

#### ABOUT THE TEAM OF EXPERTS

The United Nations (UN) Team of Experts on the Rule of Law and Sexual Violence in Conflict ("the Team of Experts" or "Team") was created by Security Council resolution 1888 (2009) to assist national authorities in strengthening the rule of law, with the aim of ensuring criminal accountability for perpetrators of conflict-related sexual violence (CRSV). This resolution recognized that CRSV is a threat to international peace and security, and that Member States affected by conflict need assistance to

address impunity in order to prevent and deter future violations.

The Team is the only dedicated Security Council mandated mechanism to provide this type of support on a global basis. The Team is based at the UN Headquarters in New York and deploys regularly to some of the world's most challenging contexts. It has a unique "co-lead" structure that includes members from several UN entities to enable the UN to deliver as one in assisting Member States to address CRSV. The Team is led by

a Team Leader who reports to the <u>Special</u> Representative of the Secretary-General on <u>Sexual Violence in Conflict (SRSG-SVC)</u>, and currently comprises experts from the <u>Department of Peace Operations (DPO)</u>, the <u>Office of the United Nations High Commissioner for Human Rights (OHCHR)</u>, the Office of the SRSG-SVC and the <u>United Nations Development Programme (UNDP)</u>, each of whom report to both the Team Leader and their respective entities.

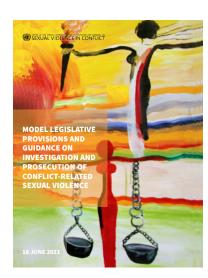
# **LEGISLATIVE**

REFORM

FRAMEWORK OF COOPERATION WITH THE INTER-PARLIAMENTARY UNION On 18 June the Office of the SRSG-SVC and the Inter-Parliamentary Union (IPU) signed a new Framework of Cooperation Agreement to promote and facilitate the engagement of parliamentarians in addressing CRSV. Areas of cooperation under this Framework include: raising awareness of national parliaments on the importance of empowering survivors of CRSV and other grave crimes through comprehensive legislation in line with international norms and standards; providing technical assistance to national parliaments in drafting new domestic legislation and/or reviewing substantive legal provisions and rules of procedure with the aim of overcoming all obstacles to ensuring accountability for CRSV; cooperating in the promotion of the sexual violence in conflict mandate as part of the Women, Peace and Security agenda through joint research and advocacy; and using various UN and IPU fora to increase awareness of national parliaments in the prevention and response to CRSV. The Team of Experts is currently discussing with the IPU the development of an operational plan for the implementation of the Framework with a focus on SRSG-SVC priority countries.

MODEL
LEGISLATIVE
PROVISIONS
ON THE
INVESTIGATION
AND
PROSECUTION
OF CRSV

On 18 June 2021, the Office of the SRSG launched its Model Legislative Provisions on the Investigation and Prosecution of CRSV (Model Legislative Provisions). These Model Legislative Provisions were also accompanied by guidance on how the provisions were crafted and a brief model indictment. Members of the Team assisted in the drafting of the provisions; implementing comments from UN entities and outside experts; and finalizing Model Legislative Provisions for release. The Model Legislative Provisions, which can be found at <a href="https://stoprapenow.org/wp-content/uploads/2021/06/model-legislation17June.pdf">https://stoprapenow.org/wp-content/uploads/2021/06/model-legislation17June.pdf</a> in English, will be translated into other languages. Roll out of this Model Legislative Provisions will continue through the remainder of 2021 and 2022.



# **COUNTRY ENGAGEMENT**

CENTRAL AFRICAN REPUBLIC

Over the past six months, the Team of Experts delivered significant support to national judicial authorities working with UN partners, particularly UNDP and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to continue strengthen the judicial response to CRSV in the CAR within the framework of the United Nations Joint Rule of Law Programme.

During this period, the Team of Experts finalized its critical diagnostic analysis of the judicial response to CRSV in CAR to assess and reflect on the progress made and the challenges remaining for law enforcement, the national courts and the Special Criminal Court (SCC) in the investigation and prosecution of CRSV, while promoting a victim-centered approach. The diagnostic report, which has been shared with the government, includes concrete recommendations for addressing impunity for CRSV with the support of the Team of Experts, MINUSCA and UNDP. It will be officially discussed with the national authorities in a workshop to be held in October 2021 and serve as a basis to define priority actions with regards to CRSV accountability.

Over this period, the Team of Experts continued to provide in-person technical capacity building to national authorities. Notably, in March 2021, the Team of Experts, in collaboration with UNDP, supported the Ministry of Justice in conducting a workshop to address the practice of requalification of criminal acts, in particular cases of rape, as misdemeanors or minor offences which seriously undermines the fight against impunity for CRSV. The consultation helped to identify factors contributing to this requalification including weaknesses in investigative files of sexual violence cases, gaps in current legislation, and the persistence of gender prejudices and stereotyping toward victims of sexual assault among legal practitioners. The exchanges held during this two-day workshop facilitated the identification of a series of actions that the Ministry of Justice will undertake and the support needed from international partners, including the Team of Experts, to address this issue and promote the provision of a victim-centered justice response by prosecutors and judges.

In April 2021, with a view to further building the police specialized skills, the Team of Experts organized a training for investigators of the Unité Mixte d'Intervention Rapide et de Répression des violences faites aux femmes et aux enfants (UMIRR) and the Special Investigation and Instruction Unit of the SCC on the collection of evidence and on the planning of an investigation mission as they pertain to sexual crimes. The training, organized with the International Criminal Court (ICC) and the Panzi Foundation, strengthened technical skills while building valuable connections for cooperation between the respective institutions.



RAPPORT-DIAGNOSTIC SUR LE TRAITEMENT JUDICIAIRE DES CAS DE VIOLENCES SEXUELLES ET BASÉES SUR LE GENRE Y COMPRIS LES VIOLENCES SEXUELLES LIÉES AU CONFLIT EN RÉPUBLIQUE CENTRAFRICAINE



In order to ensure that cases actually move along the criminal chain, the Team of Experts focused its technical support on the investigation of CRSV cases pending before the UMIRR. The Team of Experts Technical Specialist deployed in country worked with the investigators and the Director of the UMIRR to finalize two field investigation reports into serious incidents from Kaga Bandoro in August 2019 and Bossangoa in August 2018. The two cases involving 264 and 150 victims of CRSV respectively, have as a result both been referred to the Prosecutor's Office in Bangui and Kaga Bandoro's High Court respectively in August 2021 and in January 2021.

On 25 May, the Team of Experts organized with the prosecutor of Kaga-Bandoro a workshop on the lessons learned from these investigations. The workshop was attended by ten UMIRR investigators, including two women, who took part in one or both investigations, as well as by the leadership of the UMIRR. This exercise allowed the participants to identify and assess the best practices and challenges that occurred throughout the two field investigations, and to identify possible corrective actions and strategies that could be implemented during the planning and conducting of future field investigations to strengthen the content of the investigative files.

#### **COLOMBIA**









The Team of Experts continued to lend support to transitional justice efforts in country. On 25 May, on the occasion of the National Day of Victims of Sexual Violence in the context of the internal conflict, the Team of Experts, in collaboration with UN Women, UNICEF and OHCHR in Colombia, released the publication "International Standards on the Prosecution and Adjudication of Conflict-related Sexual Violence". This publication provides reference information, good practices and lessons learned on the legal and conceptual advances for the prosecution of CRSV at national, regional, and international level, with the aim of supporting efforts of the transitional and ordinary justice system in Colombia in addressing these crimes. This publication, made possible with the support of Sweden, was informed by and validated through consultations with representatives of the justice sector and women's rights organizations in Colombia.

The document is available in Spanish at: <a href="https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/05/report/estandares-internacionales-para-juzgar-la-violencia-sexual-en-el-marco-de-los-conflictos-armados/estandares\_internacionales250521.pdf">https://www.un.org/sexualviolencia/sexualviolencia/sexualviolencia/sexual-en-el-marco-de-los-conflictos-armados/estandares\_internacionales250521.pdf</a>.

The Team of Experts has supported the English translation of the document, which will be available shortly.

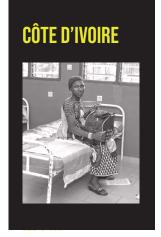






#### CÔTE D'IVOIRE

Over the past six months, the Team of Experts has supported the Programme Team in the Office of the SRSG-SVC in developing a report documenting and analysing the institutional and operational responses by national defence and security forces on CRSV, with a focus on the Team of Experts' dedicated country project from 2016 to 2018. The report, which is expected to be finalized in the last quarter of 2021, will serve as a valuable tool to inform processes, action plans and other tools by national defence and security forces in contexts affected by CRSV.



Construction of the control of the control relation of the control of Forces armies de Chie d'Ivoire from the list annexed to the report of the Scretary-General published in 2017 (52/01/2293), the Unified Nations has continued to support the Government to consolidate progress in the prevention of conflict-related sexual violence. My Special Representative supported the deployment of two experts to brail the capacity of Forces armiera de Chie d'Ivoire to brail the capacity of Forces armiera de Chie d'Ivoire to brail the capacity of Forces armiera de Chie d'Ivoire to brail the capacity of Forces armiera de Chie d'Ivoire to brail to brail the capacity of Forces armiera de Chie d'Ivoire to have the capacity of Forces armiera de Chie d'Ivoire to have the capacity of Forces armiera de Chie d'Ivoire de Chie armiera de Chie d'Ivoire d'Ivoi



THE TEAM OF EXPERTS CONTINUED
TO SUPPORT THE JUSTICE AND
RULE OF LAW ASPECTS OF THE 2013
JOINT COMMUNIQUÉ BETWEEN
THE GOVERNMENT OF THE DRC
AND THE UNITED NATIONS, AS
SUPPLEMENTED AND AMENDED IN
2019 BY THE ADDENDUM TO THE JOINT
COMMUNIQUÉ.

The Team continued to focus on supporting transitional efforts particularly regarding gaps in paying outstanding compensation and judgements to CRSV survivors/victims. The Team of Experts provided support to an initiative led by the First Lady of DRC and emphasized the need for any new reparations legislation to adopt a victim centered approach and include input from survivors and civil society, to ensure adequate budget for implementation by

mainline ministries is available; and that technical advice is sought on any administrative reparations scheme the Government may develop. In this context, in close consultation with MONUSCO, the Team exchanged regularly and provided inputs to the First Lady's initiative currently working on the creation and establishment of a reparations fund. This initiative is expected to lead to the adoption of a draft law on reparations, to be submitted to the parliament in early 2022.

In Eastern DRC, with MONUSCO and UNDP, under the Joint Justice Program, the Team continued to provide support to ongoing investigations and judicial proceedings containing charges of CRSV. Through its expert deployed in country, the Team of Experts initiated a diagnostic report on the judicial response to CRSV. Finally, the Team has continued to work closely with the UN Special Police Team, providing technical and logistical support to the sexual violence specialized police units in Bukavu and Goma, through the provision of basic equipment and specialised training, specifically focused on CRSV and the local context and criminal patterns.











#### **GUINEA**

# MOVING ACCOUNTABILITY FOR THE CRIMES OF 28 SEPTEMBER 2009

During this period, the Team of Experts continued to support efforts to ensure accountability for the crimes of 28 September 2009 in Guinea. Despite COVID-19 limitations, the Team deployed its Senior Judicial Advisor to Conakry on three occasions. The Team's work focused on providing advice to the new Minister of Justice and other justice officials, civil society organizations, the UN system and the diplomatic community on critical issues relating to the organization of the trials for these events. This contributed to the resumption of meetings of the Steering Committee, tasked with overseeing the preparations for the trials, and resulted in the adoption of a roadmap which includes the development of a victims and witness protection strategy and a communication strategy focusing on the importance of holding the trials to ensure sustainable peace in Guinea.

During this period, the Team also worked with several counterparts to develop a training curriculum on CRSV to build the capacity of magistrates and other justice officials involved in the trials.

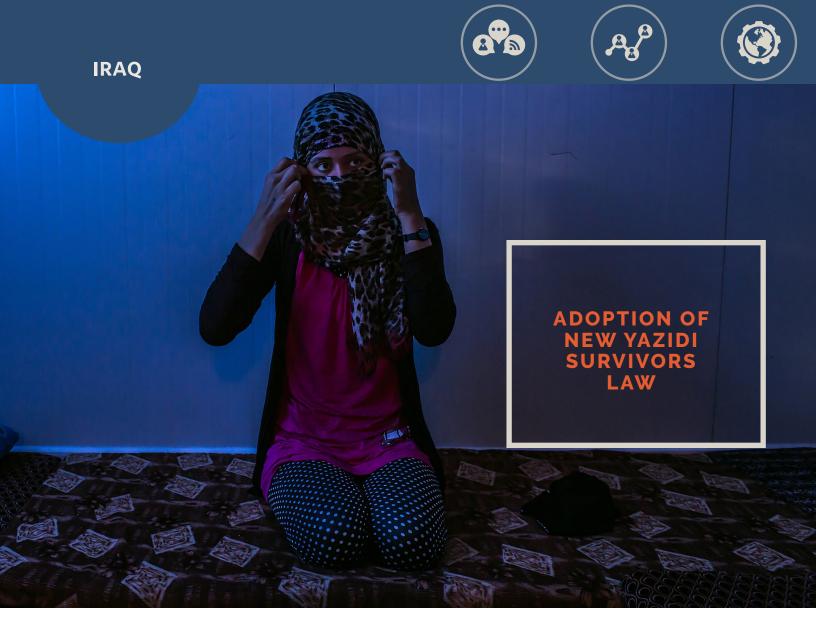
The Team of Experts is following very closely the situation on the ground following the military coup on 5 September 2021 by the National Committee for Reconciliation and Development (NCRD).

Since then, the Team has engaged with several actors who participated in the NCRD-led consultations to determine the priorities under the Transitional Charter, adopted on 27 September 2021. The Team will continue to support high level advocacy by the SRSG-SVC and other UN senior officials to ensure that justice and accountability for the 28 September 2009 events are at the heart of the political transition.



#### **LIBYA**

During June and July 2021, the Team of Experts supported the Programme Team in the Office of the SRSG-SVC in shaping the Office of the SRSG-SVC's contribution to the Strategic Assessment Mission (SAM) of UNSMIL and initiated a preliminary desk review of the judicial response to CRSV in the country. Consultations with partners and stakeholders were held with the goal of providing the SAM with an up-to-date assessment of the situation regarding CRSV while also setting out challenges and determining opportunities and priorities for the role of the UN, including the UN Mission and the Team of Experts in country in the next phase.



The Team continued to support the justice and rule of law aspects of the Joint Communiqué between the Government of Iraq and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence of 2016. Our work focused on providing technical expertise for ongoing legislative processes.

In March 2021, the Yazidi Survivors Law was enacted by the Council of Representatives of the Government of Iraq. The Yazidi Survivors Law provides for victims' assistance to Yazidis, Turkmen Shi'a, and Christians, for inter alia, crimes of CRSV. Among others, individuals covered by the law are entitled to monthly pensions, land, and rehabilitative measures. The Team, with its partners in the International Organization for Migration's Land, Property, and Reparations Division, and the United Nations Assistance Mission for Iraq, along with survivors and civil society, provided advice to the Iraqi government on the need to expand the meaning of beneficiaries within the law and to ensure all forms of assistance and reparation were covered. The law represents a landmark in recognizing both minority and women's rights in Iraq.

The Team continued to support the Government in the implementation of this law along with its partners. Bylaws to implement the law are still being drafted and a budget must be allocated by the Government. The Team provided advice on the bylaws and on the need for a flexible standard and burden of proof; however, implementation has lagged and no assistance has been delivered. This implementation gap will be a major focus for the Team in the remainder of 2021 and into 2022.

The Team also continued to support the SRSG-SVC in her advocacy for a holistic transitional justice strategy in Iraq that includes criminal accountability for CRSV; the provision of assistance and reparation to survivors; finding the missing and the truth about what happened to communities in Iraq impacted by Daesh; and guarantees of non-repetition including legislative and political reform.

representing victims.







Over the course of the first half of the year, the Team of Experts pursued deeper engagement in Mali to jumpstart judicial proceedings on sexual violence. In the spring of 2021, the Team of Experts, with the support of the Justice and Corrections Standing Capacity, and with United Nations Multidimensional Integrated Stabilization Mission in Mali's (MINUSMA) Justice and Corrections Section and the Women Protection Adviser, organized, jointly with the Ministry of Justice and Human Rights and the Ministry for the Promotion of Women, Children and the Family, a workshop focusing on CRSV cases allegedly committed by terrorist groups in northern Mali, during the 2012-2013 occupation. The workshop brought together Malian magistrates, senior judicial and political authorities, and civil society organizations

The workshop built on a preliminary assessment produced by the organizers in 2020, providing a comprehensive overview of CRSV cases from the 2012-2013 occupation filed and pending before Malian courts. This provided judicial authorities with an opportunity to discuss, define and agree on a strategy to move forward with these cases eventually leading to justice for victims.

The resulting agreed strategy entails the prioritization of certain emblematic cases and the sequential treatment of the totality of complaints, with the technical support of relevant judicial and political authorities. It paves the way for the next steps towards accountability. The prioritization of cases was defined by criteria discussed and identified by judicial authorities that include, inter alia, the vulnerability of the victims, the cruelty of the crimes or the impact on victims and communities.

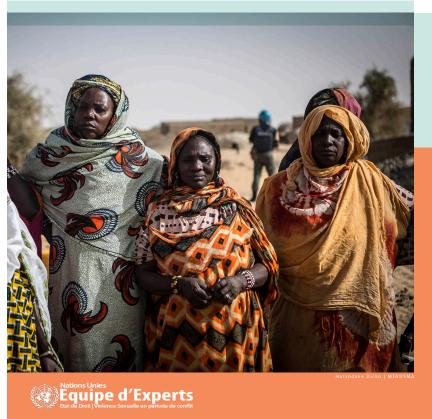




Rapport d'Atelier, 9-10 Juin, Bamako, Hotel Amitié

#### RÉPONSE JUDICIAIRE AUX CRIMES DE VIOLENCES SEXUELLES LIÉES AU CONFLIT

COMMIS AU MALI EN 2012-2013



The workshop was followed by a briefing to the relevant stakeholders in Mali, including CSOs and members of the diplomatic community who expressed particular interest in following the cases. The Team of Experts, with its partners, will need to continue to work in support of national authorities to ensure timely implementation of the recommendations and to identify further avenues for cooperation to ensure that the national judicial authorities receive the necessary support necessary to effectively prosecute and adjudicate the prioritized cases.









MYANMAR MOZAMBIQUE NIGERIA

The Team continued to monitor events in Myanmar especially events of sexual violence in

conflict due to the political instability that arose in the country in early 2021. The Team of Experts will continue to follow the situation in Myanmar in conjunction with its UN partners and the Team's mandate that specifies it can only operate with a host State's consent and approval.

**MOZAMBIQUE** 

On 29 June, the Team of Experts participated in a

training hosted by UNODC on Strengthening Capacity for Effective Investigation of Terrorism Offences in Mozambique. The training course is part of the UNODC project assisting Mozambique to further strengthen rule of law-based criminal justice responses to terrorism and violent extremism (Phase II), funded by Germany. The Team of Experts delivered the session on introduction to the possible investigation and prosecution of CRSV in Mozambique. The training was attended by national investigators and prosecutors.

**NIGERIA** 

In Nigeria, the Team of Experts continued to work closely with Wayamo, focusing on accountability

for international crimes. On 21 May, the Team of Experts participated in the training on media engagement on "Networking for Justice and Accountability," delivering a session on CRSV crimes and accountability to a group of 20 journalists who are currently engaged in developing media articles related to serious international crimes in Nigeria.

On 12 August, the Team participated in the second training for Serious Crimes Response Team recently established by Nigerian national armed forces. The Serious Crimes Response Team is composed of military investigators and prosecutors specifically trained to investigate and prosecute alleged war crimes and crimes against humanity, both of which may potentially fall under the jurisdiction of the International Criminal Court. The Team of Experts developed a module and delivered a training session on CRSV crimes, building on the Nigerian and international legal frameworks. This initial training will be followed by additional sessions during the fall of 2021, which will focus on the practical challenges of the Nigerian context.









SOMALIA
SOUTH SUDAN
SUDAN

The Team of Experts continues to follow developments regarding the Sexual Offenses Bill (2018) and the

draft bill on Sexual Intercourse Related Crimes (2020) and advocated with partners including OHCHR, the Office of the SRSG-SVC, the Inter-Parliamentary Union, among others for the reintroduction of the Sexual Offenses Bill.

SOUTH SUDAN

On 28 May 2021, the UN Security Council adopted Resolution 2577

(2021) renewing South Sudan's sanctions regime for one year (until 31 May 2022). As one of the benchmarks for revising the arms embargo, the Resolution explicitly mentions the effective implementation of the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan, which had been an advocacy point by the Team.

On 19 June 2021, the Minister of Defence and Veterans Affairs, Hon. Angelina Teny, and senior leadership of the Joint Defence Board launched the Action Plan on the International Day for the Elimination of Sexual Violence in Conflict. The development of the Action Plan was supported by the Team of Experts and the Senior Women Protection Advisor. This initiative builds on and unifies the South Sudan People's Defence Forces and Sudan People's Liberation Movement in Opposition action plans on addressing CRSV. The event was attended by senior personnel from the armed forces and members of the diplomatic community in Juba. During the event, representatives of the Joint Defence Board acknowledged the prevalence of CRSV and the importance of addressing sexual violence as part of the formation of a unified professional national army and for the de-listing from the annex of the Secretary-General's annual report on CRSV.

SUDAN

The Team of Experts engaged with UNITAMS to explore potential support for the creation of the Special

Court for Darfur Crimes as stipulated in the Juba Peace Agreement of 2020. In this respect the Team of Experts participated in consultations organized by UNITAMS and DPO to discuss to what extent lessons can be drawn from the Special Criminal Court in CAR.



# DIGITAL DIALOGUE SERIES

The Team of Experts and its partners held the final three webinars of the Digital Dialogue Series in 2021. The Series brought together dozens of contributing authors to the Special Issue of the Journal of International Criminal Justice co-edited with the Team of Experts, academics, experts, and practitioners to have critical discussions on challenges affecting the provision of survivor-sensitive justice for CRSV. The last three Dialogues allowed leading experts to exchange on the justice

response to CRSV crimes associated with the slave trade, slavery, and trafficking; on the normative, legal, and operational response to providing reparations; as well as on how justice systems address, or fail to address, gender in their institutional structures, processes, and jurisprudence. Overall, the Digital Dialogue Series brought together more than 4,200 viewers across the globe and has formed the basis for a community of practice.



The recordings of the seven webinars are available on the Office of the SRSG-SVC's YouTube channel:

https://www.youtube.com/ playlist?list=PLwtZuW\_ WzXHqt56ULnyhy\_ MKB72elgUya



The Special Issue can also be accessed on the website of the Journal of International Criminal Justice:

https://academic.oup. com/jicj/issue/18/2















## CONFLICT-RELATED SEXUAL VIOLENCE IN THE CONTEXT

OF TERRORISM

# NEW COURSE WITH EUROPEAN UNIVERSITY INSTITUTE

From 20 to 22 September 2021 the Team of Experts, in collaboration with the UNODC and the School of Transnational Governance of the European University Institute (EUI) organized and co-hosted the first course on Gender Dimensions and Women's Rights in Terrorism. The course explored the role of gender in terrorism and counter-terrorism; the role of women and men in terrorist groups and the impact terrorism has on victims with a highly significant gender dimension. The Team focused specifically on the relation between CRSV and terrorism, criminal patterns, and existing rule of law responses. The training, hosted by the EUI, in Florence, Italy, included 20 mid-career professionals attending from diverse locations and institutions, including: Office of the Prosecutor of the ICC; OSCE; MINUSMA; UNODC; Nigeria National Judicial



Institute; UN Justice and Corrections Standing Capacity; UN Sanctions Committees; Myanmar Independent Investigation Mechanism. The course was opened by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ms. Fionnuala ni Aolain. Based on demand, the course will be followed by a second session to be held online in November 2021.



DESPITE THE PERSISTENT IMPACT OF COVID-19 PANDEMIC AND ASSOCIATED RESTRICTIONS, THE TEAM HAS CONTINUED TO MEET THE SUPPORT NEEDS OF SURVIVORS AND MEMBER STATES BY UTILIZING A VARIETY OF APPROACHES, INCLUDING THE DEPLOYMENT OF FIELD-

BASED EXPERTS TO THE CENTRAL AFRICAN REPUBLIC (CAR), THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC) AND GUINEA, AND THE USE OF COMMUNICATIONS TECHNOLOGIES TO CONTINUE COLLABORATION WITH COLLEAGUES AND PARTNERS BOTH AT HEADQUARTERS AND FIELD LEVELS.

The Team of Experts has restarted limited travel in the past period and will continue to review the status of its activities regularly, considering the health and safety considerations of its members, as well as those of its national partners and the communities it supports.

### **RESOURCES**

The Security Council mandated in resolution 1888 (2009) that the Team of Experts make use of existing human resources within the UN system as well as voluntary contributions. Since it became operational in 2011, the Team has been funded exclusively through voluntary contributions. In order to sustain its work, adequate human and financial resources are essential. The Team Experts welcomes contributions from Member States, private philanthropic foundations, and individuals to its five-year joint programme.

The Team of Experts greatly appreciates the generous contributions provided to its current joint programme by Belgium, Denmark, Estonia, Finland, France, Germany, Italy, Japan, Luxemburg, the Netherlands, Sweden, Turkey, United Arab Emirates, and the United Kingdom.



The Team constantly seeks to broaden its partnership and support base. For further information on the Team's activities, please see the 2020 annual report at <a href="https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/05/annualreporttoesmall-1.pdf">https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/05/annualreporttoesmall-1.pdf</a>.

To contribute to the work of the Team of Experts, contact directly the Team Leader, Ms. Chloe Marnay-Baszanger marnay-baszanger@un.org and TOE-ROL-SVC@un.org

Please follow the Team on Twitter, Facebook and Instagram

@endrapeinwar

DESIGNER | MILENA SONNENBERG







