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HUMANITARIAN EXCHANGE MAGAZINE

### Engaging armed non-state actors on the prohibition of sexual violence in armed conflict

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Geneva Call and a representative of the Komala Party of Iranian Kurdistan signing the Deed of Commitment prohibiting sexual violence and gender discrimination

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Sexual violence has always been part of war. Armed conflicts disrupt law and order and create a sense of impunity among belligerents. These factors, among others, are conducive to many forms of sexual violence. Whereas most international and national assistance rightly focuses on the survivors of sexual violence, very few initiatives in situations of armed conflict tackle prevention and address the issue of command responsibility. Moreover, although sexual violence is committed by armed non-state actors (ANSAs) and government forces alike, little is known about the specific challenges involved in advocating against the use of sexual violence by ANSAs.

As parties to armed conflicts, ANSAs are bound by international humanitarian law and can be called on to uphold certain human rights in areas where they exercise authority.

While measures are taken once violations have occurred (for instance through UN listing processes or denunciation by human rights actors), little is done to ensure that ANSAs understand the international legal and policy framework and have the capacity to implement their obligations in the first place. Although engagement with ANSAs on sexual violence in the context of armed conflict is still at a pioneering stage, Geneva Call's experience is contributing to international efforts and understanding in this area.

#### Geneva Call's approach and the *Deed of Commitment*

Created in 2000, Geneva Call works with ANSAs through a constructive and sustained dialogue aimed at improving their compliance with international humanitarian norms. This engagement mainly focuses on specific norms, namely the ban on anti-personnel

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mines, child protection, the prohibition of sexual violence and gender discrimination. Geneva Call seeks to address the issue of command responsibility, and to promote ownership and acceptance of humanitarian norms. Its innovative tool of engagement is the Deed of Commitment.

In July 2012, following a comprehensive consultation process with academics, practitioners and ANSAs themselves, Geneva Call launched its *Deed of Commitment for the Prohibition of Sexual Violence in Situations of Armed Conflict and towards the Elimination of Gender Discrimination*.<sup>[1]</sup> In December 2012 five Iranian Kurdish ANSAs became the first signatories to the Deed. Two other ANSAs, the Zomi Re-unification Organisation in India and the Karen National Union/Karen National Liberation Army (KNU/KNLA) in Myanmar, signed the Deed in June and July 2013. Engagement is ongoing with about 23 ANSAs from ten countries worldwide.

The *Deed* covers the absolute prohibition of sexual violence in the context of armed conflict, and recognises the positive role that ANSAs can play in preventing and responding to sexual violence in areas under their authority. The *Deed* also addresses aspects of gender discrimination, notably the issue of women's participation in decision-making. Experience from Geneva Call's dialogue with ANSAs indicates that certain aspects of their policies and practices are discriminatory, notably against women. This is a common trend: many female members associated with various ANSAs share similar concerns that they are often excluded from decision-making processes, although the ANSA's internal policy anticipates their participation. Women often wish to be more systematically or regularly involved, not only in issues related to them but also in key political issues, such as peace negotiations. Although sexual violence and gender discrimination have different legal frameworks, Geneva Call decided to use the opportunity of a sustained dialogue to address both issues.

### Engagement on sexual violence and gender discrimination

Engaging ANSAs is a long-term effort requiring an understanding of the specific nature and circumstances of each group. ANSAs are not homogenous entities; they are diverse in size, operating modes, ideologies and motivations. Their armed campaigns are framed by particular cultural, social and religious beliefs, which are also reflected in the behaviour of their members. Trust and confidence are critical factors to a successful engagement process, particularly on sensitive issues such as sexual violence and gender discrimination, and the relations Geneva Call has built up with a number of ANSAs over the years on the anti-personnel mine ban has allowed it to initiate a dialogue with ANSAs open to further discussion on these issues.

As exploratory exercises and in order to understand how to address such a sensitive issue with ANSAs, Geneva Call organised several training sessions to familiarise participants with general concepts linked to sexual violence and gender discrimination, the international legal and policy framework and the obligations contained in the *Deed of Commitment*, and to help them find ways to integrate relevant standards into their internal policies and practices. With the support of a professional trainer, Geneva Call developed modules specifically targeted at ANSAs, using a mix of presentations and practical exercises and scenarios based on concrete field situations. The training and sensitisation sessions still continue on a regular basis, as they are a key part of the engagement. ANSA representatives are drawn from the political and military branches, and both men and women participate. Participants have diverse levels of seniority and responsibility within their ANSA. The workshops act as platforms where ANSAs can freely review how they were addressing the issue, and how acts of violence perpetrated by their members can be better prevented and sanctioned. As a result, the participants also explore how they might improve their policies and practices and, where necessary, bring them into line with relevant international standards.

### Some lessons

Contrary to a commonly held view, at least some ANSAs are keen to address sexual violence. They recognise that they lack the knowledge and support they need to meet their obligations, and have expressed their willingness to engage in a dialogue with Geneva Call on this issue. This acknowledgement is the key to starting engagement. As one workshop participant put it: 'In our own organization, we do not have a code of conduct or rules and regulations on how to protect women and girls because we are more focused on political issues. However, we realize that gender issues are as important as political issues. We can prevent many things before they happen'. According to another: 'Liberation movements also perpetrate genderbased violence as part of the armed conflict. Addressing this issue takes us beyond our comfort zone'.<sup>[2]</sup>

ANSAs themselves approached Geneva Call and requested training for their political and military representatives. Even with ANSAs that may traditionally be more reluctant to engage because of the cultural sensitivity of these issues, a dialogue is possible. In July 2010, the leaders of the Moro Islamic Liberation Front (MILF) from the Philippines organised a presentation and discussion with Geneva Call on the organisation's perspectives on the protection of women. This was very positive in two ways. Firstly, it was the first time that an ANSA has offered to share its views on gender issues in such

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a forum with Geneva Call. Secondly, it was apparent from dialogue with others that this was a rare undertaking by the MILF, which has been reluctant to engage in dialogue on such topics.

Engaging in dialogue with ANSAs and their signing of the *Deed of Commitment* encourages their efforts in this direction, and puts pressure on the ANSA leadership to work towards greater transparency and accountability in the decisions and measures they take. Pressure and leverage can come from outside as well as within the ANSA.

Women from various ANSAs with which Geneva Call had discussions in focus groups welcomed a dialogue with the leadership as it helps their own efforts to push these issues forward. On women's participation, for instance, some ANSAs have adopted, in their internal regulations, quotas for women's participation at various levels, yet very few if any take part in peace negotiations. Engagement with Geneva Call and the *Deed of Commitment* support the efforts of women associated with ANSAs, who often push within their movement for the promotion of women's rights and participation.

A key component of Geneva Call's work is to build local civil society knowledge and capacity to advocate on these issues with ANSAs, supporting them in implementing their commitments and assisting Geneva Call in monitoring the commitments undertaken. Following a workshop with an ANSA in Asia, civil society organisations reported to Geneva Call that they noticed an improvement in its general behaviour as well as a reduction in reported cases of sexual violence. Although these are not confirmed facts, this suggests that increased public attention on ANSAs can make them feel more accountable for their behaviour, at least in this context.

Addressing sexual violence in conflict also has an impact and significance when peace negotiations start. Certain ANSAs involved in peace processes reported to Geneva Call the need to address greater risks of abuse, notably sexual violence, due to the increased interaction between their members and communities created by a ceasefire. With regard to violations committed by government forces, the ANSAs have themselves decided to support advocacy efforts in the context of peace talks. Sensitising them on the issue of sexual violence and gender discrimination may thus enable them to include these topics in the negotiation agenda.

### **The prohibition of sexual violence and gender discrimination in ANSA policies**

While Geneva Call seeks to influence ANSAs' policies with a view to improving their compliance with humanitarian norms, there is actually little knowledge about their policies when it comes to prohibiting sexual violence or addressing gender discrimination. Drawing from *Their Words*, a new directory of ANSA Humanitarian Commitments,[3] Geneva Call reviewed about 400 documents (unilateral declarations, codes of conduct, agreements and other documents related to international humanitarian law and human rights issues) in order to better understand how ANSAs tackle the issue of sexual violence and gender discrimination. A total of 67 documents were analysed in more detail.[4] This is a preliminary analysis and it is clear that more research is needed.

The overall record of ANSAs committing to curtail sexual violence and gender discrimination is quite poor. Documents demonstrating that some ANSAs prohibit sexual violence and gender discrimination in line with international humanitarian standards are sparse. One of the key findings is the apparent lack of priority given to the issue of sexual violence. Within the documents that do contain provisions addressing such issues, there is a tendency to group women with other 'victims'.

Another important issue is the extent to which the commitments that do address sexual violence and gender discrimination have been implemented. A principal consideration in this respect is whether disciplinary procedures exist to address violations, whether procedures are effectively followed and whether members are appropriately sanctioned. If they are, the foremost consideration is whether these factors have any influence on the behaviour of an ANSA's members.

### **Conclusion**

Engaging ANSAs on the prohibition of sexual violence and gender discrimination is still in a learning phase and many challenges remain, notably with the engagement of reluctant ANSAs in contexts where sexual violence is widespread. Furthermore, monitoring the extent to which ANSAs respect the obligations contained in the *Deed of Commitment* presents difficulties of access and evidence. To address some of these issues, Geneva Call is in the process of developing a comprehensive framework with adequate tools and methodologies to improve the way Geneva Call monitors compliance by the signatories and supports them in implementing their obligations. Despite the challenges, openings for dialogue and progress in engagement confirm the added value of such an approach, and encourage efforts to continue in this direction.

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[1] This *Deed of Commitment* is the third one developed by Geneva Call, alongside the *Deed of Commitment on the Protection of Children from the Effects of Armed Conflict* and the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*. The text of the *Deed of Commitment* is available on Geneva, Call's website: <http://www.genevacall.org>.

[2] The quotes are from 'Improving the Protection of Women and Girls during Armed Conflict', workshop report, Geneva, 6–9 December 2010. The full report is available at [www.genevacall.org](http://www.genevacall.org).

[3] Launched in November 2012, the database is available at <http://www.theirwords.org>.

[4] The research, which remains an internal document, was undertaken by Annie Hylton for Geneva Call.

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