



# Sexual and Gender-Based Violence in Displacement Contexts

Thematic paper

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*A world without SGBV is only feasible when we make the conscious decision to act with conviction, to bond together in the name of collective fraternity and shared dignity.*

*As a survivor, my hope is that you will join us on this long path toward making this a reality.*

Daniela Alba, survivor and JRS staff



# Context

## What is sexual and gender-based violence (SGBV)?

**Gender-based violence (GBV)** extends to physical and emotional harm or the deprivation of one's rights or opportunities because of a person's identity in society. Forced and early marriages, spousal abuse, oppressive child labour, and domestic enslavement are widely witnessed forms of gender-based violence.

**Sexual violence as a form of gender-based violence (SGBV)**, represents extreme discrimination and a serious human rights violation that can result in inhuman or degrading treatment or punishment. Understanding SGBV means identifying the expression of such violence in different contexts, understanding the characteristics of domination, inequality, mechanisms of control, and expected roles.

Photo: Sergi Camara/Entreculturas





According to various **international law conventions, protocols, and resolutions, instances of SGBV may be classified as war crimes, genocide and/or crimes against humanity**, depending on the extent and context in which they were committed. Consequently, perpetrators may be subjected to international criminal jurisdiction such as the International Criminal Court.

For instance, the UN Security Council Resolution 1820, notes the systematic use of gender-based violence as a “tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.” Furthermore, “this is the military tactic of mass rape. Absent from ceasefire agreements, not subject to disarmament programmes, and rarely mentioned at the peace-table, it is a war tactic that lingers long after the guns fall silent.”

The ever-increasing cases of gender-based violence in conflict, post-conflict, and peacetime situations have spurred the United Nations, humanitarian agencies, and governments to intensify their efforts in finding effective strategies to address this pandemic.

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Many are being killed and thousands are exposed to sexual and gender-based violence. This scourge will have lasting repercussions on the social fabric.

Victor Setibo, JRS DRC Country Director

The use of sexual violence has reached alarming levels – especially in the eastern Democratic Republic of the Congo (DRC) where it appears that structural violence is perpetuated by a certain dynamic and ideology within armed groups.

The underlying **purpose of sexual and gender-based violence is primarily to reinforce the stereotypical power dynamics over a person.**

In armed conflicts, gender-based violence is often used to subjugate or suppress the defeated population, particularly when that population is forced to witness such atrocities. In other cases, such as the rape of minors, virgins, or albino individuals, the use of SGBV makes the perpetrator feel invincible or fulfil a mythical belief, such as the misconception that it cures diseases such as HIV/AIDS.

### Nyota's testimony, Democratic Republic of the Congo

In many African countries, people with albinism are discriminated against and persecuted. It is also believed that having sex with albinos cures AIDS and makes people rich.

In 2020 I was kidnapped and raped by some armed men. I got pregnant and saw my life crumble.

I loved studying, was forced to stay home from school. Luckily, after giving birth to a baby girl, I was assisted by JRS and returned to school. Thanks to education, I was able to have a vision for my life.



## What are the effects of SGBV?

Regardless how it is used, **SGBV clearly perpetuates the deprivation of a person's fundamental rights and freedoms**. It degrades the dignity and self-worth of the individual.

For men whose wives and daughters fall victim to SGBV, the reality of being unable to protect them from this violence reinforces their sense of inability to act as protectors of their families. Consequently, communities that experience a high number of SGBV cases become weakened, and this results in the disintegration of the social fabric, which may, in fact, be the objective of the perpetrators.

The obvious effects can be **physical**, resulting in sexually transmitted infections like HIV. The resulting **emotional and psychological** trauma is often severe, long-lasting, and sometimes difficult to overcome, especially when aggravated by stigmatisation and unwanted pregnancies.





## Who are most at risk of SGBV?

It is widely recognised that most of those affected by SGBV are **women and girls**, although reported cases show increasing trends of gender-based violence also directed against men and boys.

Those most affected include persons with disability, single women, and children.

## Who are the perpetrators of SGBV?

Documented perpetrators of SGBV have included **civilians, armed combatants allied to government or rebel groups, humanitarian workers, and local authorities** in charge of protecting civilians.

Those affected are attacked in or “en route” to their homes, in public or social places, in displacement or refugee camps, while fleeing their countries of origin, and in their places or countries of asylum.



## Impunity and stigma

Impunity and lack of justice have fuelled the rise in SGBV incidents. **Many cases of SGBV go unreported** as survivors fear retaliation against them and their families by perpetrators, who threaten them if they want to report the incident to authorities.

In addition to an ineffective legal response, survivors frequently refrain from reporting sexual violence due to **fear, and stigma**. Those affected by gender-based violence may also be reluctant to provide comprehensive testimony against perpetrators, fearing reprisals, stigmatisation, or ostracisation by their families and communities.

Challenges in accessing, or outright inaccessibility of, the justice system have contributed to the proliferation of SGBV cases. In situations where displacement camps are situated far from urban centres, access to health or legal services is problematic, often forcing SGBV survivors to bear the cost of seeking support. Courts, lawyers, magistrates, or judges to prosecute SGBV cases may be scarce, if available at all. Furthermore, whistleblowers may be subjected to extortion by the police as a precondition for accessing court or health facilities.

For some of the cases reported to the authorities, impunity has been widespread, resulting in cases not being adequately prosecuted. There are frequent reports of perpetrators colluding with corrupt law enforcement officials to evade justice and avoid prosecution.

Photo: Sergi Camara/Entreculturas



## Najah's testimony, Iraq

At the age of 18, ISIS combatants kidnapped me with a group of other Yazidi women and subjected us to daily abuse.

After a year, my torturer forced me to marry him.

More than two years passed before I was released. I never stopped thinking about the hundreds of women and girls still missing, who may be enduring torture in captivity or facing death without ever receiving justice.

## Necessary changes

**Effective legislative, judicial, and social systems, combined with strong political will from governments and civil society**, are essential to addressing this pandemic. Strengthening weak social structures, enforcing policies, and fostering sustained awareness on SGBV issues is overdue and requires long-term commitment, not short-term efforts.

**Education** is key to changing mindsets and customs that contribute to SGBV.

**Traditions and cultural practices** play a significant role; in many contexts, both men and women strongly adhere to unequal gender norms. These attitudes influence sexual relations and perpetuate violence against women. Men are generally sceptical about gender equality, and, unfortunately, many women have internalised norms that reinforce their subordinate position to men.

Therefore, it is necessary to challenge and resist any elements within cultures that belittle or compromise the lives of other human beings.

## Wilma's testimony, South Sudan

I'm 14 years old. I love school. I am lucky that I can go to class. When we do not have enough money to pay the school fees for all, it is only my brothers who get sent to school. I have to stay at home and go to work on the farm.

Girls are not allowed to go for private studies. The families are not willing to pay much school fees because they say, that we'll end up married to a man who provides for us.

I pray I will be able to finish my studies and become a midwife. And that, when I get married, it is with someone that makes me happy.





# JRS's response to SGBV

**JRS strongly condemns the use of sexual and gender-based violence** in any form and for any purpose. JRS upholds the dignity of the human person, freedom from discrimination, and the right to the security of the person. JRS believes in reversing the discriminatory effects experienced by those affected by SGBV, to restore and reinforce their self-worth and capability.

JRS **supports access to health care**, especially mental health care services and psychosocial support for survivors. In Burundi, JRS runs a project funded by the Alboan Foundation called "*Femme en Route*". Through this project, over the past four years, 200 women who have experienced SGBV have received psychological support from JRS's psychologists. They have also participated in training in micro-credit management to enhance their socio-economic resilience.

**Educational initiatives and awareness-raising** about SGBV are provided both to children and parents in countries like the DRC, where the "*Femme en Route*" project seeks to improve the psychosocial well-being of SGBV survivors (women and girls). This work includes providing tailored psychosocial support, economically empowering affected households, and involving the community in combating SGBV, with a focus on promoting positive masculinity and effective, responsible community leadership.

JRS also engages in **collaborative advocacy and research** projects. One example is the book published by JRS Eastern Africa, titled "I will tell you my story", which shares the experiences of girls and young women. It highlights the risks of early marriage and pregnancy and the socio-cultural traditions and gender roles that limit their educational opportunities.

Whenever possible, JRS addresses systemic failures by supporting SGBV survivors' **access to legal justice** – either as individuals or as groups.

**JRS Australia's Finding Safety Project** aims to build the capacity of service providers to better support asylum-seeking women and women on temporary visas experiencing gender-based violence.

The project achieves this through sector training and collaboration with other organisations.

A key component of the project is the specialist gender-based violence casework. The Finding Safety Project offers a range of programs, including, educational and skill development, community engagement, legal clinic in partnership with Refugee Advice and Casework Service (RACS), events and group work, community & stakeholder capacity building, and lived expertise mobilisation.



I am a girl of light. [...] Who fights and stays with their head held high

Participant to "The light of the Girl project," Lake Chad.



# JRS's advocacy work addressing SGBV

## Key messages to public audiences:

1. Any form of sexual and gender-based violence constitutes a violation of the fundamental rights and freedoms of a person's dignity and self-worth.
2. SGBV can constitute genocide, war crimes, and crimes against humanity, which are prosecutable under national and international criminal law. Each perpetrator may be held individually or jointly accountable.
3. Survivors must have access to health, psychosocial, and legal support from government authorities, community members, and humanitarian agencies.
4. When determining necessary actions, the best interests of the victim should be considered, particularly when the victim is a child.
5. A community-based system is crucial to support the reintegration of persons subject to SGBV, using participatory models involving the affected person, community members, and, where applicable, the perpetrator.



## **JRS calls the attention of decision-makers, particularly to the following messages:**

### **To Governments**

- ➔ Develop “zero tolerance” policies against SGBV integrating them into national legislation, courts - including military - and social systems in each country.
- ➔ Strengthen political commitment to uphold the rule of law and ensure good governance to combat impunity effectively.
- ➔ Ensure legal, social, and health care for victims and easy access to the justice system through the provision of free legal advice, free mobile health services, and mobile courts, especially in remote areas and camps for displaced people. In addition, prosecute corrupt officials who facilitate impunity and evasion of justice.
- ➔ Establish an effective legal and institutional system for reparations for the benefit of people who have suffered violence and their dependents who experienced mistreatment or stigmatisation.
- ➔ Commit to the creation and implementation of policies that favour the rehabilitation of perpetrators; to a healing process for the people who have suffered SGBV, and their communities; and to the promotion of reconciliation and the restoration of human dignity.
- ➔ Reaffirm state responsibility and action through the combined use of national, regional, and international conventions, treaties, and protocols that identify, criminalise, and punish gender-based violence.

### **To the donor community**

- ➔ Increase support and funding for programmes that prevent and respond to the physical, psychological, health, and social needs of victims and survivors of SGBV.
- ➔ Renew the call for donors to adequately fund and commit resources to NGOs, such as JRS, working on various activities to assist SGBV survivors and prevent the spread of this threat through funding education and awareness-raising projects.



## To humanitarian agencies assisting survivors of SGBV

- ➔ Create realistic and effective multi-sector projects that address the physical, psychological, and medical/health needs of those affected – such as promoting gender equality, social and economic empowerment for women and girls to reduce their vulnerability to SGBV in the community.
- ➔ Include pastoral care and community guidance, together with established social structures that raise awareness and speak out against SGBV, particularly by sensitising societies that victims must not be rejected from communities.
- ➔ Strengthen support mechanisms for those who have been subjected to gender-based violence, such as the provision of counselling, healthcare, safe havens, or protection houses.
- ➔ Strengthen awareness among communities and community leaders to quickly report cases of sexual and gender-based violence to provide prompt legal support to survivors so that crimes committed do not go unpunished.





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