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# CONFLICT RELATED SEXUAL VIOLENCE

REPORT OF THE  
UNITED NATIONS  
SECRETARY-GENERAL

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“CONFLICT-RELATED SEXUAL VIOLENCE IS NOW WIDELY RECOGNIZED AS A WAR CRIME THAT IS PREVENTABLE AND PUNISHABLE. THE UNITED NATIONS SECURITY COUNCIL HAS PLAYED AN IMPORTANT ROLE IN THE PAST DECADE BY PASSING SUCCESSIVE RESOLUTIONS THAT EMPHASIZE ACCOUNTABILITY FOR PERPETRATORS AND SERVICES FOR SURVIVORS.”

- UNITED NATIONS SECRETARY-GENERAL ANTÓNIO GUTERRES

# INTRODUCTION



1. The present report, which covers the period from January to December 2018, is submitted pursuant to Security Council resolution 2106 (2013), in which the Council requested me to report annually on the implementation of resolutions 1820 (2008), 1888 (2009) and 1960 (2010) and to recommend strategic actions.

2. 2019 marks the 10-year anniversary of the establishment of the mandate and Office of my Special Representative on Sexual Violence in Conflict. Over the past decade, there has been a paradigm shift in the understanding of the scourge of conflict-related sexual violence and its impact on international peace and security, the response required to prevent such crimes and the multidimensional services needed by survivors. While the United Nations increasingly addresses the problem of sexual violence in conflict from an operational or technical perspective through the strengthening of security and justice institutions, it remains essential to recognize and tackle gender inequality as the root cause and driver of sexual violence, including in times of war and peace.

3. Structural gender inequalities and discrimination are at the heart of the differential impact conflict has on women, men, boys and girls. Preventing sexual violence requires the advancement of substantive gender equality before, during and after conflict, including by ensuring women's full and effective participation in political, economic and social life and ensuring accessible and responsive justice and security institutions. The mandate of the Office of the Special Representative is firmly rooted within the women and peace and security agenda, with its origin in Security Council resolution 1325 (2000). It is significant, therefore, that in 2018 my Special Representative signed a framework of cooperation with the Committee on the Elimination of Discrimination against Women. The Framework affirms the ways in which the Convention on the Elimination of All Forms of Discrimination against Women, the response to conflict-related sexual violence and the broader discourse on women, peace and security and gender equality are linked.

4. The term “conflict-related sexual violence” refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with State collapse, cross-border consequences such as displacement or trafficking, and/or violations of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence or exploitation, when committed in situations of conflict.

5. While many countries are affected by the threat, occurrence or legacy of conflict-related sexual violence, the present report is focused on 19 countries for which credible and verifiable information is available. It should be read in conjunction with my previous reports, which provide a cumulative basis for the listing of 50 parties (see annex ). The majority of the listed parties are non-State actors, with six of these having been designated as terrorist groups pursuant to Security Council resolutions 1267 (1999), 1989 (2011) and 2253 (2015), the ISIL (Da'esh) and Al Qaida sanctions list. The national military and police forces that are listed are required to engage with my Special Representative in order to develop specific, time-bound commitments and action plans to address violations, as several have done since 2010. The cessation of violations and the effective implementation of commitments are key factors in the consideration of the delisting of parties. States listed for grave violations will be prohibited from participating in United Nations peace operations. Non-State armed groups are also required to make specific commitments and implement action plans in order to prevent sexual violence.

6. The present report is based on information verified by the United Nations, primarily through the monitoring, analysis and reporting arrangements on conflict-related sexual violence established pursuant to Security Council resolution 1960 (2010). In that regard, the presence of women's protection advisers, who are responsible for convening the monitoring, analysis and reporting arrangements on conflict-related sexual violence in the field, has significantly improved the availability and quality of information. At the time of writing, 21 women's protection advisers are deployed in seven United Nations peace operations. All peacekeeping missions with mandates that include the protection of civilians have established the monitoring arrangements for and incorporated early warning indicators of conflict-related sexual violence into their broader protection structures. Two special political missions have also established such arrangements.

7. Strengthening the capacity of national institutions is critical to ensuring accountability for past crimes and for the prevention and deterrence of crimes in the future. The Team of Experts on the Rule of Law and Sexual Violence in Conflict, in accordance with its mandate under Security Council resolution 1888 (2009), continues to assist national authorities in strengthening the rule of law with the aim of ensuring criminal accountability for the perpetrators of conflict-related sexual violence.

8. The Team of Experts has conducted engagements in the Central African Republic, Colombia, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Iraq, Liberia, Mali, Myanmar, Nigeria, Somalia, South Sudan and the Sudan, in follow-up to the high-level political engagement of the Special Representative on Sexual Violence in Conflict. In 2018, the Team of Experts contributed to addressing impunity and supporting victims of conflict-related sexual violence, in conjunction with or as a complement to United Nations system entities' efforts, including through the global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations. For example, in the Democratic Republic of the Congo, the High Military Court upheld the life sentence of Frederic Batumike, a local parliamentarian and militia leader who had been found guilty of crimes against humanity for the rape of 39 children in Kavumu between 2013 and 2016, and the trial against Ntabo Ntaberi Sheka for the alleged mass rape of 387 people in Walikale in 2010 has begun in Goma. In the Central African Republic, the specialized unit of police and gendarmerie established to investigate sexual and gender-based violence began an investigation into the case of a mass rape which occurred near

Bossangoa in February 2018. In Guinea, the Team of Experts is a member of the Steering Committee, established by the Government, tasked with organizing trials concerning the events of 28 September 2009, when at least 109 women and girls suffered sexual violence, and for which 15 high-ranking individuals have been indicted. However, despite some progress, impunity for the perpetrators of conflict-related sexual violence continues to be the norm.

9. United Nations Action against Sexual Violence in Conflict, a network comprising 13 United Nations system entities and chaired by my Special Representative, aims to strengthen the prevention of and response to conflict-related sexual violence through a coordinated and comprehensive approach. United Nations Action currently supports 10 survivor-focused projects in Bangladesh, Bosnia and Herzegovina, the Central African Republic, Côte d'Ivoire, Iraq, Jordan, Lebanon, Mali, Myanmar and South Sudan. In 2018, two projects were funded through the United Nations Action multi-partner trust fund: a project aimed at assisting survivors in Bosnia and Herzegovina; and another which facilitated the deployment of two experts to develop a comprehensive strategy on gender-based violence, including conflict-related sexual violence, in Mali. The United Nations Action network also supported two projects in Iraq, one focusing on providing legal aid to survivors and the other on coordinating assistance for children, including those born of rape. Furthermore, the network funded projects in Jordan and Lebanon, the main beneficiaries of which were Syrian refugees, aimed at strengthening the prevention of conflict-related sexual violence through improved access to justice and engagement with community leaders. Throughout 2018, United Nations Action continued to fund the Gender-based Violence Information Management System, an inter-agency initiative that enables humanitarian actors to safely collect, store, analyse and share data, which is also an important source of information for my reports.

10. Recognizing that conflict-related sexual violence is distinct from incidents of sexual exploitation and abuse that continue to occur in the complex environments where the United Nations operates, I reiterate my commitment to improve the way the Organization prevents and responds to such conduct by any United Nations personnel. In my report on special measures for protection from sexual exploitation and abuse (A/73/744), I provided information on measures to strengthen the system-wide response to sexual exploitation and abuse, including progress in the implementation of the zero-tolerance policy and my "new approach" strategy.



## Sexual Violence as a Tactic of War and Terrorism: Patterns, Trends and Emerging Concerns

11. It remains difficult to ascertain the exact prevalence of conflict-related sexual violence owing to a range of challenges, including underreporting resulting from the intimidation and stigmatization of survivors, as well as restrictions on access for United Nations staff. The present analysis is necessarily limited to incidents verified by the United Nations and cannot account for the vast number of unreported incidents that happen across the world. Unfortunately, most survivors of conflict-related sexual violence face daunting social and structural reporting barriers that prevent their cases from being counted, much less addressed. Despite such challenges, the issue demands our urgent attention.

12. During the reporting period, non-State actors such as armed groups, local militias and criminal elements were responsible for the majority of incidents of sexual violence, accounting for 37 of the parties listed in the annex to the present report. State actors were also implicated in all country situations, with national armed

forces, police or other security entities being listed in the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, the Sudan and the Syrian Arab Republic.

13. Trends analysis of incidents in 2018 confirms that sexual violence continues as part of the broader strategy of conflict and that women and girls are significantly affected. It was used to displace communities, expel so-called "undesirable" groups and to seize contested land and other resources. For instance, in South Sudan, allied militias raped women and girls as part of a campaign to drive opponents out of southern Unity State. Sexual violence was also used as a means of repression, terror and control. In Tanganyika Province of the Democratic Republic of the Congo, warring Twa and Luba militias violated women, girls and boys from each other's ethnic communities. In the Syrian Arab Republic and Burundi, armed actors gang-raped and sexually humiliated detainees perceived as political opponents. Sexual violence was also used as a tactic of terrorism, as

in Nigeria, where women and girls were targeted for abduction and sexual abuse by extremist groups as part of their financial calculus and self-perpetuation.

14. Incidents documented in 2018 confirm the nexus among sexual violence, trafficking and terrorism. Radicalization and violent extremism have contributed to the entrenchment of discriminatory gender norms that limit women's roles and their enjoyment of basic rights, for example in north-eastern Nigeria and Mali. Sexual violence has served strategic objectives of terrorism, including displacing populations, gaining information through interrogations, advancing extremist ideology and destabilizing social structures by terrorizing women and girls. Sexual violence has also been a recurrent feature of recruitment by terrorist groups, who may promise marriage and sexual slaves as forms of masculine domination and status to young men. Sexual violence can play a vital role in the political economy of terrorism, with physical and online slave markets and human trafficking enabling terrorist groups to generate revenue from the continuous abduction of women and girls.

15. Conflict-related sexual violence, along with killing, pillaging and the illicit exploitation of natural resources, continued to function as both a driver and a result of forced displacement. Of the 68 million forcibly displaced people in the world at present, a large number are found within the 19 countries examined. Many fled their homes as a result of conflict-related atrocities, including sexual violence. Women and girls, in particular, suffered sexual violence in the course of displacement, navigating their way through checkpoints and across borders without documentation, money or legal status. Others are at risk once they find themselves in refugee camps or camps for internally displaced persons. Such vulnerabilities can lead to further sexual exploitation, trafficking, rape and forced prostitution. Refugees and internally displaced persons have reportedly suffered sexual violence at the hands of state authorities, armed groups, smugglers, traffickers and others who control resources and services in humanitarian contexts. In such settings, desperate parents sometimes forced their young daughters into early marriage so as to reduce the risk of exploitation by strangers or in order to gain access to resources for the rest of the family. Deeply entrenched gender-based violence, such as intimate partner violence, persists and can increase in displacement and resettlement contexts, primarily affecting women and girls.

16. Sexual violence remains a consistent aspect of political or election-related violence. It has long been used to intimidate and punish political opponents, their family members and women human rights defenders, as witnessed over the years in the context of contested political processes in Guinea, Kenya and Côte d'Ivoire. More recently in Burundi,

there were troubling reports of the rape and gang rape of women and girls on account of political affiliation. The use of sexual violence as a form of political intimidation has a negative impact on civic participation, particularly among women.

17. The victims are not a homogenous group and their experiences of conflict and specific needs in post-conflict contexts are diverse, hence the continued requirement for distinct and survivor-centred responses. In Somalia and the Central African Republic, women were targeted along with other family members because of the actual or perceived affiliations of their husbands or sons. Along with girls of reproductive age, women were strategically targeted with a view to controlling their childbearing capacities, as a result of the role they play in reproduction and the survival of the community. When a community is targeted by parties to armed conflict for humiliation or destruction, women and their childbearing capacities are to be either eliminated or controlled, from the perspective of the perpetrators. Women heads of households or women migrating with children are particularly vulnerable to sexual violence by authorities, armed groups, smugglers or traffickers, as was observed in Iraq, Libya, Myanmar, Nigeria, Somalia and South Sudan.

18. A disturbing trend is that of sexual violence perpetrated against very young girls and boys, such as in Afghanistan, Burundi, the Central African Republic, the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, Sri Lanka, the Sudan (Darfur) and Yemen. Girls and boys can be targeted in order to terrorize their communities, because of perceived affiliations of their parents or their perceived utility or market value. Those vulnerabilities are compounded when children are unaccompanied during migration or displaced with their families.

19. As in previous years, reports confirm that men and boys also suffered conflict-related sexual violence. Incidents included rape, gang rape, forced nudity and other forms of inhumane and degrading treatment. Violations against men were reported in Burundi, the Central African Republic, the Democratic Republic of the Congo, South Sudan, Sri Lanka and the Syrian Arab Republic, occurring primarily in villages and detention facilities. Men and boys also face reporting barriers owing to the stigma relating to perceived emasculation, as well as particular physical and psychological consequences. There are often no legal provisions regarding the rape of men. Instead, the criminalization of adult consensual same-sex conduct may impede reporting for fear of prosecution, despite being a victim. Lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals who are survivors of conflict-related sexual violence are negatively affected by such laws and risk penalties when reporting their experiences.



20. Sexual violence results in multiple consequences for survivors and their families, including unwanted pregnancies that may result from such violence. Mothers of children born of wartime rape bear the burden of being ostracized by their own community. In addition to economic difficulties, they are often stigmatized by members of their family and community, who view them as “affiliates of the enemy”. Survivors and their children often face high levels of stigma, and the children can be at risk of abuse, abandonment and marginalization. Children born of wartime rape constitute another vulnerable group, who are often labelled by communities as the “bad blood” of political, ethnic or religious enemies. These children are stigmatized at birth and may suffer a lifetime of detrimental consequences. They may lack access to community resources, family protection and education or livelihood activities. They are often prime targets for recruitment by armed groups and terrorist organizations. Aside from stigmatization and social exclusion, they may also face routine but critical administrative challenges in registering their births, their legal names or their rights to citizenship.

21. Survivors often require immediate, life-saving health care, including comprehensive clinical management of rape to manage injuries, administer medication to prevent sexually transmitted infections, including HIV, and to prevent unwanted pregnancies. Survivors may also require life-saving psychosocial support to recover from the psychological and social impact of the violence. However, while limited services for post-rape medical and psychosocial care may be available in some urban centres, such services are typically less available in rural areas, and access to medical and psychosocial support for survivors in acute humanitarian crises is extremely limited. In periods of armed conflict, survivors often do not seek care as a result of threats to their lives, stigma, community pressure or the lack of availability or awareness about services. Stigma and discrimination relating to HIV often have profound implications for HIV prevention, care and support.

22. Despite the increased attention of the international community to ending impunity for sexual violence crimes, accountability remains elusive. The ability of victims to gain access to the justice system is frequently hindered by reporting barriers at both the individual and structural levels. Across most countries, victims express reluctance to report their experiences owing to stigma, the fear of reprisal, rejection by their families and communities, and their lack of confidence in judicial and non judicial responses. In conflict and post-conflict settings, stigmatization can mean the loss of community protection, where retaliation comes at the hands of armed actors, or where the already weak rule of law is further compromised by general insecurity. Limited capacities for investigating

conflict-related sexual violence, paired with frequently deep-rooted gender biases against women and girls, can also impede the effectiveness and sensitivity of investigative and judicial authorities.

23. In 2018, mixed progress was observed in terms of the investigation and prosecution of conflict-related sexual violence. Notably, two important convictions were upheld on appeal during the reporting period: in the Democratic Republic of the Congo, the verdict in the Kavumu child rape case was affirmed; and in Guatemala, the groundbreaking Sepur Zarco conviction for sexual and domestic slavery of Kekchi women during the internal armed conflict was upheld by the Appellate Court, with no possibility of appeal. However, that progress could be undermined by Guatemala’s bill No. 5377 aimed at reforming the Law on National Reconciliation, which explicitly excluded serious crimes, including sexual violence, from amnesties. If approved, military officers who had been convicted and sentenced would be released from custody, seriously compromising victims’ rights and Guatemala’s progress in addressing other cases of sexual violence.

24. In Guinea, 10 years after the crimes committed at the national stadium in Conakry in 2009, which included at least 109 cases of sexual violence, the Government of Guinea has announced the preparation of trials of 15 senior military officials, including former President Moussa Dadis Camara. For the past 10 years, the United Nations has been advocating accountability for these crimes, including through the establishment of an International Commission of Inquiry mandated to establish the facts and circumstances of the events of 28 September 2009 in Guinea, the signature of a Joint Communiqué between the Government of Guinea and the United Nations on fighting impunity for conflict-related sexual violence, and continuous technical support by the Team of Experts to Guinean authorities. However, the fact that the trials have not yet started is a matter of serious concern.

25. Given the strategic and systematic use of sexual violence by terrorist organizations, it is of grave concern that no individuals from any such groups have been convicted for crimes of sexual violence. In Iraq, despite thousands of detentions and numerous prosecutions of members of Islamic State in Iraq and the Levant (ISIL) on terrorism charges, none of those cases have included indictments for sexual crimes. In Nigeria, trials are also proceeding, mainly under the Terrorism (Prevention) (Amendment) Act, 2013, however, the trials do not take into consideration sexual violence crimes. Similarly, in Mali, the prosecution of terrorist groups has not included charges of sexual violence. The risk is that these heinous crimes will be left out of the historical record altogether.



26. In the Central African Republic, there have been efforts to operationalize the Special Criminal Court. However, the justice system has key capacity challenges in addressing conflict-related sexual violence. The efficiency of initiatives such as the creation of a joint rapid response unit to prevent sexual violence against women and children (l’Unité mixte d’intervention rapide et de répression des violences sexuelles faites aux femmes et aux enfants, see also paras. 37-39), as well as other efforts by the Government will depend on the strengthening of the entire justice chain.

27. The International Criminal Court remains a forum for accountability for crimes of conflict-related sexual violence in States that have ratified the Rome Statute or in situations referred by the Security Council. Ongoing trials that include charges of sexual violence are the Ongwen and Ntaganda cases. Non-judicial accountability mechanisms established by the Security Council, the General Assembly and the Human Rights Council, including on Iraq, Myanmar, South Sudan, the Syrian Arab Republic and on the Kasais, are also mandated to specifically address conflict-related sexual violence.

28. In the quest for accountability, survivors’ needs must be a primary consideration. That means providing victims with access to justice as well as protection and support before, during and after trial; putting in place measures to facilitate their participation in truth-telling efforts; and ensuring they are given access to transformative reparations. Aside from the enactment of victim and witness protection laws in some settings or the creation of such specific units as the Victim and Witness Protection Unit of the Special Criminal Court in the Central African Republic, reports indicate little systemic or sustained improvement in this regard.

29. Progress related to reparations was mixed. In Colombia, efforts to provide reparations to survivors of

conflict-related sexual violence have been undertaken with some success. However, despite such reparations being an obligation of States under international law, instances where victims of conflict-related sexual violence have received reparations for victims of conflict-related sexual violence remain an exception, rather than the rule. As developed in the guidance note of the Secretary-General on reparations for conflict-related sexual violence (2014), the United Nations system must integrate reparations into the design of transitional justice and accountability mechanisms. In order to ensure survivor-centred justice, Member States should also consider how they can support reparations initiatives globally and consider innovative ways of funding such mechanisms, including in conjunction with the private sector.

30. Some important advances have been made around Security Council sanctions. Stand-alone designation criteria on sexual violence were included in the sanctions regimes for the Central African Republic, Libya, Somalia and South Sudan. Notably, three individuals listed under the Libya sanctions regime were designated for trafficking in persons, which is directly relevant to the implementation of Security Council resolution 2331 (2016), in which the nexus of sexual violence in conflict, trafficking and violent extremism is articulated. In the case of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan, seven of the eight individuals on the sanctions list in 2018 were designated for sexual violence, among other crimes. In response to the Committee’s focus on sexual violence, the pro-Machar Sudan People’s Liberation Army in Opposition took further steps to implement the unilateral communiqué issued by its leader in 2014. At the same time, the South Sudan People’s Defence Forces finalized an action plan to prevent sexual violence. Such measures indicate that the strategic use of sanctions can be an important tool to enforce compliance by parties to a conflict.



## Sexual violence in conflict-affected settings

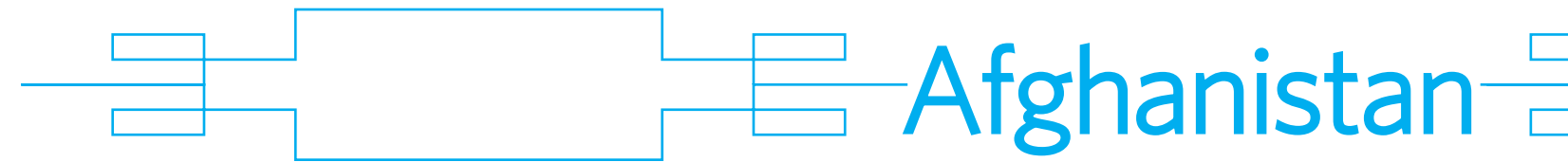
31. Chronic instability, gender inequality, displacement, inadequate services, access constraints and discriminatory practices fuelled the underreporting of conflict-related sexual violence across Afghanistan. In 2018, the United Nations Assistance Mission in Afghanistan (UNAMA) documented 37 cases of sexual violence against women and girls. Five rapes and one forced marriage were verified as having been committed by parties to the conflict, including members of the Taliban and an unidentified illegal armed group. In five of the six cases, the accused were prosecuted and convicted, as a result of positive steps taken by the authorities. UNAMA also verified two cases of sexual violence against boys by members of the Afghan National Police. One case involved bacha bazi, by which young boys are “kept” by typically older powerful men. Though bacha bazi is criminalized, prosecutions of cases involving the practice are rare and the practice remains common.

32. The revised Penal Code, which entered into force in February 2018, includes forms of conflict-related sexual violence as a war crime, crime against humanity and constitutive act of genocide. In August, UNAMA organized a dialogue with the Government, Afghan military and police forces, international military forces and the Afghanistan Independent Human Rights Commission to develop strategies for combating impunity for sexual violence. Following the launch in May 2018 by UNAMA of a report, entitled “Injustice and Impunity: Mediation of Criminal Offences of Violence against Women”, the Ministry of Women’s Affairs established a technical committee to review the Elimination of Violence against Women Law of 2009 (see A/73/624-S/2018/1092) and align its “rape” definition with that of the Penal Code of 2018.

33. Unfortunately, the national police demonstrated limited capacity to address sexual crimes in 2018, partly as a result of low numbers of female officers (at present, 1.8 per cent of the force). The delay in finalizing and operationalizing the sexual harassment complaint mechanism for policewomen also contributes to underreporting of sexual violence incidents. During the reporting period, UNAMA convened several meetings with relevant Government departments to advocate the finalization of the sexual harassment complaint mechanism.

### Recommendation

34. I commend the efforts of the authorities in prosecuting cases of sexual violence and urge that such efforts are strengthened. Further, I am encouraged by efforts to review the Elimination of Violence against Women Law of 2009. I urge the Government to meet its obligation to protect victims from all forms of sexual violence and ensure that perpetrators are held accountable. I encourage the authorities to promote women’s active and equal political, social and economic participation and to put an end to the stigmatization of victims by promoting substantive equality and enacting laws and policies that prohibit discrimination against women. I further call upon the Government to ensure the full investigation and prosecution of all reported cases of bacha bazi, including those perpetrated by the Afghan National Police and the military.



# Central African Republic



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35. Armed groups have consistently, and with flagrant impunity, used sexual violence as a tactic of war in the Central African Republic. In 2018, the south-east region witnessed cycles of violence between anti-Balaka and Union pour la paix en Centrafrique. Systematic attacks on civilians resulted in mass displacement. In that region, where farming is the primary source of income, displacement from their land meant that 75 per cent of the population lost their means of livelihood. Most of the women and girls who were raped by elements belonging to parties to the conflict were intercepted on their way to farms or while fleeing to safety.

36. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) documented 179 incidents of conflict-related sexual violence, affecting 259 victims (144 women, 78 girls, 1 man, 1 boy and 35 females of unknown age). The incidents included 239 cases of rape or attempted rape, 14 forced marriages, one case of sexual slavery, and five other forms of sexual violence. 101 cases were attributed to ex-Séléka groups, 62 to Fulanis who may have been affiliated with the ex-Séléka, 45 to the anti-Balaka, 2 to the Lord's Resistance Army, 5 to Retour, réclamation et rehabilitation-Abbas Sidiki, 7 to Bangui-based armed gangs, 2 to Révolution et justice, 27 to unidentified perpetrators and 5 to other perpetrators. A total of 3 cases were attributed to the Armed Forces of the Central African Republic. Almost 70 per cent of the crimes were committed by more than one perpetrator. MINUSCA verified the use by armed groups of 10 girls, whose ages ranged from 11 to 17 years old, as wives. The cases were attributed to anti-Balaka (5), ex-Séléka factions (3) and Lord's Resistance Army (2). The Panel of Experts on the Central African Republic, in its report for 2018 (S/2018/1119), noted that conflict-related sexual violence is largely underreported, mainly owing to victims' fear of retaliation. The Panel further noted a high percentage of reported cases occurring in rural areas, where victims are often assaulted by multiple armed aggressors.

37. In 2018, hundreds of persons reported sexual violence crimes to the joint rapid response unit to prevent sexual violence against women and children (see also para. 26). Among those individuals, the unit registered 33 victims of conflict-related sexual violence, including 27 women, 4 girls and 2 men. Furthermore, in November 2018, the unit undertook its first field investigation outside of Bangui, supported by United Nations police and the Internal Security Forces of Bossangoa, to investigate allegations of a mass rape allegedly committed by armed Fulani groups in Nana-Bakassa sub-prefecture. Despite the progress made by the unit in increasing survivors' trust in the criminal justice system, the Government was not able to guarantee the unit's

sustainability in its national budget. Moreover, the Panel of Experts found that of the 320 cases of sexual violence that were submitted by the unit to the Bangui Criminal Court, few had resulted in trials.

38. The Mission and the United Nations country team worked closely with the special prosecutor and investigating judges of the Special Criminal Court to develop the investigation and prosecutorial strategy for cases of sexual violence and to advocate their prioritization. The Victim and Witness Protection Unit of the Special Criminal Court, which is currently being established, is essential to such cases. MINUSCA also provided technical support for the establishment of a digital database, which will be instrumental in following up on cases from their registration by the unit until the end of judicial proceedings. Through United Nations support for national partners, 83 community-based protection committees, with a total of 220 members, and 109 protection networks were established. Several women received training on case management concepts to ensure psychosocial care for survivors of sexual and gender-based violence and to facilitate referrals to relevant service providers. As a result of those community-based engagements, 80 per cent of victims of sexual violence who reported their cases to the United Nations and its partners were able to gain access to clinical and psychosocial care.

## Recommendation

39. I urge the Government to ensure the prosecution of all cases of conflict-related sexual violence in accordance with international standards, to finalize the appointment of staff to the joint rapid response unit to prevent sexual violence against women and children, and to explore ways to ensure the sustainability of the unit. I further urge the special prosecutor and investigating judges of the Special Criminal Court to consider prioritizing crimes of sexual violence.

# Colombia



40. After more than five decades of conflict, the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia-People's Army) (FARC-EP) signed the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (S/2017/272, annex II) in 2016. As noted in my previous report (S/2018/250), the Agreement included 100 provisions on gender equality and women's human rights, several of which address conflict-related sexual violence, although the implementation of those provisions has been limited. Research indicates that only 4 per cent of those gender provisions had been implemented by mid-2018. The implementation of the gender provisions was limited in former conflict areas, where insecurity has increased. In my report to the Security Council on the United Nations Verification Mission in Colombia, in December 2018 (S/2018/1159), I expressed particular concern about the continued attacks against Colombian social leaders and human rights defenders in some of those areas. The Office of the United Nations High Commissioner for Human Rights reported that amid a total of 454 cases reported, 163 killings of social leaders and human rights defenders, many of them women, had been verified by the end of 2018. Further efforts are required to strengthen security guarantees for women human rights defenders and LGBTI leaders, increase gender-responsive reintegration processes and ensure women's participation in the comprehensive rural reform, as well as their participation in the design of the implementation of the Agreement.

41. Despite the overall reduction in violence associated with armed conflict, including in the number of incidents of sexual violence, the persistence of violence in several areas is of concern. In 2018, the National Victims Unit registered 97,916 victims of the armed conflict, of whom 254 were victims of sexual violence. Among those were 232 female victims, including 18 girls (ranging from 0 to 17 years of age), 214 women (209 women ranging from 18 to 60 years of age; and 5 women ranging from 61 and 100 years of age); 14 men; 3 LGBTI persons; 5 unknown. Furthermore, two cases of sexual violence against girls were documented (one against an indigenous girl), which were reportedly perpetrated by a dissident group of FARC-EP and a post-demobilization armed group.

42. Access to justice and health care for victims of sexual violence continued to be a challenge, in particular for women and LGBTI persons and in rural areas, where

many indigenous communities and ethnic minorities reside. Remarkably, the Office of the Ombudsperson assisted 176 victims of conflict-related sexual violence. With United Nations support, the Ministry of the Interior approved a policy for LGBTI persons, including services for victims of armed conflict and a humanitarian protocol regarding access to health care for transgender victims.

43. An important and positive development in relation to the Agreement was the creation of the Comprehensive System of Truth, Justice, Reparation and Non Repetition. The United Nations supported the gender-sensitive selection of the members of the Comprehensive System, as well as of members of the gender-specialized group of the Commission on Truth, Coexistence and Non-Repetition and members of the Gender Commission of the Special Jurisdiction for Peace. The special body, comprising women representatives, for monitoring the gender approach in the implementation of the Agreement continues to communicate with public institutions and women's networks.

## Recommendation

44. I urge the Government of Colombia to expedite the full implementation of all action plans to address violence in former conflict areas, in particular those plans related to assisting victims of sexual violence and to ensuring their access to reparations. I urge the Government to prioritize the investigation and prosecution of cases of conflict-related sexual violence and to allocate adequate resources to improve institutional capacity. I further urge the Government to implement protection measures for victims of sexual violence.



45. In 2018, the intensified activity by non-State armed actors, as well as the military operations in response thereto, contributed to an increase in the number of documented cases of conflict-related sexual violence. Non-State armed groups, using sexual violence to enforce control over illicit economic activities, including the exploitation of natural resources, were responsible for most cases.

46. In 2018, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) documented 1,049 cases of conflict-related sexual violence against 605 women, 436 girls, 4 men and 4 boys. Most of the cases (741) were attributed to armed groups, while 308 were attributed to the Armed Forces of the Democratic Republic of the Congo and the Congolese National Police. In most incidents, women and girls were targeted while walking to school or collecting firewood or water. A quarter of the cases attributed to the Congolese police were committed while victims were detained in temporary holding cells.

47. The majority of verified incidents involving armed groups occurred in North and South Kivu Provinces and included rape, gang rape and sexual slavery. Since February, members of the Mai-Mai Raia Mutomboki armed group have committed mass rapes in South Kivu's Shabunda, Walungu and Mwenga territories. In April, during at least four attacks in mineral-rich Shabunda, Mai-Mai Raia Mutomboki members raped and gang-raped at least 66 women, 11 girls and 2 men. Those acts included penetration and intrusive cavity searches, in an alleged search for gold. In North Kivu, the dissident wing of Alliance des patriotes pour un Congo libre et souverain-Rénové, led by "General" Mapenzi Bulere Likuwe, and Nduma défense du Congo-Rénové, led by "General" Guidon Shimiray Mwissa, committed rape as part of systematic attacks against civilians in Masisi and Lubero. In Beni, the Allied Democratic Forces abused civilians, including through the abduction of children and women. In Ituri, Force de résistance patriotique de l'Ituri continued to perpetrate sexual violence, despite ongoing peace negotiations.

48. The Mission supported the implementation of the Armed Forces' action plan against sexual violence, including through joint MONUSCO-Armed Forces-

national police provincial Comités de suivi and the training of commanders and security officers on the prevention of sexual violence. The Mission engaged with non-State actors on the prevention of conflict-related sexual violence. In March 2018, with MONUSCO support, the national police developed an action plan against sexual violence, which awaits signature by the Minister of the Interior. With United Nations support, Ntabo Ntaberi Sheka (sanctioned by the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo in November 2011) and Serafin Lionso are being tried in military courts for mass rapes committed in Walikale province in 2010. In addition, the verdict in the Kavumu child rape case was upheld on appeal. However, despite his conviction in November for acts of rape constituting crimes against humanity, Lieutenant Colonel Mabila Ngoma is still at large. Moreover, victims have not yet received the reparations awarded by the military court.

## Recommendation

49. I urge the Government of the Democratic Republic of the Congo to strengthen the prevention of conflict-related sexual violence by increasing security and State presence in areas where communities are involved in mining activities. I call for the armed and security forces to be adequately vetted and trained, and for a policy of zero tolerance of conflict-related sexual violence to be upheld by bringing offenders to justice, irrespective of rank, and ensuring that victims are protected and receive adequate reparations.

# Democratic Republic of the Congo



UN PHOTO | MARIE FRECHON

50. During 2018, women and girls held in sexual slavery continued to be released from ISIL control. The Kurdistan Regional Government estimates that there are 3,083 Yazidis missing, including 1,427 women and girls. This does not include missing women and girls from other ethnic groups targeted by ISIL, including Turkmen Shia. In camps for internally displaced persons, women and children with perceived affiliation to ISIL or originating from areas that were previously under ISIL control suffer sexual exploitation, restricted movement and a lack of access to services and civil documentation. Such factors, coupled with economic hardship, compound their risk of stigma and further sexual exploitation. Sexual violence remains underreported owing to fear of reprisal, security concerns and mistrust of the legal system.

51. In March 2018, my Special Representative visited Iraq and, with the Government, launched an implementation plan for the 2016 joint communiqué on prevention of and response to conflict-related sexual violence. The plan supports legislative and policy reforms to: (a) strengthen protection from and response to crimes of sexual violence; (b) facilitate documentation for and the return and reintegration of internally displaced persons; (c) ensure accountability; (d) provide services, livelihood support and reparations for survivors and children born of rape; and (e) engage tribal and religious leaders in the prevention of sexual violence and in facilitating the return and reintegration of survivors. A further goal is to ensure the full consideration of sexual violence by the Iraqi Counter-Terrorism and National Security Advisory Commission, including by enhancing the role of women in counter-terrorism efforts. The United Nations Assistance Mission for Iraq assisted in drafting the terms of reference for an interministerial technical group to oversee the implementation of the joint communiqué.

52. Despite such progress, attention urgently needs to be focused on ensuring criminal accountability and providing assistance to victims, as well as on the consideration of conflict-related sexual violence and the role of women in counter-terrorism efforts. In 2018, the Special Adviser of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL was appointed with a mandate, pursuant to Security Council

resolution 2379 (2017), to collect, preserve and store evidence of ISIL war crimes, crimes against humanity and genocide, which include acts of sexual violence. To date, ISIL members have only been prosecuted on terrorism charges, but not for crimes of sexual violence. My Special Representative, primarily through the Team of Experts on the Rule of Law and Sexual Violence in Conflict, is supporting the Government's efforts to prosecute "pilot cases" of crimes of sexual violence crimes perpetrated by ISIL. In addition, the Iraqi Government launched a special administrative process, managed through mobile teams, as part of a pilot project to facilitate the registration of children born of rape.

## Recommendation

53. I call upon the Government of Iraq to comprehensively address the needs of survivors of conflict-related sexual violence, including by upholding the rights of families with actual or imputed ISIL affiliations and ensuring their freedom of movement, access to civil documentation and access to basic services. I further urge the provision of reparations to those affected and an end to impunity through the prosecution of ISIL perpetrators for crimes of sexual violence. I call upon the Government to prosecute cases of sexual violence in accordance with its commitments under the joint communiqué and relevant Security Council resolutions.



UNFPA PHOTO

SRSG PRAMILA PATTEN OPENING OF THE FIRST WOMEN'S SHELTER IN BAGHDAD

# Libya



UN PHOTO | OCHA | DAVID OHANA

54. The climate of insecurity, political divisions, sporadic armed conflict, challenges to the rule of law and control exercised by armed groups over large parts of Libya restricted the monitoring of and reporting on conflict-related sexual violence. Incidents are severely underreported as a result of fear, intimidation and stigma related to underlying discriminatory gender norms.

55. Migrant women and girls are particularly vulnerable to rape and other forms of conflict-related sexual violence. Many are exposed to forced prostitution and sexual exploitation in conditions amounting to sexual slavery. Many Nigerian women and girls are particularly vulnerable to trafficking by armed groups and/or multinational criminal networks, reporting that they were detained in “connection houses” in Tripoli and in Sabha and subjected to sexual abuse by uniformed armed men (see S/2018/812 and S/2018/812/Corr.1). Since Libya lacks anti-trafficking legislation or systems to identify and protect survivors, these women and girls fear prosecution and do not report their experiences to Libyan authorities.

56. In 2018, the United Nations Support Mission in Libya documented accounts by migrant women and girls who were victims or witnesses of sexual abuse by smugglers, traffickers and members of armed groups, as well as by Ministry of Interior officials, during their journey through Libya and in migrant detention centres. Survivors described being taken away by armed men and repeatedly raped by multiple perpetrators. Many reported being raped in front of their children and other witnesses. In September 2018, while in the Niger, my Special Representative met with migrant and refugee women, men and children who had been subjected to sexual violence while being trafficked in Libya. They had experienced sexual violence in detention, been “sold” multiple times, and some had children as a result of rape. Many could not return to their countries for fear of stigmatization and rejection upon return.

57. The unknown fate of 17 women and girls who suffered sexual violence at the Surman detention centre remained a concern during the reporting period. In October 2017, the head of the Department for Combating Illegal Migration Surman detention centre, Mamduh Miloud Daw, refused to transfer the 17 women and girls to protection agencies. Survivors and witnesses had identified Mr. Daw and another guard at the Surman detention centre, known as “Rasta”, as perpetrators. Mr. Daw also reportedly allowed other staff of the Surman detention centre to sexually abuse women in his custody.

58. On 7 June 2018, the Security Council imposed sanctions on six individuals involved in the trafficking and smuggling of migrants, including the head of the Shuhada al-Nasr brigade in Zawiya, Mohammed Kashlaf, who controls the Nasr detention centre for migrants. Despite an order for its closure in April, the Nasr detention centre remained operational throughout 2018. The Security Council adopted resolution 2441 (2018) in November, in which it explicitly included sexual violence as a stand-alone criterion for sanctions designations.

## Recommendation

59. I call upon the Libyan authorities to ensure that all allegations of sexual violence are investigated and prosecuted, and that survivors are provided with protection, reparations and holistic health and psychosocial services. I encourage Libyan authorities to facilitate the release of all those held arbitrarily and without a legal basis, in particular survivors of trafficking, torture and rape, and to introduce measures to protect female detainees from sexual and gender-based violence and sexual exploitation. I urge the Government to adopt anti-trafficking legislation in accordance with international law, and to address the nexus of conflict-related sexual violence and trafficking in accordance with Security Council resolution 2331 (2016). I further call upon the authorities to cooperate with the International Criminal Court in its investigation of conflict-related sexual violence.

# Mali



UN PHOTO | HARANDANE DICKO

60. In 2018, conflict-related sexual violence remained underreported owing to high levels of insecurity, the unwillingness or failure to investigate and prosecute cases, and the stigmatization of survivors. The United Nations Multidimensional Integrated Stabilization Mission in Mali verified cases committed by non-State armed groups in Ménaka, Mopti, Kidal, Timbuktu and Gao Regions. Of 22 reported incidents (2 rapes and 20 gang rapes), 12 occurred in Gao, 5 in Mopti, 4 in Timbuktu and 1 in Ménaka. The survivors included 13 women and 9 girls. It was verified that 17 incidents were perpetrated by unidentified armed men, 4 by Front de libération des régions du Nord elements and 1 by a Groupe d'autodéfense des Touaregs Imghad et leurs alliés element. In respect of sexual violence perpetrated in the context of terrorism, 4 women were abducted from Dialoubé and raped by the Front de libération du Macina elements; 2 women were reportedly raped by 2 unidentified armed men in Ansongo cercle, Gao Region; 4 young women were raped on their way to the local market by 3 unidentified armed men, and a 14-year-old girl was raped by an element of Groupe d'autodéfense des Touaregs Imghad et leurs alliés based in the locality of Ansongo. To date, no investigation has been opened by the gendarmerie of Ansongo regarding any of those cases.

61. A further 116 cases of conflict-related sexual violence were reported, 92 of which were attributed to unidentified armed elements and 24 to the Malian Defence and Security Forces. Of the 116 cases of rape, 16 resulted in pregnancy, including in the cases of 6 victims who were under the age of 18. Despite consistent reports since 2014 of cases of conflict-related sexual violence being perpetrated by armed groups as well as some cases attributed to the Malian Defence and Security Forces, there have been no prosecutions.

62. The fact that the perpetrators of the crimes of sexual violence committed during the 2012-2013 crisis have yet to be held to account remains a concern. While a coalition of six non-governmental organizations filed two collective complaints on behalf of 115 victims of sexual violence five years ago, those cases have been pending ever since.

63. The Mission supported designated focal points of the Coordination des mouvements de l'Azawad in preparing an implementation plan on conflict-related sexual violence with five priorities,

covering prevention, protection, accountability, capacity-building and communication. The one-stop centre in Bamako, launched in June, provides medical, psychosocial, protection and legal services to survivors.

64. The Chair of the Security Council Committee established pursuant to resolution 2374 (2017) concerning Mali visited the country in March and December. The Chair expressed concerns about grave human rights violations, including conflict-related sexual violence, following his meetings with women's groups and signatories to the Agreement on Peace and Reconciliation in Mali. In their reports, the Panel of Experts on Mali also noted sexual violence among the violations being consistently perpetrated by parties to the conflict.

## Recommendation

65. I welcome the joint communiqué signed by the Government of Mali and the United Nations in March 2019 to allow for a more focused response to conflict-related sexual violence. I urge the Government to implement the national strategy adopted in October 2018 and expedite the enactment of the draft law on preventing, repressing and responding to gender-based violence. I further urge the Government to ensure the timely investigation and prosecution of cases of conflict-related sexual violence, in particular the 115 cases pending before commune III in Bamako.

# Myanmar



66. Following direct engagement with survivors, witnesses, caseworkers and service providers in April 2018, my Special Representative expressed serious concern about a pattern of widespread atrocities, including sexual violence against Rohingya women and girls. The forms of sexual violence consistently recounted by survivors include rape, gang rape by multiple government soldiers, forced public nudity and humiliation, and sexual slavery in military captivity. These acts occurred in the context of collective persecution, the burning of villages and the torture, mutilation and killing of civilians. There are indications that the threat and use of sexual violence was a driver and “push factor” for forced displacement on a massive scale in and out of the northern part of Rakhine State. These observations, together with information that has been verified by the United Nations regarding sexual violence committed as part of military “clearance” operations in October 2016 and August 2017, indicate a wider pattern of ethnically and religiously motivated violence.

67. In 2018, the United Nations documented the rape of an 8-year old girl by the Myanmar Armed Forces (Tatmadaw Kyi) in the south-east of Myanmar. In September 2018, the independent international fact-finding mission on Myanmar, established by the Human Rights Council through its resolution 34/22, documented mass killings, rape and sexual violence by Tatmadaw soldiers during 2017 “clearance operations” in Rakhine State, as well as credible accounts of sexual violence and torture in Kachin and Shan States (see A/HRC/39/64). The Fact-finding mission also documented cases of sexualized torture in detention which were perpetrated by the Tatmadaw Kyi.

68. In September 2018, in its resolution 39/2, the Human Rights Council established the Independent Investigative Mechanism for Myanmar to consolidate, preserve and analyse evidence of serious international crimes committed in Myanmar since 2011 and to prepare files for criminal proceedings. In 2018, the Government of Myanmar also established an independent commission of inquiry. In December 2018, my Special Representative signed a joint communiqué with the Government of Myanmar on conflict-related sexual violence. In accordance with Security Council resolution 2106 (2013), the communiqué requires concrete actions by the Myanmar Armed Forces such as the issuance of clear orders prohibiting sexual violence and ensuring accountability for violations, as well as timely investigation of all alleged abuses. My Special Representative undertook a second visit to Myanmar in February 2019 to facilitate the preparation of an action plan to implement the commitments as expressed in the joint communiqué.

69. In 2018, an additional 15,000 Rohingya refugees fled Myanmar’s Rakhine State seeking safety in Bangladesh. In the central part of Rakhine State, 78 per cent of the 128,000 displaced people are women and girls. In Kachin and Shan States, an additional 43,000 people have been forcibly displaced since January 2018, as a result of fighting.

Access restrictions have severely hampered the delivery of legal, medical and psychosocial services to these areas.

70. During her visit to Cox’s Bazar, Bangladesh, in May 2018, my Special Representative noted the extreme vulnerability of displaced persons from Myanmar. The vulnerability of women and girls is compounded by their lack of livelihood opportunities and rooted in unequal gender norms, which has exposed them to high risks of trafficking and sexual exploitation. Negative coping mechanisms such as child marriage and the confinement of adolescent girls at home have also increased. My Special Representative signed a framework of cooperation with Bangladesh in October 2018 to support the authorities in addressing these concerns.

## Recommendation

71. I welcome the signing, in December 2018, of a joint communiqué between the Government of Myanmar and the United Nations to prevent and address conflict-related sexual violence. I call for its full and swift implementation in close coordination with my Special Representative and the United Nations country team in Myanmar, including the commitments regarding accountability for conflict-related sexual violence allegedly perpetrated by the Myanmar Armed Forces and border guards. I further call on the Government to ensure that the draft law on the prevention of violence against women fully complies with international standards and call for its immediate adoption. I urge the Government of Myanmar to provide national and international humanitarian agencies with access to all conflict-affected areas, including to provide services to survivors of sexual violence.

# Somalia



UN PHOTO | STUART PRICE

72. Persistent insecurity, gender inequality, the lack of protection by state authorities and the recurring humanitarian crises in Somalia continue to expose civilians to heightened risks of sexual violence. Women and girls are particularly targeted, although cases against boys have also been documented. The fragile justice system, ongoing security concerns and limited access to areas controlled by Al Shabaab place women and girls in a state of acute vulnerability.

73. Dominant patterns include the abduction of women and girls for forced marriage and rape, perpetrated primarily by non-State armed groups, and incidents of rape and gang rape committed by state agents, militias associated with clans and unidentified armed men. Cases of abduction for the forced marriage and rape of 34 girls were attributed to members of Al-Shabaab. Internally displaced women and girls from marginalized groups are at particularly high risk.

74. In 2018, the United Nations Assistance Mission in Somalia (UNSOM) verified cases of conflict-related sexual violence against 20 women, 250 girls and 1 boy. The cases were attributed to unknown armed actors (83), Al-Shabaab (34) and clan militia (33), as well as state regional forces, namely Jubaland Armed Forces (26), Galmudug Armed Forces (9), Puntland Armed Forces (2), Southwest State Armed Forces (9) and Liyu Police (6). The United Nations also verified cases of the rape and gang rape of 48 individuals: 3 women, 44 girls and 1 boy by members of the Somali National Army, as well as incidents against 5 women and 12 girls by officers of the Somali Police Force.

75. Impunity for the perpetrators of crimes of sexual violence continues to be a concern. Mistrust of the criminal justice system, gender biases of police officers, the lack of financial resources and the victims' lack of knowledge of their rights impede their access to justice. On 30 May, the Federal Council of Ministers adopted the Sexual Offences bill. If enacted, the bill will create a robust and survivor-responsive legal framework. Rape would no longer be classified as a "crime against morality". The bill addresses sexual exploitation, sexual slavery, sex trafficking, forced marriage, sexual abduction, kidnapping for sex or sexual slavery purposes, and sexual slavery of an adult person.

76. In an effort to address a critical gap in support for female defectors from Al Shabaab under the National Programme for the Treatment and Handling of Disengaged Combatants, and in line with Security Council resolution 1325 (2000), UNSOM continues to support the Government in implementing a project aimed at empowering women affected by violent extremism, recognizing their vital role in preventing and countering such violence. The project will provide rehabilitation and reintegration support to 150 women defectors and their dependents in Mogadishu, Jubaland State and South West State.

## Recommendation

77. I urge the Government to enact the Sexual Offences Bill to strengthen the legal framework, enable prosecutions, and end impunity for sexual violence. I further urge the implementation of the National Action Plan on Ending Sexual Violence in Conflict and extension of activities to Federal Member States to support their fight against sexual violence and provision of all necessary legal and psychosocial support to survivors. I further urge the Government to immediately develop transparent legal processes and enforcement mechanisms to investigate and prosecute sexual violence perpetrated by soldiers and their commanders.

# South Sudan



UN PHOTO | JC MCILWAIN

78. In 2018, the United Nations Mission in South Sudan (UNMISS) recorded an alarming increase in the number of incidents and victims of conflict-related sexual violence. UNMISS documented 238 incidents, involving 1,291 victims, the majority being women and girls, with 10 male victims. Of the total number, 153 were children. The most common violation was abduction for the purposes of sexual slavery, followed by rape and gang rape. Other violations included attempted rape, forced marriage and forced abortion. The incidents were attributed to the following perpetrators: South Sudan People's Defence Forces (84); pro-Riek Machar Sudan People's Liberation Army in Opposition (92); pro-Taban Deng Sudan People's Liberation Army in Opposition (11); South Sudan National Liberation Movement (1); National Security Services (2); South

Sudan National Police Service (2); Lou Nuer militia (1) and unidentified gunmen (25). The Mission notes, however, that sexual violence is likely underreported owing to the shift of the conflict to more remote and hard-to-reach areas. Furthermore, stigma, the fear of reprisals, the lack of services and the criminalization of same-sex conduct likely inhibited reporting. The Commission on Human Rights in South Sudan, established by the Human Rights Council, concludes that continuing violence and human rights violations, including rape and sexual violence, may amount to war crimes (see A/HRC/40/69). The Commission notes that the situation has markedly worsened since 2017, with documented cases showing a surge in rapes between November and December 2018, particularly in Northern Liech State.

79. The first two quarters of 2018 saw repeated violations of the ceasefire agreement, part of the Khartoum Declaration of Agreement between Parties of the Conflict of South Sudan. Major clashes in Western Bahr el-Ghazal, Central and Western Equatoria and Unity States featured rampant human rights violations, including the systematic use of rape, gang rape and abductions for sexual slavery, to terrorize, punish and displace civilians. Civilians continued to flee their villages, fearing atrocities including sexual violence, mainly during clashes between the South Sudan People's Defence Forces and the pro-Riek Machar Sudan People's Liberation Army in Opposition in southern Unity and Western Equatoria. The allied forces of the South Sudan People's Defence Forces, pro-Taban Deng Sudan People's Liberation Army in Opposition and youth militias abducted and raped women and girls, forcing many to flee their villages in southern Unity. In Western Equatoria, the pro-Riek Machar Sudan People's Liberation Army in Opposition also abducted women and girls for the purpose of rape and sexual slavery.

80. In July 2018, my Special Representative visited Juba and Malakal and met survivors and witnesses who continue to live in situations of acute vulnerability. Their horrific testimonies of sexual violence were consistent with the report released on 10 July 2018 by UNMISS and the Office of the High Commissioner for Human Rights, describing indiscriminate attacks against civilians in southern Unity State and finding that at least 120 women and girls as young as 4 were raped and gang-raped. In addition, the report documented the abduction of 132 women and girls for sexual slavery. In the interim report of the Panel of Experts of November 2018 (S/2018/1049), the Panel specifically refers to command responsibility for alleged violations in Unity.

81. In September, a special military court, established to try cases involving the rape of humanitarian workers at Terrain Hotel, convicted 10 rank and file soldiers of the South Sudan People's Defence Forces and sentenced them to between 10 and 14 years' imprisonment for committing sexual crimes. Unfortunately, the verdict was limited to low-ranking soldiers, with senior officers having largely evaded liability, and was achieved only after intense international pressure for accountability.

82. In December, during the proceedings of mobile courts in Bentiu, three men accused of rape identified themselves as soldiers of the South Sudan People's Defence Forces. All were convicted and sentenced to

imprisonment for 6 to 12 years, which represents important progress. The Revitalized Agreement on the Resolution of the Conflict in South Sudan calls for the creation of a Hybrid Court to try serious international crimes, including sexual violence, but there has been insufficient progress on the creation of this court.

## Recommendation

83. I urge the Government of South Sudan to rigorously and expeditiously investigate all incidents of sexual violence and hold perpetrators accountable, regardless of rank. I further urge the Government to establish the Hybrid Court without delay, to provide comprehensive services to survivors, to extend services into remote locations and to grant full access to humanitarian organizations assisting victims and displaced civilians. Considering the scale and consequences of these violations, I also urge the Government to ensure that conflict-related sexual violence is addressed as a central aspect of the Revitalized Agreement of 2018 and in accordance with the joint communiqué signed in 2014, including by ensuring that crimes of sexual violence are not amnestied and that victims receive reparations and livelihood support.

# Sudan (Darfur)



UN PHOTO | ALBERT GONZÁLEZ FARRAN

84. The overall security situation in Darfur continued to improve with the Government of the Sudan taking several important measures, such as weapons collection campaigns, the repatriation of refugees and the allocation of land for returnees, the reintegration of internally displaced persons in host communities, the demarcation of migratory routes and the provision of water points for grazing animals.

85. Nonetheless, conflict-related sexual violence remains a concern as a result of some ongoing clashes among armed groups and the renewal of conflict in parts of Jebel Marra between Government forces and the Abdul Wahid faction of the Sudan Liberation Army. The proliferation of weapons, criminality and sporadic intercommunal clashes render civilians, particularly women and girls, vulnerable. Sexual violence displaces civilians from their homes and prevents their return, which implies losing access to land and is a devastating outcome for most internally displaced persons, who once earned an income from farming. One specific pattern of sexual violence concerned women and girls in rural communities or in camps for internally displaced persons, who were routinely preyed upon while travelling or engaged in livelihood activities outside camps.

86. In 2018, the African Union-United Nations Hybrid Operation in Darfur documented 122 incidents of sexual violence involving 199 victims: 85 women, 105 girls and 9 boys in Central, South, North and West Darfur States. Rape constituted 80 per cent of reported incidents; 80 per cent of the perpetrators of sexual violence were described as armed and 31 per cent of cases were attributed to members of the security forces. However, cases of sexual violence are likely underreported owing to fear of reprisal and restricted access to conflict areas, to victims and to the sites of incidents.

87. Witnesses described the perpetrators as men in unspecified military uniforms, armed men in civilian clothes and members of specific armed groups, including Sudan Liberation Army-Abdul Wahid faction in the Jebel Marra (see S/2019/34). Government security forces, including the Sudanese Armed Forces, Rapid Support Forces and Sudan Police, were also identified. One incident in Jebel Marra involved 37 internally displaced women, who were sexually assaulted while they were returning from livelihood activities in Thur, Central Darfur. The alleged perpetrators

were members of the Rapid Support Forces and the Sudanese Armed Forces and other unidentified armed elements.

88. Notably, the Armed Forces Act of 2007 criminalizes sexual violence that may occur during military operations; the implementation thereof is critical for the deterrence and prevention of such crimes. The Government has also established some specialized police structures and deployed judges, including to Darfur States, in order to enhance the investigation and prosecution of crimes of sexual violence. Unfortunately, there have been few prosecutions of such crimes.

89. At the invitation of the Government, my Special Representative visited the Sudan in February 2018 to establish a dialogue with national authorities towards a framework of cooperation to address concerns regarding conflict-related sexual violence.

## Recommendation

90. I urge the Government to adopt a framework of cooperation with the United Nations and to work with my Special Representative and relevant United Nations system entities to develop an implementation plan in line with Security Council resolutions 2106 (2013) and 2429 (2018). I encourage the authorities to enhance existing accountability mechanisms and cooperate with the United Nations so as to facilitate access throughout Darfur for service provision, humanitarian assistance and monitoring.



# Syrian Arab Republic

91. As a result of ongoing insecurity, obtaining reliable data on conflict-related sexual violence in the Syrian Arab Republic is challenging. Nevertheless, credible information in 2018 confirmed that sexual violence, particularly early and/or forced marriage, continues to affect women and girls in the Syrian Arab Republic.

92. The fear of sexual violence, particularly in the context of abduction or detention, is a significant concern raised by women, girls, men and boys. Conditions in camps for internally displaced persons pose a high risk, in particular for women and girls, who also face the risk of abduction. According to the report of the Independent International Commission of Inquiry on the Syrian Arab Republic, the use of sexual violence during arrest (of women and/or girls residing in the home of the targeted male), during detention (males and females) and at checkpoints is routine. In 2018, the Commission also received allegations of members of extremist groups imposing “medieval forms of punishment” on men accused of homosexuality. The United Nations received reports of sexual violence allegedly perpetrated by Government forces and their allied militias against both women and men during arrest, detention and at checkpoints. In several areas of the country, early and forced marriage is used as a coping or protective mechanism. Barriers to accessing services include the fear of stigmatization, shame, social isolation and verbal abuse, in addition to structural challenges such as the distance to service delivery points, the lack of transportation and family restrictions. Furthermore, formal justice systems are often non-existent outside of Government-controlled areas.

## Recommendation

93. I urge all parties to the conflict, including the Government of the Syrian Arab Republic, to immediately cease the perpetration of sexual violence. I encourage all parties to the conflict to proactively facilitate the meaningful participation of women in all relevant peace processes and peace negotiations and any future transitional justice mechanisms, and to comprehensively address conflict-related sexual violence in any agreements. I also urge all security forces operating in the Syrian Arab Republic to cooperate in order to identify missing women and girls and facilitate their return to their families.



# Yemen



IRIN PHOTO | AMAL MAMOON

94. The conflict in Yemen has exacerbated the dire humanitarian crisis. After four years of continuous violence, more than 80 per cent of the population requires humanitarian assistance and protection. There was increased reporting of sexual violence in 2018, in particular during the last quarter of the year. Reports include cases of physical or sexual assault, rape and sexual slavery. While a few cases are directly attributable to parties to the conflict, most are the result of increased risks that women and children face, against a backdrop of pre-existing gender inequality, exacerbated by the chronic incapacity of Government institutions to protect civilians. Women and children are increasingly at risk of trafficking, sexual violence and exploitation, particularly in the context of displacement.

95. The breakdown of law and order and the limitations of the justice system have resulted in widespread impunity. Those factors, along with the victims' fear of reprisal, contribute to underreporting of crimes of sexual violence. Such reluctance is particularly acute for refugees and asylum seekers, who generally do not pursue legal redress. Although the practice of child marriage precedes the conflict, there has been an increase in its occurrence, suggesting it may serve as a coping mechanism amid ongoing conflict and displacement. Refugees and asylum seekers arriving at coastal and urban areas are at significant risk of being arbitrarily detained, often in unofficial centres, where murder, torture and sexual violence occur. A woman was arrested by the Security Belt Forces in southern Yemen for leaking information to the Ansar Allah and during the arrest she was allegedly raped and tortured. Other incidents of rape and sexual assault reportedly occurred in Burayqah migrant detention centre in Aden and in the Basatin area of the Dar Sa'd district of Aden, both controlled by the Security Belt Forces, as documented by the Group of Eminent International and Regional Experts on Yemen established by the Human Rights Council (see A/HRC/39/43). The management of these unofficial centres is usually unclear. The United Nations advocates with State and de facto authorities to gain access to detained persons of concern.

96. In 2018, of the 472 reported cases of sexual violence, 341 involved sexual violence against refugees

and asylum seekers, with 70 of the incidents involving minors. Those 70 incidents, or 131 cases, involved 131 children (80 boys and 51 girls). Those 131 cases include 122 cases (affecting 73 boys and 49 girls) perpetrated by community members and relatives – 56 per cent of them occurring in settlements and host communities for internally displaced persons in Hudaydah, Amanat al Asimah and in Hadramawt Governorates. Additional cases of sexual violence against children were verified as having been committed by members of armed groups: two involving boys were attributed to the Popular Resistance; and one case was attributed to the Houthis. The areas and detention centres under militia control are of grave concern; the United Nations does not have access to those areas in order to document human rights violations. Six cases against children (four boys and two girls) are attributed to members of the Yemeni government forces.

97. The United Nations has continued to assist survivors through comprehensive case management, including referrals for medical, psychosocial and legal aid support, as well as safe shelter and the direct provision of cash assistance, livelihood training and dignity kits.

## Recommendation

98. I urge all parties to the conflict to ensure protection for the most vulnerable, including displaced civilians and detainees. I encourage enhanced monitoring and reporting, particularly as relates to the nexus of displacement, trafficking and sexual violence and exploitation. I further urge all parties to facilitate access for humanitarian assistance, including services for survivors of sexual violence.

# IV.

## Addressing crimes of sexual violence in post-conflict settings



UN PHOTO | UNHCR | R LEMOYNE

## Bosnia and Herzegovina



99. More than two decades after the conflict's end, thousands of survivors of wartime sexual violence continue to suffer socioeconomic marginalization and stigma. Stigmatization causes survivors' tremendous fear of being "outed" to family and community members, preventing many from speaking openly about sexual violence or seeking services or reparations. Furthermore, legislation is not harmonized across the entities, thus survivors have varied entitlements not only in the different entities, but also in the different cantons.

100. Survivors of conflict-related sexual violence require medical and psychosocial support to ease their reintegration and prevent the transgenerational transfer of trauma. Accordingly, the entities' ministries in charge of health and social protection are building the capacities of medical and psychosocial service professionals to provide quality, non-discriminatory and sensitive assistance to survivors across the country. In addition, standard operating procedures for the management of conflict-related sexual violence have been developed and adopted in 20 communities, thereby streamlining service delivery for survivors and allowing for the uniform provision of care. Ministries gathered and published the tools developed through the joint United Nations programme on conflict-related sexual violence as a package of measures to address the legacy of conflict-related sexual violence. Finally, medical and psychosocial professionals are undergoing sensitization training regarding care for survivors of sexual violence. The United Nations is implementing capacity-building activities for ministries relating to quality health and psychosocial support.

101. The United Nations continues to work closely with the Government to enhance the capacities of service providers and establish sustainable multisectoral referral for survivors. In 2018, the Republika Srpska government adopted the Law on Victims of Torture, aimed at creating a conducive environment for survivors to gain access to services, justice and reparations. After one month of implementation, 257 applications for recognition of victim of torture status were submitted to the first instance bodies, 100 of which were filed by survivors of wartime rape. In the Federation of Bosnia and Herzegovina, access to justice for survivors has been

regulated by the Law on Basic Social Protection, supporting victims of war and families with children. With United Nations support, an interdisciplinary Commission was established in order to grant rapid determinations of status for survivors. Since becoming operational in 2017, the Commission has received 72 applications, from 61 women and 11 men. In 2018, 33 applications were submitted, 29 of which were filed by women and 4 by men. To date, 59 applicants have been granted status.

### Recommendation

102. I urge the relevant authorities to uphold the rights of survivors of conflict-related sexual violence to reparations, including by strengthening basic social services such as psychosocial and health services, economic empowerment, housing, free legal aid and education for vulnerable groups, including survivors and their children, and to allocate a specific budget for that purpose. I emphasize the need for a holistic approach for survivors as well as for children born of wartime rape. I further call on the authorities to continue efforts to alleviate stigma and urge the complete harmonization of the entities' laws with respect to the rights of survivors.

# Côte d'Ivoire



IRIN PHOTO | TOMMY TRENCHARD

103. Local and regional elections held in October were largely peaceful, although electoral violence in some parts of the country resulted in seven deaths and additional injuries. Although no incidents of sexual violence were reported during the October elections, the political climate ahead of the 2020 presidential election remains fragile.

104. Since the closure of the United Nations Operation in Côte d'Ivoire in June 2017, pursuant to Security Council resolution 2284 (2016), the monitoring of and reporting on conflict-related sexual violence has been carried out primarily by the national human rights commission, as well as civil society focal points established by the national committee for the fight against conflict-related sexual violence and the Defence and Security Forces, with United Nations support. Despite positive developments in the prevention of and response to sexual violence by the Ivorian Defence and Security Forces, significant challenges remain in the area of accountability for crimes perpetrated during the 2010–2011 post-electoral crisis, including those of sexual violence. Indeed, no cases of sexual violence committed during the crisis period, which are under investigation by the Cellule spéciale d'enquête et d'instruction, have progressed to trial. Concerns were also raised by the publication, on 8 August 2018, of a presidential decree (ordonnance présidentielle No. 2018-669) granting amnesty "to those individuals prosecuted or convicted for offences related to the post-electoral crisis of 2010–2011". While the President has publicly stated that perpetrators of serious crimes will not benefit from the amnesty, there is widespread concern about an amnesty for high-level military officers, members of armed groups and political leaders. In addition, while many victims of the post-electoral violence have received general compensation from the Government, no reparations for crimes of sexual violence have been awarded.

105. The Criminal Code and the Code of Criminal Procedure are under review, in order to strengthen accountability for violence against women and children. Moreover, the Ministry of Women, Child Protection and Solidarity has proposed the adoption

of a comprehensive law against gender-based violence, including sexual violence. The proposed law aims to establish a holistic and integrated approach to addressing the crime of sexual violence.

## Recommendation

106. I encourage the Government to continue the implementation of action plans to ensure that perpetrators of conflict-related sexual violence are held accountable and survivors receive services, justice and reparations as stipulated in the conditions for delisting from my report, and to further ensure that amnesty provisions do not apply in cases of crimes of sexual violence or any other crime against humanity. In the context of the upcoming presidential elections, I urge adequate resources to be dedicated for the implementation of the action plan for the national committee for the fight against conflict-related sexual violence and the development of a national early warning mechanism for conflict-related sexual violence.

# Nepal

107. Since the signing of the Comprehensive Peace Agreement in November 2006, survivors of conflict-related sexual violence perpetrated during the course of the armed conflict between the State Party and the then-Communist Party of Nepal (Maoist) continue to face barriers in gaining access to services, justice and reparations. The lack of a conducive environment for reporting means female survivors of sexual violence still do not speak about the violence they endured. Victims face legal, social, economic, health-related and psychological challenges, living in constant fear of ostracization.

108. While the Government is considering extending the reparations scheme to victims of conflict-related sexual violence, progress has been slow and there are insufficient opportunities for victims to receive the full range of sexual and reproductive health, mental health, legal aid and livelihood support. Since its establishment in 2015, the Truth and Reconciliation Commission has received over 63,000 complaints, and the Commission of Investigation on Enforced Disappeared Persons has received 3,197 complaints. The Truth and Reconciliation Commission has registered 308 cases of conflict-related sexual violence perpetrated both by the security forces and the then Maoist rebels. It is highly probable that additional cases were reported as torture, owing to stigma associated with sexual violence. Furthermore, the access of female victims to the complaint system has been restricted by the lack of information and the absence of outreach programmes by the Commissions.

109. The Government has demonstrated its commitment to gender-responsive peacebuilding by drafting a comprehensive bill to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Act. The draft bill, made public in June 2018, contains several progressive provisions, recognizing victims' rights to reparations, eliminating the statute of limitations for sexual violence and torture cases and unconditionally restricting the powers of the Truth and Reconciliation Commission and the Commission of Investigation on Enforced

Disappeared Persons to recommend amnesties for gross violations of human rights, including torture, rape and other acts of sexual violence.

## Recommendation

110. I urge the Government to expedite the revision and adoption of the bill to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, in line with its obligations under international law. I also call for a guarantee of interim relief and full reparations for victims of conflict-related sexual violence, including health services, psychosocial counselling, livelihood support and adequate compensation. I urge the expeditious adoption of the second national action plan for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, and with guarantees for its effective and well-resourced implementation, along with comprehensive monitoring.



# Sri Lanka

111. In its resolution 30/1 of 1 October 2015, the Human Rights Council welcomed the commitment of the Government of Sri Lanka to a comprehensive approach to dealing with the past, including instructions to all branches of the security forces that rape and sexual violence are prohibited and will be punished. In its resolution 34/1 (March 2017), the Human Rights Council requested the Government to fully implement the measures identified in its resolution 30/1. Despite delays, Sri Lanka has taken important steps towards implementing the provisions of those two resolutions, including the adoption of the Office for Reparations bill. Unfortunately, there is a lack of progress in establishing a truth and reconciliation commission or a judicial mechanism as envisaged in resolution 30/1, partly owing to the constitutional crisis that began in October 2018.

112. The latest annual Grave Crimes Abstract of the Sri Lankan Police (for 2017) recorded 1,732 complaints of rape and no convictions for rape cases. Since the passage of the Witnesses and Victims Protection Act (2015), a police division has been established to safeguard the rights of those reporting violent crimes. However, improving outreach, support and protection regarding cases of sexual violence will require more female officers and the sensitization of male officers. A national plan of action for addressing sexual and gender-based violence exists but must be adequately resourced and implemented.

## Recommendation

113. I call on the Government to ensure that cases of conflict-related sexual violence are systematically documented, and to ensure that transitional justice mechanisms are mandated to provide accountability and reparations in cases of sexual violence against women, girls, men and boys from all ethnic groups, including when committed by State actors. I urge the Government to expeditiously implement the recommendations of relevant United Nations human rights mechanisms relating to conflict-related sexual and gender-based violence, to ensure that reparations are available for victims and that the Office for Reparations is operationalized and adequately resourced.





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## Burundi

114. The risk of sexual violence, exacerbated by the 2015 political crisis, remains a concern. In its latest report, the International Commission of Inquiry on Burundi refers to accounts of sexual violence, in particular rape and gang rape against women and girls for purposes such as intimidation or punishment, associated with perceived political affiliation. Such incidents often occur with the acquiescence of state agents. The Commission also reported sexual violence against men, including genital torture, as well as forced nudity and other acts of humiliation during interrogation. The Commission attributes the increased risk of sexual violence after the 2015 crisis to high levels of violence and impunity, as well as the persistence of poverty and gender based discrimination, more generally. In addition, challenges remain regarding the provision of medical and psychosocial services for survivors. The situation is aggravated by the Government's suspension of international non governmental organizations' activities, since 1 October 2018. The Government's decision, in December 2018, to close the country office of the Office of the High Commissioner for Human Rights will also have a negative impact on survivors' human rights and their access to essential services.

115. Internally displaced and returnee women and girls remain highly vulnerable, in particular on palm oil plantations or when searching for firewood or water. Reports indicate that 43 per cent of internally displaced persons fear reporting abuse, partly owing to mistrust of the authorities. In addition, article 25 of Law No. 1/13 of September 2016 is interpreted as requiring service providers to report rape incidents to the police, even against the wishes of survivors, who fear for their safety. On International Women's Day in 2018, the President of Burundi announced zero tolerance for sexual and gender-based violence, regardless of the rank or status of perpetrators.

116. Women and girls who had fled to neighbouring countries as a result of insecurity and conflict were also documented as having been victims of sexual violence. Some degree of support services exists to meet their needs in refugee settlements. However, asylum seekers and others with irregular status are often unable to gain access to comprehensive medical and psychosocial support.

### Recommendation

117. I call upon Burundi's authorities to strengthen their response to sexual violence by facilitating access to justice, strengthening protection systems, ensuring the provision of medical and psychological care to survivors, including displaced persons and returnees, and establishing a safe and ethical information system on sexual and gender-based violence. I urge the Government to cooperate with the United Nations system, and in particular with all relevant United Nations human rights mechanisms. I encourage the Government to undertake a prompt and independent investigation of the allegations of sexual violence contained in the report of the International Commission of Inquiry on Burundi and to take appropriate action to ensure accountability.

# Nigeria



118. The ongoing conflict in north-east Nigeria is characterized by widespread attacks against civilians, including sexual violence, the abduction of women and girls for sexual slavery, disappearances and forced displacement, all of which are primarily attributed to Boko Haram. The abduction of women and girls by non-State armed groups for use as sex slaves and/or carriers of person-borne improvised explosive devices is a disturbing feature of the ongoing conflict. Ostracization from the community hampers the reintegration of returnees, which leads to further exclusion from social protection and assistance. Those negative effects are compounded for mothers of children born from rape.

119. In February 2018, the United Nations documented the kidnapping of 110 school girls in a secondary school in north-east Nigeria, who were subjected by members of Boko Haram to forced marriage, rape and physical and emotional violence. On 21 March, Boko Haram released 107 of the girls. The armed group announced that one girl who had refused to convert to Islam would be kept as a slave. The United Nations provided medical and psychosocial rehabilitation for the released girls, with counselling for their family members. Another five girls were raped by military officers. One survivor was killed upon the perpetrators learning that she had filed a complaint. Four survivors received medical attention, but declined legal

support. However, service provision is generally limited by the lack of access to affected populations. The military leadership in those locations informed service providers that they would ensure the accountability of their officers. Women and girls account for 99 per cent of the victims of reported incidents of sexual violence across Adamawa, Borno and Yobe States. Approximately 38 per cent of the incidents of sexual violence reported were perpetrated in the context of trafficking, forced conscription, abduction, kidnapping or other forms of detention.

120. In October 2017, Nigerian authorities began trials of Boko Haram suspects, with subsequent rounds in February and July 2018 at Wawa Cantonment, in Kainji, Niger State. In the third round of trials, which commenced in July 2018, over 200 defendants, including three women, were tried under the Terrorism (Prevention) (Amendment) Act, 2013. The courts convicted 113 defendants, acquitted 5, and discharged 97 without trial. None of the accused were charged with sexual violence. The outcome is of great concern, as sexual violence plays a dominant role in Boko Haram operations and strategies. In 2018, the national human rights commission in Nigeria constituted a special investigations panel on alleged human rights violations in north-east Nigeria and invited public submissions of allegations of human rights violations committed in north-east Nigeria, including allegations concerning sexual violence against internally displaced persons, the lack of investigations, the sexual exploitation of women and girls in exchange for food and security, and the discrimination and violence against women and girls returning from Boko Haram captivity (pejoratively called “Boko Haram wives”). It is also of great concern that the findings of the Presidential Panel to Review Compliance of the Armed Forces with Human Rights Obligations and Rules of Engagement, established in August 2017, are not yet public.

121. The United Nations continues to support 278,194 people, primarily women and girls, who require medical and psychosocial services. Women and girls have also

benefited from livelihood support and dignity kits. In addition, 18 new women friendly safe spaces were established in areas newly liberated from Boko Haram, enabling women to build social networks, acquire vocational skills and secure referral to pursue care and redress. 200 girls formerly associated with non-State armed groups and forcibly married to Boko Haram insurgents were released by the military to the Borno State Ministry of Women Affairs and Social Development. They received rehabilitative care and reintegration support. Finally, the United Nations is finalizing two handbooks on counter-terrorism investigations and on gender dimensions of criminal justice responses to terrorism, specific to Nigeria.

## Recommendation

122. I urge the Nigerian authorities to ensure accountability for crimes of sexual violence, whether perpetrated by armed groups or military officers, and to improve service delivery and support for women and girl survivors in all settings. I further recommend the full consideration of sexual violence when investigating, charging and prosecuting Boko Haram elements and when developing redress programmes for their victims and former captives.



# VI. RECOMMENDATIONS

**123. Ten years after the establishment of the mandate by the Security Council, the following recommendations represent a platform for a comprehensive and multisectoral response to prevent and address the scourge of conflict-related sexual violence.**

- 124. To strengthen prevention by reinforcing the compliance of State and non State parties with Security Council resolutions on conflict-related sexual violence, I recommend that the Security Council:**
- (a)** Calls upon all State and non-State parties to make formal and specific commitments to prevent and address conflict-related sexual violence that include, inter alia: (i) the issuance of command orders and codes of conduct and the establishment of related enforcement procedures; (ii) the signing of individual undertakings by commanders and ensuring access for relevant United Nations officials to the chain of command for this purpose and for capacity-building; (iii) the investigation of all credible allegations, including information reported by relevant United Nations system entities, and the prosecution of alleged perpetrators; (iv) ensuring unimpeded access for monitoring and the provision of services and humanitarian assistance; and (v) the designation of high-level civilian, military and police focal points with responsibility for the implementation of commitments;
  - (b)** Supports the efforts of my Special Representative, the Team of Experts on the Rule of Law and Sexual Violence in Conflict, women protection advisers and other relevant United Nations actors to engage in dialogue with State and non-State parties to elicit commitments and to support parties in developing and operationalizing the related implementation plans;
  - (c)** Addresses the existing gap in the compliance system whereby there is no consistent means to bring to the Security Council's attention information on compliance by parties and recommendations for targeted measures, and in this regard, consider establishing appropriate arrangements, including inter alia the possibility of a formal mechanism, through which the Security Council could consistently monitor compliance by parties to conflict – this may include a periodic review of formal commitments concluded with the United Nations and the related implementation plans, and an annual review of the list of parties annexed to the reports of the Secretary-General, as well as undertaking appropriate actions such as referrals to relevant sanctions committees in order for due consideration to be given to the designation of those individuals who bear responsibility related to the listed parties;
  - (d)** Continues to include sexual violence as an explicit (stand-alone) designation criterion for sanctions under relevant country-specific regimes, and regularly invites my Special Representative to share relevant information with sanctions committees;
  - (e)** Integrates conflict-related sexual violence into the work of relevant sanctions regimes related to counter-terrorism, including the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and ensures that those who help finance such groups through the sale, trade or trafficking of women and children are considered for sanctions designations;
  - (f)** Ensures that the expert groups and monitoring teams of all relevant sanctions committees deploy dedicated expertise on gender and sexual violence as part of their investigative and monitoring work, and consistently include information on incidents, patterns, trends and perpetrators of conflict-related sexual violence in their reports and recommendations to committees;
  - (g)** Exerts pressure on individuals, entities and parties, through the adoption of targeted measures by relevant sanctions committees specifically for acts of sexual violence, with such actions applying to individuals who commit, command or condone sexual violence, consistent with international criminal law, whether military or civilians.

# RECOMMENDATIONS

**125. To strengthen the prevention of and response to conflict-related sexual violence as a cross-cutting priority in the work of the security council, I recommend:**

- (a) That the prevention of conflict-related sexual violence is reflected in all relevant country-specific resolutions and in authorizations and renewals of the mandates of peace operations through the inclusion of operational provisions, as articulated in Security Council resolutions on sexual violence in conflict and women and peace and security;
- (b) That the periodic field visits of the Security Council integrate a focus on conflict-related sexual violence to the extent possible and where appropriate, and that Council members explicitly engage with national authorities on their obligations to prevent and respond to conflict-related sexual violence, and consult survivors, affected communities and women's organizations, with due consideration for the principles of safety and confidentiality.

**126. To respond to sexual violence employed as a tactic of terrorism and in the context of trafficking in conflict as framed by Security Council resolutions 2242 (2015), 2331 (2016) and 2388 (2017), I recommend:**

- (a) The strategic alignment of efforts to address sexual violence with efforts to prevent violent extremism and to counter terrorism, and ensuring that national action plans on women and peace and security and on preventing violent extremism are complementary and in line with Security Council resolution 2242 (2015), in recognition of the fact that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups, used as a tactic of terrorism, and an instrument to increase their power through supporting financing, recruitment and the destruction of communities;
- (b) The revision of national legal and policy frameworks to ensure that survivors of sexual violence committed by armed or terrorist groups are recognized and supported as legitimate victims, in order for them to benefit from holistic support, including reparations and redress; and ensure that survivors are not treated as affiliates or intelligence assets;
- (c) The investigation and prosecution of members of terrorist groups not only for membership or affiliation in such groups, but also for all crimes of sexual violence;
- (d) Supporting relevant United Nations entities such as the Counter-Terrorism Executive Directorate, the Office on Counter-Terrorism and the United Nations Office on Drugs and Crime to include, in country assessments, information on trafficking in persons and sexual violence in conflict, consistent with the recognition of the links between transnational organized crime and the financing of terrorism.

**127. To ensure the availability of timely and reliable information as a basis for preventive action and response at every level, I recommend:**

- (a) Strengthening the monitoring, analysis and reporting arrangements on conflict-related sexual violence in all relevant situations of concern, including through the provision of adequate human resources for United Nations entities mandated in this regard; with a view to such arrangements consistently addressing sexual violence when used as a tactic of war, committed as possible crimes against humanity, or war crimes, as a constitutive

act with respect to genocide, and when used as a tactic of terrorism, as well as in the context of the monitoring of elections in certain situations where sexual violence is sometimes used as part of the repertoire of violence targeting women and girls, human rights activists and defenders or other individuals on the basis of perceived political affiliation or ethnicity;

- (b) Ensuring that all efforts to document and investigate sexual violence are survivor-centred, well-coordinated, adhere to the principles of safety, confidentiality and informed consent, as well as the principles of independence and impartiality; and that monitoring and investigation strategies are connected to referral pathways for ensuring services for survivors.

**128. To ensure more proactive and effective preventive action by United Nations peacekeepers, I recommend continued training of all peacekeeping personnel on issues relating to gender and conflict-related sexual violence, including in situ, context-specific scenario-based training and early-warning preparedness provided on a periodic basis throughout a deployment, and that this competence is integrated into the performance and operational readiness standards against which troops are assessed.**

**129. To strengthen prevention by supporting a broad range of civil society actors, I recommend:**

- (a) Promoting the meaningful participation of survivors and members of civil society, including women's organizations and community leaders, as central in all prevention and response efforts; and supporting the efforts of human rights defenders and journalists who report on conflict-related sexual violence, whose efforts are fundamental to changing norms on structural gender inequality and discrimination;
- (b) The training of journalists as part of a broader strategy to ensure that the media, both traditional and social media, are not used for incitement to violence, and to foster safe and ethical reporting on conflict-related sexual violence; and to mobilize communities to help shift the stigma of conflict-related sexual violence from the victims to the perpetrators;
- (c) Encouraging the engagement of religious and traditional leaders, in particular to mitigate the stigma suffered by survivors of conflict-related sexual violence and to facilitate their reintegration and that of their children;
- (d) Supporting efforts of the United Nations to provide predictable funding, including through the prioritization of country-based pooled funds' allocations to women-led organizations, and build the capacity of civil society groups to enhance informal community-level protection mechanisms against sexual violence in conflict and post-conflict situations.

**130. To strengthen prevention by supporting efforts to ensure the criminal accountability of perpetrators, access to justice for survivors and justice sector reform, I recommend:**

- (a) Increasing support to national authorities in situations of concern in their efforts to reform laws and enhance investigation and prosecution in compliance with international due process and fair trial standards; the enactment of victim and witness protection laws and provision of legal aid for survivors; and the establishment of specialized police units and specialized training for the judiciary;

# RECOMMENDATIONS

- (b) Ensuring that amnesties and immunities do not apply to perpetrators of any forms of conflict-related sexual violence;
- (c) Removing procedural and evidentiary impediments to justice for victims, such as restrictive limitation periods for filing claims; corroboration requirements that discriminate against victims as witnesses and complainants; the exclusion or discrediting of victims' testimony by law enforcement officials and within judicial and other proceedings; and the lack of facilities for closed hearings;
- (d) Utilizing all other means available to influence parties to conflict to comply with international law, including by referring relevant situations of concern or individuals who commit, command or condone conflict-related sexual violence to the International Criminal Court.

## 131. To foster a survivor-centred and holistic concept of justice and accountability, I recommend:

- (a) Supporting States in making judicial and/or administrative reparations available to victims of conflict-related sexual violence as part of their right to obtain prompt, adequate and effective remedies;
- (b) Encouraging external actors, upon the request of Member States where their capacity may be lacking and without prejudice to State responsibility for providing reparations, to assist in the design of reparations programmes and to give due consideration to the establishment of a survivors' fund;
- (c) The consideration of specific windows of funding for survivors in the context of peacebuilding initiatives and development frameworks and that this is taken into account in the context of the partnership of the United Nations with international financial institutions, such as the World Bank.

## 132. To strengthen prevention in the context of security sector reform, I recommend:

- (a) Supporting affected countries financially and with technical expertise to strengthen their response to conflict-related sexual violence in the context of security sector reform initiatives, including by enhancing the capacity of military justice institutions to address such crimes; putting in place safeguards through vetting to prevent individuals credibly suspected of violations from being recruited, retained or promoted within the security forces; and the exclusion of such crimes from general amnesties and statutes of limitations;
- (b) Increasing the representation of women in national police services and the establishment of specialized units within the police, with the deployment of women in such units, given the positive correlation between the percentage of female officers and the reporting rates for sexual violence crimes.

## 133. To strengthen prevention in the context of disarmament, demobilization and reintegration programmes, I recommend the integration of gender analysis and training into national disarmament, demobilization and reintegration processes, including resocialization and reintegration initiatives to mitigate the threat of sexual violence, connecting survivors with response services and ensuring that psychosocial interventions reach ex-combatants.

## 134. To strengthen prevention in the context of peacemaking efforts, I recommend:

- (a) That ceasefire and peace agreements contain provisions that stipulate conflict-related sexual violence as a prohibited act, particularly in provisions relating to disengagement, and that they detail arrangements for ceasefire monitoring mechanisms, taking into account, inter alia: (i) verification of the cessation of conflict-related sexual violence; (ii) monitoring of and reporting on incidents, trends and patterns of sexual violence, including the identification of parties credibly suspected of being responsible; and (iii) the inclusion of male and female observers, as well as of dedicated gender experts, in the monitoring structure;
- (b) The presence and meaningful participation of women in political negotiations and encouraging mediators to include gender and conflict-related sexual violence expertise as part of their mediation support teams.

## 135. To strengthen prevention by addressing the illicit exploitation of natural resources, I recommend specific measures by private sector actors, including undertaking due diligence so as to ensure that proceeds from materials acquired for their production processes do not fund armed groups that perpetuate conflict and conflict-related sexual violence, and generally sourcing materials for their production processes from areas not affected by conflict.

## 136. To strengthen services for all survivors, I recommend:

- (a) Addressing funding shortfalls for programming relating to sexual and gender-based violence and sexual and reproductive health care in conflict-affected settings, given that these are lifesaving interventions;
- (b) The delivery of multisectoral assistance for all survivors of sexual violence, including the clinical management of rape, medical, psychosocial and legal services, including comprehensive sexual and reproductive care such as access to emergency contraception and safe termination of pregnancy and HIV prevention, awareness and treatment, as well as reintegration support for survivors, including shelters, where appropriate, and economic livelihood programmes – particular attention should be paid to the diverse range of victims: ethnic or religious minorities; women and girls in rural or remote areas; those living with disabilities; female heads of households; widows; male survivors; women and children associated with armed groups; women and children released from situations of abduction, forced marriage, sexual slavery and trafficking by armed groups; children born of wartime rape; and lesbian, gay, bisexual, transgender and intersex persons, who may require specialized responses.

# RECOMMENDATIONS

**137. Recognizing that sexual violence is not only an acute risk faced by displaced persons but also a tactic that has been used to induce displacement, I recommend:**

**(a)** Giving due consideration to conflict-related sexual violence as a gender-related form of persecution that may serve as legitimate grounds for asylum or refugee status, in law and in practice, and encouraging adequate screening mechanisms for the early identification of asylum seekers who are victims of sexual violence or of trafficking for the purpose of sexual exploitation;

**(b)** The consideration of all durable solutions, in particular, resettlement support for survivors, as well as “special quota projects” that provide temporary protection through the evacuation and humanitarian admission of vulnerable women and children to third countries and the consideration by host countries of measures to be adopted to mitigate the risk of sexual violence, make services available to survivors and provide the option of documenting their cases for future accountability processes.

**138. Recognizing that men and boys are also targets of conflict-related sexual violence, I recommend** more consistent monitoring and analysis of and reporting on sexual violence against men and boys, particularly in the context of formal and informal detention settings and as relates to men and boys associated with armed groups; as well as the review of national legislation to protect male victims; and the strengthening of policies that offer appropriate responses to male victims and challenge deeply entrenched cultural assumptions about male invulnerability to such violence.

**139. Recognizing that lesbian, gay, bisexual, transgender and intersex individuals are sometimes specifically targeted with sexual violence in conflicts, I recommend** more consistent monitoring and analysis of and reporting on violations against lesbian, gay, bisexual, transgender and intersex individuals, and the review of national legislation to protect lesbian, gay, bisexual, transgender and intersex victims.

**140. Recognizing the existence and plight of thousands of children born of wartime rape who often face a lifetime of marginalization and vulnerability to recruitment by armed groups, I recommend** giving due consideration to the specific protection needs of such children, including for undocumented forcibly displaced children and the clarification of their legal status as quickly as possible; ensuring the right of mothers to confer their nationality upon their children, in line with the Convention on the Elimination of All Forms of Discrimination against Women, so as to avoid possible statelessness; and making additional resources available for services that support the survivors of sexual violence and their children and that support women and girls wishing to terminate an unwanted pregnancy resulting from rape in being able to do so.

**141. To foster a more concerted and coordinated global response, I recommend** strengthening the collaboration of regional and subregional organizations with the United Nations, and their provision of support to affected Member States in order to address conflict-related sexual violence, including through reinforcing monitoring and documentation; providing financial and technical support to affected Member States to enhance the rule of law and service responses; fostering experience-sharing among affected countries; addressing cross-border dimensions, such as human trafficking; and ensuring adequate training of regional security forces and mediation and ceasefire verification teams.

**142. To strengthen the infrastructure established by the Security Council in its resolution 1888 (2009) to address conflict-related sexual violence and support the response of affected countries, I recommend:**

**(a)** That the Office of the Special Representative on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict, composed of specialists from the United Nations Development Programme, the Department of Peace Operations and the Office of the United Nations High Commissioner for Human Rights and working under the strategic leadership of my Special Representative, be adequately resourced so as to be able to implement their mandates;

**(b)** The continued deployment of women protection advisers to United Nations peace operations and the offices of resident and humanitarian coordinators in all relevant situations of concern, in order to advise United Nations senior leadership on the implementation of Security Council resolutions on conflict-related sexual violence, and recognizing the importance of adequately resourcing those functions;

**(c)** The utilization of the expertise of the Team of Experts on the Rule of Law and Sexual Violence in Conflict, working in coordination with the global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations, in order to support the strengthening of national legislation and the capacity of justice systems;

**(d)** The continued development of innovative operational tools and guidance by United Nations Action against Sexual Violence in Conflict and adequate resourcing of its multi-partner trust fund to catalyse comprehensive country-level responses and the implementation of commitments to prevent sexual violence by parties to conflict.

# ANNEX

## List of parties credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict on the agenda of the Security Council

The following list does not purport to be comprehensive, but rather includes parties for which credible information is available. It should be noted that the names of countries appear only to indicate the locations where those parties are suspected of committing violations.

### Parties in the Central African Republic

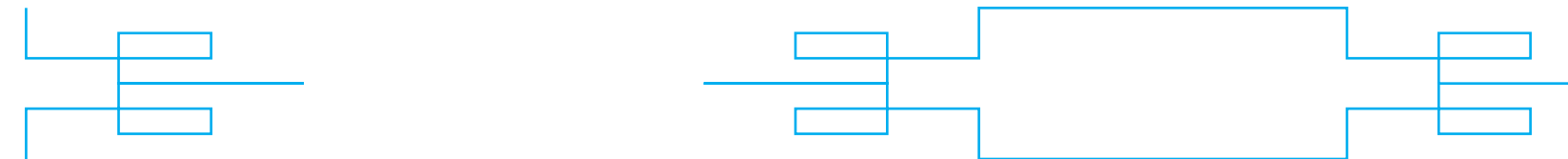
Non-State actors:

- (a) Lord's Resistance Army;
- (b) Ex-Séléka factions: Union pour la paix en Centrafrique, Mouvement patriotique pour la Centrafrique, Front populaire pour la renaissance de la Centrafrique – Gula faction, Front populaire pour la renaissance de la Centrafrique – Abdoulaye Hussein faction, Rassemblement patriotique pour le renouveau de la Centrafrique;
- (c) Front démocratique du peuple centrafricain – Abdoulaye Miskine;
- (d) Révolution et justice;
- (e) Retour, réclamation et réhabilitation – Abbas Sidiki;
- (f) Anti-balaka associated militia.

### Parties in the Democratic Republic of the Congo

1. Non-State actors:

- (a) Alliance des patriotes pour un Congo libre et souverain-Janvier;
- (b) Alliance des patriotes pour un Congo libre et souverain-Rénové led by “General” Mapenzi Bulere Likuwe;
- (c) Allied Democratic Forces;
- (d) Forces pour la défense du Congo;
- (e) Bana Mura militias;
- (f) Forces démocratiques de libération du Rwanda;
- (g) Force de résistance patriotique de l'Ituri;
- (h) Kamuina Nsapu;
- (i) Lord's Resistance Army;
- (j) Nduma défense du Congo;
- (k) Mai-Mai Kifufua;



- (l) All Mai-Mai Simba factions;
- (m) Nyatura;
- (n) Nduma défense du Congo-Rénové led by “General” Guidon Shimiray Mwissa;
- (o) Mai-Mai Raia Mutomboki;
- (p) All Twa militia.

2. State actors:

- (a) Forces armées de la République démocratique du Congo;\*
- (b) Police nationale congolaise.\*

### Parties in Iraq

Non-State actors:

- (a) Islamic State in Iraq and the Levant.

### Parties in Mali

Non-State actors:

- (a) Mouvement national de libération de l'Azawad, part of Coordination des mouvements de Azawad;\*
- (b) Ansar Eddine, part of Jama'a Nusrat ul-Islam wa al-Muslimin;
- (c) Mouvement pour l'unification et le jihad en Afrique de l'Ouest whose former members joined Islamic State in the Greater Sahara;
- (d) Al-Qaida in the Islamic Maghreb, part of Jama'a Nusrat ul-Islam wa al Muslimin;
- (e) Groupe d'autodéfense des Touaregs Imghad et leurs alliés, part of Platform coalition of armed groups/ Plateforme des mouvements du 14 juin 2014 d'Alger.\*

\*Indicates that the party has made formal commitments to adopt measures to address conflict-related sexual violence.

# ANNEX

## Parties in Myanmar

State actors:

- (a) Myanmar Armed Forces (Tatmadaw Kyi).\*

## Parties in Somalia

1. Non-State actors:

- (a) Al-Shabaab.

2. State actors:

- (a) Somali National Army;\*
- (b) Somali Police Force\* (and allied militia);
- (c) Puntland forces.

## Parties in South Sudan

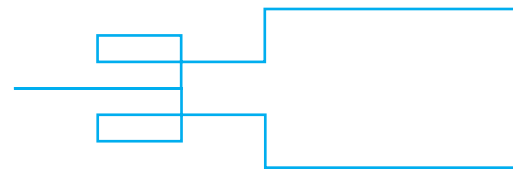
1. Non-State actors:

- (a) Lord's Resistance Army;
- (b) Justice and Equality Movement;
- (c) pro-Riek Machar Sudan People's Liberation Army in Opposition;\*
- (d) Sudan People's Liberation Army in Opposition forces aligned with First Vice-President Taban Deng.

2. State actors:

South Sudan Government Security Forces including:

- (a) South Sudan People's Defence Forces;\*
- (b) South Sudan National Police Service.\*



## Parties in the Sudan

1. Non-State actors:

- (a) Justice and Equality Movement;
- (b) Sudan Liberation Army-Abdul Wahid faction.

2. State actors:

- (a) Sudanese Armed Forces;
- (b) Rapid Support Forces.

## Parties in the Syrian Arab Republic

1. Non-State actors:

- (a) Islamic State in Iraq and the Levant;
- (b) Hay'at Tahrir al-Sham led by Nusra Front (Levant Liberation Organization);
- (c) Army of Islam;
- (d) Ahrar al-Sham;
- (e) Pro-Government forces, including the National Defence Forces militia.

2. State actors:

- (a) Syrian Arab Armed Forces;
- (b) Intelligence services.

## Other parties of concern on the agenda of the Security Council

Non-State actors:

- (a) Boko Haram.



\* Indicates that the party has made formal commitments to adopt measures to address conflict-related sexual violence.

OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON  
**SEXUAL VIOLENCE IN CONFLICT**



UN PHOTO/STATON WINTER

2019 marks the 10 year anniversary of the adoption of Security Council resolution 1888 (2009) which establishes the mandate. This tenth annual Report of the Secretary-General on Conflict-Related Sexual Violence (S/2019/280), submitted pursuant to paragraph 22 of Security Council resolution 2106 (2013), focuses on sexual violence as both a tactic of war and a tactic of terrorism. The report spans 19 country situations, covering the period of January to December 2018, based on cases documented by the United Nations system. It includes 13 conflict settings, four post-conflict countries, and two additional situations of concern. It highlights patterns of violations, as well as challenges faced and actions taken by States to protect women, girls, men and boys from such violence. To chart the way forward, each country section includes a targeted, actionable recommendation, building on the recommendations made in previous reporting cycles. The overarching policy recommendations are detailed, prescriptive and operationally oriented in order to serve as a platform for a comprehensive and multi-sectorial response at national, regional and international levels.

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