

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

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

**FINAL NARRATIVE REPORT COVER PAGE**

<p><b>Participating UN Organization(s): UNDP</b></p>	<p><b>Project<sup>1</sup> Title:</b> Appui au renforcement de la confiance, la coexistence et à la stabilisation sécuritaire pour des élections apaisées en Côte d’Ivoire</p> <p>(Support to strengthening trust, coexistence and security stabilization for peaceful elections in Côte d’Ivoire)</p> <p><b>Project Number:</b> UNA049</p>
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<sup>1</sup> The term “project” is used for projects, programmes and joint programmes

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# UN TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT

## Final Narrative Report

### I. Background

During the 2010-2011 post-electoral crisis in Côte d'Ivoire, human rights actors including civil society organizations, as well as the United Nations on the ground, including the United Nations Operation in Côte d'Ivoire (UNOCI) and UN agencies, documented 478 cases of sexual violence attributable to various actors including the Defence and Security Forces, Armed Forces of the Forces Nouvelles, as well as militias operating in the context of hostilities. This situation triggered the listing process in the annex of the United Nations Secretary-General's report on conflict-related sexual violence, relating to parties to the conflict credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence. In 2012, parties to the conflict in Côte d'Ivoire were listed in the annex of the report. It is in this context that the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict ("Team of Experts" or "TOE") and the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), in accordance with their respective mandates, committed to support the Government of Côte d'Ivoire in preventing and responding to conflict-related sexual violence.

In 2016, the Team of Experts put in place a project to support efforts by national authorities to address the sexual violence that occurred in the 2010-2011 post-electoral crisis. This project complemented and added value to the work of the UN on the ground, in particular in terms of strengthening the capacity of national institutions in the defence, security, justice and rule of law sectors, and was aligned with the implementation of axis III of the National Strategy to Combat Gender-Based Violence, which specifically deals with the Disarmament, Demobilisation and Reintegration and Security Sector Reform processes and the fight against conflict-related sexual violence.

The support provided by this project contributed to establishment of a project team prior to the closing of UNOCI. At the outset of the project, the Team of Experts recruited two national experts through the UNDP office in Côte d'Ivoire to continue its support to national authorities. The first activity of the project, led by the Team of Experts and the Office of the SRSG-SVC, was the organization of an international conference on the role of national armed forces in the prevention and response to conflict-related sexual violence, which took place in October 2016 in Grand Bassam. The conference, which gathered high-ranking officers from national armies of Côte d'Ivoire, the Central African Republic, the Democratic Republic of the Congo, Mali, Somalia, Sudan and South Sudan, offered a venue to share good practices and discuss key elements that should be included in guidelines on the prevention and response to conflict-related sexual violence for African armies. Subsequently, in the framework of this project, the two national experts conducted several follow-up activities with Ivorian national defence and security forces. As shown below, these actions contributed to the removal of Armed Forces of Côte d'Ivoire from the annex to the 2017 Secretary-General's report on conflict-related sexual violence.

Despite the absence of sexual violence cases attributable to the defence and security forces in 2017, the Team of Experts extended the project - and thus the deployment of the two national experts - in 2018 to further support Côte d'Ivoire during an observation period of one year, as required by the Secretary-General's report. During this extension, which ended on 31 December 2018, the Team of Experts provided technical and financial support for the consolidation and sustainability of activities put in place to prevent and respond to sexual violence. In addition, during this extension, the Team of Experts provided legislative support to national authorities. This support contributed to the adoption of a law on victims and witnesses protection, which was preceded by several discussions on the specific protection measures required by sexual violence victims and witnesses, and the reform of the code of criminal procedure, which resulted in

the replacement of assize courts by criminal courts, making it possible for crimes, including sexual violence, to be tried throughout the year.

Despite these positive results, challenges remain regarding the prosecution of perpetrators of sexual violence linked to the post-electoral crisis. Indeed, as mentioned in the 2018 report of the Secretary General on conflict-related sexual violence, to date, none of the 196 cases of sexual violence perpetrated during the post-electoral crisis, as documented in the report of the National Commission of Inquiry, have been adjudicated. Furthermore, none of the 43 cases of conflict-related sexual violence under investigation by the Special Investigation and Examination Unit (*Cellule spéciale d'enquête et d'instruction*) have progressed to trial, although the investigation has been completed and transmitted for prosecution. These concerns were further accentuated following the adoption of a presidential order on 8 August 2018 (ordonnance présidentielle 2018-669) granting amnesty "to individuals prosecuted or convicted for offences related to the post-electoral crisis of 2010-2011". In November 2018, the Team of Experts conducted a technical assessment of the judicial response to these crimes in order to identify impediments to prosecutions, with the aim of exploring possible ways to assist national authorities in overcoming those impediments.

This report aims initially to recall the main objectives of the project, before breaking down the main activities carried out and the results achieved.

## **II. OBJECTIVES**

The Team of Experts' project complemented and added value to the support provided by the United Nations in Côte d'Ivoire, by building the capacity of institutions in the defence, security, justice and rule of law sectors to prevent and respond effectively to sexual violence. It specifically aimed at:

- Strengthening the capacity of Defence and Security Forces of Côte d'Ivoire, including the Armed Forces, the Police, the Gendarmerie, Water and Forest, and Ivorian Customs, in their efforts to prevent and respond to conflict-related sexual violence, including assistance in the design and implementation of the 2017-2020 Action Plan against Conflict-related Sexual Violence;
- Supporting efforts leading to the removal of parties to conflict from the annex to the report of the United Nations Secretary-General on conflict-related sexual violence;
- Strengthening the legal framework through the provision of technical assistance to the Ministry of Justice in the drafting and / or revision of legislation related to sexual violence;
- Strengthening the capacity of justice institutions to respond to conflict-related sexual violence, in particular the Special Investigation and Instruction Unit; and
- Promoting the consolidation and sustainability of progress made in the response to conflict-related sexual violence.

## **III. PROGRESS/RESULTS**

The current section presents the activities and the progress achieved on a yearly basis.

### **Activities conducted during financial year 2016**

**The institutional and operational framework of the Defence and Security Forces of Côte d'Ivoire (FDS), comprising the Armed Forces, the Police, the Gendarmerie, Water and Forest, and Ivorian Customs, to prevent and respond to conflict-related sexual violence, is reinforced.**

In June 2016, following several advocacy actions led by the Team of Experts, the Government set up, by presidential decree, a National Committee to Fight Conflict-Related Sexual Violence (Comité National de Lutte contre les Violences Sexuelles liées aux Conflits) mandated to coordinate the government's operational response on this issue. The CNLVSC's operational body – the “pool of experts”- was composed of the heads of the major commands of the defence and security forces.

In November 2016, the TOE provided technical and financial support to the National Committee to Fight Conflict-Related Sexual Violence in the organization of an international conference among African armed forces working on conflict-related sexual violence, with the view of promoting experience sharing, fostering south-south cooperation and building partnerships. Co-hosted with the Office of the SRSR-SVC and the African Union, the event brought together senior military officers from Cote d'Ivoire, Central African Republic, Democratic Republic of Congo, Mali, Somalia, and South Sudan, , military and civilian personnel from United Nations peacekeeping operations, including MONUSCO, MINUSMA, UNSOM, UNMISS, UNAMID and UNOCI. Key partners such as the United Nations Development Program (UNDP) Country Office in Abidjan, the Nordic Centre for Gender in Military, Kofi Annan International Peace and Training Centre (KAIPTC), and the United Nations Institute for Training and Research (UNITAR) made substantial contributions to the conference. At the end of the conference, participants identified the main elements to lay the foundation of conflict-related sexual violence guidelines, in terms of prevention, fight against impunity, national leadership, ownership and responsibility, partnerships and capacity building.

**The legal framework on the response to sexual violence is reinforced through technical assistance to the Ministry of Justice in the drafting and / or revision of legislation related to sexual violence.**

The TOE organized two advocacy workshops for legal and law enforcement actors on the national and international legal framework to address conflict-related sexual violence. These workshops contributed to the issuance of Circular N° 015 / MJ / CAB of 13 July 2016 by the Ministry of Justice and Human Rights asking judicial authorities to refrain from reclassifying rapes as indecent assault, which carries more lenient penalties. This circular is of critical importance and complements a previous circular, issued on 18 March 2014, following a visit by the TOE, reminding law enforcement officials that a medical certificate is not mandatory to receive complaints for cases of sexual violence.

**Activities conducted during financial year 2017**

**The Defence and Security Forces of Côte d'Ivoire, comprising the Armed Forces, the Police, the Gendarmerie, Water and Forest, and Ivorian Customs, have adopted and implemented an action plan against conflict-related sexual violence.**

In July 2017, with technical and financial support from the Team of Experts, the National Committee to Fight Conflict-Related Sexual Violence organized a workshop to develop a three- year Action Plan (2017-2020) on the prevention and response to conflict-related sexual violence in Grand Bassam. Subsequently, also with support from the Team of Experts, the National Committee to Fight Conflict-Related Sexual Violence organized a validation and appropriation event of the Action Plan in the hall of honour of the Chief of Staff of the Armed Forces of Côte d'Ivoire.

As part of this Action Plan, the TOE delivered sexual violence awareness training to 100 peer educators, including military and police officials, to become “focal points for zero tolerance against sexual violence” in their respective units; 150 focal points were subsequently deployed in high-risk areas. In 2017, a campaign to raise awareness on conflict-related sexual violence was launched targeting 5,000 members of the security sector.

**The High Command of the Defence and Security Forces of Côte d'Ivoire comprising the Armed Forces, the Police, the Gendarmerie, Water and Forest and Ivorian Customs, is committed to preventing and responding to conflict-related sexual violence in order to prevent all cases of sexual violence.**

On 28 June 2017, a high-level advocacy event by the Team of Experts led to the signing of a collective undertaking (*Acte d'engagement*) by the operational body of the National Committee to Fight Conflict-related Sexual Violence. The Undertaking, entitled "Pool of Experts' commitment to prevent end impunity for conflict-related sexual violence" was signed by the Chief of Staff of the Armed Forces of Côte d'Ivoire, the senior Commander of the National Gendarmerie, the Directors-General of the main ministries, the Prosecutor of the military court and the Public Prosecutor for Abidjan-Plateau district. In this undertaking, the signatories collectively committed to prevent, denounce and sanction all acts of sexual violence, thus expressing their determination to prevent any resurgence of the sexual violence that occurred in past civil wars and periods of political unrest.

Throughout 2017, the joint mechanism established to monitor cases of human rights violations, including conflict-related sexual violence, by the Armed Forces and the National Commission on Human Rights held regular sessions.

These measures, coupled with the absence of new cases of sexual violence, contributed to the de-listing of the armed forces of Côte d'Ivoire from the annex of the Secretary-General's 2017 report on conflict-related sexual violence.

#### **Activities conducted during financial year 2018**

**Progress achieved in the fight against conflict-related sexual violence is consolidated through better appropriation by national actors, in particular the Defence and Security Forces of Côte d'Ivoire, including the Armed Forces, the Police, the Gendarmerie, Water and Forest, and Ivorian Customs.**

In 2018, the Team of Experts was requested to facilitate several training sessions on sexual violence in military schools, police academies and training centres for combat units. In November 2018, conflict-related sexual violence modules were formally integrated in the training curricula of the defence and security forces.

From February to December 2018, following the training initiated in 2017, three awareness raising campaigns led by peer educators sensitized more than 15,000 members of the defence and security forces on the prevention and response to conflict-related sexual violence.

In 2018, the Team of Experts was also requested to deliver a module on sexual violence in all pre-deployment training sessions organized for Ivorian military contingents to be deployed in peace operations.

**The legal framework is enhanced, through the revision of legislation related to sexual violence.**

In June 2018, the advocacy efforts carried out by the Team of Experts with a view to strengthening legislation addressing sexual violence resulted in the adoption of Law No. 2018-570 of 13 June 2018 relating to protection of victims, witnesses, whistle-blowers, experts and other persons before the courts, which was preceded by several discussions on the specific protection measures required by victims of sexual violence, given their heightened risk to intimidation and reprisals.

In December 2018, advocacy efforts by the Team of Experts in favour of a revision of the legislative framework to improve the response to crimes of sexual violence contributed to the adoption of Law No.

2018-975 of 27-12-2018 on the code of criminal procedure. This law created criminal tribunals and courts, replacing assize courts which hindered the prosecution of sexual violence and other criminal cases, because of the number of limited sessions a year and very lengthy trials.

Despite these efforts, challenges remain regarding the prosecution and adjudication of sexual violence cases linked to the 2010-2011 post-electoral violence, so that perpetrators are held accountable and victims obtain justice and reparations. These concerns were further accentuated following the issuance, on 8 August 2018, of a Presidential Order (ordonnance présidentielle 2018-669) granting amnesty “to individuals prosecuted or convicted for offences related to the post-electoral crisis of 2010-2011”.

In November 2018, the Team of Experts conducted a technical assessment of the judicial response to sexual violence crimes perpetrated during the 2010-2011 post-electoral crisis in order to identify impediments to prosecutions, with the aim of exploring possible ways to assist national authorities in overcoming those impediments. Following the visit, the TOE continued to advocate with national counterparts, UN partners and national human rights mechanisms on the need for accountability for these crimes, including 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.

#### **IV. CONCLUSION**

The objectives of the project have been generally achieved. The project played a key role in raising awareness on the prevention and response to sexual violence among the Ivorian defence and security forces, contributing to the absence of reported cases in 2017 and 2018. This achievement, together with the tools and mechanisms put in place, significantly contributed to the removal of Côte d'Ivoire from the annex to the report of the United Nations Secretary-General on conflict-related sexual violence. In addition, the project also enabled the consolidation of the progress made at the policy and institutional levels, thus setting a strong foundation for stronger national ownership and sustainability. These results were greatly appreciated by the Ivorian national authorities as well as by all actors committed to the prevention and response to conflict-related sexual violence, including the United Nations system in Côte d'Ivoire.

Despite these positive results, challenges remain, on the one hand, to further ensure the consolidation and sustainability of the work achieved with the support of the Team of Experts and, on the other hand, to prosecute and adjudicate the cases of sexual violence linked to the post-electoral crisis of 200-2011. Indeed, as mentioned in the 2018 report of the United Nations Secretary-General's on conflict-related sexual violence, to date, none of the 196 cases of sexual violence perpetrated during the post-electoral crisis, as documented in the report of the National Commission of Inquiry, have been adjudicated. Furthermore, none of the 43 cases of conflict-related sexual violence under investigation by the Special Investigation and Examination Unit (*Cellule spéciale d'enquête et d'instruction*) have progressed to trial. Lack of accountability can be a strong obstacle to prevent the re-occurrence of such crimes in future crises.

Despite the relative political stability over the past years, recent developments in Côte d'Ivoire as a result of the breakdown of the governmental alliance give rise to some concerns, given the ambitions nourished by some political groups in view of the 2020 presidential elections. Even in the absence of sexual violence reports during the local and regional elections held in 2018, it is feared that large-scale violence could occur in the context of the 2020 presidential elections and push Côte d'Ivoire back into a crisis conducive to human rights violations, including sexual violence.

In view of the above, it appears important to further support national authorities in the prevention and response to conflict-related sexual violence, particularly in the context of the implementation of the three-year action plan of the National Committee to Fight Conflict-Related Sexual Violence.