How does IHL address sexual violence? Is sexual violence a weapon? A method of warfare? Does it matter whether the victim is a civilian, a combatant, a fighter? A child, a man, a woman? Does IHL require specific strategies to cater for the medical and psycho-social needs of victims and survivors of sexual violence?

Rape and other forms of sexual violence are prohibited under IHL, in both international and non-international armed conflicts. International criminal law moreover provides for the individual criminal responsibility of sexual crimes’ perpetrators.

Yet, sexual violence persists in contemporary armed conflicts as a devastating phenomenon with damaging consequences for victims – women, men, girls and boys – as well as their families and whole communities. Strengthening the implementation of the legal framework remains a challenge to bridge the gap between the law and the reality on the ground.

IHL rules protecting persons against sexual violence can be found in The Law [1] chapters on Civilian population [2], Combatants and POWs [3] and Criminal repression. [4]

Related case studies in The Practice [5]:

- Women and Sexual violence [6]
• Somalia: Deeply Flawed Rape Inquiry [8]
• Colombia – Sexual violence [9]
• Syria: Detention and Abuse of Female Activists [10]
• ICC, The Prosecutor v. Lubanga [12]
• Democratic Republic of Congo, Involvement of MONUSCO [13]
• Mali, Conduct of Hostilities [14]
• Colombia/ICC, Situation in Colombia, Interim Report [15]
• Sudan, Report of the UN Commission of Enquiry on Darfur [Paras 333-358] [16]
• Democratic Republic of the Congo, Conflict in the Kivus [17] [Part III, paras 16 [18], 35-37 [19]]
• Georgia/Russia, Human Rights Watch’s Report on the Conflict in South Ossetia [Paras 87-89] [20]
• Democratic Republic of Congo, Fighting with the M 23 Group [21]
• Philippines, Armed Group Undertakes to Respect Children [22]
• Central African Republic: Sexual Violence by Peacekeeping Forces [23]
• ICC, Confirmation of Charges against LRA Leader [25]
• International Criminal Court, Trial Judgment in the Case of the Prosecutor V. Jean-Pierre Bemba Gombo [26]
• Geneva Call and the Chin National Front [27]

Related notions in A to Z [28]:
• Rape and sexual violence [29]
• Crimes against Humanity [30]
• Women [31]

To go further:
• E-briefing on sexual violence [32]
• ICRC workshop on sexual violence [33]
• Podcast of the conference ‘Sexual violence in armed conflict: Underlying causes and prevention strategies’ [34]
Resolution on Sexual violence and gender-based violence [35] adopted at the 32nd International Conference

Source URL: https://casebook.icrc.org/highlight/sexual-violence-armed-conflict

Links
[1] https://casebook.icrc.org/law
[21] https://casebook.icrc.org/node/20954
[28] https://casebook.icrc.org/a_to_z
[29] https://casebook.icrc.org/glossary/rape-and-sexual-violence
[31] https://casebook.icrc.org/glossary/women
[34] https://www.icrc.org/en/event/sexual-violence-armed-conflict