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**GLOBAL CONFERENCE ON RECLAIMING THE PROTECTION
OF CIVILIANS UNDER INTERNATIONAL HUMANITARIAN
LAW**

**‘New Approaches in Civilian Protection: Prevention of Sexual
Violence in Conflict’**

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I am pleased to join this important meeting, and to make some remarks on behalf of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Madam Zainab Bangura.

Against the historical backdrop of sexual violence as war’s oldest, most silenced and least condemned crime, the last four years have seen a momentous increase in attention and action to address this crime. The United Nations Security Council has been at the cutting edge of this progress.

In building the protection agenda the point of departure has been to break three critical misconceptions that have paralyzed action:

- First, the notion that that sexual violence in conflict is **INEVITABLE** (because it is as old as time, and 'boys will be boys');
- That it is **UNSPEAKABLE** (because in 'our culture we don't speak about sex'. Yet sexual violence is not cultural or even sexual; it is criminal, and requires a criminal-justice response)
- Third, that it is a **LESSER CRIME** (because many worse things happen in war than rape. Yet for the victims this crime represents a total destruction, and the effects on communities linger on long after guns fall silent)

Therefore, the adoption by the Security Council of resolutions 1820, 1888 and 1960 on sexual violence in conflict have challenged

long-standing myths that sexual violence is cultural, private, inevitable, or simply the random acts of a few renegades.

The Council's engagement represents a fundamental paradigm shift. And as a result we have had to adopt a new approach to deal with this problem. The engagement of the Security Council is essentially a recognition that sexual violence can constitute a legitimate threat to the maintenance of international peace and security, and as such requires an operational security and justice response.

Among other things, this has led to the expansion of the circle of stakeholders beyond the traditional gender experts, to now also engage uniformed peacekeepers, mediators, ceasefire monitors, war crimes prosecutors, and the full range of civilian protection actors.

Since 1999 - 2000 and the successive adoption of resolutions 1261 on children and armed conflict, 1265 on the protection of civilians, and 1325 on women and peace and security, the steadfast commitment of the Council on protection issues has translated into increasingly precise operational requirements expressed in both thematic and country-specific resolutions.

Specifically for the sexual violence agenda, 1820 established the conceptual framework; 1888 established an infrastructure to deal with the problem which includes the creation of a high-level mandate of the Special Representative and a Team of Experts on Rule of Law/Sexual Violence to support national authorities; and 1960 puts in place the elements of a regime to engender compliance with international law, the central purpose of which is to hold perpetrators of sexual violence accountable. Therefore, 1960 sets us on a path of prevention; it is a resolution oriented toward accountability and deterrence. In that respect, it marks a political commitment at the highest level to bring the unique tools of the Security Council to bear to prevent and address the atrocity of wartime rape.

The purpose of this accountability regime is to influence the conduct of perpetrators, and would-be perpetrators. To increase the 'cost' or 'risk' for perpetrators to commit such crimes. Were until now it has been largely cost-free to rape a woman, child or man in conflict. In the process, we begin to shift the stigma of sexual violence from the survivors to the perpetrators.

The compliance system mandated by the Security Council has four central elements:

i. It requires more timely and reliable information as a basis for action at all levels, through establishment of monitoring, analysis and reporting arrangements in all relevant situations;

ii. It casts a concerted spotlight on perpetrators through naming and listing in reports, including the annual report of the Secretary-General;

iii. It mandates engagement with state and non-state parties to conflict to elicit concrete and time-bound protection commitments, and to build action plans to implement these commitments;

iv. It entails channeling increasingly precise information to the Security Council and other 'policy destinations', for direct action including sanctions and other targeted measures where necessary.

As you may be aware, in June the Security Council will convene its second Open Debate on Sexual Violence in Conflict this year. We anticipate a new resolution to be adopted which will reinforce the compliance regime established under 1960. Essentially, the resolution will seek to further institutionalize sexual violence prevention and response in the UN peace and security architecture and Council mandates, and establish a more comprehensive prevention framework. We anticipate that the new resolution will provide operational guidance to address sexual violence concerns in critical areas such as Peace Agreements and Ceasefires; in Security Sector Reform; in Disarmament Demobilization and Reintegration processes ; and in Justice Sector Reform. And it will focus on services and reparations for survivors of sexual violence and their communities. This is what is required in order to 'operationalize prevention'.

It is evident that we are beginning to gain some traction in implementation. In the past 2 years agreements have been concluded between the UN and the Government of Guinea (to prosecute sexual violence crimes committed in the wake of contested elections in 2009); with Angola, to address the systematic and widespread rape of Congolese migrants in the context of expulsions; with Colombia and the Central African Republic; and within the past month, with the Governments of the Democratic Republic of the Congo and Somalia.

These agreements specify a number of practical areas in which the UN will support the national authorities, particularly to strengthen their rule of law response. Typically this includes enhancing capacity to investigate

and prosecute sexual violence crimes; the necessary legislative reform to enable domestic prosecution; more immediate measures such as the issuance and implementation of command orders prohibiting sexual violence through the chains of command of national security forces, and the implementation of codes of conduct and zero-tolerance, as well as the training of security actors.

However, we recognize that in many situations of concern it is non-state actors who are among the worst perpetrators, and the question remains 'what leverage if any do we have to impact their behavior?'

We believe that there are possibilities in this regard. At the end of 2010 the New York Times broke the story of 'catastrophic failure of UN peacekeepers' to prevent the mass rape over several days of more than 300 women and children in Walikale, eastern DRC. The investigation of these crimes revealed that the rapes were committed by an alliance of FDLR and Mai Mai rebels under overall command of Ntaberi Cheka. Three months after the fact, and through considerable pressure and threat of sanction, Cheka arrested and handed over to DRC authorities and the UN, his Chief of Staff -- Lt Col Mayele -- who had been identified by witnesses as the commander on the ground during the atrocities. In our conversation with Cheka he insisted that he was not a rapist and not responsible for Walikale, and he was willing to give up a member of his group to ensure that the consequences (the 'stigma of rape') did not fall on him personally.

In context of the children and armed conflict agenda, action plans to demobilize child soldiers have been concluded over the years with a number of rebel groups and militias including the former Forces Nouvelles in Côte d'Ivoire and 4 of the then pro-government militias. Essentially, they concluded these agreements with the UN because they had political aspirations, and credibility and international recognition was a significant and decisive motivator.

These examples indicate that where judiciously and strategically applied the new tools at our disposal can yield tangible protection and accountability outcomes.

Going forward, the UN is also focusing on better equipping uniformed peacekeepers (both in terms of 'hardware' and 'software') to respond to sexual violence. Training is critical, including scenario-based pre-deployment training on the "how-to" of sexual violence prevention and response. And the UN has begun to capture and share examples of successful interventions, to ensure 'best practice' becomes 'standard

practice'. We are also focusing on early warning and prevention in order to 'get ahead' of sexual violence rather than constantly responding in its aftermath. Many of the cutting edge and innovative techniques for civilian protection are being piloted by MONUSCO in the DRC, including Joint Protection Teams of military and civilian personnel; Community Liaison Interpreters to improve interface with communities; and Community Alert Networks for early warning.

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The Special Representative on Sexual Violence in Conflict has placed considerable focus since taking office on national ownership, leadership and responsibility. I would like to conclude these remarks on that crucial emphasis. Because, no level of UN commitment or action can substitute for the will and action of national authorities, who bear the primary moral and legal responsibility to protect their citizens. Therefore, the UN stands prepared to support the efforts of national actors to eradicate the scourge of wartime rape. The countries concerned must 'lead from the front'. And collectively we must believe that to shatter the silence and eradicate sexual violence is not a 'mission impossible'.

THANK YOU