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The Good, The Bad and The Ugly (truth):
Recognising sexual terrorism within the
Women, Peace, and Security agenda.

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Abstract

This thesis will be an attempt to look beyond this relatively new conceptualisation of CRSV committed in the context of terrorism, so called ‘sexual terrorism’, to determine what are its implications for the development of the WPS agenda. Answering the research question ‘*What are the consequences of the increased linking of CT and WPS, in particular with regards to the consideration of sexual terrorism, on prevention from and prosecution of CRSV committed by terrorist organisations and on the development of the WPS framework?*’ If this thesis put forward that recognising of the nexus of CRSV and Terrorism in international policy through its inclusion within the WPS framework could be a real step forward for accountability and is a recognition of the harm suffered by the victims, it will underline that potential developments should be nuanced due to the risk of co-optation of the WPS framework for reasons of increasing securitisation and pursuance of national interests. Relying on the analysis provided throughout the thesis it will be concluded that in its current conceptualisation and consideration, the manner in which ‘sexual terrorism’ is dealt with at the international policy and legal framework, is symptomatic of structural failings with regards to WPS and women’s rights as a whole and follows current trends of striving away from the original purpose of the WPS. It will be concluded that achieving feminist peace, preventing CRSV and sexual terrorism, will ultimately require structural changes with regards to considerations of gender and security and a refocusing on achieving gender equality.

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Abbreviations

CoE- Council of Europe

CRSV – Conflict Related Sexual Violence

CT – Counterterrorism

CTC – United Nations Counter Terrorism Committee

CTED - United Nations Security Council Counter Terrorism Committee Executive Directorate

FTF – Foreign Terrorist Fighters

GNWP - Global Network of Women Peacebuilders

ICC – International Criminal Court

ISIL – Islamic State in Iraq and the Levant

JIT – Joint Investigation Team

NGO – Non-Governmental Organisation

P/CVE – Preventing / Countering Violent Extremism

PACE – Parliamentary Assembly of the Council of Europe

POC – Protection of Civilians

SGBV – Sexual and Gender Based Violence

THB – Trafficking in Human Beings

UN – United Nation

UNSC – United Nation Security Council

WILPF – Women’s International League for Peace and Freedom

WPS – Women Peace and Security

1. Introduction The Good, The Bad and The Ugly (truth): Recognising sexual terrorism within the Women, Peace, and Security agenda.

'I want to be the last girl in the world with a story like mine'¹

Nadia Murad, *The Last Girl: My Story of Captivity, and My Fight Against the Islamic State*

The awarding of the 2018 Nobel Peace Prize to Nadia Murad and Dr. Denis Mukwege brought Conflict Related Sexual Violence (CRSV) at the forefront of public attention. Nadia Murad's memoir offering a harrowing account of the harm, she, and the Yazidi community, suffered at the hands of so-called Islamic State in Iraq and the Levant (ISIL) shed light on the systemic use of sexual violence by the terrorist organisation who is thought to have captured, raped and sold over 6,500 Yazidi women and girls². Jump back to 2014, in a couple of days the #BringBackOurGirls takes over social media as the international community called for the return of the 276 schoolgirls captured by Boko Haram in Nigeria.³

In response to the above events, the United Nations Security Council passed resolution 2331 (2016)⁴ condemning the use of Trafficking in Human Beings (THB) by ISIL, Boko Haram and other groups known to have targeted women in the context of terrorism, including the Lord's Resistance Army (LRA) and Al-Sabaab. During the debates, the Secretary-General's Special Representative on Sexual Violence in Conflict set out the six-dimension identified allowing to define sexual violence as a tactic of terrorism as:

- I. *when systematically committed by violent extremists and terrorist groups;*
- II. *when deliberately used to spread terror;*
- III. *when used to finance the activities of terrorist groups;*
- IV. *when used as a form of persecution targeting political, ethnic or religious groups;*
- V. *when advanced as a strategy to radicalize, recruit, retain or reward fighters; and*
- VI. *when committed in pursuit of an ideology entailing control over women's bodies, sexuality and reproduction.⁵*

¹ Murad, N. (2018). *The last girl: My story of captivity, and my fight against the Islamic State*. Crown.

² Maclean, R. (2018) 'Indifference to sexual violence eats away at us all, say Nobel pair', The Guardian available at <https://www.theguardian.com/world/2018/dec/10/indifference-sexual-violence-eats-away-nobel-peace-prize-mukwege-murad> (accessed on 19 May, 2023)

³ Holpuch, A. (2018) 'Stolen Daughters: what happened after #BringBackOurGirls?', the Guardian available at: <https://www.theguardian.com/tv-and-radio/2018/oct/22/bring-back-our-girls-documentary-stolen-daughters-kidnapped-boko-haram> (accessed on 19 May, 2023)

⁴ UNSC, resolution 2331 (2016) [on trafficking in persons in armed conflicts], 20 December 2016, S/RES/2331 (2016), available at: <https://www.refworld.org/docid/587f71514.html> [accessed 25 May 2023]

⁵ United Nations (2016) (Security Council Condemns Human Trafficking in Strongest Terms, Unanimously Adopting Resolution 2331 (2016)', SC/12647, available at <https://press.un.org/en/2016/sc12647.doc.htm> (accessed on 16 May 2023)

The growing evidence of the use of sexual violence by terrorist organisations led to the Secretary General (UNSG) highlighting that ‘ *Conflict resolution and counter-terrorism strategy can no longer be decoupled from the efforts to protect and empower women and girls and to combat Conflict Related Sexual Violence*’⁶ and UNSC integrating the issue within the Women, Peace and Security, (WPS) agenda, referring, in Resolution 2242(2015) to the use of sexual and gender-based violence (SGBV) ‘as a tactic of terrorism’⁷. The recognition the nexus between sexual violence and terrorism and the need to examine it through under the ambit of WPS was reaffirmed in 2019 as the UNSC adopted Resolution 2467 specifically requiring that the examination of sexual violence as a method of terrorism be integrated to the mandate of counterterrorism mechanisms⁸.

If through these developments, the UNSC seemingly emphasised its commitment to the elimination of sexual violence as a method of terrorism the manner in which sexual terrorism was recognised as a threat to international peace and security has not been met with unanimity.

The conceptualisation of sexual terrorism and its inclusion in international legal and policy instruments, notably in UNSC Resolution 2242 have highlighted the development in terms of the recognition of the nexus of terrorism, CRSV and THB. The strong stance and condemnation of the use of sexual crimes by terrorist organisations by the international community have been hailed as a positive development and offered hope for the survivors of such acts that justice would be found. However, not all reactions have been so positive. Indeed, alarm bells have been rung by observers of the process, who if recognised the need to condemn such acts, have criticised the current framework which in its current form posed through the linking within the UNSC Counterterrorism Framework (CT), a risk of heightened securitisation of the WPS agenda⁹, which may undermine in the long term the original purpose of the WPS and human rights.

This thesis will be an attempt to look beyond this relatively new conceptualisation of CRSV committed in the context of terrorism, so called ‘sexual terrorism’, to determine what are its implications for the development of the WPS agenda. In doing so, it will scrutinise the potential consequences of the linking of WPS with CT in under the justification of the need to protect women from sexual terrorism. The

⁶ UN Secretary-General (UNSG), Conflict-related sexual violence: Report of the Secretary-General, 20 April 2016, S/2016/361 available at <https://www.refworld.org/docid/5a62149c4.html> (accessed 20 May 2023) para.1

⁷ UNSC, resolution 2242 (2015) [on women and peace and security], 13 October 2015, S/RES/2242 (2015), available at: <https://www.refworld.org/docid/562097f44.html> (accessed 23 May 2023) preambulatory para 14

⁸ UNSC, resolution 2467 (2019) [on acts of sexual violence against civilians in armed conflicts], 23 April 2019, S/RES/2467 (2019) available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/118/28/PDF/N1911828.pdf?OpenElement>, (accessed 12 May 2023), operative operative para 29

⁹ Paulussen. C (2021) The many challenges of prosecuting sexual terrorism: the case of ISIS available at <https://www.asser.nl/about-the-asser-institute/news/the-many-challenges-of-prosecuting-sexual-terrorism-the-case-of-isis/>

thesis will question the way the UNSC deals with the issue of CRSV, arguing that current approaches fail to recognise that ‘sustainable peace will only be possible when all actors address the root causes of conflict and violence’¹⁰.

1.1 Method and Research Question

This thesis, aims to examine the current literature surrounding the inclusion of sexual terrorism within the WPS framework, in order to determine whether the recognition of the nexus between terrorism, CRSV and THB, is the positive development sought by the survivors or if the concept is only a tool for instrumentalisation and a symptom of structural misconceptions surrounding issues of CRSV, women’s rights and WPS. The thesis will raise the issue of whether the UNSC in its current approach makes a step forward in the consideration of CRSV, particularly when committed by terrorist organisations or whether it misses the mark and serves only to reinforce the status quo.

Consequently, this thesis will attempt to answer the following: *‘What are the consequences of the increased linking of CT and WPS, in particular with regards to the consideration of sexual terrorism, on prevention from and prosecution of CRSV committed by terrorist organisations and on the development of the WPS framework?’*

The arising of the concept of sexual terrorism and the consideration of the associated act is a direct response to the growing understanding of the nexus between terrorism and sexual violence and a step forward in trying to prosecute and ensure higher levels of accountability for these crimes. However, the meaning of ‘sexual terrorism’ as CRSV with terrorist intent, the implications of its use in policy instruments and notably in its inclusion within the WPS framework remain underexplored¹¹, including by feminist scholars.

In light of the relatively new and arising concertation of the effects of the conceptualisation of sexual terrorism within the WPS framework, this thesis aims to offer an overview of the different perspectives on the research question. The analysis, based on interdisciplinary and multi-theoretical framework, aims to be offered will reflect the different understandings and perspectives of the consequences of trends in the development of WPS to include sexual terrorism and other links to the CT framework. This thesis aims to provide an overview of the available research and key points on interests with regards to the topic and position itself as a starting point for further research. Consequently, in order to answer the above

¹⁰ UN Entity for Gender Equality and the Empowerment of Women (UNWOMEN), Preventing Conflict Transforming Justice Securing the Peace - A Global Study on the Implementation of United Nations Security Council resolution 1325, 12 October 2015 available at https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/globalstudywps_en_web.pdf [accessed 15 May 2023] 195

¹¹ De Brouwer, A. M., de Volder, E., & Paulussen, C. (2020). Prosecuting the nexus between terrorism, conflict-related sexual violence and trafficking in human beings before national legal mechanisms: Case studies of Boko Haram and Al-Shabaab. *Journal of International Criminal Justice*, 18(2), 514

research question, a literature review will be made relating to the conceptualisation of sexual terrorism and its effects on the WPS Agenda. The thesis will examine the consequences of the conceptualisation of sexual terrorism and the increased linking of the WPS and CT frameworks through a feminist lens.

The available literature on the topic of research, allowed to determine differing perspectives on the consequences of trends in WPS particularly from the angle of sexual terrorism considerations. While some authors see the recognition of sexual terrorism by the UNSC as a positive step forward and a possibility for increasing accountability, other authors have a more sceptical approach, presenting the risks for increasing securitisation of WPS under the guise of the need to save women. Since the research question relates specifically to the effects of the recognition on the developments of WPS, the final part of the thesis will present the aforementioned analysis from that particular perspective.

1.2 Assumptions and Limitations

1.2.i. Assumptions

For the purpose of this thesis, sexual terrorism is to be understood as an act of sexual violence committed with terrorist intent. Furthermore, since the thesis aims to examine the consideration of CRSV by the UNSC, CRSV is to be understood as according to the definition provided by the United Nations Secretary General, which states that conflict related sexual violence corresponds to:

‘...rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. This link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities or networks; the profile of the victim, who is frequently an actual or perceived member of a persecuted political, ethnic or religious minority, or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with State collapse; cross-border consequences, such as displacement or trafficking; and/or violations of the provisions of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence and/or exploitation, when committed in situations of conflict’¹².

Due to the importance of the terrorism intent, to the qualification of sexual terrorism, for the purpose of this thesis terrorism is to be understood as according to the following definition offered by the Special Rapporteur:

¹² UN Secretary General, (2021) ‘Report of the Secretary-General on Conflict-Related Sexual Violence 2020’ S/2021/312 available at <https://reliefweb.int/report/world/conflict-relatedsexual-violence-report-secretary-general-s2021312> (accessed 3 April 2023) para 2

Terrorism means an action or attempted action where: 1. The action: (a) Constituted the intentional taking of hostages; or (b) Is intended to cause death or serious bodily injury to one or more members of the general population or segments of it; or (c) Involved lethal or serious physical violence against one or more members of the general population or segments of it; and 2. The action is done or attempted with the intention of: (a) Provoking a state of terror in the general public or a segment of it; or (b) Compelling a Government or international organisation to do or abstain from doing something; and (3) The action corresponds to: (a) The definition of a serious offence in national law, enacted for the purpose of complying with international conventions and protocols relating to terrorism or with resolutions of the Security Council relating to terrorism; or (b) All elements of a serious crime defined by national law.¹³

This thesis examines the causes and effects of sexual terrorism on women. It does not mean to deny that men are also victims of sexual violence and may also be targeted by terrorist groups in this regard. However, considering that sexual violence is a form of violence which disproportionately affects women, and, that sexual violence exerted against men is conducted in the aim of perpetuating masculine patterns of domination the thesis will refer to women as victims/survivors.

Finally, regarding qualification as victim / survivor, the two terms will be used interchangeably throughout this thesis. If this author is of the opinion that the term ‘victim’ presents itself with negative connotations and somewhat takes away the agency of the individual, it remains the term of reference and widely used in international policy.

1.2.ii. Limitations

This thesis will focus on the conceptualisation of sexual terrorism in the WPS agenda. If it will briefly refer to current regimes and development in prosecution of such acts it does not delve in the details of different methods of prosecution at national or international level. The analysis is also limited in this regard due to the lack of available case law, due in part to the poor records of prosecution as well as the difficulties in gaining access to counter-terrorism cases. If reference will be made to the topic of the role and inclusion of women in Prevention and Countering Violent Extremism (P/CVE), this issue will not be explored in more depth than necessary for the supporting of analysis pertaining to sexual terrorism. This thesis project is also constrained by the limited literature available on the topic as if there exists a broad and extensive literature on CRSV, literature specifically related to sexual terrorism remains limited. The analysis will, because of the limitations, be theoretical and reliant of available work on the topic. With regards to the availability of data, again, the limited research available on the

¹³ UN Human Rights Council (2010) Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Martin Scheinin : ten areas of best practices in countering terrorism, 22 December 2010, A/HRC/16/51, available at: <https://www.refworld.org/docid/4e0c2ace15.html> (accessed 12 May 2023). Para.28

topic as well as the obvious difficulty in obtaining primary sources, means that this thesis will primarily rely on secondary data.

1.3 Structure

In the aim of answering the research question of this thesis, namely ‘What are the consequences of the increased linking of CT and WPS, in particular with regards to the consideration of sexual terrorism, on protection from CRSV committed by terrorist organisations and on the development of the WPS framework?’. The analytical bulk of this thesis will be separated in three main parts: namely ‘the good’, ‘the bad’ and the ‘the ugly (truth)’.

In ‘**The Good: Recognising the link between terrorism, CRSV and Trafficking in Human Beings and the evolutive power of WPS**’ the positive aspects of the conceptualisation of sexual terrorism and the recognition of the importance of the nexus between CRSV, THB and Terrorism will be explored. UNSC Resolutions 2242 and 2467 will be presented in their quality of linking both the WPS and CT, P/CVE framework. Resolution 2467 will be particularly examined, in its potential to contribute to a paradigm shift in the consideration of CRSV by the UNSC. It will be demonstrated, in light of the current shortcomings as well as recent developments in the prosecution that the explicit incorporation of sexual terrorism within the WPS agenda could, if properly assimilated lead to the increasing accountability for crimes of sexual violence committed by terrorist organisations.

In the second part of the thesis - ‘**The Bad: Securitisation and uncovering the economic value of sexual terrorism**’ the positive development that have been highlighted will be challenged and contrasted with the risk posed by the conceptualisation of sexual terrorism with the WPS agenda. The language of resolutions pertaining to sexual terrorism will notably be analysed and contrasted with CT resolutions. It will be argued that the language of UNSC resolutions may lead to problematic interpretations if left unchecked. It will be argued that the linking of CT and WPS frameworks lead to the securitisation of the later, which not only is reflective of the instrumentalisation of WPS for the pursuit of national goals but also leads to controversial developments, including restrictions of human rights. Furthermore, the unintended consequences of securitisation on the political economy of sexual terrorism, and notably its impact of the ‘exchange value’ of crimes of sexual will be explored.

In the third part of the thesis – ‘**The Ugly? (truth): Addressing the reasons for Sexual Terrorism and Reaching Feminist Peace**’ aims to round up the analysis presented and take a step back, in order to place the research topic within the bigger picture of efforts towards feminist peace. It will be presented that the effective consideration of sexual terrorism and CRSV in general requires its examination from the lens of the four founding pillars of WPS, participation, protection, prevention, and relief & recovery, in a more balanced manner. Finally, it will be exposed that the controversies

surrounding the development of WPS, place feminist advocates in a situation of Catch22 as they question whether to continue engaging with a system which does not meet expectations.

1.4 Conclusions:

Answering the research question ‘*What are the consequences of the increased linking of CT and WPS, in particular with regards to the consideration of sexual terrorism, on prevention from and prosecution of CRSV committed by terrorist organisations and on the development of the WPS framework?*’ This thesis will conclude that the recognising of the nexus of CRSV and Terrorism in international policy through its inclusion within the WPS framework could be a real step forward for accountability and is a recognition of the harm suffered by the victims, especially due to its inclusion in the progressive resolution 2467. However, it will be put forward that in its present form it remains problematic by its possible consequences, notably due to the risk of co-optation of the WPS framework for reasons of increasing securitisation and pursuance of national interests. Relying on the analysis provided throughout the thesis it will be concluded that in its current conceptualisation and consideration, the manner in which ‘sexual terrorism’ is dealt with at the international policy and legal framework, is symptomatic of structural failings with regards to WPS and women’s rights as a whole and follows current trends of striving away from the original purpose of the WPS. It will be concluded that achieving feminist peace, preventing CRSV and sexual terrorism, will ultimately require structural changes with regards to considerations of gender and security and a refocusing on achieving gender equality.

2. The Good: Recognising the link between terrorism, CRSV and Trafficking in Human Beings and the evolutive power of WPS

The reliance and importance of the WPS framework in UN policy is evidenced by its continued expansion and adaptation to the global context, in the purpose of ensuring its ever relevance. In recent years, the increasing committing of acts of CRSV by terrorist groups and organisations as an essential part of their strategy of terror has come to light. Evidence discovered in the aftermath of the persecution of the Yazidi community by ISIS in Iraq has demonstrated the systematic and systemic use of CRSV by terrorist groups to further their ideological and structural goals. The evidence has led to the recognition of the nexus between terrorism and CRSV and its inclusion within the threat to international peace and security framework via UNSC Resolution 2122 (2013) and reaffirmed in 2242 (2015) . The inclusion of sexual terrorism in resolution 2242 and 2467, marked a step forward in the recognition of the use of SGBV as a ‘tactic of terrorism’. In the act of recognition in itself lies ‘the good’ of the conceptualisation of sexual terrorism within WPS. This chapter aims to explore the positive consequences of the recognition of sexual terrorism within WPS. It will be argued that not only does

the inclusion of considerations of CRSV committed by terrorist groups simply acknowledges the realities of modern conflict, but it may also have a positive impact on the search for accountability when taken in consideration with the normative powers of WPS. Furthermore, it will be put forward that said recognition and acknowledgement of the harm suffered may have a positive impact for the victims of such acts and contribute to their personal recovery.

2.1 A brief presentation of the WPS Agenda

The WPS framework rose to the forefront of the stage of international policy with the unanimous adoption by the UNSC of Resolution 1325 on 31 October 2000¹⁴, which underlined the need to bring a gender perspective to the safeguarding of international peace and security and the importance of gender equality. Through Resolution 1325, the UNSC conveyed the ‘revolutionary (...) recognition that peace is only sustainable if women are fully included, and that peace is inextricably linked with equality between women and men’¹⁵. The adoption of the resolution which was hailed as a ‘historic millstone’¹⁶ and was ‘born out of a truly global constituency of women’s organisations and advocates, and became one of (the UNSC)’s most powerful organising tools.’¹⁷ In this sense, Resolution 1325 is not only exceptional because of its content but also because it remains the only UNSC resolution ‘for which the groundwork, the diplomacy and lobbying, the drafting and redrafting was almost entirely the work of civil society’¹⁸.

The adoption of Resolution 1325 was the result of important advocacy work by feminist organisations and the consecration of long-term lobbying by the UN created NGO Working Group for Women, Peace and Security, which coordinates the efforts of 19 women’s rights organisation¹⁹, including the Women’s International League for Peace and Freedom (WILPF). Notable developments in the process of the inclusion of women in peacekeeping include the 1979 UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) through ‘which member states commit to achieving equal political, economic, and social rights for women and men and to report their progress to the CEDAW committee’ as well as the holding of four UN World Conferences on Women held in Mexico City (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995)²⁰. The Beijing conference brought the

¹⁴ UNSC, resolution 1325 (2000) [on women and peace and security], 31 October 2000, S/RES/1325 (2000), available at: <https://www.refworld.org/docid/3b00f4672e.html> (accessed 10 May 2023)

¹⁵ UNWOMEN (2015) supra note 10, 28

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Cohn, C., Kinsella, H., & Gibbings, S. (2004). Women, peace, and security resolution 1325. *International Feminist Journal of Politics*, 6(1), 131

¹⁹ NGO Working Group on Women Peace and Security, Members, available at <https://www.womenpeacesecurity.org/about/members/> (accessed 8 May 2023)

²⁰ Welsh, L. (2021). From international norms to local relevance: the effectiveness and suitability of the United Nations Women, Peace and Security Agenda in advancing women’s security and equality, 46

final push with the adoption of the Beijing Platform for Action which identified the ‘effects of armed or other kinds of conflict on women’²¹ as one of 12 major areas of concerns, urging for action to be taken by international organisations and civil society to incorporate a gender perspective in peacekeeping.

In the context of the collapse of the Cold War and the growing turn reliance on human rights framing of international policy, Resolution 1325 was adopted, and, if WILPS ambitions for feminist peace had to be levelled in the negotiation process, having to give up a direct call for global peace and demilitarisation and settle for the regulation of war before, during and after conflict’²², the overall objectives remained, as Resolution 1325 notably placed the increased inclusion of women in peacebuilding and the examining of the impact, and role, of women in conflict among one of the four funding pillars of WPS. Namely the ‘**protection** of women’s rights and bodies, especially in conflict; **the prevention** of violence, not limited to but with a large focus on the prevention of sexual violence in conflict; the **participation** of women at all levels and in decision making in the management of security and peace and the **relief** and **recovery** in the post-conflict and conflict-affected environment’²³.

The UNSC subsequently, building on the foundations of Resolution 1325 (2000) adopted 9 further resolutions under the framework of the “Women, Peace and Security” agenda namely resolutions 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2011); 2106 (2013); 2122 (2013); 2242 (2015), 2467 (2019), and 2493 (2019). However, if resolution 1325 truly marked a turning point in consideration of WPS issues and the need for increasing women participation in peace processes, with half (UNSCR 1820, UNSCR 1888, UNSCR 1960, UNSCR 2106 and UNSCR 2467) of following resolutions specifically focusing on the need to prevent CRSV it has been pointed out that international policy has taken ‘an increasingly narrow and isolated approach to women and armed conflict, focusing specifically on sexual violence’²⁴. If the extensive focus has been put forward as reflecting a positive ‘shift from a primarily humanitarian response for women survivors of war to expressing readiness in international security terms to protect against, prosecute, and ultimately prevent mass sexual violence during conflict’²⁵ it has been criticised as ‘developing a form of victim feminism within the international order and exporting a limited feminist model into the global order’²⁶. Despite some criticism on the direction taken by the agenda, Resolution 1325 and WPS remains one of the most recognised UN frameworks. WPS has been

²¹ United Nations, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, 27 October 1995, available at: <https://www.refworld.org/docid/3dde04324.html> [accessed 20 May 2023]

²² UNWOMEN (2015) supra note 10, 30

²³ McDermott, L. E. (2022). *The Catch-22 of UNSCR 2242: Investigating the Discursive and Institutional Complexities of Integrating Women, Peace and Security and Countering Violent Extremism* (Doctoral dissertation, University of Surrey).14

²⁴ Merger, S. (2018). The political economy of sexual violence against men and boys in armed conflict. In *Sexual violence against men in global politics* (pp. 102-116). Routledge. 22 (5), 24

²⁵ True, J. (2012). *The political economy of violence against women*. Oxford University Press.117

²⁶ Heathcote, G. (2018). Security Council Resolution 2242 on women, peace and security: progressive gains or dangerous development?. *Global Society*, 32(4), 80

described in The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding as akin to 'watershed political framework'²⁷ in its making 'the pursuit of gender equality relevant to every single Council action, ranging from mine clearance to elections to security sector reform.'²⁸

The impact of WPS is notable, considering that its resolutions are adopted under Chapter VI of the UN Charter, and thus not automatically binding, leading to a problematic ambiguity regarding to the binding nature of WPS resolutions²⁹. However, Chritine Chinkin and Madeleine Rees in their Commentary on Security Council Resolution 2467 underlined that there are other factors to be taken into consideration when determining the binding nature of UNSC resolutions, including the references to binding state obligations for example CEDAW³⁰ or more generally international human rights law³¹ but also the repetition of key language and recalling prior resolutions as well as inclusion of possible sanctions³² 'against those who perpetrate and direct sexual violence in conflict'³³. Highlighting that WPS has since its creation 'generated widespread and uniform state practice, institutional and civil society practice'³⁴, they underlined that 'the considerable amount of State-based and institutional activity around WPS, as well as the many repeated and strong statements endorsing its principles make it difficult to conclude that all this activity doesn't represent some form of legal obligation'³⁵.

The ever-increasing influence of WPS is evidenced by trends inclusion of associated language in international policy instruments as it was noted that 'two-thirds of UNSC resolutions, on average, include WPS language, compared to only 15 percent in the five years following the adoption of resolution 1325 at the turn of the century'³⁶. This omnipresence of WPS language testifies of the normative power of the framework which particularly grew around the 10th anniversary of Resolution 1325³⁷, reaching 'norm cascading' levels with the expansion of the agenda with nine further resolutions. The increasing inclusion in policy instruments, reflective of the impact of WPS in UN member states³⁸

²⁷ Rehn, E., & Sirleaf, E. J. (2002). Women, war and peace. *New York: UNIFEM*, 3

²⁸ Ibid

²⁹ Babington-Ashaye, A. (2020). Prioritizing Accountability for Sexual Terrorism on the Global Peace and Security Agenda: An Assessment of the Way Forward from National Prosecutions of Sexual Terrorism by Boko Haram to Security Council Decisiveness. *Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence*, 1(2), 222

³⁰ UNSC Resolution 2467 (2019) supra note 8, operative para 18

³¹ Ibid, operative para 31

³² Chinkin, C., & Rees, M. (2019). Commentary on Security Council Resolution 2467. *Centre for Women, Peace and Security and Women's International League for Peace and Freedom*. 4-9

³³ UNSC Resolution 2467 (2019) supra note 8 operative para 10

³⁴ Chinkin, C., & Rees, M. (2019) supra note 32, 12

³⁵ Ibid, 11

³⁶ United Nations University (2022) Moving from Paper to Practice on UN Security Council Language on Women, Peace, and Security in Conflict-affected Contexts available at <https://cpr.unu.edu/publications/articles/securitycouncil-wps-language.html> (accessed on 16 May 2023)

³⁷ Tryggestad, T. L. (2014). International Norms and Political Change: " Women, Peace and Security" and the UN Security Agenda, 60

³⁸ Ibid, 69

as well as on international, and national, policy as well as on civil society reflects its quality as a ‘catalysing focal point and frame’³⁹ for global actors.

2.2 UNSC Resolutions 2242 and 2467: Recognising the Nexus

The current context of the war on terror at the increasing evidence of the use of sexual violence by terrorist organisations led to the incorporation of this particular aspect of CRSV within the WPS. If references to terrorism are absent from early WPS resolutions, references to CT and P/CVE were made in three of the most recent resolutions of WPS, namely resolution 2122 (2013), 2242 (2015) and 2467 (2019).

If in Resolution 2122 (2013) the UNSC only makes a first inclusion of the terrorism aspect, as it ‘expresses its intention to increase its attention to women, peace and security issues in all relevant thematic areas of work on its agenda, including in particular ‘Protection of civilians (...) The promotion and strengthening of the rule of law in the maintenance of international peace and security (...) *Threats to international peace and security caused by terrorist acts*, and maintenance of international peace and security’⁴⁰ (emphasis added), this initial reference to the nexus between WPS and terrorism set the path for following considerations of the matter.

Indeed, two years following this initial mention of the need to consider WPS in relation to terrorism and counterterrorism, and in the context of mounting evidence of the crimes of sexual violence being committed by ISIS against the Yazidi community in Iraq, the UNSC adopted in Resolution 2242, a trend setting and significant resolution in its focus on its consideration of P/CVE within the framework of WPS. The resolution was adopted in consideration of the particular context of the ‘changing global context of peace and security, in particular relating to rising violent extremism, which can be conducive to terrorism’, which in light of, the UNSC wished to reiterate ‘its intention to increase attention to women, peace and security as a cross-cutting subject in all relevant thematic areas of work on its agenda, *including threats to international peace and security caused by terrorist acts*,⁴¹.

Resolution 2242 is important in the sense that it reinforces ideas of gender mainstreaming and the necessity to introduce WPS at all levels of policy making. In this introductory provision the UNSC reiterates the sentiment expressed in Resolution 2122 (2013) and the interlink between the need to promote the WPS agenda in the context of dealing with threats to international peace and security caused by terrorist activity. The Resolution is particularly important with regards to the considerations

³⁹ Cohn C. (2017) “Beyond the “Women, Peace and Security” Agenda: Why We Need a Feminist Roadmap for Sustainable Peace”, Consortium on Gender, Security and Human Rights, Feminist Roadmap for Sustainable Peace Project Background Paper, 1

⁴⁰ UNSC, Security Council resolution 2122 (2013) [on women and peace and security], 18 October 2013, S/RES/2122 (2013), available at: <https://www.refworld.org/docid/528365a44.html> [accessed 10 May 2023] para.3

⁴¹ UNSC, resolution 2242 (2015) supra note 7, preambulatory para. 13

of P/CVE, notably recognising that women are ‘often directly targeted by terrorist groups’ as well as the ‘differential impact on the human rights of women and girls of terrorism and violent extremism’⁴². In fact, the consideration of CT and P/CVE in Resolution 2242 is centred around the pillar participation as the UNSC underlines the need to ‘ensure the participation and leadership of women and women’s organisations in developing strategies to counter-terrorism and violent extremism which can be conducive to terrorism’⁴³.

Beyond the importance of resolution 2242 with regards to P/CVE, which, if acknowledged, will not be explored in depth in this thesis, the resolution is important with regards to the conceptualisation of sexual terrorism within the WPS, as the UNSC explicitly expresses ‘**deep concern that acts of sexual and gender based violence are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power through supporting financing, recruitment, and the destruction of communities**’.⁴⁴ The acknowledgement of the nexus between terrorism and SGBV, made with reference to the Secretary General’s Report on Sexual Violence in Conflict of 23 March 2015 (S/2015/203), marks the growing understanding of the interlink between terrorism and sexual violence. Furthermore, the use of ‘tactic of terrorism’ is a direct parallel to key resolutions on CRSV, including Resolution 1888, which had qualified CRSV as a ‘tactic of warfare’⁴⁵.

The most significant aspect of Resolution 2242, however, is the explicit referral to integration of WPS framework within the CT measures as the UNSC ‘*Calls* for the greater integration by Member States and the United Nations of their agendas on women, peace and security, counterterrorism and countering-violent extremism which can be conducive to terrorism’⁴⁶. This integration is also foreseen at the level of international policy and UN mechanisms itself as the Security Council ‘*requests* the Counter-Terrorism Committee (CTC) and the Counter-Terrorism Committee Executive Directorate (CTED) to integrate gender as a cross-cutting issue throughout the activities within their respective mandates’. Finally reinforcing the participation pillar of WPS, the resolution explicitly ‘*encourages* the CTC and CTED to hold further consultations with women and women’s organisations to help inform their work’⁴⁷. Furthermore, the resolution promotes the conducting of ‘gender sensitive research and data collection on the drivers of radicalisation for women, and **the impacts of counter terrorism strategies on women’s human rights and women’s organisations** in order to develop targeted and

⁴² Ibid, preambulatory para.14

⁴³ Ibid, preambulatory para 13

⁴⁴ Ibid, preambulatory para 14

⁴⁵ UNSC, resolution 1888 (2009) [on acts of sexual violence against civilians in armed conflicts], 30 September 2009, S/RES/1888 (2009), available at: <https://www.refworld.org/docid/4ac9aa152.html> (accessed 12 May 2023), operative para.1

⁴⁶ UNSC, resolution 2242 (2015) supra note 7, preambulatory para 13

⁴⁷ Ibid operative para. 11

evidence-based policy and programming responses⁴⁸ and to ensure that bodies mandated for CT response ‘have the necessary gender expertise’⁴⁹.

Resolution 2242 was followed, in 2019, by Resolution 2467, which comes in continuation of the UNSC’s focus on CRSV and builds on the linking of CT and WPS from the particular perspective of Protection of Civilians (POC). Echoing the preambulatory clause of resolution 2242 and explicitly referring to resolutions 1888 (2009) and 1960 (2010) the UNSC reiterates its recognition ‘*sexual violence used as a tactic of war and as tactic of terrorism*’⁵⁰ (emphasis added), and ‘requests (...) to further strengthen the monitoring, analysis and reporting arrangements on conflict-related sexual violence’⁵¹ committed in the context of terrorism. Similarly, to Resolution 2242, the UNSC requested in resolution 2467 CTED and CTC to include WPS considerations within mandated activities, however with the specific aim of addresses ‘**issue of trafficking in persons and its link with sexual violence in conflict and post-conflict situations committed by terrorist groups as part of their strategic objectives and ideology, and used as a tactic by certain parties to armed conflict, including non-state armed groups designated as terrorist groups;**⁵².

Resolutions 2242 and 2467 are particularly key as both denote of the growing recognition the nexus between terrorism and matter of concern under the WPS framework, Resolution 2242 focusing particularly on the role of women in P/CVE under the participation pillar while Resolution 2467 sets itself withing the tradition of the UNSC, in its focus on CRSV committed with terrorist intent under the pillar of protection.

2.3 Resolution 2467 – a paradigm shift in the consideration of CRSV?

Having recognised the nexus between terrorism and sexual violence, it is hoped that the acknowledgement of the pervasive use of such methods and the conducting of acts will lead to increasing accountability and prosecution. the interconnection also needs to be established in order to properly define these crimes for the purpose of prosecuting alleged offenders’⁵³. Prosecution of CRSV is a sore topic for feminists, as levels of prosecution remain extremely low, despite active international engagement on the matter evidenced by a portfolio of documents on the matter, including UNSC Resolutions⁵⁴ and international declarations for instance the 2013 G8 Declaration on Preventing Sexual

⁴⁸ Ibid, operative para.12

⁴⁹ Ibid operative para 12

⁵⁰ UNSC, resolution 2467 (2019) supra note 8, operative para.6

⁵¹ Ibid

⁵² Ibid operative para 29

⁵³ Attah, C. E. (2020). Opinion Piece–Terrorism, Human Trafficking and Conflict-Related Sexual Violence: Examining the Nexus. *Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence*, 1(2), 118

⁵⁴ see UNSC 1820, UNSCR 1888, UNSCR 1960, UNSCR 2106 and UNSCR 2467

Violence⁵⁵ in Conflict or yet the 2023 Council of Europe Resolution on the topic⁵⁶. If UNSC Resolutions 1820 and 1888, provided the benchmark for consideration of CRSV and were presented as step forward in the search for accountability for CRSV, they were criticised for perpetuating paternalistic approach through their exclusive focus on protection.

In this respect, resolution 2467 denotes from the corpus of international documents on CRSV by a number of aspects, ‘providing entry points to substantially improve the way in which CRSV is addressed’⁵⁷. Resolution 2467, in many aspects presents itself as potential paradigm shift from the consideration of CRSV by the UNSC. This evolution is evidenced by the notably inclusion of an explicit demand for the correct qualification of acts amounting to CRSV and sexual terrorism in order to **‘contribute to lifting the sociocultural stigma attached to this category of crime and facilitate rehabilitation and reintegration efforts;**⁵⁸ and stressing of the importance of ensuring that victims **‘have access to national relief and reparations programmes, as well as health care, psychosocial care, safe shelter, livelihood support and legal aid’**⁵⁹. The Resolution also marks the first inclusion of **‘women with children born as a result of sexual violence in conflict, as well as men and boys’**⁶⁰ as potential victims of CRSV and sexual violence within a WPS.

Through the inclusion in its preambulatory clauses of the context and causes of CRSV, recognising notably the links between discrimination and the small arms on CRSV as well as the need for gender equality, ‘opens the door for interpretation of the Operative Paragraphs in way that civil society can make good use of them to further State and institutional implementation’⁶¹. The resolution was also significant in its explicit placing of survivors and their rights at the centre of all actions, stressing the need to ensure effective remedies in accordance with international law and importantly, ‘bringing real legal reform into WPS’⁶².

The potential of the legal developments brought by resolution 2467 are important. In operative paragraph 14, the UNSC explicitly identified obstacles hindering access to justice and prosecution which should be addressed ‘as part of the broader efforts to strengthen institutional safeguards against impunity’⁶³. The provision notably stressed the need to remove ‘procedural impediments to justice for

⁵⁵ G8 Declaration on Preventing Sexual Violence, 11 April 2013, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_P_SVI_Declaration_-_FINAL.pdf [accessed 12 May 2023]

⁵⁶ PACE (2023) Resolution 2476 – Conflict Related Sexual Violence, 24 January 2023 available at <https://pace.coe.int/pdf/fe70c266d1244931d8ef60f4e9cdc4aac8b020fa5a0e83ea2fd9f75af55ad234/res.%202476.pdf> [accessed 12 May 2023]

⁵⁷ Chinkin, C., & Rees, M. (2019). *Supra* note 32, 14

⁵⁸ UNSC Resolution 2467 (2019) *supra* note 8, operative para. 28

⁵⁹ *Ibid* operative para.14

⁶⁰ *Ibid* operative para.28

⁶¹ Chinkin, C., & Rees, M. (2019) *supra* note 32, 14

⁶² *Ibid*, 16

⁶³ UNSC Resolution 2467 (2019) *supra* note 8 operative para. 14

victims'⁶⁴, citing specifically 'the procedural limitation periods for filing claims, corroboration requirements that discriminate against victims as witnesses and complainants, exclusion or discreditation of victims' testimony by law enforcement officials and within judicial and other proceedings'⁶⁵.

The inclusion of the above provisions by the UNSC demonstrate a real step forward in the consideration of the difficulties in accessing of justice faced by victims of CRSV. The removing of time limits, for example, acknowledges that post-conflict judicial systems may not have the structural capacity to effectively investigate, prosecute or provide accountability, and that victim, for a reason or another, may not be in a position to report the act immediately. It is however the inclusion of the need to remove the practice of corroboration and discreditation of victims' testimonies which presents itself as a potential 'real breakthrough in bringing greater gender equality into legal proceedings by refusing to endorse culturally held views of women'⁶⁶. Adejoké Babington-Ashaye, highlighted that despite the practice having no legal basis⁶⁷, the requirement for corroboration of sexual violence remains unfortunately influential on prosecution in countries such as Nigeria and underlined as a result the need for increasing knowledge diffusion and capacity building in order successful prosecution of rape without required corroboration⁶⁸. The inclusion of the call to end such practices in resolution 2467 is significant in the consideration of the normative powers of powers of WPS (highlighted in the conceptual framework above) and, as a result it can only be hoped that it will contribute to the changing of standards in national jurisdictions. Indeed, as highlighted by Chinkin, the progressive consideration of CRSV by the UNSC and the push for associated legal reform in resolution 2467 is significant as could in generate a cultural shift, challenging refractive considerations of sexual violence and pushing for the recognition of need to promote gender equality⁶⁹. The inclusion of sexual terrorism in this highly progressive resolution is thus positive as it can be hoped that the standards put forward will be applied in the context of prosecution sexual violence committed in the context of terrorism specifically.

2.4 From blanket prosecution to encouraging developments

At the time of the writing of this thesis, cases of prosecution of CRSV committed by terrorist organisations remain very few as the recognition of sexual terrorism in international policy is yet to have any impact on or to be reflected in the prosecution of CRSV committed in the context of terrorist activity⁷⁰. If some positives included Another the first-ever conviction of a member of Da'esh for the

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Chinkin, C., & Rees, M. (2019) supra note 32 supra note, 20

⁶⁷ Akpoghome, T. U. (2016). Analysis of the domestic legal framework on sexual violence in Nigeria. *Journal of Law and Criminal Justice*, 4(2), 23

⁶⁸ Babington-Ashaye, A. (2020). supra note 29, 214

⁶⁹ Chinkin, C., & Rees, M. (2019) supra note 32 supra note, 17

⁷⁰ Paulussen. C (2021) supra note 9

crime of genocide by a German Court in a case concerning a five-year old Yazidi girl who had been enslaved and bought alongside her mother and then left to die chained up in 50-degree heat in Fallujah.⁷¹

The general pattern of prosecution of terrorism remains prosecution for blanket crimes of association to terrorist organisations. The blanket indictments present the advantage of presenting themselves as ‘catch all’ in nature and enabling prosecution of a broad range of individuals under the umbrella of association of terrorism. Such generalisation of prosecution is also advantageous in the sense that it does not require specific evidence of the crimes which may have been committed by the individuals other than their association to terrorist groups or activity. The argument has in this sense been made that prosecution under very broad indictments of association to terrorism enables to reach the most accountability and facilitates judicial processes. If it is true, that a catch all prosecution does present a number of advantages in the sense that it bypasses the extensive need for evidence, since it is relatively easier to prove association to terrorism rather than sexual violence beyond a reasonable doubt, it fails to capture the essence of the act in itself. Moreover, the argument that blanket prosecution is due to difficulties in obtaining evidence is difficult to sustain considering the sheer amount of bureaucracy involved with the enslavement of Yazidi women which has been reported and – is simply available everywhere, published in Daqib – ‘FAQs what to do with your Yazidi Slave’⁷², which testify of a systemic use of sexual violence.

However, the blanket prosecution model is problematic as it does not enable the differentiation of the acts committed under in the context of terrorism, leading to issues with regards to the legality of the prosecution⁷³ and the proportionality of the sentences given. In this sense, the failure to adequately consider the range of crime which are committed with a terrorist intent may lead to important restrictions of human rights, in this regard, the extensive use of the death penalty applied by Iraq should be put forward as particularly concerning⁷⁴. In light of these issues, the argument has been made that terrorism should merely be considered in its form as an intent, rather than the crime within itself⁷⁵. In this sense, the terrorist intent would only be used at the sentencing stage in order to determine sentencing.

Interestingly, the normative and trend setting power of the WPS could lead to increasing prosecution of terrorism in general under the recognition of the need to ensure accountability for sexual terrorism.

⁷¹ Relief Web, “UNITAD Special Adviser Christian Ritscher welcomes landmark genocide conviction of ISIL member”, 30 November 2021

⁷² Roth, K. (2015). Slavery: The ISIS Rules. [online] Human Rights Watch. Available at: <https://www.hrw.org/news/2015/09/05/slavery-isis-rules> [Accessed 12 Nov. 2018]

⁷³ Raxter, L. (2021). Prosecution of Terrorism: Utilizing Domestic Court Systems to Address the Shortcomings of International Criminal Law. *Crim. L. Prac.*, 12,

⁷⁴ European Asylum Support Office (2019). EASO Country of Origin Information Report Iraq Targeting of individuals available at https://coi.euaa.europa.eu/administration/easo/PLib/Iraq_targeting_of_individuals.pdf (accessed on 20 May 2023) 89

⁷⁵ Raxter, L. (2021) supra note 73, 8

It is important to remind, that terrorism is yet to be recognised as core international crime under the ICC Statute, due to the international community's inability, for political reasons, to define terrorism⁷⁶. As a result, the case for prosecution of terrorism must be built under the guise of prosecution of war crime, genocide, crime against humanity or crime of aggression. Genocide, war crimes and crimes against humanity importantly all include sexual violence in their provision. As a result, it could be argued that the recognition of the nexus between sexual violence and terrorism could contribute to finding a path to prosecuting terrorism at the ICC or at least building a stronger case for such.

A notable development in this regard, is the opening of a preliminary investigation by the International Criminal Court (ICC) into the crimes committed by Boko Haram in Nigeria. In her December 11, 2020, statement, ICC prosecutor at the time Fatou Bensouda, announced that it had been concluded to a reasonable basis that Boko Haram members had committed crimes constituting crimes against humanity, including notably 'rape, sexual slavery, including forced pregnancy and forced marriage'⁷⁷. Another positive development includes the setting up, early 2022, of a Joint Investigation Team (JIT) by France and Sweden given the mandate to investigate the crimes committed against the Yazidi by Foreign Terrorist Fighters (FTFs) involved in ISIS. The JIT was created in the purpose of assisting national prosecution of states willing to 'end the impunity of FTFs involved in core international crimes such as slavery or sexual violence against members of the Yezidi community.'⁷⁸. These positive developments are the direct repercussion of the growing acknowledgement of the nexus between sexual violence and terrorism in international policy.

Last but not least, the significance of the act of recognition in itself should not be overlooked. Beyond the legal benefits of recognising the nexus between CRSV and terrorism in terms of enabling international prosecution of terrorism or compliance with the principles of legality and proportionality, recognising the nature of act and the harm suffered by the victim has great significance in terms of justice and restoration. The potential can be very pragmatic in the sense that a majority of states have special funds for compensation of victims of terrorism. As a result, it becomes important to recognise the double nature of the act and the specific intent of terrorism so for to enable the victim to benefit for the compensation that they are rightly owned. Recognition of the nexus thus becomes significant as individuals can rely on resolutions to give weight to their claims.

⁷⁶ Bekele, H. (2021). Problem of defining terrorism under international law: definition by the appeal chamber of special tribunal for lebanon as solution to the problem. *Beijing Law Review*, 12(2), 619-630.

⁷⁷ International Criminal Court (2020) Statement of the prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020. Available at: <https://www.icc-cpi.int/news/statement-prosecutor-fatou-bensouda-conclusion-preliminary-examination-situation-nigeria> (Accessed: 20 May 2023).

⁷⁸ European Union Agency for Criminal Justice Cooperation (2022) Support to joint investigation team of Sweden and France targeting crimes against Yezidi victims in Syria and Iraq, available at <https://www.eurojust.europa.eu/news/support-joint-investigation-team-sweden-and-france-targeting-crimes-against-yezidi-victims> (Accessed on 20 May 2023).

From a more holistic perspective giving a voice to survivors of sexual terrorism and acknowledging the harm they have suffered can also be greatly beneficial in terms of their healing. Indeed, this may contribute to giving a sense of justice to the survivors, who are able to ‘own’ in a sense their own experience. The push for a victims-based approach in resolution 2467, denotes of the understanding to place the survivor at the centre of the justice process, which can be extremely beneficial as expressed by survivors pointing to their participation in the justice process as ‘beginning of (their) rehabilitation’⁷⁹ This sentiment was echoed by Nadia Murad who underlined the importance of giving a place for survivors to be recognised as such, stating that ‘Everytime I tell my story, I feel like I am taking some power away from terrorists’⁸⁰

The inclusion of sexual terrorism within WPS reflects a willingness to acknowledge and differentiate between terrorist acts and pushes for more nuanced examination. With this in mind, the inclusion of sexual terrorism in UNSC resolution acknowledges the harmed suffered by the victims – aiding them put words on the experience and feeling seen by the international community and giving hope that increasing prosecution and accountability may result.

2.5 Conclusion

‘The good’ of the recognition of sexual terrorism within the WPS framework is thus linked to the potential of such recognition with regards to consequences on prosecution and for the victims. It has been argued that the recognition was long overdue and constitutes a positive step in the acknowledgment of the situation on conflict situations and realities of modern insecurity. When considered in light of the normative powers of WPS recognition could lead to positive developments in increasing accountability for acts of CRSV committed by terrorist organisations as international policy could lead to the trickling down into national legalisation. Furthermore, the recognition of the crimes committed is significant for the victims as not only will the acknowledgement of their experience can support their recovery, but it can also have very practical consequences including with regards to the obtention of victim status.

3. The Bad: Securitisation and uncovering the economic value of sexual terrorism

If the ‘good’ of the recognition of sexual terrorism within the WPS agenda was presented in the previous chapter as embodied in the act of recognition in itself and the positive consequences that may arise as a result, the other side of the coin, ‘the bad’, so to speak, aspects of this recognition should also be acknowledged. In this regard, rather than focusing on hopes and expectations of the possibilities, the

⁷⁹ Lamb, C. (2020). *Our bodies, their battlefields: War through the lives of women*. Scribner, 235

⁸⁰ Murad, N. (2018) supra note 1.

actual language and the concrete measures proposed in UNSC resolutions pertaining to sexual terrorism should be reviewed. In this sense, the progressiveness of Resolutions 2242 and, 2467 especially, should be considered within the broader context of the association of WPS and CT. In this respect it will be presented that that the writing used by the UNSC in the above resolutions, when compared with CT resolutions no longer appears to push for any radical changes, and in fact, leaves the door open for controversial interpretations. Furthermore, it will be presented that the inclusion of sexual terrorism in WPS framework resolutions poses a risk of heightened securitisation of WPS for the purposes for counterterrorism.

3.1 ‘Just talk, talk and no action’⁸¹: a UNSC model of recognition

The recognition and the inclusion of sexual terrorism within WPS resolutions were characterised in the previous chapter as hopeful for the evolution of consideration of the issue, and it was argued that it was this act of recognition in its very self which could lead to fundamental changes for both the fight for accountability and for the victims themselves. However, since the importance of language was recognised and, since the effects of international policy and diplomacy relying on the slightest changes of nuance and understanding of the language used in international documents, the analysis of such should be made to its full extent.

In this respect, the analysis of the language used in the resolutions included in the WPS framework becomes even more interesting in its contrast with the approach of the UNSC in its CT framework. Indeed, it is easily noticeable that the UNSC uses strong language in resolutions pertaining to CT. Resolution 1373 is considered one of the most extensive pieces of international legislation and subsequent resolutions adopted under the CT framework are characterised by similar strength. For example, in Resolution 2464, relating to terrorism financing, it states that ‘all members **shall**, in a manner consistent with their obligations under international law, including international humanitarian law, international human rights law and international refugee law, **ensure their domestic laws and regulations establish serious criminal offenses sufficient to provide the ability to prosecute and to penalise in a manner duly reflecting the seriousness of the offence**⁸² (emphasis added). Here, the UNSC clearly imposes on states to ensure their legal system is adapted to the prosecution of terrorist associated crimes and if it isn’t to implement changes for compliance. Similarly, the UNSC has been seemingly more willing to follow the implementation of the measures and resolutions regarding CT as related resolutions are characterised by the consistent inclusion of monitoring mechanisms. For example, in Resolution 1373 (2001) the UNSC imposed on states to report within 90 days regarding the

⁸¹ Lamb, C. (2020). Supra note 79, 296

⁸² UNSC, Resolution 2462 [On Counter Terrorist Financing] 28 March 2019 UN Doc S/RES/2462 operative para 5

implementation of the resolution⁸³, in a clear wish to monitor implementation and ensure a level of accountability with regards to compliance.

3.1.i. A comparative analysis of the language used in WPS versus CT resolutions

Seeing the trends as to the linking of CT and WPS under the justification of the need to increase security for the protection against sexual terrorism it would be easy to assume that the language used in resolutions 2242 and 2467 would resemble in its strength the rhetoric used in CT. However, what is noticeable instead is the stark contrast between resolutions relating to sexual terrorism and those relating to other terrorist offences, for example on the financing of terrorist activities.

Through the use of verbs such as ‘calling’... It appears, as a result, that the UNSC allows states to retain a high margin of appreciation with regards to the implementation of resolutions pertaining to sexual violence, and in this case sexual terrorism. This cautionary approach has been criticised by feminist scholars, arguing that condemning the acts committed without imposing any measures on states would make UNSC resolutions, including the WPS framework in itself ‘purely symbolic gestures’⁸⁴ aiming to quiet international feminist expectations and give the impression of progress and commitment without risking contestation by states who would only have to implement on a voluntary basis. A sense of *Women’s rights A la Carte* – if you will - which results in a win-win for the UNSC and states. While the UNSC can promote its active engagement on issue of WPS, states will earn international recognition if they are proactive in implementation but will lose nothing in keeping with the status quo as they may simply argue that they are not in the possibility to implement the measures they were, called on, not imposed into compliance.

This approach and the differing language used is controversial in the reflection it offers of the importance perceived of the topics of WPS and sexual terrorism. Indeed, the calling on states ‘without the imposition of any deadlines, to strengthen legislation and enhance investigation and prosecution of CRSV in the “context of justice sector reforms” (...) gives the impression that there is no urgency and states only need to enact legislation as and when justice sector reforms are conducted’⁸⁵. This hands-off attitude of the UNSC lets states put the issue at the bottom of priorities and is disturbing in its comparison with not only language contained in resolutions relating to other terrorism offences but also in its contrast with the language use in the very introduction of the same resolutions.

Evidence of this approach is even evidenced in resolutions adopted within CT framework pertaining to sexual violence committed by terrorist organisations. In Resolution 2331 (2016), for example, the

⁸³ UNSC, resolution 1373 (2001) [on threats to international peace and security caused by terrorist acts], 28 September 2001, S/RES/1373 (2001), operative para 6, available at: <https://www.refworld.org/docid/3c4e94552a.html> [accessed 24 May 2023]

⁸⁴ Ibid

⁸⁵ Babington-Ashaye, A. (2020). supra note 29, 221

UNSC strongly condemned the use of CRSV and THB by terrorist organisations, pointing to actions carried out by ISIS and expressed ‘**outrage** at their exploitation and abuse, including rape and sexual violence, forced marriage, and enslavement’⁸⁶. However, if the introductory clauses reflect the condemnation of act of sexual terrorism by ISIS, there remains noticeable lack of decisive language used in operative clauses of the resolution as the states are merely called on to ‘consider as a matter of priority ratifying or acceding to and to fully implement’ the United Nations Convention Against Transnational Organised Crime and the Palermo Protocol⁸⁷. Once again, if the resolution demonstrates a willingness for changing consideration at state level it does not impose any change on states, nor requests for a follow up to implementation, contrasting with other counterterrorism resolutions, including Resolution 1373.

In this sense, a clear paradox can be distinguished as although the international community and the UNSC recognise the importance of the threat to international peace and security ‘‘the use of exhortatory rather than mandatory language belies the supposed importance of criminal justice response to CRSV and THB in general and specifically when such crimes are committed by organisations designated as terrorist or by state forces in counter-terrorism campaigns’⁸⁸. Here, it is important to reflect again on the language used in resolutions relating to CT, which benefit of higher coherence throughout; the threat to international peace and security is clearly identified and mandatory change is imposed to remedy the threat, except of course, when relating to sexual violence as demonstrated by the weaker language used in resolution 2331.

3.1.ii. Framing sexual violence within terrorism financing

When looking at specific areas of CT, including regarding the matter of counter terrorist financing, the failure to give the same amount of consideration to sexual terrorism, can be somewhat perplexing when considering that financial considerations have been underlined as one of the reasons why terrorist organisations may turn to sexual violence as a method, the Secretary General’s Representative for CRSV noting *that disrupting sexual terrorism ‘was to help disrupt the business of terrorism’*.⁸⁹ Indeed, from a very pragmatic perspective CRSV remains a very ‘cheap method of warfare’ as it ‘cheaper than bullets, it requires no weapon systems other than physical intimidation, making it low cost, yet high impact ... (and) resistant to disarmament processes and ceasefire monitoring’⁹⁰. If the commission of sexual violence is cheap, it may also bring pecuniary resources to the organisation when taking the form

⁸⁶ UNSC, Resolution 2331 (2016) supra note 4, preamble para 13,

⁸⁷ Ibid para 2(2)

⁸⁸ Babington-Ashaye, A. (2020). supra note 29. 222

⁸⁹ United Nations (2016) supra note 5

⁹⁰ UN Women (2010) *Addressing Conflict-Related Sexual Violence: An Analytical Inventory of Peacekeeping Practice* New York: UN Women, available at https://www.unwomen.org/sites/default/files/Headquarters/Media/Publications/UNIFEM/0502_AnalyticalInventoryOfPeacekeepingPractice_en.pdf (accessed on 21 May 2023)

of THB and/or sexual slavery as in the context of insecurity brought by terrorist activity, rendering the population more vulnerable, THB can thrive, offering a potent and easily exploitable source of revenue⁹¹.

ISIS was a prominent participant in, what is considered to be a ‘multibillion dollars industry’⁹², the UN having estimated that the organisation amassed, only in 2013, between \$35 and \$45 million.⁹³ The institutionalisation of the sexual slave markets⁹⁴ and the amount of bureaucracy surrounding trafficking demonstrate the well-thoughtfulness of the trade. Sexual violence proved to also be a major source of funding for Boko Haram as it was estimated that between 2014 and 2016, the group earned around \$100.000 to \$200.000 per months through trafficking⁹⁵ but also by releasing captured women in exchange of ransoms⁹⁶. The evidence of the nature of sexual terrorism as somewhat akin to a ‘cash cow’ for terrorist organisations⁹⁷ led to the UNSC, in Resolution 2199 (2015) ‘expressing outrage’ at the exploitation and abuse of women and children by ISIS and other groups calling for ‘all state and non-state actors with evidence to bring it to the attention of the Council, along with any information that human trafficking may support the perpetrators financially’⁹⁸. In this regard, the Secretary General’s Representative for CRSV

However, if the Resolution does express a commitment in preventing the payment of ransoms⁹⁹ to terrorist organisations in its operative clauses, the calls remain very general, and no further mention of sexual terrorism are made beyond the preambulatory paragraph, testifying again of the limited commitment of the UNSC on these matters observed so far.

In light of the differing consideration of financing terrorism and sexual violence it was argued by Aaron that the role of sexual violence as a tool for financing of terrorism should be highlighted and emphasised in a manner as to enable advocates ‘to argue that prioritising the tackling of these abuses is both urgent

⁹¹ SA Welch, ‘Human Trafficking and Terrorism: Utilizing National Security Resources to Prevent Human Trafficking in the Islamic State’ (2017) 24 *Duke Journal of Gender Law & Policy* 166.

⁹² Niethammer.C (2020) ‘Cracking the \$150 Billion Business of Human Trafficking’, *Forbes*, 2 February 2020 available at <https://www.forbes.com/sites/carmenniethammer/2020/02/02/cracking-the-150-billion-business-of-human-trafficking/> (accessed 14 on May 2023)

⁹³ Global Network of Women Peacebuilders (GNWP) (2020), *Seeking accountability and preventing reoccurrence: addressing conflict related sexual slavery through the Women, Peace and Security Agenda*, 158, available at https://gnwp.org/wp-content/uploads/GNWP-Conflict-Related-Sexual-Slavery-Research_Dec-2020.pdf , (accessed on 15 May 2023),

⁹⁴ CTED (2018) Report ‘Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing’ 2018, 30.

⁹⁵GNWP (2020), *supra* note 93, 159

⁹⁶ Attah, C. E. (2020). *Supra* note 53, 124

⁹⁷ *Ibid* 121

⁹⁸ UNSC *resolution 2199 [on threats to international peace and security caused by terrorist acts by Al-Qaida]*, 12 February 2015, S/RES/2199 (2015), available at: <https://www.refworld.org/docid/54ef1f704.html> [accessed 20 May 2023], preambulatory para. 14

⁹⁹ *Ibid*, Operative para 18-22

and a matter of self-interest'¹⁰⁰. However, this suggestion is not without controversy as the threats of the de-prioritisation of consideration of CRSV an aim to fight the 'bigger' issue of terrorist financing¹⁰¹ are perceived. Moreover, placing sexual terrorism under the consideration of the financing of terrorism would be akin to a bittersweet victory as if it may result in stronger measures as it perpetuates the idea that women's rights are not as important as financial considerations and suggests that sexual violence is only worth preventing through strong measures only when and/or because it finances terrorism, not because it harms women.

3.1.iii. Conclusions

In light of the consideration of the language used in UNSC resolutions of interest, it has been put forward that the lack of concrete development in the prevention of CRSV is due to the failure to create an ideal environment for actual implementation¹⁰². Indeed, as it stands, the current regime means that 'states can, and do, take refuge in their sovereignty and do nothing'¹⁰³. The lack of action by states has been underlined as not particularly surprising as no challenge to patriarchal structures is imposed, and it is believed by authors such as Babington-Ashaye, that 'that until sexual terrorism is placed on an equal footing in the international peace and security agenda as the financing and sponsorship of terrorism, the push to ensure domestic accountability for sexual terrorism will remain a battle'¹⁰⁴. All in all, at the heart of the problem lies the cautionary approach taken by the UNSC with regards to resolutions pertaining to CRSV committed in the context of terrorism. If the inclusion of sexual terrorism as a 'tactic of terrorism'¹⁰⁵ could have been a first step towards increasing accountability, the reliance on 'vague and illusive' rather than mandatory language, means that WPS resolutions, including resolutions 2242 and 2467, 'can be interpreted and reinterpreted in divergent and dissonant ways by different actors'¹⁰⁶, opening the door for co-optation and securitisation.

3.2 Co-optation and securitisation

For the purpose of analysis, the process of securitisation is to be understood, as presented by the Copenhagen School of Security Studies, 'as a process through which non politicised (issues are not talked about) or politicised (issues are publicly debated) issues are elevated to security issues that need to be dealt with urgency, and that legitimate the bypassing of public debate and democratic

¹⁰⁰ Aarons, L. (2020). From Weapon of War to Tactic of Terrorism–Dangerous New Ground in the Fight Against Conflict-Related Sexual Violence and Human Trafficking. *Journal of Human Trafficking, Enslavement and Conflict-Related Sexual Violence*, 1(2), 163-187. 170

¹⁰¹ 225

¹⁰² United Nations (2016) supra note 4

¹⁰³ Babington-Ashaye, A. (2020). supra note 29

¹⁰⁴ Ibid

¹⁰⁵ UNSC Resolution 2242 (2015) supra note 7 , preambulatory para 14

¹⁰⁶ Van Kersbergen, K. and Verbeek, B. (2007) 'The Politics of International Norms: Subsidiarity and the Imperfect Competence Regime of the European Union', *European Journal of International Relations*, 13(2), pp. 217–238

procedures'¹⁰⁷. This process passes through three key stages (1) claims that a referent object is existentially threatened, (2) demands the right to take extraordinary countermeasures to deal with that the threat, and (3) convinces an audience that rule-breaking behaviour to counter the threat is justified. The dealing of the threat to international peace and security caused by terrorism, has been, in the past decades, the textbook example of a process of securitisation. Through the process of securitisation and the resulting legitimisation of an approach of 'all means necessary' is legitimised to resolve what has been perceived as an existential threat. Such approach results in the passing of resolutions under Chapter VII authorising the use of force but also derogations to human rights obligations, as such securitisation may 'have the unintended effect of exacerbating' the problem for all, as opposed to resolving the sources of insecurity¹⁰⁸.

3.2.i. The securitisation of the war on terror

The first step of the process of securitisation passes through in increasing reliance on a rhetoric of emergency. The War on Terror, a qualification vague but appealing in itself, was characterised by the extensive use of emergency discourse giving the sense of the overwhelming and omnipresent threat of terrorism which required unbound international focus and attention.

If prior to 9/11, the CT framework was characterised by the adoption of specific Terrorist Treaties, pertaining for example to hostage situations¹⁰⁹ or aircraft safety¹¹⁰, and the general consideration that terrorism and regulation of national safety was to be ceded to national legal systems¹¹¹, post 9/11 however, saw an important shift from the consideration of terrorism in multilateral conventions to the 'quasi-legislative' power of the UNSC in the consideration of threats to international peace and security caused by terrorism. According to Finnuála Nì Aoláin, this 'quasi-legislative' mode¹¹² characterised in the 'creating of a range of binding obligations for States through the use of counterterrorism resolution adopted under Chapter VII of the UN Charter'¹¹³.

Since the 9/11 attacks the UNSC has adopted 50 resolutions forming its CT framework, building on the foundations Resolution 1373(2001) which came as an immediate reaction of the international

¹⁰⁷ Van Munster. R (2012) *Securitisation*, Oxford Bibliographies, available at <https://www.oxfordbibliographies.com/display/document/obo-9780199743292/obo-9780199743292-0091.xml> (accessed on 22 May 2023)

¹⁰⁸ Merger, S. (2018), *supra* note 24, 20

¹⁰⁹ UN General Assembly, *International Convention against the Taking of Hostages*, 17 December 1979, A/RES/34/146, available at: <https://www.refworld.org/docid/3b00f2303c.html> (accessed 23 May 2023)

¹¹⁰ See for Example: International Civil Aviation Organization (ICAO), *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation*, 23 September 1971, 974 UNTS 177, available at: <https://www.refworld.org/docid/3ae6b37a14.html> (accessed 21 May 2023)

¹¹¹ Nì Aoláin, F. (2021). The Ever-Expanding Legislative Supremacy of the Security Council in Counterterrorism. In A. Vidaschi & K. Scheppele (Eds.), *9/11 and the Rise of Global Anti-Terrorism Law: How the UN Security Council Rules the World* (Global Law Series, pp. 34-55). Cambridge: Cambridge University Press, 39

¹¹² *Ibid*, at 38

¹¹³ *Ibid* at 38

community to the attacks on the World Trade Centre. By strong position taken, the UNSC goes with Resolution 1373, far beyond the original expectations¹¹⁴, as it reaffirmed the ‘need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts’¹¹⁵ has led the resolution, to be presented as ‘one of the most wide-ranging SC resolutions ever passed placing its mandatory obligations upon states’¹¹⁶.

3.2.ii. Securitisation and Human Rights.

In the context of the emergency caused by terrorism, dealing with the threat associated became the focus of the international community and resulted in the UNSC adopting 50 resolutions pertaining to terrorism and counter-terrorism post 9/11. However, as the old saying goes ‘*Quantity does not equal quality*’ and this accumulation of resolutions adopted in the particular context of the War on Terror, has been criticised as characterised by a ‘distinct pattern of fast-tracked creation and a notable absence of broad consultation and engagement’¹¹⁷. In this sense, the urgency portrayed in the need to deal with the threat of terrorism has come at the expense of adequate safeguards, as the rhetoric was pressed that the urgent need to find quick solutions justified the limitation of engagement with external stakeholders and civil society. Indeed, as put forward by Merger the process of securitisation brought in the context of counterterrorism privileges and reinforces ‘traditional, state-centric security prerogatives’¹¹⁸ at the expense of the protection or advancement of human rights.

It is difficult not to notice in this regard the lack of substantive mention of human rights in Resolution 1373 (2001) which was condemned by the International Helsinki Foundation for Human Rights as leaving ‘the impression that human rights protection is a secondary consideration in the campaign against terrorism, instead of an essential component of any counter-terrorism strategy’¹¹⁹. It is only in Resolution 1624 (2005) that the UNSC for the first time within a CT resolution reminded the obligation on states to comply with their obligations under international law, and, in particular, international human rights law¹²⁰. However, if the development in this regard is positive, Ni Aoláin point ‘the obvious time gap between 2001 and 2005 in the articulation of specific human rights obligations as relevant to counterterrorism regulations by the UNSC’¹²¹. This noticeable omission paints human rights as

¹¹⁴ Wondwossen D. Kassa, “Rethinking the ‘No Definition’ Consensus and the ‘Would Have Been’ Binding Assumption Pertaining to Security Council Resolution 1373,” *Flinders Law Journal* 17 (2015): 127–128.

¹¹⁵ UN Security Council, Security Council resolution 1325 (2000) [on women and peace and security], 31 October 2000, S/RES/1325 (2000), available at: <https://www.refworld.org/docid/3b00f4672e.html> [accessed 18 May 2023] Preambulatory clause 5

¹¹⁶ Ni Aoláin, F. (2021), supra note 111, 47

¹¹⁷ Ibid, 45

¹¹⁸ Merger, S. (2018), supra note 24 17

¹¹⁹ International Helsinki Federation for Human Rights, (2003), *Anti-Terrorism Measures, Security and Human Rights* 41-42

¹²⁰ UNSC resolution 1624 (2005) [on threats to international peace and security], 14 September 2005, S/RES/1624 (2005), available at: <https://www.refworld.org/docid/468372832.html> (accessed 20 May 2023)

¹²¹ Ni Aoláin, F. (2021), supra note 111, 49

somewhat if an afterthought of CT strategy and feeds further into the justification of limitation of rights in the aim of national security, giving some legitimacy to the balancing of rights in favour of national security.

This overlooking of human rights in the context of national security is the most consistent critique of CT considerations. Relying on the rhetoric of emergency and on the vague and undefined notion of terrorism, states are given a broad margin of appreciation to devise their own understanding, which may result in problematically extensive measures. For example, in resolution 2178 ‘otherwise supporting acts or activities’ opens the ‘door to expansive definitions of “material” support to terrorism’ and the implementation of terrorist act under domestic law which have at times led to ‘sanctioning or even criminalising the activities of civil society organisations, humanitarian actors or criminalising private or family relationships’¹²². This issue has been highlighted by the Special Rapporteur on promotion and protection of human rights and fundamental freedoms who presented that in 58% of cases involving the prosecution against human rights defenders the charges were brought under CT legislation women human rights defenders were particularly targeted in this regards the Special Rapporteur having in intervened in over 119 cases in 20 countries.¹²³

Furthermore, not only are human rights defenders are targeted by counter-terrorism legislation, but civil society as a whole is somewhat excluded through the process of securitisation. It has been noted as concerning for instance that the CTC, if comparably more proactive than the UNSC in fulfilling its mandate to deal with the terrorist threat, ‘is almost entirely closed to human rights experts and to civil society’.¹²⁴, under the justification of its dealing with sensitive topics. Without involving civil society and other external stakeholders which often act as safeguards against human rights violations, the evading of scrutiny enabled through the discourse of emergency and process of securitisation is problematic as leave institutions unchecked and possible restrictions of human rights in the name of protection of security are left unchallenged.

In light of the above it is important to keep in mind that *‘if the rights of suspected terrorists are diminished, so potentially is the protection for other members of society, who may be entirely innocent of any crime or wish to harm society. In that way, the values of a democratic society are put in danger. Any balancing of national security with human rights has to remember that kind of risk.’*¹²⁵. Women, and their rights are those potential ‘other members of society’ as, the linking of WPS and CT may result in a securitisation by proxy.

¹²² Ibid

¹²³ UNSG (2022) Report of the Secretary General on Women, Peace and Security <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S-2022-740.pdf> para.63

¹²⁴ Ni Aoláin, F. (2021), supra note 111, 37

¹²⁵ Arden. M (2015) ‘Balancing Human Rights and National Security’, *Human Rights and European Law: Building New Legal Orders*, Oxford, online edn, Oxford Academic, 172

3.2.iii. The risk of securitisation by proxy

If linking of WPS and CT frameworks may appear evident due to the growing understanding of the consequence and role of women in CT and P/CVE and the dual nature of sexual terrorism, in consideration of controversies surrounding the development and implementation of the CT framework concerns at the possible securitisation of WPS have been raised. The embodiment of ‘CT thinking’ in resolution 2242 and 2467 is mostly evident through reference to CT instruments, including CTC and CTED. However, it also permeates in a more subtle manner, through the perpetuation of CT shortcomings reflected in the use of broad and language open to interpretation and the continued failure to define terrorism. This assimilation of pervasive CT shortcomings in resolutions 2242 and 2467, leads to a risk of hindering the credibility of the WPS agenda. WPS therefore may become a tool for the legitimisation of flawed CT mechanisms, through this process of securitisation.

As Ní Aoláin points out the inclusion of consideration of terrorism in WPS resolutions ‘suffers from the same generic defect as UNSCR 1373: violent extremism, terrorism and terrorist acts are all condemned but their scope remains undefined’¹²⁶. The continued lack of definition of terrorism in itself and the broadness of the language used in WPS resolutions pertaining to terrorism parallel the shortcomings of the CT framework and seemingly give reason to the argument that instead of ‘aligning the two arenas of collective security work there is a significant risk of the WPS agenda being co-opted into the civilising tropes that surround the work of countering terrorism and violent extremism’¹²⁷. It is this co-optation which is at centre of concerns as the risk becomes that sexual terrorism and protection of women from terrorism in general becomes the new focus of the emergency and securitisation rhetoric. In this sense, the argument is that sexual terrorism could lead to the increasing examination of WPS from CT and a heightened security lens which in turn may result in the giving of legitimacy to ‘the use of multilateral force across a range of fragile states, (...) and the increased status and defence given to maintaining and extending international security regimes by recourse to the rhetorical assertion of expanded terrorist threat’¹²⁸.

The co-optation of WPS, is concerning when considering resulting risks to human rights encountered in the process. The reference to CTC and CTED, mechanisms completely closed to external scrutiny, within the WPS framework reflects a promotion of state centric solutions to resolve the threat caused by terrorism. The shutting out from the process external stakeholders and civil society and leads to a real risk of the erosion of safeguards, which may in turn lead to hindering of human rights as developments are left unscrutinised. Considering that the whole of the WPS was built on the foundations of respect for human rights and civil society participation, it is not difficult to see how the association

¹²⁶ Ní Aoláin, F. (2016). The ‘war on terror’ and extremism: assessing the relevance of the Women, Peace and Security agenda. *International Affairs*, 92(2), 275-291, 283

¹²⁷ Heathcote, G. (2018) supra note 26, 387

¹²⁸ Ní Aoláin, F. (2016), supra note 126, 276

with a framework which deliberately avoids reference to human rights to facilitate state centric military measures may be considered controversial, to say the least. The above has resulted in criticism of Resolution 2242 which instead of being a critical juncture for destabilising the masculinised, male dominated and radicalised nature of P/CVE it also opened the space for the co-optation of feminist discourses to uphold gendered and racialised structures¹²⁹. In this sense, the lack of efforts to remedy the shortcomings of the CT framework and to integrate a gendered approach leads to the opinion that inclusion in WPS ‘can legitimise harmful CT measures and obscure more comprehensive understanding of the gendered harm associated with conflict and terrorism’¹³⁰, and result in the implementation of mechanisms which ‘increase the risk that women will be exposed to greater insecurity’¹³¹

Therefore, in consideration of CT’s pattern of justifying human rights limitations in the name of national security, the association of WPS and CT through resolution 2242 and 2467 under the justification of the consideration gendered harm of terrorism, including sexual terrorism is controversial. The very one-sided association of the two frameworks may result in the securitisation by proxy of WPS and the resulting increasing reliance on rhetoric of the need to safeguard women’s rights in order to legitimise CT shortcomings. However, human rights may not be the only affected factor by the process of securitisation. Indeed, not only can it result in increasing militarisation and utilisation of WPS to legitimise the use of force, but the process in itself, through the reliance on increasing attention framed within a discourse of emergency may, in fact, increase the ‘exchange value’ of sexual terrorism, making such methods more appealing to terrorism organisations.

3.3 Fetishization and the economy of rape as a tactic of terrorism

International Politics and Policy is at its core, concerned with the value of different determinants. Acts and decisions are inherently taken in consideration to the added value they may bring to a state or other international actor. The balancing act of human rights and national security, becomes in this sense a value assessment through the process of securitisation and the associated rhetoric of emergency. To reframe this process under the current research question, securitisation, and increased security through the association WPS with CT is seen as of higher value and thus comes at the detriment of the protection of women and fulfilment of the original goals WPS in themselves. Following this perspective and this reasoning, the question then becomes, determining the effect of the current approach to sexual terrorism on its ‘value’ in international policy.

If reference has been made to the economic advantages of the use of sexual terrorism, in particular in its association THB by terrorist organisations, the analysis here, focuses of the non-pecuniary value of the concept of sexual terrorism in itself and its consequences on WPS. As mentioned throughout the

¹²⁹ McDermott, L. E. (2022), *supra* note 23, 250

¹³⁰ Aarons, L. (2020) *supra* note 100,

¹³¹ Nì Aolàin (2016) *supra* note 126, 276

thesis the linkage of WPS and CT in resolutions 2242 and 2467 appeared in the context of an increasing securitisation of WPS. Securitisation being a process which passes notably, by an increased public attention on the identified threat to international peace and security, here sexual terrorism, in order to justify exceptional means in the form of restriction of fundamental rights and authorisation of the use of force. Merger highlighted that this process is interesting from an economic perspective as the securitisation discourse leads to and is interlinked to a process of ‘fetishization’ of the existential threat, in this case sexual terrorism, as understood in light of Marx’s theory of commodity fetishism¹³².

Marx’s theory of commodity fetishism is linked with the concept of ‘exchange value’. As opposed to ‘use value’ determined by the practicality of the given commodity, the ‘exchange value’ describes the value attributed to the commodity by the considered worth determined in the capitalist market. Marx argued that this value is influenced by social, cultural, and economic relationships. The more a commodity is fetishized, the more it is attributed exchange value increases. Applying Marx theory in the framework of the research question, where the capitalist market is international policy, it is about determining how securitisation affects the exchange value of sexual terrorism through its reliance on the process of fetishization of such acts.

According to Marx, fetishization of a commodity is the final stages of a three-step process, which starts with the alienation and then objectification of a given commodity. Related to sexual terrorism; CRSV is alienated through its separation with the umbrella concept of SGBV. Extradited from SGBV, CRSV and sexual terrorism comes to be considered as differing from SGBV and sexual violence committed in times of peace and attributed a special status. The alienation is even more effective in states at peace, where the parallel between SGBV and CRSV is completely overlooked, with for example states such as the United Kingdom taking leading roles on the prevention of CRSV without demonstrating the same level of policy commitment to SGBV in general or to prosecution of own foreign fighters, failings which have been condemned by victims themselves¹³³. This alienation means in essence that sexual violence will only be considered unless it passes the threshold of threat to international peace and security which according to True¹³⁴ entails the passing the UN’s six pillars test:

- i. The act is a crime of concern to the international community and a whole
- ii. Its commission entails a degree of command responsibility
- iii. Civilians are targeted by the violent act
- iv. After the conflict, a conflict of impunity remains, and sexual violence normalised
- v. There is a level of cross border implications, which may include trafficking or displacement
- vi. The act is linked to ceasefire violations

¹³² Merger, S. (2018). *Supra* note 24, 22

¹³³ Lamb, C. (2020) *supra* note 79, 296

¹³⁴ True, J. (2012). *The political economy of violence against women*. Oxford University Press.

The existence of such test and focus on CRSV naturally leads to the assumption that sexual violence which does not pass is ‘not threatening, risky or destabilising’¹³⁵. Importantly, this process of alienation underlines that the topic of concern isn’t as much victims of sexual violence as it is sexual violence only when it poses a threat to international peace and security, and thus, states – observation which led Merger to argue that ‘the concept and operationalisation of CRSV becomes another commodity object in the market of global governance’.¹³⁶

Alienation is also visible through the process of information campaigns, for example calls to Stop the Rape¹³⁷. If this increasing attention is of course valuable, it creates a sense of ‘issues from abroad’. It could be noted in this regards that the rhetoric of ‘us v. them’ has often been criticised in regard to considerations of SGBV as perpetuating harmful patterns of domination. Angela Davis in her acclaimed essay ‘Women, Race and Class’ underlined the manner in which the ‘The myth of the Black rapist has been methodically conjured up whenever recurrent waves of violence and terror against the black community have required convincing justification’¹³⁸. In the context of sexual terrorism, the argument that the joining of terrorist organisations and participation in terrorist acts is for some merely a way of relieving sexual frustration. This argument is problematic not only in its oversimplification of the reasons behind participation in terrorist activities but also because of its reliance on inherently controversial and discriminatory understanding of non-western sexuality and close-minded heteronormative conceptions – framed in pseudo feminism to further the counter-terrorism agenda¹³⁹.

The promotion of information campaign such as ‘Stop the Rapes’ but also the infamous #bringbackourgirls, feed into the second stage of fetishization according to Marx, namely objectification of the commodity. This objectification is furthered through the use of a discourse of emergency as through the process of securitisation and includes notably the use of highly emotional language including the describing of sexual violence as a fate worse than death. Referring back to the related UNSC resolutions, the expressions of outrage and strong condemnation but also the importance of international public debates on the topic, which often include high levels of gruesome details contribute to the objectification of CRSV and sexual terrorism.

The final step of the process is the direct impact of fetishization on economic, social and political behaviours. If the process benefits increasing securitisation by justifying exceptional means to end such vilified acts, it may unintentionally have direct effects on the use of sexual violence by terrorist organisations. In this sense, it is important to consider that the understanding of the ‘exchange value’ of such action is intricately linked with the nature and the purpose of terrorism itself. The argument

¹³⁵ Merger, S. (2018). *Supra* note 24, 26

¹³⁶ *Ibid*

¹³⁷ UN Action Against Sexual Violence in Conflict Initiative. 2007. *Stop Rape Now*. <http://www.stoprapenow.org>.

¹³⁸ Davis, A. Y. (1983). *Women, race & class*. Vintage. 155-156

¹³⁹ Caluya, G. (2013). Sexual geopolitics: the ‘blue balls’ theory of terrorism. *Continuum*, 27(1), 54-66.

here is that securitisation, through its reliance on the fetishization of sexual terrorism to authorise exceptional measures unwillingly results in the increasing the exchange value of sexual violence as a tactic of terror for terrorist groups, thus terrorism organisations are drawn to its use in order to gain increasing attention and spread terror.

Terrorism by its very nature aims to perpetuate terror in order to achieve political objectives, through terrorist actions, groups target not only the direct victims but also communities and societies as a whole. In their wish to affect the broadest pool, they are naturally drawn to methods which gain them the most media and international attention¹⁴⁰. Acts of CRSV in this regard also represents a number of advantages for terrorist groups as, not only, are such acts extremely traumatic, causing both physical and psychological long lasting and life changing consequences on the victims, their relatives, and the targeted community, but they also trigger international outrage and campaigns of mobilisation which invertedly a platform to the very perpetrators of the acts themselves.

Finally, not only do terrorist organisations gain more attention and thus are unwillingly giving a wider platform, increasing the exchange value of sexual terrorism also means that use of sexual violence may be attractive as providing them with higher bargaining powers. In this sense, due to the consideration and fetishization of sexual terrorism in the broader international population, states will feel under pressure to do everything possible to resolve the situation, in the light of such tensions and following political pressures due to the extensive focus on sexual violence raised the status of sexual abuse to an effective bargaining tool for combatants¹⁴¹.

According to Marx's theory, the process of fetishism of sexual violence brought about by the increasing attention given to the issue, which is an integral aspect of securitisation, may have the unintended consequence of increasing the exchange value of the use of sexual violence by terrorist organisations. With the current trends of conceptualisation elevating sexual terrorism as threats of international peace and security via a rhetoric of emergency, inferring public campaigns and international attention, it is not so surprising that terrorist organisations, which survive through attention, may be drawn to the use of sexual violence. This is not to say that the above mechanism is the only reason which may influence the use of sexual violence or that attention to the topic will always be negative. Indeed, it cannot be denied that the increasing attention given to the topic may be beneficial, as growing public interest and scrutiny may lead to pressure for accountability and further funding for organisations dealing with situations of sexual terrorism but also, akin to the legal development on the prosecution of rape during the ICTR and ICTY trials, bring about important legislative developments. The argument thus is that

¹⁴⁰ Forst, B. (2008). *Terrorism, crime, and public policy*. Cambridge University Press. in opinion piece 121

¹⁴¹ Autesserre, S. (2012). Dangerous tales: Dominant narratives on the Congo and their unintended consequences. *African Affairs*, 111(443), 202-222. in Merger supra note

public communication campaign should be paralleled with a real push to examine the root causes of violence.

In the risk of securitisation and the co-optation of the WPS framework, as well of the increasing exchange value of sexual terrorism through the process lies the ‘bad’ of the conceptualisation. Furthermore, the controversial developments brought about by the linking of CT and WPS through the inclusion of sexual terrorism are symptomatic of the deeply troubling trajectory that the WPS agenda is following, which is seemingly distracting from its feminist founding principles’¹⁴².

4. The Ugly? (truth): Addressing the reasons for Sexual Terrorism and Reaching Feminist Peace

As presented, there are two sides to the same coin that is the recognition of sexual terrorism within the WPS framework. Where the ‘good’ side means that the reality of the harm suffered by the victims is recognised and hope for increasing accountability is offered, the ‘bad’ side is linked with the risk of securitisation by proxy of WPS through its association with CT resulting in restriction of human rights and potentially making sexual violence more attractive as a method of terrorism. This final part, drawing on the above analysis, will uncover the ‘ugly truth’ of the conceptualisation of sexual terrorism. It will be argued that securitisation amounts to turning away from the foundations WPS, foundations which should be refocused on in order to prevent sexual terrorism. In this sense, this chapter will put forward that addressing the causes of sexual terrorism and striving towards feminist peace require the examination of inherent power and domination dynamics which may only be remedied through important structural and societal changes. Finally, it will be outlined that in light of contrasting current development of WPS with the reform required, the feminist advocates are faced with a Catch22.

4.1 Then they were four: the need for more balanced considerations of the pillars of WPS.

4.1.i Victim, Saviour, (Individual with agency?): the limits of the participation/protection binary.

The inclusion of WPS within the rhetoric of security which characterises the CT framework stands in stark opposition to the original goals of WPS, which as embodied in resolution 1325 aimed to reduce and prevent violence against women through addressing the root causes of violence and insecurity. If, the ambitions for the promotion of feminist peace through WPS held by civil society engaged in the

¹⁴² McDermott, L. E. (2022), supra note 23, 253

process¹⁴³ to be levelled in the negotiations, the overall objective remained one of promoting peace through gender equality in the lens of the four pillars of participation, protection, prevention, relief & recovery. The current consideration of sexual terrorism through the increasing securitisation of the WPS agenda and its incorporation within the CT framework is controversial as ‘the risks of engagement with an institution with the mandate to authorise the use of force’, contrasts with the historical agenda of feminism for peace and demilitarisation¹⁴⁴.

Through the linking of WPS with CT, an essentially state centric framework, the balance of the four foundational pillars of WPS become skewed, as international actors increasingly shift ‘their attention and resources towards militarised approaches to security, resolution of disputes and the hurried and ad hoc protection of civilians in conflict.’, contrasting with the role given to ‘prevention’ envisioned 15 years ago¹⁴⁵. The current conceptualisation of sexual terrorism as a threat to international security lends itself to a response through the promotion of armed response and increasing militarisation and if militarised responses ‘can prove effective in the immediate context of violence, (they) tend to address the symptoms rather than the root causes’¹⁴⁶ of insecurity and could actually exacerbate the problem itself. Indeed, it has been demonstrated that ‘the resort to armed conflict, whatever the underlying reasons, has disastrous impacts for the affected societies’¹⁴⁷ and often ‘leads itself to stark gendered impacts’¹⁴⁸. In this sense, the linking of WPS and CT in the context of an overwhelming focus on protection fails to consider the long-lasting impacts militarised response will have the community it was very meant to protect.

The issue in the current approach is due to its reliance on the assumption that ‘restoring the authority of the state and bringing the perpetrators to justice will decrease sexual violence’, ‘failing to address the wider societal needs for constructing gender equality’¹⁴⁹ but also limiting external input to the process. In this sense, the problematic lies in the exclusion of civil society through the process of securitisation which reinforces state party authority for the alleged purpose of the need to protect. This approach of placing the authority on states to act has sole safeguards and protectors has been criticised as paternalistic reinforcing a retrograde production of gender as binary and preoccupied with saving women’¹⁵⁰ and as perpetuating the exact patterns of domination and promotion of violence which the creation of WPS wished to eliminate. In this regards the extensive discourses around

¹⁴³ UNWOMEN (2015) supra note 10, 30

¹⁴⁴ Heathcote, G. (2018) supra note 26, 393

¹⁴⁵ UNWOMEN (2015) supra note 10, 194

¹⁴⁶ Report of the Advisory group of experts for the 2015 Review of the United Nations Peacebuilding Architecture’ 2015 para 121

¹⁴⁷ UNWOMEN (2015) supra note 10, 194

¹⁴⁸ Idib 195

¹⁴⁹ Merger, S. (2018). Supra note 24, 26

¹⁵⁰ Heathcote, G. (2018) supra note 26, 389

‘womenandchildren’¹⁵¹ has been pointed out. The current approach to sexual terrorism is reflective of the international system’s reliance on the imaginary of women needing to be saved through the use of force by strong state actors. It is not to deny that there of course ‘an obvious need for robust policy responses to the widespread problem of CRSV and for initiatives to prevent such violence from occurring’¹⁵² however, ‘a narrowing of the WPS agenda to the exclusion or diminution of participation issues risks losing the critical significance of articulating women as agents of change in conflict and post-conflict environments, and as both rights bearers and rights-protectors in peace and security governance’¹⁵³

It must be acknowledged, that Resolution 2242 is characteristic in its strong focus on the role of women in the PVE/CT and increasing participation in such area. However, ‘what the UNSC gives in resolution 2242 in the name of enhanced participation of women, it takes away in paragraphs 11-13, where WPS becomes a tool in CT and violent extremism’¹⁵⁴. The criticism here is based on observation remains closed off to gender consideration and as previously presented, the process of securitisation has led to restricting human rights and notably having a disproportionate effect on women’s rights defenders making Jenny Lorentzen point out that ‘women are pushed into roles as ‘new security actors’ in the places where they are the least protected by the states’¹⁵⁵. Furthermore, not only can the openness of the CT framework result in state interpretation targeting human rights defenders, focusing on participation of women from a CT lens means that the women’s security initiatives ‘will increasingly have to demonstrate the nexus to anti-terror projects to receive attention, funding and access in the future’¹⁵⁶ in the sense that women’s organisations will have to prove how their actions contribute to P/CVE, such mechanism has resulted in ‘90% said that CT measures had an adverse impact on work for peace, women’s rights and gender equality generally’¹⁵⁷.

As a result, the developments of WPS with regards to resolutions 2242 and 2467 appear merely reflective of international policy’s binary of the role of women as either ‘damsel in distress’ or ‘one size fits all’ solution to peace and security. The reliance on women to be a quick ‘fix’ for international peace and security, characterised for example by the rhetoric of including a higher percentage of women in armed forces in order to reduce the commission of sexual violence, fails to fully acknowledge the role

¹⁵¹ Otto, D. (2009). The exile of inclusion: reflections on gender issues in international law over the last decade. *Melbourne Journal of International Law*, 10(1), 23

¹⁵² Kirby, P. (2015). Ending sexual violence in conflict: the Preventing Sexual Violence Initiative and its critics. *International Affairs*, 91(3), 457-472

¹⁵³ Krause, J. (2015). Revisiting protection from conflict-related sexual violence: Actors, victims and power. In *Gender, Peace and Security* (pp. 99-115). Routledge. In Kirby, P., & Shepherd, L. J. (2016). The futures past of the Women, Peace and Security agenda. *International Affairs*, 92(2), 373-392, 380

¹⁵⁴ Heathcote, G. (2018) supra note 26, 388

¹⁵⁵ Skjelsbæk, I., Hansen, J. M., & Lorentzen, J. (2020). Hopes and misguided expectations: How policy documents frame gender in efforts at preventing terrorism and violent extremism. *Politics, Religion & Ideology*, 21(4), 469-486.) 482

¹⁵⁶ Heathcote, G. (2018) supra note 26, 389

¹⁵⁷ Skjelsbæk, I., Hansen, J. M., & Lorentzen, J. (2020) supra note 155, 482

of women ‘as local participants and actors with relevant stakes, gains and knowledge in any security discourse per se’¹⁵⁸. In this light, Heathcote put forward that these approaches, at ‘once casting women as primarily vulnerable to sexual violence in armed conflict, and thus victims, and at the same time constructing elite women as best placed to save women in conflict communities, ignores the potential contributions to political and legal arrangements from the women who are regarded as victims’¹⁵⁹. This opposition of women as victims or saviour, not only fails to implement a victim-based approach as it overlooks the valuable contribution of victims to peace processes, but it has also been pointed out as perpetuating harmful colonial tropes as scholars condemned the use of the need to save third country women as justification for military intervention, as was the case of discourses surrounding the 2007 invasion of Afghanistan which fuelled postcolonial critic of the UNSC and WPS.

Finally, as ‘women civil society organisations are squeezed between being victimised by terrorism and violent extremism, on one hand and preventing and preventing and countering violent extremism on the other.’¹⁶⁰. This oversimplification of the relation between women and terrorism, overlooks the agency of women and may also be detrimental to CT strategies in themselves as leads to the overlooking of the role of women in participation to terrorism and promotion of extremism. Similarly, although from an more individual based level, having been put forward by the Secretary General in his Action Plan for PVE that ‘past experience of gendered violence – specific gendered experiences of situations involving armed conflict, atrocities, disasters and terror that make women vulnerable for further gendered violence – might motivate women towards radicalisation and violent extremism’¹⁶¹ it would seem to be in every interest to do the utter most to prevent gender violence from occurring in the first place to prevent women from turning to terrorism. Thus, attention to violence against women in all circumstances presents itself with a number of strategic advantages for the prevention of CRSV and the maintaining of international peace and security as a whole.

Furthermore, as they stand the WPS resolutions pertaining to acts of sexual terrorism, including UNSC 2242, specifically condemn the perpetuation of acts of sexual violence specifically committed by terrorist organisations such as ISIS and Boko Haram. The focus on acts of sexual violence – specifically by terrorist organisations is inherently biased and completely ignores the issue of state terrorism and the use of degrading and ill-treatment by state agents, notably committed in the context of counterterrorism. By targeting specific organisations, the UNSC is excluding acts committed by state actors, notably in the context of the counter terrorism operation, for example the treatment of prisoners by the American forces in Abu Garib¹⁶².The specific focus and qualification of sexual terrorism as acts

¹⁵⁸ Heathcote, G. (2018) supra note 26, 389

¹⁵⁹ Ibid 392

¹⁶⁰ Skjelsbæk, I., Hansen, J. M., & Lorentzen, J. (2020) supra note 155, 482

¹⁶¹ Ibid, 478

¹⁶² Koenig, K., Lincoln, R. S., & Groth, L. E. (2011). Contextualizing sexual violence committed during the war on terror: historical overview of international accountability. *University of San Francisco Law Review*, 45(4), 911-958.

of CRSV committed by terrorist organisations also completely overlooks the harm suffered by women due to CT operations, despite there being evidence and testimonies of women being victim of such acts by CT forces. The focus on sexual terrorism, as understood in UNSC resolutions also means other considerations of the effects of CT on women or on the role of women in terrorism are brushed aside as the narrative of the need to protect women from sexual violence as a tactic of terrorism is pushed forward.

As a result, current evolution of WPS ‘strays away from the earlier feminist arguments for a need to broaden the scope of security to all individuals and instead frames sexual violence as security issues for the traditional subject of security studies: states’¹⁶³. If the focus on protection isn’t inherently bad, it becomes problematic when accompanied with a failure ‘to address with a similar degree of commitment the structural, gendered, socioeconomic ‘causes and consequences’ of conflicts with due regards to the diversity and complexity of gendered experience and identities therein’¹⁶⁴. The focus on CRSV, which has now evolved to be from a CT perspective, leads to the complete overlooking of other challenges faced by women both in times of conflict and during peace processes. The original founding argument of WPS that elimination of SGBV and CRSV would come from the promotion of gender equality and the empowerment of women in all cultural, social, and economic aspects in respect and promotion of human rights is completely lost through the examination of WPS through a CT and securitisation lens. In light of the above it becomes evident that ‘the linkage of WPS agenda with CT and CVE underlines the reality that the UNCS cannot and does not function as a space of feminist law making’¹⁶⁵.

4.1.ii Recognising the continuum in the name of prevention

The overwhelming framing of WPS resolutions under the framework of protection or participation offer clear indication on ‘which priority is afforded to certain issues in practice but also the organisation of the WPS policy architecture’¹⁶⁶. In light of the limitations caused by the narrow concentration on protection it has been put forward that ‘an attitude shift is needed away from a primary focus on military responses, towards investment in peaceful conflict prevention strategies’¹⁶⁷. In this sense, aiming towards a feminist peace requires refocusing with more equal considerations to the four pillars of the WPS agenda in order to act on the root causes of conflict and insecurity. In particular, limitation of CRSV and sexual terrorism would benefit of an increasing framing in terms of prevention, which currently remains the weakest pillar of WPS¹⁶⁸.

¹⁶³ Merger, S. (2018). *Supra* note 24, 22

¹⁶⁴ Reilly, N. (2018). How ending impunity for conflict-related sexual violence overwhelmed the UN women, peace, and security agenda: a discursive genealogy. *Violence against women*, 24(6), 631-649, 632

¹⁶⁵ Heathcote, G. (2018) *supra* note 26, 375

¹⁶⁶ Welsh, L. (2021), *supra* note 20, 39

¹⁶⁷ *Ibid*

¹⁶⁸ *Ibid*

Prevention of sexual terrorism requires examining the root causes of the use of sexual violence by terrorist organisations. In this regard, it has been put forward that terrorist organisations rely on sexual violence for financial reasons, for the purpose of spreading terror or even for recruitment. Importantly it was presented that sexual violence was relatively straight forward as far as tactics of terrorism go, requiring no resources or stated in *Our Bodies their Battlefields* ‘Man’s discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times along with the use of fire and the first crude stone axe’¹⁶⁹. Consequently, the prevention of sexual terrorism thus requires determining what exactly makes sexual violence an easy option for terrorist organisations. In this regard, the characteristic alienation of sexual terrorism and CRSV from SGBV comes to the forefront as an issue to address. Afterall, sexual terrorism is CRSV committed with terrorist intent and CRSV is simply SGBV committed within a nexus to armed conflict.

This separation and differentiation of sexual violence based on the context has thus been met with high levels of the criticism as ignoring the ‘continuum of violence against women’. The expression, coined by Cynthia Cockburn relates to the idea that violence targeting women in conflict is simply the continuation of the violence which occurs in peacetime underlining ‘the false distinction between the private and political spheres, and between conflict and peace’¹⁷⁰. Preventing violence during conflict requires examining and remedying to violence in peace time it is the general pattern of domination and oppression of women which need to be addressed. In consideration of this continuum, the strategic advantage of turning to increasing militarisation and the use of force to protect and react to CRSV and sexual terrorism is undermined as ultimately fails to address the root causes of violence, meaning that if one particular situation is seemingly resolved, no long-term protection is assured. Women, when ‘saved’ from the international community from CRSV and sexual terrorism will still find themselves targets of violence a bitter ironic example is the facing of domestic violence by Yazidi survivors¹⁷¹. If the perpetrators change, the pattern of violence and domination remain. The international community may not feel itself concerned by those issues, but the fact is, violence against women remains.

In light of the continuum of violence, the argument is then that these patterns of domination and violence should be addresses in all circumstances, according to feminist scholars, there is no ‘public v. private’ violence, nor ‘SGBV v. CRSV’, there is just violence (against women) enabled and perpetuated through societal and structural shortcomings. It is widely acknowledged and recognised, moreover, that rising instability will often be characterised by the targeting of the most vulnerable, notably women who will often be some of the first affected. Thus, by analogy, the failure to acknowledge sexual violence until it reaches epidemic proportions, reaching the public domain and becoming associated to an international threat to peace and security ignores the fact that sexual violence can be one of ‘the most flagrant

¹⁶⁹ Lamb, C. (2020). *Supra* note 79, 6

¹⁷⁰ UNWOMEN (2015) *supra* note 10 207

¹⁷¹ Lamb, C. (2020), *supra* note 79 250

symptoms of social deterioration'¹⁷² and that it can 'be valuable indicators and sources of information if captured as elements of early warning mechanisms for prevention action, including for the prevention of CRSV'¹⁷³.

In this sense, failure to consider the continuum of violence, hinders the ability to detect early warning signs of the conflict and instability and may, by analogy, actually be detrimental to the safeguarding of international peace and security. This line of reasoning was notably presented by the Foreign Minister of Germany in her address to the Council of Europe's Parliamentary Assembly (PACE) in January 2023. In her address, comparing women's rights to 'yardsticks for the state of our democracies'¹⁷⁴, the Foreign Minister pointed to the pervasive undermining of women's rights in Russia, as the first signs of the violence to come and condemned the lack of reaction from the international community arguing that the targeting of women were the first signs of mounting aggression. Only six years after the severe attacks on women's rights, evidence of CRSV committed in the conflict in Ukraine, notably by Wagner, an armed group recognised as a terrorist organisation, causes outrage in Europe. Therefore, through the pattern exposed, the importance of the pillar of prevention is underlined.

4.1.iii Relief & Recovery and promoting gender equality

Having established that sexual terrorism doesn't occur in a vacuum but rather within the context of continuum violence against women, the need to examine the root causes of sexual violence, whatever the context, appears even more important. In this regard, extensive levels of literature have presented that sexual violence was the result of patterns of systemic domination and was, much less about the sexual aspect, than control and power. Feminist scholars present sexual violence as a way of maintaining the status quo and patriarchal societal structure. Therefore, prevention of such acts would be aided by increasing gender equality. Indeed, once again, understanding the ways in which promoting gender equality may aid in the prevention of sexual violence committed in the context of terrorism requires examining the reasons for which such methods are used. It will be presented here since the effectiveness of sexual terrorism relies in part on the maintaining of unequal power dynamics and continued inequality, increasing interest on relief & recovery promoting gender equality could contribute a sustainable peace without (or at the very least less) violence against women in all contexts.

The need to promote gender equality to reduce CRSV, is supported by the manner in which it affects communities which have maintained a strong patriarchal structure and low levels of gender equality. In such context CRSV in this regard plays on existing patterns and relationships of domination and exploits stigmas and stereotypes around gender and sexuality. The use of CRSV in this regard is utilised in the

¹⁷² Davis, A. Y. (1983). *Supra* note 138, 155

¹⁷³ *Ibid*, 198

¹⁷⁴ PACE (2023) Address: Ms Annalena BAERBOCK, Minister for Foreign Affairs of Germany, 24 January 2023 available at <https://pace.coe.int/en/verbatim/2023-01-24/am/en#theme-1475> (accessed on 20 May 2023)

aim of humiliating the opposing party or the population. In such a context where masculinity is evidenced by the ability to provide safety for one's family and the role of the patriarch is at the centre of societal structures, using CRSV is an effective manner of humiliation as the men are perceived as weak because of their inability to 'protect their women' from exterior attacks. Following the same logic of undermining masculinities, sexual violence directed at men also may occur in the goal of femininising them¹⁷⁵.

Moreover, the weakening of social bonds through the use of CRSV is also relying on entrenched gender stereotypes on the role of women in a community. In communities with strong understandings of the agency of women with regards to bodily autonomy and sexuality, sexual violence can be an effective strategy to can be particularly effective in alienating victims from their communities, which may consider them to have been 'spoilt' as a consequence of the acts inflicted upon them. Not only weakening of social bonds will have advantages for the group in regard to territorial control, but the alienation also which follows the act of CRSV mean even be beneficial to the group in some cases as could be utilised as strategy of forced enlistment, as victims may turn towards the very terrorist groups which have caused the harm because of their perceived lack of other option. This is a theory which has notably explored by scholars such as Mia Bloom, who examined 'rape' as one of the 5 reasons why women would commit suicide attacks. This strategy has been exposed in the past, as groups were found to be specifically perpetuating rapes in order to later recruit the victims. (look at that in dissertation).

Therefore, it is fundamental that the repercussions of sexual terrorism be mitigated through the promotion of gender equality. In a speculative world where sexual violence would cause the strengthening of community bonds and would be followed by effective justice, the method will lose some of its appeal for terrorist groups. Therefore, the need "to be ones that critically interrogate the way in which gender operates as a relation of social power" ¹⁷⁶ is reinforced. It is in this regard that an increased promotion of the pillar of Relief and Recovery becomes central to the project of feminist peace.

'Relief and recovery' is the fourth pillar of the WPS. Often underestimated and misunderstood¹⁷⁷, it is in many aspects the most ambitious as essentially pertaining to the need to 'rebuild better' after conflict. If the effective realisation of 'relief' pertains to the attribution of immediate aid in humanitarian situations, 'recovery' concerns itself with 'the long-term development frameworks and initiatives that address the strategic interests of Resolution 1325 in gender equality, conflict-prevention, and

¹⁷⁵ Stiglmeier, A. (Ed.). (1994). *Mass rape: The war against women in Bosnia-Herzegovina*. U of Nebraska Press.

¹⁷⁶ Elias, J., & Roberts, A. (Eds.). (2018). *Handbook on the international political economy of gender*. Edward Elgar Publishing. 6

¹⁷⁷ True, J., & Hewitt, S. (2018). What works in relief and recovery. *The Oxford handbook of women, peace, and security*, 178. 179

sustainable peace¹⁷⁸, notably through ensuring access to justice as well as to social and economic rights in order to build long lasting peace. In effect, the relief and recovery pillar are interestingly linked with the search for the promotion of gender equality.

This pillar is the most relevant to the examination of CRSV from the perspective of Feminist Political Economy (FPE). According to FPE advocates peace and stability is only achievable when women ‘gain access to physical security, social services, justice, and economic opportunities’ arguing that as long as ‘military build-up’ and ‘militarised masculinities’ are privileged, ‘their particular vulnerability to violence continues in peace time’¹⁷⁹. As a result, according to FPE ‘preventing sexual violence requires the advancement of substantive gender equality before, during and after conflict, including by ensuring women’s full and effective participation in political, economic and social life’¹⁸⁰. When interrogated, post-conflict support is at the centre of the concerns of survivors of CRSV, in *Our Bodies*, Lamb put forward that the interviewed women presented the lack of support for economic empowerment as one of their major complaints¹⁸¹. Indeed, the extensive focus on protection is that it fails to consider what happens after the women have been saved, leaving them vulnerable to continuing violations of their rights and in this sense by placing CRSV as the paradigm experience of women during conflict it deflects from economic and social needs¹⁸²

Consequently, reaching feminist peace requires looking at the root causes of violence against women and the systematic addressing of ‘unequal power relations that inform not only the specific context of a conflict, itself, but also the perpetration of sexual and gender-based violence therein’¹⁸³. Rape and sexual violence being a manifestation of unequal power dynamisms, equality should be promoted and refocusing efforts in a more equal balancing between the pillars of WPS rather than the current hyper fixation on protection. Some positives of resolutions 2242 and 2467 must be highlighted. Notably, the UNSC in noting in para 14 the need to strengthening of access to justice for women in post-conflict communities with a specific requirement that this be established in relation to challenging impunity for CRSV and importantly gender based violence appears to broaden ‘the scope of WPS framework through recognising the importance of access to justice and the framing of sexual violence as a subset of gender-based violence’¹⁸⁴.

4.1.iv Conclusion

¹⁷⁸ Ibid 179

¹⁷⁹ True, J. (2012), *supra* note 25, 32

¹⁸⁰ Chinkin, C., & Rees, M. (2019) *supra* note 32, 12

¹⁸¹ Lamb, C. (2020), *supra* note 79,173

¹⁸² Heathcote, G. (2018) *supra* note 26, 380

¹⁸³ Merger, S. (2018).*supra* note 24, 35

¹⁸⁴ Heathcote, G. (2018) *supra* note 26, 386

If these offer a slight open door, the fact remains that in the current development of the WPS though the language has changed, and increasing attention is brought, whether ‘rape as a weapon of war’ is accepted as normal and inevitable occurrence of warfare or whether it is highlighted as threat to international peace and security the focus remains far too distant from examination of the root causes and how it fits in the continuum of violence and oppression of women. As a result, ‘an effective strategy against rape must aim for more than the eradication of rape – or even sexism alone’¹⁸⁵, and should address the very systems of oppression which characterise societal systems. All in all, it is not simply about protection and prosecution, as more than making sexual violence illegal – it should be made unacceptable¹⁸⁶. Preventing CRSV committed in the context of terrorism requires the recognition that it doesn’t occur in a vacuum but within the continuum of violence and oppression of women and that in consequence it is our societal reliance on systems of oppression which must be addressed. Thus the focus should be on striving for gender equality as, in the words of Angela Davis, ‘In a society where male supremacy was all-pervasive, men who were motivated by their duty to defend their women could be excused of any excesses they might commit. That their motive was sublime was ample justification for the resulting barbarities’¹⁸⁷

4.2 Should we stay or should we go? The Catch22 of recognising Sexual Terrorism

Having highlighted that the current trends in the development of the WPS framework stand in stark opposition of the original purpose of the framework as designed and imagined by feminist civil society since the 1940s, the point can be raised of the path which should be now followed. Indeed, faced with a WPS framework distancing itself from its original purpose, seemingly co-opted to further CT and securitisation purposes, one may ask if it is better to engage or abandon WPS all together as a platform for feminist law making and advancement of women’s rights. As such, advocates of feminist peace are faced with a Catch22, concept to be understood as ‘a difficult situation or problem which cannot be resolved because the conditions necessary for its resolution are paradoxical or conflicting’¹⁸⁸.

In this respect, Chinkin highlighted that the failure of Resolution 1325 to incorporate key objectives of feminist peace movements, making no reference to general disarmament or ‘to addressing the structural causes of women’s inequality’¹⁸⁹ ‘was a warning that the Council was not reversing its approach to protection, which was still hard wired to militarised security’¹⁹⁰. The continued engagement of feminist advocates with WPS and the subsequent adoption of 9 further resolutions within the agenda despite the

¹⁸⁵ Davis, A. Y. (1983). *supra* note 138, 181

¹⁸⁶ Lamb, C. (2020), *supra* note 79, 386

¹⁸⁷ Davis, A. Y. (1983). *supra* note 138, 168

¹⁸⁸ Oxford English Dictionary (2018)

¹⁸⁹ Otto, D. (2009). *Supra* note 151

¹⁹⁰ Chinkin, C., & Rees, M. (2019) *supra* note 32 *supra* note 24

disappointing, although maybe not that surprising, continued absence of their most fundamental demands led to a phenomenon described by Diane Otto as a situation of ‘Exile of Inclusion’¹⁹¹. Otto presented that the engagement of feminist advocates was characterised by the fact that as feminist made ‘their way into legal texts and places of power, they can become the tools of powerful actors committed to maintaining the gendered status quo, at the same time as opening new possibilities for progressive change.’¹⁹². In a certain sense, it appeared that participation to the system despite the consideration WPS from a security lens may be the ‘price to pay’ to ensure its continued relevance in international policy. In this respect, it is interesting to note that if feminist advocates disapprove of the examination of WPS from a security lens, due to the UN structure revolving around the UNSC and security ‘there is a fear that placing human rights at the core and using the Geneva based mechanism as vehicles for delivery on the SC Resolutions would lead to the WPS agenda being ‘downgraded’ away from security to the ‘less prestigious’ world of human rights’¹⁹³. These concern, while speaking volume on functioning of the UN and the hierarchy of international policy concerns, reinforces Otto’s perception and gives a sense that security consideration of WPS is akin to a sacrifice for the greater good that is keeping WPS on the international policy agenda.

The linking of WPS and CT, and the incumbent leap taken towards securitisation as led to a resurgence of this ‘to stay or to go debate?’. The fact that the institution, themselves supposed to promote international peace and security, are criticised for their perpetuation of entrenched gender normative, denotes of the need for inherent structural change as promoted by feminist civil society. Observation which led feminist scholars, including Heathcote, to argue that ‘it might also be time to consider abandonment of the WPS framework in favour of a feminist strategy that would be situated as questioning the Council’s approach to CT rather than furthering the project of incorporation into the United Nations security architecture’¹⁹⁴. It is important to point out in this regard that WPS is not brought in the same manner within CT resolutions suggesting a process of bringing CT thinking into WPS framework but not bringing gender agendas into CT strategies’¹⁹⁵. Considering the shortcomings exposed in the CT framework, the argument has been made that ‘Need a shift from what CT can do to protect women to what women can do in helping countering terrorism’¹⁹⁶. To mitigate the risks of

¹⁹¹ Otto, D. (2009) supra note 151

¹⁹² Ibid 26

¹⁹³ Chinkin, C., & Rees, M. (2019) supra note 32 supra note 27

¹⁹⁴ Heathcote, G. (2018) supra note 26, 391

¹⁹⁵ Ibid 388

¹⁹⁶ Aoláin, F. N., & Huckerby, J. (2018). Gendering Counterterrorism: How to, and How Not to—Part I. *Just Security, II*, available at <https://www.justsecurity.org/55670/gendering-counterterrorism-to-part-ii/> (Accessed on 17 May 2023)

‘marginalisation, instrumentalisation and securitisation’ of WPS in this space, a gender perspective must be integrated fully into CT and CVE efforts¹⁹⁷

Debates around the viability of WPS and as a feminist policy instrument are not new. As previously mentioned already at the adoption of Resolution 1325 the ambition of feminist scholars was hampered. Indeed, Resolution 1325 fails to incorporate key objectives of feminist peace movements, making no reference to general disarmament or ‘to addressing the structural causes of women’s inequality’¹⁹⁸. The continued engagement of with WPS and the subsequent adoption of 9 further resolutions within the agenda despite failure of the UNSC to incorporate the demanded feminist measures led to a phenomenon described by Diane Otto as a situation of ‘Exile of Inclusion’¹⁹⁹, characterised by the fact that as feminist made ‘their way into legal texts and places of power, they can become the tools of powerful actors committed to maintaining the gendered status quo, at the same time as opening new possibilities for progressive change.’²⁰⁰. Faced with international policy entities, which by their structure serve to pursue, or at least don’t challenge problematic entrenched normative understanding around gender and power dominations, Otto questioned ‘whether the pacifist and equality goals of women’s peace movements can best be pursued from outside or within mainstream institutions systems of location which carry their own gendered dichotomies’²⁰¹.

The linking of WPS and CT, and the incumbent leap taken towards securitisation as led to a resurgence of this ‘to stay or to go debate?’ as WPS was taken further still from its objectives of peace and demilitarisation. The fact that the institution, themselves supposed to promote international peace and security, are criticised for their perpetuation of entrenched gender normative, denotes of the need for inherent structural change as promoted by feminist civil society. The above observation led feminist scholars, including Heathcote, to argue that ‘it might also be time to consider abandonment of the WPS framework in favour of a feminist strategy that would be situated as questioning the Council’s approach to CT rather than furthering the project of incorporation into the United Nations security architecture’²⁰². It is important to point out in this regard that WPS is not brought in the same manner within CT resolutions suggesting a process of bringing CT thinking into WPS framework but not bringing gender agendas into CT strategies²⁰³. As a result, and in light of the shortcomings exposed in the CT framework, the argument has been made that instead of the current approach of incorporating CT within WPS there should be ‘a shift from what CT can do to protect women to what women can do in helping

¹⁹⁷ Chowdhury Fink, N. and Davidan, A. (2018) ‘Complementarity and Convergence? Women, Peace and Security and Counterterrorism’, in Ní Aoláin, F. et al. (eds) *The Oxford Handbook of Gender and Conflict*. Oxford: Oxford University Press, pp. 157–170 : 167)

¹⁹⁸ Otto, D. (2009) *supra* note 151, 21

¹⁹⁹ *Ibid*

²⁰⁰ *Ibid*, 26

²⁰¹ Otto, D. (2006) ‘A Sign of “Weakness”? Disrupting Gender Certainties in the Implementation of Security Council Resolution 1325’, *Michigan Journal of Gender & Law*, 13(1), pp. 113– 273. 117

²⁰² Heathcote, G. (2018) *supra* note 26, 391

²⁰³ *Ibid* 388

countering terrorism²⁰⁴. The argument here being that integrating a gender perspective with CT would ‘mitigate the risks of ‘marginalisation, instrumentalisation and securitisation’ of WPS²⁰⁵.

However, abandoning the ship is not without controversy, leading to True questioning ‘whether we can afford to not engage with such institutions when the application of gender analysis in their policymaking is clearly having political effects beyond academic and feminist communities’²⁰⁶.

The dilemma was clearly set out by Ní Aoláin, who highlighted that feminist activists were faced with a Hobson’s choice²⁰⁷ as they must decide between continuing with this ‘Exile of Inclusion’ or take the path of complete exile, so to speak, and remove themselves completely from a system with fails to fulfil expectations. Weighing in the options, she conceived that, if on one hand the continued engagement with WPS would require making concessions and compromising, on the other hand completely complete exile may facilitate, in the absence of safeguards or scrutiny, ‘potential co-optation and the removal of an option to reject the basic premises of P/CVE/CT’²⁰⁸ but however underlined that to remain outside is to ‘forfeit the possibility of exercising any influence on the decisions and actions that affect the lives of millions of women and girls across the globe living through situations of extremity and violence’²⁰⁹. The potential consequences of letting the UNSC run loose with the scrutiny of the feminist civil society leading to True questioning ‘whether we can afford to not engage with such institutions when the application of gender analysis in their policymaking is clearly having political effects beyond academic and feminist communities’²¹⁰

As a result, remaining within an ‘exile of inclusion’, if not ideal, may be the lesser of two evils as enabling maintaining close scrutiny as Heathcote argues that ‘risks of co-optation outweigh the possible gains but that the existing resolutions might still be used by feminist actors via strategic misreadings’²¹¹. In this regard, Chinkin highlighted in her Commentary on Resolution 2467 that the resolution through the inclusion in its preambulatory clauses of the context and causes of CRSV, recognising notably the links between discrimination and the small arms on CRSV as well as the need for gender equality, ‘opens the door for interpretation of the Operative Paragraphs in way that civil society can make good use of them to further State and institutional implementation’²¹². The resolution was also significant in its explicit placing of survivors and their rights at the centre of all actions, stressing the need to ensure effective remedies in accordance with international law and importantly, ‘bringing legal reform into

²⁰⁴ Aoláin, F. N., & Huckerby, J. (2018). *Supra* note 196

²⁰⁵ Chowdhury Fink, N. and Davidan, A. (2018), 167

²⁰⁶ True, J. (2003) ‘Mainstreaming gender in global public policy’, *International Feminist Journal of Politics*, 5(3), 368

²⁰⁷ Ní Aoláin, F. (2016). *Supra* note 126, 278,

²⁰⁸ *Ibid*

²⁰⁹ *Ibid*

²¹⁰ True, J. (2003) *supra* note 206, 368

²¹¹ Heathcote, G. (2018) *supra* note 26murad, 384

²¹² Chinkin, C., & Rees, M. (2019) *supra* note 32 *supra* note 14

WPS'²¹³ (as presented in Chapter II of this thesis). However, as progressive as Resolution 2467 may be, it is only one resolution among others and still fits in the growing pattern of securitisation, and as such there remains a strong need for cooperation amongst Civil society organisations, 'to resist pushbacks and to take advantages of the entry point in Resolution 2467 to make changes' and 'to determine where such changes should be headed'²¹⁴.

5. Conclusion: The good, the bad and the ugly (truth) ?

This thesis aimed at examining the consequences of the inclusion of CRSV committed by terrorist organisations, so-called sexual terrorism, in the WPS framework. Throughout the thesis, we carefully examined the significance of bringing a counter-terrorism lens on women peace and security issues, particularly in relation to sexual violence, via Resolutions 2242(2015) and 2467(2019) and the consequences on the development of WPS.

The thesis, divided in three parts – 'the good', 'the bad' and 'the ugly truth' – offered to present an overview of the current perspectives on the consequences of the current framework of recognition of sexual terrorism within WPS, in the aim of facilitating further research on the topic.

In 'the good', it was presented that the act of recognition in itself could be beneficial in light of the normative quality of WPS resolutions. It was highlighted that the acknowledgement of the nexus between sexual violence and terrorism by the UNSC could be interpreted as a push for accountability and lead to further recognition at national level and result in increasing prosecution. It was put forward that this hope for development was fuelled by the adoption of the very progressive – by UNSC standards- Resolution 2467 (2019) which could amount to a paradigm shift, or at the very least a couple of steps forwards, in the consideration of CRSV. In light of the Resolution's push for a victims-based approach the importance of recognition for the victims themselves was underlined as contributing to a sense of justice and personal reparation.

In 'the bad', it was presented that the possible gains of recognition came with a risk of increasing securitisation and co-optation of WPS. It was argued that at the core of the issue was the linking of WPS with the CT framework, as the latter, state centric by its nature was associated with the reliance on militarised approach and restriction of human rights for the purpose of maintaining national security. It was presented as a result that there was a risk of securitisation by proxy of WPS and of its co-optation to legitimise controversial counterterrorism measures. Moreover, it was presented, based on Marx's theory of commodity fetishism, that securitisation could also have the unintended consequence of increasing the exchange value of sexual violence for terrorist organisations.

²¹³ Ibid, 16

²¹⁴ Ibid, 27

In the third and final part of the thesis, ‘the ugly truth’, a step back was taken in order to examine, in light of the preceding analysis, why CRSV and sexual terrorism was still persisting and how could its use and effects be mitigated. Recontextualising sexual terrorism and CRSV within the continuum of SGBV, it was presented that to this end, the original four pillars of the WPS agenda should be given more equal weight in the aim of achieving long-lasting societal change. Finally contrasting the path for feminist peace with the controversial developments of WPS exposed, the Catch22 faced by feminist advocates was exposed as they are faced with the choice of either engaging with a framework straying away from their values, which was suggested to be the lesser of two evils, or abandoning the ship and their capacity to limit the harm done.

In conclusion there can be no simple or straightforward answer the research question ‘*What are the consequences of the increased linking of CT and WPS, in particularly with regards to the consideration of sexual terrorism, on prevention from and prosecution of CRSV committed by terrorist organisations and on the development of the WPS framework?*’. However, it is these nuances in the development of WPS that this thesis hopes to have uncovered. Linking CT and WPS may result in growing accountability for sexual terrorism, but securitisation may be the price to pay. Consequently, engaging with the issue of sexual violence in all contexts, including terrorist, requires implementing long-lasting change through addressing the root causes of power and domination. Only through making violence, including sexual violence, unacceptable can we strive for feminist peace.

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