



Empowered lives.
Resilient nations.



UNITED NATIONS
HUMAN RIGHTS
STATE SECRETARY FOR TREATIES



DPKO

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

ANNUAL REPORT 2013



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

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.



预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_12660



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.