



United Nations
Team of Experts
Rule of Law/Sexual Violence in Conflict

ANNUAL REPORT

20
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ABBREVIATIONS AND ACRONYMS

CAR	CENTRAL AFRICAN REPUBLIC	STG-EUI	EUROPEAN UNIVERSITY INSTITUTE
CEDAW	CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN	TEAM OF EXPERTS	UNITED NATIONS TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT
CSO	CIVIL SOCIETY ORGANIZATION	UMIRR	UNITÉ MIXTE D'INTERVENTION RAPIDE ET DE RÉPRESSION DES VIOLENCES SEXUELLES (CAR)
DRC	DEMOCRATIC REPUBLIC OF THE CONGO	UN	UNITED NATIONS
IOM	INTERNATIONAL ORGANIZATION FOR MIGRATION	UN ACTION	UNITED NATIONS ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT
ISIL	ISLAMIC STATE IN IRAQ AND THE LEVANT	UNAMI	UNITED NATIONS ASSISTANCE MISSION FOR IRAQ
MINUSCA	UNITED NATIONS MULTIDIMENSIONAL INTEGRATED STABILIZATION MISSION IN THE CENTRAL AFRICAN REPUBLIC	UNDP	UNITED NATIONS DEVELOPMENT PROGRAMME
MINUSMA	UNITED NATIONS MULTINATIONAL INTEGRATED STABILIZATION MISSION IN MALI	UNICEF	UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND
MONUSCO	UNITED NATIONS ORGANIZATION STABILIZATION MISSION IN THE DEMOCRATIC REPUBLIC OF THE CONGO	UNITAD	UNITED NATIONS INVESTIGATIVE TEAM TO PROMOTE ACCOUNTABILITY FOR CRIMES COMMITTED BY DA'ESH/ISIL
NGO	NON-GOVERNMENTAL ORGANIZATION	UNITAMS	UNITED NATIONS INTEGRATED TRANSITION ASSISTANCE MISSION IN SUDAN
OHCHR	UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS	UNMISS	UNITED NATIONS MISSION IN THE REPUBLIC OF SOUTH SUDAN
R-ARCSS	REVITALIZED AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN SOUTH SUDAN	UNOCT	UNITED NATIONS OFFICE OF COUNTER-TERRORISM
SCC	SPECIAL CRIMINAL COURT	UNODC	UNITED NATIONS OFFICE ON DRUGS AND CRIME
SDG	SUSTAINABLE DEVELOPMENT GOAL	UNPOL	UNITED NATIONS POLICE
SPLA-IO	SUDAN PEOPLE'S LIBERATION ARMY IN OPPOSITION	UNSMIL	UNITED NATIONS SUPPORT MISSION IN LIBYA
SRSO-SVC	SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON SEXUAL VIOLENCE IN CONFLICT	UNSOM	UNITED NATIONS ASSISTANCE MISSION IN SOMALIA
SSPDF	SOUTH SUDAN PEOPLE'S DEFENCE FORCES	UN WOMEN	UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN

EXECUTIVE SUMMARY

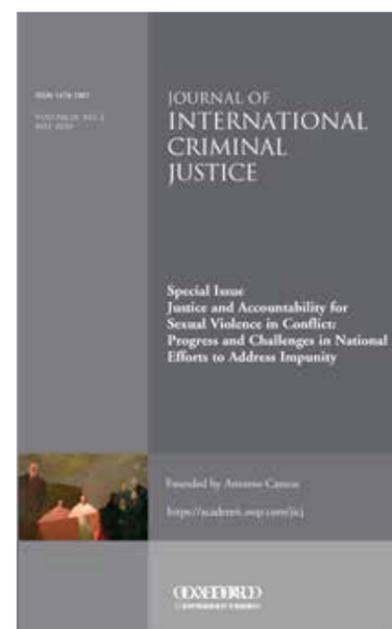
The COVID-19 pandemic has had, and continues to have, a significant and detrimental impact on all aspects of the rule of law response including accountability for conflict-related sexual violence. This includes limitations on the availability and capacity to receive and process reports on incidents of sexual violence by law enforcement and judicial authorities. Additionally, relevant investigative work, pre-trial hearings and trials have been limited causing delays in justice, undermining the confidence of survivors in judicial systems, and emboldening perpetrators.

Despite the many challenges of the reporting period, the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (“Team of Experts” or “Team”) was able to ensure business continuity and achieve significant progress in meeting the support needs of survivors and Member States by utilizing a variety of approaches, including strengthened partnerships, field based experts and communications technologies to continue to collaborate with colleagues and partners both at headquarters and field levels.

As a result, during 2020, the Team pursued initiatives to enhance the evidence-base on effective accountability measures; partnered with the Journal of International Criminal Justice to publish a landmark special issue on justice and accountability for sexual violence in conflict; and launched a digital dialogue series reaching thousands of academics, policy-makers and practitioners, fostering a community of practice that transcends national borders and institutional divides.

During this period, the Team also continued to directly engage in conflict-affected settings to address accountability for conflict-related sexual violence. Notably, in the Central African Republic (CAR), the Team provided technical and financial support for the national judicial authorities, which led to three convictions for conflict-related sexual violence at the Bangui Court of Appeal. It also supported building the case-tracking capacity in the High Courts of Bangui and Bimbo to strengthen coordination between the national investigative units and relevant jurisdictions. In Colombia, the Team contributed to the development of a digest of International Standards on the Prosecution and Adjudication of Conflict-Related Sexual Violence, which will support the transitional and ordinary justice systems to address these crimes. In the Democratic Republic of the Congo (DRC), it provided technical assistance for the investigation, prosecution, and trial of Ntabo Ntaberi Sheka, who was convicted by the Cour Militaire Opérationnelle of North Kivu in November 2020. In Guinea, the Team continued to support the national authorities to advance accountability for the crimes of 28 September 2009. In Iraq, the Team worked with partners to strengthen the draft bill on reparations for survivors of Islamic State in Iraq and the Levant (ISIL) captivity. In Nigeria, the Team contributed to the training of members of the Attorney-General’s Office, the Nigerian Institute of Advanced Legal Studies, and the National Judicial Institute, with a view to integrating sexual violence charges into ongoing cases. In Somalia, the Team prepared a preliminary analysis of the newly presented draft bill on Sexual Intercourse Related Crimes (2020) forming a basis for the United Nations Assistance Mission in Somalia

Photo right
UN PHOTO | Tobin Jones



(UNSOM) advocacy around the withdrawal of the draft bill and reintroduction of the Sexual Offences Bill (2018). In line with the Revitalized Agreement on the Resolution of the Conflict in South Sudan, the Team of Experts supported the finalisation by the Republic of South Sudan Joint Defence Board of the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan merging the action plans of the South Sudan People’s Defence Forces (SSPDF) and the Sudan People’s Liberation Army in Opposition (SPLA-IO) on conflict-related sexual violence and resulting in prioritised activities and requests for strategic support.

These initiatives, among others, demonstrate how the Team has delivered on its mandate in 2020 under Security Council resolution 1888 (2009).



Photo bottom left
Team of Experts

Photo top right
UN Photo/Hector Latorre

A. MANDATE

The Team of Experts was created by Security Council resolution 1888 (2009) to “deploy ... to situations of particular concern with respect to sexual violence in armed conflict, working through the United Nations presence on the ground and with the consent of the host government, to assist national authorities to strengthen the rule of law.” Pursuant to resolution 1888 (2009), the mandate of the Team of Experts is to: (i) 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 strengthening national capacity and drawing attention to the full range of justice mechanisms to be considered; (ii) identify gaps in national response and encourage a holistic national approach in addressing conflict-related sexual violence, including by enhancing criminal accountability, judicial capacity and responsiveness to victims (such as reparations mechanisms); (iii) make recommendations to coordinate domestic and international efforts and resources to reinforce governments’ ability to address conflict-related sexual violence; and (iv) work with other UN mechanisms including UN Missions, Country Teams, and the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC).

Since the adoption of resolution 1888 (2009), the Security Council has further encouraged Member States to draw upon the expertise of the Team of Experts in additional resolutions, for example:



UN Photo
Hector Latorre



- In resolution 2106 (2013), the Security Council “encourages concerned Member States to draw upon the expertise of the United Nations Team of Experts established pursuant to resolution 1888 (2009) as appropriate to strengthen the rule of law and the capacity of civilian and military justice systems to address sexual violence in armed conflict and post-conflict situations as part of broader efforts to strengthen institutional safeguards against impunity.”
- In resolution 2331 (2016), the Security Council “takes note with appreciation of the efforts undertaken by the [...] Team of Experts on Rule of Law and Sexual Violence in Conflict to strengthen monitoring and analysis of sexual violence in conflict, including when associated with trafficking in persons in armed conflict and post-conflict situations, used as a tactic of war and also as a tactic by certain terrorist groups.”
- In resolution 2447 (2018), the Security Council “requests the United Nations to emphasize prevention and response to conflict[-]related sexual and gender-based violence and [...] assist national authorities to strengthen the rule of law, for instance through the work of the Team of Experts on the Rule of Law and Sexual Violence in Conflict.”
- In resolution 2467 (2019) the Security Council “stresses the critical role of the domestic investigation and judicial systems of Member States to prevent and eliminate sexual violence in conflict and to ensure accountability for those responsible, and requests relevant United Nations entities including the Team of Experts [...] to support national authorities in their efforts in this regard.”

In line with its mandate, the Team of Experts focuses its efforts primarily on countries contained in the annual report of the Secretary-General on conflict-related sexual violence. However, the Team of Experts may also engage in other countries, upon request of national authorities, as well as the strategic advice of the SRSG-SVC.

B. THEORY OF CHANGE

I. OVERVIEW

The Team of Experts' theory of change is based on the premise that strong political will; improved technical and operational capacity of national rule of law institutions and actors; and enhanced cooperation, coordination, coherence and knowledge among actors will enable effective, victim sensitive criminal proceedings for conflict-related sexual violence in line with international standards, resulting in increased accountability for such crimes and ultimately contribute to long-term peace, security and development. Each of these three components is critical for criminal proceedings to be initiated and successfully concluded. Thus, no amount of technical assistance will be effective without a conducive political environment. Similarly, the lack of coordination with other relevant actors can seriously undermine efforts to pursue justice, regardless of the existence of strong political commitment to combat impunity or the development of necessary technical and operational capacities.

II. APPROACH

POLITICAL WILL

The lack of political will to promote accountability for conflict-related sexual violence at the national, regional and international levels undermines accountability efforts by preventing the adoption and implementation of internationally compliant laws, policies, and procedures; impeding criminal proceedings; maintaining discriminatory gender norms and gender-based discrimination and stereotypes that may negatively impact and stigmatize victims of conflict-related sexual violence; and limiting resources for rule of law institutions and actors.

Security Council resolution 1888 (2009) mandates the Team of Experts to work "with the consent of the host government [...] to assist national authorities to strengthen the rule of law." Through engagement with Member States; international, regional, and national mechanisms and bodies, including the Security Council; non-governmental organizations (NGOs); civil society organisations (CSOs) and others, the Team of Experts seeks to generate political will to promote accountability for conflict-related sexual violence and ensure consistent political advocacy around accountability efforts. The Team of Experts also utilizes opportunities provided by the SRSG-SVC's formal agreements with Member States in the form of joint communiqués and frameworks of cooperation, the Security Council's country-specific mandates for UN peace operations, and the Secretary-General's country and thematic reports to highlight the need for justice and accountability.

Photo top

[Heroinat Memorial](#)
Ilir Blakcori

Photo bottom

[Heroinat Memorial](#)
Ilir Blakcori



TECHNICAL AND OPERATIONAL CAPACITY

The lack of technical and operational capacity of national rule of law institutions and actors to address accountability for conflict-related sexual violence limits the geographical presence and professionalism of justice authorities and other actors, leading to accountability processes which are not compliant with international standards, further undermining confidence in the justice system and contributing to continued instability and conflict.

Security Council resolution 1888 (2009) mandates the Team of Experts to "identify gaps in national responses and encourage a holistic national approach" as well as to "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." In accordance with this mandate, the Team of Experts provides technical and operational support on the basis of assessments it undertakes to strengthen the geographical presence and professionalism of rule of law authorities and other actors in areas including, inter alia, (i) criminal investigations and prosecutions; (ii) military justice; (iii) legislative reform; (iv) protection of victims and witnesses; and (v) reparations for victims. In addition to specific technical and operational support, the Team of Experts assists governments in developing strategies, plans of action and policy and guidance tools, to address accountability for conflict-related sexual violence.

COOPERATION AND COORDINATION

The lack of cooperation, coordination, coherence and knowledge among the range of actors (governments, CSOs, NGOs, United Nations, etc.) working to promote accountability for conflict-related sexual violence limits information sharing, creates unrealistic expectations, contributes to fragmentation, reduces available resources and undermines efforts to deliver justice in an integrated, coherent and sustainable manner in line with international standards.

Security Council resolution 1888 (2009) mandates the Team of Experts to "make recommendations to coordinate domestic and international efforts and resources to reinforce the government's ability to address sexual violence." Based on this mandate, the Team of Experts tracks and analyses country situations for conflict-related sexual violence as well as any corresponding response by rule of law institutions and actors and utilizes its findings and analysis from assessments to inform its discussions with relevant authorities and partners to plan and coordinate future engagements. The Team of Experts also draws upon its engagements in a wide range of contexts to foster experience sharing and learning between counterparts in countries that have experienced conflict-related sexual violence.



A. INDICATOR BASED PERFORMANCE



Given the complex nature and diverse contexts in which the Team of Experts works, relevant, consistent, and reliable data is generally not available and few global indices, if any, track criminal proceedings in these countries, which makes this information highly difficult and resource-intensive to obtain. This is particularly true for higher level goals and outcomes.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS



GOAL 1 **SDG 16**

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

BASELINE: NONE

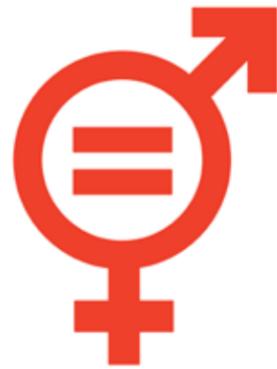
TARGET: PROMOTE THE RULE OF LAW AT THE NATIONAL AND INTERNATIONAL LEVELS AND ENSURE EQUAL ACCESS TO JUSTICE FOR ALL **SDG TARGET 16.3**

INDICATOR: PROPORTION OF VICTIMS OF VIOLENCE IN THE PREVIOUS 12 MONTHS WHO REPORT THEIR VICTIMIZATION TO COMPETENT AUTHORITIES OR OTHER OFFICIALLY RECOGNIZED CONFLICT RESOLUTION MECHANISMS **SDG INDICATOR 16.3.1**

As of the writing of this report, there was no global data set for SDG indicator 16.3.1 for countries supported by the Team of Experts². However, it may be inferred from the content of this report as well as other similar reports that progress is being made toward the achievement of SDG 16 even in the absence of concrete data.

² <https://sdg-tracker.org/peace-justice#targets>

5 GENDER EQUALITY



GOAL 2 SDG 5

Achieve gender equality and empower all women and girls.

BASELINE:	NONE
TARGET:	ELIMINATE ALL FORMS OF VIOLENCE AGAINST ALL WOMEN AND GIRLS IN THE PUBLIC AND PRIVATE SPHERES, INCLUDING TRAFFICKING AND SEXUAL AND OTHER TYPES OF EXPLOITATION SDG TARGET 5.2
INDICATOR:	PROPORTION OF WOMEN AND GIRLS AGED 15 YEARS AND OLDER SUBJECT TO SEXUAL VIOLENCE BY PERSONS OTHER THAN AN INTIMATE PARTNER IN THE PREVIOUS 12 MONTHS, BY AGE AND PLACE OF OCCURRENCE SDG INDICATOR 5.2.2

As of the writing of this report, there was no global data set for SDG indicator 5.2.2 for countries supported by the Team of Experts³. However, it may be inferred from the content of this report as well as other similar reports that progress is being made toward the achievement of SDG 5 even in the absence of concrete data.

³<https://sdg-tracker.org/gender-equality#targets>



Outcome: Greater accountability for conflict-related sexual violence through prompt, effective and victim sensitive criminal proceedings carried out in line with international standards

In 2020, the Team of Experts pursued initiatives supporting greater accountability for conflict-related sexual violence through prompt, effective and victim sensitive criminal proceedings carried out in line with international standards. These initiatives were undertaken in alignment with the three outputs presented in the Team's joint programme.

In terms of enhancing political will to promote accountability for conflict-related sexual violence at national, regional, and international levels, the Team advocated for the adoption and implementation of internationally compliant laws, policies, and procedures, such as in Iraq, Somalia, and South Sudan; supported accountability through criminal proceedings, such as in CAR, DRC, and Guinea; advocated for the abolishment of discriminatory gender norms and gender-based discrimination and stereotypes that negatively impact and stigmatize victims of conflict-related sexual violence; and mobilized resources to support rule of law institutions and actors, such as in CAR and DRC.

To enhance the capacity of national rule of law institutions and actors to address accountability for conflict-related sexual violence, the Team of Experts provided technical and financial support for the national judiciary in CAR, which led to three convictions for conflict-related sexual violence at the Bangui Court of Appeal. It also built the case-tracking capacity in the High Courts of Bangui and Bimbo to strengthen coordination between the national investigative units and relevant jurisdictions. In the DRC, it provided technical assistance for the investigation, prosecution, and trial of Ntabo Ntaberi Sheka, who was convicted by the Cour Militaire Opérationnelle of North Kivu in November 2020, sending a strong message that justice may be delayed but not denied. It also assessed the impact of COVID-19 on the judicial response to conflict-related

sexual violence in DRC. The Team continued to support the national authorities in Guinea to advance accountability for the crimes of 28 September 2009. In Colombia, the Team contributed to the development of a digest of International Standards on the Prosecution and Adjudication of Conflict-Related Sexual Violence, which will support the transitional and ordinary justice systems to address these crimes. In Iraq, the Team worked with partners to strengthen the draft bill on reparations for survivors of ISIL captivity and ensure its compliance with international norms and standards. In Nigeria, the Team contributed to the training of members of the Attorney-General's Office, including the Complex Case Group, the Nigerian Institute of Advanced Legal Studies, and the National Judicial Institute, with a view to integrating sexual violence considerations and where relevant charges into ongoing cases. In Somalia, the Team prepared a preliminary analysis of the newly presented draft bill on Sexual Intercourse Related Crimes (2020) forming a basis for UNSOM advocacy around the withdrawal of the draft bill and reintroduction of the Sexual Offenses Bill (2018). In line with the Revitalized Agreement on the Resolution of the Conflict in South Sudan, the Team of Experts supported the finalisation by the Republic of South Sudan Joint Defence Board of the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan merging the action plans of the SSPDF and the SPLA-IO on conflict-related sexual violence and resulting in prioritised activities and requests for strategic support.

To enhance cooperation, coordination, coherence, and build expertise and awareness among the range of actors working towards accountability for conflict-related sexual violence, the Team partnered with the Journal of International Criminal Justice to publish a landmark Special Issue on justice and accountability for sexual violence in conflict. The Special Issue provides experiences, good practices, and challenges from the past decade on how to address accountability for sexual violence in conflict from experts around the world and was downloaded more than four thousand times. The Team also launched a webinar series, the Digital Dialogue Series, reaching more than three thousand viewers including academics, policy-makers, and practitioners, fostering a community of practice that transcends national borders and institutional divides. These discussions and their follow-up postings have allowed the Team to raise awareness further with Member States and other counterparts, share good practices and tools among national level practitioners, and refine the expertise of the Team while raising the profile of its work.

These initiatives, among others during the reporting period, demonstrate that the Team is delivering on its mandate under Security Council resolution 1888 (2009) and contributing to the achievement of greater accountability for conflict-related sexual violence through prompt, effective and victim sensitive criminal proceedings carried out in line with international standards.



Output 1: Political will to promote accountability for conflict-related sexual violence at national, regional, and international levels enhanced.

BASELINE 1: 100%

TARGET 1: 100%

OF PEACE OPERATION MANDATES FOR WHICH THE TEAM OF EXPERTS HAS ADVOCATED THE INCLUSION OF THE PROMOTION OF ACCOUNTABILITY FOR CONFLICT-RELATED SEXUAL VIOLENCE.

INDICATOR 1: PERCENTAGE OF PEACE OPERATION MANDATES FOR WHICH THE TEAM OF EXPERTS HAS ADVOCATED THE INCLUSION OF THE PROMOTION OF ACCOUNTABILITY FOR CONFLICT-RELATED SEXUAL VIOLENCE.

BASELINE 2: 90%

OF JOINT COMMUNIQUÉS AND FRAMEWORKS OF COOPERATION AGREED BETWEEN THE OFFICE OF THE SRSG-SVC AND THE RESPECTIVE MEMBER STATE THAT INCLUDE A REQUEST FOR TEAM OF EXPERTS TECHNICAL AND OPERATIONAL SUPPORT.

TARGET 2: >90%

INDICATOR 2: PERCENTAGE OF JOINT COMMUNIQUÉS AND FRAMEWORKS OF COOPERATION ADOPTED BY THE RESPECTIVE MEMBER STATES THAT INCLUDE A REQUEST FOR TEAM OF EXPERTS TECHNICAL AND OPERATIONAL SUPPORT.

In 2020, the Team of Experts advocated for the inclusion of the promotion of accountability for conflict-related sexual violence in eight peace operation mandates.⁴ This contributed to the inclusion of provisions supporting the promotion of accountability for conflict-related sexual violence in all these mandates, meeting the 2020 target.

In 2020, 100% of joint communiqués and frameworks of cooperation adopted by the respective Member States included a request for Team of Experts technical and operational support, meeting the 2020 target⁵. In addition, the Team also supported the SRSG-SVC in the signature of a framework of cooperation between the Office of the SRSG-SVC and the Committee on the Rights of the Child (CRC), as well as in initial conversations regarding a framework of cooperation with the Inter-Parliamentary Union to build stronger synergies on parliamentary action to conflict-related sexual violence.

Beyond the specific targets and indicators, the Team of Experts provided input to numerous United Nations reports and policy documents ensuring accountability for sexual violence remained prominent. During the reporting period, the Team contributed to the annual reports of the Secretary-General on women, peace and security; conflict-related sexual violence; and strengthening and coordinating United Nations rule of law activities. The Team also contributed to discussions and provided input on Model Legal Provisions to Support and Protect the Rights and Needs of Victims of Terrorism led by the United Nations Office on Drugs and Crime (UNODC) and United Nations Office of Counter-Terrorism (UNOCT). Additionally, the Team provided input on the Secretary-General's Guidance Note on the United Nations Approach to Transitional Justice and on the Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence. In the second half of 2020, the Team collaborated with the Global Compact Terrorism Forum, through its Criminal Justice and Rule of Law Working Group Expert to develop a framework document with recommendations and good practices on the criminal justice approaches regarding the linkages between terrorism crimes and human trafficking, migrant smuggling, sexual and gender-based violence and modern slavery crimes.



The Team of Experts also continued to provide support for the SRSG-SVC and senior leadership of other co-lead entities in the preparation of a wide range of materials on rule of law and conflict-related sexual violence, including statements and background documents in preparation for meetings, missions, etc.

⁴ United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), United Nations Assistance Mission for Iraq (UNAMI), United Nations Support Mission in Libya (UNSMIL), United Nations Multinational Integrated Stabilization Mission in Mali (MINUSMA), United Nations Assistance Mission in Somalia (UNSOM), United Nations Mission in the Republic of South Sudan (UNMISS) and United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS).

⁵ Framework of Cooperation of the Republic of the Sudan and the United Nations on the Prevention and Response to Sexual Violence in Conflict, dated 10 March 2020.



Output 2: Technical and operational capacity of national rule of law institutions and actors to address accountability for conflict-related sexual violence enhanced.

BASELINE: 12

TARGET: >2
ASSESSMENT REPORTS PER YEAR ON ACCOUNTABILITY FOR CONFLICT-RELATED SEXUAL VIOLENCE PREPARED BY THE TEAM OF EXPERTS.

INDICATOR: NUMBER OF ASSESSMENT REPORTS PER YEAR ON ACCOUNTABILITY FOR CONFLICT-RELATED SEXUAL VIOLENCE PREPARED BY THE TEAM OF EXPERTS.

In 2020, the Team of Experts prepared two assessment reports, one each for CAR and DRC, on accountability for conflict-related sexual violence, meeting the target set for Output 2.

In CAR, the Team of Experts carried out an in-depth analysis of the judicial response to conflict-related sexual violence to assess and reflect on the progress made and the challenges remaining for law enforcement, the national jurisdictions, and the Special Criminal Court (SCC) in the investigation and prosecution of conflict-related sexual violence, while promoting a victim-centred approach. This diagnostic report was developed based on a thorough desk-review and on-site research, including many interviews with key national judicial authorities, United Nations entities, and civil society organizations. The report will be officially presented and discussed with the national authorities in a workshop to be

held in 2021. The objective of the workshop will be to facilitate the development and adoption of an implementation plan of the recommendations of the report⁶.

In DRC, the Team of Experts carried out an assessment of the detrimental impact of the COVID-19 pandemic on the rule of law response in the country, including accountability for conflict-related sexual violence. The findings of the report indicated that COVID-19 may have an impact on the prevalence of conflict-related sexual violence, access to information on conflict-related sexual violence cases, and responses to support survivors. Particularly between March and July 2020, relevant investigative work, pre-trial hearings, and trials on conflict-related sexual violence in eastern DRC were limited, causing justice to be delayed. The recommendations listed in this assessment report will be discussed with the national authorities in 2021.⁷

In addition, in Mali, the Team of Experts and United Nations Multinational Integrated Stabilization Mission in Mali (MINUSMA) shared with national authorities the finalized joint assessment report analysing the national judicial response to conflict-related sexual violence committed in the context of the 2012-2013 crisis that had been initiated in 2019. This assessment identified several challenges that have prevented the Malian jurisdictions from making progress in the judicial response to the conflict-related sexual violence cases pending before the national courts and offered recommendations to address them. A workshop will be co-organized by the Ministry of Justice and Human Rights, the Ministry of the Promotion of Women in partnership with MINUSMA and the Team of Experts to discuss and identify relevant recommendations regarding the pursuit of justice for the pending cases.

Beyond the specific target and indicator, the Team of Experts helped to enhance the technical and operational capacity of national rule of law institutions and actors to address accountability for conflict-related sexual violence, including through the deployment of a Senior Judicial Advisor to Guinea, prior to the declaration of the COVID-19 pandemic, to support the Minister of Justice, civil society and other counterparts in preparation of Guinea's Universal Periodic Review at the Human Rights Council. Subsequently, the Team continued its engagement in Guinea through virtual means. In CAR, the Team of Experts conducted two trainings and several mentoring sessions for law enforcement officials and organized a workshop to address the challenges limiting the efficient tracking of judicial cases. The Team also supported the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (Unité Mixte d'Intervention Rapide et de Répression des violences faites aux femmes et aux enfants, hereinafter the UMIRR) to ensure that two significant investigations on sexual violence cases that occurred in Kaga Bandoro in 2019 and in Bossangoa in 2018 were effectively finalized and transmitted to the relevant prosecutors. In an innovative approach, the Team conducted its first "virtual deployment" of an expert in the field in the DRC. The expert carried out her work remotely until health regulations allowed for physical deployment to the duty station. The Team also made use of technology to deliver virtual training notably in Nigeria and Iraq. In Nigeria, the Team delivered three trainings; two trainings benefited the Attorney General's Office and the Complex Case Group focusing on conflict-related sexual violence and the preparation and use of electronic evidence. The third training, held with the Complex Case Group, focused on the definition of conflict-related sexual violence and related international criminal law obligations. In Iraq, the Team of Experts participated in a virtual training of members of United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) with Physicians for Human Rights on the appropriate use of medico-legal and forensic in cases of sexual violence. It also participated remotely in a session with Iraqi parliamentarians on the Yazidi Survivors Law.⁸

In sum, the Team was able to deploy experts both remotely and in the field; contribute at Headquarters level remotely on both country-specific and thematic issues related to the rule of law and sexual violence and conflict; and forge new partnerships and develop new methods of communicating with core constituencies throughout the pandemic with results described throughout this document.

Photo
MONUSCO | Force



⁶ See section B. Country Specific Engagements below on CAR.
⁷ See section B. Country Specific Engagements below on DRC.

⁸ For more information on country specific activities see section B. Country Specific Engagements below.



Output 3: Cooperation, coordination, coherence, and knowledge among actors working to promote accountability for conflict-related sexual violence enhanced.

BASELINE: N/A

TARGET: >2
JOINT MISSIONS WITH OTHER UN ENTITIES, PARTNERS OR STAKEHOLDERS.

INDICATOR: NUMBER OF JOINT MISSIONS WITH OTHER UN ENTITIES, PARTNERS OR STAKEHOLDERS

In terms of joint missions, in October 2020, the Team of Experts supported the SRSG-SVC's participation in the Deputy Secretary-General's virtual mission to Colombia in the context of the 20th anniversary of the Security Council resolution 1325 on Women, Peace and Security⁹. As a result of the COVID-19 pandemic, the Team of Experts was unable to undertake additional missions as initially planned. However, as the pandemic subsides, the Team of Experts anticipates being able to move forward with joint missions meeting future annual targets.

Beyond the specific target and indicator, it should be noted that the Team of Experts, in coordination with the United Nations

Multidimensional Integrated Stabilization Mission in the Central African Republic's (MINUSCA) Justice and Correction Services, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo's (MONUSCO) Justice Support Section, and the United Nations Office of the High Commissioner for Human Rights (OHCHR) and United Nations Development Programme (UNDP) in Guinea, deployed experts to the respective countries despite the pandemic restrictions. The Team also continued to partner with specialised practitioners on the ground, including Physicians for Human Rights in CAR and Iraq and TRIAL in DRC.

Photo
David Mutua
AMISOM

Poster Design
Team of Experts

The Team of Experts also built on its long-standing cooperation with academic and policy partners in the area of sexual violence in conflict, international humanitarian law and international criminal law. The Team celebrated its 10-year anniversary by co-editing and publishing a Special Issue of the Journal of International Criminal Justice, with Oxford University Press. The Special Issue included fourteen articles produced by more than 30 leading academics and practitioners, deepening the understanding of advances made in the justice response to conflict-related sexual violence at the domestic level over the last decade. Using the launch of the Special Issue as a basis for the discussion, in June 2020 the Team identified and engaged with leading policy and academic institutes¹⁰ to launch a monthly webinar series focusing on topics raised within the Special Issue of the Journal. Building on the contents of these discussions, the Team also partnered with the international law blog, *Opinio Juris*, ensuring the regular publication of the main findings and reflections in the webinars and contributing to the advancement of academic reflection and scholarship.¹¹

The Digital Dialogue Series

#talk2endcrsv

JOIN THE CONVERSATION ON
**CRSV COMMITTED IN THE
CONTEXT OF TERRORISM.
WHAT CAN JUSTICE LOOK LIKE?**

**27 OCT. 2020
12:30 P.M. EST**

⁹ See section B. Country Specific Engagements below on Colombia

¹⁰ For Institute for Public Health of Washington University in St. Louis, the Harvard Humanitarian Initiative of Harvard University, the Institute for the Study of Human Rights at Columbia University, and the School of Transnational Governance of the European University Institute (STG-EUI).

¹¹ See Outcome under Results section..

B. COUNTRY SPECIFIC ENGAGEMENTS



I. Central African Republic

OBJECTIVE(S)

Within the framework of Security Council resolution 2552 (2020) on CAR and the Joint Communiqué on the prevention and fight against conflict-related sexual violence signed in 2019, the Team of Experts has set up a dedicated project to deliver on the requested support for the Government of CAR to ensure accountability for conflict-related sexual violence crimes. The project which forms the bulk of the Team's action in CAR aims at strengthening the capacity of the national authorities to investigate and prosecute sexual violence in conflict. This includes building the capacity of the UMIRR, national courts and the SCC, working collaboratively to investigate and adjudicate conflict-related sexual violence cases, and responding adequately to the demands of the citizens of the CAR.

2020 KEY RESULT(S)

- The Team of Experts carried out a diagnostic analysis of the judicial response to conflict-related sexual violence in CAR to assess and reflect on the progress made and the challenges remaining for law enforcement, especially the UMIRR, the national jurisdictions, and the SCC in the investigation and prosecution of conflict-related sexual violence, while promoting a victim-centered approach.
- The Team of Experts provided technical advice, mentoring and material support for the UMIRR including supporting the finalization and transfer to the relevant prosecutors of the case files of the field investigation carried out by the UMIRR in February 2018 and August 2019 outside the city of Bossangoa and near the city of Kaga Bandoro respectively.
- The Team of Experts also provides support for judicial authorities. Notably the Team organized a joint workshop with the Ministry of Justice, UNDP, and MINUSCA to discuss the challenges limiting the efficient tracking of judicial cases in the UMIRR and the High Courts of Bangui and Bimbo, as well as to identify concrete corrective actions to be implemented. The Team also provided technical and financial support for the second criminal session of the Bangui Court of Appeal, which resulted in three convictions for conflict-related sexual violence.

Photo
UN MINUSCA | Leonel Grothe



ASSISTANCE AND IMPACT

In 2020, the Team of Experts continued to support the reinforcement of the national judicial response to conflict-related sexual violence crimes through the deployment of a Technical Specialist to CAR, embedded in the Justice and Correction Services of MINUSCA. Through its expert in the UN Joint Justice Projects in CAR,¹² the Team of Experts provided technical support and mentoring for the national authorities to build their capacity to investigate and prosecute conflict-related sexual violence crimes.

A primary focus of the Team's work was to build the capacity of UMIRR to ensure that cases are investigated and transferred for prosecution to relevant jurisdiction in a timely manner. To deliver on this goal, a series of mentoring sessions and two practical trainings on interview techniques targeting especially the newest staff of the UMIRR, were organized by the Team of Experts with

the support of two police specialists. The Team of Experts also took part as a co-trainer in the National Training on Trafficking in Persons, organized jointly by the Central African government, International Organization for Migration (IOM), and UNODC, which allowed the UMIRR to strengthen its technical expertise to start investigating cases of trafficking in persons. Indeed, in 2020, a presidential decree, followed by the adoption of a new national action plan on the fight against trafficking in persons in CAR, expanded the mandate of the UMIRR by making it the victims' main entry point to the national criminal justice system.

Furthermore, the Team of Experts provided technical expertise for the UMIRR to support the investigation of pending conflict-related sexual violence cases. In February 2018 and August 2019, the UMIRR had launched two investigations outside the city of

¹² Currently, the Team of Experts contributes with MINUSCA and UNDP to the implementation of the Joint Project titled "Project to support the restoration of the rule of law and the reform of the justice and security sectors in CAR," covering the period 2020-2023. In particular, the Team of Experts will focus on supporting the implementation of the third output of the Joint Project, aimed at improving women's access to justice and security

Bossangoa and near the city of Kaga Bandoro respectively. The first investigation focused on a mass rape incident which concerned 150 victims of conflict-related sexual violence, while the second mission allowed the UMIRR to investigate cases of conflict-related sexual violence allegedly perpetrated by members of armed groups in several locations, totalling 264 victims. Throughout the reporting period, the Team of Experts worked closely with the investigators, the heads of the field criminal investigations, and the director of the UMIRR to ensure that procedural requirements were met, making sure the referral of the case files to the relevant prosecutor's office occurred. By working closely with the national law enforcement authorities, the Team of Experts gained a better understanding of their current practices, prompting reflection and recommendations regarding the future management of case files. Thanks to the close follow-up and mentoring provided, the case file of the investigation conducted in August 2019 has officially been referred to the prosecutor of Kaga-Bandoro's High Court in January 2021. The judicial file on the Bossangoa investigation is pending finalization by the UMIRR. Since then, the Team of Experts has liaised regularly with the prosecutor making available any necessary technical expertise the prosecutor deems relevant to bring the case to trial and ensure victim's access to justice.

In order to address the challenges limiting the efficient tracking of judicial cases in the UMIRR and the High Courts of Bangui and Bimbo, a joint workshop was held with the Minister of Justice, UNDP, and MINUSCA to discuss international best practices, as well as to identify and prioritize corrective actions to implement, including technical trainings and the development of coordination mechanisms under the National Justice Sector Policy. Thanks to the participation of several high-level judicial actors, including the Director of the Judicial Services of the Ministry of Justice and the President of the Council of State, the discussions allowed for the identification of concrete actions that will be implemented by the national authorities with the support of their partners, including the Team of Experts. Two workshops will be organized by the Team of Experts in 2021 to contribute to the sensitization of judicial actors and sexual violence focal points of the High Courts and Courts of Appeal of Bangui and Bimbo on the rules and procedures to be followed to ensure the efficient tracking of judicial files and improve the management of sexual violence cases transferred by the UMIRR to the relevant courts.

The Team of Experts also worked closely with the national judiciary, MINUSCA and UNDP to provide technical and

financial support for the organization of the second criminal court session of 2019 at the Bangui Court of Appeal. The session which was held in December and ended in early 2020 resulted in 22 cases of sexual violence put on the docket out of a total of 25. To support successful proceedings, the Technical Specialist provided specialized mentoring for the officials and victims' representatives related to specific needs of sexual violence victims during judicial proceedings. She also provided training for the jurors on the existing national legal framework for sexual violence to support adequate deliberations.

Furthermore, in order to provide a baseline for engagement and roadmap for national authorities, the Team carried out an analysis of the judicial response to conflict-related sexual violence in CAR, to assess and reflect on the progress made and the challenges remaining for law enforcement, especially the UMIRR, the national jurisdictions, and the SCC in the investigation and prosecution of conflict-related sexual violence, while promoting a victim-centered approach. This assessment report was developed based on a thorough desk-review including legal analysis and on-site research with relevant stakeholders, including many interviews with key national judicial authorities, United Nations entities, and civil society organizations. This significant work led to the finalization of an in-depth assessment, "a diagnostic report" with concrete recommendations for the government to consider implementing with the support of the Team of Experts, MINUSCA and UNDP. Key among those are recommendations to adopt clear policies forbidding the re-qualification of criminal acts (e.g. incidents of rape) as misdemeanours or minor offences; revising the code of military justice to align it with international human rights law standards; adopting a prosecutorial strategy prioritizing the prosecution of conflict-related sexual violence; and continuing to strengthen the capacity of the judicial authorities investigating and prosecuting conflict-related sexual violence. The diagnostic will be officially presented and discussed with the national authorities in a workshop to be held in 2021. Its objective will be to facilitate the development and adoption of an implementation plan for the recommendations of the report. This plan would help evaluate the justice reform efforts carried out by the Central African Republic's authorities to address the fight against impunity for conflict-related sexual violence against clearly established benchmarks.

Finally, as part of its victim-centered methodology, the Team of Experts, with MINUSCA and UNDP, continued providing material and technical support for Harvard Humanitarian

Photo
UNPOL CAR | Training During COVID-19



Initiative, for the completion of three perception surveys, aimed at collecting data representative of the adult population's perception on peace, justice and security in CAR, which are being carried out between 2019 and 2021. The first survey, which included 5,206 interviews in twelve prefectures and the city of Bangui, was finalized in February 2020¹³. The findings demonstrate that the recorded progress in the judicial response to conflict-related sexual violence has positively impacted the populations' trust in the judicial system, through increased

LOOKING AHEAD

Based on the findings of the assessment report by the Team of Experts, in 2021, the Team of Experts will focus on: (i) training and mentoring police investigators and police officers serving in the UMIRR, the SCC, and the sexual violence desks of police stations; (ii) providing logistical and material support for the UMIRR to conduct more investigations; (iii) providing technical

complaints registered for such crimes. The data collection for the two remaining surveys is ongoing. These surveys provide national policy-makers, Member States, UN actors, and civil society organizations supporting the fight against impunity for conflict-related sexual violence in CAR with objective information on the perceptions of the national populations on the links between security, justice and peace. This information is crucial to help these stakeholders evaluate the impact of the efforts deployed to strengthen the rule of law in CAR.

advice and support for the ordinary criminal courts and the SCC, regarding the prosecution of conflict-related sexual violence cases; (iv) developing the judicial authorities' capacity to track judicial proceedings involving conflict-related sexual violence; and (v) supporting legal information and legal aid.

¹³ Harvard Humanitarian Initiative, Peace Justice and Security Polls, Report – November 2020 (Data from February 2020), available at http://www.peacebuildingdata.org/sites/m/pdf/CAR_Polls_ENG.pdf.



II. Colombia



OBJECTIVE(S)

Building on its prior engagements in Colombia, and given the SRSO-SVC's explicit mention in the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace between the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo (FARC-EP) to provide an accompanying role in the implementation of the gender provisions, the Team of Experts seeks to support the Colombian authorities in their efforts to ensure accountability for conflict-related sexual violence, and by developing tools and sharing good practices.

2020 KEY RESULT(S)

- The Team of Experts participated in the drafting process, informed by consultations with national judicial authorities and civil society organizations, of a digest on International Standards for the Prosecution and Adjudication of Conflict-related Sexual Violence to further inform and support the judicial response to conflict-related sexual violence by the transitional and ordinary justice systems.
- The Team of Experts supported the SRSO-SVC's participation in the Deputy Secretary-General's virtual mission to Colombia in the context of the 20th anniversary of the Security Council resolution 1325 on Women, Peace and Security.

ASSISTANCE AND IMPACT

Throughout 2020, the Team of Experts has been working closely with United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations International Children's Emergency Fund (UNICEF) and OHCHR in Colombia on the development of a digest on International Standards for the Prosecution and Adjudication of Conflict-related Sexual Violence to assist national authorities, including the transitional and ordinary justice system, to address these crimes. The publication provides reference information, good practices and lessons learned on the legal and conceptual advances for the prosecution of sexual violence at the national, regional and international levels. The document, drafted in Spanish, has been informed by and validated through consultations with representatives of the justice sector and women's rights organizations in Colombia. To ensure its wide dissemination among policy-makers and practitioners beyond Colombia and Latin America, the Team will fund its translation into English.

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Misión de Verificación de la ONU en Colombia | Javier Wastavino

Photo right

UN Photo / Gill Fickling



The Team of Experts supported the preparation of the SRSO-SVC's meetings with Colombian authorities, women human rights defenders and victims, during the Deputy Secretary-General's virtual mission to the Colombia on 28 and 29 October 2020. Noting that the Office of the SRSO-SVC is explicitly named in the 2016 Peace Agreement as accompanying the parties in the implementation of the gender provisions, the SRSO-SVC stressed that her Office is currently looking at possibilities for political

and technical re-engagement in Colombia, including through the technical support of the Team of Experts.

Building on these meetings, and in cooperation with co-lead entities and other counterparts, the Team of Experts is carrying out an internal virtual assessment to identify possible areas of technical support on the investigation, prosecution, and adjudication of conflict-related sexual violence.

LOOKING AHEAD

In 2021, the Team of Experts will focus on: (i) working with the UN Country Team in Colombia, as well as national justice institutions and women's rights organizations, in preparation for the launch, dissemination, and translation into English of the digest on

International Standards for the Prosecution and Adjudication of Conflict-related Sexual Violence in Colombia; and (ii) following developments in Colombia and discussing possible support to national accountability efforts for conflict-related sexual violence.

CRIME+
INVESTIGATION

III. Côte d'Ivoire



OBJECTIVE(S)

Following the Team's dedicated country engagement from 2016 to 2018 and the assistance from United Nations Action against Sexual Violence in Conflict (UN Action) in 2019, the Team of Experts seeks to ensure the sustainability of the Government of Côte d'Ivoire's institutional and operational response to conflict-related sexual violence and to strengthen prevention efforts in the context of the 2020 presidential elections.

2020 KEY RESULT(S)

- The Team of Experts' continued advocacy for the consolidation of institutional and operationalisation responses to conflict-related sexual violence resulted in the Office of the SRSG-SVC's support to prevention efforts in the context of the 2020 presidential elections, and the documentation of tools, trainings, and awareness raising campaigns that contributed to no new cases of sexual violence in the past three years.

ASSISTANCE AND IMPACT

In light of the fragile political context in the lead up to the 2020 presidential elections, the Team of Experts prioritized support to the development of a proposal by the Office of the SRSG-SVC to enable the consolidation of the institutional and operational responses by defense and security forces on conflict-related sexual violence. These efforts, building on a Team of Experts' dedicated country project from 2016 to 2018, contributed to further capacity building of security forces through country-wide dissemination and implementation of prevention tools previously developed by the Team, including revised codes of conduct and command orders explicitly prohibiting sexual violence. This engagement and technical support over the years to defense and security forces seem to have yielded positive results, as reflected in the absence of documented cases of sexual violence in the context of the 2020 presidential elections. The current support by the Office of the SRSG-SVC will enable the documentation of processes, action plans and other tools put in place by national institutions that contributed to no new cases of sexual violence in the past three years.

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ONU CI | Hien Macline

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UN Photo | Hien Macline



LOOKING AHEAD

In 2021, following up on the 2019 Team of Experts' assessment on the impact of presidential ordinance of 8 April 2008, on amnesty, on the judicial response to the 2010-2011 post-electoral violence, and in light of the 2019 Concluding Observations of the Committee on the Elimination of Discrimination Against Women (CEDAW/C/CIV/CO/4) requesting the Government of Côte d'Ivoire to submit a written response on this matter within two years,

the Team will reengage with justice officials, UN partners, and human rights mechanisms on the need for accountability for sexual violence crimes perpetrated during the 2010-2011 post-electoral crisis, recalling the need for exclusion of these crimes from amnesty provisions in the context of conflict resolution processes, in line with Security Council resolutions 1820 (2008), 2106 (2013) and 2467 (2019).

JOINT
COMMUNIQUÉNTABO
NTABERI SHEKA
CONVICTIONTECHNICAL
SPECIALIST

IV. Democratic Republic of the Congo



OBJECTIVE(S)

In line with Security Council resolution 2556 of 2020 on the DRC and the Joint Communiqué signed by the Government of the DRC and the United Nations in 2013, renewed by the signature of an Addendum to the Joint Communiqué in December 2019¹⁴, the Team of Experts established a dedicated project in the DRC aimed to respond to requested support for the Government of DRC in ensuring accountability for conflict-related sexual violence crimes by strengthening the capacity of the national authorities, especially the investigation and prosecution of conflict-related sexual violence.

2020 KEY RESULT(S)

- The Team of Experts supported six trials and one investigation mission into cases containing charges/incidents of conflict-related sexual violence. This resulted in significant progress with regards to accountability and the delivery of justice for conflict-related sexual violence cases.
- The Team of Experts carried out an analysis of the impact of COVID-19 on the judicial response to conflict-related sexual violence.
- The Team of Experts supported the conclusion of a study on the impact of the prioritization strategy for international crimes used by the Congolese judiciary.

ASSISTANCE AND IMPACT

Building on eight years of engagement and the progress achieved, in 2020, the Team of Experts deepened its support to the reinforcement of the judicial response to conflict-related sexual violence crimes through the renewal of a dedicated project and the deployment of a Technical Specialist embedded in MONUSCO – Justice and Correction Services to work with and mentor national judicial authorities to strengthen their capacity to investigate and prosecute conflict-related sexual violence.

The Team supported the trial of several priority cases before the military and civil courts of North Kivu, South Kivu, Ituri, Tanganyika and Kasai Central and a fact finding mission in the territory of Manono. The latter was related to a case pending before the Court

of Appeal and led to the identification of 37 victims (including 25 women), who benefited from legal assistance and psychosocial support. The trial is expected to be conducted in 2021.

Six mobile hearings were organized in North Kivu, South Kivu, Ituri and Kasai Central. Significantly, the Sheka case, regarding, inter alia, the mass rape of 387 civilians in 2010, was finally tried by the Operational Military Court of North Kivu leading to the life sentence of the main defendant, former militia leader, Ntabo Ntaberi Sheka, and Séraphin Nziton, alias Lionceau. Also, importantly, signalling an increased response of the judiciary to conflict-related sexual violence cases perpetrated by non-state armed groups, several cases were tried in the Eastern provinces and perpetrators were convicted. With the support of the Team,

Photo top left
Lynsey Addario

Photo right
MONUSCO | Michael Ali



the military tribunal of Bukavu organized several hearings in Kalehe resulting in several convictions. In the “Bukanga” priority file the tribunal convicted three defendants, members of the Raia Mutomboki Chalequin armed group; in the “Hamakombo” priority file, the tribunal sentenced the Secretary General and the Intelligence Officer of the armed group Raia Mutomboki wing Hamakombo to 20 years; and, finally, in the priority case “Migamba,” the tribunal sentenced the only defendant member of the armed group Mai Mai Raia Mutomboki Chalequin to 20 years in prison.

In addition, the Team continued to support the military and civil judicial authorities as well as the Squadron for the Protection of the Child and the Prevention of Sexual Violence of the National Police by providing them with basic equipment that which otherwise would have failed to arrive in the provinces (e.g., solar kits, basic office furniture, office material, sanitary equipment). This support allowed them to maintain and improve their operational capacity, and to ensure the continuity of protection services, during the COVID-19 pandemic.

LOOKING AHEAD

In 2021, the Team of Experts will focus on: (i) drafting and sharing with the relevant actors an assessment report on the progress made in the legal and judicial response to conflict-related sexual violence in the last five years, identifying the challenges and opportunities ahead - this exercise is especially important, as the new Joint Justice Program, endorsed by the Government, should

Finally, the Team of Experts carried out an assessment of the detrimental impact that the COVID-19 pandemic has had on all aspects of the rule of law response in the country, including accountability for conflict-related sexual violence. The report demonstrated that there are indications that COVID-19, possibly in a similar manner to Ebola, may have a significant impact on the prevalence of conflict-related sexual violence, access to information on conflict-related sexual violence cases and responses to support survivors. Particularly between March and July 2020, relevant investigative work, pre-trial hearings, and trials on conflict-related sexual violence in eastern DRC were limited, causing justice to be delayed. The findings of the report are currently used to inform a broader assessment carried out by the Team of Experts to analyse the judicial response to conflict-related sexual violence in the DRC since 2015. The recommendations listed in these two assessment reports will be discussed with the national authorities in 2021 to prioritize their implementation.

signal its priorities for the upcoming years and ensure that conflict-related sexual violence is adequately mainstreamed; and (ii) strengthening its work on reparations, prioritizing the definition of a strategy to secure the payment of pending judicial reparations in a selected number of cases.



V. Guinea



Photo
IRIN

OBJECTIVE(S)

In line with the Joint Communiqué signed by the Government of Guinea and the United Nations in November 2011 in which the Government welcomes the support of the Team of Experts to fight impunity for sexual violence, the Team seeks to support national authorities to ensure accountability for the crimes committed at the Conakry Stadium on 28 September 2009, in particular in the context of the Steering Committee put in place to organize the trials. As part of these efforts, the Team has dedicated resources in the deployment of a Senior Judicial Advisor in country.

2020 KEY RESULT(S)

- The Team of Experts continued to raise national, regional, and international awareness on the need for accountability. This engagement resulted in a renewed public commitment at the UN Human Rights Council by the Government and senior officials to hold trials without further delay.
- The Team of Experts continued to work with the Minister of Justice and other members of the Steering Committee towards the elaboration of draft guidelines to operationalise the trials for the crimes of 28 September 2009.

ASSISTANCE AND IMPACT

In 2020, the Team of Experts continued to support national authorities towards ensuring accountability for the human rights violations that took place at the stadium in Conakry on 28 September 2009, in which at least 156 people were killed and at least 109 women and girls were raped and subjected to other forms of sexual violence. This support included the continued deployment of a Senior Judicial Advisor to Conakry, who is serving as a member of the Steering Committee put in place to organize the trials and its Technical Follow-up Committee, and is advising the Minister of Justice and other senior government officials, representatives of the UN system, members of the diplomatic community, civil society representatives victims' associations, and other actors closely following the situation in Guinea.

The Team of Experts' Senior Judicial Advisor provided support for national counterparts in the preparation of the Guinea's Universal Periodic Review at the Human Rights Council in January 2020. This included discussions with the Government delegation led by the Minister of Justice, civil society organizations, UN entities,

and diplomatic representations on the centrality of accountability for the 28 September 2009 events in the Universal Periodic Review deliberations. As a result of the Team's engagement, in his statement before the Human Rights Council in Geneva, on 21 January 2020, the Guinean Minister of Justice referred to the progress made by the Steering Committee and emphasized the unequivocal will of the President and his Government to hold the trials, indicating that they could start in June 2020. The Universal Periodic Review conclusions and recommendations, which the Government accepted, included taking action to end impunity and ensuring accountability for the 28 September 2009 events; taking all necessary measures to ensure that the trials can start in June 2020; and providing support for the organization of credible trials concerning the massacre, rapes and other abuses committed during those events.

Due both to the pandemic and to the presidential election, the work of the Steering Committee was severely delayed. In light of the difficulties of the Steering Committee to convene

Photo
Team of Experts



and COVID-19 related travel restrictions, the Team of Experts maintained a regular virtual dialogue with the Technical Follow-up Committee to discuss the preparation of an operational plan for the trials and the continued mobilization of Government and donor support to ensure that the Court of Appeals was appropriately equipped and met the necessary security requirements. Online discussions were also regularly held with Government officials, including a virtual meeting with the Minister of Justice where the Team offered its continued support to the preparation of the trials and reiterated the offer made by SRSJ-SVC to support the training of trial magistrates and other justice officials on the prosecution and adjudication of sexual violence crimes, once appointed. This offer of support was reiterated to the new Minister of Justice immediately upon appointment, following a cabinet reshuffle in May 2020, to ensure that the trials for the 28 September 2009 events would remain a priority.

The appeasement of the political and security situation following the 2020 October presidential elections and the establishment of a new Government currently offer a window of opportunity to expedite the organization of the trials. The clearest expression of

LOOKING AHEAD

In the upcoming year, the Team plans to increase its engagement to ensure that trials can commence without delay. Once COVID-19 travel restrictions are lifted, the Team of Experts will deploy to Guinea and increase its engagement with the Minister of Justice and other senior level officials, UN leadership, the diplomatic community and civil society organizations. The Team will explore the possibility of increasing its technical support to the Guinean authorities and will seek to identify further sources of funding. The Team's support will focus on: (i) finalizing and operationalising

this window of opportunity is the commitment of the Minister of Justice, reappointed in his post, to ensure accountability for the 28 September 2009 events and his announcement to reconvene the meetings of the Steering Committee as early as possible in 2021 to agree on simplified operational guidelines for the preparation of the trials.

The accountability process is now at a critical crossroad and needs to be supported to reach a successful end. In this new phase, support from all members of the Steering Committee to accountability efforts at technical and political levels, and the continued involvement of civil society, particularly victims' associations and their lawyers, including in advocacy and awareness raising efforts, will be critical.

The Team of Experts has committed to supporting the ongoing process until the end of the trials, given their potential to showcase the success by an entirely national-led judicial process, with technical support from the international community, in combatting impunity for international crimes.

a roadmap for the trials, which will include measures for the protection of witnesses, victims and justice officials; processes and methodologies for judicial cooperation; outreach with government officials, survivors, victims associations and the general public; and reparations for victims of sexual violence; (ii) strengthening the capacity of trial magistrates and other judicial officials, once appointed, on the prosecution and adjudication of sexual violence crimes, in line with international standards; and (iii) mobilizing advocacy at national, regional and international levels.



VI. Iraq

Artwork
Noorulhuda Nadheer Al-Mudhafar



OBJECTIVE(S)

In line with the Joint Communiqué between the Government of Iraq and the United Nations of 2016, the Team of Experts seeks to support the Government of Iraq (including the Kurdistan Region of Iraq) on the implementation of its rule of law provisions. These provisions include legislative and policy reform for victims of sexual violence; ensuring accountability for sexual violence crimes in the country; and the provision of reparations.

2020 KEY RESULT(S)

- In 2020, the Team continued advising the Government of Iraq on legislative reform affecting accountability for sexual violence, including the drafting of the Yazidi Survivors Law to, inter alia, cover other affected Iraqi components that suffered conflict-related sexual violence; ensure that civil society had a voice in the drafting process of this legislation; and include provisions on the survivor-sensitive delivery of reparations to survivors of conflict-related sexual violence. The draft bill was completed in 2020 and expanded eligible beneficiaries to Turkmen Shi'a, Christian and Shabak communities. The bill included compensation, land, public employment, and other rehabilitative measures for survivors. Although outside the reporting period, the bill was enacted by the Iraqi Council of Representatives in March 2021, a significant development for survivors and transitional justice in Iraq.

ASSISTANCE AND IMPACT

Based on initial assessments in Iraq conducted from 2015 through 2017 at the request of the Government, the Team of Experts found that there were three major areas for rule of law activities in the wake of ISIL's use of both widespread and systematic sexual violence: (i) criminal accountability for the sexual violence committed in Iraq; (ii) the need for holistic transitional justice measures that benefited victims/survivors of ISIL's crimes; and (iii) the reform of law and policies relating to sexual violence. Based on these assessments, the Team formed a programme of work in the country.

On criminal accountability, efforts at collecting evidence on conflict-related sexual violence continued through UNITAD and the Team of Experts participated in delivering a remote training hosted by Physicians for Human Rights on the ethical use of medico-legal and forensic evidence in conflict-related sexual violence cases. Despite significant work undertaken on the collection of evidence, there has still yet to be a case of conflict-related sexual violence prosecuted against any member of ISIL in Iraqi courts. Prosecution cases continue to proceed exclusively

through counterterrorism laws. Yet, justice for sexual violence crimes is a demand from Iraqi citizens. Indeed, according to a study conducted by the Harvard Humanitarian Initiative, the University of Mosul, and the Public Policy Institute of Iraq: over two-thirds of the 5,000 respondents in northern Iraq believed that sexual violence crimes should be tried as independent crimes¹⁵. While legal provisions may not fully capture such charges yet, existing domestic law such as on trafficking in persons or rape under national law could provide interim avenues for prosecutions, without undercutting the development of, serious international crimes legislation in Iraq.

On transitional justice, significant developments occurred resulting notably in the enactment of the Yazidi Survivors Bill in March 2021. The SRSR-SVC and the Team of Experts continued advocating with the Iraqi authorities on legislative efforts to adopt a framework for reparations for survivors of conflict-related sexual violence. In 2019, the President of the Republic of Iraq took the first steps to create a Yazidi Survivors Law. The Team of Experts provided technical advice on the law to the President,

Photo
UNHCR | N Colt



the Prime Minister and Council of Ministers. This technical advice included expanding the scope of beneficiaries in addition to Yazidis to other groups impacted by sexual violence by ISIL; the range and scope of available reparations measures; and methodology on how beneficiaries might receive benefits under a future law. After the establishment of the Coalition for Just Reparations in Iraq – a multi partner coalition of Iraqi civil society groups embracing the full spectrum of ethnicities and religious groups in Iraq – the Team provided technical advice to civil society on the draft reparations provisions the Coalition would share with the Government.

Given IOM and United Nations Assistance Mission for Iraq's (UNAMI) presence in country, both entities acted as the lead on dealing with Iraqi parliamentarians in the Council of Representatives and civil society organizations in country. Due to the COVID-19 pandemic, the Team participated remotely in sessions with parliamentarians in 2020 to present its analysis for the parliamentarians to consider adopting through their nationally led process. The Council of Representatives ultimately enacted the Yazidi Survivors Law in March 2021. This law, a landmark in transitional justice in Iraq, is more expansive than initial drafts and recognizes that genocide and crimes against humanity occurred against Yazidis, Turkmen Shi'a, Christians, and Shabak communities and provides them with concrete benefits, which include, inter alia, compensation, land, quotas of public employment, and rehabilitative measures. The law's adoption has been welcomed by federal and regional authorities, international organizations, CSOs and most importantly survivors. The Government has ninety days to implement the law after its publication.

LOOKING AHEAD

In 2021, the Team of Experts will focus on: (i) advancing the ability of survivors of ISIL to have sexual violence cases prosecuted in a survivor-sensitive manner; (ii) working with the Government of Iraq (including the regional government of Kurdistan Region of Iraq) to build the capacity to within the Iraqi judicial system in

There is still the need for broader legislative reform and capacity building in Iraq particularly on the penal and criminal procedure codes with respect to the prosecution of sexual violence. For example, though the statute of the Iraqi High Tribunal that dealt with crimes related to the Baath party regime had provisions on sexual violence that were in line with the Rome Statute, the focus on serious international crimes alone meant that there was no further development of the criminal code in cases of sexual violence, including provisions where perpetrators can still evade justice by offering to marry their victim – a provision that has been reformed in numerous countries throughout the Middle East & North Africa over the past decade. Reforming criminal codes, personal status laws that govern the treatment of survivors (including their children) and their identities, and strengthening institutions already empowered to deal with sexual violence crimes under Iraqi law and law of the Kurdistan Region of Iraq are necessary to guarantee that ISIL's sexual violence crimes can never recur in Iraq.

Finally, the Team of Experts identified and negotiated a partnership with IOM's Land, Property and Reparations Division to support the Government of Iraq in its efforts and advocated for funding that was ultimately provided to IOM. The Team partnered with IOM leveraging its presence in Iraq and the Land, Property, and Reparations' division experience in some of the largest reparation distribution processes post-conflict.

complementarity with UN partners; and (iii) providing support to the full implementation of the Yazidi Survivors Law and other transitional justice measures in Iraq as well as legislative and policy reform on sexual violence more broadly.



VII. Mali



OBJECTIVE(S)

In line with the United Nations Integrated Strategy for the Sahel, adopted in 2013, where the United Nations committed, inter alia, to strengthen national capacity to combat impunity and assisting the Sahelian countries to strengthen their national justice systems, including by strengthening efforts to provide justice for victims of sexual violence, and in line with the Joint Communiqué on Prevention and Response to Conflict-Related Sexual Violence, in 2019, the Team of Experts provides support for the Government of Mali in ensuring accountability for conflict-related sexual violence crimes by strengthening the capacity of the national authorities, especially the investigation and prosecution of conflict-related sexual violence crimes committed in the context of the 2012 and 2013 crisis.

2020 KEY RESULT(S)

- The Team of Experts, in close collaboration with the MINUSMA Justice and Corrections Section, finalized and shared with national authorities a joint assessment report analysing the national judicial response to conflict-related sexual violence committed in the context of the 2012-2013 crisis, and identifying specific recommendations to ensure the conclusion of the cases.

ASSISTANCE AND IMPACT

In 2020, the political situation in country and the COVID-19 pandemic, prevented the Team of Experts from deploying and fully engaging with authorities. Nevertheless, the Team of Experts continued to work closely with the Justice and Corrections and the Women's Protection Advisor Sections of MINUSMA to re-engage with the new Malian Government on the comprehensive joint assessment report analysing the national judicial response to conflict-related sexual violence committed in the context of the 2012-2013 crisis.

The report is based on an extensive and comprehensive review of national legal, judicial and policy documents and on more than sixty interviews with national and international stakeholders, representing a unique and accurate overview of the judicial backlog of conflict-related sexual violence cases related to the 2012-2013 crisis. The assessment identified several challenges preventing Malian jurisdictions from making any progress in the judicial response to the conflict-related sexual violence cases. Due to several changes regarding court's jurisdictional competence, cases have been filed before different courts. As a result, and due to the lack of guidance regarding the jurisdictional competence, existing cases have remained

Photo left and Right
UN Photo | Marco Dormino



in limbo, without making any progress. Additionally, the lack of security in the central and northern Mali, has continued to prevent Malian magistrates to pursue investigations and advance in proceedings.

Initiated in 2019, the report was reviewed, consulted, and shared with national judicial and political authorities in June 2020. The conclusions and recommendations were endorsed by the

LOOKING AHEAD

In 2021, the Team of Experts will focus on: (i) co-organizing a workshop with the Ministry of Justice and Human Rights, the Ministry of the Promotion of Women, in partnership with MINUSMA, to discuss the findings and recommendations of the assessment report and establish a timeline, benchmarks and roles of national and international stakeholders for the completion of

Ministry of Justice and the Ministry of the Promotion of Women, Children and Family that will, with MINUSMA and the Team of Experts, co-host a discussion to ensure the definition of an action plan and timeline to ensure their implementation. Ultimately, the recommendations of the report will work as foundation for a well-defined strategy to lead to the completion the existing case-files and the promotion of justice to the victims/survivors of conflict-related sexual violence.

existing case-files; and (ii) deploying relevant technical experts who will work closely with the national authorities to define a prioritization strategy for the pending case-files before the Malian Courts and provide specialised technical mentoring to national judicial authorities to ensure the completion of existing case-files.



VIII. Myanmar



OBJECTIVE(S)

Support the implementation of the rule of law provisions of the Joint Communiqué of the Republic of the Union of Myanmar and the United Nations on Prevention and Response to Conflict-Related Sexual Violence signed on 7 December 2018.

2020 KEY RESULT(S)

- The Team of Experts continued to monitor the situation in Myanmar and sought internationally for opportunities to support accountability efforts. However, no specific result was achieved during the reporting period.

ASSISTANCE AND IMPACT

The Government of Myanmar and the Office of the SRSO-SVC conducted discussions on the implementation of the Joint Communiqué. The Team provided advice for the Office of the SRSO-SVC on rule of law aspects in the negotiation of that implementation plan. The Team also continued to follow developments within the International Court of Justice, the International Criminal Court, and the Independent Investigative Mechanism for Myanmar. During 2020, with the COVID-19 pandemic and national elections, progress on the implementation plan of the Joint Communiqué was slowed. In the aftermath of the 2020 elections, the Team of Experts continued to monitor developments in the country.

LOOKING AHEAD

Due to the fragile political and security situation currently in Myanmar, the Team of Experts will continue to monitor developments and will engage directly in Myanmar if and when there are opportunities to do so in complementarity with its UN partners and in line with the Team's Security Council mandate.

Photo Photography4humanity
KM Asad





IX. Nigeria



OBJECTIVE(S)

In line with the calls made by the Security Council in 2016 and 2017 to collect and preserve evidence related to the crimes of trafficking as well as conflict-related sexual violence and other serious human rights violations committed by Boko Haram, and the calls made by the African Union Peace and Security Council for accountability for those crimes, the Team of Experts seeks to support the judicial authorities in Nigeria in ensuring accountability for conflict-related sexual violence crimes by strengthening the capacity of the relevant national authorities, especially the investigation and prosecution of conflict-related sexual violence crimes committed in the context of terrorism.

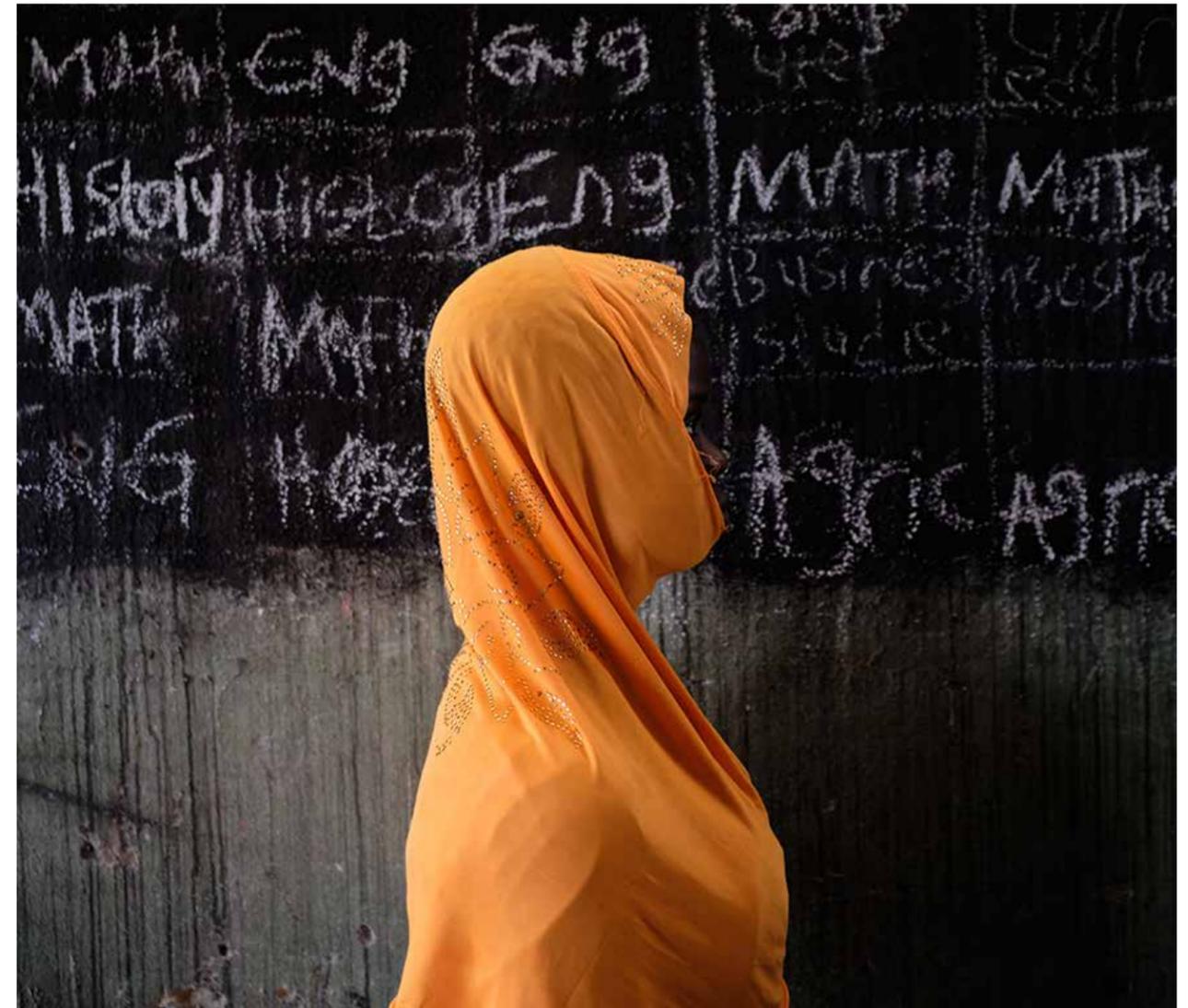
2020 KEY RESULT(S)

- The Team of Experts participated in delivering a Training of Trainers, organised by the Wayamo Foundation, the Nigerian Institute of Advanced Legal Studies, the National Judicial Institute and members of all three branches of the Nigerian Armed Forces resulting in the strengthened capacity of 25 professionals who will then strengthen the capacity of national judicial officers to investigate and prosecute sexual and gender-based violence crimes.
- The Team of Experts participated in delivering a training for prosecutors of the Complex Case Group on the use of evidence in the preparation of cases of conflict-related sexual violence in the context of terrorism resulting in enhanced capacity of national magistrates to prosecute crimes of sexual violence.
- Incidents of sexual violence have been included in trial charges.

ASSISTANCE AND IMPACT

Despite the severe impact of the COVID-19 crisis in Nigeria, the Team of Experts continued to collaborate through innovative means with its partners, UNODC, Wayamo and the International Nuremberg Principles Academy, in their capacity building work with national judicial authorities. Following a specific invitation by the Complex Case Group of the Attorney General's Office, the Team contributed by delivering a pre-recorded video lecture addressing the investigation and prosecution of sexual and gender-based violence. Participants included members of the Nigerian Institute of Advanced Legal Studies, the National Judicial Institute and members of all three branches of the Nigerian Armed Forces. Additionally, and building on the work previously undertaken with the Complex Case Group, the Team participated in a remote training of prosecutors, co-hosted by the Wayamo Foundation and the Attorney General's Office, focusing on the use of evidence in the preparation of cases of conflict-related sexual violence in the context of terrorism. As a result of the different trainings, initiated in 2017, the Complex Case Group has now included incidents of sexual violence among the charges to be brought to trial in 2021, before the Nigerian national courts.

Photo Photography4humanity
Emeke Obanor



LOOKING AHEAD

In 2021, the Team of Experts will focus on: (i) strengthening the institutional engagement with the Nigerian authorities to ensure the mainstreaming and prioritization of sexual violence cases in the judicial response to terrorism and counter terrorism; (ii) supporting the Complex Case Group, including through strengthening its capacity of criminal analysis for, and interpretation of criminal patterns in system-crimes as terrorism; (iii) supporting the Complex Case Group in conducting missions

and trials, including the first cases containing crimes of sexual violence committed by terrorists; and (iv) strengthening work on capacity building with the Attorney General's Office and with civil society to secure the participation of victims in the proceedings. Considering the emerging opportunities, the Team will explore the possibility of establishing a dedicated project to support national authorities and to raise funds for doing so.



X. Somalia



OBJECTIVE(S)

The Team of Experts seeks to support the Government of Somalia in the implementation of the Joint Communiqué of the Federal Republic of Somalia and the United Nations on the Prevention of Sexual Violence of 7 May 2013 and in particular the rule of law provisions therein. The Team's work aims at ensuring the development of robust legislation on conflict-related sexual violence and institutional capacity building to lay the foundation for future survivor-sensitive accountability efforts.

2020 KEY RESULT(S)

- The Team prepared a preliminary legal analysis of the newly presented draft bill on Sexual Intercourse Related Crimes (2020), forming a basis for UNSOM advocacy around the withdrawal of the draft bill and the reintroduction of the Sexual Offences Bill (2018), which had been drafted with the support of government ministries, civil society, and reflected the input of religious leaders. As a result of these efforts and the advocacy of the international community, the draft bill on Sexual Intercourse Related Crimes (2020) has not moved forward.

ASSISTANCE AND IMPACT

In Somalia, persistent armed conflict, structural gender inequality and successive humanitarian crises exposed women and girls to particularly heightened levels of conflict-related sexual violence. The Federal Republic of Somalia, in partnership with the international community, has been working to address these weaknesses. In particular, the Federal Republic of Somalia and the Federal Member States have made commitments and taken steps to strengthen the legislative framework to address sexual violence. One of the most important contributions was the draft Sexual Offences Bill that was introduced to the Somali legislature in 2018. The Sexual Offences Bill was developed by the Ministry of Women and Human Rights Development starting in 2013. After five years of work with extensive consultation with Somali civil society, government ministries, and religious leaders, it was endorsed unanimously by the Somali Council of Ministers and sent to Parliament. In 2019, the Speaker of the House of the People returned the bill to the cabinet in a process that may have deviated from established law and procedure in Somalia and requested amendment. In an unexpected turn of events, new draft legislation, the Sexual Intercourse Related Crimes Bill, was introduced in June 2020 to the House of the People after the opening of the seventh session of the Federal Parliament.

The Team of Experts prepared a preliminary legal analysis of the new draft bill outlining serious concerns, including the new legislation's tying the age of consent with the maturation of an individual's reproductive organs; criminal penalties for forced marriage only if an individual was "strongly" forced into marriage and without the knowledge and consent of the individual's family;

Photo left
UN Photo / Stuart Price

Photo right
UN Photo | Tobin Jones



and the lack of numerous substantive offences and modes of liability that could hold perpetrators accountable for sexual violence whether as a grave domestic, transnational, or serious international crime. Concerns were also raised that the new draft was not consulted with impacted constituencies within Somalia. The analysis noted that the new draft legislation contravened established Somali legislative procedure and Somalia's human rights commitments. This analysis formed the basis for UNSOM's advocacy efforts to withdraw the 2020 bill and reintroduce the bill of 2018. Beyond UNSOM, these efforts were supported by the Inter-Parliamentary Union, the Office of the SRSG-SVC and OHCHR. As a result, the new 2020 draft bill did not move forward at federal level; however, progress on enacting the 2018 legislation has equally remained stalled.

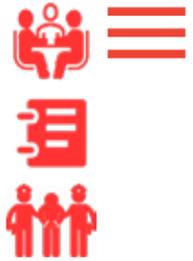
LOOKING AHEAD

The Team of Experts will continue to closely follow the situation in Somalia, provide technical support for Government partners for accountability for conflict-related sexual violence and engage when and where opportunities arise in line with the mandate of

There has also been retrenchment on sexual and gender-based violence legislation at state level, where in Somaliland the House of Representatives on 25 August 2020, aimed at replacing a Rape and Offences Act enacted in 28 September 2018 with an amended Rape, Fornication and Other Related Offences Bill, which would prohibit sex outside marriage, define a child as individuals under fifteen years of age, punish homosexuality, make the use of witchcraft to obtain sex punishable by death, and permit some forms of forced marriage to minors. Advocacy efforts are still required to ensure that the new bill does not become law.

The Team's efforts in 2020 in Somalia revolved around the prevention of backsliding of important legislative initiatives that were designed to lay the foundation for accountability for sexual violence crimes and the support of victims/survivors.

the Team of Experts. Circumstances permitting, a joint mission will be undertaken by the Office of the SRSG-SVC Programme Team, UN Action, and the Team of Experts to reinvigorate the implementation of the Joint Communiqué.



XI. South Sudan



OBJECTIVE(S)

The Team of Experts seeks to support the Government of South Sudan in the implementation of the Joint Communiqué of the Republic of South Sudan and the United Nations on addressing Conflict-Related Sexual Violence of 11 October 2014 and in particular the rule of law provisions therein. The Team's work aims at ensuring the Government of South Sudan develops nationally owned strategic frameworks that enhance the capacity of criminal justice institutions and lay the foundation for future accountability efforts for conflict-related sexual violence.

2020 KEY RESULT(S)

- In line with the Revitalized Agreement on the Resolution of the Conflict in Republic of South Sudan (R-ARCSS), the Team of Experts supported the finalisation by the Republic of South Sudan Joint Defence Board of the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan merging the action plans of the SSPDF and the SPLA-IO on conflict-related sexual violence and resulting in the prioritisation of activities and requests for strategic support.
- The Team of Experts supported UNMISS with the finalisation of a conflict-related sexual violence training manual for SSPDF instructors that was endorsed by the Chief of Defence Force and the Minister of Defence and piloted during a training of 25 SSPDF instructors in October leading to greater awareness and understanding of conflict-related sexual violence, particularly the categorical prohibition on sexual violence and the principle of command responsibility.

ASSISTANCE AND IMPACT

While South Sudan experienced encouraging political developments at the national level, notably the formation of the Revitalized Transitional Government of National Unity in February 2020, sub-national conflicts intensified with parties perpetrating sexual violence as a tactic of war to displace and terrorize rival communities.

In 2020, the Team of Experts worked with UNMISS in line with the R-ARCSS to support the finalisation by the Republic of South Sudan Joint Defence Board of the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan merging the action plans of the SSPDF and the SPLA-IO on conflict-related sexual violence. This process was supported by a joint committee established by the Government and SPLA-IO to lead the consolidation process. The joint committee is comprised of eleven representatives (six of whom are women), including three from the SSPDF, five from SPLA-IO, two from the Ministry of Defence and Veterans' Affairs, and one from the South Sudan Opposition Alliance. The finalized Action Plan includes pillars

Photo left
UN Photo / JCMcIlwaine

Photo right
UNMISS



on (i) mainstreaming sexual violence considerations in security arrangements under the R-ARCSS; (ii) external communication and outreach; (iii) training, awareness raising and sensitization; (iv) accountability and oversight; (v) protection of victims, witnesses and judicial actors; and (vi) monitoring, evaluation and reporting. The anticipated launch of the Action Plan by the Government in early 2021 will result in the prioritization of activities and requests for strategic support.

The Team of Experts also continued to support the SSPDF in implementing its action plan on addressing conflict-related sexual violence launched on 14 March 2019. With the support of

LOOKING AHEAD

In 2021, the Team of Experts will focus on: (i) supporting the implementation of the Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan; (ii) supporting the implementation of the South Sudan National Police Service action plan; and (iii) supporting the establishment

of the African Union Hybrid Court for South Sudan. Such support is aimed at developing nationally owned strategic frameworks and at enhancing the capacity of criminal justice institutions to lay the foundation for future accountability efforts for conflict-related sexual violence.



XII. Sudan



OBJECTIVE(S)

The Team of Experts seeks to support the Government of Sudan in the implementation of the Framework of Cooperation of the Republic of the Sudan and the United Nations on the Prevention and Response to Sexual Violence in Conflict of 10 March 2020 and in particular the rule of law provisions therein. The Team of Experts, in collaboration with partners, seeks to support the Government of Sudan in developing nationally owned strategic frameworks that enhance the capacity of criminal justice institutions and lay the foundation for future accountability efforts for conflict-related sexual violence.

2020 KEY RESULT(S)

- The Team of Experts supported the advocacy efforts of the SRSG-SVC to move forward discussions with the Government of Sudan on the implementation of the Framework of Cooperation of the Republic of the Sudan and the United Nations on the Prevention and Response to Sexual Violence in Conflict, signed on 10 March 2020.

ASSISTANCE AND IMPACT

Given the impact of the COVID-19 pandemic and measures taken around the world, including worldwide travel restrictions, the Team of Experts, in line with the guidance of the UN Secretary-General and Sudan's travel restrictions, was not able to travel to Sudan during 2020.

The Team of Experts did follow and engage in discussions regarding the establishment of the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS) and supported the SRSG-SVC in her advocacy efforts to move forward discussions with the Government of Sudan on the implementation of the Framework of Cooperation of the Republic of the Sudan and the United Nations on the Prevention and Response to Sexual Violence in Conflict, signed on 10 March 2020.

LOOKING AHEAD

The Team of Experts will continue to closely follow the situation in Sudan, advocate with Government partners for accountability for conflict-related sexual violence and engage when and where opportunities arise in line with the mandate of the Team of Experts. Circumstances permitting, a joint mission will be undertaken by the Office of the SRSG-SVC Programme Team, UN Action, and the Team of Experts to initiate the implementation of the Framework of Cooperation.

UN Photo
Fred Noy



C. THEMATIC ENGAGEMENTS

I. POLICING

Since its establishment, the Team of Experts has worked closely with national law enforcement authorities. This work has included providing mentoring, capacity building and operational support for the establishment in CAR of the first investigative unit specialized on sexual violence, the UMIRR, as well as providing training and mentoring for the Special Police for the Protection of Children and the Prevention of Sexual Violence (Police spéciale de Protection de l'Enfant et de Prévention des Violences Sexuelles) in the DRC. This engagement has resulted in positive outcomes, notably allowing to conclude a number of investigations into conflict-related sexual crimes opening the road to their prosecution.¹⁶

Between 2017 and 2019, the Team of Experts benefitted from the expertise of a Police Expert seconded by Sweden. The work of this Police Expert helped the Team deepen its capacity building support to national judicial institutions responsible for carrying out investigations of sexual violence cases in the countries of intervention, as well as developed new partnerships, especially with the Police Division of the UN Department of Peace Operations (UNPOL). Since 2019, the Team of Experts has not benefitted from the expertise of a dedicated Police Expert. Nevertheless, the Team of Experts continues expanding its country specific projects to improve the national capacity to investigate and prosecute conflict-related sexual violence, and the collaboration with UNPOL is growing and joint activities are currently being developed. Building on the needs identified during its field work, in 2021 the Team of Experts plans to consolidate its police expertise through a new Police Expert which will be embedded in UNPOL to allow the Team to provide specialised technical policing and investigation expertise and operational support for the national judicial institutions responsible for investigating sexual violence crimes in the countries of intervention, as well as to deepen the collaboration between the Team of Experts and UNPOL.

Investigators of the UMIRR and the Special Criminal Court in Bangui worked hard for the past 4 days with #UNTOExperts and many others to learn more about the international standards of evidence collection and preservation applicable in the investigation of #sexualviolence.

Photo
Team of Experts



Photo | Physicians for Human Rights
Frederic Batumike - Kavumu trial



II. TRANSITIONAL JUSTICE AND REPARATIONS

The Team of Experts is mandated to draw Member States' attention to the "full range of justice mechanisms to be considered" in the aftermath of crimes of conflict-related sexual violence. Although criminal justice is at the core of the Team of Experts' Security Council mandate and work, transitional justice including reparations are core areas where the Team focuses throughout each country situation in order to transform the underlying conditions that led to conflict-related sexual violence occurring at all. As noted above, this has included ensuring active work on reparations measures from Colombia to Democratic Republic of the Congo to Iraq. It has included working with Guinean authorities to ensure that their criminal justice procedures for the 28 September 2009 include advance thinking on transitional justice measures including

reparations. Further, legislative and security sector reform, as well as amplifying the advocacy of CSOs to government officials on the full range of survivors' needs is an important part of the Team of Experts' work. In the instances outlined above, the Team of Experts has achieved concrete results in either advancing new legislation (such as in Colombia and Iraq); framing measures of reparation while pursuing criminal justice in tandem (as in Guinea); and working with CSOs that provide victims representation and the Congolese government to ensure reparations judgements are paid (ongoing). To ensure that this work is part of the holistic aspect of every assessment the Team of Experts conducts in all contexts, the Team has used 2020 to develop a policy paper on transitional justice that should be concluded in 2021.



III. TRANSNATIONAL CRIMES - TERRORISM AND TRAFFICKING IN PERSONS

In 2020, building on its previous work, the Team of Experts initiated a workstream specifically focusing on the judicial response to the transnational crimes of conflict-related sexual violence committed in the context of terrorism and trafficking in persons for the purpose of sexual violence and/or exploitation, when committed in situations of conflict.

While both crimes continued to be increasingly documented in 2020, the absence of judicial response has resulted in a significant and concerning impunity gap. Acknowledging this challenge, in 2020 the Team of Experts has initiated a comprehensive research mapping the legal and judicial response provided to conflict-related sexual violence committed in the context of terrorism in key situations, identifying gaps, opportunities and specific recommendations that should allow the relevant actors – Member States, national, regional, and international organisations – to address it. The findings of this analysis should shape discussions with relevant partners and Member States in 2021 and the Team's engagement.

In parallel to this study, the Team has actively engaged with relevant working groups – within the UN and other intergovernmental fora – in the area of terrorism and trafficking to acknowledge and respond to conflict-related sexual violence. In July 2020, the Team participated in the first Expert Consultation on Model Provisions Regarding Victims of Terrorism, hosted by UNODC. The Team provided specific inputs to the working groups focusing on the Protection and Security of Victims and Sexual Violence by Terrorist Groups and, since then, has continued to actively participate in the discussion that should lead to the adoption of the model provisions. Under the auspices of the Criminal Justice and Rule of Law Working Group of the Global

Compact Terrorism Forum, the Team of Experts participated in the Expert Meeting on Criminal Justice Approaches to the Linkages between Terrorism and Sexual and Gender- Based Violence, Human Trafficking and Migrant Smuggling discussing the prosecutorial challenges regarding the linkages between terrorism and sexual violence in conflict. The initiative expects to develop a Framework Document on criminal justice responses to the linkages between terrorism and international crimes, including trafficking in persons and smuggling of migrants. On 10 December, the Team of Experts participated in a discussion on Sexual Terrorism hosted by the T.M.C. Asser Institute, focusing on the definition and judicial response to this form of criminality.

In its country engagement, the Team of Experts has also developed specific activities to strengthen the investigation and prosecution of conflict-related sexual violence committed in the context of terrorism. In Nigeria, the Team continued to work with the Attorney General's specialised unit focusing on crimes committed by Boko Haram, as well as other institutions.¹⁷ In Mali, the Team is actively working with national authorities to ensure a judicial response to the crimes of sexual violence attributed to terrorist groups that occupied Northern Mali in 2012-13.¹⁸ Further, the Team of Experts continues to examine ways in which to use third State jurisdiction to ensure coverage of serious international crimes, terrorism, and trafficking in persons with Member State consent.

Based on this work, the Team will develop a strategy for engagement in terrorism and counter-terrorism context, in order to provide support to the national stakeholders' efforts toward accountability for conflict related sexual violence.

D. KNOWLEDGE BUILDING

I. JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE

One of the landmark activities of the Team of Expert this year was to edit and publish with the Journal of International Criminal Justice a Special Issue on Justice and Accountability for Sexual Violence in Conflict: Progress and Challenges in National Efforts to Address Impunity. The Special Issue which brings together 14 articles from leading practitioners and scholars on a range of settings on conflict-related sexual violence represents a landmark publication in the field of accountability for conflict-related sexual violence. The Special Issue provides an overview of

the progress, best practices and challenges of the past ten year in pursuing accountability for conflict-related sexual violence including: Argentina, Bosnia and Herzegovina, Central African Republic, Colombia, Democratic Republic of the Congo, Guatemala, Iraq, Nigeria, Somalia, South Sudan, and Syria.¹⁹ The publication has been recognized as a reference document for the field and has helped to raise the understanding and visibility of the issue. In total, the articles of the Special Issue have been downloaded collectively more than four thousand times.

II. DIGITAL DIALOGUE SERIES

Faced with the challenges of COVID-19, the Team set up an innovative initiative to take advantage of the wealth of knowledge and experience contained in the Special Issue of the Journal of International and Criminal Justice. Instead of an in-person launch of the Special Issue, the Team of Experts, together with partners²⁰, initiated a webinar series, the Digital Dialogue Series, addressing topics covered in the Special Issue with some of the leading practitioners in the field. The Digital Dialogue Series was designed to ensure that academics, policy-makers, and practitioners can share their experiences including success and challenges, provide best practices examples to others, provoke critical reflections, and inspire a community of practice to deliver truly accessible and effective victim-sensitive justice. This initiative was an overwhelming success. In 2020 only, it reached more than three thousand viewers and has helped highlight the progress and challenges in addressing conflict-related sexual violence at the national level.²¹ During the reporting period, four webinars were held. The first session, held on 21 July, launched the series and featured the current SRSO-SVC and the former Foreign Minister of Sweden and former SRSO-SVC, Ms. Margot Wallström. The

second session, on 29 September, explored prosecution and investigation of serious crimes in Latin America, with a focus on Colombia and Guatemala. The third session, on 27 October, concerned the impact of sexual violence committed in the context of terrorism and was moderated by the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The fourth session, held on 17 November, focused on national accountability for conflict-related sexual violence in the CAR and featured officials from the Special Criminal Court as well as the Ministry of Justice.

Overall, the initiative has given the agenda of accountability for conflict-related sexual violence and the Team of Experts renewed visibility. Analysis shows that it has also resulted in creating a small community of practitioners with the same viewers regularly following the webinar. The quality of the series, including, its technical added-value to practitioners pursuing accountability for conflict-related sexual violence has been repeatedly praised.

III. MODEL LEGISLATIVE PROVISIONS AND ASSOCIATED GUIDANCE ON CONFLICT-RELATED SEXUAL VIOLENCE

To meet the request of Member States and regional organizations, the Team of Expert provided technical expertise to draft model legislative provisions and guidance developed by the Office of the SRSO-SVC. This document aims to provide a tool for Member States to be used as a basis for survivor-sensitive legal reform of

conflict-related sexual violence as a serious international crime. These model legislative provisions and guidance are based on international law precedents but also comparative precedents from numerous national jurisdictions. These model legislative provisions and guidance will be released in 2021.

IV. KNOWLEDGE MANAGEMENT

After a decade of operation, the Team of Experts has developed significant knowledge of both internal and external practice in supporting survivor-sensitive accountability for crimes of conflict-related sexual violence in some of the world's most challenging and fragile contexts. In order to improve the efficiency of delivery and to be able to share its practices with others working

in the field, the Team of Experts has developed a more robust knowledge management initiative in 2020. This initiative still requires further discussion with co-lead entities and work is expected to commence on strengthening the Team of Experts' knowledge management practices in 2021.

52 ¹⁹ Published by Oxford University Press, the Table of Contents of the Special Issue is located here: <https://academic.oup.com/jicj/issue/18/2>.
²⁰ The Institute for Public Health, Washington University in St. Louis; Harvard Humanitarian Initiative, Harvard University; the Institute for the Study of Human Rights, Columbia University; and the School of Transnational Governance, European University Institute.
²¹ The recordings of each session can be accessed here: https://www.youtube.com/playlist?list=PLw7ZuW_VwXht56ULnyhy_MKB72eigtYa.

E. PARTNERSHIPS

The work of the Team of Experts is based on partnerships, from its “co-lead entity” structure that currently includes United Nations Department of Peace Operations, OHCHR, the Office of the SRSO-SVC and UNDP and helps the United Nations to deliver as one, to its engagement with Member States. The Team of Experts works closely with a variety of partners to ensure complementarity and sustainability at international, regional, and national levels noting that the fight against impunity for conflict-related sexual violence will only succeed if international, regional and national stakeholders work in synergy, based on common priorities and approaches.

I. INTERNATIONAL



United Nations

The Team of Experts works in close partnership with its co-lead entities, in line with the SRSO-SVC’s strategic leadership within the United Nations to ensure coordination and coherence of efforts to address criminal accountability for conflict-related sexual violence and leverage the comparative advantage of co-leads. Specifically, the Team of Experts makes recommendations to the SRSO-SVC for high-level political advocacy; focuses on priority countries identified by the SRSO-SVC; and contributes to the justice-related components of joint communiqués or frameworks of cooperation and their associated implementation or action plans.

The Team of Experts also relies on and partners with relevant human rights mechanisms, including special procedures of the Human Rights Council and UN treaty bodies on issues that cut across mandates and areas of mutual concern. In line with the Framework of Cooperation signed between the Office of the SRSO-SVC and the CEDAW Committee in July 2018, the Team has contributed to the Office of SRSO-SVC’s submissions on countries under examination by the Committee and provided written contributions to inform the Committee’s General Recommendation No. 38 on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38) adopted on 6 November 2020. In addition,

the Team supported the engagement between the Office of SRSO-SVC and the Committee on the Rights of the Child resulting in the signature of a Framework of Cooperation, on 4 February 2020, to protect and promote the rights of children affected by, or at risk of, conflict-related sexual violence. In 2020, the Team has facilitated engagement with special procedures of the Human Rights Council and the Office of the SRSO-SVC identifying potential areas of collaboration with several mandate holders, including the Independent Experts on the situation of human rights in the CAR and Somalia, and the Special Rapporteurs on trafficking in persons, especially women and children, and on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Team of Experts also works in partnership with the UN Global Focal Point for Rule of Law to enhance the coordination and coherence of its work in the areas of security, police, justice, and corrections and in partnership with UN Action to facilitate coordination and information sharing with UN Action member entities.

In 2020, the Team engaged in exploring increased partnership with UNPOL and UNODC as two major actors on issues related to the mandate and initiatives of the Team. These efforts will be pursued in the upcoming year.

The Team of Experts works closely with a variety of partners to ensure complementarity and sustainability at international, regional, and national levels noting that the fight against impunity for conflict-related sexual violence will only succeed if international, regional and national stakeholders work in synergy, based on common priorities and approaches.



Inter-governmental

The Team of Experts works in partnership with Member States to share information and coordinate its efforts and engages with international NGOs working on issues related to accountability for conflict-related sexual violence.

In 2020, the Team of Experts facilitated the Office of the SRSO-SVC’s engagement with the Inter-Parliamentary Union focusing on the development of a Framework of Cooperation aiming at promoting and facilitating the engagement of parliamentarians in addressing conflict-related sexual violence, including in terms of legislation, oversight, budget allocation and advocacy. Following the signature of the Framework, which will take place on 19 June 2021, the International Day for the Elimination of Sexual Violence in Conflict, the Team of Experts and the Inter-Parliamentary Union will develop an operational plan for its implementation focusing on SRSO-SVC priority countries.



Academic Research

The Team of Experts works with world renowned academics and researchers to share information, to contribute to academic research and the expansion of knowledge and expertise on conflict-related sexual violence, as well as to undertake joint activities. In 2020, the Team of Experts partnered with four preeminent universities – the Institute for Public Health, Washington University in St. Louis; Harvard Humanitarian Initiative, Harvard University; the Institute for the Study of Human Rights, the Institute for the Study of Human Rights at Columbia University; and the School of Transnational Governance, European University Institute (STG-EUI) – to produce together a series of webinars, the Digital Dialogue Series, to deepen the analysis of specific topics related to the national judicial response to conflict-related sexual violence covered in the Special Issue that the Team of Experts edited and published with the Journal of International Criminal Justice. Following each webinar, in collaboration with the international law blog *Opinio Juris*, the Team of Experts produced a blog post targeting academics and international law practitioners to further advance discussions. Also in 2020, in collaboration with UNODC and STG-EUI, the Team of Experts launched the Executive Training on Gender Dimensions and Women’s Rights in Terrorism and Counter-Terrorism, which will bring together 25 junior and mid-career professionals, in June 2021.

Photo
Government of the
Democratic Republic
of the Congo

II. REGIONAL AND SUB-REGIONAL

United Nations

At the regional and sub-regional levels, the Team of Experts engages and coordinates with UN regional offices, including those of the co-lead entities, as appropriate.

Regional and Sub-Regional Bodies

The Team of Experts engages and coordinates with organizations including the African Union, the European Union, the International Conference on the Great Lakes, the League of Arab States, and CSOs among others to achieve economies of scale and to exchange experiences from different regions.

III. NATIONAL

United Nations

The Team of Experts works in coordination with the senior most UN official in-country (Special Representatives of the Secretary-General or Executive Representative of the Secretary-General, or in non-mission settings, Resident Coordinators) in partnership with UN country teams, UN peace operations, and other UN actors including the Development Coordination Office to enhance the predictability, coherence, accountability, and effectiveness of the work of the Team of Experts.

Host Government

With the consent of the host government, the Team of Experts works in partnership with national authorities and engages with parties to conflict to secure time-bound commitments and implementation plans, to assess efforts to address criminal accountability for conflict-related sexual violence and to strengthen existing capacity in line with relevant UN policies.

Civil Society

The Team of Experts also engages with relevant CSOs, victims' associations and national human rights institutions working to advance accountability for conflict-related sexual violence to ensure that the views and objectives of victims and affected communities inform the work of the Team of Experts.

Academic Research

The Team of Experts continued providing material and technical support to Harvard Humanitarian Initiative, for the completion of three new perception surveys that will be carried out between 2019 and 2021 in CAR. These surveys will provide important insights on sexual violence and gender-based violence, the restoration of State authority and transitional justice.

Photo MONUSCO
Myriam Asmani



RESOURCES

Security Council resolution 1888 (2009) recommended that the Team of Experts make use of “existing human resources within the United Nations system and voluntary contributions.” From the outset, the Team of Experts has been funded entirely through voluntary contributions for all staffing, programmatic and operational costs, and considerable effort is dedicated to ensuring that adequate resources are mobilised to meet current commitments and fulfil the Team’s obligations under its Security Council mandate. In 2020, the Team of Experts received voluntary contributions totalling \$5,106,396.50 from Belgium, Denmark, Estonia, Finland, Germany, Italy, Japan, Netherlands, Sweden, Turkey, and United Kingdom.

A. CORE CONTRIBUTIONS

Contributor	Contribution Amount (2020)	Total Contribution
Belgium	\$182,425.50	\$182,425.50
Denmark	\$490,915	\$490,915
Estonia	\$78,913	\$78,913
Germany	\$121,091	\$121,091
Italy	\$51,987	\$51,987
Japan ²²	\$448,932	\$448,932
Netherlands	\$346,588	\$346,588
Sweden (SIDA)	\$431,237	\$431,237
Turkey	\$2,552	\$2,552
United Kingdom	\$2,081,828	\$2,081,828
Total	\$4,236,468.50	\$4,236,468.50

B. COUNTRY SPECIFIC CONTRIBUTIONS

Contributor	Contribution Amount (2020)	Total Contribution	Countries Supported
Finland	\$122,656	\$122,656	Africa
Japan	\$747,272	\$747,272	CAR, DRC, Iraq
TOTAL	\$869,928	\$869,928	

C. OTHER CONTRIBUTIONS

Contributor	In-Kind Contribution	Location of Support
France	JPO	USA (New York)

“ In 2020, the Team of Experts received voluntary contributions totalling

\$5,106,396.50

from Belgium, Denmark, Estonia, Finland, Germany, Italy, Japan, Netherlands, Sweden, Turkey, and United Kingdom.

JOINT PROGRAMME 2020-2024

DURATION: **5 YEARS**
START DATE: **1 JANUARY 2020**
END DATE: **31 DECEMBER 2024**
BUDGET: **\$14,449,317**

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