



Rape as a Tool of War: A Fact Sheet

In every armed conflict investigated by Amnesty International in 1999 and 2000, the torture of women was reported, most often in the form of sexual violence. Rape, when used as a weapon of war, is systematically employed for a variety of purposes, including intimidation, humiliation, political terror, extracting information, rewarding soldiers, and “ethnic cleansing”.

Violence against women in armed conflict situations is largely based on traditional views of women as property, and often as sexual objects. Around the world, women have long been attributed the role of transmitters of culture and symbols of nation or community. Violence directed against women is often considered an attack against the values or “honor” of a society and therefore a particularly potent tool of war. Women therefore experience armed conflicts as sexual objects, as presumed emblems of national and ethnic identity, and as female members of ethnic, racial, religious, or national groups.

The consequences for victims of sexual violence in war are grave and may affect women for the rest of their lives. These include serious and chronic medical problems, psychological damage, life-threatening diseases such as HIV/AIDS, forced pregnancy, infertility, stigmatization and/or rejection by family members and communities.

Rape and Sexual Violence in the Context of International Law

- *The Rome Statute of the International Criminal Court* includes as rape those situations where the victim is deprived of her ability to consent to sex, including providing sex to avoid harm or to obtain basic necessities.
- *The Rome Statute* recognizes rape and other forms of sexual violence by combatants in the conduct of armed conflict as war crimes. When rape and sexual violence are committed as part of a widespread or systematic attack directed against any civilian population, they are considered crimes against humanity, and in some cases may constitute an element of genocide.
- The widest definition of rape in international law was provided by the *International Criminal Tribunal for Rwanda*, which stated that rape consists of a physical invasion of a sexual nature, committed on a person under coercive circumstances. Sexual violence, including rape, is not limited to physical invasion of the human body and may include acts that do not involve penetration or even physical contact. Although the ICTR included the crime of rape as a crime against humanity, it omitted rape from other categories of crimes. The *Rome Statute*, however, recognizes gender crimes (including rape) as war crimes *and* crimes against humanity.
- Many acts of sexual violence – including rape, gang rape, abduction and sexual slavery, forced marriage, forced pregnancy, forced maternity, and sexual mutilation – constitute torture under customary international law. These acts are considered war crimes and constitute grave breaches of the Geneva Convention.

Impunity for Perpetrators of Rape and Sexual Violence in War

All too often, those responsible for acts of sexual violence and rape committed in war go unpunished. Factors contributing to impunity with regard to sexual crimes in war are many, and include:

- An overall climate of indifference towards many forms of violence against women;
 - The tacit acceptance of rape and other forms of sexual violence as an unavoidable part of war;
 - Threats and reprisals against those who reveal abuses;
 - The existence of special national legislation in many countries which prevents prosecutions for crimes committed in war;
 - Laws granting amnesty to perpetrators as part of peace-making ‘deals’.
- Underreporting is also a significant barrier to justice. Many women feel shame and fear rejection from their husbands, families, and communities if they report having been raped. The threat of divorce or the possibility of being considered “unmarriageable” cause many women’s reluctance to report their experiences. The economic and social dependence of women on men in many societies contribute to their fear of reporting rape.

Rape as a Tool for Ethnic Cleansing and Genocide

- In situations of ethnic conflict, rape is used as a tool for “ethnic cleansing” or genocide. Women and girls may be targets of sexual violence because they are members of a particular ethnic, national, or religious group. Rape and other forms of sexual violence, including rape camps where women and girls are subject to systematic sexual slavery, are used as weapons for spreading terror. In addition, rape is often a brutal precursor to murder.

Special Vulnerability of Refugee Women

- Women and girls constitute more than half of the refugees in the world today. Refugee women are particularly vulnerable to crimes of rape and sexual violence. While fleeing war in their homelands, women are victims of rape and sexual violence at the hands of security forces, border guards, locals, smugglers, and other refugees.
- Unaccompanied women and girls are often regarded as common sexual property in refugee camps and may face forced prostitution as well as coercion into sex in exchange for food, documents or refugee status.
- Women are a minority of principal applicants for asylum in the wealthy countries of the North because women often lack the mobility and access to resources necessary to apply for asylum. Processes for seeking asylum often require long detentions where further rape and sexual violence can occur. As the majority of primary caregivers, for many women the separation from family places asylum out of reach. The asylum process itself, which requires applicants to tell officials what has happened to them – often repeatedly and in excruciating detail– works against women survivors of sexual violence. Many are too ashamed or traumatized to tell their stories or fear that their experience will preclude them from eligibility because of a widespread reluctance to recognize all forms of gender-related violence as grounds for asylum.

Rape in War: Specific Cases

- Since the humanitarian crisis began in 2003, women in the western Sudanese state of Darfur have been subjected to rape and other forms of gender-based violence perpetrated by the government-backed *Janjawid* militia, as well as other armed troops. In many cases, women have been publicly raped in front of their husbands, relatives or the wider community. Pregnant women have not been spared and those who have resisted rapes were reportedly beaten, stabbed or killed. Women and girls as young as eight years old have been abducted during attacks and forced into sexual slavery in the *Janjawid* military camps. The strong cultural, social, and religious taboos against rape in Darfur make women reluctant to speak out and often cause them and their children to be ostracized by their community. Raped women who are not able to marry or who have been abandoned are deprived of the “protection” and economic support that men are traditionally expected to provide in Sudan.
- In northern Uganda, the Lord’s Resistance Army (LRA) abducts children, forcing girls into “marriage” and institutionalized rape. Men are “given” women and girls as rewards for “good behavior,” e.g. following orders to kill prisoners of war and captured villagers. The men then have total sexual control over their “wives” and “domestic helpers,” subjecting them to rape and various other forms of violence.
- Abduction, rape, and sexual slavery are also systematic and widespread in the conflict in Sierra Leone. Rape victims often suffer extreme brutality. In one case, a 14-year-old girl was stabbed in the vagina with a knife because she refused to have sex with the rebel combatant who abducted her. In another, a 16-year old girl was so badly injured, that after her escape, she required a hysterectomy.

Rape is not an accident of war, or an incidental adjunct to armed conflict. Its widespread use in times of conflict reflects the unique terror it holds for women, the unique power it gives the rapist over his victim, and the unique contempt it displays for its victims. The use of rape in conflict reflects the inequalities women face in their everyday lives in peacetime. Until governments take responsibility for their obligations to ensure equality, and end discrimination against women, rape will continue to be a favored weapon of the aggressor.

For more information on rape and sexual violence in armed conflicts and other women’s rights issues, visit the Amnesty International Women’s Human Rights Program website at www.amnestyusa.org/women or contact us at 5 Penn Plaza - 16th floor, New York, NY 10001 or at (212) 633-4292.