

MARCH 2025



INFOFLASH



**CONFLICT-RELATED SEXUAL
VIOLENCE UNDER INTERNATIONAL
LAW AND THE ROLE OF
PEACEKEEPING MISSIONS**

WRITTEN BY

VITTORIA PIERINI

EDITED BY

KONSTANTINOS
ANAGNOSTAKIS

SUPERVISED BY

JAIME TORAL GARCÍA

Introduction

International Humanitarian Law refers to a set of standards that must be observed during a war, aiming at limiting the effects on civilians. Conflict-related sexual violence (CRSV), despite being a violation of human rights during armed situations, is a crime that is frequently ignored and under-reported. Although the legal framework under International Humanitarian Law (IHL) and International Human Rights Law (IHRL) acknowledges CRSV as a war crime, crime against humanity, and an element of genocide, the implementation of these provisions remains fragmented and inconsistent, and, at the same time, the widespread use of CRSV continues to pose a critical challenge to the international community.

This paper argues that conflict-related sexual violence is not an unavoidable consequence of war but a preventable crime requiring a multifaceted response and engagement from multiple actors. A coordinated approach across civilian, military and police components, from strategic to operational levels, is critical for peacekeeping missions to make CRSV avoidable, while fulfilling their mandate to promote and maintain international peace and security.

This study aims to evaluate the international legal framework encompassing conflict-related sexual violence and investigate how peacekeeping missions can play an essential part in both avoiding and reacting to this form of violence. The first chapter will focus on the legal framework of conflict-related sexual violence, including its conceptualisation and the recognition of the phenomenon under International Humanitarian Law. The second chapter will analyse the role of peacekeeping missions in preventing and avoiding sexual violence in conflict-related contexts.

1. Defining CRSV under International Humanitarian Law

Sexual violence has been documented in World Wars I and II as well as in different medieval and ancient wars and was considered an unavoidable side effect of wars (Johansson and Kreft, 2023). Only in the wake of the wars in the former Yugoslavia and Rwanda, due to the brutality of the conflicts, did conflict-related sexual violence come to be understood as a weapon of war, and not merely a consequence of it. One of the most insidious aspects of sexual violence in conflicts is the widespread belief that it is both inevitable and therefore impossible to prevent, but this misconception has been disproven by UN Security Council Resolutions 1820 and 1888, which acknowledged that widespread and systematic sexual violence can be attributed to command responsibility (UN Women, 2010).

Conflict-Related Sexual Violence is a grave violation of Human Rights and International Humanitarian Law (IHL), often weaponised in armed conflicts. According to the 2019 UN Secretary-General Report, CRSV is defined as: “rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls, or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity.” (UN, 2019).

The above-mentioned definition underline how sexual violence is often used strategically and is recognised not only as incidental, but as a deliberate method of warfare and control, highlighting that CRSV is often linked to the identities of both the victim and the perpetrators, with victims frequently targeted based on their ethnic, political, religious, or gender identities (UN, 2019).

The International Committee of the Red Cross (ICRC) also defines CRSV as “rape and other forms of sexual violence during armed conflicts”, underscoring that such act constitutes serious breaches of International Humanitarian Law (ICRC, 2015). In addition, according to the International Criminal Court (1998), conflict-related sexual violence can constitute a war crime (article 8, ICC Statute), in particular, a crime against humanity (article 7, ICC Statute), and can be considered an element of genocide (article 6, ICC Statute).

Sexual violence can occur in peacetime, during armed conflicts or other situations of violence. However, even when committed in times of armed conflict, sexual violence is not necessarily conflict-related. Nonetheless, the strategic use of sexual violence as a weapon of war has been widely acknowledged by scholars and policymakers (Eriksson Baaz and Stern, 2013). Research suggests that sexual violence is deliberately employed to destabilise communities, undermine social cohesion, and inflict lasting trauma on targeted populations (Eriksson Baaz and Stern, 2013). Hence, systematic sexual violence serves not only as an attack on individuals but as a broader assault on the enemy community's integrity and morale.

While the adoption of sexual violence as a military strategy can often be difficult to prove, it appears to have been purposively used on many occasions for tactical gains or to increase influence (Johansson and Kreft, 2023). CRSV has been recognised on the global political stage by the UN and the G8 group as an issue requiring urgent action (Johansson and Kreft, 2023). However, the international variation in sociocultural perception and judicial standing

of CRSV constitute a substantial obstacle to such action (Johansson and Kreft, 2023). Therefore, sexual violence remains one of the most extreme manifestations of gender-based violence during armed conflict.

The International Criminal Court (ICC) recognised CRSV as a war crime, a crime against humanity, and, in certain cases, an element of genocide under the Rome Statute. Article 8(2) (b)(xxii) of the Statute explicitly classifies acts such as rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilisation as war crimes when committed in the context of armed conflict (ICC, 1998). This legal recognition represents a significant step towards addressing the impunity historically associated with CRSV. Despite this progress, conflict-related sexual violence remains one of the most under-reported and least condemned war crimes. Stigma, shame, and fear of retribution often prevent survivors from coming forward (UN Women, 2010). CRSV is a highly effective weapon of war, precisely because it is invisible, low-cost, and capable of inflicting profound psychological and social damage on individuals (UN Women, 2010).

Expanding International Law's Recognition of Sexual Violence During Armed Conflict

The recognition of conflict-related sexual violence under International Law has evolved significantly over the past century. While sexual violence in conflict has long been prohibited under Customary International Law, prosecutions were historically rare, and the crime was often overlooked (IRCR, 2016). The Geneva Conventions of 1949 marked a crucial step forward by explicitly prohibiting rape and enforced prostitution in international armed conflicts.

Article 27(2) of the Fourth Geneva Convention states that “Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”. However, the Geneva Conventions primarily focused on the protection of women, reflecting the prevailing gendered assumptions of the time. It was not until the adoption of Additional Protocol II in 1977 that International Humanitarian Law extended explicit protection against sexual violence to all persons, regardless of gender, in non-international armed conflicts (Geneva Conventions, 1977). This provision prohibits “outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution, and any form of indecent assault”.

The adoption of the International Criminal Court Rome Statute (ICCS), allowed major progress concerning the possibility of prosecuting a wide range of sexual and gender-based offences has been made (Altunjan, 2021). For the first time in International Criminal Law, the Statute not only lists rape and enforced prostitution, but enumerates several specific crimes

against humanity and war crimes, namely rape, sexual slavery, enforced prostitution, forced pregnancy, and enforced sterilisation. Furthermore, the Statute explicitly criminalises the crime against humanity of enslavement with special regard to the trafficking of women and children (Altunjan, 2021).

Although it has been possible to prosecute sexual violence under more general provisions in the past, this opportunity was rarely seized in practice (Altunjan, 2021). Moreover, after almost twenty years from its establishment, the ICC has managed to procure only a single, final conviction for sexual crimes (Altunjan, 2021). The explicit criminalisation of different manifestations of sexual violence ensures that such acts are understood as potential criminal conduct deserving investigation and prosecution. For instance, according to Article 8(2)(b)(xxii) of the Statute of the International Criminal Court (ICCS), a war crime is committed in case of isolated incidents of conflict-related sexual violence. Furthermore, a crime against humanity is committed when cases of sexual violence acquire signs of systematicity and scale, according to the paragraph g, part 1, article 7 of the ICC Statute. Finally, if sexual violence is committed to destroy, in whole or in part, any national, ethnic, racial or religious group as such, then the correct legal assessment of such actions is genocide (ICCS, 1998).

To conclude, Resolution No. 2467 (2019), approved by the UN Security Council in April 2019, was an important step forward in the fight against conflict-related sexual violence, calling all parties to criminalise sexual violence in conflicts and post-conflict situations (United Nations, 2019). Sexual violence resulting from conflicts is not accidentally distinguished from general criminal violence and constitutes a distinctive class of offences (Rufanova et al., 2024).

2. Peacekeeping Missions and the Prevention of CRSV

Regardless the primary responsibility of national authorities to protect their citizens, an important remaining gap is the potential of peacekeepers to help fight sexual violence and exert a positive impact on the lives of women and girls and, by extension, civilian communities as a whole (UN Women, 2010). There is an increasing awareness that protection against sexual violence is an important component in achieving international security and peace, and the military component of peacekeeping operations can play a vital role in the protection of women and children as part of its mandate task of protecting civilians (UN Women, 2010).

The role of peacekeeping missions in preventing conflict-related sexual violence has garnered increasing attention in recent years. However, research on the effectiveness of peacekeeping in reducing sexual violence remains limited. According to Johansson and Hultman (2019), while peacekeeping missions have been shown to reduce lethal violence

against civilians, their impact on CRSV is more complex and context dependant. Johansson and Hultman (2019) demonstrates how the type of personnel deployed, influence the effectiveness of peacekeeping missions, underlining that UN police forces with protection mandates are more effective in reducing sexual violence by rebel groups, while military peacekeepers are more effective in preventing sexual violence by state actors. This distinction focus the attention on tailoring peacekeeping strategies to the specific dynamics of the conflict and the nature of the perpetrating armed actors (Johansson and Hultman, 2019).

Since the adoption of UN Security Council Resolution 1325 in 2000, the UN has passed several resolutions aimed at strengthening the prevention and response to CRSV, including Resolutions 1820, 1888, 1960, and 2106 (Kirby and Shepherd, 2016). These resolutions emphasise the importance of women's participation in peace processes, the protection of civilians from sexual violence, and the prosecution of perpetrators. However, the implementation of these commitments remains uneven, and peacekeeping missions often struggle to address CRSV effectively (UNDP, 2019).

The lack of adequate resources, gender-sensitive training, and coordination between different components of peacekeeping operations hampers their ability to protect civilians from sexual violence. Furthermore, peacekeepers themselves have been implicated in cases of sexual exploitation and abuse, undermining the legitimacy of UN efforts to combat CRSV (Johansson and Hultman, 2019).

Addressing CRSV in peacekeeping contexts requires a comprehensive, survivor-centered approach that goes beyond military protection. This includes improving the training of peacekeepers, strengthening accountability mechanisms, and providing holistic support to survivors. As a result of the aforementioned articles, the increased recognition of CRSV as a core security issue represents a significant step forward, however, sustained efforts are needed to translate this recognition into meaningful protection and justice for survivors.

Peacekeeping should be more effective when the mission has a mandate to protect civilians since those missions put more emphasis on the interaction between the armed actors and the civilian population (Johansson and Hultman, 2019).

Structural and Legal Limitations in Peacekeeping Responses to Conflict-Related Sexual Violence

As this paper has demonstrated, conflict-related sexual violence is recognised as a crime under International Human Rights Law, International Humanitarian Law, and International Criminal Law, making it both preventable and punishable. However, the enforcement of

these laws faces several obstacles also in the context of peacekeeping prevention of CRSV.

The structural limitations that impede their effectiveness include peacekeepers' limited understanding of the phenomenon, focusing on certain victim profiles and failing to understand the broader spectrum of those affected (Baldwin, 2022). In 2013 the Security Council Resolution 2106 acknowledged that "men and boys" are affected by sexual violence, and Resolution 2467 (2019b) also acknowledged that "men and boys" are also "targets" of sexual violence (Baldwin, 2022). Peacekeepers also frequently lack specialised training to handle cases of sexual violence in conflict areas and are not equipped with the necessary resources to support survivors adequately. Moreover, the credibility of military peacekeeping missions has been severely undermined as sexual exploitation and abuses by peacekeepers themselves have been reported, like the cases of the peacekeeping missions in Congo and Central African Republic (The Associated Press, 2025). Sexual misconduct were reported also during peacekeeping missions from South Sudan to Lebanon, and at the political missions in Haiti, Colombia, and Afghanistan (The Associated Press, 2025).

An effective response to conflict-related sexual violence requires coordinated efforts across various sectors, necessitating multifaceted strategies among social, economic, military, and legal dimensions, (Russo, 2022). Yet, national, and international institutions often operate in isolation, hindering comprehensive responses. For the effectiveness of the prevention of CRSV, increasing the number of female peacekeepers is a key priority of the Women, Peace, and Security agenda. Two of the most common assumptions are that female peacekeepers are better able to liaise with community members and that a greater presence of female peacekeepers is associated with increased implementation of women's rights provisions in peace agreements and increased reporting of rape (Russo, 2022).

The presence of an international corps of peace can prevent and respond to the issue if certain strategies are adopted. At the field level, the presence of female peacekeepers is assumed to increase missions' ability to gather information and build trust with local communities, as female community members may be more comfortable sharing their experiences with female peacekeepers (Russo, 2022). To enhance the effectiveness of peacekeeping responses to CRSV it is fundamental to harmonise legal frameworks across jurisdictions and provide peacekeepers with specialised training and adequate resources, while establishing robust mechanisms to hold peacekeepers accountable for misconduct, with the aim of restoring trust and integrity in peacekeeping missions. Encouraging collaboration across sectors and institutions can also lead to more comprehensive and effective strategies to combat conflict-related sexual violence.

Conclusion

This paper has explored how conflict-related sexual violence represents a profound violation of human dignity and a significant obstacle to achieving sustainable peace and security. Considerable achievements have been made in the recognition and criminalisation of conflict-related sexual violence, but substantial gaps remain in the effective prevention and response to such crimes. Peacekeeping missions hold a unique position in bridging these gaps, yet their impact is often undermined by structural, operational, and legal limitations.

Addressing conflict-related sexual violence requires enhanced training and a robust accountability mechanism within peacekeeping operations. Furthermore, the presence of female peacekeepers can contribute to building trust with local communities and improving reporting mechanisms.

Ultimately, the fight against CRSV demands a comprehensive, coordinated effort that integrates legal, military, and humanitarian strategies to ensure both the protection of civilians and the delivery of justice for survivors. Strengthening the capacity of peacekeeping missions and fostering collaboration across sectors is vital to transforming international commitments into real protections against conflict-related sexual violence.

Bibliography

Altunjan, T. (2021). "The International Criminal Court and Sexual Violence: Between Aspirations and Reality". *German Law Journal*, 22(5), 878-893
<https://doi.org/10.1017/glj.2021.45>.

Baldwin, G. (2022). "Expanding conceptions of conflict-related sexual violence among military peacekeepers". International Peace Institute.
<https://www.ipinst.org/wp-content/uploads/2022/06/Expanding-Conceptions-of-CRSV-Web.pdf>.

Eriksson Baaz, M., & Stern, M. (2013). "Sexual violence as a weapon of war? Perceptions, prescriptions, problems in the Congo and beyond". Zed Books.
<https://giwps.georgetown.edu/resource/sexual-violence-as-a-weapon-of-war-perceptions-prescriptions-problems-in-the-congo-and-beyond/>.

Geneva Convention relative to the protection of civilian persons in time of war (1949). 75 UNTS 287.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/geneva-convention-relative-protection-civilian-persons-time-war>.

International Committee of the Red Cross (ICRC). (2015). Prevention and criminal repression of rape and other forms of sexual violence during armed conflicts.
<https://www.icrc.org/en/document/prevention-and-criminal-repression-rape-and-other-forms-sexual-violence-during-armed>.

International Committee of the Red Cross. (2016, August 18). Q&A: sexual violence in armed conflict. International Committee of the Red Cross.
<https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>.

Johansson, K. (2023). "Talk of shame: Conflict-related sexual violence and bilateral critique within the United Nations". *Journal of Peace Research*, 61(3).
<https://journals.sagepub.com/doi/10.1177/00223433221147943>.

Johansson, K., & Hultman, L. (2019). "UN peacekeeping and protection from sexual violence". *Journal of Conflict Resolution*, 63(7), 1656–1681.
<http://doi:10.1177/0022002719864619>.

Johansson, K., & Kreft, A. (2023). "Sexual violence and peacekeeping". *Global Governance: A Review of Multilateralism and International Organizations*, 29(2), 185–199.
<https://doi.org/10.1163/19426720-02902005>.

Kirby, P., & Shepherd, L. J. (2016). The future past of the Women, Peace and Security agenda. *International Affairs* 92(2): 373–392.
<https://journals.sagepub.com/doi/10.1177/00223433221147943#bibr38-00223433221147943>.

Landmark resolution on Women, Peace and Security (Security Council resolution 1325). (2000, October 31). www.un.org
<https://www.un.org/womenwatch/osagi/wps/#resolution>

Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II) (1977). 1125 UNTS 609.
<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and-0>.

Rome Statute of the International Criminal Court (1998). 2187 UNTS 90.
<https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>.

Rufanova, V., Babanin, S., Bohuslavskiy, V., Savenko, V., & Melnychenko, I. (2024). "Strengthening international law against sexual violence in armed conflicts: Insights from the Russian-Ukrainian War". *Pakistan Journal of Criminology*, 16(1), 111–125.

Russo, J. (2022). "UN peacekeeping and the protection of civilians from sexual and gender-based violence". International Peace Institute.
<https://www.ipinst.org/wp-content/uploads/2022/05/POC-and-SGBV-Web.pdf>.

Security Council Resolution 1820 (2008), S/RES/1820(2008). (2008). [un.org](http://www.un.org)
<https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20S%20RES%201820.pdf>

Security Council Resolution 1888 (2009), S/RES/1888(2009) | She Stands for Peace. (n.d.). [un.org](http://www.un.org).
<https://www.un.org/shestandsforpeace/content/united-nations-security-council-resolution-1888-2009-sres18882009>

Security Council Resolution 1960 (2010), S/RES/1960(2010) | She Stands for Peace. un.org.
<https://www.un.org/shestandsforpeace/content/united-nations-security-council-resolution-1960-2010-sres19602010>.

Security Council Resolution 2106 (2013), S/RES/2106(2013) | She Stands for Peace. (2013). un.org.
<https://www.un.org/shestandsforpeace/content/united-nations-security-council-resolution-2106-2013-sres21062013>.

Security Council Resolution 2467 (S/RES/2467) (2019) Adopted by the Security Council at its 8514th meeting, on 23 April 2019. (2019).
https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2467.pdf.

The Associated Press (2025). Sexual misconduct allegations in UN missions topped 100 in 2024. NPR.
<https://www.npr.org/2025/03/19/nx-s1-5332868/un-sexual-misconduct>.

United Nations Development Programme (UNDP). (2019). "Parliament as partners supporting the women, peace and security agenda: A global handbook". UNDP.
https://www.undp.org/sites/g/files/zskgke326/files/publications/Parliament_as_partners_supporting_the_Women_Peace_and_Security_Agenda_-_A_Global_Handbook.pdf.

UN Women. (2010). Analytical inventory of peacekeeping practice: Protecting women and girls from sexual and gender-based violence.
<https://www.unwomen.org/sites/default/files/Headquarters/Media/Publications/UNIFEM/AnalyticalInventoryofPeacekeepingPracticeonli.pdf>.