



* Reissued for technical reasons.

¹ UN Action is comprised of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights, Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Fund for Women, the World Food Programme and the World Health Organization.

for the Former Yugoslavia (ICTY) and the Special Court for Sierra Leone (SCSL) also bears testimony to the use of sexual violence against men.⁷

7. Sexual violence can prolong conflict by creating a cycle of attack and counter-attack, especially when it is perpetrated on discriminatory grounds of, inter alia,

cleansing”.¹⁷ In the Democratic Republic of the Congo, evidence suggests that in the aftermath of an indiscriminate attack on the village of Bogoro on or around 24 February 2003, members of the Front des nationalistes et intégrationnistes (FNI) and the Forces de résistance patriotique en Ituri (FRPI) committed criminal acts, including sexual enslavement of civilian women and girls primarily of Hema ethnicity.¹⁸ More recently in the Sudan, rape and other forms of sexual violence were found to be deliberately and indiscriminately directed against a majority of victims from the so-called “African” tribes.¹⁹ In Myanmar, recent concern has been

decisions about the conflict or peace process that follows".²³ In many countries around the world, sexual violence continues to be deeply entrenched in inequalities and discrimination against women, and patriarchal structures. In addition, violence

control, and established a working group to monitor its implementation. The effectiveness of these initiatives will need to be monitored. All parties to conflict are

a new sexual and gender-based crimes prosecution unit in the Ministry of Justice, and Criminal Court “E” with special competence to try sexual crimes. Similar family and child protection units have also been established by the Government of the Sudan in several States, with the support of UNICEF, including in the three Darfur States. In the Democratic Republic of the Congo, the Executive Secretariat of the Police Reform Committee is leading the establishment of sexual violence special units within PNC and is assisting to coordinate, inter alia, the training of those units. In the Sudan, the Government has taken positive steps to remove the requirement of “Form 8”, which obliged women to report rape to the police/security before they were entitled to receive medical examination and treatment.

25. However, in the light of the significant improvements that are needed to achieve effective legal frameworks to combat impunity, I would urge States to undertake comprehensive legal and judicial reforms, in conformity with international standards, without delay with a view to bringing perpetrators of sexual violence to justice and to ensuring that victims are treated with dignity throughout the justice process, are protected and receive remedy. I would invite States to draw on important resources such as the *Model Codes for Post-Conflict Criminal Justice*, which were developed in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Office on Drugs and Crimes (UNODC) to fill gaps in their criminal law and procedures and to request United Nations assistance in this regard. Further, I would encourage States parties to the Rome Statute of the International Criminal Court to enact legislation to implement their complementarity obligations.

26. Another area that must be addressed by States is the role of military justice with respect to sexual violence committed by military personnel. In accordance with human rights standards, the jurisdiction of military tribunals should be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which should come under the jurisdiction of ordinary criminal courts.²⁷ In countries where sexual crimes committed by military personnel fall under military jurisdiction, military tribunals have largely failed to carry out their duty to investigate and prosecute offenders. For example, in the Democratic Republic of the Congo, there appears to be a lack of will to investigate and prosecute high-level military and other officials who have allegedly committed sexual violence. On 7 March 2008, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) informed the Government of the results of its investigation of five high-ranking FARDC officials who are suspected of perpetrating sexual crimes, yet to date no arrest warrants have been issued and two of the officers are still actively commanding troops in the east. In addition, former combatants who have allegedly perpetrated serious crimes, including sexual violence, have also been integrated into FARDC and retain command responsibility in military operations. At the same time, the Government has established regional follow-up committees in Kasai Occidental and Kasai Oriental Provinces, North and South Kivu Province, and Province Oriental, to investigate violations perpetrated by the armed forces, and ad hoc military courts for North Kivu to immediately prosecute abuses by FARDC. It is essential that these mechanisms be strengthened in particular to ensure compliance with human rights standards. Similarly, in

²⁷ See E/CN.4/2005/102/Add.1, Principle 29; see also A/HRC/4/25/Add.3, para. 4, and E/CN.4/2006/58, Principle 9.

Myanmar, although there has been documentation and identification of military personnel who have committed sexual violence, including relevant dates and battalion numbers, disciplinary or criminal action is yet to be taken against the alleged perpetrators.²⁸ In the light of this, States must ensure that sexual crimes,

Côte d'Ivoire fell short of explicitly excluding crimes against humanity and war crimes from amnesty. Moreover, in the Sudan, the Armed Forces Act of 2007 and the Police Act of 2008 stipulate procedural immunity for armed and police forces. The former grants immunity to military personnel, and for offences committed in the course of their duties. They cannot be prosecuted by military or civilian courts unless immunity is waived by the President. It is therefore important for States to ensure that amnesties and immunities do not allow perpetrators of sexual violence to escape accountability.

29. In the area of remedy and reparations, victims of gross violations of international human rights law and serious violations of international humanitarian law have the right to remedies that include equal and effective access to justice and reparation for harm suffered. In view of extensive sexual violence committed by

V. United Nations efforts to prevent and respond to sexual violence

31. To assist States to prevent sexual violence, protect individuals from such violence, punish perpetrators and provide remedy to victims, the United Nations system is taking actions across its main work areas of peace and security, human rights, humanitarian affairs and development. Actions are diverse and include, inter alia, planning support and strategic advice, awareness-raising and advocacy, capacity development and training, legal and judicial reforms, institutional reforms, the provision of services to victims and establishment of victim support centres, legal assistance, monitoring and protection, and support to regional peacekeeping forces.

32. As part of these efforts, I am exercising my own good offices to advocate for an end to sexual violence, including through my global campaign “UNiTE to end violence against women”. Further, I am committed to strengthening coordination in the United Nations system, across the areas of peace and security, humanitarian affairs and development, to ensure that the United Nations “delivers as one” in preventing and responding to sexual violence. To this end, I am engaging with my Special Envoys and Representatives and through the Emergency Relief Coordinator, resident and humanitarian coordinators to give greater attention to the issue of sexual violence, including in dialogue with parties to conflict. In addition, with the introduction of integrated strategic frameworks to improve the formulation of strategic objectives between peacekeeping missions and United Nations country teams, I am committed to ensuring that joint priorities on preventing and responding to sexual violence are established.

33. Multisectoral responses to sexual violence in the area of humanitarian assistance also require coordinated action among, at a minimum, protection, health and social services actors, legal, human rights, and security sectors and affected communities. Humanitarian efforts on sexual and gender-based violence in, for example, the Democratic Republic of the Congo and the Sudan, are coordinated

34. The United Nations must lead by example, and increase the participation of women in peacekeeping. This serves both as a model of women's empowerment to communities and societies rebuilding after conflict, and renders protection and support to women and girl victims of sexual violence more effective. As concerns the former, I have noted on many occasions that the operational deployment of female United Nations police officers to the United Nations Mission in Liberia (UNMIL) has positively contributed to a three-fold increase in the number of applications from women to join the Liberian National Police. As concerns the latter, the almost 13 per cent representation of women in the police component of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has resulted in corresponding clear commitments to address sexual violence and more effective responses by the mission. I urge Member States to ensure a sizeable representation of female military and police personnel in deployments to peacekeeping missions and to provide them with adequate training in order to carry out their responsibilities, and encourage emerging troop- and police-contributing countries to consider deploying female military and police peacekeeping personnel. Moreover, in the lead up to the tenth anniversary since the adoption of resolution 1325 (2000), I invite the international community to reaffirm its commitments and address the most urgent challenges and obstacles to mainstreaming a gender perspective into peace and security and to ensure the complementary implementation of resolutions 1325 (2000) and 1820 (2008).

35. Leading by example also requires rigorous implementation of the United Nations zero tolerance policy on protection from sexual exploitation and abuse by staff and related personnel.³² In this regard, important steps have been taken to implement the 2003 Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). These include the allocation of resot

Peacebuilding Commission to build knowledge about how sexual violence impedes early recovery, and ensure that adequate financing is made available for implementing coherent, multisectoral responses to sexual violence, including projects resulting from joint United Nations-Government comprehensive strategies to combat sexual violence. At the same time, the United Nations Development Programme (UNDP) and its partners are continuing to support programmes in the area of the rule of law, women's access to justice, and socio-economic opportunities for survivors and to integrate attention to sexual violence into national capacity development.

37. Further, efforts are under way to ensure that peace negotiations and outcomes contribute to preventing and responding to sexual violence. Of note is a significant inter-agency undertaking, involving the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, UNDP and the United Nations Development Fund for Women (UNIFEM), on behalf of UN Action, and in collaboration with the Centre for Humanitarian Dialogue, to develop additional guidance for United Nations and other mediators to ensure that adequate language and mechanisms related to command responsibility, vetting of armed and security forces, and exclusion of sexual violence from amnesties are incorporated into future peace agreements. Building on this initiative, the Department of Political Affairs will develop guidance for mediators on ways to effectively address issues related to sexual violence in armed conflict in the drafting of peace agreements.

38. To achieve more effective protection of civilians, a series of actions are under way to provide guidance to peacekeeping missions. This includes an independent study commissioned by the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs, whose findings will inform the development of overarching guidance on the protection of civilian mandates. The Department of Peacekeeping Operations is developing gender guidelines for military personnel in peacekeeping operations to facilitate implementation of resolutions 1325 (2000) and 1820 (2008), and operational guidance to assist civilian, military and police components of peacekeeping missions to effectively implement resolution 1820 (2008). The Department of Peacekeeping Operations will also ensure that guidance for military and police personnel on addressing sexual violence is appropriately included in pre-deployment and induction training standards and delivered through support to troop- and police-contributing countries. Further, the Office for the Coordination of Humanitarian Affairs is building on two recent conferences on the themes "Use of Sexual Violence in Conflict" (see the Office for the Coordination of Humanitarian Affairs meeting report, 26 June 2008) and "Gender-based Violence in Recent Intra-State Conflicts" (see Harvard Humanitarian Initiative, September 2008) in an effort to ascertain potential interventions that could influence non-State armed groups to refrain from committing sexual violence during conflict and displacement. The Department of Peacekeeping Operations is also working with UNIFEM and UN Action to finalize the *Analytical Inventory of Responses by Peacekeeping Personnel to War-Related Violence against Women*, which catalogues existing good practice by military personnel to prevent, deter and respond to conflict-related sexual violence.

39. Measures by peacekeeping operations to ensure greater protection of populations at risk include the adoption of Mission directives that aim to elaborate the role of peacekeeping missions in protecting civilians, including from sexual

violence, during operations. A comprehensive mission directive was issued by UNAMID in February 2009 for military and police components, identifying, inter alia, measures that the military and police should take to provide a secure environment for humanitarian assistance, as well as the most frequent grave violations against civilians in Darfur and the responses that are expected of the military and police. Similar directives have been issued by MONUC and the United Nations Mission in the Sudan (UNMIS). In other peacekeeping contexts, my Special Representatives and heads of military and police components will review mission directives for civilian, military and police components of peacekeeping operations,

MONUC is developing a concept of operation, with the assistance of the Standing Police Capacity, to guide and support units of the *Police Speciale pour le Protection de L'Enfance et de La Femme* within PNC. In eastern Chad, the United Nations Mission in the Central African Republic and Chad (MINURCAT) is currently working with the United Nations *Police de Proximité* Unit to establish women and children protection units within the United Nations police/Détachement intégré de sécurité Commissariats.

43. In the area of disarmament, demobilization and reintegration, the Inter-Agency Working Group on disarmament, demobilization and reintegration, co-chaired by the Department of Peacekeeping Operations and UNDP, launched the *Integrated Disarmament, Demobilization and Reintegration Standards* in December 2006. This document provides guidance on gender-sensitive approaches to disarmament, demobilization and reintegration, including the provision of security for female ex-combatants, and the screening of women associated with fighting forces and their dependents to identify and address their experiences of sexual violence during conflict. Additional guidance is being developed by the Inter-Agency Working Group to operationalize the existing framework. There is a strong attempt to address HIV/AIDS and sexual violence in disarmament, demobilization and reintegration programming by UNDP, UN(n)nce is bcon0(IFEM-5oEF)-6(men Joxual)n6(r)1 0.3137 T t8 Td[(p239)-1(ence P

welcome these efforts and believe that such initiatives should be further

51. I remain concerned, however, by the insufficient level of funding available for critical humanitarian programmes, and urgently call on all States to review resource strategies to ensure that this area of work is more fully supported. In this regard, there is an urgent need for adequate and identifiable funding for prevention and response to sexual violence. I will ensure that the United Nations-managed funds pilot a system pioneered by UNDP, UNFPA, UNICEF and the Office for the Coordination of Humanitarian Affairs to allow decision makers to track gender-related allocations.

VI. Improving data collection and reporting on sexual violence

52. In response to the request in resolution 1820 (2008) for information on my plans to facilitate the collection of timely, objective, accurate and reliable information on the use of sexual violence in situations of armed conflict, I have proposed to the Council that, as an immediate measure, it deploy an expert commission of inquiry to ongoing conflict areas to investigate and document violations. In addition, as a medium-term strategy, I intend to ensure that guidance and support is provided to the country-level to improve data collection and reporting both by the various components of peacekeeping missions and United Nations country teams.

53. To this end, my Special Representatives will continue the system of senior-

(f) Continue to support the work of its Working Group on Children and Armed Conflict in receiving data on sexual violence against children in armed conflict, and continue to consider the inclusion of parties to conflict that commit rape and other grave sexual violence against children in all situations of concern in the annexes of my annual report on children and armed conflict;

(g) Ensure that the Security Council Expert Group on the Protection of Civilians addresses sexual violence, as appropriate;

(h) Issue a standing invitation to Special Representatives of the Secretary-General, the Emergency Relief Coordinator, the High Commissioner for Human Rights, the Special Rapporteur on violence against women, its causes and consequences, and the Chairperson(s) of UN Action to provide additional briefings and documentation on sexual violence;

(i) Establish a commission of inquiry, supported by the Office of the United Nations High Commissioner for Human Rights, to investigate and report on violations of international humanitarian and human rights law, with a dedicated focus on sexual violence in ongoing conflict situations in Chad, the Democratic Republic of the Congo and the Sudan, and to recommend to the Security Council the most effective mechanisms for ensuring accountability. The Council should consider establishing such commissions in other conflicts where sexual violence occurs;

(j) Ensure that all data on sexual violence is reviewed by an existing working group(s) of the Council so as to ensure that, at a minimum, recommendations are made, where relevant, in mandate creation or renewal processes;

(k) Request a follow-up report to include a proposal for an appropriate mechanism or procedure of the Security Council to, inter alia, consider and act on information of measures taken by parties to armed conflict to comply with their obligations under international law, and on the perpetrators of sexual violence. Given the imperative of preventing and responding to sexual violence, I am prepared to submit an annual report on the implementation of resolution 1820 (2008);

(l) Consider giving equal attention to sexual violence in all situations of concern where sexual violence is perpetrated against civilians.

57. On the part of the United Nations system organizations, I am committed to ensuring that the Deputy Secretary-General, my senior officials, and the heads of relevant agencies, funds and programmes ta

is my strong belief that when it comes to sexual violence, we cannot expect peace without justice, reparation without recognition, and sustainable development without the full empowerment of those who have suffered sexual violence or are at risk.
