



Refugee Law Project

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A Centre for Justice and Forced Migrants



EVEN IF...

Press Statement in Support of Holistic Survivor-Centred Approaches to Eliminating Sexual Violence in Conflict

On the fifth International Day for the Elimination of Sexual Violence in Conflict, coming shortly after the United Nations passed Security Council Resolution (UNSCR) 2467 in April this year, we reflect on what it means to truly adopt a 'holistic survivor-centred approach'. States, civil society, academia and communities must all strive to re-think existing attitudes, existing knowledge and existing practice if we are to give meaning and life to the UN Security Council Resolution's language.

What does a 'Holistic Survivor Centred Approach' mean? For Refugee Law Project, working closely with survivors of sexual violence both in humanitarian situations and in post-conflict settings, whether in terms of direct support, access to justice, mental health, transitional justice or voice, it means constantly reminding ourselves of the following six points:

ONE: Even if we succeed in eliminating RAPE as a tactic of war, our work on ending SEXUAL VIOLENCE as a tactic of war will have only just begun: In addition to the many different ways in which rape can be perpetrated, the related crimes of sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage may still continue. And even as we tackle these forms that have already been codified, we need to explore and begin to define what we mean by "any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict". A truly 'survivor-centred approach' will recognise that even as we tackle 'acts of a sexual nature', we also have to tackle acts that TARGET the victims' sexuality, sexual identity and sexual orientation, even if there is no involvement with the perpetrators sexually. Beyond that, we have to recognise that from a survivor perspective, there are many acts committed in war that IMPACT on their sexuality, regardless of the perpetrators' intentions.

TWO: Even if we could identify and prosecute the RAPISTS in the world, we would be only one step towards tackling impunity for PERPETRATORS of sexual violence: The legal system struggles to deal with the complexities of sexual violence, particularly those forms of sexual violence that are defined by the impact of the violence rather than the intention of the perpetrators. This was evident when the International Criminal Court failed to prosecute the forcible circumcision of men in Kenya as sexual violence. Even if prosecutions are successful, is this the only form of justice that survivors are seeking? Most would wish to see reparations alongside prosecutions. A survivor-centred approach to justice demands that we shift our focus from INTENTIONS of perpetrators, to their RESPONSIBILITY for harms.

THREE: Even if we succeed in eliminating sexual violence against WOMEN and GIRLS, we shall have failed to eliminate sexual violence in conflict: UNSCR 2467 is the first UN Security Council to properly recognise that MEN and BOYS are also victims of sexual violence. 2019 is thus the first year in which the international machinery on sexual violence supports a more comprehensive and holistic understanding of the universe of victims. There are major gaps in providing the needed services for men and boys, and addressing this needs to go hand-in-hand with greatly improving services for women and girls too.

FOUR: Even if we address the needs of victims who were directly harmed, we risk missing the needs of their loved ones: A survivor-centred approach demands that we recognise not only those who were physically touched by the perpetrators, but also those who were severely harmed by the impacts of the perpetrators' actions, whether psychologically, socially or economically. If we work with the visible victim, what of their SPOUSE? What of their CHILDREN and PARENTS? What of their SIBLINGS, their FRIENDS, their NEIGHBOURS? This challenges us to work not just on dressing the visible wounds, but also the hidden wounds caused by stigmatization, exclusion, self-isolation, abandonment, loss of status and income, and all the related hard-to-spot mental health challenges.

FIVE: Even if we succeed in preventing sexual violence in conflict tomorrow, there will be no room for complacency: There is so much catching up to be done in terms of work with survivors of sexual violence that has already happened and never been identified or addressed. The impacts of sexual violence, though often not easily visible, are long-lasting and cross generations. The case of the so-called 'comfort women' of World War II, whose struggle for justice has still not ended more than seventy years after the end of the war, is a case in point.

SIX: Even if we are able to provide comprehensive medical, psychosocial and economic support to survivors, their benefits will be limited if survivors' voice cannot be heard: For some (not all) survivors, being able to speak about their experiences is one part of their recovery, being able to advocate for changes in how things are done is another.

As Refugee Law Project we call on all those thinking about and actively involved in Eliminating Sexual Violence in Conflict, to ensure that in adopting truly survivor-centred approaches we recognise the huge range of forms that sexual violence can take, and that sexual violence must be defined as involving 'acts of a sexual nature', and/or 'acts that target the victim's sexuality, sexual identity or sexual orientation', and/or 'acts that impact on the victim's sexuality, sexual identity or sexual orientation'. We call for a much broader approach to justice that pays as much attention to reparations as to prosecutions, and that works for women and girls, but also for men and boys. We urge actors intervening in support of the immediate victims to recognise the associated and intersecting needs of those close to them, that these needs may still stand even years after the sexual violence first took place, and that advocacy for change has to be done not just for survivors, but with them.

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