

**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
FINAL NARRATIVE REPORT COVER PAGE**

<p>Participating UN Organization(s): UNDP</p>	<p>Project² Title: Team of Experts’ support to the consolidation of the progress made in the implementation of the CAR–United Nations joint communiqué on addressing conflict-related sexual violence.</p> <p>Project Number: UNA055</p>
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¹ Only relevant if project is more than one fiscal year (i.e. 1 January - 31 December)

² The term “project” is used for projects, programmes and joint programmes

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

Final Narrative Report

I. Background

Since December 2013, the Central African Republic (CAR) has experienced violent conflict and its institutions have been in deep crisis. Conflict-related sexual violence (CRSV) has been a prominent feature of the criminality engaged in by the different parties to the conflict³ and persistent widespread impunity has contributed to cycles of violence. Insecurity and weak national institutions are major factors affecting the ability of national rule of law institutions to investigate and prosecute perpetrators of serious crimes, including CRSV. In his last annual report to the Security Council on CRSV, the Secretary-General reported that “[a]rmed groups have consistently, and with flagrant impunity, used sexual violence as a tactic of war in the Central African Republic”.⁴

In 2019, in order to bring a durable end to the crisis and reduce violence, the Government of CAR and 14 non-state armed groups signed the Political Agreement for Peace and Reconciliation in the Central African Republic (APPR-RCA) under the auspices of the African Initiative for Peace and Reconciliation in CAR, led by the African Union (AU) and supported by the United Nations. The APPR-RCA recognizes that impunity has been a key driver of the conflict, establishes the fight against impunity as one of the core principles the parties must implement to ensure lasting peace and calls on the parties to the agreement to stop perpetrating sexual violence.⁵

These developments led the current Government to reaffirm its commitment to addressing CRSV. Accordingly, in May 2019⁶ the Government and the United Nations signed a Joint Communiqué on the prevention and fight against CRSV, where the former committed, inter alia, to:

- Fighting against impunity by bringing the perpetrators of sexual violence to justice and ensuring access to justice for victims;
- Allocating sufficient resources and providing political support to the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (*Unité Mixte d’Intervention Rapide et de Répression des violences faites aux femmes et aux enfants*, hereinafter the UMIRR);
- Ensuring victims’ access to reparations, including guarantees of non-repetition; and
- Excluding perpetrators of sexual violence from amnesty measures.

This Joint Communiqué updates the previous commitments by the CAR authorities in 2012, when the United Nations had signed two Joint Communiqués to strengthen the prevention and response to CRSV with the Government of CAR and with the Disarmament, Demobilization and Reintegration Steering

³ *Report of the Mapping Project documenting serious violations of international human rights law and international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015*, MINUSCA, UNDP, OHCHR, OSRSG-SVC, May 2017, p. 214.

⁴ Report of the Secretary-General on Conflict-Related Sexual Violence (S/2019/280), 29 March 2019, para. 35.

⁵ *Political Agreement for Peace and Reconciliation in the Central African Republic*, S/2019/145, 15 February 2019.

⁶ *Communiqué conjoint entre la République centrafricaine et l’Organisation des Nations unies : Prévention et lutte contre les violences sexuelles liées au conflit*, 31 mai 2019, para. 1.8-1.15, available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/05/joint-communique/joint-communique-of-the-central-african-republic-and-the-united-nations-on-prevention-and-response-to-crsv/20190531-Joint-Communique-of-Govt-of-CAR-and-UN.pdf> (last visited 11 March 2020).

Committee of CAR.

Within this framework, and as part of the United Nations Joint Justice Programme "*Supporting the Fight Against Human Rights Violations and the Recovery of Justice in the Central African Republic*" (2014-2019) implemented by MINUSCA, UNDP and UNWOMEN, the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (hereinafter the Team of Experts) identified and supported the implementation of a number of activities aimed at strengthening the security and judicial response to CRSV in CAR since 2012. These activities included: the development of public perception surveys of the security and judicial responses to sexual violence; the initial conception of a judicial database, containing specific information on CRSV cases; the provision of inputs to the draft law on the creation of a Special Criminal Court (SCC);⁷ and the creation and operationalization of the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children, better known by its French acronym UMIRR.⁸

II. Objective/Outputs

The project was designed to strengthen the security and judicial responses to CRSV in CAR. This included the strengthening of the UMIRR to ensure the improved quality of investigations and professional engagement with survivors; the provision of technical assistance to Prosecutor's Offices and the SCC; and improvement of coordination and complementarity between the UMIRR and the SCC.

III. Progress/Results

The implementation of the project has been done jointly by the Team of Experts, UNDP and MINUSCA in Bangui. The project's activities have been led and conducted directly by the CSRV Technical Specialist deployed in MINUSCA-JCS, thanks to the financial support of the Japanese Government. The Technical Specialist actively and regularly liaises with all relevant UN and national entities, ensuring consistent support to the delivery of the justice response to CRSV, in line with the outputs and objectives identified by the project.⁹

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

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

The Technical Specialist, with the support of the Team of Experts, and two police specialists conducted a series of mentoring sessions and two practical trainings on interview techniques, targeting especially the newest staff of the UMIRR. The preparation for the trainings took place during the reporting period but the trainings needed to be scheduled in January and February 2020 because of administrative and logistical constraints.

The two one-day long on-site mentoring sessions were conducted by the two police specialists, under the

⁷ The SCC is a national court established to investigate and prosecute serious crimes committed in CAR since 1 January 2003. Further information on the SCC can be found online at <https://www.cps-rca.cf/> (last visited 11 March 2020).

⁸ The UMIRR is a specialized unit composed of police and gendarmes mandated to investigate sexual violence crimes.

⁹ The recruitment and deployment of the Technical Specialist was undertaken during the Summer and Fall of 2019 (two recruitment rounds composed of written test and oral interviews) and it was completed in November 2019.

supervision of the Technical Specialist. The first session was aimed at improving the participants' capacity to manage the records of the UMIRR (including the record of complaints filed in front of the UMIRR and the custody register). The second session's objective was to improve the participants' practical understanding of the national rules and procedures, as well as of the international standards, relating to police custody. The main methodologies used were group mentoring, case studies, practical exercises and group discussions. In total, twenty-six (26) personnel of the UMIRR attended these sessions.

The practical trainings on interview techniques allowed twenty-three (23) participants, including nineteen (19) judicial police officers of the UMIRR as well as four judicial police officers from the Directorate of the Judicial Police and Gendarmerie's Research and Investigation Department (SRI), to be trained on interview techniques to be used in CRSV cases with victims, witnesses as well as alleged perpetrators. In order to give the opportunity to the participants to do as many practical exercises as required, the trainings were divided in two more specific trainings.

The first practical training was aimed at providing an overview of trends of the sexual violence cases, including CRSV, in CAR as well as of the national legal framework applicable to the investigation of these crimes. Each session of this training started with a presentation followed by discussions and was led by one of the two police specialists or the Technical Specialist, jointly with an external co-trainer, in order to foster synergies between the participants and a variety of different actors that are also providing support to victims of sexual violence in CAR.¹⁰

The second practical training was designed to allow the participants to improve their techniques for interviewing victims of sexual violence, while having the opportunity to practice these techniques in a safe environment. After introducing the specific interview techniques, group exercises were carried out to practice these techniques. In addition, several sessions were dedicated to the analysis of anonymized police reports prepared by judicial police officers of the UMIRR, to help the participants improve their capacity to produce clear and precise police reports. The sessions of the second practical training were also led by the police specialists or the Technical Specialist, jointly with an external co-trainer.

The practical trainings not only allowed the participants to improve their interview techniques and their understanding of the legal framework applicable to sexual violence crimes in CAR, but the exchanges held during the sessions also allowed the officers of these different units of the police and gendarmerie to build valuable connections and a better understanding of their respective mandates.

Furthermore, the Team of Experts provided technical support to the Police Division of the Secretariat of the United Nations to plan and facilitate the deployment of a Specialized Police Team on sexual and gender-based violence (SPT-SGBV) mandated to assist the UMIRR. The primary objective of the SPT-SGBV, is to strengthen the capacity of the personnel of the UMIRR to carry investigations on sexual violence cases, including CRSV cases, and to improve the overall management of station. The SPT-SGBV, constituted of seconded Swedish and Rwandese police experts on sexual violence, has been operational since early 2019.

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

Since its establishment in 2017, the UMIRR has received a growing number of complaints, registering a total of 946 complaints up to March 2019. The UMIRR also started providing access to victims to psychosocial and legal services at its premises and has put in place a referral pathway with medical non-

¹⁰ The co-trainers were representatives of the national courts (e.g. the Public Prosecutor of the Bangui Tribunal de Grande Instance), lawyers, local and international NGOs, MINUSCA or UNDP, that are working on a regular basis with the UMIRR.

governmental organizations (NGOs) to ensure that victims of CRSV have access to medical support.

Before the absence of adequate financial support through the State budget, basic logistical and material needs of the UMIRR and, consequently, a positive response to the increasing demand were only ensured thanks to the project.

In addition, the project allowed the UMIRR to begin delivering on its mandate outside of Bangui and on more complex cases of CRSV. During the project period, the UMIRR launched two investigations outside of Bangui with the support of UNPOL and the CAR Internal Security Forces. The first investigation focused on a mass rape incident outside of Bossangoa which took place in February 2018 and concerned 150 victims of CRSV. In August 2019, the second mission allowed the UMIRR to investigate cases of CRSV allegedly perpetrated by members of armed groups in several locations near the city of Kaga Bandoro, total of 264 victims.

However, the judicial response to the cases transferred by the UMIRR to the Prosecutor's Office remains uncertain, as detailed further below.¹¹

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

Between 2017 and 2018, in collaboration with MINUSCA and UNDP, the Team of Experts supported perception surveys carried by the Harvard Humanitarian Initiative (HHI), which allowed for the collection and analysis of data on the Central African population's opinions and attitudes about the impact of the conflict. These surveys notably helped assess the magnitude of sexual violence in CAR and showed respondents' perception of efforts carried out by the national justice system to combat sexual violence. The results of the survey were also important to help evaluate the impact of projects focusing on strengthening the capacity of the national judicial institutions to investigate and prosecute CRSV, such as those implemented by the Team of Experts.¹²

Following the positive impact of these first surveys, the Team of Experts, MINUSCA and UNDP decided to provide material and technical support to 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 (SGBV), 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. The CAR government is also closely implicated in the conceptualization and realization of these surveys as key ministries, such as the Ministry of Justice and Interior, are members of these two consultative bodies.

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 finalized. The collection of data should start during the first quarter of 2020.

¹¹ See section "[Activity 2.1. Train judicial officers \(prosecutors and judges\) of the SCC](#)" of this report.

¹² The results of the surveys are made publicly available at <http://www.peacebuildingdata.org/research/car/about-research>.

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

Before proceeding with the description of the project's activities, it is important to note that, following the deployment of two technical missions to Bangui, in August 2018 and March 2019, the Team of Experts observed that there was no information on how many of the CRSV cases transferred by the UMIRR to the Prosecutor General's Office resulted in indictments. This finding led to the development of a case-tracking mechanism that should allow the relevant actors to follow the registered cases throughout the "chaîne pénale", understand attrition rates and identify bottlenecks in the system.

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

While the judicial response continues to be affected by multiple challenges,¹³ the project's Technical Specialist worked closely with the national judiciary supporting the organization of the second criminal court session¹⁴ of the year at the Bangui Court of Appeal. As a result of the Government of Japan's contribution, the Team of Experts ensured that this session would be dedicated to cases of SGBV. During this session, that opened on 18 December 2019 and will be concluded in early 2020, twenty-two cases of sexual violence, including six cases that arise from the UMIRR, are expected to be heard by the court. Accordingly, the Technical Specialist provided specialized mentoring on relevant issues to the officials and victims' representatives.

In addition, the Technical Specialist provided a training to the jurors on the existing national legal framework for rape.

The Team of Experts and UNDP organized in June and July 2019 two workshops in the cities of Bangui and Bouar. These workshops were aimed at reinforcing the capacity of Appeals Court judges and registrars to address SGBV crimes, including CRSV. The participants were trained, among others on the legal framework applicable in CAR to SGBV crimes, including CRSV, and on international best practices for trials of SGBV crimes. The sessions included lectures, experience-sharing activities as well as practical exercises.

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

As the SCC was not operational before October 2018, the Team of Experts primarily focused its efforts on reinforcing the coordination between the UMIRR and the ordinary courts.

In September 2018, the Team of Experts, in collaboration with UNDP, organized a workshop to allow the personnel of the UMIRR (police, gendarmes and civilians) and the representatives of the Ministry of Justice, Ministry of Interior, Ministry of Health and Ministry of Gender Equality and Family, to collectively identify and analyze the lessons learned since the operationalization of the UMIRR in June 2017. The actors present agreed on a series of commitments to implement in order to improve the operations of the UMIRR. A follow-up workshop was organized in April 2019, with the same participants, to assess the implementation of the commitments adopted in September.

¹³ Technical challenges identified include: re-qualification of facts (including incidents of rape) as misdemeanors or minor offences, by the Prosecutor General's Office; absence of judicial institutions throughout the country due to insecurity; poor training of judicial officers on SGBV.

¹⁴ This session is required by Central African law, but national authorities often face funding shortages, and regular sessions cannot be held regularly.

In February 2019, a workshop on ethical and professional standards was organized by the Team of Experts, in collaboration with UNDP, for UMIRR's staff, and public prosecutors in Bangui. This training gave the participants the opportunity to deepen their understanding of the role of the prosecutorial control over police investigations. In July 2019, Team of Experts and UNDP organized a workshop on the responsibilities of the inspectorate general for judicial services of courts in CAR. This event brought together investigative judges, pre-trial judges, judicial police officers of the UMIRR. The exchanges held during this workshop allowed the participants to better understand how inspection mechanisms can be used to accelerate the prosecution and adjudication of SGBV crimes, including CRSV.

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

The Team of Experts continued to be regularly in contact with the Prosecutor and Deputy Prosecutor of the SCC to provide technical advice on: (i) the implementation of the SCC's rules of procedure and evidence; (ii) the relationship between the UMIRR and the SCC; and (iii) the preparation of the SCC's prosecution strategy to ensure sexual violence is prosecuted effectively.

However, even though Japanese funding was earmarked to support the designation of a CRSV focal point among the judges of the SCC, the delay in the operationalization of the SCC has rendered the Team of Experts unable to complete this project activity. It was anticipated that the focal point would positively influence the prosecution of CRSV cases by providing advice and promoting greater awareness of this issue among the other magistrates of the SCC. As the court only started its operations in October 2018,¹⁵ the Special Prosecutor of the SCC informed the Team of Experts in late 2019 that appointing a focal point dedicated only to the issue of CRSV amongst the judges before the court had been able to conclude any investigation was, in his opinion, a premature step.

Nevertheless, the Special Prosecutor has agreed to remain the focal point in the SCC with whom the Team of Experts can raise and discuss any issue regarding the prosecution of CRSV crimes. It is likely that the SCC will start investigating CRSV cases, as sexual violence is a priority for the SCC. Since the prosecutorial strategy of the SCC specifically refers to CRSV as being a selection criterion for the cases presented to the SCC, it is expected that in the future, some cases investigated by the court should result in charges of sexual violence.

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

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

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

¹⁵ MINUSCA, *Lancement Officiel Des Activités De La Cour Pénale Spéciale*, « Une Percée Majeure Pour La Justice En RCA », 24 octobre 2018, available online at <https://minusca.unmissions.org/lancement-officiel-des-activit%C3%A9s-de-la-cour-p%C3%A9nale-sp%C3%A9ciale-%C2%AB-une-perc%C3%A9e-majeure-pour-la-justice-en>, (last visited 11 March 2020).

In particular, and as mentioned previously,¹⁶ Japanese funding to the UMIRR continued to result in referrals to legal aid and medical and psycho-social assistance. Furthermore, during the reporting period, the Team of Experts supported the establishment of a protection shelter in Bangui by the non-governmental organization (NGO) Obouni-RCA. 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.

During the reporting period, the Team of Experts also engaged bilaterally with UNODC and OHCHR during the preparation of the victim and witness protection policy for the judicial response to serious international crimes in CAR. This bilateral engagement led to the inclusion of special provisions for victims of sexual violence crimes.

IV. Conclusion

During 2018 and 2019, hundreds of individuals used UMIRR's services related to SGBV. Without Japanese support, the UMIRR would be unable to exist and perform its policing and multi-sectoral functions. Further, Japanese support has been and remains essential for the UMIRR to expand its remit outside Bangui by carrying out short-term field missions.

However, the delayed operationalization of the SCC has limited the support the Team of Experts was able to provide to this institution. In addition, the number of SGBV cases brought to trial in front of the national courts during the reporting period has remained low.

The entire justice chain in CAR still requires strengthening for the work of the UMIRR to be durable and for a greater number of cases to be brought to trial before national courts. Moreover, there must be greater complementarity and collaboration between the UMIRR, the ordinary courts and the SCC to increase the number of CRSV cases prosecuted and adjudicated.

Consequently, in 2020, the Team of Experts will focus its project on: (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 CRSV cases; and (iv) developing the judicial authorities' capacity to track judicial proceedings involving CRSV. 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 CRSV crimes in accordance with international standards.

This project will be implemented as part of the new MINUSCA-UNDP Joint Project titled "*Project to support the restoration of the rule of law and the reform of the justice and security sectors in CAR*", which was adopted to cover the period 2020-2023. It will be implemented by MINUSCA, UNDP and the Team of Experts, in collaboration with the national government. In particular, the Team of Experts will focus on supporting the implementation of the third output of the Joint Project, aimed at improving women's access to justice and security, including through the prosecution, investigation and adjudication of sexual and gender-based cases. The Team of Experts' work being fully embedded in the MINUSCA-UNDP Joint Project ensures that Japanese funding is used in a coordinated fashion increasing its impact and reducing the potential for duplication.

¹⁶ See section "[Activity 1.2. Provide logistical and material support to the UMIRR](#)" of this report.