

NATO Policy on Preventing and Responding to Conflict-Related Sexual Violence

1 June 2021

Introduction

1. NATO is committed to defending and promoting the principles of individual liberty, democracy, human rights and the rule of law¹.
2. At the Summits in Chicago (2012) and Wales (2014), NATO Heads of State and Government expressed their commitment to the fight against sexual violence in conflict, noting that such violence is an impediment to sustainable peace. In line with this commitment Military Guidelines² were adopted in 2015.
3. Conflict-Related Sexual Violence (CRSV) can amount to a serious violation of International Law, including International Humanitarian Law (IHL) and International Human Rights Law (IHRL). CRSV can amount to a crime under international criminal law and in some jurisdictions, under domestic law.
4. CRSV is frequently, deliberately, and strategically used to target civilians. It inflicts long-term trauma on individuals and families, destroys the social fabric of communities, triggers displacement, fuels armed actors' activities and fosters prolonged conflict and instability.
5. CRSV, when used or commissioned as a deliberate tactic of war or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of instability, crisis, or armed conflict and may impede the restoration of peace and security.
6. CRSV is a violation or abuse of human rights and is rooted in gender inequality³ and discrimination, and as such women and girls are more often affected, while men and boys are also targeted.
7. NATO condemns all acts of conflict-related sexual violence employed by state and non-state actors, including as a tactic of war and a tactic of terrorism, and is committed to responding to CRSV in line with all relevant United Nations Security Council Resolutions, and in accordance with the United Nations Women, Peace and Security agenda⁴.

Aims and scope

8. This Policy aims to provide a coherent, consistent and integrated political framework for NATO's role in preventing and responding to CRSV.

¹ Aligned with the Preamble, North Atlantic Treaty, and the Alliance's Strategic Concept, PO(2010)0169

² Military Guidelines on the Prevention of, and Response to, Conflict-related Sexual and Gender-Based Violence MCM-0009-2015

³ In line with the NATO/EAPC Policy on Women, Peace and Security EAPC(C)D(2018)0008

⁴ United Nations Security Council Resolutions 1325, 1820, 1888, 1889, 1960, 2106, 2122, 2242, 2467, 2493

9. This Policy serves to ensure effective prevention and response to CRSV in all NATO missions, operations and Council-mandated activities within its remit, mandates and competency, consistent with International Law.
10. This Policy applies to all personnel, civilian and military, deployed as part of NATO missions, operations and Council-mandated activities and applies at all levels of planning.
11. This Policy applies to all phases of NATO missions, operations and Council-mandated activities. It should be considered within the broader framework of policies and guidance within NATO⁵, including the Women, Peace and Security agenda and the Human Security agenda, and International Law as applicable.
12. The NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA)⁶ provides a separate framework for personnel serving in NATO bodies or within NATO facilities. This Policy does not address sexual exploitation and abuse.

Definition of Conflict-Related Sexual Violence

13. NATO defines Conflict-Related Sexual Violence as rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, forced sterilization, 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 conflict⁷.

Preventing Conflict-Related Sexual Violence

14. NATO will include specific guidance on preventing and responding to CRSV during the development of North Atlantic Council Initiating Directives for any future missions and operations, unless justified as irrelevant, and, as appropriate, in the development of exercises.
15. NATO planners will identify objectives, tasks and related assessment tools to prevent and respond to CRSV, informed by a gender analysis that includes the use of sex-disaggregated data.
16. NATO will identify risks of CRSV in relation to NATO missions, operations and Council-mandated activities. NATO will develop and use appropriate analytical tools, such as early warning indicators, to understand the level of risk and support prevention measures throughout the mission cycle.
17. NATO will engage with relevant International Organisations, Non-Governmental Organisations, partners, civil society, including women's rights organisations and women-led civil society, at-risk populations and other appropriate actors⁸, including

⁵ Including MCM-0009-2015 Military Guidelines on the Prevention of, and Response to, Conflict-Related Sexual and Gender-Based Violence

⁶ NATO Policy on Preventing and Responding to Sexual Exploitation and Abuse (SEA), PO(2019)0459(INV)

⁷ NATO is aligned with the definition of Conflict-Related Sexual Violence in the Report of the United Nations Secretary-General, June 2020

⁸ PO(2020)0374 "All in accordance with the 2010 Strategic Concept, the Comprehensive Approach Action Plan (C-M(2008)0029-COR1, PO(2010)0143-Final and PO(2011)0045) – Updated List of Tasks for the

coordination with host nations as appropriate, throughout the mission cycle to identify and analyse threats to civilians using the appropriate civil-military coordination mechanisms. This will inform preventative measures to be considered by NATO.

Education and training

18. All personnel in NATO missions, operations and Council-mandated activities will receive mandatory pre-deployment and in-mission training on identifying, preventing and responding to CRSV.
19. Nations are responsible for the provision of pre-deployment training of their personnel, in accordance with NATO standards. Nations' implementation of standardized CRSV training will be reported to and tracked by NATO. Heads of NATO Bodies are responsible for providing training to their personnel.
20. When invited to train security forces of the Host Nation, as part of the agreed mandate, NATO will be prepared to provide training on and raise awareness of CRSV in accordance with this Policy and developed training programmes.
21. NATO will screen security forces of non-NATO nations in response to requests for assistance and also in response to requests to join NATO operations or military activities, in order to deny support to and not conduct operations combined/partnered with security forces from non-NATO Nations that engage in or are known to be under investigation for or found to be complicit in CRSV.⁹

Responding to Conflict-Related Sexual Violence

22. As part of NATO missions, operations and Council-mandated activities, NATO will respond to incidences of conflict-related sexual violence, consistent with International Law, as mandated by the Council, and within the approved rules of engagement up to and including the use of force.
23. The NATO Military Authorities will develop relevant operational documents to facilitate prevention and response to incidences of conflict-related sexual violence in line with this Policy. If NATO personnel encounter victims/survivors of CRSV, the following guiding principles are to be observed:
 - a. In accordance with a survivor-centred approach, respect victims/survivors as individuals and their informed choice;
 - b. All victims/survivors will be treated fairly, respectfully, equally, with dignity and without discrimination;

Implementation of the Comprehensive Approach Action Plan) and relevant decisions, including those taken at the Lisbon, Wales, Warsaw and Brussels Summits.”

⁹ In line with the Annex to the United Nations Report of the Secretary General on Conflict-Related Sexual Violence, 'List of parties credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict on the agenda of the Security Council'.

- c. Do no harm in implementing this Policy: no action should be taken that could worsen the situation or trauma of a victim/survivor;
 - d. Do not interrogate or interview victims/survivors;
 - e. Respect privacy and confidentiality of victims/survivors.
24. NATO will coordinate its responses, as appropriate, with relevant International Organisations, Non-Governmental Organisations, civil society, including women's rights organisations and women-led civil society, and other appropriate actors¹⁰, on issues such as referral of victims/survivors for support and assistance and the provision of temporary physical protection.
25. In extremis, when and where other actors in the mission area are not able to access victims/survivors, NATO will, within the given mandate and where possible, provide emergency first response to victims/survivors, including medical assistance.

Reporting and sharing information

26. All personnel in NATO missions, operations and Council-mandated activities should report any incidents of conflict-related sexual violence that they observe, or that a victim/survivor reports to them, in accordance with established reporting mechanisms, through the NATO chain of command.
27. The NATO Commanders will report through the chain of command on instances of conflict-related sexual violence to NATO Headquarters in a timely manner.
28. NATO is supportive of the international community's efforts to end impunity for CRSV. In accordance with the standards set out in paragraph 23 and within the framework of the NATO Battlefield Evidence Policy¹¹, information and material obtained by military forces on NATO operations, missions and Council-mandated activities, including related to CRSV, may be used to support law enforcement outcomes, provided that the government to which those military forces belong has consented to such use of the information and material.

¹⁰ PO(2020)0374 "All in accordance with the 2010 Strategic Concept, the Comprehensive Approach Action Plan (C-M(2008)0029-COR1, PO(2010)0143-Final and PO(2011)0045) – Updated List of Tasks for the Implementation of the Comprehensive Approach Action Plan) and relevant decisions, including those taken at the Lisbon, Wales, Warsaw and Brussels Summits."

¹¹ NATO Battlefield Evidence Policy PO(2020)0315