Civil Society Perspectives: Advancing Accountability for Sexual and Gender-Based Violence linked to Terrorism

United Nations Security Council
Counter-Terrorism Committee
Executive Directorate (CTED)

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The present report reflects the outcomes of a series of consultations with civil society organizations that support victims of sexual and gender-based violence linked to terrorism, which were convened by the United Nations Counter-Terrorism Committee Executive Directorate (CTED) in March 2024. Participants also provided inputs via a written survey.

The findings of this report do not necessarily represent the views or official positions of CTED, the Counter-Terrorism Committee, or any Committee member.

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I. Introduction

The present report is based on consultations with more than 40 representatives of civil society organizations (CSOs) that support victims of sexual and gender-based violence (SGBV) in 16 United Nations Member States in regions affected by terrorism, including Francophone and Anglophone Africa, the Middle East, Europe and North America. To better understand the context in which the consulted CSOs are working, the Counter-Terrorism Committee Executive Directorate (CTED) gathered qualitative data through a survey disseminated prior to engaging with them in the closed-door consultations. The survey compiled on-the-ground perspectives on issues, gaps, and good practices in addressing SGBV in terrorism contexts in different parts of the world. This allowed CTED to better tailor the subsequent conversations to specific regional circumstances. The closed-door consultations were convened by CTED in March 2024.

The consultations and resultant report form part of CTED's ongoing efforts to engage with its civil society and Global Research Network (GRN) partners to better understand the gaps, challenges and ways in which States could improve compliance with their counter-terrorism obligations.

This initiative comes in follow-up to CTED's recent study entitled *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, in which CTED committed, inter alia, to engage with CSOs and consult with women and women's organizations to inform its work on the issue, including with respect to the provision of survivor-centred and trauma-informed support and addressing stigma within communities.

The present report does not offer a comprehensive global study of SGBV linked to terrorism. Rather, it draws on the consultations and survey findings – as well as on additional CTED research and analysis – to highlight important perspectives from civil society on their work in different regional contexts in advancing survivor-centred approaches to justice and accountability and the means to address SGBV linked to terrorism more effectively in accordance with the requirements of Security Council resolutions 2331 (2016), 2467 (2019) and other relevant resolutions. In doing so, this report provides an opportunity for the views and insights of civil society actors to be brought to the attention of the global counter-terrorism community, while complementing CTED's existing assessments and analytical work on SGBV linked to terrorism.[1]

[1] See CTED, *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, November 2023, and CTED, *Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing*, 2019.

The Security Council has recognized the multiple ways in which SGBV is used by terrorist groups to advance their strategic objectives and ideology and as an instrument to increase their power by supporting financing, recruitment, and destruction of communities. Across its women, peace and security and counter-terrorism agendas, the Security Council has called for a number of measures to address the linkages between terrorism, human trafficking and SGBV, from countering the financing of terrorism and advancing criminal justice responses to ensuring victims' access to support, recognition and redress through a survivor-centred approach.[2] Furthermore, the Secretary-General has repeatedly underscored the need for efforts to prevent and address SGBV to be closely and strategically aligned with efforts to prevent violent extremism.

The efforts of CSOs range from, inter alia, providing immediate and long-term medical and psychosocial support, documenting violations, advocating inclusive access to justice and reparations, supporting reintegration into communities, to, when relevant, informing the development and implementation of transitional justice processes through consultative and survivor-centred approaches. As such, CSOs play a critical role in advancing a comprehensive approach to SGBV in terrorism contexts, which is premised on the needs and experiences of victims and affected communities.

[2] This includes five dedicated resolutions on sexual violence in conflict (resolutions 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013) and 2467 (2019)).

II. Sexual and gender-based violence linked to terrorism: Definition and manifestations

As noted by CTED in its previous publication, *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, the phrase "SGBV linked to terrorism" aims to reflect the multifaceted and evolving understanding of the different ways in which SGBV can be perpetrated by terrorist groups or individuals, in armed conflict or non-conflict settings, and which may warrant the application of different legal frameworks."[3]

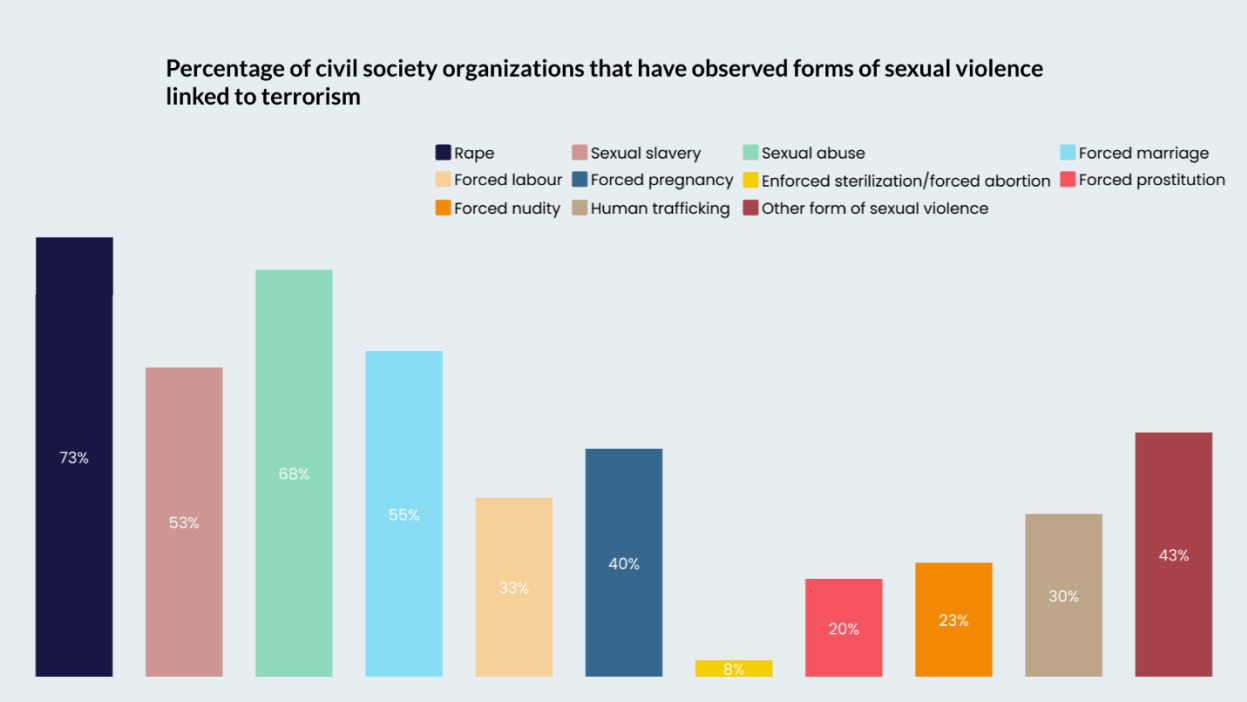
The CSO representatives highlighted that **SGBV linked to terrorism can take different forms**. Such violence currently occurs both in armed conflict and non-conflict situations. Among the forms of sexual violence used by terrorist groups, participants identified rape (72.5 per cent), sexual abuse (67.5 per cent), and forced marriage (55 per cent) as the most prevalent forms they have encountered in their work with victims. Participants also noted the use of sexual slavery, forced pregnancy, human trafficking for sexual exploitation, forced nudity, forced prostitution, and enforced sterilization or forced abortion among the tactics used in terrorist contexts.[4]

The CSOs emphasized that SGBV is **not always sexual in nature** and that more efforts were needed to address the full range of violence and gendered harms

"**Sexual and gender-based violence (SGBV)** is a collective term that comprises two overarching notions. The first is **sexual violence**, which is a form of gender-based violence. It includes any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. Sexual violence can take multiple forms, including rape, sexual abuse, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual enslavement, forced circumcision, castration, and forced nudity. The second notion is **gender-based violence**, which is an umbrella term for any harmful act directed against individuals or groups of individuals, such as women, men, girls, boys and LGBTQI+ persons, on the basis of their gender. It includes acts and omissions that inflict physical, nonphysical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty, whether occurring in public or in private life. Gender-based violence therefore also entails acts which are not sexual in nature, including certain forms of domestic violence, or the killing of individuals or groups on the basis of their gender (e.g., femicide). It is rooted in gender inequality and the abuse of power."[1]

[3] CTED, *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism*, November 2023, p. 8.
[4] NB: The percentages in this report refer to the percentages of CSOs that reported on a topic, rather than the percentages of incidence of the different forms of SGBV mentioned.

experienced by victims. Forms of gender-based violence mentioned ranged from the killing of individuals or groups on the basis of their gender to various forms of gender-based discrimination imposed by terrorist groups, including restrictions on freedom of movement, mandatory dress codes, unequal distribution of humanitarian aid, and exclusion from education, employment and leisure or cultural activities.



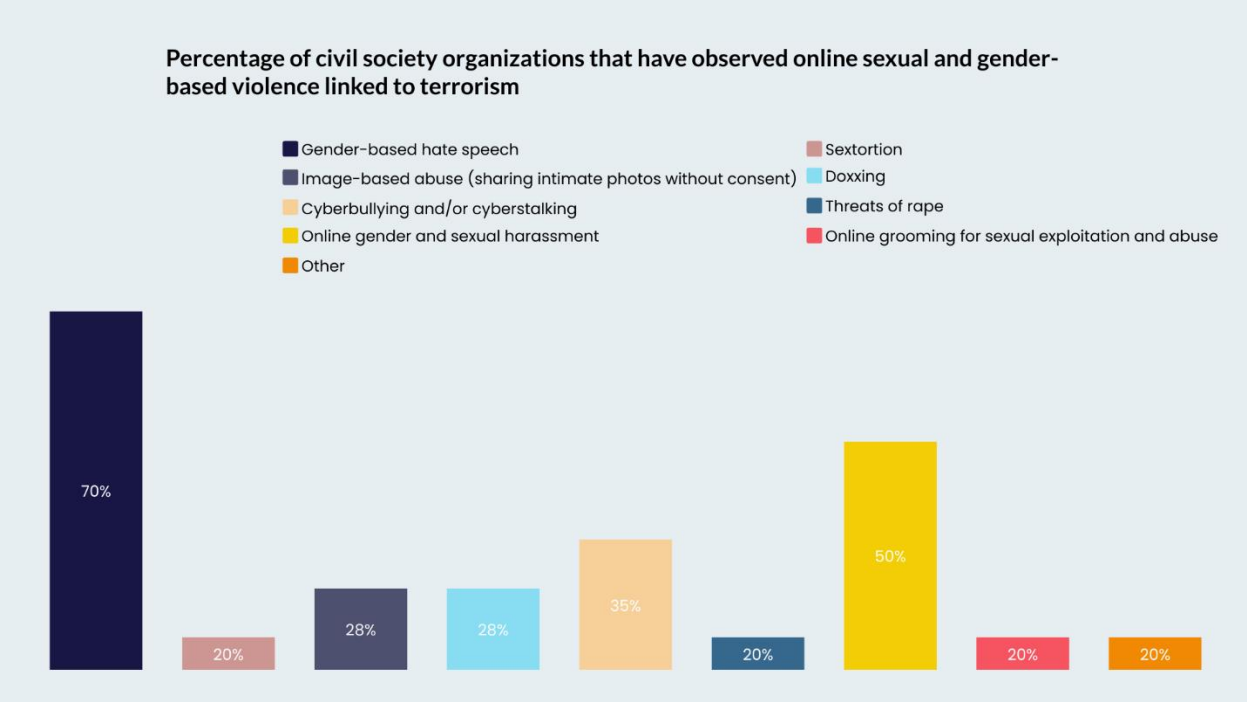
Participants further recognized that the use of SGBV is **not limited to a particular type of terrorism**, or specific terrorist groups. As noted by CTED in previous publications, violent extremist and terrorist groups across the ideological spectrum exploit gender inequality and violent notions of masculinity to incite and perpetrate gender-based violence.[5] This includes groups such as Da'esh, Al-Qaida and their affiliates as well as terrorist actors motivated by xenophobia, racism and other forms of intolerance, or in the name of religion or belief (XRIRB).

In a significant recent trend, CSO representatives highlighted that terrorists are **increasingly using new technologies and the Internet to facilitate SGBV** as part of their activities. For example, Da'esh members traded and purchased unmarried women and girls in online slave auctions, using an encrypted application which circulated photographs of the captives, as well as details of their age, marital status, current location and price.[6]

[5] Aleksandra Dier and Gretchen Baldwin, "Masculinities and violent extremism", International Peace Institute and CTED, June 2022.
[6] CTED, *Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing*, 2019.

In Europe and North America, members of the so-called "manosphere," an online ecology of websites, memes, and message boards featuring deeply misogynistic content, have been responsible for several gender-based, anti-Muslim, and antisemitic mass killings.[7]

The most prominent forms of online SGBV identified by CSO participants were gender-based hate speech, online gender and sexual harassment, cyberbullying and/or cyberstalking, doxing (publishing private personal information), and image-based abuse (sharing intimate photos without consent).



[7] Gender-based mass killings linked to the "incel" subculture include the 2014 killings in Isla Vista, California, United States of America; the 2015 Umpqua Community College shooting (United States); and the 2018 Toronto, Canada, van attack. Perpetrators of the 2019 Christchurch mosque shootings (New Zealand) and the 2020 Hanau synagogue shooting (Germany) had also frequented manosphere platforms. Jasser, Kelly, and Rothermel, "Male supremacism and the Hanau terrorist attack." Cited in Dier and Baldwin, "Masculinities and violent extremism", p. 7.

A continuum of gender-based violence

CSOs consulted by CTED emphasized the idea of a "layering" or continuum of violence against women and girls enabled by various forms of gender inequalities and harmful gendered norms.[8] The latter provide the context and fertile ground for the exploitation of women and girls by terrorist groups. In many contexts in which terrorist groups perpetrate SGBV, violence against women has been ongoing and entrenched for generations, both in private and public settings. According to participants, terrorist groups know how to exploit these vulnerabilities and power dynamics in societies and communities.

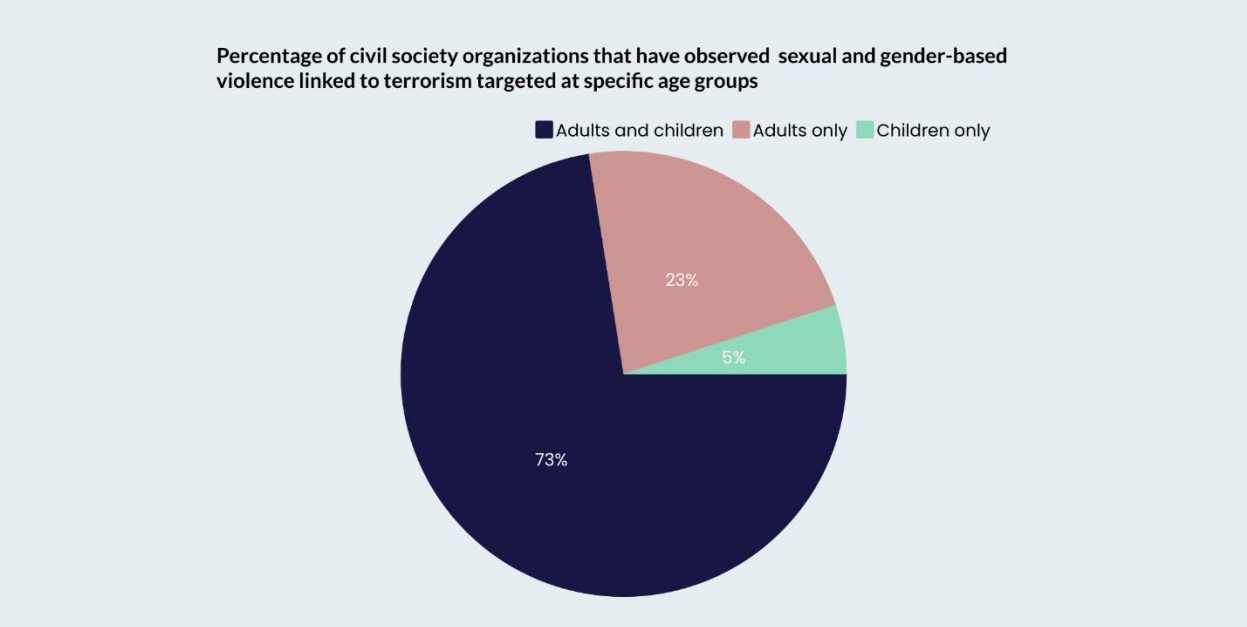
Across all regional contexts, CSO representatives also raised the problem of SGBV and other human rights abuses being **perpetrated by State security forces**. Such violations are not only egregious from a human rights perspective but also feed into the cycle of radicalization and violence, and fundamentally undermine trust in State institutions. This highlights the importance of addressing SGBV regardless of who the perpetrator is and ensuring that no "hierarchies of victims" are created.

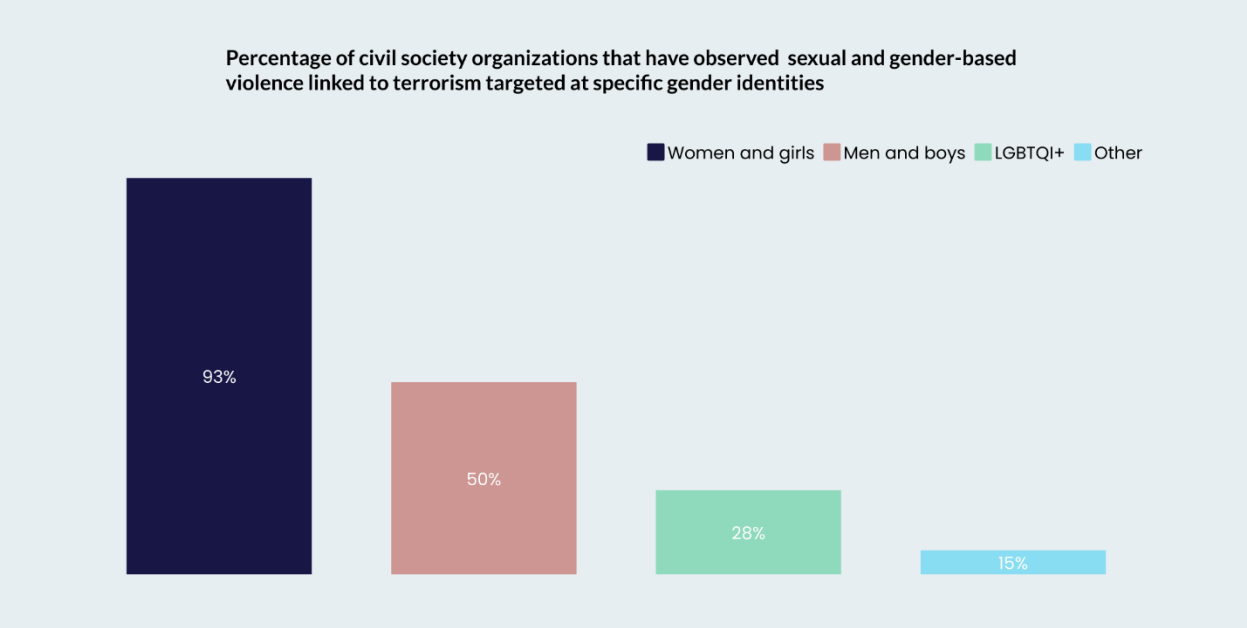
Who are the victims of sexual and gender-based violence linked to terrorism?

CSOs confirmed that the majority of victims they have encountered in their work have been women and girls. Half of surveyed participants reported also encountering men and boys as victims of SGBV perpetrated in terrorism contexts. While cases of SGBV are significantly underreported overall, CSOs noted that reporting among men and boys is especially low owing to stigma and ingrained cultural norms around masculinity. One participant noted that some men and boys would rather be considered "terrorists" by their communities than victims or survivors of SGBV. More than a quarter of CSOs (27.5 per cent) reported that LGBTQI+ communities were also targets of SGBV perpetrated by terrorists.

SGBV linked to terrorism affects individuals across various age groups. The majority of CSOs surveyed (72.5 per cent) identified the victims they encountered as belonging to the category of "both adults and children", followed by the category of "adults only" (22.5 per cent).

[8] In resolution 2467 (2019), the Security Council recognized this "continuum of interrelated and recurring forms of violence against women and girls" and noted that sexual violence in conflict "exacerbates the frequency and brutality of other forms of gender-based violence".





The survey results reaffirm that victims of SGBV perpetrated by terrorists are not a homogeneous group. Their experiences, needs, and perspectives vary significantly, reflecting the complexity and diversity of the crimes committed by terrorist groups. Addressing their needs requires a nuanced understanding of their experiences and a commitment to gender-responsive, trauma-informed, and victim-centred approaches.

Impact on victims and survivors

The effects of SGBV on victims and communities are devastating. CSOs described the horrific and often long-lasting physical, emotional and psychological trauma experienced by victims and survivors of SGBV linked to terrorism. This impact is further aggravated in situations of armed conflict, where multiple and overlapping forms of violence and trauma often coexist. Across different regional contexts, participants highlighted the particular vulnerabilities of victims in situations of displacement, where they often lack access to basic services, including shelter, health care, education and civil documentation, making it especially difficult to access necessary support and obtain reparation. In addition, they are vulnerable to SGBV in displacement camps, often perpetrated by security forces, and thus repeat victimization.

CSOs also highlighted the extraordinary challenges arising for victims in areas controlled by terrorist groups. In such cases, there is often neither recourse nor access to necessary services. Terrorists and other non-State armed groups governing territory often perpetrate a range of gender-based harms, including limiting women's freedom of movement and access to essential public spaces and services.

A CSO survey of women in Afghanistan indicates that a staggering 77 per cent of the women respondents reported experiencing various forms of violence from the Taliban and other non-State actors.[9] Eighty-six per cent of Afghan women in the same study reported facing significant mental health challenges as a result of the situation.[10] The data underscore the pervasive and distressing suffering endured by Afghan women under Taliban governance, which human rights organizations have characterized as constituting gender apartheid and gender persecution.

Reporting or seeking services for SGBV can lead to further threats of violence, social stigma, and ostracization. CSOs underlined the urgent need to counter the stigma associated with these crimes and address how long-standing and existing gender norms continue to hinder victims' ability to report these crimes, access justice and support, receive reparation, and successfully reintegrate into their communities.

Ultimately, SGBV linked to terrorism has a destructive collective impact on whole communities and undermines peace, stability and development in the long run.

[9] Yalda Royan, "Suffering unveiled: Afghan women's struggles under the Taliban", Women's Regional Network, November 2023, p. 5.
[10] Ibid.

III. The role of civil society organizations in advancing a survivor-centred approach

A victim/survivor-centred approach "places the rights, wishes, needs, safety, dignity and well-being of the victim/survivor at the centre of all prevention and response measures."[11] In resolution 2467 (2019), the Security Council calls for a survivor-centred approach in preventing and responding to sexual violence in conflict.[12] In this regard, the Council calls for a more holistic understanding of justice and accountability, which includes the provision of reparations for survivors as well as livelihood support to enable them to rebuild their lives and support their families, including the children born of sexual violence in conflict who are also stigmatized, often stateless, and acutely vulnerable to recruitment and radicalization by armed groups.[13] It also recognizes the necessity, in all prevention and response efforts, to support a broad range of civil society actors who are on the front lines of conflicts.[14]

CSOs, many of them women-led, play a pivotal role in advancing accountability and holistic justice for survivors of SGBV.[15] The fact that grass-roots CSOs often emerge from within communities and are created by individuals who may have suffered this type of violence themselves allows them to build trust and close collaboration with victims of SGBV linked to terrorism. CSOs provide essential front-line services, especially in areas with limited State reach. Several organizations consulted by CTED report that they are often the only ones assisting victims of SGBV in their respective local contexts. They offer protection and medical and psychosocial support, as well as legal aid to victims and survivors. They advocate for legislative reforms and help to break the silence surrounding this violence.

[11] Inter-Agency Standing Committee, "IASC Definition & Principles of a Victim/Survivor Centered Approach", https://interagencystandingcommittee.org/sites/default/files/migrated/2023-06/IASC%20Definition%20%26%20Principles%20of%20a%20Victim_Survivor%20Centered%20Approach.pdf.

[12] Operative para. 16.

[13] The United Nations Global Counter-Terrorism Strategy also encourages Member States to provide victims of terrorism, and particularly women and children and victims of SGBV committed by terrorists, with the proper support and assistance, "while taking into account, inter alia, when appropriate, considerations regarding recognition, acknowledgement, remembrance dignity, respect, reparation, accountability, justice and truth". United Nations, General Assembly, resolution 77/298 of 3 July 2023, preamble and para. 117.

[14] Similarly, in its resolution 73/305 on the enhancement of international cooperation to assist victims of terrorism, the General Assembly recognizes the valuable roles that civil society and the private sector play in supporting victims of terrorism, including by identifying their needs, designing appropriate measures to assist them, assisting with the victim-sensitive provision of assistance and medical, legal and psychosocial support services, advocating on behalf of victims, and raising public awareness of the human impact of terrorist acts. Such activities can also contribute to the prevention of conditions conducive to terrorism and the building of resilience and social cohesion.

[15] Kvinna till Kvinna, *They Came Together Not To Be Silenced: Gender-Based Violence in Conflict & the Role of Women's Rights Organisations*, 2023.

While many of the CSOs consulted by CTED have been pivotal in advancing a survivor-centred approach to responding and preventing SGBV linked to terrorism in their regional and local contexts, they are also outspoken about the challenges they continue to encounter in their work. In this regard, the CSOs perceived State authorities as prioritizing securitized counter-terrorism approaches at the expense of centring the rights and needs of survivors. They stated that greater awareness was needed among law enforcement, the judiciary and other relevant State authorities of how to ensure a holistic and gender-sensitive approach to responding to SGBV linked to terrorism. In this context, CSOs identified the **lack of political will** to prioritize the prevention and response to SGBV as the result of pervasive gender bias within security institutions and criminal justice systems.

CSOs also pointed to their **acute underfunding**. In some cases, international funds bring some relief, but the lack of sufficient and predictable State funding limits CSOs' ability to sustain efforts over time. "What doesn't get funded, doesn't get done", summed up one of the CSO participants.

Provision of multisectoral services

The CSOs consulted by CTED emphasized the significance of **medical and psychosocial support**. Such assistance encompasses maternal, sexual and reproductive health services, including emergency contraception and abortion, together with children's health care and psychological support to address trauma. In this context, several CSOs have established as a good practice support groups for survivors, both in person and on social media, to rebuild their resilience and provide psychosocial support. While immediate assistance is often necessary, civil society representatives highlighted that these services remain essential even when victims come forward months after the event.

CSOs consulted by CTED identified **safe shelter and livelihood support** as key elements of holistic reparations for survivors and families of victims. "Sexual and gender-based violence has a very concrete impact on people's life, including their economic and financial situation" explained a representative of civil society. CSOs pointed to the need to provide financial assistance to survivors and victims to secure their livelihood, strengthen their autonomy, and allow their reintegration or relocation into new communities. CSOs provide training and skill-building activities to facilitate the socioeconomic reinsertion of victims and survivors.

A **major obstacle to reintegration is the pervasive stigma** that continues to be experienced by the victims and survivors of these crimes. The stigma is often owing to societal norms around the nature of the crimes, as well as to the perceived association of the victims with the perpetrators in terrorist groups. One

representative of a CSO mentioned that women who were abducted and forcibly married to Boko Haram members are being referred to as "Boko Haram" when they return to their communities after having escaped or been liberated from captivity. They are often perceived not as victims but as a risk to the community. In some cases, victims need to be reinserted into new communities to avoid stigma in their own communities.

Particular challenges arise for the reintegration of children born of rape. When the children of women and girls abducted by terrorist groups return, they are considered "bad blood" and rejected by the community. [16] The lack of documentation for these children further compounds the situation and may prevent children from getting access to any type of support or reparation. Their resultant exclusion from education and care systems as a child can lead to long-term vulnerability and marginalization in adult life.

To address the stigma attached to victims of sexual and gender-based violence and the obstacles it creates for their reintegration, CSOs have identified some good practices, including engaging faith-based leaders and other influential actors within communities. Through dialogue, information dissemination, survivor meetings, and training sessions, CSOs have in some cases witnessed shifts in belief systems of communities as a result of such engagement.

It is also essential to **ensure that victims know their rights** and what support may be available to them.

CSOs mentioned several good practices in this regard. They pointed to the need to ensure that information about services, as well as any legal proceedings and reparation efforts, is available in local languages. For instance, as it relates to psychosocial support and counselling, some CSOs offer multilingual and scribe services. Others mentioned they are translating court cases from third countries concerning affected communities into local languages to inform the communities about ongoing legal proceedings and available remedies. Some CSOs also highlighted effective use of the media, in particular radio, to raise awareness about victims' rights and reparation schemes.

[16] International Alert and United Nations Children's Fund, "'Bad blood': perceptions of children born of conflict-related sexual violence and women and girls associated with Boko Haram in northeast Nigeria", February 2016.

Strengthening criminal accountability

Criminal accountability for SGBV linked to terrorism remains elusive and thus often seems unattainable for many survivors. As a result, whether victims and survivors, and the CSOs supporting them, perceive the pursuit of criminal accountability as a priority varies across contexts and among individuals. While some organizations prioritize legal efforts and advocacy to hold perpetrators accountable, others focus on recognition and truth-telling efforts, or on addressing the most immediate needs of victims. Most of the CSOs consulted by CTED perceive criminal justice and accountability as remaining largely out of reach.

International criminal justice

At the international level, CSOs have played an important role in advocating for strengthening international law and norms in relation to SGBV in conflict, including when linked to terrorism. Currently, for example, CSOs are leading efforts to recognize and codify in international law gender apartheid to hold accountable the Taliban de facto authorities for their systematic oppression of women and girls in Afghanistan.

CSOs expressed hope that investigations and prosecutions at the International Criminal Court and in third countries, including through universal jurisdiction, can offer a sense of justice to survivors and recognition of the crimes committed against them, especially in light of limited prosecutions domestically. CSOs described their efforts in advancing victims' access to justice, including by facilitating their participation in legal proceedings.

CSOs noted that while prosecutions afforded opportunities, the lengthy processes and perceived prioritization of certain contexts over others in international/third-country judicial proceedings can sometimes lead to frustration among affected communities. Some also expressed concern over a concentration of resources around certain contexts deemed to be of higher priority. This, in turn, can lead to an overdocumentation effect by relevant actors to the detriment of do-no-harm and survivor-centred approaches and risks creating hierarchies of victims and exacerbating community tensions.

CSOs highlighted the critical role that outreach to victims and affected communities can play in building trust in the judicial process, empowering victims and supporting survivor-centred accountability. Partnering with CSOs can facilitate such engagement, including with respect to overcoming potential cultural and language barriers. Relevant practices shared on this front included providing translations of key documents and court decisions, as well as the organization of informational town halls or the establishment of community-led centres to provide support for victims of SGBV participating in criminal proceedings.

CSOs advocating accountability for Da'esh crimes committed in Iraq and the Syrian Arab Republic noted that there had been insufficient efforts to date to hold accountable male Da'esh members for sexual and gender-based violence, leading to a sense of impunity. In fact, to date, the few prosecutions for SGBV linked to Da'esh that have taken place in Europe have been against female Da'esh members. CSOs saw the prosecutions of female Da'esh members, who have facilitated or supported the commission of SGBV, as laudable, but they nonetheless pointed out that when the primary perpetrator of the crime remains at large, victims are ultimately denied justice.

Domestic criminal justice

CSOs discussed a wide range of persistent challenges to advancing criminal accountability at the domestic level. These included inadequate legislation in which SGBV is not defined in line with international standards, including with respect to the elements of the crime and the use of gender-neutral definitions. CSO participants noted the need for specialized expertise of investigators, prosecutors and judges on relevant legal and evidentiary standards. Investigating and prosecuting SGBV cases requires specialized knowledge, skills, and sensitivity to the unique dynamics and complexities of these crimes. CSOs stated that judges and other relevant judicial personnel would benefit from training on gender-sensitive and survivor-centred approaches so as to be better prepared to preside over such trials and to avoid their unconscious gender biases affecting their rulings and sentencing decisions.[17]

Investigations and judicial processes, particularly in areas of conflict or where terrorist groups may still be active, face a number of security-related challenges. These can significantly impact access to victims and interviewees and the safety of the investigating team, as well as the in situ storage of information and evidence.

CSOs also noted the difficulties in ensuring the protection of victims and witnesses, as well as judges and court officials, in areas where terrorist groups may still be operational or where family members may still be in captivity, which may expose them to potential intimidation and retaliation.

Furthermore, the remote and costly nature of legal proceedings presents a significant barrier for victims. Competent mechanisms are often located in urban areas, rendering them inaccessible to survivors from conflict zones and remote rural regions. Civil society resources are frequently insufficient to support victims throughout legal proceedings.

Furthermore, some groups of victims face specific vulnerabilities, which exacerbate their access to justice and participation in legal proceedings. This is especially the case for individuals living

[17] On the ways in which gender bias may impact charging and sentencing decisions, see also CTED, "Analytical Brief: The prosecution of ISIL-associated women", 2021. Available at www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/files/documents/2021/Jan/cted_analytical_brief_the_prosecution_of_isil-associated_women.pdf.

under the control of terrorist groups, as well as for survivors who have been displaced and for whom official documentation may have been lost or stolen, and for orphan children who do not have legal guardians. "While justice is a priority, we cannot realistically expect survivors to come forward, when they lack everything and are living in temporary shelters", said a civil society representative. Moreover, survivors hesitate to file complaints due to the taboo and stigma surrounding sexual violence, which lead to fear and mistrust in the judicial system. Victims often withdraw complaints due to concerns about potential shame, lack of protection, and distrust in law enforcement and court authorities, particularly when perpetrators hold positions of power and retaliation is feared.

With accountability through the formal justice system wanting, recourse is sometimes sought through **customary or traditional justice mechanisms**. CSO participants from contexts in which traditional justice mechanisms had been invoked, including in parts of Francophone and Anglophone Africa, were unanimous in their criticism of such approaches. CSOs stated that traditional justice mechanisms often have low standards for human rights and replicate entrenched patriarchal values which may lead to secondary victimization and detrimental outcomes for victims, including blaming women for the crimes committed against them.

Accountability for technology-facilitated sexual and gender-based violence linked to terrorism

Pursuing accountability for technology-facilitated forms of SGBV linked to terrorism presents a unique set of challenges. There is currently no internationally agreed definition of gender-based violence in digital contexts, also known interchangeably as "information and communications technology-facilitated violence", "online violence", "tech-facilitated or related violence", "digital violence" or "cyberviolence".[18]

The absence of agreed definitions and methodologies for measurement, coupled with widespread underreporting, is a challenge to understanding the true prevalence of this type of violence.[19]

The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has defined technology-facilitated gender-based violence as "any act that is committed or amplified using digital tools or technologies causing physical, sexual, psychological, social, political, or

[18] United Nations, Report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women and girls, (A/77/302), 18 August 2022, para. 7.
[19] Ibid., para. 12.

economic harm to women and girls because of their gender. These forms of violence are part of a larger pattern of violence against women, occurring online and offline […]."[20] Digital violence can exacerbate offline forms of violence, including trafficking and sexual exploitation. For instance, traffickers often use technology to profile, recruit, control and exploit their victims.[21]

Addressing technology-facilitated SGBV linked to terrorism can prove particularly difficult. CSOs working in this space identified a number of legal and practical barriers, including understanding the different manifestations of this type of violence and its links to terrorism (including challenges in identifying perpetrators); the difficulty of preserving digital evidence; and gaps in domestic legal frameworks.

CSOs noted a lack of awareness of what constitutes online violence, including among law enforcement and judicial authorities as well as victims themselves. While CSOs mentioned several examples of States updating their legal frameworks to address gender-based violence in digital contexts, there remain "significant gaps and inconsistencies in the forms of violence which are covered by these laws and the remedies that can be accessed, leaving victims to navigate a **patchwork of inadequate laws and services**." [22]

Greater understanding of the different manifestations of tech-facilitated gender-based violence and its harmful effects is needed to develop more effective legislative and policy responses. Even where relevant offences exist in national legislation (e.g., pertaining to different types of cybercrime such as cyberbullying, cyberstalking, online harassment; criminalization of image-based sexual abuse; violations of the right to privacy, etc.), the investigation and prosecution of such crimes is still novel and often not prioritized. Law enforcement personnel often do not treat online violence as seriously as physical violence and lack the skills and capability to identify and respond appropriately. The inadequate response from law enforcement often reflects an attitude where online violence is trivialized or not considered as harmful as violence in the physical world.[23]

Another related issue is the **preservation and admissibility of digital evidence**. CSOs shared that the evidence brought by survivors they provide legal assistance to is often dismissed by judges because it is not properly documented and cannot be authenticated.

[20] UN-Women, "FAQs: Trolling, stalking, doxing and other forms of violence against women in the digital age". Available at www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/tech-facilitated-gender-based-violence#:~:text=RESOURCES%20Page%20navigation-,What%20is%20tech%2Dfacilitated%20gender%2Dbased%20violence%3F,girls%20because%20of%20their%20gender (accessed 8 April 2024).
[21] Ibid.
[22] United Nations, Report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women and girls, (A/77/302), 18 August 2022, para. 31.
[23] Ibid., para. 32.

Therefore, CSOs named as a priority the promotion of guidelines for the collection and preservation of digital evidence.

CSOs also highlighted that victims of online SGBV often **mistrust State authorities**.

This mistrust is partly owing to the perception that authorities are incapable of effectively responding to online SGBV, as well as a perception of sexism within State institutions. The high cost associated with legal proceedings constitutes a further obstacle mentioned by the CSOs.

IV. Reparation

Reparation forms an essential element of justice and victims' rights. The importance of reparation has been recognized by the Security Council, which states that survivors "should benefit from relief and recovery programmes, including health care, psychosocial care, safe shelter, livelihood support and legal aid and that services should include provision for women with children born as a result of sexual violence in conflict, as well as men and boys who may have been victims of sexual violence in conflict".[24]

A key element of reparation is that it should be proportional to the gravity of the violations and the harm suffered. Comprehensive programmes may include all or some variation of individual, collective, symbolic, and material reparations, as well as priority access to services. Reparations have the potential to be transformative and to assist in overcoming structures of inequality and discrimination.[25]

Victims and CSOs should be consulted on the design and implementation of relevant reparation measures to give agency, ownership and empowerment to affected individuals and their communities.

CSOs highlighted that a solid legal framework must underpin reparation programmes to ensure legal certainty, define parameters, and provide sustainability and that adequate resource allocation must guarantee their implementation. In this regard, CSOs further noted the need to favour a lower and more flexible standard of proof in the context of reparation programmes for victims of SGBV to avoid placing undue burden on victims.[26] This can include the establishment of collective compensation schemes for groups, instead of individuals (which can be both burdensome and costly). Moreover, compensation should not be dependent on the favourable conclusion of a criminal justice process.

[24] Security Council resolution 2467 (2019), operative para. 28.
[25] United Nations, Guidance note of the Secretary-General on reparations for conflict-related sexual violence, June 2014. Available at www.ohchr.org/sites/default/files/Documents/Press/GuidanceNoteReparationsJune-2014.pdf.
[26] Ibid.

As previously noted by CTED, civil society initiatives, such as the Global Survivors Fund, play a crucial role in assisting victims, including victims of SGBV linked to terrorism, with interim reparative measures when States are unable to fulfil their responsibilities to provide reparations to victims of terrorism.[27]

While States remain duty bearers, such initiatives aid in envisioning and implementing effective reparative programmes.

The Global Survivors Fund also offers technical assistance to States to develop their own reparation programmes.

Some current examples of reparation schemes for victims of SGBV include the Yazidi Survivor Law in Iraq and the *Fonds national de réparations des victimes de violences sexuelles liées aux conflits et d'autres crimes contre la paix et la sécurité de l'humanité* in the Democratic Republic of the Congo.[28]

V. Prevention

CSOs emphasized the need to take prevention efforts more seriously and invest in them. For successful prevention, the root causes enabling such violence need to be addressed. As one participant said, "It is fundamental to promote women's and girls' rights. […] As long as the rights of women and girls are not respected, SGBV will continue, and the bodies of women will continue to be used as weapons of war. Terrorists know how to exploit these vulnerabilities." Accordingly, prevention implies addressing the deeply entrenched and harmful gender norms and inequalities which allow SGBV to be normalized. This requires a holistic and multisectoral approach and engagement involving both women and men who can be actors of change, as well as influential voices within communities, such as traditional and faith-based leaders. Faith-based and traditional figures play a pivotal role in violence prevention, acting as cultural gatekeepers and shaping social norms, either supporting or hindering progress.

The predominantly securitized approach to countering terrorism was seen as an obstacle in this regard. To effectively pursue prevention, a mindset shift and proper training would be required among government, security and law enforcement agencies and judicial

[27] CTED, *Towards Meaningful Accountability*, p. 50.

[28] In the Democratic Republic of the Congo, following the adoption of a law on protection and reparations for victims of conflict-related sexual violence, in 2023 the President established a reparations fund mandating that 11 per cent of mining royalties be allocated for reparations to victims. In Iraq, the Government approved the release of $12 million for the implementation of the Yazidi Survivors Law, under which 1,300 applications for compensation were approved for Yazidi women and children, as well as Turkmen, Shabak and Christian women, who were held in captivity by Da'esh, the majority of whom have begun receiving monthly payments. The Directorate for Survivors Affairs developed a cooperation agreement with CSOs to set up a referral system for survivors, as part of which more than 60 survivors have accessed mental health and psychological support. United Nations, Report of the Secretary-General on conflict-related sexual violence 2024 (forthcoming).

authorities. CSOs can play a key role in fostering such change and connecting communities with formal institutions. Promoting greater engagement between government, security and law enforcement agencies, and judicial authorities on the one hand and civil society on the other and thus creating more inclusive counter-terrorism policies and institutions was seen as a priority. CSOs also called for better coordination of efforts to counter terrorism and violent extremism conducive to terrorism with wider peacebuilding work and the full integration of gender considerations into such efforts.

CSOs also raised protection concerns. Many CSOs in conflict-affected countries tend to work in extremely difficult, insecure environments and women human rights defenders in particular can be threatened or targeted with violence for the work they do. Creating a safe space for CSOs to operate in is crucial for them to be able to carry out their work. CSOs also mentioned the importance of ensuring past perpetrators are removed and banned from national security institutions, which would also help survivors to regain trust in national authorities.

Education and effective use of the media and social media were also important for longer-term attitudinal and behavioural change according to CSOs. This applies to preventing both offline and online violence. Digital spaces "reflect, reinforce and exacerbate systemic structural gender inequality, deep-seated cultural and social norms as well as patterns of harmful masculinities that drive all forms of violence against women."[29]

[29] United Nations, Report of the Secretary-General on the intensification of efforts to eliminate all forms of violence against women and girls, (A/77/302), 18 August 2022, para. 17.

VI. Conclusion

The objective of the civil society consultations was to hear directly from CSOs supporting victims of SGBV linked to terrorism and collect their views on what is necessary to address and prevent this violence more effectively. This was in direct fulfilment of CTED's commitment, in line with its mandate, to engage with CSOs and consult with women and women's organizations to inform its work on the issue, including with respect to the provision of survivor-centred and trauma-informed support and addressing stigma within communities.

The CSOs offered a wide range of insights and perspectives from their regional and local contexts. Several overarching conclusions stood out:

- The need to **address the full range of SGBV**, including evolving and new forms and manifestations of such violence, such as various forms of technology-facilitated and online SGBV linked to terrorism.
- The need to adopt a **survivor-centred approach** and insist on justice for all victims and survivors of SGBV linked to terrorism, regardless of the identity of the perpetrators (including both non-State and State actors).
- The need to adopt **holistic and human security-focused policy approaches that prioritize prevention** (rather than relying on heavy-handed, securitized counter-terrorism measures).
- The need to ensure **protection and support for CSOs**, especially women-led CSOs, including through the provision of adequate funding.

Finally, it was clear from the discussions that a range of normative frameworks, guidance documents and good practices is available to guide the response to SGBV linked to terrorism. A non-exhaustive list of such guidance material and frameworks of reference to inform accountability efforts for SGBV linked to terrorism was provided in CTED's report *Towards Meaningful Accountability* and is reproduced below. What remains missing, however, is **effective implementation**.

CTED reiterates its commitment to continue its engagement with CSOs on the issue of survivor-centred approaches to the response and prevention of SGBV linked to terrorism, as well as to:

- Continue to raise awareness in its dialogue with Member States on behalf of the Counter-Terrorism Committee about the interlinkages between SGBV, human trafficking, and terrorism to foster the implementation of relevant Security Council resolutions to advance accountability for SGBV linked to terrorism.
- Continue, in line with its existing mandate, to identify and analyse emerging issues, trends, and developments relating to the implementation of the relevant Council resolutions, to collaborate

with relevant stakeholders, including the research community through its GRN, to collect relevant information regarding Member States' efforts on this issue.

- Continue to facilitate the delivery of technical assistance to strengthen the capacity and expertise within Member States to conduct investigations and prosecutions of SGBV linked to terrorism and to ensure appropriate remedies for victims.

Annex: Non-exhaustive list of available guidance

United Nations guidance

- United Nations, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, "Model legislative provisions and guidance on investigation and prosecution of conflict-related sexual violence", June 2021, www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/06/report/auto-draft/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf.
- United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant and the Human Rights in Trauma Mental Health Programme at Stanford University, *Trauma-Informed Investigations Field Guide*, 2021, www.unitad.un.org/sites/www.unitad.un.org/files/general/2104429-trauma-informed_investigations_field_guide_web_0.pdf.
- United Nations, Guidance note of the Secretary-General on reparations for conflict-related sexual violence, June 2014, https://digitallibrary.un.org/record/814902.
- United Nations, General Assembly resolution 60/147 of 16 December 2005 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, http://undocs.org/en/A/RES/60/147.
- International, Impartial and Independent Mechanism (IIIM), "IIIM gender strategy and implementation plan (abridged version)", September 2022, https://iiim.un.org/wp-content/uploads/2022/10/Gender-Strategy-Implementation-AbridgedEnglish.pdf.
- United Nations, Office of the High Commissioner for Human Rights, *Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 2022 ed., www.ohchr.org/sites/default/files/documents/publications/2022-06-29/Istanbul-Protocol_Rev2_EN.pdf.
- United Nations, CTED, *Security Council Guiding Principles on Foreign Terrorist Fighters: The 2015 Madrid Guiding Principles + 2018 Addendum*, (2019), www.un.org/securitycouncil/ctc/sites/www.un.org.securitycouncil.ctc/files/security-council-guiding-principles-on-foreign-terrorist-fighters.pdf.
- United Nations, CTED, United Nations Office on Drugs and Crime (UNODC), United Nations Counter-Terrorism Centre and United Nations Global Counter-Terrorism Coordination Compact, *Guidelines to facilitate the use and admissibility as evidence in national criminal courts of information collected, handled, preserved and shared by the military to prosecute terrorist offences*, (2019)

- United Nations, Office of Counter-Terrorism, Inter-Parliamentary Union and UNODC, *Model Legislative Provisions to Support the Needs and Protect the Rights of Victims of Terrorism*, (2022) www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/220204_model_legislative_provisions.pdf.
- UNODC, *Handbook on Gender Dimensions of Criminal Justice Responses to Terrorism*, (May 2019), www.unodc.org/documents/terrorism/Publications/17-08887_HB_Gender_Criminal_Justice_E_ebook.pdf.
- UNODC, *Nigeria Training Module on Gender Dimensions of Criminal Justice Responses to Terrorism*, (August 2019), www.unodc.org/pdf/terrorism/Web_stories/UNODC_Nigeria_Gender_Training_Module.pdf.
- World Health Organization, "Mental health and psychosocial support for conflict-related sexual violence: principles and interventions", 2012, https://apps.who.int/iris/bitstream/handle/10665/75179/WHO_RHR_HRP_12.18_eng.pdf;jsessionid=AD2599B0B13D8EA81F5FF6EE691B8FAF?sequence=1.

Other relevant guidance

- Institute for International Criminal Investigations, "The global code of conduct for gathering and using information about systematic and conflict-related sexual violence (The Murad Code)", April 2022, www.muradcode.com.
- Global Counterterrorism Forum, Criminal Justice and Rule of Law Working Group, "Memorandum on criminal justice approaches to the linkages between terrorism and core international crimes, sexual and gender-based violence crimes, human trafficking, migrant smuggling, slavery, and crimes against children", September 2021, www.thegctf.org/Portals/1/Documents/Links/Meetings/2021/19CC11MM/CJROL%20Memorandum/CJ-ROL_Memo-ENG.pdf?ver=BqP5OK_Txt0tY8JFGamBzw%3d%3d.
- International Committee of the Red Cross, "Checklist: domestic implementation of international humanitarian law prohibiting sexual violence", 2 December 2020, www.icrc.org/en/document/checklist-domestic-implementation-international-humanitarian-law-prohibiting-sexual.
- *The Hague Principles on Sexual Violence* (which includes The Civil Society Declaration on Sexual Violence, International Criminal Law Guidelines on Sexual Violence, and Key Principles for Policy Makers on Sexual Violence), (2019), https://4genderjustice.org/ftp-files/publications/The-Hague-Principles-on-Sexual-Violence.pdf.
- United Kingdom of Great Britain and Northern Ireland, Foreign and Commonwealth Office, Sara Ferro Ribeiro and Danaé van der Straten Ponthoz, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice*

on the Documentation of Sexual Violence as a Crime or Violation of International Law, 2nd ed., (March 2017), www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International_Protocol_2017_2nd_Edition.pdf.

- Institute for International Criminal Investigations, "Guidelines for investigating conflict-related sexual and gender-based violence against men and boys", 29 February 2016, https://iici.global/0.5.1/wp-content/uploads/2017/03/160229_IICI_InvestigationGuidelines_ConflictRelatedSGBVagainstMenBoys.pdf.
- International Criminal Court, Office of the Prosecutor, "Policy on the crime of gender persecution", 7 December 2022, www.icc-cpi.int/sites/default/files/2022-12/2022-12-07-Policy-on-the-Crime-of-Gender-Persecution.pdf.
- International Criminal Court, Office of the Prosecutor, "Policy paper on sexual and gender-based crimes", June 2014, www.icc-cpi.int/sites/default/files/Policy_Paper_on_Sexual_and_Gender-Based_Crimes-20_June_2014-ENG.pdf.

United Nations Security Council
Counter-Terrorism Committee
Executive Directorate (CTED)