



United Nations Entity for Gender Equality and the Empowerment of Women

“Gender strategy is not a luxury. Its absence is an absurdity”

– Patricia Sellers, Special Adviser on International Criminal Law Prosecution Strategies to the ICC Prosecutor



**JUSTICE
RAPID
RESPONSE**

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

– Navanethem Pillay, UN High Commissioner of Human Rights 2008-2014

Securing Accountability for Sexual and Gender-Based Crimes under International Law

THE JRR-UN WOMEN PARTNERSHIP

Justice Rapid Response and UN Women have been working together since 2009 to provide the international community with expertise in investigating SGBV crimes. This partnership became formalized in 2012 in order to fulfill the call by the UN Secretary-General to ensure that all UN Commissions of Inquiry (COI) be provided with expertise on investigations of SGBV. JRR is an intergovernmental initiative that has created a multi-stakeholder facility that recruits, trains, certifies and has a mechanism to deploy rapidly criminal justice, human rights and related professionals from around the world. JRR’s mandate is to provide the expertise to ensure that atrocity crimes and human rights violations are investigated professionally, impartially and promptly.

Engaging the training expertise of the Institute for International Criminal Investigations (IICI), UN Women and JRR have created a training, roster management, and deployment mechanism that makes its expertise available **rapidly** to investigate SGBV crimes under international law. **This initiative is unique in that it seeks out the best qualified experts from every part of the world and then specifically trains these SGBV professionals in investigating and properly documenting SGBV as international crimes.** These experts are available for rapid deployment to assist States (i.e. national prosecutions, truth commissions) as well as international institutions (i.e. international courts such as the International Criminal Court and hybrid courts), UN entities (i.e. OHCHR, Fact Finding missions) and regional organisations with the mandate and jurisdiction to document or investigate international crimes. **To date, experts have been deployed to thirty-one missions.**

JRR-UN Women SGBV Justice Experts Roster

The JRR-UN Women SGBV Justice Experts Roster of **close to 130** experts is maintained within the broader **500+ JRR Roster**. Participants that successfully complete the training and are certified to the roster come with a broad range of technical capacity in demand. This includes expertise in investigations, prosecution, criminal and procedural law reform, justice and security sector oversight, military justice, interpretation, psychosocial support and forensics.

Currently 79% of the experts are women and 48% are from the Global South. The roster counts 55 nationalities, from: Asia, North and South America, Africa, Europe and Oceania.

RESULTS

- **Since 2009 every Commission of Inquiry has had a gender adviser/ SGBV Investigator.**
- COI report for North Korea in 2014 was credited as being **one of the most gender sensitive COI reports produced** to date, and resulted in both the UN General Assembly and the UN Security Council calling for action and the opening of a UN Human Rights Office in Seoul, Korea.
- The SGBV investigator UN Women deployed to support the ICC’s investigations in the DRC assisted in collecting evidence that enabled the prosecution to demonstrate the alleged criminal conduct of Bosco Ntaganda in the commission of sexual crimes, **leading to the ICC unanimously confirming - for the first time - all sexual and gender based crime charges sought by the Prosecution.**
- Evidence collected by our SGBV Investigator pointed to the systematic enslavement, selling of women and girls, rape, forced transfer, and other inhuman and degrading treatment, allegedly committed by members of ISIL in Iraq, with clear patterns of SGBV against Yazidi women in the final report of the Fact-Finding Mission in Iraq.
- Our SGBV Investigators working with the COI on Syria have highlighted the prominent role SGBV has played in the conflict. **The COI’s findings on SGBV have been widely reported in the media** and brought to the attention of the Human Rights Council and the Security Council by both the Commissioners themselves as well as the SRSG on Sexual Violence in Conflict and the Special Rapporteur on Violence against Women.

BACKGROUND

The following is further information on the JRR-UN Women training and deployment activities as well as the international context.

Training

This partnership has supported the development of a unique, highly specialized training curriculum on the investigation of SGBV as international crimes with the IICI. As a result of five successful training courses (two in the Netherlands, and one each in South Africa, Qatar and Colombia) some 130 geographically and linguistically diverse

experts have been certified to the JRR-UN Women SGBV Justice Experts Roster.

In order to ensure the roster contains appropriate skillsets, experience, gender balance, language and geographic diversity, JRR and UN Women regularly review the roster and hold trainings in different parts of the world. The experts that undergo the training are identified through a rigorous selection process that combs through hundreds of nominations from States from every part of the world as well as a variety of international organizations. The week-long intensive training is led by some of the best practitioners in the field. The training also offers the partners an opportunity to observe the participants, providing an exceptional insight into the participants' suitability for particular deployments.

An innovative training curriculum was developed in 2013 to specifically incorporate interpreters, who had not been included in the development of international investigations. The better an interpreter understands the underlying sensitivities, laws, investigation techniques and methodologies involved, the more cohesive the investigative unit becomes. This also maximizes the likelihood that the interviews will result in probative information, and minimizes the chance of adversely affecting the victims and witnesses. The inclusion of interpreters in SGBV training first took place in Qatar and has been continued in subsequent trainings.

At least one regional training is planned to take place each year. Two regional courses are planned for 2015: a francophone course in Senegal, aimed at increasing the number of French speaking professionals on the roster; and a course in the Middle East and North Africa (MENA) region aimed at increasing the number of Arabic speaking professionals as well as expertise in the MENA region. In 2016 a course is being planned in Asia, to increase the representation of experts from this region on the roster.

Deployments

Early UN Women deployments primarily provided SGBV experts to UN Commissions of Inquiry. However, as knowledge and visibility of this specific facility and partnership has increased, requests for deployments have similarly grown, expanding UN Women's use of the roster beyond commissions of inquiry to a range of different mechanisms.

UN Women and JRR have deployed SGBV experts to UN Commissions of Inquiry on Guinea-Conakry, Côte d'Ivoire, Libya, Syria, Democratic People's Republic of Korea, Central African Republic (CAR), Eritrea, and the 2014 Gaza conflict. Other deployments include the Panel of Experts for Sri Lanka; the International Criminal Court; UN Fact-Finding Missions to CAR and Iraq; the African Union Commission of Inquiry for South Sudan, the UN Investigation on Boko Haram, and national accountability processes.

International Context

Accountability for crimes of sexual and gender-based violence (SGBV) under international law has historically been neglected. This has been due to the lack of legal frameworks, and a tendency to view such crimes as inevitable in conflict and difficult to prosecute. There is now, however, an increasing realization that impunity for these crimes significantly undermines international peace and security and hampers post-conflict peace-building.

The international will to address these crimes has, therefore, shifted, as has the capacity to do so. Both the cause and consequence of this shift has been due in large part to a clearer international legal framework backed by jurisprudence. The framework comes from seminal jurisprudence arising out of the international tribunals in Yugoslavia and Rwanda and the Special Court for Sierra Leone; the coming into force of the Rome Statute and the first cases under review by the International Criminal Court; as well as increasing demand from countries affected by conflict for support to address these atrocities as war crimes and crimes against humanity.

Operationalizing this framework effectively requires building capacity for rapid deployments of experts specifically trained in investigating SGBV crimes under international law. The unique sensitivities surrounding SGBV crimes and the extreme vulnerability of its victims has meant that specific expertise is needed on gender and gender-based violence as well as in the methods for gathering information that will "do no more harm". This includes special training in interviewing victims and witnesses without detriment to their safety, privacy, and dignity. In addition, skills related to appropriate documentation and storage of evidence for use in national or international justice processes are key. Furthermore, this expertise needs to be available rapidly, in a matter of weeks or even days, in order to have the most impact on situations.

Human Rights Council Resolution A/HRC/RES/23/25 (14 June 2013) **specifically calls for the use of rosters such as the JRR-UN Women SGBV Justice Experts Roster** to ensure the rapid deployment of expertise to investigate allegations of mass rape or systematic sexual violence. Member States and international criminal justice personnel **cited the JRR-UN Women Roster as a best practice** at the UK Summit to End Sexual Violence in Conflict in June 2014.

CONCLUSION

As outlined in the section on results, it is expected that the JRR-UN Women partnership will enable: a clearer accounting of sexual and gender-based violence in justice processes; better outcomes for survivors; and the consolidation and systematization of the lessons learned and jurisprudence from international courts and tribunals. The overall goal is to make accountability for these crimes realizable, deterring and ultimately preventing future crimes.