

WORKING WITH VICTIMS OF SEXUAL VIOLENCE DURING ARMED CONFLICT

*A manual for
Ukrainian
mental health and
emergency
response
professionals*

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The Istanbul Convention

The Council of Europe has long committed itself to preventing and combating violence against women, including through the adoption of the Istanbul Convention in 2011, and of a specific monitoring mechanism to underpin the effective implementation of its provisions by the Parties.

In July 2022, Ukraine ratified the Istanbul Convention, becoming the 36th country to do so. The Convention entered into force, as regards Ukraine, on 1 November 2022.

Conflict-related sexual violence in Ukraine

- There is growing evidence of commission of sexual violence emerging from areas retaken from retreating Russian forces.
- June 2022: the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, and the UN Special Rapporteur for Sexual Violence in Armed Conflict, Pramila Patten, expressed grave concerns “about the harrowing personal testimonies and mounting allegations of sexual violence.”

Introducing the Manual

Since the more recent Russian armed aggression against Ukraine, the Council of Europe has sought to support those working directly with victims of sexual violence in Ukraine, among them psychologists, hotline workers and other social care workers engaged by the local self-government bodies in Ukraine.

In July 2022, a four-day training took place, aimed at supporting professionals to ensure access to gender-sensitive and victim-centred social, psychological, medical, and legal assistance to the persons affected by CRSV.

This Manual is based on the presentation, materials and issues discussed during the training, in line with the Istanbul Convention and existing Council of Europe guidance materials

Introducing the Manual

The Manual has three main pillars:

- I. Understanding Sexual Violence
- II. Working with Victims of Sexual Violence in Ukraine
- III. Legal Frameworks

The Manual also contains three Annexes, designed to be of practical use:

- A. ICC Elements of Crime, focusing on crimes of sexual violence
- B. Baseline guidance for the interviewing of adult survivors
- C. Notes of Interview template

Understanding Sexual Violence

The Preamble to the Istanbul Convention sets out the strong link between violence against women and gender inequalities. It states, in part,

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Rooted in structural inequalities, and notably gender inequality, sexual violence forms part of a continuum of violence and discrimination that impacts women and men, boys and girls, throughout their lives. On a global scale those most at risk are women and girls.

Gender, however, is not the sole prism through which to analyse the commission of sexual violence in a society. Multiple forces interact to reinforce conditions of inequality and social exclusion, the roots of violence and stigma.

Understanding Sexual Violence

Tactical uses of sexual violence:

- As a mechanism of social control
- As a means of dismantling social bonds
- As part of a coordinated strategy to destroy the group
- As a means of coercing confessions
- For humiliation and disempowerment
- For Deliberate impregnation
- As a method of terror
- For a non-financial incentive (for recruitment and reward)
- As part of ritualistic practices

Working with Victims of Sexual Violence in Ukraine

The prohibition against sexual violence is one of the areas where the Istanbul Convention and other international humanitarian law, human rights law and international criminal law move in the same direction, complementing and reinforcing each other.

Documenting sexual violence, which often involves the collection of testimonial evidence comes with specific challenges:

- It requires individuals to confront, admit to, and discuss an issue that may be profoundly distressing
- Constructing a clear record can be challenging due to the impact of trauma on memory.
- There may be significant and gendered social costs.

Working with Victims of Sexual Violence in Ukraine

Updated in 2004 and 2022, the Istanbul Protocol has been used in medico-legal and other contexts as a practical tool to effectively guide the investigation and documentation of torture and ill treatment and the protection of victims. It provides essential guidance for medical, law enforcement, prosecution, judicial and other relevant professionals.

The PEACE model is a framework that supports the conducting of effective, ethical, and survivor-centred interviews.

- P Planning and Preparation
- E Engage and Explain
- A Account and Clarification
- C Closure
- E Evaluation

Working with Victims of Sexual Violence in Ukraine

Five core principles common to the PEACE Model and Istanbul Protocol:

- **Do No Harm:** The aim of all documentation is to minimise, as far as is possible, harm to individuals.
- **Informed Consent:** Anyone providing accounts of sexual violence must give informed consent before participating in the data gathering activity.
- **Confidentiality:** The confidentiality of individuals who provide their accounts of sexual violence must be protected at all times, in line with their informed consent and any protection concerns identified.
- **Security:** The safety and security of all those involved in information gathering is of paramount concern and in emergency settings should be continuously monitored.
- **Care:** Basic care and support for survivors/victims must be available locally before commencing any activity that may involve individuals disclosing information about their experiences.

Recognising Trauma and Stress with the community of those working with victims

Secondary Traumatic Stress is the emotional distress that results when an individual hears about the first-hand traumatic experiences of another. Its symptoms mimic those of post-traumatic stress disorder. Individuals affected by STS may find themselves re-experiencing personal trauma or notice an increase in fight and flight reactions related to the indirect trauma exposure.

Burnout continues to be a significant issue for those working on the documentation of mass atrocities. It is most common among the professionals who are required to have numerous and intense interactions with other people due to the nature of their activity.

Legal Frameworks

Ukrainian domestic law

- Criminal Code of Ukraine and Draft Law No. 2689

International Human Rights Law (IHRL)

Depending on the context in which it occurs, sexual violence violates multiple human rights, including the rights to life; liberty and security of person; privacy; the highest attainable standard of physical and mental health; equality; be free from all forms of discrimination; equal protection under the law; and the right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

International Criminal Law

- War crimes
- Crimes against Humanity
- Genocide

Conclusion

Natalia Karbowska, Co-Founder and Director of Strategic Development for the Ukrainian Women's Fund, speaking to the UN Security Council in June 2022, noted that for every girl or woman who is willing to tell her story, there are many others who will be silent for years.

Understanding the tactical use of sexual violence and employing survivor-centred trauma-informed investigative and interviewing processes can overcome some, and perhaps many, of the barriers to documenting sexual violence.

In so doing, it is integral to recognise the cumulative traumatic impact that intense or consistent interaction with victims of mass atrocity, including victims of sexual violence, has on those working directly in support of them. This is particularly so for mental health and emergency response professionals who are early responders to those who have suffered, or witnessed, highly traumatic violations committed against themselves, their family members, and their neighbours.