

Seventieth session of the Commission on the Status of Women (CSW70)

Ensuring and strengthening access to justice for all women and girls, including by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and addressing structural barriers

Observer Paper

Recommendations for achieving access to justice for victims and survivors of conflict-related sexual violence globally

United Nations Team of Experts on Rule of Law and Sexual Violence in Conflict

10 November 2025

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Abbreviations and Acronyms

Basic Principles and Guidelines	Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRSV	Conflict-Related Sexual Violence
CSW	Commission on the Status of Women
CSW70	Seventieth Session of the Commission on the Status of Women
DPO	Department of Peace Operations
ECCC	Extraordinary Chambers of the Courts of Cambodia
EGM	Expert Group Meeting
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
JEP	Special Jurisdiction for Peace of Colombia
Model Legislative Provisions	Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual Violence
MONUSCO	United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo
OHCHR	Office of the United Nations High Commissioner for Human Rights
SRSR-SVC	Special Representative to the Secretary-General on Sexual Violence in Conflict
STL	Special Tribunal for Lebanon
Team or Team of Experts	United Nations Team of Experts on Rule of Law and Sexual Violence in Conflict
UMIRR	Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children
UN	United Nations
UNDP	United Nations Development Programme
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WPS	Women, Peace and Security

1 Background / Executive Summary

- 1.1.1 This observer paper responds to a request from UN Women for the UN Team of Experts on Rule of Law and Sexual Violence in Conflict (Team of Experts or Team) to participate in an Expert Group Meeting (EGM) ahead of CSW70. The priority theme of CSW70 is “[e]nsuring and strengthening access to justice for all women and girls, including by promoting inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and addressing structural barriers”.
- 1.1.2 The Team of Experts was created by Security Council resolution 1888(8) (2009) and is mandated to assist national authorities to strengthen the rule of law. Specifically, the Team of Experts is meant to work closely with national legal and judicial officials and other personnel in national justice systems, to address impunity for crimes of conflict-related sexual violence (CRSV), including by strengthening gaps in national capacity and drawing attention to the full range of justice mechanisms to be considered.¹ The Team of Experts is under the strategic leadership of the Special Representative of the Secretary-General on Sexual Violence in Conflict (SRSG-SVC), and is composed of experts from the Office of the SRSG-SVC, the Department of Peace Operations (DPO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Development Programme (UNDP).
- 1.1.3 The working definition of CRSV used by the Team of Experts, and throughout this report, is the framing definition adopted by the Secretary-General in his annual report on CRSV:²

[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. This link may become evident through the profile of the perpetrator, who may often be affiliated with a State or non-State armed group, including those designated as terrorist groups by the Security Council; through the profile of the victim, who may frequently be an actual or perceived member of a persecuted political, ethnic or religious minority, or targeted on the basis of actual or perceived sexual orientation or gender identity; or through other existing circumstances such as a climate of impunity; cross-border consequences, such as displacement or trafficking; and/or violations of the provisions of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence and/or exploitation, when committed in situations of armed conflict.

- 1.1.4 In accordance with the priority theme of CSW70, and the Team of Experts’ mandate, this observer paper offers concrete, actionable recommendations for enhancing the rule of law response to CRSV and improve access to justice for victims and survivors of CRSV globally, with particular focus on women and girls. Women and girls continue to be disproportionately affected by CRSV. It is a consistent phenomenon that more than 90%

¹ United Nations Security Council resolution 1888 (30 September 2009), UN Doc S/RES/1888, para. 8.

² See, for example, *Report of the United Nations Secretary-General: Conflict-Related Sexual Violence* (UN Doc. S/2024/292, April 2024), at para. 3.

of reported incidents documented in the Secretary-General’s annual reports on CRSV affect women and girls.³ Because the Team of Experts’ mandate covers accountability for CRSV in national justice systems, the recommendations offered focus mainly on access to justice in domestic settings. This approach accords with the consistent recognition by the Security Council that an effective rule of law response to CRSV is necessary to achieve access to justice for survivors,⁴ and that an effective justice response to CRSV crimes, including investigation and prosecution, is a necessary part of a comprehensive approach seeking sustainable peace, justice, truth and national reconciliation.⁵ A list of recommendations can be found at Section 5 below.

- 1.1.5 The structure of this observer paper is as follows: Section 2 sets out the applicable international legal framework. Section 3 briefly sets out the importance of political will to ensuring CRSV crimes are addressed. Section 4 then discuss sequentially several best practices that reduce barriers to justice for survivors of CRSV, including women and girls.⁶ It begins with principles and practices that guide the Team of Experts’ approach, which create the conditions that allow women and girls to access justice for CRSV. It further elaborates on the Team of Experts’ two-track approach to legislation and governing law in the national jurisdictions it works in: advocating for legislative and jurisprudential reform, while also encouraging expansive and creative interpretations of existing legal frameworks to achieve results. The subsequent subsections discuss holistic justice (i.e. a multidisciplinary approach), specialised prosecution units, case prioritisation, the need for extensive training, including scenario training, witness protection and support, and international cooperation. As noted, a full list of recommendations is then summarised in Section 5.

2 Legal Framework on CRSV

- 2.1.1 The Security Council has recognized that CRSV is a self-standing threat to international peace and security and accountability in the aftermath of these crimes is necessary for the restoration of peace.⁷ The Team of Experts’ mandate is situated within the Security Council’s Women, Peace and Security (WPS) Agenda. The Team’s work is informed by applicable rules and principles of international law to its mandate, including those reaffirmed in the WPS resolutions.⁸ The Security Council’s WPS resolutions have recognized that obligations to prosecute CRSV and to ensure access to justice for survivors of CRSV. Separately, the Security Council has recognised in its thematic resolutions on the rule of law, the importance of prevention and response to CRSV including through use of the Team as a mechanism by and for Member States.⁹

³ Remarks of SRSRG Patten at the International Day for the Elimination of Sexual Violence in Conflict, “Breaking the Cycle, Healing the Scars: Addressing the Intergenerational Effects of CRSV”, 19 June 2025

⁴ Security Council resolution 2106 (UN Doc. S/RES/2106), 24 June 2014, at para. 2; S/RES/2467 (2019), para. 15.

⁵ Security Council resolution 1820 (UN Doc. S/RES/1820), 19 June 2008, at para. 4; S/RES/1888 (2009), Preamble and para. 1; S/RES/2106 (2014) para. 1.

⁶ As used in this paper, “women and girls” includes those in the LGBTI+ community.

⁷ See, for example, S/RES/1820 (2008); S/RES/1888 (2009) (*et seq.*)

⁸ See, for example, S/RES/2437 (2019), preamble and para. 14.

⁹ See, for example, S/RES/2447 (2018), para 13.

- 2.1.2 The obligations to prevent and respond to CRSV are also grounded in Member States’ duties under international criminal law, international humanitarian law, and international human rights law. This includes importantly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);¹⁰ as well as the Convention on the Prevention and Punishment of the Crime of Genocide, the grave breaches regime of the Geneva Conventions, the Convention against Torture, as well as the *jus cogens* status of the prohibition of sexual violence crimes (including but not limited to as a crime against humanity).¹¹ The concept of CRSV has also been understood to incorporate its linkages to transnational crimes such as trafficking in persons and terrorism and their associated legal frameworks,¹² as well as the slave trade. Further, the obligation can also be sourced from international human rights law, namely the obligation on States Parties in various widely ratified treaties (including art 2(3) of the International Covenant on Civil and Political Rights (ICCPR)) to ensure any person whose rights and freedoms are violated shall have an effective and enforceable remedy.
- 2.1.3 Given this year’s theme of the Commission on the Status of Women, we note especially the relevant obligations for States Parties to CEDAW, as CRSV constitutes a form of discrimination against women prohibited under Article 1, accordingly invoking all obligations in the Convention.¹³ This includes the overarching and immediate obligation to pursue, by all appropriate means and without delay, a policy of eliminating all forms of discrimination against women.¹⁴ This overarching obligation extends across all branches and levels of State authority, requiring legislative, executive, and judicial action, including the formulation of legal norms, policies, institutional frameworks, and monitoring mechanisms, and measures to eradicate the root causes of discrimination against women and girls affected by CRSV, such as prejudices, stereotypes, and practices.¹⁵ There is also an obligation to take all measures to prevent, investigate, prosecute, and provide reparations for CRSV, committed by State actors and non-State actors.¹⁶ Failure to act with due diligence to undertake these measures may invoke state responsibility under Article 2(e) of the Convention, even when the direct perpetrator is a non-state or private actor.¹⁷ These obligations, and all other obligations under CEDAW, continue to apply during periods of armed conflict.¹⁸

¹⁰ See, for example, S/RES/1888 (2009), paras. 3, 6-8, and preamble; S/RES/1889 (2009), para. 3 and preamble.

¹¹ Antonio Cassese & others (ed), *Cassese’s International Criminal Law* (3rd ed, 2013), at 312; *Prosecutor v. Ntaganda*, Second Decision on the Defense’s Challenge to the Jurisdiction of the Court in Relation to Count 6 and 9, ICC-01/04-02/06, 4 January 2017, at [51]–[52]. See generally Patricia Viseur Sellers, “Jus Cogens: Redux.” *AJIL Unbound* 116 (2022): 281–86.

¹² S/RES/2331 (2016); S/RES/2388 (2017); see also United Nations Convention on Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000).

¹³ *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, Committee on the Elimination of Discrimination Against Women, CEDAW/C/GC/35 (2017) at para. 21. See also *Conflict-related sexual violence as Gender-based Violence against Women and Girls*, CEDAW Committee Working Group on Gender-Based Violence (OHCHR, 2022 [accessible online](#)) (clarifying that States Parties’ obligations relating to CRSV, under its working definition, fall under the scope of obligations under GBVAW as the term is used in General Recommendation No. 35).

¹⁴ CEDAW, Article 2; See generally *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, Committee on the Elimination of Discrimination Against Women, CEDAW/C/GC/28 (2010).

¹⁵ CEDAW/C/GC/35 (2017), para. 26.

¹⁶ *Id.*, paras. 21, 23–24, 26. See also CEDAW/C/GC/28, para. 19.

¹⁷ CEDAW/C/GC/35 paras. 21 and 24(2)(b) (citing *ILC articles on responsibility of States for internationally wrongful acts, article 4, Conduct of organs of a State* and CEDAW General recommendation No. 19, para. 9).

¹⁸ See, e.g. CEDAW/C/GC/30 para. 2, CEDAW/C/GC/28 para. 11.

- 2.1.4 The complementarity between obligations under the CEDAW Convention, the WPS Agenda, and other sources of international law was elaborated on by the CEDAW Committee in its General Recommendation No. 30 (GR30) on women in conflict prevention, conflict, and post-conflict situations (2013). It reaffirmed that all of the obligations in the WPS Agenda are constitutive of substantive provisions within the CEDAW Convention.¹⁹ This requires States Parties to CEDAW to ensure their domestic implementation of the WPS resolutions prioritize the realization of substantive equality.²⁰ The reference to substantive equality entails that WPS implementation instruments, must be designed and executed in ways that address structural and systemic barriers so that women can fully realize their rights, including those related to access to justice for all women and girls, particularly for survivors of CRSV.²¹ Importantly, GR30 also established the requirement for States parties to include information on their implementation of the WPS resolutions in their reporting to the CEDAW Committee.²² This helps enhance monitoring and accountability for the implementation of the WPS agenda, including the mutually reinforcing obligations under both frameworks relating to access to justice for women and girls affected by CRSV.²³
- 2.1.5 The normative framework is clear — there is an absolute prohibition on CRSV; a duty to prevent and punish such crimes and provide remedies to survivors/victims. The challenge the Team of Experts seeks to address is to ensure that these normative commitments result in enhanced compliance by parties to conflict with that prohibition and provide access to justice for survivors/victims, including women and girls on the ground in conflict, post-conflict and fragile situations.

3 Aligning Political Will with Technical and Operational Capacity to Ensure Justice for Women and Girls Affected by CRSV

- 3.1.1 Political will is a key factor in ensuring the full range of justice measures are accessible for women and girls who have been affected by CRSV. As envisaged by Security Council resolution 1888, the Team of Experts works with the consent of host governments to assist national authorities to strengthen the rule of law. The Team of Experts works under the strategic leadership of the SRSG-SVC and a co-lead structure as described above. The SRSG-SVC’s political advocacy includes political agreements with Member States and parties to armed conflict, such as joint communiqués and frameworks of cooperation that call on the Team of Experts for support. Additionally, the Team of Experts contributes to the Security Council’s country-specific mandates for UN peace operations as well as acts upon specific request from member states.

¹⁹ *General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations*, Committee on the Elimination of Discrimination against Women, CEDAW/C/GC/30 (2013), paras. 25–28.

²⁰ *Id.*, at paras. 26 and 28(b).

²¹ See UN Entity for Gender Equality and the Empowerment of Women (UN Women), *Guidebook on CEDAW general recommendation no. 30 and the UN Security Council resolutions on women, peace and security*, 2015.

²² CEDAW/C/GC/30 (2013), paras. 23, and 83–84.

²³ UN Women Guidebook (2015), sect. 3, at p.14, and sect. 4; See also *Conflict-related sexual violence as Gender-based Violence against Women and Girls* (OHCHR 2022) for an overview of subsequent Committee practice on monitoring CRSV-related obligations through this framework.

- 3.1.2 Although granting consent for the Team to operate represents an important expression of political will by Member States in conflict or post-conflict settings, addressing CRSV effectively requires a whole-of-government/institution approach. Such an approach entails a clear commitment by the executive, security and judicial sector actors to prioritize the investigation and prosecution of CRSV cases in a survivor-centered manner, including through the accountability of their own personnel. It further requires the early engagement, at the highest level of Government as well as of relevant ministries responsible for health, social services, police, justice, and reintegration to ensure comprehensive support for survivors. National legislature should also demonstrate commitment through the adoption of necessary legal and procedural reforms, the allocation of adequate resources in national budgets, and the exercise of effective oversight. The judiciary must guarantee that survivors are able to access justice and participate meaningfully in proceedings. Across all branches of government, engagement with civil society and survivor-led organizations remains essential to ensuring that interventions are informed by the needs and experiences of those affected. Finally, sustained focus is required, as justice processes are inherently complex and take time, even under the most favorable conditions.
- 3.1.3 Technical and operational capacity can only be effectively mobilised when there is clear and sustained political will. Once this commitment is established, efforts must focus on strengthening the ability of national authorities to utilise the full spectrum of justice mechanisms available to them. This includes enhancing institutional capacity to investigate, prosecute, and adjudicate cases of CRSV in accordance with international standards and in a survivor-centred, gender-sensitive, and trauma-informed manner. Such capacity-building initiatives must be undertaken in a coordinated and comprehensive way, ensuring the engagement of all relevant sectors — judicial, security, health, and social services — in order to deliver justice and holistic support to survivors. In line with the best practices outlined in Section 4 below, this multidisciplinary approach should promote accountability, prevent retraumatisation, and strengthen the overall rule of law response to CRSV.
- 3.1.4 The experience of Ukraine provides a clear example of how early high-level political commitment can translate into tangible progress in addressing CRSV. In spring 2022, just months after the beginning of the conflict, the Government of Ukraine demonstrated such commitment by signing a Framework of Cooperation with the United Nations at the level of the Deputy Prime Minister, with the full support of the President. This Framework established a foundation for coordinated national action and the creation of Inter-Agency Working Groups, bringing together relevant line ministries, security sector institutions, and civil society organisations to work across five priority pillars: trafficking in persons in armed conflict for sexual exploitation/violence; provision of services for survivors; accountability for CRSV; security sector oversight; and reparations.
- 3.1.5 This senior-level leadership catalysed significant advances in access to justice for survivors, particularly women and girls. Legislative reforms adopted by the Verkhovna Rada of Ukraine strengthened the domestic application of international criminal law and established urgent interim reparation mechanisms. In parallel, the Office of the Prosecutor General created a dedicated unit on CRSV to strengthen investigation and

prosecution capacities. As a result, there has been a measurable increase in access to justice for women and girls in, for example, the number of CRSV cases brought before courts in a survivor-centred and trauma-informed manner, alongside expanded access to legal aid and essential services. These developments underscore that progress in ensuring access to justice for women and girls who were affected by CRSV begins with political will at the highest levels of government, which enables coordinated, sustained, and survivor-focused national action, which can then be supported by mechanisms like the Team that can transfer technical skills and capacity support.

In other contexts where Member States in conflict and post-conflict situations demonstrate political willingness to address CRSV, financial and resource constraints can limit their ability to pursue cases effectively. It is therefore imperative for Member States to recall that the Security Council has repeatedly affirmed that CRSV constitutes a threat to international peace and security, and that justice is a critical component of restoring peace. In contexts where CRSV has occurred, Member States, international, regional and subregional organizations providing conflict stabilisation and overseas development assistance must ensure that women's and girls' access to justice is supported with resources commensurate to these international commitments. In this regard, political will at the international level is also manifested through tangible financial support from donors, ensuring that commitments to ensure access to justice for women and girls who have been affected by CRSV are not only rhetorical but are matched by the means necessary to deliver justice and comprehensive support to survivors.

4 Best Practices for Enhancing Access to Justice for Women and Girl Survivors of CRSV

4.1 Foundational Approaches and Principles

- 4.1.1 To enhance access to justice for women and girl survivors of conflict-related sexual violence, States and relevant institutions should be guided by foundational approaches and principles for the investigation and prosecution of such crimes at the international, regional and national levels. The consistent application of these approaches and contributes to strengthening justice systems, promoting inclusive and equitable legal frameworks, and eliminating discriminatory laws, policies, and practices, as well as other structural barriers that impede survivors' access to justice.

Applying a survivor-centred and “do no harm” approach to increase access to justice for women and girls

- 4.1.2 Security Council resolution 2467 (2019), OP 16, enshrines a survivor-centred approach in all efforts to prevent and respond to CRSV. Resultantly, the *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* states: “[t]he cornerstone and crosscutting principles that should guide CRSV work – including improving access to justice for survivors – are “do no harm” and the “survivor-centred approach”.²⁴

²⁴ *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* (United Nations, 2020), at 13. This is line with Security Council resolution 2467, which affirmed for the first time the need to adopt a survivor-centered approach.

- 4.1.3 Implementing a survivor-centred approach means protecting survivors’ human rights (such as the right to equality and non-discrimination, which in turn necessitates gender-sensitive interventions, safety and protection, holistic justice, and access to justice, including reparation); respecting survivors’ individual choices and not making assumptions about what is in their best interests; promoting survivors’ empowerment by placing their informed choices at the centre of responses (including regarding access to and participation in justice and accountability processes); and treating all survivors with dignity, respect and equality.²⁵
- 4.1.4 The “do no harm” principle refers to the fundamental obligation not to expose any survivor to further harm or suffering, both physical and psychological. That principle must guide the nature of the justice assistance provided to survivors of CRSV, particularly considering potential protection concerns and risk of stigma and marginalization that may be associated with CRSV.²⁶
- 4.1.5 Together, employing a survivor-centred and “do-no-harm” approach mean a CRSV survivor should be at the centre of all justice responses, respecting their rights, needs and choices, and not exposing them to further physical and psychological harm and stigma. The two are interdependent and mutually reinforcing.²⁷ The overall objective is to uphold the dignity and human rights of survivors/victims while protecting them from further harm, stigma, and marginalization without discrimination.”²⁸ In other words, they are a foundational approach that ensures access to justice for all women and girls who have been affected by CRSV in an empowering, inclusive, equitable and non-discriminatory way that also ensures their physical and psychological well-being.

The necessity of a trauma-informed approach

- 4.1.6 An important corollary to a survivor-centred and “do-no-harm” approach is ensuring that actions are “trauma-informed” when addressing access to justice for survivors of CRSV; thereby enhancing access to justice for women and girls. Following a trauma-informed approach means understanding the nature and impact of trauma on survivors of CRSV; adequately address any trauma-related needs before, during, and after interactions with survivors; putting in place strategies to mitigate the possibility of retraumatization; and understanding how trauma can affect survivors (including their memory).²⁹
- 4.1.7 This approach recognises that trauma is a subjective experience in response to an objective event that can bring about different experiences and consequences, which vary in severity between persons. Acts of sexual violence are extreme stressors that can cause severe trauma reactions. That is particularly true in a conflict context, where in addition

²⁵ *Id.*, at 16.

²⁶ *Id.*, at 14.

²⁷ *Id.*, at 35.

²⁸ *Id.*, at 13.

²⁹ *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law*, UK Foreign & Commonwealth Office (Second Edition, March 2017), at 231.

to having been a victim of sexual violence, the survivor may have experienced other forms of violence, displacement, co-existence with the perpetrator, etc., leading to additional layers or cumulative trauma. Moreover, the way the CRSV has been perpetrated – in terms of its brutality, public nature and context – may also contribute to particularly severe psychological consequences that also must be considered during justice processes.³⁰

Promoting survivor autonomy through informed consent

- 4.1.8 Seeking informed consent is an important aspect of the survivor-centred approach. It is an ongoing process which involves, at every step of an investigation, prosecution, or other justice measure, taking time to explain all relevant factors to a survivor, guaranteeing their understanding, and that they are free from any improper pressure and making decisions based on their own free will, thereby empowering them to make decisions about their own participation in a justice process.³¹

Promoting access to justice for women and girl survivors of CRSV through non-discrimination and intersectional practices

- 4.1.9 Two further pillars of taking a survivor-centred and trauma-informed approach are non-discrimination and intersectionality. They require an approach which is sensitive to the different forms of discrimination a survivor may face or have faced, which helps to better understand the survivor, their experiences, the risks, challenges and barriers they face, their rights and wishes, and what tailored support they may require. This approach must also acknowledge the multiple and compounding forms of discrimination or inequalities a survivor may face when seeking access to justice.³²

Taking into account the “best interest of the child” and the rights of the girl child

- 4.1.10 In 2025 alone, the Secretary-General has reported a 35 per cent increase in CRSV against children (S/2025/389). The ICC Office of the Prosecutor’s dedicated *Policy on Children* (2023) notes there has been an “historic under-representation and lack of engagement of children in international criminal justice processes.”³³ Engaging with children requires specialised expertise in juvenile justice. At a minimum, in all actions concerning children, the best interest of the child is the primary consideration, reflecting art 3(1) of the Convention on the Rights of the Child (CRC).
- 4.1.11 The rights of the girl child must also be recognised, including the need to accord additional protections to address the specific needs and potential vulnerabilities of girls.³⁴ Access to justice for girls requires due diligence in the prevention, investigation,

³⁰ *Id.*, at 231–238.

³¹ *Id.*, at 91.

³² *Global Code of Conduct for Gathering and Using Information About Systematic and Conflict-Related Sexual Violence* [Murad Code], 13 April 2022, at 3.

³³ *Policy on Children*, International Criminal Court, Office of the Prosecutor (Dec. 2023), at 1.

³⁴ See *Beijing Declaration and Platform for Action* (1995), para. 270.

prosecution, punishment and provision of remedies, while paying special attention to the specific barriers facing girls in a given context.³⁵ Special measures should be taken for girls affected by CRSV that ensure non-discrimination in their right to remedies and reparation, and the best interests of girls should be considered throughout all stages of justice processes.³⁶

- 4.1.12 This also includes the obligation deriving from the CRC and CEDAW of recognising and ensuring the rights of children born of sexual violence in armed conflict.³⁷

The rights of the accused

- 4.1.13 In all work regarding accountability, one also must be cognisant of the foundational right of an accused to a fair trial, and due process of law, as enshrined in arts 14 and 15 of the ICCPR and other human rights instruments.³⁸

In summary: a human-rights based approach guarantees access to justice for women and girls affected by CRSV.

- 4.1.14 A human rights-based approach is essential to secure access to justice for women and girls who have experienced CRSV. An approach which applies the principles and practices outlined above ensures that justice processes accommodate survivors' needs and actively support their agency and participation in decision-making, in line with their will and preferences.³⁹ It is the active, respectful, and meaningful involvement of survivors and affected communities in designing, implementing, and evaluating the processes of justice, including investigation protocols, outreach strategies, support services, and the nature of legal / transitional justice proceedings. The approach ensures that survivors' voices, experiences, and priorities shape the system intended to serve them.

- 4.1.15 How a human rights-based approach is achieved in practice is discussed in greater detail in 4.11 below, concerning inclusion of survivors in the justice process.

4.2 Addressing Legislative Shortcomings

- 4.2.1 In implementing its Security Council mandate and enhancing access to justice for women and girls who are survivors of CRSV, the Team of Experts recommends taking a “two-track” approach to governing law and legislative reform. That is: one should both seek to work within the existing legislative framework to advocate for a progressive interpretation of existing law that enhances access to justice and accountability for

³⁵ *General recommendation No. 33 on women's access to justice*, Committee on the Elimination of Discrimination Against Women, CEDAW/C/GC/35 (2017) at para. 21

³⁶ See the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation.

³⁷ S/RES/2467 (2019) para. 18; See also *Report of the Secretary-General: Women and girls who become pregnant as a result of sexual violence in conflict and children born of sexual violence in conflict (S/2022/77)*.

³⁸ See also art 67 of the Rome Statute to the ICC. As art 68(3) acknowledges, the consideration of the interests of the victim cannot be prejudicial to the rights of the accused and a fair and impartial trial.

³⁹ *Murad Code* (2022), at 5.

women and girls, while at the same time advocating for legislative reforms that would codify positive practice, align with international law, and have a structurally transformative effect that would lead to greater access to justice. Relevant “governing law” in the context of the Team of Experts’ work generally includes the member state’s constitution, criminal code (including, to the extent applicable, the codification of the Rome Statute and/or other international crimes), the criminal procedure and evidence codes (including medico-legal evidence), rules of court procedure, victims and witness protection laws (if any), legal aid legislation, and legislation regarding reparation or other transitional justice measures.

4.2.2 As described above, the Team of Experts is mandated to work closely with national legal and judicial officials and other relevant personnel to address impunity and draw attention to the full range of justice mechanisms to be considered; and to identify gaps in the national response. The Team’s experience in over 15 years of work is that this kind of assistance cannot be given to national authorities without first understanding the governing law and its strengths, weaknesses, and aspects which may be used to facilitate greater access to justice for CRSV survivors, including women and girls. Working within the existing legislative framework can achieve meaningful results for women and girls who are survivors of CRSV. For example, in Nigeria, where there is no international crimes legislation, in 2024 there was a successful prosecution for acts of sexual violence by a member of Boko Haram as terrorist acts ensuring a progressive interpretation of law that allows a fuller detail of the harm suffered by women and girls in Nigeria.⁴⁰ As well as achieving direct results for survivors in specific cases, this approach can result in jurisprudential development, as well as advances in legal and judicial practices which improve access to justice for women and girls more broadly.

4.2.3 However, to truly improve access to justice, through inclusive and equitable legal systems, eliminating discriminatory laws, policies, and practices, and overcoming structural barriers, legislative reform is often required. That was acknowledged by the Security Council in resolution 2467 (2019), in which it called upon Members States to:⁴¹

... strengthen legislation and enhance investigation and prosecution of sexual violence in conflict and post-conflict situations consistent with fair trial guarantees under international law, which could include enacting, if not yet established, victim and witness protection laws and providing, where appropriate, legal aid for survivors, and establishing, where appropriate, specialized police units and courts to address such crimes, removing procedural impediments to justice for victims such as restrictive limitation periods for filing claims, corroboration requirements that discriminate against victims as witnesses and complainants, exclusion or discrediting of victims’ testimony by law enforcement officials and within judicial and other proceedings, and lack of facilities for closed hearings ...

4.2.4 Thus, the other aspect of the Team of Experts’ approach to legislation focuses on advocating for legislative reforms which enhance access to justice for survivors of

⁴⁰ *The Tide Turns: the Prosecution of SGBV Crimes as a Terrorist Offence in Nigeria*, Adejoké Babington-Ashaye, Tanya Mehra, Matthew Odu Una (12 July 2024), <https://icct.nl/publication/tide-turns-prosecution-sgbv-crimes-terrorist-offence-nigeria>.

⁴¹ Security Council resolution 2467 (UN. Doc. S/RES/2467), 23 April 2019, at para. 14.

CRSV. That includes advocating for the adoption of provisions outlined in the Office of the SRSG-SVC's *Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual Violence* (2021) (Model Legislative Provisions).⁴² The CEDAW Committee has further recognized the Model Legislative Provisions as one of the sources used to analyse states' obligations under CEDAW in relation to CRSV and to inform relevant recommendations.⁴³

4.2.5 The Model Legislative Provisions contains both substantive criminal law for the full range of CRSV crimes, modes of liability and criminal procedural law. It aims at codifying principle of non-discrimination to ensure harmful stereotypes based on gender or social categories are avoided.⁴⁴ Various other survivor-oriented provisions, such as art. 50 (guaranteeing rights to information), art. 54 (requiring training for individuals working with CRSV survivors), art. 56 (principles of evidence in sexual violence cases such as the prohibition of questions into a survivor's past sexual history), art. 55 (protective measures), art. 58 (victim's participation), art. 59 (which sets out principles which all investigations into CRSV offences should be conducted in accordance with), and art. 66 (regarding reparations) are similarly designed to ensure that survivors who participate in a criminal justice process are properly empowered to do so, only interact with personnel with specialist training, and that the conduct of any justice proceeding ensure the dignity, protection, and empowerment of survivors. These provisions address the full range of barriers to justice which can exist for survivors: during the investigation phase, during the prosecution and trial/appellate phase, and throughout sentencing and release. The Model Legislative Provisions also recognise that some barriers to justice faced by women and girls are structural (such as the availability of reparations and support services), and some relate to individuals they may interact with during the justice process: investigators, support persons, prosecutors and judges.

4.2.6 In multiple settings, the Team of Experts has successfully advocated for legislative reform, including in line with provisions of the Model Legislative Provisions. In Ukraine, for example, the Team of Experts advocated for the codification of international crimes, the adoption of a law on urgent interim reparations, and reforms to the legal aid and victims and witness protection system. The Team of Experts' efforts have also contributed to the proposal or adoption of legal reforms that reduce access to justice barriers for women and girls in the Central African Republic, the Democratic Republic of the Congo, Guinea, Libya, South Sudan, and Somalia.

⁴² *Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual Violence*, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (18 June 2021), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/06/report/auto-draft/OSRSG-SVC-Model-Legislative-Provisions-ENG.pdf>. The Model Legislative Provisions are also available in Arabic, French, Spanish, and Ukrainian.

⁴³ *Conflict-related sexual violence as Gender-based Violence against Women and Girls*, CEDAW Working Group on Gender-based violence, OHCHR 2022, at 8.

⁴⁴ *Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict-Related Sexual Violence*, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (18 June 2021), at 58.

4.3 A Holistic Response, including Multi-Sectoral Services, is Necessary for Access to Justice for Women and Girls who have Suffered CRSV

- 4.3.1 A survivor-centred approach necessitates promoting holistic responses to CRSV, such as the establishment and funding of referral systems to connect survivors with multi-sectoral services in a timely, safe and confidential manner.⁴⁵ Multi-sectoral support services generally include medical, psychosocial, and legal services as well as socio-economic and livelihood support.⁴⁶ Such services can both provide support to address immediate needs, and forms of support necessary to facilitate long-term recovery, empowerment, resilience and participation in the justice system. A truly survivor-centred approach puts the needs of the survivor first and empowers them to make an informed decision about whether to participate in a justice process, which necessitates their holistic and distinct needs are addressed. Moreover, psychosocial and physical consequences of sexual violence can act as obstacles for survivors to come forward, limiting their ability to access justice.⁴⁷ However, these measures should not be contingent on survivor participation in a justice process.
- 4.3.2 That has also squarely been the Team of Experts' experience. Across various conflict contexts, a holistic and trauma-informed response to CRSV, which acknowledges the multiple and intersectional nature of barriers to reporting, has proven to be an effective tool in not only improving access to justice in the sense of higher rates of reporting and participation in judicial proceedings, but also in developing long-term resilience and empowerment.
- 4.3.3 Reflecting its criticality, holistic justice has been referred to in frameworks of cooperation signed between the Special Representative to Secretary-General on Sexual Violence in Conflict on behalf of the United Nations with parties to armed conflict. As one example, the Framework of Cooperation with the Government of Ukraine and the United Nations on the Prevention and Response to CRSV (2022) refers to providing access to holistic services including medical services, psychosocial support and legal aid to all survivors of CRSV, especially women and girls, and more generally to strengthening all survivor-centred services (including as may be necessary sexual and reproductive health, psychosocial, legal, socioeconomic services, and sufficient and expeditious provision of relief and reintegration support).⁴⁸
- 4.3.4 At domestic level, access to psychological support for survivors is also an important feature of the Special Jurisdiction for Peace (JEP) in Colombia.⁴⁹ In the Central African

⁴⁵ *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* (United Nations, 2020), at 36.

⁴⁶ *Id.*, at 36–37.

⁴⁷ Barbara Bianchini, Sara Rubert, 'A Sustainable Psychosocial Model to Support the National Investigation and Prosecution of Conflict-related Sexual Violence Crimes' (2020) 18(2) *Journal of International Criminal Justice* 425, at 431.

⁴⁸ Framework of Cooperation between the Government of Ukraine and the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 3 May 2022. See also the recently signed Framework of Cooperation between the Republic of the Sudan and the United Nations on the Prevention and Response to Sexual Violence in Conflict, 15 April 2025.

⁴⁹ Caroline Davidson, Gender-Based Crimes and the Colombian Special Jurisdiction for Peace, 35 *Duke Journal of Comparative & International Law* 1-76 (2025) at 29.

Republic, the Team of Experts has worked with national authorities in their efforts to ensure accountability for CRSV. As part of the UN Joint Justice Project in the Central African Republic, the Team of Experts supports the Joint Rapid Response and Prevention Unit for Sexual Violence against Women and Children (UMIRR). In 2023, the UMIRR launched new referral pathways for women and girl survivors to streamline their experiences, avoid retraumatisation, and provide a more holistic response.⁵⁰

- 4.3.5 The role of civil society is also essential to these efforts. For example, in the *Kavumu* case in the Democratic Republic of the Congo over 40 girls from Kavumu, South Kivu between the ages of 18 months to 11 years sought medical treatment and psychological support at the Panzi General Reference Hospital in neighboring Bukavu following incidents of horrific sexual assault and genital mutilation. These incidents subsequently became the focus of a trial before the Military Court of South Kivu in 2017, where the Court tried and convicted eleven members of the local militia including local parliamentarian Frederic Batumike, for rape as a crime against humanity.⁵¹ At an early stage, civil society organisations coordinated with local service providers to provide support to survivors and ultimately advocate for investigation and prosecution into serious crimes of CRSV.⁵² Indeed, a fundamental feature of the successful outcome of the *Kavumu* case was the effective and structured coordination between multidisciplinary stakeholders with expertise in criminal investigation and prosecution strategy, collection of evidence, legal analysis, use of forensic medical tools, victims and witness protection, provision of legal aid, psychological assistance, logistical support, in concert with governmental actors in the justice system.⁵³ In the Central African Republic, improving legal aid support to CRSV survivors has been an important aspect of the effectiveness of the work of the Special Criminal Court.⁵⁴
- 4.3.6 Without the provision of holistic services and support, survivors of CRSV including women and girls will face significant barriers to justice. Increasing such services, reduces those barriers and conforms with the approaches and principles set out above.

4.4 *Specialised Prosecution Units and Courts Enhances Access to Justice for Women and Girls who have Suffered CRSV*

- 4.4.1 It is increasingly common for states to establish specialised war crimes units within their police force and/or prosecution offices. By way of short example, such units exist globally including in Argentina, Canada, Germany, Uganda, and Sweden.
- 4.4.2 Ideally, such units will have a sub team with dedicated CRSV expertise. In various settings, establishing specialised CRSV investigation and prosecution units has proved an

⁵⁰ 2023 Annual Report of the United Nations Team of Experts on Rule of Law and Sexual Violence in Conflict, 2024, at 34–35.

⁵¹ *Batumike et al.*, Cour Militaire du Sud Kivu, Judgment, RP 0105/2017, (13 December 2017), <https://trialinternational.org/wp-content/uploads/2018/07/Arret-Kavumu-HCM.pdf>.

⁵² Daniele Perissi, Karen Naimer, ‘Achieving Justice for Child Survivors of Conflict-related Sexual Violence in the Democratic Republic of the Congo: The *Kavumu* Case’ (2020) 18(2) *Journal of International Criminal Justice* 293, at 299.

⁵³ *Id.*, at 304.

⁵⁴ Phuong N Pham, Mychelle Balthazard, Patrick Vinck, ‘Assessment of Efforts to Hold Perpetrators of Conflict-related Sexual Violence Accountable in Central African Republic’ (2020) 18(2) *Journal of International Criminal Justice* 373, at 385.

effective way to ensure a survivor-centred approach and enhance access to justice for survivors. For example, the ICTR's *Best Practices Manual for the Investigation and Prosecution of Sexual Violence Crimes in Post-Conflict Regions* advises that prosecution offices should consider establishing a unit or working group responsible for coordinating sexual violence cases, and to serve as a resource for investigators and prosecutors in the management of these cases, including ensuring that victims and witnesses receive the support and treatment they require. Such units should be comprised of investigators, prosecutors, witness support personnel, counsels and interpreters with specialised training in the conduct of sexual violence cases and treatment of victims. Ideally, the unit will also be responsible for maintaining practice-based manuals and training programs, training any persons deployed to the field, and for coordination with other organisations including international organisations.⁵⁵ However, it is also important that such investigators and prosecutors are not entirely siloed. They should coordinate closely with, or be integrated into, wider investigation and prosecution teams, so that CRSV investigations do not become detached from wider investigations into criminality and responsibility.⁵⁶ The importance of developing expertise has also been emphasized in the Balkans.⁵⁷

- 4.4.3 This approach has also been adopted in multiple conflict and post-conflict contexts, including in relation to the crimes committed by Da'esh in Iraq and Syria,⁵⁸ in Colombia in work by the Special Jurisdiction for Peace, and more recently in Ukraine, where the government has established a dedicated CRSV unit in the Office of the Prosecutor General (supported by the Team).
- 4.4.4 This approach ensures that all persons who interact with CRSV survivors, including women and girls, are trained to do so in a survivor-centred and trauma-informed way, that appropriate services are available, that all sexual violence investigations are appropriately prioritised and progressed, and that knowledge is disseminated — all of which can fundamentally change how women and girls access justice for CRSV crimes. Further, these practices can create important changes in throughout the justice system for non-conflict related cases of sexual and gender-based violence
- 4.4.5 It is also important that international crimes expertise exists within the judiciary. As such, specialised courts have an important role to play. In Guatemala, the High Risk Tribunal has produced several groundbreaking results illustrating how specialised courts can enhance access to justice for women and girls. The *Sepur Zarco* case concerned events in the 1980s, during the decades-long conflict between the Guatemalan government and

⁵⁵ ICTR, *Best Practices Manual for the Investigation and Prosecution of Sexual Violence Crimes in Post-Conflict Regions: Lessons Learned from the Office of the Prosecutor for the International Criminal Tribunal for Rwanda*, 30 January 2014, at 24–26.

⁵⁶ *Id.*, at 11–12, and Stephanie Barbour, 'Supporting Accountability for Sexual Violence in the Syria and Iraq Conflicts: Innovations, Good Practices, and Lessons Learned through Private Criminal Investigations', (2020) 18(2) *Journal of International Criminal Justice* 397, at 408.

⁵⁷ See Jarvis, Michelle and Kate Vigneswaran, 'Challenges to Successful Outcomes in Sexual Violence Cases', in Baron Serge Brammertz, and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (2016; online ed., Oxford Law Pro), at 54.

⁵⁸ *Id.*, at 407–408.

indigenous groups. Armed forces attacked the indigenous community of Sepur Zarco, killing and displacing the male Q’eqchi’ leaders. The military established the Sepur Zarco detachment, which operated as a military base for over six years, where women and young girls endured confinement, rape, as well as forced domestic and sexual servitude.⁵⁹ In 2011, 15 female survivors, with the support of the Alianza Rompiendo el Silencio y la Impunidad (La Alianza), a civil society alliance, filed a criminal complaint for the crimes committed in Sepur Zarco. The case was later transferred to a High Risk Tribunal, where two commanding officers were tried and convicted for crimes against the duties of humanity under art. 378 of the Guatemalan Criminal Code, in the form of sexual violence, sexual slavery, domestic slavery and outrages upon personal dignity, among others.⁶⁰ More recently, the same court delivered a similarly important result in the *Maya Achi* case. The War Crimes Chamber in Bosnia and Herzegovina, and the Special Criminal Court in the Central African Republic, have similarly produced several important justice outcomes for women and girl survivors of CRSV. Importantly, all three courts form part of the national legal system, with international assistance and support.

4.5 Case Prioritisation and Strategies that Focus on CRSV can Enhance Access to Justice

- 4.5.1 In a similar vein, prosecution strategies and policies that prioritise CRSV cases are necessary to ensure that CRSV charges are not marginalised or treated as collateral crimes, as has too often been the case historically.⁶¹ At every stage of an investigation and prosecution, decisions about prioritization are unavoidable. As the ICTY prosecutors experienced, that fact stems from the overwhelming volume of crimes usually at issue during or following a conflict, and the large amount of discretion wielded by investigators and prosecutors.⁶² Resource constraints will very often also play a role as it is simply not possible to investigate and prosecute every alleged international crime following a conflict in court.
- 4.5.2 Decisions to prioritize certain allegations or perpetrators can be based on a range of criteria, such as the severity of the allegations and gravity of harm, the alleged number of victims or the nature of the offence. However, the experience at the ICTY (shared by the Team of Experts) highlights that without active prioritization of CRSV cases, investigative and prosecutorial decisions may be informed by biases or misconceptions (for example that sexual violence crimes are opportunistic rather than linked to the broader conflict) which overlook those crimes.⁶³ Active prioritisation of CRSV cases is therefore critical to ensure those survivors — generally, overwhelmingly women and girls — are given access to justice.
- 4.5.3 Decisions to prioritize sexual violence charges should ideally be made at the commencement of an investigation, as they will inform planning and strategy, including

⁵⁹ Claudia Martin & Susana SáCouto, *Access to Justice for Victims of Conflict-Related Sexual Violence: Lessons Learned from the Sepur Zarco Case*, 18 J. INT’L CRIM. JUST. 243, 245-46 (2020).

⁶⁰ *Id.*, at 244–246.

⁶¹ ICTR, *supra* note 55, at 11.

⁶² Jarvis, Michelle, and Kate Vigneswaran, *supra* note 57, at 54.

⁶³ *Id.*, at 54–58.

which perpetrators to pursue and what evidence to collect. Prioritization must continue through the indictment phase, when strategic decisions are being made about what to prioritize and what to exclude, as well as what modes of liability to rely upon.⁶⁴ This approach ensures that sufficient admissible evidence is obtained to establish both the fact of sexual violence but also the accused's responsibility, and that the charges are given the same level of emphasis as other charges during the charging and trial phase.⁶⁵

- 4.5.4 The series of convictions for serious CRSV crimes committed in both North and South Kivu in the Democratic Republic of the Congo, including in the *Kavumu* case, would not have occurred without the decision by the Congolese military justice system (with assistance from both international organisations including the Team of Experts, and civil society organisations) to deliberately prioritise a number of CRSV cases, including *Kavumu* case.⁶⁶ Doing so at the national level allowed for the survivors, their families, and the affected communities to participate more actively in the process, reinforcing their agency and supporting their recovery.⁶⁷
- 4.5.5 Indeed, implementing specific policy on addressing CRSV through early, coordinated action is essential to improve access to justice for women and girls, hold perpetrators accountable and combat impunity. In Guinea, the early involvement of international expertise following the 28 September 2009 massacre and mass rape at the stadium in Conakry led to the criminal conviction of eight high-ranking officials for crimes against humanity, including sexual violence in July 2024. In the Central African Republic, the President endorsed a 2024 action plan on the *Fight Against Gender-Based and Conflict-Related Sexual Violence*, providing a roadmap for coordinated national and international efforts supported by allocated resources.

4.6 *Enhancing Justice for Women and Girls through Specialized CRSV Skills Training*

- 4.6.1 Most states that experience a conflict do not have investigators and prosecutors with pre-existing expertise on conflict-related crimes, much less on conflict-related sexual violence crimes. Moreover, depending on the nature of the conflict, state officials may be among those suspected of conflict-related crimes in the wake of the conflict. In those circumstances, there may not be the infrastructure for women and girls who have experienced CRSV to report on their experiences; and the involvement of state officials will often pose a significant barrier to reporting.
- 4.6.2 Generally, then, it is paramount that practitioners working in the investigation or prosecution of CRSV cases are vetted and receive comprehensive and ongoing legal and investigative education and specialized skills training. Such training is particularly important for work on CRSV cases, given the inherent difficulties, the need to develop the skills to build rapport with survivors, how to conduct appropriate interviews, and also

⁶⁴ *Id.*, at 55.

⁶⁵ *Id.*, at 11–12.

⁶⁶ Daniele Perissi, Karen Naimer, *supra* note 52.

⁶⁷ *Id.*, at 306.

correct any misconceptions about the nature of CRSV.⁶⁸ Training should cover various topics to ensure the full range of conflict-related crimes including CRSV that impact women and girls are duly examined. These include investigation planning, interviewing techniques, the impact of trauma, the use of medico-legal and forensic evidence, dispelling common misconceptions, and how to apply governing law and modes of liability to different scenarios. While each form of training plays an important role, the Team of Experts' experience in multiple contexts is that situationally tailored, scenario-based and practical real-life exercise-based training for all practitioners — investigators, prosecutors, legal aid providers and judges — is required to ensure the development of dynamic skills.⁶⁹

- 4.6.3 More specifically, practitioners should be trained on how to develop an investigation plan which takes account of the conflict and cultural context, how to recognise patterns of CRSV, the elements of such offences in domestic and international law, modes of liability, procedures for collecting and preserving evidence, as well as how to deal with and interview survivors in a trauma-informed manner, which in turn requires an understanding of the unique trauma CRSV victims suffer, how to identify such symptoms and how to respond to them, how trauma may affect recollection and presentation, and how to avoid retraumatisation.⁷⁰ For example, the ICTY's Office of the Prosecutor implemented a training module which involved mock interviews using interpreters, to teach prosecutors how to take witness statements from traumatised witnesses. Training also covered various factual scenarios that could give rise to crimes within the ICTY's jurisdiction.⁷¹ At the domestic level, the Team has implemented intensive and foundational scenario-based training for investigators, prosecutors, and judges that goes beyond traditional lectures on international law. The training covers developing investigative plans, conducting mock interviews with actors using the PEACE model⁷² to simulate interactions with survivors and witnesses, understanding the impact of trauma, and the proper use of medico-legal and forensic evidence. This training model has been applied across diverse contexts, including Central African Republic, Democratic Republic of the Congo, Guinea, and Ukraine. The Team's training and mentoring have produced tangible improvements in access to justice for women and girls in each of these contexts. As a result, not only have more cases been successfully investigated and prosecuted, but cases involving CRSV have also progressed further up the chain of command, ensuring that higher-ranking perpetrators are held accountable. This has strengthened overall accountability, increased deterrence against future violations, and

⁶⁸ Jarvis, Michelle, and Najwa Nabti, 'Policies and Institutional Strategies for Successful Sexual Violence Prosecutions', in Baron Serge Brammertz, and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (2016; online ed., Oxford Law Pro) at 85.

⁶⁹ *Id.*, at 85; Brammertz, Baron Serge, Michelle Jarvis, and Lada Šoljan, 'Using the OTP's Experience with Sexual Violence Prosecutions as a Springboard for Building National Capacity', in Baron Serge Brammertz, and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (2016; online ed., Oxford Law Pro), at 360; and *Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence* (United Nations, 2020), at 141.

⁷⁰ ICTR, *supra* note 55, at 12–13 and 27. See also Jarvis, Michelle, and Najwa Nabti, *supra* note 68.

⁷¹ Jarvis, Michelle, and Najwa Nabti, *supra* note 68.

⁷² See, e.g., *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law*, *supra* note 29, at 163–184. The PEACE Model provides a professional framework to conduct effective and ethical interviews which are conversational in tone. The PEACE mnemonic represents all five phases of an investigative interview: Planning and Preparation, Engage and Explain, Account and Clarification, Closure, and Evaluation.

reinforced the principle that crimes of sexual violence will not go unpunished, providing survivors with greater confidence in the justice system.

- 4.6.4 It is important to note that training is an ongoing, rather than discrete, need. Ongoing professional development, including training and related mentoring, allows for the implementation of more complex and specialised training sessions over time. Ideally, training and mentoring should be available to all justice sector practitioners, including members of the judiciary (who will also interact with women and girl survivors of CRSV during the justice process, and be responsible for interpreting and applying CRSV laws) and legal aid provider's/victim's lawyers.
- 4.6.5 Thus, the careful and comprehensive training of practitioners who interact with survivors of CRSV, including women and girls, is critical to reducing barriers to accessing justice. Combined with the deployment of international experts who can work side by side with national practitioners ensures that skills are being applied appropriately whilst addressing challenges as they arise. By combining specialised training with the deployment of experts, working alongside national colleagues, the Team avoids a "helicopter approach" to capacity-building. This dual strategy significantly enhances the ability of justice practitioners to identify survivors and engage with them in a survivor-centred, trauma-informed, and sensitive manner throughout every stage of the justice process.

4.7 *Strengthening Access to Justice for CRSV via Structural and Macro-Level Investigations*

- 4.7.1 Structural investigations and/or a "macro-criminal" approach to investigating and prosecuting CRSV crimes can improve access to justice for survivors, including women and girls. In several jurisdictions, structural investigations are used to focus on crimes which have taken place even when potential perpetrators have not been identified, and have proven effective at identifying patterns of offending, linkage evidence, and gathering sufficient evidence to eventually charge those most responsible for crimes, including crimes of conflict-related sexual violence. Structural investigations are becoming more commonplace in domestic jurisdictions operating under universal or other types of jurisdiction to prosecute international crimes, such as Germany, Canada, Argentina, and the United Kingdom.
- 4.7.2 In Colombia, meanwhile, the JEP has applied such an approach by grouping together multiple related crimes reflecting broader patterns of criminality, allowing prosecutions to focus on those most responsible in "macro cases."⁷³ Some cases have been grouped thematically, and others geographically (see below).
- 4.7.3 Investigating and prosecuting CRSV and other gender crimes in this way, with a focus on patterns of criminality, can help to contextualise gendered violence, explain its causes,

⁷³ Caroline Davidson, *supra* note 49, at 27; and International Center for Transitional Justice, Macro-Criminality and the Case of Colombia: ICTJ Translates Herbert Jäger's Seminal Work into Spanish, 18 September 2023, <https://www.ictj.org/latest-news/macro-criminality-and-case-colombia-ictj-translates-herbert-j%C3%A4ger%E2%80%99s-seminal-work>.

identify forms of prevention, and underscore how these crimes can be used as a tactic of war or terrorism.⁷⁴ It also helps to overcome the perception that unlike other conflict-related crimes, CRSV is “opportunistic” and “isolated”, rather than inherently connected to conflict.⁷⁵ Moreover, it also recognises that CRSV crimes often affect not just individual survivors but the communities around them, and places the CRSV in its proper historical and social context.

- 4.7.4 The case of *Anwar R* in Germany, known also as the *Al-Khatib* case, is one example.⁷⁶ Germany opened a structural investigation into crimes committed in Syria. As part of that investigation, it identified defendant Anwar R for his role in the torture and sexual abuse of over 4,000 detainees at the Al-Khatib branch of the Syria General Intelligence Directorate, who were allegedly held under his command. In January 2022, Anwar R was convicted for committing crimes against humanity in the form of killing, torture, serious unlawful detention, rape and sexual assault as well as ordinary crimes of murder, grievous bodily harm, especially grievous rape and sexual assault, false imprisonment, the taking of hostages and the sexual abuse of prisoners. This approach allowed survivors of the conflict in Syria to access justice in a third State.
- 4.7.5 In September 2023, the JEP in Colombia opened Macro Case 11, an ongoing investigation into gender-based violence, sexual violence, reproductive violence and other crimes based on prejudice against sexual orientation or gender identity committed by the FARC-EP during the Colombian armed conflict between 1957 and 2016. It aims to address the root causes of gender-based violence against women and girls as well LGBTQ+ people in armed conflict. The method of investigation demonstrates the importance of case prioritisation and strategy as detailed above, prioritising sexual and gender based violence; provides a potential pathway for a greater number of survivors to participate; and ensures that contextual evidence is gathered, which situates the harm done to them in its proper context, identifying root causes, and pathways to restoration and prevention, not just for affected individuals, but for entire communities.

4.8 *Transforming Prosecutorial and Judicial Practice to hold High-Level CRSV Perpetrators Accountable through Cumulative Charging and Diverse Modes of Liability*

- 4.8.1 In a conflict setting, a single course of conduct will often encompass multiple international crimes, as well as multiple actors with differing levels of responsibility and modes of involvement in the conduct. A persistent challenge for prosecutors is determining how best to capture their conduct and involvement in an indictment.

⁷⁴ Caroline Davidson, *supra* note 49, at 71–72. However, it should be noted that while the SJP approach can also help to ensure accountability for those most responsible, others have argued that it can impose a further hurdle in CRSV cases, requiring proof of a pattern which is not an element of any CRSV crimes per se. The same critique is not applicable to structural investigations into core international crimes in national jurisdictions.

⁷⁵ Jarvis, Michelle, 'Overview: The Challenge of Accountability for Conflict-related Sexual Violence Crimes', in Baron Serge Brammertz, and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (2016; online ed., Oxford Law Pro) at 5.

⁷⁶ Oberlandesgericht Koblenz [Koblenz Higher Regional Court] February 24, 2021, 1 StE 3/21.

- 4.8.2 In many jurisdictions, including the ICC, ICTY and ICTR, prosecutors are permitted to include multiple crimes or modes of liability in an indictment (i.e. charge cumulatively) where it is necessary to do so to reflect the gravity of the harm done, and the essential criminality of the conduct. At the national level, the Team has consistently encouraged to consider cumulative charging of core international crimes, yet in many contexts judicial culture remains the primary barrier to doing so.
- 4.8.3 For example, the experience of prosecutors at the ICTY was that cumulatively charging both stand-alone sexual violence crimes, and crimes which situate those acts as part of broader campaigns through crime categories such as genocide and persecution, was prudent to both link senior leaders to sexual violence crimes, while at the same time ensuring the crimes themselves, and their gendered nature, were not obscured.⁷⁷ In the context of CRSV as a tactic of terrorism, it has been consistently recommended that sexual violence crimes be charged cumulatively as core international crimes alongside charges of terrorism to fully reflect crimes that have happened to women and girls.⁷⁸ For example, in Nigeria, the Team has assisted in changing judicial culture to include sexual violence as a contextual element of terrorism charges, in cases against Boko Haram. Similarly, charging multiple or alternative modes of liability is important to broaden the scope of an indictment and improve the prospect of a conviction.⁷⁹ These measures not only increase the likelihood of a conviction, but importantly they also increase the likelihood of a conviction which more fully reflects the harm suffered by women and girls.

4.9 Ensuring Access to Justice through Victim and Witness Protection in CRSV Cases

- 4.9.1 Providing appropriate witness protection and support, tailored to the circumstances of each case and the needs of each survivor, is an essential part of facilitating access to justice for CRSV survivors, including women and girls. Indeed, securing protection is an essential aspect of survivor-centred justice.⁸⁰

Building a protective environment

- 4.9.2 Ideally, protection measures should be implemented at the early stages of an investigation. For example, in the Democratic Republic of the Congo, preventative protection measures to ensure the security of victims and witnesses were implemented at the early stages of investigation in the *Minova* case, in which 39 defendants were prosecuted for their roles in the rapes of at least 76 women and girls by thousands of retreating army troops in the town of Minova and neighbouring villages in 2012.⁸¹ Soon

⁷⁷ Jarvis, Michelle, and Kate Vigneswaran, *supra* note 57, at 59–60.

⁷⁸ See, e.g., S/RES/2331 (2016).

⁷⁹ Joy, Barbara, Michelle Jarvis, and Giulia Pinzauti, 'Contextualizing Sexual Violence and Linking it to Senior Officials: Modes of Liability', in Baron Serge Brammertz, and Michelle Jarvis (eds), *Prosecuting Conflict-Related Sexual Violence at the ICTY* (2016; online ed., Oxford Law Pro), at 256.

⁸⁰ Luke Moffett, *Justice for Victims before the International Criminal Court* 128–9, 133 (2014).

⁸¹ Human Rights Watch, *Justice on Trial: Lessons from the Minova Rape Case in the Democratic Republic of the Congo* 13–19 (2015).

after the events occurred, MONUSCO stationed soldiers around the region.⁸² MONUSCO's protection unit also conducted, in conjunction with civil society actors, a protection and vulnerability evaluation mission in Minova in late January 2013, as well as protection trainings for all participants in the trial.⁸³ In addition to physical protection, additional measures were undertaken to minimise retraumatisation of sexual violence victims, such as military investigators wearing civilian clothes while interviewing survivors, to avoid reminding survivors of the violence they suffered at the hands of military perpetrators; the availability of psychologists; and allowing female counsellors or local activists who the survivors knew well were allowed to accompany them during their investigative interviews.⁸⁴ Although the case resulted only in two rape convictions out of 39 defendants, the witness and victim protection measures allowed more individuals to participate and provided some level of access to justice.

Protection measures during trial

- 4.9.3 There are several important protection and support measures available during trial which have proven especially effective for sexual violence survivors: use of confidentiality measures to conceal the nature of evidence given, anonymity measures to conceal the identities of witnesses/survivors, including testifying under pseudonyms, use of voice or image distortion technology, or the use of screens to shield victims; and other special measures such as having support people during testimony, monitoring the kinds of questions which can be asked of survivors, use of video conference technology to avoid the survivor being in the same room as the accused, and ready access to medical and psychological professionals. Whilst the availability of such measures may depend on legislation, practitioners should work creatively within their legislative and regulatory frameworks to achieve measures which offer some measure of protection.
- 4.9.4 In the *Ongwen* case before the ICC, which involved allegations of sexual violence against women and girls abducted and placed in the accused's household, as well as numerous others held in similar conditions within his military brigade in Uganda between July 2002 and December 2005, the Court ordered the use of a pseudonym and face distortion during testimony for nine of the 10 witnesses testifying at the trial about sexual violence and gender-based crimes, as well as the additional use of voice distortion to withhold the identity of two of these witnesses from their own families.⁸⁵ In doing so, the Court noted their vulnerability as victims of sexual violence, and that seven of the victims were abducted and subjected to sexual violence as children.⁸⁶ The protective measures were ordered primarily to protect their state of mind and dignity.⁸⁷
- 4.9.5 At the national level, the *Kavumu* case in the Democratic Republic of the Congo, discussed at 4.3.5 above, featured several groundbreaking protection measures which

⁸² *Id.* at 55–6.

⁸³ *Id.* at 56.

⁸⁴ *Id.* at 57.

⁸⁵ *Prosecutor v. Dominic Ongwen*, Trial Chamber IX, Decision on the 'Prosecution's application for in-court protective and special measures', ICC-02/04-01/15, 29 November 2016, para. 21.

⁸⁶ *Id.*, at para. 16 to 21.

⁸⁷ *Id.*, at para. 22.

were implemented throughout the proceedings to support the vulnerable child victims.⁸⁸ The Prosecutor and Task Force partners arranged a secure environment for the victims to be interviewed by specialised clinicians, including forensic doctors and a paediatric forensic psychologist.⁸⁹ These interviews were recorded and aimed to document the details of the events and gather forensic evidence regarding the physical injuries and psychological trauma each child endured.⁹⁰ During the trial, the court, following Congolese procedural law and ICC Rules of Procedure and Evidence concerning the Protection of Victims and Witnesses, decided to use these recordings instead of summoning the survivors as witnesses, ensuring their protection. The recordings and transcripts were disclosed to the defence.⁹¹ Additional special measures implemented during the trial included using voice modification technology, closing the court during survivor testimony, allowing witnesses to wear head-to-toe coverings, using codes instead of names for witnesses and victims to ensure anonymity, and placing dividers between the survivors and the defendants in court.⁹² These protective measures ensured that the identities of the victims were protected and set an important precedent for survivor-centred prosecution of sexual violence in the DRC.⁹³ Various important protection measures, such as use of pre-recorded testimony and physical concealment during in-court testimony, the availability of psychologists, and the use of safe routes for survivors entering and exiting the courtroom, were also used in the *Sepur Zarco* case in Guatemala, discussed at [4.4.5].⁹⁴

4.9.6 As these cases reflect, women and girls who have experienced CRSV often continue living in the same communities they were in when the violence against them occurred, often in close proximity to the alleged perpetrators. That state of affairs may continue both throughout the justice process, and in its wake. As such, it is essential that, as occurred in those cases, protection and support measures exist throughout the justice process and remain in place on the formal process has ended.

4.9.7 The importance of psycho-social support bears emphasising as a measure of protection. Survivors of CRSV may face many consequences that affect their ability to participate in criminal proceedings, such as shame and stigma, social exclusion, and trauma.⁹⁵ As such,

⁸⁸ Daniele Perissi and Karen Naimer, *supra* note 52, at 293, 295–6, and 303–5.

⁸⁹ *Id.*, at 304.

⁹⁰ Karen Naimer, Muriel Volpellier and Denis Mukwege, ‘The Case of Kavumu: A Model of Medicolegal Collaboration’, *The Lancet* 2651–2654 (2019), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)30649-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30649-X/fulltext)

⁹¹ *Batumike et al.*, Cour Militaire du Sud Kivu, Judgment, RP 0105/2017, (13 December 2017), https://trialinternational.org/wp-content/uploads/2017/12/Arret-final_Kavumu_CM.pdf

⁹² *Id.*; Physicians for Human Rights, ‘Justice for the Children of Kavumu’, <https://phr.org/impact/a-victory-for-justice-in-the-congo/>; Office of the United Nations High Commissioner for Human Rights, *Strategic litigation for sexual and gender-based violence: Lessons learned* 10 (2019); Daniele Perissi and Karen Naimer, ‘Achieving justice for child survivors of conflict-related sexual violence in the Democratic Republic of the Congo: The *Kavumu* case’ (2020) 18(2) *Journal of International Criminal Justice* 293, 303–4.

⁹³ Perissi and Naimer, *supra* note 52, at 303–4.

⁹⁴ Susana SáCouto, Alysson Ford Ouoba and Claudia Martin, “Documenting good practice on accountability for conflict-related sexual violence: The *Sepur Zarco* Case” *Peace, Security, Humanitarian, and Resilience Section of UN Women, American University Washington College of Law*, (May 2022), <https://www.unwomen.org/sites/default/files/2022-07/Research-paper-Documenting-good-practice-on-accountability-for-conflict-related-sexual-violence-Sepur-Zarco-en.pdf>, at 11, 22, 24 and 62.

⁹⁵ Ellie Smith ‘Victims in the Witness Stand: Socio-Cultural and Psychological Challenges in Eliciting Victim Testimony’, in *Victim Participation in International Criminal Justice: Practitioners’ Guide: Vol 11* 315, 320, 328 (Kinga Tibori-Szabó and Megan Hirst eds., 2017).

sexual violence victims will often require specialist support, rehabilitation, and medical intervention to ensure their effective participation and safety during criminal proceedings.⁹⁶ Ideally, psychosocial interventions will occur at the investigation and pre-testimony phase, during the testimony phase, and afterwards.⁹⁷ This form of support is there an essential step in reducing barriers for women and girls who have experienced CRSV to access justice.

- 4.9.8 The Team of Experts' experience is that national authorities understand the criticality of witness protection and support. It is indeed one of the most requested areas of support by Member States. The lack of adequate victim and witness protection and support is one of the largest barriers for women and girls seeking justice for CRSV. The Team continues to advocate for and deliver specialized victim and witness protection as a necessary component of CRSV cases.

4.10 Cooperation

- 4.10.1 Many conflicts – such as those involving Boko Haram, the Lord's Resistance Army, and Da'esh – are cross-border in nature. Cross-border conflicts necessitate cross-border cooperation and judicial responses to international and transnational crimes. Cross-border cooperation, including extradition and legal cooperation, is envisaged in a number of international criminal law treaties including the Rome Statute, the Convention against Torture, and the United Nations Convention against Transnational Organized Crime. Cooperation can also be understood as a natural corollary of the obligation to prosecute certain core international crimes, such as CRSV. Such cooperation was also encouraged by the Security Council in resolution 1888(9) (2009) and has been encouraged in subsequent resolutions addressing CRSV in the context of terrorism.⁹⁸ Such assistance can be facilitated through multilateral treaties focused on facilitating mutual legal assistance and extradition for atrocity crimes.⁹⁹ It is often essential to ensure that women and girls who have experienced CRSV have access to justice against perpetrators who may be physically present in a neighbouring state, outside their jurisdiction.
- 4.10.2 Moreover, while each conflict and post-conflict context is unique, law enforcement and judicial actors across jurisdictions face similar challenges in pursuing accountability for CRSV crimes and improving access to justice for survivors. Many of these recurrent challenges have been discussed in this paper: including barriers to reporting for survivors, limited specialized investigative and prosecutorial skills, capacity, resourcing and training, identifying and collecting admissible evidence, and ensuring victim and witness protection throughout criminal proceedings.

⁹⁶ Moffett, *supra* note 80, at 34.

⁹⁷ Barbara Bianchini and Sara Rubert, 'A Sustainable Psychosocial Model to Support the National Investigation and Prosecution of Conflict-related Sexual Violence Crimes' (2020) 18(2) *Journal of International Criminal Justice* 425, at 434–441.

⁹⁸ S/RES/2331 (2016) paras. 2, 11, 17; See also S/RES/2253 (2015), at page 5 of preamble (evidence sharing for CRSV) and para. 12 (recalling chapter VII binding obligations for extradition in the context of terrorism).

⁹⁹ See, for example, *Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and other International Crimes*.

4.10.3 International cooperation plays an important role in ensuring that best practices, which have proven effective at improving access to justice in one jurisdiction, are shared in others. The Team of Experts, as the only global, UN Security Council mandated, mechanism to support Member States to address impunity for CRSV, plays an important role in disseminating knowledge and best practices in different national jurisdictions, as do the civil society organisations which also work across multiple contexts, and create knowledge exchange. This was validated by the 50 national CRSV prosecutors who attended the first-ever International Conference of Prosecutors on Accountability for Conflict-Related Sexual Violence, hosted in March 2024, who called for the creation of a Network and Community of Practice for Practitioners Pursuing Criminal Accountability for Conflict-Related Sexual Violence. This is an initiative that the Team of Experts is currently prioritising, and which should have a multiplier effect on the ability of States to cooperate on delivering justice for women and girls who have faced CRSV. It will enable institutionalising knowledge, skills, and lessons-learned from other contexts.

4.11 Inclusion of survivors in the justice process

4.11.1 As the ICC's *Policy on Gender-based Crimes* emphasises, survivors are too often seen as passive recipients of justice rendered, rather than as experts on accountability in their own right and designers of their future.¹⁰⁰ For survivors of CRSV including women and girls, participating in criminal proceedings can be a critical element in restoring agency to those who routinely face shame and stigma because of the nature of the violence suffered.¹⁰¹ Greater inclusion and participation of survivors in international criminal cases seeks to bring proceedings closer to the affected communities and, in doing so, strengthen their legitimacy.¹⁰² The promotion of survivor participation also recognises that survivors have a personal interest in the outcome of a criminal trial, in the identification, prosecution and punishment of the perpetrators, as well as in the restorative dimensions of the criminal process, particularly in establishing truth, empowering survivors, reclaiming their dignity and obtaining reparations.¹⁰³ Formalising methods of survivor participation in criminal proceedings can also represent an acknowledgement that survivors are agents and stakeholders in criminal proceedings.¹⁰⁴

¹⁰⁰ *Policy on Gender-based Crimes: Crimes involving sexual, reproductive and other gender-based violence*, International Criminal Court, Office of the Prosecutor (Dec. 2023), at 33.

¹⁰¹ UN Team of Experts on Rule of Law and Sexual Violence in Conflict, Foreword (2020) 18(2) *Journal of International Criminal Justice* 213, at 213.

¹⁰² Kai Ambos (ed.), *Treatise on international criminal law* (1st ed, 2016), at 170.

¹⁰³ *Id.*, at 177; Hrdličková at v; U.N. Secretary-General, The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, S/2004/616 (2004) at 39; Pablo de Greiff, UN Special Rapporteur on Truth, Justice, Reparations Guarantees of Non-Recurrence, report to the Human Rights Council, 2014 A/HRC/27/56 at 94; and Paolina Massidda, 'The Participation of Victims Before the ICC: A Revolution Not Without Challenges,' in *Advancing the Impact of Victim Participation at the International Criminal Court: Bridging the Gap Between Research and Practice* (Rudina Jasini and Gregory Townsend eds, 2020) 33, 33–34.

¹⁰⁴ Pablo de Greiff, UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence, *Report to the Human Rights Council*, 2014 A/HRC/27/56 at 94; and Stephen Cody, 'Procedural Justice, Legitimacy, and Victim Participation in Uganda,' in *The Legitimacy of International Criminal Tribunals* (Studies on International Courts and Tribunals), ed. Nubuo Hayashi and Cecilia Bailliet (Cambridge: Cambridge University Press, 2017), 376, 378.

- 4.11.2 Survivor inclusion should begin at the commencement of the investigation phase: including outreach to potentially affected communities, to notify them of the nature of the investigation and the legal rights of any survivors.
- 4.11.3 Population perception surveys can also be an effective means of establishing an understanding of the experiences of survivors and their views on how their needs can be better addressed, including through justice processes. They can also provide a baseline to track improvements in perceptions of access to justice over time.¹⁰⁵
- 4.11.4 There are then several ways survivors can participate in a justice process in practice: as a victim or joint plaintiff, by providing testimonial evidence, or by requesting reparations. The precise modality of participation in a given jurisdiction will depend on its criminal procedure laws.
- 4.11.5 In common law jurisdictions with adversarial systems, victim participation may be included, in giving evidence at trial, the provision of victim impact statements at sentencing, and in separate civil litigation.¹⁰⁶ In civil law jurisdictions under inquisitorial or hybrid models, victims participate differently in proceedings, such as by being a party to the proceedings as civil parties, joint plaintiffs or a subsidiary prosecutor.¹⁰⁷ The ICC attempts to blend different legal traditions together in its procedural law, allowing victims to be granted formal status as participants and engage with proceedings through legal representatives.¹⁰⁸ Victims are also granted in-person participatory rights to varying degrees at the Special Tribunal for Lebanon (STL) and the Extraordinary Chambers of the Courts of Cambodia (ECCC).¹⁰⁹ At the ECCC, victims are treated as civil parties and have appeared in person for the purpose of giving evidence only, whereas at the STL the system of victim participation follows that of the ICC.¹¹⁰ Accountability processes that occur as part of transitional justice mechanisms may also heavily prioritise victim participation throughout, in order to ensure victims are an essential part of achieving truth, justice and reconciliation in a post-conflict context.
- 4.11.6 An example of joint plaintiff status in a civil jurisdiction, in the *Al-Khatib* case in Germany, for example, 22 survivors were granted the status of joint plaintiffs, which entitled them to legal representation and other procedural rights, including questioning witnesses.¹¹¹ The case is a striking example of the impact survivors can have on the

¹⁰⁵ See for example Harvard Humanitarian Initiative, *Characterizing Sexual Violence in the Democratic Republic of the Congo: Profiles of Violence, Community Responses, and Implications for the Protection of Women*, August 2009.

¹⁰⁶ *Id.* at 58; Cody, ‘Procedural Justice’, *supra* note 104, at 378.

¹⁰⁷ Cody, ‘Procedural Justice’, *supra* note 104, at 378.

¹⁰⁸ Kinga Tibori-Szabó, Megan Hirst, ‘Introduction: Victim participation in international criminal justice’ in *Victim Participation in International Criminal Justice: Practitioners’ Guide (Vol 11)*, Kinga Tibori-Szabó, Megan Hirst (eds) (2017), at 1, 4.

¹⁰⁹ Daniella Rudy and Megan Hirst ‘Victims Appearing in Person Before a Chamber’ in *Victim Participation in International Criminal Justice: Practitioners’ Guide (Vol 11)*, Kinga Tibori-Szabó, Megan Hirst (eds) (2017), at 283, 284.

¹¹⁰ *Id.*, at 286, 300–301.

¹¹¹ ECCHR, “The al-Khatib trial in Koblenz, Germany: Q&A on the legal background,”

https://www.ecchr.eu/fileadmin/Q_As/QA_Koblenz_Syria_2022June.pdf; Human Rights Watch, “Q&A: First Syria State Torture Trial in Germany,” January 6, 2022, <https://www.hrw.org/news/2022/01/06/qa-first-syria-state-torture-trial-germany>; ECCHR, “Al-Khatib trial, day 108, 13 January 2022: Pronouncement of the verdict”, <https://www.ecchr.eu/en/case/trial-updates-first-trial-worldwide-on-torture-in-syria/>.

formal justice process. During the trial, it was *the joint plaintiffs* who petitioned the Court to amend the indictment to charges of sexual violence to international crimes, namely crimes against humanity.¹¹² Their status as joint plaintiffs and advocacy during the trial enabled sexual violence as a crime against humanity to be charged and proven as a standalone offense, and not subsumed by other crimes (such as torture).¹¹³ The case also underscores the value of legal representation, civil society partnership, and the provision of legal aid (as discussed at 4.3.5 above).

4.11.7 Similarly, in Switzerland, seven survivors were granted the status of private plaintiffs in the criminal trial against former Liberian rebel commander Alieu Kosiah. Kosiah was prosecuted in Switzerland under universal jurisdiction for crimes committed while he was commander of the rebel faction United Liberation Movement of Liberia for Democracy during the first Liberian civil war.¹¹⁴ He was convicted of several war crimes and crimes against humanity, including raping a civilian as well as repeatedly ordering and inflicting cruel, humiliating, and degrading treatment against several civilians.¹¹⁵ As private plaintiffs, the seven survivors were represented by victims' counsel and exercised several rights as formal parties to the proceeding, including the right: (i) to be assisted by a lawyer; (ii) to inspect case documents; (iii) to participate in procedural acts; (iv) to request that further evidence be taken; (v) to comment on the case and on the proceedings; and (vi) to challenge decisions taken by the federal police and prosecutors.¹¹⁶ Of the seven survivors, one was the survivor of Kosiah's rape and she also provided testimony before the Swiss Federal Criminal Court, which supported the first individual conviction for sexual violence committed during Liberia's first civil war.¹¹⁷

4.11.8 Finally, in the case of *Sepur Zarco* in Guatemala, the civil claimants played a pivotal role during the trial and in initiating the case itself. Three groups were recognised as “querellantes adhesivos” or “civil claimants”, with Mujeres Transformando el Mundo, Unión Nacional de Mujeres Guatemaltecas, and the survivors who organised and formed the Jalok U Collective at the core of the group of claimants.¹¹⁸ The status of “querellante

¹¹² ECCHR, “Torture in Syria on trial in Koblenz: A documentation of the Al-Khatib proceedings,” https://www.ecchr.eu/fileadmin/user_upload/ECCHR_AL-KHATIB_second_edition.pdf, at 13, 63.

¹¹³ Spencer Pery “Answering the Call to Prosecute Syrian Sexual Violence War Crimes in Sweden: Lessons Learned from the Anwar R. Prosecution in Germany” Berkley Journal of International Law, <https://www.berkeleyjournalofinternationallaw.com/post/answering-the-call-to-prosecute-syrian-sexual-violence-war-crimes-in-sweden>.

¹¹⁴ Civitas Maxima, Alieu Kosiah, <https://civitas-maxima.org/legal-work/our-cases/alieu-kosiah/>.

¹¹⁵ *Ministère public de la Confédération v. Kosiiah* (Jugement du 18 juin 2021) Cour des affaires pénales, SK.2019.17; affirmed by La Cour d’appel du Tribunal pénal fédéral on 1 June 2023: Tribunal pénal fédéral, ‘La Cour d’appel condamne Alieu KOSIAH pour crimes contre l’humanité et crimes de guerre (CA.2022.8)’, (1 June 2023), <https://75890720.flowpaper.com/CommuniqueCATPFAKFr/#page=1>.

¹¹⁶ Human Rights Watch, ‘Q&A: Swiss Trial for Liberia Atrocities: Universal Jurisdiction Paves Path for Justice’ (February 12, 2021), https://www.hrw.org/news/2021/02/12/qa-swiss-trial-liberia-atrocities-universal-jurisdiction-paves-path-justice#_What_are_%E2%80%9Cprivate_1.

¹¹⁷ Civitas Maxima, ‘First Conviction in Switzerland for Crimes Against Humanity,’ (June 1, 2023), <https://civitas-maxima.org/2023/06/01/first-conviction-in-switzerland-for-crimes-against-humanity/>; Civitas Maxima, ‘Liberian Plaintiffs Make Swiss and Liberian Legal History’, (18 June 2021), <https://civitas-maxima.org/2021/06/18/liberian-plaintiffs-make-swiss-and-liberian-legal-history/>.

¹¹⁸ According to the Guatemalan Law, the status of *querellante adhesivo*, is granted to the victim or their representatives. It can also be granted to any citizen or association of citizens when the claim is brought against any public official who committed human rights violations. The civil claimant can initiate or join criminal prosecution, they can also aid the prosecutor in

adhesivo” (or civil claimant) allowed the survivors to initiate the criminal proceeding before the judge, who then assigned the claim to a specialized Human Rights Unit of the Public Prosecutor’s Office.¹¹⁹ On 30 September 2011, 15 survivors, with the help of the civil society alliance,¹²⁰ filed a criminal complaint for the crimes committed in Sepur Zarco.¹²¹ The claim was filed before the Criminal Court of First Instance for Drug Trafficking and Crimes Against the Environment of the Municipality of Puerto Barrios, Izabal, and was then assigned to the specialised Human Rights Unit of the Public Prosecutor’s Office.¹²² The civil claimants requested the Prosecutor’s office to take specific measures such as exhumations and identification of seven members of the community, including the husband of one of the claimants. The claimants advocated ensuring that the charges against the accused explicitly included sexual violence and slavery as crimes against the duties of humanity.¹²³ The active involvement of survivors throughout the criminal proceedings was an essential aspect of the *Sepur Zarco* case and its success.

4.11.9 These cases demonstrate how survivor representation and participation in the investigation and trial process can substantially reduce barriers to access to justice for women and girls. Survivors who have their own legal advocates have an independent advocate and advisor throughout the justice process, whose role is to advocate for legal positions which are in their best interests. That can have a meaningful impact on the way cases are prosecuted – or indeed whether they are prosecuted at all. In each case, through their representation and participation, the survivors had a tangible impact on their justice outcomes, rather than being passive recipients of justice.

4.12 Transformative Reparations

4.12.1 Generally, in cases of CRSV, reparation is what survivors want most but receive least — and reparation must be transformative in nature. Sexual violence often results from and perpetuates patterns of pre-existing structural subordination or discrimination; and in the

investigating the case by requesting evidence and other necessary actions, and they can appeal to the Judge of First Instance if they disagree with the prosecutor’s decisions in the proceedings. Article 116 Guatemalan Code of Criminal Procedure, Decree 7-2011, reforming Decree 51-92, Congress of the Republic of Guatemala, 1997 available:

http://www.cicad.oas.org/fortalecimiento_institucional/legislations/pdf/gt/decreto_congresional_51-92_codigo_procesal_penal.pdf.

¹¹⁹ Article 116, 118 303TER Guatemalan Code of Criminal Procedure, Decree 7-2011, reforming Decree 51-92, Congress of the Republic of Guatemala, 1997.

¹²⁰ The Alianza Rompiendo el Silencio y la Impunidad (Breaking Silence and Impunity Alliance) helped the victims present the claim and bring the charges. The Alliance has been integrated since 2009 by three organizations: El Equipo de Estudios Comunitarios y Acción Psicosocia-ECAP-; Mujeres Transformando el Mundo -MTM- and la Unión Nacional de Mujeres Guatemaltecas --UNAMG-. Although the alliance helped with the initial stages MTM and UNAMG were recognized as civil claimants, see more about these organizations in the section below and civil claimant status below. Impunity Watch, *Cambiando el rostro de la justicia: las claves de litigio estratégico del caso Sepur Zarco* (2017), at 7.

¹²¹ In Guatemala the victim has the opportunity of filing a complaint or “querrela” to an investigative judge. If the court determines the complaint meets the requirements, the court opens an official court file and then transfers the complaint to the prosecutor’s office to take up the case. Articles 116, 117 and 303TER of the Guatemalan Procedural Criminal Code.

¹²² Susana SáCouto, Alysson Ford Ouoba and Claudia Martin, “Documenting good practice on accountability for conflict-related sexual violence: The Sepur Zarco Case” *Peace, Security, Humanitarian, and Resilience Section of UN Women, American University Washington College of Law*, (May 2022), <https://www.unwomen.org/sites/default/files/2022-07/Research-paper-Documenting-good-practice-on-accountability-for-conflict-related-sexual-violence-Sepur-Zarco-en.pdf>, at 11.

¹²³ Impunity Watch, *Cambiando el rostro de la justicia: las claves de litigio estratégico del caso Sepur Zarco* (2017), at 20–22.

case of women and girls is often rooted in beliefs about subordination and male sexual entitlement, and disregard for the equal enjoyment of human rights by women.¹²⁴ As these inequalities can be aggravated as a consequence of sexual violence, reparations should strive to have a transformative effect, overcoming these structural conditions rather than reinstating or reinforcing them. And they should be designed with a transformative effect in mind.¹²⁵

4.12.2 The right to an effective remedy when an individual's rights have been violated is a foundational principle in international law, enshrined in various human rights and humanitarian law instruments including art 2 of the ICCPR. As the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (Basic Principles and Guidelines) explain, remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law: (a) equal and effective access to justice; (b) adequate, effective and prompt reparation for harm suffered; and (c) access to relevant information concerning violations and reparation mechanisms.¹²⁶

4.12.3 Adequate, effective and prompt reparation should be appropriate and proportional to the gravity of the violation and circumstances of each case, and include the following forms of reparation: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.¹²⁷

4.12.3.1 Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.¹²⁸ In the case of CRSV, survivors can suffer from loss of property, housing, physical health, interruption of education and loss of employment, including due to stigma and ostracism.¹²⁹ An example of a measure which responds to such harm is the Victims and Land Restitution Law in Colombia (2011), which provides for assistance and reparations to survivors of internal armed conflict. The modalities of reparations include

¹²⁴ Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence (June 2014) at 8.

¹²⁵ *Id.*, at 8–9. See also Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, Principle 3.H.

¹²⁶ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147 (2005), art 11.

¹²⁷ Art 13. See also *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law*, *supra* note 29, at 75; UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014); Nairobi Declaration on Women's and Girls' right to a remedy and reparation, issued by women's rights advocates and activists as well as survivors of sexual violence in situations of conflict from Africa, Asia, Europe, Central, North and South America (March 2007); Human Rights Committee, General Comment No 31 (2004), para. 16; and CEDAW, General Recommendation No 28 (2010), para. 32.

¹²⁸ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147 (2005), art 19.

¹²⁹ UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 15.

restitution of land to those who have arbitrarily lost it or have been displaced as a result of the internal armed conflict. The Law's provisions on land restitution include special measures to protect women's rights, such as giving priority to female heads of households in the judicial and administrative processes, providing for specialized attention for women processing requests for restitution and for priority access to other benefits such as credit, education, training and subsidies. When restitution is not possible, women may receive monetary compensation.¹³⁰ Children born of sexual violence further deserve restitution of their identity.

- 4.12.3.2 Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as physical or mental harm, lost opportunities, material damages, moral damage, and costs.¹³¹ In cases of CRSV, attention must be paid to not reinforce existing stereotypes and cultural norms in compensating for harm caused. Compensatory measures should be informed by their transformative potential, and should be done confidentially to avoid causing stigma, ostracism and discrimination. It is also crucial that a gender-sensitive approach is taken in the assessment of loss, recognising the loss of income and income potential which can be caused for women whose role may not fall within a wage-labour formula.¹³²
- 4.12.3.3 Rehabilitation should include medical (including sexual and reproductive healthcare), psychosocial care as well as legal and social services.¹³³ It refers to all essential services needed to help a survivor move on and carry out their life in a dignified way, and is not limited to health services for a CRSV survivor: although access to timely mental and physical health services is a minimum requirement.¹³⁴ Both gender and cultural sensitivity is required: recognising the different ways to understand trauma as a consequence of CRSV, and the different ways to treat it. Finally, rehabilitation also requires consistency and quality in the delivery of services. The location of services should respond to the needs of the survivor, including being physically proximate to where they reside.¹³⁵
- 4.12.3.4 Satisfaction can take numerous forms, including effective measures aimed at the cessation of continuing violations, verification of the facts and full and public disclosure of the truth, an official declaration or judicial decision restoring dignity and rights to the survivor and their community, a public apology, and a commemoration or tribute to

¹³⁰ *Id.*, at 16, citing Colombian Congress, Law 1448 of 10 June 2011, Victims and Land Restitution Law, Articles 114-118.

¹³¹ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147 (2005), art 20.

¹³² UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 16–17.

¹³³ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147 (2005), art 21.

¹³⁴ UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 18–19.

¹³⁵ *Id.*, at 19.

survivors.¹³⁶ In the case of sexual violence, any satisfaction measures should be taken in consultation with survivors, to ensure they do not reinforce existing stereotypes, are culturally appropriate, and are consistent with principles of gender equality.¹³⁷

4.12.3.5 Finally, guarantees of non-repetition should include ensuring effective control of armed forces, that proceedings abide by international standards of due process, fairness and impartiality, strengthening judicial independence, ongoing training of state actors, and law reform.¹³⁸ The precise measures to guarantee non-repetition of sexual violence should be determined in the particular circumstances of each conflict, including the causes of sexual violence. It should include a policy to prevent and address sexual violence, legislative reform including legalising safe abortions, facilitating women's participation in all areas of post-conflict peace-building and governance, reforming and strengthening state institutions, and training and education.¹³⁹

4.12.4 Moreover, like all other access to justice mechanisms, reparations should be survivor-centred and gender-sensitive, adequate, effective and comprehensive, tailored to the particular needs of the victim, and proportionate to the gravity of harm they have suffered.¹⁴⁰ Ideally, in addition to comprehensive long-term forms of reparations, urgent interim reparations should be available to respond to the most pressing and immediate needs of CRSV survivors.¹⁴¹ Survivors must be co-creators of reparation processes.

4.12.5 The right to equal and effective access to justice contemplates equal access to an effective judicial remedy. However, other acceptable remedies include access to administrative bodies, or other mechanisms or proceedings established under domestic law.¹⁴² In practice, reparations may be disbursed in a range of ways: through civil or human rights litigation, as a consequence of criminal prosecution or another transitional justice mechanism, or through an administrative scheme established by government to provide reparation and assistance to survivors.¹⁴³

4.12.6 An administrative reparations programme is an out-of-court process used by States to provide reparation to massive numbers of victims of gross violations of international human rights law and/or serious violations of international humanitarian law. In such programmes, States identify the violations and the victims to be redressed and provide them with reparation through an established procedure. Reparation can also be ordered by national or international courts against a State or against the perpetrator of the crime, as

¹³⁶ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147 (2005), art 22.

¹³⁷ UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 17–18.

¹³⁸ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN General Assembly Resolution 60/147 (2005), art 23.

¹³⁹ UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 19–20.

¹⁴⁰ *Id.*, at 77.

¹⁴¹ *Id.*, at 78. See also UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 12.

¹⁴² At 12.

¹⁴³ *Id.*, at 76.

applicable. Administrative reparations programmes carry many advantages for CRSV survivors, including women and girls. They can be more timely, easier to access, typically carry a lower burden and standard of proof, allow survivors who are unwilling to participate in a formal justice process to still access reparations, are administratively sophisticated enough to facilitate mass claims, and may entail greater privacy, lessening concerns about stigma.¹⁴⁴

- 4.12.7 Ideally, both forms of reparation should be made available to survivors, and survivors should be fully informed about the different pathways and their benefits and disadvantages, so that they are in a position to make a decision which aligns best with their interests and needs. Administrative reparations programmes should not preclude survivors of conflict-related sexual violence from obtaining reparations through courts; all survivors should have access to effective judicial remedies which include adequate, prompt and full reparation for the harm suffered. Domestic or international courts should take into account and complement reparations awarded by administrative reparations programmes when deciding on redress for victims of conflict-related sexual violence.¹⁴⁵
- 4.12.8 Traditionally, too, reparations issued as part of a criminal justice process have been limited to financial reparations. However, there are more recent examples of more holistic forms of reparations being issued to survivors participating in a criminal process. For example, in *Adoum* case before the Special Criminal Court in the Central African Republic, the Court issued reparations including the construction of monuments (satisfaction), provision of psycho-social and medical care and rehabilitation, training opportunities, and socio-economic reintegration support.
- 4.12.9 Finally, it is important to note that reparations can be distributed both individually and collectively. However, because they tend to serve different purposes, one should not be a substitute for the other.¹⁴⁶ Collective reparations could help to prevent stigma given that they do not require naming individual victims and the violations suffered. Individual victims should, however, directly benefit from collective reparations and not feel excluded or marginalized, or even further stigmatized by these measures. Consultations on collective reparations should take place with CRSV survivors and should consider appropriate cultural and social dimensions.¹⁴⁷

5 Recommendations

- 5.1.1 The Team of Experts has provided these potential recommendations for the Secretary-General's report during the Commission on the Status of Women based on the foregoing analysis. However, the Team has restricted itself to its mandate on sexual violence in conflict and post conflict-situations, whilst recognizing the importance of addressing the range of crimes against women and girls whether in peace or war. These include:

¹⁴⁴ *Id.*, at 76. See also UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 6.

¹⁴⁵ UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 6.

¹⁴⁶ UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence (June 2014) at 7.

¹⁴⁷ *Id.*, at 7.

Ensuring comprehensive reform of laws and legal practice on CRSV

- 5.1.1.1 Encourage Member States to ratify and implement the Rome Statute of the International Criminal Court and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol and incorporate CEDAW's provisions and principals in national law, policy and practice.
- 5.1.1.2 Prioritize the review and where relevant reform of national legislation to enable survivors to seek justice and enhance investigation and prosecution of sexual violence in conflict and post-conflict situations committed against women and girls; Align national criminal and procedural law with international norms and best practices including the criminalization of the full scope of CRSV, the integration of survivor-centred provisions removing procedural impediments women and girl's access to justice for sexual violence in conflict and post-conflict situations, guaranteeing victims participation; Enact where relevant victim and witness protection laws to enable a protective environment for women and girls;

Adopting gender-sensitive, survivor-centred, trauma-informed policies, strategies and methodologies using a human-rights based approach

- 5.1.1.3 Prioritize a whole-of-government approach to justice for CRSV, including the setup of an interministerial task force on CRSV which includes the executive, security, judicial, social, health and budgetary sector actors in order to deliver holistic justice.
- 5.1.1.4 Ensure the adoption by Member States of inter and intra ministerial strategies and policies (including investigation and prosecution policies) which enable access to justice for women and girls in conflict and post-conflict situations, including survivors of CRSV, through the adoption and implementation of a gender-sensitive, survivor-centred, trauma-informed and human-rights based approach, which leads to the prompt investigation, prosecution and punishment of perpetrators, in accordance with due process of law, and the provision of transformative reparation.
- 5.1.1.5 Ensure Member States provide women and girls who have suffered sexual violence in conflict and post-conflict situations specialized services, including sexual and reproductive health services, as the lack of such services constitutes a barrier to women and girl's access to justice.
- 5.1.1.6 Ensure Member States set up referral pathways and provide women and girls who have suffered sexual violence in conflict and post-conflict situations specialized services, including sexual and reproductive health services, as the lack of such services constitutes a barrier to women and girl's access to justice.
- 5.1.1.7 Ensure Member States meaningfully consult women and girls who have suffered sexual violence in conflict and post conflict situations, as well as women-led and survivor-led organizations, in all aspects of justice processes.

Establishing specialized CRSV mechanisms and capacity within relevant national authorities

- 5.1.1.8 Set-up trained specialized capacity within relevant institutions including investigation and prosecution authorities, legal aid for women and girls, and establish where appropriate, specialized police, prosecution units and courts to address crimes of sexual violence in conflict, Ensure the provision of dedicated specialized training on victims centered and trauma-informed approaches and dedicated skills and methodology to build CRSV cases
- 5.1.1.9 Encourage national prosecution services to use successful international best practices including adopt case prioritization strategies, build structural or “macrocases” on sexual violence and adopt cumulative charging approaches.
- 5.1.1.10 Set up/Provide early specifically tailored protection measures for victims and witnesses of CRSV reporting crimes and ensure their provision throughout the phases of judicial proceedings.

Guaranteeing adequate budgetary resources to ensure access to justice for women and girls who have affected by CRSV

- 5.1.1.11 Dedicate a defined percentage of conflict stabilisation and development assistance on programmes that strengthen access to justice for women and girls in conflict and post-conflict situations, including dedicated assistance for investigating and prosecuting international crimes of sexual and gender-based violence.
- 5.1.1.12 Ensure allocations within the annual national budget to support the judicial specialized institution pursuing justice and accountability for CRSV, including as relevant specialized criminal police investigation units, specialized capacity within the national prosecution office focusing on CRSV, victim centric and trauma informed judicial and court proceedings

Strengthening international cooperation to ensure access to justice for women and girls affected by CRSV

- 5.1.1.13 Encourage international, regional, sub-regional and national actors to cooperate on the investigation and prosecution of sexual violence in conflict and post conflict situations against women and girls including through mutual legal assistance and extradition, as well as supporting communities of practice for relevant CRSV practitioners.
- 5.1.1.14 Encourage Member States that are seeking to provide justice for women and girls in sexual violence in conflict and post conflict situations to make use of the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict pursuant to Security Resolution 1888(8) (2009) and to join the international network and community of practice of CRSV practitioners.