

Security Council Open Debate on Sexual Violence in Conflict, June 24th 2013, Security Council Chamber

Statement by Mrs. Perceval, Permanent Mission of Argentina to the United Nations.

I would like to say that I am delighted that this open debate is being held. I would like to thank you, Mr. President, and your Foreign Secretary, as well as the representatives of the various countries here today. I also welcome the participation of the Secretary-General, and I am grateful for the statements made by Ms. Zainab Bangura, Ms. Angelina Jolie and Ms. Jane Adong Anywar.

I would like here to mention the feminist movement, to pay tribute to it and to the thousands of women who risk their lives on a daily basis to defend women's human rights and put an end to impunity.

I would like to recall here the principles of the United Nations initiative to combat sexual violence against women in conflict situations. Rape is not an inevitable consequence of war. Gender violence, including sexual violence, is a violation of women's dignity and fundamental human rights. Attempts to halt and respond to sexual violence must address gender inequalities and contribute to women's empowerment. Women are often leaders in the process of eliminating sexual violence and ensuring peace; the constructive participation of men and boys in it is vital to the prevention of sexual violence in conflict situations. Best practices against sexual violence must be strengthened. Sexual violence in conflict situations and impunity for those who commit such crimes have been met with a deafening silence. We all have a duty to act.

We know that during the course of history the definition of human rights and recognition of their universality did not evolve at the same time. Only a little more than 20 years ago, and at several world summits, was a definition developed — not without resistance and friction — of women's rights as human rights. Only recently, in 1993, was the legal existence of women as subjects of law recognized.

It was at the World Conference on Human Rights, held in Vienna in 1993, that it was recognized that the rights of women and the girl child are an inalienable part of universal human rights. It was stated there that the situation of women in the world must be analysed from the gender perspective in order to ensure that the universality of human rights shall encompass the specific situations that prevent us, as women, from fully exercising our human rights.

Six years later, the focus on the human rights approach and the gender perspective was to imbue the most important instrument of international criminal law: the Rome Statute of the International Criminal Court.

Based on that significant progress, violence against women is now recognized as a human rights violation in that it flouts a series of rights and fundamental freedoms, including the right to life; the right not to be subjected to torture or cruel, inhuman or degrading treatment; the right to equality before the law; the right to equality in the family; and the right to the highest attainable standard of physical and mental health, inter alia.

Part of the process of recognizing that violence against women is a violation of human rights involves stepping back from views that hold that violence against women represents a kind of cultural expression or is the unquestionable prerogative of specific groups or individuals in the context of the exercise of power.

We know that violence against women is woven into the social fabric and pervades not only judicial systems but also the way in which we see the world and relationships between human beings in time

of peace and in time of armed conflict.

In armed conflict, then, appalling violence against women, mass rape, abduction and sexual slavery must not be regarded as exceptions but, rather, as a savage extension of the daily violence against women. Indeed, violence against women is not a horrifying exception; it is, rather, a continuum of violence. Thus, we note that perhaps because of this, although such violence is repugnant and illegal, it is in cases of sexual violence that we see the lowest level of protection and the highest rate of failure on the part of States to implement their unshirkable responsibility to respect and guarantee the human rights of women.

Such vulnerability is particularly acute in the field of criminal procedural law, where a perverse cycle of victimization of women occurs. In cases of sexual violence, victims are routinely interrogated about their participation in the crime; they are exposed to unacceptable standards of proof; their lives are investigated and assessed; their testimony is minimized or rejected; and their claims are silenced. Today, gender discrimination has reached the level of *juris et de jure* presumptions of law, with real and discriminatory effects.

In the context of armed conflict, violence against women has particular significance. The worst crimes are committed in times of war, which exacerbates the inequality of women. Thus rape is a message of castration and mutilation of the enemy, a battle fought among men but carried out on the bodies of women.

We all know that one of the elements used to legitimize such acts has been the concept of the sexual honour of women as being the basis of male honour. Hence sexual violence against women, sexual slavery and forced pregnancy become acts that are justifiable in time of armed conflict, on the basis of the argument that they meet the needs of men. Faced with this horrifying reality, we as women are throughout the world turning our sorrow into strength to demand that our human rights be respected and that an end be put to impunity.

As we move along the road to equality, a key milestone has been the entry into force of the Rome Statute of the International Criminal Court. There, for the first time, it was recognized in the framework of international humanitarian law that rape and other forms of sexual and gender violence are crimes as serious as genocide, torture, cruel treatment, mutilation and slavery.

That was also a turning point in the context of impunity — against impunity in law, which has its origins in norms such as amnesties, and impunity in act, which runs the gamut from complicity on the part of public power, to the passivity of investigators, to selectivity or corruption on the part of the judiciary.

Those important advances are without a doubt the result of the jurisprudence of the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, the statements condemning sexual violence against women made at Beijing and Vienna, and the active participation of the women's movement.

Those beliefs are reflected in my country's decision to combat impunity by exercising the unshirkable duty of States to fight impunity. We have done this not only with respect to criminal prosecution for the crimes against humanity committed by the civil-military dictatorship, using State terrorism, with 413 people already found guilty.

We also recently signed the Arms Trade Treaty, after having worked together with many present here, fighting hard to ensure that for the first time the link between the international arms trade and

gender violence could be recognized. The President of my country has signed a decree regarding the implementation of our national plan of action on resolution 1325 (2000) and complementary measures. Men and women participating in peacekeeping missions are given training on gender perspectives and human rights. The strengthening of gender focal points in Blue Helmets is also a priority.

In the negotiations leading to the adoption today of resolution 2106 (2013), we held intensive discussions on the tensions that may occur between the protection of human rights and the principle of State sovereignty, both fundamental pillars of the system of international relations arising from the Charter of our Organization.

However, just as human rights cannot be degraded to be used as a Trojan horse for foreign interventionism in the domestic affairs of a country, neither can sovereignty be invoked to cast a veil over serious human rights violations or to protect from impunity in a particular location. Argentina thus voted in favour of the resolution, in the belief that it respects the sovereignty of States and protects human rights, particularly those of women. As our dear friend Zainab Bangura has said, eradicating sexual violence in armed conflict is not a mission impossible.