

Programme Assessment/Review/Mid-Term Eval.

Evaluation Completed

Yes No Date: *dd.mm.yyyy*

Evaluation Report - Attached

Yes No Date: *dd.mm.yyyy*

Report Submitted By

- Name:
- Title:
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1. Background

Conflict Related Sexual Violence in Côte d'Ivoire

Côte d'Ivoire witnessed an increase in rape and gang rape during the post-election crisis in 2011. Sexual violence crimes were committed by all parties to the conflict, which included elements of the former Forces de défense et de sécurité (FDS), the former Forces armées des forces nouvelles (FAFN), the Forces républicaines de Côte d'Ivoire (FRCI/FACI⁹⁹), members of militia, and associated groups. These acts were politically or ethnically motivated and inflicted publicly or in front of family members, to humiliate men and women perceived as political opponents. An alarming trend in rape cases was also observed in western Côte d'Ivoire where gang rapes committed by unidentified individuals (believed to be members of militia groups) frequently occurred during armed attacks against public transport vehicles or private homes.

Deployment of Women's Protection Advisers in UNOCI

In 2011, Côte d'Ivoire was designated a priority country for the Office of the SRSG on Sexual Violence in Conflict in line with UN SCRs 1820, 1888 and 1960. SCR 2000 (2011) specifically called upon UNOCI to "appoint Women's Protection Advisers and to ensure gender expertise and training". This was reiterated in subsequent SCRs 2062 (2012) and 2101 (2013). However, UNOCI did not prioritize the WPA posts in its successive Mission budgets. In late August 2014, a WPA P-4 was deployed within the Human Rights Division (HRD) in UNOCI through DPKO/DFS over a total period of two years and a half (last period being a 6 month-extension) to strengthen the implementation of the conflict-related sexual violence (CRSV) mandate in Côte d'Ivoire.

The post was funded by UN Action's Multi-Partner Trust Fund (MPTF). The strategic objective of the UN Action project (UNA031) was to "***strengthen the capacity of UNOCI in collaboration with the UN Country Team to implement the conflict-related sexual mandate***" in Côte d'Ivoire. The P-4 post has been funded until **31 December 2016**.

During the UN Action Coordinator's visit in Côte d'Ivoire, discussions were engaged with the UN Country Team (UNCT) to ensure that the gains achieved so far by the project will be further consolidated and **to ensure the full continuity of the CRSV mandate in the country after 31 December 2016 and the subsequent closure of UNOCI**.

Since the beginning of this project proposal that has been extended twice, the implementation of the CRSV mandate in UNOCI remained based on a 4-pronged approach:

- **Mainstream and build the capacity of mission components to address CRSV;**
- **Establish monitoring, analysis and reporting arrangements (MARA) on CRSV and regular reporting in collaboration with members of the UNCT; and,**
- **Address 'commitments' with all concerned parties, and**
- **Strengthen coordination within the Mission, and with the UNCT and partners.**

In 2016, the running of the project proposal was marked by **the official hand over of the UNOCI tasks transfer plan from UN DPKO to the Government of Côte d'Ivoire**. On 17 October 2016, in Abidjan, the Deputy Secretary General of the UN in charge of Peacekeeping Operations, Mr. El Ghassim Wane, gave the United Nations Operation in Côte d'Ivoire (UNOCI) task transfer plan to the Ivorian Prime Minister and Head of Government, Mr.

⁹⁹ Became *Forces armées de Côte d'Ivoire* (FACI) with the new military programmatic law adopted in July 2016.

Daniel Kablan Duncan, some eight months before the UN Mission's departure from Côte d'Ivoire and two months before the end of the project proposal.

The transfer plan highlights the main achievements of UNOCI since its inception in 2004. It also proposes a **roadmap of activities needed for the recovery of critical challenges**. The transfer plan also identifies the conditions under which these activities should be implemented to ensure the continuous and sustainable consolidation of the recent years' positive trends.

In this plan, **references are made on the continuation and possible re-articulation of the CRSV mandate into the UN Country Team (UNCT) and Government activities after the Mission's departure. In particular, it highlights specific CRSV related issues that will still require attention and follow-up both from the Government and the UNCT in order to continue the implementation of the CRSV mandate in Côte d'Ivoire.**

2. Project Implementation – Overview & Results

a)

Activities Undertaken

- **Mainstream and build the capacity of mission components to address CRSV**

During the period of the project, the UNOCI HRD-WPA provided inputs to ensure that **CRSV-related considerations were included in all UNOCI** planning and operational processes (RBB, MIP etc.), as well as in the UNOCI situational and analytical reports and strategic documents (Code Cables, Sanctions committee reports, SG reports, etc.).

The UNOCI HRD-WPA also conducted several **capacity-building activities** to strengthen capacities of UNOCI Mission's personnel on prevention and response to CRSV. These capacity-building trainings were conducted ahead of major political events (presidential elections, legislative elections, referendum etc.) as CRSV prevention is critical. Several type of sensitization materials were produced and T-shirts with the logo STOP RAPE NOW! (Stop au viol) were distributed to increase awareness of CRSV.

Similarly, the UNOCI HRD-WPA advocated for the **integration of CRSV-related issues** into main UN Thematic Groups/UN coordination mechanism agendas and in the respective UN agency programming (UN WOMEN, UNFPA and the United Nations High Commissioner for Human Rights - OHCHR) to render the UNCT's work more effective behind national efforts to address SV and CRSV. The UNOCI HRD WPA attended the monthly and ad hoc meetings of **the UN Gender Thematic Group** during which the CRSV points included in the agenda were raised.

- **Monitoring, analysis and reporting arrangements (MARA) on CRSV**

Implementation of the MARA in Côte d'Ivoire

In Côte d'Ivoire, the MARA drew on information gathered from local and national sources: Government authorities and institutions, health and psychosocial service providers, UN System (including UNOCI and UNCT actors), and international and local NGOs.

Data Collection for the MARA

The type of data collected includes figures, statistics, allegations/individual complaints/reported incidents/cases on CRSV. The data collected may vary and differ from one source to another, as their monitoring and reporting functions do not respond to the same criteria and principles. The bottom line is to obtain and include in the final report the most verified and accurate data on CRSV, bearing in mind that the information obtained should adhere to ethical monitoring standards and principles.

MARA in Côte d'Ivoire – Figures

2011: Between January and September 2011, **478** cases of rape were documented across the country. Only 13 arrests have been made, with no convictions to-date.

2012: **248** rape cases.

2013: **385** rape cases.

2014: **325** rape cases. 20 elements of the FACI, one policeman and nine ex-combatants were reportedly involved in rape incidents.

2015: **169** rape cases. One member of the FACI, two policemen, ten unidentified armed individuals were reportedly identified as alleged perpetrators of these rape incidents.

2016: **63** rape cases. Seven elements of the FACI involved in rape incidents.

MARA Operationalization / Structures

In 2012, UNOCI's SRSG established a GBV Working Group (GBV WG) under DRSRG-RC/HC responsibility, with UNFPA as lead agency and UNOCI HRD-WPA as co-lead. The GBV WG held monthly meetings. In 2013, the GBV WG extended participation to UNCT entities and UNOCI components, and became the key forum for information-sharing and joint operational planning on SV/GBV matters. In April 2014, the MARA WG was officially established as a sub-group of the GBV WG. Its composition was restricted to UNCT and UNOCI entities with specific SV/CRSV monitoring and reporting mandates. In 2015, meetings of the GBV WG as well as the MARA WG were discontinued as the number of cases diminished and the focus of GBV work shifted towards engaging with the Government to ensure monitoring and response to SGBV/CRSV cases. Information-sharing of activities and joint operational planning on SGBV/CRSV matters were transferred under the Gender Working Group (lead: UN Women) that acted as the main consultation forum.

As far as a broader forum in charge of dealing with CRSV-related issues is concerned, the National Coordination Group, which brings together all actors involved in the fight against SGBV, re-activated its meetings during the reporting period. This group, which works as a consultative forum, gathers representatives of national and international NGOs as well as UN agencies under the leadership of the Ministry of Solidarity, Family, Women and Children (MSFWC).

Strengthening capacities of national partners in terms of CRSV monitoring/ documenting/ reporting

During the period of the project, the UNOCI-HRD WPA conducted a series of activities and workshops to strengthen the capacity of national and international partners on collection and management of SV/CRSV data, and in particular on the MARA and the Gender-Based Violence Information Management System (GBVIMS) tools. The main objective of these activities was **to improve capacities of national partners in terms of CRSV monitoring/ documenting/ reporting.**

In December 2014, the UNOCI HRD-WPA conducted a **three-day capacity-building workshop** on the need for the collection and recording of accurate data on the judicial follow-up of sexual violence and conflict-related sexual violence cases. In October 2015, the UNOCI HRD-WPA organized and **facilitated a follow-up workshop on the management of data on SGBV including CRSV** with the same participants as well as judicial actors from Bouaké and Abidjan and representatives of the ministries of Solidarity, Justice and Defense. The aim of the workshop was to review the recommendations made during the previous workshop and to assess their implementation and feasibility.

Similarly, with its partner UN Women, the UNOCI HRD-WPA conducted a **four-day training workshop on financial and programmatic reporting as well as on investigation techniques and documentation of SV/CRSV cases.** The aim of the joint workshop was to improve and reinforce capacities of NGOs on financial and programmatic reporting as well as investigation techniques and documentation of SV/CRSV cases. NGOs were selected on the basis of the relevance of their projects, including their experience and performance in carrying out their activities throughout the country. Participants included representatives of the main NGOs (Ruban Rouge CI, ONEF, AIP, Fondation Djigui, ASAPSU, Fondation Espoir et Vie, REPSFECO, SFCG, CLIRA, WANEP Côte d'Ivoire, FEV, OIS Afrique, MACOM, etc.) combatting SV/GBV, the MSFWC and the National Assembly.

Establishment of FACI-CNDHCI-UNOCI Joint Human Rights Mechanism

Identification/documentation/reporting on CRSV incidents with parties and other national partners was done until mid-2015 by the UNOCI HRD-WPA in collaboration with the Legal Adviser of the FACI High Command for CRSV cases reportedly committed by FACI elements (identification/reporting of alleged sexual abuses/crimes that have been committed and the initiation of criminal proceedings as well as disciplinary sanctions against

alleged perpetrators). Following the launch of the FACI-UNOCI Joint Human Rights Mechanism in August 2015 (in collaboration with the CNDHCI—the National Human Rights Commission, UNPOL, legal aid clinics, etc.), CRSV incidents were addressed through the mechanism. The mechanism was set up to share information and to take prompt action on allegations of human rights violations, including CRSV committed by FACI elements and to improve human rights capacity building within the FACI.

Since its launching, the joint human rights mechanism (HRD-FACI and later UNOCI HRS –FACI-CNDHCI) serves as the main mechanism for UNOCI and the FACI to jointly reviewing cases and ensuring that an adequate response is given to this case in order to enforce the FACI's adopted zero tolerance policy towards sexual violence and that victims are receiving appropriate assistance (medical, psychosocial and legal). Each month, representatives of the FACI and UNOCI held **meetings** in Abidjan, Bouaké, Daloa and Korhogo until the closure of respective offices. In all cases reviewed UNOCI referred the victims to local Social Centres for psychosocial support and to the six Legal Aid Clinics (*Projet d'Appui à l'amélioration de l'accès aux droits et à la justice en Côte d'Ivoire* – PALAJ) for legal assistance.

In light of the future withdrawal of the HRD, the CNDHCI became a full member of the mechanism and is in charge of reviewing old and new CRSV cases brought to the attention of the mechanism at the regional and central levels. The CNDHCI has jointly organized **training workshops** (including on CRSV) for newly-appointed FACI focal points of the mechanism in the four military regions and staff of the regional offices of the CNDHCI. In September and October 2016, **four training workshops** jointly organized by the FACI, the CNDHCI and UNOCI HRD with the participation of the WPA were held for newly appointed FACI focal points of the joint human rights mechanism on human rights within the 1st, 2nd, 3rd and 4th Military Regions and staff of the regional offices of the CNDHCI in Abidjan, Bouaké, Daloa and Khorogo, respectively.

- **Address 'commitments' of the parties (on CRSV)**

During the entire span of the project, the UNOCI HRD-WPA with the FACI High Command continued to work together to foster the implementation of the FACI Action Plan against CRSV adopted in 2014 by the FACI High Command.

Integration of CRSV dimension into the Code of Ethics and Professional Conduct of the FACI

In May and June 2015, the UNOCI HRD-WPA organized a working session followed by a workshop to integrate specific CRSV provisions in the draft of the Code of Ethics and Professional Conduct of the FACI. The two activities were aimed at assisting the FACI in reviewing provisions of both Codes with a view to ensuring better prevention and response to sexual violence and CRSV. The proposed provisions of both Codes were submitted to the Directorate of Ethics and Deontology of the Ministry in charge of Defence for further action. In addition, **a 9-point Code of Conduct for the Ivoirian Soldier on Sexual Violence** was adopted and submitted to the Ministry in charge of Defense for inclusion as an annex of both Codes.

Integration of CRSV dimension into the Child Protection Modules

In March 2016, at the FACI headquarters in Abidjan, during a working session with the FACI High Command, the UNOCI HRD-WPA supported the **integration of specific provisions on sexual violence related to the conflict in the child protection modules**. During the working session, the 10 participants drafted the terms of reference of a workshop to be held from 16 to 21 April 2016.

Signing of Commitment to fight SV/CRSV by Military

In June 2015 and July 2016, in the scope of the implementation of the FACI Action Plan against CRSV, the UNOCI HRD-WPA with the FACI High Command conducted a two-day high-level advocacy session for FACI Commanders on preventing and responding to CRSV. During these two days, participants discussed the psychological impact of sexual violence, the legal framework sanctioning CRSV and the fight against impunity and judicial follow-up, focusing on the work of the FACI-UNOCI-CNDHCI joint mechanism.

Creation of a National Committee on fighting CRSV

During the reporting period, the UNOCI HRD-WPA continued to regularly interact with the FACI Chief of Staff and the Presidential Adviser on Human Rights and Humanitarian Affairs to advocate for a **national structure** that will be able to prevent and respond to CRSV committed by defense and security forces.

Setting up a Human Rights Database at the FACI High Command to track CRSV cases

Further to the FACI-UNOCI Joint Human Rights Mechanism, a workshop on the development of a database to track human rights violations, including CRSV cases, was held in Abidjan in October 2015. A final communiqué issued from the workshop, **calling for the establishment of the database** was submitted to the Ministry of Defence, National Security Council and the FACI Commandment for further action. In the course of 2016, the FACI command approved the **establishment of a database** in the scope of the implementation of the FACI Action Plan against CRSV. In future, the database will serve the purpose of providing systematic gathering of accurate, timely and objective information on the violations committed by the FACI following HRS's withdrawal which also marks the end of human rights monitoring and reporting functions by OHCHR in Côte d'Ivoire.

In November and December 2016, as follow-up of the abovementioned workshop, the UNOCI HRD WPA with the FACI High Command and the support of the NGO *Coordination Africaine des Droits de l'Homme pour les Armées* (CADHA), worked together to initiate the **recruitment of a local Consultant** (thanks to remaining OHCHR funds) who will be in charge of **designing the human rights database** that will be located at the FACI High Command. Terms of reference and technical documentation were prepared and approved by the technical committee who will be in charge of monitoring the whole process. As key actor of the joint human rights mechanism, the CNDHCI will be associated to this process make sure that the process is based on independent and impartial evidence gathering and assessment, and that it remains free of political interference. The job vacancy notice was published on 23 and 27 December in prominent newspaper, including online for a 2-weeks period.

- **Strengthen coordination within the Mission, and with the UNCT and partners**

Advocating for the implementation of the National Strategy on the fight against Sexual and Gender-Based Violence

In April 2012, the Ministry of Family, Women and Social Affairs revised a **five-year National Strategy on the fight against Sexual and Gender-based Violence (NSGBV)**, together with its Plan of Action. The NSGBV was officially launched on 5 September 2014. The NSGBV is composed of five main pillars: Prevention; Justice and Fight against Impunity; Multi-sectoral Care for Victims; Coordination; and Data Collection System. Although the fight against sexual and gender-based violence remains a priority for the Government in Côte d'Ivoire, the implementation of the NSGBV remains weak.

Mapping of the NSGBV

The UNOCI HRD WPA with the support of the UN System and the MSFWC initiated the recruitment of a Consultant in June 2015 to map activities under implementation of the Strategy and identify which ones would need reinforcement. The mapping revealed that the overall level of implementation of each pillar is low. One of the main reasons is the absence of dissemination of the Strategy that prevented a real appropriation of the NSGBV by all actors, particularly at the institutional level. Moreover, the report highlighted the need for an effective joined-up coordination mechanism to ensure a targeted approach and a shared responsibility by all Ministries, agencies and partner organizations in their fight against sexual and gender-based violence in Côte d'Ivoire. In order for the Government to provide adequate funds for efforts to reduce GBV, the mapping recommended integrating the Strategy within the next National Development Plan of Côte d'Ivoire (2016-2020).

Report on rape crimes -including CRSV cases- and their prosecution in Côte d'Ivoire

In line with these recommendations, the UNOCI HRD WPA closely worked with UNOCI's counterparts and in particular UNCT colleagues (UN WOMEN, UNFPA etc.) for the preparation and release of a **Report on rape crimes -including CRSV cases- and their prosecution in Côte d'Ivoire**. On 11 July, during a ceremony chaired by the Special Representative of the UN Secretary-General (SRSG) in Côte d'Ivoire and in the presence of the Minister of Human Rights and Public Liberties, UNOCI and OHCHR jointly released the report. The report details

the trends from 1 January 2012 and 31 December 2015 regarding rape and attempted rape, the state of prosecution of alleged perpetrators of these crimes and the main obstacles to bringing a prosecution. The report exposed the judicial practice of requalifying rape cases as cases of “*indecent assault*” (attentat à la pudeur) in order to secure swift sentencing and avoiding cumbersome criminal proceedings. According to Article 354 of the Criminal Code, the sentence for rape ranges between 5 years to life imprisonment. Article 355 of the Criminal Code provides a sentence ranging from 2 to 10 years’ imprisonment for indecent assault. As part of its conclusions and recommendations, the **report stresses the importance of the NSGBV and its implementation**. The recommendations focus on the response of the justice system and the need to reform some practices and standards to strengthen the prosecution of rape, including the revision of the Criminal Code to include a definition of rape and other forms of sexual violence. The report recommends that the Ivorian authorities “ensure that all victims of sexual violence have access to justice, in particular by providing them with free legal aid” and “consider holding special sessions of the Criminal Courts (Cours d’assises) on rape crimes in order to effectively and promptly fight against such crimes.” Regarding capacity building, the report recommends to the Ivorian authorities that they “organize and intensify national information and awareness-raising campaigns, including on the prevention and response to cases of rape, in particular against children and in rural areas; engage with community leaders and prefects on the fight against crimes of rape to outlaw amicable settlements and punish those who are involved in such practices.”

Further to the recommendations of the report, the UNOCI HRD WPA together with OHCR and UNWOMEN organized on 19 and 20 September 2016 a **workshop presenting the results on the mapping and assessments of gaps of the National Strategy against Gender Based Violence (NSGBV)**. The workshop gave the opportunity to the participants to discuss future activities of the NSGBV to be undertaken by the different actors during the implementation of Côte d’Ivoire National Development Plan 2016-2020 cycle. It is worth mentioning that the workshop took place during the technical mission of the UN Action Coordinator in Côte d’Ivoire from 14 to 22 September 2016. The main objective of this mission was to discuss **the involvement of UN Action in Côte d’Ivoire** in light of UNOCI’s withdrawal by June 2017 and the need to continuously engage at UNCT level and further consolidate the efforts of the Government in fighting GBV, SV and CRSV.

b) Results & Impacts

- **Monitoring, analysis and reporting arrangements (MARA) on CRSV**

Thanks to the work carried out through the **joint human rights mechanism FACI-CNDHCI-UNOCI** during its monthly meetings and in particular the close monitoring/reviewing of CRSV cases by the UNOCI HRD-WPA and the FACI High Command (including through joint field verification missions), **three FACI elements responsible for cases of rape were sentenced by Tribunals in 2016**. Some of the cases have also been jointly followed by UNOCI and the FACI through field visits to concerned judiciary institutions.

As a result of the training workshops, **157 people, including 82 FACI focal points and 65 members of CNDHCI’s regional offices, including 10 women**, were trained on human rights basic notions and principles including on GBV and CRSV prepared by the UNOCI HRS WPA.

As a result of the joint sensitization awareness activity on preventing sexual violence, **442 FACI elements** were sensitized on preventing sexual violence. The sensitization prevented not only further escalation of inter-communal confrontations in Bouna and surrounding villages but also no SV incident was reported.

As a result of the training workshops, a **final report** was prepared by the participants and shared with the MSFWC includes specific recommendations on the GBVIMS, MARA and management of SV/CRSV cases. As for the follow-up workshop, a **final communiqué** was issued for advocacy with the Government and all stakeholders.

- **Address ‘commitments’ of the parties (on CRSV)**

Further to the working session on the integration of **specific provisions on sexual violence related to the conflict in the child protection modules** led in March 2016, participants of the workshop validated the integration of a **dedicated CRSV chapter** into child protection modules for FACI elements.

Following an intense advocacy campaign led by the UNOCI HRD-WPA with the FACI Chief of Staff and the Presidential Adviser on Human Rights and Humanitarian Affairs to have a national structure aiming at preventing and responding to sexual violence/CRSV committed by elements of the defense and security forces, President Alassane Ouattara signed a decree on 3 June 2016 (n°2016-373) institutionalizing the structure and functioning of a **National Committee on CRSV**. This Committee, under the leadership of the President, will be in charge of coordinating Government efforts in terms of preventing and responding to CRSV. The Committee encompasses two internal structures: at the first level, a 'Directoire' presided by the Minister in charge of Defense and composed of 10 Ministers including the Minister of Justice, Interior, Human Rights, Women and Social Cohesion has been created to define the National Committee's strategy and report to the President; at the second level, a 'Pool of experts' composed of the Commanders of the defense and security institutions has been appointed to operationalize the Strategy under the leadership of the Chief of Staff of the FACI and report to the Directoire.

- **Strengthen coordination within the Mission, and with the UNCT and partners**

Following the **publication of UNOCI and OHCHR's report on rape and its repression** in Côte d'Ivoire on 11 July 2016, **two ministerial circulars were subsequently adopted**, one concerning the prosecution of rape and the other on the registration of complaints for gender-based violence. In the first circular, the Ministry of Justice acknowledges the lack of definition for the crime of rape in the Criminal Code and encourages prosecutors to qualify rape crimes according to the constitutive elements detailed in the existing jurisprudence. Hence, the circular calls on the judicial authorities to refrain from re-qualifying crimes of rape as misdemeanors. The second circular issued by the Minister of Justice, the Minister of Interior and the Minister in charge of Defense reminds law enforcement actors that a medical certificate is not mandatory for the opening of an investigation for GBV cases and that it is only a piece of evidence, amongst others.

The workshop organized by UN Action, OHCHR and UN WOMEN to map and assess the existing gaps in the implementation of the NSGBV was attended by **30 participants** (incl. 15 women) including regional directors of the MSFWC, technical staff of the National Committee on SV, MSFWC Mali, UNICEF Mali, AFJCI, PALAJ, focal points of sectoral Ministries, representatives of the CNDHCI, local NGOs, international NGOs, UNHCR, UNICEF, UNWOMEN and OHCHR. It ended with a **final communiqué** issued by all participants. The communiqué **requested the Government to accelerate the launch and implementation of the National Programme on Sexual and Gender-Based Violence** that he had been authorized in June 2016. Few days later, **the communiqué was officially endorsed by the MSFWC**.

Impacts of the activities

Thanks to this project proposal, UNOCI (via the post of the WPA) in collaboration with the UNCT contributed to a significant implementation of the CRSV mandate in Côte d'Ivoire. Indeed, the Government of Côte d'Ivoire took important steps and showed a clear commitment to fight against SV including CRSV. The several activities carried out over the last years have produced the following gains:

- **National armed forces are more committed to sensitize and build the capacity of their personnel to prevent and ensure accountability for incidents of CRSV (through the signing of commitments by Commanders, joint awareness-raising campaigns, etc.)**

During the span of the project, an important work has also been carried out to mobilize the Ivorian army FACI to adopt a zero tolerance policy for rape within its ranks (see in particular capacity building activities). As outcome of these consistent efforts, the number of rape cases involving FACI elements remained limited in 2016.

- **The Government has increased its commitment on CRSV (creation of a National Committee on fighting CRSV, adoption of ministerial circulars)**

The work carried out by the FACI complements the important measures that the Government has taken since the designation of Côte d'Ivoire as a priority country by the OSRSG-SVC. Amongst these measures: The creation of the National Committee, the design of action plan for the FACI (but also for other defense and security forces) through which they committed to ending their criminal practices, the signing of commitments by FACI Commanders to combat CRSV, a Code of Conduct of the Ivoirian soldier to fight against sexual violence, the follow-up of cases, including judicial, through the joint mechanism FACI CNDHCI.

- **CRSV cases committed by armed forces were closely and regularly monitored through the UNOCI Joint Human Rights Mechanism**

All CRSV and sexual violence cases involving FACI elements brought to the attention of the joint human rights mechanism have been reviewed during monthly meetings and all of the victims have been provided with an appropriate assistance (medical, psychosocial and legal).

- **Capacities of Mission personnel and civil society partners to prevent and respond to CRSV have improved thanks to training on CRSV issues**
- **UN coordination on CRSV has been reinforced (through joint advocacy and programming on CRSV issues)**

Main achievements

- Improved capacity-building of Mission personnel and civil society (legal aid clinics) to prevent and respond to CRSV;
- Close monitoring of CRSV cases committed by armed forces through the MARA and UNOCI Joint Human Rights Mechanism to ensure accountability;
- Increased commitment of the national armed forces to sensitize and build the capacity of their personnel to prevent and ensure accountability for incidents of CRSV;
- Increased UN coordination & Government commitment on CRSV agenda.

c) Sustainability

To ensure a sustainable implementation of the CRSV mandate in Côte d'Ivoire, it is crucial that the UNCT and other critical stakeholders and partners **remain engaged** vis-à-vis the Government of Côte d'Ivoire.

It is also equally crucial that the **UNCT continues to assist the Government's efforts** on the implementation of key legislation/reforms/justice strategy for combating impunity for sexual violence crimes committed in the past; that the UNCT supports comprehensive reparations process for the victims of sexual violence crimes. Moreover, the UNCT can play a crucial role in **coordinating and responding to capacity building needs** of existing institutional mechanisms (such as the National Committee on CRSV or the National Human Rights Commission both at central and regional level) or about to be launched (National Programme on SGBV) as well as of all other actors (law enforcement, judicial institutions civil society organizations etc.).

In light of 2017/2018 priorities for the Government & the UNCT, the following recommendations are made to ensure an effective continuation and sustainability of the CRSV mandate in Côte d'Ivoire:

In absence of a presence from OHCHR in Côte d'Ivoire following UNOCI's departure, monitoring, investigating and reporting activities on CRSV will be performed by the **CNDHCI** and CRSV cases will continue to be reviewed through the **joint human rights mechanism FACI-CNDHCI-UNOCI**. In 2016, the CNDHCI and its regional offices continued to increase their capacity through joint activities conducted together with the HRS. However, capacities of the national human rights institution and civil society organizations remain weak and fragile in terms of CRSV/SV monitoring, investigating and reporting activities. None has set yet **appropriate early**

warning mechanisms that would enable proper understanding of warnings and responses on sexual violence in case of future outbreak or emergence of conflict. In this context, it is crucial that the UNCT continues capacity building activities towards all these actors after the departure of the Mission.

On the **justice** front, accountability remains a challenge in Côte d'Ivoire. The collection of testimonies and evidence in sexual violence cases from the postelection crisis has posed real difficulties to judicial authorities in addition of the political context. So far, none of the 196 cases of sexual violence crimes documented in the report of the Commission Nationale d'Enquête (committed between 31 October 2010 and 31 May 2011) has faced justice. Moreover, the investigation of the 43 conflict related cases before the Cellule Spéciale d'Enquête et d'Instruction has still not reached the prosecution stage yet. This shows how much difficult it will be for the victims obtaining justice in the near future if they are still willing to come forward. Since the end of the post elections crisis, the most emblematic cases where ostensible progress in investigations for crimes committed during the post-election crisis has been made remains the case of Mrs. Simone Gbagbo before the criminal court and the indictment of several high-level commanders from pro-Ouattara forces by the Cellule Spéciale d'Enquête et d'Instruction (Côte d'Ivoire's Special Investigative and Examination Cell). These examples should not occult the fact that although less politically sensitive, sexual violence crimes will have to be prosecuted soon or later. The cases before the ICC where rape charge has been also brought should also not forget the fact that national courts will remain the principal site for rendering alleged perpetrators of sexual violence during the crisis accountable. Additionally, **investigations guidelines, appropriate training on sexual violence and a comprehensive gender-based approach** are needed at all levels and each stage of the proceedings. Lack of adequate investigation will result in flawed or incomplete indictments which will not reflect the sexual violence actually committed if the prosecutorial capacities are not increased on sexual and gender-based violence. Unless a holistic approach to justice and accountability and a broader concern with gender-based violence are adopted by judicial authorities in Côte d'Ivoire, the UN's aim of ending impunity for CRSV crimes will remain unfulfilled. It is crucial that the **UNCT supports the development of an inclusive justice strategy in this regard and provides the appropriate financial and technical support.**

On the **reparations front**, it is worth mentioning that while justice has not been rendered for victims of conflicts in Côte d'Ivoire yet and that the country has embarked in the process of compensating the victims of the crisis (see above). While compensation of victims is an important symbolic act and definitely necessary, the process has to be comprehensive (rehabilitation, guarantees of non-repetition etc.), gender-sensitive and transformative. It should be clear for all stakeholders involved in this process that while monetary compensation can help ameliorate mitigate dignitary harm and compensate victims for damages, it is clearly not enough. Here again, given that **the Ministry for in charge of Solidarity, Social Cohesion and Compensations in an official letter requested UN Action its technical and financial support** to assist with the compensations process of CRSV victims, the UNCT can play a crucial role in **supporting effective reparations** with the Ministry for in charge of Solidarity, Social Cohesion and Compensations and the Ministry of Justice (when trials will be eventually taking place) on the short and long term.

Finally, on the de-listing issue: In order to guarantee a successful and sustainable de-listing of the FACI that would be effective following UNOCI's withdrawal from Côte d'Ivoire by June 2017, **it is crucial that the UNCT continues closely following up on the FACI commitments to prevent and address CRSV/SV.** In line with the UNOCI handover plan transmitted to the Government in October 2016, the following benchmarks could be set:

- i) The setting up and running of the **human rights violations/CRSV database**. As mentioned earlier, the database will serve the purpose of providing systematic gathering of accurate, timely and objective information of ne the violations committed by the FACI;
- ii) The running of the **National Committee on CRSV** in particular through the operationalization of the respective action plans of the defense and security forces (via 'the Pool of experts' of the Committee) with the support of the international financial and technical partners. Experience has shown that the existence of action plans alone in no way ensures that they will be implemented in practice or even that there is an intention to do so.
- iii) The inclusion of **CRSV/SEA modules** into the training packages of the next FACI battalions to be deployed on external peace operations following the de-listing measure. Finally, a comprehensive UN

assessment on these follow-up actions about the FOCI's record should be conducted the year following its de-listing.

3. Lessons-Learned & Best practices

Lessons learned

- Need to know and to deepen the political, social context when engaging with national actors;
- Go beyond political will/commitments and translate it into concrete mechanisms and institutions;
- Forget the 'copy-paste' tendency (replication of mechanisms / concepts from one country to another) when proposing a structure/mechanism; the cause remains, ways differ, the last word always lies with national partners;
- Set criteria and accountability strategy for UNCT/Mission/National authorities;
- Get a common understanding of the CRSV mandate by UNCT/DPKO Mission and national partners;
- Get coordination mechanisms for implementing/mainstreaming the CRSV mandate at all levels;
- Need of real appropriation and ownership of the CRSV mandate by all;
- Need of strong leadership of all concerned parties; and,
- Invest in people who believe in the CRSV cause/mandate.

Remaining Challenges

- Inadequate legislation in the fight against SV, e.g. the criminal code
- Low prosecution rate vis-à-vis SV cases and CRSV cases from the post elections crisis
- Weak execution of sentences and inadequate compensation to survivors
- High cost of the medical certificate (50,000 FCFA, around 100 USD) that still prevents victims from filing complaints
- Lack of confidence in judicial institutions, fear of reprisals, and social stigma suffered by survivors.

The transition of the CRSV mandate to the UNCT will be successful if based on a sound understanding of the CRSV mandate as a whole by the UNCT and **not resulting in a fragmentation of the mandate between UN agencies** as well as the continuity of the ongoing CRSV-related activities by the UNCT.

Moreover, **transitional arrangements** should be foreseen to ensure a smooth transition, i.e. to bridge the gap in between the end of the WPA post in UNOCI and the next post to be placed in the UNCT. Given the fact that the programmatic cycles and implementing partners will be different (peacekeeping phase and development phase), the next project proposal should reflect these changes and be articulated differently (no copy-paste of the last UNA project proposal). A period of reflection i.e. concretely sufficient time should therefore be allowed before submitting the next project proposal. Unfortunately, this has been completely missed.

Finally, on a more **administrative/financial related note**, the financial management of this UNA project via a Trust Fund (SVC Trust Fund 032) located at the Mission level proved to be difficult. The UNOCI HRD WPA had severe difficulties for accessing the Fund, receiving payments and get a reliable financial track of the expenses. The fact that the managerial authority over the SVC Trust Fund always remained in the hands of UNHQ without allowing the Mission to approve any type of request further complicated the management of the Fund.

Way Forward – 2017 onwards

- Continue advocacy on CRSV with Government
- Provide assistance to national authorities to investigate CRSV violations and to bring perpetrators to justice
- Support Defense and Security Forces Action Plan implementation
- Continue capacity building for security, law enforcement and judiciary institutions to fight impunity, promote professionalism, impartiality and accountability
- Support NSGBV implementation

- Support standardize referral and system of care for SV survivors
- Reinforce CRSV monitoring and improving data collection and management system supporting the MARA
- Support early warning mechanisms of CRSV