

**CENTRALISING GENDER IN MASS
ATROCITY PREVENTION: A TOOL FOR
ACTION IN THE ASIA PACIFIC REGION**

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At the 2005 United Nations (UN) World Summit, world leaders endorsed the Responsibility to Protect (RtoP) principle, which recognises that all States and the international community share a responsibility to protect populations from genocide, war crimes, crimes against humanity, and ethnic cleansing. By endorsing RtoP, UN Member States also committed to prevent mass atrocity crimes, and their incitement. The Rome Statute of the International Criminal Court identifies sexual and gender-based violence (SGBV) as acts of genocide, war crimes and crimes against humanity. Under Resolution 1325 (2000), the UN Security Council emphasised the responsibility of states “to end impunity and prosecute those responsible for genocide, war crimes and crimes against humanity including those related to sexual violence against women and girls”.¹ UN Security Council 1820 (2008) stressed that widespread and systematic sexual violence targeted against civilian populations can exacerbate armed conflict, impede peace, and pose a threat to international peace and security, and expressed the Security Council’s readiness to respond to such violence.² Together, these legal standards and political commitments clearly affirm that preventing sexual and gender-based atrocities, protecting populations under attack, and ending impunity is a fundamental responsibility of all states. They also underscore that combatting mass SGBV requires strategic and coordinated action at the local, national, regional and international levels.

Despite these commitments, communities around the world continue to suffer from SGBV on a massive scale. The Asia Pacific region is no exception. As evidence of extensive SGBV in past and ongoing crises in Myanmar, North Korea, the Philippines, Cambodia, Timor Leste and elsewhere attest, addressing the legacy of sexual and gender-based atrocity crimes and preventing future attacks remains a challenge in the Asia Pacific region. States across the region also exhibit a number of conditions associated with heightened risk of gender-based atrocity crimes, such as: armed conflict and instability; high levels of gender inequality; weak protection of women’s physical integrity rights; unaccountable security actors; and impunity for past crimes. At the same time, the region has distinct experience and expertise in leading innovative efforts to tackle the scourge of SGBV.

Drawing on relevant policy and academic literature, this report represents an initial effort to outline, as comprehensively as possible, strategies and initiatives that contribute to preventing the occurrence of sexual and gender-based atrocity crimes. The report was commissioned by the Gender Working Group of the Asia Pacific Partnership for Atrocity Prevention (APPAP), which is a network of organisations in the Asia Pacific region that are “committed to prevent genocide, war crimes, ethnic cleansing and crimes against humanity, and their incitement, promote the prevention of these crimes, and support the protection of vulnerable communities”.³ The report is designed to serve as a resource tool to assist APPAP in galvanising effective action to prevent and respond to sexual and gender-based atrocity crimes in the region. It is divided into three sections: (1) an overview of definitions of sexual and gender-based atrocity crimes; (2) mapping a gender-based atrocity prevention agenda; and (3) analysis of needs, entry points, and priorities for advancing gender-based atrocity prevention in the Asia Pacific region.

1. WHAT ARE SEXUAL AND GENDER-BASED ATROCITY CRIMES?

Atrocity crimes (which is used interchangeably with ‘mass atrocities’ or ‘mass atrocity crimes’) is a term that describes three international crimes: genocide, war crimes, and crimes against humanity. These crimes are legally defined under the 1948 Genocide Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions and their 1977 Additional Protocols, and the 1998 Rome Statute of the International Criminal Court (ICC). Under the Responsibility to Protect principle, ethnic cleansing is also included as an atrocity crime. Ethnic cleansing is not defined as an independent crime under international law. However, in 1994 a United Nations Commission of Experts defined it as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas”.⁴ Ethnic cleansing includes acts that are serious violations of human rights and international humanitarian law, which may constitute other atrocity crimes such as persecution and forced displacement.⁵

Over the past two decades, international criminal tribunals, the ICC and the UN Security Council have recognised that sexual crimes are often part of wider patterns of violence perpetrated in the context of mass atrocities. For example, in 1998, the International Criminal Tribunal for Rwanda issued the first ever conviction of rape as an act of genocide on the basis that sexual violence targeted Tutsi women and specifically contributed to their “destruction” and to the destruction of the Tutsi group. According to the judgement in the *Akayesu* case, “Sexual violence was a step in the process of destruction of the Tutsi group—destruction of spirit, of the will to live, and of life itself”.⁶ The UN Security Council has also recognised that sexual violence is used as a tactic of war to “humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group”.⁷

Although women and girls account for the large majority of the population who suffer from SGBV, men and boys are also targeted and traumatised by this violence. For example, the UN International Commission of Inquiry (COI) on Syria documented patterns of sexual violence perpetrated against women, men, boys, and girls. According to the COI’s March 2018 report, women and girls were more likely to suffer sexual violence by government forces and associated militia during house raids and ground operations and at checkpoints. Whereas, in detention facilities sexual violence was committed on a widespread basis against both males and females—patterns of rape against women were reported at 20 government political and military intelligence branches, while men were raped by objects or suffered genital mutilation at 15 branches.⁸ Evidence of widespread sexual violence against men and boys to force confessions or to humiliate and terrorise communities underscores that it is important to make male victims/survivors more ‘visible’ in efforts to prevent gender-based atrocity crimes.⁹ Under WPS Resolution 2106 (2013), the UN Security Council for the first time specifically recognised that sexual violence is also targeted at men and boys.¹⁰

Defining Sexual and Gender-based Atrocity Crimes

The Rome Statute of the International Criminal Court identifies acts of sexual and gender-based violence that can constitute war crimes, genocide and crimes against humanity. In 2014, the Office of the Prosecutor of the ICC issued a guidance note

on sexual and gender-based crimes.¹¹ This report emphasised the importance of understanding sexual crimes in relation to the broader category of gender-based crimes.

Gender-based crimes are legally prohibited acts that are perpetrated against persons (whether male or female) based on their sex and/or gender. Sex refers to the biological or physical traits of being male, female or intersex (i.e. people who have the genetic, hormonal or physical features associated with both male and female sexes). Gender refers the socially constructed ideas and expectations regarding the appropriate or acceptable behaviours, relationships and attributes for females versus males in society. Gender (along with class, race, ethnicity, age, etc.) is part of the ‘social information’ that determines who holds dominant and more privileged social, political, cultural, and economic positions in society. In most societies, males and females have different or unequal social status, decision-making opportunities, and control over resources. Like other social norms, gender norms are culture and context-specific, and can change over time.

Sexual crimes are a subset of gender-based crimes, and refer to acts of a sexual nature perpetrated against a person by threat of force or coercion. Sexual crimes can include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any form of sexual violence of comparable gravity.¹² Evidence of coercion include “fear of violence, duress, detention, psychological oppression, or abuse of power, or by taking advantage of a coercive environment or a person’s incapacity to give genuine consent”.¹³ Sexual crimes often entail physical violence, but can also include non-physical acts intended to punish, humiliate or degrade persons, such as forced public nudity.¹⁴

The important issue to note is that gender-based crimes include but are not limited to sexual violence. If women, girls, men, or boys are targeted because of gender norms, these attacks (even though they may be non-sexual in nature) can be considered gender crimes. Examples of this include sex-selective killings, or attacks on lesbian, gay, or transgender people based on their sexual orientation or gender identity. Another example is the crime of persecution, which is a crime against humanity defined under the Rome Statute of the ICC.

The crime of persecution is the only atrocity crime that specifically proscribes attacking persons on the basis of gender. For example, the Office of the Prosecutor of the ICC has analysed whether the Taliban in Afghanistan and Boko Haram in Nigeria attacked women and girls because of their “socially constructed gender roles”.¹⁵ For evidence of gender persecution as a crime against humanity, the Prosecutor examined the extent to which other prohibited attacks (such as kidnappings, rapes or killings) occurred because females were “intentionally and severely deprived of fundamental rights by reason of their belonging to a group identifiable on gender grounds”.¹⁶ Similarly, the systematic and targeted killing of civilian men and boys could be considered a crime of gender persecution, if, for example, it is determined that perpetrators attacked males because they were viewed as ‘potential’ enemies based on militarised masculine norms in society.¹⁷

The following table provides a basic definition of sexual and gender-based atrocity crimes, based on guidance provided by the Office of the Prosecutor of the ICC.¹⁸ It is important to note that while most atrocity crimes occur in the context of armed conflict, crimes against humanity can occur in ‘peacetime’.

Table 1: Sexual and Gender-based Atrocity Crimes

Atrocity Crime	Legal Basis	Definition	SGBV
Genocide	Rome Statute of the ICC 1948 Genocide Convention on the Prevention and Punishment of the Crime of Genocide	Acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group	SGBV can be ‘an integral part of the pattern of destruction inflicted upon targeted groups’ ¹⁹ According the Prosecutor of the ICC, all acts of genocide (killing; causing serious bodily or mental harm; deliberately inflicting conditions calculated to physically destroy group; imposing measures intended to prevent birth within a group; forcibly transferring children from a group) “may have a sexual and/or gender element” ²⁰
War Crimes	Rome Statute of the ICC	Serious violations of international humanitarian law (i.e the laws of war/armed conflict)	Rome Statute Articles 8(2)(b)(xxii) and 8(2)(e)(vi) define the following acts as war crimes: committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence also constituting grave breach of Geneva Conventions or serious violation of Common Article 3 to the four Geneva Conventions According the Prosecutor of the ICC, ‘all other types of war crimes, including intentionally directing attacks against civilian population, torture, mutilation, outrages upon personal dignity, or the recruitment of child soldiers, may also contain sexual and/or gender elements’ ²¹
Crimes Against Humanity	Rome Statute of the ICC	“widespread or systematic attacks directed against any civilian population”, which are committed “pursuant to or in furtherance of a State or organizational policy to commit such attack” It is not required that each act of SGBV is widespread or systematic, provided that it forms part of a widespread or systematic attack on a population. ²²	Rome Statute Article 7(1)(g) defines the following acts as crimes against humanity: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any form of sexual violence of comparable gravity Rome Statute Article 7(1)(h) defines gender-based persecution as a crime against humanity Human trafficking, particularly of women children, can constitute an act of enslavement, which is a crime against humanity under Article 7(1)(c) SGBV can be an element of other crimes against humanity, for example: sexual or gender-based torture or other inhumane acts causing great suffering, or serious injury to body or to mental or physical health; or sexual violence as part of a strategy to bring about the deportation or forcible transfer of a population from an area (i.e. ethnic cleansing) ²³

2. PREVENTING GENDER-BASED ATROCITY CRIMES

The first step to preventing atrocity crimes is understanding that atrocities are “not spontaneous or isolated events; they are processes, with histories, precursors and triggering factors, which, combined, enable their commission”.²⁴ In other words, mass atrocities develop over time and have discernible risk factors, “triggers” and escalation patterns. This allows us to identify opportunities or entry points for atrocity prevention.

It is useful to think of atrocity prevention falling into three types of action: upstream/structural prevention, early warning/early response, and late-stage prevention. These three categories correspond with a three-stage escalation process that describes how atrocities evolve over time: underlying risk factors, crisis and mobilization, and imminent or ongoing emergency.²⁵ At each stage of the escalation process, there are entry points for effective prevention action, including: (1) structural prevention efforts to reduce risk and tackle root causes; (2) early direct prevention to monitor and respond to signs of emerging crises; and (3) emergency late-stage prevention efforts to stop attacks from continuing or escalating.

Table 2: Three-Stage Approach to Atrocity Prevention

Stages in Atrocity Escalation Process	3 Phases of Atrocity Prevention	Preventive Measures
1. Underlying Risks	Upstream/Structural Prevention	Identify risk and address underlying root causes of atrocities
2. Crisis and Mobilization	Early Direct Prevention	Monitor and assess ‘triggering events’ and signs of preparatory action to commit atrocities, and take early direct preventive action to tackle emerging patterns of abuse
3. Imminent or ongoing emergency	Late-Stage Prevention/Protection	Mobilize emergency action to stop/deter perpetrators from continuing or escalating attacks

Phase 1: Structural Prevention of Gender-based Atrocity Crimes

While there is no exact science to predicting where atrocities will occur, it is possible to identify key risk factors that render states and societies more susceptible to the commission of atrocity crimes. The United Nations Office on Genocide Prevention and the Responsibility to Protect has developed a *Framework of Analysis for Atrocity Crimes*, which identifies some of the most significant risk factors, including conflict and instability, weak and unaccountable state institutions, and a history of serious human rights violations.²⁶ While the *Framework of Analysis* does not specifically identify risks of gender-based atrocities, elsewhere the Secretary-General has recognised that “the underlying structural conditions” which give rise to egregious patterns of SGBV include “inequality [and] discrimination on the basis of gender and the neglect of the rights of minority groups, often exacerbated by militarization”.²⁷

Drawing on insights from academic research, the UN *Framework of Analysis*, and relevant UN Secretary-General reports (namely, on: RtoP; Women, Peace and Security; and Conflict-Related Sexual Violence), the following section identifies how mainstreaming gender in atrocity prevention can help identify underlying risk factors for atrocity crimes in general and gender-based atrocity crimes in particular. It concludes by outlining a gender-focused structural atrocity prevention agenda that entails action to address underlying risks and strengthen resilience.²⁸

1. Armed Conflict and other forms of Crisis or Instability

Because the majority of mass atrocities occur in the context of armed conflict,²⁹ the UN identifies the presence of armed conflict or other forms of acute political, social or economic instability as one of the most significant risk factors for atrocity crimes.³⁰ This is also true for gender-based atrocities. While the incidence and prevalence of SGBV varies across conflicts, armed conflict and other forms of militarized violence and instability (such as acts of violent extremism/terrorism, insurgency/rebellion movements, counterinsurgency operations, major humanitarian emergencies) present significant risks for SGBV.³¹ The risk is high immediately prior to and during the height of conflict or crisis, and continues in the aftermath. For example, researchers have documented that spikes in sexual violence in Myanmar occur just before and during intense episodes of armed fighting, and high levels of SGBV continue in refugee and internally displaced persons (IDP) camps after communities flee violence.³²

Sometimes, state security actors or armed groups use SGBV as a tactic of war to punish, terrorise, subdue or destroy opponents, or in pursuit of political power or economic and territorial gains.³³ However, mass SGBV is not always driven by the strategic goals of repressive states or warring parties. Widespread SGBV can exhibit more ‘opportunistic’ patterns, and occur because of the breakdown of social norms and order, a tolerance for SGBV within societies or armed groups, or as a result of new vulnerabilities that perpetrators can exploit.³⁴ This suggests not only that the causes and forms of SGBV are context specific, but also that individuals and communities can be threatened by different types of SGBV and by multiple actors in a given conflict or crisis situation. For example, women and girls may be targeted by armed forces or terrorist groups as means to punish, ‘cleanse’ or plunder communities; be subjected to sexual assault or exploitation in IDP or refugee camps; suffer sexual exploitation and abuse by peacekeepers or humanitarian staff; or face much higher levels of sexual violence within their communities or households as result of conflict or crisis-related stress, trauma or upheaval.³⁵ Along with posing direct threats of sexual violence, conflicts and major humanitarian emergencies also tend to reinforce patriarchal structures, compound gender discrimination and exacerbate practices of structural or socio-economic violence against women.³⁶ As a result, women are more likely be dispossessed of land and property, deprived of credit and resources, excluded from decision-making, plunged deeper into poverty, and denied access to basic education and essential health services.³⁷

Regardless of when and how the threat of SGBV manifests, conditions of conflict and instability or a recent history thereof present an underlying risk for widespread and systematic SGBV. Tackling the underlying root causes or drivers of conflict and instability is therefore a key aspect of the structural prevention of widespread and systematic SGBV. Some of the basic measures include:

- fostering inclusive, non-discriminatory societies capable of peacefully managing differences;
- building legitimate and accountable governments and institutions that uphold the rule of law, protect human rights, and provide equal access to justice;
- promoting a strong and vibrant civil society; and
- creating equitable and sustainable economies that secure people's livelihoods and ensure that no groups in society are socially or economically disadvantaged and marginalised relative to others.³⁸

Other upstream measures include those that are specifically geared at addressing the risk of violent conflict, such as strengthening mechanisms for intercommunal dialogue, and reducing and responsibly controlling military armaments.

Crucially, promoting gender equality and addressing gender discrimination is essential across all of these measures. This is because, as research has shown, the level of violence against women within a state is the *best predictor* of that country's peacefulness.³⁹ Higher levels of gender inequality and violence against women significantly increase the likelihood of armed conflict because "states characterized by gender discrimination and structural hierarchy are permeated with norms of violence that make internal conflict more likely".⁴⁰ Measures to improve women's social standing, control over resources, access to services and property, sexual and reproductive autonomy, and decision-making authority are therefore not just human rights and social justice issues, but core elements of preventing violent conflict and building resilience to mass atrocities, including widespread and systematic SGBV.⁴¹ In this regard, achieving Sustainable Development Goal 5 and implementing the UN Women, Peace and Security agenda that calls for the full and equal participation of women in all decision-making and peace processes should be a policy priority.

2. Gender Discrimination and Inequality, and Weak Protection of the Physical Integrity Rights of Women

The UN Secretary-General's 2013 report on RtoP affirmed that "Gender discrimination and inequality increase underlying risks associated with sexual and gender-based violence, which can constitute genocide war crimes and crimes against humanity in some circumstances".⁴² In addition to holistic measures to advance gender equality and enhance the status of women and girls, there are targeted measures that can help build resilience to gender-based atrocities. Research has shown that states with higher levels of gender discrimination and gender inequality *particularly with respect to restricted physical integrity of women* are more likely to experience widespread and systematic SGBV.⁴³ One of the most important findings of this research is that the risk of widespread and systematic SGBV is significantly higher in states with weak or no laws relating to intimate partner/domestic violence and where a higher proportion of women accept domestic violence.⁴⁴ Strengthening domestic violence laws and raising awareness about the prevalence and the unacceptability of intimate partner violence are therefore crucial structural prevention measures which can help address the pre-existing culture of "silence, impunity and stigma" that is a "facilitating societal condition for widespread and systematic sexual violence".⁴⁵

3. Identity-based Discrimination and Extremist or Supremacist Ideologies

Countries that experience mass atrocities usually have a history of systematic discrimination and human rights violations against members of a particular ethnic, racial, or religious group. Patterns of discrimination create "unequal access to resources and exclusion from decision-making processes and leads to a denial of economic, social, cultural, civil and political rights".⁴⁶ Because these conditions deepen societal divisions and produce grievances that can act as catalysts for violence, the UN Secretary-General has recognised that systematic political, social and economic discrimination against identifiable groups presents an underlying risk of atrocity crimes.⁴⁷

It is important to stress that identity-based discrimination also presents a *particular* underlying risk of sexual and gender-based atrocities. This is because systematic discrimination on ethnic, racial, religious or other identity-based grounds and the grievances it produces are likely to intersect with and manifest in gender discrimination and violence. In other words, sexual violence is rooted in systematic gender discrimination *and* identity-based cleavages: women are targeted because of their circumscribed roles in society and discriminatory gender norms that control their bodies and sexuality, *and* because they are members of a particular group. One specific form of gendered identity-based discrimination that has been linked to heightened risk of genocide is the imposition of compulsory birth control measures on a particular group.

For similar reasons, nationalist, supremacist or extremist ideologies also present an underlying risk of SGBV. These ideologies are often "accompanied by a renewal of a patriarchal familial ideology, deepening the differentiation of men and women, masculinity and femininity", thus reinforcing ideas of male dominance and further policing women's roles in society as "virtuous" wives and mothers.⁴⁸ These gender stereotypes, in turn, are easily manipulated by nationalist or extremist groups to recruit new members and mobilize them to commit violence. In light of this, hyper-masculinized exclusionary ideologies not only present a risk of increased the SGBV within groups, they also justify SGBV as a means to subordinate other groups. As the Secretary-General's 2018 report on conflict-related sexual violence illustrated, armed forces and violent extremist groups employ SGBV as a "vehicle of persecution, directed in particular toward women and girls of a reproductive age, as the perceived transmitter of cultural and ethnic identity and the symbolic repositories of familial and national 'honour'".⁴⁹

A paradigmatic example of the connection between nationalist ideologies and gender-based atrocities is the use of SGBV as means of ethnic cleansing in the former Yugoslavia. Similarly, SGBV is often central to the ideology, recruitment strategies and methods of extremist groups such as Boko Haram or ISIS. As Ariel I. Ahram has argued,

ISIS uses sexual violence to construct a distinctive form of hyper-masculine Islamic state. Its hyper masculinity is intertwined with Sunni fundamentalist, supremacist ideology, and the attendant notion of ethno-sectarian hierarchy. Sexual violence helps to subordinate and degrade Shi'ites, Alawites, Yazidis, Christians and other groups ISIS deems enemies, infidels and apostates.⁵⁰

Importantly, Ahram links ISIS's appalling use of sexual violence to its extremist ideology that justifies SGBV *and* to patriarchal power structures and pre-existing patterns of sexual violence that for decades have been used by governments in Syria and Iraq to sustain ethnic and sectarian domination.⁵¹ Moreover, ISIS not only presents a direct threat of mass SGBV against particular identity groups, it also has increased risks to communities where it has operated because as ISIS has lost territorial strongholds, sexual violence has been directed as a form of "collective punishment" for women and children who were perceived to support ISIS.⁵²

The key point being: nationalist, extremist and other exclusionary ideologies emulate and exacerbate existing forms of gender inequality, violence and discrimination. The proliferation of these ideologies and the groups that support them therefore present an underlying risk for widespread and systematic SGBV. It follows that a key component of tackling the root causes of gender-based atrocities is fostering inclusive societies that resist identity-based discrimination and extremist ideologies. Crucially, this requires measures to address patriarchal power structures and systemic gender inequality within societies, as well as targeted preventive action aimed at the nexus between SGBV and extremist or exclusionary ideologies.

4. Record of Impunity for Serious Human Rights Violations, particularly SGBV

Another significant risk factor for atrocity crimes is a past history of similar violence and a record of impunity.⁵³ Gender-based atrocity crimes are no exception: a lack of accountability for serious SGBV is a risk for future such violence.⁵⁴ The failure to integrate gender in transitional justice mechanisms, and the lack of political will, capacity or expertise to investigate and prosecute serious allegations of SGBV and provide adequate support to survivors sends a signal that this type of violence is tolerated, inevitable or stigmatised and taboo.

It follows that a structural prevention agenda for gender-based atrocities entails mainstreaming gender in transitional justice mechanisms to address past egregious SGBV, as well as implementing gender-responsive justice and security sector reform measures to build national capacity and expertise to investigate and prosecute patterns of SGBV.⁵⁵ It also involves establishing or strengthening legal, health and socio-economic support services to encourage safe reporting of SGBV and to prevent the stigmatization and marginalisation of survivors.⁵⁶

5. Weak/Unaccountable Laws and Institutions to Protect Against SGBV

Another underlying risk factor for gender-based atrocities is weak institutions to protect against SGBV, and a lack of accountability for violence. This includes: (1) weak legislative framework to protect against SGBV and poor implementation of existing laws; (2) lack of accountability for SGBV in the security sector; and (3) the lack of or weak human rights institutions, and the failure to integrate gender in their work.

On the first point, as noted above, a weak legal framework to protect women's physical integrity and civil rights presents an underlying risk of SGBV. The structural prevention of gender-based atrocities therefore involves strengthening the legal framework against SGBV, and upholding the rule of law. This includes establishing or strengthening laws against intimate partner violence. The Secretary-General has also identified nine basic instruments of international law that establish a legal foundation for effective atrocity prevention.⁵⁷ This includes ratification and domestic implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It also includes ratifying and implementing the Convention on the Prevention and Punishment of the Crime of Genocide; International Covenant on Civil and Political Rights and its 1989 Second Optional Protocol; International Covenant on Social, Economic and Cultural Rights; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Elimination of All Forms of Racial Discrimination; Convention relating to the Status of Refugees and its 1967 Protocol; Convention on the Rights of the Child; Rome Statute of the International Criminal Court; and the Arms Trade Treaty. The protection of women's equal human rights is a cross-cutting obligation embedded in the faithful implementation of all of these agreements, and many of them specifically include measures to prevent and prohibit sexual and gender-based crimes. Therefore, ratifying and implementing these agreements should form part of a structural prevention agenda for gender-based atrocities.

Secondly, while strong norms and institutions of accountability for SGBV are important across all sectors, the failure to hold security actors accountable for SGBV poses a significant underlying risk of gender-based atrocities. Indeed, some researchers argue that the absence of laws and rules that strictly prohibit and punish SGBV by individuals or contingents in the police and armed forces, as well as by members of other armed groups, is the *most significant risk* factor for widespread SGBV.⁵⁸ A structural prevention agenda that addresses this risk and builds resilience therefore requires implementing gender-responsive justice and security sector reform measures, which can include establishing 'zero tolerance' codes of conduct within the military and police, and in prisons or detention facilities.

Finally, the absence of or weak human rights institutions, and the failure to develop specialised gender expertise within these institutions, lessens the likelihood that patterns SGBV will be investigated and perpetrators will be held to account. Therefore, another structural prevention measure entails establishing strong and independent National Human Rights Institutions (NHRI), and ensuring that NHRI or Office of the Ombudsman mainstream gender and women's rights protection in their investigation, monitoring and reporting.

6. Marginalisation or Absence of Women from Atrocity Prevention

As the Secretary-General's 2018 RtoP report noted,

Research has shown that gender equality and the full inclusion of women in peace processes and as preventive actors greatly reduce a society's exposure to the risks of violence, including atrocity crimes. Yet women remain underrepresented in not only conflict prevention and peacemaking but also the prevention of atrocity crimes.⁵⁹

As a key and cross-cutting measure for effective atrocity prevention, the Secretary-General called for concrete steps to empower women as agents of atrocity prevention.⁶⁰ This involves implementing the Women, Peace and Security Agenda to ensure the "full and equal participation of women in decision-making and peace processes", as well as supporting and strengthening role of women's civil society organisations in atrocity prevention efforts.⁶¹

Table 3: Sexual and Gender-based Structural Atrocity Prevention

Risk Factor	Addressing Risk/Strengthening Resilience
Conditions of Armed Conflict or other forms of major instability, such as: Terrorism/Violent Extremism; Insurgency Movements; Counter-Insurgency Operations; major humanitarian emergency caused by conflict or disasters	<ul style="list-style-type: none"> Raise awareness that gender equality is not just an issue of social justice and human rights, but also a crucial measure for reducing the risk of armed conflict and violent extremism and building resilience to natural disasters Prioritise and strengthen efforts to achieve Sustainable Development Goal 5 Mainstream gender equality in all efforts to reduce root causes of conflict and instability, including: <ul style="list-style-type: none"> fostering inclusive, non-discriminatory societies; building legitimate and accountable governments and institutions that uphold the rule of law, protect human rights, and provide equal access to justice; promoting a strong and vibrant civil society; and creating equitable and sustainable economies Promote arms control and disarmament, including through signing, ratifying and implementing the Arms Trade Treaty, with particular emphasis on Article 7.4 on ensuring that arms will not be used to commit or facilitate serious acts of SGBV Enhance measures for intercommunal dialogue, with particular emphasis on strengthening the role of women's civil society groups Implement the Women, Peace and Security agenda to ensure the full and equal participation of women in all decision-making and peace processes Build and support partnerships or coalitions to implement Sustainable Development Goal 5; the Women, Peace and Security Agenda; CEDAW General Recommendation 30; and the Responsibility to Protect, and support the full implementation of these agendas
Gender Discrimination and Gender Inequality Weak Protection of Women's Physical Integrity Rights Acceptance of Violence Against Women in Society	<ul style="list-style-type: none"> Prioritise and strengthen efforts to achieve Sustainable Development Goal 5 Strengthen and improve implementation of legal framework to protect the physical integrity rights of women, particularly laws on intimate partner/domestic violence Raise awareness of the unacceptability of domestic violence, and strengthen socio-economic and other support services for victims Raise awareness of the linkages between so called 'everyday' forms of violence against women and the underlying risk of armed conflict and atrocity crimes, including gender-based atrocities
Practices of Identity-based Discrimination Nationalist, Extremist or other Exclusionary Ideologies	<ul style="list-style-type: none"> Strengthen anti-discrimination laws/policy, and support women civil society organisations in interfaith/intercommunal dialogue Promote equal citizenship rights Raise awareness of the intersection between exclusionary ideologies, gender inequality/discrimination and gender-based atrocities Mainstream gender equality and SGBV prevention measures in all efforts to prevent extremism/intolerance Empower women in countering nationalist, supremacist and violent extremist ideologies, including through strengthening and supporting women civil society and youth organisations working on these issues
Record of Impunity for Serious Human Rights Violations, particularly SGBV	<ul style="list-style-type: none"> Establish gender-responsive transitional justice mechanisms, and hold perpetrators accountable for widespread human rights violations and past gender-based atrocity crimes Develop local and national expertise to investigate and prosecute SGBV, including measures to provide victims of sexual violence with better access to legal assistance, health care and social and economic reintegration services to address structural factors that contribute to violence against women and girls Memorialization of past serious SGBV through truth-telling and respectfully sharing survivor testimonies to build understanding and empathy Refuse to grant amnesty for sexual violence in ceasefires and peace settlements, and include provisions for addressing SGBV in these agreements
Marginalisation or Absence of Women from Atrocity Prevention Efforts	<ul style="list-style-type: none"> Implement the Women, Peace and Security agenda, particularly with regard to ensuring women's full and equal participation in decision-making and peace processes Strengthen and support the role of women leaders, including youth leaders; women's civil society organisations; and women's human rights defenders in atrocity prevention
Weak/Unaccountable Laws and Institutions to Protect Against SGBV	<ul style="list-style-type: none"> Establish strong legal framework to protect against SGBV, including provisions to combat SGBV in national penal codes and judicial processes Ratify and faithfully implement international laws/treaties related to atrocity prevention Develop awareness raising and advocacy campaigns on the responsibility to protect, emphasising that this includes protection of populations from widespread and systematic SGBV, including the prevention of these crimes and their incitement Implement gender-responsive justice and security-sector reform measures, including a code of conduct within the military, police and prison system Develop comprehensive training on preventing SGBV for justice and security sectors, including training on women's human rights/gender, and on gender and international humanitarian law and refugee law Develop and share doctrine/guidance relating to best practice on prevention and protection of SGBV among police and armed forces Establish/strengthen independent National Human Rights Institutions/Ombudsman, with expertise/guidelines on SGBV prevention and women's rights protection Support women's human rights defenders and women's civil society organisations working to advance justice and accountability for SGBV

Phase 2: Early Direct Prevention

While many states exhibit general underlying risk factors for atrocity crimes, this only indicates the *potential* for mass atrocities to occur. Usually, the potential for mass atrocities transforms into an imminent emergency through a process of mobilization, often caused by a shock or crisis—sometimes called ‘triggering events’. Examples of events that can trigger the onset of atrocities include: armed conflict, defection of peace agreements, external military intervention, unconstitutional change of government, contested elections, assassinations of prominent leaders, fragile or ‘failed’ states, terrorist or other violent attacks, major economic shock, natural disaster, major epidemic, or situations sparking mass public protests. Crises or shocks of this nature present a heightened risk of mass atrocities because they exacerbate underlying societal tensions, which leaders can manipulate to mobilize or incite actors to commit violence. Therefore, in addition to preventing the underlying risk of atrocity crimes, a comprehensive atrocity prevention agenda requires building capacity to dynamically monitor conditions that could rapidly exacerbate underlying risks, detecting and assessing signs of escalating risk and the mobilization to violence, and taking early, direct preventive action to break or inhibit the trajectory toward mass atrocities.

In terms of detecting early warning signs of gender-based atrocities, it is important to note that massive levels of SGBV tend to follow longstanding patterns of less extreme violence of a similar nature. As such, the reluctance or refusal to investigate and respond to patterns of SGBV creates a risk of further violations. This includes denying that attacks occurred or offering biased or politicised accounts of attacks in the face of credible reports of widespread or systematic SGBV. A perception that SGBV will go unanswered also creates distrust in authorities and institutions of justice, which can further deter victims of SGBV from reporting violations and entrench cycles of violence and impunity.

UN Women has developed two key resources that can help detect emerging patterns of sexual violence and gender-based early warning signs of crisis and instability: *Gender-Responsive Early Warning: Overview and How-to Guide*,⁵² and the *Matrix: Early Warning Indicators of Conflict-Related Sexual Violence*.⁵³ These, along with the *UN Framework of Analysis for Atrocity Crimes*, provide a fairly comprehensive list of indicators or signs forewarning widespread and systematic SGBV. Some of the most relevant indicators are outlined in the table below:

Table 4: Early Warning Indicators for Sexual & Gender Based Atrocity Crimes

1. Signs of instrumental/strategic use of SGBV	<ul style="list-style-type: none"> Increased incidence of sexual violence by armed groups or state actors, particularly targeted against members of an identifiable group Sex-selective killings Gendered hate speech or incitement to SGBV, particularly against of an identifiable group Cycles of retaliatory attacks against female members of a particular group
2. Patterns of human rights abuses associated with widespread use of SGBV	<ul style="list-style-type: none"> Uptick in arbitrary detention and people being taken in for interrogation, particularly those accused of being ‘enemy of state’ Forced recruitment/conscription in armed groups/military, particularly of children Uptick in forced disappearance and kidnappings, particularly of women/girls of an identifiable group Increase in human trafficking, particularly from refugee/IDP camps or conflict-affected communities Reports of sexual assault, exploitation and abuse in refugee/displaced communities
3. Actions by military/armed groups linked to heightened risk of widespread SGBV	<ul style="list-style-type: none"> Ground operations, house raids or installation of military check points (including at border crossings) Forced separation of male and female members of a community Major acquisition of arms by warring parties High use of drugs and alcohol Infiltration of armed actors in refugee/IDP camps, or military encampments around those areas or other civilian areas (e.g. schools, markets) Soldiers not being remunerated or not given basic housing or provisions
4. Crisis-induced conditions linked to heightened risk of SGBV	<ul style="list-style-type: none"> Mass displacement in refugee/IDP camps Lack of gender programming or targeted resources for refugee/IDP camps (poor planning for latrines, fuel or water collection sites) Increase in female-headed households
5. General indicators of higher tolerance for SGBV or gender indicators associated with increased risk of armed conflict or violent attacks	<ul style="list-style-type: none"> Increased incidence of sexual violence against women, including uptick in domestic violence, honour killings, female genital mutilation, rape, etc. Threats against or restrictions on politically active women or women civil society organizations (political leaders, teachers, human rights defenders) Restrictions on sexual and reproductive health/autonomy Changes to the normal patterns of women’s lives (decreased girls school attendance; absence of women from public spaces, markets or harvests; self-imposed curfews)

As noted, just as structural prevention is geared at identifying and addressing underlying risk for gender-based atrocities, a direct prevention agenda entails monitoring emerging crisis, detecting escalating risks or signs of impending violence, and taking early, targeted preventive action. A principle tool for this is developing early warning-early response capabilities. Effective early warning programs involve (1) the ability to collect and analyse accurate, consistent and timely information from multiple reputable sources, through respectful methods sensitive to the needs of affected persons; (2) an understanding of the local dynamics to be able to draw conclusions about the nature of these risks and recommend appropriate response strategies at different levels; and (3) the capacity to mobilize actors, networks and mechanisms to take timely direct preventive action.

Table 5: Early Direct Prevention Capacities and Measures

Necessary Capacities for Early Direct Prevention	<ul style="list-style-type: none"> Integrating gender indicators in conflict assessment tools Establishing gender-responsive early warning mechanisms, with capacity to regularly monitor and report signs of emerging crisis and mobilization to violence, particularly against or between identity groups Working with grass-roots women’s organizations to provide timely and sensitive information on evolving conflict situations Ensuring that women’s groups participate in national mechanisms to regularly assess risk factors and root causes of tensions and identify ways to address those tensions before they escalate Working with National Human Rights Institutions/ombudsman to develop gender-responsive early warning/prevention guidelines Strengthening and supporting the role of women’s human rights defenders
Early Direct Prevention Measures	<ul style="list-style-type: none"> Prosecuting offenders of SGBV before targeted attacks escalate to widespread violence Systematically monitoring and assessing situations of concern, documenting and reporting patterns of SGBV, circulating information to advocacy networks and decision-makers Submitting reports to national/regional human rights bodies and through UN human rights special procedure processes ‘Naming and Shaming’ individuals or groups credibly suspected of perpetrating SGBV Public statements of concern reminding of the responsibility to protect populations from atrocity crimes, including SGBV (by actors at multiple levels- local/national/regional levels, as well as UN General Assembly, UN human rights special mandate holders, UN Human Rights Council) Deployment of human rights monitoring missions with specific gender expertise, with access to detention facilities Preventive deployment of peacekeeping missions, election monitors, or ceasefire/peace process monitors with specific gender expertise Countering gendered hate speech and incitement to violence Deployment of negotiators or mediation support teams with specific gender expertise Injection of resources/upscaling of gender-responsive support services for people at risk of SGBV, particularly in displaced communities.

Phase 3: Late Stage Prevention/Protection

The grim reality is that too often signs of impending crisis are not met with timely or effective preventive action, and emerging crisis escalate into large-scale abuses. While some of the same direct prevention measures above may help prevent further attacks, these situations also require late stage emergency prevention measures to deter perpetrators from escalating or continuing attacks and to protect vulnerable communities. As the table below illustrates, there are a number of late stage prevention/protection measures that can be targeted specifically at deterring SGBV.

Table 6: Late Stage Sexual and Gender-based Atrocity Prevention

<ul style="list-style-type: none"> Referrals to the International Criminal Court, specifically referencing SGBV crimes Targeted sanctions against individuals and groups responsible for committing widespread and systematic SGBV Denying/refusing weapons transfers that could be used by groups to commit SGBV Recalling ambassadors or breaking diplomatic relations, specifically citing failure to hold perpetrators accountable for mass SGBV Establishing mechanisms to collect evidence of mass SGBV and document survivor testimony Emergency regional/international summits Injection of resources/upscaling of gender-responsive support services for people at risk of SGBV, particularly in refugee and displaced communities. Deployment of peacekeeping mission with protection of civilian mandate and gender protection advisors Opening borders to allow refugees to escape, and allowing asylum based on SGBV Ensuring refugee and IDP camps are weapons-free zones Deployment of negotiator or mediation support teams with specific gender expertise

3. PRIORITIES AND ENTRY POINTS FOR GENDER-BASED ATROCITIES IN THE ASIA PACIFIC

There is a pressing need to strengthen gender-based atrocity prevention in the Asia-Pacific region, including through enhancing structural, direct and late-state prevention capacities. Some priorities and entry points are suggested below, but they are just suggestions to guide the APPAP Gender and Atrocity Prevention working group in developing a comprehensive plan for gender-based atrocity prevention that includes short, medium and long-term goals and strategies.

Structural Prevention

States across the Asia Pacific region exhibit a number of conditions linked to heightened risk of gender-based atrocity crimes, such as: conditions of armed conflict and instability; high levels of gender inequality; weak protection of women’s physical integrity rights; rising nationalism or violent extremism; unaccountable security actors; weak laws and institutions; shrinking space for civil society; and impunity for past crimes. Not only is there a need to raise awareness of these underlying risks of mass atrocities, there is a need to strengthen national and regional efforts to address them through empowering women in atrocity prevention. This includes addressing the ‘culture of gender violence’ that tolerates or accepts high levels of intimate partner violence against women. Structural atrocity prevention could also be advanced by building and strengthening cross-cutting partnerships in the region working to implement Sustainable Development Goal 5; the Women, Peace and Security Agenda; CEDAW General Recommendation 30; and the Responsibility to Protect, and Preventing Violent Extremism.

There is also a need to improve accountability for SGBV in the region. Most notably, renewed efforts are needed to implement gender-responsive security and justice sector reform and other measures to instil a culture of accountability for SGBV in the police and armed forces. Particular measures could include peer-learning on implementing the WPS agenda, developing and delivering

comprehensive training on women's human rights protection, as well as on gender and international humanitarian law and refugee law, and establishing strict codes of conduct against SGBV in security forces across the region. This would be reinforced by concerted action to implement the 2017 ASEAN Statement on Women, Peace and Security.

Fostering a culture of accountability for SGBV could also be strengthened by establishing and strengthening gender-responsive transitional justice mechanisms. There are some good examples where gender perspective has been integrated into transitional justice mechanisms in the Asia Pacific, such as efforts to promote gender equality and improve access to justice for survivors of SGBV under the Khmer Rouge by the Victims Support Unit of the Extraordinary Chambers in Courts of Cambodia. Similarly, the Transitional Justice and Reconciliation Commission created under the Annex on Normalization of the 2014 Comprehensive Agreement on the Bangsamoro integrated gender considerations in its report and recommendations. Timor Leste also has distinct experience in transitional justice. There is value in reviewing good practice as well as gaps and challenges in gender-responsive, survivor-centred transitional justice, including with regard to prosecutions for gender-based crimes, truth-seeking and memorialization, reparations, judicial reforms and local and national accountability mechanisms.

Direct Prevention

In addition to strengthening measures for the structural prevention of gender-based atrocities, building capacity to monitor situations and detect and respond to emerging patterns of SGBV is crucial in a region rife with protracted armed conflicts and a history of mass atrocities. As research on mass SGBV in the Asia Pacific region has shown, spikes in sexual violence often occur just before and during episodes of more intense conflict.⁶⁴ Changes in women's daily lives and an uptick in SGBV often precedes the onset of wider violence and can forewarn the deliberate targeting of groups, particularly in militarised societies with high levels of gender inequality and discrimination. Therefore, timely action to address signs of worsening SGBV could help avert widespread and systematic SGBV, *as well as* prevent violent conflict and other mass atrocities in the Asia Pacific region. Monitoring situations and mobilizing early preventive action should therefore be a priority.

There is also an urgent need to upscale direct prevention measures for women and girls who have fled conflict and disasters only to face continued and heightened risk of SGBV in sites of displacement. Effective prevention in this context must include measures to address the political economy of SGBV, including socio-economic support services and measures to ensure women's sexual and reproductive rights.

Late-Stage Prevention

Finally, any strategy aimed at preventing gender-based atrocities in the Asia Pacific must entail measures to address ongoing widespread and systematic SGBV. The UN Secretary-General included Myanmar's military (or Tatmadaw) in a list of parties that have used systematic SGBV as a weapon of war and persecution, particularly against the Rohingya minority group.⁶⁶ There is also evidence of possible widespread and systematic SGBV occurring in detention facilities in North Korea, and troubling indicators of gender violence in the context of rising Islamist threats in Southeast Asia.⁶⁷ In this respect, addressing the scourge of SGBV in the region requires not only addressing underlying risks and taking early action to respond to emerging crises, but also mobilizing action to confront ongoing mass SGBV. This can be aided by amplifying the voices and concerns of women, and strengthening cross-cutting advocacy networks at the local, national and transnational levels. But most importantly, it involves timely and decisive action to uphold the responsibility to protect populations from gender-based atrocity crimes.

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