



**MULTI-DONOR TRUST FUND FOR**  
**UN ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT<sup>1</sup>**  
**INTERIM NARRATIVE REPORT COVER PAGE**

<p><b>Participating UN Organization(s):</b> DPKO, OHCHR, UNDP</p>	<p><b>Project<sup>2</sup> Title:</b> Phase II – Team of Experts: Rule of Law / Sexual Violence in Conflict</p> <p><b>Project No:</b> UNA036</p>
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<sup>1</sup> Only relevant if project is more than one fiscal year (i.e. 1 January - 31 December)

<sup>2</sup> The term “project” is used for projects, programmes and joint programmes

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# TEAM OF EXPERTS: RULE OF LAW/SEXUAL VIOLENCE IN CONFLICT

## Interim Narrative Report

### I. PURPOSE

#### A. Mandate

The United Nations (UN) Team of Experts on the Rule of Law/Sexual Violence in Conflict (Team of Experts or TOE) was established by Security Council resolution 1888 (2009) to assist governments in conflict and post-conflict situations by strengthening their capacity to address impunity for conflict-related sexual violence. The Team focuses on enhancing national efforts to address challenges regarding accountability for crimes of sexual violence. Building upon the principles and obligations of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security, operative paragraph 8 of resolution 1888 calls upon the Secretary-General of the UN to take measures to identify and deploy a Team of Experts “to situations of particular concern with respect to sexual violence in armed conflict . . . to assist national authorities . . . to strengthen the rule of law.”

Operational since 2011, with experts from the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), which serve as co-lead entities, the Team complements existing UN mechanisms in providing direct technical assistance to national governments to prevent and respond to conflict-related sexual violence, with a focus on combating impunity and ensuring accountability for this crime.

Within the broader objective of strengthening the rule of law with respect to conflict-related sexual violence, the Team: (i) works 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) identifies gaps in national response and encourages 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) makes recommendations to coordinate domestic and international efforts and resources to reinforce governments’ ability to address conflict-related sexual violence; and (iv) acts in conjunction with a variety of UN mechanisms towards the full implementation of resolution 1820 (2008) and 1888 (2009).

In line with its mandate, the Team of Experts provides assistance to governments, including in the areas of criminal investigation and prosecution; military justice; legislative reform; protection of victims and witnesses; and reparations for survivors. Reporting to the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and the co-lead entities, the TOE serves a catalytic role in implementing frameworks of cooperation agreed between the SRSG-SVC and national authorities and regional actors, complementing the work of UN country presences.

Starting in January 2015, the Team began operating under a new five-year joint programme developed in coordination with DPKO, OHCHR and UNDP.

#### B. Vision

We believe that with sound legislation, comprehensive prevention and response mechanisms and

enhanced capacity, military and civilian justice systems will be able to address conflict-related sexual violence promptly and effectively, leading to reduced impunity and ultimately to greater peace, security and development. Fundamental to the Team's vision is the recognition that national ownership, leadership and responsibility are the cornerstones in the fight against impunity for sexual violence crimes.

### **C. Key Impact, Outcome, and Outputs**

The key Impact, Outcome and Outputs for the TOE joint programme 2015-2019 were the following:

*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.*

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

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

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

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

### **D. Implementing Partners**

In implementing its mandate to assist national authorities and institutions to strengthen the rule of law with respect to conflict-related sexual violence, the Team has worked with a wide range of partners. Within the UN, DPKO, OHCHR and UNDP, as co-lead entities for the TOE, continue to play a central role through guidance and support at field and headquarters levels. This includes the process of identifying needs and gaps at the national level, as well as implementing initiatives to help effectively address conflict-related sexual violence. In addition, the United Nations Country Teams (UNCT), members of UN Action and other UN entities provide valuable support and input to the TOE assessment missions. The Team also works closely with national, regional and international organizations.

## **II. RESOURCES**

During the reporting period, the Team received contributions from Estonia, Finland, Japan, Sweden, the United Arab Emirates and the United Kingdom. Since the Team and its work are solely funded through voluntary contributions, considerable effort is dedicated to ensuring that adequate resources are mobilized to meet current commitments and fulfil its obligations under its mandate. To reach its funding targets, the Team has developed a resource mobilization strategy, and based on this strategy has organized a number of donor consultation meetings, programme briefings and presentations. In addition, the Team, where appropriate, has partnered with UN Action members, and counted on the support of the SRSG-SVC to mobilize resources, therefore demonstrating a coherent and consistent approach to engaging with donors and partners. Indeed the SRSG-SVC has actively campaigned to seek funds for the Team emphasizing the importance of allocating sustainable resources to its work as a valuable tool at the disposal of the UN

system and Member States in the fight against impunity for conflict-related sexual violence.

### **A. Core Funding**

Since its inception in 2012, the TOE has mobilized core funding from the following countries:

<u>Country</u>	<u>Contribution Amount<sup>3</sup></u>	<u>Relevant Joint Programme<sup>4</sup></u>
Belgium	\$330,970	2012-2014
Estonia	\$184,525	2012-2014 and 2015-2019
Ireland	\$129,020	2012-2014
Luxembourg	\$65,185	2012-2014
Sweden	\$5,702,954	2012-2014 and 2015-2019
United Arab Emirates	\$1,000,000	2015-2019
<u>United Kingdom</u>	<u>\$2,122,931</u>	<u>2012-2014 and 2015-2019</u>
Total	\$9,535,585	

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

<u>Country</u>	<u>Contribution Amount<sup>5</sup></u>
Estonia	\$54,265
Sweden	\$878,368
United Arab Emirates	\$1,000,000
<u>United Kingdom</u>	<u>\$514,231</u>
Total	\$2,446,864

The estimated five year core budget for the 2015-2019 Joint Programme is \$15,791,317. Based on the above figures, the total programme five year core funding gap is \$13,344,453.

### **B. Country Specific Funding**

Since its inception 2012, the TOE has mobilized country specific funding from the following countries:

<u>Country</u>	<u>Contribution Amount<sup>6</sup></u>	<u>Countries Supported</u>	<u>Relevant Joint Programme</u>
Finland	\$535,272	Guinea, South Sudan	2012-2014 and 2015-2019
Japan	\$4,700,000	DRC, Somalia, CAR	2012-2014 and 2015-2019
Switzerland	\$64,600	Côte d'Ivoire	2012-2014
Turkey	\$50,000	Guinea	2012-2014
<u>United States</u>	<u>\$693,000</u>	<u>DRC</u>	<u>N/A</u>
Total	\$6,042,872		

<sup>3</sup> Contribution amounts have been converted to US Dollar.

<sup>4</sup> Contributions are identified based on the Joint Programme to which they contribute.

<sup>5</sup> Contribution amounts have been converted to US Dollar.

<sup>6</sup> Contribution amounts have been converted to US Dollar.

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

<u>Country</u>	<u>Contribution Amount<sup>7</sup></u>	<u>Countries Supported</u>
Finland	\$535,272	South Sudan
Japan	\$2,550,000	DRC, CAR
Total	\$3,085,272	

### **III. IMPLEMENTATION AND MONITORING ARRANGEMENTS**

#### **A. Approach**

With the existing dedicated 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 guidance, advice and support to address conflict-related sexual violence. The Team uses a human rights-based approach to identify gaps and challenges faced by national authorities and institutions in responding to accountability for conflict-related sexual violence. It focuses on strengthening national capacity and ensuring that interventions build on, and complement existing partners' and governments' initiatives. It ensures that national authorities are in agreement with the support provided to them.

The TOE works in response to requests of assistance regularly received from national authorities, UN field presences or headquarters officials, and civil society organizations or victims groups. Based on these requests, the TOE consults with the UN presence in the respective country, determines whether the context is appropriate for its engagement, and seeks consent from the government to provide assistance.

The SRSB-SVC's high level advocacy work with governments also serves as an entry point for TOE interventions. Since 2011, the Office of the SRSB-SVC has secured joint communiqués and frameworks of cooperation, signed by the host government and the UN, as a platform for engagement to assist governments in addressing sexual violence. To date joint communiqués have been signed with the Governments of the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), the Republic of Guinea, 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). Governments have requested technical assistance of the TOE through each of these communiqués.

Frameworks of cooperation have also been signed with the Kofi Annan International Peacekeeping Training Centre (KAIPTC), the African Union (AU) and the International Conference on the Great Lakes Region (ICGLR) and provided additional entry points for engagement by the Team.

Upon request or consent by a government, the TOE undertakes a technical assessment mission to help the government to review existing initiatives, laws, programs and mechanisms on the rule of law in general and on conflict-related sexual violence in particular, as well as to evaluate the existing capacity of national and international actors. Extensive consultations between the TOE, government entities, UN partners, civil society organizations, national human rights institutions, and other national and international stakeholders take place before, during and after assessments to ensure national ownership, coordination and complementarity. This approach ensures that the Team's support avoids duplication of efforts, adds value and is sustainable.

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<sup>7</sup> Contribution amounts have been converted to US Dollar.

During assessments, the Team ensures that the modalities for the provision of assistance to national authorities to address conflict-related sexual violence are identified and clarified. 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 the country. Recognizing that national ownership and leadership are 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 and local authorities, as well as non-governmental organizations.

Once the recommendations and modalities for support are agreed, the TOE may assist in the identification and mobilization of human, technical and financial resources, or in the development of budgeted project proposals to help national authorities address the gaps the Team helped to identify. The Team tries to ensure that a government entity or a co-lead entity is responsible for the implementation of initiatives emanating from the Team's assessments, while the TOE provides the necessary technical assistance through the deployment of expertise or direct advice.

## **B. Monitoring**

In 2015, the Impact, Outcome, and four Outputs identified above are the criteria against which the TOE's progress is measured:

*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.*

To ensure that progress on impact, outcome and each of the four outputs is measured and assessed, the TOE has established benchmarks, identified indicators and established annual targets. The results and impact are presented in this annual report.

The Team conducts regular monitoring of the implementation of its engagement and progress in delivering its work. It meets regularly to discuss and review the outputs, and identify and analyse factors that could affect progress toward defined targets. This is supported through regular follow-up on developments in particular countries, including political 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 taken into account in the delivery of the Team'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 UN

Action and the co-lead entities - DPKO, OHCHR and UNDP - to brief and highlight progress on key outputs and ensure cohesion and cooperation among key UN members operating in conflict or post-conflict countries and with extensive involvement on conflict-related sexual violence issues.

The Team's Advisory Group consists of a senior representative from each of the co-lead entities contributing a member to the Team. Its role is to, *inter alia*: provide strategic advice on engagements of the Team; propose possible areas of engagement to the Team; advise on the management of the roster of experts; consider the Team's reports and recommendations from assessments and deployments and support the Team in its efforts to mobilize resources.

## IV. RESULTS

### A. Progress

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

Baseline – 20 Countries<sup>8</sup>

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

Target – 20 Countries

During the reporting period the number of countries affected by conflict-related sexual violence remained at twenty<sup>9</sup>. Through the efforts of the international community and member states, the aim is to discourage the perpetration of conflict-related sexual violence while supporting countries where conflict-related sexual violence is present to address the issue. Countries such as Cote d'Ivoire and Colombia made significant progress in addressing conflict-related sexual violence crimes, based on reports from the field indicating that there has not been systematic commission of patterns of sexual violence crimes. This is also the case of Guinea, where there have been significant national accountability efforts for crimes committed in 2009, and where no new patterns of sexual violence crimes have been reported.

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

Baseline: 30 percent<sup>10</sup>

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

Target – 35 percent

During the reporting period, the percentage of countries affected by conflict-related sexual violence with mechanisms in place to address impunity for conflict-related sexual violence remained at 30 percent. However, it should be noted that while not a country, the SPLA-IO developed an implementation plan for its Unilateral Communiqué with the support of the Team of Experts and the Office of the SRSG-SVC. Mechanisms 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

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<sup>8</sup> Number of countries listed in the 2014 SG Report on conflict-related sexual violence plus Guinea.

<sup>9</sup> 2015 SG Report on conflict-related sexual violence plus Guinea.

<sup>10</sup> (i) Countries with Joint Communiqués, Implementation Plans, and/or Action Plans: 5 (CAR, DRC, Guinea, Somalia, South Sudan); (ii) Countries with accessible and adequate judicial mechanisms: 0; (iii) Countries with special law enforcement mechanisms: 0; (iv) Countries with relevant internationally compliant laws: 2 (Colombia, Somalia). Total countries (no double count): 6 (CAR, Colombia, DRC, Guinea, Somalia, South Sudan). Calculation: 6/20=.3.



strengthen legislation; establishment of protection mechanisms for victims, witnesses and justice officials; review and strengthening of codes of conduct; 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 ad hoc tribunals to address 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, Cote d’Ivoire, DRC, Guinea, Somalia, South Sudan)

Indicator – # of countries or regional bodies which have entered into joint communiqués or frameworks of cooperation welcoming the engagement of the Team of Experts.

Target (Year 1 - 2015) – 2 countries or regional bodies which have entered into joint communiqués or frameworks of cooperation

Cumulative total<sup>11</sup> – 6 countries or regional bodies which have entered into joint communiqués or frameworks of cooperation welcoming the engagement of the Team of Experts (CAR, Cote d’Ivoire, DRC, Guinea, Somalia, South Sudan).

During the reporting period, no new countries or regional bodies entered into joint communiqués or frameworks of cooperation welcoming the engagement of the Team of Experts. However, extensive negotiations have been underway with Iraq, Syria, and the League of Arab States to enter into agreements which will welcome the engagement of the Team of Experts. It is anticipated that each of the respective agreements will be executed in 2016. The Team also continued to engage with partners based in Burundi, following credible reports of sexual violence committed during the ongoing conflict in the country. Consultations have been held in cooperation with OHCHR in Burundi on the possibility of conducting a TOE assessment in the near future.

***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 (CAR, Colombia, Cote d’Ivoire, DRC, Liberia, Somalia, South Sudan)

Indicator – # of TOE assessment missions conducted; clear directions identified; and concrete initiatives defined

Target (Year 1 - 2015) – 2 TOE assessment missions conducted; clear directions identified; and concrete initiatives defined

Cumulative total<sup>12</sup> – 8 TOE assessment missions conducted; clear directions identified; and concrete initiatives defined (CAR, Colombia, Cote d’Ivoire, DRC, Liberia, Mali, Somalia, South Sudan).

During the reporting period, the TOE undertook assessment missions to CAR, DRC and Mali. The target

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<sup>11</sup> Cumulative total includes the baseline plus the cumulative increase from each year.

<sup>12</sup> Cumulative total includes the baseline plus the cumulative increase from each year.

for Year 1 was to undertake two assessment missions. The variation between planned assessment missions and completed missions is in part the result of the necessity to conduct a mission to CAR to look into ways of ensuring that sexual violence crimes were considered in ongoing efforts towards the establishment of a special court to address serious crimes committed in the country. No adjustment in targets is necessary. The assessment in CAR resulted in the inclusion of sexual violence crimes as an integral part of the priorities of the special court due to be established in the country. In DRC, the assessment resulted in gaining a deeper understanding of new patterns of sexual violence crimes committed in South-Kivu, particularly the targeting of children in Kavumu and in identifying strategies for addressing these crimes. The assessment in Mali helped identify key capacity gaps and challenges the country faces, specifically regarding the backlog of sexual violence crimes committed during the conflict, and the provision of legal aid to 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 members and rostered experts (2 Colombia, 1 Cote d'Ivoire, 1 DRC, 1 Guinea, 2 South Sudan)

Indicator<sup>13</sup> – # of deployments to situations of particular concern by TOE members and rostered experts.

Target (Year 1 - 2015) – 5 deployments to situations of particular concern by TOE members and rostered experts.

Cumulative total<sup>14</sup> – 24 deployments to situations of particular concern by TOE members and rostered experts.

In 2015, the TOE made 17 deployments to CAR, DRC, Cuba (for Colombia), the Middle East, Germany (for the Middle East), Ethiopia (for South Sudan), Uganda (for CAR, Sudan and South Sudan), and Guinea. In CAR, the TOE assistance ensured that sexual violence crimes were put high on the agenda of ongoing transitional justice mechanisms. In DRC, the deployments resulted in the development of a prosecution strategy, which includes the prioritization of the existing emblematic incidents. The engagement on Colombia contributed to the inclusion of accountability for sexual violence crimes in discussions and outcome documents of the Havana peace process. In the Middle East, the TOE deployment facilitated direct engagement with key national counterparts working on addressing sexual violence, and underscored how governments could provide effective rule of law responses to conflict-related sexual crimes. The ongoing deployment of TOE's expertise to Guinea has resulted in the indictment of four high-ranking military officials by the Panel of Judges in 2015, including former President Moussa Dadis Camara. Through training conducted by the TOE in cooperation with the Regional Training Facility on Prevention and Suppression of Sexual Violence in the Great Lakes Region (ICGLR-RTF), military investigators and prosecutors from CAR, Sudan, South Sudan and Somalia were equipped with skills and tools which strengthened their ability to investigate, document and prosecute sexual violence crimes.

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<sup>13</sup> 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.

<sup>14</sup> Cumulative total includes the baseline plus the cumulative increase from each year.

#### ***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 Cote 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-RTF.

Indicator – # of experience sharing exercises; learning exercises; briefing events; national experts compile lessons and apply them

Target (Year 1 - 2015) – 5 experience sharing; learning exercises, briefing events; national experts apply lessons learned.

Cumulative total<sup>15</sup> – 9 experience sharing; learning exercises, briefing events; national experts apply lessons learned.

During the reporting period the TOE engaged in two experience sharing events (among countries in the Great Lakes region; and between Guinea and Mali); three briefing exercises (with Swedish parliamentarians; with experts from the Ministry of Foreign Affairs of Finland and with the United Kingdom’s Preventing Sexual Violence Initiative (PSVI). In addition, the Team engaged in consultation with the European Union Genocide Committee working on accountability for crimes committed in Syria. These engagements resulted in the following outcomes. First, it promoted accountability for sexual violence and compiled lessons learned in the Great Lakes region through the use of military justice. The experience sharing between Guinea and Mali enabled the Ministry of Justice in Guinea to understand methods used by Malian experts in accessing mass graves and further informed ongoing efforts by the judicial authorities in Guinea. It also resulted in raising awareness of key partners on the importance of supporting accountability efforts at national level. Engaging with the European Union Genocide Network has highlighted the critical need to safeguard evidence of sexual violence collected from refugees fleeing Syria, for future prosecution.

### **B. Activities Undertaken and Achievements**

#### **i. Country Engagements**

##### *1. Central African Republic*

#### **Background**

The Central African Republic remains in a fragile state following a military coup in 2013. Intercommunal conflicts continue in several parts of the country. Over 400,000 people have been internally displaced and the human rights situation continues to be of grave concern. As a result of the collapse of national rule of law and the disintegration of security institutions, specifically the police and the gendarmerie, rape and other forms of sexual violence became widespread. Sexual violence crimes were committed during house-to-house searches, in IDP camps, and in acts of retaliation by anti-Balaka, ex-Séléka and other armed groups. In 2015, there were reports of conflict-related sexual violence against women and girls, in the context of intercommunal conflict and displacement. The UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) reported rape of minors, committed by ex-Séléka,

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<sup>15</sup> Cumulative total includes the baseline plus the cumulative increase from each year.

anti-Balaka, Lord Resistance Army (LRA) and self-defence groups, as well as by gendarmes and the police. There also have been reports of married women being abducted from their homes and forced to marry ex-Séléka fighters, and of women and girls being used as sex slaves by anti-Balaka elements.

The Government has made some efforts to address issues of impunity. In June 2015, the Government promulgated the law on the establishment of a special criminal court with jurisdiction over grave human rights violations, crimes against humanity and war crimes. In addition the Government has called for support in the establishment of a Joint Rapid Response Unit within the gendarmerie and the police to respond to reports of sexual violence.

### Assistance and Impact

In 2015, the TOE deployed to CAR, where it provided advice to the Government on the establishment of a joint rapid response unit within the gendarmerie and the police, to ensure that crimes of sexual violence receive adequate attention. This unit is tasked with responding rapidly to alleged cases of sexual violence by collecting and preserving evidence, interviewing victims and documenting cases and making referral of survivors to services providers. In addition, the TOE contributed to efforts to create the country's Special Criminal Court for core international crimes committed since 2003. In particular, the TOE is actively participating in the preparation of a strategy for the Court to ensure that crimes of conflict-related sexual violence are given adequate attention. In supporting CAR's efforts, the TOE has worked in coordination with MINUSCA, OHCHR, UNDP and UN Women in the framework of the Global Focal Point on Police, Justice and Corrections (GFP) to contribute to the provision of a single UN rule of law response, which takes into account the issue of conflict-related sexual violence.

Once operational, the Special Criminal Court will play a critical role in adjudicating the backlog of criminal cases, including sexual violence, and contribute to addressing the legacy of impunity. Support to efforts by the Government to establish a joint rapid response unit will help bridge the current capacity gap within the police and gendarmerie in responding to incidents of sexual violence and ensure that these crimes are among priority cases being addressed.

### Challenges and Path Forward

The continued lack of capacity within security institutions to respond to threats and incidents remains a major obstacle in the collective efforts to stop the violence and restore the rule of law in CAR. Without the reestablishment of the rule of law through the restructuring of national security entities, increased capacity of the justice sector, the restoration of state authority and the allocation of appropriate resources, human rights violations, including sexual violence, will continue unabated. Implementing the main recommendations of the May 2015 Bangui Forum's thematic group on justice and reconciliation will be key to restoring rule of law institutions in CAR. The main recommendations include: the creation of a national human rights commission; a commission on truth, justice, reparation and reconciliation and the operationalization of the Special Criminal Court. The TOE will continue supporting national authorities in CAR in close collaboration with UNDP and UN Women in the framework of the GFP arrangement to ensure that national rule of law institutions address the issue of conflict-related sexual violence.

## 2. Colombia

### Background

Sexual violence has been an issue of concern in the context of the armed conflict in Colombia. Sexual violence is considered to be a widespread risk across at least ten departments of Colombia, predominantly areas under the influence of armed groups. In 2015, there were reports of sexual violence against women leaders, activists and those associated with armed groups. Indigenous and Afro-Colombian women and girls, as well as those residing in remote areas have been reported to be at greater risk. The National Victims' Unit registered 103 cases of conflict-related sexual violence between January and December 2015, with armed groups identified as responsible for about half of these cases.

Colombia has developed a strong legal framework as it relates to sexual violence, including Law 1719 on Access to Justice for Victims of Sexual Violence in Colombia, particularly as it relates to the armed conflict, adopted by Presidential Decree on 18 June 2014. This ground-breaking law includes offences that were previously omitted from the Penal Code, such as enforced sterilization, forced pregnancy and forced nudity and adds specific reference to aggravating circumstances, for example when sexual violence is committed as a form of retaliation against or intimidation of human rights defenders. The law also provides for the establishment of protection mechanisms and the design of a reparations programme for victims of sexual violence.

On 15 December 2015, the Government and the *Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo* (FARC-EP) opened a new chapter by reaching an agreement on truth, justice, reparations and guarantees of non-repetition for victims of the conflict. For the first time Colombia has a comprehensive transitional justice process, which includes a truth commission that recognizes the disproportionate impact of conflict and conflict-related sexual violence on women, and a Special Jurisdiction for Peace, which identifies sexual violence as a grave crime that cannot be amnestied. During her visit to Colombia and to Havana in February and March 2015 respectively, the SRSG-SVC called upon the parties to place gender justice and the eradication of conflict-related sexual violence at the centre of the peace process.

In view of the persistence of sexual violence, the Constitutional Court urged national authorities to address the structural factors that perpetuate these crimes. In February 2015, “Cuco Vanoy” and “La Mona”, as well as five other former paramilitary members were sentenced for sexual violence crimes.

### Assistance and Impact

The TOE supported efforts of the SRSG-SVC to ensure that conflict-related sexual violence considerations remain central in the peace process between the Government and FARC-EP. The expert input of the TOE to the Law 1719 on Access to Justice for Victims of Sexual Violence in 2014 contributed to a piece of legislation which, if properly implemented, can be a model for countries in the region and the world on conflict-related sexual violence. It should be recalled, for example, that the law enhances the status of sexual violence survivors so that they can receive comprehensive reparations, psychosocial support and free medical care. It also explicitly recognizes that sexual violence can constitute a crime against humanity and that there can be no statute of limitations for such crimes.

The main findings of the TOE visit to Colombia from 28 February to 2 March 2015 include: (i) Colombia's strong legal and policy frameworks on conflict-related sexual violence can be an inspiration for other countries facing similar challenges; (ii) the importance of including accountability for sexual violence in the ongoing peace negotiations; (iii) the fact that Colombia has one of the most sought after

forensics expertise in the Global South. The TOE committed to draw from Colombia's legal and policy frameworks, as well as specialised expertise, to promote cross-regional experience sharing, including in the area of forensics. In this regard, the TOE initiated discussions with the Colombian Forensic Institute on the possibility of sharing their expertise with the Guinean authorities, including the Panel of Judges investigating the incidents of September 2009.

The TOE followed closely the developments of the peace process, particularly after the signing of a "Joint Communiqué" between the Colombian Government and the FARC-EP on 23 September 2015 agreeing to create a Special Jurisdiction for Peace, which prioritises the rights of the victims, including in the areas of truth seeking, reparations and guarantees of non-repetition.

### Challenges and Path Forward

Despite the progressive legal framework of Colombia, institutional capacity constraints at local level and the underreporting of cases continue to be both a cause and a consequence of impunity for sexual violence. Areas under the influence of non-State armed groups or groups that have emerged from the process of demobilization continue to present risks for women and girls. Progress in the peace process, and its continued attention to conflict-related sexual violence during the implementation of the Agreement will be critical to ensuring that victims of sexual violence see justice. The TOE will continue to work with the Government of Colombia in promoting experience sharing of good practices to strengthen the capacity of conflict-affected countries in addressing conflict-related sexual violence. In this regard, the Team will support the Forensic Institute of Colombia to share their experience with Guinean authorities in the framework of ongoing investigations and other accountability mechanisms established as part of the national reconciliation process.

### 3. Côte d'Ivoire

#### Background

Five years after the disputed November 2010 election, Côte d'Ivoire held a presidential election on 25 October 2015, in which President Ouattara won a second term. It is commendable that there were no reported cases of sexual violence in the context of the recent election. It should be recalled that more than 150 women were victims of sexual violence during the electoral violence in 2010-2011.

However, during 2015, the UN Operation in Côte d'Ivoire (UNOCI) continued to document rape cases, including gang-rapes, with the majority of the incidents committed against minors. A slow process of Disarmament, Demobilisation and Reintegration of ex-combatants, combined with the presence of armed elements and the context of impunity, continue to put women and children at risk of sexual violence. In 2015, three cases of rape involved members of the armed forces, including the *Forces Republicaines de Cote d'Ivoire* (FRCI), two policemen, ten unidentified armed individuals and alleged ex-combatants.

In 2015, the Government established a number of institutions and tools to address conflict-related sexual violence. There are now six resourced legal aid clinics and three new legal information centres. Investigations into sexual violence crimes committed in the context of the 2010-2011 electoral crisis have begun. Forty-three complaints related to sexual violence crimes which occurred during the electoral crisis were filed before the special investigations unit (Cellule Spéciale d'Enquêtes et d'Instruction) in March 2015.

There were also some encouraging developments in the area of legislative reform. Amendments to the Criminal and Civil Codes were adopted to introduce into domestic law those international crimes defined in the Rome Statute, including sexual violence crimes. It also removed any statute of limitations on the prosecution of crimes listed in the Rome Statute. It additionally brought command responsibility in line with international standards and excluded amnesty for sexual violence crimes.

However, despite the progress made in harmonizing national laws with international standards, accountability remains a major challenge. None of the perpetrators of the 196 cases of sexual violence committed between October 2010 and May 2011, documented in the report of the *Commission Nationale d'Enquêtes*, have been brought to justice.

### Assistance and Impact

In Côte d'Ivoire, the TOE in coordination with UNOCI assisted in strengthening the capacity of the national army – the FRCI to respond to conflict-related sexual violence. Through the Team's support, the FRCI developed an action plan on conflict-related sexual violence, which is currently being implemented. As a result, on 19 June 2015, 47 FRCI senior commanders signed undertakings prohibiting conflict-related sexual violence. In coordination with UNDP, the TOE also assisted in the drafting of a concept for the establishment of specialized units within the police and the gendarmerie to address conflict-related sexual violence crimes.

### Challenges and Path Forward

Critical to national efforts to address conflict-related sexual violence in Cote d'Ivoire is the role of a Committee of National Experts which meets regularly to coordinate efforts of national security forces in addressing sexual violence, and brings together FRCI, Police and Gendarmerie. However, this remains an ad-hoc institution the work of which is based on the commitment of FRCI leadership. Efforts to get a Presidential decree establishing the Committee of National Experts has not yet materialised. Such a decree would have helped institutionalize ongoing efforts by the FRCI, and contribute to the full implementation of its plan of action.

Among remaining challenges is the high cost of the medical certificate - a piece of evidence in sexual violence cases - and the perception that a medical certificate is still required to file a complaint despite the issuance of a circular by the Ministry of Justice stipulating such a certificate is no longer necessary for purpose of filing a complaint. This has remained a barrier to accountability for this crime. Another obstacle to accountability for sexual violence crimes is the slow pace of prosecutions, which often leads victims to resort to out-of-court settlement of cases.

Based on the results of a technical mission to Cote d'Ivoire in 2014, the TOE will pursue its support to the following: (i) implementing the "Action Plan on Sexual Violence" of the FRCI; (ii) strengthening the legal drafting capacity of the "Cellule d'Execution" (CELEX); (iii) strengthening the curriculum of the judicial training institute "Institut de Formation Judiciaire"; (iv) strengthening the special investigations unit "Cellule Spéciale d'Enquêtes et d'Instruction"; and (v) establishing special units within the police/gendarmerie dedicated to address sexual violence.

#### 4. Democratic Republic of the Congo

##### Background

Conflict-related sexual violence, including rape, forced marriage and sexual slavery, continued to be reported in the DRC in the course of 2015, and most specifically in the eastern provinces of ex-Orientale, North Kivu, South Kivu, ex-Katanga and Maniema. The limited state authority and rule of law in areas affected by the conflict enables the occurrence of sexual violence. This is further reinforced by the limited capacity to address impunity for crimes in general and for sexual violence crimes in particular. A number of issues including land pressure, the proliferation of small arms, and an unregulated mining sector contribute to the prevailing insecurity and to the perpetuation of cycles of conflict and widespread sexual violence.

Reports by service providers indicate a decline in incidents of conflict-related sexual violence. While the majority of sexual violence crimes were perpetrated by armed groups, there have been continued reports of sexual violence committed by the *Forces armées de la République démocratique du Congo* (FARDC), as well as by the *Police nationale congolaise* (PNC). South Kivu has been the province most affected by conflict-related sexual violence in 2015, followed by North Kivu and ex-Orientale. Sexual violence has been committed against IDPs, refugees or returnees, or against civilians in villages and mining sites.

Among incidents of sexual violence by national forces is the rape of at least 12 women during a military operation in the Kalehe territory of South Kivu, allegedly committed by a unit of the FARDC in September 2015. Raia Mutomboki – an armed group based in the Shabunda area of South Kivu-, the *Front de Résistance Patriotique de l'Ituri* (FRPI) and the group Mai Mai Simba Manu in Mambassa territory in Ituri province and Lubero territory in North Kivu have continued to commit sexual violence crimes. Incidents of sexual violence have been attributed to the *Forces démocratiques de Libération du Rwanda* (FDLR), and other incidents reported in the context of the intercommunal conflict between the Batwa and the Baluba in ex-Katanga province. There have also been reports of sexual violence against minors, including by the Allied Democratic Forces (ADF), operating in the Beni area, and a trend of kidnapping and rape of children in Kavumu, South Kivu.

The Government of DRC has made commendable efforts in addressing accountability for sexual violence, including through the establishment of the FARDC commission on sexual violence in March 2015, and the subsequent development of an action plan. In 2015, military justice authorities held fifty trials for sexual violence crimes which led to the conviction of 109 members of the security forces, some of whom were sentenced to 20 years imprisonment. The Special Police for Women and Children continues to investigate and document sexual violence crimes, and members of the special commission of sexual violence of the Senate continued to sensitize their constituencies on addressing sexual violence.

Despite efforts by the Government, it should be noted that perpetrators of the emblematic cases of sexual violence in Walikale, Bushani and Kalambahiro in 2010 and 2011 are yet to be held accountable. In addition, judgments, including the award of reparations to victims of sexual violence issued by Congolese courts remain unpaid.

##### Assistance and Impact

The TOE has continued to assist the DRC in line with the Government's commitments under the 2013 Joint Communiqué. The TOE provided technical assistance to the FARDC to implement its Action Plan on conflict-related sexual violence. This included assisting the FARDC Commission to develop a detailed



matrix of activities and to draft undertakings which were signed in March 2015, by 30 field commanders, prohibiting sexual violence and committing them to fully cooperate with military justice officials.

Through expertise embedded in MONUSCO's Prosecution Support Cells in Goma, the TOE also continued to provide support to the investigation, prosecution and trial of CRSV before civil and military courts. In supporting the investigation and prosecution of sexual violence crimes before military courts, the TOE, in coordination with other actors on the ground, has contributed to the decline of sexual violence by the FARDC, and to the successful prosecution of 109 members of the security forces. Through the JHRO the TOE assured the protection of the victims and witnesses throughout the proceedings.

Assistance was also provided to the Senate's special commission on sexual violence, on sensitizing community leaders and on engaging armed groups on the prevention of sexual violence. This assistance has also helped the Senate's special commission to tailor its work around advocacy vis-à-vis state and non-state actors, oversight of national institutions addressing sexual violence, reporting and contributing to strengthening the legal framework. In this regard, the Commission raised awareness among community leaders in Uvira, South-Kivu and in Kalemie, ex-Katanga. Most importantly the Senate has engaged in the preparation of a draft law on the protection of witnesses and victims that shall allow a greater participation of the victims in judicial proceedings and therefore, provide them greater access to justice.

Regarding the latter, through an expert meeting held in Kinshasa in December 2015, the TOE's support ensured the provision of concrete guidance to the DRC's main legislative bodies on the establishment of protection mechanisms and the drafting of a law. This assistance has been provided in cooperation with MONUSCO and UNDP.

The TOE also assisted efforts by the DRC's Personal Representative of the President on Sexual Violence and Child Recruitment (OPR), to oversee national efforts to address conflict-related sexual violence. The TOE support included the continued provision of a national expert to the OPR, which has ensured the OPR maintains focus on accountability. The TOE continued to support the DRC towards the elaboration of a reparations programme. Working in support of a consultant recruited by the OPR, the TOE contributed to the development of the first draft of a reparations program. This includes an initial phase, the planning for payment of certain outstanding reparation judgments of conflict-related sexual violence already rendered by Congolese courts. This assistance also ensured that the OPR pursues its advocacy for the planning of payment of outstanding reparations awarded to victims by Congolese courts.

In June and July 2015 the TOE deployed to Goma and Kinshasa, and assisted national military justice authorities in the preparation of a prosecutorial strategy that will allow the national judiciary to identify and prioritize the investigation and prosecution of emblematic conflict-related sexual violence cases. This assistance has contributed to the development by the military justice system in North and South-Kivu of a strategy for the prosecution of the outstanding mass rape incidents, including Walikale and Kavumu.

The TOE is also supporting the creation of three new special police units to respond to sexual violence in Rutshuru, Goma and Bukavu and special prosecution support cells in all civil jurisdictions in Eastern DRC.

### Challenges and Path Forward

The progress made by the DRC, especially on accountability for sexual violence committed by the national army, has resulted from a combination of national ownership, leadership and responsibility, as

well as international assistance. When sexual violence is given high-level attention, a government can achieve tangible results. The appointment of the OPR in the DRC has helped galvanize the commitments of the Government to address conflict-related sexual violence at the highest level. The military remains key to addressing sexual violence in most contexts in Africa. Without engaging the military directly on specific commitments, through an action plan, little progress can be made. In the DRC, the signing of undertakings by commanders, committing them to refrain from, to prevent, and to respond to sexual violence, has sent a strong message to the entire army that this issue cannot be tolerated, and this has been emulated by countries such as Cote d'Ivoire. Going forward, the TOE will seek to assist national security sector reform efforts, including ensuring that elements involved in the commission of sexual violence are excluded from security forces. In addition, focus will be put on engaging non-state actors, especially those committed to dialogue with the Government.

## 5. *Guinea*

### Background

After the serious human rights violations which took place in Guinea on 28 September 2009 at the stadium in Conakry, including killings, sexual violence, torture and enforced disappearances, Secretary-General Ban Ki-moon appointed an International Commission of Inquiry (COI) to undertake investigations into the crimes and identify those responsible. In December 2009, the COI found that at least 157 people were killed, at least 109 women and girls were raped and subjected to other forms of sexual violence, and over 1,000 people were injured as a result of the events in the stadium and the surrounding areas. The COI's recommendations to the Guinean authorities included: (i) prosecuting those responsible and providing compensation to victims; (ii) providing the families concerned with information on cases of disappearance; and (iii) fulfilling their obligations in the area of victims and witness protection.

In follow up to the COI's recommendations, the Guinean authorities established a national Panel of Judges to investigate and prosecute alleged crimes related to these events. In November 2011, the Government signed a Joint Communiqué with the UN specifically committing to: (i) combat impunity for sexual violence; (ii) implement the recommendations of the COI; (iii) reinforce security sector reform with a view to including prevention of sexual violence; (iv) engage in a dialogue with the victims of the 28 September 2009 events, including victims of sexual violence; and (v) ensure reparations and promotion of national reconciliation. The Government also welcomed technical assistance of the Team of Experts to the Panel of Judges.

In line with the Joint Communiqué, in December 2012, the Office of the SRSG-SVC, through the TOE, deployed an expert to provide technical assistance to the Panel of Judges, to strengthen its capacity with regard to: investigation techniques; collection and safeguarding of useful testimonies and evidence from survivors; establishment of enhanced protection measures for the Panel of Judges and establishment of a regular dialogue between the Ministry of Justice and civil society organizations, as well as victims groups, on the progress of this case.

### Assistance and Impact

The TOE pursued its technical assistance to the Panel of Judges investigating atrocities committed during the events of 28 September 2009, which include sexual violence. Through the technical assistance of a judicial expert deployed by the TOE, the Panel of Judges has been able to use appropriate and ethical questioning and investigation techniques, which has resulted in over 450 hearings, including the testimony

of at least 200 victims and witnesses of sexual violence. These testimonies has been collected and safeguarded for future prosecutions.

Most importantly, TOE support has led to the indictment of four high-ranking military officials by the Panel of Judges in 2015, including former President Moussa Dadis Camara. This brings the number of indictments issued by the Panel to 16 military officials who were members of the former *Conseil National pour la Defense de la Democratie* (CNDD), including General Mathurin Bangoura, General Mamadouba "Toto" Camara, Colonel Abdoulaye Chérif Diaby, Lieutenant-colonel Moussa Tiègboro Camara and Lieutenant-colonel Claude Pivi.

In addition, the Team's assistance has led to the establishment of enhanced protection measures for the Panel of Judges, including through the permanent deployment to the judges' offices of a unit of police officers attached to the Presidential Guard. This resulted in mitigating possible threats against victims, witnesses, their representatives, as well as panel members. The TOE's support also helped to improve dialogue on the progress of the investigation between the Ministry of Justice, civil society organizations and victims groups.

The TOE also supported the SRSB-SVC's mission to Guinea in September 2015, resulting in a renewed request by the Government for support from the TOE in the finalisation of the investigation phase and the preparation of forthcoming trials. This support includes the elaboration of strategies on judicial cooperation, protection of witnesses and victims, and reparations for victims.

Additionally, the TOE has facilitated a dialogue between the Guinean authorities and representatives from countries that have undergone challenges in addressing conflict-related sexual violence, including Mali, to facilitate experience sharing of good practices. Initial contacts have also been made with the Forensic Institute of Colombia.

### Challenges and Path Forward

Despite these important advances in the investigation and prosecution of the 28 September 2009 events, and more broadly in the justice and security sector reforms, national authorities in Guinea confront important human rights challenges that may hinder further progress in 2015. These challenges include, amongst others, the general impact of the Ebola outbreak, and more specifically in the functioning of criminal justice system. In this regard, the Government of Guinea has continued to advocate for UN's support to strengthen their justice system.

In 2016, the Team will continue to support national authorities by pursuing its assistance in the following main areas: (i) completion of the hearing of remaining witnesses, including those living outside of the country; (ii) providing assistance to locate mass graves, including through an experience sharing exercise with the Forensic Institute of Colombia; (iii) strengthening of mechanisms of witness and victims protection in view of the forthcoming trials; and (iv) advising on possible modalities of reparations for victims or sexual violence, including interim reparation measures, and on potential sources of funding.

## 6. *Mali*

### Background

Since the 2012 coup d'état, the situation in Mali has remained unstable especially in the north where armed groups have systematically used sexual violence as a weapon of war to punish, intimidate and

enslave women and girls. Cases of rape and gang-rape allegedly perpetrated by parties to the conflict, including elements of the Malian Defense and Security Forces, elements of the Groupe Autodéfense Touareg Imghad et Alliés, Ganda Izo and members of the Coalition du Peuple de l’Azawad. The incidents occurred in the regions of Mopti, Timbuktu, Kidal and Gao, with most of the victims being members of the Touareg community. There have also been reports of sexual violence crimes committed by elements from the Mouvement National de Libération de l’Azawad.

There has been some progress regarding accountability for sexual violence. For instance, legal proceedings were initiated in relation to 19 of the 80 cases of sexual violence allegedly committed by extremist groups in 2012. In this regard, a Protection Trust Fund has also been established to support survivors during the investigations.

### Assistance and Impact

The TOE undertook a technical assessment mission to Mali in June 2015 to better understand efforts and challenges in addressing conflict-related sexual violence in the country. The TOE noted that limited capacity of national institutions, including the judiciary, and the inadequacy of the legal framework continue to hamper efforts to address sexual violence. MINUSMA also noted that members of the Malian Defense and Security Forces hierarchy continue to obstruct investigations by redeploying alleged perpetrators to theatres of conflict. The TOE engaged with the judicial authorities on addressing the backlog of conflict-related sexual violence cases. It should be noted that the “Tribunal de la Commune 3” was given jurisdiction over all cases related to the conflict, including sexual violence. In addition, the TOE engaged with the Bar Association of Bamako and the Ministry of Justice on the provision of free legal aid for victims of sexual violence. Ensuring adequate provision of legal aid for victims of sexual violence will require the review or strengthening of the current legal framework to ensure it provides for such assistance.

### Challenges and Path Forward

The crisis in Mali resulted in the weakening of rule of law institutions in the Northern region. The slow return of members of the judiciary and police to the north has affected the level of confidence in public institutions. Rebuilding the justice system is therefore critical in addressing conflict-related sexual violence. In this regard, the TOE is working in the framework of the GFP arrangement to ensure that national rule of law institutions address the issue of conflict-related sexual crimes. In this regard, the TOE will assist with building the capacity of stakeholders on the provision of legal aid for victims of sexual violence. Additionally, through embedded expertise, the TOE will provide technical assistance on investigation and prosecution of sexual violence crimes. Finally, the TOE will contribute to the strengthening of the legal framework in relation to sexual violence to ensure it meets international standards and provides remedies to survivors.

## *7. Somalia*

### Background

Conflict-related sexual violence continued to be reported in Somalia in the course of 2015, in the context of ongoing inter-clan conflicts and military offensives. Displaced women and girls and those from minority clans continue to be exposed to the greatest risk. The UN has reported cases of rape and gang-rape, especially in Al-Shabaab controlled areas, where access to services continues to be limited. Somalia’s weak legislative framework and the limited capacity of national institutions continue to hamper

access to justice, perpetuating a climate of impunity.

Somalia has faced chronic insecurity; the destruction of its social, economic, political, security and legal infrastructure; and wide spread human rights abuses, including sexual violence, following decades of conflict and instability. Despite these challenges, the Federal Government of Somalia has made efforts to increase engagement on human rights issues, including adopting a Post-Transition Human Rights Road Map for the period of 2013 to 2015, the signature of the Somali Compact at the New Deal Conference in Brussels, as well as the signature of a joint communiqué with the UN on addressing sexual violence in May 2013.

### Assistance and Impact

In December 2013, the Team undertook a joint technical assessment mission to Somalia and Kenya. The results of the assessment helped to inform a May 2014 consultation workshop supported by the TOE and organized by the Ministry of Women and Human Rights Development. The workshop helped all relevant Government ministries to agree on common objectives and to solicit input from those delivering front line services. As a result of these consultations, the Government developed a National Action Plan on Ending Sexual Violence in Somalia to guide its work in meeting commitments under the Joint Communiqué. In June 2014, a draft of the National Action Plan was launched at the Global Summit to End Sexual Violence in Conflict.

Following the launch of the National Action Plan, the TOE worked with UNSOM to assist the Government in formulating an approach for undertaking regional consultations of the National Action Plan. Given the fragmented nature of Somalia, the TOE believes it is essential to have broad-based consensus on the Plan to ensure effective delivery. In addition the TOE supported the prioritization of interventions to be implemented under the National Action Plan and mobilized resources to support the prioritized interventions. Through the Regional Training Facility on the Prevention and Suppression of Sexual Violence in the Great Lakes Region the TOE helped to build the capacity of Somali military prosecutors.

In addition, the TOE contributed to strengthening the provisions of the draft Somalia Sexual Offenses Bill (2014), which is now pending adoption by the parliament. Specifically this support contributed to strengthening the definition of rape as a crime against a person rather than a crime against morality; criminalising gang rape, child marriage and human trafficking for the purpose of sexual exploitation. The law also helps to clarify the role and obligation of public officials in investigating and prosecuting sexual violence cases; criminalises obstruction of justice and prohibits the out-of-court settlement of sexual violence crimes. In addition, the TOE contributed to the draft “Somaliland Rape and Sexual Violence Law” to ensure compliance with international standards. The resulting legislation, once passed, should provide strong legal basis upon which to address sexual violence.

### Challenges and Path Forward

Political turmoil, cabinet reshuffles and limited access due to insecurity continue to be significant challenges in addressing conflict-related sexual violence in Somalia. The next step for the Government is to undertake regional consultations, finalize the National Action Plan and present it at a donors’ conference in Nairobi. In terms of prioritized activities, the TOE will be supporting the Government both technically and financially in areas in which security permits.

## 8. *South Sudan*

### Background

In December 2013, violence broke out between the Sudan People's Liberation Army (SPLA) and the SPLA-IO in South Sudan's capital Juba and quickly spread to other areas of the country resulting in a nation-wide political and security crisis. The crisis has resulted in widespread human rights violations including sexual violence, and has exacerbated existing tensions over resources and ethnicity. In August 2015, the SPLA and the SPLA-IO signed "The Agreement on the Resolution of the Conflict in the Republic of South Sudan" bringing an official end to the fighting, even though daily fighting between the parties and other armed groups continues to be reported.

Despite the peace agreement, sexual violence continues unabated by parties to the conflict in South Sudan, including the SPLA and associated militias, and the SPLA-IO. There have also been reports of sexual violence committed by the South Sudanese National Police Service (SSNPS). These crimes have been committed during intercommunal fighting and during military offensives and counter-offensives. The militarization of the country, coupled with arms proliferation, and weak rule of law institutions have created a context favouring the occurrence of these crimes. It also should be noted that the weakness of the South Sudanese justice system has contributed to a reliance on customary justice to settle sexual violence crimes.

### Assistance and Impact

In October 2014, following TOE led consultations with the Government, UN and civil society organizations to identify key gaps in national prevention and response mechanisms to sexual violence, the Government and the UN signed the "Joint Communiqué of the Republic of South Sudan and the United Nations on Addressing Conflict-Related Sexual Violence". In March 2015, the TOE deployed to South Sudan to support the Government in developing an implementation plan for the Joint Communiqué to ensure an agreed approach was defined to facilitate the Government's ability to meet its commitments made in the Joint Communiqué. This support led to enhanced ownership and commitment by the Government through the establishment of a Government-led Joint Technical Working Group on Conflict-Related Sexual Violence (JTWG), an umbrella committee composed of Government ministries and national institutions, UN agencies and representatives of civil society organizations, which oversees the implementation of the Joint Communiqué, as well as five Task Forces established to facilitate the work of the JTWG. With support from the TOE as well as the UNMISS Senior Women Protection Adviser, each of the five Task Forces has completed initial draft matrices and submitted them to the JTWG for consolidation. This nationally-owned and led process helps to ensure the commitment of the Government toward addressing sexual violence in South Sudan.

In December 2014, following engagement with the SPLA-IO by the SRSG-SVC, the SPLA-IO unilaterally issued the "Communique of the Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/SPLA) on preventing Conflict-Related Sexual Violence in South Sudan". In September 2015, the TOE together with colleagues from the Programme Team of the Office of the SRSG-SVC and the UNMISS Senior Women Protection Adviser undertook a mission to Addis Ababa to support the SPLA-IO in developing an implementation plan in line with commitments made in the Unilateral Communiqué. In October 2015, a follow-up mission was undertaken to Pagak, South Sudan, to engage the SPLA-IO commanders who were convened to discuss the implementation of the Compromise Peace Agreement. The engagement consisted of a four-hour workshop related to prevention and response to conflict-related sexual violence and a detailed discussion on the SPLA-IO Implementation Plan for

prevention of such crimes. The workshop was attended by 53 commanders, and culminated in the signing of undertakings that establish and reinforce individual and command responsibility for preventing sexual violence. Specifically, undertakings were signed by Lieutenant General John Buth Teny, Commander of the SPLA-IO Pagak operational base, as well as four Major Generals, six Brigadier Generals, nine Colonels, eleven Lt. Colonels and 22 Majors. The commander's undertakings represent an important element of the SPLA-IO Implementation Plan, focusing on accountability, timely and rigorous investigations, cooperation with military justice authorities, awareness raising and protection of victims and witnesses, judicial actors, humanitarians and service providers.

### Challenges and Path Forward

Political turmoil, cabinet reshuffles, ongoing conflict, and limited access due to insecurity continue to be significant challenges in addressing conflict-related sexual violence in South Sudan. Going forward, the TOE will support the SPLA in organizing a consultation and validation workshop on the Implementation Plan for the Joint Communiqué to ensure broad consultation on the way forward. In addition, the TOE will be supporting a number of sensitization meetings prior to the consultation and validation workshop to ensure participants have a better understanding of conflict-related sexual violence issues, are well informed, and can actively and constructively participate in the consultation and validation workshop. Following the endorsement of the Implementation Plan, the TOE will also work with SPLA and SSNPS to develop action plans in line with the Joint Communiqué.

Going forward, the TOE will continue to engage the SPLA-IO and will actively support the implementation of activities detailed in the SPLA-IO Implementation Plan, including training on conflict-related sexual violence and international human rights and humanitarian law.

## 9. *Sudan (Darfur)*

### Background

Despite significant international attention and support, the human rights situation in Darfur continues to worsen. The highest number of documented incidents of conflict-related sexual violence occurred in January 2015, coinciding with military operations by the Government in and around west Jebel Mara. Initiatives such as the Doha Document for Peace in Darfur, the creation of the Special Court for Darfur Crimes, the establishment of a National Human Rights Commission and the establishment of a Special Prosecutor have all failed to achieve peace in Darfur or to improve the human rights situation. Sexual violence continues to be a recurring theme, and impunity remains a serious challenge. Non-reporting of cases by survivors for fear of reprisal; general lack of will among law enforcement officials to take action; survivors' distrust of law enforcement officials; and the lack of capacity by law enforcement agencies, especially the police, to address violations remain the norm. Even where there is adequate evidence, police do not consistently pursue formal prosecutions for sexual violence, leaving communities to resort to traditional justice. Among positive steps taken by the Government in 2015 are the Amendment of the 1991 Criminal Act, which now includes a definition of rape that is in line with international standards, and efforts towards the establishment of a victim and witness protection programme.

### Assistance and Impact

The Team continued to actively follow the situation in Darfur, and advocate for accountability for sexual violence.

## Challenges and Path Forward

Ongoing security concerns, lack of physical access and a lack of political will to address conflict-related sexual violence continue to pose serious challenges.

The TOE will continue to follow the situation in Darfur and engage when and where possible.

### **ii. Other Engagements**

#### *1. The International Conference on the Great Lakes Region*

In 2014, the ICGLR and Office of the SRSG-SVC signed a framework of cooperation to assist operationalizing the ICGLR-RTF, a key regional training institution called for by the 2006 ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children.

In August 2015, the Team of Experts co-hosted a three-day workshop entitled “Addressing Sexual Violence in Conflict within the Military Justice System” with the ICGLR-RTF. The eighteen trainees were military and other justice officials from CAR, Somalia, South Sudan, Sudan and Uganda. Participants were selected due to the prevalence and impact of conflict-related sexual violence in their home countries and their work on conflict-related sexual violence. Participants included representatives from the ICGLR, the United Kingdom’s Preventing Sexual Violence Initiative, Physicians for Human Rights, the International Criminal Tribunal for Rwanda and the United States Africa Command and the Combined Joint Task-Force – Horn of Africa

The workshop topics covered the analytical framing of conflict-related sexual violence, the use of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, the use of forensic evidence in sexual violence cases, the prosecution of sexual violence crimes in international and domestic fora and the provision of reparations for victims. Participants were also introduced to Women Protection Advisors from UN Missions, where applicable, for follow-up to the workshop outcomes.

The workshop contributed to strengthening the capacity of national actors to address sexual violence in their justice systems; fostering ties between international practitioners and justice authorities from countries in the Great Lakes Region; enhancing regional ties between participants; and improving the ICGLR-RTF’s training capacity.

The TOE plans the secondment of embedded expertise to strengthen the ICGLR-RTF in 2016-2017 to further build the ICGLR-RTF’s training capacity.

#### *2. The Middle East and North Africa*

In 2015, the TOE accompanied the SRSG-SVC on mission to Syria, Iraq, and neighbouring countries affected by the Syrian crisis to identify avenues for support to governments’ capacity to address accountability for conflict-related sexual violence. In November and December 2015, the TOE provided technical advice to neighbouring countries affected by the crises in Syria and Iraq on how to document conflict-related sexual violence, to protect collected information, and to identify patterns of criminal conduct. The TOE also deployed to Germany to provide advice to projects implemented by the German authorities to provide psychosocial and other services to survivors of conflict-related sexual violence committed by ISIL. The Team plans to conduct several follow-up missions, including conducting a technical assessment in Iraq if circumstances permit. The TOE also continued to monitor events in Libya



during 2015 in consultation with the internationally recognized Government of Libya, UNSMIL, and civil society groups.

### 3. Outreach and Events

The Team participated in the following outreach activities and events:

- *2015 Women's Protection Advisers Capacity-building Meeting: Strengthening the Implementation of the Conflict-Related Sexual Violence Mandate in Peacekeeping and Special Political Missions, Brindisi, Italy, 16-20 March 2015* – The Team of Experts participated in the meeting and presented an overview of the work of the Team of Experts to the participants.
- *SRSB Bangura's Visit to the International Criminal Court, The Hague, Netherlands, 13 May 2015* – The Team of Experts provided support to SRSB Bangura's mission to visit the International Criminal Court (ICC) at the invitation of the President of the ICC. During the visit, the SRSB-SVC addressed The Hague Working Group of the Assembly of States Parties to the Rome Statute and participated in a roundtable discussion with the judges of the ICC. The SRSB-SVC and the Team also held meetings with the Office of the Prosecutor, the Registry and the Trust Fund for Victims.
- *Women and Countering Violent Extremism: Strengthening Policy Responses and Ensuring Inclusivity, Washington, D.C., USA, 21 July 2015* – The event was co-hosted by United States Agency for International Development, United States Institute of Peace (USIP) and the United States Department of State, and included USIP, experts from civil society, the UN, academia, and the United States government in a discussion on ways to include women in efforts to counter violent extremism.
- *Workshop on Combatting Sexual and Gender Base Violence Crimes at the National Level, Kampala, Uganda, 11 August 2015* – The Team of Experts delivered remarks at a workshop sponsored by the Embassy of Sweden in Kampala in partnership with the Ugandan Public Prosecutor and the International Development Law Organization on combatting sexual and gender-based violence in armed conflict at the domestic level.
- *ICGLR/British High Commission Joint Training on SGBV to UPDF and UPF, Kampala, Uganda, 13–14 August 2015* – The Team of Experts delivered remarks and attended a joint training of the Ugandan People's Defence Force and the Uganda Police Force on sexual and gender-based violence in conflict environments by the British High Commission in Uganda, the United Kingdom's Preventing Sexual Violence Initiative, and the ICGLR-RTF's.
- *The Missing Peace Practitioners' Workshop: Accountability for Sexual Violence, Kampala, Uganda, 26–28 August 2015* – The Team of Experts delivered opening remarks at "The Missing Peace Practitioners' Workshop: Accountability for Sexual Violence" in Kampala, Uganda sponsored by the University of California, Berkeley Human Rights Center and the United States Institute for Peace.
- *Avocats sans Frontieres – Canada, Annual Forum, Montreal, Quebec, 2–3 October 2015* – The Team of Experts delivered remarks at the annual forum of *Avocats sans Frontieres – Canada* held in Montreal, Quebec. The topic of the annual forum was «Violences sexuelles: quels accompagnements pour les victimes?».

- *UNPOL Gender Toolkit Launch, New York, 10 November 2015* – The Team of Experts delivered remarks at the launch of the UN Police’s Gender Toolkit in New York, which helps mainstream gender in UN policing during peacekeeping operations.

#### 4. *Contribution to Reports and Policy Documents*

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

- A contribution on behalf of the Office of the SRSG-SVC to the UN joint *amicus curiae* submission to the International Criminal Court’s Trial Chamber II during the reparations phase in the case of *The Prosecutor v Germain Katanga*, which was filed on 14 May 2015. The submission was filed together with MONUSCO, OHCHR, UN Women and the Office of Legal Affairs.
- Secretary-General’s annual report to the Security Council on conflict-related sexual violence (S/2015/203).
- Secretary-General’s annual report to the Security Council on women, peace and security (S/2015/716).
- Secretary-General’s annual report to the General Assembly on strengthening and coordinating United Nations rule of law activities (A/70/206).
- The TOE provided several contributions to the Independent Global Study on Implementation of Security Council resolution 1325.
- The Team provided input to the draft Somaliland Rape and Sexual Violence Law.
- The Team provided input to the draft Middle East North Africa strategy which is currently being developed by the Office of the SRSG-SVC.

#### 5. *Contribution to UN Joint Assessment Missions*

On 15-19 June 2015, the TOE conducted a mission to Mali to assess national capacity to address accountability for conflict-related sexual violence as a contribution to the GFP’s Joint Justice Programme for Mali.

On 20 August - 5 September 2015, the TOE participated in a GFP mission to CAR which focused on supporting efforts towards the establishment of a Special Criminal Court. The TOE ensured that the planning process took into account accountability for sexual violence crimes.

### **iii. Operational and Contractual Issues**

The TOE is currently supported in its efforts by approximately 70 national and international experts ready for deployment, with a range of competencies gathered under a profile within the UNDP Experts Roster for Rapid Response. The experts’ various areas of expertise include criminal investigations and prosecutions, military justice systems, security sector oversight mechanisms, Islamic law, forensics, reparations, legal drafting, protection of victims and witnesses and mentoring national justice officials. They also cover a variety of language skills and regional expertise.

The TOE recruited on a temporary basis a lawyer to support the Team's work on reparations as well as a former police officer to support the Team's work on criminal investigations. The TOE continued to benefit from the secondment of a representative from PSVI. The Team is in ongoing discussions with the Government of Sweden regarding the secondment of an expert to support the development of the ICGLR-RTF in Kampala, Uganda.

### **C. Lessons Learned**

- There needs to be a greater focus on early warning and prevention of conflict-related sexual violence. UN actors should use the *UN Action Matrix of Early-Warning Indicators of Conflict-Related Sexual Violence* to inform their work at the first signs of a conflict. As the TOE relies on information supplied by UN actors on the ground in conflict situations, establishing monitoring, analysis and reporting arrangements in accordance with Security Council resolution 1960 (2010) at the earliest possible time is essential.
- When conducting a technical assessment, the analysis of a country's legal framework regarding conflict-related sexual violence must, include both formal and informal legal systems that may impact survivors of sexual violence. The analysis of national legal frameworks must also include an examination of laws regarding potentially vulnerable groups like children, the displaced, the disabled, the detained, and minority groups, including lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals.
- The TOE's capacity support and expertise is greatly enhanced by collaborating with already existing national institutions and initiatives dealing with conflict-related sexual violence. The TOE's work in follow up to assessments have benefited from the identification of responsible and capable interlocutors within these institutions, who need to be empowered to drive progress on conflict-related sexual violence in difficult contexts. Beyond governmental actors, the TOE must continue to strengthen civil society's responses to conflict-related sexual violence.
- Embedding international experts into national judicial processes has ensured that these processes make substantial progress while remaining nationally-owned.
- The TOE has found that creating and supporting specialized units of prosecutors and investigators that handle serious international crimes, including conflict-related sexual violence, can ensure significant progress on accountability. The creation of specialized units further allows training resources to be deployed in a targeted, continuous and multi-sectoral fashion on a small team of dedicated practitioners.
- The UN and international donors must ensure support to the entire justice chain that handles a case of conflict-related sexual violence, and not just during the investigation and prosecution phase.
- Protection for victims, witnesses, justice officials and human rights defenders is absolutely vital if justice processes are to move forward for conflict-related sexual violence. The UN and international donors must make resources available for witness protection experts and programs. Revisions of legal frameworks should enhance available protection measures.
- Security sector institutions must create clear plans of action to address conflict-related sexual violence. These plans should focus around clear axes regarding prevention, deterrence, response, and accountability. There also must be tools to monitor compliance and evaluate the progress of

these plans. Reducing conflict-related sexual violence should be not only a political imperative, but a strategic imperative of security institutions.

- International judicial cooperation on investigations and prosecutions regarding conflict-related sexual violence must be strengthened. The TOE will devote increasing resources to assist national actors in pursuing this cooperation and continue to support cooperation agreements and experience sharing throughout the global South.
- Legal aid and reparations to victims is an essential component of the justice process for conflict-related sexual violence crimes.

#### **D. 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 has noted that the fight against impunity for conflict-related sexual violence will only succeed if governments work together with all relevant partners.

Capacities of the co-lead entities have enabled the Team to obtain access to a variety of reports and updates on key human rights, development and peacekeeping issues. These include human rights reports from human rights field presences, thematic reports to the Human Rights Council and the General Assembly, Universal Periodic Reviews, concluding observations and general recommendations from UN treaty bodies such as the CEDAW Committee, and reports from thematic and country specific special procedures mandate holders. Capacities have also enabled the TOE to expand its operational presence on the ground.

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:

- UN Action - The TOE continues to maintain a strong partnership with the UN Action network, which has translated, amongst others, into regular information sharing, support in the process of building country profiles and briefings before and after TOE assessments and deployments. The UN Action MPTF has continued to serve as a platform for TOE fundraising, with an earmark window in the UN Action MPTF to channel TOE funds. The TOE has also contributed to the development of UN Action tools.
- UN Country Teams, UN Peace Missions and other UN Actors - TOE assessments and deployments have received active support from UNCTs and Peace Missions, including through the provision of the necessary substantive and logistical support during assessments and deployments, and by ensuring follow-up to recommendations from assessments. The TOE also consults special procedures of the Human Rights Council and members of UN treaty bodies with relevant expertise to inform the Team's missions on issues that cut across areas of mutual concern.
- National Authorities and National Partners - TOE assessments and deployments have been 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, amongst others.

- Regional Organizations - Regional organizations are important partners in the fight against impunity for sexual violence in conflict. In line with the Framework of Cooperation between the UN and the ICGLR, in August 2015, the Team and the Kampala based Sexual Violence Regional Training Facility organized a technical workshop for investigators and prosecutors in the military justice systems regarding the prosecution of sexual violence crimes. The workshop involved participants from CAR, Somalia, South Sudan and Sudan. The Team also worked closely with the Great Lakes Women’s Platform to ensure that sexual considerations are among the priorities of women groups in the region, including their advocacy efforts vis-à-vis the DRC processes.
- United Kingdom Preventing Sexual Violence Initiative - PSVI has committed to fully supporting the TOE in its work to achieve greater coherence and cooperation in the fight against impunity. Areas of cooperation include: the secondment of a PSVI Expert to the Team throughout 2015, regular sharing of information, consultation on priority countries, coordination of assessment missions, sharing lessons learned and collaboration on the rollout of the International Protocol.
- South / South Cooperation - Conflict-related sexual violence is a global phenomenon and requires a global response. As a result, no single country, region or continent has a monopoly on solutions. The Team is committed to ensuring that the global “South” participates in response efforts with both experience-sharing and funding. The Team intends to continue promoting learning between Governments through South/South experience sharing and to introduce “triangular cooperation” into its efforts where a traditional donor can pair with an emerging donor from the global “South” to provide support to a beneficiary country also located in the global “South.”

## V. FUTURE WORK PLAN

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

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

Target (Year 2 - 2016) – 2 countries or regional bodies which have entered into joint communiqué or frameworks of cooperation (underscoring the issue of accountability) welcoming the engagement of the Team of Experts

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

Target (Year 2 - 2016) – 2 TOE assessment missions conducted; and concrete initiatives defined in these countries

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

Target (Year 2 - 2016) – 5 deployments to situations of particular concern by the TOE members / rostered experts; police improves its capacity to investigate and document sexual violence, prosecutors take actions, and judges adjudicate sexual violence crimes.

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

Target (Year 2 - 2016) – 5 experience sharing; learning exercises, briefing events; national experts apply lessons learned.

**Year 2 Estimated Budget = \$3,158,263**

**END**