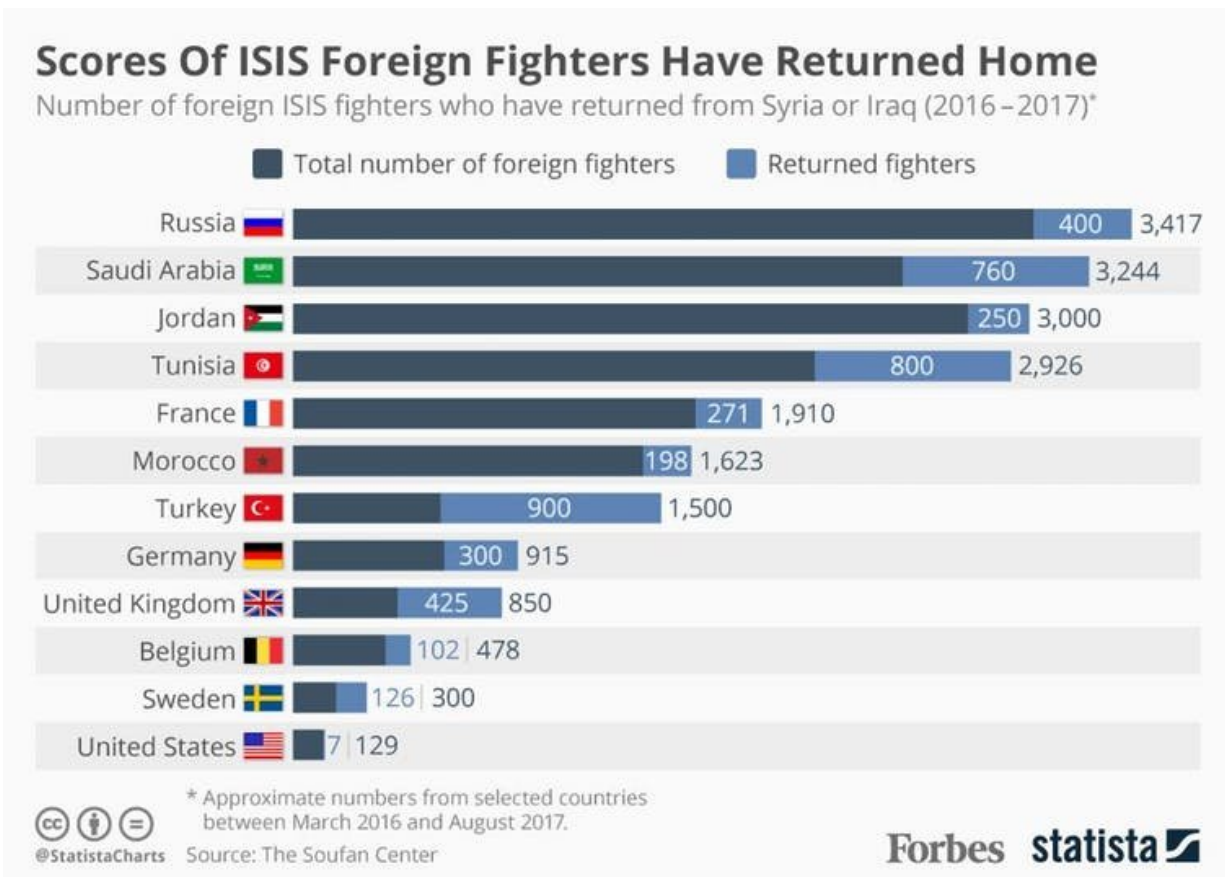


Why we need to end impunity for sexual violence in armed conflict

November 23 2017, by Susan Hutchinson



Returned foreign fighters bar graph. Credit: The Soufan Centre

We now have a unique moment to ensure perpetrators of sexual violence in armed conflict do not go unpunished. In a [recent keynote address](#) to

the UN Peacekeeping Defence Minister's summit in Vancouver, actor and global campaigner Angelina Jolie said it was a myth that sexual violence was not a "serious" enough crime to warrant prosecution and imprisonment. She also said it was wrong to think nothing could be done to stop sexual violence in armed conflict, as many countries already have the "laws, the institutions, and the expertise in gathering evidence. What is missing is the political will."

The [Australian Senate passed a landmark motion](#) last week, recognising the sexual violence Islamic State perpetrated in Syria and Iraq as war crimes, crimes against humanity and genocide. They have now called for the Government to "investigate Australians who have allegedly perpetrated war crimes, crimes against humanity and genocide, including through the use of sexual violence, and prosecute them as appropriate."

Survivors need more than recognition of their suffering

Human rights activist Nadia Murad recently published a [book documenting her story of captivity and her fight against Islamic State](#). In 2014, Murad was kidnapped from her village of Kocho in northern Iraq. Islamic State sold her into sexual slavery in Mosul, where she was beaten, tortured and gang raped before escaping her captors. She now lives in Germany and advocates for justice for women and girls like her who were subjected to gross sexual violence as part of Islamic State's [genocide of the Yazidis](#). Last year, she was nominated for the Nobel Peace Prize. Despite her heartfelt speeches to the UN calling for the investigation and prosecution of Islamic State fighters, not a single perpetrator has been prosecuted.

Several [UN agencies acknowledge](#) what happened to the Yazidis as genocide. The US State Department and [US Congress](#), [European](#)

[Parliament](#), [UK House of Commons](#), French and [Scottish Parliaments](#), and [Canada's House of Commons](#) have also recognised the genocide. But survivors want more than recognition of what they have suffered. They want justice.

Foreign fighters returning home

Of the estimated [30,000 people who travelled from 89 countries to fight with Islamic State in Syria and Iraq](#), thousands came from countries like Australia, France and the UK. As Jolie said in her address, suitable legal and justice institutions exist in these countries and sexual violence is criminalised. When sexual violence is perpetrated as part of an [armed conflict](#), it is a war crime; when that violence is widespread or systematic, it's a [crime](#) against humanity; and when it's used to destroy in whole or in part, an ethnic, racial or religious group, it is genocide.

As the power of Islamic State declines in the region, [many foreign fighters are returning home](#). Others, like [Australia's Neil Prakash, are facing extradition](#). It is estimated that about 200 Australians travelled to Syria and Iraq to fight. Of the two thousand French foreign fighters, an estimated 270 have returned home. 850 people joined Islamic State from the United Kingdom, almost half of whom have returned home.

What needs to happen

The recent motion passed in the Australian Senate builds on one [passed in the House of Representatives](#) that also called for the investigation and prosecution of sexual violence in war. It is hoped that by the end of the year, the lower house will also pass a motion specifically on the Yazidi [genocide](#).

In Australia, sexual violence in conflict is criminalised under Division 268 of the [Criminal Code Act \(1995\)](#). The crimes perpetrated by Islamic

State may also come under our slavery and human trafficking legislation, which fall under Divisions 270 and 271 of the Criminal Code. Once parliament has agreed the government needs to investigate and prosecute these crimes, resources need to be allocated so investigative organisations like the Australian Federal Police can work with their counterparts to can gather sufficient evidence that the [Commonwealth Directorate of Public Prosecutions](#) can make a case, and perpetrators can be convicted and sentenced.

If countries like Australia prosecuted their own nationals for [sexual violence](#) they perpetrated while fighting with Islamic State in Syria and Iraq, it would go some way to achieving justice for the victims and ending impunity for sexual and gender based [violence](#) in conflict. With Australia's example, we can advocate for other like-minded countries to do the same.

Tonight, the [Gender Institute](#) and [Centre for Military and Security Law](#) at the Australian National University will host a [public event](#) bringing together social justice campaigners with political and legal experts and representatives of survivors of the genocide to discuss how to address the barriers to justice for these crimes.

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