

ANNUAL REPORT

20 23



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



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ABBREVIATIONS AND ACRONYMS

BINUH	UNITED NATIONS INTEGRATED OFFICE IN HAITI	OHCHR	UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
CAR	CENTRAL AFRICAN REPUBLIC	SCC	SPECIAL CRIMINAL COURT
CEDAW	COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN	SDG	SUSTAINABLE DEVELOPMENT GOAL
CTED	COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE	SRSO-SVC	SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON SEXUAL VIOLENCE IN CONFLICT
CRC	COMMITTEE ON THE RIGHTS OF THE CHILD	TEAM OF EXPERTS	UNITED NATIONS TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT
CSO	CIVIL SOCIETY ORGANIZATION	UMIRR	CENTRAL AFRICAN JOINT RAPID RESPONSE AND PREVENTION UNIT FOR SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN (<i>UNITÉ MIXTE D'INTERVENTION RAPIDE ET DE RÉPRESSION DES VIOLENCES FAITES AUX FEMMES ET AUX ENFANTS</i>)
DRC	DEMOCRATIC REPUBLIC OF THE CONGO	UN	UNITED NATIONS
DPO	DEPARTMENT OF PEACE OPERATIONS	UN ACTION	UNITED NATIONS ACTION AGAINST SEXUAL VIOLENCE IN CONFLICT
DPPA	UNITED NATIONS DEPARTMENT OF POLITICAL AND PEACEBUILDING AFFAIRS	UNAMI	UNITED NATIONS ASSISTANCE MISSION FOR IRAQ
EPEPVS	SPECIAL POLICE FOR THE PROTECTION OF CHILDREN AND THE PREVENTION OF SEXUAL VIOLENCE (<i>POLICE SPÉCIALE DE PROTECTION DE L'ENFANT ET DE PREVENTION DES VIOLENCES SEXUELLES</i>)	UNCCT	UNITED NATIONS COUNTER-TERRORISM CENTRE
EU	EUROPEAN UNION	UNDP	UNITED NATIONS DEVELOPMENT PROGRAMME
HRMMU	UNITED NATIONS HUMAN RIGHTS MONITORING MISSION IN UKRAINE	UNFPA	UNITED NATIONS POPULATION FUND
IDP	INTERNALLY DISPLACED PERSONS	UNHCR	UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
IOM	INTERNATIONAL ORGANIZATION FOR MIGRATION	UNITAD	UNITED NATIONS INVESTIGATIVE TEAM TO PROMOTE ACCOUNTABILITY FOR CRIMES COMMITTED BY DA'ESH/ISIL
IPU	INTER-PARLIAMENTARY UNION	UNITAMS	UNITED NATIONS INTEGRATED TRANSITION ASSISTANCE MISSION IN SUDAN
ISIL	ISLAMIC STATE IN IRAQ AND THE LEVANT	UNMISS	UNITED NATIONS MISSION IN THE REPUBLIC OF SOUTH SUDAN
JCSC	JUSTICE AND CORRECTIONS STANDING CAPACITY	UNOCT	UNITED NATIONS OFFICE OF COUNTER-TERRORISM
MINUSCA	UNITED NATIONS MULTIDIMENSIONAL INTEGRATED STABILIZATION MISSION IN THE CENTRAL AFRICAN REPUBLIC	UNODC	UNITED NATIONS OFFICE ON DRUGS AND CRIME
MINUSMA	UNITED NATIONS MULTINATIONAL INTEGRATED STABILIZATION MISSION IN MALI	UNPOL	UNITED NATIONS POLICE
MONUSCO	UNITED NATIONS ORGANIZATION STABILIZATION MISSION IN THE DEMOCRATIC REPUBLIC OF THE CONGO	UNSMIL	UNITED NATIONS SUPPORT MISSION IN LIBYA
MPTF	MULTI-PARTNER TRUST FUND	UNSOM	UNITED NATIONS ASSISTANCE MISSION IN SOMALIA
NGO	NON-GOVERNMENTAL ORGANIZATION	UN WOMEN	UNITED NATIONS ENTITY FOR GENDER EQUALITY AND THE EMPOWERMENT OF WOMEN

EXECUTIVE SUMMARY

In 2023, the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict (“Team of Experts” or “TOE”) continued to assist national authorities in strengthening the rule of law to enhance accountability for conflict-related sexual violence (“CRSV”), resulting in significant progress at the national level.

- In the **Central African Republic** (“CAR”), there was notable progress on accountability for CRSV. President Touadera appointed a Deputy Prosecutor of the Republic before the High Court of Bangui in charge of CRSV and trafficking and extended the Action Plan for combating conflict-related sexual and gender-based violence until December 2026. Additionally, the holding of three criminal sessions before the Bangui Court of Appeal, the use of a second courtroom for protection purposes and the first decision of the Appeal Court of the Special Criminal Court (“SCC”) confirming charges of rape as war crimes and a crime against humanity for Issa Sallet Adoum, as a military superior and ordering specific reparations for victims of CRSV, all demonstrated the strengthening of the judicial response. In the context of these recent developments and with the purpose of fostering further progress on accountability for CRSV in CAR, the TOE in collaboration with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (“MINUSCA”) and the United Nations Development Programme (“UNDP”), assisted the Government in identifying recommendations to strengthen the judicial response to CRSV. The TOE organized a high-level round table on accountability for CRSV crimes which facilitated the drafting of a road map for

action to enhance the justice for CRSV, aligning with the Government’s political will and commitments. The Team of Experts also continued to support domestic jurisdictions, notably through specialized capacity-building efforts and delivered a training session on specialized techniques for interviewing CRSV victims, with the support of MINUSCA, which provided prosecutors with new methods and tools directly applicable to pending CRSV cases awaiting trial.

- In the **Democratic Republic of the Congo** (“DRC”), 2023 was shaped by the political dynamics surrounding preparations for the general elections and the insecurity in eastern DRC. In this context, a significant increase in allegations of CRSV against civilians, including children, particularly affecting internally displaced persons fleeing renewed conflict around Goma, prompted the deployment of the TOE in support of the visit of the Special Representative of the Secretary-General on Sexual Violence in Conflict (“SRSV-SVC”), to meet with victims, engage with military jurisdictions and local authorities, raise awareness about the dire conditions in IDP camps and advocate for accountability in response to alarming reports of escalating CRSV. Despite this deteriorating context, some progress was achieved on accountability: the DRC military courts

issued a first landmark conviction, at the national level, for the offence of forced pregnancy as a crime against humanity. Additionally, DRC courts convicted two generals under command responsibility for rape, murder, inhumane acts, and imprisonment, as crimes against humanity. The TOE, jointly with UNDP, deployed a national expert to conduct a mapping of case files containing charges of CRSV currently pending before military jurisdictions in the provinces of North-Kivu, South-Kivu and Ituri, to support national judicial authorities on such cases and to reprioritize international support to the prosecution of CRSV.

- In **Guinea**, efforts towards accountability for the 28 September 2009 events continued to progress: the court held hearings for 11 defendants, involving more than 100 victims and a dozen witnesses. In an unexpected turn of events, four defendants attempted to escape from jail, three of them were brought back to jail while one is still missing. These escapes sparked protection concerns amongst victims and witnesses. On 13 November, the trial resumed. Video and audio evidence of the 28 September 2009 incidents were presented before the Court, which prompted the prosecutor to request the requalification of the crimes into crimes against humanity. The request is currently pending before the judges.

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PHOTO|TOE

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The TOE continued to provide specialized technical support to national judicial authorities through three capacity building sessions for Guinean justice officials. In July, in response to the protection concerns raised by victims and witnesses, the TOE together with its co-lead, the Office of the High Commissioner for Human Rights (“OHCHR”), deployed a protection mission to Conakry to assess threat levels experienced by victims, witnesses and other persons at risk during the trial and to provide support to national authorities implementing the new Law on the protection of victims, witnesses and other persons at risk. As part of its continued efforts to foster UN coordination and collaboration, the TOE co-chaired with the Department of Political and Peacebuilding Affairs (“DPPA”) a dedicated sub-working group of the Guinean United Nations Inter-Agency Task Force, which facilitated the adoption of a UN integrated strategy for trial support to ensure coordination across the system.

- In **Iraq**, accountability for CRSV continued to face significant gaps. The TOE deployed a dedicated specialist on CRSV into the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/ISIL (“UNITAD”) to enhance support for Iraqi and other judicial authorities on CRSV cases including by building case files and working with authorities in the Kurdistan Region of Iraq. The TOE continued to work in partnership with the International Organization for Migration (“IOM”) and others on the implementation of the Yazidi Survivors Law notably addressing new impediments to receiving benefits under the law. In the context of the closure of UNITAD and with the Joint Communiqué between the United Nations and the Government of Iraq on the Prevention and Response to Conflict-Related Sexual Violence of 2016 remaining in place, the TOE will need to review modalities to assist Iraq.
- In **Nigeria**, the TOE co-organised with the Wayamo Foundation and United Nations Office on Drugs and Crime (“UNODC”) a series of training sessions on serious international crimes focusing on CRSV for the Complex Case Group at the Attorney General’s Office. These led to the first indictment and conviction of a Boko Haram member on sexual violence related charges.
- In **Libya**, in support of the UN Support Mission to Libya (“UNSMIL”) mandate, the TOE deployed an expert human rights and justice component to assess the criminal justice response to CRSV and identify priority recommendations for national rule of law institutions. The Team of Experts also continued to support the development of a national legislative framework in line with international standards and best practices. The TOE provided technical advice to parliamentarians in their drafting of a Violence Against Women Law through a workshop following which the necessary number of signatures by parliamentarians was gathered for it to be tabled for a reading by relevant parliamentary committees. Additionally, the TOE worked with women lawyers, civilian prosecutors and military prosecutors to

raise awareness and understanding of applicable international norms and standards related to CRSV.

- In **South Sudan**, accountability for crimes, including CRSV, remains elusive following years of war and intercommunal violence that have left many parts of the country without the presence of statutory justice institutions. Despite this situation, the Government of South Sudan, with support from the United Nations, has worked to support joint special mobile courts composed of statutory judges and traditional leaders, who serve as advisers, to adjudicate criminal cases; circuit and mobile courts to adjudicate criminal cases in under-served areas and general courts martial to address crimes committed by armed forces, including CRSV. These efforts resulted in 12 convictions and one order for compensation to a victim by the Yei General Court Martial and the Raja Circuit Court based on 26 cases of sexual violence investigated and referred by police. To further support these accountability efforts, the TOE engaged with the South Sudan National Police Service (“SSNPS”) Steering Committee for the Implementation of the Action Plan and focal points from SSNPS field offices through a one-and-a-half-day workshop on strengthening police capacity to prevent, respond and investigate CRSV.
- In **Sudan**, the TOE suspended its operations following renewed conflict in April 2023. TOE continues to closely monitor the situation of justice institutions and assists the SRSF-SVC with advocacy for the creation of an impartial national accountability mechanism. As an immediate result of these efforts, the Rapid Support Forces (“RSF”) committed to publishing a unilateral communiqué and a field circular aimed at preventing and addressing CRSV.
- In **Ukraine**, the TOE assisted national authorities in achieving tangible progress in the implementation of the 2022 Framework of Cooperation on the Prevention and Response to Conflict-Related Sexual Violence (“FOC”). The TOE led on three of the Framework’s priority areas: (i) access to justice and accountability for CRSV; (ii) reparations and compensation for CRSV survivors; and (iii) trafficking for the purposes of sexual violence. Based on a thorough analysis of the Criminal Code and Criminal Procedural Code of Ukraine, the TOE advocated for a comprehensive review of the provisions related to CRSV. As part of the working group established by the CRSV Specialized Unit in the Office of the Prosecutor General of Ukraine (“OPG”), legal advice was provided on draft amendments and on draft law 9351. The latter was submitted to the Verkhovna Rada in June 2023. The TOE also advocated for the inclusion of a “crimes against humanity” provision in the Criminal Code to capture the full extent of CRSV violations perpetrated in the country and strengthen justice for such crimes. Regarding criminal accountability for CRSV, the OPG continued to advance investigations and prosecutions. As of December 2023, the OPG’s CRSV Specialized Unit documented approximately 270

instances of sexual violence in conflict, issued 40 notes of suspicion and 19 indictments against 28 individuals. Two indictees were convicted and sentenced to 12 years and 10 years respectively. To support national efforts to bring to trial CRSV cases and to strengthen the OPG’s capacity to operationalize the Strategy for a Victim and Witness Centered Approach to Conflict Related Sexual Violence Case Management launched in October 2022, the TOE consolidated its partnership with the CRSV Specialized Unit. Based on a joint assessment of existing needs, a series of workshops on Strengthening Victim-Centered Accountability for Crimes of Conflict-Related Sexual Violence in Ukraine was launched in 2023. Over three scenario-based sessions, 75 investigators, prosecutors and judges from seven regions built their skills and gained a better understanding of how to investigate and prosecute CRSV cases within their national legal framework, taking into account international best practices. To assist the OPG in building complex structural cases, the TOE has deployed a senior international criminal litigation expert into the CRSV Specialized Unit since October 2023. This resulted in the CRSV Specialized Unit’s enhanced capacity to review cases and initiate pattern analysis of CRSV crimes. The TOE provided research and facilitated expert discussions on matters under consideration by the CRSV Specialized Unit to better inform its proceedings. On reparations, the TOE, in partnership with IOM, supported Ukrainian authorities in their consideration of legal and administrative aspects concerning the adoption of reparation laws for survivors of CRSV. The TOE in conjunction with IOM held workshops in Kyiv, provided comments on draft legislation on urgent interim reparative measures that have been introduced to the Ukrainian parliament in 2023, and conducted trainings for regional prosecutors to enhance their understanding on reparations. Further, the TOE and IOM continue to work with international partners on the international registry of damages for Ukraine to ensure victims of human rights abuses, including CRSV, can access reparations appropriately. Regarding trafficking, the TOE worked on assisting legal practitioners in pursuing accountability for those crimes, including by developing a memorandum on the nexus between trafficking for the purpose of sexual exploitation. The TOE partnered with UNODC to deploy jointly an expert on trafficking and CRSV to advise national authorities in reviewing trafficking legislation and bring it in line with international standards. Finally, during the reporting period, the TOE continued to support the deployment of a dedicated CRSV capacity in the Human Rights Monitoring Mission in Ukraine (“HRMMU”) which, in 2023, became fully operational. This resulted in the increased capacity of the UN to report on CRSV cases, as well as in the creation of a baseline to inform UN responses to the needs of CRSV survivors.



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**STRENGTHENING VICTIM-CENTERED ACCOUNTABILITY FOR
CRIMES OF CONFLICT-RELATED SEXUAL VIOLENCE IN UKRAINE**

7-10 March 2023
United Nations
Team of Experts
Rule of Law/Sexual Violence in Conflict



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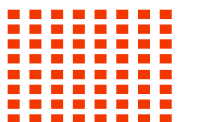
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**STRENGTHENING VICTIM-CENTERED ACCOUNTABILITY FOR
CRIMES OF CONFLICT-RELATED SEXUAL VIOLENCE IN UKRAINE**

4-8 June 2023
United Nations
Team of Experts
Rule of Law/Sexual Violence in Conflict





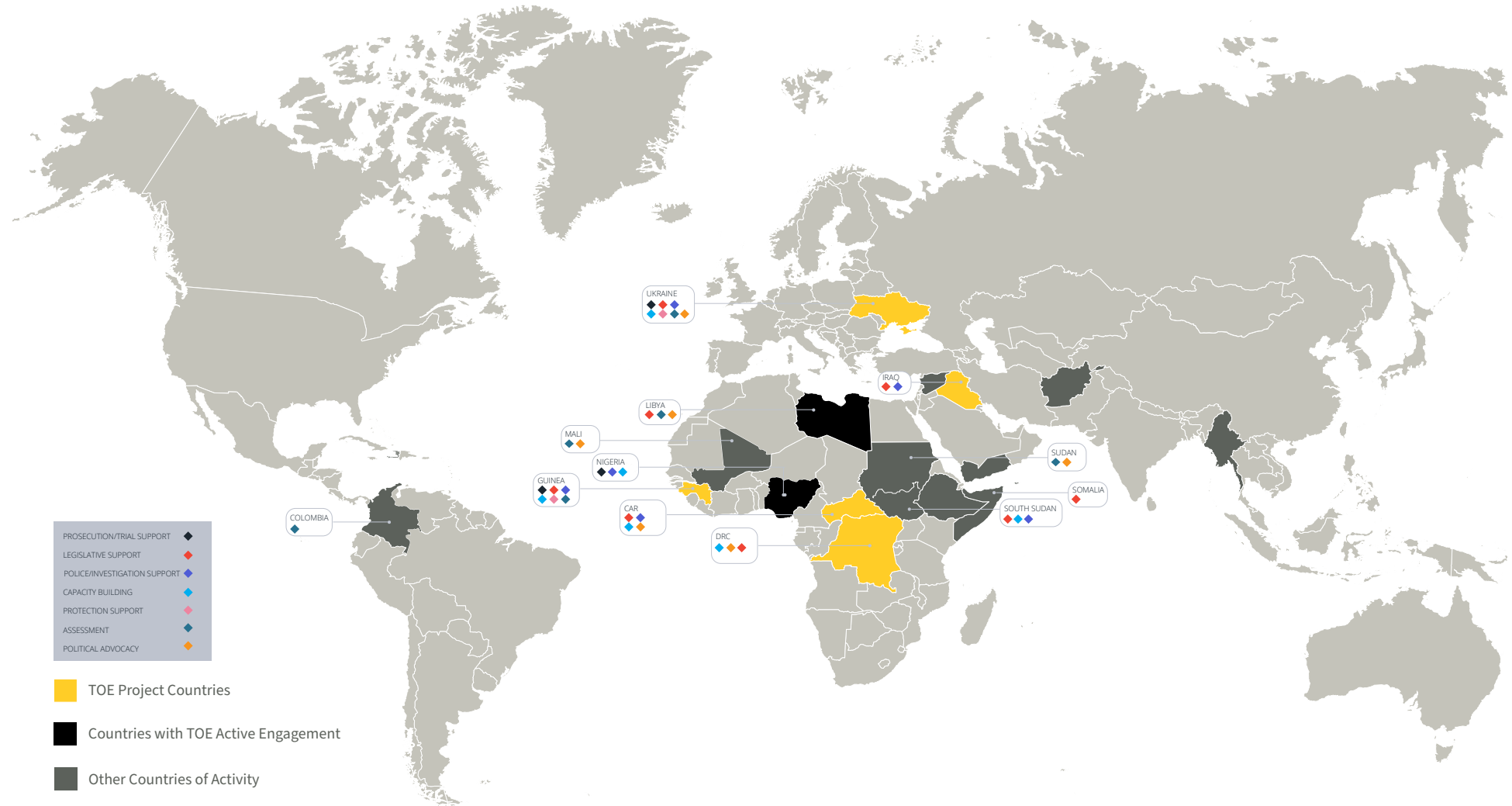
Thematically, the Team of Experts advanced on critical crosscutting issues essential to progressing accountability for CRSV, including policing, transitional justice and reparations, transnational crimes (such as terrorism and trafficking in persons) as well as the rollout of the model legislative provisions.

- On **policing**, at the global level the TOE continued to strengthen its partnership with the United Nations Police Division and initiated new partnerships with national criminal police investigative units. The Team of Experts held a briefing session with the focal points from permanent missions in New York to raise awareness about the mandate of the TOE and initiated a mapping of existing national capacity to investigate sexual violence as an international crime with a view to developing a network of criminal investigators. In response to recurrent requests for training of investigators from domestic police services, the TOE, in partnership with the Institute for International Criminal Investigation, launched the production of a series of educational videos to enhance the use of trauma-informed and survivor-centred interview techniques by national level investigation units. At the national level, the TOE responded to capacity building requests in South

Sudan by delivering a workshop to equip the Steering Committee and focal points of the SSNPS with the knowledge necessary to prevent the commission of sexual violence within the rank and file of the police service. In Ukraine, the TOE strengthened the capacity of 30 national police investigators drawn from different regional offices and the newly established war crimes unit through customised in-person and online skill-based workshops designed to tool investigators with specialized techniques for investigating and interviewing vulnerable victims.

- On **transnational crimes**, the TOE continued to develop specific activities to strengthen the investigation and prosecution of CRSV in the context of terrorism and trafficking. The Team of Experts carried out research and analysis on the nexus between terrorism and sexual violence. In collaboration with the Counter-Terrorism Executive Directorate (“CTED”), the TOE co-organized an Experts Group Meeting gathering prosecutors, judges, legal practitioners and academics from different contexts to capture existing practices and relevant standards in advancing criminal accountability for sexual and gender-based violence crimes in terrorism contexts. The conclusions of the workshop informed the report *Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism (2023)*, published by CTED.
- The Team of Experts intensified its efforts to expand its knowledge building and management by prioritising a dedicated workstream to support **legislative review** based on the Office of the SRSO-SVC’s Model Legislative Provisions on the Investigation and Prosecution of Conflict-Related Sexual Violence (2021), which contains provisions that parliamentarians, experts and practitioners can use to strengthen laws on CRSV both substantively and procedurally. To roll out the model legislation tool, the TOE finalized a review of legislation from ten priority countries, developed training modules on the model legislative provisions and updated its archives on lesson learned material.
- In the second half of 2023 the TOE focused on the preparation and organization of the first international conference of prosecutors on accountability for CRSV, aimed at bringing together prosecutors and legal practitioners from dozens of national jurisdictions, with the objective of sharing and discussing best practices and challenges.
- During the reporting period, the TOE also deepened its monitoring and evaluation efforts to ensure optimum delivery of its joint programme. The Team contracted an independent consultant who undertook a **mid-term review** of the work of the TOE under its 2020-2024 joint programme. The review strongly affirmed the value of the current phase of the Team of Experts joint programme, noting that the TOE increased national capacities and responses to CRSV and facilitated coordinated approaches across UN entities. In CAR, the TOE recruited an independent consultant to conduct an evaluation of its projects implemented in collaboration with UNDP from 2019 to 2022, with the aim to guide and enhance future initiatives through several recommendations.

ASSISTANCE TO NATIONAL AUTHORITIES IN 2023



These initiatives, among others, demonstrate how the Team of Experts delivered its mandate in 2023 under Security Council resolution 1888 (2009).

Overall, 2023 saw undeniable progress in addressing accountability for CRSV notably with investigations and trials progressing or concluding, some of which resulted in convictions and reparations, including in CAR, DRC, Guinea, Nigeria, and Ukraine and with legislative reform initiated or laws

passed and implemented to the benefit survivors in DRC, Iraq, Libya, Guinea and Ukraine.

While progress is not commensurate with the scope of CRSV in countries on the agenda of the Security Council, it illustrates that where political commitment exists and investment by the international community is secured, justice is possible and accountability for survivors is achievable. The Team of Experts’ work contributed to these

successes over the past 15 years of its existence. Yet, despite these positive results, in 2023 the TOE reached a critical point in terms of its resources, its ability to sustain engagements and its ability to further respond to increasing requests for support. Ensuring the Teams’ perennity in 2024 and beyond and its ability to deliver on Security Council resolution 1888 will require Member States to recommit to the mandate and invest in the work of the Team of Experts.

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 UN 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 CRSV, 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 CRSV; and (iv) work with other United Nations mechanisms including United Nations Missions, United Nations Country Teams (“UNCT”) and the SRSV-SVC.

The Team of Experts is currently comprised of experts from the Department of Peace Operations (“DPO”), OHCHR, the Office of the SRSV-SVC and UNDP and operates under the strategic leadership of the SRSV-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:

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Photo
UN Photo/Eskinder Debebe



- 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 violence¹. However, the TOE may also engage in other countries upon request of national authorities, as well as the strategic advice of the SRSV-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 CRSV in line with international standards, resulting in increased accountability for such crimes ultimately contributing to long-term peace, security and development. Each of these three components is critical for criminal proceedings to be initiated and successfully concluded. No amount of technical assistance will be effective without a conducive political environment. Similarly, a 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 CRSV 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 stigmatise victims of CRSV; 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 organisations ("NGOs"); civil society organisations ("CSOs") and others, the TOE seeks to generate political will to promote accountability for CRSV and ensure consistent political advocacy around accountability efforts. The TOE also utilises 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.



TECHNICAL AND OPERATIONAL CAPACITY

The lack of technical and operational capacity of national rule of law institutions and actors to address accountability for CRSV limits the geographical presence and professionalism of justice authorities and other actors, leading to accountability processes which are not compliant with international standards. This further undermines confidence in the justice system and contributes 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 TOE provides technical and operational support based on 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 TOE assists governments in developing strategies, plans of action and policy and guidance tools to address accountability for CRSV.

COOPERATION AND COORDINATION

The lack of cooperation, coordination, coherence, and knowledge among the range of actors (governments, CSOs, NGOs, the United Nations, etc.) working to promote accountability for CRSV 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 TOE tracks and analyses country situations for CRSV as well as any corresponding responses by rule of law institutions and actors and utilises its findings and analysis from assessments to inform its discussions with relevant authorities and partners to plan and coordinate future engagements. The TOE also draws upon its engagements in a wide range of contexts to foster experience-sharing and learning between counterparts in countries that have experienced CRSV.

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 information extremely difficult and resource-intensive to obtain. This is particularly true for higher-level goals and outcomes.

16 PEACE, JUSTICE AND STRONG INSTITUTIONS



SDG 16

GOAL 1

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 VICTIMISATION TO COMPETENT AUTHORITIES OR OTHER OFFICIALLY RECOGNISED 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 achieving SDG 16, even in the absence of specific quantitative data.

² <https://unstats.un.org/sdgs/metadata>; <https://sdg-tracker.org/peace-justice#targets>

**GOAL
2**

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 achieving SDG 5, even in the absence of specific quantitative data.

³<https://unstats.un.org/sdgs/metadata>; <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 2023, the Team of Experts, in collaboration with a range of partners, pursued initiatives supporting greater accountability for CRSV 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 TOE's Joint Programme. The Team of Experts actively advocated for the adoption of internationally compliant laws, policies and procedures, including in Ukraine, Guinea, DRC, and CAR while also offering technical support to their drafting and implementation; the TOE provided technical and material support through activities such as technical assessments, specialised trainings and deployment of experts on the ground, including in CAR, DRC, Guinea, South Sudan and Ukraine; and sought to enhance cooperation, coordination, coherence, and build expertise and awareness among the range of actors working towards accountability for CRSV, through over 20 briefings to Member States, parliamentarians, permanent missions, such as to the Group of Friends of Accountability Following the Aggression Against Ukraine, a briefing to Member States in April on the challenges currently faced in Guinea in advancing the trial of 28 September 2009 and a Security Council Arria-formula meeting on the progress of accountability on 18 October 2023. Such initiatives, among others during the reporting period, demonstrate that the Team of Experts is delivering on its mandate under Security Council resolution 1888 (2009) and actively contributing to achieving greater accountability for CRSV through prompt, effective and victim-sensitive criminal proceedings carried out in line with international standards.

In addition, the Team of Experts worked closely with a number of United Nations organisations, including the United Nations Department of Political and Peacebuilding Affairs ("DPPA"), IOM, HRMMU, United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic ("MINUSCA"), United Nations Multidimensional Integrated Stabilization Mission in Mali ("MINUSMA"), MONUSCO, OHCHR, United Nations Assistance Mission for Iraq ("UNAMI"), UNDP, United Nations Population Fund ("UNFPA"), United Nations High Commissioner for Refugees ("UNHCR"), UNITAD, United Nations Integrated Transition Assistance Mission in Sudan ("UNITAMS"), United Nations Mission in South Sudan ("UNMISS"), UNODC, United Nations Office for West Africa and the Sahel ("UNOWAS"), United Nations Support Mission in Libya ("UNSMIL"), United Nations Entity for Gender Equality and the Empowerment of Women ("UN Women") and United Nations Resident Coordinator Offices in CAR, DRC, Guinea, Iraq, Libya, Mali, Nigeria, South Sudan, Sudan and Ukraine, among others.

Further, the Team of Experts collaborated closely with permanent missions during its work. For instance, the TOE held a virtual briefing co-hosted by the Permanent Missions of Germany and Albania on the progress and challenges of judicial response to conflict-related sexual violence in Mali.

The Team of Experts also collaborate with academia and CSOs. Regarding academia, the TOE worked with leading academic experts to analyse the nexus between trafficking and sexual violence in conflict. Also, the TOE worked with academics to develop a comprehensive jurisprudential database on conflict-related sexual violence. Regarding its work with NGOs, the TOE consulted with national NGOs in Ukraine that specialise in representing victims of conflict-related sexual violence. This collaboration greatly enhanced the TOE's understanding of the relevant provisions of the Criminal Code of Ukraine, including modes of liability, cumulative charging and the direct application of international treaties that Ukraine has ratified.

Such initiatives, among others during the reporting period, demonstrate that the Team of Experts 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%

TARGET 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.

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 2023, the Team of Experts advocated for the maintenance of accountability for CRSV as a priority in relevant peace operation mandates. This contributed to the maintenance of provisions supporting the promotion of accountability for CRSV in all relevant mandates, meeting the 2023 target.

In 2023, 100 per cent of the joint communiqués and frameworks of cooperation adopted by the respective Member States included a request for technical and operational support by the Team of Experts on accountability related dimensions, meeting the 2023 target.

Beyond the specific targets and indicators, the Team of Experts continued to advocate for political support for CRSV accountability across its countries of engagement, including advocating for the adoption and implementation of internationally compliant laws, policies and procedures which yielded results in several contexts:

- In DRC, the TOE supported transitional justice efforts for CRSV survivors by advocating for legal reform and sharing technical legal advice with the multisectoral ad hoc Commission for the Implementation of the National Fund for the Reparation of Victims of Sexual Violence linked to conflicts and other crimes against peace and security (in French: Commission ad hoc multisectorielle pour la mise en oeuvre du Fonds national de réparation des victimes de violences sexuelles liées aux conflits et autres crimes contre la pax et la sécurité de l'humanité) on the draft bylaws of the reparations law promulgated in December 2022. Once revised by the Commission, the draft bylaws will be presented to the Prime Minister for approval.
- In CAR, the TOE advocated for the immediate adoption of a decree granting the provision of a special allowance for the staff of the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (in French: Unité Mixte d'Intervention Rapide et de Répression des violences faites aux femmes et aux enfants, hereinafter referred to as "UMIRR") usually granted to specialized agents within national law enforcement, to secure trained personnel and prevent staff departures. Additionally, significant measures have been implemented in CAR for the last three years testifying to the political will built with national authorities on the matter. One of the key advancements was the appointment by the President of the Republic of a Minister-Adviser as focal point at the Presidency for CRSV in October 2021 and the establishment of a Strategic Committee for combating conflict-related sexual and gender-based violence. This Strategic Committee is chaired by President of the Republic and its Technical Committee is co-chaired

by the Ministry of State for Justice and the Minister Adviser for CRSV. The Committee drafted a Multi-Year Action Plan for 2022–2023 to provide a framework for implementing the current President's strategic vision regarding the fight against SGBV related to conflict. On 8 September 2023, during the presentation ceremony of the semi-annual report of the Strategic Committee, the President Touadéra announced the extension of the Strategic Committee's Action Plan until December 2026, the appointment of a Special Prosecutor for CRSV, and the establishment of a reparations fund for survivors. In line with the recommendations of the diagnostic report produced by the TOE and the MINUSCA, and with the Action Plan, the Team of Experts in collaboration with the Government, MINUSCA and UNDP, under the haut patronage of the President of the Republic, organized a high-level roundtable on accountability for CRSV to define key priorities to advance judicial and non-judicial responses to CRSV.

- In Guinea, the TOE advocated for the drafting and adoption of the implementing decree of the 2022 law on Protection of Victims, Witnesses and other Persons at Risk, as well as for the inclusion of interim measures within the 2022 law establishing the compensation fund.
- In Libya, the TOE advocated successfully for the adoption of the Violence Against Women Law, which has now moved to a plenary reading by the House of Representatives.
- In Ukraine, the TOE provided technical advice on possible amendments to strengthen provisions in the Criminal Code and Criminal Procedure Code to successfully prosecute CRSV cases, including to draft law 9531 which was submitted to the Rada in June 2023. The TOE also provided legal advice on draft law 10132 on the Status of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and Urgent Interim Reparations, submitted to the Rada in October 2023; and draft law 10256 on the Registration of Persons Whose Live and Health Were Harmed by the Armed Aggression of the Russian Federation against Ukraine was prepared by the Ministry of Social Policy of Ukraine and submitted to Verkhovna Rada in November 2023. The TOE supported the finalization of the revised Implementation Plan for the FOC, launched in December 2023, with the aim to better track process and impact.
- In Somalia, the TOE continued to advocate for the adoption of robust national legislation that facilitates accountability for CRSV and provides an adequate framework of protection for survivors.

⁴United Nations Integrated Office in Haiti ("BINUH"), MINUSCA, MINUSMA, MONUSCO, UNAMI, UNITAMS, UNMISS, UNSMIL and United Nations Assistance Mission in Somalia ("UNSOM").
⁵Framework of Cooperation between the Government of Ukraine and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence, dated 3 May 2022.

- The TOE supported the SRSG-SVC in global and Member State events regarding accountability for CRSV. These included several side events, one convened by the mandate during the 78th UN General Assembly titled the Holistic Justice Journey for Survivors of Conflict-Related Sexual Violence in September 2023; one on the rule of law during the 67th Session of the Commission on the Status of Women in March 2023 and the International Day on the Elimination of Sexual Violence in Conflict in June 2023. As described further below, the TOE also supported the SRSG-SVC at the United for Justice Conference in Lviv, Ukraine in March 2023 and high-level roundtables in CAR in November 2023. Separately, the Team Leader of the Team of Experts briefed Security Council members at an Arria-formula meeting on justice for CRSV in October 2023.

The Team of Experts also advocated for change through its contributions to numerous United Nations reports and policy documents ensuring accountability for sexual violence remained prominent across the United Nations work. These included 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. Additionally, the TOE provided input on CRSV for the Guidance Note of the Secretary-General on Transitional Justice: A Strategic Tool for People, Prevention and Peace released in October 2023 and joined the UN task force to implement the recommendations in the note. The TOE also contributed to country and thematic reporting by the Secretary-General and in the Study on the achievements and lessons learned from the Judicial and Penitentiary Affairs Section of UN Multidimensional Integrated Stabilization Mission in Mali ("MINUSMA") in the execution of its mandate, and avenues for reflection and opportunities for post-MINUSMA. In addition to UN policy documents, the Team of Experts also supported other institutions at international level. These activities included the TOE's contributions to the ICC's Office of the Prosecutor's Policy on Gender Based Crimes: Crimes Involving Sexual, Reproductive and Other Gender-Based Violence (2023).

The Team of Experts also continued to provide extensive strategic and technical advice to 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 CRSV, including statements, legal analysis and background documents in preparation for meetings, missions, etc.

THE OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON SEXUAL VIOLENCE IN CONFLICT
TOGETHER WITH THE PERMANENT MISSIONS OF THE DEMOCRATIC REPUBLIC OF THE CONGO, NORWAY AND SIERRA LEONE INVITE YOU TO:
A HIGH-LEVEL SIDE EVENT DURING THE UNITED NATIONS GENERAL ASSEMBLY

A HOLISTIC JOURNEY FOR CRSV SURVIVORS TOWARDS JUSTICE AND ACCOUNTABILITY



HOSTED BY THE PERMANENT OBSERVER MISSION OF THE AFRICAN UNION TO THE UNITED NATIONS, NEW YORK
Thursday, 21 September 2023, 1pm – 2.30pm EDT



Permanent Mission of Norway to the United Nations





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 2023, the TOE worked on the finalization of an assessment report on accountability for CRSV in Libya; prepared an assessment report for Sudan focused on the effective challenges victims face when seeking justice for CRSV crimes complementing its 2022 assessment that analysed the roles of the different justice actors; and conducted a mini assessment in Nigeria. The TOE also conducted a technical assessment mission to Ukraine to consult and discuss with national counterparts and other stakeholders the progress and challenges to implementing the FOC on the Prevention and Response to CRSV.

Beyond the specific target and indicator, the Team of Experts conducted 12 missions, 15 training sessions and facilitated 27 expert deployments to enhance the capacity of national authorities to investigate and prosecute CRSV.



In **Colombia**, the TOE accompanied the SRS-G-SVC on her first official visit to Colombia, to gain a comprehensive understanding of progress and challenges to the prevention and response to CRSV, including in the context of the implementation of the gender provisions of the 2016 Peace agreement and of the peace talks with the National Liberation Army (“ELN”).



COLOMBIA



CAR

In **CAR**, the TOE organized a training session for the investigative judges of the SCC on interview techniques for victims of conflict-related sexual violence.



DRC

In **DRC**, the TOE deployed a national consultant to conduct a mapping of pending cases containing charges of international crimes, including CRSV before military jurisdictions in eastern DRC.



GUINEA

In **Guinea**, the TOE organized a training on investigating and prosecuting sexual and gender-based violence for 25 magistrates from different jurisdictions and another with OHCHR office in Guinea for lawyers of the Guinean Bar Association on fair trial processes and sexual and gender-based violence. Throughout 2023, the TOE Senior Judicial Advisor also regularly deployed to Conakry to provide support.



IRAQ

In **Iraq**, the TOE deployed a dedicated specialist on CRSV to UNITAD to enhance its ability to support Iraqi and other judicial authorities on CRSV cases.



LIBYA

In **Libya**, the TOE conducted one training session for women lawyers, one for civilian prosecutors and one for military prosecutors, on applicable international law provisions that provide specific rights to vulnerable groups in detention settings.

Photos
Team of Experts

Iraq Photo
UNICEF | Romenzi

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In **Nigeria**, along with the Wayamo foundation and UNODC, the TOE provided a customized training on investigating and prosecuting accountability for CRSV to enhance the skills of the Complex Case Group at the Attorney General's Office.



NIGERIA

In **South Sudan**, the TOE engaged with the SSNPS Steering Committee and focal points from SSNPS field offices through a one-and-a-half-day workshop on strengthening police capacity to prevent, respond and investigate CRSV.



SOUTH SUDAN

Photos
Team of Experts

In **Ukraine**, the TOE led the SRS-G-SVC participation to the United for Justice Conference held in Lviv in March 2023 to advocate at the highest level for the prioritization of the investigation and prosecution of CRSV crimes committed by all parties in Ukraine and to highlight the need to bring the domestic legislative framework in line with international standards for CRSV. To build the national capacity for survivors-centred approaches to CRSV investigations and prosecutions, the TOE organised – in partnership with the OPG CRSV Specialized Unit – three workshops for 75 investigators, prosecutors and judges from seven different regions. These hands-on skills development workshops focused on national and international law applicable to current reported cases, developing investigation plans, and interview techniques for CRSV survivors. Expert discussions were organized for the OPG and the Kherson Police to further enhance



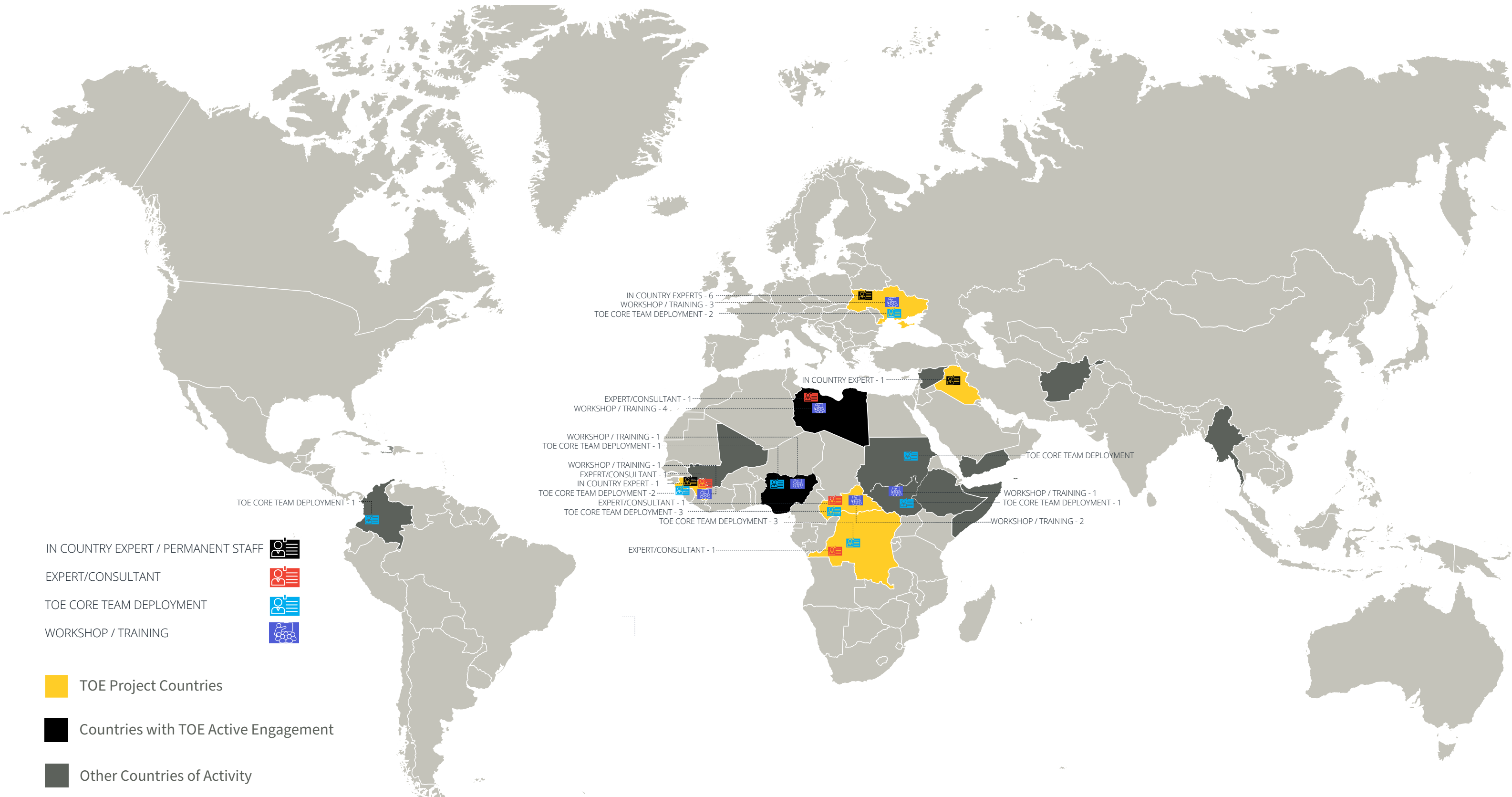
UKRAINE

CRSV survivors' access to the judicial process, including on topics such as standards for survivors' participation in the proceedings and interviewing techniques. In parallel, a senior international criminal litigation expert was embedded in the CRSV Specialised Unit in the OPG of Ukraine to provide mentoring, accelerate the review of CRSV cases, and support the building of CRSV macro cases. Training was also delivered online with IOM and the Global Survivors Fund on reparations for CRSV survivors for over 300 prosecutors. On 9-13 October 2023, the TOE deployed a technical mission to Ukraine to consult with national counterparts and other stakeholders on the progress and remaining challenges of the Implementation Plan for the 2022 FOC. The mission resulted in several additional requests for assistance by national authorities to the TOE, including the establishment of a Task Force with judges and prosecutor to prepare for additional trials on CRSV cases.

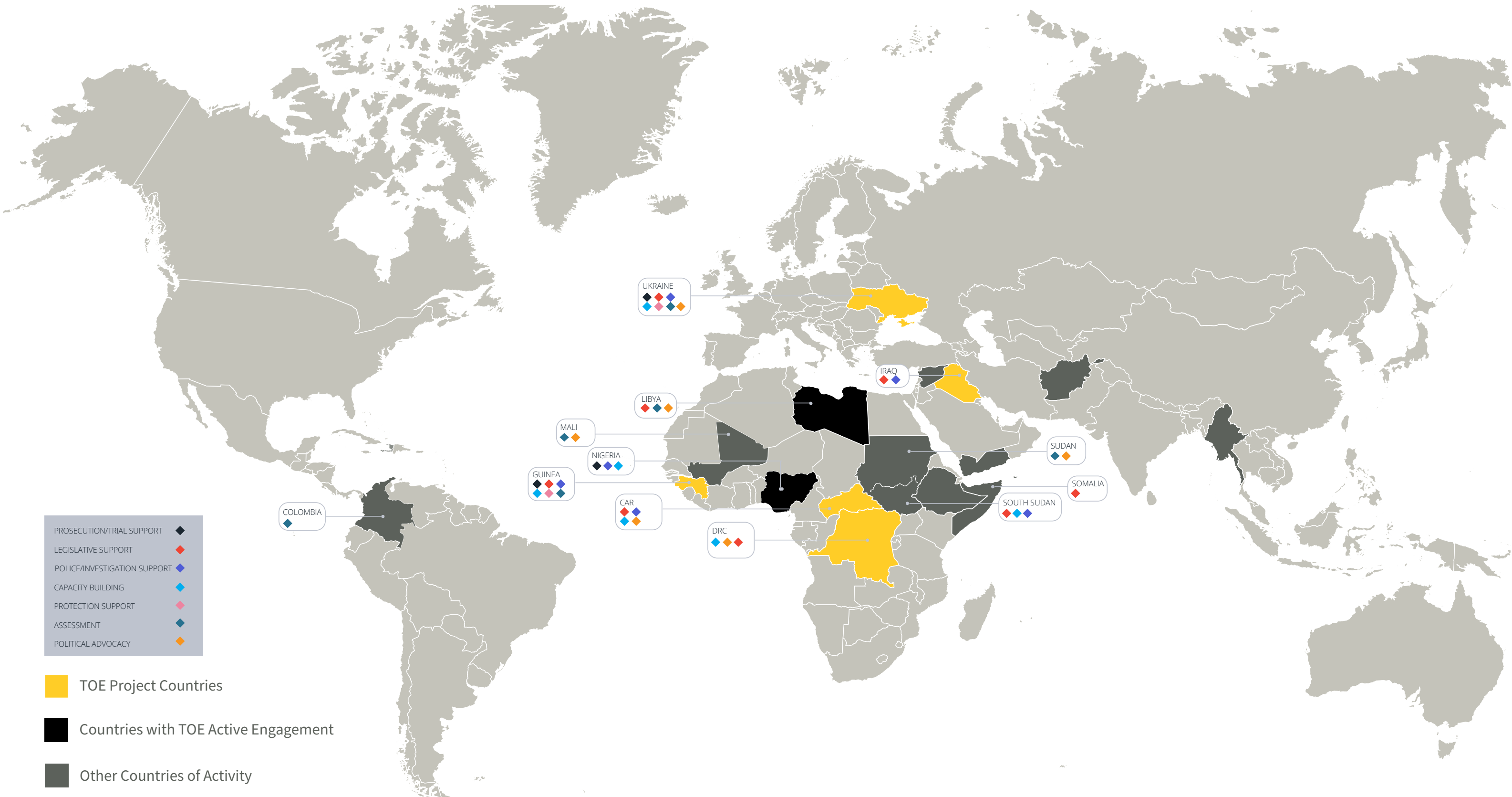
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Overall, in response to the growing demands for its interventions, the Team of Experts was able to increase its expert's deployments to nine situations and contribute at the Headquarters level remotely on both country-specific and thematic issues related to the rule of law and sexual violence and conflict. **However, the Team has reached a breaking point in terms of its ability to respond further to any increased requests. Sustaining the current level of expert support provided to Member States will require additional funds and human resources.**

TOE DEPLOYMENTS 2023



TOE ASSISTANCE IN 2023





Output 3: 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 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 2023, the Team of Experts conducted **seven joint field missions** with partners to CAR, Colombia, DRC, Egypt/Libya, Guinea and Ukraine meeting its 2023 programme target.

- In CAR, the Team of Experts, in collaboration with its co-leads at field level, MINUSCA and UNDP, organized with Government partners a high-level roundtable on accountability for CRSV crimes in November 2023. The event brought together more than 60 participants, from national authorities to victims' associations, civil society organizations, technical and financial partners, experts, and members of the diplomatic community. It identified recommendations to strengthen the judicial response to CRSV accountability in CAR. The TOE also produced a lessons learned study focusing on the innovative practices developed in its supported projects after ten years of engagement of the co-leads in CAR to inform future initiatives.
- In Colombia, the TOE supported the preparation of and accompanied the SRSV-SVC on her first official visit to Colombia, from 21 to 26 May 2023, in close coordination with the co-lead entities and the UN system in Colombia. The visit aimed at gaining a comprehensive understanding of progress and challenges to the prevention and response to CRSV, specifically after the opening of the macro case 11 dedicated to CRSV.
- In DRC, the TOE accompanied the SRSV-SVC on a high-level mission from 9 to 17 June 2023, following a significant rise in allegations of CRSV notably against, internally displaced persons fleeing conflict around Goma to raise the situation with the Government.

- For Libya, the TOE in collaboration with UNSMIL and United Nations Entity for Gender Equality and the Empowerment of Women ("UN Women") organized a joint workshop with Libyan parliamentarians and Libyan legal experts in Egypt to finalize the draft Violence Against Women Law. As a result, the draft Law garnered enough signatures to be presented to the parliament where it is currently pending.
- In Guinea, the TOE conducted a joint mission with an expert from its OHCHR Geneva co-lead to assess protection threats to victims, witnesses and other persons in the context of the trial for the events of 28 September and to assist national authorities implement their new law on protection. The TOE in cooperation with the UNCT Guinea, also contributed to developing a UN integrated strategy in support to the trial to enhance coordination between UN stakeholders and co-chaired regular meetings of the Sub-Working Group of the UN Inter-Agency Task Force on Guinea to facilitate collaboration around technical, programmatic and financial assistance for the trial of the 28 September 2009 events.
- In Ukraine, the TOE leveraged its co-lead structure to create partnerships to advance the commitments in the FOC on the Prevention and Response to CRSV and closely work with the Inter-Agency Working Group on the implementation of the FOC. A pilot joint project was initiated with UNDP to coordinate support to national accountability efforts, including the provision of legal expertise and the procurement of equipment. The TOE supported the establishment and operationalization of a specialised CRSV Unit in the HRMMU, expanding the UN capacity to monitor and report CRSV cases and creating a baseline of verified information to guide UN responses. Moreover, the TOE continued to deliver its joint project with IOM on reparations for CRSV and jointly provided technical advice to the Government of Ukraine resulting in draft laws presented before



- the Ukrainian legislature on urgent interim reparative measures and a domestic registry of damages. The TOE and IOM, in conjunction with the Global Survivors fund, held online trainings for regional prosecutors in Ukraine on reparations. These were recorded and made available in English and Ukrainian for future users. IOM and the TOE further engaged with the Council of Europe on the International Registry of Damages called for by the UN General Assembly. The TOE also initiated a joint project with UNODC to provide specific support to the national response to conflict-driven trafficking for the purpose of sexual violence.
- The Team of Experts continued to strengthen its partnership with the Police Division of the UN Department of Peace Operations. It reviewed the induction material on CRSV for UNMISS UNPOL ensuring that the training materials reflect international standards and national perspectives. The Team of Experts organized a consultation with Police Advisors from Member States permanent missions in New York to explore how to build partnership with existing national capacities investigating sexual violence as an international crime.
- In 2023, the Team of Experts continued to expand its partnerships with civil society organizations and the academic community. This included reviewing the Mukwege Foundation's Guidebook on State Obligations for Conflict-Related Sexual Violence and working with the Global Survivors Fund in contexts such as Guinea, DRC and Ukraine on urgent interim reparative measures. The TOE also established an advisory committee of prominent academics and civil society organizations' practitioners to guide preparations for its first-ever international prosecutor's conference on prosecuting conflict-related sexual violence scheduled for March 2024. The advisory committee ensured that substantive preparations for the conference's seminar papers and documentaries met the highest academic standards and considered the latest developments in research and jurisprudence. The Team of Experts also deepened its partnership with several CSOs, including the International Institute of Criminal Investigation to develop training tools for investigators notably focusing on specialized interviewing techniques for CRSV, Legal Action Worldwide to explore the possibility of a community of practice/gender justice hub and others on thematic and country files.

B. COUNTRY SPECIFIC ENGAGEMENTS

CRIME+ INVESTIGATION

≡ I. Central African Republic

OBJECTIVE(S)

Within the framework of Security Council resolution 2709 (2023) on Central African Republic ("CAR") and the Joint Communiqué on the prevention and fight against conflict-related sexual violence signed in 2019, the Team of Experts seeks to support CAR authorities in their efforts to ensure accountability for CRSV. The TOE's contribution to the UN Joint Justice Project in CAR includes supporting the development of strategic priorities, strengthening the capacity of the national authorities including the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (in French "Unité Mixte d'Intervention Rapide et de Répression des violences faites aux femmes et aux enfants", hereinafter referred to as "UMIRR") and national criminal justice authorities as well as that of the Special Criminal Court to investigate and prosecute CRSV within a survivor-centric approach. It also provides direct support and mentoring to relevant national institutions in conducting their investigation and prosecution efforts.

2023 KEY RESULT(S)

- TOE advocacy contributed to building political consensus around the prioritization of CRSV accountability within the CAR Government resulting in several significant measures.
- In November 2023, the TOE, with the Government of CAR and in collaboration with MINUSCA and UNDP, organized a high-level roundtable in Bangui which identified key priorities based on the TOE diagnostic report to strengthen accountability for CRSV. A roadmap based on emerging recommendation was drafted and will be adopted in 2024 providing the basis for governmental and international action aimed at strengthening the judicial response to CRSV.
- In consultation with the MINUSCA, the TOE organised a training on interview techniques for engaging with victims of CRSV and enhanced the capacities of investigative judges of the SCC to investigate and prosecute CRSV.



ASSISTANCE AND IMPACT

Despite the continuing trend in cases of CRSV across the country⁶, **2023 was a year of notable progress for accountability for CRSV** in CAR both in terms of political will and concrete judicial proceedings. On the former, the Government continued to demonstrate its commitment to justice for CRSV by implementing significant measures to enhance the prevention and fight against impunity. On 8 September 2023, during the presentation ceremony of the semi-annual report of the Strategic Committee⁷, President Touadéra announced the extension of the Action Plan for combating conflict-related sexual and gender-based violence until December 2026, the establishment of a reparations fund for survivors and the appointment of a Deputy Prosecutor before the High Court of Bangui specialized on CRSV and trafficking (“Substitut du Procureur de le République près le Tribunal de grande instance de Bangui chargée des violences sexuelles liées au Conflit et de la traite des personnes” in French).

At the investigation level, the UMIRR, with TOE support, continued to successfully implement its mandate despite diminishing resources. From 2017, until October 2023, the UMIRR transferred 3000 judicial statements to the Prosecutors. In March 2023, UMIRR launched a new referral pathway to streamline victims’ experience and avoid re-traumatisation. Such results are achieved against increasing challenges to provide an adequate holistic response to survivors due to the units’ limited capacity and resources.

At the judicial level, the Bangui Court of Appeal held three criminal sessions this year, with the support of the UN. During the first criminal session, 15 victims and witnesses of sexual violence received support by MINUSCA to testify. During the second criminal session, the Bangui Court of Appeal tried 20 cases of sexual violence (including CRSV) and for the first time made use of two courtrooms, including one dedicated to witnesses and victims’ protection, especially for cases of sexual and gender-based violence. In a landmark decision, the Appeal Chamber of the SCC confirmed the conviction of Issa Sallet Adoum, including on charges of rape as both war crimes and crimes against humanity in his capacity as military superior. On civil interests (reparations), the Appeal Chamber ordered that five victims of sexual violence receive medical and psychological care, training opportunities and socio-economic reintegration.

Building on the positive political momentum of the President’s decision to establish the Strategic Committee, the TOE continued to support the SRSV-SVC’s political advocacy and the efforts of the CAR Government to address CRSV. The Team of Experts engaged actively with the Minister-Adviser and focal point for CRSV and the Ministry of Justice and supported their efforts to secure concrete action regarding the implementation of the Joint Communiqué provisions on justice and accountability and priorities established in the Action Plan of the Strategic Committee.

In November, building on its diagnostic report produced with the Justice and Correction Section of MINUSCA⁸, the TOE together with the Government of CAR, and in collaboration with co-lead entities at field level (MINUSCA and UNDP), organized a high-level roundtable on accountability for CRSV crimes under the high patronage of the President. The roundtable recommendations will serve as a roadmap for action by national authorities in partnership with and support of the UN and the international community to advance accountability in CAR.

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The High-Level roundtable was modelled on a survivor-centred approach bringing together a diverse range of stakeholders, including national and local authorities, victims’ associations, civil society organizations, technical and financial partners, experts, members of the diplomatic community, and, most importantly, survivors themselves. The different sessions were attended by over 60 participants. Over the course of the three-day event, sessions focused on, inter alia, the role of survivors and witnesses in the judicial process and transitional justice; strengthening the legal framework; and the judicial response to CRSV crimes. The roundtable was overseen by the “Ministre Conseillere”, opened by the Minister of Justice and the SRSV-SVC, and attended by several ministers. It was closed by the President of the Republic, signalling his personal and political commitment to end impunity for such crimes. A dozen key priorities were identified, including the need to strengthen support to actors in the criminal justice chain (namely through the provision of financial, material, and human resources); encourage the deployment of the UMIRR throughout the country, reflecting the full extent of its territorial competence; to strengthen the legal framework for the prosecution of CRSV, and strengthen case monitoring and internal oversight of the judiciary, in order to address existing delays, obstacles and case attribution. The Team of Experts is currently working with the Government of CAR, MINUSCA and UNDP to finalize and ensure the prompt adoption of the roadmap by mid-2024, allowing for adequate fundraising and subsequent implementation.

In the context of the high-level roundtable, the TOE also supported the SRSV-SVC on her mission to CAR from 13 to 17 November and led the engagement with relevant national justice institutions. During the mission, the team visited the UMIRR, which has benefitted from TOE support since its creation in 2015, and noted how limited human and material capacity are impacting



⁶ Report of the Secretary General on Sexual Violence in Conflict, 2023.

⁷ The Strategic Committee for combating conflict-related sexual and gender-based violence in CAR was established by the President Touadéra in 2021. The Strategic Committee is chaired by the President of the Republic. A Technical Committee attached to the Strategic Committee is co-chaired by the Ministry of State for Justice and the Minister Adviser for CRSV. This Committee drafted a Multi-Year Action Plan for 2022–2023 to provide a framework for implementing the current President’s strategic vision regarding the fight against sexual and gender-based violence related to conflict.

⁸ In 2021, the Team of Experts, jointly with the Justice and Correction Section of the MINUSCA, carried out an analysis of the judicial response to CRSV in CAR.



its ability to provide holistic responses to survivors, hampering victims ability to come forward and report. In response, the SRSO-SVC, with TOE support, has since advocated for stronger political and financial support from both the national budget as well as international partners. Echoing a key priority from the High-Level roundtable, the SRSO-SVC advocated for the immediate adoption of a decree granting the provision of a special allowance for the UMIRR staff, acknowledging and reflecting the specialization of the UMIRR agents. This type of special allowance, granted to other specialized agents within national law enforcement, will create an incentive securing trained personnel and preventing overly frequent staff rotations. In a meeting that gathered the four UMIRR oversight ministries - Justice, Interior, Gender, and Health - only the second meeting since its creation, the SRSO-SVC emphasised the importance of allocating additional resources to UMIRR and urged for increased coordination between the four ministries to submit a revised budget to the Prime Ministers who agreed in his meeting with the SRSO-SVC to review such a submission.

In the context of its advocacy and resource mobilisation efforts, the TOE, in partnership with the Minister of Justice of CAR and the Deputy Register of the SCC, debriefed Member States on the progress made in the judicial response to CRSV in CAR on 8 December 2023. During the debrief, the TOE stressed the crucial need for sustained donor support to build on the progress achieved, including implementation of the recommendations identified during the high-level roundtable.

The TOE continued to provide technical expertise and support to investigations by the UMIRR, to domestic prosecutors and to courts for handling sexual violence cases, through 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, together with MINUSCA and UNDP. The project has been extended until June 2024 and a new project is currently being drafted.

In 2023, the TOE stepped up its support to the SCC. It developed and conducted a tailored and interactive scenario-based training for the investigative judges, based on the CAR context and the unique challenges facing the SCC. As requested by the magistrates, the training focused on interview techniques when engaging with CRSV victims. It was delivered by a senior international trial lawyer and former prosecutor, in collaboration with the Justice and Correction Section of MINUSCA. The international expert played a crucial role in fostering substantive discussions and facilitating peer to peer exchanges of experiences with and among the investigative judges, which was vividly endorsed by the participants who have since requested additional trainings. Further engagement to support the enhancement of the capacity of SCC magistrates and police officers in cases involving charges of CRSV has been requested and will be implemented if additional funds are received.

As of 1 December 2023, about 20 cases including charges of CRSV are under investigation by SCC, including the Bangassou case⁹. During her visit in CAR, the SRSO-SVC, accompanied by the TOE met with the leadership of the SCC to discuss challenges facing the court and support from the TOE on CRSV cases.

In an effort to assess its impact, the TOE recruited an independent consultant to conduct an evaluation of its project from 2019 to 2022. The independent assessment found that the project undertaken by the Team of Experts, in partnership with its co-leads at country level (UNDP, MINUSCA JCS/HR) has effectively resulted in improvements in the judicial response to CRSV cases. Despite noting progress made at the technical level, the report highlights the need for commensurate progress at strategic and political levels. The "lessons learned" report will guide and enhance future TOE initiatives.

While the momentum in CAR with respect to accountability for CRSV has been positive this year, with a number of encouraging political decisions at the highest level and concrete judicial progress, there is a critical need for international partners to invest in supporting these efforts to ensure the sustainability of recent developments. This includes supporting the priorities of the revised Action Plan: allocating resources to the UMIRR and its antennas, continuing capacity-building efforts for national jurisdictions including the SCC, and further supporting the conduct of criminal sessions dedicated to CRSV before the Bangui Appeal Court, in collaboration with UN partners in-country.

LOOKING AHEAD

In 2024, the Team of Experts will focus on: (i) implementing the key priority actions defined by revised Action Plan derived from the roundtable conducted in November 2023; (ii) providing technical and material assistance to the UMIRR to bolster its investigations and the transfer of completed prosecutions to trial phase, and ensuring the implementation of an efficient system for tracking the progress of case files from investigation through trial; (iii) providing capacity building and technical advice to ordinary criminal courts, including in support of ongoing proceedings with charges of CRSV and ongoing emblematic cases; (iv) providing capacity building support to the SCC, notably to the police unit of the SCC; and (v) contributing to legislative reform initiatives, such as the revision of the criminal code to include provisions related to CRSV.

These initiatives will require dedicated funds for the TOE to launch the next phase of its CAR project, which has expired. Without the identification of dedicated project funds, the TOE will not be able to continue to support national initiatives and priorities, jeopardizing the progress achieved so far by the CAR judicial institutions.

⁹ In 2022, the TOE together with MINUSCA facilitated the deployment of the UMIRR judicial police officers to Bangassou in February and March 2022 to conduct investigations organised under the leadership of the Prosecutor of the High Court of Bangassou. The investigations resulted in the collection of testimonial evidence from 123 victims and witnesses of rape and sexual slavery, which may constitute international crimes. In January 2023, the investigations were deemed to be completed, and the case was successfully transferred to the Office of the Prosecutor of the SCC. The prosecutor then decided to directly transfer the case to the Investigative Judges.



ASSESSMENT

II. Colombia

OBJECTIVE(S)

Building on the political re-engagement by the SRSG-SVC following the 2022 election in Colombia and given the role of the Office of the SRSG-SVC in the 2016 Peace Accord between the Government of Colombia and the Revolutionary Armed Forces of Colombia (“FARC-EP”), the Team of Experts has focused on reengaging with national justice authorities and other national and international counterparts at technical level in order to assess progress; identify needs and challenges; and provide support to advance accountability for CRSV.

2023 KEY RESULT(S)

- The TOE facilitated a more comprehensive understanding of the progress and challenges in preventing and responding to CRSV, including in the context of implementing the gender provisions of the 2016 Peace Accord and the peace talks with the National Liberation Army (“ELN”) through a high-level mission with the SRSG-SVC.

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TNH | Megan Janetsky

ASSISTANCE AND IMPACT

During the reporting period, the Team of Experts continued to follow the developments of the Colombian Comprehensive System of Truth, Justice, Reparation and Non-Repitition created under the 2016 Peace Accord, in particular its Truth, Coexistence and Non-Repitition Commission and the Special Jurisdiction for Peace (“SJP”). The year was marked by the formal opening, on 27 September of a dedicated case, “Macro-case 11”, in which magistrates from the SJP will investigate and prosecute sexual violence committed based on the victims’ sexual orientation, identity or gender expression, and sexual violence committed against women, solely “for being women.” This represents a significant window of opportunity for accountability for CRSV.

During the reporting period, the TOE supported the SRSG-SVC’s dialogue with the Colombian Government regarding modalities for the re-engagement of her Office in support of the implementation of the 2016 Peace agreement between the Government of Colombia and the FARC-EP. During the SRSG-SVC’s visit to Colombia, the Team of Experts, with the support of the UN system, organized a dedicated meeting with the SJP, to discuss progress made and challenges remaining in the investigation and mainstreaming of CRSV crimes in existing cases and the opening of a dedicated macro-case on CRSV. This included issues such as protection measures for victims and witnesses; methodologies involving victims’ participation to define restorative sentences with transformative potential; design of methodologies to identify patterns of sexual violence, with specific focus on the ethnic and territorial dimensions of each context; risks of re-victimization; and human and financial resources. The SJP underscored the need for additional capacity in support of the three magistrates investigating the macro case, to analyse specific information related to CRSV and gather additional information to support building the case.

The milestone represented by the opening of macro case 11 has given a new form of hope to survivors however, given the limited time available to the SJP to investigate and prosecute CRSV – in view of the expiration of its mandate in 2033– urgent support is essential for accountability for sexual crimes to materialise.

LOOKING AHEAD

In 2024, the Team of Experts will focus on: (i) supporting advocacy efforts of the Colombian Government for additional support and human resources dedicated to the investigation of the macro-case on sexual and gender-based violence committed in the context of the armed conflict.

The TOE currently does not have any available resources nor capacity as part of its core team to support dedicated technical engagement in Colombia.





TRANSITIONAL JUSTICE - SUPPORT TO PROCEEDINGS

III. Democratic Republic of the Congo

OBJECTIVE(S)

In line with Security Council resolution 2717 (2023) on Democratic Republic of the Congo ("DRC") and the Joint Communiqué signed by the Government of DRC and the United Nations in 2013, renewed by the signature of an Addendum in December 2019, the TOE continued to support the Government of the DRC in enhancing accountability for CRSV crimes, including through the current Joint Justice Programme (2020–2024), jointly implemented by UNDP, MONUSCO (UN Joint Human Rights Office).

2023 KEY RESULT(S)

- The TOE advocated with military jurisdictions and local authorities for an adequate justice response to the increasing allegations of CRSV in internally displaced persons camps of North Kivu, including political and financial support to conduct investigations, irrespective of perpetrator affiliation.
- The TOE raised awareness of Member States at international level via several briefing sessions.
- The TOE conducted a mapping exercise which identified international criminal cases, including those with CRSV charges, pending before military jurisdictions in eastern DRC. This mapping will form the basis for case prioritization and technical support.

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ASSISTANCE AND IMPACT

In 2023, political dynamics were driven by preparations for the general elections, heightened political tensions, and ongoing regional efforts to address insecurity in eastern DRC that deteriorated further owing to the resurgence of M23 since the beginning of 2021. Inflammatory rhetoric targeting MONUSCO also narrowed the operating space for United Nations entities to monitor, report, and respond to cases of sexual violence, notably in the eastern part of the country, and to implement programmatic activities. On 20 December 2023, Felix Tshisekedi was elected President. Despite this volatile context, some progress on accountability for CRSV crimes was recorded, notably the world's first national level conviction for crimes against humanity by forced pregnancy on 15 May 2023, in the Ndarumanga case¹⁰. Additionally, for the first time in the DRC, two generals were prosecuted for command responsibility for crimes against humanity by rape, murder, inhumane acts, and imprisonment in the Mulombodi case¹¹.

The TOE deployed in Kinshasa in February to review priorities with the main stakeholders - national political and judicial authorities, UN partners and civil society - in light of the security context following the resurgence of M23, which has resulted in the absence of justice actors in the Eastern regions; the planned/ongoing withdrawal of MONUSCO; the ongoing efforts on transitional justice and the upcoming electoral period. Following the mission, the TOE held a debrief with Member States on the progress of the judicial response to CRSV in the DRC and the urgent need for further support to judicial actors to investigate, prosecute and adjudicate such crimes.

In June, the TOE supported the SRSG-SVC's high-level mission to the DRC (from 9 to 17 June) which aimed at raising awareness about the significant rise in allegations of CRSV against civilians, including children, particularly impacting internally displaced persons fleeing renewed conflict around Goma. The TOE supported the SRSG-SVC's advocacy and awareness-raising efforts related to the promulgation of the "Self-Defense Reserve Force Law", which allows for the integration into national security forces of anyone not having been subject of prior judicial conviction, increasing the risk of integration of alleged perpetrators of CRSV into the reserve.

The TOE engaged with military judicial authorities in Goma and Bukavu on CRSV cases currently pending at the investigation stage and in front of the courts to identify continuing and new challenges faced by national and regional partners to ensure a systematic and victim-centred judicial response to CRSV and discussed the support required to move forward such cases.

In Goma and Bukavu, the Team of Experts visited the Special Police for the Protection of Children and the Prevention of Sexual Violence (in French "Police spéciale de Protection de l'Enfant et de Prévention des Violences Sexuelles", hereinafter referred to as EPEPVS) to assess their current needs and increasing challenges due to the deteriorating security situation. Access to justice remains extremely limited, often to urban centers, or areas where judicial authorities can be temporarily deployed, which requires United Nations support. Victim protection remains particularly challenging and protection measures can often only be consistently provided during the trial phase and in most cases require the support of international partners. The TOE advocated to the authorities in Kinshasa for the allocation of additional resources for the EPEPVS, especially in localities facing recent allegations of sexual violence resulting from the escalation of violence.

In September 2023, the TOE, jointly with its UNDP co-lead at country level, initiated the deployment of a national expert to undertake, as agreed with national counterparts, the mapping of pending international criminal cases, including charges of CRSV, within the jurisdictions of North Kivu, South Kivu and Ituri. The goal of this exercise was to provide an updated comprehensive overview of pending cases and their status. The data gathered will provide an understanding of the evolution of the prioritization strategy initiated in 2015. Based on the findings, the TOE will provide technical advice and material support for priority cases identified as emblematic due to the gravity and scale of the crimes committed, the alleged perpetrators, and/or their legal and social impact. The TOE's support is expected to bolster the proceedings and contribute to the pursuit of justice for these significant cases.

The TOE through its national consultant also attended a roundtable organized by the International Criminal Court ("ICC") and the Presidency of the Republic in Kinshasa from 14 to 16 November 2023. The round table brought together military justice actors and technical and financial partners focusing on priority cases in North Kivu, South Kivu, Ituri, and Ex Kasai. The discussions highlighted the imperative to update prioritization strategies, especially in Ituri, with a focus on crimes of CRSV, and to provide adequate technical support and expertise for the benefit of the Congolese justice system.

Following the adoption of the reparations law in 2022, the TOE sustained its support to national transitional justice efforts for survivors, by carrying out an analysis and presenting its observations on the first draft of the bylaws to the multisectoral ad hoc Commission for the Implementation of the National

Fund for the Reparation of Victims of CRSV and other crimes against peace and security. Once revised by the Commission, the draft bylaws will be presented to the Prime Minister for approval.

Due to lack of dedicated resources for DRC, the TOE was unable to finalize and launch its diagnostic report in 2023. The report will be updated in 2024 in light of the findings of the mapping of priority cases being conducted.

The Joint Justice Programme adopted by the Government of the DRC and UN partners in 2020, which aims to mobilize funds and expertise to further support the strengthening of the rule of law and the fight against impunity, including the judicial response to crimes of CRSV, will end by December 2024. The new Joint Justice Programme, in which the TOE participates in preparatory work, presents a valuable opportunity to support and further advance the progress achieved in the judicial response to CRSV in the DRC.

LOOKING AHEAD

In 2024, the Team of Experts will focus on: (i) in close consultation with national authorities, launching the diagnostic report on the judicial response to CRSV in Eastern DRC, including the updated mapping of judicial cases, (ii) facilitating the support to emblematic cases, in line with renewed prioritization criteria discussed with national stakeholders; (iii) providing technical and material support to the Special Police for the Protection of Children and the Prevention of Sexual Violence; and (iv) continuing to contribute to legislative reform initiatives pertaining to the judicial response to CRSV.


The TOE will require dedicated funds to deliver on these priorities and undertake the next phase of its project in the DRC. Without a dedicated project, the Team of Experts will not be able to initiate this new phase which risks jeopardising the notable progresses made so far on accountability for CRSV in the DRC.

Photos
Physicians for Human Rights
Physicians for Human Rights
UN Photo | Abel Kavanagh





LEGISLATION - TRIAL SUPPORT

 IV. Guinea

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 TOE seeks to support national authorities to ensure the trial for the events of 28 September 2009 is conducted in compliance with international standards. In 2023, in line with agreed priorities, the TOE delivered capacity building for judicial authorities on the prosecutions and adjudication of CRSV, on addressing protection risks in the context of the ongoing trial and contributed to finalizing a UN integrated strategy to enhance coordination and facilitate the coordination of UN actors in support of national accountability effort for CRSV. As part of these efforts the TOE has dedicated resources to sustain long-term engagement through deployment of a Senior Judicial Advisor in the country.

2023 KEY RESULT(S)

- The TOE strengthened the capacity of 50 Guinean judicial officials through a series of trainings on sexual and gender-based violence.
- The TOE deployed with its co-lead OHCHR to Conakry to conduct a protection risk assessment for victims, witnesses and others participating in the trial and identified the needs and obstacles to the implementation of the Law on Protection of Victims, Witness and Persons at Risk ("Law on Protection") and key measures to provide immediate protection in the context of the ongoing proceeding.
- The TOE's technical advice was incorporated into the draft of the implementing decree for the Law on Protection adopted in 2022.
- As part of its continued efforts to foster UN coordination and collaboration in support of Guinea's efforts towards accountability for CRSV, the TOE co-chaired two Sub-Working Group meetings of the UN Inter-Agency Task Force on Guinea, which contributed to the adoption of a UN integrated strategy to coordinate UN technical, programmatic and financial assistance in support of the trial for the events of 28 September 2009.

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Team of Experts



ASSISTANCE AND IMPACT

In 2023, the Team of Experts continued to support Guinean national authorities to ensure 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 109 women and girls were raped and subjected to other forms of sexual violence. Throughout 2023, the court heard from 11 defendants, more than 100 victims and a dozen witnesses. The court also reviewed video and audio recordings from the events. These proceedings led the prosecutor to request the requalification of the crimes as crimes against humanity, shifting the modes of liability, from direct perpetrators and accomplices to commanders and their indirect responsibility. If deemed admissible, this could represent a significant milestone in terms of accountability for sexual violence in the country and provide a positive precedent for future trial focusing on political events involving sexual violence crimes.

Despite political commitment and financial resources invested in the trial proceedings by the Guinean authorities and the interest of all parties to align the trial with international standards, significant challenges remain. The victims' hearings revealed difficulties in implementing the Law on Protection. The recent escape attempt by four of the defendants on 4 November 2023 – one of whom remains missing – has deepened protection concerns. In response, the TOE carried out two deployments of specialised expert capacity to Conakry from headquarters in addition to the monthly deployment of its Senior Judicial Advisor.

In January 2023, a TOE expert deployed to Guinea for one-month monitor the developments in the on-going trial for the events of 28 September 2009, identify remaining challenges, and support judicial actors and authorities in addressing these issues in close consultation and coordination with national authorities and UN actors on the ground. In February, the TOE also deployed two senior international experts to deliver training modules in the context of an OHCHR-led training for 50 defence and civil parties' lawyers to strengthen their skills in fair trial processes. Following the successful delivery of the first training in October 2022 and in response to an additional request from the Minister of Justice, the TOE also organized in the same month a second capacity building session for 25 national magistrates. The training was delivered by a renowned international expert and former General Prosecutor from the Extraordinary African Chambers, a UN judicial expert and magistrate deployed in MINUSCA. It focused on (i) the investigation and prosecution of sexual and gender-based violence, (ii) an overview of the national and international legal frameworks for the prosecution and adjudication of sexual violence, (iii) the jurisprudence emanating from the Extraordinary African Chambers and the CAR Special Criminal Court, and (iv) the protection of victims and witnesses before, during and after legal proceedings.

In addition to supporting judicial authorities, in July 2023, in response to concerns expressed by survivors and their families, civil parties and civil society, the Team of Experts conducted



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a mission leveraging OHCHR Geneva expertise to assess the protection challenges for victims, witnesses and other persons at risk and to support the national authorities in the implementation of the Law on Protection, adopted in September 2022. The mission's findings concluded that the victims, witnesses and judicial actors involved in the trial have been exposed to threats and a break-in. Based on the findings, the mission recommended the implementation of short, medium and long-term measures, including the deployment of a dedicated protection expert to support the national authorities in operationalizing the Law on Protection. The recent escape attempt by four of the defendants – one of whom is still missing – increased protection concerns further and illustrated the urgent need for the deployment of a protection expert, especially as the final hearings are yet to occur and are anticipated as points of high tension.

On legislative reform, the TOE provided technical advice to the drafting of the implementing decree for the Law on Protection and advised the Ministry of Justice on the drafting and issuing of a legislative framework detailing the organization of the Compensation Fund for the Victims of the 28 September 2009 events. As most victims have not yet received reparations despite some suffering significant harm, the TOE advocated for the inclusion of interim reparation measures in the above-mentioned framework.

At the strategic level, the Team of Experts together with DPPA acted as co-chairs for meetings of the Sub-Working Group of the Inter-Agency Task Force on the trial of 28 September to facilitate United Nations coordination and collaboration around technical, programmatic and financial assistance for the trial. This contributed to the finalisation of the UN integrated strategy aimed at supporting the trial of the 28 September 2009 events, which was adopted by the members of the Inter-Agency Task Force in December 2023. The strategy prioritizes focusing on: (i) monitoring the trial in light of international standards; (ii) strengthening the capacity of justice officials on the prosecution and adjudication of sexual and gender-based violence through specialised training; (iii) developing and implementing a protection strategy for the trial under the new law on protection, ensuring survivor-centred approaches for the victims of sexual violence

are secured; (iv) developing and operationalizing a strategy for reparations for victims of the 28 September 2009 events under the new decree (this will include victim consultations); (v) developing a communication and awareness campaign on the importance of the trial for sustainable peace and reconciliation; and (vi) exploring the possibility of deploying additional capacity to support the trial and looking for dedicated funds to this effect. It will provide the basis for engagement of international partners in funding accountability efforts.

At the international level, the TOE continued to advocate with Member States in New York for support to accountability efforts and its work in Guinea. In April 2023, the Permanent Mission of Finland hosted a dedicated briefing with the participation of the Permanent Mission of Guinea in New York, to raise awareness about progress and challenges, including in the context of the on-going trial. The TOE also provided support during visits by Guinean authorities to New York, to further raise awareness on outstanding needs. The successful conclusion of a fair trial following international standards is a key element for national reconciliation and sustainable peace in the country which continues to require international support.

LOOKING AHEAD

In 2024, pending the identification of necessary dedicated resources, the Team of Experts will work on: (i) supporting the trial of 28 September 2009 to ensure compliance with international norm and standards; (ii) providing technical support to national magistrates regarding sexual and gender-based violence; (iii) prioritizing the assistance to national authorities in the implementation of the Law on Protection, including through the deployment of a protection expert and continued technical support to its implementing decree; and (iv) facilitating coordination of UN entities through the Sub-Working Group of the Inter-Agency Task Force.

Funds will be required, particularly for the foreseen deployment of a victim and witness protection expert without which the risks identified by the TOE assessments may not be addressed.



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) in implementing the rule of law provisions of the Joint Communiqués. 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 and other forms of victims' assistance measures.

2023 KEY RESULT(S)

- The TOE deployed a judicial affairs officer, specialist on CRSV, to UNITAD in Erbil in late 2023 to assist in the creation of case profiles for future prosecutions and to deliver capacity building to national institutions, including in the Kurdistan Region of Iraq.
- The TOE and IOM launched a joint study on the Yazidi Survivors Law – an Iraqi national law that provides benefits for survivors/victims of Islamic State in Iraq and the Levant (“ISIL”) including for CRSV – regarding community perceptions on specific aspects of the Yazidi Survivors Law’s implementation with preliminary findings concluded in 2023 and a final report to be launched in 2024.

ASSISTANCE AND IMPACT

Nearly after ten years since the Sinjar attacks, accountability for CRSV crimes committed by ISIL remains elusive. At the national level, no cases of CRSV have been prosecuted in either Iraq or the Kurdistan Region of Iraq, while at the international level, only a few cases have resulted in trial – mostly in Europe – despite the gravity and scope of the sexual crimes committed against the thousands survivors/victims. The Team of Experts still assesses that existing domestic law on trafficking in persons or rape under national law might provide interim avenues to prosecute ISIL without undercutting the development of serious international crimes legislation or cases in Iraq, although these laws do not address the full range of harms committed by ISIL. The TOE will continue to explore the desirability and feasibility of such an approach with partners within the existing policy limitation for the UN regarding death penalty.



Based on initial technical assessments for Iraq conducted from 2015 through 2017 at the request of the Government, the TOE 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) legal and policy reform relating to sexual violence. Based on these assessments, the TOE formed a programme of work in the country.

At the end of 2023, the TOE deployed a judicial affairs officer, specialised in CRSV, to UNITAD to create case files on perpetrators of CRSV and to deliver capacity building training to national and regional authorities. The upcoming closure of UNITAD in 2024 at the request of Government of Iraq, will however result in the termination of joint UNITAD and TOE activities. As such it will be necessary to review the TOE’s engagement with the Government regarding possible further activities for the implementation of the Joint Communiqué’s provision on accountability. Pending available resources, the TOE remains committed to assisting Iraq in bringing cases of CRSV in its national and regional justice system, build capacity of the courts to investigate and prosecute CRSV, and deliver justice in local courts that survivors and their families have rightly demanded and deserved.

On transitional justice and reparations, the Team of Experts continues to follow developments on the implementation of the Yazidi Survivors Law and provide technical expertise, as requested, with its United Nations partners, including IOM and UNAMI, Iraqi government partners, such as the Directorate for Survivors Affairs created pursuant to the Yazidi Survivors Law, and CSOs. Initial efforts to make payments were continuing with delivery beginning in 2023. Although the Yazidi Survivors Law and payments are significant achievements, potential hurdles for survivors remain. In 2023, the Government instituted a new administrative law requiring survivors to file a criminal complaint in domestic courts to receive benefits under the Yazidi Survivors Law (both the Yazidi Survivors Law and its

bylaws do not expressly contain such a requirement). The TOE and IOM are conducting a study on the perception of this requirement by the Iraqi population and its implementation by the authorities based on a qualitative survey of survivors who applied for benefits under the law, CSOs, and governmental organizations. Preliminary findings of the study found that the Yazidi Survivors Law is considered an essential programme, but the criminal complaint requirement is seen by some to mitigate against fraudulent claims. Further results showed that concerns regarding fraud may yet be mitigated without such requirement and that this requirement imposed significant barriers on non-Yazidi recipients eligible for benefits.

Respondents of the study also discussed the process of filing criminal complaints in Iraqi national courts and demonstrated a variety of experiences. These experiences can inform judicial capacity building measures in Iraq on CRSV that could be conducted in compliance with the United Nations’ position on the death penalty and welcomed by Iraqi authorities. The full results of the study are to be discussed with the Government in 2024 with a view toward its publication.

LOOKING AHEAD

In 2024, pending resources, the Team will focus on two major strategic priorities in Iraq: (i) related to accountability, the Team will continue to support judicial cases for CRSV through its dedicated specialized capacity deployed to the UNITAD mechanism until UNITAD’s closure. After the closure, and contingent on resources, the TOE remains fully committed to building judicial capacity in Iraq and supporting survivors for accountability for ISIL crimes of CRSV in domestic courts in line with the Joint Communiqué of 2016 that remains in effect; and (ii) continue to support transitional justice and reparation initiatives, including based on the findings of the IOM/TOE joint study on the Yazidi Survivors Law, with the aim of improving delivery of benefits and ensuring the full range of justice measures are delivered to all survivors of ISIL’s crimes of CRSV.



LEGISLATIVE SUPPORT - ADVOCACY - ASSESSMENT

VI. Libya

OBJECTIVE(S)

In line with Security Council resolution 2542 (2020) and 2570 (2021), the Team of Experts seeks to support Libyan authorities in strengthening legislative frameworks and accountability efforts for CRSV. Despite a fragile political situation and current challenges faced by the justice system, the TOE seeks to raise awareness and support long-term legislative and capacity building effort to eventually enable accountability for CRSV crimes.

2023 KEY RESULT(S)

- The TOE enhanced the awareness and understanding of applicable international laws for young women lawyers through a joint training with UN Support Mission to Libya (“UNSMIL”) and other UN partners.
- The TOE in support of UNSMIL deployed expertise to participate in two in-person workshops to build the capacity of civilian and military prosecutors regarding international standards.
- The TOE, in partnership with UNSMIL, assessed the criminal justice response to CRSV crimes by Libyan justice actors.
- Building on technical advice provided in 2022, the TOE, together with UNSMIL and UN Women co-organized a workshop in Cairo to work through outstanding issues on the draft Violence Against Women (VAW) Law. As a direct result of this workshop, the requisite Parliamentarian signatures were gathered and the draft VAW Law was moved to a reading by the relevant parliamentary committees in 2024, following which it should move to a full plenary reading in the House of Representatives.

Photos right
Team of Experts



ASSISTANCE AND IMPACT

The environment in Libya remains challenging for accountability with weak justice institutions and legislation and continuing barriers to reporting (such as social stigma and perpetrators’ links to armed groups). As such, sexual violence crimes are rarely investigated or prosecuted in Libya. While the Team of Experts has continued to support ad hoc capacity building efforts by co-leads on the ground throughout the year, in 2023, the TOE initiated a more structured engagement with Libyan justice actors to tackle justice for CRSV. This emerging dialogue focused on mapping the judicial response to CRSV crimes. The Team of Experts has also sought to further support the legislative reform processes.

In connection with the CRSV crimes in detention settings, the TOE supported two ad-hoc trainings organized by its UNSMIL co-leads targeting lawyers, civilian prosecutors and military prosecutors through the deployment of an Arabic-speaking expert to reflect on the rights of detained vulnerable groups and best practices to ensure national authorities’ compliance with international law.

In pursuit of an enhanced structural response by Libyan justice actors to CRSV, the Team of Experts worked together with UNSMIL to improve the understanding of the role of the different justice actors as part of that response, including the by identifying actors whose capacity the UN could build. The TOE contracted an Arabic-speaking expert to conduct a mapping of the Libyan criminal justice response to CRSV, first through a desk review and then through deployment to Tripoli and Benghazi in August and September. During the deployment the consultant met with prosecutors, police officers, judges and other relevant Libyan officials from different provinces, to discuss their efforts and

challenges to investigating, prosecuting and adjudicating CRSV. The consultant also liaised with civil society representatives, the UN, and other international actors. A report is being drafted, which will provide an overview of the Libyan judicial response to CRSV, throughout the criminal justice chain. It will form the basis for the next phase of UN and TOE engagement in the country with a view to recommend a roadmap for a more adequate criminal justice response for such crimes.

Finally, the Team of Experts together with UNSMIL and UN Women organized a workshop in Egypt to discuss with Libyan parliamentarians and legal experts the content of the draft VAW Law. During the workshop, the TOE provided an analysis of how the text of the draft VAW Law compares with international standards and best practices captured in the Office of the SRSG-SVC’s Model Legislative Provisions on the Investigation and Prosecution on Conflict-Related Sexual Violence (2019). As a direct result of the workshop, the draft VAW Law reached the threshold for parliamentary signatures for a reading held by the relevant parliamentary committees of the House of Representatives in 2024. The draft is then scheduled to move to a plenary reading by the full House.

LOOKING AHEAD

In 2024, the Team of Experts will focus on: (i) finalizing its report mapping the criminal justice response to CRSV and initiating engagement with Libyan authorities on its findings and recommendations; and (ii) continuing to support legislative reform, including advocating for the adoption the VAW Law.



SUPPORT TO PROCEEDINGS

 VII. Mali
OBJECTIVE(S)

In line with Security Council resolution 2584 (2021), the United Nations Integrated Strategy for the Sahel, adopted in 2013, and the Joint Communiqué on Prevention and Response to Conflict-Related Sexual Violence signed in 2019 with Malian authorities, the Team of Experts seeks to ensure accountability for CRAV crimes by strengthening the capacity of the national authorities, especially the investigation and prosecution of CRSV crimes committed in the context of the 2012 and 2013 crisis.

In 2021, these efforts had resulted in the prioritization of four CRSV cases under the jurisdiction of the Pole Judiciaire Spécialise, to be supported by a joint project by the TOE and JCS-MINUSMA. However, due to the challenging political and security environment in Mali and termination of the MINUSMA mandate per Security Council resolution 2690 (2023), the TOE had to pause and reassess its engagement in Mali and the modalities to continue providing support to nationally led accountability efforts.

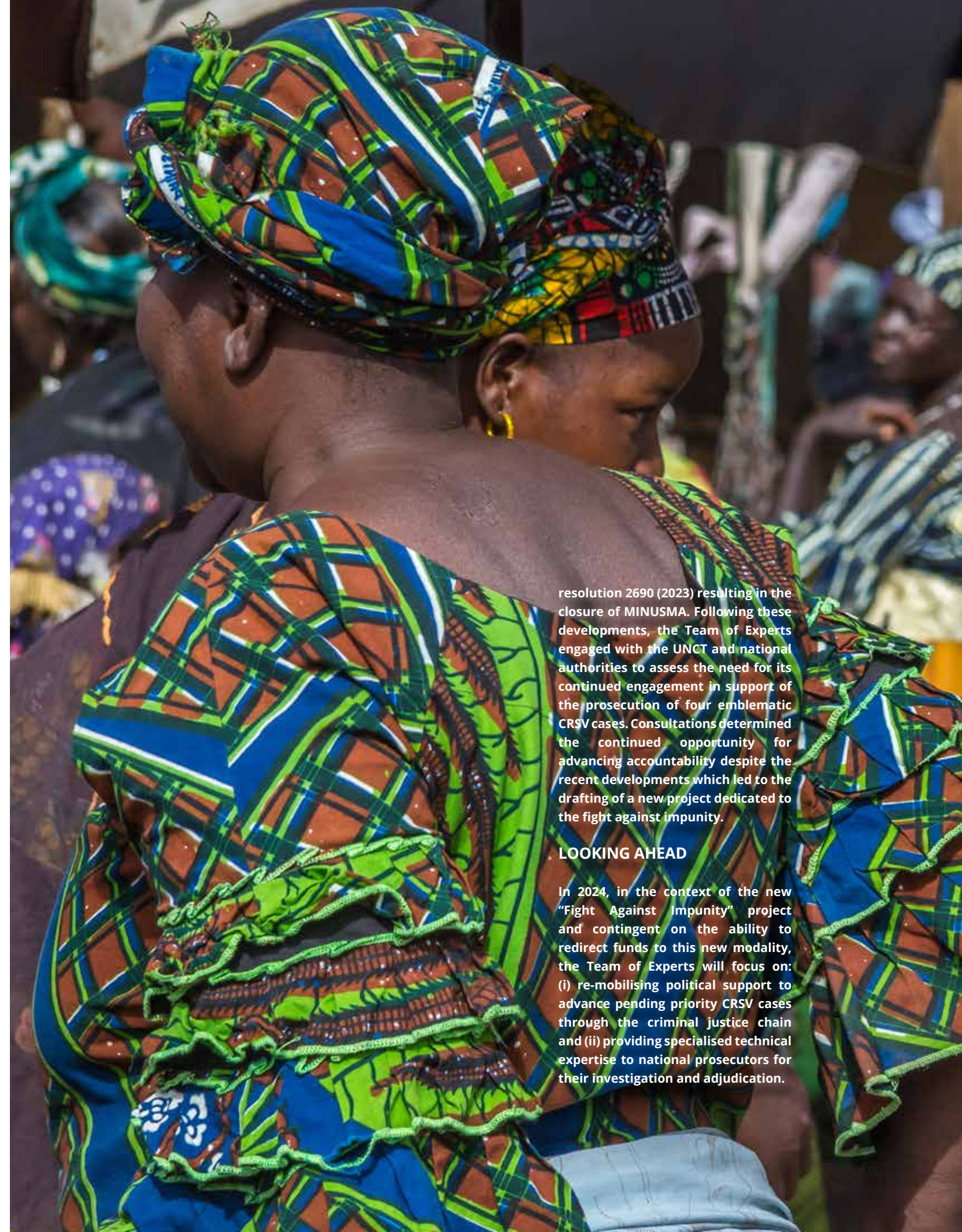
2023 KEY RESULT(S)

- The TOE actively engaged with counterparts on the ground to monitor the status of the four prioritized CRSV cases before the Pole judiciaire spécialisé and determined that opportunities for support remained.
- The TOE held consultations with UN and national partners which resulted in the drafting of a new project dedicated to the fight against impunity, which includes a component on CRSV considering the new operational environment, which will be finalized in 2024.

ASSISTANCE AND IMPACT

In 2023, the Team of Experts together with its co-leads at field level, MINUSMA JCS and Human Rights Division, building on its 2019 comprehensive assessment of the judicial response to CRSV and the 2021 workshop establishing a nationally-owned prioritisation strategy for emblematic cases, began the implementation of a CRSV dedicated project, which was put on hold due to the adoption of Security Council

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resolution 2690 (2023) resulting in the closure of MINUSMA. Following these developments, the Team of Experts engaged with the UNCT and national authorities to assess the need for its continued engagement in support of the prosecution of four emblematic CRSV cases. Consultations determined the continued opportunity for advancing accountability despite the recent developments which led to the drafting of a new project dedicated to the fight against impunity.

LOOKING AHEAD

In 2024, in the context of the new "Fight Against Impunity" project and contingent on the ability to redirect funds to this new modality, the Team of Experts will focus on: (i) re-mobilising political support to advance pending priority CRSV cases through the criminal justice chain and (ii) providing specialised technical expertise to national prosecutors for their investigation and adjudication.



SUPPORT TO TRIAL

≡ VIII. Nigeria

OBJECTIVE(S)

In line with Security Council resolutions 2331 and 2388 recognising the use of sexual violence as a tactic of terrorism and calling for the promotion of accountability for CRSV and other serious human rights violations committed by Boko Haram, the Team of Experts seeks to strengthen the capacity of relevant national authorities, including the Complex Case Group (CCG) at the Attorney General's Office, to investigate and prosecute CRSV crimes committed within the context of terrorism. Additionally, the TOE has worked with national judicial authorities to ensure that CRSV crimes, identified by the ICC-OTP, under its Preliminary Examination Report, may be adequately responded to by national authorities.

2023 KEY RESULT(S)

- For the first time the Team of Experts partnered with UNODC and the Wayamo Foundation in country, to convene national investigators, prosecutors and military lawyers to review pending cases of CRSV committed in Nigeria, under international criminal law and terrorism legislation. As a result, the CCG identified new cases for prosecution.
- The Team of Experts delivered bespoke training sessions and mentoring on accountability for CRSV to enhance the skills of the CCG at the Attorney General's Office on investigating and prosecuting alleged war crimes and crimes against humanity in Nigeria, which continued to contribute to advancing charges of CRSV in terrorism related proceedings.

Strengthening Nigerian Capacity for the Investigation and Prosecution of International Crimes

*with a special focus on
conflict-related sexual violence*



ASSISTANCE AND IMPACT

In 2023, the Team of Experts pursuit of the integration of charges reflecting CRSV crimes into terrorism-related proceedings continued to see progress. In December 2023, the Nigerian authorities brought one individual to trial for sexual violence committed in the context of terrorism for conduct amounting to forced marriage, forced pregnancy, human trafficking, enslavement and kidnapping. One additional case containing CRSV related charges, linked with the Chibok incident of 2014, is currently pending trial. Notwithstanding, the number of cases containing CRSV charges remains extremely limited and victim participation is still non-existent. However, the CCG at the Attorney General's Office has continued to work with national investigators and international partners including the TOE to strengthen its ability to build cases files containing CRSV incidents, reflecting how the use of sexual violence has contributed to advancing the goals of Boko Haram.

In support of these efforts, on 30 January to 3 February 2023, the TOE and UNODC held their fourth joint capacity-building workshop on investigating and prosecuting international crimes, focusing on CRSV and crimes against children, under the framework of the six-month joint project to "Strengthen Nigerian Capacity for the Investigation and Prosecution

of International Crimes with a Special Focus on Conflict-related Sexual Violence." This project leverages long-standing partnerships established between UNODC, the TOE and Wayamo Foundation with Nigerian law enforcement actors. The workshop participants included prosecutors from CCG, the SGBV Prosecution Hub, as well as investigators from the multi-agency Joint Investigation Centre (JIC) based in Maiduguri. Some of the sessions were also attended by members of the Special Panel established by the National Human Rights Commission to probe the allegations of an elaborate secret abortion programme, denounced by Reuters in late 2022. By the end of 2023, investigations were still ongoing.

During its deployment to Nigeria, the TOE also met with relevant judicial authorities and with UNICEF, UNODC, OHCHR and UNDP to assess and discuss the current work and support the rule of law response to CRSV.

LOOKING AHEAD

Building on the successful results obtained, in 2024, the Team of Experts will focus on: (i) strengthening the institutional engagement with the Nigerian political, judicial and military authorities to enhance the response to CRSV crimes; (ii) supporting the CCG, including through strengthening its capacity for criminal analysis and interpretation of criminal patterns in system-crimes such as terrorism and (iii) strengthening work on capacity building with the Attorney General's Office and with civil society to secure the participation of victims in the proceedings.

In the past two years, the inclusion of CRSV charges in terrorism indictments has opened a window of opportunity for greater accountability for victims and survivors which should be seized to expand this innovative practice. In order to support such momentum and the ensuing requests for support from national judicial authorities, the Team of Experts requires dedicated funds to renew and expand its joint project with UNODC in support of national efforts.



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Aobe Stock

OBJECTIVE(S)

In line with Security Council resolutions 2670 (2022), 2687 (2023), 2705 (2023) and the Joint Communiqué of the Federal Republic of Somalia and the United Nations on the Prevention of Sexual Violence of 7 May 2013, the Team of Experts seeks to support victim-centred accountability for CRSV.

2023 KEY RESULT(S)

- The TOE continued to advocate for the adoption of robust national legislation that facilitates accountability for CRSV and provides an adequate framework for protection of survivors.

ASSISTANCE AND IMPACT

In 2023, the United Nations Mission in Somalia (“UNSOM”) continued to report cases of CRSV against women and girls including rape, gang rape, and attempted rape as well as in the context of displacement and abduction by unidentified perpetrators, clan militia, community defence forces, Al Shabaab, and State actors. The persisting security situation and limited access has been a consistent challenge to accurate reporting on the scale of sexual violence in Somalia, and this has had an effect on the TOE’s ability to work in the country. The TOE has therefore been confined to commenting on legislative initiatives.

Indeed, the TOE has commented on various iterations of draft bills on

sexual violence before the Somali legislature since 2014. In 2018, the Federal Republic of Somalia and Federal Member States took steps to strengthen the legislative framework to address sexual violence in consultation with Somalia civil society, religious leaders, and Government ministries. However, this bill was withdrawn. In December 2023, the Federal Cabinet renewed legislative efforts with a new bill on “Offences of Rape and Indecency” and in August 2023 approved a “Child Rights Bill” and a “Juvenile Justice Bill” that have yet to be adopted. The December bill on Offences of Rape and Indecency has drawn criticism that its substantive legal definitions of crimes do not meet international standards. At this stage, the TOE’s

work on legislative reform since 2014 has yielded no tangible result in the absence of requisite political will. Many sexual violence crimes are still resolved using customary systems providing only limited opportunity for the TOE to engage in cases in a survivor-centred manner.

LOOKING AHEAD

In 2024, the TOE will continue to monitor the situation and legislative initiatives in Somalia with its UN partners. However, given current constraints in country and resource wise for the TOE, no dedicated expert support activities on the ground are foreseen.





POLICE SUPPORT

≡ X. South Sudan

OBJECTIVE(S)

In line with Security Council resolutions 2625 (2022) and 2677 (2023) and the Joint Communiqué of the Republic of South Sudan and the United Nations on addressing Conflict-Related Sexual Violence of 11 October 2014, the Team of Experts supports the Government of South Sudan in addressing accountability for CRSV through the development of nationally owned strategic frameworks, law reform, and capacity building initiatives that lay the foundation for future accountability and strengthen criminal justice institutions.

2023 KEY RESULT(S)

- The TOE strengthened the capacity of the South Sudan National Police Service (“SSNPS”) through a one-and-a-half-day workshop on the prevention, response and investigation of CRSV.
- The TOE advanced efforts to strengthen the South Sudan legal framework through a legal analysis of South Sudanese laws to assess the suitability of the existing legal framework to support accountability for CRSV as a serious international crime.

ASSISTANCE AND IMPACT

Accountability for crimes, including CRSV which spiked in South Sudan in 2023 according to UN reports, remains elusive following years of war and intercommunal violence that have further strained the already weak capacities of justice institutions.

In an effort to strengthen the foundation for meaningful accountability processes for CRSV, the Team of Experts, in partnership with United Nations Mission in the Republic of South Sudan (“UNMISS”), intensified its support for the implementation of The Action Plan for the Armed Forces on Addressing Conflict-Related Sexual Violence in South Sudan and the implementation of The Action Plan for the South Sudan National Police Service on Addressing Conflict-Related Sexual Violence in South Sudan which was extended to October 2025. The TOE also undertook an analysis of the laws of South Sudan to assess the suitability of the existing legal framework to support accountability

Photos
Team of Experts

for CRSV as a serious international crime using the Model Legislative Provisions on the Investigation and Prosecution of Conflict-Related Sexual Violence (“Model Legislative Provisions”). This analysis was followed by consultations with relevant UNMISS and UNCT partners to validate the analysis and a discussion with the Undersecretary of the Ministry of Justice and Constitutional Affairs regarding the rollout of the Model Legislative Provisions. Based on the discussion, the TOE agreed to support the Ministry of Justice and Constitutional Affairs in convening a workshop in 2024 to discuss the legal analysis, the pending Penal Code Amendment Bill, as well as other pending reviews undertaken by the South Sudan Law Review Commission to identify key avenues for incorporating the Model Legislative Provisions into South Sudan’s domestic law.



In an effort to strengthen institutional capacities and extend the reach of statutory justice mechanisms, the Government of South Sudan with assistance from the United Nations supported joint special mobile courts composed of statutory judges and traditional leaders, who serve as advisers, to adjudicate criminal cases; circuit and mobile courts to adjudicate criminal cases in under-served areas and general courts martial to address crimes committed by armed forces, including CRSV. These efforts resulted in 12 convictions and one order for compensation to the victim by the Yei General Court Martial and the Raja Circuit Court based on 26 cases of sexual violence investigated and referred by police.

In November 2023, the TOE deployed two of its experts to South Sudan where, together with UNMISS, it conducted a one-and-a-half-day workshop on the prevention, response and investigation of CRSV for the SSNPS Steering Committee for the Implementation of the Action Plan and focal points from SSNPS field offices to increase the number and strength of cases referred for prosecution. The workshop began with a formal ceremony to launch Key Message Cards developed to guide police officers in their response to sexual violence incidents. The launch ceremony was followed by sessions on (i) debunking myths around CRSV; (ii) exploring the definition of CRSV; (iii) considering accountability mechanisms available for CRSV and their application in combating impunity; (iv) investigating

CRSV; and (v) exploring the pivotal role of interviewing in the investigation of CRSV and the importance of adopting a trauma informed and survivor centred approach.

Following the workshop, the TOE participated in a half-day meeting of the SSNPS Steering Committee on the implementation of The Action Plan for the South Sudan National Police Service on Addressing Conflict-Related Sexual Violence in South Sudan. Through this meeting the TOE was able to gain a better understanding of some of the needs and challenges faced by the SSNPS in undertaking its work.

LOOKING AHEAD

In 2024, 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 Action Plan for the South Sudan National Police Service on Addressing Conflict-Related Sexual Violence in South Sudan; (iii) supporting the development of a roadmap for prioritisation and implementation of CRSV initiatives by the Ministry of Justice; and (iv) supporting the rollout of the Model Legislative Provisions.



ADVOCACY

 XI. Sudan
OBJECTIVE(S)

In line with Security Council resolution 2579 (2021) and 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, the Team of Experts, in collaboration with partners, supports 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 CRSV. The TOE also supports the Government of Sudan in the implementation of the Framework of Cooperation and the rule of law provisions therein. These efforts were and remain suspended since the outbreak of renewed conflict in April 2023. Following the termination of the United Nations Integrated Transition Assistance Mission (“UNITAMS”) per Security Council resolution 2715 (2023), the Team of Experts is accordingly supporting the transition of tasks in the rule of law sphere.

2023 KEY RESULT(S)

- The TOE with UNODC undertook an assessment of the challenges faced by victims in the different provinces of Sudan when pursuing accountability for CRSV crimes.
- The TOE contributed to securing concrete commitments by the Rapid Support Forces through engagement with the warring parties in support of the SRSF-SVC.

ASSISTANCE AND IMPACT

Before the outbreak of the current conflict in April 2023, the TOE and UNODC had hired international and local expert consultants to undertake an assessment to understand the realities faced by victims of CRSV when dealing with the criminal justice system in Sudan and analysing how the Sudanese criminal justice system responds to reported cases of sexual violence. Based on extensive field research, this initiative was designed to complement through a companion report an earlier technical assessment carried out by the TOE in 2022, which focused on the roles of the different justice actors in the judicial response to CRSV.

Photo
Henry Wilkins | VOA



The report based on research and the interviews, that the two consultants conducted in the first quarter of 2023, highlights a set of recommendations including: the need for scaling up efforts to support law reform, procedural reform and policy guidance, institutional reform, training for criminal justice institutions, victim support, forensics, data collection, and greater accountability and oversight regarding CRSV cases.

While the TOE had planned, in collaboration with UNITAMS, to deploy legal experts in the second quarter of 2023 to support the investigation of specific cases, the resurgence of conflict resulted such activities being put on hold. At the request of SRSF-SVC, the TOE refocused its efforts on engagement with the Rapid Support Forces and the Sudanese Armed Forces with the aim of encouraging both parties to take immediate measures to prevent and ensure accountability for CRSV cases.

Since April 2023, the TOE with UNITAMS support has been following rule of law developments including the functioning of the different justice actors as well as the creation of accountability initiatives by the two parties to the conflict. The TOE will continue to monitor opportunities for the advancement of accountability for CRSV in Sudan.

LOOKING AHEAD

In 2024, the Team of Experts will focus on: (i) finalizing its joint UNODC report and re-assessing possible next steps in view of the current situation in country; (ii) monitoring developments in the rule of law sector; (iii) supporting the SRSF-SVC's engagement with the two parties regarding accountability; and (iv) advising the SRSF-SVC's and other co-leads principals on advocacy and/or engagement for future accountability mechanisms notably in the context of any peace negotiations.



≡ XII. Ukraine

OBJECTIVE(S)

In line with the Framework of Cooperation on the Prevention and Response to Conflict-Related Sexual Violence signed in 2022 by the Government of Ukraine and the United Nations and with its Implementation Plan validated by the Cabinet of Ministers of the Government of Ukraine in December 2022 and revised in December 2023, the TOE seeks to support national authorities in developing survivor-centered strategies to advance (i) access to justice and accountability for CRSV crimes; (ii) reparations and compensation for CRSV survivors; and (iii) accountability for crimes of trafficking for the purposes of sexual exploitation. The TOE intends to partner with national institutions to strengthen conditions for survivors to report CRSV crimes, enhance domestic capacity to investigate and prosecute CRSV cases, and increase the number of cases brought to trial, through policy advice and direct mentoring.

2023 KEY RESULT(S)

- The capacity of the Inter-Agency Working Group to advance the commitments of the Implementation Plan for the Framework of Cooperation (“FOC”) was enhanced by serving as co-chair of the sub-pillars on access to justice and accountability, reparations and compensation for CRSV survivors, and trafficking for the purposes of sexual exploitation. The TOE supported the review of the Implementation Plan for the Framework of Cooperation, which was launched in December 2023, and will allow for enhanced coordination, progress and impact tracking across national and international initiatives.
- The need for legislative reform and a comprehensive review of the provisions in the Criminal Code and Criminal Procedural Code related to CRSV was highlighted, also on the basis of a thorough analysis of the Ukrainian legal framework conducted in 2022. As part of the working group established by the CRSV Specialized Unit in the Office of the Prosecutor General of Ukraine (“OPG”), legal advice was provided on draft amendments and on draft law 9351. The latter was submitted to the Verkhovna Rada in June 2023. The TOE also advocated for the inclusion of a “crimes against humanity” provision in the Criminal Code to capture the full extent of CRSV violations perpetrated in the country and strengthen justice for such crimes.
- The OPG’s capacity to operationalize its Strategy for a Victim and Witness Centered Approach to Conflict Related Sexual Violence Case Management, was increased through a series of workshops on Strengthening Victim-Centered Accountability for Crimes of Conflict-Related Sexual Violence in Ukraine,

Photos right
Team of Experts



launched together with the OPG CRSV Specialized Unit, in March 2023. Over three scenario-based and in person workshops, the TOE enhanced the capacity of 75 members of the OPG, the National Police and the Security Services of Ukraine (“SBU”) to adopt victim-centered approaches to domestic investigations and prosecutions of CRSV.

- To assist the OPG CRSV Specialized Unit in transitioning from one crime-one perpetrator cases to broader and more complex structural CRSV cases, the TOE has embedded a senior international criminal litigation expert with OPG CRSV Specialized Unit since October 2023. This has already resulted in a strengthening of the CRSV Specialized Unit’s capacity to develop pattern analysis and begin investigations into CRSV macro cases.
- In partnership with IOM, the TOE facilitated the national authorities’ consideration of legal and administrative aspects concerning the adoption of reparation laws for survivors of CRSV, including through a conference held in Kyiv in January 2023 to present and discuss a draft reparations framework with actors in Ukraine.
- Draft legislation was produced by the Ukrainian authorities in relation to the status of victims, as well as on the reparations’ regime at both the domestic and international levels. The TOE provided legal advice on draft law 10132 on the Status of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and Urgent Interim Reparations, which envisages the establishment of an interim reparation system for CRSV survivors and was submitted to the Verkhovna Rada in June 2023; as well on draft law 10256 on the Registration of Persons Whose Live and Health Were Harmed by the Armed Aggression of the Russian Federation against Ukraine prepared by the Ministry of Social Policy of Ukraine and submitted to Verkhovna Rada in November 2023.
- Over 300 prosecutors were trained, together with IOM and the Global Survivors Fund, to engage on the issue of reparations through a training conducted in September 2023. Online modules were also developed to facilitate further training.
- A research project was launched on nexus between trafficking and sexual violence in conflict. The research will be used to encourage and guide national accountability efforts.
- The availability of reliable and UN verified information on CRSV - including for the purpose of official UN reporting and to better understand the nature of CRSV crimes occurring across the country - was consolidated through the full operationalization of a dedicated CRSV Unit in HRMMU, funded by the TOE.
- The TOE maintained national and international attention on the need for survivor-centred accountability for CRSV also through its participation in conferences, task forces and working groups and the delivery of briefings to Member States.

ASSISTANCE AND IMPACT

In 2023, the TOE co-chaired with Ukrainian national counterparts three of the five sub-pillar of the Implementation Plan for the FOC for the Prevention and Response of Conflict-Related Sexual Violence between the Government of Ukraine and the UN. The TOE is responsible in partnership with national authorities for chairing three of the five sub-pillars on (i) access to justice and accountability, (ii) reparations and compensations, and (iii) trafficking for the purposes of sexual exploitation. In 2023, the TOE also contributed to the review of the FOC Implementation Plan, funded by the Office of the SRSV-SVC, which resulted, in the launch of an updated version in December, which will assist coordination and progress tracking.

Under the accountability pillar, the TOE has led several important initiatives to support bringing CRSV cases to trial. Chief amongst these is the dedicated support provided to the work of the OPG's CRSV Specialized Unit the establishment of which the TOE had advocated for in 2022. In 2023, in support of the operationalization, of the OPG's Strategy for a Victim and Witness Centered Approach to Conflict Related Sexual Violence Case Management, the Team of Experts established a close working partnership with the OPG CRSV Specialized Unit at several levels. In March 2023, in direct response to requests for specialized capacity building and based on the TOE's extensive review of applicable domestic law and UN verified CRSV cases in Ukraine, the TOE developed modules and launched a series of in-person skill-based workshops on Strengthening Victim-Centred Accountability for Crimes of Conflict-Related Sexual Violence in Ukraine. The TOE deployed senior international investigation and litigation experts to deliver three weeklong bespoke workshops. An initial 75 members of the OPG, the National Police, the SBU and the judiciary, from central offices and seven regions, participated and worked through scenarios based on real-life sexual violence cases, to determine applicable Ukrainian and international law, modes of liabilities, develop their CRSV investigation planning skills and trauma-informed interviewing techniques, with a view to providing them with the tools necessary to increase national investigations and prosecutions of CRSV crimes and ensure investigations and prosecutions are in line with international standards and best practices.

In parallel, in October 2023, the TOE deployed a senior international criminal litigation expert, and former international prosecutor to Ukraine, who is embedded in the CRSV Specialized Unit and provides expert advice to the Head of Unit, working with her team to build strategies for prosecution of CRSV cases. This resulted in the CRSV Specialized Unit's enhanced capacity to review cases, begin pattern analysis of CRSV crimes, and start building a CRSV macro case. As of December 2023, the CRSV Specialized Unit documented approximately 270 instances of sexual violence in conflict, issued 40 notices of suspicion and

19 indictments against 28 individuals. Two offenders were convicted and sentenced to imprisonment of 12 years and 10 years respectively.

Under the pillar on compensation and reparations, the TOE continued to assist national authorities on interim and long-term reparation measures. Building on a first workshop on reparation for CRSV in Ukraine held in November 2022, a further conference was organized by IOM with TOE support in January 2023 to present and discuss with national counterparts a draft framework on reparations. Consultations took place throughout the year with the Government through IOM, international and national civil society partners including sessions in Geneva in the spring in collaboration with the Government, Global Survivors Fund, and other UN and civil society actors. These activities contributed to finalization of (i) draft law 10132 on the Status of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and Urgent Interim Reparations, on urgent interim reparative measures for CRSV being finalized and now pending before the Verkhovna Rada for adoption; (ii) draft law 10132 on the Status of Persons Affected by Sexual Violence Related to the Armed Aggression of the Russian Federation against Ukraine and Urgent Interim Reparations, on the creation of a national registry of damages sponsored by the Ministry of Social Policy and (iii) ongoing discussions on reparations design regarding the international registry of damages as contemplated by the UN General Assembly. The IOM/TOE project is continuing and consultations on the delivery of reparations are set to take place in 2024 in conjunction with the Global Survivors Fund.

Further, in September 2023, the TOE together with IOM and the Global Survivors Fund delivered a training on reparations for over 300 prosecutors from various regions at their request. These sessions were recorded to provide modules in English and Ukrainian for further online training for those that could not attend. The ultimate delivery of urgent interim reparation for CRSV remains highly dependent on both the enactment of these laws and financial support to the Ukrainian government.

Regarding the pillar on trafficking in persons for the purposes of sexual exploitation, the Team of Experts initiated research on the nexus between trafficking and sexual violence in conflict. The document will be used to enhance legal practitioners' understanding of the issue, with the goal of increasing the number of prosecutions. The Team of Experts also established a partnership with UNODC in Ukraine to jointly deploy an expert on trafficking for the purposes of sexual exploitation to assist national authorities in implementing their commitments under the Framework of Cooperation, as well as to engage more systematically in the analysis and provision of advice on legal initiatives on this topic.

Photos
Team of Experts

Throughout 2023, the TOE continued in line with the FOC to provide financial and technical support to the dedicated specialised CRSV unit in HRMMU. Within the framework of this project, CRSV monitoring and reporting experts were deployed to Ukraine to ensure the collection of baseline UN verified data. This has resulted in the greater capacity of the UN system to report on the issue and in a greater understanding of the nature of crimes being perpetrated.

The TOE has also supported advocacy efforts of the SRSV-SVC at high-level events, including the United for Justice Conference held in Lviv in March 2023, and the conference convened by the Office of the Deputy Prime Minister of Ukraine on the International Day for the Elimination of Sexual Violence in Conflict "Acting for Survivors" in June 2023. The TOE regularly briefed the Group of Friends of Accountability for the Aggression in Ukraine, the Dialogue Group, and other Member States, and it contributed to international and national expert discussions on accountability for

CRSV.

Finally, in October 2023, the TOE conducted a technical mission to Ukraine which offered an opportunity to review current TOE projects and to identify priorities for its work in 2024. The mission also resulted in numerous additional requests for assistance from national authorities, including the judiciary, the national police, and the OPG. The TOE was able to respond to these requests only marginally due to lack of sufficient funding.

LOOKING AHEAD

In 2024, the Team of Experts will focus on further advancing the realization of the commitments in the Implementation Plan for the Framework of Cooperation on the Prevention and Response to CRSV in Ukraine in the areas of (i) accountability and access to justice; (ii) reparation and compensation and (iii) trafficking in person for the purpose of sexual violence.

Regarding accountability and access to justice, the TOE will seek to (i) further strengthen advocacy efforts on legislative reform to bring the national legal framework in line with international standards on CRSV; (ii) extend the assistance to the OPG CRSV Specialized Unit to develop structural macro CRSV cases, through direct mentoring, the provision of additional expertise on evidence management, and the deployment of a trauma



counsellor; (iii) expand its workshop series to include additional sessions tailored to addressing priority capacity gaps identified by the OPG, the National Police, and the Judiciary. On reparations, the TOE will (i) renew the partnership with IOM to support the adoption of a national reparation framework on reparations for CRSV survivors; and (ii) assist the national authorities to ensure adequate coordination between the national reparation framework and international initiatives.

On trafficking, the TOE will focus on (i) disseminating its research on the nexus between trafficking in persons for the purpose of sexual exploitation and CRSV, (ii) training based on the key research findings for national investigators and prosecutors; and (iii) deploying, in partnership with UNODC, a trafficking expert to assist national authorities to include CRSV elements in the current legislative framework.

The TOE received dedicated funds for its Ukraine project which is financing support under the three pillars of the FOC that the TOE leads. While these funds have enabled the TOE to achieve significant results in 2023, they have proven insufficient to respond to the increasing requests coming from national partners. Having fully implemented its funds, additional dedicated resources will need to be identified for 2024/2025 for the TOE to ensure the business continuity of its support.



Photo top left
Ethiopia
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Photo bottom left
Haiti
TNH Photo | Ralph Tedy Erol

Photo top right
Myanmar
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Photo bottom right
Syria
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In addition to the specific country engagements described above, the Team of Experts also followed other situations of concern.

In Ethiopia, given the absence of a political cooperation framework with national authorities for the implementation of Security Council resolution 1888, the TOE continued to monitor developments and possible opportunities for engagement on accountability in complementarity with its United Nations partners and in line with the TOE's Security Council mandate.

In Haiti, the TOE continued to monitor developments in the brutal patterns of gang-related violence, including mass rapes for potential future engagement with authorities on accountability in complementarity with its United Nations partners and in line with the TOE's Security Council mandate.

In Myanmar, the implementation of the Joint Communiqué remained stalled since the coup d'état in February 2021. The mandate, therefore, has focused consistently on political advocacy surrounding Myanmar rather than the provision of specific technical expertise by the TOE. The TOE has limited its engagement to following developments at the

International Court of Justice, the International Criminal Court and the Independent Investigative Mechanism for Myanmar. In 2024, the TOE will continue to advocate for the development of legal reform in the Asia-Pacific region on universal jurisdiction for international crimes of CRSV to increase avenues for accountability in the region and beyond.

In Syria, the TOE has no current programme of work in the country, given the absence of a political cooperation framework with national authorities for the implementation of Security Council resolution 1888(8) despite the systematic use of sexual violence in the conflict by most parties. The TOE has continued to monitor the work of the International, Impartial and Independent Mechanism for Syria ("IIIM") since its creation, in full respect of each other's separate mandates. The TOE has occasionally reviewed and commented on policy documents of the IIIM such as its Gender Strategy (2022); monitored universal or other forms of jurisdiction in third States where sexual violence are being prosecuted; and followed the Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arabic Republic) case before the International Court of Justice that has discussed sexual violence as a form of torture as described in the Court's Provisional Measures Order of 16 November 2023 and will continue to follow these proceedings as they develop.

XII. OTHER SITUATIONS OF CONCERN

In addition to the specific country engagements described above, the Team of Experts also followed several other situations of concern.

C. THEMATIC ENGAGEMENTS

I. POLICING

Since its establishment, the Team of Experts has worked closely with international and national law enforcement authorities. In 2023, at the global level, the TOE continued to strengthen its partnership with the United Nations Police Division capitalizing on the arrival of a new police expert in mid-2021. The TOE held an awareness raising session with the focal points from the Serious and Organised Crime Unit from various UN peace missions to examine the link between CRSV and serious organised crimes and to explore how to leverage the expertise of the Serious Organised Crime Unit in addressing CRSV. The TOE also enhanced its collaboration with the Inter-Agency Task Force on Policing, including actively supporting the launch of the inaugural commemoration of the International Day of Police Cooperation, the theme of which was Women in Policing and providing substantive and material support to their exhibition recognizing the crucial role of women in law enforcement.

The Team of Experts also initiated a mapping exercise of existing Member States' police capacities to investigate sexual violence as an international crime through a consultative meeting with the Strategic Police Advisory Group in New York and a survey. Based on the survey's results, the TOE is exploring the possibility of establishing a community of practice for CRSV/SGBV investigators which would provide a platform for peer-to-peer exchange, repository of tools and best practices in CRSV investigations and bolster investigations and case building for these charges.

In line with its strategic priority to develop a resource library of practitioners' tools in support of building national level criminal police capacity for the investigation of CRSV, the TOE also launched an initiative in partnership with the Institute for International Criminal Investigation to produce a series of training video modules on trauma-informed and survivor-centred interview techniques. The short scenario-based films will be finalized in 2024 and provide a basis for future specialized training on trauma-informed interviewing skills at national level.

At the national level, the TOE conducted capacity building for police investigators in CAR, South Sudan and Ukraine. In South Sudan, the TOE's police expert delivered a workshop in collaboration with the Women Protection Advisory Unit of UNMISS attended by 26 participants comprising members of the Steering Committee for the SSNPS Action Plan and focal points from the SSNPS field offices. The aim of the workshop was to equip the Steering Committee and focal points with knowledge on prevention of sexual violence within the rank and file of the police service. In Ukraine, the TOE strengthened the capacity of 30 investigators drawn from different regional police offices through customised in-person and online workshops designed to equip the investigators with specialized techniques in investigating and interviewing vulnerable victims. Furthermore, material on how to better engage with male victims of CRSV was provided.

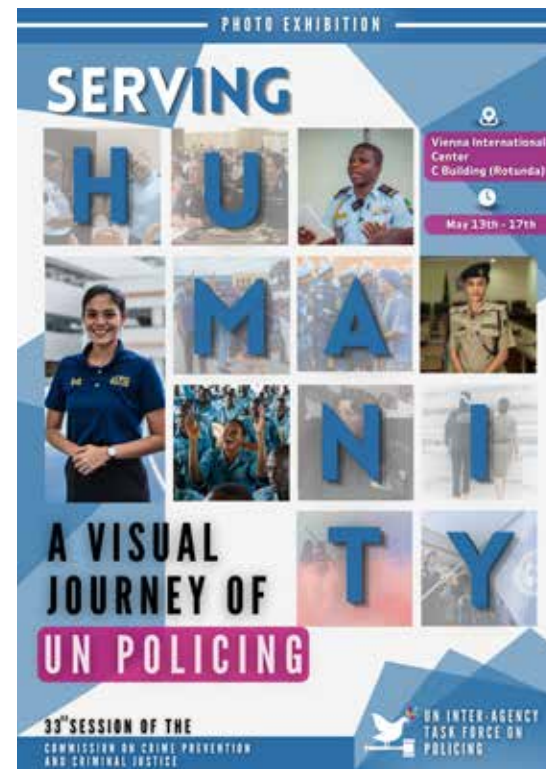


Photo left
UN Interagency task force
on Policing

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DRC
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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 CRSV. Further, as the SRSV-SVC has noted on multiple occasions, "reparations are often what survivors of CRSV want most but receive least." In order to carry out its mandate and to change reality on the ground for survivors, one of the strategic principles of the TOE's work in conflict and post-conflict situations is to assist Member States in creating legal frameworks and implementation activities to provide the full range of reparation measures for survivors both on an urgent interim basis and over the long term after conflict recedes.

In DRC, the TOE continued to follow efforts on newly enacted laws on transitional justice and reparations to ensure the provision of reparations to survivors of CRSV and to ensure outstanding judgments issued by Congolese courts to survivors of CRSV for reparations are paid. The TOE also shared feedback on the draft implementation decree of the reparations law promulgated in December 2022 and continued to follow progress on these developments in 2023. In Guinea, the TOE contributed to the strengthening of the legal framework on reparations, through feedback on draft legislation. In Iraq, IOM and the TOE collaborated on a joint report on survivors' experience regarding the Yazidi Survivors Law as noted in the country section on Iraq above. In Ukraine, the TOE assisted in leading the Implementation Plan section on reparation and compensation for survivors of CRSV. This included working in partnership in a joint project with IOM on the ground and civil society organizations that have led to the introduction of legislation on urgent interim reparation and a national registry of damage being presented to the Ukrainian parliament. Further, through this joint project, there continued to be engagement during the reporting period on the international register of damages created pursuant to GA Res. A/ES-11/L.6 (7 November 2022). The TOE also continued to follow initiatives in Colombia, to ensure that criminal justice and reparation are pursued in tandem as resources have permitted.

The TOE will continue to ensure a complementary approach to both criminal justice and reparation in all the country situations where it operates in the coming year and is moving from a thematic approach on reparation and other transitional justice measures to a mainstreamed approach across all country situations it operates.



III. TRANSNATIONAL CRIMES - TERRORISM AND TRAFFICKING IN PERSONS



Photo
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In 2023, in line with Security Council resolutions 2331 (2016) and 2388 (2027), building on its previous thematic work, the Team of Experts continued expanding its workstream on the judicial response to crimes of CRSV committed in the context of terrorism and trafficking in persons. While both crimes continued to be increasingly documented in 2023, the absence of adequate and holistic judicial response has resulted in a significant and concerning impunity gap. The TOE worked with academics, practitioners and national authorities to develop a common understanding and enhance the tools available to investigate and prosecute these offences. Additionally, the Team of Experts liaised closely with prosecutorial authorities in Member States to increase the number of cases brought to court for these specific offences in DRC, Mali, Nigeria and Ukraine.

In 2023, the TOE commissioned international experts to conduct research on the rule of law response to the nexus between CRSV and trafficking for sexual exploitation, including in the Ukrainian context. This work included a multinational survey, conducted between June and October, targeting civil society, legal and judicial practitioners, in order to assess the existing response and capacity to address this specific reality at the national level. This research and multinational survey will form the basis of a comprehensive report to be launched in 2024. The TOE also recruited senior legal expertise to develop a specific training module to assist national practitioners (legal and judicial) to strengthen the criminal justice response to crimes and offences reflecting the nexus between CRSV and trafficking for sexual exploitation.

In 2024, the Team of Experts plans to conduct an expert-level meeting to launch and discuss the findings of the comprehensive report with national and international practitioners and policy makers. The TOE will also deliver its first workshops using the training modules on the nexus between CRSV and trafficking for sexual exploitation. These trainings should take place in countries/situations especially affected by this reality allowing for an increase in the number of prosecutions.

Regarding sexual violence as a tactic of terrorism, the Team of Experts continued to advocate for the increase of prosecutions of CRSV charges in terrorism contexts at country level in Nigeria, Mali and Iraq. In its country engagements, the Team of Experts has continued to develop specific activities to strengthen the investigation and prosecution of CRSV offences committed in the context of terrorism. In Iraq, the TOE analysed how to prosecute the crimes committed by the ISIL by using existing domestic law on trafficking in persons or rape under national law. In Nigeria, the TOE continued to work with the Attorney General's specialised unit focusing on crimes committed by Boko Haram, as well as other institutions (see result under Nigeria section).

At the international level, the TOE in partnership with the Counter-Terrorism Committee Executive Directorate ("CTED") organised an expert group meeting focused on accountability for sexual violence committed in terrorism-affected contexts. The meeting brought together worldwide experts and practitioners working on the documentation and prosecution of CRSV at the national and international levels. The conclusions of the meeting informed the report "Towards Meaningful Accountability for Sexual and Gender-Based Violence Linked to Terrorism", published by CTED in November 2023. In 2024, building on the recommendations identified in the expert level meeting and the subsequent report, the TOE will continue to work with national prosecutors to ensure the identification and pursuit of cases of CRSV committed in the context of terrorism, in line with existing obligations under international law, as reaffirmed under resolutions 2331 and 2388, specifically in relation to terrorism affected contexts.

The long read

The village where dozens of young girls have been raped is still waiting for justice

In the past three years, Kavumu, in eastern Congo, has been torn apart by a series of horrific attacks. Will the perpetrators ever answer for their crimes?

Formation d'un groupe de travail pour porter l'affaire devant la justice

Creation of a task force to bring the case to justice

D. KNOWLEDGE BUILDING, REPOSITORY & COMMUNITY OF PRACTICE

Resolution 1888(8) (2009), which created the TOE, will mark its fifteenth year of implementation in 2024. During those fifteen years, progress has been achieved, a series of positive practices have emerged, lessons learned and challenges by the TOE and other partners have been identified together with an understanding of the gaps the international community needs to fill. In preparation for its 15-year anniversary, the TOE in 2023 set out an ambitious programme of work to harness the knowledge accumulated since its establishment and establish a platform to host a resource library and centre in order to make this knowledge accessible to the community of practitioners with a view to bolster the momentum achieved thus far.



Rapport Preliminaire

I. KNOWLEDGE MANAGEMENT & RESOURCE CENTER

In 2023, the TOE initiated an effort to harvest archives of TOE materials, training presentations, and reports. The Team of Experts also commissioned independent consultants to review the TOE's in country work and develop lessons learned. For instance, in CAR, a country where the TOE has been active since 2015 with its co-lead at field level UNDP and MINUSCA, the TOE conducted a lessons-learned exercise of its project in the country from 2019–2022. This report noted improvements in CAR's response to CRSV during this period; but also, the need for these results to be better known to strategic and political decision-makers domestically, in the UN system, and the broader international community.

Work has not stopped at internal stocktaking and archiving. There has also been an increasing demand for training materials (including videos) and practical tools that can be used by practitioners at their convenience in support of their ongoing investigations and prosecutions.

In 2023, as noted above, training materials were produced on reparations for CRSV in English and

Ukrainian for Ukrainian regional prosecutors, but this repository is only growing. The TOE drafted the scripts and commissioned the production of four short documentaries chronicling judicial successes on cases involving CRSV at domestic level in DRC, Germany, Guatemala, and Kenya, which aim to bring jurisprudence to life.

One of the most requested practical tools is the development of a jurisprudence database on CRSV that can be accessible to practitioners globally and searchable to help build their own cases and learn from their peers. New technology is essential to that effort. It requires not only the flexible software to run the programme in diverse contexts but also the translation of jurisprudence so that practitioners can make use of it. Discussions on the development a jurisprudence database have taken place in 2023 and will continue in 2024.

There are further discussions over the course of 2024 to work with academia to create a research agenda that furthers novel developments in CRSV.

II. MODEL LEGISLATIVE PROVISIONS AND GUIDANCE ON THE INVESTIGATION AND PROSECUTION OF CONFLICT-RELATED SEXUAL VIOLENCE AND LEGISLATIVE WORKSTREAMS



In line with its long-term strategy to enhance national level legislation to facilitate investigation and prosecution of CRSV, the TOE continued to build on the 2021 Model Legislative Provisions and Guidance on the Investigation and Prosecution of Conflict-Related Sexual Violence, released by the Office of the SRSV, which represents a practical tool for survivor-sensitive legal reform on CRSV as a serious international crime based on international legal and comparative precedents from numerous national jurisdictions. In 2022, the TOE embarked on the review of the legislative framework in Member States in the annual report to the Security Council on CRSV and produced profile analysis for ten priority countries.

During 2023, the TOE began the process of validating its review in those ten priority countries with relevant UN Missions and Country Teams. It also worked at producing training modules in English and French to expand the Model Legislative Provisions' reach. These training modules are expected to be completed by June 2024.

The Model Legislative Provisions have already been used as a tool in country situations such as Libya, Ukraine and South Sudan throughout 2023 (see country sections above for detail). Further, at international level the Model Legislative Provisions have also been used for reference in the Model Legislative Provisions for Victims of Terrorism and the Model

Legislative Provisions' substantive provisions on slavery and slave trading have been considered unique and are informing ongoing international debates on how such provisions can be incorporated into domestic and international accountability efforts.

In addition to its systematic work on the Model Legislative Provisions, the TOE continued to provide bespoke legislative analysis based on request. The Team of Experts analyses legislation from two perspectives: (i) how existing law can be used to prosecute CRSV and (ii) how both substantive and procedural law can be amended to ensure more robust survivor-centred prosecutions. These activities have been part of the TOE's work from its inception and will continue.

In order to establish and maintain the prosecutor network and resource centre, adequate funding in the next TOE five-year joint programme will be required.

The Team of Experts will seek support for its knowledge building agenda and the development of communities of practice to improve the TOE's core work to advance domestic prosecutions for crimes of CRSV in a survivor-centred manner.

III. PROSECUTORS NETWORK AND COMMUNITY OF PRACTICE FOR CRSV INVESTIGATION AND PROSECUTION



In line with its long-term strategy to establish a resource library and platform for practitioners with a view to increasing CRSV investigations and prosecutions, the TOE initiated work on building a network of prosecutors to feed into its CRSV community of practice. The TOE, with support from the Government of the Kingdom of the Netherlands, the United Kingdom and France, initiated preparations for the first International Conference of Prosecutors on Accountability for Conflict-Related Sexual Violence ("Conference of Prosecutors") due to take place in March 2024 at the Peace Palace in The Hague. The Conference of Prosecutors would mark the first step to establishing a community of practice of professionals working on CRSV at the domestic level wherever those cases arise, including the Global North and Global South and in common, civil, and military jurisdictions.

The purpose of the Conference of Prosecutors is to gather a diverse array of domestic prosecutors from Member States whether in conflict, post-conflict, or in peace setting, who have investigated and/or prosecuted CRSV. The conference will also bring together legal practitioners and civil society organizations, who have advised, participated and/or ensured victim representation in judicial proceedings. This pioneering meeting will lay the ground for participants to identify and share best practices and address emerging challenges in the prosecution of CRSV. In preparation for the Conference of Prosecutors, the Team of Experts produced draft working papers on different topics related to the investigations and prosecution of CRSV that form the basis of conference sessions.

Next Steps: in 2024, the TOE will launch a Community of Practice, for prosecutors and legal practitioners engaged in CRSV cases to provide a forum amongst like-minded professionals to share their experiences and best practices, including novel developments in domestic legal frameworks and jurisprudence, to foster both informal and formal judicial cooperation, and to provide solidarity and support amongst colleagues working in this space with a view to increase the number of prosecutions on CRSV at the national, regional and international levels. The Community of Practice also aims to act as a repository for tools and resources on investigation and prosecution of CRSV cases in support of national efforts.

IV. MID-TERM REVIEW

In 2023, the Team of Experts contracted an independent consultant to undertake a mid-term review of the work of the TOE under its 2020-2024 joint programme. The purpose of this mid-term review was to assess the effectiveness of the Team of Experts as a mechanism for the UN system and Member States to assist national authorities in ensuring progress for accountability for CRSV by identifying gaps, encouraging holistic responses, enhancing coordination, drawing attention to the full range of justice mechanisms, and supporting capacity building efforts. The review found that the current phase of the Team of Experts Joint Programme was broadly successful, recognizing its effectiveness to deliver on the TOE's mandate and objectives, and confirming the joint programme assumptions and objectives regarding emerging demands. Based on the findings of the review, the TOE will seek to incorporate the recommendations into its ongoing work as well as to integrate the recommendations into the next iteration of the joint programme.

E. PARTNERSHIPS

The work of the Team of Experts is grounded on leveraging partnerships, from its “co-lead entity” structure that currently includes DPO, OHCHR, the Office of the SRSO-SVC and UNDP and helps the United Nations to deliver as one, to its engagement with Member States, CSOs and academic institutions. The TOE 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 CRSV 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 coordinated and coherent efforts to address criminal accountability for CRSV and leverage the comparative advantage of co-leads. Specifically, the TOE 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. In addition to its co-leads, the TOE also works in cooperation with UNODC, UNWOMEN, CTED and DPPA at headquarters level to achieve strategic goals.

The Team of Experts also relies on and partners with relevant human rights mechanisms to affect change, including special procedures of the Human Rights Council and the United Nations treaty bodies on issues that cut across mandates and areas of mutual concern, in line with the Frameworks of Cooperation signed between the Office of the SRSO-SVC and the Committee on the Elimination of Discrimination against Women (“CEDAW”) and the Committee on the Rights of the Child Committees (“CRC”) in July 2018 and February 2020 respectively.

In addition, the TOE works in partnership with the United Nations 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 the United Nations Action Against Sexual Violence in Conflict (“UN Action”) to facilitate coordination and information sharing with UN Action member entities.

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.

Photos
Team of Experts



Inter-governmental

The Team of Experts works in partnership with Member States to share information and coordinate its efforts on issues related to accountability for CRSV. The TOE held regular briefings sessions on its strategies and results in member states notably through the holding of a breakfast series on its work in New York.



Civil Society and Academia

The Team of Experts works with world-renowned academics and researchers to share information, contribute to academic research, expand knowledge and expertise on CRSV and undertake joint activities.

The Team of Experts also engaged with different institutions and academics to support the conceptualisation and preparation of a comprehensive jurisprudential database on CRSV and the development of its international conference of prosecutors, as noted above.

At global level, the TOE also partners with international NGOs working on accountability for international crimes and CRSV. In 2023, this included consultations with a variety of human rights organizations, specialized NGOs working on international criminal justice such as Partners in Justice International and Impact Litigation on legislative analysis and training, the Institute for International Criminal Investigation, amongst others.

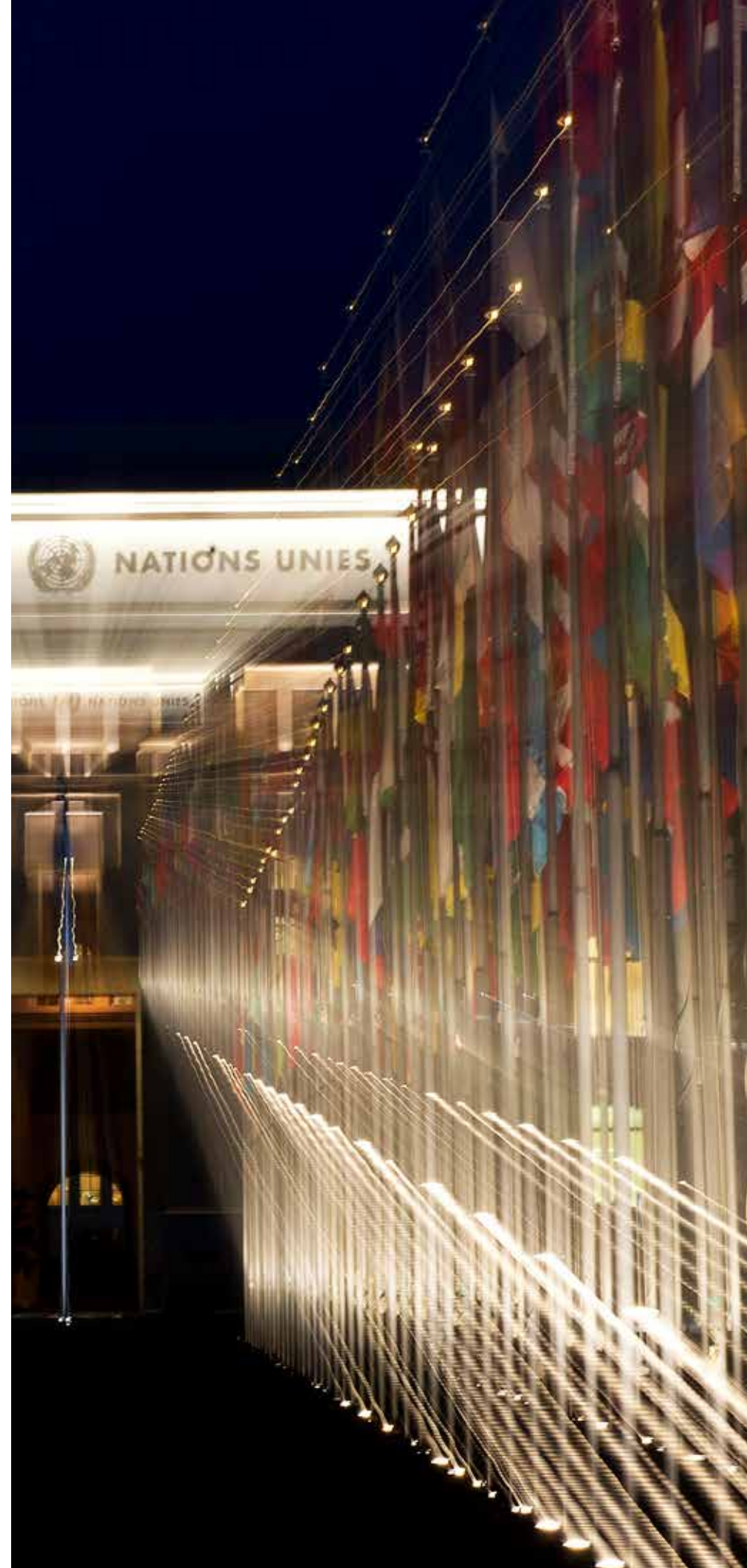
II. REGIONAL AND SUB-REGIONAL

United Nations

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

Regional and Sub-Regional Bodies

The Team of Experts engages and coordinates with organisations, including the African Union, the European Union ("EU"), Organisation for Security and Cooperation in Europe, the Council of Europe, 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 United Nations officials 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 UNCTs, United Nations peace operations and other United Nations actors including the Development Coordination Office to enhance the predictability, coherence, accountability and effectiveness of the TOE's work.

The Team of Experts' approach, in line with its unique co-lead entity structure, allows it to leverage the United Nations presence in-country to integrate the TOE's strategies, projects and programmes into existing United Nations structures and initiatives. For example, the TOE is currently implementing within existing United Nations rule of law programmes dedicated projects in CAR, DRC, Guinea, Nigeria, Sudan and Ukraine. Technical experts are deployed within peace operations or country offices of co-lead entities as appropriate. As mentioned throughout the report, the TOE also directly partners with other relevant UN entities at field level to implement country level activities. In addition to its co-lead entities, these have included UNODC, UN WOMEN, IOM, UNHCR, DPPA, and UNITAD. This allows the TOE to ensure coherence and minimise costs in responding to crimes of sexual violence.

Host Government

With the consent of the host government, the Team of Experts works in partnership with national authorities and engages with parties to the conflict to secure time-bound commitments and implementation plans, to assess efforts to address criminal accountability for CRSV and to strengthen existing capacity in line with relevant United Nations policies. (See country section)

Civil Society

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

The Team of Experts also works in close partnership with specialised CSOs whose work has been key to advancing different aspects of the rule of law response to sexual violence in conflict. In CAR, DRC and most recently in Ukraine, the TOE continues to work with Physicians for Human Rights on the medico-legal response and documentation of conflict-related sexual violence. Also, the TOE collaborates with TRIAL International, whose work on strategic litigation and victim representation in DRC has been instrumental in achieving justice for CRSV victims.

In a number of countries such as CAR, Guinea or Ukraine, the TOE also worked with relevant local organizations including bar associations, judges' associations, survivors' organization, human rights organisations, health or other partners in the implementation of its mandate.

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.” As such, from the outset and despite its Security Council mandate, the TOE has never benefited from regular budget and been funded solely through voluntary contributions for all staffing, programmatic and operational costs. Considerable effort is dedicated annually to ensuring that adequate resources are mobilised to meet current commitments and fulfil the TOE’s obligations under its Security Council mandate. In 2023, the TOE received voluntary contributions through the CRSV-MPTF totalling \$4,698,553 from Canada, Denmark, Estonia, Finland, Germany, Italy and the United Kingdom¹². However, this neither allows the TOE to deliver on its mandate nor respond to the current level of request for its expertise from Member States.

A. CORE CONTRIBUTIONS

Contributor	Contribution Amount (2022)	Total Contribution
Belgium	\$0	\$464,167
Denmark	\$611,343	\$1,727,581
Estonia	\$43,882	\$234,717
Germany	\$556,893	\$1,768,515
Italy	\$10,503	\$96,889
Japan	\$0	\$448,932 ¹³
Luxembourg	\$0	\$3,327
Netherlands	\$0	\$346,588
Sweden (SIDA)	\$0	\$2,669,523
Türkiye	\$0	\$2,552
United Arab Emirates	\$0	\$51,043
United Kingdom	\$442,682	\$3,823,523
Total	\$1,665,303	\$11,637,357

B. COUNTRY SPECIFIC CONTRIBUTIONS

Contributor	Contribution Amount (2022)	Total Contribution	Countries Supported
Belgium	\$0	\$492,162	Ukraine
Canada	\$1,679,246	\$1,679,245	Ukraine
Denmark	\$797,113	\$797,113	Ukraine
Finland	\$109,385	\$457,775	Africa, Ukraine
Germany	\$556,893	\$1,058,905	Ukraine
Japan	\$0	\$2,262,986	CAR, DRC, Iraq
United Kingdom	\$0	\$1,093,242	CAR, DRC
TOTAL	\$3,142,637	\$7,841,428	

C. OTHER CONTRIBUTIONS¹⁴

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

“ In 2023, the Team of Experts received voluntary contributions totalling

\$4,698,553

Canada, Denmark, Estonia, Finland, Germany, Italy and the United Kingdom.

¹² Contribution from other countries were also received in kind or through the Office of the SRSG-SVC trust fund.

¹³Discussions are ongoing regarding the 2020 rollover contribution of core funds by Japan to the Team of Experts. This amount may be reduced in the future.

¹⁴ *ibid.*

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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for more information, contact:
Ms. Chloe Marnay-Baszanger
marnay-baszanger@un.org
TOE-ROL-SVC@un.org