

Team of Experts Rule of Law/Sexual Violence in Conflict

Photo: Kate Holt/IRIN

FOREWORD



"I urge donors to ensure sustainable funding for this valuable resource, the Team of Experts."

"Sexual violence in conflict is a weapon that is as deadly as any bullet and as destructive as any bomb..."

Each year an untold number of women, men and children are victims of conflict-related sexual violence. This crime has devastating and long lasting effects on families, communities and countries.

Sexual violence in conflict is a weapon that is as deadly as any bullet and as destructive as any bomb, and the consequences often linger long after the conflict has ended. Survivors of rape often face pregnancy and sexually transmitted diseases, including HIV/AIDS. Among the common long-term psychological impacts of this crime are depression, anxiety disorders, fear and difficulties in re-establishing intimate relationships. A rape survivor from Bosnia captured the long-lasting consequences

best when she said: "They have taken my life without killing me".

The Security Council, like the rest of the international community, has recognized the serious threat that conflict-related sexual violence poses to peace and security. As a result it has passed a series of resolutions designed to end rape in war and other forms of conflict-related sexual Security Council resolution 1888 (2009) created the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict as well as the Team of Experts on the Rule of Law/ Sexual Violence in Conflict (TOE) to help achieve the vision of a world free from the scourge of conflict-related sexual violence.

By providing key assistance to governments to strengthen the capacity of their justice systems to combat impunity for this crime, the TOE complements and adds value to the work of the United Nations on the ground and serves as an invaluable resource in the fight against sexual violence.

Comprised of members from the Department of Peacekeeping Operations, the Office of the High Commissioner for Human Rights, the United Nations Development Program and headed by a team leader embedded in my Office, the TOE has put its expertise at the disposal of Member States to further their efforts to comprehensively address sexual violence crimes.

The Team's work is guided by a human rights-based approach that recognizes the need for robust civilian and military judicial systems to ensure that these violations are properly investigated, prosecuted and adjudicated.

The work of the Team of Experts in countries around the world enables

governments to take the necessary ownership and leadership on this issue. It is only by tackling conflict-related sexual violence at the national level that we can hope to eliminate this problem and have durable security and peace for all. I urge donors to ensure sustainable funding for the valuable work of this team.

This annual report reflects the results-driven engagement of the Team of Experts, and the impact its work has on the lives of people who rely on their governments to protect them from conflict-related sexual violence. I hope this report serves as a source of information and guidance for all working to ensure accountability for perpetrators and the promotion and protection of the human rights of victims and communities affected by this crime.

Zainab Hawa Bangura Special Representative of the Secretary-General on Sexual Violence in Conflict



ADVISORY GROUP

The TOE Advisory Group consists of a senior representative from each of the co-lead entities contributing a member to the TOE. Its role includes, inter alia: providing strategic advice on engagements by the Team; proposing possible areas for engagement; advising on the management of a roster of experts; considering the Team's reports and recommendations from assessments and deployments; and supporting the Team in its efforts to mobilize resources.

THE ROSTER OF EXPERTS

Representatives to the Advisory Group

Mr. Alejandro E. Alvarez, Senior Advisor and
Team Leader, Rule of Law
Justice & Security, UNDP

Exp
Spe
Mr. Robert A. Pulver, Chief, Criminal Law and

Mr. Charles Radcliffe, Chief, Global Issues Section, OHCHR

Judicial Advisory Service,

The TOE is currently supported in its efforts by 38 international experts with a range of competencies gathered together under a profile within the UNDP Express Roster. Experts are selected based on their specialization, language skills, regional expertise, as well as taking into account gender considerations.

CUR VISION The TOE believes that with sound legislation, comprehensive prevention and response mechanisms and enhanced capacity, military and civilian justice systems will be able to promptly and effectively address conflict-related sexual violence. The TOE therefore focuses on strengthening national capacity to address impunity for sexual violence crimes. Fundamental to the Team's vision is the recognition that national cownership and leadership is the cornerstone in the fight against impunity for sexual violence. 8 UN Photo/Martine Perret

The TOE seeks to support and complement, with dedicated expertise, the work of the UN in rule of law, security, development, human rights and peacebuilding by providing strategic, technical and programmatic guidance and support with respect to conflict-related sexual violence. The Team uses a human rights-based approach to identify gaps and challenges faced by national authorities and institutions in responding to conflict-related sexual violence. The Team ensures that interventions build on, and complement, existing partners' and governments' initiatives on the ground.

Consistent with its mandate, the TOE receives a variety of communications seeking its engagement. These communications include requests from representatives of the national authority, alerts from UN field presences or headquarters officials, and reports from civil society organizations or victims groups. Once the TOE, in consultation with the UN presence on the ground, determines that the context is appropriate for its engagement the TOE then seeks consent from the government to engage.

Following the receipt of a request and government consent, the TOE undertakes an assessment mission. Through assessment missions the Team reviews existing initiatives, programs and mechanisms on rule of law, justice and security in general, as well as programming on sexual violence in particular. Extensive consultations between the TOE, government entities, UN partners, civil society organizations, national human rights institutions, and other national and international stakeholders take place before, during and after assessments to ensure national ownership, sustainability, coordination and complementarity. These consultations ensure that duplication of efforts is avoided and that agreed interventions or assistance bring added value to existing initiatives.



APPROACH

Assessment missions identify the modalities of assistance that can be provided to national authorities in addressing conflict-related sexual violence. The TOE's assessments often result in extensive recommendations for a range of actors, including the TOE itself, government entities and other national and international partners on the ground. Recognizing the importance of national leadership and ownership to ensure that efforts to address conflict-related sexual violence are sustainable, the TOE ensures that recommendations emanating from its assessments count on the full support of the national authorities.

Following agreement on the recommendations with national authorities, the TOE may assist in the identification and mobilization of human and financial resources, or in the development of budgeted project proposals whose delivery is the responsibility of the Team. The TOE seeks to ensure that one or more co-lead entities or a government entity is responsible for the implementation of such projects, while the TOE provides the necessary technical assistance on the ground.

Team of Experts Rule of Law/Sexual Violence in Conflict

The TOE has identified the following areas of focus in which governments experience the most critical capacity challenges to combating impunity for sexual violence:

- Criminal investigations and prosecutions;
- Collection, analysis and use of forensic evidence;
- 3 Military justice (systems, investigations and prosecutions);

- Criminal law reform and procedural law reform;
- Witness, victim, and justice official protection; and
- Security sector oversight systems/bodies.

The TOE aligns its geographic priorities with those of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and UN Action. In this regard, the TOE identified the following eight priority countries: Bosnia and Herzegovina, Central African Republic (CAR), Colombia, Côte d'Ivoire, the Democratic Republic of Congo (DRC),

Liberia, Sudan (Darfur), and South Sudan. However, the selection of these countries does not prevent the TOE from engaging in other conflict and post-conflict countries identified as "situations of particular concern". In 2012, the TOE specifically focused on supporting national authorities in CAR, Colombia, Côte d'Ivoire, DRC, Guinea and South Sudan.





The Team ensures that its outputs are monitored and measured. In this regard, the TOE has established benchmarks, identified indicators, and established annual targets. The TOE meets regularly to discuss and review the outputs and identify and analyse factors that could affect progress toward defined targets. This is supported through regular monitoring of developments in particular countries, including political

developments, legislative reforms, the human rights situation, etc. Given the changing context in most conflict and post-conflict countries, factors that could positively or negatively impact on TOE engagement on the ground are reviewed and revised on an ongoing basis. The TOE also reflects on prior engagements to discern lessons learned that can be incorporated into and guide future engagements, and



seeks out best practices of other actors.

In addition, the TOE participates in regular meetings with UN Action and the co-lead entities - DPKO, OHCHR and UNDP- to brief and highlight progress on the key outputs and to ensure cohesion and cooperation among key UN members operating in conflict or post-conflict countries and with extensive involvement on sexual violence issues.

Guided by its mandate as set out in resolution 1888, the TOE's work is led by the Team Leader, who is embedded in the Office of the SRSG-SVC and has a direct reporting line to her.

The SRSG-SVC's high level advocacy work with governments serves as an entry point for TOE interventions. Since 2011, the Office of the SRSG-SVC has focused on securing the signature of joint communiqués as platforms for TOE engagement with governments on sexual violence.

12 13

The Team of Experts, in collaboration with the co-lead entities, developed a joint programme, which has been operational since 1 January 2012. Signed by ASGs Jordan Ryan (UNDP), Ivan Šimonovic (OHCHR) and Dmitry Titov (DPKO), this joint programme consolidates the progress made in establishing the Team of Experts and expands its work into a full fledged three-year programme.

The joint programme defines the strategic approach of the TOE in conducting its work and determining its engagements. It also identifies the lessons learned, building upon prior and existing programming on rule of law, justice and security in general, as well as programming on sexual violence, to ensure the adoption of a comprehensive and coordinated approach for both advisory and programmatic interventions. It builds on the following main outputs: the identification and review of situations of particular concern through research and analysis; the elaboration of assessments on situations of particular concern; the assistance to national authorities through technical, strategic and programmatic support; the efficient management and resourcing of the programme; and the increase in the awareness of the work of the Team by UN and non-UN entities.

The rule of law is of fundamental importance for the strengthening of the three main pillars of the United Nations: international peace and security, human rights and development.



SRSG Bangura and Congolese Army





CAR has a long history of conflict and sexual violence, with incidents of conflict-related sexual violence being reported throughout the country and in particular in areas controlled by the various armed groups, including Seleka, a loose coalition of armed groups that launched an offensive against the Government in December 2012. Reports of sexual violence have also been received by the Forces Armées Centrafricaines (FACA), other security forces and bandits known as "zaraguinas" or "coupeurs de route", who operate in the north and east of the country. Several survivors who were able to escape have also reported that women and girls have been abducted by the Lord's Resistance Army for use as sex slaves.

The Government has taken a number of measures to address sexual violence. However, given CAR's volatile history of protracted conflict, national institutions and state authorities have been weakened and have never developed the capacity to effectively address conflict-related sexual violence and other forms of sexual violence. Human rights violations in general and sexual violence crimes in particular have been often overridden by other perceived priorities, human and financial resource and structural constraints.

From 5 to 13 December 2012, the TOE accompanied the SRSG-SVC to CAR. During the visit the SRSG-SVC and the TOE met with senior government officials and leaders of the political-military groups that signed onto the 2008 Libreville Comprehensive Peace Agreement. Meetings were also held with a number of international and national NGOs and survivors' organizations.

The mission confirmed that conflict-related sexual violence is a matter of serious concern in CAR and that impunity remains the norm. Women, men, girls and boys have been victims of rape, sexual slavery and forced marriage. Women have been raped or sexually assaulted on their way to farms, to water points, or during attacks by armed groups.

CAR has taken some important steps to address conflict-related sexual violence, including the revision of the penal code, which recognizes sexual violence, including rape, as a crime and has been in the process of revising the existing law on the protection of women against violence (law no. 06.032). However additional support is required as the capacity of national institutions is limited and state authority and structures are absent in most areas outside Bangui.

The CAR mission resulted in the signing of two joint communiqués, on 12 December 2012the first between the Government of CAR and the UN, and the second between parties to the 2008 Libreville Peace Agreement and the UN. These joint communiqués constitute the framework for TOE engagement with CAR on the issue of conflict-related sexual violence and outline critical areas for TOE support, namely criminal investigations and prosecutions, military justice reform, criminal law reform, witness and victim protection and security sector reform. In addition, TOE support has been offered in the context of the disarmament, demobilisation and reintegration (DDR) process to ensure conflict-related sexual violence is considered.

TOE ENGAGEMENTS

• The TOE conducted a preassessment mission in cooperation with a multi-disciplinary team that included the Office of the SRSG-SVC, a representative of UN Women, the Regional Adviser of the UN Gender-Based Violence Area of Responsibility Rapid Response Team and a communications specialist from the UN Department of Public Information. This helped identify the key challenges faced by CAR in addressing sexual violence.

- The TOE helped actors at national and local level agree on a way forward in preventing and responding to sexual violence.
- The TOE secured the opportunity for support to CAR through the signing of the above mentioned joint communiqués, which specifically

request the assistance of the TOE to help the Government implement a framework of cooperation with the UN on sexual violence.

• The TOE engaged in discussions with the Government of CAR to conduct a follow up technical mission in February 2013 to help define an implementation plan for the above mentioned joint communiqués.

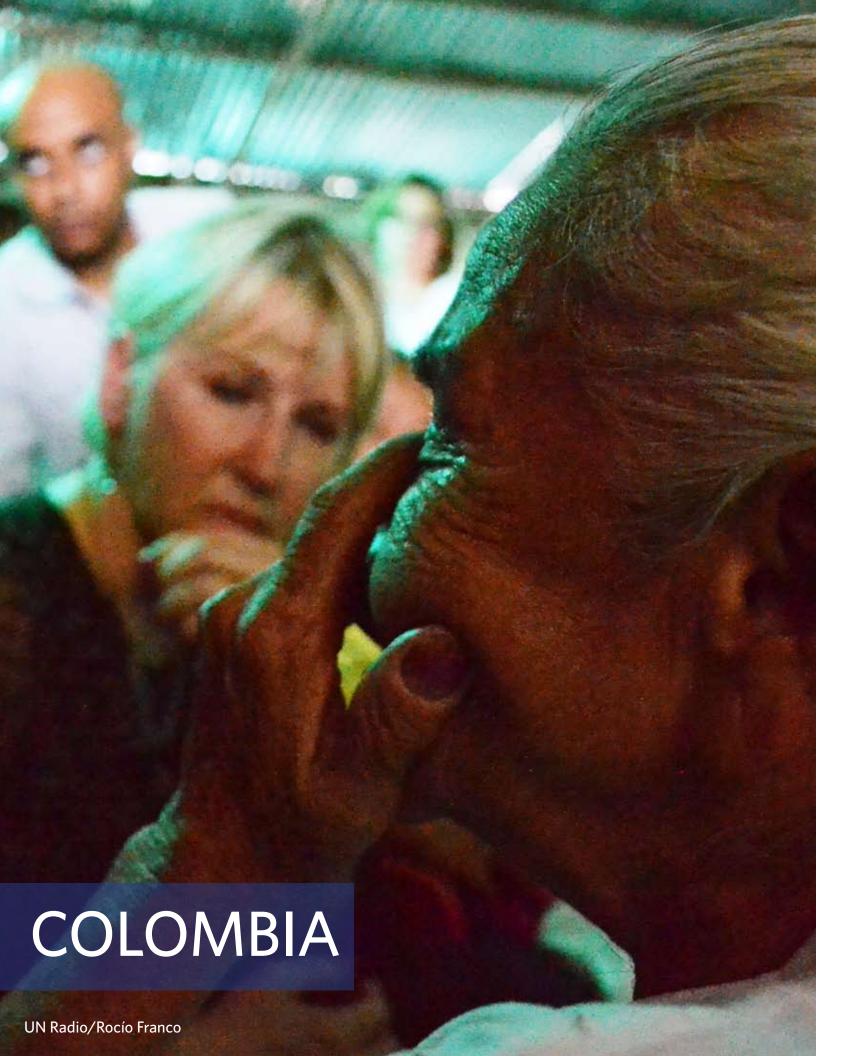


"...The United Nations will continue to support the Government of the Central African Republic through BINUCA and the UN Country Team, as well as the Office of the Special Representative of the Secretary General on Sexual Violence in Conflict, the UN Action Network Against Sexual Violence in Conflict, and UN Protection Cluster/Gender Based Violence Area of Responsibility (GBV-AOR).

The UN Team of Experts on Rule of Law/Sexual Violence, on invitation of the Government will also support the implementation of a framework of cooperation in line with the priorities expressed in this Communiqué...".



Meeting with CAR Officials. UN Photo/Cristina Silveiro



Sexual violence has been a key feature in the armed conflict in Colombia. Of particular concern is the use of sexual violence by armed groups, including by Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) and Ejército de Liberación Nacional (ELN), and illegal armed groups that emerged since the demobilization of paramilitary organizations. Some cases of sexual violence perpetrated by Colombian security forces have also been reported.

Constitutional Court of Colombia, in its order 092(2008), indicated that sexual violence, as well as sexual abuse and exploitation, was "a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict, perpetrated by all of the illegal armed groups and in isolated cases, by individual agents of the national armed forces". Among the specific offences and circumstances surrounding acts of conflictrelated sexual violence cited by the Court were acts of sexual violence within armed operations; sexual violence against women and girls who have been forcibly recruited; sexual violence against women whose relatives are members of illegal armed groups; rape, acts of torture and sexual mutilation; and forced prostitution and sexual slavery.

Survivors and women's groups have indicated that many of the victims of sexual violence are children. In addition, women leaders and activists and their families have been targeted with sexual violence or threats of sexual violence by members of illegal armed groups that have emerged since demobilization.

The Government of Colombia has taken important steps to address conflict-related sexual violence, including the adoption of a robust legislative framework and the establishment of protection mechanisms and key initiatives such as a programme for reparations. On 12 September 2012, the President of Colombia presented a national policy for gender equality, which is expected to lead to the development of strategies on, inter alia, health, sexual and reproductive rights and the protection of girls and women who survive sexual violence.

The current challenge is the implementation of the legislative framework, protection initiatives, and combating impunity for crimes of sexual violence. The Attorney General's Office has reiterated its commitment to addressing impunity through investigations and prosecutions for sexual violence, and addressing the enormous backlog of cases.

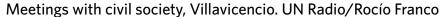
The TOE participated in a mission to Colombia by the SRSG-SVC from 16 to 20 May 2012. This offered an opportunity for the TOE to discuss with the Government possible support in a number of areas, including the strengthening of the legal frameworks as well as the investigative capacity of the Attorney General's Office on sexual violence.

TOE ENGAGEMENTS

- At the request of the Government's High Presidential Advisor for Women's Equality, the TOE provided input on the draft law 037 of 2012 on "Access to justice for victims of sexual violence, particularly as it relates to the armed conflict". These inputs ensured, amongst others, that definitions were in line with the Analytical and Conceptual Framing of Conflict-Related Sexual Violence adopted by UN Action, advocated for the recognition of conflict-related sexual violence against men; and called for the inclusion of specific budgetary provisions in the law.
- The TOE also provided input to guidelines elaborated by the Ministry of Defence on how police and military officers should address conflict-related sexual violence in line with international human rights and humanitarian law and ensuring consistency with the UN agreed definition of conflict-related sexual violence.
- The TOE engaged with national partners on its work as well as on the Analytical and Conceptual Framing of Conflict-Related Sexual Violence, during a national two-day forum on sexual violence and armed conflict organised

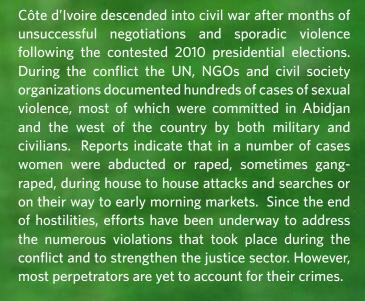
- by UN Women and UNDP in Bogota in November 2012. This contributed to a broader understanding of the various types of sexual violence crimes in Colombia.
- The TOE engaged in discussions with the Government of Colombia to undertake an assessment mission in early 2013 to discuss concrete modalities of support specifically in the areas of witness and victims protection, and support to criminal investigations and prosecutions. Further discussions will be held to ensure ownership by local authorities, and involvement of UN counterparts and civil society organizations.











Addressing impunity remains among the major challenges in post-conflict Côte d'Ivoire. The national judicial system is perceived to be slow and currently overloaded by cases and disputes inherited from the post-electoral conflict. Due to conflict, the national administration is still absent from some areas of the country, leaving a vacuum in which human rights violations including sexual violence may occur. Restoring the justice system to its full operational capacity is currently one of the major challenges faced by the country. A number of policemen died or left the service, court infrastructure was severely damaged, and archives lost. Seventeen first instance tribunals and three appeal courts were destroyed; 22 out of the 33 prisons were destroyed and/or emptied. In this context, some civil society organizations have advocated for the establishment of a "Special National Court on Sexual Violence" which would try sexual violence cases.

Regarding the legal framework, provisions such as Article 354 of the Penal Code, which does not specify the elements constituting rape, result in inconsistent rulings and decisions in violation of international law. Rape charges are often reclassified as offences against morality ("attentat à la pudeur"), entailing a much shorter period of time for investigation and evidence-gathering. This is compounded by pre-existing societal attitudes which deem rape a minor offence.

Building on the TOE's findings during its mission to Côte d'Ivoire and Sierra Leone in 2011, the Team identified opportunities to strengthen the capacity of Côte d'Ivoire to address conflict-related sexual violence challenges. Having assessed current efforts and initiatives in neighbouring Sierra Leone, the TOE agreed to assist in facilitating an experience sharing visit between the two countries, which will count on the participation of Ivorian actors from the Ministries of Justice, Human Rights, Solidarity (Gender), the national police and civil society organisations. The exercise focuses on drawing lessons from the institutional and legal framework put in place in Sierra Leone to address conflict-related sexual violence, including: family support units within the Police, which deal with violations against women and children, including sexual violence; Saturday Courts that hear cases of crimes against women and children; the reparations programme for victims, including sexual violence victims; and the Sex Offender Act and other relevant pieces of legislation. It is expected that this exercise identifies initiatives that support the implementation of the proposed National Strategy to Combat Sexual and Gender-based Violence in Cote d'Ivoire.

As a result of the experience sharing visit to Sierra Leone, the various stakeholders in Cote d'Ivoire will organize a debriefing workshop in Abdijan during which they will discuss how to materialize key lessons learned from the mission. This will help Cote d'Ivoire define clear strategic directions, based on their national context.



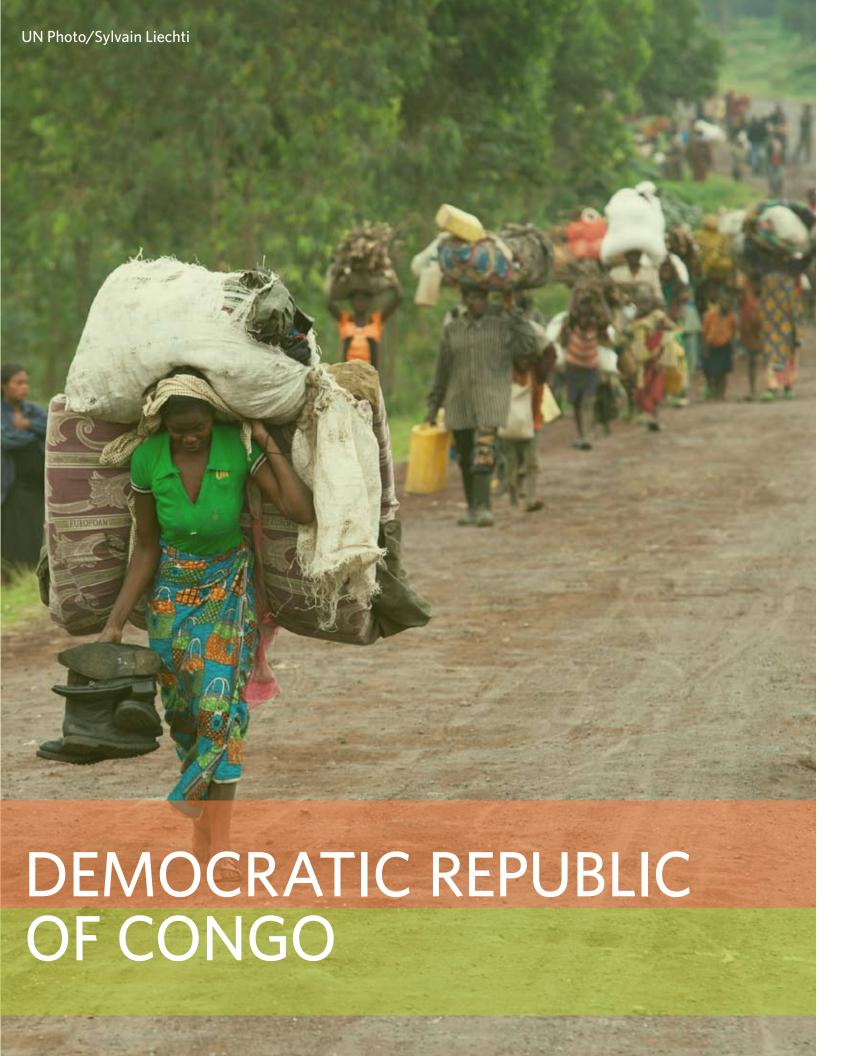
Conflict-related sexual violence continues to be a key feature of the DRC conflict. In 2012, the human rights situation continued to deteriorate particularly in the provinces of Orientale, North Kivu and South Kivu. The emergence of new armed groups, including the Mouvement du 23 mars (M23), and the resurgence of activities of armed groups such as the Forces Démocratiques de Libération du Rwanda (FDLR) and many other Mai-Mai groups, resulted in serious incidents of sexual violence. Conflict-related sexual violence, as well as other human rights violations, mainly occurred during attacks on villages.

In 2009 the Ministry of Justice endorsed a roadmap which identified the fight against impunity, namely for sexual violence in conflict, as one of its main priorities. The Ministry further identified the need for specific training for prosecutors and investigators that should enable them to be more responsive and proactive in addressing sexual violence. Based on the Government's identified needs, it requested support from the TOE in line with the TOE's focus on strengthening legal frameworks and supporting criminal investigations and prosecutions of sexual violence.

The Team, in coordination with UNDP and in close collaboration with MONUSCO Justice Support Section and the Joint Human Rights Office, has provided support to national efforts to investigate and prosecute sexual violence crimes committed by the FARDC

and other security forces in North and South Kivu, including through training for military sensitizers and investigators. Seventy-six officers were trained as FARDC sensitizers on conflict-related sexual violence. These officers were able to provide guidance to other officers on how to report cases of sexual violence to the office of the military prosecutor. Such exercises were held in Nyamarhege, Kasika, Mwenga and Kamituga in South Kivu. Similarly, military investigators trained with TOE's support successfully conducted sexual violence investigations in Mupoke, Nzibira and Ninja in South Kivu.

The Team has also provided support to investigations and prosecutions by military magistrates and to military mobile courts, in coordination with Prosecutions Support Cells. With skills and tools received through the trainings, investigators from the Senior Prosecutor's Office of South Kivu have conducted a number of investigations, including in the Bunyakiri 2006 mass rapes, where 91 cases were documented. Through a national expert supported by the Team, judicial monitoring is currently conducted in South Kivu and North Kivu for sexual violence cases involving the military. This has enabled the FARDC to trace the status of many sexual violence cases among the backlog of criminal cases. This tracing is facilitated by a comprehensive mapping by the TOE of the major sexual violence cases committed in the DRC since 2006.



DRC

Building on the existing legal framework and institutions will continue to be key to helping DRC comprehensively address impunity for conflict-related sexual violence. Accordingly, the TOE has reviewed and made recommendations to the draft bill on the establishment of a Specialized Court in the DRC. The draft bill proposes a court with jurisdiction over war crimes, crimes against humanity and genocide committed in DRC since 1990, with mixed participation of national and international judges and prosecutors. Its adoption has the potential to complement ongoing efforts and help address the current capacity challenges within the national justice system.

TOE ENGAGEMENTS

- The TOE produced an updated analysis of the draft bill establishing a Specialized Court with jurisdiction over genocide, crimes against humanity and war crimes committed since 1990, and highlighted its potential to heighten ongoing efforts to address impunity for sexual violence.
- The TOE supported the training of military sensitizers on individual, social and legal consequences of sexual violence perpetrated in conflict, and provided support to investigations by military magistrades, and to military mobile courts.
- The TOE supported training for military investigators from Goma and Uvira, in coordination with the Auditorat militaire and the *Haute Cour Militaire*.

- This has substantially boosted the investigative capacity of the justice system in South and North Kivu.
- The TOE deployed a national expert to undertake case tracking within the justice system. This has insured that cases are closely followed through the entire justice chain.
- The TOE maintains a mapping of major incidents of conflict-related sexual violence which occurred under the 2006-2011 legislature to track progress of investigations and prosecutions by the national justice system and to focus the TOE's future assistance to the military and civilian justice system. This ensures that all major sexual violence cases receive attention from the congolese authorities.



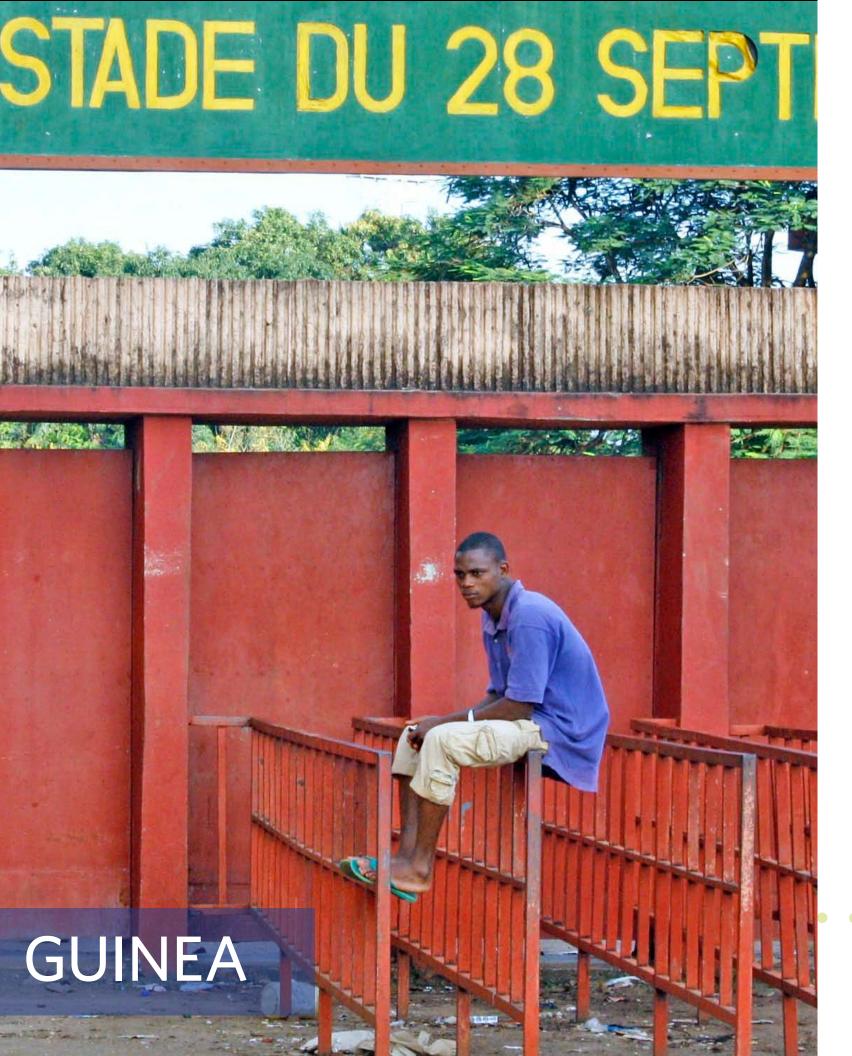
Meeting with military, Goma

Joint Communiqué between the Government of DRC and the United Nations*

"...The United Nations will continue to support the Government of the Democratic Republic of the Congo to combat sexual violence. MONUSCO and the United Nations system in the Democratic Republic of the Congo in coordination with the Office of the Special Representative of the Secretary General on Sexual Violence in Conflict and UN Action Against Sexual Violence in Conflict, will contribute to the effort to provide the necessary support for the implementation of the National Strategias well as this Communiqué within the framework of a coherent approach to combating sexual violence.

The United Nations Teams of Experts on the Rule of Law/Sexual Violence in Conflict will offer its technical expertise to the institutional efforts being implemented by the Government to combat impunity, in accordance with the priorities expressed by this Communiqué and at the request of the Government."

Signed in 2013



On 28 September 2009, members of the opposition were attacked by national forces during a protest held at the stadium in Conakry which resulted in serious human rights violations, including killings, rapes, torture and abductions. Following these incidents, the Guinean Government established a National Commission of Inquiry, whose findings unfortunately did not help establish responsibilities. On 28 October 2009 the UN established an International Commission of Inquiry.

The International Commission of Inquiry's report, issued in December 2009, confirmed the occurrence of human rights violations and violations of international criminal law, some of which could qualify as constituting crimes against humanity. The report confirmed that at least 109 women, including a number of minors, were victims of rape, including gang-rape, and other forms of sexual violence, such as sexual mutilation and sexual slavery, by perpetrators mainly identified as members of the Guinean security forces. The International

Commission of Inquiry recommended that the Government of Guinea shed light on the events of 28 September by prosecuting those responsible and providing compensation to the victims. It also called on the Government to provide concerned families with information on cases of disappearance and fulfil its obligations in the area of victims and witness protection. To address institutional weaknesses, the report also recommended that the Government of Guinea reform the judicial system with a view to ending impunity.

In early 2010, in an effort to address impunity, the Government appointed a Panel of Judges to lead national investigations into the September 2009 incidents. In November 2011, the Government, through the Ministry of Justice, signed a joint communiqué with the UN through which it requested that the TOE supports the Panel of Judges in their efforts to investigate and prosecute crimes committed in September 2009, including sexual violence.

TOE ENGAGEMENTS

 The TOE conducted an assessment during which it, in consultation with government authorities, UN partners, civil society and other actors on the ground, identified key areas of assistance to the Panel of Judges including: support to investigations, evidence collection and evidence storage; support to witness and month, the expert engaged in discussions with the Panel of Judges, the Ministry of Justice, the Attorney General's Office, civil society organizations, as well as main UN counterparts, and formulated plans for further action in 2013.

 The TOE provided computers, safes, paper, printers and other equipment



between the
Government of
Guinea and the
United Nations*

The Minister of Justice "welcomed the offer of the Team of Experts on the Rule of Law to assist the ongoing efforts of the Government to fight impunity for sexual violence, including through technical assistance to the Panel of Ludger"

Meeting with the Minister of Justice

victim protection; outreach through civil society organizations to victims and their families; and support on judicial cooperation with neighboring countries.

- Based on the assessment, the TOE developed a proposal to support the work of the Panel of Judges which was approved by the Government of Guinea.
- In the fall of 2012, the TOE received approval from the Ministry of Justice for the deployment of an expert to support the work of the Panel of Judges. The expert was deployed in December 2012 for an initial period of three months. During the first

- to the Panel of Judges allowing them to work more efficiently and ensuring information is securely stored.
- In undertaking this engagement, the TOE worked to ensure coordination with relevant partners including UN Action members, particularly OHCHR and UNDP, as well as the Peace Building Commission, and the NGO Working Group on Women, Peace and Security.
- The work of the TOE was acknowledged by the Human Rights Council in resolution A/HRC/19/L.40 (March 2012) which takes note of the Government's agreement to the deployment of the TOE.





Signed in 2011



Since the 1991 collapse of the Government of Siad Barre and Somalia's descent into civil war, the country has faced chronic insecurity, the destruction of its political, social and economic infrastructure, and wholesale human rights abuses perpetrated with impunity. In this context, women have suffered a range of rights violations including sexual violence in a society where deeply rooted gender inequality and discrimination prevails.

Despite recent political progress and security gains, decades of conflict, widespread violence and insecurity, compounded by drought and massive displacement, have made women and girls extremely vulnerable to sexual violence. Alarmingly high numbers of incidents continue to be reported. The majority of sexual violence survivors are internally displaced women and girls. In Mogadishu and surrounding areas, between January and November 2012, UN partners and service providers registered over 1,700 rape cases. Almost one third of the recorded incidents were against children.

With no strong functioning central government for nearly twenty years, Somalis were forced to revert to amicable settlement of sexual violence cases. It should be noted that the legal system of Somalia is built on the common law, sharia law, as well as customary law practices. There is no strong legislative framework on sexual violence and access to legal services on the whole is witnessing a steep decline due to the absence of security mechanisms to protect survivors and witnesses.

The limited capacity of justice actors has led to a lack of trust in the law enforcement and justice systems, which has compounded the reluctance of survivors to bring forward charges against their perpetrators. Recently steps have been taken to address the massive infrastructure and capacity gaps in Somalia.

The TOE participated in a UN Strategic Review Mission to Somalia to help ensure conflict-related sexual violence is taken into consideration during mission planning and to lay the foundation for future TOE engagement in Somalia.

TOE ENGAGEMENTS

- The involvement of the TOE in a UN Strategic Review Mission helped confirm that assessments concerning strengthening the rule of law in post-conflict societies must be holistic and include full consideration of the need to address conflict-related sexual violence.
- The UN Strategic Review Mission also increased awareness of the work of the TOE by UN entities, and insured that addressing sexual violence was made a key priority by the UN in Somalia
- The TOE was able to establish contacts and obtain the Government's agreement for a full assessment mission to Somalia in 2013, which will help the government of Somalia to define strategy for the prevention and response to sexual violence.





Joint Communiqué between the Government of Somalia and the United Nations*

"...The United Nations will continue to support the Government of Somalia through the United Nations Assistance Mission in Somalia (UNSOM) and the UN Country Team, as well as the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and the UN Action Network Against Sexual Violence in Conflict.

The UN Team of Experts on Rule of Law/Sexual Violence in Conflict (TOE), in cooperation with the United Kingdom's Prevention on Sexual Violence Initiative and other relevant partners, will also support the implementation of a framework of cooperation in line with the priorities expressed in this Communiqué. In this regard, the Government of Somalia will facilitate a follow up technical visit to Somalia by the TOE, to help develop this framework..."

*Signed in 2013

On 9 July 2011, South Sudan became the world's newest country when it gained independence from Sudan, following a deadly struggle, which lasted approximately 50 years and resulted in over a million civilian deaths, thousands maimed, raped, internally displaced or made refugees in neighboring countries. As a result of the conflict, the social and traditional fabric which was characterized by coexistence between communities was affected, exacerbating ethnic tensions and conflict over, among other things, land and cattle. The proliferation and accessibility of small arms and light weapons combined with the highly militarized nature of South Sudanese society has exacerbated the consequences of intercommunal violence and criminality. Armed groups, which are reportedly based on ethnic, tribal or political lines, continue to operate in various parts of South Sudan. Sexual violence has been reported in the context of the recent intercommunal violence in the Jonglei State. There have been reports of abductions of women and children which have led to rape and sexual slavery.

As the Government of South Sudan endeavors to build the country based on strong democratic principles with an eye to addressing its many challenges, it requested the support of the TOE in drafting the Transitional Constitution that was adopted on 9 July 2011. The TOE provided input to the Transitional Constitution with the aim to

ensuring that it established a strong basis for prevention and response to sexual violence and built on issues such as equality and non-discrimination, accountability and women's participation.

In 2012 the Team conducted an assessment mission which helped identify and clarify legislative reform priorities relating to conflict-related sexual violence, and strategies to strengthen national and state level justice sector capacity. The assessment, currently under consultation, includes recommendations for the establishment of protection mechanisms for survivors of sexual violence, the harmonization of protocols and tools for the management of sexual violence cases, and support to the Constitutional and the Law Review Commissions and to the South Sudan Human Rights Commission. Once agreed to by the Government, these recommendations will constitute the framework of the Team's support to South Sudan on addressing conflict-related sexual violence.



UN Photo/Paul Banks

TOE ENGAGEMENTS

- The TOE provided further inputs to the Interim Constitution of South Sudan, which contributed to laying strong foundations for justice and accountability as well as women participation in national institutions.
- The TOE completed an assessment mission to South Sudan which proposes the way forward for the Government of South Sudan, civil society and other UN counterparts in addressing sexual violence.
- The TOE helped identify key areas for support to strengthen South Sudan institutional capacity to address impunity for sexual violence.









OUTREACH AND EVENTS

- The TOE attended a conference on preventing sexual violence in conflict andpost-conflictsituations, at Wilton Park on 12-14 November 2012, organized by the UK Government.
- This meeting gathered representatives from the UN, national authorities, policy makers and practitioners, members from civil society organizations, legal experts and academics. Speakers included the SRSG-SVC and the SRSG on Children in Armed Conflict.

This helped to raise understanding and awareness of sexual violence as a tactic and weapon of war, create momentum within the international community to break the silence of conflict-related sexual violence, and

share experiences and approaches to combat impunity and strengthen the capacities of national governments.

- The TOE attended the annual UN Action Strategic Planning Meeting, held in October 2012 in New York. The TOE briefed on its activities and shared lessons learned with regard to addressing impunity for sexual violence.
- The TOE attended two OHCHR Heads of Field Presences meetings held respectively in Kinshasa on 24-29 June 2012 and in Geneva on 26-30 September 2012. This was an opportunity to consolidate support from OHCHR on the ground and galvanise synergies with

regardtobuildingcapacities for national stakeholders to address impunity. addition, in October 2012, on the occasion of the 30th anniversary of the CEDAW Committee, the TOE accompanied supported the SRSG-SVC at a high level panel on the promotion and protection of women rights in conflict and post-conflict situations organised by OHCHR and International Organisation of La Francophonie.

 To strengthen cooperation, the TOE visited London in October 2012 and consulted with UK Preventing Sexual Violence Initiative on areas of cooperation and joint action.

CONTRIBUTION TO REPORTS AND POLICY DOCUMENTS

- The TOE prepared and distributed a one page summary document presenting its work and methods to increase partner awareness and TOE visibility. This has been distributed to a wide range of partners, including member states. In the same vein, the TOE made presentations at a conference on international criminal law organized by the Canadian Centre for International Justice in Vancouver, Canada in October 2012.
- The TOE contributed to the 2012 Secretary General's report on conflict-related sexual violence (A/66/657*-S/2012/33). The report contains a chapter on the TOE which focuses on its efforts to strengthen the capacity of national justice actors to address impunity for conflict-related sexual violence. A recommendation in the report urges donors to ensure sustainable funding for this valuable tool.
- The TOE contributed to the Secretary General's report on strengthening and coordinating United Nations rule of law activities for 2011 (A/66/133), highlighting UN efforts to help build national capacities to address impunity for sexual violence.

BUILDING PARTNERSHIPS

The TOE maintains that the fight against impunity for conflict-related sexual violence will only succeed if partners, agencies, organizations and governments work together. The TOE has achieved success in its activities this past year because it has drawn on the capacities, expertise and knowledge of its partners and the national governments it seeks to assist.

In addition to the multi-entity nature of the TOE which draws on the relevant capacities of the participating entities, the TOE has also benefited from the following partnerships:

- 1. UN Action The TOE has developed a strong partnership with the UN Action network, which has resulted in regular information sharing, support in the process of building country profiles, and briefings before and after TOE assessments and deployments. The UN Action Multi-Partner Trust Fund has served as a platform for TOE fundraising which provides an earmark window to channel TOE funds. The TOE has also contributed to and benefited from tools developed by UN Action, such as the Conceptual and Analytical Framing of Conflict-Related Sexual Violence, and the Matrix of Early Warning Indicators of Conflict-Related Sexual Violence.
- 2. United Kingdom Preventing Sexual Violence Initiative At the General Assembly High Level Event on Preventing Sexual Violence in Conflict, held in September 2012 in New York, the UK announced that it would support the TOE with a contribution of £1,000,000 over three years. In addition, the UK Preventing Sexual Violence Initiative has committed to fully supporting the TOE in its work to achieve greater coherence and cooperation in the fight against impunity. A number of areas of cooperation have further been agreed, which include: information sharing; consultation in identifying priorities and situations of concern; coordination in

conducting assessments and deployments, including possibly joint deployments; coordination of messaging to the international community; joint development of tools; and sharing lessons learned.

- 3. UN Country Teams TOE assessments and deployments have received active support of UNCTs in relevant countries.
- 4. UN Missions TOE assessments and deployments have received active support of peace and political missions. These have also provided the necessary logistical support during assessments and deployments.
- 5. National Authorities and National Partners TOE assessments and deployments have been conducted in close partnership with government entities, in particular Ministries of Justice, Gender, Interior and Defense. The TOE has also benefited from close interactions with national police and the military, special bodies such as human rights commissions, law commissions, reconciliation commissions, as well as civil society organisations, women's groups, parliamentary commissions and working groups, among others.
- 6. UNDP Express Roster The TOE's experts have been deployed through UNDP Express Roster.
- 7. Justice Rapid Response The TOE has coordinated efforts to identify suitable experts with Justice Rapid Response, which is an intergovernmental mechanism focusing on investigations.
- 8. Other Partners The TOE has benefited from partnerships with international and regional organizations, international NGOs, advocacy groups, and research institutions.





In most situations concerning conflict-related sexual violence, the police remains the entity within the justice chain facing the greatest capacity challenges and most in need of support. This is particularly the case with regard to conducting investigations, collecting and securing evidence, and liaising effectively with prosecution services in sexual violence cases.

Establishing adequate protection of witnesses and victims, as well as justice actors, is fundamental to ensuring reporting of sexual violence cases. A general lack of focus on witnesses and victims, as well as a lack of clear policies, capacities and tools to ensure their protection reduces the effectiveness of the justice system.

National ownership, leadership and responsibility are greatly enhanced when support builds on existing government initiatives. Support must be targeted in line with available capacities, budgets and administrative structures. In this regard, government entities, most importantly at technical level, should always be involved in assessments to ensure national ownership and sustainability.

An increased attention on legal defence complements the focus on legal aid for victims, there by strengthening



adherence to fair trial standards and therefore the very foundation of justice.

Addressing rule of law challenges should take into account the necessity to support justice infrastructure. Governments in conflict and post-conflict situations are often faced with infrastructure challenges, which critically affect justice delivery.

Responding holistically to issues of sexual violence helps to ensure that states fully comply with their international criminal, humanitarian and human rights obligations.

Customary justice systems play an important role in many post-conflict countries. Any support provided by the Team to the justice system requires a deep understanding of the customary justice systems at play, their complexity and their relationship with "formal" justice institutions and legal frameworks.

Encouraging south-south cooperation is critical in conflict and post-conflict settings as a way to ensure lessons can be shared among countries with comparable experiences and contexts.

Reparations for victims of sexual violence and community reintegration for survivors of sexual violence are two critical gaps that need to be addressed mainly at the national level, with increased support from the international community.

Drawing on the extensive experience, capacity and expertise of entities both within and outside of the UN system allows the TOE to better fulfill its global mandate.

The work of the TOE is further enhanced by seeking support from the global south, as well as by sharing experiences among countries with comparable experiences and contexts.

While deploying in emergencies and crises settings is essential, contributing to policies at headquarters level, including through Security Council resolutions or technical assessments, can help build the basis for future assistance and support.

It is important to ensure that actions taken by the UN in strengthening the rule of law, security sector reform and DDR in post-conflict societies are holistic and fully consider the need to address conflict-related sexual violence. Participation by the TOE in UN assessment missions at strategic and technical levels helps to ensure this objective.

PRIORITY PLANS FOR 2013

CENTRAL AFRICAN REPUBLIC Assist CAR in the implementation of the December 2012 joint communiqué between the Government and the UN, including

through:

- Ensuring ownership of the joint communiqué by the new Government;
- Strengthening the capacity of the police, prosecutors and judges;
- Supporting efforts to draft and review legislation on sexual violence;
- Assisting in the development of codes of conduct for the police and the military to prevent sexual violence; and
- Ensuring all DDR and SSR programs take into account the specific needs and challenges of conflict-related sexual violence victims.

COLOMBIA

Support the Government of Colombia's efforts in addressing conflictrelated sexual violence, including through:

- Conducting an assessment mission to discuss concrete modalities of support, specifically in the areas of criminal investigation and prosecution; and
- Supporting the Ministry of Defense in reviewing policy documents for police and military on how to address sexual violence.

COTE D'IVOIRE

Assist the Government of Côte d'Ivoire strengthen its strategies to address sexual violence, including through:

- Facilitating an experience sharing exercise with Sierra Leone; and - Helping to identify
- key initiatives in support of the implementation of the National Strategy to Combat Gender-based Violence.

DEMOCRATIC REPUBLIC OF CONGO

Assist the DRC strengthen efforts to address conflict related sexual violence. including through:

- Contributing to efforts to support mobile courts regarding crimes of sexual violence;
- Helping the Government of DRC establish mechanisms for the protection of actors working on issues of sexual violence;
- Supporting national efforts towards the establishment of specialized chambers to address grave human rights violations;
- Supporting the Women and Children; and
- Supporting Cells.

GUINEA

Assist the Government of Guinea, specifically the Panel of Judges, in its efforts to investigate and prosecute sexual violence crimes committed in September 2009, including through:

- Capacity strengthening;
- Advice on Judicial cooperation; and
- Advice on approaches for the protection of victims, witnesses and of the Panel of Judges.
- Support with forensic expertise.

SOMALIA

Support the Government of Somalia's efforts to address sexual violence crimes, including through:

- Conducting an assessment mission to Somalia; and - Strengthening the
- capacity of the National Human Rights Commission as the mandated entity to materialise the commitments under the joint communiqué.

SOUTH SUDAN

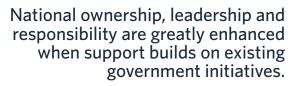
Consult with the Government of South Sudan on the TOE's assessment outcomes and recommendations and help the Government define an implementation plan in this regard, including through:

- Supporting the South Sudan Human Rights Commission;
- Supporting the Law review Commission: and
- Facilitating training on investigation of sexual violence crimes for the South Sudan Police.

SUDAN (DARFUR)

Conduct an assessment of Sudan's efforts and challenges to addressing sexual violence and assist the Government to identify key initiatives and strategies.

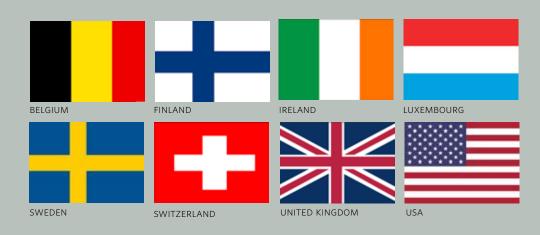
Work towards a framework of cooperation and support to Sudan to address impunity for conflictrelated sexual violence.



Encouraging south-south cooperation is critical in conflict and post-conflict settings as a way to ensure lessons can be shared among countries with comparable experiences and contexts.



TEAM OF EXPERTS









GLORIA CARRERA TEAM MEMBER OHCHR



MADELEINE SCHWARZ MILENA SONNENBERG TEAM MEMBER DPKO



TEAM ASSISTANT

ADVISORY GROUP

RESOURCE MOBILIZATION

In line with the TOE's resource mobilisation strategy, the TOE has mobilized \$4,067,396 towards a Joint Programme target of \$8.4 million, as well as \$757,600 for country specific projects, from Belgium, Finland, Ireland, Luxembourg, Sweden, Switzerland, the United Kingdom, and the United States. Being funded solely through voluntary contributions from Member States, the TOE actively mobilized resources to ensure it was able to meet its obligations under its Security Council mandate, as well as to implement its commitments and activities articulated in its Joint Programme.

To reach its funding targets, the TOE identified short, medium, and

long-term funding options available through traditional donors, UN funding mechanisms, and private donors. Based on this strategy, the TOE organized a number of donor consultation meetings, programme briefings and presentations, including among others, informal breakfast briefings to Permanent Missions facilitated by the Finnish Permanent Mission and bilateral donor meetings. Discussions are currently underway with the United Kingdom Prevention of Sexual Violence Initiative regarding the organization of a fundraising conference for the Team of the Experts later in 2013.

In addition to its resource mobilization efforts, the TOE received high-level support from

the SRSG-SVC and the Secretary-General. The SRSG-SVC has actively campaigned to seek funds for the TOE emphasising the importance of allocating sustainable resources to its work as a valuable tool at the disposal of the UN system and Member States in the fight against impunity for conflict-related sexual violence. The Secretary-General in his 2012 report to the Security Council on Sexual Violence in Conflict (A/67/792-S/2013/149), acknowledged the important role of the TOE and urged "donors to ensure sustainable funding for this valuable resource for Member States". The TOE will seek to mobilize approximately \$2.8 million per year to support the Team's activities.

DPKO OHCHR

UNDP



ROBERT A. PULVER ADVISORY GROUP DPKO



CHARLES RADCLIFFE ADVISORY GROUP OHCHR



ALEJANDRO ALVAREZ ADVISORY GROUP UNDP



OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON SEXUAL VIOLENCE IN CONFLICT



FOR MORE INFORMATION, CONTACT:

Innocent Balemba Zahinda, Team Leader
Team of Experts: Rule of Law/Sexual Violence in Conflict
Office of the Special Representative of the
Secretary-General on Sexual Violence in Conflict
United Nations Secretariat S-3107
New York, NY 10017, USA
+1 212 963 4311 (office)
toesvc@un.org

Designed by Milena Sonnenberg Printed at the United Nations, New York