

Resolution 2476 (2023)¹

Conflict-related sexual violence

Parliamentary Assembly

1. As well as devastating whole territories and destroying infrastructure, war inflicts lasting damage on the people over whose territory and surrounding whom it is waged, whatever their role, leaving a trail of individual, collective and family trauma over decades and across generations. Since February 2014, the Russian Federation has waged a war of aggression against Ukraine, which it relaunched on 24 February 2022 with a massive invasion of Ukraine. In this regard, Europe's leaders are again called upon to address, on a national and multilateral scale, not only the conflict itself, but also the far-reaching negative consequences for society of the aggression of one country against another.

2. The aggression of the Russian Federation against Ukraine has led to mass conflict-related sexual violence committed by the Russian Federation's armed forces and by affiliated armed groups against the civilian population of Ukraine and Ukrainian prisoners of war: in the eleven months of the large-scale invasion of Ukraine, according to the Prosecutor General's Office of Ukraine, 155 cases of conflict-related sexual violence have been recorded in the regions of Kyiv, Kherson, Kharkiv, Chernihiv, Donetsk, Zaporizhzhia, Luhansk and Mykolaiv. The number of cases officially stated does not reflect the scale of the crimes by the Russian Federation, which are much greater.

3. So-called "conflict-related sexual violence", in fact unrelated to any real conception of sexuality, is one of the worst atrocities of war, systematically used as a tactic to humiliate, violate and ruin the minds and bodies of victims, and in most cases intended to leave them alive to tell their story, with the aim of spreading fear and breaking the spirit of the oppressed. Conflict-related sexual violence is a war crime in international law, can be a constitutive element of genocide and is certainly used as a means of ethnic cleansing, either to damage beyond repair the reproductive cycle of an "enemy" or to repopulate regions with the "true blood" of the would-be conqueror. Although the majority of victims are women and girls, they are not the only targets and conflict-related sexual violence is less gender specific in the case of young children.

4. Today, in particular thanks to the work of the United Nations and its successive Security Council resolutions, conflict-related sexual violence is no longer considered to be an inevitable and indissociable by-product of war, but is identified as a preventable phenomenon, which can be combated through concerted international action, protective national policies, strictly enforced punishment for perpetrators, empowerment of vulnerable persons and survivor-centred reparation and rehabilitation programmes.

5. The Parliamentary Assembly condemns conflict-related sexual violence in the strongest possible terms and reaffirms that its perpetrators must be brought to justice, whether they are on the battlefield or in positions of leadership. Determined action is needed to eliminate the phenomenon and deal with its consequences. Referring to its [Resolution 2120 \(2016\)](#) "Women in the armed forces: promoting equality, putting an end to gender-based violence" and [Resolution 2450 \(2022\)](#) "Justice and security for women in peace reconciliation", the Assembly calls on member States to foster, in times of peace, non-violent, resilient societies based on equality and equal access to rights for all, as prerequisites for facing crises, defusing tensions which risk escalating into open conflict and minimising its consequences. It urges States not yet having done so to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic

1. *Assembly debate* on 24 January 2023 (3rd sitting) (see [Doc. 15677](#), report of the Committee on Equality and Non-Discrimination, rapporteur: Ms Petra Bayr). *Text adopted by the Assembly* on 24 January 2023 (3rd sitting).



Violence (CETS No. 210, “Istanbul Convention”) which, under its Article 2, paragraph 3, applies in times of peace and in situations of armed conflict, and which also contains specific provisions on migrant and asylum-seeking women who are victims of violence.

6. Preventing conflict-related sexual violence begins long before the outbreak of armed conflict. Therefore, the Assembly calls on member States and national parliaments to work on prevention in peacetime and in situations of conflict alike, in particular by:

6.1. encouraging inclusive recruitment to the armed forces and the police in order to attain a better gender balance and thereby more equality from a gender perspective in promotion, action and policies;

6.2. introducing or reinforcing training in police forces and the army on assistance to victims of gender-based violence, including the provision of safe spaces for survivors to recover and recount their experiences, as well as advice on access to legal assistance and to medical and psychological care. There must be co-ordination between the different services, including with civil society organisations, and these services must be mindful of preventing the re-traumatisation of victims;

6.3. implementing, in places where conflict still has tangible effects on communities, notably on the territory of the former Yugoslavia, transitional justice measures in order to bring about real political transformation, and countering narratives that glorify war criminals, including exploring the relationship between these narratives and war propaganda that is prohibited and criminally sanctioned, and countering and prosecuting them, also online, for instance;

6.4. honouring survivors of conflict-related sexual violence such as Nadia Murad, winner of the Václav Havel Prize and the Nobel Peace Prize, who, as champions and ambassadors for peace and reparation, can attract political and financial support while raising public awareness of particularly affected regions and people and the need to help them and give them a voice;

6.5. recognising the importance of culture as an agent of change: theatre, cinema, sport and other cultural activities can do much to change mentalities and promote peaceful living together.

7. The recognition of conflict-related sexual violence as a crime against humanity and a war crime under the Rome Statute of the International Criminal Court has allowed prosecution of its perpetrators both on the ground and in command, in combination with other crimes. On the other hand, the national level is the most appropriate for holding individual perpetrators to account. Universal jurisdiction is also an option. The Assembly congratulates Estonia, Germany, Latvia, Lithuania, Norway, Poland, Romania, the Slovak Republic, Spain, Sweden and Switzerland for having initiated universal jurisdiction investigations of war crimes in the context of the Russian war of aggression against Ukraine, or for having declared their intention to do so, and also French prosecutors for having opened a war crimes investigation under national jurisdiction in the same context, for cases in which French citizens or residents have been possible victims or suspected perpetrators. With respect to the prosecution of conflict-related sexual violence, the Assembly calls on member States to:

7.1. sign and ratify the Rome Statute, which is the legal basis for the work of the International Criminal Court, if they have not already done so;

7.2. use universal jurisdiction as a means of prosecuting perpetrators wherever they have committed crimes of conflict-related sexual violence;

7.3. use the provisions on international crime in their respective national criminal codes that explicitly and implicitly cover behaviour that constitutes conflict-related sexual violence, whenever perpetrators or victims are present on their territory, or acts that have a nexus to the crime are committed on their territory;

7.4. use the 2021 United Nations Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual Violence of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict to ensure that efficient investigations are carried out for use in courts and, to the same end, encourage and support civil society organisations to follow the 2022 guidelines of the Office of the Prosecutor of the International Criminal Court and Eurojust entitled *Documenting international crimes and human rights violations for accountability purposes: guidelines for civil society organisations*;

7.5. work with international courts to ensure the efficient transfer of judgments to national prosecuting authorities, which includes sharing access to databases of collected evidence;

7.6. provide concrete expert and technical support, with the Assembly and the Council of Europe, for the setting-up of a special (ad hoc) international tribunal to prosecute the crime of aggression against Ukraine, as conflict-related sexual violence is a result of this crime of aggression.

8. Documentation, reporting, evidence collection and research are essential in uncovering crimes and prosecuting perpetrators of conflict-related sexual violence. These crimes are notoriously difficult to monitor due to under-reporting by survivors who do not wish to or are not able to speak, because the harm done may be invisible and difficult to prove, and because infrastructure and services are often lacking in the conditions in which survivors find themselves, including in war zones, regions of so-called “frozen conflicts”, etc.

9. Praising the work of non-governmental organisations (NGOs) such as Ukraine 5 AM Coalition (a finalist for the 2022 Václav Havel Prize), which is a coalition of human rights organisations collecting data in Ukraine since the first bombardments by Russia, the Assembly urges member States to:

9.1. ensure that solid and safe procedures for reporting sexual violence are in place in peacetime, following the provisions of the Istanbul Convention, in order for these procedures to be operational when applied to sexual violence in conflict-related situations;

9.2. make sure that survivors of sexual violence are offered safe spaces to exchange their experiences, that witnesses are given adequate protection, that the different services involved in evidence collection use technological means admissible in courts to record evidence and are co-ordinated in order to avoid repetition of testimonies, thus avoiding re-traumatisation;

9.3. support, including financially, the development of electronic tools for survivors to record evidence of gender-based violence themselves, in particular during conflict, for instance “Back Up”, an application developed and piloted by the NGO We Are NOT Weapons of War;

9.4. ensure that the police are trained and enabled to receive evidence at local level, without requiring a higher level of police and jurisdictional intervention in the early stages of judicial procedures.

10. Care for survivors must be immediate, holistic and centred on the needs of the persons concerned. In this respect, the Assembly urges national authorities and international organisations to work together to:

10.1. support the International Criminal Court’s Trust Fund for Victims through financial contributions;

10.2. transfer on request the frozen assets of perpetrators convicted by the International Criminal Court to the Trust Fund for Victims to fund reparations and programmes for survivors;

10.3. adopt, building on principles of transitional justice, survivor-centred gender-specific practices and ensure reparations are tailored to the age and situation of victims;

10.4. implement, with respect to all victims, whether they are on national territory or have fled war in their country, the World Health Organization’s guidelines *Clinical management of rape and intimate partner violence survivors: developing protocols for use in humanitarian settings* to ensure that medical providers apply survivor-centred approaches and follow the necessary health protocols aimed at protecting women from unwanted pregnancies and sexually transmitted diseases.

11. Survivor-centred measures must be tailored to the individual needs of victims of conflict-related sexual violence wherever they find themselves and include unimpeded access to information and abortion. States must ensure women’s access to sexual and reproductive health and rights by:

11.1. prioritising sexual and reproductive health services across the humanitarian and refugee response;

11.2. taking effective action to address and remove restrictions on and barriers to access to comprehensive sexual and reproductive healthcare, including time-sensitive and essential care;

11.3. strengthening the capacity and readiness of the health system, including health workers, to provide human rights-based, comprehensive sexual and reproductive health services as well as services for the prevention and management of sexual and gender-based violence;

11.4. ensuring that local experts and civil society organisations participate in the design of measures to respond to issues relating to sexual and reproductive health and rights;

11.5. ensuring sustainable, long-term funding and flexible support to national health systems programming, service provision and advocacy for sexual and reproductive health and rights, to help break down systemic and structural barriers.

12. International organisations, non-governmental organisations and their members working in peacekeeping operations are not exempt from using their positions of authority over vulnerable people, in particular exiles and displaced persons, to commit atrocious crimes of sexual violence, including trafficking

and sexual slavery. The Assembly calls on the United Nations to pursue its efforts to implement a zero-tolerance policy to eliminate sexual abuse and exploitation committed in the context of its operations, including by locally recruited staff, and ensure that the NGOs working in programmes are covered by these policies.

13. Non-governmental organisations and civil society stakeholders are key in accompanying survivors of conflict-related sexual violence and act as early warning agents on the ground when tensions arise and situations deteriorate. Therefore, the Assembly calls upon national parliaments to ensure that civil society, and especially female peace advocates, women's rights NGOs, women-led organisations and organisations dealing with gender-based violence and sexual and reproductive health and rights, are supported in their work and are given sustainable, flexible, long-term institutional financial support and infrastructure to function efficiently.

14. Recognising the important contribution and significant potential of the United Nations in preventing conflict-related sexual violence, the Assembly welcomes initiatives to ensure impartial and objective decision making on issues involving conflict-related sexual violence and other international crimes, including the political statement on the suspension of the veto in case of mass atrocities presented by France and Mexico and signed by 104 United Nations member States, and other initiatives restricting the possibility to veto, as well as calls for binding commitments with a similar content.

15. Finally, the Assembly calls on member States to introduce laws that guarantee survivors of conflict-related sexual violence individual and collective lifelong access to measures of inclusion, reparation and rehabilitation without undue bureaucratic or psychological obstacles, and to devote the necessary financial and human resources to these programmes in the knowledge that pecuniary compensation for the consequences of the damage done is almost impossible.