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**GENERAL BRIEFING TO MEMBER STATES OF THE HUMAN
RIGHTS COUNCIL ON SEXUAL VIOLENCE IN CONFLICT**
SRSG on Sexual Violence in Conflict: Margot Wallström
Geneva, 10 February 2011

Ladies and Gentlemen,

It is now five months since my last General Briefing to Member States of the Human Rights Council in September. It is my intention to continue dialogue and cooperation with this Council given its mutually reinforcing agenda with the Security Council, from which I derive my mandate. The Human Rights Council plays a vital role in advancing the protection of human rights and fundamental freedoms.

I have just returned from my third visit to the Democratic Republic of the Congo. Here I met with President Kabila, as well as victims of sexual violence who have been attacked by members of the state security forces, and non-state actors, as well as those who have been sexually abused by members of the Angolan Security Forces who are expelling irregular immigrants back to the DRC. I also attended the launch of the City of Joy which will groom groups of Congolese women – most of them rape victims - to become leaders in their communities.

Since my last briefing, I have also visited Bosnia and Herzegovina. Here I met with survivors who are seeking justice for the sexual violence suffered during the conflict in the Balkans 15 years ago. The process of pursuing justice has been painfully slow. The UN estimates that there were between 20,000 and 50,000 rapes during the conflict (1992-95), yet there have been just 12 convictions by national courts, and 18 ICTY prosecutions. In the few cases that have been prosecuted, women argue that they have got law, rather than justice. Women described being treated as “courtroom exhibits” from which evidence can simply be extracted. In addition to the daunting experience of the courtroom, survivors are tormented by routine encounters with former rapists, seeing them in the street, bank or supermarket. The climate of impunity has thus become a climate of intimidation. Survivors describe the perpetrators as unrepentant, mocking women in the courtroom and public streets. As one victim stated: “It is better to be a criminal than a victim in this system”.

It is useful to meet with these survivors of sexual violence - to listen closely to what they are asking for as reparations for the violations of their human rights: The chance to send their children to school. A safe path to walk along, without fear of attack or sighting their perpetrators. Opportunities for a normal life free from war and conflict.

Some say the horrors of wartime rape are “unspeakable”. But as leaders we must speak out. Sexual violence thrives on silence and impunity. This crime is not inherent to any one culture or continent; few of today’s conflicts are free from these atrocities. That means our challenge is to prevent the cycle of violence and vengeance, as well as discrimination and disempowerment, that give rise to rape as a tactic of war. Both the United Nations Security Council and the Human Rights Council recognize that sexual violence in conflict is a political, security and human rights issue that demands a political, security and human rights response.

The successive Security Council resolutions -1820, 1888 and 1960 - reinforce State responsibility to uphold human rights under conventions such as CEDAW, the Convention on the Rights of the Child (CRC), and the International Covenant on Civil and Political Rights (ICCPR). They also reinforce the obligations of non-state actors under International Humanitarian Law to respect the civilian population.

The question of reparations for victims of wartime sexual violence is informed by the work of the Special Rapporteur on Violence against Women. It is my express intention to cooperate closely with this mandate, as contemplated in Security Council Resolution 1888.

The Team of Experts established under Security Council Resolution 1888 will play an important role in assisting governments to rebuild rule of law institutions and strengthen weak links in the penal chain to address impunity for sexual violence and other human rights violations. The Team of Experts was conceptualized and will be deployed in close cooperation with the Office of the High Commission for Human Rights.

In December 2010, the Security Council adopted resolution 1960 to enhance accountability for the existing prohibition of sexual violence under international law. The resolution was cosponsored by more than 60 countries, including 10 African States. It signals that there will be consequences for sexual violence. Human rights monitors will play an important role in channeling information about parties credibly suspected of patterns of sexual violence for inclusion in annual reports of the

Secretary General to the Security Council. These parties will be included on lists in an Annex to the S-G's annual reports, following the Security Council practice of listing parties known for the recruitment of child soldiers. Persistent perpetrators may be subject to sanctions. Resolution 1960 also calls for armed groups to make commitments to combat sexual violence. Better monitoring and reporting will serve as a basis for more effective protection. The aim is to instigate not just punitive, but transformative, measures – including dialogue with parties for behavioral change to prevent them from being listed, or to move towards delisting.

The Human Rights Council has been addressing sexual violence in conflict through its work and the work of its mechanisms for many years. The Human Rights Council plays a crucial role in this regard and its actions greatly contribute to the implementation of Security Council Resolutions 1820, 1888 and 1960. These include engaging with governments to call for immediate cessation of all acts of sexual violence, calling for investigations into specific incidents, calling for relevant expert mechanisms to devote special attention to monitoring and reporting sexual violence in conflict and post-conflict situations, bringing to the attention of the international community emerging patterns of sexual violence, and ensuring accountability including through the UPR mechanism.

Ultimately we have to create conditions where armed groups see sexual violence as a liability, rather than a tool in the struggle for power. We have to raise the cost of committing atrocities to the point where they harm the perpetrators even more than the victims. That means that when a peace process begins, perpetrators are never permitted to get or retain positions of military, political or economic influence. Where sexual violence has been part of the fighting, ending it must be part of making peace. And sexual violence should not be used to influence the outcome of elections – a worrying phenomenon we have witnessed over the past five years in Kenya, Guinea and now Cote d'Ivoire. Security Council Resolution 1960 sends a powerful political signal that sexual violence, against any victim irrespective of age, sex or affiliation, will not be tolerated.

Prior to going to the DRC I visited Addis Ababa. The African Union has taken important steps to address conflict-related sexual violence as a matter of human rights and peace and security. Africa has some of the world's most progressive legal instruments to address sexual violence and advance women's rights. These include the Protocol on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa. The United Nations will continue to work closely with the African Union and other regional bodies. We will also offer support to all

countries that contribute troops to peacekeeping operations to better prepare them to respond to sexual violence as a security threat, and to protect civilians.

The challenge now is to ensure that all of these laudable commitments are felt where they matter most ... in the marketplaces where women trade ... at water-points ... along the roads where girls walk to school... and when women are attempting to exercise their political, social and economic rights.

I look forward to continued close collaboration, and to the opportunity to formally address the Human Rights Council in the near future.

Thank you.

Geneva, 10 February 2011.