The United Nations Human Rights Council (UNHRC) was established and first met in 2008, following its creation. Its predecessor, the United Nations Commission on Human Rights, founded in 1948, carried out much of the same functions that the UNHRC does. The Commission on Human Rights was composed of 3,000 delegates from 53 countries and Non-Governmental Organizations and the UNHRC is comprised of 47 member states, elected based on their effort to further human rights. The main goal of the UNHRC is to protect and strengthen human rights around the globe and follow the declarations set forth in the United Nations Declaration of Human Rights (UNDHR). This intergovernmental body is set on improving the conditions in which these inalienable rights can be exercised.

I. Addressing Impunity for Perpetrators of Conflict Related Sexual Violence

Statement of the Issue:

In many states, there are persistent issues regarding the equality in gender, across different nationalities, and through other forms of identity. Conflict can exacerbate these inequalities and show the true range of issues that women, men, and children face day to day. A number of states face persistent violence and high levels of corruption within their military and police forces. In these states, rates of sexual violence are highest among women and girls. Violence against women and girls can be considered a terror tactic used by groups to destabilize an “unwanted” community and reap resources and benefits of territorial occupation.

2 Ibid.
3 Ibid.
of that marginalized group. This is seen as a “war within a war,” as conflict extends into civilian life. In these instances, rape and other forms of sexual violence are used as a large scale weapon of war, causing intense suffering on individual and community levels.

Conflict related sexual violence (CRSV) carries a strong correlation to issues of national security of many countries, such as the number of terrorist and extremist groups. This correlation further demonstrates the issue’s international importance. Women and girls are offered for sex and marriage as a way to “convert” young men to extremism, and the further radicalization of individuals leads to increased discriminatory practices against gender norms. Many of the offending parties in CRSV are non-state actors such as armed groups, local militias, and other groups that have criminal elements. A number of these groups are recognized terrorist groups and thus are a concern to the international community as their impact can be felt across borders.

Despite the severity of situations some women and girls face, the perpetrators of this abuse and harm are rarely held accountable. The issue of impunity, especially related to such severe cases where basic human rights are being violated, is critical to address. Those that cause such severe trauma should be held accountable in a concrete show of punishment, rather than one of a symbolic nature. Limited judicial systems and issues with accessibility contribute to difficulties victims face when trying to obtain justice.

History:
The use of violence against civilian communities, especially women and girls, has been a constant in conflict and war for millennia across many cultures. It is a systemic problem that is still practiced as a war tactic where militants degrade groups of individuals; this tactic allows them to affect domestic stability, community dynamics, and to impact social and economic infrastructures. The full intent of such acts is to debilitate individuals and cause long term suffering to a part of society. In regions such as Bosnia, rape has been used as a method to ‘cleanse’ family bloodlines. Women were impregnated in order to dilute Bosnian ethnicity and

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7 Ibid.
9 Ibid.
11 Dallman. "Prosecuting Conflict Related Sexual Violence"
create more Serbian bloodlines. This cleansing of lineage has also been enacted through sterilizing women of targeted ethnic groups. In the Democratic Republic of the Congo, rape and other forms of sexual violence (such as sexual slavery, forced prostitution, and sexual torture) have been used for decades as a method to “control” minorities. The use of sexual violence in conflicts has proven to demoralize individuals and destabilize the communities that are affected. It destroys the cohesion of family units and societies. In the case of Rwanda in 1994, the occurrence of sexual violence systematically can be a leading factor in predicting genocide. Its use as a social control method and as an option to help redraw cultural and territorial boundaries further incites harm against targeted groups. In the case of Rwanda, violence was used to exert control over the “enemy” ethnic group, leading to constant tension between the Hutus and Tutsis.

The first mechanism to hold leaders of states and other actors accountable for their actions in war was created with the Roman Statute of the International Criminal Court (ICC). The ICC was first developed in order to hold these leaders accountable for acts such as genocide and to prevent violence from being enacted against future generations. The United Nations Security Council (UNSC) Resolution 1820 was the first internationally recorded complete condemnation of rape being used as a weapon of war. It was also the first international accord to acknowledge rape as a weapon of war. In February of 2018, the penal code was revised by the UNSC to constitute forms of CRSV as a war crime, a crime against humanity, as well as a constitutive act of genocide. Another international resolution, UNSC Resolution 1325, calls upon all parties in conflict to continue to uphold women’s rights and respond to violations in war. Even with such resolutions criminalizing human rights abuses, sexual violence, and war crimes, peace and security are continually undermined by impunity for CRSV and gender crimes.

14 Ibid.
15 "Ibid.
16 Smith-Spark. "In Depth"
18 Ibid.
19 Ibid.
Analysis:

The international community has categorized sexual violence as a war crime and has begun assisting in holding perpetrators of these crimes legally accountable for their actions.\(^{21}\) The International Criminal Court (ICC), an independent judicial body from the United Nations, is the highest criminal court for crimes that are committed against international law.\(^{22}\) A common issue is whether the ICC carries out actual or symbolic justice against those who break international law. In the cases of Bosnia and Rwanda, cases have been tackled by international courts, but in almost all other areas of the world, perpetrators act with impunity.\(^{23}\) In May 2019, in a UN Security Council session, human rights lawyer Amal Clooney demanded that if the Security Council could not prevent sexual violence, “then it must at least punish it.”\(^{24}\) Domestically and internationally, the conviction rate of sexual violence perpetrators is low and often just symbolic for the victims.\(^{25}\) In general, there are daily opportunities for members of the United Nations to deliver on promises made to address the threats that are posed by conflict related sexual violence.\(^{26}\) Low rates of punishment and conviction for illegal acts of sexual violence in conflict allows perpetrators to believe that their crimes will not be punished, thus feeding into the cycle of violence and continually endangering the vulnerable.

The United Nations- African Union Hybrid Operation in Darfur (UNAMID) is addressing preventative measures relating to CRSV. UNAMID has organized an awareness campaign on the Elimination of Sexual Violence in Conflict in Greater Jebel Marra, Central Darfur that will last from July to August 2019. UNAMID worked with the Human Rights Section, the Senior Women protection Advisor, as well as the Gender Advisory Unit to organize awareness campaigns and workshops in the area. Through their work, they have brought together the expertise of health and social workers, members of local women’s protection networks, and other networks in their attempts to ensure safety and security of local communities. They also placed an emphasis on addressing rape survivors as well as increasing the availability of police forces that will be able to address these issues.\(^{27}\) By using programs and networks local to a community along with

\(^{21}\) “Rape as a Weapon of War.” Dr. Denis Mukwege Foundation.


\(^{25}\) Dallman. “Prosecuting Conflict Related Sexual Violence”

\(^{26}\) Bigio. “Controversy Over Sexual Violence.”

international organizations, the Darfur region has a catered plan to address the needs of CRSV survivors. Regional commitments and action plans such as this may be what is needed for a step forward, but, they rely heavily on local resources.

It is more common in international law to use the term “gender-based violence” because it acts as an umbrella term for harm perpetrated based on power inequalities and gender roles. It is critical for the international community and individual countries to recognize that gender affiliated differences are normally targeted for violence. There are a number of challenges when it comes to addressing the prevalence of CRSV and gender-based crimes. Based on the region and countries involved, different methods may need to be used to address the individuality of the situations. In general, many regions experience issues with underreporting of sexual violence, especially in relation to wartime and violent situations, due to intimidation and stigmatization of rape and other related acts. In civil wars and revolutions, rule of law can collapse as fast paced changes cannot keep up with the demand for order. In these situations, the governments are unwilling to tackle the issue of rape because they see it as an individual issue, rather than a strategy of war.

A discrepancy between international and domestic standards in regards to sexual violence laws, as well as their enforcement, creates issues for survivor protections as well as conviction of perpetrators. In 2017, advancements were made in combating cultures of impunity in Somalia, Sudan, and Afghanistan through the alignment of international and domestic standards. Antonio Guterres, the UN Secretary General, stated that survivors of CRSV should be of primary consideration when dealing with their cases. Access to judicial systems is still limited for survivors, especially women and girls, even when the ICC acts as a forum on how to deal with these situations. Structural gender inequalities and discrimination are at the center of the impact that conflict has on women, men, boys, and girls. As long as basic human rights and equalities are denied to people in need, there will be a persistence of violence based on gender and sex.

28 Ibid.
29 Guterres. "Conflict Related Sexual Violence".
30 Smith-Spark. "In Depth "
32 Ibid.
33 Ibid.
Conclusion:

The international community has the duty to protect individual human rights as outlined in the Universal Declaration of Human Rights. The issue of conflict related sexual violence has many parts to it that need to be addressed such as: gender inequality, slavery and servitude, forced marriage, and generally mistreatment of the right to life and security of person. Many methods and treatments need to be developed to address the issues presented by the layered nature of sexual violence. Not only are mitigation and response methods needed, but preventative measures are also critical in curbing the existence of sexual violence. The international community should consider the ramifications of conflict related sexual violence, and formulate methods to address the severity of the issue and its components.

Questions:

1. What is the best way to address discrepancies between international and domestic law pertaining to issues such as the legality of rape and forms of gender based violence?
2. How can response methods to CRSV and preventative measures be balanced? What needs more focus?
3. What are the most critical issues to address in such a multi-layered topic? What is the viewpoint of your country and what have your past actions and stances been?

Resources:


II. Right to Assemble and a Study of the Yellow Vest Protests

Statement of the Issue:

Around the world, protests and demonstrations are being formed to communicate displeasure with governments, politicians, status quo, and certain legal precedents. From statehood issues in Palestine and corruption in Armenia, to sexual assault protests in India and Spain, citizens are expressing their right to join associations and their rights set forth in the Universal Declaration of Human Rights (UNDHR). The demands of people around the globe are to be heard, both by those at home and the international community, as their causes and protests spread across the internet.

Although peaceful protests are widely accepted in local, national, and international communities, protests that become violent are often quickly questioned in regards to their legality and if the protestors have the right to continue protesting. In France, The Yellow Vest protests are centered on issues regarding taxes, living conditions, stagnant wages, and high unemployment. The protests also express general displeasure with President Emmanuel Macron. The Yellow Vest protests are uniting a wide range of French citizens under one cause for change. Despite the original intent of organizers to peacefully demonstrate their hurt, frustration, and anger at the government, violence ensued in many of the marches, specifically in the capital of France, Paris. French police have used methods such as water cannons, tear gas, and “defense ball launchers” that shoot rubber pellets to break up crowds. These methods, specifically the rubber pellet guns, have caused reported “serious injuries” to crowd members.

History:

Protests and demonstrations led by the masses are not new occurrences. For hundreds of years, people have pushed for what they believe in, and emphasized the wrong doings or inadequacies of ruling powers. The first significant documented protest was in 1215, when English barons rose up against the monarchy. The barons sought after individual rights that could not be dismissed or ignored by the government. This led to the drafting of the Magna

38 Ibid.
Carta, the first western documentation of individual rights and equality among classes, including the idea that everyone is subject to law. Other significant movements of the past include the Peasants Revolt (1381), where the feudal class systems were challenged, the Boston Tea Party (1773) and the French Revolutions. Many of these movements were key aspects of developing the nations, governmental systems and institutions, and democratic values that are common today.

Technological advancements of modern times play a critical role in the way protests are organized. The use of social media in civil society provides a medium where protests can be more effectively organized under common themes, identities, and goals, as well as a way to communicate organization efforts to thousands, if not millions, of people. Technology and social media provide channels that organizations can move through; online platforms also allow increased outreach and a larger audience. Networking has, for centuries, been the way in which movements were organized; notably the U.S. Civil Rights movement and movements in East and West Germany were formed without the aid of technology. It has been observed that social movements are best established by constant and differentiating enforcement of an idea from many people. This means that the more popular a movement is with people, the more it will be enforced that its ideas and values should be upheld.

Analysis and Case Study:

In France, the Yellow Vest protests emerged in November of 2018. Initially, the protests were organized in response to a rise in the fuel tax across the country (specifically diesel) that French president Emmanuel Macron implemented. Gas prices, already €1.5 a liter ($6.50 a gallon in the US), would rise even further, but Macron issued a suspension of the tax for 6 months. These price hikes continued to anger French citizens, who then took to social media

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41 Jones. "IWonder - The People Are Revolting - the History of Protest."
44 Ibid.
45 Ibid.
to express their frustrations. The French government has been attempting to address these concerns, but often, the government faces great scrutiny from other nations in the European Union (EU). Bills that have been proposed to parliament have included ones that want to “crack down” on protestors that are attacking or otherwise harming policemen. Although it is perceived as severe and leaders in the EU “urge Macron’s government to respect the freedom of assembly,” more than 3,000 people have been injured (both police and protestors) in the protests/riots since they began.

The effort of the French government and protestors to work together is a relationship of wavering stability and trust. Both threats to the livelihood of Yellow Vest delegations and lack of transparency of internal government discussions dissuade the protesters from talking with French government officials. A main point of contention is that the government officials refuse to record or otherwise document what happens in peace talks with the Yellow Vest representatives. This fosters an increasing lack of confidence in the government that protestor’s demands and needs will not be addressed. To date, the communication has done little to mitigate the tensions between the protestors and government. Additionally, the government has failed to publically address the questions and issues that the protestors have posed. It is critical to recognize the coinciding problems that the protestors face; they are not driven purely by the fuel tax. Overall displeasure with poverty, unemployment, generally poor quality of life for lower classes, and that President Macron stands for the rich and not the poor intensifies displeasure.

The main concern falls in the grey area of the UNDHR and values of many Western democratic nations regarding freedom of assembly. Do the threats to public order and safety justify the government action to halt or disperse protests? If demonstrations are causing not only damage to property but also damage to the wellbeing and livelihood of citizens, do they deserve legitimate recognition as “peaceful assembly” that is protected? Speech is a powerful political tool and has been protected by governments since the late 18th century, as it is recognized as one of the great mobilizers of change. There is a delicate balance between freedom of speech and expression in the way that it impacts other's livelihoods and personal rights. As such, a paradox of free speech is that it has the potential to limit the rights or freedoms of others. The UNDHR specifically provides no statement on restrictions of freedom of speech or assembly.

48 “France Criticized for Its Handling of ‘yellow Vest’ Crisis.”
49 Ibid.
50 Ibid.
51 Cigainero. “Who are France’s Yellow Vest Protestors.”
(Articles 19 & 20). However, the International Covenant on Civil and Political Rights (ICCPR), ratified in 1966, states that the enforcement of freedom of expression is critical, and also establishes that the promotion of hatred (religious, national, racial) or violence is prohibited by law.\textsuperscript{55} Europe specifically champions strong legal protections of freedom of speech, but hate speech is an increasingly prominent exception.\textsuperscript{56} Differing views from nation to nation regarding the restrictions applied to speech and assembly cause inconsistencies in enforcement of rights in local and broader scales, despite having the pre-established statements of the ICCPR.

**Conclusion:**

Demonstrations and protests are a useful method to illustrate the beliefs and wants of a population when matters cannot be changed by voting. Situations such as the protests in France provide a view for the possibility of improvement in legislation and methods of de-escalation; issues such as this need to be approached in a holistic way with recognition of the many aspects contributing to tensions and displeasure of the constituents of a government. An understanding needs to be reached in the international community regarding the parameters of freedom of assembly/speech and whether these rights are absolute, or if there are exceptions in the instance of violence or other circumstances.

**Questions:**

1. What conflict mitigations methods have been used in the past? Can such methods be effectively applied to situations like the Yellow Vest Protests?
2. What implications can protests in other countries have on other’s domestic civil society? What about internationally?
3. How is social media impacting the nature of protests? What are the implications of social media on free speech and assembly?


\textsuperscript{56} Ibid.
Resources


