko and Loban (2021) investigated the sexual related offences against the child. In

particular, they drew the distinction between the concepts of sexual freedom and sexual integrity of the child and substantiated that all crimes against the sexual integrity of a child are characterized by direct intent. At the same time, the mental attitude of the perpetrator to the age of the victim may take the form of a careless form of guilt.

Results and Discussion

The duality of the world is inextricably linked to the equality of women and men. In 2015, the UN General Assembly adopted a Resolution "Transforming our world: the 2030 Agenda for Sustainable Development" (United Nations, 2015). The goals that, in the opinion of the world community, are able to ensure peace, security of mankind and its sustainable development are formulated in this document. Thus, one of the main goals of sustainable development of the world, ensuring peace and security of mankind is the recognition of gender equality, which is not only a fundamental right of every person, but is also positioned as a fundamental condition for achieving peace and sustainable development.

It should be noted that the Russian Federation, having signed the Agenda for Sustainable Development until 2030 (United Nations, 2015), agreed with the declared provision that ensuring sustainable development is not possible without peace and security. The need to build a peaceful, just society free from social barriers based on respect for human rights, the rule of law and the respect for self-determination by every people is recognized.

The decision by Members of the United Nations to redouble their efforts to resolve and prevent conflicts and provide assistance to post-conflict countries, including by ensuring active and visible participation of women in the peace process is the confirmation of this thesis. Particular emphasis was placed on the need to comply with international law in terms of removing obstacles to the exercise of the right to self-determination of peoples living under occupation, as this negatively affects economic and social development (United Nations, 2015). However, current events have shown that paper-based provisions may run counter to the real policies of individual States. After all, the whole world is in danger today.

Military conflicts, being one of the world's most dangerous threats, have a negative impact on equality between women and men. Being a widespread manifestation of armed conflict,

sexual violence has been a silent topic for a long time. This is due in part to the fact that violence against women was seen as an inevitable side effect of war. However, in recent years there has been a change in the perception of the nature of sexual violence related to military conflict. According to the provisions of the Rome Statute of the International Criminal Court (Articles 6, 7, 8) (International Criminal Court, 2011; Shablysty et al., 2021), sexual violence related to conflict both includes attributes and is an act of genocide, a war crime and a crime against humanity. In our opinion, such a legal assessment of sexual violence indicates a high level of danger as a socio-legal phenomenon, which has negative multidimensional consequences as regards the violation of fundamental rights human rights and the and the nature and trends of the development of the theatre of hostilities, as well as, in general, the dynamics of the military conflict itself.

To answer the question of how sexual violence related to the conflict exacerbates the threat to peace and security, we should recall that according to the Academic Dictionary of the Ukrainian language (Slovnuk.UA, 2022), peace is the absence of disagreement, enmity, quarrels. Peace is consent; lack of armed struggle between two or more peoples, States. Security is a state where no one is threatened. That is, in the case of conflict-related sexual violence, peace a priori no longer exists, as military conflict has developed, and the state of security is replaced by the state of extreme danger of becoming a victim of sexual violence and other illegal acts. Conflict-based sexual not only does it not promote peace, it exacerbates and prolongs military conflict. As sexual violence is a manifestation of aggression, the desire to demonstrate power and dominance, respectively, it affects not only women and girls, but also men and people with other gender identities as victims of conflict-related sexual violence. According to Kharitonova (2022), violence is used to violate social and legal norms, to humiliate people and communities. Often such sexual violence is a way for criminals to attract political attention and thus declare themselves as a dangerous armed group that should be perceived seriously. During many wars, “sexual conquest” of enemy women was considered both a reward for military success and a trophy. Ruth Seifert (1993) noted that one of the unwritten rules of war is to allow the victors to sexually assault women immediately after the battle. In our opinion, such an “unwritten rule” about receiving women’s bodies as a reward for winning a battle is a manifestation of established gender inequality and treatment of women as a

“secondary member of the society”, permissibility of disregard for her rights, interests and desires. For example, the published cases of sexual abuse of women in Ukraine by the Russian military fully confirm their worldview and attitude towards women in a peaceful life. It is known that the criminal legislation of Russia Federation does not provide for liability for domestic violence, although according to NGOs, this phenomenon is very common and widespread in Russia. This situation breeds impunity and proves permissibility of such actions, which ultimately leads to discord of the moral face of a citizen of the Russian Federation.

The threat posed by conflict-related sexual violence to peace and security is articulated internationally. Thus, in 1992, the problem of mass rape was taken into account by the UN Security Council. Systematic violence against women during armed conflict has been recognized as an international crime.

In 1998, the International Criminal Tribunal for Rwanda found the perpetrator of the rape for the first time as having committed a crime against humanity and a crime of genocide (The Prosecutor v. Jean-Paul Akayesu, 1998). In 2001, the International Criminal Tribunal for Yugoslavia became the first international tribunal to recognize rape as a crime against humanity (Gaggioli, 2015).

It is these cases that have irreversibly changed the landscape of international humanitarian law, giving victims the opportunity to speak out about the crimes they have witnessed and experienced. It has been proven to the whole world that everyone will be held accountable for atrocities committed during armed conflicts. In 2002, the Rome Statute (International Criminal Court, 2011) combined various forms of sexual violence into one article and recognized them as a separate category of crimes against humanity (Article 7): rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization and any other forms of sexual violence of comparable severity.

A landmark event at the international level that has clearly put key questions in one line was adopted on October 31, 2000. The UN Security Council Resolution 1325 (United Nations, 2000) stressed that all parties to the armed conflict should take special measures to protect women and girls from gender-based violence, especially rape and other forms of sexual violence in armed conflict. Along with calls to protect women from conflict-related sexual violence, the Resolution 1325 emphasized the special role of women in

conflict prevention and resolution, as well as peacebuilding. Equal and meaningful participation of women in peace and security is a central goal of the Resolution 1325. This Resolution formed the basis for the Women's, Peace and Security Agenda (WPS) (United Nations Development Programme, 2019), which demonstrates the link between peace and security and the disproportionate impact of armed conflict on women and girls. It is women and children who are most negatively affected by military conflicts, including refugees and internally displaced persons, as they are a target for military elements.

Based on the analysis of international documents, we believe that conflict-related violence can be used as:

- 1) weapons of war, tactics or strategy of war (UN Security Council Resolution 1820/2008). However, only in 10% of cases the military is actually ordered to commit sexual violence. In most cases, commanders allow rape, but do not order rape (DW, 2022). Thus, in the first comprehensive study of sexual violence perpetrated by German soldiers during World War II, Birgit Beck (2004) concludes that rape committed by Wehrmacht soldiers should not be considered a military strategy: firstly, no document containing an order for Germans to commit sexual acts is yet known, and, secondly, military law defined "sexual misconduct" as a crime against military discipline, which rarely resulted in the sentencing of rapists. However, German soldiers were not punished for crimes against the Soviet civilian population. The exception was "serious acts"; however, sexual violence during hostilities was not considered as one (Tertyshnik & Fomenko, 2021);
- 2) sexualized violence, which is a consequence of gender inequality particularly exacerbated in times of war. Men demonstrate power over the weaker sex;
- 3) the form of humiliation of the enemy, attempt to demonstrate superiority and insignificance of troops who cannot protect their women and girls;
- 4) tactics of terror, torture, ethnic and religious opposition. This form is characterized by publicity when men are raped using cruel methods and foreign objects. For example, Daesh militants and other extremist groups use conflict-related sexual violence as a means of attracting and retaining new militants, promising them "wives" and sex

slaves. These groups make money from sex slavery by selling women and girls in open markets and collecting ransoms from shocked communities.

22 years have passed since the signing of the Resolution 1325. However, little has been done in this direction, despite the fact that sexual violence related to the conflict continues to be committed systematically and with shocking brutality around the world. Therefore, there are doubts as to whether the signatory States intended to implement it.

According to the UN Secretary General Antonio Guterres, today women are actually peacekeepers, active defenders of human rights, they are the ones who solve important humanitarian issues, but quite often remain on the periphery of official peace processes. However, half of humanity cannot be distracted from peace and security. Besides, the imbalance between men and women remains quite significant. It is reflected in an increase in the level of violence and misogyny faced by women and girls in every society. Therefore, achieving gender parity remains a priority (UN Women, 2021). Today it is important to form the correct paradigm of world development prospects. It is better to reduce the cost of armaments to enhance military capability of the countries, while increasing investment in gender equality, as it has a high return as peace dividends. After all, it is more promising to invest in a world characterized by economic development, technological progress and mass prosperity. Instead, funding the militarization of States leads to assassinations, sexual violence, bullying, torture and destruction of all the achievements of civilization.

Conclusions

Summarizing the above, it should be noted that conflict-related sexual violence remains a systematic, widespread, pervasive and universal phenomenon that poses a direct threat to world peace and human security. The negative trends in the impact of conflict-related sexual violence are reflected in the fact that the world has not yet made progress in counteracting the phenomenon under study. Every military conflict is accompanied by sexual violence, regardless of international agreements, conventions and resolutions that prohibit such actions.

At the same time, noting the generally negative trends, it is worth emphasizing the active formal desire of the international community to end the

inevitable effect of any conflict – the commission of sexual violence. This problem needs a comprehensive solution. As we were shown, it is not enough to declare on paper the determination to act against violations of women's rights; it is important to ensure that the State responds adequately to all cases of wrongdoing, including objective and fair punishment. This will avoid impunity. It is impunity that indirectly determines the spread of crime and creates the illusion of permissiveness. This, in turn, destroys all the basis and principles of world security, peace and development.

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