



Expert Group Meeting

“Towards meaningful accountability for sexual and gender-based violence in terrorist contexts”

Permanent Mission of the United Arab Emirates to the United Nations, New York

10-11 May 2023

Concept Note

I. Background

Since September 2022, the Counter-Terrorism Committee Executive Directorate (CTED) has been implementing the project “Towards meaningful accountability for sexual and gender-based violence in terrorist context”, funded by the Government of Switzerland. The project aims to explore criminal justice avenues for SGBV crimes when committed by a designated terrorist group and/or with terrorist intent, through a legal analysis of the interlinkages between the international counter-terrorism framework, international humanitarian law (IHL) and international criminal law (ICL), as appropriate, with a view to advance meaningful accountability for these acts.

The legal analysis will be published in the form of a CTED report, which will also include sets of recommendations tailored to relevant stakeholders. The report will also build on CTED’s engagement and analysis on the interlinkages between IHL and counter-terrorism frameworks, accountability for SGBV in terrorist contexts, and gender, including in the context of its dialogue with Member States on behalf of the Counter-Terrorism Committee (CTC).

A key milestone of the project will be the organization of an Expert Group Meeting (EGM) which will inform the analysis and findings of the report. In this regard, CTED will partner with the Team of Experts on Rule of Law and Sexual Violence in Conflict (“TOE”) to organize and convene the EGM.

The TOE has been analyzing the legal and judicial response to conflict-related sexual violence committed in the context of terrorism in key situations, identifying gaps, opportunities and specific recommendations that should allow relevant actors – Member States, national, regional, and international organizations – to address it. The EGM will leverage the TOE’s guidance and unrivalled expertise in supporting national authorities globally in pursuing criminal accountability for perpetrators of conflict-related sexual violence.

II. Objective and Structure of the EGM

The EGM will assist CTED and the TOE in gathering and analyzing information relating to existing practices and relevant standards in advancing criminal accountability for SGBV acts in terrorism contexts. The discussion will delve into both normative and practical aspects of the investigation, prosecution, and adjudication of these crimes, by addressing *inter alia* relevant standards of IHL and, as appropriate, ICL, as they interface with the national and international counter-terrorism frameworks, as well as and challenges and practices relating to the promotion of criminal justice responses. The discussion will also aim to further shed light on the gendered dimension and impact of these violations and identify relevant victim-centric and gender-sensitive approaches to support the development of comprehensive and tailored criminal justice responses for victims.



The EGM is expected to take place over two days of discussions. CTED and the TOE will facilitate the discussions, with the support of the expert consultant hired under the project. The EGM is expected to address, *inter alia*, the following topics:

- **Legal accountability frameworks** – criminalization of SGBV offences under relevant legal frameworks and their interlinkages, including as terrorist offences, violations of domestic criminal code (e.g., rape et al.), trafficking offences, and core crimes under international law, including serious violations of international humanitarian law; implications for victims’ access to justice and reparations
- **Approaches to investigation and prosecution** – development of prosecutorial strategies; evidentiary and procedural standards and challenges; gender-sensitive and victim-centred approaches; emerging and promising practices (including, *inter alia*, cumulative charges/prosecutions); access to justice and reparations for victims; role of civil society.
- **Institutional capacity and cooperation** – cooperation between investigative and prosecutorial authorities, including through specialized units; domestic, regional and international cooperation, including with civil society and UN/international investigative mechanisms; capacity building gaps and opportunities.

III. Participants

The EGM will convene expert practitioners, including from law enforcement, judiciary, international investigative mechanisms and relevant UN agencies, as well as experts from academia, think tanks and civil society, who have extensive experience on the subject of accountability for SGBV crimes, including in terrorist contexts.

IV. Date and Venue

The EGM will take place on 10-11 May 2023 at the Permanent Mission of the United Arab Emirates (UAE) to the United Nations in New York City. It will be conducted in English, in a hybrid format, with no interpretation provided.



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Agenda

Location: Permanent Mission of the United Arab Emirates to the United Nations, New York

Day 1: Wednesday, 10 May 2023

- 8:30 – 9:00 **Arrival and registration of participants / Welcome Coffee**
- 9:00 – 9:45 **Opening Remarks**
- Amiera AlHefeti, Deputy Permanent Representative of the United Arab Emirates to the United Nations*
- Riccarda Christiana Chanda, Deputy Permanent Representative and Senior Legal Advisor, Permanent Mission of Switzerland to the United Nations*
- Natalia Gherman, Assistant Secretary-General/Executive Director of the Counter-Terrorism Executive Directorate (CTED)*
- 9:45 – 9:55 **Break**
- 9:55 – 10:15 **Welcome session and Tour de Table** [Moderation: Aleksandra Dier, Legal Officer and Gender Coordinator, CTED and Chloe Marnay-Baszanger, Team Leader, TOE]
- 10:15 – 12:15 **First Session: Relevant Legal Frameworks** [Moderation: Aleksandra Dier, CTED]
- *How can different legal frameworks, including domestic counter terrorism frameworks, address accountability for SGBV in terrorist contexts? What are their interlinkages?*
 - *What are the advantages and disadvantages of using a specific framework, as opposed to others, including with respect to victims’ access to justice and reparations?*
- 12:15 - 1:45 **Lunch**
- 1:45 - 3:45 **Second Session: Investigation of SGBV/Terrorism** [Moderation: Sofia Coelho Candeias, Judicial Affairs Officer, TOE]
- *What are the main challenges relating to the investigation of SGBV in terrorist contexts (including with respect to evidence collection and analysis, information and evidence sharing, victim and witness support measures, operational capacity and resources)?*
 - *What are some of the promising and emerging practices in this space?*
- 3:45-4:00 **Coffee Break**
- 4:00-5:15 **Third Session: Gender-sensitive and Victim-centric approaches to Investigation and Prosecution** [Moderation: Aleksandra Dier, CTED]
- *How are gender considerations and victim-centric approaches being integrated in the development and implementation of investigative and prosecutorial approaches?*
 - *How can the gendered and intersectional nature and impact of SGBV crimes in terrorism contexts be further understood and integrated into policy and practice?*



Day 2: Thursday, 11 May 2023

9:00 - 9:15 **Recap Day 1**

9:15 - 11:00 **First Session: Prosecution and Adjudication of SGBV/Terrorism** [Moderation: Sofia Coelho Candeias, TOE]

- *What are the main challenges relating to the prosecution and adjudication of SGBV in terrorist contexts (including with respect to developing prosecutorial strategies, evidentiary standards, considering possible charges, sentencing practices, victim and witness participation in criminal proceedings)?*
- *What are some of the promising and emerging practices in this space?*

11:00-11:15 **Coffee Break**

11:15 - 12:30 **Second Session: Victims' Access to Justice and Reparations** [Moderation: Chloe Marnay-Baszanger, TOE]

- *What are the main obstacles for victims and survivors to access or engage in accountability processes and reparation schemes? How can they be overcome?*
- *What role can civil society and UN/international investigative mechanisms play in supporting criminal justice responses to SGBV crimes in terrorist contexts?*
- *How can non-judicial mechanisms (including in the context of other transitional justice processes and mechanisms) enhance meaningful accountability for SGBV in terrorism contexts?*

12:30- 2:00 **Lunch**

2:00 - 3:30 **Third Session: Institutional Capacity and Cooperation** [Moderation: Aleksandra Dier, CTED and Sofia Coelho Candeias, TOE]

- *How can cooperation between investigative and prosecutorial authorities be enhanced at domestic level? What are ongoing challenges to law enforcement/judicial cooperation at regional and international level? How can the engagement between prosecutorial authorities be expanded?*
- *What type of training and technical/capacity-building support do practitioners from law enforcement, prosecution and judiciary have access to?*

3:30 - 3:45 **Coffee Break**

3:45 - 4:45 **Way Forward and Concluding Observations**

Adejoké Babington-Ashaye, Consultant, CTED

David Scharia, Chief of Branch, CTED

4:45 – 5:00 **Closing remarks**

Chloe Marnay-Baszanger, Team Leader, Team of Experts