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OFFICE OF THE HIGH COMMISSIONER

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

ANNUAL REPORT 2017



Team of Experts
Rule of Law/Sexual Violence in Conflict



FOREWORD

Throughout 2017, the United Nations verified that conflict-related sexual violence was committed in numerous conflicts around the world, posing a threat to international peace and security. This sexual violence affected women and girls, men and boys, old and young. Sexual violence is used as a tactic of war and terror because it is one of the world's most effective weapons: it can destroy lives, terrorize communities, and change the very demographics of the community it impacts. The human and financial cost of recovering from sexual violence in conflict at both the individual, family and societal level can be staggering. The question at the heart of the United Nations' efforts to address conflict-related sexual violence is then - how do we turn cultures of impunity for these heinous crimes into cultures of deterrence? The answer must be through accountability.

We know, however, that war destroys the very institutions - police, judiciary and corrections

services - that ensure accountability in times of peace. United Nations Member States are under the continuous obligation to protect individuals from sexual violence in conflict, but the question then arises how the United Nations can assist these Member States in reforming and rebuilding the institutions that promote accountability for sexual violence and other serious crimes committed during times of war. In 2009, the United Nations Security Council created the Team of Experts on the Rule of Law and Sexual Violence in Conflict ("Team of Experts") to assist in building the national capacity of rule of law institutions so that States can carry out their responsibilities to hold perpetrators of sexual violence in conflict accountable.

The Team of Experts is unique in the United Nations system: it brings together experts from three United Nations entities, the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human

Rights, and the United Nations Development Programme, so that together with other entities, the United Nations can deliver as one and provide holistic support for Member States addressing sexual violence in conflict. The Team of Experts plays a key role in implementing the political commitments made by governments and armed groups to end sexual violence in conflict. As you will see in this report, the Team of Experts deployed globally, rapidly and cost-effectively throughout 2017, facilitating access to justice and reparations for survivors of sexual violence in conflict in some of the world's most challenging contexts.

As detailed in this report, the Team of Experts contributed in concrete ways to the fight against impunity for sexual violence in conflict this year. In the Democratic Republic of the Congo, the Team of Experts assisted military justice authorities in developing a case prioritization strategy which resulted in the



conviction of a former provincial parliamentarian in Kavumu, South Kivu for the rapes of 39 children by his militia as a crime against humanity. In Bangui, Central African Republic, the Team of Experts helped to establish a rapid intervention unit for crimes against women and children with the police and gendarmerie that has already received 200 complaints of sexual and gender-based violence. In Guinea, the investigation into the September 2009 massacre and mass rapes at the Conakry stadium was completed in 2017 with

technical support provided by the Team of Experts, leading to the indictment of 17 high-ranking military officials including a former head of state.

The Team of Experts relies exclusively on voluntary contributions by Member States to fund its activities. Given the scale of the challenge in combatting the scourge of sexual violence in conflict, I urge Member States to support the Team of Experts' work and I am grateful for those States that already do so. I believe it is possible to end sexual violence

in conflict, but we must translate commitments into concrete results and the Team of Experts' work is vital in that regard. I hope you will join us in this fight.

Pramila Patten
Under-Secretary-General and
Special Representative of the
Secretary-General on
Sexual Violence in Conflict

WHO WE ARE

The United Nations (UN) Team of Experts on the Rule of Law / Sexual Violence in Conflict (Team of Experts or TOE) was established by Security Council resolution 1888 (2009) to “deploy rapidly...to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law.” The Team of Experts, which has been operational since 2011, is the sole Security Council mandated body tasked with building national capacity to enhance accountability for conflict-related sexual violence. It includes experts from the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR) and the UN Development Programme (UNDP), which serve as co-lead entities. In addition, the Team is complemented by a law enforcement expert seconded by the Government of Sweden and a reparations expert.

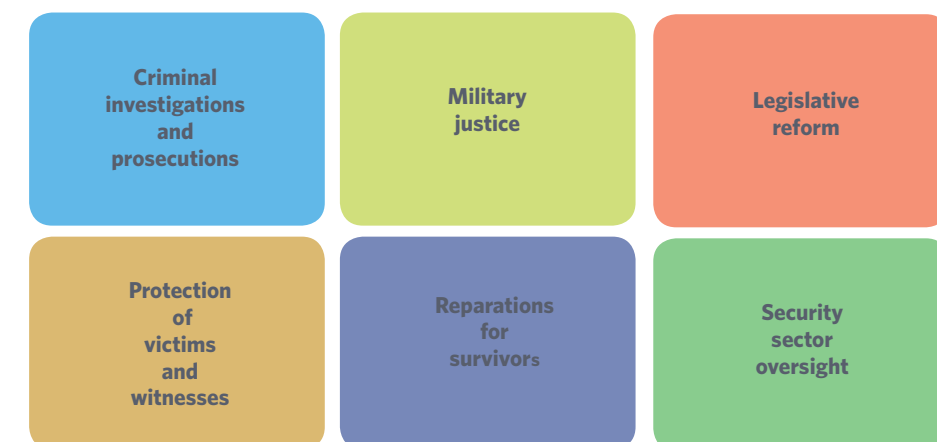
Pursuant to resolution 1888 (2009), the Team: (i) works closely with national legal and judicial officials and other personnel in the relevant governments’ civilian and military justice systems to address impunity, including by strengthening national capacity and drawing attention to the full range of justice mechanisms to be considered; (ii) identifies gaps in national response and encourages a holistic national approach in addressing conflict-related sexual violence, including by enhancing criminal accountability, judicial capacity and responsiveness

to victims (such as reparations mechanisms); (iii) makes recommendations to coordinate domestic and international efforts and resources to reinforce governments’ ability to address conflict-related sexual violence; and (iv) works with other UN mechanisms including the UN Mission, Country Team, and the Special Representative of the Secretary-General for Sexual Violence in Conflict (SRSG-SVC) towards the full implementation of resolutions 1820 (2008), 1888 (2009), 1960 (2010), 2106 (2013) and 2331 (2016).

In line with its mandate, the Team of Experts provides assistance to governments, including in the areas of criminal investigation and prosecution; military justice; legislative reform; protection of victims and witnesses; reparations for survivors; and security sector oversight. In support of the Office of the SRSG-SVC, the TOE serves a catalytic role in implementing joint communiqués and frameworks of cooperation agreed between the SRSG-SVC and national authorities, regional actors and other UN entities, complementing the work of UN country presences.

The Team Leader reports to the SRSG-SVC, while team members have dual reporting lines to the Team Leader and their respective co-lead entities. Since January 2015, the Team has been operating under a five-year joint programme developed in coordination with DPKO, OHCHR and UNDP.

Areas of Intervention



OUR VISION

The TOE's vision is that with sound legislation, comprehensive prevention and response mechanisms and enhanced capacity, civilian and military justice systems are able to address conflict-related sexual violence promptly and effectively, thereby combatting impunity and ultimately contributing to long-term peace, security and development.

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HOW WE WORK

The Team of Experts works closely with other UN entities to enhance security, promote human rights and contribute to sustainable peace by providing strategic, technical and programmatic support to national authorities to address conflict-related sexual violence. The TOE uses a human rights-based approach to identify gaps and challenges faced by national institutions in holding individuals accountable for conflict-related sexual violence. Based on the principle of national ownership, leadership and responsibility, the TOE focuses on strengthening national capacity and ensuring that its interventions build on, and complement the initiatives of governments and other partners. The TOE also fosters experience sharing between countries that have addressed conflict-related sexual violence to provide learning opportunities for national authorities working in similar contexts.

The TOE works in response to requests for assistance received from national authorities, such as Colombia and Côte d'Ivoire, as well as from UN field presences or headquarters officials, civil society organizations or victims' groups. Based on these requests, the Team of Experts consults with UN entities in the respective country, determines whether the context is appropriate for its engagement, and seeks consent from the government to provide assistance.

The SRSB-SVC's high-level advocacy work with governments serves as an additional entry point for TOE interventions. Since 2011, the Office of the SRSB-SVC has secured joint communiqués and frameworks of cooperation, signed by the host government and the UN, as a platform for engagement to assist governments in addressing sexual violence. To date, joint communiqués have been signed with the Governments of Angola, the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), the Republic of Guinea, the Republic of Iraq, the Federal Republic of Somalia and the Republic of South Sudan. In addition, a unilateral communiqué was issued by the Sudan People's Liberation Movement/Army-In Opposition (SPLA-IO). Governments have requested TOE technical assistance through each of these communiqués.

As a first step, the Team of Experts usually conducts a technical assessment to help the government in reviewing existing laws, policies, programme and initiatives on conflict-related sexual violence, and evaluating the existing capacity of national actors and institutions. During assessments, the Team also identifies the modalities for assisting national authorities to address conflict-related sexual violence. The assessments are used to develop recommendations for a range of actors, including the TOE itself, government entities and other national and international partners in the country.

Once the recommendations and modalities for support are agreed, the TOE may assist in the mobilization of human, technical and financial resources, or in the development of budgeted project proposals to help national authorities address the gaps that the Team helped to identify. To promote sustainability, the Team seeks a government entity or a co-lead entity to implement initiatives emanating from the Team's assessments, while the TOE provides the necessary strategic, technical and programmatic assistance through the deployment of expertise or the provision of advice.



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Monitoring the Impact of our Work

The Team continues to ensure that progress on impact, outcome and outputs is measured and assessed. In this regard, the TOE has established benchmarks, identified indicators and established annual targets. The results and impact are presented in this annual report.

The Team conducts regular monitoring of the implementation of its engagement and progress in delivering its work. It meets regularly to discuss and review the outputs, and identify and analyse factors that could affect progress toward defined targets. This is supported through regular follow-up on developments in particular countries, including political developments, institutional changes and legislative reforms. Given the changing context in most conflict and post-conflict countries, factors that could positively or negatively impact TOE's engagement on the ground are reviewed and revised on an ongoing basis, and taken into account in the delivery of the Team's work. The TOE also reflects on prior engagement to discern lessons learned that can be incorporated into and guide future engagements, and identifies good practices of other actors. In addition, the TOE participates in regular meetings with the co-lead entities - DPKO, OHCHR and UNDP - and relevant UN Action network members, to brief and highlight progress on key outputs and ensure cohesion and cooperation among key UN entities operating in conflict or post-conflict countries and whose interventions contribute to addressing conflict-related sexual violence. In 2018, an external mid-term review of the TOE's work will be carried out.

The Advisory Group

The Team is supported by an Advisory Group, which consists of a senior representative from each of the co-lead entities contributing a member to the Team. Its role is to, inter alia: provide strategic advice on engagement of the Team; propose possible areas of engagement to the Team; consider the Team's reports and recommendations from assessments and deployments and support the Team in its efforts to mobilize resources.

COUNTRY ENGAGEMENTS

CENTRAL AFRICAN REPUBLIC

During 2017, conflict-related sexual violence increased in severity and scale in CAR as insecurity spread to previously stable regions in the east of the country. The number of internally displaced persons in CAR remains high, with armed elements posing a threat to civilians in camps due to the lack of Government personnel to manage them. There have been numerous reports of sexual violence employed as a tool of intimidation, retaliation and punishment, to terrorize entire families and communities. Patterns of conflict-related sexual violence in CAR have also continued along ethnic and sectarian lines. The main perpetrators of conflict-related sexual violence in CAR continue to be non-State actors who threaten the country and the region's peace and security.

Justice and security sector reform remain critical to prevent sexual violence from becoming further entrenched and normalized, to deter prospective perpetrators, and to restore faith in public institutions. During 2017, the Government of CAR accelerated efforts to activate the Special Criminal Court, a national court with jurisdiction over violations of international human rights and humanitarian law committed in CAR since 2003, and President Touadéra inaugurated the joint rapid response unit within the gendarmerie and the police - the *Unité Mixte d'Intervention Rapide et de Répression des violences sexuelles faites aux femmes et aux enfants*, (UMIRR) - on 14 June 2017.

Assistance and Impact

In 2017, the TOE deployed to CAR and continued to work with the Government on the establishment of the UMIRR and the operationalization of the Special Criminal Court. Since its establishment, the UMIRR has received more than 200 complaints of sexual and gender-based violence that are currently being processed by the police for potential transfer to the judicial system. The TOE continued to support the capacity building of UMIRR personnel through the organisation of training sessions and facilitation of ongoing peer-to-peer mentoring by

specialized trainers from the *Police spéciale de protection de l'enfant et de la femme* of the *Police Nationale Congolaise*. Other stakeholders including MINUSCA, UNFPA, UNICEF and the International Committee of the Red Cross also contributed to the training.

The TOE, in collaboration with Physicians for Human Rights and the University of California (Berkeley) Human Rights Center, also facilitated a meeting between the UMIRR and the Special Criminal Court magistrates to identify and discuss modalities of collaboration between the two entities. Building on this initial session, the TOE participated in the first training of the Special Criminal Court magistrates, organised by the Wayamo Foundation and the International Nuremberg Principles Academy in Dakar, focusing on the challenges of investigating conflict-related sexual violence. The TOE provided technical inputs to the Rules of Procedure and Evidence of the Special Criminal Court as well as to the draft Victims and Witnesses Protection Strategy. Finally, in 2017, the TOE identified and analysed the major incidents of conflict-related sexual violence potentially falling under the jurisdiction of the Special Criminal Court and shared these findings with relevant institutions to inform the potential Special Criminal Court's prosecutorial strategy.

Challenges and Way Forward

The inability of security and justice institutions to respond to threats and incidents, as well as the lack of access to large parts of the country remain among the major obstacles for the collective efforts to stop the violence and restore the rule of law in CAR.

Going forward, the Team will focus on: (i) assisting the UMIRR in conducting investigations of conflict-related sexual violence through training and mentoring and the deployment of police officers, logistical and material support, and public perception surveys; (ii) ensuring the prioritization and effective investigation and prosecution of conflict-related sexual violence; (iii) supporting

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outreach and victim and witness protection efforts, specifically targeting communities affected by conflict-related sexual violence to facilitate the participation of the survivors in the proceedings; and (iv) encouraging and facilitating cooperation between the UMIRR and the Special Criminal Court on the investigation of conflict-related sexual violence, and ensure complementarity between the two bodies.

After four years of negotiations between the Government and the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC-EP), a peace accord was signed between both parties in November 2016, culminating five decades of conflict between these parties in which, as stated by Colombian Constitutional Court in 2008, sexual violence was widespread and systematic. Through the work of the Gender Sub-commission, a unique mechanism in the history of conflict-resolution, gender justice was placed at the heart of the agreement. The agreement includes 100 provisions on gender and women's rights, a number of which specifically address conflict-related sexual violence. Additionally, the agreement refers to the OSRSG-SVC, UN-Women, the Government of Sweden, and the Women's International Democratic Federation as parties supporting the implementation of the gender provisions. However, many of these measures remain to be implemented, and concerns have been raised about the gender-responsiveness of several new laws intended to complement the peace agreement.

In July 2017, the Security Council authorized the creation of a UN verification mission to oversee the next phase of the implementation of the peace accord, including by monitoring the political, economic and social reintegration of the FARC-EP (S/RES/2366). In October 2017, the Government and the *Ejército de Liberación Nacional* (ELN) agreed to a ceasefire as well as to a monitoring, oversight and verification mechanism, which includes an annex on gender mainstreaming and a roadmap for responding to sexual and gender-based violence.

Colombia has a robust normative and regulatory framework in relation to conflict-related sexual violence; although implementation remains challenging. This includes ground-breaking Law 1719 on Access to Justice for Victims of Sexual Violence in Colombia, adopted by Presidential Decree on 18 June 2014, and to which the TOE provided inputs. In terms of accountability, in 2017, three significant sentences were handed down for acts of conflict-related sexual violence committed by members of the *Autodefensas Gaitanistas de Colombia*

(AGC). Women representation in key transitional justice mechanisms agreed between the Colombian Government and the FARC include 53 percent of female judges in the special jurisdiction for peace, which includes a special team dedicated to the investigation of conflict-related sexual violence crimes.

In terms of reparations, in 2017 the National Victims' Unit registered 24,576 victims of conflict-related sexual violence, of which one-third have received compensation. While this is highly commendable, administering collective reparations remains difficult, owing to the large number of victims concerned.

Despite many positive steps to consolidate peace in 2017, sporadic violence, including sexual violence, continued to displace thousands of civilians, mostly women and children, with Afro Colombian and indigenous communities disproportionately affected. Women community leaders, especially those who denounce gender-based violence, continue to face threats, attacks and sexual assaults by members of armed groups. Local criminal networks, primarily involved in drug trafficking and illicit mining activities, have also trafficked indigenous women and girls internally and across borders for the purpose of forced prostitution. The Ombudsman's report of September 2017 indicates a risk of sexual violence in and around FARC-EP demobilization sites, further noting that women ex-combatants suffer high rates of domestic/intimate partner violence.

Assistance and Impact

In 2016, the TOE supported efforts of the SRSR-SVC to ensure that conflict-related sexual violence considerations continued to remain central in the peace process between the Government and FARC-EP. In particular, the TOE used the SRSR-SVC's good offices and high-level advocacy to seek accountability for sexual violence crimes in the peace negotiations and in the November 2016 agreement.

The TOE also engaged with the Government of Colombia to facilitate the sharing of Colombia's strong legal and



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policy frameworks, as well as the successful initiatives established in the country on addressing conflict-related sexual violence with other countries facing similar challenges. In this regard, the TOE has initiated a process to draw from Colombia's experience and specialised expertise to promote cross-regional experience sharing, including in the areas of forensic evidence and reparations.

Challenges and Way Forward

Institutional capacity constraints at local level and the underreporting of cases continue to be both a cause and a consequence of impunity for conflict-related sexual violence, despite the progressive legal framework of Colombia. Areas under the influence of non-state armed groups or groups that have emerged from the process of demobilization continue to present risks for women and girls.

Continued attention to conflict-related sexual violence during the implementation of the peace agreement with

FARC-EP will be key in ensuring that victims of sexual violence obtain justice. The reintegration of former combatants into communities will be critical, including efforts to ensure that they do not fall victim to sexual and gender-based violence. Another key element will be to strengthen protection measures for women human rights defenders, including those who championed gender justice during the peace process, and who are facing threats from armed actors.

Based on the 2016 peace agreement specifying the role of the SRSR-SVC, the TOE will offer its support in the implementation of gender provisions of the peace agreement, in particular those regarding accountability for conflict-related sexual violence. The TOE will also continue to work with the Government of Colombia in promoting experience sharing of good practices to strengthen the capacity of other countries in addressing conflict-related sexual violence. The Team will assist Côte d'Ivoire to learn from Colombia's experience in providing reparations to victims of sexual violence.

In light of the positive results achieved in terms of stability, consolidation of peace, and the successful presidential and legislative elections, the Security Council decided to close the UN Operation in Côte d'Ivoire (UNOCI) in June 2017. As a result of the considerable efforts in preventing and responding to conflict-related sexual violence, the *Forces Armées de Côte d'Ivoire* (FACI) were removed from the list annexed to the report of the Secretary-General on conflict-related sexual violence covering the period from January through December 2016 (S/2017/249). Such efforts included: the development of an Action Plan with the support of the TOE; the signing of undertakings by senior commanders to reinforce their individual and command responsibilities; the review of FACI's code of conduct with a specific prohibition of sexual violence crimes; the delivery of training to the military and the police on conflict-related sexual violence; and the establishment of a joint mechanism with UNOCI to follow up on reported allegations/cases of human rights violations including sexual violence crimes. In addition, President Alassane Ouattara signed a decree on the creation of a National Committee to combat conflict-related sexual violence with a mandate to coordinate the Government's practical and operational response to conflict-related sexual violence.

Despite this progress, accountability remains a major challenge. To date, none of the 196 cases of sexual violence committed during the post-electoral crisis of 2010-2011 as documented by the Commission Nationale d'Enquête, have been adjudicated. Furthermore, none of the 43 cases of sexual violence related to the post-electoral crisis under investigation by the *Cellule Spéciale d'Enquête et d'Instruction* have progressed to trial. While a number of victims have received some compensation from the Government as part of its transitional justice framework, no specific reparations have been awarded in cases of sexual violence, as the relevant legal proceedings remain at an early stage.

Assistance and Impact

Since the closure of UNOCI in June 2017, the TOE has continued to support national efforts to prevent and respond to conflict-related sexual violence through the deployment of two national officers, embedded in UNDP, with sound expertise in military justice and legislative review. In November 2017, the TOE conducted a technical assistance mission to Côte d'Ivoire to discuss with relevant Ivorian entities and UN counterparts opportunities for further support to consolidate progress made, particularly with defence and security forces, and address challenges remaining, to ensure accountability for conflict-related sexual violence.

The support by the TOE has enhanced the capacity of the FACI to implement its Action Plan against sexual violence. As a result, the FACI launched an awareness raising campaign on conflict-related sexual violence targeting 5,000 members of the defence and security sector throughout the country, and delivered a training programme to over 100 peer educators from the military and police on effective techniques to raise awareness of conflict-related sexual violence, which led to the deployment of 150 "zero-tolerance focal points" to high-risk regions. These trainings offer an opportunity to sensitize the FACI on tools developed with the support of the TOE over the past years, including undertakings committing to the principle of command responsibility, revised codes of conduct and command orders explicitly prohibiting sexual violence.

The work of the Team of Experts has also been critical in supporting the National Committee to combat conflict-related sexual violence, which is responsible for coordinating national activities around prevention and response to sexual violence. In June 2017, the Committee adopted an *acte d'engagement* committing to prevent, denounce and sanction all acts of conflict-related sexual violence to maintain the de-listing of the FACI from the annex to the report of the



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Secretary-General on conflict-related sexual violence covering the period from January through December 2016. This undertaking was signed by the FACI Chief of Staff, the Superior Commander of the *Gendarmerie Nationale*, General Directors of key ministries, the Prosecutor of the Military Tribunal, and the Prosecutor of the First Instance Tribunal of Abidjan, signalling their determination to prevent any recurrence of the widespread sexual violence that characterized previous waves of civil war and political unrest.

Efforts by the Team also contributed to the issuance by the Ministry of Justice of two circulars calling on judicial authorities to refrain from reclassifying rape as a lesser crime, and reminding law enforcement officials that medical certificates are not mandatory for survivors or their representatives to lodge a complaint. In addition, the Team of Experts has also provided support to the Ministry of Justice and Human Rights, and the Ministry of Women, Child Protection and Solidarity, to engage in a dialogue regarding challenges faced by victims of sexual violence in the areas of reparations and victims and witnesses protection.

Challenges and Way Forward

Following the closure of UNOCI, the work of the Team of Experts in Côte d'Ivoire is even more critical in addressing conflict-related sexual violence. To ensure sustainability of the progress achieved and support national authorities in addressing remaining challenges, the TOE will continue to deploy the two national experts embedded in UNDP in 2018. Such assistance will focus mainly on: (i) implementing the Action Plan by the military, focusing on protection of witnesses and victims, investigation techniques and collection of evidence; (ii) strengthening police capacity through the creation and training of specialised gender units; and (iii) reforming legislation in the areas of reparations and victims and witnesses protection. To support the prosecution of the sexual violence cases related to the post-electoral crisis, the Team will also provide assistance to the bar association, civil society and victims associations, and the *Cellule Spéciale d'Enquête et d'Instruction* within the Ministry of Justice.



The number of incidents of conflict-related sexual violence reported by the UN Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) showed a steep rise in 2017. The progress achieved in the DRC to address decades of conflict marked by widespread and systematic sexual violence used as a tactic of war has been put into jeopardy by an increasingly unstable political environment, unprecedented levels of displacement, continued armed clashes, and weak State structures.

The vast majority of incidents of conflict-related sexual violence in the DRC continue to be committed by non-State actors. For example, clashes between Twa and Bantu militia in Tanganyika province produced significant numbers of incidents of conflict-related sexual violence along ethnic lines. For the first time since the establishment of monitoring, analysis and reporting arrangements by MONUSCO, conflict-related sexual violence has been reported in the three Kasai provinces with extreme acts of sexual violence by both anti-government Kamuina Nsapu and pro-government Banu Mura militias who targeted civilians of their respective adversaries. The perpetration of conflict-related sexual violence also remains high amongst armed groups in Ituri and North and South Kivu provinces.

Sexual violence among State actors including the *Forces Armées de la République Démocratique du Congo* (FARDC) and *Police Nationale Congolaise* (PNC) also rose during 2017 despite consistent efforts by the Government to address conflict-related sexual violence. The DRC is at a key inflection point where progress gained in the fight against sexual violence is threatened by growing instability.

Assistance and Impact

Addressing accountability for the gravest cases of sexual violence has remained high on the agenda of TOE's support to the DRC.

In 2016, the TOE engaged with military justice authorities with jurisdiction over serious international crimes on a case prioritization strategy for the Kivus and former province Orientale, which included prioritizing cases of conflict-related sexual violence. The TOE then provided significant technical assistance for cases arising out of this case prioritization exercise during the reporting period. This included the development of standard operating procedures for interviewing and hearing victims and witnesses of conflict-related sexual violence; the issuance of guidelines on the collection of telephonic and electronic evidence for use in serious international crimes cases; the provision of financial resources for joint investigative missions by Congolese authorities and the United Nations to develop evidence for the prioritized cases; and the development and implementation of victim and witness protection plans.

In 2017, these activities most notably yielded the following results:

- The conviction by military justice authorities of FARDC Colonel Julius Dhenyo Becker for sexual violence that was committed in Musenyi, Kalehe territory in South Kivu in 2015. Colonel Becker received a ten-year sentence for command responsibility for war crimes and reparations were ordered to victims.
- In close collaboration with the iNGOs Physicians for Human Rights and TRIAL (as well as other civil society organizations), the successful investigation, prosecution and conviction by military justice authorities of provincial parliamentarian Mr. Frederic Batumike Rukembanyi and members of his "Jeshi ya Yesu" ("Army of Jesus") militia for crimes against humanity for the rapes of 39 children in Kavumu township in South Kivu province between 2013 and 2016.

- The surrender of Mr. Ntabo Ntaberi Sheka, leader of the Nduma Defence of Congo militia, allegedly responsible for the rapes of 387 victims in Walikale, North Kivu province in 2010, an attack that led to Presidential Statement No. 2010/17, the first by the UN Security Council calling for the prosecution of a specific incident of conflict-related sexual violence.

In each of the cases that went to trial and conviction, the TOE's project ensured that nearly 100% of victims and defendants were afforded representation in accordance with Congolese law and fair trial standards.

During the reporting period, the TOE also provided technical assistance to magistrates in the civilian justice system, including the deployment of eighteen women magistrates to provinces in the eastern DRC. From 1 January to 31 October 2017, 1,726 cases of sexual and gender-based violence were registered before these magistrates, which resulted in 643 judgements (final judicial decisions), and 460 sentencing decisions.

The TOE also continued to support the Congolese Special Police for Women and Children (PSPEF). This included supplying and equipping three specialized police units in Bukavu, Kavumu, and Kitshanga, which were inaugurated and became operation in 2017. These buildings include adequate rooms for interviewing especially vulnerable victims.

The TOE also provided technical and financial support to the DRC's Personal Representative of the President on Sexual Violence and Child Recruitment (PRP) to oversee national efforts to address conflict-related sexual violence. This included providing resources for the PRP to engage with key Ministries such as Defence and Justice, as well as to support the PRP's national "Brisez le silence" campaign that aimed to raise awareness on preventing sexual

violence and methods of receiving assistance from the Government if sexual violence is committed.

The TOE continued to support the DRC towards the elaboration of a reparations programme, including by providing comments on draft reparations proposals discussed in the Congolese Senate and tabled for further action in 2018. The TOE also continued to advocate with political actors in the DRC to pay outstanding reparations judgments of conflict-related sexual violence already rendered by Congolese courts. In this regard, the TOE has supported civil society organizations in seeking to enforce victims' judgments pursuant to Congolese legal procedures.

The TOE also sought with the Congolese Senate to have a victims, witness, informant and justice official protection bill tabled in the Senate but these efforts stalled due to delays in the Parliament.

Challenges and Way Forward

Conflict-related sexual violence remains persistent in the DRC owing to continued instability in eastern Congo, high rates of population displacement, and an increasingly fragile political situation surrounding upcoming elections. While strengthening the national capacity to respond to conflict-related sexual violence remains a priority, the TOE's funding for its justice and security sector reform projects in DRC concluded at the end of 2017.

The main framework for the TOE's engagements and assistance in the DRC is defined by the roadmap resulting from the October 2016 review meeting of the Joint Communiqué. Going forward, the Team will seek funding to focus on: (i) supporting the implementation and monitoring of the prosecutorial strategy for serious crimes adopted by the Auditorat Général to promote accountability, including the trial of the Walikale case; (ii) assisting the Congolese



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judiciary on the protection of victims and witnesses to ensure the participation of the community in investigations and trials; (iii) assisting the Ministry of Justice to finalise the ongoing review and strengthening of the existing legislation on sexual violence to integrate the issue of reparations; (iv) supporting civil society organizations and victims groups to enforce judgements

of reparations rendered by Congolese courts; (v) supporting the deployment of a specialized UN Police team to the PNC in North Kivu to enhance its capacity to investigate and protect victims and witnesses; and (vi) supporting the implementation of the PNC Action Plan.

After the serious human rights violations which took place in Guinea on 28 September 2009 at the stadium in Conakry, including killings, sexual violence, torture and enforced disappearances, Secretary-General Ban Ki-moon appointed an International Commission of Inquiry to undertake investigations into the crimes and identify those responsible. In December 2009, the International Commission of Inquiry found that at least 157 people were killed, at least 109 women and girls were raped and subjected to other forms of sexual violence, and over 1,000 people were injured as a result of the events in the stadium and the surrounding areas. The International Commission of Inquiry's recommendations to the Guinean authorities included: (i) prosecuting those responsible and providing compensation to victims; (ii) providing the families concerned with information on cases of disappearance; and (iii) fulfilling their obligations in the area of victims and witnesses protection.



In follow up to the International Commission of Inquiry's recommendations, the Guinean authorities established a national Panel of Judges to investigate and prosecute alleged crimes related to these events. In November 2011, the Government signed a Joint Communiqué with the UN on addressing sexual violence, specifically committing to: (i) combat impunity for sexual violence; (ii) implement the recommendations of the International Commission of Inquiry; (iii) reinforce security sector reform with a view to preventing sexual violence; (iv) engage in a dialogue with the victims of the 28 September 2009 events, including victims of sexual violence; and (v) ensure reparations and promotion of national reconciliation. The Government also welcomed the provision of technical assistance by the Team of Experts to the Panel of Judges.

Assistance and Impact

Since 2012, the TOE has been providing technical assistance to the Panel of Judges investigating the crimes committed during the events of 28 September 2009. Through such assistance, the Panel of Judges was able to use appropriate and ethical questioning and investigation techniques, resulting in over 450 hearings, including the testimony of at least 200 victims and witnesses of sexual violence. This support has led to the indictment of 17 high-ranking military officials by the Panel of Judges, including former President Moussa Dadis Camara, and the arrest of key suspects through increased judicial cooperation with neighbouring countries. Importantly in December 2016, Lieutenant Aboubacar Sidiki Diakité, "aide-de-camp" of President Camara, was arrested in Senegal and extradited to Guinea in March 2017. This is seen as a powerful signal of the commitment of the Guinean authorities to fight impunity for the crimes committed on 28 September 2009. In December 2017, the Minister of Justice announced the conclusion of the investigation phase by the Panel of Judges, and the creation of a Coordination Committee to oversee the planning and preparation of the trials.

The Team's assistance has also led to the establishment of enhanced protection measures for the Panel of Judges, including through advice on possible threats, advocacy for a permanent deployment to the judges' offices of a unit of police officers attached to the Presidential Guard, and the provision of logistics to secure evidence collected, testimonies and relevant files. This resulted in the mitigation of possible threats against victims, witnesses, their representatives, as well as panel members. The TOE's support also helped to improve dialogue on the progress of the investigation between the Ministry of Justice, civil society organizations and victims groups.



PHOTO | TOE

Additionally, the TOE has facilitated a dialogue between the Guinean authorities and representatives from countries that have undergone similar challenges in addressing conflict-related sexual violence. This includes an experience sharing exercise in January 2017 between a team of Congolese doctors from Panzi Hospital, led by Dr. Denis Mukwege, and Guinean officials, which resulted in the provision of medical and clinical care as well as psychological assistance and treatment to over 30 sexual violence survivors of the 28 September 2009 events. The TOE also facilitated meetings between Dr. Mukwege's team with high-level Guinean officials, including the Minister of Health and the Minister of Justice, to discuss the need for sustained support to address the grave health challenges that continue to afflict survivors several years after the events, as well as the importance of using this exercise to complement ongoing efforts by the judiciary to build cases for prosecution. The Team has also followed on an earlier experience sharing between the Minister of Justice and the Colombian National Institute of Legal Medicine and Forensic Science, on how Guinea could draw from Colombia's forensics expertise to access mass graves in relation to the 2009 events.

Challenges and Way Forward

In 2018, at the request of the Guinean authorities, the Team will be part of the Coordination Committee established to oversee the planning and preparation of the trials for the 28 September 2009 crimes. The Team's support to the Coordination Committee will concentrate on: (i) strengthening the protection of victims and witnesses; (ii) enhancing sensitization and outreach to Government officials, survivors, victims associations and the general public; and (iii) facilitating reparations for victims of sexual violence. To support this process, the Team will continue to deploy the senior judicial advisor who has been supporting the Panel of Judges and the Minister of Justice since 2012, and deploy an additional expert with experience in transitional justice processes to support the TOE senior judicial advisor and the Minister of Justice. The TOE has committed to support the ongoing process until the end of the trials given its potential in showcasing the success by an entirely nationally led judicial process, with technical support from the international community, in combatting impunity for international crimes.



UN PHOTO | BIKEM EKBERZADE

In 2017, the Government of Iraq liberated Mosul, Tall'Afar, Hawija and other areas from the control of the so-called Islamic State in Iraq and the Levant (ISIL) and declared on 9 December 2017 that its war with ISIL was over. The end of major combat operations marked a milestone for the country and the region. The UN has verified that ISIL

used rape and sexual slavery in Iraq on a widespread and systematic basis, and that these acts may amount to war crimes, crimes against humanity and genocide. ISIL targeted all components of Iraqi society including Yazidis, Christians, Turkmen Shi'a and other Shia groups, and Sunnis.

The Government of Iraq and the UN signed a Joint Communique on the Prevention and Response to Sexual Violence in 2016 with six main pillars, including two that directly relate to the Team of Experts' mandate: legislative reform and accountability. In the post-ISIL phase, justice and reparations for crimes of conflict-related sexual violence, which particularly affected women and girls from ethnic and religious minorities pursuant to ISIL's policy to suppress, expel, or destroy these groups, will be critical to both intracommunity and intercommunity reconciliation. Currently, trials in Iraq are being conducted under antiterrorism legislation, which does not include sexual violence as a crime. Moreover, serious international crimes such as war crimes, crimes against humanity and genocide are not criminalized under Iraqi law. Current investigations and prosecutions of ISIL members are exclusively based on their affiliation with a terrorist organization and do not include other crimes, hence failing to address the full scope and brutality of the group's use of conflict-related sexual violence.

Assistance and Impact

In 2017, the Government of Iraq and the Kurdistan Region of Iraq appointed two high-level focal points at federal and regional level to implement the commitments made in the UN/Iraq Joint Communique. This included the development of national and regional implementation plans during 2017 that will be validated in 2018.

During the reporting period, the TOE deployed twice to Iraq to conduct a technical assessment of the response of the Government of Iraq and the Kurdistan Region of Iraq to ISIL's crimes of sexual violence. The purpose of the assessment was to analyse the existing legal, judicial, and operational capacity at federal and regional levels and to issue recommendations on areas requiring support. While conducting its assessment, the TOE met with over 100 government officials from the Government of Iraq and the Kurdistan Region of Iraq including at prime ministerial, ministerial and technical levels. These meetings included representatives from the executive, legislative and judicial branches as well as religious endowments. The assessment also included input from civil society groups, staff of UNAMI and the UN Iraq country team, and members of

the diplomatic community. The assessment report and its recommendations were officially issued to the Iraqi Government in November 2017.

These recommendations will form the basis of the TOE's project implementation in 2018. The TOE's project will therefore assist the Iraqi federal and Kurdistan regional governments fulfil the rule of law programming envisioned in their national and regional implementation plans pursuant to the UN/Iraq Joint Communique.

Challenges and Way Forward

In 2017, there were significant developments impacting potential accountability for conflict-related sexual violence in Iraq. These include: the liberation of Mosul and other areas under ISIL control and the end of major combat operations in Iraq; the adoption in September 2017 by the Security Council of resolution 2379 to appoint a Special Adviser on accountability for ISIL and to create a joint UN-Iraq investigative team for the collection of evidence; and the dispute that emerged between the Iraqi federal and Kurdistan regional government in late 2017. In addition, Iraq will have federal elections in 2018 that may alter the political landscape. However, all government actors with whom the TOE has interacted in Iraq and the Kurdistan region are receptive to support in addressing conflict-related sexual violence crimes.

In 2018, the Team will redeploy to Iraq and the Kurdistan Region of Iraq as a matter of priority. Going forward, the Team of Experts will focus on: (i) collaborating with national authorities on the identification and prioritization of ISIL-related sexual violence cases for investigation and prosecution and improve survivors' access to justice; (ii) providing technical assistance for national law reform efforts including the incorporation of war crimes, crimes against humanity and genocide in the Iraqi legal framework, and the review of the criminal code and other relevant legislation on sexual violence to ensure compliance with international standards; (iii) supporting linkages between actors currently working on documentation and ensuring synergies between relevant entities collecting information on perpetrators and victims while ensuring full respect for the rights and interests of both victims and accused persons.

In Mali, the criminal legacy of the Islamist occupation of 2012-2013, during which rape and forced marriage were rampant, continues to be met with silence and impunity. In late 2014 and 2015, the *Tribunal de Grande Instance of Commune III* of Bamako, received two complaints filed by national NGOs on behalf of 110 victims of conflict-related sexual violence crimes. However, an indictment for conflict-related sexual violence crimes is yet to be issued. In the northern regions there is no functioning justice system or means of protecting victims and witnesses. In addition to the crimes committed in 2012-2013, Mali has become a major transit point for migratory flows within the region and beyond.

Assistance and Impact

In the context of the assistance provided by MINUSMA to the judicial sector, and given the absence of action on the 2012-2013 cases filed before Malian Courts, the TOE has advised MINUSMA on the development of a project to strengthen the capacity of the Malian judicial investigative team currently responsible for the file. The project should include the development of an effective prosecution strategy and the strengthening of the capacity of national judicial institutions. Accordingly, and in close collaboration with MINUSMA, the TOE is expected to assist with the implementation of the project in 2018.

Challenges and Way Forward

The ongoing crisis in Mali resulted in the weakening of rule of law institutions in the Northern region. The slow return of members of the judiciary and police to the north has affected the level of confidence in public institutions. In light of the general insecurity, the protection of victims and witnesses remains a major challenge, de facto preventing their participation in any judicial proceedings. Additionally, while in 2017 MINUSMA provided some preliminary training on the investigation and prosecution of conflict-related sexual violence, judicial authorities and lawyers still lack adequate training and resources. In response to these specific challenges, the TOE will seek to work with the Malian judicial authorities, through MINUSMA, and will work closely with NGOs representing victims.



PHOTO | HAJRA SANA

The mass exodus of almost 700,000 Rohingya civilians (over 60 percent of whom are women and girls) from Northern Rakhine State, Myanmar, to Cox’s Bazaar, Bangladesh, following decades of persecution has resulted in a massive human rights and humanitarian crisis. As documented by international medical staff and service-providers operating in Bangladesh, many bear the physical and psychological scars of brutal sexual assault. These accounts were reinforced during the SRSg-SVC’s visit to camps and settlements in Cox’s Bazaar in November 2017, where she heard numerous accounts of patterns of rape, gang-rape, forced nudity, invasive body searches, and abduction for the purpose of sexual slavery perpetrated by members of the Myanmar Armed Forces (the Tatmadaw), at times acting in concert with local militias, in the course of military “clearance” operations in October 2016 and August 2017. The widespread threat and use of sexual violence was integral to this strategy, serving to humiliate, terrorize and collectively punish the Rohingya community, as a calculated tool to force them to flee their ancestral homelands and prevent their return.

Other ethnic minority groups were also affected by conflict-related sexual violence in 2017, linked with intensified clashes and increased militarization in regions such as Kachin, Northern Shan, and parts of the southeast. More than 98,000 civilians live in displacement camps in Kachin and Northern Shan States. Civilians report high-levels of sexual harassment at checkpoints by members of both the military and ethnic armed groups. Human trafficking and sexual slavery remain serious risks facing women and girls in these locations.

Assistance and Impact

In mid-December 2017, the Team of Experts accompanied the SRSg-SVC on her visit to Naypyidaw and Yangon, Myanmar, where she met with senior Government and military officials with a view to generating commitments to prevent and address conflict-related sexual violence in line with Security Council resolution 2106 (2013), and further to the Presidential Statement of 6 November 2017 (SC/13055), which underscored the importance of cooperation between the Government and her Office.

Challenges and Way Forward

The lack of physical access to Northern Rakhine State and a lack of political will by the Government of Myanmar to address conflict-related sexual violence remain serious challenges. The Team will continue to actively follow the situation in Myanmar, advocate for accountability for sexual violence, and engage when and where possible.



desperation, reports of transactional sex have increased, with many women and girls being forced to exchange sex for food or freedom of movement. Despite the ongoing trials of Boko Haram members, however, no charges of conflict-related sexual violence have been brought before Nigerian Courts.

Assistance and Impact

In late 2017, the TOE deployed for the first time in Nigeria and participated in a workshop hosted by the Wayamo Foundation, in collaboration with the Nigerian Director of Public Prosecutions and the Nigerian Chief of Army Staff. The workshop focused on addressing the most serious crimes under Nigerian criminal law, namely crimes potentially falling under the jurisdiction of the International Criminal Court. The training targeted civilian and military judicial officers currently involved in the investigation and prosecution of crimes committed in the Boko Haram conflict. The TOE was responsible for a session on the

challenges and opportunities of investigating and prosecuting conflict-related sexual violence in the Nigeria context. The TOE made a preliminary assessment of the judicial response to conflict-related sexual violence, the existing national capacity to address these crimes as well as the relevant international assistance programs.

Challenges and Way Forward

The Team will continue to follow the situation in Nigeria, and advocate for accountability for conflict-related sexual violence.

As the conflict in Nigeria entered its ninth year, an increase in reported incidents of conflict-related sexual violence in the northeast was observed, with 997 cases reported in 2017, compared with 644 in 2016. These cases included rape, sexual slavery and forced marriage by Boko Haram insurgents. Women and girls who were abducted, raped and forcibly married in captivity face acute social stigmatization upon their return, as they

are often suspected of being affiliates of Boko Haram. Those who return pregnant or with children born of rape are frequently rejected or forced to choose between their babies and their families. The use of abducted women and girls as suicide bombers also rose in 2017, employed by Boko Haram not only to inflict casualties, but also to impede the return of displaced populations to their villages. In the prevailing climate of economic

UN PHOTO | LULA GAO



UN PHOTO | TOBIN JONES

Protracted conflict in Somalia continues to expose women and girls to a heightened risk of sexual violence, particularly those who are internally displaced or returnees, located in areas controlled by Al-Shabaab, or members of minority clans. Most perpetrators are described as men in military uniform and cases often involve trafficking, sexual slavery, rape or gang-rape, with forced marriage continuing to be perpetrated by Al-Shabaab militants. The risk of conflict-related sexual violence is exacerbated by entrenched gender inequality, weak clan protection and social cohesion, and limited access to justice. Perpetrators of sexual violence are rarely investigated and survivors generally do not receive the requisite assistance for their

recovery, which is inhibited by shame and stigma arising from religious, social and cultural beliefs.

Of Somalia's three systems of justice, namely statutory law, Sharia Law, and customary practices known as Xeer, most cases of sexual violence continue to be dealt with according to Xeer, which focuses on the clan, rather than the survivor. This often results in double victimization for survivors, who are frequently forced to marry their assailant.

Assistance and Impact

In 2017, the TOE in partnership with UNSOM and UNDP supported the Government in organizing a review of the National Action Plan on Ending Sexual Violence in Somalia, which operationalized the Joint Communiqué signed between the Federal Government of Somalia and the UN in 2013. During the review each relevant ministry presented its efforts toward implementation of the National Action Plan, challenges faced in implementing the various activities, and priority actions going forward. The review also focused on the need to engage with the various Federal Member States which were not initially part of the National Action Plan: Puntland, Galmudug and Hirshabelle. The inclusion of these three states will be a significant step towards harmonizing the various legal, administrative and policy frameworks, and an opportunity for them to learn from the experiences of other states.

In a bid to improve access to justice, the Team of Experts supported the Government in expanding legal aid, establishing mobile courts, and building the capacity of police and prosecutors to handle sexual violence crimes. With the aim of bringing formal justice closer to people living especially in remote and rural areas of Somalia, mobile courts were further extended to newly formed Federal Member States. This was in response to increased security and the extended presence of the Somali Government. At the federal level, the mobile courts managed by the Supreme Court provided justice services in remote districts and internally displaced person camps in Benadir region. While cases to date have mainly comprised theft, misappropriation, family matters, inheritance and land disputes, in the future these mobile courts are expected to also adjudicate sexual violence crimes.

The Team of Experts and the UN more broadly continues to support the Woman and Child Protection Unit of the Somali National Police in the identification and development of mobile training teams to train police personnel on addressing sexual violence and the procurement of investigation tool kits for use in sexual violence cases. The Team of Experts also supported the Unit in taking a coordinated multi-sectorial approach to investigating and preventing sexual and gender-based violence, with a focus on conflict-related sexual violence, and violence against children in all its forms. The Unit provided referrals to survivor-friendly services in such areas as medical care, psychosocial support, access to safe accommodations and legal aid. During the reporting period, however, police officers working in the Unit continued to face a number of challenges including threats of physical harm in connection with ongoing investigations.

Challenges and Way Forward

While the Government has made efforts to respond to sexual violence - including the establishment of the Women and Child Protection Unit; the adoption of the Sexual Offences Act in Puntland; the provision of free legal services to survivors; and the establishment of mobile courts - addressing impunity for sexual violence crimes remains a serious challenge in Somalia. Political turmoil, cabinet reshuffles and limited access due to insecurity continue to be major impediments.

Going forward, the Team of Experts will focus on: (i) reviewing and implementing the National Action Plan on Ending Sexual Violence in Conflict; (ii) consolidating the work of the special police units; (iii) expanding mobile courts; and (iv) monitoring the adoption of the Sexual Offences Bill of Somalia.



UN PHOTO | JC MCILWAINE

In July 2016, hostilities erupted in Juba and subsequently spread to other regions of South Sudan. These hostilities featured attacks on civilians and widespread and systematic sexual violence employed as a tactic of war, and continued unabated throughout 2017. In almost all recorded cases, the perpetrators and victims came from rival ethnic groups, with the physical violence often accompanied by verbal insults levelled against victims on the basis of their identity and presumed allegiance. The proliferation of militias, with ready access to arms, increased the incidence of sexual violence, including as a driver of displacement. By the end of 2017, there were almost two million civilians displaced inside South Sudan, including 209,898 individuals living in “protection of civilians” sites managed by the UN Mission in South Sudan (UNMISS). A further two million civilians had fled across the border into neighbouring countries, with the

risk of sexual violence being exacerbated during flight, due to elements of the security forces, militias, and roving armed youth preying upon women and girls. Social stigma and community pressure continue to perpetuate the silence surrounding these crimes, which can result in wives being shunned by their husbands, and girls being withdrawn from school. The fear spread by sexual violence also causes women to restrict their movements, impeding essential livelihood activities in contexts already beset by food shortages and a deteriorating economy.

In this context, the inability of national institutions to effectively investigate and prosecute sexual violence and provide remedies to survivors has entrenched impunity within South Sudanese society. Efforts to establish an African Union-South Sudanese hybrid court to try international crimes committed during the country’s civil

war have also faced a number of challenges and delays. The absence of functioning state accountability mechanisms has increased reliance on traditional mechanisms, which generally do not regard sexual violence as a crime, and routinely promote the settlement of cases through the marriage of the perpetrator to the victim.

Assistance and Impact

In 2017, the TOE continued to actively support the implementation of the Joint Communiqué between the Government of South Sudan and the UN on addressing conflict-related sexual violence, including by updating the Implementation Plan for the Joint Communiqué. During the reporting period, the Team of Experts undertook a mission to South Sudan to assist a special committee of SPLA senior commanders established by the Sudan People’s Liberation Army (SPLA) to develop an SPLA Action Plan and Matrix of Activities to address sexual violence. The Team of Experts also helped to organize a series of workshops in partnership with UNMISS in Bor, Juba, Malakal, Torit and Wau resulting in the training of 200 SPLA focal points, including 21 female officers. At the conclusion of each workshop, all participants signed undertakings in which they committed, among other things, to preventing and responding to conflict-related sexual violence crimes. Trainings scheduled in Bentiu, Maridi and Renk were delayed because of ongoing conflict and general insecurity. In addition to the field based workshops, the Team of Experts supported UNMISS in organizing a training for 50 SPLA senior officers drawn from various divisions and headquarters departments to enhance their understanding of national and international legal frameworks prohibiting sexual violence. The Team of Experts also engaged the newly appointed Chief of Defence Forces of the SPLA as well as representatives from Military Justice to discuss possible options for ensuring accountability for conflict-related sexual violence based on the conditions and capacities in South Sudan.

Regarding South Sudan National Police Service (SSNPS), the TOE engaged the Inspector General of Police on the need to develop an Action Plan and Matrix of Activities for the SSNPS in line with the Joint Communiqué that would enable the Government to address conflict-related sexual violence crimes in a comprehensive and structured manner. In October 2017, the Inspector General of Police appointed SSNPS focal points to form the joint UN-SSNPS Committee that will draft the SSNPS Action Plan and Matrix of Activities.

In addition to discussions around the Action Plan for the SSNPS, the Team of Experts supported UNMISS in organizing a sensitization workshop on preventing and responding to sexual violence crimes for 84 SSNPS participants, including 33 female officers. The participants were drawn from SSNPS headquarters, police stations in Central Equatoria, including the Special Protection Unit, Fire Brigade, Traffic, Diplomatic Police and Wildlife, as well as social workers attached to the police stations in Juba. The Inspector General of the Police attended both the opening and closing sessions of the workshop and reminded the participants of their role in the maintenance of law and order guided by principles of human rights and the rule of law.

Challenges and Way Forward

Since 2014, successive commitments, ceasefire agreements, command orders, directives and communiqués have been signed, including to prevent and punish sexual violence, yet these measures have had limited success in curbing the behaviour of parties to the conflict.

Going forward, the Team of Experts will focus on: (i) implementing activities contained in the Implementation Plan of the Joint Communiqué; (ii) facilitating outstanding SPLA field based workshops in Bentiu, Maridi, and Renk, once security conditions allow; (iii) developing an Action Plan and Matrix of Activities for the SSNPS; and (iv) assisting with investigations and prosecutions of conflict-related sexual violence.



PHOTO | ALBERT GONZALEZ FARRAN

During 2017, there was an overall improvement in the security situation in Darfur due to the reduction in military confrontations between Government forces and rebel groups, the cessation of hostilities, and the campaign to collect illegal weapons. However, the situation remains precarious due to the presence of militia groups, the continuation of inter-communal violence, and the volatile situation in neighbouring Libya and South Sudan. Under these circumstances, women and children remain particularly vulnerable to conflict-related sexual violence. Such violence has primarily occurred around displacement camps, and security fears have also forestalled the return of displaced persons to their villages of origin.

Sexual violence continues to be chronically underreported due to a culture of denial, social stigma, fear of harassment, physical and psychological trauma, the lack of protection afforded to victims and witnesses, and the perceived inaction of law enforcement and justice institutions. Health centres may refrain from recording sexual violence for fear of reprisals, depending on the profile of the alleged perpetrator. In some instances, police and service-providers alike have been intimidated to drop cases. The Prosecutor of the Special Court for Darfur, which has jurisdiction over conflict-related crimes committed in Darfur since February 2003, reported that he has not

investigated a single case of conflict-related sexual violence.

The perpetrators of conflict-related sexual violence were identified by victims as armed men or militias, and members of the national security apparatus, namely the Sudan Armed Forces (SAF), Rapid Support Forces (RSF), Border Guards, and members of the Sudanese Police Force. As in previous years, an increase in sexual violence coincided with the farming season (from July to October), especially along the migration routes of armed nomadic herders, with male farmers being physically attacked and women subjected to sexual assault.

Assistance and Impact

The Team continued to actively follow the situation in Darfur, and advocate for accountability for sexual violence.

Challenges and Way Forward

Discussions are underway with the Government of Sudan for a visit by the SRSF-SVC and the signing of a framework of cooperation that would provide a basis for future support to national authorities to address conflict-related sexual violence, including in the area of the rule of law area. The Team will continue to follow the situation in Darfur, and advocate for accountability for conflict-related sexual violence.

Outreach & Events

THE TEAM PARTICIPATED IN THE FOLLOWING OUTREACH ACTIVITIES AND EVENTS

Photo Exhibition: “Rape in Conflict: A Tactic of War A Tactic of Terrorism,” 26 January–6 March 2017, United Nations Visitors’ Lobby New York, U.S.A.

The Team of Experts designed a photo exhibition and accompanying text with the OSRSG-SVC, which portrayed how sexual violence can be used as a tactic of war and terror. The photo exhibition was used as part of the Team’s and OSRSG-SVC’s public outreach efforts. The exhibition displayed photos to the general public of trials for sexual violence in the Democratic Republic of the Congo, as well as photos and accompanying survivor testimonies from Nigeria and Iraq. The photos on display complied with norms on the ethical treatment of sexual violence survivors in the media.

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Outreach & Events

THE TEAM PARTICIPATED IN THE FOLLOWING OUTREACH ACTIVITIES AND EVENTS



Launch of OHCHR Mapping Report on Central African Republic, covering serious human rights and international humanitarian law between 1 January 2003 and 31 December 2015, Bangui, CAR 30 May 2017

The TOE participated in the launch of the report and highlighted the contribution of the expert deployed by the TOE to the Mapping Team and the need for the report to inform transitional justice efforts, including the prosecutorial strategy of the Special Criminal Court.



Women, Peace and Security – Annual Meeting, London School of Economics, London, United Kingdom 6 June 2017

The TOE participated in a discussion on how the UN has contributed to the advancement of the normative framework for conflict-related sexual violence.



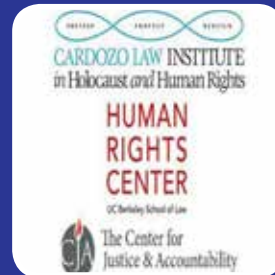
International Symposium: Changing the Narrative – From Withdrawal to Constructive Engagement, Dakar, Senegal 7-8 July 2017

The TOE participated in a panel discussion hosted by the Wayamo Foundation and the African Group for Justice Accountability on Change from Within – Building a Better ICC? With a reflection on how the ICC has contributed to promoting accountability for conflict-related sexual violence.



Reconciling International Laws on Genocide and Counter-Terrorism, New York, U.S.A. 17 July 2017

The TOE participated in a meeting of international legal experts convened by Global Justice Center to consider how to reconcile the legal obligations to prevent, suppress and punish genocide with counter-terrorism measures directed towards, ISIS, specifically on acts of sexual violence.



Justice for the Yazidi Genocide: Working Group Convening, Cardozo Law Institute in Holocaust and Human Rights, Human Rights Center of University of California – Berkeley School of Law, and the Center for Justice and Accountability, New York, U.S.A. 10-11 September 2017

The TOE participated in roundtable discussions with international experts and victims' groups on achieving justice for victims of ISIL's crimes of sexual violence against the Yazidi minority in Iraq and Syria.



Challenges and Opportunities in Investigating and Prosecuting CRSV Crimes by Daesh (Views from the Field) co-hosted by the Friends of Women, Peace and Security, the Permanent Mission of the Government of Canada to the United Nations and the TOE, New York, U.S.A. 14 September 2017

The TOE organized a briefing to the Friends of Women, Peace and Security on investigating and prosecuting conflict-related sexual violence crimes committed by ISIL from the perspective of field personnel from the UN.



Accountability for International Crimes Committed in Syria – Where Do We Stand? Federal Foreign Office of the Government of Germany, Berlin, Germany 6 October 2017

The TOE participated in the panel on Challenges of Preserving Evidence and Preparing the Way for Accountability, focusing on the different roles played by national prosecution, non-state actors and international organisations on the promotion of accountability for conflict-related sexual violence crimes committed in the context of the Syrian conflict.



The Future of International Law for the United Kingdom – Third Annual GLS International Law Conference, London, United Kingdom 18 October 2017

The TOE attended and participated in a panel on International Criminal Law organised by the Foreign and Commonwealth Office, focusing on ISIL's crimes against women.



UN Commission on Human Rights in South Sudan – Workshop on Sexual and Gender-based Violence, Juba, South Sudan 30-31 October 2017

The TOE participated with international experts, representatives from the UN Commission on Human Rights in South Sudan, representatives from the Government of South Sudan, UN partners, and civil society organizations in discussions on international standards and comparative experiences in addressing sexual violence relevant to the context of South Sudan.



World Assembly for Women (WAW! 2017), Tokyo, Japan 1-3 November 2017

The TOE assisted in the preparation of the SRSJ-SVC's mission to Japan for the World Assembly for Women, a crucial forum for the discussion of, inter alia, global response to conflict-related sexual violence. Photo: Cabinet Public Relations Office of the Government of Japan

Outreach & Events

THE TEAM PARTICIPATED IN THE FOLLOWING OUTREACH ACTIVITIES AND EVENTS



Building Justice for Mass Atrocities at the Local Level, United States Holocaust Memorial Museum Simon Skjodt Center for the Prevention of Genocide – Ferencz International Justice Initiative, Washington, D.C., U.S.A. 6–7 November 2017

The TOE participated in panel discussions and facilitated workshops with victims' organizations seeking justice for serious international crimes. Participants included international experts and victims' organizations from Iraq, Myanmar, Nigeria and South Sudan.



Combatting Human Trafficking along Migration Routes, Third Simulation-Based training organised by Organisation for Security and Co-operation in Europe (OSCE), Vicenza, Italy 11-15 November 2017

The Team participated in the training to highlight the need to focus on conflict-related sexual violence as a part of human trafficking.



Accountability for Sexual and Gender-Based Violence Crimes: Central African Republic, Colombia, Democratic Republic of the Congo, and Iraq, hosted by the United Kingdom, Norway, the Case Matrix Network, and the Centre for International Law Research and Policy New York, U.S.A. 12 December 2017

The TOE spoke at a side event to the ICC Assembly of States Parties about developments in investigations and prosecutions on sexual violence crimes in CAR and the DRC.



Informal briefing of the Special Committee on Peacekeeping Operations (C34) on children in armed conflict and conflict related sexual violence, New York, U.S.A. 13 December 2017

As requested in the 2017 Report of the Special Committee on Peacekeeping Operations (A/71/19), paragraph 224, the work of the Team of Experts was presented to the Committee highlighting specific examples of its work in UN Peacekeeping contexts, particularly in CAR and DRC.



Documentary Screening Event "Hawar, a Cry for Help" and panel discussion on the Special Quota Project of Baden-Wurttemberg, Germany for Vulnerable Women and Children in Northern Iraq, co-hosted by the Office of the SRSB-SVC, the Government of Germany, and the Government of Iraq, and the Hawar NGO, New York, U.S.A. 18–19 December 2017

The TOE assisted in the organization of technical discussions surrounding the screening of a documentary created by the Yazidi organization Hawar that highlighted the needs of the Yazidi community and the successful and innovative Special Quota Project of the State of Baden-Wurttemberg, Germany for Vulnerable Women and Children in Northern Iraq.

PARTNERSHIPS

The TOE has achieved success in its activities by drawing on the capacities, expertise and knowledge of its partners and the national authorities it seeks to assist. Based on this, the Team has noted that the fight against impunity for conflict-related sexual violence will only succeed if both international and national stakeholders work in synergy, using agreed tools and priorities.

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





UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT

The TOE continues to maintain a strong partnership with the UN Action network, which has facilitated coordination and information sharing with UN Action member entities. The UN Action MPTF has continued to serve as a platform for fundraising, with an earmarked window for TOE funds.

GLOBAL FOCAL POINT ARRANGEMENT FOR POLICE, JUSTICE AND CORRECTIONS AREAS IN THE RULE OF LAW IN POST-CONFLICT AND OTHER CRISIS SITUATIONS

The TOE continued to participate in the Global Focal Point Arrangement to enhance the coordination and coherence of its work with the members of the Global Focal Point Arrangement in the areas of police, justice and corrections.

UN COUNTRY TEAMS, UN PEACE MISSIONS AND OTHER ACTORS

TOE assessments and deployments have received active substantive and logistical support from UN Country Teams and Peace Missions, including following up on recommendations from assessments. The TOE also consults special procedures of the Human Rights Council and members of UN treaty bodies with relevant expertise to inform the Team's missions on issues that cut across areas of mutual concern.

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.

REGIONAL ORGANIZATIONS

The TOE continued to actively engage with regional organizations including the African Union, the International Conference on the Great Lakes, and the League of Arab States to address conflict-related sexual violence.

UNITED KINGDOM PREVENTING SEXUAL VIOLENCE INITIATIVE

The TOE continued to actively partner with the Preventing Sexual Violence Initiative in sharing information, consulting on strategies and priorities, coordinating assessment missions and sharing lessons learned.

OFFICE OF THE SRSG-SVC

The TOE continues to support the work of the Office of the SRSG-SVC in its strategic advocacy and leadership efforts in addressing conflict-related sexual violence on behalf of the UN. In particular, the TOE supports the work of the Office of the SRSG-SVC in developing joint communiqués, frameworks of cooperation, and implementation plans to meet agreed political commitments.

Priority Plans for 2018

CENTRAL AFRICAN REPUBLIC

COLOMBIA

CÔTE D'IVOIRE

DEMOCRATIC REPUBLIC OF CONGO

GUINEA

IRAQ

SOMALIA

SOUTH SUDAN

OTHER COUNTRIES

OTHER ACTIVITIES

Assist the joint rapid response unit in the police and gendarmerie – *Unité Mixte d'Intervention a Reponse Rapide* (UMIRR) - in conducting investigations of conflict-related sexual violence through training and mentoring and the deployment of police officers, logistical and material support, and public perception surveys.

Ensure the prioritization and effective investigation and prosecution of conflict-related sexual violence.

Support outreach and victim and witness protection efforts, specifically targeting communities affected by conflict-related sexual violence to facilitate the participation of the survivors in the proceedings.

Encourage and facilitate cooperation between the UMIRR and the Special Criminal Court on the investigation of conflict-related sexual violence, and ensure complementarity between the two bodies.

Based on the specific request by both the Government of Colombia and FARC in the 2016 peace agreement, assist Colombia in the implementation of gender provisions of the peace agreement, in particular those regarding accountability for conflict-related sexual violence.

Facilitate an experience-sharing exercise between the Government of Colombia and the Government of Cote d'Ivoire on the provision of reparations to victims of sexual violence.

Support the implementation of the *Forces Armees de Cote d'Ivoire* (FACI) "Action Plan on Sexual Violence", focusing on protection of witnesses and victims, investigation techniques and collection of evidence.

Support the establishment of special police units to address sexual violence to ensure sexual violence crimes are adequately investigated and documented.

Support the review and reform of the legal framework, particularly in relation to reparations and protection of witnesses and victims.

Support the prosecution of the sexual violence cases related to the post-electoral crisis, through assistance to the bar association, civil society and victims associations, and the *Cellule Spéciale d'Enquête et d'Instruction* within the Ministry of Justice.

Support the implementation and monitoring of the prosecutorial strategy for serious crimes adopted by the *Auditorat Général* to promote accountability, including the trial of the Walikale case (387 victims).

Assist the Congolese judiciary on the protection of victims and witnesses to assure the participation of the community in investigations and trials.

Assist the Ministry of Justice to finalise the ongoing review and strengthening of the existing legislation on sexual violence to integrate the issue of reparations.

Support civil society organizations and victims groups to enforce judgements of reparations rendered by Congolese courts.

Support the Police Division to deploy a specialized police team to the *Police Nationale Congolaise* (PNC) in North Kivu to enhance its capacity to investigate and protect victim and witness.

Support the implementation of the PNC Action Plan.

Support the Coordination Committee established to oversee the planning and preparation of trials for the events of 28 September 2009, focusing on (i) strengthening the protection of victims and witnesses; (ii) enhancing sensitization and outreach to Government officials, survivors, victims associations and the general public; and (iii) facilitating reparations for victims of sexual violence.

Collaborate with national authorities on the identification and prioritization of ISIL-related sexual violence cases for investigation and prosecution and improve survivors' access to justice.

Provide technical assistance for law reform efforts including the incorporation of war crimes, crimes against humanity and genocide in the Iraqi legal framework, and the review of criminal code and other relevant legislation on sexual violence to ensure compliance with international standards.

Support linkages between actors currently working on documentation and ensure synergies between relevant investigative, prosecutorial, judicial and other entities.

Assist survivors of conflict-related sexual violence in obtaining reparations.

Support the review and implementation of the National Action Plan on Ending Sexual Violence in Conflict.

Assist in consolidating the work of the special police units.

Facilitate the expansion of mobile courts.

Monitor the adoption of the Sexual Offences Bill of Somalia.

Support the implementation of activities in the Implementation Plan of the Joint Communiqué.

Facilitate outstanding Sudan People's Liberation Army field based workshops in Bentiu, Maridi, and Renk, once security conditions allow.

Assist with the development of an Action Plan and Matrix of Activities for the South Sudan National Police Service.

Assist investigations and prosecutions of conflict-related sexual violence.

Continue to monitor the situation in the following countries, and engage when and where possible:

Burundi
Libya
Mali
Myanmar
Nigeria
Sri Lanka
Sudan (Darfur)
Syria
Yemen

Develop the "Guidelines on Addressing Conflict-Related Sexual Violence by Armed Forces in Africa", including by forming a High Level Advisory Body.

Publish the "Lessons Learned by the UN Team of Experts on Assisting Governments to Address Conflict-Related Sexual Violence".

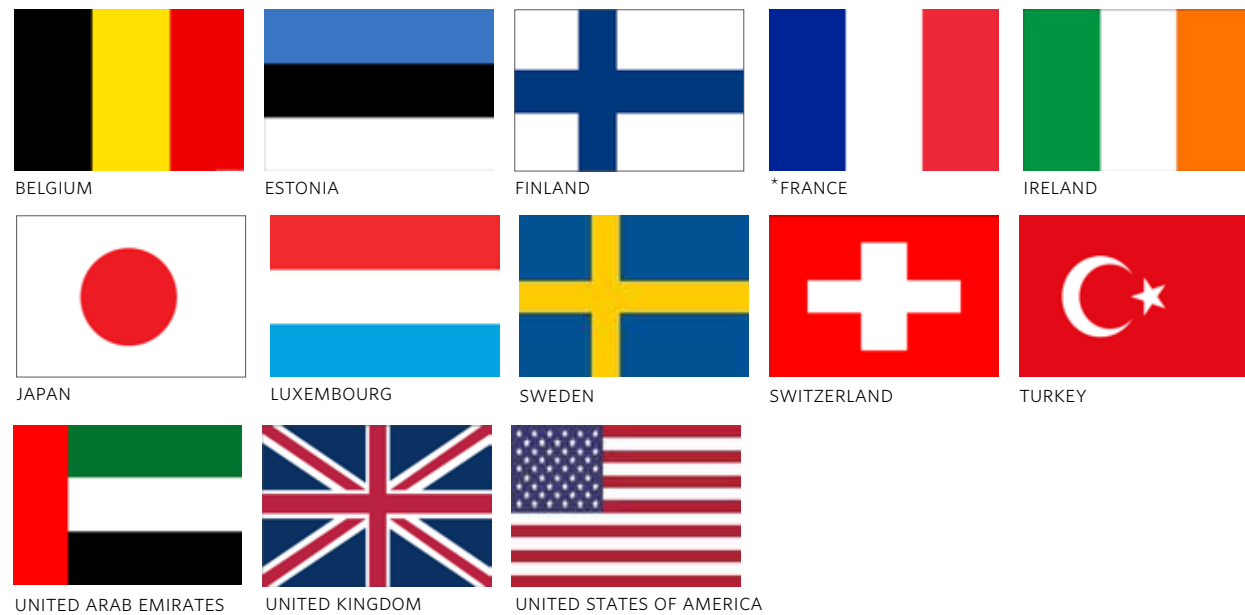
Conduct the Mid-term Review of the 2015-2019 Joint Programme of the UN Team of Experts.

Compile and assess existing model laws and other resources on investigating and prosecuting conflict-related sexual violence, and identify gaps.

SUPPORT FROM MEMBER STATES

In the course of 2017, the Team of Experts received contributions from Estonia, Finland, Japan, Sweden and the United Kingdom. Since the Team and its work are solely funded through voluntary contributions, considerable effort is dedicated to ensuring that adequate resources are mobilized to meet current commitments and fulfil its obligations under its Security Council mandate. To reach its funding targets, the Team has developed a resource mobilization strategy and, based on this strategy, has organized a number of donor consultation meetings, programme briefings and presentations. In its approach to create a broad donor base, the Team has also approached several non-traditional donors. In addition, the Team, where appropriate, has partnered with UN Action network members, and counted on the support of the SRSg-SVC to mobilize resources, therefore demonstrating a coherent and consistent approach to engaging with donors and partners. Indeed, the SRSg-SVC has actively campaigned to seek funds for the TOE, emphasizing 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.

Since its establishment, the Team of Experts has received voluntary contributions from the following Member States:



*PLEGDED

Team of Experts



ROBERT A. PULVER
 ADVISORY GROUP
 DPKO



CHARLES RADCLIFFE
 ADVISORY GROUP
 OHCHR



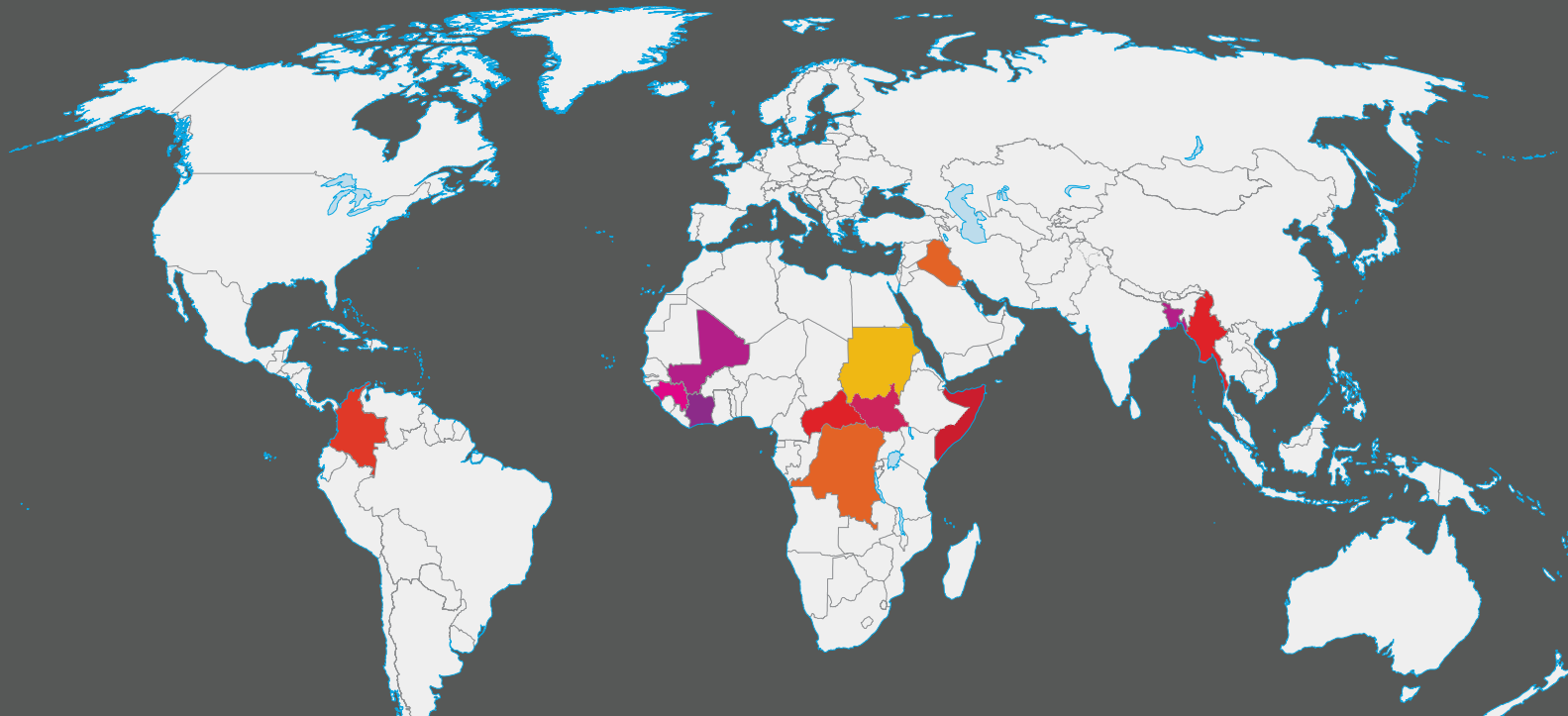
ALEJANDRO ALVAREZ
 ADVISORY GROUP
 UNDP

Team of Experts

Rule of Law/Sexual Violence in Conflict

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SEXUAL VIOLENCE IN CONFLICT



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FOR MORE INFORMATION, CONTACT:

Kaoru Okuizumi, Team Leader
Team of Experts: Rule of Law/Sexual Violence in Conflict
Office of the Special Representative of the
Secretary-General on Sexual Violence in Conflict
United Nations Secretariat S-3107
New York, NY 10017, USA
+1 917 367 1082 (office)
okuizumi@un.org