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

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UN Photo/Marco Dormino



Team of Experts

Rule of Law/Sexual Violence in Conflict

FOREWORD



“we are helping to transform justice for survivors of sexual violence from an unattainable objective to an achievable right. It brings us one step closer in our quest to eradicate rape and other forms of conflict-related sexual violence.”

In the next few minutes, the time one would take to reach the end of this page, hundreds, if not thousands, of women in conflict situations around the world would have been raped, abused, coerced into marriage, sexually enslaved, forcefully impregnated or violated in one form or another. The scourge of conflict-related sexual violence continues to claim victims, whether it be women raped by security forces or armed groups, men victims of sexual violence in detention centres, or young children themselves victims or witnesses to such atrocities.

For years the use of sexual violence in war was a taboo subject that occupied the margins of the international peace and security debate. It was a crime that was dismissed as an unfortunate by-product of war and the inevitable collateral damage of conflict. In the last 15 years, however, the international community has acknowledged the destructive impact of wartime rape and other forms of sexual violence on security, stability, peace and reconciliation, leading to unprecedented momentum in commitments at the highest levels of government.

Recognizing that the deterioration of the rule of law within a state leads to conditions that allow for and exacerbate sexual violence, the Security Council created the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and the Team of Experts on the Rule of Law/Sexual Violence

in Conflict (TOE) with the adoption of resolution 1888 (2009). While the Office of the SRSG-SVC garners high-level political support and advocates against sexual violence in conflict at the global level, the TOE provides technical expertise to governments and national institutions to help strengthen their ability to end impunity and deliver justice to survivors. The Team’s vision is to enable national military and civilian justice systems to respond promptly and effectively to conflict-related sexual violence through sound legislation, comprehensive prevention and response mechanisms, and strengthened capacity. The multi-dimensional work of the TOE is reflected in its composition, with experts from the Department of Peacekeeping Operations, the Office of the High Commissioner for Human Rights and the United Nations Development Programme. The Team applies knowledge and best practices that are deeply rooted in the human rights principles of the United Nations Charter.

Through the sustained and measured efforts of the TOE in states such as the Democratic Republic of Congo, Guinea, South Sudan and Somalia, we are helping to transform justice for survivors of sexual

violence from an unattainable objective to an achievable right. It brings us one step closer in our quest to eradicate rape and other forms of conflict-related sexual violence.

Without your political support, the Team would not have been able to make such contribution to our joint efforts to help address conflict-related sexual violence. I hope that I can count on your continued support to this valuable tool.

Special thanks must be given to the governments of Belgium, Estonia, Finland, Ireland, Japan, Luxembourg, Sweden, Switzerland, Turkey, the United Kingdom and the United States for the support they have provided to the TOE’s efforts to help address impunity for conflict-related sexual violence.

A handwritten signature in black ink, reading "Zainab Hawa Bangura".

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

WHO WE ARE

We are the United Nations (UN) Team of Experts on the Rule of Law/Sexual Violence in Conflict (TOE or Team), created to assist governments in conflict and post-conflict situations by strengthening their capacity to address impunity for sexual violence. The Team was established by Security Council resolution 1888 (2009) to help enhance the prevention and response to conflict-related sexual violence. Building upon the principles and obligations of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security, operative paragraph 8 of resolution 1888 calls upon the Secretary-General of the United Nations to take measures to identify and deploy a Team of Experts "to situations of particular concern with respect to sexual violence in armed conflict . . . to assist national authorities to strengthen the rule of law."

In November 2009 the Steering Committee of UN Action Against Sexual Violence in Conflict (UN Action), a network of 13 UN entities, requested the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) to serve as co-lead entities responsible for the development and establishment of the TOE.

With seed funding from UN Action, the TOE was established in 2011 and became fully operational to implement its mandate. On 1 January 2012 the co-lead entities approved a joint programme. The TOE works with existing UN mechanisms, including the UN Action network, and draws from existing DPKO, OHCHR and UNDP human resources to provide assistance to national governments to

prevent and respond to conflict-related sexual violence, with a focus on combating impunity for these crimes.

The lack of adequate national capacity and expertise to investigate and prosecute conflict-related sexual violence crimes remains one of the main impediments to addressing impunity for such crimes and improving access to justice for victims. The TOE therefore focuses its efforts on strengthening the capacity of national rule of law actors, including the police and the judiciary, to address impunity for sexual violence crimes.

Within the broader objective of strengthening the rule of law with respect to conflict-related sexual violence, the TOE:

1. Works closely with national legal and judicial officials and other personnel in the relevant governments'

civilian and military justice systems to address impunity, including by strengthening national capacity and drawing attention to the full range of justice mechanisms to be considered;

2. Identifies gaps in national response and encourages a holistic national approach to address conflict-related sexual violence, including by enhancing criminal accountability, responsiveness to victims and judicial capacity;
3. Makes recommendations to improve coordination between domestic and international efforts and resources to reinforce governments' ability to address conflict-related sexual violence; and
4. Works with a variety of UN mechanisms towards the full implementation of resolution 1820 (2008).

OUR 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 address conflict-related sexual violence promptly and effectively. Therefore, the work of the TOE focuses on strengthening national capacity to address impunity for sexual violence crimes. Fundamental to the Team's vision is the recognition that national ownership and leadership are the cornerstones in the fight against impunity for sexual violence crimes.

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

The TOE is currently supported in its efforts by approximately 60 national and international experts ready for deployment, with a range of competencies gathered under a profile within the UNDP Experts Roster for Rapid Response. The experts' various areas of expertise include criminal investigations and prosecutions, military justice systems, security sector oversight mechanisms, sharia law, forensics, reparations, legal drafting, protection of victims and witnesses, and mentoring national justice officials. They also cover a variety of language skills and regional expertise. The TOE has deployed five experts through the Experts Roster to support Colombia, the Democratic Republic of Congo, Guinea and Côte d'Ivoire.

APPROACH

The TOE supports and complements, with dedicated expertise, the work of the UN in enhancing security, development, human rights and peacebuilding by providing strategic, technical and programmatic guidance and support to address 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. It focuses on strengthening national capacity and ensuring that interventions build on and complement existing partners' and governments' initiatives.

In line with its mandate, the TOE regularly receives requests for assistance from national authorities, UN field presences or headquarters officials, and civil society organizations or victims groups. Once a request for assistance is received, the TOE consults with the UN presence in the respective country, determines whether the context is appropriate for its engagement, and seeks consent from the government to engage.

Following the receipt of a request and government consent, the TOE undertakes an assessment mission to review existing initiatives, laws, programs and mechanisms on the rule of law in general and 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, coordination and complementarity. This approach ensures the sustainability and added value of the Team's support and avoids duplication of efforts.

Assessment missions identify the modalities of assistance that can be provided to national authorities to address conflict-related sexual violence. The assessments often result in extensive recommendations for a range of actors, including the TOE itself, government entities and other national and international partners in the country. Recognizing that national ownership and leadership are critical for the sustainability of efforts to address conflict-related sexual violence, the TOE ensures that these recommendations have the full support of national and local authorities.

Following agreement on the recommendations and the modalities for support, the TOE may assist in the identification and mobilization of human and financial resources, or in the development of budgeted project proposals to help the government address the identified gaps. The Team tries to ensure that a government entity or other co-lead organization is responsible for the implementation of initiatives emanating from the assessments, while the TOE provides the necessary technical assistance through the deployment of expertise or direct advice.

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



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 (BiH), Central African Republic (CAR), Colombia, Côte d'Ivoire, the Democratic Republic of Congo (DRC), Liberia, South Sudan, and Sudan (Darfur). These countries present strategic opportunities to support national efforts and also complement the

work of the UN on the ground. However, the selection of these eight countries does not prevent the TOE from engaging in other conflict and post-conflict countries identified as "situations of particular concern". In 2013 the TOE specifically focused on supporting national authorities in CAR, Colombia, Côte d'Ivoire, DRC, Guinea and Somalia.

Guided by its mandate set out in resolution 1888, the TOE's work is led by a Team Leader, who is embedded in the Office

of the SRSG-SVC and has a direct reporting line to the SRSG-SVC. 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 joint communiqués, signed by the host government and the UN, as platforms for engagement with governments on sexual violence. In 2013 joint communiqués were signed with the Governments of the DRC and the Federal Republic of Somalia.



COUNTRY ENGAGEMENTS

BOSNIA AND HERZEGOVINA

The conflict in Bosnia-Herzegovina from 1992 to 1995 resulted in grave human rights violations, including rape and other forms of sexual violence against women, men, boys and girls. To date many of the survivors of sexual violence in Bosnia have not had access to justice.

In June 2013 the SRSB-SVC visited BiH to engage with national authorities and other stakeholders and highlight the main challenges that continue to impede national efforts to effectively address conflict-related sexual violence, including in the areas of legislation, institutional capacity and provision of services. Criminal legislation addressing conflict-related sexual violence continues to be fragmented, and definitions of associated criminal acts do not fully comply with international standards. In addition, the Law on the Protection of Civilian Victims of War in the Republic of Srpska does not treat victims of sexual violence as a special category, as is the case in the Federation of BiH. This limits the level of attention that they receive. Courts have minimal capacity to deal with these cases and legal processes lack adequate and specific victim support mechanisms. In terms of services provision for sexual violence survivors, institutionalised assistance in the form of health or social support is virtually non-existent, and efforts by civil society organizations are hampered by the lack of comprehensive nationwide capacity. In addition to these challenges, the SRSB-SVC highlighted the critical importance of strong political will of authorities at different levels to ensure accountability for sexual violence crimes.



TEAM OF EXPERTS' ENGAGEMENTS

Following the visit of the SRSB-SVC to BiH, the UN has committed to working with local-level initiatives by building on and supporting existing coordination groups, strategies and capacity building programmes. In coordination with national and local stakeholders and in consultation with the TOE, the UN has engaged on a process toward the development of a comprehensive response to the challenges highlighted above.

- The TOE provided advice to the United Nations Country Team (UNCT) on the development of a comprehensive programme entitled "Joint UN proposal: Seeking care, support and justice for survivors of conflict-related sexual violence in Bosnia and Herzegovina". This survivor-centred programme will strengthen the capacity of the Government and civil society to expand the delivery of reparations, rehabilitation for victims, equal access to services, access to justice, and efforts to combat stigmatisation of survivors of conflict-related sexual violence.

CENTRAL AFRICAN REPUBLIC



The Central African Republic has a long history of conflict. In 2013, following a military coup against former President François Bozizé, the human rights situation deteriorated when rival armed groups began committing widespread violations of international human rights and humanitarian law, including sexual violence. In the absence of a strong government and the collapse of the armed forces, police and the gendarmerie, rape and other forms of sexual violence were committed during house-to-house searches, in IDP camps, and in acts of retaliation by anti-Balaka,

ex-Séléka and other armed groups. Cases of sexual slavery and forced marriages involving children, mostly perpetrated by ex-Séléka elements, were also reported. Police stations were looted, and police and gendarmerie personnel abandoned their positions, creating a serious vacuum in the enforcement of law and order.

Despite some recent progress in the operationalization of some police and gendarmerie units with the support of international partners, the continued lack

of capacity within security entities to respond to threats and incidents remains a major obstacle in the collective efforts to stop the violence and restore the rule of law in CAR. Without the reestablishment of the rule of law through the restructuring of national security entities, increased capacity of the justice sector and the restoration of state authority, human rights violations, including sexual violence, will continue unabated.

TEAM OF EXPERTS' ENGAGEMENTS

From 24 February to 2 March 2013 the TOE conducted a technical mission to CAR to help develop an implementation plan for the 2012 joint communiqués signed between the Government and the UN, which provided the framework for the TOE's engagement with CAR on addressing conflict-related sexual violence. The mission consisted of a multi-disciplinary team that also included a communications officer from the Office of the SRSG-SVC, a Rapid Response Team member for West and Central Africa of the Gender-Based Violence Area of Responsibility (GBV-AoR), a technical specialist on gender-based violence in emergencies from UNFPA's Regional Office for West and Central Africa, and a programme coordinator from the UN Women Regional Office for Central Africa.

The TOE assessment analysed the capacity of national authorities to address impunity for sexual violence crimes in specific areas, including justice sector reform, security sector reform, and disarmament, demobilization and reintegration processes, and proposed concrete actions to be taken by the Government and other partners on the ground. The TOE was unable to obtain the endorsement of the implementation plan of the joint communiqué by the Government due to the military coup by Séléka in March 2013 and subsequent unrest.

- The Team assisted the Government in identifying concrete actions to be taken by the Government and other partners on the ground in line with the commitments set out under the joint communiqués.
- Following a request from the Government to support the gendarmerie in establishing a specialised unit on sexual violence, the Team has developed a concept for the creation of a rapid response unit. This unit will be tasked with rapidly responding to alleged sexual violence cases by collecting and preserving evidence, interviewing victims and documenting cases.

COLOMBIA

Sexual violence continues to be an issue of grave concern in the context of the armed conflict in Colombia. It has been used by armed groups, including the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (FARC-ELN), Ejército de Liberación Nacional (ELN) and other illegal armed groups that have emerged since demobilization, and are referred to by the Government as criminal gangs or “Bacrim”. In some instances, members of state security forces have also committed acts of sexual violence. While the majority of reported cases are against women and girls, some men and boys have also been victims of sexual violence. Women human rights defenders and their families have also been targeted with sexual violence or received threats by members of illegal armed groups.

In rural areas, sexual violence has been perpetrated by armed groups, particularly against women from Afro-Colombian and indigenous populations, to forcefully displace populations from lucrative mining or agricultural zones, or in corridors strategic for drug trafficking. The FARC-ELN and other illegal armed groups that have emerged since demobilization have been among the key perpetrators of these crimes. Acts of such violence include abductions, rape, sexual slavery and forced abortions. In a newly observed dynamic, members of illegal armed groups have used sexual violence against relatives and other kin to exert control over their families and those of their subordinates in specific neighbourhoods. In some cases, women heading households have been forced to hand over their daughters to the leaders of these groups. As a result, women and girls flee neighbourhoods seeking protection.

Against this background, the Government of Colombia has taken important steps to address conflict-related sexual violence. These include: the adoption of a robust legislative framework, the establishment of protection mechanisms, and the design of a reparations programme for victims of sexual violence.

The most recent legal developments in this area include the Victims and Land Restitution Law (No. 1448) of 2011, a ground-breaking piece of legislation for peace and reconciliation in Colombia which promotes a rights-based approach for the victims of the armed conflict. This law also develops a concept of comprehensive and transformative reparations and establishes policies and guarantees of non-repetition for women and girl victims of conflict-related sexual violence. Important legal advances in recent years also include judicial decisions by the Constitutional Court, in particular Auto 092 of 2008, which recognises sexual violence as 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”. Another important legislative development is the draft law 037 of 2012 on “Access to Justice for Victims of Sexual Violence, particularly as it relates to the armed conflict” which aims at harmonizing national legislation with the latest legislative developments in human rights law and international criminal law, particularly the Rome Statute, in the area of conflict-related sexual violence. The road ahead is the full implementation of the legislative framework and protection initiatives, and ensuring accountability for crimes of sexual violence.



TEAM OF EXPERTS' ENGAGEMENTS

Building on consultations between the Government and the former SRSB on Sexual Violence in Conflict, the TOE visited Colombia from 4 to 7 February 2013 to discuss concrete modalities of technical assistance with a focus on possible support to the Attorney General's Office and the Ministry of National Defence. Technical meetings were held with the Office of the Attorney General, including the recently established Analysis and Context Unit (UNAC), and officials from the Ministry of National Defence and the National Police. In addition, the Team held consultations with the Office of the Vice Presidency, the Office of the High Advisor on Women's Equality, the Victims' Unit, the Office of the Ombudsman, as well as relevant civil society organisations and UN counterparts.

- The TOE conducted an assessment mission from 4 to 7 February 2013 to discuss concrete modalities of support with a particular focus on possible technical assistance to the Attorney General's Office, specifically in the areas of witness and victims' protection and support to criminal investigations. Further discussions will be held to ensure ownership by national authorities, and involvement of UN counterparts and civil society organizations.
- At the request of national authorities, the TOE provided input to the guidelines elaborated by the Ministry of Defence on how police and the military should address conflict-related sexual violence in line with international human rights and humanitarian law.

CÔTE D'IVOIRE

In 2013 Côte d'Ivoire continued to witness high levels of sexual violence with hundreds of cases reported by the UN and NGOs. Despite some progress, impunity for perpetrators of sexual violence remains one of the major challenges faced by the country.

Currently provisions such as Article 354 of the Penal Code, which does not specify the elements constituting rape, contribute to inconsistent rulings and decisions in violation of international law. As such, rape charges are often reclassified as offences against morality ("attentat aux mœurs"), entailing a much shorter period of time for investigation and evidence gathering. This is further compounded by pre-existing societal attitudes that deem rape a minor offence.

The judicial system in Côte d'Ivoire continues to be overloaded by cases and disputes inherited from the post-electoral conflict. The national administration, which was seriously weakened due to the conflict, is yet to be fully functional throughout the country. The justice infrastructure is not yet restored in many locations, prompting many people to resort to amicable settlements of sexual violence crimes, especially in rural areas. Institutions like the Cour d'Assises function with significant irregularity, thus contributing to a backlog of criminal cases and to very low levels of prosecutions.

Despite these challenges, the Government adopted a national justice policy aimed at improving accountability and access to justice. In addition the Government initiated a review of the current legal framework, including the Penal Code. The current National Strategy to Combat Gender-Based Violence also provides a framework for the fight against, and response to, sexual violence crimes.



From 15 to 25 June 2013 the TOE organized an experience sharing mission between Côte d'Ivoire and Sierra Leone to provide the Ivorian authorities the opportunity to learn from the experiences of Sierra Leone. The Ivorian delegation included representatives from Ministries of Justice, Defence, and Solidarity, Family, Women and Children, as well as national police and civil society. The exercise focused on drawing lessons from key initiatives in the legal and institutional frameworks in Sierra Leone to address conflict-related sexual violence. These include: (i) the drafting of a Sexual Offense Act; (ii) the establishment of Saturday Courts that hear cases of crimes against women and children;

(iii) the creation of Family Support Units within the police; (iv) the development of a witness protection scheme by the Special Court for Sierra Leone; (v) the development of a national gender strategy; and (vi) the implementation of a reparations programme.

- The TOE supported an experience sharing mission to Sierra Leone from 15 to 25 June to provide the Ivorian authorities an opportunity to learn from the experiences of Sierra Leone.

TEAM OF EXPERTS' ENGAGEMENTS

- The TOE supported the Government of Côte d'Ivoire in organizing a workshop in Abidjan to adapt lessons learned from Sierra Leone to the Ivorian context. This workshop was attended by all key stakeholders engaged in the fight against impunity for conflict-related sexual violence in Côte d'Ivoire.
- Lessons from this exercise have informed the National Strategy to Combat Gender-Based Violence, which has incorporated relevant

recommendations from the workshop into its log frame and associated budgets. Lessons learned have also informed a number of other government initiatives in Côte d'Ivoire, including capacity building activities.

- The experience sharing and the workshop resulted in additional requests for the TOE to provide assistance, including with regard to legislation review and the establishment of a specialized police unit.

DEMOCRATIC REPUBLIC OF CONGO

Numerous incidents of sexual violence as well other human rights violations have been reported in the DRC in the course of 2013. This is partly the result of a deteriorating security situation in the eastern provinces of Orientale, North Kivu and South Kivu, and the emergence and resurgence of armed groups, including the Mouvement du 23 mars (M23), the Forces Démocratiques de Libération du Rwanda (FDLR) and numerous Mai-Mai groups. There have also been continued reports of sexual violence committed by national security forces, including Forces Armées de la République Démocratique du Congo (FARDC) and Police Nationale Congolaise (PNC).

The reality and dynamics of the conflict in DRC create a culture ripe for sexual violence. The marked limited state authority and rule of law in areas affected by the conflict favours the occurrence of sexual violence. This is further reinforced by a widespread culture of impunity for crimes in general and for sexual violence crimes in particular. A number of issues including land pressure, the proliferation of small arms, and an unregulated mining sector contribute to the prevailing insecurity and to the perpetuation of cycles of conflict and widespread sexual violence. The climate of impunity allows the many forms of gender-based violence, including sexual violence, to flourish and intensify the existing discrimination against women and girls. While the majority of the victims in DRC are women and children, cases of sexual violence against men have also been confirmed, despite reluctance to report because of fear of stigmatization.

DRC provides a clear example of the correlation between sexual violence and flawed disarmament, demobilization and reintegration and security sector reform programmes. Incidents of sexual violence have occurred where combatants from armed groups have been demobilized and reintegrated into the FARDC, with no vetting or attention given to ensuring that those who have committed gross violations of human rights, including sexual violence, are excluded. This constitutes a significant threat to communities, as these individuals tend to carry with them the same behaviours and tactics once they have joined the defence and security forces.

“With the support from the Office of the Special Representative of the Secretary - General on Sexual Violence in Conflict and especially that of the United Nations Team of Experts on the Rule of Law / Sexual Violence in Conflict, the Democratic Republic of Congo is on the right track. With the support of the TOE, we have been able to develop a plan for the implementation of the joint communiqué that the Government of the DRC signed with the United Nations in March 2013 on addressing sexual violence. We are now progressively moving towards the realisation of this plan”.

Ms. Geneviève Inagosi
Minister of Gender,
Family and Children of DRC

UN Photo/Marie Frechon

Despite these challenges, interlocutors confirm that there has been some progress by national and regional authorities in preventing sexual violence and addressing impunity. In 2006 the Law on Sexual Violence was adopted, introducing major improvements to the Congolese Penal Code and the Penal Procedure Code. In 2009 the Government of DRC adopted a National Comprehensive Strategy on Sexual and Gender-Based Violence, and President Kabila issued an edict defining a policy of zero tolerance for violations of human rights, particularly sexual violence, committed by the armed forces. The Ministry of Gender, Family and Children created a national database on sexual and gender-based violence. In addition, a special police unit for the protection of children and women (Police Spéciale pour la Protection de l'Enfant et de la Femme, PSPEF) was created and is fully operational in some towns, including Goma, Bukavu and Bunia. Furthermore, the Government of DRC and MONUSCO have entered into an agreement to establish Prosecution Support Cells (PSCs) to support military justice officials with investigations and prosecutions of sexual violence crimes. Mobile courts sessions, organized with the support of national and international partners in remote areas, have led to an increase in the number of prosecutions for sexual violence crimes. Most recently, as a result of sustained advocacy from the SRSF-SVC and following the signing of a joint communiqué between the Government and the UN on combating sexual violence, the Ministry of Defence has indicated its commitment to actively prevent and respond to sexual violence, the Senate has established a special commission on sexual violence, and President Kabila has announced the appointment of a special representative on conflict-related sexual violence and child recruitment.



Meeting with the Special Commission on Sexual Violence of the DRC Senate

TEAM OF EXPERTS' ENGAGEMENTS

In March 2013 the TOE travelled to DRC to build on the commitments and good cooperation established with the Government of DRC and various stakeholders to assess current Government capacity to address impunity for sexual violence crimes; to assess ongoing efforts and initiatives; and to undertake consultations to determine the form of assistance to be provided to the Government to address impunity for conflict-related sexual violence. The TOE was supported by two experts from the United Kingdom's Preventing Sexual Violence Initiative (UK PSVI). In July 2013, through a technical workshop, the Team assisted the Government in developing an implementation plan for the joint communiqué.

- In March 2013 the TOE assessed current Government capacity, efforts and initiatives to address impunity for sexual violence crimes; it undertook consultations to determine the form of assistance to be provided to the Government of DRC to support efforts to address impunity for conflict-related sexual violence.
- The TOE assisted the Government in developing an implementation plan for the commitments made under the March 2013 joint communiqué through a technical workshop in Kinshasa.
- The TOE continued to strengthen the capacity of national authorities to investigate and prosecute sexual

violence crimes committed by FARDC, other security forces, and armed groups in North and South Kivu. In February 2013 the Team deployed an investigations expert to provide support to the FARDC military justice authorities. Based with the Prosecutions Support Cell in Goma, the expert provided advice to the military justice throughout the year.

- The Team assisted investigations in a number of major incidents, including the Minova and Bweremana cases in South and North Kivu respectively, where sexual violence was committed by FARDC elements in the aftermath of Goma's fall to elements of M23 in November 2012. As a result, 12 commanders of operational military

units were suspended from their duties, 18 soldiers from various units were arrested and detained in Goma Central Prison, and trials of 39 elements, including seven senior officers, are ongoing.

- The Team supported the military prosecutor in the investigations of other major incidents of sexual violence, including in Katindo (Goma) and Kitchanga (Masisi territory).
- A national expert deployed by the Team to UNDP in Goma has continued to conduct case tracking within the justice system.

GUINEA

28 September 2009 will always be remembered in Guinea not only as the country's Independence Day but also as the day when members of the opposition were attacked by national security forces during a demonstration at the stadium in Conakry. This resulted in serious human rights violations, including killings, rapes, torture and abductions. Following these incidents, the Guinean Government set up a National Commission of Inquiry, but its findings failed to shed light on the events and establish responsibilities. This led the UN to establish an International Commission of Inquiry to investigate the allegations of human rights violations; establish the facts, the circumstances of the events, and their consequences; qualify the crimes perpetrated; and determine responsibilities.

The International Commission of Inquiry concluded that Guinea had violated several provisions of international conventions ratified by the country. It also concluded that there was a strong presumption that crimes against humanity were committed, as well as serious and reliable indications of criminal responsibility on the part of certain persons named in the report, either directly or indirectly as military leaders or hierarchical superiors. The report confirmed that at least 109 women and girls were victims of rape, including gang-rape, and other forms of sexual violence, such as sexual mutilation and sexual slavery. The main alleged perpetrators were identified as members of the Guinean security forces.



Photo/IRIN

TEAM OF EXPERTS' ENGAGEMENTS

Following negotiations with the Government, in December 2012 the TOE deployed an expert to assist the Panel of Judges in the following areas: (i) methodological advice on approaches to investigations by the Panel in Conakry and the regions; (ii) support in the development of tools, formats and protocols for specific investigations as requested by the Panel; (iii) advice with regard to witness and victim protection, victim support, protection and security of the Panel itself; (iv) advice on processes and methodologies for judicial cooperation, in cooperation with the Ministry of Justice and other relevant national authorities; and (v) establishment of linkages with civil society organizations and victims groups. The expert has worked in coordination with, and with the support of, the Office of High Commissioner for Human Rights in Guinea.

- The expert organized skills building sessions for the Panel members on investigation approaches. This resulted in the use by the Panel of more appropriate questioning and investigation techniques and in an increased number of hearings of victims of sexual violence (over 200 victims were heard by the Panel during the reporting period).
- With the guidance of the expert, the Panel indicted nine officials allegedly responsible for the events of September 2009, including Colonel Pivi, currently in charge of the presidential security, General Baldé, Chief of Staff of the Gendarmerie, and a gendarme specifically on charges of rape in relation to the incidents.
- With the guidance of the expert, the Panel issued summons against other key actors in Guinea allegedly involved in the September 2009 events, and initiated proceedings regarding suspects who currently reside outside the country.
- Following the expert's recommendation, the Guinean Government committed to establish mechanisms for enhanced protection of the Panel members, including through the provision of a group of police officers to guard their offices. In addition, the Government committed to define adequate mechanisms for the protection of victims and witnesses interviewed by the Panel.
- The expert organized a number of meetings to facilitate dialogue between the Panel and the authorities, civil society organizations and the international community, among other partners.
- The expert helped identify key gaps to be filled by the Panel and define next steps, including ensuring access to mass graves and seeking forensic expertise.
- In coordination with relevant partners, including UN Action members, particularly OHCHR and UNDP, as well as the Peace Building Commission, the NGO Working Group on Women, Peace and Security, and other NGOs, the Team has ensured that current efforts by the Panel constitute a foundation for national efforts towards accountability in Guinea.

"The collaboration with the Team of Experts through the deployment of Maître Bal has emboldened the members of the Panel, positively contributed to the quality of the Panel's work, and provided renewed hope to victims regarding the course of the proceedings. This support, which needs to be continued and encouraged, will surely contribute to the fight against impunity and to the strengthening of the rule of law in our country."

Panel of Judges mandated to investigate and prosecute crimes committed on 28 September 2009, Guinea

"My deployment with the Team of Experts to support the Panel of Judges in Guinea demonstrates that, with support from the international community to judicial authorities and strong political will from Government, impunity for the crimes of 28 September 2009, including those of sexual violence, can be addressed. With the support received, the Panel has been able to increase the number of hearings - more than 200 victims of sexual violence have been heard so far. The Panel has also indicted a number of Guinean security officers, including some high ranking officers, and issued summons against other actors allegedly involved in the events. Discussions are ongoing regarding access to possible mass graves."

Maître Bal Ahmedou Tidjane
Judicial Expert
supporting the Panel of Judges
Lawyer, former Minister of Justice and
former President of the Supreme Court
of Justice of Mauritania



Meeting with Minister of Justice of Guinea

In November 2011, to advocate for the implementation of the recommendations of the UN International Commission of Inquiry, the former SRSG-SVC conducted a visit to Guinea. During the visit, the Guinean Government and the UN signed a joint communiqué, according to which the Government agreed to: (i) combat impunity for sexual violence crimes; (ii) implement the recommendations of the International Commission of Inquiry; (iii) step up the reform of the security sector to include the question of preventing crimes of sexual violence; (iv) initiate a dialogue with the victims of the events of 28 September 2009, including the victims of sexual violence; and (v) provide reparations and promote national reconciliation. In the joint communiqué, the Government also welcomed the offer by the TOE to assist the efforts to combat impunity for sexual violence crimes, including through technical assistance to the Panel of Judges mandated to investigate the incidents.

LIBERIA

During the 14-year civil war in Liberia, sexual violence was brutally used as a tool to terrorize, displace and control the population. As a result, a culture of violence continues to permeate Liberian society and rape continues to feature among the most frequently reported crimes. Against this background, the Government adopted a National Action Plan Against Sexual and Gender Based Violence in 2006, which was revised in 2012. A Joint Government-UN programme (JP/SGBV) has also been developed to guide interventions to address this issue.

Sexual violence, particularly rape, remains a significant threat to women and girls across the country, despite strong leadership and positive initiatives implemented in the past years. This include the establishment of Criminal Court E, the special court established in Montserrado County to hear cases of rape and other forms of sexual violence; the Sexual and Gender-Based Violence Crimes Unit within the national prosecution service; and the Women and Child Protection Service within the Liberian National Police. According to the United Nations Mission in Liberia (UNMIL), the increased confidence in the response by services available has encouraged more victims to come forward. This has helped highlight the deep-rooted beliefs and practices that perpetuate gender-based discrimination, against the backdrop of a perceived climate of impunity for gender-based crimes. According to recent statistics from the Ministry of Gender, the majority of the victims of rape in Liberia are children, mainly girls. However, there have been also reports of boys as victims of sexual violence.

The levels of accountability for sexual violence crimes remain low. The Criminal Court E's jurisdiction is limited to the capital, Monrovia, and the court has completed a very limited number of cases. There have been efforts under the JP/SGBV to accelerate the prosecution of rape cases; this, however, requires the expansion of the number of justice and security personnel who are adequately trained to support the prosecution of sexual violence crimes.

TEAM OF EXPERTS' ENGAGEMENTS

Following discussions with UNMIL and the Government of Liberia, two priority areas for support were identified: (i) support in the development of a prevention strategy; and (ii) support in sharing lessons learned from experiences of other post-conflict countries in sexual violence prevention and response.

The TOE, UNMIL and the Government of Liberia are in discussions regarding possible options to conduct an experience sharing exercise, which is planned to take place in 2014. The experience sharing exercise will focus on assisting Liberia to learn from good practices and challenges in another post-conflict country, preferably in Africa. The exercise will explore suitable models to strengthen current prevention efforts, including with regard to the reinforcement of legislation and key initiatives established to address sexual violence, either within the police, the military or other relevant institutions such as the Ministry of Gender, Ministry of Defence or NGOs. The experience sharing will also examine response mechanisms, specifically initiatives focusing on accountability, protection of victims and witnesses, reparations, as well as service provision at both national and local levels.

UN Photo/Staton Winter

SOMALIA

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. In 2013 conflict-related sexual violence, including rape, remained one of the most serious and recurrent human rights violations, with 30 to 50 percent of cases involving children as victims, including boys. The repeated displacement of individuals in the Mogadishu area increased their vulnerability to sexual violence by armed groups, militias, and in some instances Somali security forces.

The significant number of incidents of sexual violence has put increased pressure on Somali justice and health services, and highlighted their gaps and deficiencies. These include the lack of a strong legislative framework on sexual violence, insufficient capacity within the justice sector to investigate and address such crimes, significant gaps in justice infrastructure (police stations, detention facilities, court houses and penitentiary facilities), and limited access to medical and psycho-social services. This absence of adequate legislation, capacity and infrastructure has led to a lack of trust in law enforcement and justice systems, which has compounded the reluctance of survivors to bring forward charges against perpetrators of sexual violence. Additionally, as a result of a strong clan structure, incidents of sexual violence and disputes between clans are largely addressed through the customary system, rather than the formal justice system.

Recognizing its limited capacity and the breadth of challenges, the Government has made strong commitments to combat sexual violence, including the signing of a joint communiqué with the UN on 7 May 2013. These commitments build on previous ones, including those made during the Universal Periodic Review in September 2011, when the Government accepted, amongst others, the following recommendations: the ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the codification and harmonization of national legislation, including customary law, in conformity with Somalia's international obligations; addressing gender-based violence and ensuring access to services by survivors; and the provision of protection of journalists and human rights defenders.

Since the signing of the joint communiqué, Somalia has adopted a Post-Transition Human Rights Road Map for the period of 2013 to 2015 and a Compact (the "New Deal"), both of which strongly build on the necessity to address human rights concerns, including those affecting women and children, and ensure accountability for human rights violations. In addition, the National Parliament has established a Sub-Committee on Human Rights. More recently, Somalia has created a Ministry of Women and Human Rights for the first time. These institutional structures provide a good foundation to deliver practical solutions to address sexual violence in conflict.



Signing of joint communiqué on Somalia

TEAM OF EXPERTS' ENGAGEMENTS

Building on the commitments and good cooperation established with the Government of Somalia and various other stakeholders, the TOE undertook a joint technical assessment mission to Somalia and Kenya with representatives from the UK PSVI and UN Women from 4 to 11 December 2013. The mission assessed existing national capacity and helped determine the form of assistance to be provided to Somalia, in line with the joint communiqué. After conducting the assessment, the Team assisted the Government in defining an implementation plan of its commitments under the joint communiqué.

- The TOE conducted an assessment mission to Somalia from 2 to 6 April 2013 to identify key challenges that require the commitment of the Somali Government at the highest level.
- The TOE worked with Government experts on a draft framework of cooperation. This resulted into the signing of a joint communiqué between the Federal Government of Somalia and the UN on addressing sexual violence, at the Somalia Conference in London on 7 May 2013. The communiqué outlines the support required from the TOE.
- The TOE conducted a technical assessment mission to Somalia with colleagues from the UK PSVI, GBV-AoR and UN Women from 4 to 11 December 2013, and helped the Government define an implementation plan for the joint communiqué.

SOUTH SUDAN

As a result of over 50 years of conflict, institutions collapsed in South Sudan (part of the Republic of Sudan until 9 July 2011). The social and traditional fabric which was characterized by coexistence between communities was affected, exacerbating ethnic tensions and conflict over land and cattle, among other things. The proliferation and accessibility of small arms and light weapons has also exacerbated inter-communal violence and criminality. Armed groups, which are reportedly based on ethnic, tribal or political lines, continue to operate in various parts of South Sudan. Despite disarmament efforts by the Government of South Sudan and the international community, there is a general resistance to disarm, given the lack of protection by security forces and a general mistrust of security forces.

The situation in South Sudan has further degenerated since the end of 2013, with overt conflict between the Sudan People's Liberation Army (SPLA) and the Sudan People's Liberation Movement/Army in opposition, which has led to serious human rights violations, including sexual violence crimes.

South Sudan has limited capacity to respond to the ongoing sexual violence incidents. The ability of the Government to provide access to formal justice throughout the country is constrained by a number of factors, including limited justice, police, security and correctional facilities in Juba and other state capitals. The situation is particularly concerning in the counties, where justice facilities are scattered, of varying quality, or simply non-existent. The lack of adequate police facilities in most counties means that there are rarely secure places where victims and witnesses can report incidents, be interviewed in private and be ensured protection.

In terms of the legal framework, South Sudan has key legislation in place, such as the Transitional Constitution, the Code of Criminal Procedure Act, the Child Act, the Judiciary Act, and the Police Act, all of which were drafted during the recent transitional period. Under the Transitional Constitution, South Sudan has also set up a Law Review Commission with the aim of developing, modernizing and reforming legislation, including through the harmonization of statutory and customary law. A Constitutional Review Commission has also been established with the aim of elaborating a Permanent Constitution. Efforts are currently underway to harmonize the different State Constitutions with the National Transitional Constitution.

The assessment conducted by the TOE on the capacity of South Sudan to address impunity for conflict-related sexual violence, which is 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.

TEAM OF EXPERTS' ENGAGEMENTS



TOE engagement in South Sudan started in 2011, when the Team contributed to the process of development of the Transitional Constitution. This was followed up with a technical assessment in 2012 on South Sudan's capacity to address impunity for conflict-related sexual violence.

- The TOE helped the Government of South Sudan identify and clarify legislative reform priorities relating to sexual violence, as well as the main gaps and challenges faced by the national and state-level justice sectors to respond to conflict-related sexual violence. The TOE's recommendations included: 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. The recommendations are currently under consideration by the Government.
- The TOE agreed to support the Government of South Sudan to conduct an experience sharing exercise and a planning meeting to operationalize the recommendations of the TOE assessment report and incorporate the lessons learned from the experience sharing mission.

SUDAN (DARFUR)

The human rights and security situation in Darfur remains highly volatile. According to reports by the UN and NGOs, human rights violations, including sexual violence, have continued to be committed by all parties to the conflict, despite the signing of the Darfur Peace Agreement on 5 May 2006 and intensive diplomatic and political efforts to bring the non-signatories into agreement with the Doha Document for Peace in Darfur.

During the reporting period, there have been reports of sporadic hostilities between the Sudan Armed Forces (SAF) and the Sudan Liberation Army/Minni Minnawi, and between SAF and the Justice and Equality Movement. These have resulted in renewed population displacement in Northern and Southern Darfur, increased vulnerability of women and girls, and the proliferation of small arms, leading to increased insecurity. Sexual violence has continued to be reported mainly against internally displaced women and girls living in and around camps in Darfur.

The Government of Sudan has made a number of efforts to address sexual violence, including the development a national action plan to address violence against women, the establishment of units to combat violence against women at national and state level, and the establishment of specialized units of the national police in Khartoum and Darfur to address crimes against women and children. In addition, a National Human Rights Commission was established, as well as a Special Prosecutor for Darfur to investigate all crimes in the area.

TEAM OF EXPERTS' ENGAGEMENTS

In April-May 2012 the Office of the SRSO-SVC negotiated a mission to Sudan, which included the TOE, to discuss possible areas of support. However, the mission was postponed at the request of the Government. A number of meetings have taken place between the Office of the SRSO-SVC, the TOE and the Government of Sudan in the margins of the UN General Assembly and during the Commission on the Status of Women, in which the Government has indicated its willingness to receive a mission by the SRSO-SVC and the TOE to Sudan, including Darfur.

- The TOE engaged with the Sudanese Government, particularly the Sudan Permanent Mission to the UN and the Sudanese Minister of Social Affairs, and raised awareness on the added value of the support by the TOE to Sudan's current efforts to address conflict-related sexual violence.
- The TOE has gathered the necessary background materials to help guide any future assessment mission to Darfur.



UN Photo/Albert González Farran

OTHER ENGAGEMENTS



OUTREACH & EVENTS



Symposium on Sexual Violence, "The Missing Peace Symposium", organised by the United States Institute of Peace in Washington, D.C. 14 - 16 February 2013



Mission to Washington, D.C. with SRSO-SVC 25 April 2013



International Conference on Somalia, hosted by the UK Government 7 May 2013



Conference on Male Directed Sexual Violence, organised by the Office of the SRSO-SVC and the US Department of State in New York 25-26 July 2013



Regional Conference on Women, Peace, Security and Development in the Great Lakes Region, hosted by the Government of Burundi, in coordination with the Office of the Special Envoy on the Great Lakes Region July 2013



UN Action Strategic Planning Meeting, held in New York 21-22 October 2013



London conference on Violence Against Women and Children in Emergencies, organised in London by the United Kingdom's Department for International Development 13 November 2013



Mission to Japan with SRSO-SVC 18-23 November 2013

CONTRIBUTION TO REPORTS AND POLICY DOCUMENTS

- The Secretary-General's report on sexual violence in conflict (A/67/792-S/2013/149), with a section highlighting the TOE's efforts to strengthen the capacity of national justice actors to address impunity for conflict-related sexual violence in priority countries and other situations of concern.
- The 2013 Secretary-General's report on strengthening and coordinating United Nations rule of law activities (A/68/13).
- A document on lessons learned regarding UN support to judicial mechanisms to fight impunity and promote reparations for international crimes. This document will inform a guidance note on how the UN system can enhance national capacities of Member States to investigate and prosecute international crimes and to provide remedies and reparations for victims, as requested by the Secretary-General's Policy Committee Decision No. 2011/27 (currently under finalisation).
- A study on improving women's access to justice during and after conflict conducted by UN Women and UNDP in cooperation with other Rule of Law Coordination and Resource Group members (ROLCRG), following a request by the Secretary-General's Policy Committee in 2011 (currently under finalisation).
- A guidance note on reparations for victims of conflict-related sexual violence by OHCHR and UN Women, in collaboration with UN Action and other ROLCRG members (to be launched in June 2014).

CONTRIBUTION TO UN JOINT ASSESSMENT MISSIONS

The TOE participated in a UN Strategic Assessment Mission to CAR from 13 to 23 February 2013 to help ensure that conflict-related sexual violence is taken into consideration during UN mission planning and to lay the foundation for future TOE engagement in CAR.

LEARNED

LESSONS



1 To strengthen the capacity of the justice system to address sexual violence in a conflict or post-conflict context, it is important to provide support to each component of the criminal justice chain (police, prosecutors, judges, corrections, legal assistance); this avoids creating imbalances that would increase the likelihood of the system becoming ineffective.

2 It is important to narrow the focus and scope of work undertaken by special units or parallel structures within the criminal justice chain that address sexual violence crimes; this helps relieve capacity and financial constraints that governments face in conflict and post-conflict situations. However, there must be a clear strategy to counter the potential risks associated with such an approach, such as tension among units, within or between structures.

3 In conflict and post-conflict settings there tends to be limited state presence (administration, police, prosecutors, courts) as well as limited services, including legal and medical aid in remote areas. Alternatives that have proven useful in some contexts include mobile services, such as mobile courts, mobile clinics, special police mobile units, as well as support through NGOs with access to remote areas.

4 It is important to thoroughly vet defence and security officers to ensure that those involved in gross human rights violations, including sexual violence, are excluded from service.

5 Traditional or customary justice systems play an important role in many post-conflict countries, especially in Africa. Any support provided 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. A better understanding and deeper analysis of traditional or customary justice mechanisms, including clan or tribal structures, jurisdictional issues and oral traditions, is required to ensure sustainable solutions.

6 The UN lacks capacity to work on Sharia law issues. The UN should enhance such capacity and seek to improve its understanding of the dynamics and relationships between Sharia law, traditional or customary law and statutory law to determine how these systems could jointly be used to help address accountability for sexual violence crimes.

7 Data on sexual violence is limited and scattered. Available data is not readily shared among relevant actors in the field or at headquarters, often as a result of divergent views on how it should be used or protected.

8 Judicial and administrative reparations should be available to victims of conflict-related sexual violence to obtain prompt, adequate and effective remedies. Since reparations programs require significant resources, creative approaches must be explored to support reparation funds, including for instance through forfeiture and seizure of assets. In cases where adequate and effective reparations call for the relocation of survivors, efforts need to be made to ensure their safety and access to economic opportunities to be self-sustaining.

9 Joint communiqués between governments and the UN on addressing sexual violence often contain commitments that are beyond the scope and capacity of the TOE. The UN system collectively needs to take ownership of and support these commitments, including by availing financial resources to assist Governments in the implementation of commitments. Efforts must be made to engage partners prior to signing joint communiqués to ensure buy-in and support to their implementation.

10 Joint assessment missions allow for a more holistic analysis of challenges and opportunities. This approach also helps bring the UN system together, reduce the chances of duplication, and increase synergies and coordination. The cornerstone of the TOE's effectiveness in providing technical assistance to national authorities is a realistic and coordinated planning with all relevant partners. This planning must be conducted based on a sound understanding of the capacities and infrastructure in place, as well as of the existing political context and the range of actors working to address the various issues.

11 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.

12 It is important to ensure that actions taken by the UN in strengthening the rule of law, security sector reform and disarmament, demobilization and reintegration 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.

13 Conflict-related sexual violence remains a relatively new concept. Despite progress made, there is still limited understanding by a number of actors of what constitutes conflict-related sexual violence and how this differs from gender-based violence. Additional training and capacity building is needed to address this confusion, not only among national stakeholders, but also within the UN.

14 The work of the TOE would benefit from greater engagement and collaboration with NGOs, which would result in more strategic and sustainable interventions.

15 Embedding expertise within government structures is a practical approach to day-to-day training. Sitting with government counterparts on a daily basis helps to develop trust and a strong working relationship, thus allowing greater access to information and collaboration in addressing challenges.

16 Encouraging South-South cooperation is critical in conflict and post-conflict settings as a way to ensure that lessons and best practices can be shared among countries with comparative experiences and contexts.

PARTNERSHIPS





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

Drawing on the capacities of the co-lead entities has enabled the Team to obtain access to a variety of reports and updates on key human rights, development and peacekeeping issues. These include human rights reports from human rights field presences, the Universal Periodic Review, treaty bodies such as CEDAW Committee, and special procedures mandate holders, such as the special rapporteurs on violence against women and on internally displaced persons, as well as the independent experts on the human rights situations in Côte d'Ivoire and Somalia.

In addition to drawing on the capacities of the co-lead entities (DPKO, OHCHR, UNDP), the TOE has also benefited from collaboration and partnerships with the following actors:

1. UN Action

The TOE continues to maintain a strong partnership with the UN Action Network, which has translated, amongst others, into 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 (MPTF) has continued to serve as a platform for TOE fundraising, with an earmark window in the UN Action MPTF to channel TOE funds. The TOE has also contributed to the development of UN Action tools, such as the guidance note on reparations for conflict-related sexual violence.

2. UN Country Teams and UN Peace Missions

TOE assessments and deployments have received active support from UNCTs and Peace Missions, including through the provision of the necessary substantive and logistical support during assessments and deployments, and by ensuring follow-up to recommendations from assessments.



3. 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 Defence, national police and the military, special bodies such as national human rights institutions, law commissions, reconciliation commissions, bar associations, civil society organisations, women's groups, parliamentary commissions and working groups, amongst others.

4. United Kingdom Preventing Sexual Violence Initiative

UK PSVI has committed to fully supporting the TOE in its work to achieve greater coherence and cooperation in the fight against impunity. Areas of cooperation include: regular information sharing, consultation on priority countries and situations of concern, coordination in assessments missions and deployments, including joint deployments to the DRC and Somalia, coordination of messaging to the international community, sharing lessons learned, and the secondment of one PSVI staff to the TOE.

5. Other Partners

The TOE has benefitted from partnerships with international and regional organizations, including the intergovernmental facility Justice Rapid Response, which manages a stand-by roster of criminal justice professionals, as well as advocacy groups and research institutions.



UNCT Côte d'Ivoire



PRIORITY PLANS FOR 2014

BOSNIA AND HERZEGOVINA

Support efforts for the implementation of the “Joint UN proposal: Seeking care, support and justice for survivors of conflict-related sexual violence in Bosnia and Herzegovina”, through advice and advocacy. This survivor-centred programme will strengthen the capacity of Government and civil society to expand the delivery of reparations, rehabilitation for victims, equal access to services, access to justice, and efforts to combat stigmatisation against survivors of conflict-related sexual violence.

CENTRAL AFRICAN REPUBLIC

- Support CAR in operationalising a Rapid Response Unit within the gendarmerie to respond to sexual violence incidents. This will be a small but agile unit tasked with rapidly responding to alleged sexual violence cases to collect and preserve evidence, interview victims and document cases.
- Update the implementation plan for the joint communiqué between the government and the United Nations on addressing conflict-related sexual violence.

COLOMBIA

- The Team has offered to support the Attorney General’s Office with expertise on investigations and the development of protocols and tools on investigating and documenting conflict-related sexual violence.
- Cooperate with the Colombian Forensic Institute on possible support for forensics capacity to address sexual violence crimes.

COTE D’IVOIRE

- Support the establishment and strengthening of specialised police units to deal with sexual violence crimes.
- Contribute to efforts in the review process of the legal framework, namely the Penal Code, to ensure it provides for accountability of sexual violence crimes.
- Support the establishment of witness and victims protection mechanisms.

DEMOCRATIC REPUBLIC OF CONGO

- Support the Ministry of Defence to develop and issue directives to the FARDC and obtain undertakings from military commanders on the prevention and response to sexual violence, including through prompt reporting of incidents, investigations and prosecutions of sexual violence crimes committed by national security forces.
- Support the Police Spéciale pour la Protection de la Femme et de l’Enfant through the strengthening of its rapid response capacity in Bukavu and Goma, and

providing advice towards the legal establishment of the unit.

- Deployment of two experts on sexual violence investigations through the Prosecution Support Cells in North Kivu and South Kivu, who will contribute to efforts of mobile courts regarding crimes of sexual violence.
- Support efforts of the newly established Special Sexual Violence Commission of the Senate, including in the development of the terms of reference and work plan, and provide technical assistance

around its key roles, including oversight, advocacy with non-state actors, and law making.

- Assist the Government in the deployment of a number of women magistrates to the East of the country to lead on sexual violence prosecutions.
- Provide advice in the process towards the adoption of a “Law on the establishment of Specialised Chambers” within the DRC judiciary, with jurisdiction over international crimes, including crimes of sexual violence.

- Assist the Government in the process of developing adequate mechanisms for the protection of victims and witnesses as well as other actors involved in addressing sexual violence.

GUINEA

Continue assisting 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:

- Continued deployment of an expert to provide support to the Panel of Judges during the investigation and the prosecution phases.
- Provision of forensic expertise to help access mass graves, in line with ongoing investigations.
- Facilitate efforts by the Panel Judges to interview suspects who are currently residing outside of the country.

LIBERIA

- Facilitate an experience sharing exercise between Liberia and another post-conflict context in Africa, to help the country learn from other experiences in preventing and responding to conflict-related sexual violence.
- Assist the Government of Liberia to adapt lessons learned from the experience sharing exercise to the national context to inform actions on the ground.

SOMALIA

- Assist the Government in organizing a consultation meeting or validation workshop for the draft implementation plan of the joint communiqué on addressing sexual violence.

Following the validation of the implementation plan, areas of assistance by the TOE will include:

- Support the establishment of a Sexual Violence Investigation Committee to investigate past, present and future cases of sexual violence.

- Support the establishment of a Rapid Response Unit within the Police, a team inclusive of female officers, tasked with rapidly responding to alleged reports of sexual violence and collecting and preserving evidence.

- Support the Policy and Legislative Drafting Unit through the provision of an expert in legislative drafting (with experience on sexual violence legal drafting).

- Support current efforts towards the enactment of a Sexual Violence Act, and review the current Penal Code to ensure they appropriately address crimes of sexual violence.

SOUTH SUDAN

Follow up on the endorsement of the assessment report and recommendations by the Government.

- Facilitate experience sharing with Sierra Leone.
- Assist the Government in developing an implementation plan based on the recommendations emanating from the TOE's assessment and lessons from Sierra Leone.

SUDAN (DARFUR)

Conduct a technical assessment mission to Darfur to review current capacity, efforts and gaps in addressing conflict-related sexual violence. Specific focus will be put on possible support to the units for combating violence against women, the specialized units of the national police, the National Human Rights Commission as well as the Special Prosecutor for Darfur. This will inform the SRSG's advocacy efforts to obtain commitments by the Government.

National ownership, leadership and responsibility are greatly enhanced when support builds on existing government initiatives.

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.

DONORS



TEAM OF EXPERTS



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TEAM LEADER



TOBY BONINI
TEAM MEMBER
UNDP



GLORIA CARRERA
TEAM MEMBER
OHCHR



MILENA SONNENBERG
TEAM ASSISTANT



MADELEINE SCHWARZ
TEAM MEMBER
DPKO (LEFT IN 2013)

RESOURCE MOBILIZATION

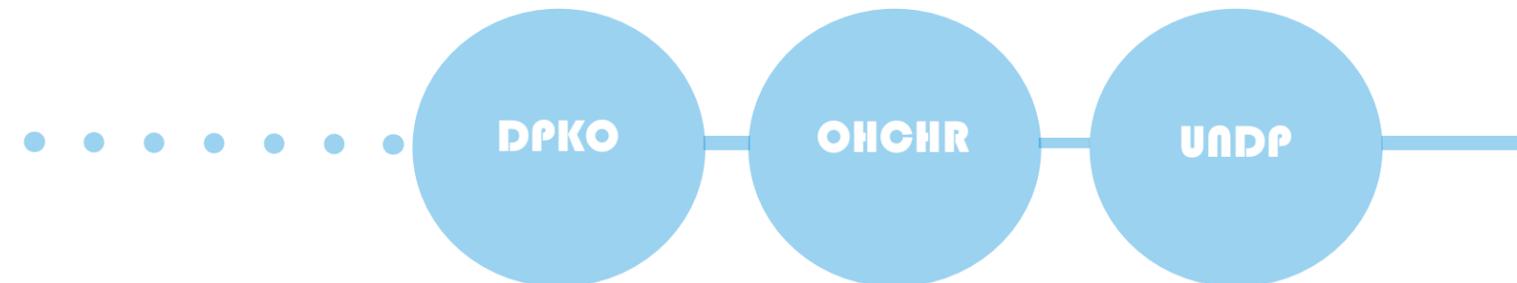
The TOE has mobilized \$7,799,810 towards a three-year Joint Programme target of \$8.4 million. The TOE has received contributions from Belgium, Estonia, Finland, Ireland, Japan*, Luxembourg, Sweden, Switzerland, Turkey, the United Kingdom, and the United States. Since the TOE and its work are solely funded through voluntary contributions considerable effort is dedicated to ensuring adequate resource are mobilized to meet current commitments and fulfil its obligations under its Security Council mandate.

* Contribution in 2014

To reach its funding targets, the TOE has developed a resource mobilization strategy and based on this strategy has organized a number of donor consultation meetings, programme briefings and presentations. In addition, the TOE, where appropriate, has partnered with UN Action as well as the Office of the SRSO-SVC to mobilize resources and demonstrate a coherent and consistent approach to engaging with donors and partners. The SRSO-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. In addition, 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”.

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Team of Experts

Rule of Law/Sexual Violence in Conflict



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UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



DPKO

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



STOP RAPE NOW
UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT

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