

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

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

**FINAL NARRATIVE REPORT COVER PAGE**

<p><b>Participating UN Organization(s): UNDP, DPKO, UNWomen</b></p>	<p><b>Project<sup>1</sup> Title: Joint Justice Program for Central African Republic</b></p> <p><b>Project Number: UNA040</b></p>
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<sup>1</sup> The term “project” is used for projects, programmes and joint programmes

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<p><b>UN Action pillar of activity:</b></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: 01 September 2016 - 31 March 2017</p>
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<p><b>Project Duration/Closed Project:</b></p> <ul style="list-style-type: none"> <li>• Provide the project duration: 12 months</li> <li>• Report on budget revisions and extensions and provide the new dates.</li> <li>• Indicate if the project has been operationally closed during the reporting period.</li> </ul>
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# TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

## Final Narrative Report

### I. Background

The human rights situation in the Central Africa Republic (CAR) remains of great concern. Several prefectures were shaken by clashes in the second half of the year, leading to the displacement of thousands of civilians and a pattern of conflict-related sexual violence of an ethnic and sectarian nature. In 2016, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) recorded 179 cases of conflict-related sexual violence committed primarily by ex-Séléka, anti-balaka, Révolution et Justice elements and the Lord's Resistance Army (LRA). These incidents included 151 rapes, of which 54 were gang rapes, as well as six forced marriages and four cases of sexual slavery. The victims included 92 women, 86 girls and one boy, though the actual number is suspected to be far higher than the figures reported.

Most incidents took place in the course of essential livelihood activities, such as farming or firewood collection. Victims of conflict-related sexual violence were generally assaulted in their homes, en route to markets or fields, and in and around displacement camps. Sexual violence also occurred in the context of intercommunal clashes aimed to humiliate or punish the targeted population, as well as against women suspected of engaging in trade across the sectarian divide.

There remain many barriers to reporting sexual violence, including inadequate infrastructure, poor transportation and communications networks, cultural taboos and a general lack of awareness that rape is a serious crime. In terms of service-provision, there is lack of available health services and the prohibitive cost of travel from remote locations. The current situation has also had a negative impact on the capacity of the justice system, resulting in most rape cases being resolved through “amicable settlements”, such as promises of marriage, including the payment of a dowry or other financial compensation. In March 2016, the Ministry of Justice issued a circular in March 2016 requiring sentences for sexual violence crimes to be upgraded from “correctional” to criminal sanctions, to provide a stronger deterrent. However, the lack of forensic capacity, with just one medical examiner in the country, constrains investigation.

The response to sexual violence crime was weakened by the collapse of the police and the gendarmerie following the successive cycles of violence that have plagued the country since December 2012. Police stations were looted and police and gendarmerie personnel abandoned their positions, with some officers joining the ex-Séléka and the Anti-Balaka. This created a serious vacuum in the enforcement of law and order, including policing. The establishment of the joint rapid response unit to combat sexual violence, with the support of the Team of Experts is seen as critical in bridging the capacity and institutional gap in responding to such crimes.

### The UMIRR

In the light of the above background, and in accordance with its mandate under Security Council Resolution 1888 (2009), the United Nations Team of Experts on Rule of Law/Sexual Violence in Conflict (TOE), has contributed to the Joint Justice Program for Central African Republic, through the provision of technical assistance to the Government of the Central African Republic (CAR) to address the prevailing sexual violence crimes. In cooperation with the United Nations Multidimensional Integrated Mission in Central African Republic (MINUSCA), the United Nations Development Programme (UNDP) and UN Women, the TOE has assisted the Police and Gendarmerie Nationale to establish a unit tasked with rapidly responding

to sexual violence incidents – the Rapid Response Unit (UNMIRR). This support is in response to a request by the Government of CAR to enable the police and the gendarmerie to immediately respond to alerts, reports, threats and ongoing incidents of sexual violence. The unit is a small but agile, well-equipped, integrating women officers and staff, based in Bangui, and well-trained in International Humanitarian Law, Human Rights Law, and the prevention of conflict-related sexual violence. Particular attention is paid to the selection of the staff for this unit, which should reflect safeguards built in to prevent conflict and exacerbate negative perceptions. This unit is also responsible for ensuring safe spaces for interviewing of survivors.

Through this contribution, the TOE aims to build the capacity of the UNMIRR to collect and preserve evidence, interview victims, and document cases, ensure confidentiality and put in place mechanisms for referral to medical, psychosocial and legal aid providers.

## **Purpose**

The main outcomes and outputs of this project are:

### **Outcome 1: Strategic and operational framework of the justice system along with mechanisms to combat impunity have been established in order to provide an immediate response to the population's protection needs**

*Output: An emergency plan and a strategic policy document produced and implemented by the Ministry of Justice*

- A judicial database is developed
- Perception studies on safety and justice, including protection and response to CRSV are conducted

### **Outcome 2: Cases of sexual and gender-based violence are being monitored and the victims of SGBV are receiving assistance**

*Output: Improved care for the survivors of sexual and gender-based violence and improved handling of their cases by the security services and the courts of law in the intervention areas*

- The reception of SGBV victims and the handling of their cases by security and judicial services are improved.
- A specialized police unit with capacity and capability to provide an adequate and integrated response to CRSV is set up.

## ***The Team of Experts in the CAR***

The project is part of the support provided by the Office of the Representative of the Secretary General of the United Nations on conflict-related sexual violence through the Team of Experts on Rule of Law/Sexual Violence in Conflict (TOE). Following the scale of sexual violence in CAR<sup>2</sup>, the Government and the United Nations agreed to strengthen bilateral cooperation in the area of security sector reform, with support to the Ministry in charge of the Police and Gendarmerie, through the establishment of specialized units which would address crimes against women and children.

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<sup>2</sup> The GBVIMS data of 11 December 2015 reported 7000 cases of gender-based violence and of 2016, around 11000 cases of gender-based violence reported in 2016.

Combating impunity for gender-based crimes, and sexual violence in particular is one of the priorities of the Government of the Central African Republic. A legislative and regulatory framework as well as institutional measures would allow the Central African Republic to comply with international legal framework related to violence against women, in particular the United Nations Convention on the Elimination of All Forms of Discrimination Against Women as well as United Nations Security Council Resolutions 1820 (2008), 1888 (2009) and 1960 (2010).

Within this framework, the Office of the United Nations Special Representative on Conflict-Related Sexual Violence through the TOE supported the Joint UNDP / UNWOMEN / MINUSCA Justice Program for the operationalization of the UMIRR and to conduct the perception studies on justice, security, governance and peacebuilding in the CAR.

### ***Implementing partners, roles and responsibilities and their interaction with the participating UN organisations***

Activities related to the operationalization of UMIRR<sup>3</sup> are directly implemented by UNDP with the support of MINUSCA and UNWOMEN as well as key Ministries (Interior, Justice, Health, and Social Affairs). UNDP relied on the Harvard Humanitarian Initiatives (HHI) for the implementation of activities related to perception studies. HHI is responsible for: (i) Conducting perception studies based on accurate and reliable data and to set up judicial database to interrogate and inform peacebuilding efforts, democratic transition, transitional justice and access to justice efforts as provided by national authorities, United Nations' technical and financial partners; (ii) Contributing to better formulation of policies and programs on the reduction of violence, protection of civilians, transitional justice and access to justice, and the establishment of the political, educational, social and economic institutions of the CAR.

## **II. Resources**

The project received a total amount of \$818,550 from Japan. The project was expected to be implemented in one year, from April 2015 to March 2016. This period was extended under a no-cost extension until 31 December 2016.

## **III. Implementation and Monitoring Arrangements**

### ***Implementation***

The Project benefited from the collaboration with key Ministries, mainly: Interior, Justice, Health, and Social Affairs. These Ministries played an important role in designing and setting up the UMIRR. Partnerships with other UN Agencies, National and International NGOs were built in order to synergize efforts to support the UMIRR, especially during the training of its personnel and in the course of the perception studies.

### ***Monitoring***

In the process of the project implementation, monitoring, evaluation and reporting, the following mechanisms are established:

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<sup>3</sup> Unité Mixte d'Intervention Rapide et de Répression (des Violences Sexuelles faites aux femmes et aux enfants)

- Monitoring of indicators and the outcomes and outputs identified and fully validated as part of the matrix of the Logical Framework of the project;
- Monitoring the implementation of the activities of the annual work plan and the level of achievement of results;
- Supporting surveys or evaluations; documentation and analysis of data;
- Preparation of monthly, quarterly and annual reports on the project and the validation by the Country Office;
- Dissemination of reports to national partners, stakeholders and donors;
- Conducting reviews with stakeholders through Technical Committee Meetings and Steering Committee meetings.
- Follow up of recommendations

Constraints, opportunities and lessons learned are identified during the implementation of activities in the field, at both operational and technical levels. They are presented and discussed at the Technical Committee and Steering Committee meetings with partners. These forums provide a valuable opportunity to draw lessons from the past or current exercise and prepare for future planning. New work plans are developed, taking into account lessons learned in terms of strengths and weaknesses, capitalization of gains and better use of identified opportunities.

#### ***Assessments, evaluations or studies undertaken during the project.***

For 2016 planning, a survey on the opinions and perceptions of the populations regarding justice, security and violence in the CAR was conducted. This activity is ongoing and will be completed in the first half of 2017, with the setting up of a database.

#### **IV. Results**

The project contributed to the improvement of the technical and logistical capacities of the UMIRR as well as the commitment of the national stakeholders through the coordination framework on the support for the operationalization of the Unit. During the implementation of activities, emphasis has also been placed on the development of SOPs on sexual violence investigations (including conflict-related sexual violence and SGBV). A manual on the UMIRR management to ensure a coherent approach on how to conduct investigations and victim referral mechanisms has also been developed. In addition, perceptions studies on justice, security, governance and peacebuilding in CAR have been conducted.

***Outcome 1: The strategic and operational framework of the justice system along with mechanisms to combat impunity have been established in order to provide an immediate response to the population's protection needs***

*Output: An emergency plan and a strategic policy document are produced and implemented by the Ministry of Justice*

- *A judicial database is developed*
- *Perception studies on safety and justice, including protection and response to CRSV are conducted*

#### **(i) Launch of Perception Studies on Justice, Security, Governance and Peacebuilding in CAR**

The Harvard Humanitarian Initiative (HHI) was selected following a competitive bidding process for the conduction of studies, and the establishment of a judicial database. Co-financed by INL, the TOE and MINUSCA, these activities were launched by the Ministry of Justice and the Ministry of the Interior in

December 2016. They include the setting up of a judicial database, and the conduction of four perception studies on governance, rule of law, consolidation, and peace in CAR and human development in CAR.

In order to take into consideration of the stakeholders' needs and inputs in the formulation of the indicators, meetings were organized with different stakeholders, which allowed the HHI team to submit a plan of activities to UNDP. Focal points for the activity were appointed within the Ministry of Justice. The first report on the surveys and the judicial data collection will be launched at the end of April 2017. This will provide state institutions, donors and technical and financial partners with reliable data and indicators for decision-making in their efforts to strengthen judicial and security governance in CAR.

***Outcome 2: Cases of sexual and gender-based violence are being monitored and the victims of SGBV are receiving assistance***

*Output: Improved care for the survivors of sexual and gender-based violence and improved handling of their cases by the security services and the courts of law in the intervention areas*

- *The reception of SGBV victims and the handling of their cases by security and judicial services are improved.*
- *A specialized police unit with capacity and capability to provide an adequate and integrated response to CRSV is set up.*

**(i) Implementation of the consultation and coordination framework in support of the operationalization of the UMIRR**

Presidential Decree No. 15/007 issued on 8 January 2015 established the “Unité Mixte d’Intervention Rapide et de Répression des Violences Sexuelles faites aux Femmes et aux Enfants - the Mixed Unit of Rapid Intervention and Repression of Sexual Violence against Women and Children (UMIRR), based in Bangui and with jurisdiction over the entire Central African Republic. This specialized unit, comprising members of the Gendarmerie and the Police, was set up with a view to creating and maintaining in the Central African Republic an appropriate and appropriate framework for the prevention and punishment of offenses relating to conflict-related sexual violence as well as other forms of sexual and gender-based violence. In addition, the UMIRR also deals with violations of the rights of the child, including children in conflict with the law. The Unit ensures response, investigation, and referral for services.

To strengthen its operations, a monthly exchange space was created around the work of the Unit, with the following objectives: to serve as a framework for consultation on the efforts and interventions of the different actors in supporting the operationalization of the UMIRR in order to maximize its impact; to facilitate the mobilization of resources to support initiatives and strengthen the functioning of the Unit; to provide a framework for exchange and reflection on the implementation of national strategies for the prevention and response to sexual violence by the Police and the Gendarmerie with a view to ensuring that they are properly implemented; and finally to encourage national and international stakeholders to intervene in support of the various initiatives and strategies developed at the national level.

Eight meetings were held between September 2016 and March 2017, which allowed members of the consultative framework (key ministries: Interior, Justice, Health, Social Affairs, Police, Gendarmerie, agencies, international and national organizations) to discuss and share points of view on the legal framework creating and organizing the Unit, to agree on responsibilities of the various stakeholders involved

in the operationalization of the Unit, and discuss planned activities of the various partners especially those in planned in line with the annual work plan of the Joint Project.

The consultation and coordination framework played a key role in the process of nomination of the personnel of the three services of the UMIRR, in accordance with the decree and the inter-ministerial decree creating and organizing the Unit. These services include: Investigations Service, Medical and Psychosocial Service, and Legal Assistance Service. Decisions from the key ministries have appointed the Director of UMIRR, Chiefs of Services and the staff in October 2016. The UMIRR is composed of 33 staff (13 females, 20 males) including 29 officers and non-commissioned officers, two civilians from medical services, two civilians from social services and one civilian from legal service). As provided by Presidential decree mentioned above, the personnel of the UMIRR who are currently nominated by a simple decision, will soon be fully nominated by an Inter-Ministerial decree.

This space of exchange played a key role in the process of identifying and nominating the staff to serve within the three services of the UMIRR, in accordance with the decree and the inter-ministerial decision creating and organizing the Unit. These services are: monitoring and investigation, medical and psychosocial; and legal support. Memos from key ministries appointing these staff to the various positions of responsibility were issued in October 2016. Advocacy is underway for the appointment to UNMIRR, to be regularized through the signing of inter-ministerial decrees by the seconding entities.

On 9 December 2016, the Joint Inter-Ministerial decree No. 16/958 on the organization and functioning of the UMIRR was signed by Minister of the Interior and the Minister of Justice. This amended the previous decree n ° 16/003 of 29 February 2016. With active implication of the members of the consultation and coordination framework, this new decree has the advantage of being more precise on the missions, the services and the operations of the Unit.

#### ***Coordination between UNMISS and the forthcoming Special Criminal Court***

The benefit of an operational UMIRR has been underscored, since it could play a part in support to the forthcoming Special Criminal Court (SCC). In this regard, discussions were initiated among stakeholders, in order to identify how the UNMIRR could add value to the SCC.

In accordance with the law establishing the SCC, a Special Police Unit will be responsible for the investigation of offenses within the jurisdiction of the Court. Coordination between these bodies - UMIRR and the Special Unit attached to SCC – is important. First, the Special Unit can only investigate and prosecute a limited number of crimes, specifically those bearing the greatest responsibilities. Therefore, a significant part of the criminal legacy of the conflict in CAR should be dealt with exclusively by national courts that will rely primarily on the UMIRR. Secondly, regular meetings between the elements of UMIRR and Special Police Unit in order to share information in regard to the collection of evidence and other investigative acts, which could be relevant to the work of the SCC or even to the ICC.

The deployment of the Special Prosecutor, the establishment of his team, and the adoption of the SCC Prosecution Strategy and Rules of Evidence and Procedures are imminent. Consultations must therefore continue for more synergy between the two Police Units in order to effectively contribute to efforts to address accountability for conflict-related sexual violence.



## **(ii) Drafting of SOPs on CRVS/SGBV investigations and a Management Manual**

The extent of sexual violence, gender-based violence and violations of the rights of the child, especially in times of conflict, as well as the circumstances in which such offenses are committed, their consequences and effects make these offenses a real challenge for CAR law enforcement agencies, especially the Police and Gendarmerie. These are often the first responders in the criminal chain and victims referral mechanisms. One of their core and mandatory missions is to provide victims with the protection, information and assistance; to conduct investigations and bring perpetrators to the prosecutor. In this regard, the UMIRR needs to be well equipped with such tools to accomplish its missions with consistency and professionalism.

Two tools have therefore been created: the Procedures on sexual violence and SGBV investigations, and the “SOPs on the functioning of UNMIRR.” These tools:

- Provide guidance and guarantees of coherent and consistent investigations of offences classified as sexual violence, or gender-based violence and violation of children’s rights. The guidance describes how to conduct investigations from the first response to referral, and includes information on the referral pathways, case handling, interviews and management of a crime scene.
- The UMIRR management manual which highlights the UMIRR is managed (vision, structure, chart, organization, chain of command, jurisdiction, logistic and personnel...)
- In addition to these two main documents, the need for standardized proceedings; templates, forms and registers for different judicial proceedings have been suggested and should be approved by national authorities.

Both documents were validated during a workshop organised in February 2016. The participants included the key Ministries involved in the operationalization of the Unit, namely the Ministries of the Interior-security, Justice, Health and Social affairs.

## **(iii) Study trip in management and operationalisation of Special Police Unit**

A study visit to Goma, in the Democratic Republic of Congo was organised from 25 to 31 January 2017 by officers of the UNMIRR, after undergoing training on investigative and interview techniques. This enabled them to gain familiarity with the management and operationalization of a Specialized Unit, working in an environment similar to CAR. Secondly, it enabled them to witness how investigations are conducted by the DRC counterparts. 15 persons representing the following institutions participated in the mission: Ministry of the Interior, Ministry of Social Affairs, Ministry of Health, Ministry of Justice, Ministry of Communication, UMIRR elements, Bar Association, Civil Society, Public Prosecutor's Office and TGI.

These experiences have helped to strengthen the way police deal with cases of sexual violence in CAR. A debriefing workshop was organized in February 2017, which enabled good practices to be identified and, which also contributed to the finalization of the two guidelines of the UNMIRR.

## **(iv) Improvement of the technical capacities of the UMIRR**

The judicial police services play an important role in the penal chain especially in sexual violence cases. Prosecution of sexual violence requires a technical and knowledge-based approach ranging from the understanding of the legal framework to the practical techniques combining the protection and safety of the victims with the rights of accused persons. The work also requires diligent and professional investigation. The promptness in investigations is also paramount especially with regard to the protection of the evidence collected.

UMIRR staffs have had the opportunity to improve their knowledge through a level-1 training on CRSV and SGBV investigations, as well as on child protection. Their capacity has been enhanced on how to handle cases, how to approach victims, including referrals, and how to protect information. A 15-day training was organized for all 33 members of the UNMIRR.

In order to ensure the quality of the training and to share practical experience, the project benefited from the support of the Gender Affairs Officer of the Standing Police Capacity (Division of the Department of Peacekeeping) and of the Commander of one of the SGBV Specialized Police Units in eastern DRC. This approach has enabled UMIRR to benefit from learning not only from international expertise but also from their peers in countries that have experienced and overcome similar challenges related to handling cases of sexual and gender-based violence. Moreover, for a better ownership of the training, a coaching for the UMIRR staff will be conducted.

The training also benefited from the support of partners in Bangui who will remain involved in the operationalization of UMIRR. Trainers were from MINUSCA (UNPOL, Human Rights Division, Gender Unit, Women Protection Advisor Office), UN Agencies (UNICEF, UNFPA, UNAIDS, UNDP) as well as the international organizations such as the International Committee of the Red Cross and the American Bar Association.

#### **(v) Training on the collection of forensic evidence in conflict-related sexual violence cases**

From 2 to 4 February 2017, UNMIR staff were trained **on the collection of forensic evidence in conflict-related sexual violence cases**. Judges and magistrates, *Officiers de Police Judiciaire* (OPJ) of the Investigation and Investigation Department of UMIRR, doctors, nurses, lawyers from the Bar association, psycho-social assistants and civil society organizations also attended and benefitted from the training. Physicians for Human Rights (PHR), an institution specializing in forensic expertise in conflict-related sexual violence, conducted the training. The objective of the training was to contribute to the prevention of and effective adjudication of cases of conflict-related sexual violence.

The training specifically:

- Increased the knowledge of service providers regarding the inclusion in their field, of legal aspects relating to the treatment of cases of sexual violence;
- Helped promote and facilitate a better understanding of the elements required by the different categories of stakeholders; police officers, magistrates and judges, doctors and nurses, psychologists and social workers; who are most relevant to prosecution, investigation and support in cases of sexual violence.

To ensure a continuous follow-up of the training, medico-legal reflection days will be organized to allow the network of actors, to exchange and discuss difficulties encountered and the way forward.

#### **(vi) Training of judicial actors on the legal and judicial care of victims of sexual and gender-based violence**

Five training sessions were conducted for 329 judicial actors including magistrates, clerks and prison officers. These sessions lasted for 10 days each, and addressed the following: the administration of justice, the judiciary and administration; procedure in criminal matters; the management of court registries and secretariats of the prosecution services. This also included: the rights of prisoners and their social

reintegration; prison security and the management of prison statistics, etc. The sessions were tailored to each of the groups of trainees.

During these training sessions, modules on gender concepts and legal and judicial support for cases of sexual violence including conflict-related and gender-based violence were provided in order to improve judicial responses to sexual violence.

**(vii) Setting up an adequate working environment to facilitate investigations and the holistic care for victims**

To reinforce victims' need for security during investigations and to reduce the risk of stigmatization, a building availed by the General Directorate of National Gendarmerie on the basis of a memorandum signed on 14 December 2015 is currently under refurbishment and will serve as UMIRR Offices. This building is divided into 16 rooms including 3 offices for interview in compliance with standards of confidentiality.

Two companies were selected according to UNDP procedures to carry out the rehabilitation of the building and to secure the site with a wall. The refurbishment was launched on 14 October 2016 and will be completed by March 2017. The opening of the building, including equipment and official installation of the UMIRR is envisaged take place in April 2017.

**(viii) Acquisition of equipment and material**

Logistical capability is a challenge in CAR especially for judicial services. This has an impact on the ways cases are handled and managed including, those related to sexual violence. One of the main obstacles to access to justice has always been the fact that justice is expensive for a large part of the population and victims in particular. Victims are obliged to pay a sum of money to get their complaints registered and then processed in court. The judicial services justify the fees as contribution to assist in the acquisition of office supplies, transport and proceedings costs.

To address these challenges, equipment has been procured for UMIRR to support procedures and investigations on sexual violence and gender-based violence. These are two vehicles and 3 motorcycles, computer equipment, furniture, office supplies and consumables.

***Challenges and Lessons Learned***

The implementation of the project activities was delayed because the funds were only received, in June 2016, while the project was supposed to start in April 2016. The effective implementation began on August 22 with the recruitment of project implementation staff.

In addition, the unavailability of a building for the UMIRR office and the delay of the nomination of UMIRR personnel had negatively impacted the implementation of the project activities.

The recruitment of international expert to coordinate the project, the setting up of the consultation framework chaired directly by the Ministry of the Interior and the Ministry of Justice helped to address some constraints and facilitated the implementation of the project since September 2016.