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HUMAN RIGHTS
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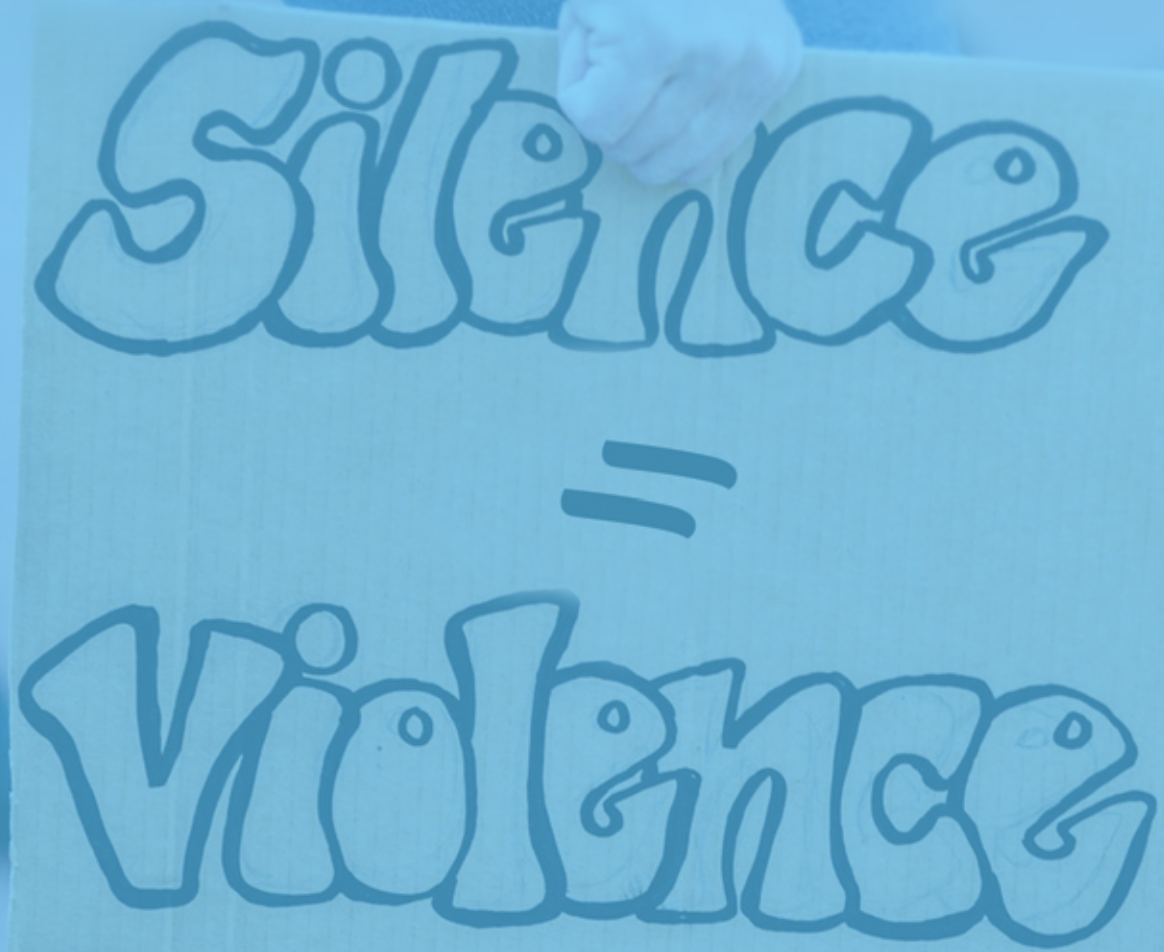
A person is holding a white rectangular sign with blue hand-painted text. The person is wearing a white t-shirt and dark jeans. The background is a dense wall of green ivy leaves.

**STOP
GENDER
BASED
VIOLENCE**

MONITORING CASES OF GENDER-BASED VIOLENCE

TOOL 1

KEY TERMINOLOGY



Silence
=
Violence

A person is holding a rectangular cardboard sign. The sign has the words "Silence", an equals sign, and "Violence" written on it in a thick, black, bubbly, hand-drawn style. The person holding the sign is wearing a light-colored long-sleeved shirt and blue jeans. The background is blurred and has a blue tint.

TOOL 1

KEY TERMINOLOGY¹

Gender-based violence (GBV) is violence directed toward, or disproportionately affecting someone because of their gender or sex as well as perceived transgression of the gender norms in their community or society. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering, threats of such acts, harassment, coercion and arbitrary deprivation of liberty.²

Sexual violence is a form of gender-based violence. It encompasses acts of a sexual nature against one or more persons or that cause such person or persons to engage in an act of a sexual nature by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such

person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent³. Forms of sexual violence include rape, attempted rape, sexual mutilation, forced sterilization, forced abortion, forced prostitution, trafficking for the purpose of sexual exploitation, child pornography, child prostitution, sexual slavery, forced marriage, forced pregnancy, forced nudity and forced virginity testing.

Remember: When referring to sexual violence as a form of GBV, use phrases such as: "gender-based violence, including sexual violence," or "sexual violence and other forms of gender-based violence".

¹ Definitions of gender, gender equality, gender identity, gender integration, gender sensitivity, gender stereotype, sex disaggregated data, sexual orientation can be found in the [OHCHR manual Integrating a gender perspective into human rights investigations guidance and practice \(p.7\)](#).

² CEDAW General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 26 July 2017. ³ See [International Criminal Court, Elements of Crimes](#).

Conflict-related sexual violence refers to acts of sexual violence that are directly or indirectly linked to an armed conflict.⁴ It is a UN working definition used in the UN Secretary General's annual reports on the issue, not a legally defined term in the field of international human rights law⁵.

Gender-based crimes under international criminal law⁶ refer to crimes committed against persons, whether male or female, because of their sex and/or socially constructed gender roles. Gender-based crimes can include crimes that reflect and reproduce gendered inequalities and hierarchies, use gendered means and methods, and/or have gendered causes and impacts. These can also include crimes targeting persons of diverse sexual orientations, gender identities, gender expressions and sex characteristics, such as during a campaign of persecution or genocide⁷.

Victims under international human rights law refers to persons who individually or collectively have suffered human rights violations⁸ and:

- experienced the violation **directly and/or indirectly** (for ex., children born of rape or from forced unions and/or close family members of the victim);
- **survived** the violation(s) as well as a person who **did not survive**.



Practical tip: Certain manifestations of GBV while not amounting to criminal conduct as such, may serve as contextual evidence of criminal conduct. The prism of GBV can also serve as an analytical and descriptive lens to examine the structural gender inequalities underpinning violence and discrimination in a specific situation under investigation. For example, evidence of the imposition of dress codes for women and girls, the prohibition for girls to attend school, and restrictions on the freedom of movement of women and girls can be used to prove elements of the crime of persecution.

⁴ The term also encompasses trafficking in persons when committed in situations of conflict for the purpose of sexual violence or exploitation. See United Nations, Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence, 2020. The criteria to establish the link to an armed conflict, see Report of the Secretary-General on Conflict-Related Sexual Violence, S/2018/250, 23 March 2018, para. 2. ⁵ For more information, see [UN Action Against Sexual Violence, Framework for the Prevention of Conflict-Related Sexual Violence](#), September 2022. ⁶ See ICC, [Policy on gender based crimes](#), December 2023. ⁷ See ICC, [ICC, Policy on the Crime of Gender Persecution and Policy on gender-based crimes](#). ⁸ [UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/34 \(1985\); United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights Law and Serious Violations of Humanitarian Law.](#)

Within the criminal **justice system and accountability processes**, the term ‘victim’ describes a person who has been subjected to a crime and thus provides legal status or standing to claim remedy, redress, and justice under the law.

Although ‘victim’ is a legal term, certain individuals may be more comfortable with identifying themselves as ‘survivor’ or ‘claimant’ and their choice must be respected. The term ‘survivor’ does not have the same legal significance and implications as ‘victim’, but it is often perceived as more empowering and as better emphasizing an individual’s strength, resilience and recovery process.

Self-identification as ‘victim’ or ‘survivor’ is not a permanent determination. Individuals may self-identify as ‘victims’ for a certain period of time, before moving to ‘survivors’ depending on the notions they associate with the use of each term – and vice versa, or they may use these terms interchangeably. This reflects the complexity and multifaceted impact of GBV that can entail non-linear and complex recovery processes.

A victim-centred approach⁹ is one of the guiding principles of any human rights monitoring and investigation process. This approach places GBV victims’ rights and dignity at the centre of any human rights protection, support and accountability framework, recognizing

that these processes are ultimately for the benefit of victims. **This means that the interests and decisions of the victims must prevail** throughout investigation processes and that any support services and assistance, accountability initiatives and justice services must be victim-driven and tailored to respond to the rights, needs, expectations, concerns, dignity, and well-being of victims, in all their diversity. Such an approach is



crucial to ensuring that victims are not at any time adversely affected by their participation in these processes. Additionally, a victim-centred approach is necessary to implement processes that pave the way for a transformational agenda towards gender equality and non-discrimination.

⁹ See Tool 3 of this Toolkit on “Interviewing” for more details on the victim-centred approach.





