

International Criminal Tribunal for the Former Yugoslavia (ICTY)

What is the name of your organization

ICTY

Does your organization have any field presence?

Yes

Please give the names of the units of your entity that contribute to the implementation of the Action Plan. (Max 300 words)

The International Criminal Tribunal for the former Yugoslavia (ICTY).

Please provide name, e-mail and phone number of a designated contact person for follow-up questions. [Name:]

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Area of Action A. Conflict prevention and early warning

Progress and results At Headquarters

Progress and results In the Field

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Area of Action B. Peacemaking and peacebuilding

Progress and results At Headquarters

Progress and results In the Field

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Area of Action C. Peacekeeping operations

Progress and results At Headquarters

Progress and results In the Field

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Area of Action D. Humanitarian response

Progress and results At Headquarters

Progress and results In the Field

Area of Action D.3; Train investigators going into the field on gender issues and provide training in trauma and women victims and witnesses as a service to humanitarian assistance agencies in the Former Yugoslavia and Rwanda. 1. Within the Office of the Prosecutor, the Investigation Unit held two training sessions which included gender training. The Interns are trained on a regular basis. 2. December 2, 2005 and May 12, 2006. Provision of victim impact training with gender focus to Investigators undergoing training at the Institute for International Criminal Investigations (IICI) 3. The ICTY has conducted a number of Global Diversity and Gender Sensitivity Workshops; participation numbers as below. Participants included field investigators as well as staff from all sections and units of the ICTY. January 2005 - 53 participants April 2005 - 58 participants July 2005 - 41 participants 3. Victims and Witness Section Support staff have provided a range of presentations and consultations to humanitarian assistance agencies in the Former Yugoslavia including the following forums; April 19 2006: International Committee on Missing Persons, Sarajevo; round table with representatives from victims associations as well as prosecutors and judges from different courts/levels from BiH May 25,26, 2006: workshop in Zagreb, organized by International Center for Rehabilitation of Torture Victims; participants: psychologists, therapists, social workers from Croatia working with witnesses June 2, 2006: conference organized by UNDP, Sarajevo; giving a presentation on possible psychological impact during testifying; audience: prosecutors and judges from all over BiH

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Area of Action E. Post-conflict Reconstruction and Rehabilitation

Progress and results At Headquarters

Progress and results In the Field

Area of Action E.4; Support domestic courts on specific issues involving the needs of women witnesses and witness protection legislation, including jurisprudence, training of prosecutors, defence counsel and judiciary. All relevant Sections and Units of the ICTY have cooperated and collaborated with the developing domestic courts undertaking war crimes hearings. The Tribunal has participated in numerous training events for judiciary, prosecutors and defence counsel across the former Yugoslavia, including discussions on witness support and protection issues. While there have been few activities specifically directed toward women, inclusion of a gender focus is regularly highlighted in these forums. Serbia; The Serbian Assembly has passed a law to protect witnesses who testify in judicial proceedings, and the Serbian Interior Ministry has established a Witness Protection Unit. The Tribunal has been involved in transferring expertise particularly through various training programs and projects sponsored by the OSCE, UNDP and US Embassy. Bosnia and Herzegovina; Witness Protection Law has been passed and a Witness Protection Unit established. Within the State Court of Bosnia Herzegovina a Witness Support Unit based on the principles and standards of the ICTY's Victims and Witness Section's Support Unit has been established, with priority given to particularly vulnerable witnesses including women victim witnesses. Croatia: Has recently established a Witness Support Unit which is in consultation with ICTY VWS.

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Area of Action F. Disarmament, Demobilization and Reintegration

Progress and results At Headquarters

Progress and results In the Field

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Area of Action G. Preventing and Responding to Gender-based Violence in Armed Conflict

Progress and results At Headquarters

Progress and results In the Field

Area of Action G.4; Prosecute and convict key perpetrators of violence, including gender-based violence; strengthened national capacity for the prosecution of perpetrators of genocide. The case law of the Tribunal reveals a developing gender perspective on international crimes. The most obvious development has been the prosecution of sexual violence crimes. Although the ICTY Statute only expressly refers to “rape” in Article 5 (Crimes against Humanity), the Tribunal has also entered convictions for, among other things, torture, enslavement and violations of the laws or customs of war based on acts of sexual violence. Most of this progress was made in cases brought in the early stages of the Tribunal’s operation. Developments concerning other types of gender crimes are more difficult to identify in the Tribunal’s case law, although there are some. For example, several accused persons have been convicted for the forcible transfer of women (along with children and the elderly) out of the former United Nations safe area of Srebrenica after it was taken over by Bosnian Serb forces in 1995. E.g. Prosecutor v Furundzija, Case No. IT-95-17/1-T, Trial Judgement, 10 December 1998. Prosecutor v Kunarac et al, Case No. IT-96-23-T and IT-96-23/1-T, Trial Judgement, 22 February 2001, Prosecutor v Furundzija, above, and Prosecutor v Krstic, Case No. IT-98-33-T, Trial Judgement, 2 August 2001. Area of Action G.4; additionally, Promote physical and psychological rehabilitation assistance to witnesses and victims before, during and after the deposition of their testimony; mobilize witnesses and potential witnesses to participate more effectively in Tribunal’s judicial procedures and related services; ensure capacity-building measures on trauma management for staff and relevant partners working with witnesses. 1. ICTY Victims and Witnesses Section Network Development Conference. This forum brought together representatives from the Judiciary and key members of health and welfare fields from Croatia, Bosnia Herzegovina, Serbia, Montenegro, Macedonia and Kosovo to transfer expertise and recommendations for the physical and psychological rehabilitation of victims witnesses. 2. Consultations to the following organisations; Vive Zene Tuzla, Medica Zenica, Center for Torture Victims Sarajevo, Center for Civil Initiatives Mostar,

International Center for Rehabilitation of Torture Victims, Zagreb, Center for Psychosocial Support and Mental Health Care, Skopje, Center for Psychosocial and Crisis Action, Skopje; Society for Psychological Assistance, Zagreb; Center for Peace, Non Violence and Human Rights, Osijek; Vukovar Institute for Peace Research and Education; meetings with victims associations: during ICMP conferences; Women victims of war and Women of Srebrenica. 3. January 28, 2006. Collaboration between ICTY Office of the Prosecutor, Registry Outreach, and Registry Victims and Witnesses Section in presentation "Bridging the Gap" between the ICTY and former Yugoslavia communities, focus on crimes of sexual violence against women in the area of Foča.

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

As the Tribunal moves towards completion it will be important to carefully monitor the impact on the treatment of gender issues. For example, cases transferred from the Tribunal to domestic courts in the former Yugoslavia concern some of the perpetrators of sexual violence during the war. Institutional thought needs to be given to transferring to those domestic courts the expertise that has been developed by the Tribunal on gender issues. The international community should also consider how best to transfer the Tribunal's expertise on gender issues to the International Criminal Court so that the positive developments of the last decade are not lost upon completion of the Tribunal's mandate.

Please describe any activities not included in the Action Plan

1. Individual preparation of particularly vulnerable witnesses now possible with new ICTY VWS pre-trial strategy.

Area of Action H. Preventing and Responding to Sexual Exploitation and Abuse by United Nations Staff, Related Personnel and Partners

Progress and results At Headquarters

Progress and results In the Field

Lessons learned and good practices At Headquarters

Lessons learned and good practices In the Field

Gaps and challenges At Headquarters

Gaps and challenges In the Field

Please describe any activities not included in the Action Plan

Procedures for dealing with internal complaints of sexual harassment/assault by ICTY staff are being implemented. Two complaints have been received during the implementation period. One complaint was handled locally and one complaint forwarded to New York followed by an investigation by OHRM.

Coherence and Coordination

Policy Guidance: Do you have any internal policy documents providing guidance on implementation of SCR 1325?

Don't know

If yes, please describe:

If not, please explain:

Many of the areas involved in this Section, Section C, Part 1, Capacity Review, do not generally seem to be applicable to the ICTY, because the ICTY is an organisation with a very specific focus and finite mandate.

Programme Coordination: Is implementation of SCR 1325 reflected in substantive policy/project/funding design and management?

Don't know

If yes, please describe:

If not, please explain:

Common-System Partners: Does your entity at Headquarters collaborate and coordinate with different UN entities?

Don't know

If yes, please describe:

Have any specific challenges been encountered?

Common-System Partners: Does your entity in the field collaborate and coordinate with different UN entities?

Not applicable

If yes, please describe:

Have any specific challenges been encountered?

Collaboration and coordination with national and regional partners: Does your entity collaborate and coordinate with national and regional partners, including government actors and civil society?

Don't know

If yes, please describe:

Have any specific challenges been encountered?

System-wide Coherence and Coordination: Do you feel your work is part of a coordinated and coherent strategy for the UN system to implement SCR 1325?

Don't know

If yes, please describe:

If not, please explain:

Accountability of managers and staff

Does your entity have mechanisms in place to ensure accountability for implementation of SCR 1325 among staff, in particular for senior managers?

Don't know

If yes, please describe:

Have any specific challenges been encountered?

Results-Based Management (RBM)

RBM Framework: Have provisions of SCR 1325 been integrated within Results-based Management Frameworks?

Don't know

If yes, please describe:

If not, please explain:

Indicators: Have indicators to measure progress in implementing commitments under the action plan been established?

Don't know

If yes, please describe what indicators:

Monitoring, Evaluation and Reporting

Monitoring: Has any monitoring mechanism for implementation of SCR 1325 been established within your entity at Headquarters?

Don't know

If yes, please describe:

If not, please explain:

Monitoring: Has any monitoring mechanism for implementation of SCR 1325 been established within your entity in the field?

Don't know

If yes, please describe:

Based on the request for this report, one person has been nominated to collate information on the implementation. A more comprehensive structure for future monitoring has been proposed.

If not, please explain:

Sex and age disaggregated data: Is sex and age disaggregated data collected on a routine basis?

Don't know

If yes, please describe:

If not, please explain:

Reporting: Is information on gender issues and implementation of SCR1325 routinely included in official reporting?

Don't know

If yes, please describe:

If not, please explain:

Capacity-Building

Training: Have any specific training programmes/modules/courses on SCR 1325 been developed as a special course/regular staff training/management/leadership or technical training?

Don't know

If yes, please describe:

If not, please explain:

What categories of staff are being trained? [Senior Management]

No

What categories of staff are being trained? [Professional Staff]

No

What categories of staff are being trained? [Technical Staff]

No

What categories of staff are being trained? [Uniformed personnel]

No

What categories of staff are being trained? [Support staff]

No

What categories of staff are being trained? [Other]

Tools and guidelines for implementation of SCR1325 Have specific tools, such as guidelines, checklists and/or instructions been developed to assist staff in implementing SCR 1325?

Don't know

What categories of staff? [Senior Management]

No

What categories of staff? [Professional Staff]

No

What categories of staff? [Technical Staff]

No

What categories of staff? [Uniformed personnel]

No

What categories of staff? [Support staff]

No

What categories of staff? [Other]

How are these tools used by staff at Headquarters? Describe briefly:

Have any specific challenges been encountered?

How are these tools used by staff in the field? Describe briefly:

Have any specific challenges been encountered?

Knowledge-management: Is there a system in place within your entity to collect and disseminate data and information on the implementation of SC1325, including good practice examples and lessons learned?

Don't know

If yes, please describe how information technology is used in that process.

If yes, please describe how such data and information are used to improve the work of your entity on the implementation of SCR 1325.

Resource Allocation

Financial Resources: Have adequate financial resources been allocated towards your entity's implementation of commitments under the action plan?

Don't know

If yes, please describe [differentiate between RB and XB]:

If not, please explain:

Human resources: Has a gender unit/focal point/or focal points for follow-up been designated for Headquarters?

Don't know

Human resources: Has a gender unit/focal point/or focal points for follow-up been designated for the field?

Don't know

If yes, please describe and specify level/s of staff:

ICTY staff member nominated as Focal Point for Women, has been designated responsibility.

If not, please explain:

How many other staff members are directly involved in implementation? Please indicate professional level.

Gender Balance: Have any specific initiatives been taken at Headquarters to achieve gender balance at all levels and all categories of staff?

Don't know

If yes, please describe:

Have any specific challenges been encountered?

Gender Balance: Have any specific initiatives been taken in the field to achieve gender balance at all levels and all categories of staff?

Don't know

If yes, please describe:

Targeted advertising has been implemented with Embassies, Interpol, International Security Society for recent P5 posts.

Have any specific challenges been encountered?

The ICTY has faced difficulty in the recruitment of women to particular posts most notably in the field of Security and Criminal Investigations. Targeted advertising was undertaken with small success to date. Employment with the ICTY is time-limited due to the completion strategy and turn-over of staff is currently high.

What suggestions do you have for improving implementation of the system-wide action plan during 2006-2007? You may choose to provide information in the following categories, or other information according to your priorities. Please be brief.

Coherence and Coordination, including interagency coordination

The ICTY has a very limited applicability and role in the areas within Section C, Part 11, Improvement of the System-Wide Action Plan to Implement SCR 1325, because the ICTY is an organisation with a very specific focus and finite mandate.

Accountability

Results-based Management

Monitoring, Evaluation and Reporting

Establish a coordinating committee to monitor on a quarterly basis the progress of the implementation.

Capacity-Building

Human and Financial Resource Allocation

Gender Balance

Other:

If your entity could do only two things to improve its own implementation of the Action Plan, what do you think would be most useful?

Quarterly monitoring review with relevant persons.

Are there any other comments you would like to make?

Do you have any suggestions for improving this questionnaire for use in subsequent years?

Longer time frame for responses.