

The European Union: a strategic approach

by Lieve Fransen

The European Union has developed policies and instruments that address – both directly and indirectly – sexual violence in conflict and beyond. Policy areas that are important in this respect include human rights, gender equality, development cooperation, humanitarian aid and conflict prevention.

Sexual violence is, sadly, something that occurs in peacetime as well as war, and in all societies. In war and conflict sexual violence is increasingly used as a weapon of war and it has been recognised as such by the EU and strongly condemned. It involves a fundamental breach of human rights.

The EU's basic commitment to fundamental rights is underpinned by its founding treaties. The EU has a universal commitment that applies not just to its own people but also to the populations of third countries. This is reflected in the European Consensus on Development,¹ the new framework for EU relations with developing countries based on principles that include gender equality, human rights, good governance, justice and the rule of law. While underlying principles are essential, effective action requires tighter definitions and concrete responses. Sexual violence does not affect all population groups equally: among adults, it is predominantly women who are affected while young people, both girls and boys, are particularly vulnerable.

Gender inequality

Most of the world's women are still discriminated against legally in their domestic jurisdictions and a very large majority face discrimination in their daily lives. If societies fail to embrace – and, more importantly, fail to apply – principles of gender equality, then the normative environment is less conducive to dealing decisively with the issue of sexually-motivated assault.

The EU has embraced these principles and the European Commission is

committed to fighting all forms of gender inequality. Their full application may demand longer-term attitude shifts but progress has been achieved through the establishment of concrete, legally enforceable rights and other practical measures. While the EU cannot impose norms beyond its own borders, it can and does reflect them in its relations with third countries and in its external assistance programmes. Indeed, the EU's development consensus points to the fact that providing quality services in the field of sexual and reproductive health and rights is a basis for achieving the Millennium Development Goals (MDGs).

The Commission's Development Directorate-General is working to raise the profile of gender equality issues in its development cooperation and to present a strengthened and more coherent framework for EU policies to address the situation of women in conflict situations and beyond. The EU is committed to the application of UN Security Council Resolution 1325 which calls for an increased role for women in conflict prevention and peace processes.² The Commission is pledged to follow up on this UN Resolution, raising the issue in all appropriate international fora. It will also encourage the countries that are its development partners, where appropriate, to devise national plans for implementing the Resolution. A further concrete and practical pledge is to boost the recruitment of women, both military and civilian, in peace operations and humanitarian actions.

This approach reflects our conviction that women should be viewed not solely as victims in conflict zones but as actors. They must be

integrated into all conflict prevention, peacekeeping and reconciliation processes. Giving women equal legal rights, equal access to resources and equal political influence is a pre-requisite for tackling the injustices that women endure, including sexual violence.

In an ideal world, all children would be protected against the ravages of war and the horror of sexual violence. In the real world, all too many children enjoy no such protection. With the aim of improving the lot of this most vulnerable group, in December 2003 the Council of the EU adopted guidelines on the needs of children in armed conflict.³ This document deals with, among other things, the specific problems faced by girls. The Commission is also currently working on a new Communication on children's rights and needs in development cooperation.

Development projects and programmes

Turning to how the EU can help and is already helping to change the situation on the ground, through project and programme financing, there is a whole series of cross-cutting instruments that are of interest.

Most EU development funding is distributed on a bilateral country or regional basis. Country Strategy Papers are an important instrument used in defining priority sectors and activities. These are drawn up in partnership with a range of actors – but with recipient states in the driving seat. We encourage developing country partners to raise the question of sexual violence programmes in their negotiations with donors and to ensure that national strategies against violence are integrated into programming.

The programme cycle currently being negotiated with the African, Caribbean and Pacific (ACP) countries

will cover the period 2008-2013. The latest (tenth) European Development Fund (EDF)⁴ contains a record €23 billion. In ACP programming there is a large pool (Envelope A) for agreed focal areas and sectors plus more flexible funding (Envelope B) to cover unforeseen events or emergencies. The latest EDF has a specific incentive for good governance. Incentive funding is distributed to countries that have scored well in an assessment of good governance, the definition of which extends to include social governance. Programmes addressing sexual violence could therefore be considered when determining eligibility.

In addition to bilateral funding the Commission implements policies through 'thematic strategies'. One that is relevant to the present discussion is the European Initiative for Democracy and Human Rights (EIDHR), which makes around €100 million available to NGOs each year for actions in three major fields: 'Justice and democratisation', 'Torture prevention' and 'Rehabilitation of victims of torture'. Another one is the new thematic strategy called 'Investing in people' (2007-2013). This strategy involves financing innovative proposals to deliver sexual and reproductive health and rights (SRHR) services and commodities on education, health and gender equality actions

Humanitarian aid

Another policy area where the European Commission is active in directly tackling the issue of sexual violence in conflict is humanitarian aid. Through its Humanitarian Aid department (ECHO), the Commission directs relief impartially to people most in need in crisis zones outside the European Union. €652 million was channelled to humanitarian operations in more than 60 nations during 2005.

For the most part, humanitarian crises are due to either conflicts or natural disasters. EU support goes to a wide range of urgent relief activities including protection for vulnerable groups in war zones, and psychosocial support. The funds are channelled through operational partners including UN

agencies, the Red Cross/Crescent movement and international NGOs. The Commission's humanitarian partners include many organisations that are involved in trying to prevent or to alleviate the effects of sexual violence in conflict – such as the International Committee of the Red Cross (ICRC), UNICEF, UNHCR and Save the Children.

A significant proportion of the Commission's humanitarian aid effort is directed towards those who have been driven out of their homes and are forced to live in camps as refugees or IDPs. As noted in several articles, women and young people are at risk of sexual abuse and violence, including from camp staff. The Commission encourages its partners to vet staff, provide proper training and take firm measures against those found to have abused their power to obtain sexual favours. It may be difficult to stamp out this kind of behaviour altogether in a crisis setting but the Commission can help to minimise it through partnership with experienced agencies and a rigorous, well publicised approach.

Legal and political solutions

While education and awareness raising on basic rights and gender issues are needed, we should not lose sight of the fact that sexual violence is fundamentally unacceptable. In the final analysis, there must be very few perpetrators of such violence who genuinely fail to recognise their wrongdoing. The main problem is often a culture of impunity – particularly in conflict situations where law enforcement has collapsed and courts are not functioning effectively. The EU has little legal authority in the field of criminal law – for even within the EU this is mainly a matter for individual governments – and is clearly unable to control criminality in third countries. However, it can and does lend its weight to international efforts. It supports the International Criminal Court and the efforts of UN agencies to end impunity and ensure fair legal redress. It also has a policy of 'zero tolerance' of sexual violence perpetrated by peacekeeping forces or others in a position of power or responsibility in crisis settings.

European policies to prevent conflict should also be mentioned. Stopping wars is not the same as ending sexual violence but it does prevent the creation of extreme conditions in which sexual violence may proliferate. The European Commission issued a Communication on Conflict Prevention in 2001 which highlighted the need to identify areas of potential conflict. It also urged an integrated policy approach involving, where necessary, the orientation of external aid towards measures that would facilitate the emergence of a favourable political environment in the region or country concerned.

Sexual violence in conflict is a multi-faceted issue and the European Union has evolved a multi-faceted response, as shown in the various strategies and instruments outlined above. The more we can unite our efforts to fight on various fronts, the more we can do to stamp out this social evil.

Lieve Fransen (lieve.fransen@ec.europa.eu) is Head of Unit, Human Development, Social Cohesion and Employment, DG Development, European Commission.

Some concrete examples of EU action:

- €5.7 million to UNFPA, under the Poverty Diseases budget line, to help reduce the vulnerability of women and girls to HIV infection in Zimbabwe
- €7.2 million under the European Initiative for Democracy and Human Rights for public awareness work and support for the judicial system in the Democratic Republic of Congo
- €440,000 for a project by Save the Children (NL) providing emergency reproductive health services in West Darfur (including support for women who have been sexually assaulted)

1. http://ec.europa.eu/comm/development/images/button_pdf.jpg
 2. See following article on UN Security Council Resolution 1325.
 3. http://ec.europa.eu/comm/external_relations/human_rights/child/caafguidelines.pdf
 4. <http://europa.eu/scadplus/leg/en/lvb/r12102.htm>