

**MULTI-DONOR TRUST FUND FOR
UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT¹**

TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

FINAL NARRATIVE REPORT COVER PAGE

<p>Participating UN Organization(s): DPKO, OHCHR, UNDP</p>	<p>Project² Title: UN SCR 1888 – Team of Experts: Rule of Law/Sexual Violence in Conflict</p> <p>Project No: UNA023</p>
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¹ Only relevant if project is more than one fiscal year (i.e. 1 January - 31 December)

² The term “project” is used for projects, programmes and joint programmes

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<p>UN Action pillar of activity:</p> <p><input type="checkbox"/> Advocacy <input type="checkbox"/> Knowledge building <input checked="" type="checkbox"/> Support to UN system at country level</p>	<p>Reporting Period: 1 January 2012 – 31 December 2014</p>
<p>Project Budget: US \$ 8,340,606</p>	

<p>List Implementing Partners:</p> <ul style="list-style-type: none"> • DPKO, OHCHR, UNDP 	<p>Project Coverage/Scope: New York with deployments to various countries</p>
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<p>Project Duration/Closed Project:</p> <ul style="list-style-type: none"> • The initial Joint Programme period was from 1 January 2012 through 31 December 2014. A no-cost extension was granted, extending the Joint Programme end date to 31 December 2015 to allow for the expenditure of funds remaining at the end of 2014. • The work initiated under the 2012-2014 Joint Programme is being carried forward under the new 2015-2019 Joint Programme.

TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

Final Narrative Report

I. PURPOSE

A. Mandate

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 assist governments in conflict and post-conflict situations by strengthening their capacity to address impunity for conflict-related sexual violence. The Team focuses on enhancing national efforts to address challenges regarding accountability for crimes of 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 UN 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.”

Operational since 2011, with experts from the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), which serve as co-lead entities, the Team complements existing UN mechanisms, in providing direct technical assistance to national governments to prevent and respond to conflict-related sexual violence, with a focus on combating impunity and ensuring accountability for this crime.

Within the broader objective of strengthening the rule of law with respect to conflict-related sexual violence, 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) acts in conjunction with a variety of UN mechanisms towards the full implementation of resolution 1820 (2008) and 1888 (2009).

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; and reparations for survivors. Reporting to the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), the TOE serves a catalytic role in implementing frameworks of cooperation agreed between the SRSG-SVC and national authorities and regional actors, complementing the work of UN country presences.

Between 2012 and 2014, the Team has operated under a three-year joint programme developed in coordination with DPKO, OHCHR, and UNDP. This joint programme was extended until 31 December 2015. It has supported national authorities in Bosnia and Herzegovina, the Central African Republic (CAR), Colombia, Côte d’Ivoire, the Democratic Republic of the Congo (DRC), Guinea, Liberia, Somalia

and South Sudan.

B. Vision

We believe 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, leading to reduced impunity and ultimately to greater peace, security and development. Fundamental to the Team's vision is the recognition that national ownership, leadership, and responsibility are the cornerstones in the fight against impunity for sexual violence crimes.

C. Key Outcome and Outputs

The key outcome and outputs for the TOE 2012-2014 joint programme were the following:

Outcome: National authorities are assisted in strengthening the rule of law with respect to conflict-related sexual violence.

Output 1: Situations of particular concern identified and reviewed through documentation, research and analysis

Output 2: Assessments conducted on situations of particular concern and priority support areas defined

Output 3: National authorities assisted through technical, strategic and programmatic support

Output 4: Programme efficiently managed and resourced

Output 5: Awareness of the work of the TOE by UN and non-UN entities increased

D. Implementing Partners

The Team has worked with a wide range of partners in implementing its mandate to assist national authorities and institutions to strengthen the rule of law with respect to conflict-related sexual violence. Within the UN, DPKO, OHCHR and UNDP, as co-lead entities for the TOE, continued to play a central role through guidance and support at field and headquarters levels. This includes the process of identifying needs and gaps at the national level, as well as the implementing initiatives to help effectively address conflict-related sexual violence. In addition, the United Nations Country Teams (UNCT), members of UN Action and other UN entities provide valuable support and input to the TOE assessment missions. The Team also works closely with national, regional and international organizations.

II. RESOURCES

During the implementation of the 2012–2014 Joint Programme, the Team successfully reached its three-year funding target of \$8.4 million. The Team received contributions from Belgium, Estonia, Finland, Ireland, Japan, Luxembourg, Sweden, Switzerland, Turkey, the United Kingdom, and the United States. Since the Team and its work are solely funded through voluntary contributions, considerable effort is dedicated to ensuring adequate resources are mobilized to meet current commitments and fulfil its obligations under its 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 addition, the Team, where appropriate, has partnered with UN

Action 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 Team 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.

A. Core Funding

The TOE has mobilized core funding for its 2012-2014 Joint Programme from the following countries:

<u>Country</u>	<u>Contribution Amount³</u>
Belgium	\$330,970
Estonia	\$130,260
Ireland	\$129,020
Luxembourg	\$65,185
Sweden	\$4,824,586
<u>United Kingdom</u>	<u>\$1,608,700</u>
Total	\$7,088,721

B. Country Specific Funding

The TOE has mobilized country specific funding for its 2012-2014 Joint Programme from the following countries:

<u>Country</u>	<u>Contribution Amount⁴</u>	<u>Countries Supported</u>
Finland	\$465,415	Guinea, South Sudan
Japan	\$2,150,000	DRC, Somalia
Switzerland	\$64,600	Côte d’Ivoire
Turkey	\$50,000	Guinea
<u>United States</u>	<u>\$50,000</u>	<u>DRC</u>
Total	\$2,780,015	

III. IMPLEMENTATION AND MONITORING ARRANGEMENTS

A. Approach

With the existing dedicated expertise, the TOE supports and complements the work of the UN in enhancing security, development, human rights and peacebuilding by providing strategic, technical and programmatic guidance, advice, 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 accountability for conflict-related sexual violence. It focuses on strengthening national capacity and ensuring that interventions build on and complement existing partners’ and governments’ initiatives. It ensures that national authorities are in agreement with the support provided to them.

The TOE provides assistance in response to requests regularly received from national authorities, UN field presences or headquarters officials, and civil society organizations or victims groups. Based on these

³ Contribution amounts have been converted to US Dollar.
⁴ Contribution amounts have been converted to US Dollar.

requests, 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 provide assistance.

The SRSB-SVC's high level advocacy work with governments also serves as an entry point for TOE's 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 CAR, the DRC, the Republic of Guinea, the Federal Republic of Somalia, the Republic of South Sudan, and with the Sudan People's Liberation Movement/Army-In Opposition (SPLA-IO). Governments have requested technical assistance of the TOE through each of these communiqués.

Frameworks of cooperation have also been signed with the Kofi Annan International Peacekeeping Training Centre (KAIPTC), the African Union (AU) and the International Conference on the Great Lakes Region (ICGLR) and provided additional entry points for engagement by the Team.

Upon request or consent by a government, the TOE undertakes a technical assessment mission to help the government to review existing initiatives, laws, programs and mechanisms on the rule of law in general and on conflict-related sexual violence in particular, as well as to evaluate the existing capacity of national and international actors. 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 that the Team's support avoids duplication of efforts, adds value, and is sustainable.

During assessments, the Team ensures that the modalities for the provision of assistance to national authorities to address conflict-related sexual violence are identified and clarified. 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, including the modalities for their implementation, have the full support of national and local authorities, as well as non-governmental organizations.

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

B. Monitoring

From 2012-2014, the five key outputs identified above are the criteria against which the TOE's progress is measured:

1. Situations of particular concern identified and reviewed through documentation, research and analysis;
2. Assessments conducted on situations of particular concern and priority Support areas defined;
3. National authorities assisted through technical, strategic and programmatic support;
4. Programme efficiently managed and resourced; and

5. Awareness of the work of the TOE by Governments, UN and non-UN entities increased.

To ensure that progress on each of the five outputs is measured and assessed, the TOE established benchmarks, identified indicators, and established annual targets. The cumulative results and impact are reported in this final report.

The Team conducted regular monitoring of the implementation of its engagement and progress in delivering its work. It met 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 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 reflected on prior engagements to discern lessons learned that could be incorporated into and guide future engagements, and seeks out good practices of other actors. In addition, the TOE participated in regular meetings with UN Action and the co-lead entities - DPKO, OHCHR and UNDP - to brief and highlight progress on key outputs and ensure cohesion and cooperation among key UN members operating in conflict or post-conflict countries and with extensive involvement on sexual violence issues.

The Team's Advisory Group 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 engagements of the Team; propose possible areas of engagement to the Team; advise on the management of the roster of experts; consider the Team's reports and recommendations from assessments and deployments; and support the Team in its efforts to mobilize resources.

IV. RESULTS

A. Progress

Output 1: Situations of particular concern identified and reviewed through research and analysis

Baseline – 3 Situations of particular concern reviewed (DRC, Guinea, South Sudan)

Indicator – # of situations of particular concern reviewed

3-year cumulative target – 21 situations of particular concern reviewed

3-year cumulative total – 30 situations of particular concern reviewed⁵

From 2012 through 2014, the TOE identified and reviewed a total of 30 situations of particular concern, namely: Bosnia and Herzegovina x 3, CAR x 2, Colombia x 2, Côte d'Ivoire x 2, DRC x 3, Guinea x 3, Iraq, Liberia x 3, Libya, Somalia x 2, Sudan x 3, South Sudan x 3, and Syria x 2. The identification and review process allowed the TOE to gain a better understanding of the context and challenges faced in each situation enabling the TOE to understand the trends and patterns of conflict-related sexual violence in those countries. This understanding allowed the TOE to provide more targeted advice and support. By reviewing the situations in Iraq, Libya and Syria, the Team has been able to identify new trends of sexual violence different from those in other regions. These trends include the use of sexual violence as a tactic of terror; the trafficking of women and girls for the purpose of sexual violence; the use of sexual violence in detention settings; and the regional and cross-border nature of sexual violence crimes. On the latter, the Team identified the necessity of engaging with regional organisations in the Middle East and North Africa

Commented [UN1]: Counting issue

⁵ During the three-year reporting period a country may be counted more than once.

as allies in addressing these crimes. In addition, the Team has been able to understand how in post-conflict situations, sexual violence has tended to emerge in communities, even those not affected by the conflict. In some contexts, this is due to flawed Disarmament, Demobilisation and Reintegration (DDR) processes, or unsuccessful Security Sector Reform. We have also noted that even in contexts where governments have made efforts to address accountability for sexual violence, very few survivors receive reparations, and they face challenges reintegrating into their communities.

Output 2: Assessments conducted on situations of particular concern

Baseline – 5 TOE assessment missions conducted
Indicator – # of TOE assessment missions conducted
3-year cumulative target – 18 TOE assessment missions conducted
3-year cumulative total – 15 TOE assessment missions conducted

From 2012 through 2014, the TOE undertook a total of 15 assessment missions to CAR x 2, Colombia x 2, Côte d'Ivoire, DRC x 2, Guinea x 3, Liberia, Somalia x 2, and South Sudan x 2. The variation between planned assessment missions and completed missions is in part the result of the lack of the full complement of Team members. The Team has been able to assess the gaps in the existing legal and institutional frameworks; assess the current capacity of national actors and their partners to address accountability; and assess the tools at the disposal of governments to prevent and respond to sexual violence. There has been an encouraging trend towards the strengthening of legal frameworks. In countries where gaps in legal or institutional frameworks have been identified, there has been acknowledgement by law makers and other relevant stakeholders. The Team has noted that the institutional arrangements which bring national institutions together to address CRSV is often fragmented, reducing impact. The appointment of high level government representatives or the establishment of inter-ministerial committees are some of the institutional arrangements recommended by the TOE's assessments. In addition, we have also noted with concern the negative role played by traditional justice systems in efforts to address accountability and have been able to make recommendations on the way forward. Addressing the capacity gaps in the justice chain has been identified as key to addressing accountability for sexual violence. The importance of strengthening the entire chain, including though joint training and mentoring initiatives was noted.

Output 3: National authorities assisted through technical, strategic and programmatic support

Baseline – No deployments to situations of particular concern by consultants / TOE members
Indicator – # of deployments to situations of particular concern by consultants / TOE members
3-year cumulative target – 18 deployments to situations of particular concern by consultants / TOE members
3-year cumulative total – 18 deployments to situations of particular concern by consultants / TOE members

From 2012 through 2014, the TOE made 18 deployments (Colombia x 2, Cote d'Ivoire/Sierra Leone x 2, DRC x 4, Guinea x 5, Somalia x 3, and Uganda (ICLGR) x 2). The TOE deployed experts to DRC, Uganda, and Somalia and an expert to Colombia for a short period of time, including for consultations with government officials and other stakeholders to obtain commitments or provide necessary support and advice on how to address impunity for conflict-related sexual violence. The Team also deployed an expert to Guinea for an extended period of time to mentor justice actors. Technical, strategic and programmatic advice, legal analysis and research, and direct mentoring on addressing specific challenges identified during assessments, has been provided. This support has contributed to assisting governments to provide

effective rule of law responses to sexual violence crimes. An increase in the number of investigations was noted in the case of DRC and Guinea, while an increase in the number of prosecutions was noted specifically for the DRC. In Guinea, TOE's support has resulted in the investigation of over 400 cases by the panel of Judges, and in the 16 indictments for senior military officers, including former President Moussa Daddis Camara, for sexual violence crimes. In the DRC there were over 200 successful prosecutions for military officers, including several senior commanders, for sexual violence crimes. Governments institutions are now coordinated with a senior representative of the President, and two new pieces of legislation are being drafted, to strengthen the existing legal framework. In Colombia, guidelines for addressing sexual violence by the military and police were adopted. The training for the police of the International Conference on the Great Lakes Region (ICGLR) gave an opportunity to use first hand skills for the collection and storage of forensic evidence in relation to sexual violence crimes. In Somalia, the support resulted in the drafting of a law on sexual violence.

Output 4: Programme efficiently managed and resourced

Baseline – 6 month work plan established

Indicator – Budgeted funds timely disbursed in accordance with work plan

3-year cumulative target – \$8,340,606

3-year cumulative total – \$7,478,871

From 2012 through 2014, the TOE through the UN Action Multi Partner Trust Fund (MPTF) disbursed the following funding to co-lead entities: DPKO \$2,450,005; OHCHR \$970,338; and UNDP \$2,072,827. In addition, the TOE disbursed \$1,985,701 to support work in DRC. The total cumulative disbursement was \$7,478,871. The variance between the cumulative target of \$8,340,606 and \$7,478,871 was in part the result of the DPKO member not being permanently part of the TOE. The Team was able to build a good financial base and diversify donor support, including by attracting non-traditional donors such as the United Arab Emirates, Turkey and Estonia. The Team has met regularly on a weekly basis to discuss and review its priorities. The Team also meets on a monthly basis to review and assess progress made, in order to readjust its support on the ground.

Output 5: Awareness of the work of the TOE by UN and non-UN entities increased

Baseline – 1 formal request for assistance received by the TOE

Indicator – # of formal requests for assistance received by the TOE

3-year cumulative target – 18 formal requests for assistance received

3-year cumulative total – 20 formal requests for assistance received

The Team continued to diversify the number and nature of partners, and to consolidate existing partnerships through briefings, dissemination of its reports and direct engagement with a wide range of actors in country and in concerned regions. As a result, the Team continued to receive requests for support. From 2012 through 2014, the TOE received 20 formal requests for assistance from national authorities, either directly or through the UN on the ground. Requests were made concerning Bosnia and Herzegovina, CAR x 3, Colombia x 2, Cote d'Ivoire x 3, DRC x 2, Guinea x 3, Libya, Mali, South Sudan, Somalia x 2, and ICGLR. Requests have also been received from Guatemala, Ukraine, Sri Lanka, and Burundi. However, the Team could not engage in these new contexts, because of the demands of the ongoing work, and the limited available human and financial resources.

B. Activities Undertaken and Achievements

i. Country Engagements⁶

1. Bosnia and Herzegovina

Background

Over twenty years ago, Bosnia and Herzegovina was the site of a large-scale conflict, characterized by grave violations of human rights, including mass killings, rape, and forced displacement. The war resulted in an estimated 100,000 deaths and some 2 million refugees and internally displaced persons - approximately 11,500 individuals are still listed as missing. Rape and other forms of sexual violence during the conflict were determined to be systematic, widespread, and perpetrated against women, men, girls and boys. Despite fractured efforts, many victims of the conflict, in particular survivors of conflict-related sexual violence still await justice, as deficits in judicial, health and social welfare systems, and a lack of political will to combat impunity and provide redress have severely impaired public confidence in institutions.

In response to continued concerns of lack of accountability for sexual violence crimes committed during the conflict, in June 2013, the SRSG-SVC visited Bosnia and Herzegovina to assess progress toward addressing the various challenges. During her visit the SRSG-SVC noted the critical need to provide assistance and services to survivors of conflict-related sexual violence. To support the Government and the UN system in addressing these issues, the SRSG-SVC committed the TOE to work with the UNCT to develop a comprehensive programme to identify and address gaps in existing care, support, and justice services, and to create an effective, comprehensive, and standardized approach for dealing with survivors of conflict-related sexual violence.

Assistance and Impact

The TOE provided advice to the 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-centered programme aims to 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 stigmatization of survivors of conflict-related sexual violence.

In addition to technical and policy advice, the TOE actively supported the efforts of the UNCT to mobilize resources and to ensure the required inputs and international buy-in were in place. As a result of the collective efforts of the SRSG-SVC, the TOE, and the UNCT, the programme has been launched and activities are currently underway.

Challenges and Path Forward

Bosnia and Herzegovina continues to face a challenging context where political consensus and political will to address sensitive issues surrounding the conflict remains limited. This lack of political consensus and political will combined with donor fatigue continue to remain potential challenges to the success of initiatives undertaken in the country.

⁶ For relevant country sections, the most recent 2015 updates have been used. The justification for including the 2015 country information is that the 2012-2014 and 2015-2019 Joint Programmes overlapped during 2015 because the 2012-2014 Joint Programme was extended to allow for the use of funds remaining at the end of 2014.

The failure to address issues of conflict-related sexual violence in the initial peace process and in subsequent projects and programmes has left a legacy which will be extremely difficult to remedy. Issues of conflict-related sexual violence must be included in initial ceasefire agreements, monitoring mechanisms and peace agreements to ensure the best chance of survivors receiving appropriate support.

The TOE will continue to follow the implementation and progress of the comprehensive programme and provide support as requested by the Government and the UNCT.

2. Central African Republic

Background

The Central African Republic remains in a fragile state following a military coup in 2013. Intercommunal conflicts continue in several parts of the country. Over 400,000 people have been internally displaced. The human rights situation continues to be of grave concern. As a result of the collapse of national rule of law and the disintegration of security institutions, specifically the police and the gendarmerie, rape and other forms of sexual violence became widespread in the country. Sexual violence crimes were committed during house-to-house searches, in IDP camps, and in acts of retaliation by anti-Balaka, ex-Séléka and other armed groups. In 2015, there were reports of conflict-related sexual violence against women and girls, in the context of intercommunal conflict and displacement. The UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) reported rape of minors, committed by ex-Séléka, anti-Balaka, Lord Resistance Army (LRA), self-defence groups; as well as by gendarmes and the police. There have been reports of married women being abducted from their homes and forced to marry ex-Séléka fighters, and of women and girls being used as sex slaves by anti-Balaka elements.

The Government has made some efforts to address issues of impunity. In June 2015, the Government promulgated the law on the establishment of a special criminal court with jurisdiction over grave human rights violations, war crimes, and crimes against humanity and war crimes. In addition the Government has called for support in the establishment of a Joint Rapid Response Unit within the gendarmerie and the police to respond to reports of sexual violence.

Assistance and Impact

In 2015, the TOE deployed to the CAR, where it provided advice to the Government on the establishment of a joint rapid response unit within the gendarmerie and the police, to ensure that crimes of sexual violence receive adequate attention. This unit is tasked with responding rapidly to alleged cases of sexual violence by collecting and preserving evidence, interviewing victims and documenting cases, and making referral of survivors to services providers. In addition, the TOE contributed to efforts to create the country's Special Criminal Court for core international crimes committed since 2003. In particular the TOE is actively participating in the preparation of a strategy for the Court to ensure that crimes of conflict-related sexual violence are given adequate attention. In supporting CAR's efforts, the TOE has worked in coordination with MINUSCA, OHCHR, UNDP and UN Women in the framework of the Global Focal Point on Police, Justice and Corrections (GFP) to contribute to the provision of a single UN rule of law response, which takes into account the issue of conflict-related sexual violence.

Once operational, the Special Criminal Court will play a critical role in adjudicating the backlog of criminal cases, including sexual violence, and contribute to addressing the legacy of impunity. Support to efforts by the Government to establish a joint rapid response unit will bridge the current capacity gap within the police and gendarmerie in responding to incidents of sexual violence and ensure that these

crimes are among priority cases being addressed.

Challenges and Path Forward

The continued lack of capacity within security institutions 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, the restoration of state authority, and the allocation of appropriate resources, human rights violations, including sexual violence, will continue unabated. Implementing the main recommendations of the May 2015 Bangui Forum's thematic group on justice and reconciliation will be key to restoring rule of law institutions in CAR. The main recommendations include: the creation of a national human rights commission; a commission on truth, justice, reparation and reconciliation; and the operationalization of the Special Criminal Court. The TOE will continue supporting national authorities in CAR in close collaboration with UNDP and UN Women in the framework of the GFP arrangement to ensure that national rule of law institutions address the issue of conflict-related sexual violence.

3. *Colombia*

Background

Sexual violence has been an issue of concern in the context of the armed conflict in Colombia. Sexual violence is considered to be a widespread risk across at least ten departments of Colombia, predominantly areas under the influence of armed groups. In 2015, there were reports of sexual violence against women leaders, activists, and those associated with armed groups. Indigenous and Afro-Colombian women and girls, as well as those residing in remote areas have been reported to be at greater risk. The National Victims' Unit registered 103 cases of conflict-related sexual violence between January and December 2015, with armed groups identified as responsible for about half of these cases.

Colombia currently has a strong legal framework as it relates to sexual violence, including Law 1719 on Access to Justice for Victims of Sexual Violence in Colombia, particularly as it relates to the armed conflict, adopted by Presidential Decree on 18 June 2014. This ground-breaking law includes offences that were previously omitted from the Penal Code, such as enforced sterilization, forced pregnancy and forced nudity, and adds specific reference to aggravating circumstances, for example when sexual violence is committed as a form of retaliation against or intimidation of human rights defenders. The law also provides for the establishment of protection mechanisms, and the design of a reparations programme for victims of sexual violence.

On 15 December 2015, the Government and the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC-EP) opened a new chapter by reaching an agreement on truth, justice, reparations and guarantees of non-repetition for victims of the conflict. For the first time Colombia has a comprehensive transitional justice process, which includes a truth commission that recognizes the disproportionate impact of conflict and conflict-related sexual violence on women, and a Special Jurisdiction for Peace, which identifies sexual violence as a grave crime that cannot be amnestied. During her visit to Colombia and to Havana in February and March 2015 respectively, the SRSG-SVC called upon the parties to place gender justice and the eradication of conflict-related sexual violence at the centre of the peace process.

In view of the persistence of sexual violence, the Constitutional Court urged national the authorities to address the structural factors that perpetuate these crimes. In February, "Cuco Vanoy" and "La Mona", as well as five other former paramilitary members were sentenced for sexual violence crimes.

Assistance and Impact

The TOE supported efforts of the SRSG-SVC to ensure that conflict-related sexual violence considerations remain central in the peace process between the Government and FARC-EP. The expert input of the TOE to the Law 1719 on Access to Justice for Victims of Sexual Violence in 2014 contributed to a piece of legislation which, if properly implemented, can be a model for countries in the region and the world on conflict-related sexual violence. It should be recalled, for example, that the law enhanced the status of sexual violence survivors so that they can receive comprehensive reparations, psychosocial support and free medical care. It also explicitly recognizes that sexual violence can constitute a crime against humanity and that there can be no statute of limitations for such crimes.

The main findings of the TOE visit to Colombia from 28 February to 2 March 2015 include: (i) Colombia's strong legal and policy frameworks on conflict-related sexual violence, can be an inspiration for other countries facing similar challenges; (ii) the importance of including accountability for sexual violence in the ongoing peace negotiations; (iii) the fact that Colombia has one of the most sought after forensics expertise in the global south. The TOE committed to draw from Colombia's legal and policy frameworks, as well as specialised expertise, to promote cross-regional experience sharing, including in the area of forensics. In this regard, the TOE initiated discussions with the Colombian Forensic Institute on the possibility of sharing their expertise with the Guinean Panel of Judges investigating the incidents of September 2009.

The TOE followed closely the developments of the peace process, particularly after the signing of a "Joint Communiqué" between the Colombian Government and the FARC-EP on 23 September 2015 agreeing to create a Special Jurisdiction for Peace, which prioritises the rights of the victims, including in the areas of truth seeking, reparations and guarantees of non-repetition.

Challenges and Path Forward

Despite the progressive legal framework of Colombia, institutional capacity constraints at local level, and the underreporting of cases, continue to be both a cause and a consequence of impunity for sexual violence. 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. Progress in the peace process, and its continued attention to conflict-related sexual violence during the implementation of the Agreement will be critical to ensuring that victims of sexual violence see justice. The Team of Experts will continue to work with the Government of Colombia in promoting experience sharing of good practices, to strengthen the capacity of conflict-affected countries in addressing conflict-related sexual violence. In this regard, the Team will support the Forensic Institute of Colombia to share their experience with Guinean authorities in the framework of ongoing investigations and other accountability mechanisms established as part of the national reconciliation process.

4. Côte d'Ivoire

Background

Five years after the disputed November 2010 election, Côte d'Ivoire held a presidential election on 25 October 2015, in which President Ouattara won a second term. It is commendable that there were no reported cases of sexual violence in the context of the election. It should be recalled that more than 150 women were victims of sexual violence during the electoral violence in 2010-2011.

However, during 2015, the UN Operation in Côte d'Ivoire (UNOCI) documented 173 cases of rape, including 18 gang-rapes, with 39 of the incidents committed against women, and 137 against minors. A slow process of Disarmament, Demobilisation and Reintegration of ex-combatants, combined with the presence of armed elements and the context of impunity, continue to put women and children at risk of sexual violence. In 2015, three cases of rape involved members of the armed forces, including the *Forces Republicaines de Cote d'Ivoire* (FRCI), two policemen, ten unidentified armed individuals and alleged ex-combatants.

In 2015, the Government established a number of institutions and tools to address conflict-related sexual violence. There are now six resourced legal aid clinics and three new legal information centres. Investigations into sexual violence crimes committed in the context of the 2010-2011 electoral crisis have begun. Forty-three complaints related to sexual violence crimes which occurred during the electoral crisis were filed before the special investigations unit (Cellule Spéciale d'Enquêtes et d'Instruction) in March 2015.

There were also some encouraging developments in the area of legislative reform. Amendments to the Criminal and Civil Codes were adopted to introduce into domestic law those international crimes defined in the Rome Statute; this includes sexual violence crimes. It also removed any statute of limitations on the prosecution of crimes listed in the Rome Statute. It additionally brought command responsibility in line with international standards and excluded amnesty for sexual violence crimes.

However, despite the progress made in harmonizing national laws with international standards, accountability remains a major challenge. None of the perpetrators of the 196 cases of sexual violence, committed between October 2010 and May 2011, documented in the report of the *Commission Nationale d'Enquête* have been brought to justice.

Assistance and Impact

In Côte d'Ivoire, the TOE in coordination with UNOCI assisted in strengthening the capacity of the national army – the FRCI to respond to conflict-related sexual violence. Through the Team's support, the FRCI developed an action plan on conflict-related sexual violence, which is currently being implemented. As a result, on 19 June 2015, 47 FRCI senior commanders signed undertakings prohibiting conflict-related sexual violence. In coordination with UNDP, the TOE also assisted in the drafting of a concept for the establishment of specialized units within the police and the gendarmerie to address conflict-related sexual violence crimes.

Challenges and Path Forward

Critical to national efforts to address conflict-related sexual violence in Cote d'Ivoire is the role of the Committee of National Experts. However, this remains an ad-hoc institution the work of which is based on the commitment of FRCI leadership. Issuing a Presidential decree establishing the Committee of National Experts, will help institutionalize ongoing efforts by the FRCI, and contribute to the full implementation of its plan of action.

The progress made in addressing sexual violence in Cote d'Ivoire, particularly by the National Committee of Experts, has mainly resulted from the will and commitment of the FRCI leadership. However, the TOE has learned that commitment at the leadership level alone is not enough. Addressing sexual violence needs investing in national institutions to enable them to provide services for survivors. For instance, the high

costs of the medical certificate - a piece of evidence in sexual violence cases, has remained a barrier to accountability for this crime. Another obstacle to accountability for sexual violence crimes is the slow pace of prosecution, which often leads victims to resort to out-of-court settlement of cases.

Based on the results of a technical mission to Cote d'Ivoire in 2014, the TOE will pursue its support to the following: i) implementing the "Action Plan on Sexual Violence of the Committee of National Experts"; ii) strengthening the legal drafting capacity of the "Cellule d'Executio" (CELEX); iii) strengthening the curriculum of the judicial training institute (*Institut de Formation Judiciaire*); iv) strengthening the special investigations unit (*Cellule Spéciale d'Enquêtes et d'Instruction*); and v) establishing special units within the police/gendarmerie dedicated to address sexual violence.

5. Democratic Republic of the Congo

Background

Conflict-related sexual violence, including rape, forced marriage and sexual slavery, continued to be reported in the DRC in the course of 2015, and most specifically in the eastern provinces of ex-Orientale, North Kivu, South Kivu, ex-Katanga and Maniema. The limited state authority and rule of law in areas affected by the conflict facilitates the occurrence of sexual violence. This is further reinforced by the limited capacity to address impunity for crimes in general and for sexual violence crimes in particular. A number of issues including land pressure, the proliferation of small arms, and an unregulated mining sector contribute to the prevailing insecurity and to the perpetuation of cycles of conflict and widespread sexual violence.

Reports by service providers indicate a decline in incidents of conflict-related sexual violence. While the majority of sexual violence crimes were perpetrated by armed groups, there have been continued reports of sexual violence committed by the *Forces armées de la République démocratique du Congo* (FARDC), as well as by the *Police nationale congolaise* (PNC). South Kivu has been the province most affected by conflict-related sexual violence in 2015, followed by North Kivu and ex-Orientale. Sexual violence has been committed against IDPs, refugees, or returnees, or against civilians in villages and mining sites.

Among incidents of sexual violence by national forces is the rape of at least 12 women during a military operation in the Kalehe territory of South Kivu, allegedly committed by a unit of the FARDC in September 2015. Raia Mutomboki armed group based in the Shabunda area of South Kivu, the *Front de Résistance Patriotique de l'Ituri* (FRPI), the group Mai Mai Simba Manu in Mambassa territory in Ituri province and Lubero territory in North Kivu, have continued to commit sexual violence crimes. Incidents of sexual violence have been attributed to the *Forces démocratiques de Libération du Rwanda* (FDLR), and other incidents reported in the context of the intercommunal conflict between the Batwa and the Baluba in ex-Katanga province. There have also been reports of sexual violence against minors, including by the Allied Democratic Forces (ADF), operating in the Beni area, and a trend of kidnapping and rape of children in Kavumu, South Kivu.

The Government of DRC has made commendable efforts in addressing accountability for sexual violence, including the establishment of the FARDC commission on sexual violence in March 2015, and the subsequent development of an action plan. In 2015, military justice authorities held fifty trials for sexual violence crimes which led to the conviction of 109 members of the security forces, some of whom were sentenced to 20 years imprisonment. The Special Police for Women and Children continues to investigate and document sexual violence crimes, and members of the special commission of sexual violence of the Senate continued to sensitize their constituencies on addressing sexual violence.

Despite efforts by the Government, it should be noted that perpetrators of the emblematic cases of sexual violence in Walikale, Bushani and Kalambahiro in 2010 and 2011 are yet to be held accountable. In addition, judgments, including the award of reparations to victims of sexual violence issued by Congolese courts remain unpaid.

Assistance and Impact

The TOE has continued to assist the DRC in line with the Government's commitments under the 2013 Joint Communiqué. The TOE provided technical assistance to the FARDC to implement its Action Plan on conflict-related sexual violence. This included assisting the FARDC Commission to develop a detailed matrix of activities and to draft undertakings which were signed in March 2015, by 30 field commanders, prohibiting sexual violence and committing them to fully cooperate with military justice officials.

Through expertise embedded in MONUSCO's Prosecution Support Cells in Goma, the TOE also continued to provide support during mobile court sessions for sexual violence crimes. In supporting the investigation and prosecution of sexual violence crimes by military justice officials, the TOE, in coordination with other actors on the ground, has contributed to the decline of sexual violence by the FARDC, and to the successful prosecution of 109 members of the security forces. Assistance was also provided to the Senate's special commission on sexual violence, on sensitizing community leaders and on engaging armed groups on the prevention of sexual violence. This assistance has also helped the Senate's special commission to tailor its work around advocacy vis-à-vis state and non-state actors, oversight of national institutions addressing sexual violence, reporting and contributing to strengthening the legal framework. In this regard, the Commission raised awareness among community leaders in Uvira, South-Kivu and in Kalemie, ex-Katanga.

The TOE also assisted efforts by the DRC's Personal Representative of the President on Sexual Violence and Child Recruitment (OPR), to oversee national efforts to address conflict-related sexual violence. The TOE support included the continued provision of a national expert to the OPR, which has ensured the OPR maintained focus on accountability. The TOE continued to support the DRC towards a reparations programme. Working in support of a consultant recruited by the OPR, the TOE contributed to the development of the first draft of a reparations program. This includes an initial phase, the planning for payment of certain outstanding reparation judgments of conflict-related sexual violence already rendered by Congolese courts. This assistance also ensured that the OPR pursues its advocacy for the planning of payment of outstanding reparations awarded to victims by Congolese courts.

In addition, the TOE assisted the Ministry of Justice to establish stronger mechanisms for the protection of victims and witnesses. Through an expert meeting held in Kinshasa in December 2015, the TOE's support ensured the provision of concrete guidance to the Ministry of Justice on the establishment of protection mechanisms and the drafting of a law on the protection of victims and witnesses of sexual violence. This assistance has been provided in cooperation with MONUSCO and UNDP.

In June and July 2015 the TOE deployed to Goma and Kinshasa, and assisted national military justice authorities in the preparation of a prosecutorial strategy that will allow the national judiciary to identify and prioritize the investigation and prosecution of emblematic conflict-related sexual violence cases. This assistance has contributed to the development by the military justice in North and South-Kivu of a strategy for the prosecution of the outstanding mass rape incidents in Walikale, Bushani and Kalambahiro.

The TOE is also supporting the creation three new special police units to respond to sexual violence in

Rutshuru, Goma and Bukavu. TOE's support has contributed to re-operationalising these units, which had not been operational since the attack by the armed group M23 in 2013.

Challenges and Path Forward

The progress made by the DRC, especially on accountability for sexual violence committed by the national army, has resulted from a combination of national ownership, leadership and responsibility, as well as international assistance. When sexual violence is given a high level attention, a government can achieve tangible results. The appointment of the OPR in the DRC, has helped galvanize the commitments of the Government to address conflict-related sexual violence at the highest level. The military remains key to addressing sexual violence in most contexts in Africa. Without engaging the military directly on specific commitments, through an action plan, little progress can be made. In the DRC, the signing of undertakings by commanders, committing them to refrain from, to prevent, and to respond to sexual violence, has sent a strong message to the entire army that this issue cannot be tolerated, and this has been emulated by countries such as Cote d'Ivoire. Going forward, the TOE will seek to assist national security sector reform efforts, including ensuring that elements involved in the commission of sexual violence are excluded from security forces. In addition, focus will be put on engaging non-state actors, especially those committed to dialogue with the Government.

6. Guinea

Background

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 (COI) to undertake investigations into the crimes and identify those responsible. In December 2009, the COI 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 COI'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 witness protection.

In follow up to the COI'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 specifically committing to: (i) combat impunity for sexual violence; (ii) implement the recommendations of the COI; (iii) reinforce security sector reform with a view to including prevention of 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 technical assistance of the Team of Experts to the Panel of Judges.

In line with the Joint Communiqué, in December 2012, the Office of the SRSG-SVC, through the TOE, deployed an expert to provide technical assistance to the Panel of Judges, to strengthen its capacity with regard to: investigation techniques; collection and safeguarding of useful testimonies and evidence from survivors; establishment of enhanced protection measures for the Panel of Judges; and establishment of a regular dialogue between the Ministry of Justice and civil society organizations, as well as victims groups on the progress of this case.

Assistance and Impact

The TOE pursued its technical assistance to the Panel of Judges investigating atrocities committed during the events of 28 September 2009, which include sexual violence. Through the technical assistance of a judicial expert deployed by the TOE, the Panel of Judges has been able to use appropriate and ethical questioning and investigation techniques, which has resulted in over 450 hearings, including the testimony of at least 200 victims and witnesses of sexual violence. These testimonies has been collected and safeguarded for future prosecutions.

Most importantly, TOE support has led to the indictment of four high-ranking military officials by the Panel of Judges in 2015, including former President Moussa Dadis Camara. This brings the number of indictments issued by the Panel to 16 military officials who were members of the former *Conseil National pour la Defense de la Democratie* (CNDD), including General Mathurin Bangoura, General Mamadouba "Toto" Camara, Colonel Abdoulaye Chérif Diaby, Lieutenant-colonel Moussa Tiègboro Camara; and Lieutenant-colonel Claude Pivi.

In addition, the Team's assistance has led to the establishment of enhanced protection measures for the Panel of Judges, including through the permanent deployment to the judges' offices of a unit of police officers attached to the Presidential Guard. This resulted in mitigating 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.

The TOE also supported the SRSR-SVC's mission to Guinea in September 2015, resulting in a renewed request by the Government for support from the TOE in the finalisation of the investigation phase and the preparation of forthcoming trials. This support includes the elaboration of strategies on judicial cooperation, the identification of mass graves to collect additional evidence, protection of witnesses and victims, and reparations for victims.

Additionally, the TOE has facilitated a dialogue between the Guinean authorities and representatives from countries that have undergone challenges in addressing conflict-related sexual violence, including Mali, to facilitate experience sharing of good practices. Initial contacts have also been made with the Forensic Institute of Colombia.

Challenges and Path Forward

Despite these important advances in the investigation and prosecution of the 28 September 2009 events, and more broadly in the justice and security sector reforms, national authorities in Guinea confront important human rights challenges that may hinder further progress in 2015. These challenges include, amongst others, the general impact of the Ebola outbreak, and more specifically in the functioning of criminal justice system. In this regard, the Government of Guinea has continued to advocate for UN's support to strengthen their justice system.

In 2016, the Team will continue to support national authorities by pursuing its assistance in the following main areas: (i) completion of the hearing of suspects, including those living outside of the country; (ii) facilitating the location of mass graves, including through an experience sharing exercise with the Forensic Institute of Colombia.; (iii) strengthening of mechanisms of witness and victims protection in view of the forthcoming trials; and (iv) advising on possible modalities of reparations for victims or sexual violence, including interim reparation measures, and on potential sources of funding.

7. Liberia

Background

Sexual violence in Liberia, particularly rape, remains alarmingly high and is a clear impediment to post-conflict peace building and recovery following the two civil wars (1989-2003), which saw sexual violence used as a weapon of war. Widespread poverty, a failure to address post-conflict trauma, and deeply rooted practices and beliefs that perpetuate gender-based discrimination and a climate of impunity for the perpetrators of these crimes have driven incidents of sexual violence.

The Government and its partners have put in place an impressive array of legislative and structural mechanisms to try to prevent and punish perpetrators of sexual violence, including Women and Child Protection Sections within the National Police, the Sexual and Gender-Based Violence Crimes Unit within the Prosecution Service and Criminal Court E. In addition, a “one stop centre” for survivors of sexual violence has been established, safe homes are available and the first forensic laboratory in the country has been established. While these efforts may appear comprehensive, in reality the challenges to combat sexual violence remain with persistent low reporting rates, low prosecution rates and even fewer convictions.

Assistance and Impact

In July 2014, the TOE undertook a mission to Liberia to take stock of progress in the implementation of recommendations based on the TOE’s April-May 2011 mission and identify remaining challenges for the Government and in-country partners to take forward. The Team’s assessment resulted in the Government identifying remaining institutional, technical and infrastructural gaps, which contributed to the draft of an exit strategy for the Team following three years of support. Mainly it led to providing targeting recommendations to the UNCT and the Government in dealing with the societal of sexual violence.

Challenges and Path Forward

Institutional, technical, infrastructural and cultural challenges remain in the country’s attempts to address sexual violence. This is in spite of improved institutional frameworks and strengthened legislation.

The TOE will begin moving forward with its exit strategy following three years of engagement.

8. Somalia

Background

Conflict-related sexual violence continued to be reported in Somalia in the course of 2015, in the context of ongoing inter-clan conflicts, and military offensives. Displaced women and girls and those from minorities clans continue to be exposed to greatest risk. The UN has reported cases of rape and gang-rape, especially in Al-Shabaab controlled areas, where access to services continues to be limited. Somalia’s weak legislative framework and the limited capacity of national institutions continue to hamper access to justice, therefore perpetuating a climate of impunity.

Somalia has faced chronic insecurity; the destruction of its social, economic, political, security, and legal infrastructure; and wide spread human rights abuses, including sexual violence, following decades of

conflict and instability. Despite these challenges, the Federal Government of Somalia has made efforts to increase engagement on human rights issues, including adopting a Post-Transition Human Rights Road Map for the period of 2013 to 2015, signing the Somali Compact at the New Deal Conference in Brussels, and the signing of a joint communiqué with the UN on addressing sexual violence in May 2013.

Assistance and Impact

In December 2013, the Team undertook a joint technical assessment mission to Somalia and Kenya. The results of the assessment helped to inform a May 2014 consultation workshop supported by the TOE and organized by the Ministry of Women and Human Rights Development. The workshop helped all relevant Government ministries to agree on common objectives and to solicit input from those delivering front line services. As a result of these consultations, the Government developed a National Action Plan to address Conflict-Related Sexual Violence to guide its work in meeting commitments under the Joint Communiqué. In June 2014, a draft of the National Action Plan was launched at the Global Summit to End Sexual Violence in Conflict.

Following the launch of the National Action Plan, the TOE worked with UNSOM to assist the Government in formulating an approach for undertaking regional consultations of the National Action Plan. Given the fragmented nature of Somalia, the TOE believes it is essential to have broad-based consensus on the Plan to ensure effective delivery. In addition the TOE supported the prioritization of interventions to be implemented under the National Action Plan and mobilized resources to support the prioritized interventions. Through the ICGLR-RTF, the TOE helped to build the capacity of Somali military prosecutors.

In addition, the TOE contributed to strengthening the provisions of the draft Somalia Sexual Offenses Bill (2014) and the draft “Somaliland Rape and Sexual Violence Law” to ensure compliance with international standards. The resulting legislation, once passed, should provide strong legal basis upon which to address sexual violence.

Challenges and Path Forward

Political turmoil, cabinet reshuffles, and limited access due to insecurity continue to be significant challenges in addressing conflict-related sexual violence in Somalia. The next step for the Government is to undertake regional consultations and finalize the National Action Plan and present it at a donors’ conference in Nairobi. In terms of prioritized activities, the TOE will be supporting the Government both technically and financially in areas in which security permits.

9. South Sudan

Background

In December 2013, violence broke out between the Sudan People’s Liberation Army (SPLA) and the SPLA-IO in South Sudan’s capital Juba and quickly spread to other areas of the country resulting in a nation-wide political and security crisis. The crisis has resulted in widespread human rights violations including sexual violence, and has exacerbated existing tensions over resources and ethnicity. In August 2015, the SPLA and the SPLA-IO signed “The Agreement on the Resolution of the Conflict in the Republic of South Sudan” bringing an official end to the fighting even though daily fighting between the parties and other armed groups continues to be reported.

Despite the peace agreement, sexual violence continues unabated by parties to the conflict in South Sudan, including SPLA and associated militias, and SPLA-IO. There have also been reports of sexual violence committed by the South Sudanese National Police Service (SSNPS). These crimes have been committed during intercommunal fighting and during military offensives and counter-offensives. The militarization of the country, coupled with arms proliferation, and weak rule of law institutions have created a context favouring the occurrence of these crimes. It should be also noted that the weakness of the South Sudanese justice system has contributed to a reliance on customary justice to settle sexual violence crimes.

Assistance and Impact

In October 2014, following TOE led consultations with the Government, UN, and civil society organizations to identify key gaps in national prevention and response mechanisms to sexual violence, the Government and the UN signed the “Joint Communiqué of the Republic of South Sudan and the United Nations on Addressing Conflict-Related Sexual Violence”. In March 2015, the TOE deployed to South Sudan to support the Government in developing an implementation plan for the Joint Communiqué to ensure an agreed approach was defined to facilitate the SPLA’s ability to meet its commitments made in the Joint Communiqué. During the deployment the TOE assisted the Government in establishing a Joint Technical Working Group on Conflict-Related Sexual Violence (JTWG), an umbrella committee composed of Government ministries and national institutions, UN Agencies and representatives of civil society organizations, which oversees the implementation of the Joint Communiqué, as well as five Task Forces established to facilitate the work of the JTWG. With support from the TOE as well as the UNMISS Senior Women Protection Adviser, each of the five Task Forces has completed initial draft matrices and submitted them to the JTWG for consolidation. This nationally owned and led process helps to ensure the commitment of SPLA toward addressing sexual violence in South Sudan.

In December 2014, following engagement with SPLA-IO by the SRSG-SVC, SPLA-IO unilaterally issued the “Communique of the Sudan People’s Liberation Movement and Sudan People’s Liberation Army (SPLM/SPLA) on preventing Conflict-Related Sexual Violence in South Sudan”. In September 2015, the TOE together with colleagues from the Programme Team of the Office of the SRSG-SVC and the UNMISS Senior Women Protection Adviser undertook a mission to Addis Ababa to support the SPLA-IO in developing an implementation plan in line with commitments made in the Unilateral Communiqué. In October 2015, a follow-up mission was undertaken to Pagak, South Sudan, to engage SPLA-IO commanders who were convened to discuss the implementation of the Compromise Peace Agreement. The engagement consisted of a four-hour workshop related to prevention and response to conflict-related sexual violence, and detailed discussion on the SPLA-IO Implementation Plan for prevention of such crimes. The workshop was attended by 53 commanders, and culminated in the signing of undertakings that establish and reinforce individual and command responsibility for preventing sexual violence. Specifically, undertakings were signed by Lieutenant General John Buth Teny, Commander of the SPLA-IO Pagak operational base, as well as four Major Generals, six Brigadier Generals, nine Colonels, eleven Lt. Colonels and 22 Majors. The commander’s undertakings represent an important element of the SPLA-IO Implementation Plan, focusing on accountability, timely and rigorous investigations, cooperation with military justice authorities, awareness raising and protection of victims and witnesses, judicial actors, humanitarians and service providers.

Challenges and Path Forward

Political turmoil, cabinet reshuffles, ongoing conflict, and limited access due to insecurity continue to be significant challenges in addressing conflict-related sexual violence in South Sudan. Going forward, the

TOE will support the SPLA in organizing a consultation and validation workshop on the Implementation Plan for the Joint Communiqué to ensure broad consultation on the way forward. In addition, the TOE will be supporting a number of sensitization meetings prior to the consultation and validation workshop to ensure participants have a better understanding of conflict-related sexual violence issues, are well informed, and can actively and constructively participate in the consultation and validation workshop. Following the endorsement of the Implementation Plan, the TOE will also work with SPLA and SSNPS to develop action plans in line with the Joint Communiqué

Going forward, the TOE will continue to engage the SPLA-IO and will actively support the implementation of activities detailed in the SPLA-IO Implementation Plan, including training on conflict-related sexual violence and international human rights and humanitarian law.

10. Sudan (Darfur)

Background

Despite significant international attention and support, the human rights situation in Darfur continues to worsen. The highest number of documented incidents of conflict-related sexual violence occurred in January 2015, coinciding with military operations by the Government in and around west Jebel Mara. Initiatives such as the Doha Document for Peace in Darfur, the creation of the Special Court for Darfur Crimes, the establishment of a National Human Rights Commission, and the establishment of a Special Prosecutor have all failed to achieve peace in Darfur or to improve the human rights situation. Sexual violence continues to be a recurring theme and impunity remains a serious challenge. Non-reporting of cases by survivors for fear of reprisal; general lack of will among law enforcement officials to take action; survivors' distrust of law enforcement officials; and the lack of capacity by law enforcement agencies, especially the police, to address violations remain the norm. Even where there is adequate evidence, police do not consistently pursue formal prosecutions for sexual violence, leaving communities to resort to traditional justice. Among progress made by the Government in 2015 is the Amendment of the 1991 Criminal Act, which now includes a definition of rape that is in line with international standards, and efforts towards the establishment of a victim and witness protection programme.

Assistance and Impact

The Team continued to actively follow the situation in Darfur and to support the work of the international community to fight impunity for sexual violence.

Challenges and Path Forward

Ongoing security concerns, lack of access, and a lack of political will to address conflict-related sexual violence continue to pose serious challenges.

The TOE will continue to follow the situation in Darfur and engage when and where possible.

ii. Other Engagements

1. Outreach and Events

The Team participated in the following outreach activities and events:

2012

- *Conference on Preventing Sexual Violence in Conflict and Post-conflict Situations, Wilton Park, UK, 12-14 November 2012* - The TOE participated in the conference, the aim of which was to raise understanding and awareness of sexual violence as a tactic and weapon of war, create momentum within the international community to break the silence of conflict-related sexual violence, and share experiences and approaches to combat impunity and strengthen the capacities of national governments.
- *UN Action Strategic Planning Meeting, New York, USA, 15-17 October 2012* - The TOE participated in the UN Action Strategic Planning Meeting and briefed participants on its activities and shared lessons learned with regard to addressing impunity for sexual violence.
- *OHCHR Heads of Field Presence Meeting, Kinshasa, DRC, 24-29 June 2012* - The TOE attended the meeting which provided an opportunity to consolidate support from OHCHR on the ground and galvanise synergies with regard to building capacities for national stakeholders to address impunity.
- *OHCHR Heads of Field Presence Meeting, Geneva, Switzerland, 26-30 September 2012* - The TOE attended the meeting on the occasion of the 30th anniversary of the CEDAW Committee, the TOE accompanied and supported the SRSG-SVC at a high level panel on the promotion and protection of women rights in conflict and post-conflict situations organised by OHCHR and the International Organisation of La Francophonie.
- *UK Preventing Sexual Violence Initiative Consultation Meeting, London, United Kingdom, October 2012* – The TOE’s participation in the meeting sought to strengthen cooperation, with UK Preventing Sexual Violence Initiative on areas of cooperation and joint action.

2013

- *Symposium on Sexual Violence, “The Missing Peace Symposium”, Washington, D.C., USA, 14-16 February 2013* - organised by the United States Institute of Peace in
- *Mission with the SRSG-SVC, Washington, D.C., USA, 25 April 2013* – The TOE support the SRSG-SVC in fulfilment of the mandate.
- *International Conference on Somalia, London, United Kingdom, 7 May 2013* - hosted by the UK Government
- *Conference on Male Directed Sexual Violence, New York, USA, 25-26 July 2013* - organised by the Office of the SRSG-SVC and the US Department of State.
- *Regional Conference on Women, Peace, Security and Development in the Great Lakes Region, hosted by the Government of Burundi, in coordination with the Office of the Special Envoy on the Great Lakes Region July 2013.*

- *UN Action Strategic Planning Meeting, New York, USA 21-22 October 2013* - The TOE participated in the UN Action Strategic Planning Meeting and briefed participants on its activities and shared lessons learned with regard to addressing impunity for sexual violence.
- *London conference on Violence Against Women and Children in Emergencies, London, United Kingdom, 13 November 2013* - organised in London by the United Kingdom's Department for International Development
- Mission with SRSO-SVC, Tokyo, Japan, 18-23 November 2013.

2014

- *Workshop for Women Protection Advisors and Focal Points Entebbe, Uganda, 3-5 February 2014* - The three-day WPA workshop provided an opportunity for participants to obtain clarity regarding the conflict-related sexual violence mandate, share challenges and good practices, and enabled all participants and facilitators to develop a common approach and harmonized understanding of responsibilities and functions to be assumed by WPAs.
- *The International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, The Hague, 18 February 2014* - The Team took part in a workshop in The Hague on the 'International Protocol on the Documentation and Investigation of Sexual Violence in Conflict', led by the UK's Preventing Sexual Violence in Conflict Initiative (PSVI). This Protocol aims at improving accountability for sexual violence in conflict by capturing information and evidence that can be used to support future accountability processes. Participants discussed the basic principles and methods set out in the Protocol and how to support, facilitate and strengthen the documentation of sexual and gender-based violence crimes in accordance with these basic principles.
- *Global Summit to End Sexual Violence in Conflict, London, UK, 10-13 June 2014* - The UK Secretary of State for Foreign and Commonwealth Affairs, and the Special Envoy of the UN High Commissioner for Refugees, co-hosted the Global Summit to End Sexual Violence in Conflict, the largest ever Summit convened with the aim of ending sexual violence in conflict. The Team worked with PSVI to plan the content and structure for the Global Summit from January through June 2014, presenting at the Summit and contributing to its report. Over 120 countries attended, many at Ministerial level, as did over 900 experts, including survivors, from around the world.
- *Team of Experts Retreat, New York, USA, 29-31 July 2014* - The Team organized a brainstorming retreat to reflect on its work, review progress, identify challenges, explore opportunities and draw lessons from its engagements over the past three years. The brainstorming retreat helped the Team to explore key strategic priorities, adjust its approach, agree on new entry points and take into account emerging issues regarding conflict-related sexual violence. The Team specifically examined the following: (i) scope of work/challenges; (ii) partnerships; (iii) structure and use of rostered experts; (iv) visibility; and (v) country work.
- *UN Action Donor Conference, Geneva, Switzerland, 12 November 2014* - The Team participated in the UN Action Donor Conference to support resource mobilization by UN Action and to present to Member States how the work of the Team and UN Action complement one another.

- *UN Action Strategic Planning Meeting, Geneva, Switzerland, 13-14 November 2014* - The Team participated in the annual UN Action Strategic Planning Meeting, which (i) reviewed achievements and challenges in executing the UNA Strategic Framework during 2014; (ii) advanced implementation of the recommendations of the 5-Year Forward-Looking Review of UN Action, as well as obligations under Security Council resolutions 1820, 1888, 1960 and 2106; (iii) considered the challenges of resource mobilization and future strategic use of the MPTF; and (iv) revised priorities and defined concrete, budgeted deliverables under each of the three pillars of action for the Strategic Framework in 2015.
- *Working Group on Human Rights and Business, Geneva, Switzerland, 1-3 December 2014* - The Team was invited by the ‘Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises’ to be an official observer at its annual World Forum on Business and Human Rights in Geneva. The Team is committed to ensuring that development is encouraged in a manner that respects human rights and enlisting the private sector as an active participant in the Team’s efforts to eliminate sexual violence in conflict.
- *International Criminal Tribunal for Rwanda (ICTR)*: The TOE contributed to efforts by the ICTR to document lessons learned through addressing sexual violence for the past 20 years, by attending a conference held in Entebbe in February 2014.

2. Contribution to Reports and Policy Documents

The TOE contributed to a number of reports and policy documents, including:

2012

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

2013

- The Secretary-General’s report on sexual violence in conflict (A/67/792-S/2013/149), with a section highlighting the TOE’s efforts to strengthen the capacity of national justice actors to address impunity for conflict-related sexual violence in priority countries and other situations of concern.

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

2014

- The Secretary-General's report on sexual violence in conflict (S/2015/203), with a section highlighting the TOE's efforts to strengthen the capacity of national justice actors to address impunity for conflict-related sexual violence in priority countries and other situations of concern.
- The Secretary General Guidance Note on Reparations for Conflict-Related Sexual Violence.
- The Office of the United Nations High Commissioner for Human Rights Analytical study focusing on gender-based and sexual violence in relation to transitional justice (A/HRC/27/21).
- The Secretary-General's report on Coordinating United Nations Rule of Law Activities (A/69/181).
- The TOE published a report on "Sexual Violence against Men and Boys", highlighting the key challenges and proposing the way forward.

3. *Contribution to UN Joint Assessment Missions*

The TOE contributed to the following UN Joint Assessment Missions:

2012

The Team of Experts participated in the Somalia Strategic Review, which was conducted from September to December 2012, through a process led by the Department of Political Affairs (DPA). The Team, together with OHCHR and UNDP covered issues regarding accountability and human rights, including conflict-related sexual violence.

2013

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

2014

The TOE participated in a Global Focal Point mission to Guinea from 27 January to 4 February 2014, which, at the request of the President of Guinea, identified main gaps and challenges and formulated recommendations to support Government efforts in areas such as access to justice, fight against impunity, military justice and sexual and gender-based violence. The TOE participation in the mission ensured the integration of sexual violence considerations in any justice and security sector reform efforts.

iii. Operational and Contractual Issues

During the reporting period, the TOE was supported in its efforts by approximately 70 national and international experts, 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, Islamic 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 DRC, Guinea and Côte d'Ivoire.

C. Lessons Learned

- There needs to be a greater focus on early warning and prevention of conflict-related sexual violence. UN actors should use the *UN Action Matrix of Early-Warning Indicators of Conflict-Related Sexual Violence* to inform their work at the first signs of a conflict. As the TOE relies on information supplied by UN actors on the ground in conflict situations, establishing monitoring, analysis and reporting arrangements in accordance with Security Council resolution 1960 (2010) at the earliest possible time is essential.
- When conducting a technical assessment of a country's legal framework regarding conflict-related sexual violence, one must examine both formal and informal legal systems that may impact survivors of sexual violence. Technical assessments should also incorporate analysis of laws regarding potentially vulnerable groups like children, the displaced, the disabled, the detained, and minority groups, including lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals.
- The TOE's capacity support and expertise is greatly enhanced by collaborating with already existing institutions and initiatives dealing with conflict-related sexual violence. The TOE's assessments should identify responsible and capable interlocutors within these institutions, and the TOE's capacity support should empower individuals making progress on conflict-related sexual violence in difficult contexts. Beyond governmental actors, the TOE must strengthen civil society's responses to conflict-related sexual violence.
- Embedding international experts into national judicial processes can ensure that these processes make substantial progress while remaining nationally-owned.
- The TOE has found that creating and supporting specialized units of prosecutors and investigators that handle serious international crimes, including conflict-related sexual violence, can ensure

significant progress on accountability. The creation of specialized units further allows training resources to be deployed in a targeted, continuous and multi-sectoral fashion on a small team of dedicated practitioners.

- The UN and international donors must ensure support to the entire justice chain that handles a case of conflict-related sexual violence and not just during the investigation and prosecution phase.
- Protection for victims, witnesses, justice officials and human rights defenders is absolutely vital if justice processes are to move forward for conflict-related sexual violence. The UN and international donors must make resources available for witness protection experts and programs. Revisions of legal frameworks should enhance available protection measures.
- Security sector institutions must create clear plans of action to address conflict-related sexual violence. These plans should focus around clear axes regarding prevention, deterrence, response, and accountability. There must also be tools to monitor compliance and evaluate the progress of these plans. Reducing conflict-related sexual violence should be not only a political imperative, but a strategic imperative of security institutions.
- International judicial cooperation on investigations and prosecutions regarding conflict-related sexual violence must be strengthened and the TOE must devote increasing resources to assist national actors in pursuing this cooperation. The TOE will also continue to support cooperation agreements and experience sharing throughout the global South.
- Legal aid and reparations to victims is an essential component of the justice process for conflict-related sexual violence crimes.

D. Partnerships and Interagency Collaboration

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 – The TOE has developed a strong partnership with the UN Action network, which has resulted in regular information sharing, support in the process of building country profiles, and briefings before and after TOE assessments and deployments. The UN Action Multi-Partner Trust Fund has served as a platform for TOE fundraising which provides an earmark window to channel TOE funds. The TOE has also contributed to and benefited from tools developed by UN Action.
- United Kingdom Preventing Sexual Violence Initiative – The TOE has developed a strong partnership with PSVI and PSVI has committed to fully support the TOE's in its work to achieve greater coherence and cooperation in the fight against impunity.
- UN Country Teams, UN Peace Missions and other UN Actors - TOE assessments and deployments have received active support from UNCTs and Peace Missions, including through the provision of the necessary substantive and logistical support during assessments and deployments, and by ensuring follow-up to recommendations from assessments. 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, amongst others.
- Other Partners - The TOE has benefitted from partnerships with international and regional organizations, as well as advocacy groups and research institutions. Specifically, the Team has benefitted from the support of Freshfields, Bruckhaus Deringer US LLP. The Team also continued its relationship with Justice Rapid Response, which manages a stand-by roster of criminal justice professionals.
- Regional Organizations - Regional organizations, such as the African Union, ICGLR-RTF, and the Great Lakes Women’s Platform proved to be important partners in the fight against impunity for sexual violence in conflict.
- South / South Cooperation - Conflict-related sexual violence is a global phenomenon and requires a global response. As a result, no single country, region or continent has a monopoly on solutions. The Team is committed to ensuring that the global “South” participates in response efforts with both experience-sharing and funding. The Team intends to continue promoting learning between Governments through South/South experience sharing and to introduce “triangular cooperation” into its efforts where a traditional donor can pair with an emerging donor from the global “South” to provide support to a beneficiary country also located in the global “South.”

END