

OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON
SEXUAL VIOLENCE IN CONFLICT



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OFFICE OF THE HIGH COMMISSIONER



ANNUAL REPORT 2011

Team of Experts

Rule of Law/Sexual Violence in Conflict

INTRODUCTION

On 30 September 2009, in response to the lack of progress on the fight against sexual violence in situations of conflict, the Security Council unanimously adopted resolution 1888, which builds upon the principles and obligations of previous Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security. Operative paragraph 8 of the resolution calls upon the Secretary-General of the United Nations (UN) to take measures to identify and deploy rapidly a Team of Experts (TOE) “to situations of particular concern with respect to sexual violence in armed conflict . . . to assist national authorities . . . to strengthen the rule of law.”

Within the broader objective of strengthening the rule of law, the TOE will:

1. Work closely with national legal and judicial officials and other personnel in the relevant governments’ civilian and military justice systems to address impunity, including by the strengthening of national capacity and drawing attention to the full range of justice mechanisms to be considered;
2. Identify gaps in national response and encourage a holistic national approach to address sexual violence in armed conflict, including by enhancing criminal accountability, responsiveness to victims and judicial capacity;
3. Make recommendations to coordinate domestic and international efforts and resources to reinforce governments’ ability to address sexual violence in armed conflict; and
4. Work with a variety of UN mechanisms towards the full implementation of resolution 1820 (2008).

In line with this mandate, in November 2009, the Steering Committee of UN Action Against Sexual Violence in Conflict (UN Action) requested the Department of Peacekeeping Operations (DPKO), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) to serve as co-lead entities responsible for the development and establishment of the TOE. The co-lead entities developed an interim Joint Programme, funded by UN Action to provide the TOE with an opportunity to begin activities and mobilize resources. This report is based on this initial Joint Programme.



Photo/MONUSCO

OUR VISION

Military and civilian justice systems enabled to address promptly and effectively conflict-related sexual violence, through sound legislation, comprehensive prevention and response mechanisms, and strengthened capacity.

OUR APPROACH

The TOE builds upon existing inter-agency mechanisms with regard to prevention and response to conflict-related sexual violence. The TOE currently draws from existing human resources of the participating agencies and is integrated by staff members from DPKO, OHCHR and UNDP.

The work of the TOE seeks to support and complement, with dedicated expertise, the work of the UN in its mission to provide security, foster development, protect human rights and support peacebuilding initiatives. The Team, which uses a human rights-based approach in its interventions, seeks to identify gaps and challenges faced by national authorities and institutions in responding to conflict-related sexual violence and its recurrence by providing expert strategic, technical and programmatic guidance and action plans to address them. The Team focuses on strengthening national capacity and ensuring that its interventions build on and complement existing partners' and governments' initiatives on the ground.

Fundamental to the Team's support is the issue of sustainability and national ownership. During assessments or deployments, the TOE focuses on ensuring that key drivers for prevention and response are grounded on national efforts to ensure identified areas of support are agreed by the concerned government. In addition, the TOE explores existing mechanisms established by the UN peace missions and UN Country Teams (UNCT), civil society organisations and other national and international stakeholders to ensure coordination, build complementarity, ensure duplication is avoided, and ensure agreed interventions or assistance bring added value. The TOE also grounds its approach on responsiveness to victims and survivors and recognises the importance of national leadership in efforts to combat impunity for sexual violence.

The TOE aligns its geographic priorities with those of the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC) and UN Action. In this regard, in 2011, the TOE identified the following eight priority countries: Bosnia and Herzegovina, Central African Republic, Colombia, Côte d'Ivoire, the Democratic Republic of Congo (DRC), Liberia, Sudan (Darfur), and South Sudan. However, the selection of these eight countries does not prevent the TOE from engaging in other conflict and post-conflict countries identified as "situations of particular concern".

Consistent with its mandate, the TOE receives a variety of communications seeking its engagement. These include requests from representatives of the national authority, either directly, or through UN officials in the field or at Headquarters, and alerts from the existing UN field presences or Headquarters officials, or from civil society organisations or victims groups, on gaps in the national response to sexual violence. Once such gaps are adequately assessed, and in coordination with the UN presence on the ground, the TOE seeks consent from the relevant government to engage.





TEAM OF EXPERTS PROGRESS

TEAM OF EXPERTS ESTABLISHED

In response to a request from the UN Action Steering Committee, the co-lead entities developed an interim joint programme, funded by UN Action, to provide the TOE with an opportunity to begin activities and mobilize resources.

The TOE became fully operational in May 2011 and is currently composed of a Team leader who reports to the SRSG-SVC, and members from DPKO, OHCHR and UNDP with dual reporting lines to the Team Leader and the respective entities. The Team Leader joined in mid-January 2011, the UNDP member joined in February 2011, the DPKO member joined at the end of March 2011, and the OHCHR member joined in mid-May 2011. The TOE's administrative assistant also joined the Team in March 2011.

The TOE identified the following thematic areas of focus: criminal investigations and prosecutions; collection, analysis and use of forensic evidence; military justice (systems, investigations and prosecutions); criminal law reform and procedural law reform; witness, victim and justice operator protection; as well as justice and security sector oversight systems / bodies. The TOE further developed a new joint programme, a resource mobilisation strategy and a number of operational tools, including reporting templates, comprehensive country files, and outreach materials.

In undertaking its mandate, the Team continues to follow globally "situations of particular concern" with respect to conflict-related sexual violence. The Team has so far carried out missions to DRC (February 2011); Liberia (April - May 2011); South Sudan (June 2011); and Guinea Conakry, Sierra Leone and Cote d'Ivoire (November 2011). In all these visits, the TOE has worked in close cooperation with UN colleagues on the ground to ensure that its dedicated expertise builds on and complements existing initiatives in responding to sexual violence.

DEMOCRATIC REPUBLIC OF CONGO

As the conflict continues in the eastern DRC, sexual violence against women remains a major concern. Thousands of women and girls have been victims of multiple forms of sexual violence, including rape and sexual slavery. Identifying the fight against sexual violence as one of its main concerns, in 2006, the DRC adopted new legislation on sexual violence. In 2009, the government adopted the National Comprehensive Strategy on Combating Sexual Violence.

Despite these efforts, sexual violence remains alarmingly high. Women, men, girls and boys continue to be victims of sexual violence committed by soldiers of the Armed Forces of the Democratic Republic of Congo (FARDC), by agents of the Congolese National Police (PNC), by members of various armed groups, by militias and increasingly by civilians. These findings are corroborated by different reports issued by both UN and other international and national organizations.

In February 2011, the Team undertook an assessment to identify gaps to complement the work of the UN on the ground and to strengthen the Government's efforts to fight impunity for sexual violence. The assessment highlighted the need for safe and secure environments within the FARDC and the PNC for reporting on sexual violence; the need for strengthening the military justice system's investigative capacity including evidence collection, storage and protection, and effective prosecution; as well as the protection of witnesses, victims and survivors. Based on the assessment, the Team, in cooperation with MONUSCO Rule of Law, the UN Joint Human Rights Office and UNDP, developed two initiatives which are framed within the overall UN support to the Comprehensive Strategy on Combating Sexual Violence.



Photo/American Bar Association

Need for safe and secure environments

within the FARDC and the PNC for reporting on sexual violence; the need for strengthening the military justice system's investigative capacity including evidence collection, storage and protection, and effective prosecution; as well as the protection of witnesses, victims and survivors.

The first initiative focuses on providing expert advisors to assist the work of the Congolese military justice system through the Prosecution Support Cells (PSC)* established by MONUSCO in eastern DRC to provide technical advice and logistical support to FARDC military prosecutors and investigators in conducting investigations into war crimes and crimes against humanity, including sex crimes, as well as in conducting investigations into other violent crimes.

To complement and strengthen the capacity of PSC to investigate crimes of sexual violence, the TOE will provide two experts to support PSC work in North Kivu and South Kivu. This support aims at enabling the PSC to identify and respond to the existing case-backlog; collect, process and manage information on sexual violence; and investigate and prosecute the most serious sexual violence crimes. The funds for this initiative have been secured, the terms of reference developed and all related ground work completed. The experts are expected to be deployed during the first quarter of 2012. They will provide technical advice and expertise to Inspecteurs de Police Judiciaire (IPJs) and other relevant Congolese authorities on investigation techniques employed during all phases of the investigative process, including investigation planning, interviewing victims and witnesses, interrogating suspects, supporting victims, gathering and safeguarding evidence, and preparing evidence for prosecution. They will also assist IPJs and other relevant Congolese authorities in recording, documenting and filing all cases investigated with the support of PSC, thereby promoting efficient and effective coordination between IPJs and prosecutors.

In a second initiative, the Team is working with relevant UN and national entities on the ground to assist the Government in the deployment and operationalization of 25 newly appointed female civilian magistrates trained by the UN on sexual violence to Parquets de Grande Instance in eastern DRC. With the support and accompaniment of the Team, these magistrates will constitute Sexual Violence Cells and lead on investigations and prosecution of sexual violence cases by the civilian justice system. Special police units focusing on fighting sexual violence will also be supported. This initiative is expected to increase the number of cases brought to justice, to encourage the filing of complaints by victims, their families or their representatives and to help reduce the time of the judicial process.

Building on these two initiatives, the Team has been closely observing approximately 30 major incidents of sexual violence which occurred under the 2006-2011 legislature to track progress of investigations and prosecutions by the national justice system and focus the Team's future assistance to the military and civilian justice systems around these incidents.

* Each PSC is comprised of six international experts – one Military Prosecutions Adviser, one Civilian Justice Prosecutions Adviser, two Police Advisers and two Military Police Investigation Advisers.



Photo/American Bar Association

The TOE also produced a preliminary analysis of the draft bill establishing a Specialized Court with jurisdiction over genocide, crimes against humanity and war crimes committed since 1990. The draft bill proposed the establishment of mixed chambers across the country composed of both national and international judges and prosecutors. In August 2011, the Senate rejected the bill based on potential clashes with constitutional provisions on jurisdiction over military and police personnel; the possible interference with the exclusive jurisdiction of the Cour de Cassation; and concerns over immunities and privileges of certain public officials.

Given the challenges faced by the Congolese justice system, such a court may heighten ongoing efforts to address impunity for sexual violence. The TOE stands ready to cooperate as necessary with the Government and relevant partners in this process.

LIBERIA



UN Photo/Evan Schneider

During the 14 year civil war in Liberia, sexual violence was brutally used as a tool to terrorize, displace and control the population. As a result, a culture of violence continues to permeate Liberian society and rape continues to feature among the most frequently reported crimes. Despite strong leadership and positive initiatives including the establishment of Criminal Court E, the special court established in Montserrado County to hear cases of rape and other forms of sexual violence, the Sexual and Gender Based Violence (SGBV) Crimes Unit within the national prosecution service, and the Women and Child Protection Service (WACPS) within the Liberian National Police (LNP), sexual violence and issues of impunity remain a critical challenge which must be addressed.

In May 2011, at the invitation of the Government, the TOE deployed to Liberia to conduct an assessment of the justice sector. The mission looked at both the enabling and the obstructing factors that underlie the Liberian national response to sexual violence generally, and how such factors impact Liberia's ability to prevent and respond in a holistic manner to crimes of sexual violence.

During the mission, the TOE held meetings in Monrovia with both government counterparts at the senior level, as well as at the technical working level; the United Nations Mission in Liberia; UN agencies; civil society organizations, including national and international NGOs; and donors. The TOE visited relevant ministries, the headquarters of the LNP, the SGBV Crimes Unit and Criminal Court E. The TOE also undertook a field mission to Gbarnga, Bong County, which will be the first of five regional justice and security hubs to be created in Liberia as part of the three-year Liberia Peacebuilding Programme recently agreed to by the Government of Liberia, the UN, and international partners. During the mission to Gbarnga, the TOE held meetings with police, prosecutors, magistrates, UN representatives and civil society organizations, including international NGOs.

The key mission output was an Assessment Mission Report which has been endorsed by the Government of Liberia and the UN in Liberia. Based on this report and the broader initiatives underway by UN entities in Liberia, the TOE identified several areas where support will be provided to the Government, while complementing UN efforts on the ground, to strengthen its capacity to address sexual violence.



Photo/TOE SVC

To enhance the legal framework, the TOE will assist the Government in developing sentencing guidelines for use in passing sentences upon persons convicted of sexual violence crimes; provide technical expertise in revising the Rape Law and ensuring complementarity with the Children's Act; and support the Law Reform Commission in its statutory and customary law harmonization efforts, through the development of guidelines for the incorporation of sexual violence issues. To strengthen the capacity of the justice chain, the TOE will embed an expert in the LNP WACPS to mentor police in criminal investigation and evidence collection; an expert in the Circuit Court to mentor in trials involving sexual violence; and an expert in the SGBV Crimes Unit to support prosecutors. These experts will be deployed in the first quarter of 2012.

SOUTH SUDAN

On 9 July 2011, South Sudan became the world's newest country when it gained its independence from Sudan, following a deadly struggle, which lasted approximately 50 years and resulted in over a million civilian deaths, thousands maimed, raped, internally displaced or made refugees in neighboring countries. Despite independence, armed groups continue to operate in various parts of South Sudan, often resulting in serious human rights violations, including killings, abductions, looting, burning of villages, etc. As is often the situation, women continue to disproportionately bear the consequences of the ongoing instability and a weak justice system.

In March 2011, the TOE received a request from the Government of South Sudan through the Office of the SRSG-SVC to assist the country in the process of drafting the Transitional Constitution of the Republic of South Sudan (TCSS). The aim of the support was to establish a constitutional basis

for the prevention and response to sexual violence which was grounded in the Bill of Rights and considered issues of equality, non-discrimination, accountability, and women's participation.

In June 2011, the TOE undertook a mission to South Sudan to provide the requested support. During the mission the TOE held meetings with various stakeholders including national authorities, civil society organizations, women's groups, international NGOs, key donors, and UN agencies, among others.

The TOE's analysis was carried out from the perspective of the role of a constitutional framework in protecting and guaranteeing the rights of victims of conflict-related sexual violence. It also took into account aspects that were relevant to preventing the recurrence of such crimes in the future.



Photo/TOE SVC

Based on its analysis of the draft TCSS, the TOE prepared a memorandum containing a list of identified issues. The memorandum served as a basis for further discussion and analysis, against the backdrop of ongoing constitutional reform and the process of determining the relevant international obligations that the Republic of South Sudan may wish to enter into in the future. Upon completion of the analysis, the Team shared the memorandum with the relevant authorities, including the Office of the President.

In addition to providing input on the TCSS, the TOE also prepared an observation note based on its discussions with various stakeholders. During these discussions, the TOE was able to identify a number of areas requiring support and availed itself to the Government of South Sudan. Among other things, the TOE proposed to (i) support the Government in identifying and clarifying legislative reform priorities relating to sexual violence; (ii) assess the national and state level justice sector capacity to respond to past, current and future sexual violence crimes; and (iii) develop an assistance strategy for addressing impunity for sexual violence, in coordination with the various Government entities and other stakeholders on the ground. The proposed follow-up mission is scheduled to take place in the first quarter of 2012 and has been coordinated with relevant partners, including UNMISS, OHCHR, UNDP and DPKO, particularly in light of the work in the country by the Rule of Law Indicators Project to ensure complementarity and coordinated support.

Establish a constitutional basis for the prevention and response to sexual violence grounded in the Bill of Rights, Equality, Non-discrimination, Accountability, and Women's participation...



Photo: TOE SVC



COTE D'IVOIRE

The TOE visited Côte d'Ivoire in November 2011 to engage with government officials, civil society organizations, survivors of sexual violence, the UN, and various other partners to gain a better understanding of the current situation of sexual violence in the country, particularly in light of the recent post-electoral violence. The TOE focused on gaining a first-hand preliminary understanding from the national authorities and principal actors on the ground of the main challenges in addressing impunity for sexual violence; gathering information on possible gaps in the national response to conflict related sexual violence, including the legal and institutional frameworks; and understanding current efforts and initiatives being undertaken with regard to access to justice and accountability. The visit was also an opportunity for the TOE to establish a working relationship with the Government, and avail its assistance and support in strengthening the rule of law for addressing conflict-related sexual violence.

The UN, NGOs and civil society organizations documented hundreds of cases of sexual violence, most of which were committed in Abidjan and the west by both military and civilians. The TOE was informed, for example, that women were abducted or raped, sometimes gang-raped, during house to house attacks and searches or on their way to early morning markets. Investigating and prosecuting such cases constitutes one of the major challenges in post-conflict Côte d'Ivoire. The judicial system in Côte d'Ivoire is perceived to be slow, not fully independent, and currently overloaded by cases and disputes inherited from the post-electoral conflict. The national administration is still absent from some areas of the country, leaving a vacuum in which crimes and human rights violations, including sexual violence, may occur. A number of policemen died or left the service, courts infrastructure has been affected, and archives lost. Seventeen first instance tribunals and three appeal courts were destroyed; 22 out of the 33 prisons were destroyed and emptied. Getting the justice system back to its full operational capacity is currently a major challenge.

The Government has recently established a Commission Nationale d'Enquêtes, a Cellule Spéciale d'Enquêtes in the Ministry of Justice, as well as a Commission Dialogue, Vérité et Réconciliation, which represent an important step towards ensuring accountability for crimes committed by all parties, healing the wounds and rebuilding trust among Ivorians. It is important that these bodies also craft the investigation and documentation of conflict-related sexual violence strongly in their mandate without any interference.

Regarding the legal framework, provisions such as Article 354 of the Penal Code, which does not specify the elements constituting rape, result in inconsistent rulings and decisions that contravene international law. Rape charges are often reclassified as indecent exposure ("attentat à la pudeur"), entailing a much shorter period of time for investigation and evidence-gathering as well as lighter sentences. This is compounded by pre-existing societal attitudes which deem rape a minor offence. A number of civil society organizations are currently advocating for the establishment of a "Special National Court on Sexual Violence", which would try, with full independence, sexual violence cases.

Neighbouring countries, particularly Liberia and Sierra Leone, have gone through similar challenges and established strong mechanisms for dealing with sexual violence. In Liberia, these include the establishment of a special court on sexual violence, a rape law, and safe houses for survivors among others. In Sierra Leone, the Government has established Family Support Units (FSUs) within the police. The TOE committed to facilitate experience sharing on addressing sexual violence between Côte d'Ivoire and Liberia and Sierra Leone.

The Team will also pursue dialogue with the Government and complement the work of the UN on the ground with possible technical assistance with regard to law review and building the national capacity to investigate conflict-related sexual violence, specifically through strengthening the Cellule Speciale d'Enquetes at the Ministry of Justice.

UN Photo/Ky Chung

GUINEA CONAKRY

In Guinea, the TOE focused specifically on approaches to addressing impunity for the sexual violence crimes committed on 28 September 2009 and the immediate aftermath in a stadium and surrounding areas in Conakry, as well as the rape cases that occurred in Conakry and Labe on 15-27 November 2010, during electoral violence, allegedly perpetrated by national security forces.

During its visit to Guinea in November 2011, the TOE met with government authorities, UN partners, civil society and other actors on the ground and discussed the need to assist in efforts to strengthen the rule of law and combat impunity for sexual violence. Among the main challenges faced by the justice system in addressing impunity for sexual violence, the TOE identified the shortage of magistrates and judges, the overall understaffing of justice institutions, and the limited capacity to conduct investigations and prosecutions.

Regarding the events of 28 September 2009, the TOE emphasized that any engagement in this regard should build on the findings of the UN International Commission of Inquiry* established in October 2009 to document the facts of the events, qualify the crimes perpetrated and, where possible, identify those responsible, as well as make recommendations, including in particular on accountability measures. It should be recalled that the International Commission confirmed that at least 109 women, including a number of minors, were victims of rape, including gang-rape, and other forms of sexual violence, such as sexual mutilation and sexual slavery, by perpetrators mainly identified as members of the Guinea security forces.



Photo/OSRSG SVC

In its efforts to address impunity regarding the September 2009 incidents, the Government of Guinea established a National Commission of Inquiry and appointed a Panel of Judges to lead national investigations of these incidents. To date the work of the Panel of Judges has been hampered by technical, logistical, security and human resources constraints.

The Government of Guinea acknowledged the challenges ahead to addressing the legacy of decades of impunity and expressed the need for accompaniment and support. In a joint communiqué with the UN, the Government, through the Ministry of Justice, committed to combat impunity for sexual violence, implement the recommendations of the International Commission of Inquiry, reinforce security sector reform with a view to including prevention of sexual violence, and requested the TOE's assistance to the Panel of Judges.

In close cooperation with UN actors on the ground, the Team is currently in the process of developing a proposal to support the Government in this regard.

* Report of the International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea (S/2009/693).

SIERRA LEONE

Approximately ten years after the war, Sierra Leone is still struggling to address the issue of impunity, which was among the root causes that led to the protracted war, and to provide redress to the estimated 250,000 victims of sexual violence. To date, out of the 4,602 registered survivors of sexual violence, only around 650 have received compensation through the Fund for War Victims, a reparation fund established by the Truth and Reconciliation Commission. Survivors have found it difficult to reintegrate into their communities because of stigma attached to rape and sexual violence in Sierra Leonean society.

Sierra Leone has undertaken a number of positive steps in recent years to tackle sexual violence. These include the development of a gender strategy, the establishment of Family Support Units (FSU) within the police service and the institution of Saturday Courts to hear cases of crimes against women and children. However despite this progress, several challenges remain. These include the limited capacity to carry out investigations and collect evidence; serious logistical and capacity constraints for the enforcement of court decisions, especially in the countryside; lack of victims and witness protection; and allegations of corruption and lack of independence fostering a culture of impunity that generates a lack of confidence among the population towards the justice system. Impunity in Sierra Leone is therefore regarded by many stakeholders as a primary factor to the continued occurrence of sexual violence.

Additionally, there have been calls in recent years for the amendment of the Criminal Code to ensure the existence of adequate provisions to punish sexual violence, as well as the Criminal Procedure Act to ensure that it addresses delays in investigations and prosecutions and provides for sentencing guidelines.

While the TOE has made no commitment to engage in Sierra Leone, it will continue to follow closely the situation and remains available to support the Government and complement UN efforts on the ground with possible ad hoc assistance, if requested, in line with identified key areas including reparations, protection of survivors, strengthening of the FSU or assistance in law review.



Photo/Nathan Beriro

ROSTER OF EXPERTS

The vision for the TOE was that a small core team would be supplemented by a roster of experts to complement its capacity in meeting its global mandate. Following the establishment of the core team, the TOE, working through UNDP, contracted the Norwegian Refugee Council (NRC) in April 2011 to undertake a scoping study of expert rosters to determine the relevance and the practicality of using UN roster systems and to provide recommendations on the best method for identifying and recruiting consultants to complement the capacity of the TOE.

In conducting the roster scoping, NRC held a series of meetings in New York and Geneva with a range of interlocutors to better understand the overall context and perceptions of available capacity within the area of expertise relevant to the study. During this process, consultations took place with a wide range of partners managing rosters for Member States, NGOs and the United Nations. In its final report, NRC advised that currently no roster exists which fully satisfies the criteria of the TOE.

Based on this finding and after consultation with different entities, the Team proposed to work through the UNDP Express Roster platform. This proposal was in part based on UNDP's experience in managing rosters, UNDP's willingness to adapt its roster to the needs of the Team of Experts, and the rosters overall relevance and approach as compared to the work and needs of the Team of Experts. In December 2011, the TOE Advisory Group agreed to the proposal to use the UNDP Express Roster platform as the primary roster mechanism for the TOE.

In supporting the work of the TOE, the UNDP Express Roster team will develop a new profile for the Team of Experts based on a generic terms of reference developed by the TOE. Working through the Express Roster and the establishment of a new profile will allow the TOE to draw on existing roster candidates within the system, efficiently contract consultants using UNDP contract procedures, and utilize current MOUs in place between UNDP and external rosters to meet the needs of the TOE. The TOE expects the roster profile to be up and operational in early 2012.



Photo/ Myriam Asmani-MONUSCO

RESOURCE MOBILIZATION

During the reporting period, the TOE’s operational and programmatic activities were executed entirely with funds provided by the UN Action MDTF . These funds, in addition to serving as bridge funding for TOE activities, served to catalyse more sustainable sources of funding for the Team.

Capitalizing on the support provided by UN Action, the TOE developed a resource mobilisation strategy, the principal objective of which was to guide the TOE in reaching current and future funding targets by identifying short-, medium-, and long-term funding options available through traditional donors, UN funding mechanisms, and private donors. Based on this strategy, the TOE organized a number of donor consultation meetings, programme briefings and presentations, including among others, informal breakfast briefings facilitated by the Finnish mission, bilateral donor meetings, and a High-Level Mini-Summit, convened by the Office of the SRSB-SVC in collaboration with the co-lead entities of the TOE, on the margins of the General Assembly. The Team’s resource mobilisation efforts were supported by the SRSB-SVC who has actively campaigned to seek funds for the TOE, emphasising the importance of allocating sustainable resources to its work and the centrality of assisting governments to fight impunity. This has also been emphasised in the latest report of the Secretary General to the Security Council on conflict-related sexual violence (/A/66/657-S/2012/33). UN Action also provided active support to the TOE’s resource mobilization efforts by inviting the Team to donor meetings.

To facilitate the future transfer of funds, the TOE worked with UN Action to revise the UN Action Terms of Reference to allow donors to earmark funds for the TOE.

These efforts resulted in the mobilization of an additional \$2.1 million for the second phase of the Joint Programme, and expressions of interest in funding the TOE from Switzerland, Norway and Germany.

Joint Programme Phase I (Jan. 2011 - Feb. 2012)	
TOTAL ESTIMATED BUDGET	US\$999,328
CURRENT FUNDING:	
UN ACTION MDTF	US\$999,328
TOTAL FUNDING	US\$999,328
UNFUNDED BUDGET	0

Joint Programme Phase II (Jan. 2012 - Dec. 2014)		
TOTAL ESTIMATED BUDGET		US\$8,340,606
CURRENT FUNDING:		
BELGIUM	€250,000	†
FINLAND	€200,000	US\$258,520
IRELAND	€100,000	US\$127,633
LUXEMBOURG	€50,000	US\$65,185
SIDA	SEK11,620,000	US\$1,677,671
TOTAL FUNDING		US\$2,129,009
UNFUNDED BUDGET		US\$6,211,597

† Committed

In addition to the funds mobilized in support of Phase II of the Joint Programme (2012-2014), the TOE was also able to mobilize resources for country specific project activities to be implemented in 2012, including US\$693,000 from the U.S. Department of State - Bureau for Democracy, Human Rights, and Labor, and US\$500,000 from USAID. These funds will be transferred through the Thematic Trust Fund for Crisis Prevention and Recovery (CPR-TTF) to the UNDP Country Office in DRC.



UN Photo/Yutaka Nagata

OUTREACH AND EVENTS

The High-Level Mini-Summit

The TOE contributed to the organization of a Mini-Summit on conflict-related sexual violence, held on 22 September 2011, on the fringes of the UN General Assembly. This was an opportunity to share the achievements and challenges faced by the Office of the SRSG-SVC and the Team of Experts in providing assistance to preventing and addressing conflict-related sexual violence. This event provided avenues for discussion with Member States on how to strengthen cooperation and support. In addition, this served as an opportunity to examine ways of providing sustained support to the Team of Experts, which to date has been supported by voluntary contributions.

The Mini-Summit was attended by high-level representatives of priority countries for the Office of the SRSG-SVC and the TOE and various other Member States actively committed in the fight against impunity for sexual violence.

Chaired by the United Nations Secretary-General Ban Ki-Moon, the Mini-Summit was also attended by principals from OHCHR, DPKO and UNDP, who recognised the crucial role of the Team of Experts, as it “enables us to join forces in providing a holistic response to sexual violence, truly reflecting the new UN vision”. They further called for Member States’ sustained financial support to the Team of Experts.



UN Photo/JC McIlwaine

Donor Conference in Oslo

The TOE attended a meeting of donors and parties interested in the work of the UN Action network on 16 June 2011 in Oslo. The meeting was organized by the Norwegian Ministry of Foreign Affairs and UN Action to review achievements and challenges for the UN Action network in addressing conflict-related sexual violence in 2010-2011. The aim of the meeting was to reach an understanding on how sexual violence in conflict and post-conflict settings should be addressed to achieve greater impact and results; and discuss opportunities, lessons learned, challenges and priorities for the UN Action network.

The meeting was an opportunity to share the programme of the TOE after its full establishment, lessons learned following its deployment to DRC and Liberia, and discuss donor support.

Geneva UN Action meeting

The TOE attended the UN Action Strategic Planning meeting held in Geneva from 16-20 October 2011. The meeting allowed the Team of Experts to provide an update to the UN Action network on its work. The meeting was also an opportunity for the Team of Experts to contribute to discussions on the implications of Security Council resolution 1960 on the work of the UN Action network, as well as continuing obligations under resolutions 1820 and 1888. The meeting further enabled participants to examine achievements and challenges during 2011 and contributed to the revision of the network's priorities and deliverables for the Strategic Framework for 2011-2012.

AU-UN desk to desk meeting

The TOE attended the sixth UN-AU desk-to-desk meeting, held on 1-2 December 2011 in Zanzibar, Tanzania. The objective of the meeting was to strengthen working level cooperation and information sharing between the UN and the AU. The meeting was a follow-up to the Joint Task Force meeting held on 19 September 2011 in New York, which addressed the situations in Libya, Somalia and Sudan. The sixth meeting provided an opportunity to consult on the Secretary-General's report on the cooperation between the UN and the AU.

UN participation included the Department of Political Affairs, DPKO, the Department of Field Service, The Office for the Coordination of Humanitarian Affairs, OHCHR, the Office of the Special Adviser on Africa, the Office of the SRSG-SVC, the Office of the Special Adviser for the Prevention of Genocide, UN Office to African Union, Economic Commission for Africa-Regional Coordination Mechanism, UNHCR, UNDP and UN Women.

The meeting provided an opportunity for the TOE to underscore sexual violence as a common feature in most contemporary conflicts in Africa, and the importance of addressing impunity that often accompanies such crimes. In addition, the presence of African Regional Economic Communities, including Southern Africa Development Community, the Economic Community of West African States, the International Conference of the Great Lakes Region and the East African Community, among others, provided an opportunity to the TOE to initiate cooperation with relevant Member States.

Engagement with NGOs

Washington, D.C. On 17 March 2011, the TOE visited Washington, D.C. and held meetings with Global Rights and Physicians for Human Rights. With Global Rights, the TOE discussed issues of common interest and avenues for collaboration, specifically assistance to governments in conflict situations to address impunity for sexual violence. The meeting with Physicians for Human Rights followed-up a prior meeting held in New York, which focused on exploring cooperation with regard to forensics expertise in DRC and Liberia.

New York On 9 September 2011, the TOE briefed the NGO community in New York on its work in South Sudan, DRC and Liberia, during the third meeting of the NGO Consultation Forum on conflict-related sexual violence convened by the Office of the SRSG-SVC. On 16 May 2011, the TOE briefed the NGO working group on Women Peace and Security. Similar meetings were held with Amnesty International and the International Committee of the Red Cross.

Dakar The TOE attended the Expert Group Meeting on the Panel of the Wise Report "Mitigating Vulnerabilities of Women and Children in Armed Conflicts", organised by Femmes Africa Solidarité on 24-25 October 2011 in Dakar, Senegal. This high level forum provided an opportunity to the TOE to publicize its mandate and advocate for an active role of the AU and the Panel of the Wise in support to the TOE. Such support would, for instance, include obtaining consent and ensuring that governments put the issue of addressing impunity for sexual violence high on their agendas.

Engagement with Member States

Briefings on field visits The TOE has consistently engaged with Member States to brief them on its country engagements. The Finnish Permanent Mission hosted briefings in June 2011 on Liberia, in August 2011 on South Sudan, and in January 2012 on Guinea, Cote d'Ivoire and Sierra Leone.

EU heads of missions meeting On 7 September 2011, the TOE accompanied the SRSG-SVC to a briefing meeting with EU Member States Heads of Missions in New York. The briefing offered an opportunity to inform EU Heads of Missions on progress made by the TOE, including on the implementation of Security Council Resolution 1960 and the impact of security sector reform processes on sexual violence.

ICGLR conference in Kampala The TOE accompanied the SRSG-SVC to a Special Session on Sexual and Gender-Based Violence, as part of the 4th Ordinary Heads of State Summit of the International Conference on the Great Lakes Region held on 15 December in Kampala, Uganda.

The SRSG-SVC focused her message to Heads of States on the need for concrete action to materialize their zero tolerance policies on sexual violence. The SRSG also presented the TOE as part of the UN's tools to assist governments to address impunity for such crimes. The Team met with civil society representatives from the Great Lakes countries and survivors of sexual violence from across Uganda, and discussed advocacy measures to address impunity and for community reintegration.

OTHER ENGAGEMENTS

Engagement with UN partners

The Team of Experts attended several Integrated Mission Task Force (IMTF) and Inter-Agency Task Force meetings. Attendance to these meetings has enabled the TOE to contribute to ensuring coherent and consistent policy support and guidance on conflict-related sexual violence in specific situations, including DRC, South Sudan and Chad. On 1 September 2011 the TOE briefed members of the DRC IMTF on the Team's current engagement in the country.

The TOE also briefed various partners and stakeholders, including OHCHR heads of field presences during their annual meeting in April 2011 in Geneva; the UN Action focal points in New York on 8 July 2011 and the Group of Friends of Women, Peace and Security on 13 September 2011. The Team also attended several strategic meetings, including the UN Action Steering Committee and the third annual UN system-wide meeting on rule of law.

Contribution to reports and policy documents

The Team, through the respective co-lead entities, further contributed to strategic documents and to reports such as the Analytical and Conceptual Framing of Conflict-Related Sexual Violence; the Monitoring, Analysis and Reporting Arrangements (MARA); the Information Sheet for OHCHR Field Presences on the Implementation of Security Council Resolutions concerning Women, Peace and Security; the Interim Technical Guidance Note on Gender-Responsive SSR, and the 2011 Secretary-General report on conflict-related sexual violence among others.



STRATEGIC AND PLANNING ISSUES



JOINT PROGRAMME

The Team of Experts, in collaboration with the co-lead entities, developed a new follow-on Joint Programme to the current Joint Programme. The current Programme was extended by the UN Action Resource Management Committee in December 2011 based on a request for a no-cost extension.

The new Joint Programme, which has been signed by ASGs Jordan Ryan (UNDP), Ivan Šimonovic (OHCHR) and Dmitry Titov (DPKO) and will be operational as of 1 January 2012, seeks to consolidate the progress made in establishing the Team of Experts so far and expand its work into a full-fledged three-year programme. The Programme, amongst others, defines the strategic approach of the TOE in conducting its work and determining its engagements.

It also identifies the lessons learned building upon prior and existing programming on rule of law, justice and security in general, as well as programming on sexual violence, to ensure the adoption of a comprehensive and coordinated approach for both advisory and programmatic interventions. It builds on the following main outputs: the identification and review of situations of particular concern through research and analysis; the elaboration of assessments on situations of particular concern; the assistance to national authorities through technical, strategic and programmatic support; the efficient management and resourcing of the Programme; and the increase in the awareness of the work of the Team by UN and non-UN entities.

ADVISORY GROUP

The Advisory Group consists of a senior representative from each of the co-lead entities contributing a member to the TOE. Its role includes, inter alia, providing strategic advice on engagements by the Team; proposing possible areas for engagement; advising on the management of a roster of experts; considering the Team's reports and recommendations from assessments and deployments; and supporting the Team in its efforts to explore funding and fundraising avenues.

The Advisory Group has so far held two meetings, the first on 23 May 2011 and the second on 5 December 2011. The Advisory Group has provided invaluable strategic advice and guidance to the Team on its current engagements, on staffing issues, as well as on fundraising.

Representatives to the Advisory Group

Mr. Alejandro E. Alvarez, Senior Advisor and Team Leader, Rule of Law Justice & Security, UNDP

Mr. Robert A. Pulver, Chief, Criminal Law and Judicial Advisory Service, DPKO

Mr. Charles Radcliffe, Chief, Global Issues Section, OHCHR

PARTNERSHIPS

As set out in Security Resolution 1888, the Team assists national authorities to strengthen the rule of law in coordination with national and international partners on the ground. To support partnership development, the TOE is currently developing a communication strategy.

The work of the TOE has benefited from partnerships which have helped raise awareness about the work and services provided by the Team both within and outside the UN.

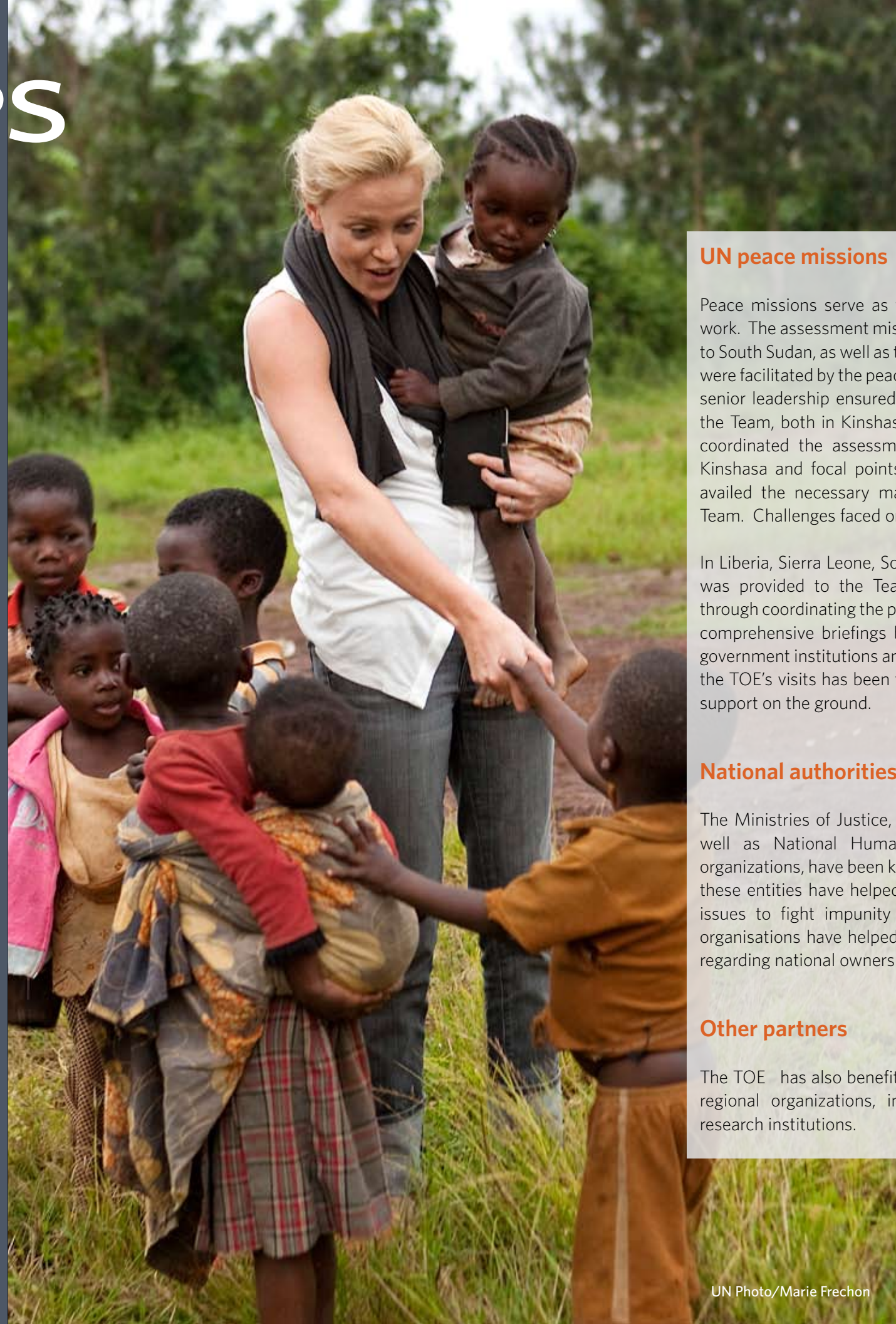
UN Action members

The TOE Joint Programme for 2011 was entirely funded by UN Action. UN Action has also been central to the TOE's fundraising campaign throughout 2011. The TOE has worked in coordination with UN Action with which it has aligned its geographic priorities.

DPKO, OHCHR and UNDP as co-lead entities for the TOE have played a key role in supporting the TOE's efforts to identify needs and gaps at national level and implement initiatives identified by the Team and agreed by partners on the ground. They have actively shared information and consulted the TOE for comments on policy and substantive documents. They have also provided advice on fundraising through their representatives to the Team's Advisory Group. The co-lead entities' commitment to the TOE as a truly joint tool has been very critical to the implementation of the Team's mandate. OHCHR has for example issued a guidance note to field presences with a specific section on the TOE and its work. The DPKO Criminal Law and Judicial Advisory Service, in the Office of Rule of Law and Security Institutions, has maintained a column on the TOE in its newsletter, while the Justice standing capacity and the SSR teams have both worked closely with the TOE. Finally, UNDP has played a central role in establishing the pool of experts to complement the TOE.

UNCT

In all visits, the TOE received full cooperation from the UN family, including UNDP, UNFPA, OHCHR, UNICEF, UN Women, etc. through briefings and provision of guidance and support. In Guinea, the assistance to the Panel of the Judges is currently being planned in coordination with the UNCT, specifically OHCHR.



UN peace missions

Peace missions serve as the main platform in facilitating the Team's work. The assessment missions in the DRC and Liberia, the deployment to South Sudan, as well as the missions to Cote d'Ivoire and Sierra Leone, were facilitated by the peace missions. In DRC, for instance, MONUSCO senior leadership ensured that substantive briefings were provided to the Team, both in Kinshasa and in the field. The Rule of Law Section coordinated the assessment mission, by assigning a focal point in Kinshasa and focal points in Bukavu and Goma. The DSRSG office availed the necessary materials and programme documents to the Team. Challenges faced on the ground were openly discussed.

In Liberia, Sierra Leone, South Sudan and Cote d'Ivoire, similar support was provided to the Team by senior mission leadership, including through coordinating the programme, setting up meetings and providing comprehensive briefings by the UNCT, and facilitating dialogue with government institutions and civil society organizations. The outcome of the TOE's visits has been therefore the result of such partnerships and support on the ground.

National authorities and national partners

The Ministries of Justice, Legal Affairs, Human Rights and Gender, as well as National Human Rights Commissions and civil society organizations, have been key to the work of the TOE. Engagements with these entities have helped the TOE identify critical gaps and capacity issues to fight impunity for sexual violence. In addition, national organisations have helped the Team better understand the challenges regarding national ownership of prevention and response efforts.

Other partners

The TOE has also benefited from partnerships with international and regional organizations, international NGOs, advocacy groups, and research institutions.

LESSONS LEARNED

1 From assessments conducted so far, the Team noted that the Police is the entity within the justice chain facing the greatest capacity challenges and which is most in need of support. This is particularly the case with regard to conducting investigations, collecting and securing evidence, and liaising effectively with prosecution services in sexual violence cases.

2 The Team's effectiveness in providing technical assistance to states requires realistic and coordinated planning with all relevant partners. This planning must be conducted based on a sound understanding of the capacities and infrastructure in place, as well as the existing political context.

3 Government ownership and sustainability are greatly enhanced when support builds on existing government initiatives. Support must be targeted in line with available capacities, budgets, and administrative structures.

4 By drawing on the extensive experience, capacity and expertise of entities both within and outside of the UN system allows the TOE to better fulfill its global mandate. The work of the TOE is further enhanced by seeking support from the global south, as well as by sharing experiences among countries with comparable experiences and contexts.

5 The inter-entity nature of the TOE allows drawing on the strengths of each entity, thus resulting in more targeted and better informed interventions, and reducing duplication.

6 Responding holistically to issues of sexual violence helps to ensure that states fully comply with their international criminal, humanitarian and human rights obligations.

7 An increased focus on prevention beyond sensitization and media activities is critical to curbing future incidents of sexual violence.

8 An increased attention on legal defence complements the focus on legal aid for victims, thereby strengthening adherence to fair trial standards and therefore the very foundation of justice.

9 Adequate protection of witnesses and victims is fundamental to ensuring that the justice system functions properly. A general lack of focus on witnesses and victims, as well as a lack of clear policies and procedures, reduces the effectiveness of the justice system.

10 Customary justice systems play an important role in many post-conflict countries. Any support provided by the Team to the justice system requires a deep understanding of the customary justice systems at play, their complexity, and their relationship with "formal" justice institutions and legal frameworks.

11 The limited availability of consolidated and analysed data is a significant obstacle to planning interventions and assessing progress.

12 Most countries where sexual violence has been a concern have redoubled efforts through the creation of internal ad hoc or standing mechanisms, including units within the police, the prosecution, or specialised courts on sexual violence. These mechanisms face serious capacity and operationalization challenges, despite the existence of political will. However, they constitute crucial entry points in assisting governments to address impunity for sexual violence.

13 Early engagement with concerned governments is critical to ensuring consent for deployment.

14 Challenges in the context of political strife such as "the Arab Spring" or the post electoral violence in Cote d'Ivoire may provide opportunities for assistance.

PRIORITY PLANS FOR 2012

Democratic Republic of Congo

Provide assistance to the Government of DRC and complement MONUSCO's efforts through expertise embedded in the Prosecution Support Cells in North and South Kivu.

Assist the Government of DRC to deploy women magistrates to Bunia, Goma, Butembo, Bukavu and Uvira, and ensure they are mentored to investigate and prosecute sexual violence cases.

Provide technical assistance regarding major incidents of sexual violence identified under the 2006-2011 legislature, assessing the national judicial response.

Contribute to efforts towards the establishment of a Specialized Court.

Liberia

Provide assistance to the Government of Liberia in developing sentencing guidelines for courts when passing sentences upon persons convicted of sexual violence crimes.

Through embedment, provide support to prosecutors in the SGBV Crimes Unit, including in the establishment of strong linkages with Women and Child Protection Services within the LNP and with Court E.

Complement UNMIL's efforts by embedding one expert in the Liberian National Police, with mentoring expertise in criminal investigation and physical evidence gathering; and one expert in the Circuit Court outside Montserrado to provide mentoring on prosecution.

Complement the work of the task force led by the Liberian Law Reform Commission on the potential harmonization of statutory and customary law.

Guinea

In coordination with the UN in Guinea, provide assistance to the Panel of Judges, appointed to investigate crimes committed in Conakry in September 2009, as requested by the Government in the Joint Communiqué signed with the UN on 22 November 2011.

Côte d'Ivoire

In coordination with ONUCI, facilitate experience sharing between Côte d'Ivoire and neighboring countries (i.e. Liberia and Sierra Leone) on addressing sexual violence. Such experiences could focus on law review, victims and witness protection, and support to specialized units within the police.

Discuss possible technical assistance regarding law review and strengthening the Cellule Speciale d'Enquetes at the Ministry of Justice.

South Sudan

Assist the Government of South Sudan in identifying and clarifying legislative reform priorities relating to sexual violence; assess the national and state level justice sector capacity to respond to past, current and future sexual violence crimes; and develop an assistance strategy for addressing impunity for sexual violence, in coordination with UNMISS.

Others

Conduct an assessment in Darfur, Central African Republic, and other situations of concern as deemed appropriate.

Support the SRSB-SVC, as well as other UN officials, as required, by providing expert advice and briefing notes to facilitate the operationalization of the work on the Team.

Provide briefings and updates to Member States, donors and civil society.

Mobilise financial and human resources for the TOE for the implementation of the 2012-2014 Joint Programme.

Materialise the experts' roster through resourcing and deployment of experts as appropriate.

Raise awareness on the findings and recommendations of the TOE regarding conflict-related sexual violence, within and outside the UN, including through trainings, briefings, press releases, newsletters and communities of practice.

Drawing: Max Chmatenko



OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON
SEXUAL VIOLENCE IN CONFLICT



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FOR MORE INFORMATION, CONTACT:

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