

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

**UNITED NATIONS TEAM OF EXPERTS ON RULE OF LAW
AND SEXUAL VIOLENCE IN CONFLICT**

INTERIM NARRATIVE REPORT COVER PAGE

<p>Participating UN Organization(s): DPO, OHCHR, UNDP</p>	<p>Project² Title: Phase II – Team of Experts: Rule of Law / Sexual Violence in Conflict</p> <p>Project No: UNA036</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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UNITED NATIONS TEAM OF EXPERTS ON RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT

Interim Narrative Report

I. PURPOSE

A. Mandate

The United Nations (UN) Team of Experts on the Rule of Law and Sexual Violence in Conflict (Team of Experts or TOE) was created by Security Council resolution 1888 (2009) to “deploy ... to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law.” The Team of Experts, which has been operational since 2011, is the sole Security Council mandated body tasked with building national capacity to enhance accountability for conflict-related sexual violence.

Pursuant to resolution 1888 (2009), the mandate of the Team of Experts is to: (i) work 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) identify gaps in national response and encourage 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) make recommendations to coordinate domestic and international efforts and resources to reinforce governments’ ability to address conflict-related sexual violence; and (iv) work with other UN mechanisms including the UN Mission, Country Team, and the Special Representative of the Secretary-General for Sexual Violence in Conflict (SRSG-SVC) towards the full implementation of resolutions 1820 (2008). Since the adoption of resolution 1888 (2009), the Security Council has further encouraged Member States to draw upon the expertise of the Team of Experts in resolutions 2106 (2013), 2331 (2016) 2447 (2018) and 2467 (2019). In line with its mandate, the Team of Experts provides assistance to governments, including in the areas of (i) criminal investigation and prosecution; (ii) military justice; (iii) legislative reform; (iv) protection of victims and witnesses; (v) reparations for survivors; and (vi) security sector oversight.

B. Vision

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

II. RESOURCES

Security Council resolution 1888 (2009) recommended that the Team of Experts make use of “existing human resources within the United Nations system and voluntary contributions”. From the outset, the Team of Experts has been funded entirely through voluntary contributions for all staffing, programmatic and operational costs, and considerable effort is dedicated to ensuring that adequate resources are mobilized to meet current commitments and fulfil its obligations under its Security Council mandate. In

2018, the Team of Experts received voluntary contributions from Belgium, Estonia, Japan, Sweden and the United Kingdom.

A. Core Funding

Since it became operational in 2011, the TOE has mobilized core funding from the following countries:

<u>Country</u>	<u>Contribution Amount³</u>	<u>Relevant Joint Programme⁴</u>
Belgium	\$450,026	2012-2014 and 2015-2019
Estonia	\$355,830	2012-2014 and 2015-2019
Ireland	\$129,020	2012-2014
Luxembourg	\$65,185	2012-2014
Sweden	\$8,483,928	2012-2014 and 2015-2019
United Arab Emirates	\$1,000,000	2015-2019
United Kingdom	\$4,009,036	2012-2014 and 2015-2019
Total	\$14,493,025	

During the current reporting period, the TOE has mobilized core funding from the following countries:

<u>Country</u>	<u>Contribution Amount⁵</u>
Estonia	\$58,902
Belgium	\$119,056
Sweden	\$1,002,454
United Kingdom	\$659,743
Total	\$1,840,155

B. Country-Specific Funding

Since it became operational in 2011, the TOE mobilized non-core (country specific) funding from the following countries:

<u>Country</u>	<u>Contribution Amount⁶</u>	<u>Countries Supported</u>	<u>Relevant Joint Programme⁷</u>
Finland	\$929,473	Guinea, South Sudan	2012-2014 and 2015-2019
Japan	\$8,800,000	CAR, DRC, Iraq, Somalia	2012-2014 and 2015-2019
Switzerland	\$64,600	Côte d'Ivoire	2012-2014
Turkey	\$50,000	Guinea	2012-2014
Total	\$9,844,073		

During the reporting period, the TOE mobilized non-core (country-specific) funding from the following:

<u>Country</u>	<u>Contribution Amount⁸</u>	<u>Countries Supported</u>
Japan	\$900,000	CAR, Iraq
Total	\$900,000	

³ Contribution amounts have been converted to US Dollar.

⁴ Contributions are identified based on the TOE Joint Programme to which they contribute.

⁵ Contribution amounts have been converted to US Dollar.

⁶ Contribution amounts have been converted to US Dollar.

⁷ Contributions are identified based on the TOE Joint Programme to which they contribute.

⁸ Contribution amounts have been converted to US Dollar.

C. Other Contributions

In addition to the core and country-specific funding from Member States, the TOE has also benefited from Member State financial support that did not pass through the UN Action MPTF.

<u>Country</u>	<u>Financial Contribution⁹</u>	<u>In-Kind Contribution</u>	<u>Location of Support</u>
Luxembourg	\$100,000	N/A	CAR
Sweden	N/A	Seconded Personnel	USA (New York)
United States	\$693,000	N/A	DRC
Total	\$793,000		

III. IMPLEMENTATION AND MONITORING ARRANGEMENTS

A. Implementing Arrangements

i. Structure

The Team of Experts includes experts from the Office of the SRSO-SVC, the Department of Peacekeeping Operations (DPKO) now the Department of Peace Operations (DPO), the Office of the High Commissioner for Human Rights (OHCHR) and the UN Development Programme (UNDP). In addition, the Team is complemented by a law enforcement expert seconded by the Government of Sweden as well as four additional staff in the field. DPO, OHCHR and UNDP serve as co-lead entities and also are part of the TOE's Advisory Group. The Team Leader reports to the SRSO-SVC, while team members have dual reporting lines to the Team Leader and their respective co-lead entities. The TOE is currently operating under the five-year 2015-2019 Joint Programme.

ii. Approach

Members of the Team of Experts have expertise in a variety of areas including international criminal law; human rights; policing and law enforcement; rule of law reform; reparations; transitional justice; and non-discrimination. Using its multi-disciplinary 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 assistance to national authorities in addressing conflict-related sexual violence. The Team of Experts uses a survivor-sensitive approach to identify gaps and challenges faced by national authorities and institutions in holding individuals accountable for conflict-related sexual violence.

This approach recognizes that conflict-related sexual violence has its root causes in, among other factors, gender inequality and discrimination, and the general lack of respect for human rights, including political, civil, economic, social and cultural rights. It also recognizes that survivors of conflict-related sexual violence include women and girls, as well as men and boys, and that survivors are often subject to stigmatization by their families and communities, which make them reluctant to report crimes and may also render them vulnerable to further violence.

Further, the TOE always acts in line with the principle of national ownership, leadership and responsibility by focusing on strengthening national capacity and ensuring that interventions build on and complement initiatives of governments and other partners. The TOE also fosters experience sharing among countries that have experienced conflict-related sexual violence to enable national authorities to learn from the good

⁹ Contribution amounts have been converted to US Dollar.

practices and challenges experienced by others in similar contexts.

The TOE works in response to requests for assistance received from national authorities, as well as from UN field presences or headquarters officials, civil society organizations or victims' groups. In some cases, requests are based on the mandates of UN peacekeeping operations which explicitly call upon the UN to support national accountability efforts in relation to conflict-related sexual violence. Based on these 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 interventions. Since 2011, the SRSB-SVC, on behalf of the entire UN system, has secured joint communiqués and frameworks of cooperation as a platform for engagement to assist governments in addressing sexual violence. To date, joint communiqués have been signed with the Governments of Angola, Bangladesh, the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), the Republic of Guinea, the Republic of Iraq, the Republic of Mali, the Republic of the Union of Myanmar, the Federal Republic of Somalia and the Republic of South Sudan. In addition, a unilateral communiqué was issued by the Sudan People's Liberation Movement/Army-In Opposition (SPLA-IO) in South Sudan. Governments have requested or consented to TOE technical assistance through each of these communiqués. The SRSB-SVC also signed a Framework of Cooperation with the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in July 2018 which has contributed to greater information sharing on country situations and thematic issues of common concern. Regional and sub-regional agreements have also been signed with the African Union, the International Conference on the Great Lakes Region, the League of Arab States, and the Organisation internationale de la Francophonie.

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 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 TOE also identifies and clarifies the modalities for the provision of assistance to national authorities to address conflict-related sexual violence. 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 and outside the country. Recognizing that the political will of the government is 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 authorities, as well as other counterparts such as civil society.

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 that the TOE identified.

iii. Partnerships

The Team of Experts works closely with a variety of partners to ensure complementarity and

sustainability. At country level, it works with United Nations peace operations and country teams as well as civil society organizations and academia to ensure that its work is based on survivors' rights and needs and utilizes cutting-edge approaches to sexual violence in conflict. At regional level, the TOE works with regional and sub-regional organizations including the African Union, the European Genocide Network, the International Conference on the Great Lakes Region, the League of Arab States, and the Organisation internationale de la Francophonie. At the global level, the Team works within the framework of the UN Global Focal Point for the Rule of Law and with international bodies, such as the International Criminal Court.

B. Monitoring Arrangements

In 2018, the TOE's progress was measured against the following impact, outcome and outputs formulated on the basis of its 2015-2019 Joint Programme:

Impact: *Countries affected by conflict-related sexual violence reduced*

Outcome: *Mechanisms to address impunity for conflict-related sexual violence are in place, in countries affected by conflict-related sexual violence*

Outputs

1. *Countries experiencing or at risk of experiencing conflict-related sexual violence are identified and engaged for assessment and possible technical support;*
2. *Priority actions for addressing impunity for conflict-related sexual violence crimes by national authorities and relevant partners identified and understood;*
3. *National authorities' capacity to fight impunity for conflict-related sexual violence enhanced through technical, strategic and programmatic support; and*
4. *Coherence and effectiveness of international community in addressing conflict-related sexual violence strengthened.*

During the reporting period, the Team of Experts continued to ensure that progress on impact, outcome and each of the four outputs is measured and assessed. In this regard, the TOE has established benchmarks, identified indicators and established annual targets. The results and impact are presented in this annual report.

The TOE conducts regular monitoring of the implementation of its engagements and progress in delivering its work. Its members meet regularly to discuss and review the outputs, and identify and analyse factors that could affect progress toward defined targets through the use of a risk log. This is supported through regular follow-up on developments in particular countries, including political and security developments, institutional changes and legislative reforms. Given the changing context in most conflict and post-conflict countries, factors that could positively or negatively impact TOE's engagement on the ground are reviewed and revised on an ongoing basis, and considered in the delivery of the TOE's work. The TOE also reflects on prior engagements to discern lessons learned that can be incorporated into and guide future engagements, and seeks out good practices of other actors. In addition, the TOE participates in regular meetings with the co-lead entities (DPO, OHCHR and UNDP), relevant UN Action network members, and members of the UN Global Focal Point for the Rule of Law, to brief and highlight progress on key outputs and ensure cohesion and cooperation on the response to conflict-related sexual violence.

The Team of Experts is supported by an Advisory Group, which consists of a senior representative from

each of the co-lead entities contributing a member to the TOE. Its role is to, *inter alia*: provide strategic advice on engagements of the Team of Experts; propose possible areas of engagement to the TOE; consider the TOE's reports and recommendations from assessments and deployments; and support the TOE in its efforts to mobilize resources.

In 2018, the Team of Experts underwent an independent external mid-term review of its work.¹⁰ The purpose of the mid-term review was to assess the effectiveness of the TOE in helping national authorities respond to conflict-related sexual violence in order to combat impunity and ensure accountability. The review covered the period from January 2015 to December 2017, approximately mid-way into the 2015-2019 Joint Programme. However, materials relating to the inception and operationalization of the TOE were also reviewed to understand how the TOE evolved over time. In summary, the review found the co-entity structure to be an innovative and efficient arrangement and the TOE to be a flexible and responsive mechanism that effectively supports Member States in strengthening their rule of law responses to conflict-related sexual violence. In terms of recommendations, the review proposed, among other things, enhancing the engagement by the co-entities to ensure greater ownership; strengthening the strategic results framework and monitoring and evaluation to better demonstrate results; reinforcing the capacity of the TOE; enhancing the visibility of the TOE's work; increasing engagement with donors; and clarifying its structure and functions in relation to the Office of the SRSB-SVC and UN Action. The full report can be shared upon request.

IV. RESULTS

A. Progress

Impact: Countries affected by conflict-related sexual violence reduced

Baseline – 20 Countries¹¹

Indicator – Number of countries affected by conflict-related sexual violence

Target – 20 Countries

The aim of the international community is to discourage the commission of conflict-related sexual violence, prevent it if possible, and when it occurs use all means available to respond. Nineteen country contexts¹² are addressed in the report of the Secretary-General on conflict-related sexual violence covering the current reporting period from January through December 2018.¹³ In addition to these nineteen country contexts, Guinea is also referenced within the report.

Outcome: Mechanisms to address impunity for conflict-related sexual violence in place in countries affected by conflict-related sexual violence

¹⁰ Susanne Ringgaard Pedersen, Mid-term Review of the 2015-2019 Joint Programme of the United Nations Team of Experts on the Rule of Law / Sexual Violence in Conflict, 7 July 2018.

¹¹ Number of countries addressed in the 2014 Secretary-General's Report on conflict-related sexual violence plus Guinea.

¹² Afghanistan, Bosnia and Herzegovina, Burundi, Central African Republic, Colombia, Côte d'Ivoire, Democratic Republic of the Congo, Iraq, Libya, Mali, Myanmar, Nepal, Nigeria, Somalia, South Sudan, Sudan (Darfur), Sri Lanka, Syrian Arab Republic, and Yemen.

¹³ S/2019/280.

Baseline: 35 percent¹⁴

Indicator – Percentage of countries affected by conflict-related sexual violence with mechanisms in place to address impunity for conflict-related sexual violence.

Target – 50 percent

Fifty percent¹⁵ of countries addressed in the report of the Secretary-General on conflict-related sexual violence covering the period from January through December 2018 have put in place mechanisms to address impunity for conflict-related sexual violence. These mechanisms, which were established with the support of the TOE, include: implementation plans for joint communiqués and frameworks of cooperation; identification of high level focal points; initiatives to strengthen legislation; establishment of protection mechanisms for victims, witnesses and justice officials; review and strengthening of codes of conduct by the police or the military; issuance of command orders to prevent sexual violence, signing of undertakings by commanders and other officers in national armies; mobilisation of key departmental entities around joint efforts to address sexual violence crimes; and establishment of special and *ad hoc* tribunals to address serious international crimes, including sexual violence.

Output 1: Countries experiencing or at risk of experiencing conflict-related sexual violence are identified and engaged for assessment and possible support

Baseline – 6 countries engaged (CAR, Côte d’Ivoire, DRC, Guinea, Somalia, South Sudan)

Indicator – Number of countries or regional bodies which have entered into joint communiqués or frameworks of cooperation (underscoring the issue of accountability) welcoming the engagement of the Team of Experts

Target (Year 4 – 2018) – 2 countries or regional bodies have entered into joint communiqués or frameworks of cooperation (underscoring the issue of accountability) welcoming the engagement of the Team of Experts

Cumulative total¹⁶ – 11 countries or regional bodies which have entered into joint communiqués or frameworks of cooperation (underscoring the issue of accountability) welcoming the engagement of the Team of Experts (CAR, Bangladesh, DRC, Guinea, ICGLR, Iraq, League of Arab States, Myanmar, OIF, Somalia, South Sudan)

During the reporting period, the United Nations adopted a new joint communiqué and a new framework of cooperation with the Governments of Myanmar and Bangladesh respectively. Both of these agreements

¹⁴ The number of countries with: Joint Communiqués, Implementation Plans, and/or Action Plans: 6 (Angola, CAR, DRC, Guinea, Somalia, South Sudan); accessible and adequate judicial mechanisms: 0; special law enforcement mechanisms: 0; relevant internationally compliant laws: 2 (Colombia, Somalia) divided by the total number of countries addressed in the report of the Secretary-General on conflict-related sexual violence covering the period from January through December 2014 (S/2015/203) plus Guinea) - no double counting and no counting of countries no longer covered in the report of the Secretary-General on conflict-related sexual violence): Calculation: $7/20=.35$.

¹⁵ The number of countries with: Joint Communiqués, Implementation Plans, and/or Action Plans: 9 (Angola, Bangladesh, CAR, DRC, Guinea, Iraq, Myanmar, Somalia, South Sudan); accessible and adequate judicial mechanisms: 0; special law enforcement mechanisms: 0; relevant internationally compliant laws: 2 (Colombia, Somalia) divided by the total countries in the 2018 SG report on conflict-related sexual violence - no double counting and no counting of countries no longer covered in the Report of the Secretary-General on conflict-related sexual violence. Calculation: $10/20=.50$.

¹⁶ Cumulative total includes the baseline plus the cumulative increase from each year.

contain specific provisions regarding justice and accountability issues and the TOE's potential support to the national authorities. The United Nations also signed a framework of cooperation with the OIF again underscoring principles of accountability at regional level.

Output 2: Priority actions for addressing impunity for conflict-related sexual violence by national authorities and relevant partners identified and understood

Baseline – 7 TOE assessment missions conducted with concrete initiatives for potential TOE support defined (CAR, Colombia, Côte d'Ivoire, DRC, Liberia, Somalia, South Sudan)

Indicator – Number of TOE assessment missions conducted with concrete initiatives for potential TOE support defined

Target (Year 4 – 2018) – 2 TOE assessment missions conducted with concrete initiatives for potential TOE support defined

Cumulative total¹⁷ – 11 TOE assessment missions conducted with concrete initiatives for potential TOE support defined (CAR, Colombia, Côte d'Ivoire, DRC, Iraq, Liberia, Mali, Myanmar, Nigeria, Somalia, South Sudan).

During the reporting period, the TOE undertook assessment missions to Côte d'Ivoire and Nigeria. While prior assessment missions were undertaken to Côte d'Ivoire and Nigeria, the follow-up missions during the reporting period built upon the TOE's prior work, analysed more recent judicial, legal and other developments and further clarified possible areas of engagement and support. In Côte d'Ivoire, the TOE considered the prospects for engagement with national authorities, particularly the Special Investigation Cell (*Cellule Spéciale d'Enquête et d'Instruction*) in investigating and prosecuting cases of sexual violence arising from the 2010-2011 post-electoral crisis. Specifically, the TOE obtained information on the status of cases of sexual violence examined by the Special Investigation Cell as well as the 196 cases identified by the National Commission of Inquiry; identified possible obstacles to the completion of national investigations and prosecutions initiated following the post-electoral crisis; and recommended possible areas of support. In Nigeria, the TOE built on its prior preliminary assessment to gain an understanding of the judicial response to conflict-related sexual violence crimes committed in the context of the Boko Haram conflict; identified the various actors currently collaborating with and engaged in strengthening the capacity of the national judicial actors; and evaluated potential areas for the TOE's assistance.

Output 3: National authorities' capacity to fight impunity for conflict-related sexual violence enhanced through technical, strategic and programmatic support

Baseline – 7 deployments to situations of particular concern by TOE (2 Colombia, 1 Côte d'Ivoire, 1 DRC, 1 Guinea, 2 South Sudan)

Indicator¹⁸ – Number of deployments to situations of particular concern by TOE

Target (Year 4 – 2018) – 5 deployments to situations of particular concern by TOE

¹⁷ Cumulative total includes the baseline plus the cumulative increase from each year.

¹⁸ Deployments seek to, among other things, establish mechanisms to address sexual violence, support investigations and prosecutions, improve police capacity to investigate and document sexual violence, increase action by prosecutors, and improve adjudication of sexual violence crimes by the judiciary.

Cumulative total¹⁹ – 54 deployments to situations of particular concern by TOE

In 2018, the TOE undertook 15 deployments to CAR, Côte d’Ivoire, DRC, Guinea, Iraq, Nigeria, South Sudan and Sudan. In the CAR, the TOE continued working with MINUSCA and UNDP to operationalize the *Unité Mixte d’Intervention Rapide et de Répression des violences sexuelles faites aux femmes et aux enfants* (UMIRR), a rapid response unit comprising the police and gendarmerie which was established in 2015 to investigate sexual and gender-based violence. In Côte d’Ivoire, the TOE deployed two experts to work with UNDP in assisting the Ivorian defence and security forces in implementing its action plan on preventing and addressing sexual violence, enforcing undertakings signed by senior commanders on the principle of command responsibility, and implementing a revised code of conduct that now specifically includes the prohibition of sexual violence. In addition, the TOE conducted a technical assessment mission to identify the challenges to the judicial response to the sexual violence crimes committed during the post-electoral violence of 2010-2011. In the DRC, the TOE worked with MONUSCO and UNDP to support the Congolese military justice authorities to formulate and implement a case prioritization strategy for the gravest crimes under international law, including conflict-related sexual violence. In supporting this work, the TOE specifically assisted on pre-trial preparations to ensure sexual violence victims had access to justice and that fair trial and due process standards were met. In Guinea (Conakry), in collaboration with OHCHR and UNDP, the TOE continues to deploy a senior judicial advisor as a member of the Steering Committee responsible for organizing the trials of fifteen senior military officials, including former President Moussa Dadis Camara, who have been indicted for the killing of at least 157 persons and sexual violence against at least 109 women and girls at the Conakry stadium in September 2009. In Iraq, the TOE initiated a new project with UNDP to facilitate investigations and prosecutions of “pilot cases” for conflict-related sexual violence by members of the so-called Islamic State of Iraq and Levant in Iraqi courts. In Nigeria, the TOE carried out a preliminary assessment on the judicial response to sexual violence crimes committed by Boko Haram. In South Sudan, the TOE worked with UNMISS and UNDP to support the Government in identifying, prioritizing, and addressing conflict-related sexual violence through the development of action plans with the South Sudan People’s Defence Forces and the South Sudan National Police Service, in line with the 2014 Joint Communiqué between the Government of South Sudan and the United Nations. In Sudan, the TOE participated in the SRSG-SVC’s first-ever visit to initiate discussions with Sudanese authorities regarding a framework of cooperation on preventing and responding to conflict-related sexual violence.

Output 4: Coherence and effectiveness of international community in addressing conflict-related sexual violence strengthened

Baseline – 1 experience sharing exercise facilitated by TOE members (between Côte d’Ivoire and Sierra Leone); 1 learning exercise on emerging challenges in addressing sexual violence (sexual violence against men and boys); 1 support exercise to ICGLR- Regional Training Facility

Indicator – Number of experience sharing exercises; learning exercises; briefing events; national experts apply lessons learned

Target (Year 4 – 2018) – 5 experience sharing exercises; learning exercises, briefing events; national experts apply lessons learned

Cumulative total²⁰ – 38 experience sharing exercises; learning exercises, briefing events; national experts apply lessons learned

¹⁹ Cumulative total includes the baseline plus the cumulative increase from each year.

During the reporting period, the TOE organized and contributed to a range of experience sharing and learning exercises and briefing events. These are listed in Section IV.B.ii.1 below.

B. Activities Undertaken and Achievements

i. Country Engagements

1. Central African Republic

Objectives

The Team of Experts seeks to support the Government of CAR in ensuring accountability for conflict-related sexual violence crimes by improving the quality of investigations, prosecutions and engagement with survivors by the *Unité Mixte d'Intervention Rapide et de Répression des violences sexuelles faites aux femmes et aux enfants* (UMIRR) and the Special Criminal Court.

2018 Key Result(s)

- The Team of Experts contributed to the securing of a Swedish Specialized Police Team to support the UMIRR, with the aim of contributing to enhanced investigation capacity as well as protection and support for survivors.
- The Team of Experts provided technical advice on the implementation of the Special Criminal Court's Rules of Procedure and Evidence and the development of the Special Criminal Court's prosecution strategy, with the aim of ensuring that sexual violence crimes are prioritized and prosecuted effectively.

Assistance and Impact

In 2018, the Team of Experts continued to support the UMIRR, a specialized unit composed of police and gendarmes that was established in 2015 to investigate sexual violence. The UMIRR has also benefited from co-located UN Police at the UMIRR's facilities in Bangui and the consistent support of MINUSCA and the UN Country Team. This support has resulted in the filing of hundreds of new reports of sexual and gender-based violence, including those related to the conflict. Additionally, the UMIRR conducted its first field investigation outside of Bangui in response to an alleged incident of mass conflict-related sexual violence by armed Fulani groups in Nana-Bakassa sub-prefecture. In order to achieve its objectives, the UMIRR must be able to handle increasingly sophisticated and complex investigations and is now benefitting from the deployment of a Specialized Police Team provided by the Government of Sweden, which was facilitated by the TOE. Further, the UMIRR continues to maintain a database of reported crimes, as recommended by the Team of Experts, to improve the efficiency of investigations and to allow for appropriate monitoring and evaluation.

In 2018, the TOE conducted a technical assessment of the UMIRR and other justice actors in CAR. This assessment, although recognizing the progress made by a new institution in a short period of time, found several areas of concern. First, the Government of CAR had failed to provide appropriate salaries to UMIRR at the same level as other police or internal security actors, resulting in some UMIRR personnel leaving the unit for assignments with other units with higher salaries. Second, the assessment found a lack

²⁰ Cumulative total includes the baseline plus the cumulative increase from each year.

of clear reporting lines for the police and gendarmes comprising the UMIRR, resulting in confusion about leadership and operations. Third, the assessment found that 320 cases of sexual violence transferred by the UMIRR to the Prosecutor in Bangui from 2017–2018 had been reduced by the Prosecutor to lesser crimes and that few, if any, sexual violence cases had been prosecuted.

In addition to supporting the UMIRR, the Team of Experts also provided technical advice to the Special Criminal Court, a national court with jurisdiction over serious international crimes which was established by the Government of CAR in 2015. More specifically, the Team of Experts advised on the implementation of its Rules of Procedure and Evidence and the development of its prosecution strategy. The inputs provided by the Team of Experts are aimed at ensuring that the Special Criminal Court prioritizes sexual violence cases, conducts effective investigations and prosecutions of sexual violence cases in accordance with international standards, and provides appropriate protection and support to victims and witnesses.

To better assist the Central African authorities, the Team of Experts decided to recruit an expert to be deployed to CAR for one year as part of the MINUSCA Justice and Corrections Section. This expert will be responsible for ensuring appropriate mentorship to UMIRR and Special Criminal Court personnel and facilitating coordination between UMIRR, the Special Criminal Court and other justice actors in CAR on conflict-related sexual violence cases. The recruitment process for this post is ongoing, but there have been delays due to challenges in finding suitable candidates. At the same time, the Team of Experts continues to engage with the Government of CAR and other counterparts on the findings from the assessment report, which were also included in the annual report of the Secretary-General on conflict-related sexual violence covering the period from 1 January to 31 December 2018.

Look Ahead

In 2019, the Team of Experts will focus on: (i) assisting the UMIRR in conducting investigations of conflict-related sexual violence through mentoring, training, logistical/material support and public perception surveys; (ii) providing technical advice on the prioritization of conflict-related sexual violence cases, and the processing of cases transferred from the UMIRR to prosecutors; (iii) supporting victim and witness protection efforts, in conjunction with ongoing programmes by OHCHR and UNODC; and (iv) facilitating coordination between the UMIRR, the Special Criminal Court and other justice actors on the investigation of conflict-related sexual violence and complementarity between these bodies. Such support is aimed at enabling the UMIRR and the Special Criminal Court – two promising institutions established by the Central African authorities – to be better able to hold perpetrators accountable for conflict-related sexual violence crimes in accordance with international standards.

2. *Colombia*

The Team of Experts will continue to follow closely the situation in Colombia, advocate for accountability for conflict-related sexual violence and engage when and where opportunities arise in line with the mandate of the Team of Experts.

3. *Côte d'Ivoire*

Objective

The Team of Experts seeks to support the Government of Côte d'Ivoire in strengthening the capacity of Ivorian security forces to prevent and respond to sexual violence and in carrying out judicial proceedings

against perpetrators of sexual violence crimes committed during the 2010-2011 period of post-electoral violence.

2018 Key Result(s)

- The Team of Experts supported the national defence and security forces in preventing conflict-related sexual violence, contributing to no new cases of conflict-related sexual violence being reported for the third consecutive year.
- The Team of Experts completed a technical assessment on the judicial response to conflict-related sexual violence that occurred during the 2010-2011 post-electoral crisis, resulting in the identification of possible areas for advocacy and technical support.

Assistance and Impact

The Independent International Commission of Inquiry created by the UN Human Rights Council in 2011 established that 3,000 persons may have been killed during the 2010-2011 post-electoral crisis, and documented numerous cases of torture, abductions, and sexual violence, among other violations, noting that some of these violations might amount to crimes against humanity and war crimes.

In 2018, the Team of Experts continued to support national efforts to prevent and respond to conflict-related sexual violence through the deployment of two national experts, embedded in UNDP, with expertise in military justice and legislative reform. Through these experts, the Team of Experts continued to assist the National Committee to Combat Conflict-Related Sexual Violence, which was established by Presidential Decree to coordinate national activities around the prevention and response to sexual violence, with a particular focus on support to national defence and security forces. For the second consecutive year, the Team of Experts also continued to support the training and sensitization of the *Forces Armées de Côte d'Ivoire* (FACI) in the implementation of its Action Plan against sexual violence. Based on tools developed with the support of the Team of Experts over the past years, including undertakings committing to the principle of command responsibility, revised codes of conduct and command orders explicitly prohibiting sexual violence, the capacity of over 100 peer educators from FACI was enhanced, 150 “zero-tolerance focal points” in all military regions were sensitized and deployed, and 40 police officers were trained on the investigation and documentation of sexual violence.

These positive developments contrasted with significant challenges with regard to accountability for the crimes perpetrated during the 2010-2011 post-electoral crisis, particularly crimes of sexual violence. Indeed, none of the cases of conflict-related sexual violence under investigation by the *Cellule spéciale d'enquête et d'instruction* (CSEI) have progressed to trial. The lack of accountability for these crimes was further reinforced by the issuance on 8 August 2018 of a presidential order (ordonnance 2018-669) granting amnesty “to those individuals prosecuted or convicted for offences related to the post-electoral crisis of 2010-2011.”

In order to better understand these challenges and assess possibilities of support, in November 2018 the Team of Experts conducted a technical assessment in Côte d'Ivoire on the judicial response to the sexual violence crimes committed during the post electoral violence of 2010-2011. During the mission, the Team of Experts met with national authorities, including officials at the Ministry of Justice, State Secretariat for Human Rights, the CSEI, as well as national and international civil society organizations, victims' associations, UN and other officials. While President Ouattara publicly announced in August 2018 that the aim of the amnesty was national reconciliation and that it would not benefit perpetrators of serious crimes, the Team of Experts found that the lack of clarity in the order created completely opposite views and

interpretations on the scope of application of the amnesty order. Indeed, the Team of Experts found, on the one hand, a widespread perception among victims' associations and civil society organisations that the amnesty would apply to all crimes, including serious crimes perpetrated for high level military officers, members of armed groups and political leaders from both sides of the conflict. Conversely, most government officials concurred that amnesty would not apply to serious crimes, such as sexual violence, in line with Côte d'Ivoire's international obligations. Justice officials, including from the CSEI, who confirmed that the investigation of two major files including sexual violence crimes is completed, were unclear about the scope of the amnesty and expressed serious doubts about the possibility of these cases advancing to trial, unless the amnesty order is clarified.

Look Ahead

In 2019, the Team of Experts will continue to advocate with justice officials, UN partners, and human rights mechanisms on the importance of clarifying the amnesty order to ensure its compliance with Côte d'Ivoire's international obligations; these include those emanating from Security Council resolutions 1820 (2008), 2106 (2013), and 2467 (2019) stressing the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes. Given the importance of consolidating the institutional and operationalisation responses by Ivorian defence and security forces on conflict-related sexual violence, in particular in light of the fragile political climate in the lead up to presidential elections in 2020, the Team of Experts will also advocate for continued support to strengthen the capacity of defence and security forces through the UN Action and the Office of the SRSG-SVC.

4. Democratic Republic of the Congo

Objective

The Team of Experts seeks to provide technical assistance to Congolese authorities in targeted eastern provinces to investigate, prosecute and adjudicate conflict-related sexual violence cases.

2018 Key Result(s)

- The Team of Experts, jointly with MONUSCO, supported the preparation and initiation of the trial against Mr. Ntabo Ntabero Sheka, leader of the Nduma Defence of Congo militia, for sexual violence crimes allegedly committed against 387 victims in Walikale in 2010.
- The Team of Experts supported the trial and subsequent confirmation of the judgment against Mr. Frederic Batumike, a provincial parliamentarian, for the rapes and murders of 39 children in Kavumu between 2013 and 2016.

Assistance and Impact

Over the past two years in the DRC, there has been a rise in the level of conflict-related sexual violence not seen since the onset of the crisis between the Government and M23 in 2012–13. Despite increased reports of conflict-related sexual violence, the Team of Experts scaled back its activities in the DRC during the reporting period due to the uncertainty surrounding the Presidential election which ultimately took place in December 2018 and the reluctance of international donors to financially support national authorities (including the police and judiciary) during this period.

In response to funding cuts, the Team of Experts presented its findings on the rise of conflict-related sexual violence in the DRC to the members of the UN Global Focal Point on the Rule of Law to mobilize

support and engagement at UN Headquarters. Further, the Team of Experts deployed an expert to Goma, North Kivu to work within the MONUSCO Joint Human Rights Office and to assist MONUSCO's Prosecution Support Cells in preparing for the trial of Mr. Ntabo Ntabero Sheka and his co-defendants, who have been charged with war crimes and crimes against humanity of rape against 387 victims in the Walikale area (North Kivu) in 2010. The support provided by the Team of Experts, in conjunction with the work of MONUSCO and civil society, allowed the trial against Mr. Sheka and his defendants to commence in December 2018. This trial represents a significant milestone in the fight against impunity for conflict-related sexual violence in the DRC, as called upon by the Security Council.²¹

Further in 2018, the conviction and life sentence against provincial parliamentarian Mr. Frederic Batumike and his co-defendants for the serial rapes and murders of 39 children in Kavumu (South Kivu) as crimes against humanity was upheld in full by the High Military Court of the DRC. After the Government designated this as a priority case in 2016, the Team of Experts supported the trial, in conjunction with civil society and other UN partners, which ultimately contributed to the end of the serial rapes. The Team of Experts continues to seek ways to enforce outstanding judicial awards of reparations for the victims.

In 2018, the Team of Experts also produced an internal assessment report on the functioning of the Special Police for Women and Children (PSPEF Units) to guide any future programming in relation to these units. A key recommendation from the assessment is that the PSPEF Units must be included in the national budget of the National Police of the Democratic Republic of the Congo (PNC) as they presently rely primarily on international donor support.

The Team of Experts also liaised closely with the Senior Women Protection Adviser in MONUSCO and other colleagues in MONUSCO Joint Human Rights Office to track ongoing grave incidents of conflict-related sexual violence in South Kivu province during 2018, including violence committed by factions of Raia Mutomboki (South Kivu) and APCLS, APCLS/R, and NDC-R (North Kivu). Although resource constraints prevented the Team of Experts from deploying in response to this upsurge of sexual violence in the Kivus, the TOE ensured that the information was conveyed to the Group of Experts supporting the Sanctions Committee on the DRC established by Security Council.

Look Ahead

In 2019, the Team of Experts will focus on: (i) supporting the trial and appeal proceedings of Ntabo Ntaberi Sheka and Serafin Lionceau for the mass rapes of 387 victims in Walikale in 2010; (ii) deploying an expert to support national investigations and prosecutions of conflict-related sexual violence; and (iii) facilitating the implementation of protection measures for victims and witnesses in judicial proceedings for conflict-related sexual violence.

5. *Guinea*

Objective

The Team of Experts seeks to provide technical assistance to the Government of Guinea to enable the holding of trials for sexual violence crimes committed at the Conakry Stadium on 28 September 2009, in line with international standards.

²¹ S/PRST/2010/17.

2018 Key Result(s)

- The Team of Experts supported the establishment of a Steering Committee to oversee the planning and preparation of the trials for the crimes of 28 September 2009, resulting in more strategic and coordinated planning and implementation.
- The Team of Experts supported the establishment of a Sub-Commission to conduct technical preparatory work for the trials, resulting in increased coherence in preparatory work.
- The Team of Experts supported the identification of a venue for the trials, the initiation of a security assessment, and the mobilisation of resources, resulting in clarity of approach on these logistical issues.

Assistance and Impact

In 2018, the Team of Experts focused its work on supporting the Government of Guinea in the design and operationalisation of the Steering Committee established by the Ministry of Justice in April 2018 to oversee the planning and preparation of the trials for the human rights violations that took place at the stadium in Conakry on 28 September 2009, in which 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. This support included the continued deployment of a senior judicial advisor to Conakry, who is serving as a member of the Steering Committee and is working in close collaboration with the Minister of Justice and other senior government officials, representatives of the UN system, members of the diplomatic community, representatives of national and international civil society organizations, victims' associations, and other actors closely following the situation in Guinea, including the Office of the Prosecutor of the International Criminal Court.

The Steering Committee held its first working level meeting in August 2018, followed by regular monthly meetings, all of which were attended by the senior judicial advisor of the Team of Experts. The senior judicial advisor also assisted the Minister of Justice in the preparation of each of the meetings, and held consultations with counterparts in the UN system, in particular the OHCHR and UNDP Guinea offices, to ensure a coordinated position during the Steering Committee discussions and appropriate follow up.

In October 2018, the Steering Committee established a Sub-Commission tasked with the preparation of the technical and logistical aspects of the trials, including the identification and refurbishment of an appropriate location. Upon the suggestion of the Sub-Commission, of which the senior judicial advisor of the Team of Experts is also a member, the Steering Committee decided that the trials would be held in the premises of the Court of Appeal in Conakry given the low cost of refurbishment work, its secure, central and easily accessible location, and the fact that the nearby *Palais de Justice* could accommodate the offices of the judges and other judicial personnel, as well as the victims. Since its establishment, the Sub-Commission has been working to ensure that the Court of Appeal is appropriately equipped and meets all necessary security requirements, including through high level advocacy with members of the international community present in Guinea to mobilize resources. This has resulted in offers of financial support by donors such as the United States and the European Union. The Guinean authorities have also announced the allocation of substantial financial resources for the trials.

In addition to ensuring coordination and support by actors in Guinea for the work of the Steering Committee, the Team of Experts has continued to engage with a number of UN and non-UN stakeholders at regional and international levels to advocate for support for the trials. This engagement included a dedicated meeting on Guinea in New York of members of the Global Focal Point for the Rule of Law, led by the Office of the UN Secretary-General, which highlighted the importance of UN support to the

Steering Committee, including to develop an operational action plan for the trials. During the high-level Regional Conference on Impunity, Access to Justice and Human Rights for West Africa and the Sahel, held in Niamey, Niger, in September 2018, the Team of Experts engaged with partners, presented its work in Guinea, and called for regional support to the ongoing judicial process. In particular, the Team of Experts highlighted the potential to showcase an entirely nationally led judicial process, with technical support from the international community, in combatting impunity for serious crimes. During the event, the Team of Experts also facilitated a meeting between SRSG-SVC and the Special Representative of the Secretary-General for West Africa and the Sahel, and head of UNOWAS, to discuss strengthened high-level political advocacy in this regard.

Look Ahead

In 2019, the Team of Experts will continue to support the organization of the trials for the crimes committed at the Conakry Stadium in September 2009, focusing on: (i) the development and implementation of a roadmap for the trials which will include measures for the protection of witness and victims; processes and methodologies for judicial cooperation; outreach with government officials, survivors, victims associations and the general public; and reparations for victims of sexual violence; and (ii) the organization of training for judicial officials on international standards for trials of this nature.

6. *Iraq*

Objective

The Team of Experts, in collaboration with national and international partners, seeks to support the Government of Iraq and the Government of the Kurdistan Region of Iraq in investigating and prosecuting conflict-related sexual violence under existing Iraqi law.

2018 Key Result(s)

- The Team of Experts completed an analysis of existing legislation, official bodies, and initiatives aimed at investigating and prosecuting conflict-related sexual violence crimes perpetrated by ISIL, resulting in a framework document of potential substantive charges.
- The Team of Experts participated in a series of workshops with Iraqi victims of conflict-related sexual violence who are seeking accountability through criminal justice processes, to ensure that they are appropriately informed about judicial proceedings, their potential role and their rights.
- The Team of Experts engaged with authorities of third States and others who are investigating conflict-related sexual violence in Iraq and who may have evidence that could potentially be used in Iraqi judicial proceedings.

Assistance and Impact

Despite the commission of widespread sexual violence by the Islamic State of Iraq and Levant (ISIL) since 2014, there have been no verdicts against any ISIL perpetrators specifically for sexual violence crimes in Iraq or elsewhere in the world. Indeed, cases against ISIL perpetrators in Iraq are being tried and the perpetrators often sentenced to death based on affiliation or membership in a terrorist organization under the Iraqi counterterrorism law. The Kurdistan Region of Iraq similarly has used its counterterrorism law to try ISIL perpetrators, even when the perpetrator may have committed crimes of conflict-related sexual violence or other serious crimes.

In 2018, in order to support Iraqi authorities in bringing cases of rape and other forms of sexual violence to trial, the Team of Experts conducted a detailed analysis of Iraqi criminal law and procedure. Beyond the penal code and criminal procedure code, this involved research into Iraqi Constitutional law, the Public Prosecutor Law, the Judicial Power Law, the Personal Status Law and the new Victims and Witness Protection Law, as well as Kurdish law and its variations. The Team of Experts also worked with Iraqi judges, civil society, academics and practitioners to analyse existing legislation related to criminal offenses, criminal procedure, evidence, judicial cooperation, and victims and witness protection to refine its approach to cases under Iraqi law. This resulted in the creation of a framework document of potential substantive charges that could be brought against alleged perpetrators of sexual violence located in Iraq in which the alleged perpetrators would not be subject to the death penalty.

Based on the Team of Expert's analysis of the relevant Iraqi laws, particularly considering the protection and support needs of victims and witnesses, the Team of Experts determined that the most appropriate approach would be to support victims in third States rather than those in Iraq. By choosing survivors in third States, the Team of Experts aims to minimize the inherent risk to survivors' safety and security and ensure appropriate support. Based on this approach, the Team of Experts actively engaged with third States including Germany. For example, the Team of Experts participated in a series of workshops organized by AMICA and German authorities for victims of sexual violence who are seeking to file criminal complaints.

In addition to work with the Government of Iraq, the Team of Experts also engaged with several UN bodies and initiatives focused on enhancing accountability for conflict-related sexual violence in Iraq, including the United Nations Investigative Team for the Accountability of Da'esh/ISIL (UNITAD). The Team of Experts engaged with UNITAD to ensure coherence and complementarity between the respective mandates. The Team of Experts also has throughout 2018 engaged with the human rights section of UNAMI including the Senior Women Protection Adviser as well as UNODC. Furthermore, the Team of Experts participated in three events in 2018 organized by the League of Arab States, UNDP and UN Women to discuss regional approaches to accountability for sexual violence that could benefit survivors in Iraq (and elsewhere in the region). Finally, the TOE has worked with the International Organization for Migration to assist Iraqi and Kurdish authorities in providing assistance and reparations for victims in accordance with existing Iraqi law as well as in strengthening these legal frameworks.

Look Ahead

In 2019, the Team of Experts will focus on: (i) deploying experts to Iraq to support national authorities in holding perpetrators of conflict-related sexual violence accountable; (ii) working with the Government of Iraq, the Government of the Kurdistan Region of Iraq, civil society, third States and UN partners to ensure criminal proceedings for conflict-related sexual violence are carried out in accordance with international standards ; and (iii) supporting the reform of Iraq's penal code and criminal procedure code to, *inter alia*, strengthen legal provisions to protect victims of conflict-related sexual violence and hold perpetrators accountable.

7. *Mali*

In 2019, the Team of Experts will carry out a joint assessment with MINUSMA of the judicial response to the conflict-related sexual violence committed in northern Mali in 2012-2013. The assessment will be based on MINUSMA's mandate under Security Council resolution 2423 (2018) to assist the Malian authorities regarding the "detention, investigations and prosecution of individuals suspected of, and sentencing of those found responsible for, terrorism-related crimes, mass atrocities and transnational

organized crime activities” and “to bring to justice those responsible for serious violations or abuses of human rights or violations of international humanitarian law, in particular war crimes and crimes against humanity in Mali”.

8. *Myanmar*

The Team of Experts will continue to follow closely the situation in Myanmar, advocate for accountability for conflict-related sexual violence and engage when and where opportunities arise in line with the mandate of the Team of Experts and the Joint Communiqué signed with the Government of Myanmar.

9. *Nigeria*

Objective

The Team of Experts seeks to support the Government of Nigeria in laying the ground work for future accountability efforts for conflict-related sexual violence perpetrated by Boko Haram through strengthened institutions, enhanced capacity and the development and implementation of a prosecutorial strategy.

2018 Key Result(s)

- The Team of Experts completed a preliminary technical assessment on the judicial response by national military and civilian authorities to conflict-related sexual violence crimes committed by Boko Haram, resulting in the identification of challenges and potential areas of support by the Team of Experts.

Assistance and Impact

Since 2009, Boko Haram has committed widespread human rights abuses in north-eastern Nigeria. In the context of its attacks, and as part of a well-established policy, the group has targeted women and girls in large-scale acts of sexual and gender-based violence. These acts have included forced marriages, rapes and sexual slavery. Despite acknowledging conflict-related sexual violence as an inherent element of Boko Haram’s modus operandi, national investigators and prosecutors have not collected or attempted to collect information or evidence on conflict-related sexual violence crimes, focusing instead on a limited number of terrorism-related crimes under the Terrorism Prevention Act of 2011 and Terrorism Prevention Amended Act of 2013.

In 2018, the Team of Experts undertook a preliminary technical assessment including a review of the Nigerian legislative framework, which criminalizes rape, forced marriage and other forms of sexual violence, as well as related crimes of attacks on a person’s life which may cause serious bodily harm and kidnapping that may amount to acts of terrorism. While it is legally possible to prosecute such crimes, Boko Haram members are currently being tried only for offenses involving affiliation or membership in a terrorist organization. Furthermore, there is an absence of victims’ participation in the judicial proceedings as well as any community outreach regarding ongoing trials. The significant number and complexity of the cases, the paucity of human and technical resources of the Complex Crimes Work Group (CCG) and the Joint Investigation Centre (JIC), the absence of training for investigators and prosecutors and the nonexistence of a prosecutorial strategy aimed at reflecting the full-scope of criminality characterizing the activity of Boko Haram have prevented accountability for conflict-related sexual violence crimes.

Following its assessment, and with the aim of addressing some of the identified challenges, the Team of Experts contributed to the *Expert Meeting on the Draft UNODC Module on Gender Dimensions of Criminal Justice and Responses to Terrorism in Nigeria* and presented and co-moderated the discussion and revision of the Draft Module's chapter on *Accountability for Sexual and Gender-based violence perpetrated by terrorist groups*. The Team of Experts also presented a session on the challenges of identifying evidence for conflict-related sexual violence in a separate workshop for civilian and military prosecutors and investigators involved in the investigation and prosecution of Boko Haram detainees in Maiduguri.

Look Ahead

In 2019, based on specific challenges identified with the CCG and JIC, and subject to the availability of resources, the Team of Experts will focus on supporting law enforcement, prosecutorial and judicial authorities in: (i) developing investigative and prosecutorial tools, including a conflict-related sexual violence focused interrogation questionnaire/bulletin; (ii) defining conflict-related sexual violence prosecutorial policy, in line with national criminal and procedural law; and (iii) strengthening the existing capacity within the CCG and JIC. Such support is aimed at reinforcing the capacity of the Government of Nigeria to hold Boko Haram members accountable for offenses beyond terrorism, including conflict-related sexual violence crimes.

10. Somalia

The Team of Experts will continue to follow closely the situation in Somalia, advocate for accountability for conflict-related sexual violence and engage when and where opportunities arise in line with the mandate of the Team of Experts. A mission is planned to Somalia in 2019 with the SRSB-SVC where the Team of Experts will participate.

11. South Sudan

Objective

The Team of Experts, in collaboration with UN partners, seeks to support the Government of South Sudan in developing nationally owned strategic frameworks and laying the ground work for future accountability efforts for conflict-related sexual violence through strengthened criminal justice institutions and enhanced capacity.

2018 Key Result(s)

- The Team of Experts facilitated the finalization and adoption by the South Sudan People's Defence Forces (SSPDF) of its Action Plan and Matrix of Activities on addressing conflict-related sexual violence, resulting in prioritized activities and requests by the SSPDF for strategic support.
- The Team of Experts facilitated the preparation by the South Sudan National Police Service (SSNPS) of an initial draft of its Action Plan and Matrix of Activities on addressing conflict-related sexual violence resulting in an SSNPS framework around which to prioritize activities and provide support.
- The Team of Experts advocated for the initiation of joint planning between UNDP and UNMISS (Rule of Law Advisory Services, Senior Women Protection Advisor and UN Police) under the Global Focal Point Arrangement on the Rule of Law to enhance support to the Government of South Sudan in addressing conflict-related sexual violence.

Assistance and Impact

The ongoing conflict in South Sudan, which has included widespread sexual violence, has had a detrimental impact on the population, resulting in one of the worst humanitarian crises in the world. While the level of fighting has decreased as a result of the signing in September 2018 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan, in which the parties agreed to refrain from “acts and forms of sexual and gender-based violence, including sexual exploitation and harassment”, incidents of sexual violence continue to persist.

In 2018, the Team of Experts focused on supporting the Government of South Sudan in identifying and prioritizing areas of focus through action plans to address conflict-related sexual violence in line with the 2014 Joint Communiqué signed between the Republic of South Sudan and the United Nations. As a result of these efforts, in 2018 the SSPDF finalized and adopted its Action Plan and Matrix of Activities on addressing conflict-related sexual violence in South Sudan. The SSPDF Action Plan includes five pillars, including on prevention; accountability; protection of victims, witnesses and judicial actors; external communication and outreach; and monitoring and evaluation. Through the process of developing the Action Plan, the SSPDF increasingly gained confidence in UN partners to support reform efforts. Further, this confidence resulted in a number of requests for support not only to the Team of Experts, but also to UN partners, including a year-long UNMISS training course for SSPDF Judge Advocates on investigations and prosecutions of conflict-related sexual violence which began in June 2018. The work of the Team of Experts also provided opportunities for the Senior Women Protection Adviser in UNMISS and her team to undertake the training of more than 200 mid and senior level SSPDF commanders, including 21 female officers, on basic concepts of human rights law, humanitarian law, and conflict-related sexual violence and facilitated the signing of undertakings to reinforce commanders’ individual and command responsibility.

The Team of Experts also supported the SSNPS in developing a draft action plan that included pillars on prevention and accountability; protection of victims, witnesses and judicial actors; and monitoring and evaluation. This initiative has helped to identify potential areas of UN engagement and form a basis for coordinated engagement with SSNPS.

Look Ahead

In 2019, the Team of Experts will focus on supporting: (i) the finalization and implementation of activities in the Implementation Plan for the Joint Communiqué; (ii) the finalization and implementation of the Action Plan and Matrix of Activities for the SSNPS; and (iii) the implementation of the Action Plan and Matrix of Activities for the SSPDF. Such support is aimed at building the capacity of the Government of South Sudan, through its police, military and justice institutions, to coherently and strategically ensure accountability for conflict-related sexual violence, establish public confidence in these institutions and deter future violations.

12. Sudan (Darfur)

The Team of Experts will continue to closely follow the situation in Sudan (Darfur), advocate for accountability for conflict-related sexual violence and engage when and where opportunities arise in line with the mandate of the Team of Experts, including in relation to the draft framework of cooperation between the United Nations and the Government of Sudan.

ii. Other Engagements

1. Outreach and Events

During 2018, the Team of Experts participated in the following outreach activities and events:

- *Protection of Victims of Sexual Violence: Lessons Learned Workshop, Geneva, Switzerland, 26-27 March 2018.* The TOE participated in this workshop organized by OHCHR to provide insights on witness and victim protection from a policing perspective.
- *Strengthening Accountability Mechanisms Towards Sexual Violence Against Women in Armed Conflicts workshop, Cairo, Egypt, 31 March 2018.* The TOE participated in this workshop organized by the Legal of Arab States, the Office of the SRSG-SVC and UN Women to share its experiences in strengthening accountability for conflict-related sexual violence.
- *Women, Peace and Security Focal Points Network Meeting, Berlin, Germany, 9-10 April 2018.* The TOE participated in the panel discussion on “Accountability as a Key Element to Preventing Conflict-Related Sexual and Gender-Based Violence” as part of the annual Women, Peace and Security Focal Points Network Meeting hosted by the Government of Germany.
- *Bringing Terrorists to Justice Before National Courts: Developing Guidelines to Facilitate the Collection of Evidence by Militaries and other Relevant Criminal Justice Actors within a Rule-of-Law Framework, New York, U.S.A., 9–10 April 2018.* The TOE participated in a high-level expert meeting convened by CTED and the UN CTITF in order to produce UN guidelines on the collection of evidence from the battlefield for the purposes of terrorism prosecutions.
- *Accountability for Sexual Violence in Conflict: Identifying Gaps in Theory and Practice of National Jurisdictions in the Arab Region, Beirut, Lebanon, 16-17 April 2018.* The TOE, together with UNDP and UN Women, organized an experts’ meeting to help identify the key challenges involved in prosecuting crimes of sexual violence in conflict in national jurisdictions.
- *DPKO Heads of Justice and Corrections Components Meeting, New York, U.S.A., 7-11 May 2018.* The TOE participated in the bi-annual meeting of the heads of the justice and corrections components of UN peacekeeping operations and special political missions.
- *UN Inter-Agency Security Sector Reform Task Force Annual Workshop of Senior SSR Practitioners New York, U.S.A., 14-15 June 2018.* The TOE participated in a practitioners’ meeting to help ensure sexual violence considerations are incorporated into security sector reform initiatives.
- *UNDP Annual Meeting on Rule of Law and Human Rights, New York, U.S.A., 19-22 June 2018.* The TOE participated in a panel discussion entitled, “*Rebuilding the Justice System in South Sudan*” to share its experiences in addressing sexual violence in South Sudan.
- *UN Action Interim Strategic Planning Workshop, New York, U.S.A., 5 September 2018.* The TOE participated in the workshop to share experiences and contribute to the development of UN Action’s 2019 work plan.

- *Regional Conference on Impunity, Access to Justice and Human Rights for West Africa and Sahel Regions, Niamey, Niger, 8-12 September 2018.* The TOE was a panelist for the session on “Ensuring access to justice for women, children and other vulnerable groups” in this conference jointly organized by UNOWAS, UNDP, OHCHR and the Office of the SRSO-SVC.
- *ZIF Expert Dialogue on “Squaring the Circle – Adapting Rule of Law Assistance to New Realities”, 27-28 September 2018, Berlin, Germany.* The TOE participated in a workshop organized by the Center for International Peace Operations (ZIF) which brought together representatives of international organizations, rule of law practitioners and researchers to review and share experiences, including lessons learned and good practices, on rule of law assistance.
- *AMICA Workshop on “Finding My Own Strength” for Women from Northern Iraq, Baden-Württemberg, Germany, 29 September 2018.* The TOE participated in a workshop for Iraqi women who are beneficiaries of the Special Quota Project and who are considering speaking about their experiences in public or testifying in legal proceedings.
- *UNODC/CTED Workshop on the Draft Module on Gender Dimensions of Criminal Justice Responses to Terrorism in Nigeria, Abuja, Nigeria, 30 September – 5 October 2018.* The TOE presented and co-moderated the discussion and revision of the Draft Module’s chapter on “Accountability for Sexual and Gender-Based Violence Perpetrated by Terrorist Groups”.
- *UNPOL Gender Adviser Course on the United Nations Police Gender Toolkit, Entebbe, Uganda, 1-6 October 2018.* The TOE contributed its experiences work on conflict-related sexual violence to participants of the Gender Adviser Course.
- *Iraq Justice Advisory Group Convening, Washington, D.C., U.S.A., 26 October 2019.* The TOE attended a convening by the U.S. Holocaust Memorial Museum’s Ferencz International Justice Initiative with victims’ groups and experts on strategies to bring criminal and civil litigation for victims of ISIL crimes both in Iraq and third States.
- *AMICA Workshop on “My Rights. My Voice. My Strength.” for Women from Northern Iraq, Baden-Württemberg, Germany, 27-28 October 2018.* The TOE participated in a workshop for Iraqi women who are beneficiaries of the Special Quota Project and who are considering speaking about their experiences in public or testifying in legal proceedings.
- *Wayamo Training on Strengthening Justice and Accountability in Nigeria, Lagos, Nigeria, 31 October-3 November 2018.* The TOE participated in a workshop focused on the most serious and complex crimes under Nigerian criminal law attended by civilian and military prosecutors involved in the investigation and prosecution of Boko Haram detainees in Maiduguri.
- *UN Police Week, New York, U.S.A., 5-9 November 2018.* The TOE participated in discussions on strategic police priorities with heads of police components in UN peacekeeping operations and special political missions.
- *South Sudan Justice Advisory Group Convening, Entebbe, Uganda, 12-13 November 2018.* The TOE participated in an event convened by the U.S. Holocaust Memorial Museum’s Ferencz International Justice Initiative to strategize with South Sudanese and international experts and civil society on accountability options for serious international crimes in South Sudan.

- *AMICA Workshop on “My Rights. My Voice. My Strength.” for Women from Northern Iraq, Baden-Wurrtemberg, Germany, 17-18 November 2018.* The TOE participated in a workshop for Iraqi women who are beneficiaries of the Special Quota Project and who are considering speaking about their experiences in public or testifying in legal proceedings.
- *UN Capacity Building Training for Women’s Protection Advisers to Prevent and Respond to Conflict-Related Sexual Violence, Tokyo, Japan, 4-7 December 2018.* The TOE served as a facilitator in a pilot training on justice issues for Women’s Protection Advisers from UN peacekeeping operations and special political missions.
- *Dialogue: Gender Justice & the Law Assessment of Laws Affecting Gender Equality in the Arab States Region, Beirut, Lebanon, 10-11 December 2018.* The TOE participated in a dialogue organized by ESCWA, UNFPA, UN Women and UNDP on key challenges in the region to eliminating gender discrimination in the law and ensuring women’s access to justice and their legal protection.

2. *Contribution to Reports and Policy Documents*

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

- Report of the Secretary-General on conflict-related sexual violence (S/2019/280).
- Report of the Secretary-General on women, peace and security (S/2018/250).
- Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/73/253).
- Report of the Secretary-General on United Nations policing (S/2018/1183).
- UN Guidelines to facilitate the use and admissibility of information and evidence preserved, collected and shared by the military (CTITF/CTD).
- Policy (Draft) – United Nations Peace Operations: Preventing and Responding to Conflict-Related Sexual Violence.
- Conflict-Related Sexual Violence Handbook: Prevention and Response by United Nations Peace Operations (Draft).

iii. **Operational and Contractual Issues**

In New York, the TOE recruited an expert to support the TOE’s work on reparations, received a seconded law enforcement expert from the Government of Sweden, and will be receiving a Junior Professional Officer to support the TOE’s work in Africa from the Government of France in January 2019. In the field, the TOE deployed in-country experts in Côte d’Ivoire, DRC and Guinea.

C. Partnerships and Interagency Collaboration

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

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:

- Office of the SRSO-SVC – The TOE continues to support the work of the Office of the SRSO-SVC in its strategic advocacy and leadership efforts in addressing conflict-related sexual violence on behalf of the UN. In particular, the TOE supports the work of the Office of the SRSO-SVC by providing inputs on issues related to justice and accountability for joint communiqués, frameworks of cooperation, and implementation plans to meet agreed political commitments.
- UN Action Against Sexual Violence in Conflict – The TOE continues to maintain a strong partnership with the UN Action network, which has facilitated coordination and information sharing with UN Action member entities. The UN Action MPTF has continued to serve as a platform for fundraising, with an earmarked window for TOE funds.
- UN Global Focal Point for the Rule of Law – The TOE continues to engage with Global Focal Point members to enhance the coordination and coherence of its work in the areas of security, police, justice and corrections.
- UN Country Teams, UN Peace Operations and other UN Actors – TOE assessments and deployments have received active substantive and logistical support from UN Country Teams and peace operations, including following up on the implementation of recommendations from assessments. The TOE also consults relevant special procedures of the Human Rights Council and UN treaty bodies to inform the Team’s missions on issues that cut across areas of mutual concern. In line with the Framework of Cooperation signed between the Office of the SRSO-SVC and the CEDAW Committee in July 2018, the Team has contributed to Office of SRSO-SVC submissions on countries under examination by the Committee.
- National Authorities and National Partners – TOE assessments and deployments continue to be 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.
- International, Regional and Sub-regional Organizations – The TOE continues to actively engage with international, regional and sub-regional organizations including the African Union, the European Union, the European Genocide Network, the International Conference on the Great Lakes, the League of Arab States, the OIF and the International Criminal Court to address conflict-related sexual violence.
- United Kingdom Preventing Sexual Violence Initiative – The TOE continues to actively partner with the Preventing Sexual Violence Initiative in sharing information, consulting on strategies and priorities, coordinating assessment missions and sharing lessons learned.

- Civil Society Organizations, Victims' Groups and Academia – The TOE continues to engage with national and international non-governmental and civil society organizations, including Human Rights Watch, International Association of Prosecutors (Prosecuting Conflict-Related Sexual Violence Network), International Federation for Human Rights, Physicians for Human Rights and TRIAL, as well as victims' groups and academic institutions.

V. FUTURE WORK PLAN

The following proposed activities are in line with the Annual Work Plan contained in the 2015-2019 Joint Programme:

Output 1: Countries experiencing or at risk of experiencing conflict-related sexual violence are identified and engaged for assessment and possible support

Target (Year 5 - 2019) – 2 countries or regional bodies which have entered into joint communiqué or frameworks of cooperation (underscoring the issue of accountability) welcoming the engagement of the Team of Experts

Output 2: Priority actions for addressing impunity for conflict-related sexual violence by national authorities and relevant partners identified and understood

Target (Year 5 - 2019) – 2 TOE assessment missions conducted with concrete initiatives for potential TOE support

Output 3: National authorities' capacity to fight impunity for conflict-related sexual violence enhanced through technical, strategic and programmatic support

Target (Year 5 - 2019) – 6 deployments to situations of particular concern by the TOE

Output 4: Coherence and effectiveness of international community in addressing conflict-related sexual violence strengthened

Target (Year 5 - 2019) – 5 experience sharing; learning exercises, briefing events; national experts apply lessons learned

Year 5 Estimated Budget = \$2,835,566