Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1212 (2000)[1]

Rape in armed conflicts

Parliamentary Assembly

1. The Parliamentary Assembly refers to Committee of Ministers Recommendation No. R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults, Recommendation No. R (85) 11 on the position of the victim in criminal law and procedure, Recommendation No. R (85) 2 on legal protection against sex discrimination and Recommendation No. R (84) 15 relating to public liability.

2. The Assembly draws attention to its Recommendation 1408 (1999) on the International Criminal Court and Recommendation 1427 (1999) on respect for international humanitarian law in Europe.

3. It further draws attention to its Recommendation 1403 (1999) on the crisis in Kosovo and the situation in the Federal Republic of Yugoslavia, in which it strongly condemns the policy of ethnic cleansing and particularly "the abduction and rape of women as a systematic war crime" and reaffirms that "rape and torture in armed conflicts constitute war crimes and should be treated as crimes against humanity".

4. It also refers to the recommendations made by the United Nations special rapporteur on violence against women.

5. It regrets that despite the fact that rape has been recognised as a war crime, it continues to be systematically used - and has been so in recent conflicts (Kosovo and Chechnya) - as a war weapon inflicting not only psychological trauma but also forced pregnancy.

6. It therefore reiterates its desire to see rape treated as a crime against humanity.

7. It accordingly believes, in view of the number of rapes in armed conflicts, that better legal protection of women is more necessary than ever, that such protection must apply in all circumstances and that if member governments ever fail in their duty to provide it, then a monitoring procedure should be instituted.

8. It reiterates its satisfaction at the adoption of the Treaty on the Statute of the International Criminal Court by the plenipotentiary diplomatic conference in Rome on 17 July 1998, and at the signature of the treaty, but points out that there are three member states (Moldova, the Russian Federation and Turkey) which have not yet signed it and that only six member states have ratified it (Austria, Finland, France, Italy, Norway and Sweden).

9. The Assembly calls on the parliaments of member states to speedily ratify, if they have not yet done so, the Treaty on the Statute of the International Criminal Court adopted in Rome on 17 July 1998 and to introduce appropriate legislation to give proper effect to its provisions, as already requested in Assembly Recommendation 1408 (1999) on the International Criminal Court.

10. The Assembly also invites the governments of member states to:

10.1. take appropriate measures to ensure that rape in armed conflicts is irrevocably treated as a war crime, as in Article 8.xxii of the Statute of the International Criminal Court;

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1. Assembly debate on 3 April 2000 (9th Sitting) (see Doc. 8668, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Stanoiu). Text adopted by the Assembly on 3 April 2000 (9thSitting).

10.2. make sure that laws and standards relating to rape in wartime are properly applied at national level;

10.3. recognise the inalienable right of women who have been raped to undergo voluntary termination of pregnancy if they wish, this right arising automatically from the rape;

10.4. recognise the right to report a rape to the authorities as applying without limit of time and to empower the prosecution service to institute ex officio proceedings;

10.5. ensure that domestic courts apply the common Article 3 of the Geneva Conventions of 12 August 1949;

10.6. introduce strict witness-protection measures in rape cases, including post-trial protection;

10.7. set up special programmes for female rape victims, in particular multidisciplinary programmes which take the feminine dimension into account, and encourage women to look after female victims of rape and other sexual abuse;

10.8. make social-assistance arrangements and ensure fair treatment for female rape victims who do not terminate a resultant pregnancy and who, for various reasons, have to or decide to keep the child in order to avoid marginalisation;

10.9. set up a solidarity fund to help rape victims and provide economic support for the children of rape victims;

10.10. set up training programmes for persons required to deal with and help rape victims;

10.11. establish programmes of education in tolerance, respect for human dignity and general human rights;

10.12. provide the necessary administrative and financial resources for such programmes;

10.13. ensure that court benches trying crimes of sexual violence against women are composed of equal numbers of men and women, with specially trained staff;

10.14. apply international humanitarian norms generously to help rape victims obtain asylum.