



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Federation Chamber

PRIVATE MEMBERS' BUSINESS

Crime: Sexual Violence in Armed Conflict

SPEECH

Monday, 4 September 2017

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Questioner
Speaker Brodtmann, Gai, MP

Source House
Proof No
Responder
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Ms BRODTMANN (Canberra) (18:14): I move:

That this House:

(1)notes that:

(a)the use of sexual violence in armed conflict is a war crime; and

(b)the use of sexual violence as part of a widespread or systematic attack directed against any civilian population is a crime against humanity;

(2)acknowledges that Islamic State:

(a)is perpetrating war crimes and crimes against humanity against minority Muslim groups, Christians, Yazidis and other religious and ethnic minorities in Iraq and Syria;

(b)has perpetrated acts of sexual violence amounting to war crimes and crimes against humanity; and

(c)has dedicated infrastructure for the kidnap, trafficking and sale of sex slaves; and

(3)calls on the Australian Government to:

(a)investigate, prosecute and hold to account Australians who have committed crimes, according to domestic or international law, as members of Islamic State or other recognised international terrorist groups; and

(b)support international efforts to gather evidence, investigate and prosecute those responsible for international crimes perpetrated by Islamic State or other recognised international terrorist groups.

According to the United Nations, sexual violence in conflict is one of the greatest moral issues of our time. It is a moral issue we face now and it has been a moral issue from time immemorial. Sexual violence was considered a natural consequence of war and a lesser crime than other breaches of the law. Sexual violence, because of its roots in the notion that women's bodies were property to be conquered, was seen as a lesser crime. Unfortunately, this notion of women's bodies as something to be conquered is something that we're seeing exemplified in ISIS's guide book. ISIS's guide book, that was produced in a very contemporary context, in 2015, codifies sexual relations between ISIS fighters and their female captives for the first time under the 15 dos and don'ts for owners of ISIS female sex slaves. One of the 15 dos is: if the owner of a female captive releases her, only he can have intercourse with her and he cannot allow someone else to have intercourse with her. Another do is: if the female captive is owned by a father, his son cannot have intercourse with her and vice versa. This was something written in 2015. Moreover, intercourse with his wife's female captive is also not permissible.

The international community has repeatedly condemned sexual and gender based violence in armed conflict, but not enough is being done to end impunity for these crimes. The Rome Statute by the International Criminal Court criminalises sexual violence as war crimes, crimes against humanity and genocide. The Security Council has passed eight resolutions on the Women, Peace and Security Agenda. Australia has criminalised these crimes in our own Criminal Code. Australia has a whole-of-government policy—the National Action Plan on Women, Peace and Security. We have it in our power to investigate and prosecute those who commit these crimes.

The United Nations, Human Rights Watch and Amnesty International have extensively reported the use of sexual and gender based violence by ISIS in Iraq and Syria, and the 15 dos and don'ts are a very good example of their views on women. Their use of sexual violence is so widespread and systematic that it constitutes a crime against humanity. ISIS is perpetrating sexual violence as part of an armed conflict—a war crime. ISIS's intention to destroy these people aligns with definitions of genocide under international law, but not a single ISIS fighter has

been prosecuted for any of these international crimes. We have a moment in time right now to end impunity for conflict related sexual violence. Now is the time.

Over 30,000 foreign fighters have travelled to Iraq and Syria to fight with ISIS. Many of these foreign fighters come from countries where sexual violence is criminalised in legislation on war crimes, crimes against humanity and genocide. More than 200 Australians have travelled to Syria and Iraq to fight with ISIS, contributing to systematic rape and sexual violence. We must investigate and prosecute the Australians who have committed these crimes. Sexual violence is not acceptable at home. It is not acceptable abroad. Australia needs to lead by example. It's not acceptable for Australians to perpetrate sexual violence in times of conflict. We are currently advancing justice for victims of sexual violence here in Australia. We need to justly apply the law for our victims in Australia and also overseas. If we investigate and prosecute our own nationals who have committed these crimes, our allies and like-minded nations may follow.

We are a developed democracy with a sound judicial system. For decades, we have invested in the rules-based global order. Now we need to bring that order home. We need to fulfil our obligations under the Rome Statute and under our own legislation. We have the ability to investigate and prosecute sexual violence perpetrated as war crimes. Now we must show willingness. The government must establish the policy framework and provide the resources to undertake these investigations and to carry out prosecutions in order to bring justice to the victims of these crimes and to end impunity for conflict related sexual violence. We need to prosecute, not perpetrate. I want to thank Susan Hutchinson, who is here, who is leading the campaign for prosecuting not perpetrating here in Australia.

The DEPUTY SPEAKER (Ms Price): Is there a seconder for the motion?

Ms Claydon: I second the motion and reserve my right to speak later.