

INTERNATIONAL LAW ASSOCIATION
SEXUAL AND REPRODUCTIVE VIOLENCE IN CONFLICT AND POST-CONFLICT
SETTINGS
INTERIM REPORT (PREPARED PURSUANT TO ARTICLE 7.2 OF THE ILA STUDY
GROUPS RULES AND GUIDELINES 2024)

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I. INTRODUCTION

1. The Study Group on Sexual and Reproductive Violence in Conflict and Post-Conflict Settings (Study Group or Group) was established within the framework of the International Law Association (ILA) on 11 May 2024. It was created in response to the growing recognition that sexual and reproductive violence constitutes one of the most serious, yet still insufficiently understood, dimensions of past and contemporary armed conflicts and post-conflict reconstruction. While international law has increasingly recognised sexual violence in armed conflict as a violation of International Humanitarian Law and International Human Rights Law, as well as an international crime, sexual and reproductive violence goes unprotected and unremedied (and sometimes not even considered) in most conflicts; and the structure of international law protection still does not reflect the reality of many experiences of sexual and reproductive violence on the ground. Further, perpetrators largely enjoy impunity for the commission of sexual and reproductive violence. The Study Group was therefore mandated to examine the legal (international and national) frameworks, conceptual challenges, procedural tools and institutional practices related to sexual and reproductive violence in conflict and post-conflict settings. The work of the Group aims to assist involved actors to visibilise, conceptualise and respond more effectively to sexual and reproductive violence, through contributing to ongoing discussions within international law regarding prevention, accountability, and gender and reparative justice for such violations.

2. The Study Group operates in a rapidly evolving geopolitical landscape, in which the nature of warfare is changing, conflict is decoupled from international law justifications, and media attention moves quickly from one conflict to the next. Through its work, it seeks to provide a platform for systematic and comparative reflection on "justice" for sexual and reproductive violence, drawing on both academic scholarship and practical experiences from different jurisdictions and institutional contexts. By bringing together scholars and practitioners from diverse regions, career stages, and backgrounds, the Group aims to contribute to addressing some of the key questions around international law and sexual and reproductive violence in conflict and post-conflict settings, and how international law impacts upon national jurisdictions and meets (or does not meet) survivors of this violence.

3. The present Interim Report provides an overview of the Study Group's mandate, organisation, and activities since its establishment. Following this introduction, Part 2 outlines the mandate of the Study Group and situates its work within broader debates in international law. Part 3 describes the organisation and membership of the Study Group. Part 4 presents an overview of the Study Group's work process, including its meetings and the initial comparative work undertaken by its members. Part 5 outlines possible future outputs and directions for the Study Group's work. The final section of the Report draws preliminary conclusions and reflects on the future trajectory of the Study Group as it continues to develop its work.

II. MANDATE OF THE STUDY GROUP

4. Historically, the experiences of many victims of conflict-related sexual and reproductive violence — particularly women, girls, and members of LGBTQI+ communities — have been marginalised or overlooked in the narratives of armed conflict and peacebuilding. Increased attention to these issues in recent decades has highlighted both the progress achieved and the

limitations of existing legal protections and institutional mandates. Although significant normative and procedural advances have been made, important gaps remain in the conceptualisation, investigation, documentation, implementation, and redress of sexual and reproductive violence under international law.

5. The mandate of the Study Group, as adopted by the ILA Executive Council, and after mapping and analysing the legal and procedural questions arising from sexual and reproductive violence in conflict and post-conflict settings, is to examine:

- the legal frameworks applicable to sexual and reproductive violence in conflict and post-conflict settings, particularly under International Humanitarian Law, Human Rights Law and International Criminal Law;
- the ways in which different legal regimes conceptualise and regulate such violence, and any gaps and inconsistencies or other legal questions that may impact the implementation of protections;
- the key considerations in conceptualising, contextualising, and investigating the implementation of these provisions and breaches during conflict or post-conflict situations, so as to hear the experiences of victims/survivors and uphold their agency;
- the importance of procedure in ensuring empowerment and upholding agency, and what must be taken into account practically to further this;
- the role of accountability mechanisms and what contributes to meaningful and empowering reparative frameworks; and
- areas where further conceptual, normative, or practical development may be required.

6. Importantly, the Study Group aims to ensure that its work remains practically relevant. Many actors working on the ground — such as practitioners and civil society organisations involved in accountability processes — frequently encounter complex legal questions without having the resources to undertake extensive doctrinal or comparative analysis.¹ By examining these issues systematically, the Study Group seeks to support broader efforts to prevent violations and strengthen accountability frameworks.

7. At the same time, the Study Group is mindful of existing initiatives in this field and seeks to ensure that its work complements, rather than duplicates, efforts already undertaken by other actors. The Study Group's activities are therefore designed to advance understanding and contribute to improvements in how far the implementation of international legal norms relating to sexual and reproductive violence meets the needs of victims/survivors and contributes to gender justice.

¹ See, e.g., International Nuremberg Principles Academy, *Cooperation between Civil Society Actors and Judicial Mechanisms in the Prosecution of Conflict-Related Sexual Violence: Guiding Principles and Recommendations* (2017) (identifying challenges in cooperation between judicial mechanisms and civil society actors in accountability processes); United Nations Secretary-General, *Women and Peace and Security: Report of the Secretary-General* (2024) (highlighting funding shortfalls, capacity constraints, and limited support for civil society actors); Office of the United Nations High Commissioner for Human Rights, *Annual Report 2024 (2025)* (highlighting the structural constraints under which actors operate in conflict-affected contexts); United Nations Secretary-General, *Conflict-Related Sexual Violence: Report of the Secretary-General* (2025) (documenting persistent gaps in access to justice and institutional capacity); J. Kieser, C. G. Duffy, *Unveiling the Challenges of Gender-Based Violence NGOs in South Africa* (2025) (demonstrating the complexity of decision-making and structural constraints faced by NGOs); A. A. Jaramani, M. Elayah, *Voices of Resilience: Civil Society and Community Perspectives on Gender-Based Violence in Conflict-Affected Syria* (2025) (examining context-specific responses to gender-based violence and the navigation of legal and institutional fragmentation in practice).

III. ORGANISATION AND MEMBERSHIP

8. The Study Group was established in May 2024 for an initial three-year mandate. It is led by its officers: the Co-Chairs, Professor Christine Chinkin and Merryl Lawry-White, and the Rapporteur, Prof. Dr. Ajla Škrbić. The officers are responsible for facilitating internal communication within the Study Group and coordinating the Group's activities. In her capacity, the Rapporteur has ensured that members receive information about meetings, ongoing projects, and updates concerning the Group's work. She has also facilitated the members' participation through online meetings and ensured that members unable to attend are informed about the outcomes of discussions.

9. The wider membership of the Study Group consists of experts with diverse backgrounds in Public International Law and related fields, including both academics and practitioners engaged in issues related to conflict-related sexual and reproductive violence (names are provided at the beginning of the Report).

10. The appointment of members was undertaken with due regard to the ILA Policy on Diversity, Equality and Inclusion, including the importance of representing different legal systems and regional perspectives. As a result, the composition of the Study Group reflects diverse expertise, geographical representation, and professional backgrounds. Members come from different regions of the world and include individuals working in academia, international organisations, civil society organisations, and legal practice. In addition, the Group comprises both well-established experts in the field and early-career scholars, thereby supporting the development of new expertise within the ILA. The establishment of the Group has also contributed to expanding the ILA's network and attracting new members interested in the topic, as several individuals who were not previously members of the ILA expressed interest in participating in the Study Group and subsequently became ILA members.

IV. WORK PROCESS

11. Immediately following the establishment of the Study Group, the officers organised an introductory webinar, open to all ILA members, in cooperation with ILA headquarters. The purpose of this webinar was to introduce the mandate and objectives of the Study Group, provide information about the planned work programme, and allow interested members to ask questions and express interest in participating.

12. Shortly after, the officers developed an initial work plan intended to guide the first phase of the project. The plan envisaged several early steps, including:

1. mapping the key legal and procedural questions arising in relation to sexual and reproductive violence in conflict and post-conflict settings;
2. identifying areas where the Study Group could contribute meaningful analytical clarification;
3. developing a methodology for comparative examination of different jurisdictions and institutional practices; and
4. establishing a working structure for collaboration among members.

A. First Meeting – 10 January 2025

13. The first formal meeting of the Study Group took place on 10 January 2025. During this meeting, the officers provided an overview of the Study Group's structure, mandate, and working methods. Members also discussed the general expectations associated with participation in the ILA Study Group, including the importance of active engagement in discussions and contributions to research activities.

14. The meeting included a round of introductions, allowing members to present their professional backgrounds and research interests. This exchange highlighted the considerable diversity of expertise within the Group.

15. A key component of the meeting was the launch of an initial mapping exercise, aimed at identifying key legal and conceptual questions that may arise in the Study Group's work. Members emphasised the need to distinguish between sexual violence and reproductive violence, as well as the implications of these distinctions for international legal frameworks.

16. Participants also emphasised the importance of examining comparative case studies in order to better understand how different national jurisdictions address sexual and reproductive violence in both conflict and post-conflict contexts.

17. During the meeting, the Study Group agreed on several organisational principles:

- meetings would be held at least three times per year;
- no specific time commitment would be imposed on members beyond participation in meetings and contributions to discussions and research;
- members would contribute ideas, materials, and feedback as the project develops; and
- the Study Group would aim to produce an interim report as well as a final report at the conclusion of its mandate.

B. Second Meeting – 22 April 2025

18. The second meeting of the Study Group was held on 22 April 2025.

19. During this meeting, members continued the discussion regarding the methodology for the Study Group's comparative work. It was agreed that the Group would begin by preparing brief jurisdictional notes examining how different legal systems and institutions address sexual and reproductive violence in conflict and post-conflict contexts.

20. A draft note prepared by a Ukrainian member on the situation in Ukraine was presented and discussed. The note served as an initial example of how brief notes might be structured.

21. The note emphasised that conflict-related sexual violence (CRSV) in Ukraine has been documented since 2014, initially in detention contexts in the Donbas region, but, once documented, it received limited attention and was often prosecuted as ordinary sexual violence rather than as CRSV (i.e., a potential international crime). Following the full-scale invasion by Russia in Ukraine in 2022, the scale and patterns of CRSV have evolved significantly, with a substantially greater number of cases identified and prosecuted. At the national level, most cases are prosecuted under Article 438 of the Criminal Code (war crimes), which broadly incorporates international humanitarian law, while recent amendments following Ukraine's ratification of the Rome Statute in 2024 introduced into domestic law a provision on crimes against humanity that explicitly includes sexual violence. Transitional justice measures, however, remain limited, but include emerging initiatives on interim reparations, such as a pilot

compensation programme and the Council of Europe's Register of Damage. Key challenges to prosecution include the conceptualisation of diverse forms of CRSV, including their gendered and intersectional dimensions, and the differentiation between victims, such as civilians and prisoners of war. Further issues concern the reliance on civil society and international actors, as well as the need to adapt legal and institutional responses in the context of an ongoing conflict.

22. Additionally, members discussed the definition of CRSV for the purposes of the Study Group's work. It became clear that definitional questions are complex and remain contested in both academic literature and policy practice.²

23. To guide the drafting of jurisdictional notes, the Rapporteur proposed a template designed to ensure consistency across different contributions. The template included:

1. a brief contextual overview;
2. an overview of the applicable legal framework, with emphasis on key definitions and the status of international law within the domestic legal system;
3. identification of the key authorities with mandates relevant to this area;
4. an overview of practice, including transitional justice initiatives beyond prosecutions;
5. an assessment of key challenges and gaps in both legislation and its implementation;
6. recommendations; and
7. suggestions for further reading.

It was also noted that issues of reproductive violence should be integrated across all sections or, where appropriate, addressed in a dedicated section. A standard length of approximately 3–4 pages and the use of OSCOLA citation style were also proposed. Members were invited to comment on and modify the template collaboratively.

24. Several members volunteered to prepare notes on specific jurisdictions: Cambodia, Democratic Republic of the Congo, Myanmar, Nigeria, Sudan, and Uganda.

25. Members were also encouraged to collaborate on these notes and to propose additional jurisdictions where relevant.

C. Third Meeting – 18 July 2025

26. The third meeting took place on 18 July 2025.

27. A central focus of the meeting was a presentation prepared by a South African member addressing the definition of CRSV. The presentation drew on existing definitions developed by United Nations bodies, the Office of the Prosecutor of the International Criminal Court, and other international actors, highlighting a broadly shared understanding of CRSV as encompassing acts such as rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, forced marriage, and other forms of sexual violence of comparable gravity directly or indirectly linked to conflict. In this context, it was noted that the nexus to conflict may be established through factors such as the profile of perpetrators and victims, patterns of targeting, or broader contexts of impunity and displacement, and that such violence may affect individuals of all genders and ages. The presentation also noted that international practice increasingly adopts a broad and evolving understanding of “violence”,

² See, e.g., T. Altunjan, *The International Criminal Court and Sexual Violence: Between Aspirations and Reality* (2021).

including both physical and non-physical harm, and recognises that a wide range of international crimes may involve sexual, reproductive, or other gender-based violence. The presentation prompted a wide-ranging discussion among members regarding the conceptual and legal challenges associated with defining sexual and reproductive violence. While members acknowledged that there is a growing degree of convergence in international practice, it was agreed that definitional questions remain contested and that further conceptual and analytical work is required. However, adopting a single definition assists in understanding some of the challenges faced by actors on the ground.

28. Members noted that many international institutions rely on policy-based definitions, while clear legal definitions remain limited. The discussion also addressed the risk of politicisation or instrumentalisation of certain definitions and the challenges of ensuring that any conceptual framework reflects diverse perspectives rather than relying solely on Western policy approaches. Members therefore considered whether the Study Group should adopt a single definition of CRSV or instead focus on analysing existing definitions and their implications.

29. Another important topic discussed was the creation of a shared repository of literature and research materials. It was agreed that relevant materials would be collected and organised in a central repository accessible to all members. Another member from South Africa agreed to assist with the coordination of bibliographic materials and shared readings.

V. PLANNED PUBLICATIONS AND OUTPUT

30. At the current stage of its work, the Study Group has not yet adopted a definitive plan regarding publications or formal outputs. Nevertheless, several possible avenues for future outputs have been discussed among members.

31. The Study Group's mandate indicates that its work may lead to several possible outcomes, including:

- the interim and final reports;
- the development of recommendations or analytical frameworks;
- academic publications; and/or
- a proposal for the establishment of a formal ILA Committee.

32. Members also noted the possibility of cooperation with other institutions and initiatives addressing similar issues. For example, the ILA Nigeria Branch recently established a Committee on Women, International Law and Development, which has expressed interest in exploring opportunities for collaboration.

33. At this stage, the Study Group considers it premature to determine the precise form of its final outputs. The reality of sexual and reproductive violence in conflict and post-conflict settings remains rapidly evolving, as well as legal and procedural frameworks, and further research and consultation will be necessary before more definitive conclusions can be drawn.

VI. CONCLUSION

34. The work undertaken by the Study Group during its initial phase demonstrates both the importance and the complexity of examining sexual and reproductive violence in conflict and post-conflict settings within the framework of international law.

35. The discussions held within the Study Group have already highlighted several key challenges that warrant further examination. These include the conceptual difficulties associated with defining sexual and reproductive violence, the diversity of approaches adopted by different legal systems and institutions, and the need for greater analytical clarity regarding the legal frameworks applicable to such violence. These conclusions also highlight one of the key purposes for the Study Group in the first place — that actors on the ground are trying to grapple with these challenging and unclarified questions, while also fulfilling their own mandates in the field. In this context, the Study Group has emphasised the importance of ensuring that its work remains practically relevant. By mapping key legal frameworks and conceptual challenges, and examining some of the key questions, the Study Group aims to contribute to ongoing efforts to strengthen accountability mechanisms and improve responses to such violations.

36. One of the central insights emerging from the Study Group's work thus far is the importance of comparative analysis. The brief jurisdictional notes being prepared by members are expected to provide valuable insights into how different jurisdictions address conflict-related sexual and reproductive violence. These notes will help identify common patterns, divergences, and practical challenges encountered in different legal and institutional contexts.

37. At the same time, the Study Group recognises that the field remains dynamic and rapidly evolving. New developments in the nature of conflicts and violence, and in the legal landscape (International Criminal Law, transitional justice processes, and international human rights mechanisms) continue to shape the way in which sexual and reproductive violence is experienced, understood, and addressed.

38. For these reasons, the Study Group considers that its current work should be seen as an initial step in a longer process of research and analysis. The comparative work currently underway will provide an empirical foundation for further discussions and may help identify areas where more systematic legal analysis is required.

39. Looking ahead, the Study Group will continue its work through further meetings, collaborative research activities, and engagement with relevant stakeholders. These activities will allow the Group to refine its research agenda and to assess whether the establishment of a formal ILA Committee may be appropriate in the future.

40. The Study Group also anticipates that upcoming ILA meeting in Vienna will provide valuable opportunities for the first in-person discussions among members and for broader engagement with the international legal community.