



Doc. 15677 – Compendium of written amendments
23/01/2023

(Final version)

Conflict-related sexual violence

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A. Draft Resolution

1. As well as devastating whole territories and destroying infrastructure, war inflicts lasting damage on the people around and over whom it is waged, whatever their role, leaving a trail of individual, collective and family trauma over decades and across generations. In 2022, war has returned to our continent, and 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.

Amendment 4

Tabled by Ms Maryna BARDINA, Ms Yevheniia KRAVCHUK, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Oleksii GONCHARENKO, Mr Markus WIECHEL, Mr Serhii SOBOLIEV, Mr Oleksandr MEREZHKO, Ms Eva DECROIX, Ms Larysa BILOZIR, Mr Artem DUBNOV, Mr Serhii KALCHENKO, Ms Iryna KONSTANKEVYCH, Ms Yelyzaveta YASKO, Ms Lesia VASYLENKO, Mr Yuriy KAMELCHUK

In the draft resolution, paragraph 1, second sentence, replace the words "In 2022, war has returned to our continent, and" with the following words:

"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, and in this regard"

Amendment 5

Tabled by Ms Maryna BARDINA, Ms Yevheniia KRAVCHUK, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Oleksii GONCHARENKO, Mr Markus WIECHEL, Mr Serhii SOBOLIEV, Mr Oleksandr MEREZHKO, Ms Eva DECROIX, Ms Larysa BILOZIR, Mr Artem DUBNOV, Mr Serhii KALCHENKO, Ms Iryna KONSTANKEVYCH, Ms Yelyzaveta YASKO, Ms Lesia VASYLENKO, Mr Yuriy KAMELCHUK

In the draft resolution, after paragraph 1, insert the following paragraph:

"The aggression of the Russian Federation against Ukraine 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 11 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 Kyiv, Kherson, Kharkiv, Chernihiv, Donetsk, Zaporizhzhia, Luhansk, and Mykolaiv regions. The officially stated number of cases does not reflect the scale of crimes of the Russian Federation, which are much larger."

2. 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 intention 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.

3. 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.
4. The Parliamentary Assembly condemns conflict-related sexual violence with its utmost strength and reaffirms that its perpetrators must be brought to justice, both on the battlefield and in positions of leadership. Determined action is needed to eliminate the phenomenon and deal with its consequences. Referring to its Resolutions 2120 (2016) “Women in the armed forces: promoting equality, putting an end to gender-based violence”, and 2450 (2022) “Justice and security for women in peace reconciliation,” the Assembly calls on member States in peacetime to foster non-violent, resilient societies based on equality and equal access to rights for all, as a prerequisite for facing crises, reducing the tensions which risk escalating to 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 violence (CETS No. 210, “Istanbul Convention”), which under its Article 2.3 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.
5. 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:
 - 5.1. encouraging inclusive recruitment to the armed forces and the police in order to attain more gender balance and thereby equality with a gender perspective in promotion, action and policies;
 - 5.2. 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;

Amendment 11

Tabled by Ms Olena KHOMENKO, Mr Kazimierz MATUSZNY, Mr Markus WIECHEL, Ms Beatrice TIMGREN, Mr Bob van PAREREN, Ms Yelyzaveta YASKO, Ms Lesia ZABURANNA, Ms Mariia MEZENTSEVA-FEDORENKO, Ms Yuliia OVCHYNNYKOVA, Ms Iryna KONSTANKEVYCH, Mr Yuriy KAMELCHUK, Ms Larysa BILOZIR, Mr Oleksii GONCHARENKO, Mr Dmytro NATALUKHA,

- 5.3. implementing in places where conflict still has tangible effects on communities, notably in the territory of the former Yugoslavia, transitional justice measures in order to bring about real political transformation, and countering narratives glorifying war criminals, for instance;

- 5.4. celebrating survivors of conflict-related sexual violence like Nadia Murad, Václav Havel and Nobel Peace Prize winner, 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 to give them a voice;

- 5.5. 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.

Mr Oleksandr MEREZHKO, Mr Pavlo BAKUNETS

In the draft resolution, at the end of paragraph 5.2, insert the following words:

"and these services must be mindful of preventing the re-traumatisation of victims"

Amendment 12

Tabled by Ms Olena KHOMENKO, Mr Kazimierz MATUSZNY, Mr Markus WIECHEL, Ms Beatrice TIMGREN, Mr Bob van PAREREN, Mr Arkadiusz MULARCZYK, Ms Rita TAMAŠUNIENĖ, Ms Yelyzaveta YASKO, Ms Lesia ZABURANNA, Ms Yuliia OVCHYNNYKOVA, Ms Mariia MEZENTSEVA-FEDORENKO, Ms Yevheniia KRAVCHUK, Mr Yuriy KAMELCHUK, Ms Larysa BILOZIR, Mr Oleksii GONCHARENKO, Mr Dmytro NATALUKHA, Mr Oleksandr MEREZHKO

In the draft resolution, paragraph 5.3, after the words "glorifying war criminals," insert the following words:

"and exploring the relation of this speech with prohibited and criminally sanctioned war propaganda and proper reaction on online platforms,"

Amendment 6

Tabled by Ms Heike ENGELHARDT, Mr Max LUCKS, Mr Axel SCHÄFER, Mr Christian PETRY, Mr Julian PAHLKE

In the draft resolution, after paragraph 5.3, insert the following paragraph:

"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."

Amendment 7

Tabled by Ms Heike ENGELHARDT, Mr Max LUCKS, Mr Axel SCHÄFER, Mr Christian PETRY, Mr Julian PAHLKE

In the draft resolution, paragraph 5.4, first sentence, replace the word "celebrating" with the following word:

"honouring"

6. 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 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, and 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 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:
 - 6.1. sign and ratify the Rome Statute as the legal basis for the work of the International Criminal Court, if they have not already done so;
 - 6.2. use universal jurisdiction as a means of prosecuting perpetrators wherever they have committed crimes of conflict-related sexual violence;
 - 6.3. use the international crime provisions under their respective national penal codes that explicitly and implicitly cover conduct of 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;
 - 6.4. use the 2021 Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-related Sexual Violence of the Office of the Special Representative of the United Nations 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 Guidelines of the Office of the Prosecutor of the International Criminal Court and Eurojust on Documenting international crimes and human rights violations for accountability purposes;
 - 6.5. work with international courts to ensure the efficient transfer of judgments to national prosecuting authorities, which includes sharing access to databases of evidence collection;
 - 6.6. support with the Assembly the setting up of a special (ad hoc) international tribunal to prosecute the crime of aggression against Ukraine, and ensure that investigations into conflict-related sexual violence are a priority.

Amendment 1

Tabled by Ms Yevheniia KRAVCHUK, Ms Larysa BILOZIR, Ms Yuliia OVCHYNNYKOVA, Ms Elena-Simona SPĂȚARU, Ms Denisa Elena NEAGU, Mr Stanislav ANASTASSOV, Mr Arminas LYDEKA, Mr Robert TROY, Ms Fiona O'LOUGHLIN, Ms Elena BONETTI, Mr

Rik DAEMS, Ms Petra STIENEN, Mr Caspar van den BERG, Mr Andrii LOPUSHANSKYI

In the draft resolution, replace paragraph 6.6 with the following paragraph:

"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"

Amendment 2

Tabled by Ms Olena KHOMENKO, Mr Oleksandr MEREZHKO, Ms Iwona ARENT, Mr Kazimierz MATUSZNY, Mr Tomasz LATOS, Mr Markus WIECHEL, Ms Beatrice TIMGREN, Mr Bob van PAREREN, Ms Rita TAMAŠUNIENĖ, Mr Arkadiusz MULARCZYK

In the draft resolution, replace paragraph 6.6 with the following paragraph:

"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."

Amendment 3

Tabled by Ms María Valentina MARTÍNEZ FERRO, Mr Reinhold LOPATKA, Mr Eduard KÖCK, Ms Andrea EDER-GITSCHTHALER, Mr Sergiy VLASENKO, Mr Serhii SOBOLEEV, Ms Octavie MODERT, Mr Davor Ivo STIER, Ms Marijana BALIĆ, Ms Zdravka BUŠIĆ, Ms Boriana ÅBERG, Mr Gustaf GÖTHBERG, Mr Cristian-Augustin NICULESCU-ȚĂGÂRLAȘ, Ms Catarina ROCHA FERREIRA, Mr Nuno CARVALHO

In the draft resolution, replace paragraph 6.6 with the following paragraph:

"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."

7. 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 not wishing or not able to speak, because the harm done may be invisible and difficult to prove, and as infrastructure and services are often lacking in the conditions in which survivors find themselves, including war zones, regions of so-called "frozen conflicts", etc.

8. Praising the work of NGOs such as Ukraine 5AM Coalition, finalist for the 2022 Václav Havel Prize, a collective of technology experts collecting data in Ukraine since the first bombardments by Russia, the Assembly urges member States to:
 - 8.1. 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 to be operational when applied to sexual violence in conflict-related situations;
 - 8.2. make sure that survivors of sexual violence are offered safe spaces for exchanging on 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 avoiding obliging witnesses to repeat testimonies, thus avoiding re-traumatisation;
 - 8.3. support, including financially, the development of electronic tools for survivors to record evidence of gender-based violence themselves, in particular during conflict, for instance the “Backup” application developed and piloted by the We Are NOT Weapons Of War NGO;
 - 8.4. ensure that the police are trained and habilitated to receive evidence at local levels, without requiring higher levels of police and jurisdictional intervention at the first stages of judicial procedures.
9. 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:
 - 9.1. support the International Criminal Court’s Trust Fund for Victims by financial contributions;
 - 9.2. 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;
 - 9.3. building on principles of transitional justice, to adopt survivor-centred gender-specific practices and ensure reparations are tailored to the age and situation of victims;
 - 9.4. implement, with respect to all survivors, whether in national territories or having fled war in their country, the World Health Organisation’s Clinical Management of Rape Guidelines to ensure that medical providers apply survivor-centred approaches and follow the necessary health protocols aimed to protect women from unwanted pregnancies and sexually transmitted diseases.
10. Survivor-centred measures must be tailored to the individual needs of survivors of conflict-related sexual violence wherever they find themselves, including access to information and abortion without barriers. States must ensure women’s access to sexual and reproductive health and rights services by:
 - 10.1. prioritising sexual and reproductive health services across the humanitarian and refugee response;

- 10.2. 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;
 - 10.3. ensuring that local experts and civil society organisations participate in the design of sexual and reproductive health and rights response efforts;
 - 10.4. ensuring sustainable, long-term funding and flexible support to national health systems for sexual and reproductive health and rights programming, service provision and advocacy, to enable addressing systemic and structural barriers.
11. International organisations and non-governmental organisations working in peacekeeping operations have not been exempt from using their positions of domination 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 in its operations, including by locally recruited staff, and ensure that the NGOs working on programmes are covered by these policies.
12. Non-governmental organisations and civil society actors are key to 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 women's rights organisations, 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.

Amendment 8

Tabled by Ms Heike ENGELHARDT, Mr Max LUCKS, Mr Axel SCHÄFER, Mr Christian PETRY, Mr Julian PAHLKE

In the draft resolution, paragraph 11, first sentence, replace the words "International organisations and non-governmental organisations working in peacekeeping operations have not been exempt from using their positions" with the following words:

"International organisations, non-governmental organisations, and their members working in peacekeeping operations are no exemption from using their positions"

Amendment 9

Tabled by Ms Heike ENGELHARDT, Mr Max LUCKS, Mr Axel SCHÄFER, Mr Christian PETRY, Mr Julian PAHLKE

In the draft resolution, paragraph 12, second sentence, after the words "and especially" insert the following words:

"female peace advocates,"

Amendment 10

Tabled by Ms Lesia VASYLENKO, Ms Mariia MEZENTSEVA-FEDORENKO, Ms Iryna KONSTANKEVYCH, Mr Oleksii GONCHARENKO, Ms Olena KHOMENKO

In the draft resolution, after paragraph 12, insert the following paragraph:

"Recognizing an 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 Declaration on Suspension of Veto Powers in Cases of Mass Atrocities launched by France and Mexico and signed by 104 UN

member States, as well as calls for binding commitments of a similar content."

13. Finally, the Assembly calls on member States to introduce laws that guarantee survivors of conflict-related sexual violence individual and collective access to lifelong 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.