



Work of the Ad Hoc Committees in 2015–16: House of Lords Sexual Violence in Conflict Committee

Summary

On 12 March 2015, following a recommendation of the House of Lords Liaison Committee, the House of Lords agreed to appoint a committee on sexual violence in conflict, a topic recommended by Baroness Helic (Conservative). The Committee was appointed on 11 June 2015 with a remit to consider the UK's policy and practice of preventing sexual violence in conflict. Baroness Nicholson of Winterbourne (Conservative) chaired the Committee.

The Committee's report focused on six areas: policy and legal framework; prevention; women's participation in peacebuilding; responding to victims and survivors; accountability and justice; and sexual violence by peacekeepers. The Committee strongly condemned sexual violence in conflict, which it found was being committed in at least 19 countries.

The Committee praised the Coalition Government's establishment of the Preventing Sexual Violence Initiative (PSVI), which aims to raise awareness of the extent of sexual violence against women, men, girls and boys in situations of armed conflict, and to rally global action to end it. The Committee's report included 72 recommendations to the Government for measures it could take to strengthen its response.

The Government published its response to the Committee on 30 June 2016. In November 2017 the chair of the House of Lords Liaison Committee, Lord McFall of Alcluith, wrote to Lord Ahmad of Wimbledon, the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict and Minister for the Commonwealth, to ask for a summary of the Government's actions with regard to certain of the Committee's recommendations. Lord Ahmad responded to this letter in February 2018.

This Briefing provides information about the Committee's work; its recommendations; the government response; and information highlighted in Lord Ahmad's letter to Lord McFall. It also contains a summary of the debate held in the House of Lords on the report, and concludes with a summary of certain developments which have occurred since the Committee reported.

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I. Committee Report and Government Response

On 12 March 2015, following a recommendation of the House of Lords Liaison Committee, the House of Lords agreed to appoint a committee on sexual violence in conflict, a topic recommended by Baroness Helic (Conservative).¹ The Committee was appointed on 11 June 2015 with a remit to consider the UK's policy and practice of preventing sexual violence in conflict.² The Committee was chaired by Baroness Nicholson of Winterbourne (Conservative).³

The Committee took oral evidence from 41 witnesses during 21 sessions, held between September and December 2015.⁴ It received 66 pieces of written evidence. Members of the Committee also met survivors of sexual violence in conflict, and visited the Democratic Republic of Congo and Rwanda in November 2015. The Committee's final report, *Sexual Violence in Conflict: A War Crime*, was published on 12 April 2016.

The Committee found that sexual violence in conflict was being committed in at least 19 countries, and highlighted the global nature of the problem.⁵ It strongly condemned sexual violence in conflict, and argued that it must not be seen as an inevitable consequence of war.⁶ The Committee praised the Coalition Government's establishment of the Preventing Sexual Violence Initiative (PSVI), launched by William Hague, the then Foreign Secretary (now Lord Hague of Richmond), and Ms Angelina Jolie in 2012, the aim of which is to raise awareness of the extent of sexual violence against women, men, girls and boys in situations of armed conflict and to rally global action to end it.⁷

The Government published its response to the Committee on 30 June 2016.⁸ In November 2017 the chair of the Liaison Committee, Lord McFall of Alcluith, wrote to Lord Ahmad of Wimbledon, the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict and Minister for the Commonwealth, to ask for a summary of the Government's actions following specific Committee recommendations.⁹ Lord Ahmad

¹ [HL Hansard, 12 March 2015, col 764.](#)

² [HL Hansard, 11 June 2015, col 892.](#)

³ *ibid.*

⁴ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 26.

⁵ *ibid.*, pp 23–4.

⁶ *ibid.*, pp 3–5.

⁷ Foreign and Commonwealth Office, ['Preventing Sexual Violence Initiative'](#), accessed 28 February 2018.

⁸ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277.

⁹ House of Lords Liaison Committee, ['Letter from Lord McFall of Alcluith to Lord Ahmad of Wimbledon'](#), 6 November 2017.

responded to this letter in February 2018.¹⁰

The Committee's report focused on six areas: policy and legal framework governing crimes of sexual violence in conflict; prevention; women's participation in peacebuilding; responding to victims and survivors; accountability and justice; and sexual violence by peacekeepers. This Briefing provides a summary of the report's 72 key recommendations and the Government's response, focusing on areas where the Government committed to certain actions or did not agree with the Committee's recommendations.

1.1 Policy and Legal Framework

Committee's Recommendations

The Committee commended the Coalition Government's establishment of the Preventing Sexual Violence Initiative (PSVI), and argued that "it is essential that the Government continues its work in this area".¹¹ It made several recommendations for the Government concerning this initiative:

- The Government should make clear the criteria for selecting (and deselecting) target countries for the PSVI, and should regularly report to Parliament on its application of those criteria.
- The Government should publish a strategic plan and five-year road map to support the PSVI's strategic goals, and should employ the same or similar team of experts who helped establish the PSVI to produce these proposals.
- The PSVI should be embedded in the relevant parts of the Foreign and Commonwealth Office (FCO) and the value of the PSVI to the work of the Department for International Development (DfID), the Ministry of Defence (MOD), the Home Office and other departments should be formally recognised.
- Government's objectives for the PSVI should be reflected in the Single Departmental Plans for those departments.
- The Government should prepare an annual report on its progress against achieving the objectives set out in the strategic plan for the PSVI. This report should be submitted to Parliament.

In addition to building on the PSVI's work, the Committee recommended that the MOD should publish its military policies on women, peace and

¹⁰ Foreign and Commonwealth Office, 'Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluith', 8 February 2018.

¹¹ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 6.

security (WPS) and on the PSVI at the earliest opportunity, and to set out the timeline for their publication and incorporation into military doctrine.¹² In addition, the Government should put to good use the “power and potential” of the private sector to tackle issues of gender-based violence, in order to enhance corporate social responsibility in the commercial world.

The Committee also recommended that the Government act internationally, working through the United Nations (UN) and other multi-lateral bodies, to promote the anti-sexual violence in conflict agenda. Specific recommendations included:

- The Government should make full use of the Monitoring, Analysis and Reporting Arrangements established under UN Security Council Resolution 1960 to record and publicise states’ progress on measures to prevent sexual violence in conflict. The Government should seek to ensure regular reporting of action taken against sexual violence in conflict within the UN Human Rights Council Universal Periodic Review process.
- In order to ensure that preventing sexual violence in conflict remains at the forefront of the international political agenda, the Government should: work with other countries to bring about a global conference on preventing sexual violence in conflict, to be hosted by a different state every four years; ensure sexual and gender-based violence is a standing item on the agenda of the Commission on the Status of Women; and encourage the Committee on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) to include the consideration of the human rights of women in conflict situations in its monitoring process.
- The Government should ensure that women, peace and security is brought into consideration across all programmes, and preventing sexual violence in conflict considerations are always included in the Security Council’s thematic and country mandates.
- The Government should ratify the Council of Europe’s Convention on Preventing and Combating Violence Against Women and Domestic Violence (the ‘Istanbul Convention’) at the earliest opportunity.
- As and when there is a review of the Convention on the Prevention and Punishment of the Crime of Genocide, the intention to destroy a group, in whole or part, on the grounds of gender, gender identity and sexual orientation should be incorporated within the Convention.

¹² House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 7.

- The Government should increase its voluntary contributions to the work of the Office of the Prosecutor of the International Criminal Court (ICC) so as to strengthen its capacity to conduct investigations into crimes of sexual violence in conflict.¹³

Government Response

Regarding the Committee's suggestion that the Government produce a strategic plan and five-year road map for the PSVI, the Government said it would consider this further, and proposed to consult on this recommendation with interested departments and external partners.¹⁴ As of 27 February 2018, such a document had not been published.¹⁵ However, in January 2018, Lord Ahmad of Wimbledon, the Prime Minister's Special Representative on Preventing Sexual Violence in Conflict and Minister for the Commonwealth, launched the *2018–22 UK National Action Plan on Women, Peace and Security*, which included a section on gender-based violence.¹⁶ In addition, in a letter to Lord McFall of Alcluith, chair of the House of Lords Liaison Committee, Lord Ahmad stated that work is currently being undertaken on a "roadmap" to the 2019 International Meeting of the PSVI.¹⁷

The Government did not accept the Committee's recommendation that it should prepare an annual report on the progress of the PSVI and submit this to Parliament. It said:

The Government already reports on PSVI progress through its annual report to Parliament on progress in implementing the UK National Action Plan on Women, Peace and Security and through the FCO's annual human rights report [...] Dedicating staff resource for the level of reporting suggested by the Committee would require a decrease in staff pursuing practical PSVI implementation. We believe our priority should be on securing in-country progress in ending the use of sexual violence in conflict and promoting greater support to survivors.¹⁸

The Government also disagreed with a number of the Committee's other recommendations. For example, in response to the Committee's suggestion

¹³ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, pp 7–8.

¹⁴ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 10.

¹⁵ HM Government, 'Publications by Preventing Sexual Violence in Conflict', accessed 7 February 2018.

¹⁶ HM Government, [UK National Action Plan on Women, Peace and Security 2018–2022](#), January 2018.

¹⁷ Foreign and Commonwealth Office, 'Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluith', 8 February 2018.

¹⁸ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 12.

that the Government use the UN Monitoring, Analysis and Reporting Arrangements to record and publicise states' progress on measures to prevent sexual violence in conflict, the Government said:

For various reasons, including resources and political neutrality, the Monitoring, Analysis and Reporting Arrangements is not an appropriate mechanism by which to monitor the implementation of the G8 Declaration on Preventing Sexual Violence in Conflict or the Declaration of Commitment to End Sexual Violence in Conflict.¹⁹

The Government was not persuaded that a global conference every four years was necessary to achieve progress on combatting sexual violence in conflict. Further, it contended that if sexual and gender-based violence were to become the only standing item at the UN Commission on the Status of Women it would risk "limiting the international community's ability to discuss other important women's rights issues".²⁰

In response to the Committee's recommendation that the MOD publish its military policies on WPS and the PSVI, the Government said that it was expected such a document would be published in the autumn of 2016.²¹ At the time of writing no such document had been made publicly available.

The Committee recommended that the Government ratify the Istanbul Convention. The Government stated that "the Government remains committed to ratifying the Convention as soon as possible", but that primary legislation to enable offences committed outside the UK to be prosecuted in the UK was needed before it could ratify the Convention.²²

1.2 Prevention

Committee's Recommendations

The Committee commended DFID's work in combatting violence against women and girls, and suggested that in the future, the Government should ensure that ending sexual violence against men and boys is also a priority.²³

The Committee found that the Government funds a range of activities designed to prevent sexual violence in conflict. However, it concluded that, in the absence of a strategy and road map, it was difficult to assess how the

¹⁹ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 13.

²⁰ *ibid.*

²¹ *ibid.*

²² *ibid.*, p 15.

²³ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 9.

Government's activities fit together and where gaps in provision may exist.²⁴ Consequently, the Committee made the following recommendations regarding monitoring and evaluation:

- The Independent Commission for Aid Impact should conduct a review of funding for the prevention of sexual violence in conflict to assess the effects of moving to the new funding mechanism on non-security and justice programming and for local non-governmental organisations (NGOs) and civil society.
- An evaluation of the preventative value of policies focusing on ending impunity and ensuring accountability should be included as part of the research commissioned by the Government. In addition, the lack of statistics and research on male victims should be addressed.
- The Government should develop a common system for monitoring and evaluating data about sexual violence in conflict which, once tested, can be shared with the Government's international partners.
- The Government should redouble its efforts to elicit and share good practice on measures to mitigate or prevent sexual violence in conflict. Consideration should be given to establishing a similar working group in the UK to the USA's inter-departmental Agency Working Group.²⁵

The Committee further argued that there were unmet training needs for military and security personnel, and made several recommendations:

- The MOD should provide adequate training on the PSVI and WPS for all new recruits, and details of the revised training provision should be made publicly available. This training must be refreshed at regular intervals throughout the careers of military personnel. Pre-deployment training and post-deployment review procedures should also be standardised.
- Training delivered in the UK to officers from overseas and to foreign military forces elsewhere should also include the PSVI and WPS. The Government should outline the timeline for the completion of the training review, publication and the roll-out of training programmes on the PSVI and WPS.
- Professional training courses, which include the PSVI and WPS, should be provided to police officers from overseas. The courses should include female as well as male officers, and include instruction on the gathering of evidence of sexual violence to be used in the prosecution of offenders. The Home Office should

²⁴ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 8.

²⁵ *ibid*, p 9.

- provide funding for these courses.
- The Government should put in place review processes to evaluate the impact and effectiveness of both the training delivered to foreign military forces and the newly introduced gender advisory positions.
 - The Government should consider how provision for training for foreign military forces might be increased, for example through increasing partnership work with other governments and regional organisations.
 - The Government should ask NATO to increase its efforts to collect and disseminate good practice on WPS and preventing sexual violence.²⁶

The evidence the Committee received focused heavily on crimes committed by so-called Islamic State, or Daesh. The Committee recommended that the Government should ensure that the UK's and Global Coalition Partner's communications strategies include materials to counter Daesh's use of rape, sexual violence and sexual slavery as instruments of terror.²⁷

The Committee expressed support for the role of Human Rights Defenders, and recommended that the Government should “work to increase legal protection, funding and security, pressing for the more effective implementation of the UN General Assembly Resolution on the Protection of Human Rights Defenders, along with the EU Guidelines on Human Rights Defenders”.²⁸

The Committee stated that there is a need for the Government, the UN and others to strengthen their early warning systems and conflict prevention activities, and recommended that the Government integrate gender-sensitive and child protection measures into all appropriate policies, including bringing those issues into its early warning systems.²⁹

Government Response

The Government said that ending sexual violence committed against men and boys was a priority.³⁰ In addition, Lord Ahmad wrote that the Government was supporting research into the issue of men and boys as victims of sexual violence in conflict through international programmes. He

²⁶ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, pp 10–11.

²⁷ *ibid*, p 11.

²⁸ *ibid*. For a definition of the term Human Rights Defenders, see: United Nations Office of the High Commissioner for Human Rights, ‘[Who Is a Defender](#)’, accessed 7 February 2018.

²⁹ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 11.

³⁰ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 17.

highlighted that the second edition of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, published in March 2017, contains a chapter dedicated to sexual violence against men and boys.³¹

The Government accepted the Committee's recommendation that more research was needed on the preventative value of the Government's programmes. In his letter to Lord McFall, Lord Ahmad wrote that the Government had commissioned research from TRIAL International, an NGO, on the effect of its work.³²

The Government said that the MOD had committed to providing WPS training as part of pre-deployment training by November 2016.³³ By June 2016, this was being delivered to all troops deploying on land-based operations and would ultimately be included in pre-deployment training for all operations.

1.3 Women's Participation

The Committee argued that if women are not involved directly in peace negotiations and in delivering the peace after a conflict, such efforts will be significantly less likely to succeed.³⁴ The Committee made several recommendations in this area:

- The Government should increase its efforts regarding facilitating women's participation in peacebuilding. The Government should encourage mediators at peace negotiations to ensure gender diversity in their teams. The Government should support the newly established Syrian Women's Advisory Board and push for its inclusion as an integral part of the ongoing peace negotiations.
- The Government should ring-fence some of the funding it committed at the Syrian Donors Conference in February 2016, to support women's participation and gender equality. The proportion ring-fenced should be in line with the UN target of 15 percent of funds spent on peacebuilding being dedicated to projects that address women's needs and gender equality.
- The Government should, when appropriate, put forward a candidate for election to the CEDAW Committee.

³¹ Foreign and Commonwealth Office, 'Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluith', 8 February 2018.

³² Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 18; and 'Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluith', 8 February 2018.

³³ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, pp 19–20.

³⁴ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 11.

- The Government should seek to ensure that when it is a participant in talks on conflict resolution, prevention and peacebuilding that women are included on the same terms as men, and are not marginalised. The Government should look to support this inclusion, for example through increased funding, capacity building and the provision of security for women's organisations. A separate, appropriate representative on children's rights, such as the UN Secretary-General's Special Representative for Children in Armed Conflict, should also be present at such talks.³⁵

Government Response

The Government said it was supporting women's participation in peacebuilding and post-conflict processes in Syria, Libya, Somalia, South Sudan and Yemen.³⁶ It stated that it has also provided support to projects aimed at increasing women's political participation in Afghanistan, Egypt, Iraq, Lebanon and Yemen.

The Government emphasised its commitment to including women in the peace process in Syria, stating that it had lobbied for the creation of the Women's Advisory Board to the UN Special Envoy in Syria, as well as the inclusion of women in peace negotiations.³⁷

The Government disagreed with the Committee's recommendation that a proportion of UK funding for Syria should be ring-fenced to support women's participation and gender equality.³⁸ The Government argued that ensuring women's needs were considered in all programmes was preferable to setting money aside for specific programme areas, stating:

DFID's humanitarian programmes in Syria consider gender-related differences in needs, follow good practice and are sensitive to [sexual and gender-based violence] and the importance of women's participation [...] The Government believes the ring-fencing of funds can detract from these mainstreaming efforts.³⁹

³⁵ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, pp 11–12.

³⁶ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 24.

³⁷ *ibid.*

³⁸ *ibid.*

³⁹ *ibid.*

1.4 Responding to Victims and Survivors

The Committee emphasised that recovery for victims of sexual violence is complex and depends greatly on the individual victim and survivor's situation and needs.⁴⁰ The Committee recommended that "learning frameworks should be encouraged to help reconstruct the lives of victims", and that "all victims, adults as well as children, should be drawn into a positive and gender-sensitive educational process".⁴¹

The Committee stated its belief that "women and girls who are victims of war rape should have access to safe abortion services", and expressed concern that the US Helms Amendment, which requires that no foreign assistance funds be used to pay for abortions, "is contrary to international human rights law and undermines the protections of international humanitarian law".⁴²

The Committee also addressed the specific needs of children who are survivors of sexual violence in conflict, stating that:

The PSVI must ensure that policy and programmatic work responds in particular to the needs and experience of child victims of sexual violence in conflict. As part of the strategic plan for the PSVI that we are recommending, children's best interests should be prioritised. The PSVI must ensure that it respects the provisions of the UN Convention on the Rights of the Child.⁴³

Addressing the ongoing conflict in Syria, the Committee recommended that the Government, in conjunction with the UN and the International Syrian Support Group, develops a plan to respond to women, men and children who have suffered sexual violence during the conflict.⁴⁴ The Committee stated that the purpose of the plan should be to: address the immediate medical and psychological needs of survivors; counter the stigma associated with such crimes; and mitigate against the long-term, cross-generational effects.

The Committee identified a need for more research and evidence on the effectiveness of the Government's policies on victims and survivors, and made several recommendations, including:

- The Government should commission research into how

⁴⁰ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 12.

⁴¹ *ibid.*

⁴² *ibid.*, p 70.

⁴³ *ibid.*, p 12.

⁴⁴ *ibid.*, p 13.

effectively its policies and responses are meeting the needs of victims and survivors of sexual violence in conflict, as well as acting to counter stigma. This research should include evaluating how effectively policies and responses are meeting the needs of specific groups, such as men, children and LGBTI persons and should also examine what might be done to reintegrate victims and survivors of sexual violence—such as those who escape from violent non-state groups—back into their communities.

- The Government should include an independent evaluation of the support delivered to survivors by the PSVI and DFID in the annual report to Parliament that we have recommended. This should include significant input from local organisations, NGOs and activists. The evaluation should also consider the extent to which the support delivered to survivors is targeted at the needs of particular groups, such as men, children and LGBTI persons.⁴⁵

In addition, to address the needs of asylum seekers and internally displaced persons (IDPs), the Committee said:

- The Government should give further attention to the particular circumstances of victims of conflict-related sexual violence among those claiming asylum in the UK.
- The Government should expedite the process of implementing changes to the asylum screening process to make it more sensitive to those who claim to have been victims of sexual violence.
- The Government should press for the UN to have responsibility for Internally Displaced Persons as well as refugees and that, given the vulnerability of individuals in IDP camps to sexual violence, the Government should encourage the UN to revisit the need for it to take responsibility for those camps.

The Committee welcomed the operational framework for the Call to Action on Protecting Women and Girls in Emergencies, the US-developed Road Map for the Call to Action, and recommended that this document be used by the Government as a model when formulating a strategic plan for the PSVI.⁴⁶ The Committee recommended that at the World Humanitarian Summit in May 2016 the Government campaign for more states to adopt the Call to Action on Protecting Women and Girls in Emergencies. It also recommended that the Government should ensure that the needs of men and boys who are victims of sexual violence in conflict were also addressed at this summit.

⁴⁵ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, pp 13–14.

⁴⁶ *ibid*, p 14.

The Committee highlighted the importance of local and grassroots organisations, arguing that these organisations are often the most effective in restoring the health and welfare of survivors of sexual violence in conflict. It recommended that the Government review the uses of emergency funding provided to local, regional and international NGOs in order to see what partnerships have proved most effective, and new ways of working with local partners should be explored.⁴⁷ It also recommended that the Government continue to make financial contributions to the Global Acceleration Instrument, which was set up to channel funds to grassroots projects, and encourage other states to do likewise.

Government Response

The Government emphasised its work to ensure access to justice for victims and survivors, and its work to tackle the stigma suffered by survivors of sexual violence in conflict and children born of rape.⁴⁸ It highlighted its funding for victim support units in policing and family-friendly courts in a number of countries, and its funding of post-rape medical care through the International Committee for the Red Cross.

The Government agreed with the Committee's view that the principles of International Humanitarian Law "may justify offering an abortion rather than perpetuating what amounts to inhuman or degrading treatment".⁴⁹ Regarding US policy, the Government said:

DFID is in regular dialogue with USAID, State Department and US-based international NGOs with regard to improving access to sexual and reproductive health and rights, which includes reducing recourse to unsafe abortion and improving access to safe abortion services.

The Government disagreed with the Committee's recommendation that it should pursue a plan to respond to those who have suffered sexual violence during the conflict in Syria, stating its view that the office of the UN Special Representative for Sexual Violence in Conflict was best placed to coordinate a response in this area.⁵⁰

The Government also disagreed that reforms to the process of claiming asylum in the UK were needed, stating that "the Government believes that the asylum process already pays attention to the particular circumstances of

⁴⁷ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 15.

⁴⁸ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 26.

⁴⁹ *ibid.*

⁵⁰ *ibid.*, p 28.

conflict-related sexual violence”.⁵¹

At the World Humanitarian Summit in May 2016, the High-Level Leaders’ Roundtable on Women and Girls made a commitment to “implement a coordinated global approach to prevent and respond to gender-based violence in crisis contexts, including through the Call to Action on Protection and Gender-Based Violence in Emergencies”.⁵²

1.5 Accountability and Justice

The Committee found that the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, led by the FCO, makes an important contribution by setting out good practice for documenting crimes of sexual violence in conflict.⁵³ The Committee recommended that a short user manual for the International Protocol be produced for operatives in the field. It also stated that the Government should ensure the review process for the Protocol remains ongoing and agile, in order to reflect improvements promptly.

The Committee noted that justice systems in countries where crimes have occurred are sometimes not strong enough to bring perpetrators to justice.⁵⁴ It argued that the UK has an important role to play in assisting other states to build the capacity of their national law enforcement and judicial systems, and that peacekeeping and post-conflict work should incorporate a review of local legislation.

As part of the UK’s work building capacity in foreign national judicial systems, the Team of Experts (ToE) is sometimes deployed to provide “conflict, stabilisation and security issues at short notice to conflict-affected states”.⁵⁵ The Committee recommended that the ToE should be incorporated into the PSVI’s strategy, and made several further recommendations:

- The Government should establish a formal process to make use of and disseminate the learning and experience generated by the members of the ToE.
- The knowledge and expertise of members of the ToE should be used earlier in the development of deployment policy.

⁵¹ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 30.

⁵² World Humanitarian Summit, [Women and Girls: Catalysing Action to Achieve Gender Equality](#), May 2016.

⁵³ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 16.

⁵⁴ *ibid.*

⁵⁵ *ibid.*, p 102.

- That it should be mandatory that all members of the ToE complete pre-deployment child safeguarding and protection training, including responding to sexual violence against men and boys.
- The Government should work to expand the capacity of the ToE so that it can undertake more deployments and have greater flexibility as to the length and nature of these.⁵⁶

The Committee highlighted the work of the non-governmental organisation Geneva Call, which encourages non-state actors to sign a deed committing to respect international standards with regard to sexual violence and discrimination in conflict, and called on the Government to support this work.⁵⁷

Regarding the role of the ICC in tackling sexual violence in conflict, the Committee recommended that:

- the UK should use its influence to encourage the Government of Iraq either to ratify the Rome Statute or to invite the ICC to prosecute cases of sexual violence committed within Iraq's jurisdiction;
- so long as access to international jurisdictions such as the ICC is blocked, the Government should make it clear that, in its view, there is prima facie evidence that such crimes have been committed and that those who committed them must, in one way or another, be brought to justice; and
- the Government should resist any peace settlement that sanctions or approves the use of amnesties for sexual violence in conflict, and ensure that there is an accountability mechanism to bring to justice all those that have perpetrated sexual violence in Syria.⁵⁸

Government Response

The Government welcomed the Committee's support for the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. Further, it highlighted its work with governments and other organisations in Bosnia and Herzegovina, Colombia, Democratic Republic of Congo, Iraq and Nepal to provide training on the International Protocol,

⁵⁶ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 16.

⁵⁷ *ibid*, pp 17–18.

⁵⁸ *ibid*, p 18.

help gather evidence and bring prosecutions against perpetrators of sexual violence.⁵⁹

In its response to the Committee's recommendation that a user manual be produced for the International Protocol, the Government said that a process to review and revise the International Protocol was started in January 2016, and the second edition was published in March 2017.⁶⁰ In his letter to the Chair of the House of Lords Liaison Committee, Lord Ahmad also stated that the short user manual for the implementation of the International Protocol had been commissioned.⁶¹

The Government did not accept the Committee's recommendation that all the members of ToE should be trained on child protection issues, stating that this training would be given on an ad hoc basis, as needed.⁶² The Government also did not agree that the capacity of the ToE should be expanded, stating that its 2014 review of the ToE did not identify such a need, and that "requests for ToE support have not outweighed its capacity".⁶³

1.6 Sexual Violence by Peacekeepers

The Committee found that "the current approach to reforming the handling of crimes of sexual exploitation and abuse (SEA) perpetrated by the peacekeepers themselves is woefully inadequate", and made the following recommendations:

- During the process of appointing a new UN Secretary-General in 2016, the Government should support candidates who make ensuring prosecutions and accountability for SEA by peacekeepers a high priority.
- The Government should seek to have the 2006 [Report by the Group of Experts](#) moved out of the General Assembly's Sixth (Legal) Committee and placed before the UN Security Council.
- An international tribunal "light" model to ensure accountability for SEA by all peacekeepers (both military and non-military

⁵⁹ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 33.

⁶⁰ Foreign and Commonwealth Office, 'Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluth', 8 February 2018.

⁶¹ Foreign and Commonwealth Office, [International Protocol on the Documentation and Investigation of Sexual Violence in Conflict](#), March 2017.

⁶² Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 36.

⁶³ *ibid*, pp 33 and 36.

personnel) is now necessary and the Government should pursue this option.⁶⁴

The Committee also recommended priorities for the Government to pursue in this area, including:

- Greater transparency with regard to the collection of data and reporting of allegations of SEA committed by all peacekeepers mandated by the UN and regional organisations.
- A ‘naming and shaming’ policy for states who fail to carry out appropriate disciplinary measures and report on allegations of SEA.
- Mandatory pre-deployment gender training for all peacekeepers.
- Deployment of gender advisors with child protection knowledge on all peacekeeping missions.
- The restoration of the secondments of UK police personnel to UN police peacekeeping missions and ensure they are provided with gender training, with costs being met by central Government and not the police force directly.
- The encouragement of a higher proportion of women in the composition of peacekeeping and civilian policing forces.
- A review by the UN of its support for all rape victims and their families in conflict zones and ensure that this is effective and properly funded.
- For the new standards for UN peacekeeping to be applied by regional bodies that carry out peacekeeping operations, and ensure measures are taken to give effect to them.⁶⁵

Government Response

The Government disagreed with the Committee’s recommendation that the *Report of the Groups of Legal Experts* should be considered by the UN Security Council rather than the General Assembly, arguing that this report should be considered by all UN member states.⁶⁶

The Government also disagreed that an international tribunal ‘light’ should be established to ensure accountability for sexual exploitation and abuse by peacekeepers. The Government stated that “it is unclear how such a court could be established or what its powers could be and we judge it very

⁶⁴ House of Lords Sexual Violence in Conflict Committee, [Sexual Violence in Conflict: A War Crime](#), 12 April 2016, HL Paper 123 of session 2015–16, p 18.

⁶⁵ *ibid*, p 20.

⁶⁶ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 39.

unlikely that all [troop-committing countries] would voluntarily cooperate”.⁶⁷ The Government argued that if countries were mandated to cooperate, the “court’s delivery of justice would likely be slow and remote, with little deterrent effect”.

The Government also expressed reservations about a ‘name and shame’ policy which, it argued, could have the unintended consequence of discouraging reporting.⁶⁸ However, in his letter to Lord McFall, Lord Ahmad said that the Government would seek to encourage the UN to cite countries whose troops are accused of sexual exploitation and abuse crimes, because “such naming and shaming spurs [troop-committing countries] into pursuing prosecution of their troops through their own judicial systems”.⁶⁹

Regarding pre-deployment training on gender for peacekeepers, Lord Ahmad said that a UN certification system for such training, including a section on sexual exploitation and abuse, was introduced in January 2016.⁷⁰

2. House of Lords Debate

On 10 October 2016, a debate was held in the House of Lords Chamber on the Committee’s report. The chair of the Committee, Baroness Nicholson, introduced the report, and summarised the view of the Committee:

Our overwhelming view as we compiled our report was that the British Government were right to highlight this crime against humanity; that it was a crime that has been in the shadows but one of massive proportions; and that the British Government should not give up and that what they have started they must carry on.⁷¹

Baroness Nicholson called on the Government to develop a “robust strategic interdepartmental plan supported and implemented by all aspects of British society, with full transparency and common sharing of achievements”.⁷²

Lord Hague of Richmond (Conservative), co-founder the PSVI, highlighted several of the Committee’s recommendations, including that the value of the work of the PSVI to DFID, the MOD, the Home Office and other departments should be recognised.⁷³ In addition, he argued that the

⁶⁷ Foreign and Commonwealth Office, [Government Response to the Report of the House of Lords Sexual Violence in Conflict Committee](#), 30 June 2016, Cm 9277, p 40.

⁶⁸ *ibid*, p 41.

⁶⁹ Foreign and Commonwealth Office, ‘Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluth’, 8 February 2018.

⁷⁰ *ibid*.

⁷¹ [HL Hansard, 10 October 2016, col 1742](#).

⁷² *ibid*, col 1743.

⁷³ *ibid*, cols 1745–6.

Committee's recommendation that a plan to respond to those who have suffered sexual violence during the conflict in Syria should be part of the Government's humanitarian and political response to the conflict. Lord Hague also suggested that, if no other country were to volunteer to hold a summit on sexual violence in conflict, to build on that held in London in 2014, the UK should host such a summit again in order to maintain momentum.

Baroness Kinnock of Holyhead (Labour), a member of the Committee and a former shadow spokesperson on international development, discussed a woman's right to access care if she was a victim of war rape:

[...] the Geneva Conventions and international humanitarian law say that when rape is used as a weapon of war, women have an absolute right to safe, non-discriminatory care—crucially, that includes access to safe termination of pregnancy caused by rape.⁷⁴

Baroness Kinnock asked if the Minister “would therefore give the House a clear policy statement on the abortion rights of victims of rape in war, including reference to the impact of US abortion restrictions on DFID-funded aid”.⁷⁵

Baroness Kinnock then posed three further questions to the Minister, asking how efforts to prevent sexual violence in conflict were being integrated into DFID's ongoing work to combat such violence; if prevention of sexual violence initiatives would be integrated into the forthcoming national action plan; and if the Government would commit to long-term funding and support for organisations that have impressive records of work in this area.⁷⁶

Baroness Anelay of St Johns, the then Minister of State for the Foreign and Commonwealth Office and the Department for International Development and Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, responded for the Government. Baroness Anelay emphasised the funding the Government had already given to projects in this area and said that “funding is not only the right thing to do with regard to PSVI, it is the right thing because it provides greater stability”, and therefore “I hope that any Government would want to continue that funding”.⁷⁷

Regarding US aid funding and abortion services, Baroness Anelay said that “I will make a decision once we know what the result [of the 2016 presidential election] is and we see what their priorities are”.⁷⁸ In 2017, President Trump

⁷⁴ [HL Hansard, 10 October 2016, col 1746.](#)

⁷⁵ *ibid*, col 1747.

⁷⁶ *ibid*, cols 1747–8.

⁷⁷ *ibid*, col 1773.

⁷⁸ *ibid*, col 1776.

re-instated a policy banning all US funding to NGOs which provide abortions or discuss abortion as an option.⁷⁹ This ban includes funding for programmes not related to abortion run by these organisations, which had been allowed under the previous administration.

3. Further Developments

United Nations

On 1 January 2017, António Guterres took office as the Secretary-General of the UN. In his first speech to the General Assembly, Mr Guterres said that “the United Nations system has not yet done enough to prevent and respond to the appalling crimes of sexual violence and exploitation committed under the UN flag”, and promised to “work closely with member states on structural, legal and operational measures to make the zero-tolerance policy for which Secretary-General Ban Ki-moon has fought so hard a reality”.⁸⁰

On 6 January 2017, the UN announced that a high-level task force would be created to strengthen its approach to preventing and responding to sexual exploitation and abuse.⁸¹ At a meeting of the task force in September 2017, Mr Guterres stressed that “sexual exploitation and abuse is not a problem of peacekeeping, it is a problem of the entire United Nations”, and that “the majority of the cases of sexual exploitation and abuse are done by the civilian organisations of the United Nations, and not by peacekeeping operations”.⁸² Mr Guterres again committed to tackling this issue.

In his speech in September 2017, Mr Guterres highlighted several initiatives the UN is undertaking, including the Victims Trust Fund to support the provision of services for victims of sexual exploitation and abuse, a new Victim’s Rights Advocate, a Voluntary Compact on preventing sexual exploitation and abuse, a Circle of Leadership for Heads of State and Government, and an Advisory Board of external experts.⁸³

Principles for Global Action on Tackling the Stigma of Sexual Violence

In his letter to the chair of the House of Lords Liaison Committee, Lord Ahmad highlighted the recent publication of the *Principles for Global Action*:

⁷⁹ Somini Sengupta, ‘[Trump Revives Ban on Foreign Aid to Groups that Give Abortion Counseling](#)’, *New York Times*, 23 January 2017.

⁸⁰ United Nations, ‘[Secretary-General-Designate António Guterres’ Remarks to the General Assembly on Taking the Oath of Office](#)’, 12 December 2016.

⁸¹ United Nations, ‘[New Task Force to Develop Strategy to Strengthen UN Response to Sexual Exploitation and Abuse](#)’, 6 January 2017.

⁸² United Nations, ‘[Address to High-Level Meeting on the United Nations Response to Sexual Exploitation and Abuse](#)’, 18 September 2017.

⁸³ *ibid.*

Preventing and Addressing Stigma Associated with Conflict-Related Sexual Violence, which was launched in September 2017.⁸⁴ The purpose of this document is to provide a survivor-centred approach to working to end stigma associated with conflict-related sexual violence by providing a universal set of principles for international efforts surrounding conflict-related sexual violence.⁸⁵ Lord Ahmad said that the Government would monitor the impact of the document.

UK National Action Plan on Women, Peace and Security 2018–22

In January 2018, the Government launched the *UK National Action Plan on Women, Peace and Security 2018–22*, the Government’s strategy for ensuring “better protection and empowerment of women in conflict situations overseas”.⁸⁶ It sets out seven desired outcomes:

- **Decision-making:** An increase in women’s meaningful and representative participation in decision-making processes, including conflict prevention and peacebuilding at community and national levels.
- **Peacekeeping:** A gender perspective is consistently applied in the setting and implementation of international standards and mandates for peace operations.
- **Gender-based violence:** An increase in the number and scale of interventions that integrate effective measures to prevent and respond to gender-based violence, particularly violence against women and girls (VAWG) which is the most prevalent form of GBV.
- **Humanitarian response:** Women’s and girls’ needs are more effectively met by humanitarian actors and interventions through needs-based responses that promote meaningful participation and leadership.
- **Security and justice:** Security and justice actors are increasingly accountable to women and girls, and responsive to their rights and needs.
- **Preventing and countering violent extremism:** Ensure the participation and leadership of women in developing strategies to prevent and counter violent extremism.

⁸⁴ Foreign and Commonwealth Office, ‘Letter from Lord Ahmad of Wimbledon to Lord McFall of Alcluth’, 8 February 2018.

⁸⁵ Foreign and Commonwealth Office, [Principles for Global Action: Preventing and Addressing Stigma Associated with Conflict-Related Sexual Violence](#), 19 September 2017, pp 8–11.

⁸⁶ House of Commons, [Written Statement: UK National Action Plan On Women, Peace And Security 2018–2022](#), 16 January 2018, HCWS404.

- **UK capabilities:** HMG continues to strengthen its capability, processes and leadership to deliver against WPS commitments.⁸⁷

The Action Plan also includes focus countries for the Government's reporting: Afghanistan, Burma, Democratic Republic of Congo, Iraq, Libya, Nigeria, Somalia, South Sudan and Syria.⁸⁸

At the launch of the Plan, Christine Chinkin, Emerita Professor of International Law and founding Director of the London School of Economics Women, Peace and Security Centre, welcomed the Government's inclusion of the academic and NGO sectors in developing the Plan.⁸⁹ She also welcomed the Plan's focus on promoting and fulfilling women's human rights and achieving gender equality, and dedication to a holistic approach.

Ratification of the Istanbul Convention

Ratification of the [Council of Europe Convention on Preventing and Combating Violence against Women](#) (known as the Istanbul Convention) was a key recommendation of the Committee. However, primary legislation is needed before the Government can ratify the Convention.⁹⁰

In the Queen's Speech at the beginning of the 2017–19 parliament, the Government said that legislation would be brought forward to protect the victims of domestic violence and abuse.⁹¹ As part of this legislation, the Government said that it would include measures to allow domestic violence crimes committed overseas by UK citizens to be tried in UK courts.⁹² If these measures were passed the Government would then be able to ratify the Istanbul Convention.

The Government stated it intended to publish a draft Domestic Violence and Abuse Bill containing the relevant measures.⁹³ In response to a parliamentary question in February 2018, Victoria Atkins, Minister for Women, said that a draft bill would be published in the current parliamentary session:

The Home Secretary and Lord Chancellor will shortly be launching a public consultation into the Government's response to domestic

⁸⁷ HM Government, [UK National Action Plan on Women, Peace & Security 2018–2022](#), January 2018, p 6.

⁸⁸ *ibid.*, pp 21–2.

⁸⁹ Christine Chinkin, '[UK Government Launches New National Action Plan on Women, Peace and Security](#)', *London School of Economics and Political Science Centre for Women, Peace and Security Blog*, 16 January 2018.

⁹⁰ Home Office, '[New Measures to Allow Ratification of Istanbul Convention](#)', 29 June 2017.

⁹¹ Cabinet Office, '[Her Majesty's Most Gracious Speech to Both Houses of Parliament](#)', 21 June 2017.

⁹² Home Office, '[New Measures to Allow Ratification of Istanbul Convention](#)', 29 June 2017.

⁹³ *ibid.*

abuse. The analysis of this consultation will inform the draft Domestic Abuse Bill, which we intend to publish later this session.⁹⁴

On 8 March 2018, the Government launched a consultation on its response to domestic abuse, including legislative measures.⁹⁵ This consultation is due to close on 31 May 2018.

⁹⁴ House of Commons, '[Written Question: Domestic Violence](#)', 22 February 2018, 903884.

⁹⁵ Ministry of Justice, '[Transforming the Response to Domestic Abuse](#)', 8 March 2018.