



## IN BRIEF

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



## What's the Issue?

Sexual and gender-based violence (SGBV) is a serious violation of human rights and can be 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.

The goal of the partnership is to end impunity for these crimes, ultimately preventing recurrence. 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 impunity 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 someday see justice done.

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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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## 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 investigation team.

- The JRR-UN Women SGBV Justice Experts Roster is recognized as a critical tool to address SGBV in conflict around the world. Its importance was acknowledged in the latest UN Secretary General’s Report on Women, Peace and Security (S/2018/900), which mentions the SGBV roster and the importance of dedicated gender expertise on investigation teams.
- On 25 October 2018, during the UN Security Council Annual Open Debate on Women, Peace and Security, the JRR-UN Women SGBV Justice Experts Roster was mentioned as a concrete tool to end impunity for SGBV crimes by several 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.



*A young Rohingya woman in the Cox's Bazaar refugee camp (UN Women)*

**MYANMAR:** In 2018, JRR-UN Women experts deployed to the UN’s fact-finding mission on Myanmar gathered evidence showing that SGBV was a key feature of the Tatmadaw’s 2017 “clearance operations” of the Rohingya minority group from Myanmar. The September 2018 investigation report (A/HRC/39/64) concluded sexual violence should be prosecuted as part of a genocide and amounted to war crimes and crimes against humanity. The JRR-UN Women experts’ work has helped to lay the foundation for the new Independent Investigative Mechanism on Myanmar, created by the Human Rights Council in September 2018, to establish criminal cases against key suspects.

**SYRIA:** JRR-UN Women 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.

**YEMEN:** JRR-UN Women experts deployed to the Group of Eminent Experts on Yemen uncovered evidence to show that rape and other forms of sexual and gender-based violence had proliferated in the armed conflict since September 2014. The September 2018 report of the investigation (A/HRC/39/43) shares evidence of the targeting of women human rights defenders, journalists and activists; rape of adult men in detention centers; sexual violence against women and girls used as an extortion tactic; and sexual violence targeting vulnerable groups, including minorities, IDPs and migrants.

## How We Work

Justice Rapid Response 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, 10 training courses have been held (two in the Netherlands, and one each in South Africa, Qatar, Colombia, Jordan, Senegal, Thailand, the Republic of Korea and Bosnia). 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 and non-governmental 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 is comprised of approximately 240 experts and is maintained within the broader 700+ 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, UN entities, regional organizations as well as national or international accountability mechanisms 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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**Justice Rapid Response** is an intergovernmental initiative that recruits, 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 transitional justice, **UN Women** works to ensure that processes include women as leaders and participants, and that they have the expertise needed to address women's rights violations and sexual and gender-based violence, to transform gender inequality as a root cause of conflict.

### CONTACT

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