

32nd International Conference of the Red Cross and Red Crescent, Sexual and gender-based violence: joint action on prevention and response

[Source: Sexual and gender based violence: joint action on prevention and response, Resolution 3 adopted by the 32nd International Conference of the Red Cross and Red Crescent, 8-10 December 2015, available at: http://rcrcconference.org/wp-content/uploads/sites/3/2015/04/32IC-AR-on-Sexual-and-gender-based-violence_EN.pdf, footnotes omitted]

Sexual and gender-based violence: Joint action on prevention and response

[Preamble]

The 32nd International Conference of the Red Cross and Red Crescent (International Conference),

condemning in the strongest possible terms sexual and gender-based violence, in all circumstances, particularly in armed conflict, disasters and other emergencies and *deeply deploring* the suffering of all victims/survivors of such violence,

noting with particular alarm the persistent prevalence and the growing evidence of sexual and gender-based violence in armed conflict, disasters and other emergencies,

stressing that this Resolution does not give rise to new obligations under international law,

also stressing that this Resolution does not expand or modify the mandates, roles and responsibilities of the components of the International Red Cross and Red Crescent Movement (Movement) as prescribed in the Statutes of the Movement,

recalling the obligations to protect and assist victims/survivors of sexual and gender-based violence in armed conflict, disasters and other emergencies in accordance with the applicable legal framework,

bearing in mind that international humanitarian law applies only to situations of armed conflict,

recognizing that factors such as the weakening of community and institutional protection mechanisms, disruption of services and community life, destruction of infrastructure, separation of families, displacement, and limited access to justice and health services, among others, in addition to structural gender inequalities, may contribute to an increased risk and impact of sexual and gender-based violence,

recognizing also that while women and girls are disproportionately affected, men and boys can also be victims/survivors of sexual and gender-based violence, and that factors such as age, disability, deprivation of liberty, displacement, religion, ethnicity, race and nationality, among others, may increase the risk,

affirming that women's political, social and economic empowerment; gender equality; and the engagement of men and boys in the effort to combat all forms of violence against women are essential to long-term efforts to prevent sexual and gender-based violence in armed conflict, disasters and other emergencies,

affirming also that, in order to adequately address this humanitarian concern, approaches are required that effectively prevent sexual and gender-based violence, end impunity, protect victims/survivors and respond to their respective needs in a comprehensive and multidisciplinary manner in all phases of an emergency,

stressing the need to understand and address the root causes of sexual and gender-based violence in order to prevent and respond to such violence effectively,

recognizing that, despite their prevalence, incidents of sexual and gender-based violence are often invisible, as taboos, stigma, feelings of guilt or shame, fear of retribution, and the unavailability of support or lack of information about available support often prevent victims/survivors from coming forward, and as injuries, both physical and psychological, may be less obvious than those caused by other forms of violence,

underlining that it is therefore important to work towards the prevention and elimination of such violence and to prepare appropriate responses to the needs of potential victims/survivors before specific incidents arise, and *noting* that such action can be life-saving for victims/survivors of sexual and gender-based violence,

noting with concern the findings of a growing number of studies from around the world, including the recently published report of the International Federation of Red Cross and Red Crescent Societies (International Federation), describing increased risks of sexual and gender-based violence in disasters and other emergencies,

deeply concerned that there have been instances of national and international humanitarian workers and other representatives of the international community committing acts of sexual exploitation and abuse, *condemning* such acts in the strongest possible terms, and *calling on* States and relevant organizations to make all possible efforts to prevent, detect, investigate, and liaise with the appropriate authorities concerning cases of suspected sexual exploitation and abuse, for ensuring accountability,

recalling the basic mission of the Movement to prevent and alleviate human suffering wherever it may be found, protect life and health and ensure respect for the human being, and *expressing appreciation* for the

work and efforts of the components of the Movement so far in addressing sexual and gender-based violence, in accordance with their respective mandates and institutional focuses,

expressing appreciation of existing relevant work and initiatives by the United Nations (UN), regional organizations, States, judicial bodies, humanitarian organizations and other actors in relation to sexual and gender-based violence, and *underlining* the complementary character of the work of the Movement and the International Conference with such work and initiatives,

recalling all relevant resolutions adopted by the UN and by the International Conference,

I. Sexual violence in armed conflicts

Legal and policy frameworks

1. *strongly urges* all parties to armed conflict to immediately cease all acts of sexual violence forthwith;
2. *recalls* all existing provisions of international humanitarian law that prohibit acts of sexual violence in armed conflict, which are binding upon both State and non-State parties to armed conflict, and *notes* that acts of sexual violence are also addressed in other legal frameworks, as applicable;
3. *recalls also* that sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide, when it is committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group and that rape and other forms of sexual violence in armed conflict can constitute war crimes, that acts of sexual violence can amount to torture and that in international armed conflicts acts of sexual violence can constitute grave breaches as listed in the 1949 Geneva Conventions;
4. *underlines* the need for States to comply with their relevant obligations to put an end to impunity and to effectively use all appropriate means to thoroughly investigate and prosecute those subject to their jurisdiction that are alleged to have committed such crimes;
5. *stresses* the important contribution of international criminal tribunals and courts to end impunity for crimes of sexual violence;
6. *urges* all States to consider ratifying or acceding to international humanitarian law treaties to which they are not yet party and whose provisions prohibit acts of sexual violence;
7. *calls upon* States to criminalize acts of sexual violence if they have not done so and encourages States to review, as appropriate, their domestic legal frameworks to determine whether they fully implement applicable obligations with respect to sexual violence, provide for investigation and prosecution, and offer protection and other necessary responses to the needs of victims/survivors;
8. *encourages* States to make every feasible effort to ensure that their authorities at all levels, including

military and civilian commanders and superiors, adopt and enforce a zero-tolerance policy towards sexual violence; □

Prevention

9. *calls upon* States, in times of peace as in times of armed conflict, pursuant to legal obligations, to disseminate international humanitarian law, including its existing provisions that prohibit sexual violence in armed conflict, as widely as possible in their respective countries and, in particular, in their programmes of military and, if possible, civil instruction, and also calls upon States to make every effort to fully integrate those prohibitions of sexual violence into all activities of their armed and security forces and their detaining authorities, with the support of the components of the Movement as appropriate and in accordance with their respective mandates;

10. *underlines* the important role that, for example, local leaders and civil society, including women's and youth organizations, as well as the engagement of men and boys, can play in raising awareness among the wider population of the prohibition of sexual violence, of the need to prevent such violence and of the need to assist and protect victims/survivors, including against further victimization and stigmatization, and the avenues for obtaining redress, and *encourages* States to support their activities, to the degree practicable;

11. *further calls upon* States to make every feasible effort to ensure that their armed and security forces and their detaining authorities have in place appropriate internal systems for monitoring, and responding to sexual violence that are sensitive to the needs of victims/survivors;

12. *encourages* States to exchange experiences and good practices concerning prevention of sexual violence;

Protection and access to justice

13. *underlines* the need for States to make every feasible effort to increase individuals' protection from sexual violence by addressing security and safety concerns in a victim- oriented and gender-sensitive manner;

14. *calls upon* States to make every feasible effort to give victims/survivors access to justice, including by creating, in a culturally-sensitive, gender-sensitive and victim-oriented manner, an environment where victims/survivors can easily report incidents of sexual violence within the framework of applicable national and international law;

15. *recognizes* that protection and access to justice are also understood as a prevention measure and *calls upon* States to make every feasible effort to put in place specific training for the personnel of all their institutions who may need to respond to instances of sexual violence in armed conflict;

16. *stresses* the need to avoid any kind of discrimination in the efforts to prevent the occurrence of sexual violence, respond to and protect the needs of victims/survivors and punish the perpetrators;

Investigating and prosecuting

17. *underlines also* that the effective investigation and ethical documentation of sexual violence can be instrumental in ensuring access to justice for victims/survivors and in bringing alleged perpetrators to justice and in this regard recognizes the utility of internationally recognized tools;

18. *also calls upon* States to put in place, to the degree practicable, specific training for their police, prosecutors, judiciary and relevant supporting personnel to enable them to investigate, prosecute and try acts of sexual violence in an effective, impartial and appropriate manner that, while guaranteeing the rights of alleged perpetrators, also fully respects the rights and needs of victims/survivors;

19. *encourages* States, particularly in situations of post-conflict, to consider addressing sexual violence in truth and reconciliation processes;

Support for victims

20. *calls upon* States and National Red Cross and Red Crescent Societies (National Societies) to make every feasible effort to ensure, insofar as possible, that victims/survivors of sexual violence and, where appropriate, gender-based violence, have unimpeded and ongoing access to non-discriminatory and comprehensive health care, including sexual and reproductive health-care services, according to national law, physical rehabilitation, psychological and psychosocial support, legal assistance and socio-economic support and spiritual services, as required, always keeping in mind the need to ensure the dignity and safety of victims/survivors, and the importance of confidentiality and privacy, including addressing issues such as social stigmatization of victims/survivors;

II. Sexual and gender-based violence in disasters and other emergencies

Legal and policy frameworks

21. *reaffirms* States' obligations under applicable international human rights law to prohibit acts of sexual and gender-based violence;

22. *calls upon* States to review and strengthen, if necessary, their domestic legal frameworks, to fully implement applicable international obligations related to sexual and gender-based violence, and to assess, as relevant, whether domestic procedures, policies and contingency and preparedness plans related to disasters and other emergencies in their territory ensure that adequate attention is paid to sexual and gender-based violence;

Prevention, information and training

23. *encourages* States, with the support of their National Societies and other civil-society actors, including women's and youth organizations, as well as engagement with men and boys, to make every effort before, during and after disasters and other emergencies to make the prohibition of sexual and gender-based

violence, and all services, facilities, mechanisms and support services available to address it, known as widely as possible among their populations;

24. *also encourages* States to gather, analyse and disseminate relevant disaggregated data and information relating to sexual and gender-based violence in disasters and other emergencies in their territory, with support, as appropriate, from their National Societies and the International Federation;

25. *calls* upon States, National Societies, the International Federation and other relevant humanitarian and development stakeholders to ensure that their disaster- and emergency-management plans and activities include measures to prevent and respond to sexual and gender-based violence in accordance with their respective mandates, such as putting in place specific training for relevant emergency- and disaster-response personnel, including the participation of women in disaster- and emergency-response teams, and engaging community members, in particular women, in decision-making about disaster risk management;

26. *encourages* States to ensure that their law enforcement and justice systems are equipped to effectively address sexual and gender-based violence in disasters and other emergencies, including by undertaking specific gender-sensitive training, striving for a gender balance in their personnel, and assisting victims/survivors to easily and safely report incidents to competent domestic authorities;

27. *invites* international humanitarian organizations, including representatives of relevant sectors and clusters, to share good practices, guidelines and experiences related to addressing sexual and gender-based violence in disasters and other emergencies with relevant actors;

Preparedness and response

28. *calls* upon States, with support, as appropriate, from National Societies and other partners to make every effort to ensure that persons affected by sexual and gender-based violence in disasters and emergencies have unimpeded and ongoing access to non-discriminatory and comprehensive health care, including sexual and reproductive health-care services, according to national law, physical rehabilitation, psychological and psychosocial support, legal assistance, and socio-economic support, spiritual services as required, always keeping in mind the need to ensure their dignity and safety, and the importance of confidentiality and privacy, in order to reduce the likelihood of them not seeking help and to avoid re-victimization;

III. Movement implementation, cooperation and partnerships

29. *encourages* the International Committee of the Red Cross (ICRC) to intensify its efforts to prevent sexual violence, alongside its efforts to protect and assist the victims/survivors thereof, in line with its mandate as laid down in the Statutes of the Movement, including research and analysis, and to cooperate with other components of the Movement, in accordance with their respective mandates, as appropriate;

30. *also encourages* the International Federation, in collaboration with National Societies and other relevant partners, to continue its research and consultations with a view to formulating relevant recommendations to

prevent and respond to sexual and gender- based violence in disasters and other emergencies;

31. *calls upon* the components of the Movement, in accordance with their respective mandates and institutional focuses, to make every possible effort to make capacity- building on preventing and responding to sexual and gender-based violence one of their priorities, including by specifically training their relevant staff and volunteers at all levels, coordinating and cooperating with each other in line with their respective mandates and roles within the Movement, and exchanging experiences and good practices as appropriate;

32. *also calls upon* all components of the Movement to adopt and enforce zero-tolerance policies on sexual exploitation and abuse of beneficiaries by their staff and volunteers, and subject these individuals to sanctions for their actions;

33. *further calls upon* the components of the Movement, in accordance with their respective mandates, to make every effort to support, where and when appropriate, the development and strengthening of the capacity of national institutions to prevent and respond to sexual and gender-based violence, and to invest in training and strengthening local expertise and in community-based initiatives;

34. *further calls upon* the components of the Movement, in accordance with their respective mandates, to make every effort to coordinate and cooperate as appropriate with other relevant stakeholders working on preventing and responding to sexual and gender-based violence, such as the UN, regional organizations and humanitarian organizations, including, as appropriate, by exchanging experiences and good practices;

35. *requests* the ICRC and the International Federation to report to the 33rd International Conference on progress they have made and on any information provided for this purpose by members of the International Conference about their respective efforts.