

**Security Council Open Debate on Sexual Violence in Conflict, June 24<sup>th</sup> 2013, Security Council Chamber**

*Statement by Mr. McLay, Permanent Mission of New Zealand to the United Nations.*

New Zealand welcomes the presence of Foreign Secretary Hague, and the attention paid to this important issue by the Group of Eight and the United Kingdom in particular. We also welcome the presence of the Secretary-General and Special Representative Bangura, who has been a fearless advocate on sexual violence in conflict. We applaud the passion that they and many others have brought to this discussion.

As my delegation said in the April debate on sexual violence in conflict during the Rwandan presidency (see S/PV.6948), it is vitally important that the Council send a clear message on the issue of sexual violence to the entire international community and that it does so through, inter alia, the strong statements made in debates like this. We welcome the United Kingdom's concept note (S/2013/335, annex) and the Secretary-General's most recent report on sexual violence in conflict (S/2013/149), both of which correctly highlight that national Governments have primary legal and moral responsibility for the protection of civilian populations, including from sexual violence in conflict.

Indeed, as the Secretary-General's report identifies, the lack at the national level of capacity to investigate and prosecute is one of the principal impediments to ensuring accountability for conflict-related sexual violence. We agree with Portugal and others that the United Nations, across its relevant divisions such as the Department of Peacekeeping Operations, the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, must continue its efforts to focus on supporting national efforts.

We have received excellent information and recommendations from today's briefers and from Member State interventions, often, as I have said, with considerable passion. Against that background, I wish to make a few specific points.

The Team of Experts on the Rule of Law and Sexual Violence in Conflict provides important technical assistance to national authorities attempting to bolster national civil and military justice systems. Building national capacity remains one of the best and most comprehensive ways to address sexual violence in conflict, so we very strongly support the assistance regarding national capacities being provided to various Governments by the Team of Experts. Indeed, to underscore its importance, we encourage continued further reference to the work of the Team of Experts in relevant Council outputs.

Next, accountability for sexual violence does not lend itself to a one-size-fits-all approach. The Council must be agile, inclusive and open to considering alternative courses of action. Presidential and public statements from the Council give voice to the international community's abhorrence for sexual violence and send a very strong signal that it will not be tolerated. But words alone are not enough, and, in appropriate circumstances, where national authorities are unwilling or unable to act, the Council should consider referrals to the International Criminal Court. Similarly, the Council should also consider the use of mixed tribunals and truth and reconciliation processes, and any judicial measures should be clearly victim- focused.

We also encourage the Council to include this topic in its annual consultations with the African Union's Peace and Security Council. The perspectives and expertise of regional organizations are valuable in developing comprehensive strategies for addressing accountability for sexual violence in conflict.

We also highlight the important role that non-governmental organizations and civil society groups can play in drawing attention to some of the worst abuses, and their related role as an important part of the accountability landscape — sometimes, as the representative of Germany has pointed out, by putting themselves at considerable special risk.

New Zealand welcomes the Council's consideration of this specific aspect of the women, peace and security agenda, and we urge that it give consideration to the specific issues we have raised and that it also remain seized of the wider agenda, including women's participation in political processes.