

CONFLICT-RELATED SEXUAL VIOLENCE MULTI-PARTNER TRUST FUND

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

INTERIM NARRATIVE REPORT COVER PAGE

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¹ The term “project” is used for projects, programmes and joint programmes

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Interim Narrative Report Central African Republic

I. Background

A. Normative Framework

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 conflict,³ and persistent widespread impunity has contributed to cycles of violence.⁴ 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 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 also calls on the parties to the agreement to stop perpetrating sexual violence.⁵

These developments led the Government to reaffirm its commitment to addressing CRSV, specifically by signing a new Joint Communiqué on the prevention and fight against CRSV⁶ with the United Nations during the visit of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) to CAR in 2019. In this Joint Communiqué, the Government specifically committed to several justice sector outcomes, including:

- Fighting against impunity by bringing the perpetrators of sexual violence to justice and ensuring access to justice for victims;

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

⁴ For instance, Hassan Bouba Ali, former top coordinator of the armed group *Unité pour la paix en Centrafrique* was released on 26 November 2021 in defiance of court orders. He was arrested on 19 November 2021 on war crimes and crimes against humanity charges brought by the Special Criminal Court. But national gendarmes escorted him to his home on the day he was scheduled to appear before the court (Independent Expert on the Human Rights situation in the Central African Republic, *Central African authorities must return ex-rebel leader to custody, and under jurisdiction of Special Criminal Court*, UN expert says, 9 December 2021, available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27939&LangID=E> (last visited 8 March 2022)).

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 May 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-JointCommuniqué-of-Govt-of-CAR-and-UN.pdf> (last visited 8 March 2022).

- 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 UMIRR⁷);
- 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 engagements taken by CAR authorities in 2012 when the United Nations had signed two previous Joint Communiqués to strengthen the prevention and response to CRSV with the Government of CAR and with the Disarmament, Demobilization and Reintegration Steering Committee of CAR. In November 2021, a presidential focal point on sexual violence in conflict was appointed to promote governmental initiatives for the implementation of the Joint Communiqué.

B. Political and Security Context

In 2022, the security situation remained fragile. The national defense forces and other security personnel continued military operations in the west and east, recruiting anti-balaka elements and dissident *Unité pour la paix en Centrafrique* fighters as proxies. Extortion, illegal taxation, and sexual violence against the civilian population were reported to be committed by all parties to the conflict.⁸ Fuel shortages due to global supply chain constraints, particularly in June 2022, restricted all activities including the operations of MINUSCA as well as national defense and security forces. Armed groups took advantage of the fuel crisis⁹ to perpetrate attacks in areas where national defense and security forces were absent or less present, including taking control of some mining sites, committing abuses against civilians, and imposing illegal taxes.¹⁰

On a political level, the first round of local elections, initially scheduled for 11 September 2022, were postponed and tentatively rescheduled for July 2023. The lack of resources and the delay in the adoption of the law on the delimitation of administrative districts were mentioned as cause for the delay. On 23 September 2022, the Constitutional Court declared unconstitutional the processes undertaken to draft a new constitution, thereby annulling the presidential decrees establishing and appointing the drafting committee for a new constitution.¹¹ Following this decision, a Central African radio station reported that it had received threats to stop covering matters relating to constitutional reform. In October, the High Council of Communication expressed concern regarding censorship in a press release.¹² On 25 October 2022, the President of CAR removed the President of the Constitutional Court, Danièle Darlan, by decree.¹³

⁷ The UMIRR is a specialized unit composed of police and gendarmes mandated to investigate sexual violence crimes.

⁸ Report of the Secretary-General, 16 June 2022, S/2022/491

⁹ The fuel crisis was caused by the war in Ukraine, which also resulted in inflation.

¹⁰ Report of the Secretary-General, 13 October 2022, S/2022/762

¹¹ The Court clarified that the President could initiate constitutional reform through a referendum procedure in accordance with the Constitution, Report of the Secretary-General, 13 October 2022, S/2022/762

¹² Report of the Secretary-General, 13 October 2022, S/2022/762

¹³ Press release by Office of the High Commissioner for Human Rights on 04 November 2022: “*Darlan had previously been notified of her retirement decision as a law professor by presidential decree, and the retirement was cited as her “definitive impediment” to continue to hold office as a judge and President on the Constitutional Court.*” [Central](#)

C. Team of Experts' Engagement in CAR

Within this framework of the Joint Communiqué and as part of the successive United Nations Joint Justice Projects in CAR,¹⁴ the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (Team of Experts) has identified and supported the implementation of a number of activities aimed at strengthening the security and judicial response to CRSV in CAR since 2012.

In 2022, the Team of Experts continued to reinforce the national judicial response to conflict-related sexual violence crimes by deploying a Technical Specialist¹⁵ under the UN Joint Rule of Law Project in CAR who is embedded in the Justice and Correction Section of MINUSCA. Through this deployment, the Team of Experts provided technical advice and mentoring to national authorities to build their capacity to investigate and prosecute conflict-related sexual violence crimes.

A primary focus of the Team's work was to continue strengthening the capacity of the UMIRR to conduct investigations into incidents of conflict-related sexual violence that would stand in court while promoting a victim-centred approach. To deliver this goal, the Team of Experts facilitated the deployment of the UMIRR judicial police officers to Bangassou in February and March 2022 and provided technical support for the planning of criminal investigations organized under the leadership of the Prosecutor of the High Court of Bangassou. Through this investigation, investigators collected testimonial evidence from 123 victims and witnesses in cases of rape and sexual slavery, which may constitute international crimes. In January 2023, this case was transferred to the Special Criminal Court.

II. Objective/Outputs

The project was designed to strengthen the capacity of the national authorities to work collaboratively to investigate and adjudicate CRSV cases and respond adequately to the demands of the citizens of the CAR. Through this project, the Team of Experts helped to ensure justice and accountability for the crimes committed, contributed to the strengthening of rule of law institutions, and promoted peace and security in CAR.

Through this project, based on a context-specific and victim/survivor-centered approach, the Team of Experts continued to assist the Government of CAR to implement the UN Security Council's agenda on Women, Peace and Security, as well as the Sustainable Development Goals of the 2030 Agenda for Sustainable Development. Indeed, the project contributed to the realization of Goal 16 on peace, justice and strong institutions, particularly by promoting the rule of law at the national and international levels and ensuring equal access to justice for all (SDG target 16.3). It also

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¹⁴ Currently, the Team of Experts contributes with MINUSCA and UNDP to the implementation of the Joint Project titled "*Project to support the restoration of the rule of law and the reform of the justice and security sectors in CAR*", covering the period 2020-2023. 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 violence cases.

¹⁵ The Technical Specialist is no longer deployed since May 2022.

promoted the implementation of Goal 5 on gender equality and empowerment of women and girls, by supporting the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (SDG target 5.2).

III. Progress/Results

Technical support for the investigation, prosecution, and adjudication of cases of sexual and gender-based violence, including conflict-related sexual violence

During the past year, in addition to logistical support, the rule of law portfolio team provided technical advice and expertise to the director of the UMIRR and his team on good practices in terms of investigations and hearings of GBV victims and witnesses. This technical and logistical support provided to the UMIRR during 2022 allowed the prosecution and investigation of GBV. In 2022, **3030** complaints were registered at the UMIRR, of which **2377** were filed by women, compared to **650** men. Of the 3030 complaints, **2076** were prosecuted, 40% of which concerned sexual violence, including conflict-related sexual violence.

During the 2022, **500** victims' statements were collected and communicated to the courts. Of these, 60% were cases of rape that were dealt with in a judicial proceeding, and 40% were cases of gender-based violence (intentional assault and battery, public insults, indecent assault). 156 cases were settled in correctional hearings of flagrante delicto and direct summonses. Of these 156 cases, 46 were judged in the context of proceedings for indecent assault, assault and battery, defamation, public insults, sequestration, voluntary contamination with HIV/AIDS.

Technical and operational support to the UMIRR

In early 2022, a strategic committee to combat conflict-related sexual violence was established by the Government. The work of this committee is guided by an operational action plan. UNDP's participation is limited to meetings of the technical committee of experts, a structure set up to support this strategic committee, in addition to the portfolio contributions to the implementation of activities planned in this action plan.

During 2022, UNDP support was mainly carried out jointly with UNPOL and the Team of Experts, in accordance with the United Nations Integrated Strategy in Support of UMIRR. UNDP has launched several initiatives to advance the implementation of UMIRR-related activities aimed at strengthening national ownership.

As part of the operationalization of the new referral circuit¹⁶ that was adopted in June 2021 and in order to improve the conditions and quality of reception of victims and witnesses, UNDP and the Team of Experts launched the construction of a building that will serve as a reception and orientation office. This work follows the recommendations made during a technical meeting aimed

¹⁶ The referral circuit was discussed during a meeting of the strategic committee in November 2019, but due to the COVID-19 pandemic it remained pending.

at finalizing the new referral circuit.¹⁷ However, despite the investments in infrastructure and equipment, the implementation of this new circuit still remains a challenge, particularly because of the lack of qualified human resources to carry out this mission.

In addition, UNDP has continued to provide logistical support for the integration of the medical service. To this end, the project has provided the medical service with biomedical equipment and materials (drugs, medical equipment, post-rape kits, medical refrigerator, etc.). This support allowed the medical service to become operational and contributed to the treatment of GBV victims (200 victims were treated and 193 medical certificates issued). However, the complete care of these victims within the UMIRR is not yet assured, given the multitude of needs.

In order to supervise and monitor the functioning of the services provided within UMIRR and to ensure compliance with internal procedures and the quality of the services offered as well as the identification of dysfunctions and adjustment measures that could contribute to the improvement of the quality of the services, UNDP and UNPOL organized an internal evaluation of the functioning of UMIRR's services from 28 June to 6 July 2022 through a series of internal meetings.

To this end, the project team participated in:

- A scoping meeting supervised by the UMIRR Director, in which all the heads of services, UNDP and UNPOL were present, to identify the specific objectives of the 2022 mid-year review and all the preparatory work to be done by each service, as a prerequisite to the review meetings specific to each service;
- Specific meetings were organized with each head of service and his or her team, in order to analyze the functioning of the department, the care of the beneficiaries, to capitalize on the progress made, to identify the challenges and to propose adjustments or corrections that could improve the functioning of the services at the UMIRR.

This participatory methodology has led to a better awareness and understanding of the progress and challenges of the work at UMIRR by each of the key actors. The evaluation provided a summary of the challenges and actions to be undertaken by the UMIRR Director, each service head, and the technical and financial partners. This evaluation also helped to orient the objectives of the next meeting of the consultation framework of all partners supporting UMIRR. This exercise also led to the planning of periodic meetings of the services under the supervision of the Director of UMIRR.

Support for legal and judicial assistance to victims of SGBV/SGBV - Legal Aid

The internal evaluation of the functioning of the UMIRR services highlighted the persistent inadequacies of the legal aid service with a lack of coordination by the Head of Service with the various providers of legal aid to the UMIRR. UNDP provided specific support to the Head of the Legal and Judicial Support Service. This support made it possible to develop tools to ensure better coordination and distribution of cases according to the availability of legal aid providers.

¹⁷ The effective implementation of the new circuit depends on the construction of a new reception building (handed over in March 2023).

In this same framework, emphasis was placed on strengthening coordination between legal aid support actors through the holding of periodic meetings specifically dedicated to monitoring progress and reporting potential obstacles.

Technical and logistical support to the actors of the penal chain for I/P/J¹⁸ of SGBV and CRSV cases (hearings, training, follow-up of files, other), including capacity building of police officers and magistrates

In 2020, the Team of Experts advocated for the appointment of a focal point within the Office of the Public Prosecutor of Bangui to liaise with UMIRR and supervise the UMIRR's investigative activities. It resulted in the appointment by the Public Prosecutor of a magistrate from the Bangui Prosecutor's Office to serve as focal point. However, the monitoring of the UMIRR's activities by this focal point was quickly interrupted and did not lead to the establishment of a framework for regular meetings between the Director of the UMIRR and the Public Prosecutor's Office, mainly due to the lack of commitment of the Public Prosecutor.

Following a meeting of the High Council of the Judiciary (*Conseil Supérieur de la Magistrature*) on 30 September 2022, a shift of magistrates within the judiciary, including the Prosecutor's Office of the High Court of Bangui, was carried out and a new Public Prosecutor was appointed. UNDP considered this to be an opportunity to relaunch the establishment of an effective framework for collaboration between the Prosecutor's Office of the Bangui High Court and the Judicial Police Officers with the aim of supporting the newly appointed Public Prosecutor, strengthening collaboration between these actors and putting in place effective mechanisms for monitoring and following up cases of SGBV.

In this regard, in November 2022, UNDP, in collaboration with UNPOL, organized a two-day workshop with the Public Prosecutor's Office, the UMIRR and other judicial police units to discuss the definition of a framework for collaboration between actors involved in the fight against impunity for sexual and gender-based violence. At the end of the workshop, action points and recommendations were formulated (*see details below - Support to coordination*).

Training of the UMIRR's OPJs on the keeping of the new custody registers, ethics and deontology, and the management of computer tools

As part of the capacity building of Judicial Police Officers at the UMIRR, two training sessions on the keeping of new custody registers were organized jointly with the support of UNDP and MINUSCA, from 13 to 15 and 20 to 22 September 2022 in Bangui.

These trainings, which were attended by 23 OPJs, including five women, strengthened the capacity of the UMIRR's OPJs in strict compliance with international human rights standards, the fundamental principles of police ethics and deontology, the obligations in terms of police custody, and more concretely, to familiarize the UMIRR's OPJs with the new register of persons in police custody. It should be noted that these new registers were designed and published as part of the support provided by the Rule of Law portfolio to the reform of the security sector and its various activities in the area of judicial police.

¹⁸ Investigations - Prosecutions and Judgments.

In order to improve the quality of criminal statistics data at the UMIRR and to guarantee a better mastery of computer tools, a capacity building workshop for all UMIRR staff took place from 12 to 16 September 2022. This workshop, organized by UNDP, was technically supported by MINUSCA police component, and provided added value to the knowledge of computer tools and guaranteed a better quality of the investigative acts carried out by the investigators. In the short term, this training also provided UMIRR staff with the knowledge needed to generate criminal statistics, particularly via the Excel tool.

Support for coordination and mechanisms for criminal prosecution of sexual and gender-based violence offences

From 29 to 30 November 2022, the Ministry of Justice with the support of UNDP, and UNPOL in co-location with the UMIRR, jointly supported the new prosecution authorities to organize an exchange meeting between the Public Prosecutor's Office and the OPJs of the UMIRR, including the other peripheral units, to better address the challenges related to the prosecution of sexual and gender-based violence offenses.

This initiative was a response to the need to accompany the Public Prosecutor's Office in its assumption of its duties, to put in place effective mechanisms for monitoring and following up on cases related to SGBV, to make collaboration between the Public Prosecutor's Office and the UMIRR and other judicial police units more fluid, and to ensure that UMIRR staff adhere to the code of good conduct, ethics, and deontology.

The meeting was attended by 38 people (5 women), including magistrates (Prosecutor and deputies), judicial police officers from the police and gendarmerie, UMIRR and other judicial police units, the Chairman of the coordination committee of the criminal chain, and members of the committee.

For two days, the participants followed with interest the various communications, followed interactive debates at the end of which lessons learned, good practices were raised, and action points were formulated.

The main recommendations of this exchange were:

- Provision of the criminal code and code of criminal procedures to the various units;
- Popularization of procedure manuals;
- The organization of specific workshops on the processing of files;
- Raising public awareness of the texts;
- Holding a quarterly meeting with the prosecutor's office;
- The development of letters of congratulations and refocusing of OPJs; and
- Equip the Public Prosecutor's Office with the means to control the judicial police (in rolling stock).

IV. Conclusion

The past year has been very difficult for the CAR, with a strong negative impact on the lives of Central Africans, and also on areas and sectors related to the rule of law. In general, the war in Ukraine had a significant impact on the volatile Central African context due to the fuel crisis and inflation as mentioned above.

In 2022, the Team of Experts, together with UNDP and MINUSCA, successfully implemented its project, despite the challenges imposed by the security restrictions. A significant breakthrough has been made, including the planning of two new field investigative missions of the UMIRR. However, the strengthening of the criminal chain is a long-term endeavour that needs to be sustained to ensure the consolidation of the gains made and to guarantee that persistent challenges are addressed at the technical and strategic levels.

Despite this, challenges persist in the implementation of portfolio activities, particularly with the socio-political-security context in CAR: the fuel crisis, securing the country and access to the regions for the deployment of various national rule of law partners, but also the resumption of full state stability at the central level, with a strengthened commitment to the reforms undertaken in the areas of security, justice and the fight against impunity, and a state budget allocated accordingly.