

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

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

INTERIM NARRATIVE REPORT COVER PAGE

<p>Participating UN Organization(s):</p>	<p>Project² Title: Team of Experts' support to the consolidation of the progress made in the implementation of the CAR–United Nations joint communiqué on addressing conflict-related sexual violence.</p> <p>Project Number: UNA055</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 April 2018 – 31 March 2019</p>
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UN TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

Interim Narrative Report

I. Background

On 12 December 2012, the Government of the Central African Republic (CAR) and the United Nations signed a Joint Communiqué to strengthen the prevention and response to conflict-related sexual violence (CRSV). Shortly thereafter, the Government of CAR collapsed into renewed ethnic fighting between the Government of the Central African Republic, predominantly Christian anti-balaka forces and elements of the Séléka coalition. Despite subsequent government formation processes and peace agreements, fighting has continued. The *Report of the Mapping Project Documenting Serious Violations of International Human Rights Law and International Humanitarian Law Committed within the Territory of the Central African Republic between January 2003 and December 2015* (May 2017), to which the TOE contributed with funds from the Government of Japan, stated that “nearly all parties to the successive armed conflicts in the Central African Republic between 2003 and 2015 committed [...] various forms of sexual violence” (Report, p. 206). However, it also stated that “despite the widespread nature of the phenomenon, sexual crimes have been systematically underreported and under-investigated if investigated at all” (Ibid). Sexual violence in conflict continues to be reported by MINUSCA’s monitoring, analysis, and reporting arrangements to the present day (see most recently, UN Doc. No. S/2018/250).

In order to address these widespread but under-addressed crimes, and within the framework of the United Nations Joint Justice Program "Supporting the Fight Against Human Rights Violations and the Recovery of Justice in the Central African Republic" implemented by UNDP, UNWOMEN and MINUSCA (hereinafter UN Joint Justice Program), the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (TOE) identified and supported the implementation of a number of activities aimed at strengthening the security and judicial response to sexual violence in conflict. This included most importantly the creation and operationalization of a specialized police unit to investigate sexual violence - *Unité mixte de réponse rapide aux violences sexuelles*, (UMIRR)³ - in Bangui. The UMIRR became fully operational in 2017 and was inaugurated by the President of the Central African Republic.

TOE support for the establishment of the UMIRR entailed: (1) the rehabilitation and equipping of the building which accommodates the UMIRR; (2) the initial training of 29 Judicial Police Officers and agents (10 women and 19 men) and five civilian staff (three women and two men) on investigation and interviewing techniques on violence against women and children as well as sexual violence in conflict; and (3) the production of the internal rules of the UMIRR, as well as the Standard Operating Procedures for the investigation of crimes within the competence of the unit.

The UMIRR remains the only specialized unit in CAR dedicated solely to addressing sexual and gender-based violence. The UMIRR receives support from MINUSCA (including co-located UN Police personnel) and UNDP. To complement the funds provided by Japan, the TOE secured additional funds from the Government of Luxembourg and the deployment of a specialized Swedish police team to assist the UMIRR. Without Japanese funds, however, the UMIRR would have been forced to reduce and ultimately cease operations. All Japanese funds have been transferred to UNDP (CAR) through a pre-existing project, the UN Joint Justice Program mentioned above, to ensure the complementarity of Japanese resources. As will be discussed further below, during the project period there has been a significant increase in cases reported

³ The UMIRR was established by Official Decree No. 15/007 signed on January 8, 2015.

to the UMIRR, the creation of databases for case-tracking, and population-based surveys to monitor public perceptions about the Government's response to conflict-related sexual violence.

II. Objective/Outputs

The project was designed to strengthen the security and judicial responses to conflict-related sexual violence in CAR. This included the strengthening of the UMIRR to ensure the improved quality of investigations and professional engagement with survivors; the provision of technical assistance to Prosecutor's Offices and the Special Criminal Court (SCC); and improved coordination and complementarity between the UMIRR and the SCC.

III. Progress/Results

OUTPUT 1. The UMIRR is able to effectively conduct prompt investigations for incidents of sexual violence, including sexual violence in conflict.

Activity 1.1. Train and mentor police investigators and police officers (Officiers de Police Judiciaire and Agents de Police Judiciaire) serving in the SCC, the UMIRR and the sexual violence desks of police stations located in different provinces on: communications with victims, investigation techniques and referral systems.

This project activity was primarily designed based on the findings of an academic study by the University of California – Berkeley which found the need for coordination and training across specialized units and courts addressing sexual violence within a single country so that each worked according to the same methodology to ensure consistent delivery to survivors seeking access to justice for sexual violence crimes. The purpose of the trainings was to build the capacity of the three units designed to address sexual violence in CAR – the SCC, the UMIRR, and the sexual violence desks in police stations outside of Bangui – in order to strengthen their tripartite relationship and to facilitate the definition and establishment of clear mechanisms of cross-unit consultation and exchange.

However, these trainings could not be carried out because the SCC was not fully operationalized during the project period due to the delayed selection, appointment and initial basic training of police investigators serving in the SCC. Training the UMIRR and sexual violence desks separately would not have contributed to the project outcome, which was to ensure a coordinated methodology across all actors delivering justice for sexual violence victims in CAR and would have required retraining the same personnel on methodology and cross-united exchange once the SCC was operationalized. Since the relevant SCC personnel have now been appointed and investigations are set to begin in 2019, if a no-cost extension is granted by the Government of Japan, the TOE plans to complete these activities by December 2019.

Nevertheless, despite these delays and challenges during the project period, the TOE contributed to securing the assistance of a Swedish Specialized Police Team to support the UMIRR and the funding from Japan allowed the Government of Sweden to target its support on an already functioning national police institution as described more fully under Activity 1.2 below.

Activity 1.2. Provide logistical and material support to the UMIRR.

Japanese financial support has provided the UMIRR with the necessary material support to continue functioning throughout the project period. By the end of 2018, approximately 2,989 people (167 men, 1,956 women, 574 girls and 37 boys) used the UMIRR for its services. The UMIRR also registered 33 victims of

conflict-related sexual violence since January 2018 (27 women, 4 girls, and 2 men). Hundreds of cases of sexual and gender-based violence were transferred to the Prosecutor General of Bangui but as noted below, there has been a significant gap in the number of cases which have resulted in prosecutions.

Japanese support has also allowed the UMIRR to begin delivering on its mandate (i) outside of Bangui and (ii) on more complex cases of conflict-related sexual violence. During the project period, the UMIRR launched an investigation with the support of UNPOL and the CAR Internal Security Forces into a mass rape incident outside of Bossangoa which took place in February 2018. This represented the first time that the UMIRR had conducted investigations outside of Bangui at the request of the local prosecutor.

Activity 1.3. Produce and discuss two perception surveys on the security and judicial response to CRSV.

In October 2018, MINUSCA, UNDP and the Harvard Humanitarian Initiative made available the third issue of the Survey Report series on Peace, Justice and Security, covering the period of April to October 2018, with a special focus on gender. According to the preliminary results, while efforts on the fight against sexual violence were generally deemed as positive, the lack of information about response mechanisms remained challenging. The results of the survey will be compared with data collected in the same trimester of previous periods and discussed with relevant interlocutors in the Government, United Nations, and civil society in April 2019.

OUTPUT 2. Judicial institutions are able to prosecute and adjudicate incidents of sexual violence crimes, including CRSV.

Activity 2.1. Train judicial officers (prosecutors and judges) of the SCC

The TOE continued to provide technical advice on: (i) the implementation of the SCC's rules of procedure and evidence; (ii) the relationship between the UMIRR and the SCC; and (iii) the preparation of the SCC's prosecution strategy to ensure sexual violence is prosecuted effectively. The TOE continues to be in contact with the Prosecutor and Deputy Prosecutor of the SCC. Japanese funding is earmarked to ensure the designation of a judge on the SCC to be a focal point for CRSV enabling appropriate technical expertise on this issue.

Activity 2.2. Organize two roundtables bringing together police investigators and prosecutors working on CRSV (UMIRR and SCC).

As noted above, the delay in the operationalization of the SCC has rendered the TOE unable to complete this project activity during the reporting period. If a no-cost extension is granted by the Government of Japan, these roundtables will be completed by December 2019.

Activity 2.3. Provide support to the focal point of the Prosecutor's Offices for the investigation and prosecution of CRSV.

In summer 2018, the TOE conducted a technical assessment and found that numerous cases were duly transferred by the UMIRR to the ordinary Prosecutor in Bangui but were not being processed appropriately, resulting in the reduction and dropping of criminal charges. In order to remedy this gap, and enhance overall project implementation, the TOE identified the need to deploy a P4-level international expert to be based full-time with MINUSCA on a one-year temporary contract. As noted in the TOE's letter of 14 March 2019 requesting a no-cost extension, this recruitment was carried out during the reporting period, but no qualified individual was found and the recruitment will therefore need to be re-initiated.

However, during the project period, the UMIRR developed a case-tracking database to ensure it is able to track outcomes of registered cases to improve the clearance rates of cases it forwards to the Prosecutor's office. This followed a technical recommendation by the TOE pursuant to its mission in 2018 and implemented with the assistance of MINUSCA and UNDP.

OUTPUT 3. Victims of sexual violence have access to protection and legal representation.

Activity 3.1. Identify and establish an effective protection scheme with law enforcement, judiciary and civil society.

Based on its work in other contexts, the TOE's project with the UMIRR and SCC in CAR aimed for the full support of victims and witnesses who may wish to come forward to provide evidence on sexual violence crimes. This support encompasses various forms of protection and support, including improving referral mechanisms for victims by law enforcement to legal aid and medical and psycho-social support providers.

During the reporting period, the TOE engaged bilaterally with UNODC and OHCHR during the preparation of the victim and witness protection policy for the judicial response to serious international crimes in CAR. This bilateral engagement led to the inclusion of special provisions for victims of sexual violence crimes. Japanese funding to the UMIRR continued to result in referrals to legal aid and medical and psycho-social assistance.

IV. Conclusion

During 2018, nearly three thousand individuals used UMIRR's services related to sexual and gender-based violence. Japanese support was essential for ensuring that the UMIRR could continue to provide these services. Further, the UMIRR has expanded its remit outside of Bangui to address more cases of CRSV and has also adopted improved case tracking and other techniques. However, in order for the UMIRR to reach its full potential, the entire justice chain in CAR requires strengthening and there must be complementarity between the UMIRR and the SCC. For this reason, the TOE will deploy a full-time international expert to support the UMIRR. In the interim, due to the delay in recruiting a suitable candidate, the TOE will continue to conduct planned activities from headquarters.