



# HOUSE OF LORDS

Unrevised transcript of evidence taken before

## **The Select Committee on Sexual Violence in Conflict**

Inquiry on

### **SEXUAL VIOLENCE IN CONFLICT**

*Evidence Session No 7*

*Heard in Public*

*Questions 42 - 47*

TUESDAY 20 OCTOBER 2015

5.25 pm

Witnesses: Pramila Patten and Madeleine Rees

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Members present

Bishop of Derby (Chairman)  
Lord Black of Brentwood  
Baroness Hilton of Eggardon  
Baroness Hodgson of Abinger  
Baroness Hussein-Ece  
Baroness Kinnock of Holyhead  
Lord Sterling of Plaistow  
Baroness Warsi  
Baroness Young of Hornsey

*In the absence of the Chairman, the Bishop of Derby was called to the Chair*

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**Examination of Witnesses**

**Pramila Patten**, Member, CEDAW (via teleconference), and **Madeleine Rees**, Secretary-General, Women's International League for Peace and Freedom (via teleconference)

**Q42 The Chairman:** Thank you very much for bearing with us with the technology. We are very honoured and glad that you can speak with us. We have about 25 or 30 minutes, if that is okay. I just have to make one or two formal announcements. This is a formal evidence-taking session of our Committee. A full note will be taken, which goes on the public record in printed form and on the parliamentary website. We will send you a copy of the transcript, and if either of you want to make any alterations, you can inform us and we will make them. This conversation is being webcast and will be accessible via the parliamentary website. Especially as the time is truncated and we have six or seven questions, if we can get through them in half an hour, if there is anything you would like to say that you do not have a chance to say today, we would very grateful to receive written evidence with your further reflections.

I wonder whether each of you, Ms Patten and Ms Rees, would like briefly to give an introductory remark and then I will ask colleagues to put their questions.

**Pramila Patten:** Good afternoon. It is an honour and a pleasure for me to have this opportunity to submit before your distinguished Select Committee. My name is Pramila Patten. I am a practising lawyer from Mauritius. I have been a member of the Committee on the Elimination of All Forms of Discrimination against Women since 2003. I am also chairperson on the committee that produced the general recommendation on women in

conflict prevention, conflict and post-conflict. I was also appointed by the Secretary-General in 2009 to a Commission of Inquiry into the massacre in Conakry, Guinea, where a lot of sexual violence was perpetrated against women and girls. More recently, last year I was appointed by UN Women and the Secretary-General to the High-level Advisory Group for Global Study on Security Council Resolution 1325.

**Madeleine Rees:** Good afternoon. I am Madeleine Rees. I am the Secretary-General of the Women's International League for Peace and Freedom. I was also on the High-level Advisory Group for Global Study with Pramila. As probably most of you know, I am also a member of the advisory board for PSVI. I have been working on its implementation through the work I have been doing as Secretary-General of WILPF with our partners in various countries in relation to how to make it work in practice.

**The Chairman:** Thank you very much indeed. Because this is audio and not video, I am going to ask my colleagues to identify themselves for the record as they ask their questions.

**Q43 Baroness Young of Hornsey:** Good afternoon. I am Lola Young, an independent Cross-Bench Peer. I am going to ask you two questions together, and obviously both of you can answer them. First, to what extent is gender inequality a cause of sexual violence in conflict? What other factors can exacerbate the risk of sexual violence in these conditions? How should these factors affect the ways in which the international community contributes to solving some of these problems? How can we engage NGOs in these processes, which will help mitigate some of the worst aspects of sexual violence in these circumstances?

**Pramila Patten:** I will start with your question on gender inequality as a cause of sexual violence in conflict. I would just like to highlight that sexual violence is not created by conflict. In both war and peace, sexual violence is driven by gender norms that socially sanction the dominance of men over women and by notions of men that actually valorise sexual conquest, grant men a sense of entitlement to women's bodies and allow them to trivialise men's violence against women. It is also true that conflict exacerbates the gender inequalities and abuses of power that can lead to gender-based violence, and that although conflict does not cause sexual and other forms of gender-based violence, it may manifest new forms of gender-based violence in those settings.

In terms of contributory factors, I would say that women are targeted for violence on the basis of their sex because there are laws and practice everywhere whereby women are subordinate and unequal to men. Women continue to be frequently denied their right to

equality—to substantive equality. Many States continue to fail to uphold women’s rights to sexual autonomy and bodily integrity in peacetime, and women are legally unable to protect themselves from unwanted sex. In far too many countries, the honour of the community or family, for example, is still very closely tied to controlling the sexual activity of women and girls. We know that male family members put a premium on female virginity, purity or sexual inexperience. Everywhere, combatants know that targeting women and girls both inflicts great harm on individuals and symbolically assaults the larger community to which the female victim belongs. Until this fundamental fact changes, women and girls will always be at risk.

Other factors include this gender inequality, which explains the way the violence manifests itself. For example, we see that combatants routinely abduct women for long and short periods of time and force them to become wives, essentially obliging women to cook, clean, wash clothes and have sex, all of which are stereotyped gender-specific forms of labour. Such relationships mimic relationships during peacetime, especially peacetime situations in which forced marriage and expectations of free female labour are common practice. The stereotyped perception of women persists in wartime and puts women at great risk of abduction and violence.

***Madeleine Rees:*** I have very little to add to that, because that was a very fulsome explanation. I agree with it absolutely. I would add one or two other things, perhaps. A lot of work has been done now on the political economy of violence and how that factors into the creation of a climate where sexual violence in armed conflict takes place. As Pramila very aptly said, it does not happen just because there is armed conflict; it happens before, it happens during and it happens again afterwards.

One thing that is also very important to factor in is that the prevalence of violence is based on unequal power structures and on access, in particular to social and economic rights and to the ownership of the means of production, the tools of production, education, employment, and so on and so forth, all of which are involved or implicit in a political economy analysis, which means that women are less likely to participate in civil and political life as well. In unequal societies, you have fewer women in government structures. Research has now shown that that increases the potentiality of violent conflict being used to address any form of conflict, instead of going for political solutions. It is a vicious cycle that replicates

itself and there are various entry points in which you can try to break that cycle and prevent it.

In answer to the second part of your question, which was about what is necessary and how we intervene to give the rights or the support, a tremendous amount of work has been done on working with first responders. The protocol that has been developed on the documentation is an entry point, and we have been working with women from Iraq and Syria. We just had the second consultation last week—the first was funded by the PSVI—in order to ascertain what they wanted. We brought in our own expertise from Bosnia and other conflict countries where similar practices have been used to try to break the cycle of social stigmatisation, et cetera. What women want—this is very important to take forward in strategic planning—is a safe space to go to in order to enable access to psychological support. In that safe space, there is access to the potential for documentation. If you have documentation, you have the possibility, eventually, of accountability, but it also helps you to understand how the types of violence are manifesting and who the persecutors are—who are the ones committing this and how are they able to commit it. If you have that information, that makes women better able to defend themselves and to work on their own security issues. We have learnt that very strongly from women who are living under ISIL: how do they manage to share information and to share what you need to do in order to be able—to a degree—to protect yourself?

These are all very important entry points that you can have and that need support. The most vital thing is to be able to provide the funding and the expertise to these women on the ground, who can then deliver the services that are required. It also gives us the information that we need to know on the patterns of violations and how they are happening.

**Q44 Baroness Hussein-Ece:** Both of you have already touched on gender inequality and the lack of women in political structures. My question is simply this: what practical measures can the international community and the UK Government take to advance the participation of women in conflict resolution and post-conflict politics?

**Madeleine Rees:** That is a big one, and I am glad you have raised it. The UK has been quite a champion in relation to putting women into peace processes. As you probably know from the global study, and as the research has shown, there is now empirical evidence that the absence of women from peace agreements ensures that they will not work. You need to have women involved from beginning to end. It cannot just be tokenism. Having women at

the table who are the wives of the leaders of the warring factions does not work. Nor does this binary narrative of only talking to women if they will include themselves in the government, the opposition or whichever opposing faction it is. The only way it really works is if you include women as part of civil society; they are the ones who have the greatest vested interest in peace. The only way you can do that is by convincing the United Nations that the third-party interveners are the ones who will make the difference. Unfortunately, the problem we have right now is that I do not think for one minute that the Department of Political Affairs believes it. We are working very closely with them and with UN Women to try to get women included. Certainly in the cases of Syria and Ukraine, we are working to try to get that inclusion. Their rhetoric is fine; they say, “Yes, we know women are very important”, but when push comes to shove and there is the possibility of delivering on that promise, they do not do it. They revert to the men with the guns. This came out in the Security Council debate when one of the women said, “I know the only thing that will get me into the discussion is if I carry a gun. That is the only guarantee”. That cannot be the way in which we conduct peace negotiations.

The UK can assist by working with the friends of the Security Council resolutions to make sure that the Department of Political Affairs takes seriously the resolutions and the obligations under international law as regards equality, not just because it is a matter of international law that they have to but because it is a matter of actual, practical common sense if you want a sustainable peace agreement. We have to convince them of that. The most practical way is engagement with the United Nations where they are the brokers, and if they are not the brokers, as was the case in Colombia, then it is working with those States that are trying to ensure that women are included. As we have seen from the progress that is being made in Colombia, that is having tremendous effects.

***Pramila Patten:*** I just want to add that CEDAW, in its General Recommendation 30, has made recommendations for third-party States participating in conflict resolution processes, either individually or as members of international organisations. We recommend—and the UK Government could do this—that women are included in negotiation and mediation activities as delegates, including at senior levels—for example, as chief mediators or special envoys. We urge third-party States to desist from any use of observer status as a substitute for real and effective participation. Women should not be on the sidelines

observing; they should be an integral part of negotiation and decision-making on the future of their country.

Technical assistance could also be provided on conflict resolution processes to countries emerging from conflicts so as to promote women's effective participation. We know that the immediate aftermath of conflict can provide a strategic opportunity for state parties to adopt legislative and policy measures to eliminate discrimination against women in the political and public life of their country.

**Madeleine Rees:** Can just I say one more thing? This is important. In all the work that we have been doing, it has been the NGOs who have been responsible for bringing the women to VPA and to the processes, which means there is very little security provision. They always have to beg, steal and borrow money in order to get here, whereas the negotiators and the parties are put in secure locations, they are flown, they are looked after and they are given status. It is unrealistic to expect women to have to expose themselves to that degree in a way that the factions do not have to. We need to elevate their status so they are taken seriously.

**Pramila Patten:** I would really like to reinforce the point about providing support, for example, to State parties to elaborate their national action plan on 1325. That is something very concrete that the UK could support, along with ensuring that civil society organisations focused on women's issues are also included in all peace negotiations and post-conflict rebuilding and reconstruction efforts.

**The Chairman:** Thank you very much indeed. We have three or four questions that we want to squeeze in over the next 10 or 12 minutes, if we can.

**Q45 Baroness Hodgson of Abinger:** Good afternoon. It is Fiona Hodgson here. I am a Conservative Member of the House of Lords. It is very kind of you both to have given us the time this afternoon. There are two parts to what I want to ask you. First, what effect and impact has the Preventing Sexual Violence in Conflict Initiative had? How has it influenced this whole issue? Secondly, what policies or practices can the UK Government implement or lobby for that would do the most to prevent sexual violence in conflict or ameliorate its effects?

**Madeleine Rees:** The greatest impact that PSVI has had so far is that it really has raised the issue into the international fora. We have never had so many States actually paying attention to the issue of sexual violence in armed conflict before. That started with the

Summit and has been continued thereafter. That has been vital. Having champions has also been an extremely good value-added. The fact that it is now continued through all the UK embassies in the various countries is also very significant, because it means that we are not stopping that. It has been an entry point, and I know, because I am part of the advisory team, that it is now being seen as the entry point in order to better understand gender relations and what the overall position is. The various governments implicated in the Women, Peace and Security Agenda, which is everybody, should now be addressing the issue of sexual violence more broadly. It starts with that whole issue of political economy and then how it manifests itself during armed conflict.

The crucial issue for me has been what can be done on the ground, and what is being done on the ground, through the PSVI. A lot of really good work has been done, but there has also been some misplaced faith in certain projects that have not been part of a holistic approach to dealing with the issue. It would be very helpful from now on if PSVI had a very clear strategy on how to implement the various elements that it is looking to do: documentation, accountability, effective prosecutions, and providing the safe spaces for women for medical and psychological support that are needed in order to facilitate the accessing of justice. That of itself is a wonderful, and if you like neat, way of closing the circles around what women need. There is an awful lot more, but establishing that in every place in conflict where PSVI undertakes to engage to prevent and deal with sexual violence should be an approach that can be expected. If you know that PSVI is coming, you should know that you are going to get those elements within the overall strategy. That is one.

In terms of what we can do to stop the military perpetrating acts of sexual violence, that does not happen just where there is gender inequality. We know from what happened in Bosnia, and we know from the sexual exploitation and abuse that happens in peacekeeping, that men from whichever country will take advantage of a situation. It is done for different purposes, but this is about power dynamics. One thing that is crucial is to have better training and accountability within the military. That is about command responsibility and ensuring that we make best use of the existing legal structures, such as the ICC, for referrals for command responsibility, so that we have a demonstrable legal framework, which, again, is carrot and stick. You should prevent, but one element of prevention is accountability, which is one of the main thrusts of the PSVI: that is, ensuring command responsibility and serious sentencing that follows from that in order to try to get militaries to control their



troops. The downside and the more difficult part is the militias, as we know, and how and in what way they can be prosecuted, but again I come back to using existing legal frameworks and giving more power to the ICC to investigate and prosecute.

**Pramila Patten:** That was very comprehensive. Maybe I could just add that I fully support a holistic approach. That is an approach that addresses women's political, social and economic empowerment, which is central to long-term efforts to prevent sexual violence in armed conflict and post-conflict situations. However, it is also important to address sexual violence in mediation efforts, ceasefires and peace agreements.

On the question of measures to address sexual violence perpetrated by peacekeeping forces, I also fully support the need to deploy greater numbers of female military and police personnel and especially to provide all military and police personnel with adequate training on sexual and gender-based violence. I fully agree that the declaration has gone a long way to bringing visibility to sexual violence and the different forms of sexual violence in times of conflict.

**Q46 Baroness Kinnock of Holyhead:** My name is Glenys Kinnock and I am a member of the Labour Party in the House of Lords. Thank you very much for joining us and for your answers to the questions so far. I would like to ask you a very short question but probably quite a challenging one. Why have there been so few successful prosecutions for sexual violence in conflict, and what exactly is planned to be done in order to address those shortcomings?

**Madeleine Rees:** You could write a book about that.

**Pramila Patten:** Indeed, there are many reasons that could explain not only the low level of successful prosecutions but in fact the low level of prosecutions in short. Maybe the first thing I would say is that transitional justice mechanisms, in spite of everything, continue to fail women. Transitional justice mechanisms everywhere are not delivering justice and reparations. Women are not being involved at all in the design, implementation and monitoring of transitional justice mechanisms. That is one reason.

In terms of prosecution at the national level, we see that challenges existing prior to the conflict faced by women in accessing justice, including legal, procedural, institutional, social and practical barriers, engrained gender discrimination and impunity for perpetrators, are all exacerbated during conflict. These persist during the post-conflict period and operate alongside the breakdown of the police and judicial structures, and in the end they deny or hinder women's access to justice. At the level of international tribunals, although

international tribunals have contributed to recognising and prosecuting some gender-based crimes, there are a number of challenges. Again, there are many procedural, institutional and social barriers that continue to prevent women from participating in the international justice system.

We know that at the international level—because we know that sexual violence has been prosecuted primarily at the international level through ad hoc courts—both the ICTY and the ICTR have been plagued by weak investigations. Neither has had an effective long-term prosecution strategy that acknowledges the degree of wartime sexual violence suffered by women in Rwanda and in Yugoslavia. We know, for example, how the ICTR has been very ineffective in investigating and prosecuting sexual violence. There are a number of factors that explain this: lack of financial resources, poor staff training, lack of political will, poor witness protection, weak investigation and a general perception by investigators that rape cases are too hard to prove in court.

There has also unfortunately been a lack of post-conflict social integration. How governments treat survivors of sexual violence in the aftermath of conflict is also a critical measure of their seriousness in addressing the crime and of their commitment to preventing future abuses. Communities often blame women and girls abducted by members of warring factions for what happened to them. When conflict ends, the women and girls often do not return home for fear of being rejected. As such, many are left with no option but to remain with the rebel or militia husband who abducted and most often raped them. There is persistent stigma attached to sexual violence. Women feel too much ostracism by their families. Those infected by HIV can expect more discrimination and stigma from their families and communities.

What governments could do is also an important question, but maybe I will leave Madeleine to address the first part of the question, because I am not sure whether you asked what measures should be taken by the UK Government, the international community or other national governments.

**The Chairman:** As she does that, can I ask my colleague Lord Sterling to ask his supplementary question that relates to this?

**Q47 Lord Sterling of Plaistow:** Ladies, thank you very much. This Committee is interested in whether particular moves can be made done that can help the prevention of violence in conflict. To keep this on a much narrower front, you both have huge experience, but you

also have the great advantage of being senior lawyers. Wherever you have operated, you are seeing it: you have the United Nations, you have the Security Council and so forth, and you have resolutions, conventions and protocols. Keeping you on a very narrow focus, is there any one of these that has been signed up to and ratified that either of you could demonstrate you have seen an outcome from, over a period of years, of unquestionable improvement? Anybody can sign up to anything; what they do about it is another matter entirely.

The second part of this question is that in conflict there are always two sides. The two sides are not necessarily national armies. In practice, how can we enhance the rule of law on those who are, if you want, the enemy or the rebels—call them whatever you want—for them to realise that they are going to be caught and justice is going to be carried out? In particular, do you have any experiences yourselves that you can really point to and say that there is something that has been agreed to and signed up to for which you have unquestionably over the years seen evidence that demonstrates that it is working?

**The Chairman:** Thank you. Things that work. Your quick comments.

**Madeleine Rees:** Spot the cynic.

**Pramila Patten:** Let me talk from the UN perspective. I will talk about my very own experience. I did the Commission of Inquiry in 2009 in Conakry, Guinea, when the President of Guinea, as you know, ordered the massacre and rape of women, especially those who were close to political leaders who were against him in the opposition party. Today, Moussa Dadis Camara has been indicted. Between 2009 and now a number of Ministers and allies have been indicted. It took time, but if it was not for the Commission of Inquiry and the continued interaction between the Commission and the International Criminal Court, and the pressure that civil society kept placing on all the stakeholders, there would never have been an indictment. It took time to indict him because he was hiding in Burkina Faso.

On the convention, CEDAW is an important tool that has to be used not in isolation but in a holistic manner when we are addressing the situation of women in conflict. We have to look at the complementarity between international humanitarian law and human rights law, and between human rights law and international refugee law and, for example, international criminal law. There is also the optional protocol to the convention that allows the Committee to initiate inquiries into grave or systematic violations of women's human rights. For example, we are now conducting an inquiry into sexual violence perpetrated in

post-conflict Sri Lanka. We have the possibility of asking for an exceptional report from the Committee outside the normal reporting cycle of four years. Through an exceptional report, we have addressed communal violence in India. We have asked Nigeria for an exceptional report on the acts and doings of Boko Haram. We have asked Guinea for an exceptional report.

There are way and means of using the accountability mechanisms that exist, but they all have to be used together. The Human Rights Council is increasingly conducting fact-finding missions and Commissions of Inquiry. We work a lot with the Human Rights Council. Madeleine and I just came back from New York. Last week was the launch of the Global Study on the implementation of Resolution 1325. One of the key recommendations is that the Women, Peace and Security Agenda should not be behind the closed doors of the Security Council. There needs to be a holistic approach. We all have to work together, and we all have to use all the tools and all the accountability frameworks that are available.

**The Chairman:** Thank you very much indeed. I am afraid we have run out of time formally. We are really grateful to you and to people in the public gallery for your patience with the technological hitches that we have had. We are very appreciative of the superb quality of your answers, and I do hope that we might be able to submit another couple of questions and invite you to make a written response to help us in our thinking, but we need to end the formal session now. Can I thank you very much indeed and say we look forward to some written material, if you are able to provide it? Thank you.