

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

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

INTERIM NARRATIVE REPORT COVER PAGE

<p>Participating UN Organization(s):² DPO, OHCHR, UNDP</p>	<p>Project³ 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 On 11 December 2019, the Office of the SRSG-SVC signed the Standard Memorandum of Understanding for Conflict-Related Sexual Violence Multi-Partner Trust Fund becoming a Participating UN Organization under the new Conflict-Related Sexual Violence Multi-Partner Trust Fund.

³ The term “project” is used for projects, programmes and joint programmes

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

Interim Narrative Report

I. PURPOSE

A. Mandate

Security Council resolution 1888 (2009) created an institutional infrastructure to address conflict-related sexual violence the primary elements of which are the appointment of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) as well as the United Nations (UN) Team of Experts on the Rule of Law and Sexual Violence in Conflict (Team of Experts, Team or TOE). The Team of Experts brings together experts from the Department of Peace Operations (DPO), formerly known as the Department of Peacekeeping Operations (DPKO); the Office of the High Commissioner for Human Rights (OHCHR); the Office of the SRSG-SVC; and the UN Development Programme (UNDP). The Team, which works under the overall strategic leadership of the SRSG-SVC, was created 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 resolution 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 will be 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 mobilised to meet current commitments and fulfil the Team’s obligations under its Security Council mandate. In 2019, the Team of Experts received voluntary contributions from Estonia, Finland, France (in kind), Japan, and the United Kingdom.

A. Core Funding

Since the TOE became operational in 2011, it has mobilised core funding through each of its joint programmes. These funds have been deposited by the following Member States into the UN Action MPTF or its successor fund the Conflict-Related Sexual Violence Multi-Partner Trust Fund (CRSV-MPTF).

<u>Country</u>	<u>Contribution Amount⁴</u>	<u>Relevant Joint Programme⁵</u>
Belgium	\$450,026	2012-2014 and 2015-2019
Estonia	\$411,110	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
<u>United Kingdom</u>	<u>\$5,308,049</u>	<u>2012-2014 and 2015-2019</u>
Total	\$15,847,318	

During the current reporting period, the TOE has mobilised core funding from the following Member States – note that these funds are included in the table above.

<u>Country</u>	<u>Contribution Amount⁶</u>
Estonia	\$55,280
<u>United Kingdom</u>	<u>\$1,299,013</u>
Total	\$1,354,293

B. Country-Specific Funding

Since it became operational in 2011, the TOE has mobilised non-core (country specific) funding through each of its joint programmes. These funds have been deposited by the following Member States into the UN Action MPTF or the CRSV-MPTF.

⁴ Contribution amounts have been converted to US Dollar.

⁵ Contributions are identified based on the TOE Joint Programme to which they contribute.

⁶ Contribution amounts have been converted to US Dollar.

<u>Country</u>	<u>Contribution Amount⁷</u>	<u>Countries Supported</u>	<u>Relevant Joint Programme⁸</u>
Finland	\$1,042,373	Guinea, South Sudan, Africa	2012-2014 and 2015-2019
Japan	\$10,335,714	CAR, DRC, Iraq, Somalia	2012-2014 and 2015-2019
Switzerland	\$64,600	Côte d'Ivoire	2012-2014
Turkey	\$50,000	Guinea	2012-2014
Total	\$11,492,687		

During the current reporting period, the TOE has mobilised non-core (country-specific) funding from the following Member States – note that these funds are included in the table above.

<u>Country</u>	<u>Contribution Amount⁹</u>	<u>Countries Supported</u>
Finland	\$112,900	Africa
Japan	\$1,535,714	CAR, DRC, Iraq
Total	\$1,648,614	

C. Other Contributions

In addition to the core and country-specific funding from Member States, since 2011 the TOE has also benefited from Member State financial support that did not pass through the UN Action MPTF or the CRSV-MPTF.

<u>Country</u>	<u>Financial Contribution¹⁰</u>	<u>In-Kind Contribution</u>	<u>Location of Support</u>
France	N/A	JPO	USA (New York)
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 SRSG-SVC, DPO, DPKO, OHCHR and UNDP. In addition, the Team is complemented by three additional experts deployed in the field. DPO, OHCHR and UNDP serve as co-lead entities and form the TOE's Advisory Group.¹¹ The Team Leader reports to the SRSG-SVC, while team members have dual reporting lines to the Team Leader and their respective entities.

⁷ Contribution amounts have been converted to US Dollar.

⁸ Contributions are identified based on the TOE Joint Programme to which they contribute.

⁹ Contribution amounts have been converted to US Dollar.

¹⁰ Contribution amounts have been converted to US Dollar.

¹¹ The Office of the SRSG-SVC will join the TOE as a co-lead entity in the new 2020-2024 Joint Programme and will be represented by its Chief of Staff in the Advisory Group.

ii. Approach

Members of the Team of Experts have expertise in a variety of areas including international criminal law, human rights, 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 recognises 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 recognises that survivors of conflict-related sexual violence include women and girls, as well as men and boys, and that survivors are often subject to stigmatisation by their families and communities, which make them reluctant to report crimes and may also render them vulnerable to further violence.

In line with the key overall strategic priorities of the SRSG-SVC and the principle of national ownership, leadership and responsibility, the TOE focuses 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 practices and challenges experienced by others in similar contexts.

The TOE supports engagement of the SRSG-SVC with affected Member States and works in response to requests for assistance received from national authorities, as well as from UN field presences or headquarters officials, civil society organisations or victims' groups. In some cases, requests are based on the mandates of UN peace 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 host state consent.

The SRSG-SVC's high-level advocacy work with governments serves as a key entry-point for TOE interventions. Since 2011, the SRSG-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 (and addendums to update commitments where applicable) have been signed with the Governments of the Republic of Angola, the People's Republic of 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 SRSG-SVC also signed a Framework of Cooperation with the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) which has contributed to greater information sharing on country situations and thematic issues of common concern.¹² Regional and sub-regional agreements have also been concluded with the African Union, the International Conference on the Great Lakes Region (ICGLR), the League of Arab States, and the Organisation Internationale de la

¹² In 2020, the SRSG-SVC signed a Framework of Cooperation with the Committee on the Rights of the Child.

Francophonie (OIF). The Team has held workshops with these regional organizations, including to improve the response of military justice systems in the Great Lakes region to conflict-related sexual violence, and work with the League of Arab States on sexual violence committed by terrorist groups.

Upon request or consent by a government, the TOE may undertake a technical assessment mission to help the government 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 evaluate the existing capacity of national actors. Extensive consultations between the TOE, government entities, UN partners, civil society organisations, 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. Recognising 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.

Once the recommendations and modalities for support are agreed, the TOE may assist in the identification and mobilisation 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 the country level, it works with United Nations peace operations and country teams as well as civil society organisations and academia to ensure that its work is based on survivors' rights and needs and utilises cutting-edge approaches to sexual violence in conflict. At the regional level, the TOE works with regional and sub-regional organisations including the African Union, the European Genocide Network, the ICGLR, the League of Arab States, and the OIF. 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. Partnerships within the Global Focal Point for the Rule of Law ensure that the Team's efforts are aligned with the UN's overall rule of law efforts at Headquarters and in the field. Further, as the International Criminal Court works on the basis of positive complementarity, the Team of Experts assists Member States that are also State Parties to the Rome Statute to meet their obligations by holding cases of conflict-related sexual violence in national courts in line with international standards.

B. Monitoring Arrangements

In 2019, 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 was 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. 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 mobilise resources.

IV. RESULTS

A. Progress

Impact: Countries affected by conflict-related sexual violence reduced

Baseline – 20 Countries¹³

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

Target – 20 Countries

¹³ Number of countries addressed in the 2014 Secretary-General's Report on conflict-related sexual violence plus Guinea.

The aim of the international community is to prevent and deter the commission of conflict-related sexual violence and when it occurs use all means available to respond. Nineteen country contexts¹⁴ are addressed in the dedicated country section of the report of the Secretary-General on conflict-related sexual violence covering the current reporting period from January through December 2019.¹⁵ In addition to these 19 country contexts, Guinea is also referenced in the report.

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

Baseline – 35 percent¹⁶

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-five percent¹⁷ of countries addressed in the report of the Secretary-General on conflict-related sexual violence covering the period from January through December 2019 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 that have entered into joint communiqués or frameworks of cooperation (underscoring the issue of accountability) welcoming the engagement of the Team of Experts

¹⁴ 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.

¹⁵ S/2019/280.

¹⁶ 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: $7/20=.35$.

¹⁷ The number of countries with: Joint Communiqués, Implementation Plans, and/or Action Plans: 10 (Angola, Bangladesh, CAR, DRC, Guinea, Iraq, Mali, 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 2019 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: $11/20=.55$.

Cumulative total¹⁸ – 12 countries or regional bodies that 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, Mali, Myanmar, OIF, Somalia, South Sudan)

During the reporting period, the United Nations adopted new joint communiqués with the Governments of CAR and Mali and signed an addendum to the 2013 joint communiqué with the Government of the DRC. These agreements contain specific provisions regarding justice and accountability and the potential support of the TOE to national authorities.

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

Cumulative total¹⁹ – 14 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 CAR, DRC and Mali. While prior assessment missions were undertaken to Central African Republic and the Democratic Republic of the Congo, 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. The assessment mission to Mali allowed the TOE to produce its first assessment report.

In CAR, the TOE evaluated the impact of the establishment of Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (*Unité Mixte d’Intervention Rapide et de Répression des violences sexuelles faites aux femmes et aux enfants*, hereinafter UMIRR) identifying its strengths, existing challenges and possible programmatic responses. Additionally, the TOE examined the judicial response to conflict-related sexual violence by ordinary courts and the Special Criminal Court (SCC) in the CAR and identified possible avenues to enhance and improve their actions.

In the DRC, the TOE assessed the challenges of the specialised police units in eastern DRC, following recent police reforms. Additionally, the TOE examined the challenges faced by the military justice in the response to conflict-related sexual violence.

In CAR and the DRC, the abovementioned assessment missions allowed the TOE to identify specific outputs and activities responses that have informed the design of projects to be initiated in 2020.

In Nigeria, the TOE finalised its assessment report, building on its preliminary missions of 2018, to gain an understanding of the legal and judicial response to conflict-related sexual violence crimes committed in

¹⁸ Cumulative total includes the baseline plus the cumulative increase from each year.

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

the context of the Boko Haram conflict. The assessment report identified the various national and international actors currently collaborating with and engaged in strengthening the capacity of the national judicial actors and identified potential areas and partners for the TOE's assistance.

In Mali, the TOE conducted a joint assessment with MINUSMA on the backlog of sexual violence cases in the Malian justice system committed during the occupation of the North of the country by terrorist groups between 2012 and 2013. The report makes specific recommendations on actions to be taken by national and international actors to proceed with existing sexual violence cases before the national courts and bring justice to victims/survivors.

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)

Indicator²⁰ – Number of deployments to situations of particular concern by TOE

Cumulative total²¹ – 64 deployments to situations of particular concern by TOE

In 2019, the TOE undertook ten deployments to CAR, DRC, Guinea, Nigeria, Somalia and South Sudan. In CAR, the TOE continued working with MINUSCA and UNDP to further build the capacity of the UMIRR, the rapid response unit comprising the police and gendarmerie which was established in 2015 specifically to investigate cases of sexual and gender-based violence. In addition, the TOE recruited and deployed a dedicated international expert at the P-4 level who is embedded in MINUSCA's Justice and Correction Section to provide technical support to the national judicial institutions on investigation and prosecution of conflict-related sexual violence. In the DRC, the TOE worked with MONUSCO and UNDP to start implementing a new project aimed at reinforcing the capacity of the national judicial institutions to investigate and prosecute conflict-related sexual violence cases. Following a technical mission to DRC, the TOE has decided to support the deployment of a dedicated international expert at the P-4 level who will be based in MONUSCO's Prosecution Support Cells and will provide ongoing mentoring and technical support to investigators and magistrates to bolster the investigation and prosecution of conflict-related sexual violence cases. The recruitment process was finalised at the end of the reporting period. In Guinea (Conakry), in collaboration with OHCHR, the TOE continues to deploy a senior judicial advisor as a member of the Steering Committee responsible for organising 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 Nigeria, the TOE carried out two deployments to complete the preliminary assessment to the judicial response to sexual violence crimes committed by Boko Haram and to participate in a training series targeting judicial actors. In Somalia, the TOE supported and participated in the SRSG-SVC's visit to identify ways to ensure the effective implementation of the Joint Communiqué on the Prevention of Sexual violence signed between the Government of Somalia and the United Nations in May 2013. In South Sudan, the TOE worked with UNMISS and UNDP to support the government in identifying, prioritising, and addressing conflict-related sexual violence through the development of action plans with the South Sudan National Police Service, in line with the 2014 Joint Communiqué between the

²⁰ 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.

²¹ Cumulative total includes the baseline plus the cumulative increase from each year.

Government of South Sudan and the United Nations and the SPLA-IO in line with its Unilateral Communiqué, resulting in the prioritisation of activities and requests for strategic support.

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

Cumulative total²² – 50 experience sharing exercises, learning exercises, briefing events, national experts apply lessons learned

During the reporting period, the TOE organised 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 strengthening the capacity of the national authorities, including the UMIRR and the SCC to investigate, prosecute and engage with survivors of such crimes. The Team of Experts also aims at improving the coordination and complementarity between the UMIRR and the SCC.

2019 Key Result(s)

- The Team of Experts recruited and deployed a dedicated Technical Specialist on Judicial Affairs and Conflict-Related Sexual Violence (Technical Specialist), to provide technical advice to the national judicial authorities on the investigation and prosecution of conflict-related sexual violence crimes.
- The Team of Experts contributed to the organisation of the second criminal court session of the year at the Bangui Court of Appeal, ensuring that this session would be dedicated to cases of sexual and gender-based violence.
- The Team of Experts accompanied the SRSO-SVC during her official visit to CAR during which a new Joint Communiqué on the prevention and fight against conflict-related sexual violence was signed between the Government of CAR and the United Nations.

²² Cumulative total includes the baseline plus the cumulative increase from each year.

Assistance and Impact

In 2019, the Team of Experts continued to support the reinforcement of the judicial response to conflict-related sexual violence crimes through the deployment of a Technical Specialist to CAR, embedded in MINUSCA – Justice and Correction Services. Through the Technical Specialist, the Team of Experts provided technical support to the national authorities to improve their capacity to investigate and prosecute conflict-related sexual violence crimes.

In particular, a series of mentoring sessions and two practical trainings on interview techniques, targeting especially the newest staff of the UMIRR, were organized by the Team of Experts with the support of two police specialists. Furthermore, the Team of Experts provided technical support to the Police Division within DPO to plan and facilitate the deployment of a Specialized Police Team on sexual and gender-based violence mandated to assist the UMIRR.

The Team of Experts also enabled the UMIRR to continue delivering on its mandate in and outside of Bangui, as well as on more complex cases of conflict-related sexual violence. In the absence of adequate financial support through the state budget, basic logistical and material needs of the UMIRR were ensured through the project. As a result, since its operationalisation in 2017, the UMIRR has received a growing number of complaints, registering a total of 946 complaints as of March 2019. The UMIRR started providing victims access to psychosocial and legal services at its premises and has put in place a referral pathway with medical non-governmental organisations (NGOs) to ensure that victims of conflict-related sexual violence have access to medical support. In addition, the UMIRR launched in August 2019 its second investigation outside of Bangui with the support of UNPOL and the CAR Internal Security Forces. This allowed the UMIRR to investigate cases of conflict-related sexual violence allegedly perpetrated by members of armed groups in several locations near the city of Kaga Bandoro and resulting in at least 264 victims. During the reporting period, the Team of Experts was also able to support the establishment of a protection shelter in Bangui. This structure was created to easily provide access to a secured shelter and to psychosocial support to victims and witnesses referred to the NGO by the UMIRR.

Moreover, the Team of Experts, MINUSCA and UNDP decided to provide material and technical support to Harvard Humanitarian Initiative (HHI) for the completion of three new surveys that will be carried between 2019 and 2021 and will focus on sexual and gender-based violence, the restoration of state authority and transitional justice. The Team of Experts will be able to provide technical support to HHI as a member of the Monitoring Group and of the Informal Advisory Group, both established to review and provide strategic guidance on the development and the implementation of the surveys. Due to delays in contracting, HHI was only able to start working in CAR during the last quarter of 2019. However, with the support of the Monitoring Group and of the Informal Advisory Group, the indicators for the surveys have already been selected and approved and the first survey's questionnaire has been finalised. The collection of data should start during the first quarter of 2020.

The Team of Experts advocated for the national criminal system to have a session focused primarily on cases of sexual violence. The Team worked closely with the national judiciary, MINUSCA, and UNDP-CAR to provide technical and financial support for the organisation of the second criminal court session of the year at the Bangui Court of Appeal. The session, which was held in December, resulted in twenty-two cases of sexual violence put on the docket out of a total of twenty-five. Accordingly, the Technical Specialist provided specialised mentoring on relevant issues to the officials and victims' representatives.

Finally, the Team of Experts accompanied the SRSG-SVC during her official visit to CAR in March 2019 and contributed to the drafting of the new Joint Communiqué that was signed during her visit between the

UN and the Government of CAR on the prevention and fight against conflict-related sexual violence. As a result, in this Joint Communiqué, the Government of CAR specifically committed to several justice sector outcomes.

Looking Ahead

In 2020, as the justice chain in CAR still requires strengthening for the work of the national judicial authorities on conflict-related sexual violence to be durable, the Team of Experts will work further on the following project activities: (i) training and mentoring police investigators and police officers serving in the UMIRR, the SCC, and the sexual violence desks of police stations; (ii) providing logistical and material support to the UMIRR to conduct investigations; (iii) providing technical advice and support to the ordinary criminal courts and the SCC, regarding the prosecution of conflict-related sexual violence cases; and (iv) developing the judicial authorities' capacity to track judicial proceedings involving conflict-related sexual violence. Such support is aimed at enabling further collaboration between the UMIRR, the sexual violence desks of police stations and the SCC, while strengthening their ability 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. The Team will continue to work closely with OHCHR and UN Women to assess possibilities of support to the Special Jurisdiction for Peace, including the Investigation and Prosecution Unit and its dedicated sexual violence team, and share good practices with its Gender Commission on gender equality and non-discrimination in national and international processes.

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.

2019 Key Result(s)

- The Team of Experts advocated for the consolidation of institutional and operational responses to conflict-related sexual violence, resulting in continued support by UN Action and the Office of the SRSG-SVC to the National Committee to Combat Conflict-Related Sexual Violence and to the implementation of the Action Plan against sexual violence by Ivorian defence and security forces.
- The Team of Experts led advocacy efforts with justice officials, UN partners, and human rights mechanisms on the prohibition of amnesty for sexual violence crimes, resulting in increased awareness on Côte d'Ivoire's international obligations with respect to conflict-related sexual violence.

Assistance and Impact

The Independent International Commission of Inquiry created by the UN Human Rights Council in 2011 established that 3,000 people 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 2019, following two years of TOE technical engagement, and in light of the fragile political context in the lead up to the 2020 presidential elections, the Team of Experts supported the development of a project proposal by UN Action and the Office of the SRSG-SVC to enable the consolidation of the institutional and operational responses by defence and security forces on conflict-related sexual violence. This enabled continued support to the National Committee to Combat Conflict-Related Sexual Violence in the coordination of national activities around the prevention and response to sexual violence, and sustained training and sensitisation of the *Forces Armées de Côte d'Ivoire* (FACI) in the implementation of its Action Plan against sexual violence. These efforts contributed to further capacity building of security forces through country-wide dissemination and implementation of tools previously developed by the Team of Experts, including undertakings committing to the principle of command responsibility, revised codes of conduct and command orders explicitly prohibiting sexual violence.

Following its November 2018 technical assessment mission, in 2019 the TOE continued to advocate with national counterparts, UN partners and national human rights mechanisms on the need for accountability for sexual violence crimes perpetrated during the 2010-2011 post-electoral crisis. Efforts focused on the importance of clarifying the presidential order of 8 August 2018 (ordonnance 2018-669) granting amnesty to individuals prosecuted or convicted for offences related to the post-electoral crisis of 2010-2011, which did not explicitly exclude perpetrators of serious international crimes, including sexual violence.

Indeed, while President Ouattara publicly announced 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 order's ambiguity resulted in different views and interpretations on its scope of application. On the one hand, the Team found a widespread perception among victims' associations and civil society organisations that the amnesty would apply to all crimes, including serious crimes perpetrated by high level military officers, members of armed groups and political leaders from both sides of the conflict. On the other hand, most government officials stated that the 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 *Cellule spéciale d'enquête et d'instruction* (CSEI), who confirmed that the investigation of two major files including sexual violence crimes was 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.

Advocacy efforts by the Team of Experts on the negative impact of the presidential order on ongoing investigations and judicial proceedings, and in this light, on the need to clarify that the amnesty order does not apply to serious international crimes such as sexual violence, in line with relevant Security Council resolutions on conflict-related sexual violence and customary international law, contributed to the inclusion of these concerns in the annual report of the Secretary-General on conflict-related sexual violence and the concluding observations of the CEDAW Committee (CEDAW/C/CIV/CO/4). The CEDAW Committee specifically called on the need to ensure that the presidential order does not apply to persons suspected, accused or convicted of war crimes, crimes against humanity or gross violations of human rights, including conflict-related sexual violence, recalling that amnesties are impermissible if they interfere with victims' right to an effective remedy, including reparation, or if they restrict victims' and

societies' right to know the truth about violations of international human rights law and international humanitarian law. The CEDAW Committee further recalled that amnesties have to be in line with the international obligations of the State party, including those emanating from Security Council resolutions 1820 (2008), 2106 (2013) and 2467 (2019), which explicitly stress the need to exclude sexual violence crimes from amnesty provisions in the context of conflict resolution processes and recommend that Cote d'Ivoire avail itself of international assistance, including continued technical assistance from the Team of Experts.

Looking Ahead

In 2020, the Team of Experts will continue to advocate with justice officials, UN partners, and human rights mechanisms on the importance of clarifying the scope and beneficiaries of the amnesty order for the crimes committed during the 2010-2011 post electoral crisis, as well as its impact on ongoing and future criminal proceedings, including in light of the CEDAW Committee concluding observations. In the lead up to the 2020 presidential elections, the Team of Experts will also advocate for the continued support by the Office of the SRSG-SVC to national authorities, particularly in the design and implementation of an early warning mechanism with specific indicators on conflict-related sexual violence, while ensuring complementarity with ongoing Peace Building Fund support for the promotion of rule of law, human rights and peacebuilding in Côte d'Ivoire.

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.

2019 Key Result(s)

- The Team of Experts, with renewed funding by the Government of Japan, conducted an assessment mission to situate its new project within UNDP's overall transitional justice project entitled "*Support to Criminal Justice Authorities to Address Impunity for International Crimes in the Democratic Republic of the Congo*" and shared key recommendations with UN and local partners.
- The Team of Experts began the recruitment and deployment of an international expert to be based in MONUSCO's prosecution support cell in Goma, North Kivu to support governmental authorities on the investigation and prosecution of conflict-related sexual violence in the east of the country.
- The Team of Experts supported the SRSG-SVC in developing an addendum to the 2013 Joint Communiqué between the Government of the DRC and the United Nations on the Fight Against Sexual Violence in Conflict, which included new justice provisions.

Assistance and Impact

During the reporting period, the number of incidents of conflict-related sexual violence rose in the DRC continuing a trend over the past three years. As noted in the last annual report, funding for the TOE's work in the DRC was discontinued briefly during the uncertainty surrounding the election period. With the first peaceful democratic transition of power in the country's history, funding to the TOE's rule of law project in the country resumed.

With renewed funding, the Team conducted an assessment mission to identify where to best situate the new project within ongoing UN work. Based on the assessment, the Team with its UN colleagues decided to place the project within UNDP DRC's project on "*Support to Criminal Justice Authorities to Address Impunity for International Crimes in the Democratic Republic of the Congo*" and to place an international expert at P-4 level within the prosecution support cell in Goma, North Kivu to assist national authorities. An open recruitment was conducted and the expert will be deployed in 2020.

In 2019, it was essential to renew commitments on conflict-related sexual violence with the new Tshisekedi administration to ensure continued political support at the highest level. In this regard, the Team of Experts supported the SRSG-SVC in developing an addendum to the UN/DRC Joint Communiqué on the Fight Against Sexual Violence of 2013. This addendum, signed in December 2019, has key aspects on justice that were formulated by the Team of Experts ranging from new legislation on victim and witness protection and trafficking in persons, increased national funding to Special Police Units for the Protection of Children and the Prevention of Sexual Violence and concrete commitments for prosecution of perpetrators of conflict-related sexual violence regardless of rank or affiliation. The Team also assisted the SRSG-SVC in meetings with key government interlocutors in Kinshasa and supported a visit to South Kivu where innovative partnerships have been developed between the government, the United Nations, and civil society on the prosecution of conflict-related sexual violence.

Further throughout the reporting period, the Team of Experts had a consistent dialogue with and provided support to MONUSCO's senior women protection advisor on justice issues. Consistent liaison with the senior women protection advisor ensured that needs on the ground related to justice were conveyed to the Team of Experts for the Team's assistance.

Looking Ahead

In 2020, with the support of the international expert to be deployed to Goma, the Team of Experts will continue to support national authorities in the fight against conflict-related sexual violence. Its primary activities will include: (i) providing technical advice for the investigation and prosecution of conflict-related sexual violence in targeted provinces in the east (Ituri, North Kivu, South Kivu, and Tanganyika); (ii) facilitating the organisation of investigation and mobile court sessions in rural and interior areas affected by conflict-related sexual violence; (iii) supporting the operations of the Special Police Units for the Protection of Children and the Prevention of Sexual Violence; (iv) assisting in evaluating and strengthening the prioritisation strategy of Congolese authorities in prosecution conflict-related sexual violence cases; and (v) monitoring facilitating the implementation of court ordered reparations on five selected cases.

The Team of Experts will continue to work with partners at both headquarters and country level, including importantly with women protection advisers in the field on its actions to strengthen accountability in the DRC.

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.

2019 Key Result(s)

- The Team of Experts continued to support the Steering Committee and its Technical Follow-Up Committee, resulting in the elaboration of a draft action plan to conduct preparatory work for the trials for the crimes of 28 September 2009.
- The Team of Experts continued to raise national, regional and international awareness on the need for accountability, resulting in a renewed commitment by senior officials and the announcement of a date for the trials.

Assistance and Impact

In 2019, the Team of Experts continued to support national authorities to ensure accountability 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 and at least 109 women and girls were raped and subjected to other forms of sexual violence. This support included the continued deployment of a senior judicial advisor to Conakry, who is serving as a member of the Steering Committee put in place to organise the trials and its Technical Follow-up 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, civil society representatives victims' associations, and other actors closely following the situation in Guinea, including the Office of the Prosecutor of the International Criminal Court.

In 2019, the Team of Experts' senior judicial advisor participated in all meetings of the Steering Committee and its Sub-Committee tasked with the preparation of the technical and logistical aspects of the trials. The senior judicial advisor assisted the Minister of Justice, as Chair of the Steering Committee, 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, as well as with Member States and civil society representatives that are part of the Steering Committee, to ensure a coordinated position during the discussions and appropriate follow up.

The Steering Committee only met twice in 2019, including as a result of the resignation of the Minister of Justice, in May 2019, who for the past five years had been supporting accountability efforts for this case. The Team engaged with the new Minister of Justice immediately upon appointment, to ensure that the trials or the 28 September 2009 events would remain a priority and offered its support in the preparation of and follow up to the Steering Committee deliberations. In August 2019, the Minister adopted a ministerial decree on the planning and organisation of the trials, creating a three-tiered structure, including a subsidiary body to the Steering Committee - the Technical Follow-up Committee (Comité technique de suivi) – to prepare the technical and logistical aspects of the trials. The Technical Follow-up Committee, of which the senior judicial advisor of the Team of Experts is also a member, met regularly in 2019 and focused on the mobilisation of government and donor support and resources to ensure that the Court of Appeals is appropriately equipped and meets all necessary security requirements. As a result of this engagement, the Prime Minister of Guinea and the Minister of Justice officially launched the refurbishing work at the Court of Appeals as the venue 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 the regional and international levels to advocate for political, logistical and financial support for the trials, highlighting the potential to showcase an entirely nationally-led judicial process, with technical support from the international community, in combatting impunity for serious crimes. As part of this

advocacy, the TOE senior judicial advisor held technical meetings in New York with the Executive Office of the UN Secretary-General, the Office of the High Commissioner for Human Rights and the Department of Political and Peacebuilding Affairs, which highlighted the importance of continued support from the UN in the ongoing judicial process. The Team also continued to engage in regular technical discussions with Member States represented in the Steering Committee, such as France and the United States; national and international civil society organisations and victims' associations; and other actors, such as the Office of the Prosecutor of the International Criminal Court. The Team also continued to support high-level political advocacy by SRSG-SVC, including with Special Representative of the Secretary-General for West Africa and the Sahel, other senior UN officials, and Member States.

On 28 September 2019, on the occasion of the tenth anniversary of the events, the Prime Minister made an official declaration emphasizing that trials would start shortly and that all alleged perpetrators, irrespective of their political affiliation, title, rank or grade, would be held accountable for their actions before the competent courts. Following this announcement, the SRSG-SVC issued a statement urging authorities to honour their commitments and ensure that trials are expedited so that perpetrators are held accountable; victims receive justice, support and reparations; and overall rule of law, unity and social cohesion is enhanced. In this context, the Minister of Justice also announced that trials would start in June 2020.

Despite a renewed political commitment toward accountability and the announcement of a concrete time frame for the trials, a number of practical and logistical aspects are still pending, including the formal appointment and training of magistrates and other judicial officials, and the operationalisation of a protection plan for victims, witnesses and judicial officials.

Looking Ahead

Political developments on the ground, marked by tensions over a referendum on a constitutional reform, may hinder or further delay the preparation of the trials. As a member of the Steering Committee, the Team of Experts will continue to support the organisation of the trials through the deployment of the senior judicial advisor. The Team of Experts' support will focus on: (i) developing and implementing a roadmap for trials that 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; (ii) organizing trainings for magistrates and other judicial officials on international standards for trials of this nature; and (iii) mobilising advocacy at the national, regional and international levels, including in the context of the Human Rights Council Universal Periodic Review.

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.

2019 Key Result(s)

- The Team of Experts advised the Government on the importance of criminal accountability for conflict-related sexual violence crimes in national courts in order to encourage future criminal proceedings.

- The Team of Experts provided advice on a new victims' assistance law for survivors of conflict-related sexual violence proposed by the President of the Republic of Iraq resulting in key amendments to the draft law.

Assistance and Impact

The reporting period was marked with a period of uncertainty for the Government of Iraq including countrywide protests and proxy fighting within its borders. Despite this uncertainty, the Team of Experts continued to advocate for the prosecution of sexual violence crimes in Iraqi national courts as sexual violence crimes and not simply as terrorism crimes. Due to fragmentation in the rule of law response in Iraq, including at international level, there have been no prosecutions to date for sexual violence crimes in Iraq outside of prosecutions relating to terrorism charges. The Team continues to advocate for an incremental approach where some prosecutions of cases on sexual violence cases take place in the country even in the absence of serious international crimes legislation.

On a more positive note, the Government of Iraq proposed a victims' assistance and rehabilitation law for victims of conflict-related sexual violence. Initially, starting with Yazidi victims, the Team of Experts (along with IOM and UNAMI) provided assistance to the government on the legislation to include other beneficiaries, to improve the administrative mechanism to distribute funds and services and to ensure children conceived as a result of rape could benefit from the law with their mothers. Although this legislation is still pending before the Council of Representatives, there has been a marked increase in the provision of some forms of compensation to victims as a result of these discussions.

Looking Ahead

In 2020, the Government of Iraq has signalled that it seeks to reinvigorate all aspects of the Joint Communiqué between the United Nations and the Government of Iraq on the Prevention and Response to Conflict-Related Sexual Violence of 2016. Planning is already taking place on this reinvigoration process with the senior women protection advisor of UNAMI and with the Iraqi government. This reinvigoration will include the Office of the SRSG-SVC (among other UN partners) with the Team of Experts supporting on justice issues.

However, it is still concerning that there have been no prosecutions in the national judiciary for sexual violence crimes. This lack of prosecution is not necessarily a reflection of the Government of Iraq's lack of understanding of the need or willingness to prosecute. Instead, the absence of prosecutions results from a judicial practice pre-empting the inclusion of charges of sexual violence offences, as prescribed in the Iraqi *general* penal code, in cases prosecuted under the *special* anti-terrorism law. Additionally, while there has been a focus on collecting and preserving evidence for serious international crimes, including sexual violence as an international crime, there is currently no law on serious international crimes in Iraq and significant uncertainty on how any evidence collected can be used in the country. The Team of Experts will continue to advocate for the inclusion of charges pertaining to incidents of sexual violence committed in the context of terrorism, in ongoing cases. In parallel, the Team of Experts will pursue its support in efforts to criminalise serious international crimes.

7. *Mali*

Objective

The Team of Experts seeks to support the Malian authorities regarding the detention, investigation and prosecution of individuals suspected of and sentencing of those found responsible for terrorism-related crimes, mass atrocities and transnational organised 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.

2019 Key Result(s)

- The Team of Experts carried out a joint assessment with MINUSMA on the backlog of sexual violence cases in the Malian justice system committed during the occupation of the northern regions of the country by terrorist groups. The findings of this report will be presented and analysed with the national authorities to support the development of a strategy to prioritize the prosecution and adjudication of these cases.

Assistance and Impact

In 2019, the Team of Experts carried out a joint assessment with MINUSMA of the judicial response to the conflict-related sexual violence committed in northern Mali in 2012-2013, during the occupation of the region by armed groups. The assessment was based on MINUSMA's mandate under Security Council resolution 2423 (2018) and 2480 (2019) to assist the Malian authorities regarding the detention, investigation, and prosecution of individuals suspected of and sentencing of those found responsible for terrorism-related crimes, mass atrocities and transnational organised 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.

The joint assessment helped identify and locate various procedures for conflict-related sexual violence crimes currently pending in front of several national jurisdictions. The extent of the judicial response to these cases, as well as the challenges affecting this response, were also evaluated.

Looking Ahead

In 2020, the recommendations of the joint assessment report will be presented to and analysed with the national authorities to develop and agree on a strategy to implement the recommendations of the report in order to prioritize the prosecution and adjudication of the conflict-related sexual violence crimes committed in northern Mali between 2012 and 2013.

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.

2019 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.
- The Team of Experts participated in delivering three trainings targeting Nigerian investigators, prosecutors and judges, including those focusing on the prosecution of Boko Haram cases, raising awareness about the importance of investigating and charging sexual violence incidents.

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 that may cause serious bodily harm and kidnapping that may amount to acts of terrorism. While it is legally possible to prosecute such crimes under the existing general criminal law and, to a limited extent, under the anti-terrorism law, Boko Haram members are currently being tried only for offences involving affiliation or membership in a terrorist organization. This failure to charge sexual offences (even cumulatively with terrorism offences) leaves a gap for victims, as many do not have access to terrorism trials. Furthermore, there is an overall absence of victim participation in the judicial proceedings and 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 characterising the activity of Boko Haram have prevented accountability for conflict-related sexual violence crimes.

Following its assessment, with the aim of addressing some of the identified challenges, the Team of Experts contributed to a capacity building workshop, promoted by the Wayamo Foundation and the Nuremberg Academy, for civil and military investigators and prosecutors to address the most serious and complex crimes under Nigerian criminal law, providing training to CCG prosecutors on the investigation

and prosecution of conflict-related sexual violence. Finally, the TOE participated in two trainings organised by UNODC with the Nigeria Association of Women Judges and the National Security Agency on the investigation and judicial response to conflict-related sexual violence, raising awareness about the importance of investigating and charging sexual violence incidents and leading them to identify a need for additional training in this subject.

Looking Ahead

In 2020, 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 offences beyond terrorism, including conflict-related sexual violence crimes.

10. Somalia

Objective

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

2019 Key Result(s)

- The Team of Experts supported the SRSG-SVC on her mission to Somalia enabling her gain a better understanding of the persistent challenges being faced in addressing conflict-related sexual violence including the weakness and complexity of the legal system.

Assistance and Impact

In 2019, the Team of Experts supported the SRSG-SVC on her mission to Somalia. The purpose of the mission was to engage with the government, the United Nations Assistance Mission in Somalia, the UNCT and the African Union Mission in Somalia to gain first-hand knowledge of the persistent challenges being faced in addressing conflict-related sexual violence and to identify ways to ensure effective implementation of the Joint Communiqué on the Prevention of Sexual Violence signed between the Government and the United Nations in May 2013.

Looking Ahead

The Team of Experts will continue to closely follow the situation in Somalia, advocate with Government partners for accountability for conflict-related sexual violence, and engage when and where opportunities arise in line with the mandate of the Team of Experts. Circumstances permitting, a joint mission will be undertaken by the Office of the SRSG-SVC Programme Team, UN Action, and the Team of Experts to reinvigorate the implementation of the Joint Communiqué.

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, laying the ground work for future accountability efforts for conflict-related sexual violence through strengthened criminal justice institutions and enhanced capacity.

2019 Key Result(s)

- The Team of Experts facilitated the finalisation and adoption by the South Sudan National Police Service (SSNPS) of its Action Plan and Matrix of Activities on addressing conflict-related sexual violence, resulting in prioritised activities and requests by the SSNPS for strategic support.
- The Team of Experts facilitated the finalisation and adoption by the SPLA-IO of its Action Plan on conflict-related sexual violence, resulting in prioritised activities and requests by SPLA-IO for strategic 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 for 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 2019, 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, the SSNPS finalised and adopted its Action Plan and Matrix of Activities on addressing conflict-related sexual violence in South Sudan. The SSNPS Action Plan consists of four pillars, including preliminary arrangements, prevention and accountability; protection of victims, witnesses and judicial actors; and monitoring and evaluation. Through the process of developing the Action Plan, the SSNPS increasingly gained confidence in UN partners to support key reform activities identified in the Action Plan and Matrix of Activities. Further, this increased confidence resulted in a number of requests for support not only to the Team of Experts, but also to UN partners, including UNDP and UNPOL.

The Team of Experts also focused on supporting SPLA-IO in developing an action plan in line with its 2014 Unilateral Communiqué on preventing conflict-related sexual violence in South Sudan that included pillars on mainstreaming sexual violence in new security arrangements under R-ARCSS; prevention of sexual violence in SPLM/SPLA-IO; accountability for crimes of sexual violence; communication on addressing conflict-related sexual violence; and monitoring and evaluation arrangements. This initiative helped to identify potential priority areas of UN engagement and formed a basis for coordinated engagement with SPLA-IO. The Team of Experts in partnership with the Senior Women Protection

Advisor, also advocated to SPLA-IO for the need for clear guidance to SPLA-IO commanders regarding conflict-related sexual violence, resulting in the issuance of a number of relevant commander orders.

Looking Ahead

In 2020, the Team of Experts will focus on supporting: (i) implementation of the Action Plan and Matrix of Activities for the SSNPS; (ii) the implementation of the Action Plan and Matrix of Activities for the SSPDF; and (iii) the consolidation the SPLA-IO and SSPDF Action Plans. 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 2019, the Team of Experts participated in the following outreach activities and events:

- *UNDP Rule of Law, Justice, Security and Human Rights Division Annual Retreat, New York, U.S.A., 21-22 January 2019.* The TOE participated in a retreat organised by the UNDP Rule of Law, Justice, Security and Human Rights Division to take stock of recent reforms and developments, discuss challenges and opportunities, and agree on strategic priorities for 2019.
- *The Global Focal Point for the Rule of Law Annual Workshop, New York, U.S.A., 23 January 2019.* The TOE participated in a workshop organised by the Global Focal Point for the Rule of Law to take stock of recent reforms and developments, discuss challenges and opportunities, and agree on strategic priorities for 2019.
- *Convening on the Establishment of a “Global Reparations Fund” for Survivors of Conflict-Related Sexual Violence, New York, U.S.A., 31 January 2019.* The TOE participated in meetings with Nobel peace laureates Dr. Denis Mukwege and Ms. Nadia Murad, as well as interested UN entities, Member States, academics, and members of the private sector on the potential creation of a fund for survivors for conflict-related sexual violence.
- *South Sudan Justice Advisory Group Meeting, Addis Ababa, Ethiopia, 3-5 March 2019.* The TOE participated in a meeting convened by the South Sudan Justice Advisory Group to discuss documentation initiatives and the feasibility of bringing cases in national courts.
- *Promoting Access to Justice for Victims of Sexual and Gender-Based Crimes in South Sudan, Addis Ababa, Ethiopia, 4-5 March 2019.* The TOE participated in a workshop organized by the UN Commission on Human Rights in South Sudan to discuss strategies for investigating,

documenting, and prosecuting sexual and gender-based violence crimes in South Sudan.

- *Annual Workshop of Senior SSR Practitioners, New York, U.S.A., 13-14 June 2019.* The TOE participated in a workshop organized by the UN Inter-Agency SSR Task Force and contributed in a panel on accountability for serious crimes attributed to the security sector.
- *Capacity Building for Civil and Military Investigators and Prosecutors to Address the most Serious and Complex Crimes under Nigerian Criminal Law, Abuja, Nigeria, 24-26 June 2019.* The TOE participated in a training organised by Wayamo Foundation and the Nuremberg Academy and conducted a training session on the investigation and prosecution of conflict-related sexual violence.
- *Event to Commemorate the Ten-Year Anniversary of the Establishment of the Mandate of Sexual Violence in Conflict, New York, U.S.A., 30 October 2019.* The TOE participated in the ten-year anniversary event sponsored by the Office of the SRSG-SVC and the Government of South Africa on the ten-year anniversary of the UN's mandate on conflict-related sexual violence as established by Security Council resolution 1888 (2009).
- *High Level Consultation on the ICGLR Ministers of Gender and Justice on Implementation of the Kampala Declaration, Brazzaville, Republic of Congo, 24–27 November 2019.* The TOE participated in the conference and made a presentation on its mandate and approaches, while focusing on progress and challenges in combatting conflict-related sexual violence in ICGLR countries.
- *Launch of the Nigeria Training Module on Gender Dimensions of Criminal Justice Responses to Terrorism, Abuja, Nigeria, 2 December 2019.* The TOE participated in a panel on how criminal investigations and prosecutions for sexual violence can and should be mainstreamed in the normative and judicial national response.
- *National Association of Women Judges of Nigeria/UNODC Training Series on Gender Dimensions of Criminal Justice Responses to Terrorism, Abuja, Nigeria, 3 and 4 December 2019.* The TOE chaired the discussion and provided training on the protection of rights of women deprived of their liberty due to their association with a terrorist group.
- *Training Workshop on Gender-Sensitive Investigations in Terrorism Cases, Abuja, Nigeria, 5 and 6 December 2019.* The TOE provided training on the documentation and investigation of sexual and gender-based crimes perpetrated by terrorist groups.

2. *Contribution to Reports and Policy Documents*

During 2019, 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/2019/800).
- Report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/74/139).

- Guidelines to facilitate the use and admissibility as evidence in national criminal courts of information collected, handled, preserved and prepared by the military to prosecute terrorist offences (CTED).
- Policy – United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence.
- Handbook on United Nations Field Missions Preventing and Responding to Conflict-Related Sexual Violence (Draft).
- Guidance Note of the Secretary-General: UN Approach to Rule of Law Assistance (Draft).
- Guidance Note of the Secretary-General: UN Approach to Transitional Justice (Draft).

iii. **Operational and Contractual Issues**

In New York, the TOE recruited a judicial affairs officer to work on issues relating to conflict-related sexual violence in the Great Lakes region of Africa and the Middle East and on victims assistance and reparations and received 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 CAR and Guinea and recruited an expert to be deployed to DRC in 2020. The TOE benefited from and continues to work with the New York University School of Law's *pro bono* fellowship programme, where interested law students from around the globe work with TOE members in New York on legal and policy issues.

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 SRSG-SVC – The TOE continues to support the work of the Office of the SRSG-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 SRSG-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, which is being replaced by the CRSV-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 regularly liaises with senior women protection advisers in settings where such advisers are deployed as well as in meeting with these advisers at UN Headquarters in New York. 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 SRSG-SVC and the CEDAW Committee in July 2018, the Team has contributed to Office of SRSG-SVC submissions on countries under examination by the Committee and on thematic general discussions to inform the Committee’s General recommendations, including on trafficking of women and girls in the context of global migration. In addition, the Team has supported engagement between the Office of SRSG-SVC and the Committee on the Rights of the Child in view developing a Framework of Cooperation to protect and promote the rights of children affected by, or at risk of, conflict-related sexual violence in 2019.
- 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 Organisations – The TOE continues to actively engage with international, regional and sub-regional organisations including the African Union, the European Union, the European Genocide Network, the ICGLR, 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 Organisations, Victims’ Groups and Academia – The TOE continues to engage with national and international non-governmental and civil society organisations, 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.
- Further, the Team of Experts together with the *Journal of International Criminal Justice*, a peer-reviewed journal from Oxford University Press, intends to publish a special issue of academic articles on prosecuting conflict-related sexual violence at the national level. The special issue will be published in 2020 and made available globally.

V. FUTURE WORK PLAN

This was the final year of the 2015-2019 Joint Programme. A new 2020-2024 Joint Programme has been endorsed by the co-lead entities. The 2020 work plan will focus on following outputs:

Output 1: Political will to promote accountability for conflict-related sexual violence at country, regional and international levels enhanced.

Output 2: Technical and operational capacity of national rule of law institutions and actors to address accountability for conflict-related sexual violence enhanced.

Output 3: Cooperation, coordination, coherence and knowledge among the range of actors (governments, CSOs, NGOs, United Nations, etc.) working to promote accountability for conflict-related sexual violence enhanced.

Details of the 2020 work plan can be found in the 2020-2024 Joint Programme.