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**Furthering comprehensive
approaches to victims/
survivors of conflict-related
sexual violence:**

**An analysis of National Action
Plans on Women, Peace and
Security in Indonesia, Nepal,
Philippines, and Timor-Leste**

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by Aisling Swaine

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ABOUT THE AUTHOR

Dr. Aisling Swaine is Associate Professor of Practice of International Affairs at the Elliott School of International Affairs, George Washington University, Washington DC. She received a PhD in law from the Transitional Justice Institute, Ulster University (2012), an MSc. in Humanitarian Assistance (2000) and a B.A (1999) from University College Dublin, Ireland. Prior to her current post, Dr. Swaine worked with the UN, donors and international NGOs in conflict and post-conflict settings, as well as at international policy levels. She continues to consult to a number of international organizations globally, including UN Women. Aisling teaches and researches on issues of conflict-related violence against women; global gender equality policy; the women, peace and security agenda; and feminist legal theory and transitional justice.

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ACRONYMS AND ABBREVIATIONS

| | |
|-------|--|
| CBW | Children Born of War |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CRC | Convention on the Rights of the Child |
| CRSV | Conflict-related Sexual Violence |
| GBV | Gender-based Violence |
| GR 19 | General Recommendation No.19 (of CEDAW) |
| GR 30 | General Recommendation No. 30 (of CEDAW) |
| IPV | Intimate partner violence |
| NAPs | National Action Plans |
| WPS | Women, Peace and Security |
| SEA | Sexual exploitation and abuse |

EXECUTIVE SUMMARY

INTRODUCTION

There is growing acknowledgment of the need to address the social, security, legal, health and economic impacts that multiply and sustain the repercussions of conflict-related sexual violence (CRSV) in the lives of women and girls globally. Less recognition has been given to the needs of the children of victims/survivors of CRSV, including those born of rape. An intricate set of rights impediments and specific needs arise for both victims/survivors and their children that require urgent attention and response.

The adoption of National Action Plans (NAPs) on the United Nations Security Council women, peace and security (WPS) agenda presents an optimal opportunity to ensure that state-level activities are responsive to the rights and needs of victims/survivors of CRSV and their children. While NAPs-WPS are prolific globally, it remains unclear whether and how these plans are reaching the direct needs and realities of this population.

Four Asia-Pacific countries with NAPs-WPS – Indonesia, Nepal, Philippines and Timor-Leste – evidence conflict-related violence impacting women and girls. This paper critically assesses approaches to CRSV within the NAPs-WPS of these four countries with the aim of advancing understanding of these issues and their relevance to state actions. It presents guidance on how NAPs-WPS can be used to specifically and substantively address the needs of this population.¹

GENDER PLANNING FOR PEACE AND SECURITY – GENDERED NEEDS ANALYSIS

A gendered needs analysis was used as a framework to critical evaluate the NAPs-WPS of Indonesia, Nepal, Philippines and Timor-Leste. A gendered needs analysis is based on the premise that policy planning should meet both the *practical needs* (the immediate everyday *practical needs* required for day-to-day living); and *strategic needs* (longer-term needs that relate to inequalities in decision-making power and control and ownership of critical resources) of women and girls. *The intersection of practical and strategic needs* means that both must be met if equality and women's empowerment is to be achieved.

The analysis assessed the following: *To what extent have NAPs-WPS of Indonesia, Nepal, Philippines and Timor-Leste been responsive to the specific rights and needs of victims/survivors of CRSV and their children?*

SUMMARY OF FINDINGS

- All of the plans include some aspects of service provision addressing the rights and needs of victims/survivors of CRSV.
- The NAPs generally lack substantive information and data on CRSV, and on the needs of victims/survivors of CRSV and their children.
- The children of victims/survivors of CRSV do not appear in any of the plans.
- The experience of forced pregnancy and maternity, and the responsibilities of the state in this regard, are not included in the NAPs.

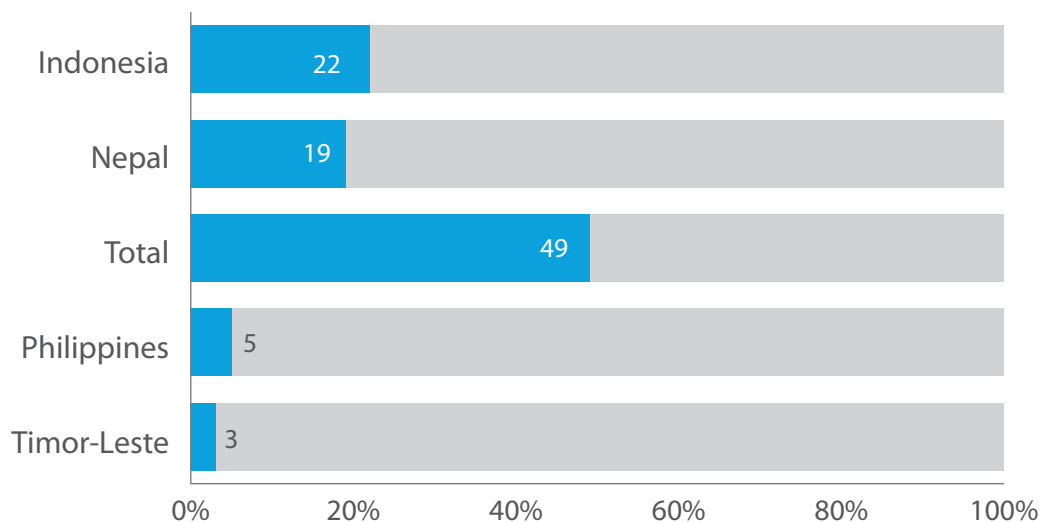
¹ This paper was commissioned by UN Women for the purposes of the UN Women and the Government of the United Kingdom Foreign & Commonwealth Office Expert Group Meeting: Addressing the needs of sexual violence survivors and children born out of rape in NAPs-WPS, convened in Thailand in January 2017.

- Disaggregated approaches to the needs of victims/survivors of CRSV on the basis of identity factors (age, ethnicity, disability etc.), are largely absent from the NAPs.
- None of the NAPs-WPS address inheritance and land rights specifically, which are key economic issues for many victims/survivors.
- There are no budgets attached to any of the NAPs to attribute specific spending for much-needed services to these populations.

Actions relating to CRSV appear to varying degrees across these four plans (see Figure 1).

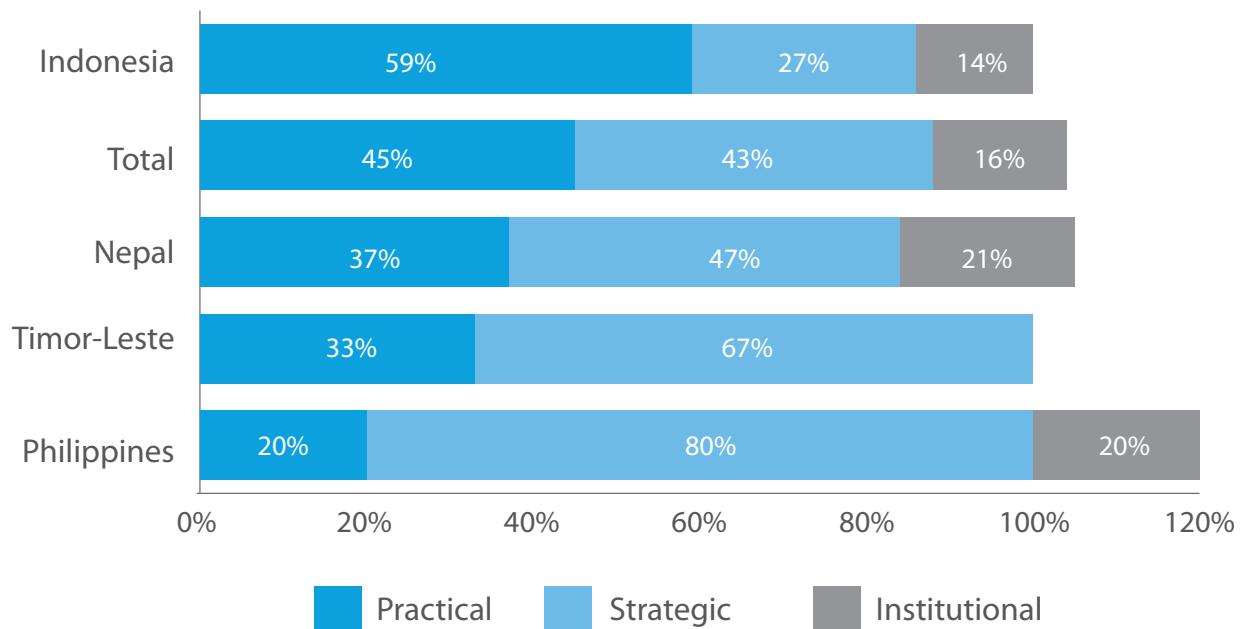
- Actions relating to CRSV represent 22% of all actions within the Indonesian NAP and 19% within the Nepal NAP.
- Comparably actions addressing CRSV within the Timor-Leste NAPs are only 3% of all actions. This analysis focuses just on the NAP-WPS. Notable is that in Timor-Leste, there is a national plan on gender-based violence which hold actions specifically focused on those issues. However, whether that plan specifically provides for the enduring impacts, legacy and needs of victims/survivors of sexual violence within the conflict (and not only for example domestic violence in the post-conflict context) requires analysis and congruence across both planning documents.

Figure 1: Percentage of actions focused on CRSV out of the total of actions within each NAP-WPS



The balance between actions focused on CRSV that address the practical or strategic needs of victims/survivors, or are focused on institutional needs, varies considerably across the plans (See Figure 2).

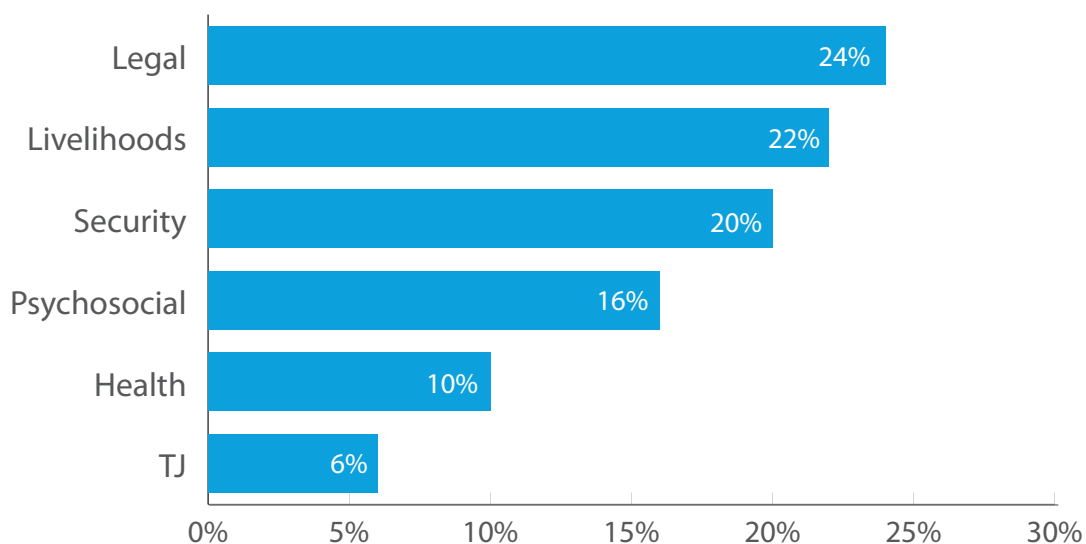
Figure 2. Proportion of Actions Addressing Practical, Strategic and Institutional Needs and Priorities relating to CRSV across the Four NAPs-WPS.*



**Note: the total in some cases exceed 100% as some actions were addressing more than one category of needs.*

There is an imbalance of actions focused on services for various aspects of the needs and rights of victims/survivors of sexual violence across the plans (see Figure 3). On average, 10% of all actions addressing the service provision needs and priorities of victims/survivors were linked to health, while transitional justice is just 6%. The provision of urgent, interim and longer-term health and psychosocial care and services is of utmost priority for victims survivors and yet is one of the weaker areas of actions included within the plans.

Figure 3: Proportion of actions on thematic areas of rights and needs across the NAPs-WPS



Evidence of a coordinated and comprehensive multi-sectoral service provision approach is generally absent from the plans i.e. NAPS-WPS are not ensuring that all four of the basic needs of health, psychosocial, legal, and protection/security services are provided for (see Figure 4).

SUMMARY OF GUIDANCE FOR INCLUSION OF CRSV WITHIN NAPS-WPS

Among the guidance and recommendations of the paper are the following :

- Include specific actions to respond to the needs of victims/survivors of CRSV. These actions should follow the multi-sectoral model approach, which should be used to frame the articulation and design of actions within the NAPs, with specific adaptation to context.
- Actions responding to the needs of victims/survivors and their children should meet a balance of their practical and strategic needs.
- Include actions that meet the basic survival and income needs of victims/survivors of CRSV and their children.
- In implementation, specific actions towards victims/survivors and to children should take 'diffuse' approaches in order to minimise stigma (and will be dependent on each context).

Further recommendations and specific guidance and examples are elaborated in more detail in the main paper.

1. INTRODUCTION

There is growing acknowledgment of the need to address the social, security, legal, health and economic impacts that multiply and sustain the repercussions of conflict-related sexual violence (CRSV) in the lives of women and girls globally. Less recognition has been given to the needs of the children of victims/survivors of CRSV, including those born of rape. An intricate set of rights impediments and needs arise for both victims/survivors and their children that require urgent attention and response.

The adoption of National Action Plans (NAPs) on the United Nations Security Council women, peace and security (WPS) agenda presents an optimal opportunity to ensure that state-level activities are responsive to the rights and needs of victims/survivors of CRSV and their children.

The purpose of this paper is to advance understanding of these issues, their relevance to NAPs-WPS and present guidance for how NAPs-WPS can be used to address the needs of this population.² The NAPs-WPS of four conflict-affected contexts in the Asia-Pacific region, Indonesia, Nepal, Philippines and Timor-Leste, are critically examined to identify critical gaps and areas of opportunity in current action planning. Guidance and recommendations for ensuring that the rights and needs of victims/survivors of CRSV and their children are addressed through NAPs-WPS is also presented. Box 1 may be used as a reference tool for terms used throughout the paper.

² This paper was commissioned by UN Women for the purposes of the UN Women and the Government of the United Kingdom Foreign & Commonwealth Office Expert Group Meeting: Addressing the needs

Box 1. Approaches to victims/survivors of conflict-related sexual violence and their children
For the purposes of this paper, the following conceptual frameworks are used:

Conflict-related sexual violence: The UN Action Against Sexual Violence in Conflict definition captures a broad range of CRSV and is used to frame this paper:³

“Conflict-related sexual violence refers to incidents or patterns of sexual violence against women, men, girls or boys occurring in a conflict or post-conflict setting that have direct or indirect links with the conflict itself or that occur in other situations of concern such as in the context of political repression.”

It notes that: “Conflict-related sexual violence takes multiple forms such as, inter alia, rape, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual exploitation, trafficking, sexual enslavement, forced circumcision, castration, forced nudity or any other form of sexual violence of comparable gravity. Depending on the circumstances, it could constitute a war crime, a crime against humanity, genocide, torture or other gross violations of human rights.”

Victims/survivors: In line with the preferences expressed by those consulted for this paper, the term “victims/survivors” is used to allow for recognition that women are victims of sexual attack, as well as survivors in the longer term. Women who experience assault may move back and forth between those identities and using both terms here allows for that possibility.

Children of victims/survivors of CRSV: ‘Children born of war’ (CBW) is a term that is used to refer to children born as a result of rape, sexual slavery and ‘marriages’ forced by armed actors, as well as sexual exploitation and abuse by personnel of international organizations.⁴ This paper refers to ‘children of victims/survivors of CRSV’ to encourage diffuse approaches that recognise that CBW have specific needs, as well as those common to other children, including a victim/survivor’s existing/additional children. This term is used in the paper to ensure that victims/survivors will receive support to care for all their children, and where needed and identified, children who experience specific stigma, harm and enduring loss due to their identity, will receive the specific care that they need. The term is used to ensure that CBW are not inappropriately singled out and that approaches are taken to address their specific rights and needs within wider approaches to fulfilling women and children’s rights.

2. CONFLICT-RELATED SEXUAL VIOLENCE IN INDONESIA, NEPAL, PHILIPPINES AND TIMOR-LESTE

Women and girls have experienced variant forms of violence in conflicts that have taken place in historical and contemporary times across the Asia-Pacific region, including in Afghanistan, Bangladesh, Cambodia, Sri Lanka and Viet Nam.⁵ Four of the Asia-Pacific countries with NAPs-WPS – Indonesia, Nepal, Philippines and Timor-Leste – also evidence conflict-related violence impacting women and girls.

3 UN Action, ‘Analytical and Conceptual Framing of Conflict-related Sexual Violence’, United Nations, June 2011; see also United Nations ‘Guidance Note of the Secretary-General: Reparations for Conflict-related Sexual Violence’, June 2014.

4 Taken from: Kai Grieg, *The War Children of the World*. War and Children Identity Project. 2001. p. 7.

5 See for example: Theresa de Langis, *Asia-Pacific Regional Women’s Hearing on Gender-Based Violence in Conflict, Report on the Proceedings*, Cambodian Defenders Project (2012).

Box 2. Conflict-related Sexual Violence in Indonesia (Papua)

"I was cooking at home to eat, because at that time my old mother had gone to Jayapura. At night the army picked up all the girls. One soldier entered my house. When he saw I was alone, he immediately forced me to take off my clothes, if not, I would be shot dead . . . He used a bayonet to rip my clothes and I was raped. Since then, that soldier always came and asked me to serve him until I got pregnant and had a daughter. But when this child was born she died immediately."

Taken from: Enough is Enough! Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009, Documentation Working Group on Violence and Human Rights Violations Against Papuan Women, 2009-2010.

The Committee that oversees implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has expressed concerns about CRSV in all four of these contexts. For Indonesia, the Committee has raised the issue of violations of women's rights, including sexual violence, during conflicts in several regions, such as Papua, and the enduring need for justice and provision of services to these women (see Box 2).⁶ The prevalence of CRSV in the conflict in the Philippines, including against particular Muslim, indigenous communities and women in displacement sites, has been raised by the Committee (see Box 3).⁷ In Nepal, the CEDAW Committee raised concerns about lack of justice for CRSV and the need for care for post-traumatic stress and mental health impacts on women and girls.⁸ The Committee recommended that the government "Initiate a thorough and complete investigation into the perpetration of sexual abuse during the armed conflict and post-conflict periods."⁹ In Timor-Leste, the Committee raised ongoing concerns about the need for services and reparative justice for victims/survivors in that context.¹⁰

Box 3: Conflict-related Sexual Violence in the Philippines

Participant in Transitional Justice and Reconciliation Commission Listening Process:

"We women were not respected. There were instances when women were taken from their homes and raped. There was an incident when a wife was taken by a soldier, was impregnated and returned to her family when she gave birth."

Report of Transitional Justice and Reconciliation Commission, November 2016, p. 47.

6 Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined seventh and eighth periodic reports of Indonesia, CEDAW/C/IDN/CO/6-7, 7 August 2012, para 27, 28.

7 Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined seventh and eighth periodic reports of the Philippines, CEDAW/C/PHL/CO/7-8, 25 July 2016, para 25, 26, 45, 46.

8 Committee on the Elimination of Discrimination Against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, Nepal. CEDAW/C/NPL/CO/4-5, 11 August 2011, para 35, 36.

9 Concluding observations of the Committee on the Elimination of Discrimination against Women of Nepal, para 35, 36.

10 Committee on the Elimination of Discrimination Against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women of Timor-Leste, CEDAW/C/TLS/CO/2-3, 24 November 2015, para 18, 19.

See Box 4 for a summary of the range of harms that have been documented in Indonesia, Nepal, Philippines and Timor-Leste. A more in-depth overview of CRSV in each context is provided in the Annex to this paper.

Box 4. Conflict-related Sexual Violence in Indonesia, Nepal, Philippines and Timor-Leste

Patterns of CRSV across the four sites:*

- **Harm experienced in historic periods of conflict** remain unaddressed, including violence in 1965 and 1998 in Indonesia; from 1972-1981 in the Philippines; and World War II in Timor-Leste.
- **CRSV by state and non-state actors took place on a systematic as well as on an ad hoc basis, including sexual slavery** (Indonesia, Nepal, Philippines, Timor-Leste). Soldiers entered homes, as well as assaulted women outside the home (Indonesia, Nepal, Timor-Leste). Women experienced multiple sexual harms, including mutilation of sexual and reproductive organs, cutting open of pregnant women's wombs, and forced sex with husbands for soldiers' entertainment (Philippines). Many women were killed following sexual assault.
- **Women captured and held in detention** experienced forced stripping and nudity; sexual torture; sexual assault; sexual threats; rape and gang rape, including the insertion of instruments such as guns; mutilation of sexual organs and forced to 'entertain' soldiers (Indonesia, Nepal, Philippines, Timor-Leste).
- **Women were forced into 'marriages' by soldiers**, some of whom bore multiple children. In many cases women were abandoned and forced into additional forced marriages when soldiers rotated (Indonesia, Nepal and Timor-Leste). Girls were forced into early marriage to protect them from rape (Philippines).
- **Some detained women had to bring children into detention**, who were then subject to violence and/or witnessed the violation of their mothers. Some children were killed as a consequence of association with their mothers. To protect their children, some women denied and lost longer-term parental roles over their own children (Indonesia).
- **Pregnant women experienced torture and sexual assault**, threats of death and threats of murder to unborn children (Indonesia, Timor-Leste).
- **Some women forcibly recruited** into Maoist factions in Nepal experienced sexual violence; it was also used as a means of retaliation against women suspected of colluding with the state (Nepal).
- **Post-conflict gender-based violence** (physical and sexual assault in the home, intimidation and emotional abuse, and economic deprivations) remains an issue in all four contexts.

Enduring consequences of CRSV across the four sites:

- **Pregnancies:** unwanted pregnancies, and loss of existing pregnancies.
- **Harm:** enduring physical pain from injuries, psychological harm and trauma.
- **Insecurity:** intimidation by perpetrators, retaliation in some contexts, and enduring violence from family and community.
- **Stigma:** socio-cultural norms have triggered stigma, ridicule and discrimination.

- **Social exclusion:** some women are ostracised from family and community and forced to live in isolation; some women and their children are accepted by husbands and family.
- **Indigence:** women face critical social and economic marginalisation and isolation, and are unable to pay for basic medical care, food, and wider services such as education for them and their children.
- **Impunity and repair:** lack of justice for CRSV, and lack of reparation for the harm and for children.
- **Women have been forced to marry perpetrators,** both during and after the conflicts.

**The data and examples of women's experiences of violence included here reflect the availability of secondary data, rather than the entirety or reality of women's experiences in each context. A more in-depth summary of the CRSV that took place in each context and the sources of the data here is available in the Annex to this paper.*

3. UNDERSTANDING THE EXPERIENCES AND RIGHTS OF VICTIMS/ SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE AND THEIR CHILDREN

Women's experiences in these four contexts evidence the need for policy and programming that is responsive to how CRSV has taken place, how it may be experienced in differing ways by differing women and girls in each context and to its immediate and longer-term impacts. This is discussed in the following sections.

3.1 RECOGNITION OF THE BROAD RANGE OF GENDER-BASED HARMS THAT MAY TAKE PLACE IN A CONFLICT

A broad range of conflict-related violence against women, and its roots in gender inequalities, should be addressed during and after conflict.¹¹ While approaches should be tailored to each context, the potential for women to experience one or more of the following categories of violence should be recognised (see Box 5 for relevant Global Legal and Policy Frameworks).

Strategic and tactical rape: The ways in which women may be specifically targeted for sexual violence by combatants, including capture and sexual slavery, requires recognition and response. Four of the United Nations Security Council WPS resolutions focus on sexual violence "when commissioned as a tactic of conflict," demanding the cessation of these acts by all parties to armed conflict.¹²

Broader forms of harm: Increasingly, research shows that women may experience broad ranging forms of opportunistic violence by combatants as well as civilians, sexual assaults from men known

11 Catherine O'Rourke and Aisling Swaine, *Guidebook on CEDAW General Recommendation No. 30 and the UN Security Council Resolutions on Women, Peace and Security*, UN Women (2015).

12 The following resolutions focus on CRSV: UN Security Council Resolution 1820 (2008) S/RES1820/2008; UN Security Council Resolution 1888 (2009) S/RES1888/2009; UN Security Council Resolution 1960 (2010) S/RES1960/2010; UN Security Council Resolution 2106 (2013) S/RES2106/2013.

to them, and enduring intimate partner violence (IPV) during conflict.¹³ Resolution 1325 (2000) recognises that women and girls need protection “from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.”¹⁴ Under CEDAW General Recommendation No. 30 (2013, GR30), broad forms of gendered violence perpetrated by multiple actors should be addressed.¹⁵

Post-conflict gender-based violence: Post-conflict trends in violence demonstrate the need for attention to domestic as well as sexual violence, and in some contexts to the threat posed by the presence of former combatants. The WPS resolutions and CEDAW GR 30 both set out the need to respond to women’s experiences of violence after conflict.

Box 5. Global legal and policy frameworks addressing conflict-related sexual violence

International criminal law: The Rome Statute of the International Criminal Court lists a range of crimes of a sexual nature as crimes against humanity and war crimes (17 July 1998).¹⁶

International human rights law (IHRL): While a range of IHRL instruments address violations of human rights, the Convention on the Elimination of All Forms of Discrimination (CEDAW, 1979) is specifically applicable. General Recommendation No.19 (1992) elaborates CEDAW’s applicability to addressing violence against women, while General Recommendation No. 30 (2013) in particular focuses on conflict-related violence against women.¹⁷

Resolutions of the United Nations Security Council: Of the seven WPS resolutions, four focus specifically on: “...sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations...” and set out a range of actions to generate data and respond to the needs of victims/survivors.¹⁸ Resolution 1325 (2000) also refers to “gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict.”¹⁹

The Arms Trade Treaty (2012) recognises the impact of small arms on the intensity of GBV and includes the regulation of the sale and use of arms where they are linked to prevalence of GBV.²⁰

Global policy and law relating to access to abortion: Resolution 2242 (2015) notes “the need for sexual and reproductive health services, including regarding pregnancies resulting from rape, without discrimination,”²¹ while CEDAW GR30 states that “it is discriminatory for a State party to

13 Aisling Swaine, *Beyond Strategic Rape and Between the Public and Private, Violence Against Women in Armed Conflict, Human Rights Quarterly* 37, 3 (2015): pp. 755-786; Elisabeth Wood, *Variations in Sexual Violence During War, Politics and Society*, 34,3 (2006), pp. 307-341; *Rethinking Gender-Based Violence, Child Protection in Crisis Learning Network* (2009).

14 United Nations Security Council Resolution 1325 (2000), S/RES1325/2000, para 10.

15 United Nations Committee for the Elimination of All Forms of Discrimination against Women (CEDAW), General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, 18 October 2013, UN Doc CEDAW/C/GC/30.

16 Rome Statute of the International Criminal Court, A/CONF.183/9 of 17 July 1998, in force on 1 July 2002. See: Articles 7, 8.

17 General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, paras 34-38.

18 United Nations Security Council Resolution 1820 (2008) S/RES2122/2008; Resolution 1888 (2009) S/RES1888/2009; Resolution 1960 (2010) S/RES1960/2010; Resolution 2106 (2013) S/RES2106/2013, para 1.

19 United Nations Security Council Resolution 1325 (2000) S/RES1325/2000, para 10.

20 The Arms Trade Treaty, 2014. See Article 7 (4).

21 United Nations Security Council Resolution 2242 (2015) S/RES2242/2015, preambular para.

refuse to legally provide for the performance of certain reproductive health services for women.”²² The Global Study on the Implementation of Resolution 1325 (2000) stated that: “Exclusion of one medical service, abortion, from the comprehensive medical care provided to the wounded and sick in armed conflict, where such service is needed by only one gender, is a violation not only of the right to medical care but also of the prohibition on “adverse distinction” found in common Article 3, the Additional Protocols to the Geneva Conventions and customary international law.”²³

3.2 RECOGNITION OF PREGNANCY AND MATERNITY AS A RESULT OF CONFLICT-RELATED SEXUAL VIOLENCE

While there is limited data available, in all four contexts women have borne children as a result of CRSV. Recognition is required of the range of complex concerns that arise for victims/survivors of CRSV in respect of their assumed reproductive roles and capacities. These include:

Intentional and forced impregnation and pregnancy: Armed groups may deliberately rape to impregnate. Deliberate impregnation has been used as a strategy by combatant groups globally, particularly where ethnic politics plays a role in the conflict and women may be detained to secure pregnancy through childbirth. ‘Forced pregnancy’ has been recognised as a war crime and crime against humanity under the Rome statute.²⁴

Unwanted pregnancy: Women may conceive as an unintended consequence of rape (whether by adversarial combatants and/or by men known to them – see box 6). Additionally, women and girls may become pregnant as a result of sexual exploitation and abuse (SEA) by staff of international organizations working in humanitarian crises.²⁵

Box 6. Nepal: The impact of rape and unwanted pregnancy

“When my family knew that I was pregnant from rape, they put a plastic tent in the farm and asked me to live under it. They didn’t allow me to remain at home after I gave birth to the baby. They built a small hut with a plastic canopy. Raindrops fell from it. What could I do? Everyone hated me. My family members approached me at times and gave me food. Later after I gave birth, the villagers found the man who raped me and brought him before the village elders. The meeting decided that the man should take care of me and the child. I was forced to ‘marry’ him but he fled after four days. No one was there to bless my baby. Where could I go at that time? I didn’t go anywhere. I endured everything silently.”

Taken from: Advocacy Forum and International Center for Transitional Justice, *Across the Lines: The Impact of Nepal’s Conflict on Women* (2010), p. 34.

²² Radhika Coomaraswamy, *Preventing Conflict, Transforming Justice, Securing the Peace: Global Study on the Implementation of United Nations Security Council Resolution 1325*, UN Women (2015), p. 78.

²³ Global Study, p. 77-78.

²⁴ Rome Statute, Articles 7, 8.

²⁵ Charli Carpenter et al. *Protecting children born of sexual violence and exploitation in conflict zones: Existing practice and knowledge gaps*. National Science Foundation, University of Pittsburgh Graduate School of Public and International Affairs and Ford Institute for Human Security (December 2004- March 2005).

Forced maternity: ‘Forced impregnation’ and ‘forced pregnancy’ should also include recognition of ‘forced maternity’ whereby women may experience unplanned/unwanted childbirth and motherhood (see Box 7).

Box 7. Mothering children born of war in Timor-Leste

During the conflict, Maria de Fatima’s husband left Timor-Leste to study in Indonesia to avoid detention by the Indonesian military. Leaving her with their two children, she was then subject to detention and was subjected to multiple sexual assaults:

“They threw us to the floor. We crawled to wash ourselves, our clothes were stripped off. After one left another would come in. We just lay on the cement crying. We could only accept it. They stripped us naked again. If we refused, they would force us. We cried and held each other. When I realized I was pregnant there was nothing I could do. I couldn’t accuse anyone, because there were so many. They took turns. I didn’t know exactly who was the father of the child I was carrying. In that condition I could only submit.

I never thought of taking revenge on the children I was carrying. I never wanted to have an abortion. I always loved them, even though they came into my womb out of wedlock. I never thought ill of my children. Let them live. I supported them by sewing and embroidery.”

Taken from: Galuh Wandita et al., *Enduring Impunity*. p. 191-192.

Forced marriage and captivity: Women who are forced into long-term association with combatants akin to ‘marriage’ experience added complexities. This includes grappling with the long-time connection to the father practically and emotionally, even where that has come about as a result of captivity/forced marriage and coercive circumstances. Multiple difficulties arise with extraction from the armed group/‘marriage’ following cessation of fighting, particularly where the father claims ‘ownership’ of the child. Mothers may be compelled to remain with the father in order to remain with her child, or to leave her child in order to exit from the armed group. In some contexts, discriminatory laws can mean that women may not hold primary legal parental claim to the child, or to child support following the cessation of conflict. Forced marriage was found to be a crime against humanity by the Special Court for Sierra Leone.²⁶

Forced contraception, abortion, sterilisation: Armed groups may force women to take contraception to prevent pregnancy resulting from their rape (e.g. ISIS²⁷); may be forced to abort pregnancies (e.g. FARC Colombia²⁸); or be forcibly sterilised (e.g. Timor-Leste²⁹) (see also Box 8).

26 Prosecutor vs. Brima, Kamara & Kanu, Case No. SCSL-2004-16-A, Case No. SCSL-2004-16-A (2008).

27 United Nations Human Rights Council, *They came to destroy: ISIS Crimes Against the Yazidis*, A/HRC/32/CRP.2, 15 June 2016.

28 Keith Stanski, ‘Terrorism, Gender, and Ideology: A Case Study of Women who Join the Revolutionary Armed Forces of Colombia (FARC), in *The Making of a Terrorist: Recruitment, Training and Root Causes*, ed. James J. F. Forest (Praeger Security International, 2006).

29 *Women and the Conflict*, Report of the Committee for Reception, Truth and Reconciliation, Timor-Leste, 2006.

Box 8. Access to abortion

Rape resulting in pregnancy during war exposes women to potentially unsafe abortion, “which is one of the five leading causes of maternal mortality, causing 13 percent of maternal deaths worldwide.”³⁰ The United Nations Secretary-General has noted that humanitarian assistance should include “access to services for safe termination of pregnancies resulting from rape, without discrimination, and in accordance with international human rights and humanitarian law”³¹ (see Box 5 for relevant global legal and policy frameworks).

Infanticide: Babies may be killed either by armed groups/the perpetrator of rape or electively by mothers.

Women’s specific experiences must be understood and addressed with recognition given to how these differing forms of harm may be experienced distinctively, as well as for some, along a continuum.

3.3 RECOGNITION OF CHILDREN OF VICTIMS/SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE

According to estimates, there are up to 500,000 living CBW globally in situations as diverse as the Democratic Republic of Congo, the former Yugoslavia, Kosovo, Liberia, Mali, Rwanda, Sierra Leone and Sudan.³²

Being born with an identity attached to the events of a conflict, its fraught politics and the deeply entrenched trauma that impacts entire populations, creates enduring challenges and concerns for those children. They are estimated to be among the most at risk in war-affected populations,³³ yet there has been a lack of attention to these children themselves, in humanitarian programming, post-conflict peacebuilding and through implementation of the WPS agenda. Experiences of these children will be influenced by:

Broader socio-cultural attitudes: Discriminatory norms and attitudes towards CRSV, towards their mothers as victims/survivors and towards the birth origins of the children themselves.

Physical location and positioning: Whether abandoned and left alone and destitute, placed in institutions of care, adopted by family or community, or with mothers or family that are socially or economically marginalised, the circumstances will differentially impact their general health and well-being.³⁴

The rights and needs of these children require specific understanding, attention and approaches that are both linked with those of the mother where appropriate, as well as distinctive to each girls’ and boys’ individual rights and needs.

30 *Global Study*, p. 77-78.

31 Report of the Secretary-General: Women and Peace and Security, UN Doc. S/2013/525 (United Nations Security Council, 4 September 2013), para. 72(a).

32 *The War Children of the World*, p. 7.

33 *Protecting children born of sexual violence and exploitation in conflict zones*

34 *Ibid.*

3.4 RECOGNITION OF CONTEXT-SPECIFIC SOCIAL AND IDENTITY FACTORS

The intersection of social factors, particularly identity factors, such as ethnicity, caste, age and class, with gender inequalities can influence the experience of that violence and the needs that arise. Some women were specifically targeted in contexts such as the Philippines and Nepal due to their ethnicity, while very small children experienced sexual assaults across the four contexts. Recognition is required of:

Intersection of identity factors: Fully understanding the experiences and needs of victims/survivors of CRSV and their children requires attention to how social and identity factors will determine the meaning and impact of harms within different social contexts. Broader social identity as well as legal identity issues will be particularly acute for CBW (see Box 9).

Box 9. Securing identity for children born of war

Nationality and identity is a firm tenet of citizenship, family relations, participation in society, access to basic services such as health and education, and particularly to social protection by the state. Formal identity registration also contributes to reducing risk of abuse, neglect and vulnerability to trafficking.³⁵ Lack of identity papers and statelessness for those displaced, returning to or remaining in their original homes may result in denial of access to basic services, including for example, healthcare for mother and child, and education for the child.

In some contexts, CBW may be denied identity by the state because of requirements related to genealogy: for example women may be required to produce marriage certificates in order to receive birth certification for children, or births must be registered by fathers, or women cannot pass identity to their children.³⁶ Children of Bosnian women who were refugees during the conflict were often denied citizenship for example.³⁷ On the other hand, efforts can be made to the contrary, such as Liberia's constitution, which gave children recognition under its general provisions for citizenship.³⁸

The attainment of formal identity through state registration systems, and informally through family, is one of the greatest difficulties experienced by children born of war. UNICEF has found that the majority of contexts where less than 40 percent of children receive formal birth registration are conflict-affected.³⁹ For children born of war this can exacerbate their isolation from identity-group belonging and from much-needed social services and systems.

Along with a lack of formal status, children may be attributed status as 'children of the enemy', or an identity associated with the perpetrator group, rather than the maternal identity. This is particularly the case in countries where women do not have the right to hold identity outside of their relationship to their father or husband. These children can also be viewed as potential threats to the state and to the community upon adulthood. Lack of ability to seek out information about identity for older children who were abandoned or adopted, or who are with their family but cannot retrieve information due to the exigencies of their birth, is also a challenge.

35 UNICEF, *Birth Registration and Armed Conflict* (2007), pp. 1-2.

36 *Birth Registration and Armed Conflict*

37 *Protecting children born of sexual violence and exploitation in conflict zones*, p. 7.

38 Elizabeth Rehn Ellen Johnson-Sirleaf, *Women, War and Peace*. UNIFEM (2002), p. 16.

39 *Birth Registration and Armed Conflict*, p. 2.

CEDAW includes a provision for the right of women to pass on nationality to their children. The Convention on the Rights of the Child (CRC, 1989) also provides for the right of children to birth registration, to identity, and to state assistance and protection where identity and nationality is compromised. These are legal requirements that states parties to these conventions must fulfill and can be included in NAPs-WPS.

Social stigma: Stigma attached to sexual violence requires particular understanding and recognition. Victims/survivors of CRSV and their children do not hold stigma in themselves. Rather, stigma is generated due to negative and uninformed societal attitudes and beliefs related to gendered norms of behaviour, regulation of sexuality, marriage and reproduction. These will differ across socio-cultural contexts and thereby stigma will operate and must be understood relative to each social context. The child's experience of stigma may be attached to or separate from the mother's experience and status, which requires recognition. Also, stigma across a child's age trajectory requires recognition. For example, children might experience bullying in school, isolation from peer groups or inability to marry as adults because they do not hold a formal paternal identity (see more below). It is estimated that children who are conceived as a result of ethnically-charged rapes and policies of forced impregnation face more severe social sanctions and stigma.⁴⁰

3.5 RECOGNITION OF IMPOSED AND ELECTIVE SILENCES

Globally, there are low levels of reporting of sexual violence due to stigma and the perilous consequences that may accompany reporting in many settings, especially where political violence has taken place. Silence on the part of victims/survivors of the experience of sexual violence, and of the conception of children may be elective, as well as an 'imposed silence' in some societies due to taboo.⁴¹ Policy-responses must navigate the tensions between the rights, needs and interests of the child and of the mother, the need for their privacy, confidentiality and safety to be upheld, and their positioning within a society that may wish to forget the events of a conflict.⁴²

4. ADDRESSING THE RIGHTS AND NEEDS OF VICTIMS/SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE AND THEIR CHILDREN

Effective policy and programming responses require a full understanding of the impacts of the violence, harm and losses experienced by victims/ survivors and their children. Table 1 sets out a Typology of Losses and Impacts to further this understanding and promote appropriate policy and programming responses. The table is based on a distillation of the broad research and policy, as well as the data on the four contexts on Indonesia, Nepal, Philippines and Timor-Leste (see the Annex to this paper), discussed so far in this paper.

In Table 1, the needs of victims/survivors of CRSV and their children are set out in a way that demonstrates their distinctive, as well as common experiences. The typology is framed around factors that impinge on the rights of this population, and impact and determine their needs and interests. These include:

⁴⁰ *Protecting children born of sexual violence and exploitation in conflict zones* citing Weitsman, Patricia, *Children Born of War and the Politics of Identity*, Ford Institute Working Paper, University of Pittsburgh (2005).

⁴¹ Elisa Van Ee and Rolf J. Kleber, *Growing Up Under a Shadow: Key Issues in Research on and Treatment of Children Born of Rape*, *Child Abuse Review*, 22, 6 (2013). p. 394.

⁴² *Growing Up Under a Shadow*, p. 394.

- Socio-cultural factors: Victims/survivors and their children may experience exclusion and isolation due to societal attitudes and stigma, leaving them at risk and indigent.
- Safety and security factors: Victims/survivors and their children may be subject to intimidation, threats and violence by returning combatants and by family and community, and thereby require specific safety measures.
- Health factors: Victims/survivors and their children may experience a multitude of negative physical and mental health impacts resulting from their experiences that require attention.
- Economic factors: Social isolation combined with exclusion from kinship networks, family resources and marital opportunities lead to economic losses that can be felt for decades.
- Legal factors: Victims/survivors and their children may be unable to claim legal 'victimhood' identities and receive little opportunity to access justice, and most importantly, reparation for the impact of harm.

The typology and lists of harms and losses are by no means exhaustive, rather indicative of what is known and has been expressed to researchers and policy makers by members of these populations. Typologies such as this should be developed for individual contexts to inform context-specific needs response planning.

Table 1. Typology of Loss and Impact for Victims/Survivors of Conflict-related sexual violence and their Children

| VICTIMS/SURVIVORS OF CRSV | CHILDREN |
|---|---|
| Social and socio-cultural | |
| Experience of stigma | |
| <ul style="list-style-type: none"> • Loss of social standing and positioning as a 'woman' per pre-established norms of 'womanhood' and gendered expectations of women and women's sexuality | <ul style="list-style-type: none"> • Loss of social standing and positioning – both because of their birth origins, as well as stigma attached to their mothers |
| Ostracisation | |
| <ul style="list-style-type: none"> • Loss of membership of family and kin networks • Treated with derision and suspicion by wider community | <ul style="list-style-type: none"> • Treated with derision and suspicion by wider community – both as a child, and as an adult, especially if seen as a threat |
| Loss of lifestyle and life expectations | |
| <ul style="list-style-type: none"> • Loss of an existing marriage due to blame • Loss of marital prospects due to stigma and/or loss of virginity where that is a requirement of marriage, and relatedly; • Loss of prospects for future maternity | <ul style="list-style-type: none"> • Loss of marital prospects due to stigma and/or loss of paternal 'name' and/or lack of identity • Loss of freedom to travel due to lack of identity cards |

| VICTIMS/SURVIVORS OF CRSV | CHILDREN |
|--|---|
| Safety and security | |
| Loss of familial and personal safety | |
| <ul style="list-style-type: none"> • Loss of social and family safety nets and networks of protection due to loss of standing and/or exclusion from family and community | <ul style="list-style-type: none"> • Loss of benefits of mother’s social and family safety nets and networks of support due exclusion from family and community |
| <ul style="list-style-type: none"> • Further experiences of violence in the home due to stigma and blame | <ul style="list-style-type: none"> • Loss of support from wider social community and access to community safety nets |
| <ul style="list-style-type: none"> • Potential violence of returning partners or returning combatants | <ul style="list-style-type: none"> • Experiences of and/or witnessing of violence in the home or from community towards mother • Experiences of violence in the home from mother or wider family due to stigma/blame • Risk of trafficking |
| Loss of formal protections | |
| <ul style="list-style-type: none"> • Loss of policing protection where there is collusion with familial and community attitudes | <ul style="list-style-type: none"> • Loss of policing protection where there is collusion with familial and community attitudes |
| <ul style="list-style-type: none"> • Loss of policing protection for ongoing violence, threats and intimidation during transition | <ul style="list-style-type: none"> • Loss of policing protection for ongoing violence, threats and intimidation during transition |
| Health, emotional and sexual | |
| Loss of Emotional Security | |
| <ul style="list-style-type: none"> • Post-traumatic Stress Disorder, general trauma and suicidal ideation, depression • Sleep disorders • Feelings of guilt, shame, isolation, blame • Prevailing sense of fear and inability to socialise in public | <ul style="list-style-type: none"> • Attachment between mother and child weak due to her experiences • Loss of knowledge of paternal identity • Feelings of guilt, shame, isolation, blame |
| Loss of full ability of the body | |
| <ul style="list-style-type: none"> • Enduring physical pain from injuries • Physical deformities and limb loss • Loss of bowel control | |
| Reproductive and Sexual Health losses | |
| <ul style="list-style-type: none"> • Short- and long-term hemorrhaging from attacks • Loss of existing pregnancies and of maternity (where children are killed or pregnancies lost as a result of sexual attacks) | <ul style="list-style-type: none"> • Loss of prospects for maternity or paternity resulting from inability to marry (above) |

| VICTIMS/SURVIVORS OF CRSV | CHILDREN |
|--|---|
| <ul style="list-style-type: none"> • Long-term menstrual problems • Loss of fertility, injuries to reproductive organs and capacity • Sexually transmitted infections, HIV/AIDS • Fistula • Loss of sexual integrity and identity • Loss of sexual interest and practice • Loss of babies at birth, due to effects of ongoing attacks, and/or lack of medical care and food/nutrition • Loss of reproductive autonomy <ul style="list-style-type: none"> » Forced and unwanted pregnancies » Forced abortions » Forced maternity | |
| Legal impacts | |
| <ul style="list-style-type: none"> • Lack of legal recognition of victimhood - formal redress and reparation, benefits and support | <ul style="list-style-type: none"> • Lack of legal recognition of victimhood - formal redress and reparation, benefits and support |
| | <ul style="list-style-type: none"> • Loss of formal acknowledgment of status - formal redress and reparation, benefits and support |
| Basic survival and socio-economic impacts | |
| Loss of existing livelihoods and loss of ability to regenerate livelihoods due to | |
| <ul style="list-style-type: none"> • Loss of land and inheritance, including threats and intimidation over inheritance disputes • Loss of clientele for small businesses because of stigma • Prevention of access to dead husband's pension | <ul style="list-style-type: none"> • Loss of equal access to education <ul style="list-style-type: none"> » Mothers unable to pay school fees » Lack of identity registration prevents school registration » Bullying and ostracisation results in inability to complete schooling |
| Bearing sole responsibility for sustenance of family due to: | |
| <ul style="list-style-type: none"> • Ostracisation and/or • Single-motherhood status | |
| Entrenched poverty and indigence due to the above: | |
| <ul style="list-style-type: none"> • Lack of basic shelter and a home • Lack of regular access to basic food and overall food security | <ul style="list-style-type: none"> • Lack of significant employment prospects due to lack of education • Stigma may prevent access to local employment through kin/community networks |

5. ANALYSING APPROACHES TO VICTIMS/SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE AND THEIR CHILDREN IN NATIONAL ACTION PLANS ON WOMEN, PEACE AND SECURITY

National Action Plans on Women, Peace and Security (NAPs-WPS) are a critical means to direct state-level policy and programming towards the rights and needs of victims/survivors of CRSV and their children. NAPs-WPS have been adopted by 32 percent of United Nations member states.⁴³ Most plans have addressed some aspect of CRSV, although not comprehensively.⁴⁴

Nine states in the Asia-Pacific region have used NAPs-WPS to plan their responses to the gendered rights, needs and interests of women and girls in this region. These plans present a critical opportunity to ensure that the needs of this population are met. There are, however, gaps in how the NAPs-WPS in this region have been conceived, designed and implemented in respect of meeting women and girl's needs. A critical analysis of the nine Asia-Pacific NAPs-WPS undertaken for a UN Women symposium in 2016, found that NAPs-WPS have yet to fully achieve practical and strategic effects for women and girls.⁴⁵

Planning through NAPS-WPS should be informed by and responsive to the practical realities and experiences of women and girls. NAPs-WPS should house action points, outcomes, indicators and budgets that respond to the rights and needs that directly arise as a result of the losses, impacts and experiences of victims/survivors of CRSV and their children detailed in Table 1.

The four NAPs-WPS of Indonesia, Nepal, Philippines and Timor-Leste were critically assessed to identify whether and how those plans respond to victims/survivors of CRSV and their children. First, a 'practical and strategic needs analysis' framework was developed to identify the rights and needs of this population, that arise from their experiences, losses and impacts. Second, the practical and strategic needs framework was applied to the plans. These frameworks are detailed in the following sections:

5.1 PRACTICAL AND STRATEGIC NEEDS FRAMEWORK FOR VICTIMS/SURVIVORS OF CRSV AND THEIR CHILDREN

A context-specific "Gender Needs Analysis"⁴⁶ based on an assessment of the differing practical and strategic needs that arise for victims/survivors of CRSV and their children should be developed. See Box 10 for an explanation of the practical and strategic needs analysis framework.

43 Aisling Swaine, *Globalising Women, Peace and Security: Trends in National Action Plans*, in Sahla Aroussi (ed.), *Rethinking National Action Plans on Women, Peace and Security*, NATO Science for Peace and Security Series, Amsterdam: IOS Publishing (2017).

44 Kerry Crawford, *An analysis of state-level policies regarding conflict-related sexual violence (2016)*. (on file with author).

45 Aisling Swaine, *Making Women and Girl's Needs, Well-Being and Rights Central to National Action Plans in the Asia-Pacific Region, Discussion Paper*, UN Women (2016).

46 See: Candida March, Ines Smyth, Maitrayee Mukhopadhyay, *A guide to Gender Analysis Frameworks*, Oxfam GB (1999).

Box 10. Gender planning for peace and security

“Gender Planning aims to achieve gender equality and women’s empowerment. Through gender planning strategies, gender awareness and analysis is translated into specific priorities and actions.”⁴⁷ Gender Planning for Peace and Security can use ‘Gender Needs Analysis’ tools to ensure that policy, programming and planning strategies, such as NAPs-WPS, meet both the practical and strategic needs of victims/survivors of CRSV and their children:

Practical needs: are the immediate everyday practical needs that respond to a specific practical necessity and arise within women and girl’s normative roles in society. For victims/survivors of CRSV and their children, this will include access to basic needs such as food and shelter, protection, health care and other services.

Strategic needs: are longer-term needs that relate to broader structural inequalities and positioning of rights and power in relation to the wider social, political and economic context. For victims/survivors of CRSV and their children, this will include legal responses to violence, rights to inheritance and livelihoods, reproductive rights for women, rights to birth registration and family name for children, recognition of victimhood and compensation for the same.

Intersection of practical and strategic needs: both categories of needs should not be considered mutually exclusive, rather they are inter-related and should be advanced on an inter-relational basis. A change in practical needs will inevitably have some bearing on and enable broader strategic needs to be addressed. Often, to make changes in strategic level needs, the practical needs become the entry point.

To learn more about Gender Planning for Peace and Security in NAPs-WPS and further explanation and examples of ‘practical and strategic needs analysis’ see: Aisling Swaine, ‘Making Women’s and Girl’s Needs, Well-being and Rights Central to National Action Plans in the Asia-Pacific Region, for a Symposium on National Action Plans in the Asia-Pacific Region, UN Women (2016).

A generalised example of a ‘Practical and strategic needs analysis’ was developed for victims/survivors of CRSV and also for their children and applied to the four NAPs-WPS. The analysis was undertaken on a disaggregated basis so that the distinctive needs of each population are identified and met. Tables 2 and 3 below set out these generalised examples. These are estimated needs based the typology of experience, loss and impact outlined earlier in Table 1.

⁴⁷ *Making Women’s and Girl’s Needs, Well-being and Rights Central to National Action Plans in the Asia-Pacific Region*; The Gender Planning framework and Gender Needs Analysis tools were originally drawn from: Caroline O. N. Moser, *Gender Planning and Development: Theory, Practice and Training*, London, New York: Routledge, 1993.

Table 2. Victims/Survivors of Conflict-Related Sexual Violence

| PRACTICAL NEEDS (Short-term and immediate basic needs for day-to-day functioning) | STRATEGIC NEEDS (Longer-term rights-based needs for structural social operation) |
|--|--|
| Social and socio-cultural | |
| Secure positioning and belonging in community | Right to full social and sexual life |
| Access to family and kin networks | Policies and strategies in place to change negative attitudes, social and cultural norms and stigma related to CRSV and children born of war |
| Support for basic community participation, including shelter based in own communities (where safe) | |
| Protection | |
| Ability to access a safe and secure public life | Protection from further violence |
| Access to community networks and safety nets | Legal and security services provide protection from ongoing threats, intimidation and attacks |
| | Strategies to tackle the root causes and prevent violence against women and girls |
| Health, emotional and sexual | |
| Access to basic health and reproductive health services and remedies for harm | Reproductive rights secured, including availability of specialist services for reproduction, sexual health, abortion, fertility and fistula repair services |
| Access to psychosocial care and support | Guarantee of reproductive rights; provision of sexual and reproductive rights services; access to abortion services within displacement and post-conflict contexts |
| Legal | |
| | Recognition of victimhood formally secured through law/formal recognition of victimhood include victims/survivors of CRSV |
| | Reform of discriminatory legislation and policy that disadvantages women and girls |
| | Right secured in law to pass identity onto children, to register births, and to ownership of children |
| | Justice mechanisms provide redress for harms incurred |
| | Legal and policy provisions for child support and child care support |



| PRACTICAL NEEDS (Short-term and immediate basic needs for day-to-day functioning) | STRATEGIC NEEDS (Longer-term rights-based needs for structural social operation) |
|---|--|
| | Adoption of laws and policies with provisions to tackle and prosecute violence against women and girls |
| Basic survival and economic | |
| Food security – access to food | Access to safe, fairly paid and sustainable livelihood |
| Access to non-food items - adequate shelter and a home, basic material goods such as clothing | Ability to avail of entitlements, pensions and benefits |
| Protection from violence and threats over resources | Legal right to inheritance, to own land and resources |
| Access to income generation opportunities | Access to sustainable livelihoods and entrepreneurship initiatives |
|  | |

Table 3. Children of Victims/Survivors of Conflict-related sexual violence

| PRACTICAL NEEDS (Short-term and immediate basic needs for day-to-day functioning) | STRATEGIC NEEDS (Longer-term rights-based needs for structural social operation) |
|---|---|
| Social and socio-cultural | |
| Secure positioning and belonging in community | Safe mobility rights guaranteed within public transport provision |
| Access to family and kin networks | Policies and strategies in place to change negative attitudes, social and cultural norms and stigma related to CRSV and CBR |
| Protection | |
| Access to community networks and safety nets | Strategies to tackle the root causes and prevent violence and stigma against CBR |
| | Legal and security services provide protection from ongoing threats, intimidation and attacks |
| Health, emotional and sexual | |
| Access to health care | Laws, policies, behaviour change programmes to remove stigma and enable marriages etc. |
| Access to psychosocial care and support | Right to marry upon adulthood secured |

| PRACTICAL NEEDS (Short-term and immediate basic needs for day-to-day functioning) | STRATEGIC NEEDS (Longer-term rights-based needs for structural social operation) |
|---|---|
| Legal | |
| | Identity cards, birth registration |
| | Safe mobility rights guaranteed within public transport provision |
| | Formal recognition of victimhood includes CBW |
| | Legal and security services provide protection from ongoing threats, intimidation and attacks |
| | Adoption of laws and policies with provisions to tackle and prosecute violence against children |
| Basic survival and economic | |
| Food security – access to food | Completion of basic education; provisions to enable further education |
| Access to non-food items - adequate shelter and a home, basic material goods such as clothing | Education linkages to fair and equal employment opportunities |
| Access to education | |
| Access to income generating opportunities | |
|  | |

The needs of victims/survivors of CRSV and of their children arise not only because of specific incidents of violence, for example, the physical injuries that result from violent rape. These experiences are also **defined by how they are perceived, understood and responded to by the broader social system in which they live**. Responding to needs through gender planning processes like NAP-WPS should thereby take account of:

- the **gendered context** in which needs arise, i.e. existing and fluid gender norms, gendered social relations, expectations and inequalities;
- the **socio-cultural location** in which gendered needs arise and that influence differences in access to and decision-making power over available resources;
- the **multiple and layered inequalities** that give rise to gendered needs on the basis of the intersection of gender with age, race, ethnicity, religious, economic and additional and variant identity factors.⁴⁸

For victims/survivors of CRSV and their children, additional contextual and structural conditions require attention:

- the nature of the conflict and whether ethnically charged rape, forced pregnancy and forced maternity took place, and meanings attributed to those harms by social norms in that context;

⁴⁸ Making Women and Girl's Needs, Well-Being and Rights Central to National Action Plans in the Asia-Pacific Region, p. 21.

- the response of the state to victims/survivors CRSV and their children – whether the state recognises and specifically supports women and their children, or they are neglected, ignored or made invisible by the state and their stigma reinforced;
- the presence of and peculiarities of stigma attached to sexual violence, maternity and children born outside of marriage and how that operates in each context. Stigma poses barriers to reporting and availing of services and benefits, and also to everyday functioning in social context, which will influence the extent of need and delivery of response.

The application of the practical and strategic needs analysis framework to the four NAPs-WPS was guided by the following research question:

To what extent have NAPs-WPS of Indonesia, Nepal, Philippines and Timor-Leste been responsive to the specific rights and needs of victims/survivors of CRSV and their children?

Specifically, the review of the WPS-NAPs sought to identify:

- where and how victims/survivors of CRSV and their children feature in the NAPs-WPS;
- what actions are included in NAP-WPS to meet the practical and strategic needs of victims/survivors of CRSV and their children, i.e. provision of services directly to this population;
- what actions are included in NAPs-WPS to meet the livelihood needs of victims/survivors;
- in what way NAP-WPS are reaching and meeting the needs of children of victims/survivors of CRSV in these four contexts.

A textual analysis of each of the four countries' NAPs was undertaken. This included:

Analysis of the narrative and framework for each plan. The narrative was reviewed to ascertain where and how issues of CRSV feature in the overall framing of the plan (i.e. the narrative used to explain the positioning and focus of the plan).

A systematic analysis of the action matrices for each plan. The matrices were assessed in terms of:

- whether actions addressing the practical and strategic and needs of victims/survivors of CRSV and their children featured in the NAPs; and
- whether service provision for victims/survivors was included in the NAP.

Each of the NAPs-WPS were assessed at the level of the action plan document itself and attendant issues arise: this analysis does not include review of implementation of activities related to the plan, nor actions that are not contained in the plan but may be taking place at country levels. The analysis is thereby limited to the content of the NAP-WPS document itself. This is the very purpose of this review: to ascertain whether NAPs-WPS, i.e. the 'plans' are achieving their stated aims and using gender planning for peace and security to address the critical needs of victims/survivors of CRSV and their children.

6. FINDINGS: VICTIMS/SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE AND THEIR CHILDREN IN NATIONAL ACTION PLANS ON WOMEN, PEACE AND SECURITY

6.1 OVERVIEW OF FINDINGS

The NAPs-WPS go some way to addressing the needs and rights of victims/survivors of CRSV.

- All of the plans include some aspects of service provision addressing the rights and needs of victims/survivors of CRSV.
- The NAPs generally lack substantive information and data on CRSV, and on the needs of victims/survivors of CRSV and their children. There is little data available on these issues and the affected populations in these contexts. The need to address gaps in data within are not fully addressed through action points in all the NAPs.
- The children of victims/survivors of CRSV do not appear in any of the plans.
- The experience of forced pregnancy and maternity, and the responsibilities of the state in this regard, are not included in the NAPs.
- There is a lack of a fulsome coordinated approach to multi-sectoral service provision for victims/survivors within the NAPs.
- Disaggregated approaches to the needs of victims/survivors of CRSV on the basis of identity factors (age, ethnicity, disability etc.), are largely absent from the NAPs.
- None of the NAPs-WPS address inheritance and land rights specifically, which are key economic issues for many victims/survivors.
- The provision of access to specific reproductive health needs, such as abortion, fertility issues and fistula repair services, are not mentioned in any of the NAPs.
- There are no budgets attached to any of the NAPs to attribute specific spending for much-needed services to these populations.

6.2 ANALYSIS OF THE NARRATIVES OF NAPs-WPS

The application of the gender planning needs analysis framework to the four NAPs-WPS found the following:

(i) Conflict-related sexual violence

Analysis of CRSV within the NAPs varies considerably.

- Nepal, the Philippines and Timor-Leste acknowledge and discuss the conflicts experienced in their countries.
- Indonesia to a much lesser degree. The Indonesian plan does not provide background data on the circumstances of women and girls in specific conflict-affected regions.
- Timor-Leste in comparison takes its period of conflict as its starting point, with in-depth analysis of women's experiences of the conflict and of CRSV.

There is a dearth of evidence and data in the action plans on the specific experiences of CRSV, the kinds of violence that took place and resulting impacts. Noteworthy is that it may be difficult in some contexts

to elaborate on such issues in detail within NAPs-WPS due to political sensitivity, particularly where conflict issues remain unresolved and/or where states are wary of obligations under international law.

- The narrative in the Timor-Leste NAP however cites evidence of CRSV from the report of its Truth Commission. Of the four contexts, Timor-Leste is the only one that has produced an official report based on its truth-seeking process and thereby has more available data than the other contexts. The value of transitional justice measures and the resulting official research, evidence, narratives and documentation of stories of those who experienced the conflict is evident here, and is a critical tool in evidencing need and informing policy responses.
- The Indonesia, Nepal and Philippines NAPs include an action to generate data. The Indonesia action is focused on gathering data on “women and children in conflict areas” (Prevention, Activity 1), and to “Conduct studies of gender-based violence cases from conflicts” (Prevention, activity 2) and “women and children who need care;” the Nepal NAP aims to “raise awareness by collecting data on all forms of SGBV against women and girls” and the Philippines NAP is focused on “documenting the impacts of armed conflict on women” (Purpose 1, Action 8). The need for specificity of data generation on victims/ survivors of CRSV and their children is evident here.

The direct needs of victims/survivors are made evident to different degrees in the plans.

- The Indonesia NAP provides a long and detailed list of the “basic needs” of “victims of conflict violence,” including reference to food and non-food items, reproductive, pregnancy and menstrual needs. Responses to these practical needs are included in the NAP matrix also. Hence, of the four plans, the Indonesia plan ranks highest in terms of meeting the practical needs of victims/survivors (see below).
- The Nepal NAP discusses CRSV and arising needs to some degree. The main narrative text focuses primarily on the need for justice for crimes, which is an important right to fulfill and focus on, while then also discussing some of the wider needs.

Attention to post-conflict violence and its relevance to the NAP-WPS is lacking. Again, the Timor-Leste NAP provides some mention of this, including reference to its political crisis in 2006 and its impacts. It also gives detail of the prevalence of domestic violence in Timor-Leste, and makes a link between addressing gender-based violence and conflict prevention and early-warning systems. This is not carried through into the matrix however.

There are only vague references to whom the NAP-WPS is assisting in regards to CRSV. Implementation that is effective and tailored to specific women and girls will be impeded as a result.

- For example, the Indonesia NAP matrix frames actions around “women and children who are victims of conflict” and “victims of violence in conflict zones.” These may or may not include victims/survivors of CRSV and their children, and arguably everyone living in a conflict zone is in some way affected by conflict. Implementation of the NAP would have to “read in” whether and how victims/survivors of CRSV and their children are going to specifically benefit under such vague articulation of actions.

The NAP narratives give little mention to how women and girls of different ages, ability, ethnicity and other identities and abilities, will have experienced CRSV.

- The Nepal NAP mentions different communities and abilities in its narrative and the Philippines plan mentions Moro women as needing particular attention.

- It is critical that the ways in which different factors such as ethnicity may have left women more or less vulnerable to sexual violence and forced impregnation and maternity, are identified so that their specific needs, attachments of stigma and social positioning may be understood and responded to.

Innovations are evident in some NAPs. For example, the Philippine NAP includes analysis of the linkages between small arms proliferation and gender-based violence. The NAP document notes that “[s]mall arms...facilitate a vast spectrum of human rights violations, including killing and maiming, rape and other forms of sexual violence... [s]mall arms are directly linked to women’s death, injuries, rape and forced displacement during conflict and post conflict situations.” An important link is made between the proliferation of small arms, armed political violence and the prevalence of sexual violence impacting women and girls. More importantly, this analysis is followed through with a specific action on this issue in the matrix (see page 4 of the narrative and action point 5 in the matrix).

(ii) Children of victims/survivors of CRSV

The children of women who have experienced CRSV are not specifically mentioned in any of the four plans.

- There are no specific references to this population (e.g. “children born of war” or “children born of rape”) broadly speaking, nor specific reference to the aforementioned data from those contexts that evidences that some women who experienced CRSV will have borne children as a result and both will need common as well as distinctive sets of responses.
- There is no mention of women who have children as a result of SEA with staff of international organisations and specific support that they might need.

There are (thereby) no specific actions in any of the plans to address the rights and needs of children of victims/survivors of CRSV. Their relevance to victims/survivors’ rights and needs and to the implementation of the broader WPS agenda (whether girls or boys) is not made evident in the plans.

Women who may have been raped and become pregnant as a result of rape are mentioned in the Nepal NAP only.

- The Nepal NAP-WPS elaborates a specific framework for its delineation of categories of people and areas of action under the plan. Under its definitions, a delineation of “conflict-affected women and children” are included and an indicative typology of what this category entails is provided. The list includes a range of “conditions” that will have affected this demographic. It specifically references:
 - » Former women and girl combatants who are pregnant, or nursing mothers or have infants with them and who are either living in the cantonments or outside.
 - » Women or girls who because of sexual exploitation or rape became pregnant and were compelled to give birth or to undergo abortion.
 - » There are no specific actions focused on their role in caring for their children within the plan’s action matrix, however.

The experience of ‘forced maternity’ for women, or issues arising in relation to this experience, is not mentioned as a condition facing women and girls. What it might mean to not only be raped and conceive as a result, but then carry a child through to term and raise that child, are variant and distinctive experiences on a spectrum of the impacts of rape in respect of women’s reproductive

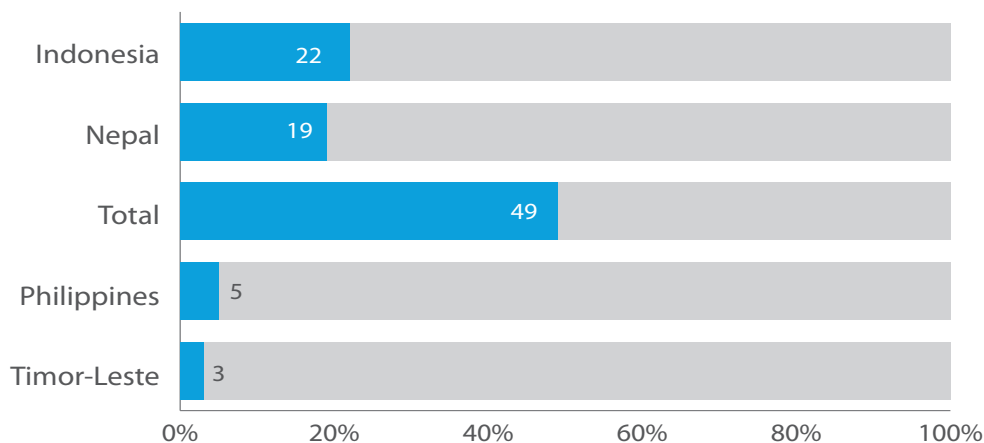
capacity and in many cases, forced reproduction. Women respond to forced maternity in different ways, some embrace their pregnancy and child, others may attempt to abort or commit infanticide, and others live uneasily with their motherhood. The need for governments to support women with this experience, both practically, in terms of provision for her and her child, but also emotionally and psychologically is urgent, for the health and well-being of both.

6.3 ANALYSIS OF THE ACTION PLAN MATRICES

(i) Analysis of actions that address practical and strategic needs of victims/survivors and their children

The application of the Gender Needs Analysis Framework to the four NAPs found the following:

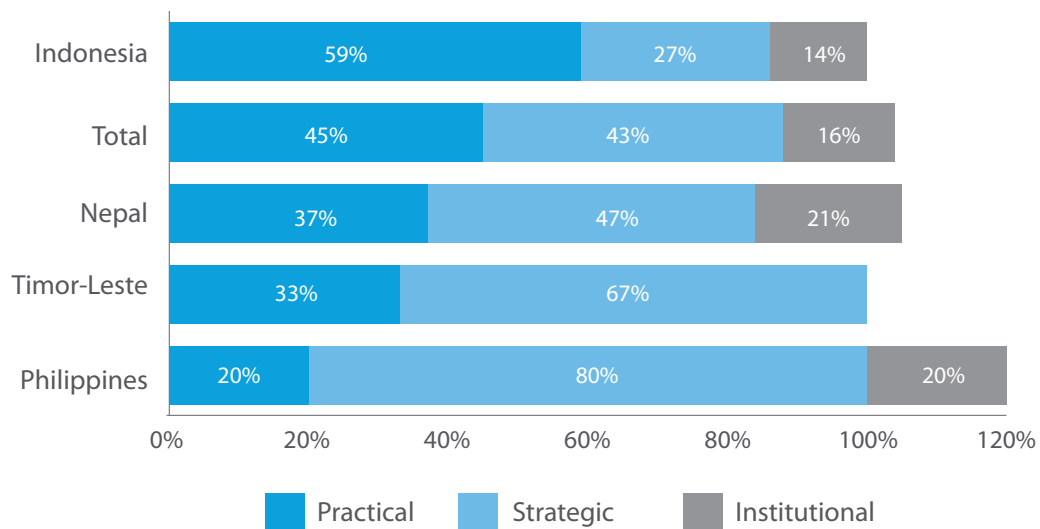
Figure 1: Percentage of actions focused on CRSV out of the total of actions within each NAP-WPS



Actions relating to CRSV appear to varying degrees across these four plans.

- Actions relating to CRSV represent 22% of all actions within the Indonesian NAP and 19% within the Nepal NAP.
- Comparably actions addressing CRSV within the Timor-Leste NAPs are only 3% of all actions. This analysis focuses just on the NAP-WPS. Notable is that in Timor-Leste, there is a national plan on gender-based violence which hold actions specifically focused on those issues. However, whether that plan specifically provides for the enduring impacts, legacy and needs of victims/survivors of sexual violence within the conflict (and not only for example domestic violence in the post-conflict context) requires analysis and congruence across both planning documents.

Figure 2. Proportion of Actions Addressing Practical, Strategic and Institutional Needs and Priorities relating to CRSV across the Four NAPs-WPS.*



*Note: the total in some cases exceed 100% as some actions were addressing more than one category of needs.

The balance between actions focused on CRSV that address the practical or strategic needs of victims/survivors, or are focused on institutional needs, varies considerably across the plans.

- Overall, there appears to be balance in terms of practical and strategic needs focus for victims/survivors when the plans are analysed together. Only 16% of the actions are institutional focused which provides some optimism that in relation to CRSV, victims/survivors are the primary focus of actions, rather than the institutions themselves.
- However, when each plan is analysed individually, divergences appear which provide considerations for action planning in response to CRSV.
 - » The Indonesia NAP's actions on CRSV are primarily practical-needs focused (this is congruent with earlier analysis of the plan that found that the overall focus of this plan is skewed towards practical provisions⁴⁹). In this case, while it is imperative that practical needs are addressed, corresponding actions that advance the strategic rights of victims/survivors must also be furthered.
 - » In the Philippines NAP, the opposite is the case. The majority of actions related to CRSV are at the strategic level. While this will work to promote longer-term changes, the day-to-day needs of victims/survivors must be addressed if those longer-term rights are to be availed of and fulfilled.
 - » Timor-Leste has no actions relating to institutional development and response to CRSV. Ideally, the majority of actions should be directly focused on the lives of victims/survivors. The capacity needs of institutions does require consideration however. Where addressed, this would be done in proportional response in respect of prioritising the victims/survivors themselves.⁵⁰

49 See findings section of: *Making Women and Girl's Needs, Well-Being and Rights Central to National Action Plans in the Asia-Pacific Region*,

50 See further: *Making Women and Girl's Needs, Well-Being and Rights Central to National Action Plans in the Asia-Pacific Region*,

The action points in the matrices are to some extent vague in respect of generally lacking a focus on victims/survivors of CRSV.

- For example: The Timor-Leste NAP includes an action to “Conduct advocacy for the State to provide pensions for women veterans in accordance with existing laws” (Output 3.3/Specific Activity 3.4.5.). This is targeted at veterans. Two issues arise. First, that women’s status as veterans remains contested in this context, but where recognition is given of veterans’ status, this may/may not include women who have experienced sexual violence and had children as a result of rape. Second, there is an advocacy argument to be made that women who have experienced sexual violence and forced maternity could/should be recognised as veterans of the war.⁵¹ In both cases, women would receive benefits. However, it is not stipulated specifically in the NAP that women’s experiences of CRSV would be recognised in respect of veteran status and receipt of benefits.

Approaches to inclusion of forms and phases of violence in the action plan matrices varies.

- The Nepal NAP includes actions that cover issues such as SEA by security sector actors, broader gender-based violence, as well as a specific action on conflict-related gender-based violence and addressing this issue in peace agreements. This represents a comprehensive approach in respect of addressing multiple forms and manifestations of violence, and demonstrating the relevance of conflict-time and post-conflict violence to the NAP (see Box 11 below).

Box 11. Implementation of the first Nepal NAP: Remaining gaps on conflict-related sexual violence

The Nepal NAP was among the first formal government document to acknowledge⁵² that “women also suffered from sexual violence during the conflict as well as the transition period due to the weak law and order situation.”⁵³ The Action Plan, adopted in 2011, is lauded as a critical step forward in the country’s, and particularly women’s, recovery from the conflict. Its implementation has however been critiqued. A desk review by UN Women found that, similar to other NAP-WPS globally, its implementation stage has resulted in more of a focus on generating awareness of the NAP and WPS agenda itself among stakeholders, rather than implementing substantial activities.⁵⁴ For CRSV, the results are mixed. A range of support services, shelters and some economic empowerment programmes have been established for victims/survivors. However, critical gaps remain: there has been continued lack of documentation of CRSV, security responses remain weak, as does justice for conflict-related crimes, with a recently established truth commission slow to address sexual violence.⁵⁵

51 See for example: Susan Harris-Rimmer, *Gender and Transitional Justice: The Women of East Timor*, Routledge (2010).

52 Human Rights Watch, *Silenced and Forgotten: Survivors of Nepal’s Conflict-Era Sexual Violence* (2014), p. 13.

53 Government of Nepal, *Nepal National Action Plan* (2011), p. 5.

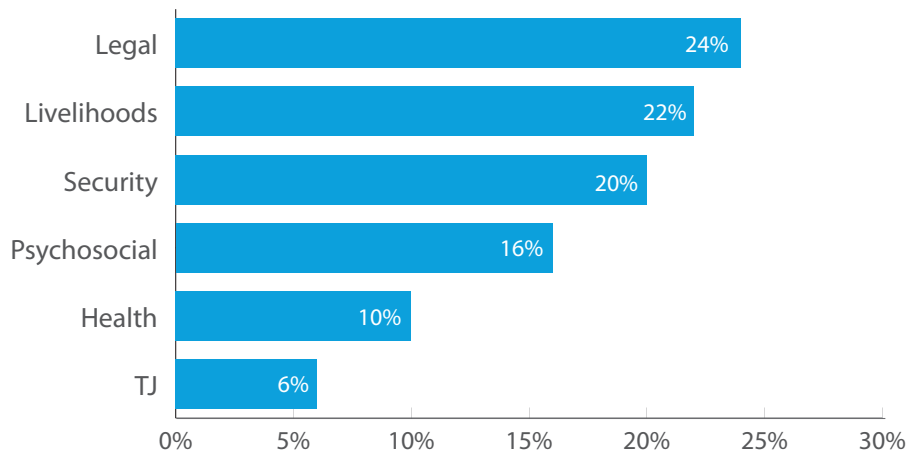
54 UN Women Nepal, *Desk Review of NAP Implementation on UNSCRs 1325 and 1820 and related documents* (2016) (on file with author)

55 See generally: *Desk Review of NAP Implementation on UNSCRs 1325 and 1820 and related documents*

(ii) Analysis of Service Provision to Victims/Survivors of CRSV and their Children

The actions relating to CRSV within the four NAPs-WPS vary in terms of their thematic or substantive focus on multi-sectoral areas of service provision, as follows:

Figure 3: Proportion of actions on thematic areas of rights and needs across the NAPs-WPS

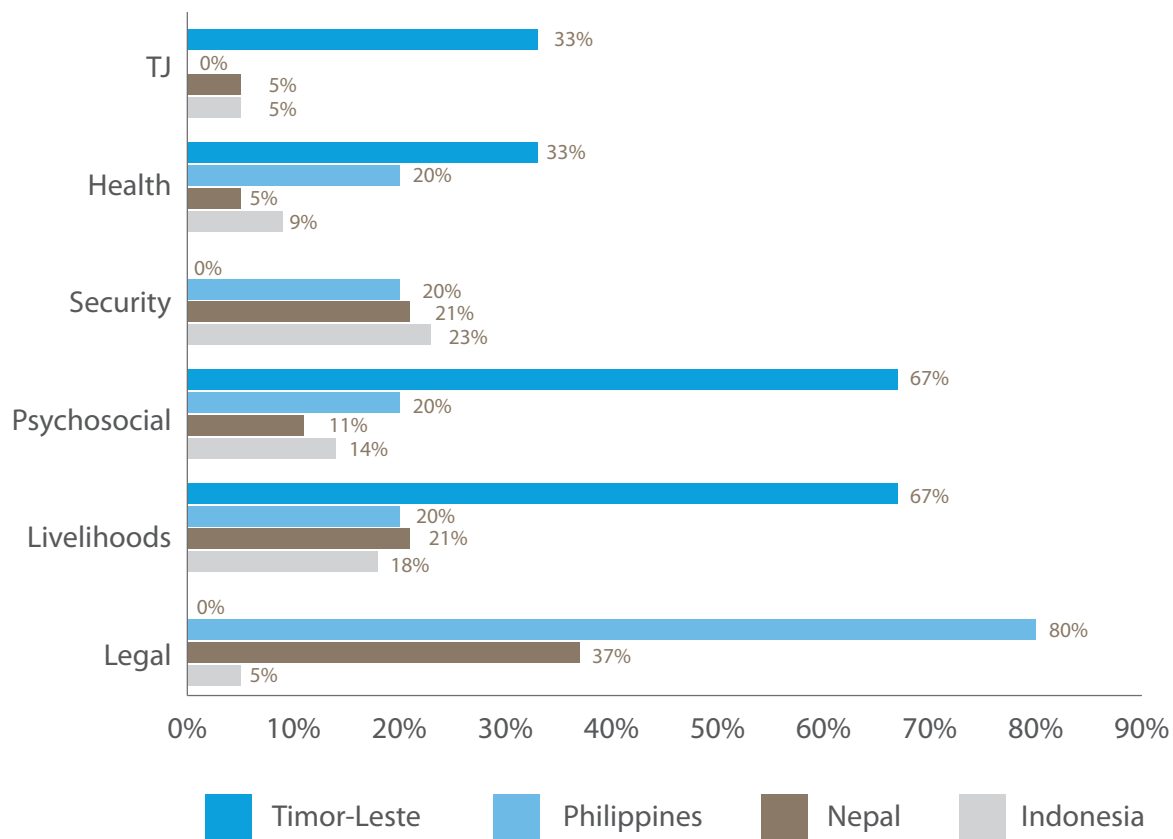


There is an imbalance of actions focused on services for various aspects of the needs and rights of victims/survivors of sexual violence across the plans (see Figure 3).

- Of these, there is a stronger focus on legal reforms and legal services, while transitional justice and health measures receive the least attention across the plans.
- Between 20% and 25% of all actions addressing the service provision needs and priorities of victims/survivors of CRSV in NAPs-WPS were linked to legal assistance, security support, and livelihoods.
- On average, 10% of all actions addressing the service provision needs and priorities of victims/survivors were linked to health, while transitional justice is just 6%.
- About 16% of all actions were linked to psychosocial support.
- The provision of urgent, interim and longer-term health and psychosocial care and services is of utmost priority for victims survivors and yet is one of the weaker areas of actions included within the plans.



Figure 4: Proportion of actions on thematic areas of rights and needs within each of the NAPs-WPS



Evidence of a coordinated and comprehensive multi-sectoral service provision approach is generally absent from the plans i.e. NAPs-WPS are not ensuring that all four of the basic needs of health, psychosocial, legal, and protection/security services are provided for (see Figure 4).

- Indonesia, Nepal and the Philippines have actions relating to all four sectors in some way, although it is not clear that these are deliberately framed around the need for a comprehensive multi-sectoral and balanced approach to service provision.
- Actions on legal support are the most common across these three plans, which respond to the number of 'strategic needs' noted above.
- In the Indonesia NAO, actions on service provision were mainly linked to security support (23%) and livelihoods (18%); and moderately to overall health support and psychosocial support (9% and 14%).
- In Nepal, these actions were mainly linked to providing legal support (37%); while security and livelihoods were equally at 21% of these actions.
- In Philippines, actions on service provision were mainly about providing legal support (80%); the remaining 20% captured four other areas: health, psychosocial, security and livelihoods.
- In Timor-Leste, actions are focused on livelihoods, psychosocial support, and access to health. The Timor-Leste NAP is missing actions related to protection/security and legal services however.
- As noted, actions related to health, critical for women who have experienced CRSV, and who may also experience pregnancies, is the least common action within the plans.

None of the NAPs have specific actions related to women's inheritance rights, which are critical, particularly in rural and agrarian societies where victims/survivors may be indigent and unable to claim access or ownership to livelihood resources, particularly land.

Three of the plans provide for Transitional justice (Indonesia, Nepal and Timor-Leste).

- However, these are vaguely framed, with Indonesia referring to restitution for “women and children who are victims of violence in conflict areas” and Nepal establishing a truth commission (with no specific reference to provisions for CRSV within that). The Timor-Leste NAP mentions the following: “Pillar IV, Peacebuilding; 4.3.2. Implementation of CAVR and CVA’s recommendations including monitoring in relation to women’s rights including women victims of sexual violence and people with disabilities particularly victims of the war.”

7. GUIDANCE TOWARDS INCLUSION OF ACTIONS TO ADDRESS THE NEEDS OF VICTIMS/SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE AND THEIR CHILDREN

A set of recommendations and actions are set out here to provide guidance for advancing actions to address the practical and strategic needs of victims/survivors of CRSV and their children through NAPs-WPS. Additional information of relevance and guidance is set out in the accompanying text boxes.

7.1. ACTIONS TO ADDRESS THE NEEDS OF VICTIMS/SURVIVORS OF CRSV AND THEIR CHILDREN

- A. Include specific actions to respond to the needs of victims/survivors of CRSV. These actions should follow the multi-sectoral model approach,⁵⁶ which should be used to frame the articulation and design of actions within the NAPs, with specific adaptation to context. Box 12 below provides information on the kinds of provisions needed to meet victims/survivors needs in this way.**

Box 12. Multi-sectoral approach to addressing gender-based violence adapted to conflict and post-conflict contexts

| HEALTH | SECURITY/POLICING |
|--|---|
| <ul style="list-style-type: none"> • Post-rape and forensic clinical services available • Protocols for clinical-response to sexual violence adopted and implemented by health services • Wider immediate health needs of victims/survivors addressed by trained health staff | <ul style="list-style-type: none"> • Avenues for safe reporting to policing or authorities available • Policing is undertaken with confidentiality and in line with standard operating procedures • Safety and protection of victims/survivors upheld by policing services |

⁵⁶ For further guidance see: UN Inter-Agency Standing Committee, Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery, United Nations (2015).

- Documentation of cases confidentially
- Access to emergency contraception and abortion services
- Specialist services, e.g. fistula repair available

- Cases documented confidentially
- Protocols consistent with human rights standards and codes of conduct on SEA implemented
- All policing services trained on response to CRSV, broader forms of gender-based violence and protection of CBR

LEGAL/JUSTICE

- Revise discriminatory laws and/or develop specific legal protection on sexual violence
- Provide for the right to identity through maternal lines and specifically for CBW
- Uphold the rule of law in line with human rights standards
- Judiciary is trained in legal responses to victims/survivors CRSV and CBW
- Inheritance rights guaranteed for victims/survivors & CBW
- Adequate legal support and representation available for victims/survivors and CBW
- Barriers to women's access to the justice system identified and tackled
- Transitional justice mechanisms pay specific attention and have specific initiatives on CRSV and CBW

PSYCHOSOCIAL

- Services to address psychological and mental health needs of victims/survivors and CBR available
- Interventions that promote the economic and social empowerment of victims/survivors available


B. Actions responding to the needs of victims/survivors and their children should meet a balance of their practical and strategic needs. These should be mapped onto the multi-level approach to address the needs of victims/survivors of gender-based violence:

- **Macro-Level (structural):** Laws and policies are in place to advance approaches to the specific needs of victims/survivors of CRSV and their children. For example, laws on addressing gender-based violence are in place.
- **Meso-Level (systems):** The state systems and services should respond to the needs of victims/survivors of CRSV and their children. For example, policing, health and legal systems have the necessary trained staff and operating procedures in place.
- **Micro-Level (individual):** Individual women and girls and their children and wider communities receive support and services to address their needs (e.g. access to services is ensured, and behavior change programmes to change negative attitudes among the community).

Table 6 sets out examples for actions on a multi-level approach (this list is not exhaustive, rather indicative of the kinds of actions that could be included within NAPs-WPS:

Table 6. Multi-Level Approach to Meeting the Practical and Strategic Needs of Victims/Survivors of Conflict-related Sexual Violence and their Children

| PRACTICAL NEEDS (Short-term and immediate basic needs for day-to-day functioning) | STRATEGIC NEEDS (Longer-term rights-based needs for structural social operation) |
|--|--|
| MACRO (STRUCTURAL LEVEL) | |
| Legal | |
| | Reform of laws discriminating against women and girls; creation of laws addressing gender-based violence |
| | Reform of discriminatory citizenship and identity laws; creation of laws that allow women to pass on nationality to children |
| | State pensions are extended to victims/survivors of CRSV and their children |
| | Legal provisions in place to support children to claim identity rights |
| | Establish reparations programmes tailored to the needs of victims/survivors of CRSV and their children |
| | Transitional justice mechanisms (e.g. truth commissions) respond to CRSV |
| MESO (SYSTEMS LEVEL) | |
| Protection | |
| Basic policing protections afforded to victims/ services of CRSV and their children | Specific trained officers and units available to respond to victims/survivors of CRSV and their children |
| | Standard operating procedures adopted on support to victims/survivors of CRSV and their children |
| Health, emotional and sexual | |
| Provision of basic reproductive health services; clinical management of rape services, fistula surgeries | Provision of reproductive health services (general reproductive health, abortion services, family planning) |
| Provision of services for PTSD, general trauma and psychosocial care | Forensic services and documentation of cases available |

| MICRO (INDIVIDUAL LEVEL) | |
|--|---|
| Social and socio-cultural | |
| Programmes to promote reconciliation, to facilitate reintegration of women and children ostracised from family and community | Undertake awareness-raising and community engagement programmes to change negative attitudes and beliefs towards affected populations e.g. run contextually-relevant dramas aimed at changing attitudes and behaviours towards gender-based violence broadly, the events of the conflict, CRSV and CBW specifically |
| Basic survival and economic | |
| Provision of emergency shelter and longer-term solutions to shelter needs of victims/survivors | Pensions schemes are delivered to micro-level communities in ways sensitive to the status of victims/survivors of CRSV and their children |
| Specific provisions to enable victims/survivors to generate income | Entrepreneurship packages are made specifically available to victims/survivors |
| | Specific initiatives aimed at promoting women's agricultural productivity included, e.g. agricultural extension services (where this is relevant) |
| Access to income generation opportunities | Access to sustainable livelihoods and entrepreneurship initiatives |
|  | |

- C. Include actions that meet the basic survival and income needs of victims/survivors of CRSV and their children.** This includes those outlined in the table above. Specific actions should also be taken to recognise that the harms many women experienced were part of conflict strategies and women were targeted because of their own or family members' involvement in the conflict. Provision of pensions and reparation for example, should be extended to these women (see Box 13 for women's testimony in this regard).

Box 13. Recognition of conflict-related sexual violence and forced maternity as criteria for veteran status

"My friends and I are going to continue to struggle to remind the government to implement the Reparations and Institute of Memory Act so that we can protect the women who became victims. The government has only paid attention to male victims because they carried weapons. Is the law only on the side of men who carried weapons while us women were used as they wished: detained, tortured, burnt. Is our struggle not counted and valued by the government? We women did not carry weapons like the men, but we women gave our body and soul to defend our country."

Maria de Fatima. Galuh Wandita et al., *Enduring Impunity*, p. 192.

- D. In implementation, specific actions towards victims/survivors and to children should take 'diffuse' approaches in order to minimise stigma (and will be dependent on each context), i.e. CBW are not necessarily singled out but their needs met as part of approaches to women, children and families.** All of the actions should be designed and implemented in ways that pay attention to the particular ways that stigma and status operate in each community/society and respond sensitively in each social context, as well as to the concerns of each family.
- E. Include actions to generate data on victims/survivors of CRSV and their children.** As demonstrated in this paper, there is some data available that could be used to inform and frame the narrative and matrices within the plans. Data generation tailored to policy and programming undertaken in ways that are useful and safe for both victims/survivors and policy makers is required. Attention is required to ethics issues with generation of data (see Box 14 for guidance).

Box 14. Data collection on conflict-related sexual violence

There are risks, as well as benefits, inherent to producing data on CRSV. Critical ethical and safety concerns require attention:

- a thorough risks/benefits analysis should inform any decision to undertake research (risks associated with victims/survivors' participation in research; benefits to victims/survivors and wider policy approaches);
- a thorough review of existing data should be undertaken to prevent un-necessary or repetitive collection of data;
- safety of respondents and of research teams should inform all aspects of research design and data collection;
- measures should be taken to ensure privacy and confidentiality of respondents and the resulting data;
- data collectors should be selected appropriate to research purpose, design and skill set, for example, skilled female interviewers for female respondents, attention to ethnicity of researcher if ethnicity has been politicised in that context;
- data collectors should be fully trained in techniques specific to data collection on CRSV;
- research design should include provision of services for respondents; and
- technical and emotional support should be made available to data collectors before, during and after data collection phase.

Once data has been produced, there is a responsibility to ensure that data is interpreted ethically, stored safely and findings are properly made use of to advance approaches to victims/survivors themselves.

7.2. APPROACHES TO NATIONAL ACTION PLANS ON WOMEN, PEACE AND SECURITY DESIGN AND IMPLEMENTATION

F. Match NAP-WPS narratives with action matrices.

- Descriptive accounts and analysis of women and girl's experiences of CRSV must translate into corresponding actions. For example, in the Timor-Leste NAP-WPS matrix, "victims of sexual violence" are mentioned only once, even though the narrative offers extensive consideration of women's experiences of CRSV.

- Specificity is required, i.e. broader actions cannot be assumed to 'capture' victims/survivors of CRSV; specific actions nominated to that population are required. In the Nepal NAP, there is reference to women who are pregnant, such as former combatants, but no specific actions to address their needs, nor the children. The actions within the plans must respond to these realities.

G. Enhance specificity of NAPs-WPS:

- *In the articulation of the action and outcome in the NAP document:* Vague statements about "advocating for" women's rights or for provision of services, set out the act of advocacy as the goal, not the actual achievement of rights or the provision of services. This is a state action plan. States have responsibilities under international frameworks and human rights law to provide services for victims/survivors. Thereby a state plan can and should state the intended action as a result, for example, "provision of psychosocial counseling through all health centers nationally."
- *In nominating action specifically for victims/survivors and their children:* The tension between providing services in ways that maintain confidentiality for this population, but at the same time ensuring that they are captured within programming, can be set out within the NAP. The action and result can be framed as broadly addressing the needs of women and girls, but then specific indicators could ensure that these initiatives address this specific population. For example, the Timor-Leste NAP has the following action:

Output: 4.1. Women have access to natural resources – including land, clean water and other basic needs – to allow them to build sustainable livelihoods and contribute to a stable and peaceful society.

Action: 4.1.1. Conduct monitoring of basic infrastructure development to provide benefits to communities, particularly women.

Indicator: # and % female and male veterans' homes that have been built where they live; # and % of communities including female-headed households in rural areas with access to basic infrastructure facilities; # and % of women and men, and girls and boys with access to health facilities.

The second indicator referred to female-headed households and the need for attention to them. This may capture many women who are victims/survivors with children. However, a further indicator with a target to follow-up with women who have reported experiences of CRSV, or work with women's organisations that provide services to such women, would ensure that this specific demographic and their children receive support for their basic infrastructure and health needs.

H. Balance is required in multi-sectoral response measures in providing for the past, as well as addressing current experiences of violence. Victims/survivors require multi-sectoral services for the enduring impacts of conflict-time violence (e.g. reproductive health care). Some of these women will also experience ongoing forms of violence, and services must meet those needs also. Justice-response measures are particularly important in respect of balance. The focus on conflict-time transitional justice is important. However, that should not subsume attention to the need for legal redress for current experiences of violence.

- I. **Careful attention is required to how the action is articulated so that it focuses on an outcome for victims/survivors and CBR.** In the Philippine NAP, actions and services for victims/survivors of CRSV are embedded in actions and indicators, but in places, not entirely the actual focus of the action.
- ▶ For example, the following action point focuses on monitoring, but the indicators are about services. If this was the other way around, i.e. the action focused on improved services for victims/survivors, then the implementation, monitoring and evaluation and attributed funding would be focused on the 'services' rather than on undertaking monitoring activities:
Action Point 8: Continuously monitor and document the impacts of armed conflict on women.
Result Statement 8.1: Policies, programmes and services for women and girls in armed conflict are continuously enhanced and made more effective from timely monitoring, documentation and reporting on armed conflict-related cases involving women and girls.
Indicators: 8.1.1. Baseline data and information needed for monitoring and documenting of impacts of armed conflict are identified; 8.1.2. Number of comprehensive research studies on the impacts of armed conflict on women and girls; 8.1.3. Regularity of monitoring reports submitted to relevant government agencies such as CHR and armed conflict parties; 8.1.4. Presence of accurate, comprehensive, inter-operable and accessible web-based sex-disaggregated database on armed conflict maintained and updated by national security agencies and welfare agencies.
- J. **Budgets with allocations of funding for actions responding to CRSV and CBW are required in all action plans.**
- K. **NAPs-WPS should draw from states parties' obligations under CEDAW and concurrently implement CEDAW and the WPS through the action plans.** Strengthened human rights accountability and broader concepts of gender-based violence are available through CEDAW, which would enhance the efficacy of the NAPs-WPS in meeting the needs of victims/survivors and their children.
- L. **Congruence is required between the NAP-WPS and other state policies on gender-based violence and women's rights.** For example, the Nepal NAP-WPS locates its national positioning in respect to other frameworks in that context. A list of national policies and plans are referenced, including a 'National Plan of Action Against Gender-Based Violence.' As described in the NAP-WPS, that plan hosts a range of actions that are akin to providing multi-sectoral services to victims/survivors. Two separate plans addressing this issue can complement or create tensions between actors and create competition for budgets (depending on how this is arranged). It can also reflect the different constituencies of civil society: one focused on conflict-related issues and the other on broader development issues. Designing comprehensive policy responses to CRSV requires situating that within broader approaches to gender inequality and to endemic gender-based violence existing before and after the conflict. How these two plans intersect, and where and how the provisions under one work with and to the provisions under the other, to promote a joined-up comprehensive approach to gender-based violence within and outside of conflict requires consideration.

Further Reading and Guidance

The following resources will be useful to guide the development of actions to address the needs of victims/survivors of CRSV and their children:

Children born of war:

- Kai Grieg, *The War Children of the World. War and Children Identity Project* (2001).
- Charli Carpenter et al, *Protecting children born of sexual violence and exploitation in conflict zones: existing practice and knowledge gaps*, University of Pittsburgh (2005).

Data collection on CRSV:

- United Nations World Health Organisation, *Ethical and safety recommendations for researching, documenting and monitoring sexual violence in emergencies*, United Nations (2007).
- United Nations General Assembly, *In-depth study on all forms of violence against women: Report of the Secretary-General*, United Nations (2006).

Implementing CEDAW and WPS:

- Catherine O'Rourke and Aisling Swaine, *Guidebook on CEDAW General Recommendation No. 30 and the UN Security Council Resolutions on Women, Peace and Security*, UN Women (2015).

Development of NAPs in response to needs and wellbeing:

- Aisling Swaine, *Making Women's and Girl's Needs, Well-being and Rights Central to National Action Plans in the Asia-Pacific Region*, for a Symposium on National Action Plans in the Asia-Pacific Region, UN Women (2016).

Understanding of and policy approaches to CRSV

- UN Action, *Analytical and Conceptual Framing of Conflict-related Sexual Violence*, United Nations (June 2011).
- United Nations, *Guidance Note of the Secretary-General: Reparations for Conflict-related Sexual Violence*, United Nations (June 2014).
- United Nations Department of Peacekeeping Operations, *Review of the Sexual Violence Elements of the Judgments of the International Criminal Tribunal for the Former Yugoslavia, The International Criminal Tribunal For Rwanda, and The Special Court For Sierra Leone in the light of Security Council Resolution 1820*, United Nations (2010).
- United Nations Inter-Agency Standing Committee, *Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery*, United Nations (2015).

ANNEX

CONFLICT-RELATED SEXUAL VIOLENCE IN INDONESIA, NEPAL, THE PHILIPPINES AND TIMOR-LESTE

Women and girls have invariably experienced a range of conflict-related sexual violence (CRSV), resulting from political violence in the contexts of Indonesia, Nepal, Philippines and Timor-Leste. A brief overview of these four contexts is outlined here to provide depth and background to the discussion in the main paper. Note that the data and examples of women's experiences of violence included here reflect the availability of secondary data, rather than reflecting the entirety or reality of women's experiences in each context. There is limited data on CRSV available for each context. More is available for Timor-Leste because of the research undertaken in that context for the report of the Commission for Reception Truth and Reconciliation. In an effort to demonstrate the full array of experiences of CRSV and its impact, direct quotes from women and girls that have experienced CRSV are interspersed through the text which are taken from cited research documents.

1. INDONESIA

Indonesia's history of political violence extends across its archipelago and back to its founding as a state of diverse and multiple peoples. The specific focus here is on the sites of Papua and Aceh. It is noted that there are incidents of CRSV in additional political events in Indonesia that also deserve attention. This includes the Jakarta riots of 1998, wherein women of Chinese-Indonesia ethnicity were specifically targeted for sexual assault, including gang rape and public display of their raped bodies,¹ and the purge of 1965-66, from which victims/survivors of CRSV continue to live with the wounds of their experiences today.²

Papua

Political violence has occurred in Papua since 1969, with little reprieve since its autonomy through the partition of Papua and West Papua in 2001. Women have been victims of torture, displacement, killing and broad forms of sexual violence.³ Torture in detention by state forces included forced striping and nudity, mutilation of sexual organs and rape.⁴

Women were systematically and randomly targeted for sexual violence – from being held in detention and sexually assaulted, to being captured in public, to soldiers entering women's homes and raping them (see box 1).⁵ Women were also subject to repeated rape by rotating groups of soldiers in their communities, with some women bearing up to five children as a result of these

"My hope is that this experience is not repeated against women in general, especially Papuan women. It is enough that we were born to be butchered and killed like animals. We are not strong enough to bear children who face the same fate."

TR, Papua. Taken from: Galuh Wandita et al., *Enduring Impunity*, pp. 94-95.

1 Rudiah Primariantari, "Women, Violence, and Gang Rape in Indonesia," *7 Cardozo Journal of International and Comparative Law*, 1999: 245-276; "Gendered Visibilities and the Dream of Transparency: The Chinese-Indonesian Rape Debate in Post-Suharto Indonesia," 16, 3, *Gender and History*, (2004).

2 Galuh Wandita et al., *Enduring Impunity: Women Surviving Atrocities in the Absence of Justice*, Asia Justice and Rights (2015).

3 *Enduring Impunity*, p. 25.

4 *Enduring Impunity*. See for example pp. 94-95.

5 See generally: *Enough is Enough! Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009*, Documentation Working Group on Violence and Human Rights Violations Against Papuan Women, 2009-2010.

rapes, and others raped on a repeated basis from as young as ten years of age.⁶ Women who were pregnant were tortured, electrocuted and in some cases also subjected to sexual assault. Many who experienced sexual violence, particularly those who became pregnant as a result of rape, were divorced by their husbands.⁷

Currently, Papua has one of the highest rates of reported domestic violence within Indonesia.⁸ Women's experiences of violence following the agreement, include physical beatings (most common), rape within marriage, being forced by a spouse to have sex with others in exchange for goods, forced contraception and other forms of physical and sexual abuse and harassment. Under customary practices, women and girls who are raped may be compelled to marry the perpetrator.⁹

Aceh

Between the 1976 declaration of independence by Aceh's leaders and the peace agreement in 2005, the region has been engulfed in political violence due to clashes between the Indonesian military and armed groups. Women were subjected to torture, electrocution, killings and sexual violence, and many were violated in proxy for absent men and/or to give information to soldiers about missing husbands.¹⁰ Women have described experiences of detention and interrogation by state forces that involved multiple abuses including: groping; sexual assault; sexual threats and sexual harassment; rape, including the insertion of instruments such as guns into their vaginas;

"My husband was frequently tortured; he had melted plastic dripped on his skin and was hit with a gun. Now he is often angry and unpredictable... I'm frequently beaten and only after he's hit me is he aware of what he's done. Maybe it's due to the torture and beating he received during the conflict period."

Saudah, Aceh. Taken from: Galuh Wandita et al., *Enduring Impunity*, pp.107-8. *Enduring Impunity*, pp. 94-95.

I was cooking at home to eat, because at that time my old mother had gone to Jayapura. At night the army picked up all the girls. One soldier entered my house. When he saw I was alone, he immediately forced me to take off my clothes, if not, I would be shot dead... He used a bayonet to rip my clothes and I was raped. Since then, that soldier always came and asked me to serve him until I got pregnant and had a daughter. But when this child was born she died immediately.

Taken from: *Enough is Enough! Testimonies of Papuan Women Victims of Violence and Human Rights Violations 1963-2009*, Documentation Working Group on Violence and Human Rights Violations Against Papuan Women, 2009-2010.

forced stripping and nudity; being forced to "entertain" soldiers such as dancing; being put through mock weddings.¹¹ Women who were pregnant were threatened with death and/or death for their unborn children.¹²

Women in this context who were detained were faced with difficult choices over care for their existing children. Some had to bring children with them into detention, and those children were then subjected to violence and/or witnessed the violation of their mothers. Some children were killed intentionally or as a consequence of

association with them, some women denied and lost longer-term parental ownership of their own children as a means to protect them.

6 *Enough is Enough!* See pp. 21-22.

7 See generally: *Enough is Enough*.

8 *Enough is Enough!* pp. 38-39.

9 *Enough is Enough!* pp. 38-49.

10 *Enduring Impunity*. See generally, and p. 26.

11 *Enduring Impunity*. See generally Chapter 8, Aceh: An Unsettled Peace.

12 *Enduring Impunity*. See generally p. 110.

Saidah in Aceh was forced to deny motherhood of her child in order to protect her from the risk of violent assault. This had direct consequences for her relationship with that child who was raised by her sister. Her daughter has noted:

“I was so mad when I found out that Saidah was my biological mother. Can you imagine? From the time I was small I thought my mother was my auntie. I only found out once I was grown and the conflict was over. I was angry and sad that my mother would have the heart to deny me as her own. I asked my mother but she was just quiet, she didn’t want to answer me and just said, “What is important now is that you know.” I only found out the reasons a few months ago, why my mother denied I was hers, because she wanted to protect me from being taken by soldiers and subjected to terrible things. ... I feel guilty that I expected my mother to be really strong for me when everything she did was so I would be safe.”

Saidah, Aceh: Galuh Wandita et al., *Enduring Impunity*, pp. 119-123.

2. NEPAL

During the 1996-2006 ‘People’s War’ in Nepal, women and girls experienced sexual violence as a result of the actions of state and non-state (Maoist) actors involved in the conflict. Women were subject to sexual assault, including gang rape, strip searching and various forms of sexual harassment, including sexual torture, by state security forces while in police custody and detention, and during search operations and patrols. Women were attacked while out doing daily chores or were taken from their homes and raped in nearby locations. The pretext for these attacks was often investigation of the women’s alleged or assumed involvement with or support for the Maoist rebels. Rape was considered a “common practice” by state forces.¹³ Women were also captured and forcibly recruited into Maoist factions and some experienced rape, often by multiple assailants.¹⁴ Maoist factions also accused women of spying for state forces and rape was a form of retaliation.¹⁵ Research in 2008 with 498 girls and women, aged 11-74 years, found that 18 percent had experienced some form of sexual violence from non-family

If I had not joined the Maoist party, I would not have suffered rape nor would I have given birth to a child before marriage. I have a daughter but I never became a wife. I cannot call anyone my husband. I have been alienated from life. My life is incomplete. It is so long. I wonder how to live it. I have put a huge burden on to my parents. If there is anything hopeful, it is my daughter and I have been living my life smiling with her.

Advocacy Forum and International Centre for Transitional Justice, *Across The Lines: The impacts of Nepal’s Conflict on Women* (2010), p. 35.

13 Human Rights Watch. *Silenced and Forgotten: Survivors of Nepal’s Conflict-Era Sexual Violence*, 2014; UN Office of the High Commissioner for Human Rights (OHCHR). *Nepal Conflict Report: An analysis of conflict-related violations of international human rights law and international humanitarian law between February 1996 and 21 November 2006* (2012), p. 172 citing: Advocacy Forum and International Centre for Transitional Justice, *Across The Lines: The impacts of Nepal’s Conflict on Women* (2010).

14 See generally: *Silenced and Forgotten*.

15 *Across The Lines: The impacts of Nepal’s Conflict on Women*.

members.¹⁶ There appears to have been little documentation of CRSV during and after the conflict. Reporting of CRSV posing risks of stigma, shame and re-traumatisation, as well as retaliation by armed actors.¹⁷

Women were subject to what is referred to as “false marriages,” where men used false identities to secure marriage and then abandoned women when pregnant.¹⁸ “Conflict wives” were also common, whereby state security forces would partner with women while stationed in their locale, but then abandon them upon military rotation.¹⁹ Evidence of forced sex work has also been found. The practice of child marriage also increased, estimated to be a coping strategy of families wishing to protect girls from rape.²⁰ Women who experienced rape were also married quickly to older men or to the rapists.²¹

It was the third day after the Mangalsen attack. Around 300 army personnel had come to our village following the incident. That day, I was on my way back home along with other women from the forest. It was around 3.30 in the afternoon. We were carrying firewood. We were stopped by the soldiers on the way. They were around 30 of them; they were in uniform and carrying big guns. The soldiers started asking me about the whereabouts of my brother. When I said that he was in India for work, they got furious and thrashed me. They pulled my hair and alleged that my family and I were Maoists and we supported their activities. They beat me with the butts of their gun and questioned me repeatedly about my affiliation with the Maoists and threatened me to get ready to bear the consequences of being a Maoist. Then they dragged me to a bamboo bush and five of them took turns and raped me violently. They left me there to die. I fell unconscious I don't remember for how long. When I regained sense, my legs were hurting badly because the soldiers were so violent. I was also bleeding and experiencing severe vaginal pains. Later on, I heard that other women who were with me were also raped at the same time.

Advocacy Forum and International Centre for Transitional Justice, *Across The Lines: The impacts of Nepal's Conflict on Women* (2010), pp. 49-50

Women with children that resulted from CRSV experience social stigma, lack of justice for these experiences, intimidation by perpetrators and enduring physical injuries and ailments due to violent and multiple rape. For many, they are unable to pay for the costs of medical care or care for children resulting from these experiences.²² These effects are entrenched by socio-cultural norms that attach individual and collective identities to purist ideals of sexuality and women's honor.²³ There is ridicule and stigma attached to pregnancy outside of marriage, with women in these situations facing critical social and economic marginalisation and isolation.²⁴ For some however, family and husbands have understood that they were raped and accepted the children.²⁵ Many women in rural

16 UNIFEM & SAATHI, *Sexual and Gender Based Violence during Conflict and Transitional Period: Jhapa and Morang Districts: A Research* (2008).

17 *Nepal Conflict Report*.

18 Himalayan Human Rights Monitors. *Shadow Report on Nepal: Sexual Violence Against Women During Armed Conflict*, Submitted to United Nations Committee on the Elimination of Discrimination against Women, (2011) p. 9.

19 *Across The Lines: The impacts of Nepal's Conflict on Women*.

20 *Across The Lines: The impacts of Nepal's Conflict on Women*, p. 42.

21 *Across the Lines: The Impact of Nepal's Conflict on Women*.

22 Cambodian Defenders Project. *Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict, Report on the Proceedings*, (2012). p. 23; *Shadow Report on Nepal*, p. 8.

23 *Nepal Conflict Report*, pp. 168-170.

24 *Across The Lines: The impacts of Nepal's Conflict on Women*, p. 34.

25 *Across The Lines: The impacts of Nepal's Conflict on Women*, p. 35.

areas are unable to attain formal identity when unmarried, and those with children born of rape are unable to register their children, which denies them citizenship rights going forward.

The Comprehensive Peace Accord commits to providing protection to the rights of women and girls, prohibits violence and child labour, and addresses intersecting discriminations experienced along lines of race, caste and ethnicity.²⁶ Nepal's Constitution also provides for

women's rights and equality. There remain multiple layers of discrimination however, particularly for Dalit women, where caste-based discrimination is understood as core to the exigencies of the conflict.²⁷ Women's health and well-being have been detrimentally affected by experiences of CRSV, including impacts on reproductive capacities, with the inability to access appropriate services, common for women during and after the conflict.²⁸ The conflict has exacerbated the economic situation of much of the affected population, entrenching the situation of women who are affected by CRSV and marginalised. Trauma resulting from experiences of CRSV, prevailing fears, suicidal tendencies and distress remain for this population.²⁹ The provision of psycho-social counseling and social support for these women is estimated to be lacking, particularly in rural areas.³⁰ Justice for these crimes remains a gap, with little by way of remedy for addressing women's basic needs and rights.

"The reality can't be extracted from women victimised by conflict. Our social structure and customs forbid women to reveal their shame."

Advocacy Forum and International Centre for Transitional Justice, *Across The Lines: The impacts of Nepal's Conflict on Women* (2010), p. 80.

3. REPUBLIC OF THE PHILIPPINES

The Philippines has experienced several armed conflicts within its territory since its independence in 1946, including a period of martial law from 1972-1981. The conflict in the region of Mindanao, which began in the late-1960s, ended with a 2014 peace agreement, the first globally brokered by a female negotiator.

There is emerging evidence of the sexual violence experienced by women and girls in this region at the hands of security forces. This has included acts such as killings, targeted sexual violence and abuse by soldiers, including sexual slavery and mass rape in conflict-affected area.³¹ Girls

"...between 1972 and 1974, Ilagâ and soldiers alike made Bangsamoro women in Labangan and Ipil, Sibugay, become 'sex slaves' of navy men, whose boat was docked at Labangan and Ipil ports. For more than a week, soldiers rounded up a group of at least ten women from Labangan and forced them to the naval boats to the serve the 'sexual needs' of the navy men. The following day they were released; only to be replaced with another group of women, and so on... more than 200 women were [believed to be] enslaved in this way."

Taken from: Report of the Transitional Justice and Reconciliation Commission, 2016, p. 48.

26 *Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist)*. 21 November 2006.

27 *Across The Lines: The impacts of Nepal's Conflict on Women*, pp. 38-39.

28 *Across The Lines: The impacts of Nepal's Conflict on Women*, p. 57.

29 *Across The Lines: The impacts of Nepal's Conflict on Women*, pp. 60-61.

30 *Shadow Report on Nepal*, p. 12.

31 Committee on the Elimination of Discrimination against Women. Concluding observations on the combined seventh and eighth periodic reports of the Philippines, CEDAW/C/PHL/CO/7-8, para 25; Children and armed conflict, Report of the Secretary-General, A/70/836 S/2016/360, 20 April 2016, para 206.

as young as seven years of age were raped by state forces.³² Women experience multiple forms of sexual harm, including mutilation of sexual and reproductive organs, cutting off of breasts, mutilation of reproductive organs and cutting open pregnant women's wombs.³³ Women were also forced to have sex with husbands in front of soldiers, some were abducted and did not return, others who returned and/or survived these assaults live with the stigma. Some women who became pregnant as a result of rape were forced to marry the perpetrators, who often abandoned them later.³⁴ Women with disabilities also experienced abuse.³⁵

We women were not respected. There were instances when women were taken from their homes and raped. There was an incident when a wife was taken by a soldier, was impregnated and returned to her family when she gave birth.

Participant in Transitional Justice and Reconciliation Commission Listening Process. Report of Transitional Justice and Reconciliation Commission, November 2016, p. 47.

Women living in displacement sites are insecure, including lack of secure bathing and dressing sites,³⁶ and increasing levels of domestic violence in camps.³⁷ There is also evidence of trafficking of women living in displacement camps.³⁸

There has been little by way of justice and protection for women in these contexts.³⁹ Many women whose husbands were killed in the conflict have been unable to assume legal ownership of land which they rely upon for livelihoods.⁴⁰

4. DEMOCRATIC REPUBLIC OF TIMOR-LESTE

The report of the Commission for Reception, Truth and Reconciliation (also known as the CAVR), found that women and girls experienced wide-ranging forms of CRSV during the "invasion" of Timor-Leste by Indonesia in 1975, and its subsequent administration and withdrawal following a popular referendum in 1999.⁴¹ The CAVR collected 853 reports of sexualised violence during the conflict, of which rape was the most common (46.1 percent of the total reports or 393 out of 853), followed by sexual harassment and other acts of sexual violence (27.1 percent or 231/853), and sexual slavery (26.8 percent or 229/853). An International Rescue Committee (IRC) study conducted two years after the Indonesian exit, found that one-in-four women had experienced violence by a perpetrator outside of their family during the Indonesian withdrawal and humanitarian crisis in 1999 (92 percent involving a weapon and 95.8 percent involving sexual harassment of some form).⁴² Indonesian forces were found to be responsible for 93 percent of sexual attacks, with Timorese

32 Transitional Justice and Reconciliation Commission, *Report of Transitional Justice and Reconciliation Commission* (2016). p. 48.

33 *Report of Transitional Justice and Reconciliation Commission*, p. 48.

34 *Report of Transitional Justice and Reconciliation Commission*, p. 48.

35 Philippine Alliance of Women with Disabilities, CEDAW 64th session (4-22 July 2016): *Submission by the Philippine Alliance of Women with Disabilities for consideration in the review of the State Party of the Republic of the Philippines*.

36 Leslie Dwyer, Rufa Cagoco-Guiam, *Gender and Conflict in Mindanao*, The Asia Foundation, p. 12.

37 *Gender and Conflict in Mindanao*, p. 16 and 20.

38 Mindanao Migrants Center for Empowering Action Inc. *Women and Conflict: Trafficking in Persons in Internally Displaced People Camps in Mindanao*, Mindanao Migrants Center for Empowering Actions (2011).

39 Committee on the Elimination of Discrimination against Women. Concluding comments of the Committee on the Elimination of Discrimination against Women: Philippines, CEDAW/C/PHI/CO/6, , 25 August 2006.

40 *Report of Transitional Justice and Reconciliation Commission*, p. 68.

41 *Chega! The Report of the Timor-Leste Commission for Reception, Truth and Reconciliation in Timor-Leste*, (2006). See Chapter 3, History of the Conflict.

42 Michelle Hynes et al., A Determination of the Prevalence of Gender-Based Violence among Conflict-Affected Populations in Timor Leste, *Disasters* 28, 3 (2004); p. 314.

“The widespread and systematic nature in which members of the Indonesian security forces openly engaged in rape, sexual torture, sexual slavery and other forms of sexual violence throughout the entire period of the invasion and occupation... [T]here was a widely accepted practice for members of the security forces to rape and sexually torture women while on official duty, in military installations and other official buildings. These practices were covered by almost total impunity.”

Report of the Timor-Leste Commission for Reception, Truth and Reconciliation. *Chega! The Final Report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR), 2002, p. 2670.*

armed groups to a lesser degree.⁴³ There is also evidence that women bore children as a result of systematic and opportunistic rape, sexual slavery and forced marriages, and experienced forced maternity.⁴⁴

Women were subjected to sexual assault and sustained sexual slavery (by being held in centres such as barracks or hotels turned into detention and torture sites, or attacked in their homes on a regular basis), as well as forced marriages or ‘domestic slavery’,⁴⁵ whereby Indonesian soldiers occupied women’s homes in ‘marital’ arrangements, and in many cases ‘consecutive domestic slavery’ took place, whereby soldiers passed women on to rotating battalions of soldiers.⁴⁶ Women were in these ‘marriages’ over a prolonged period. Some women

were forced to formally marry soldiers.⁴⁷

It is estimated that almost ten percent of Timorese women detained by the Indonesian military and its proxies during the early years of the occupation were raped. Women were forced to entertain and to dance for soldiers, and were subjected to repeated rapes by multiple men.⁴⁸

Many women experienced multiple harms over time. One case detailed in the CAVR report highlighted that: One woman was shot at while farming by Indonesian armed forces, accused of being a member of the *Falintil* armed group, was threatened with being killed on detention by soldiers, was held for three days for interrogation; was forced into sexual slavery with one of the commanders and had a child as a result; after he died, she was then forced into sexual slavery with another soldier and gave birth to a still born baby; she was forced into sexual slavery for a third time with an additional soldier.⁴⁹

Many women had children as a result of these experiences,⁵⁰ including multiple pregnancies.⁵¹ Some women who were detained gave birth in detention and in some cases those babies later died due to lack of food and nutrition for mother and child.⁵² For those in forced marriages, some women became socially and economically dependent on the men, particularly as they and their children were often ostracised by their family and community, entrenching their isolation and dependence

43 *Chega!* Chapter 7 Sexual Violence, p. 23. The CAVR also notes the under-reporting of sexual violence, see p. 109

44 Susan Harris-Rimmer, “Orphans” or Veterans? Justice for Children Born of War in East Timor, *Texas International Law Journal*, 42, 2006: pp. 323-344; Special Rapporteur of the Commission on Violence against Women, its Causes and Consequences, Report on the Joint Mission to East Timor, E/CN.4/1999/68/Add.3, 21 January 1999, para 58.

45 A term used in the *Chega!* report. See Chapter 7, Sexual Violence.

46 *Chega!* See Chapter 7, Sexual Violence, p. 19, 45, and 54.

47 *Enduring Impunity*, pp 168-171.

48 *Chega!* See Chapter 7, Sexual Violence; *Enduring Impunity*, chapter 11.

49 *Chega!* See Chapter 7, Sexual Violence, p. 54.

50 See generally *Chega!* Chapter 7, Sexual Violence; *Report on the Joint Mission to East Timor*, para 58.

51 Louise Williams, Leonie Lamont, “Rape Used Over and Over as a Systematic Torture,” *The Sydney Morning Herald*, 13 September 1999.

52 *Enduring Impunity*, p. 176.

on the perpetrator.⁵³ There is some evidence of unsafe abortion during this time, including death as a result of abortion. In some cases, women were forced to attempt unsafe abortions by those who had raped them.⁵⁴ There is also evidence of children being given for adoption.⁵⁵ Women

For some women in Timor-Leste, their subjection to rape and forced maternity were understood by family members:

"In 1985, when my husband returned from exile, I told him about [the sexual violations which I experienced including the fact that I had a child.] He said he continued to accept me as his wife. He said that it is not my desire, but it is a consequence of war."

For others however, the experience elicited shame and isolation from family and community. One women was "raped by a number of ABRI members [Indonesian Armed Forces]. She had children from different fathers. The victim experienced discrimination and ridicule from her community. She was called names and isolated from her community. They called her "feto puta", or whore, who had sold herself to ABRI. The victim could not accept her own children, she could not look at their faces because of the pressure from her community."

Taken from: *Chega! The Report of the Timor-Leste Commission for Reception, Truth and Reconciliation in Timor-Leste*, (2006). Chapter 7, Sexual Violence, pp. 100 and 103.

themselves have described being "abandoned" by soldiers and then being solely responsible for those children.⁵⁶ Women had variable experiences of being abandoned and accepted by returning husbands.⁵⁷ There are no definitive statistics on the numbers of CBR.⁵⁸

In the post-conflict context, domestic violence remains a critical issue for many women. It was observed by the CAVR that victims/survivors of conflict-time violence were now also experiencing domestic violence in their homes. Male survivors of detention and torture admitted they had "fallen into a pattern of violent behavior."⁵⁹

⁵³ *Chega!* See Chapter 7, Sexual Violence, p. 46.

⁵⁴ *Chega!* See Chapter 7, Sexual Violence, p. 95-97.

⁵⁵ "Orphans" or Veterans?

⁵⁶ *Chega!* See Chapter 7, Sexual Violence, p. 49.

⁵⁷ *Chega!* See generally Chapter 7, Sexual Violence, and p. 103.

⁵⁸ "Orphans" or Veterans?

⁵⁹ *Chega!* See Chapter 7, Sexual Violence, p. 12.

