



## IN BRIEF

# SECURING ACCOUNTABILITY FOR SEXUAL AND GENDER-BASED VIOLENCE AS INTERNATIONAL CRIMES



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**“Justice for women is at long last emerging from the shadow of history to take its rightful place at the heart of international rule of law.”**

*- Navanethem Pillay, UN High Commissioner for Human Rights 2008-2014*

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## What’s the Issue?

Sexual and gender-based violence against women and girls during times of conflict is a crime punishable under international law.

The international community’s willingness to investigate and prosecute SGBV crimes has increased, as has its capacity to do so. This is due in large part to a clearer international legal framework, namely the entry into force of the Rome Statute, which is backed by jurisprudence from international courts and tribunals. There is also increasing demand for justice from victims of conflict-related SGBV.

There is a gap, however, in the capacity of international and national courts and processes to effectively use this framework to deliver justice to victims. The sensitivities surrounding SGBV crimes in particular, and the vulnerability of its victims has meant that specific expertise is needed in this area, as well as in the methods for gathering information that will “do no harm”. Furthermore, this expertise needs to be available rapidly, in a matter of weeks or even days, to ensure justice for these crimes is realized.

## Our Solutions

Since 2009, Justice Rapid Response and UN Women have partnered to provide the international community with expertise to investigate and prosecute sexual and gender-based violence (SGBV).

The goal of the partnership is to end impunity for these crimes, ultimately preventing their re-occurrence. The partnership was born out of the recognition that justice for SGBV crimes under international law has been systematically neglected. There is now, however, widespread understanding that lack of accountability for these crimes significantly undermines international peace and security and hampers post-conflict peacebuilding.

The training and deployment of SGBV experts through the JRR-UN Women partnership has catalyzed the ability of international and national mechanisms to secure accountability for these crimes. The partnership has ensured these justice processes effectively investigate and document SGBV thereby increasing the likelihood that victims of these crimes will see justice done.

*Above: Catalina Sanchez testifies during the first trial of General José Efraín Ríos Montt for crimes committed against Guatemala’s Maya Ixil indigenous population (Photo Credit: Trocaire)*



## Global Impact

### From Investigations to Justice

As a result of the JRR -UN Women partnership, since 2009, every UN Commission of Inquiry (COI) has had a gender adviser/SGBV investigator on its team of experts.

- The 2017 UN Secretary General's Report on Women, Peace and Security (S/2017/861) mentions the SGBV roster and the deployment of experts to investigations and accountability processes as a notable contribution towards ending impunity for SGBV as an international crime.
- On 15 May 2017, during the UN Security Council Annual Open Debate on Sexual Violence in Conflict, the work of Justice Rapid Response and UN Women was mentioned as a concrete tool to end impunity for SGBV crimes by 12 Member States.
- Human Rights Council Resolution A/HRC/RES/23/25 (June 2013) specifically calls for the use of rosters such as the JRR-UN Women SGBV Justice Experts Roster to ensure the rapid deployment of expertise to investigate allegations of mass rape or systematic sexual violence.

#### UNDERSTANDING VIOLENT EXTREMISM

Some of the most comprehensive analysis of rights violations committed by violent extremist groups, including against women and girls, has been documented by the COI for Syria as well as Fact Finding Missions for Iraq, Boko Haram and Libya.

Experts have been deployed to each of these mechanisms through the joint JRR-UN Women Roster. As a result, the reports have provided the international community with a more comprehensive understanding of the use of SGBV as part of the strategic objectives of violent extremist groups.



Temporary courtroom, Minova town, Democratic Republic of Congo, February 2014. The woman on the left, a victim of rape, talks to psychologist, Miracle Chibonga Zawadyi. (Credit: Diana Zeyneb Alhindawi / ICRC 2015)

**SYRIA:** Experts deployed to the COI on Syria have highlighted the prominent role SGBV has played in the conflict, including as detailed in a thematic paper on SGBV published by the COI in March 2018 (A/HRC/37/CRP.3). The report, based on 454 interviews, analyzed trends and patterns in the use of SGBV by all armed actors involved in the conflict, against women, men, girls and boys. The report also recommended steps toward accountability for these crimes, including that the international community provide expertise to assist in the preservation and documentation of evidence.

**SOUTH SUDAN:** Experts deployed to the Commission on Human Rights (CoHR) in South Sudan have contributed to reporting on endemic levels of conflict-related sexual violence. The March 2018 report (A/HRC/37/71) concluded that women, men, girls and boys have been targeted for sexual violence, often with the intention to humiliate victims, their families and their communities and destroy the social fabric. The CoHR also identified more than forty senior military officials who may bear individual responsibility for war crimes and crimes against humanity, including sexual violence.

**BURUNDI:** The experts deployed to the COI on Burundi have supported the investigation of a wide range of sexual and gender-based crimes. The August 2017 report of the COI (A/HRC/36/54) described sexual violence being used as torture in detention to elicit confessions, and to target women with family ties to political opponents. The COI also highlighted the effects of this violence on survivors, including HIV and pregnancy.

## How we work

JRR and UN Women seek out the best qualified experts from every part of the world and then specifically train these professionals to investigate and properly document SGBV as an international crime.

### TRAINING

This partnership has supported the development of a unique, highly specialized training curriculum on the investigation of SGBV as international crimes with the Institute for International Criminal Investigations. This training includes modules on interviewing victims and witnesses without detriment to their safety, privacy, and dignity.

In order to ensure the roster contains appropriate skillsets, experience, gender balance, language and geographic diversity, JRR and UN Women hold trainings in different parts of the world. To date, nine training courses have been held (two in the Netherlands, and one each in South Africa, Qatar, Colombia, Jordan, Senegal, Thailand and the Republic of Korea). The week-long intensive training is led by some of the foremost international practitioners in the field.

Participants are identified through a rigorous selection process that combs through hundreds of nominations from States as well as international organizations. Those who successfully complete the training are certified to the roster and come with a broad range of technical capacity. This includes expertise in investigations, prosecution, law reform, interpretation, psychosocial support and forensic sciences.

The JRR-UN Women SGBV Justice Experts Roster comprising of approximately 220 experts is maintained within the broader 600+ JRR Roster. Currently close to 50% of experts are from the Global South. The roster counts over 70 nationalities, from: Asia, North and South America, Africa, Europe and Oceania.

These experts are available for rapid deployment to assist States as well as international institutions, UN entities and regional organizations with the jurisdiction to document or investigate international crimes.

### DEPLOYMENTS

To date, over 95 experts have been deployed to UN COIs, fact-finding missions and investigations on Burundi, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Democratic People's Republic of Korea, Eritrea, Guinea, Libya, Myanmar, South Sudan, and Syria, as well as on Boko Haram and the 2014 Gaza conflict. Other deployments include assistance to the International Criminal Court; the International, Impartial and Independent Mechanism for Syria; the African Extraordinary Chambers; the African Union Commission of Inquiry on South Sudan; and national accountability processes, including in Kosovo.

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**“Building a pool of experts who will be able to step in when called upon or when the need arises for these crimes to be investigated [...] is important when it comes against a background of a norm of denying the existence of these crimes, of trivializing these crimes, or defining them in legally improvable ways.”**

—Fatou Bensouda, Chief Prosecutor of the International Criminal Court

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*JRR is an intergovernmental initiative that recruits, trains, certifies and rapidly deploys criminal justice, human rights and related professionals from around the world. It is mandated to provide the expertise to ensure that mass atrocities and human rights violations are investigated professionally, impartially and promptly. In the area of women's access to justice post-conflict, **UN Women** works to ensure all transitional justice measures including courts, truth commissions and reparations programs place women's needs at their core and further justice for women.*

### CONTACT

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