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SPECIFIC HUMAN RIGHTS ISSUES

Systematic rape, sexual slavery and slavery-like practices

during armed conflicts

Report of the United Nations High Commissioner for Human Rights

Summary

The present report refers to the activities of the Commission on Human Rights, treaty monitoring bodies and various human rights mechanisms, and new developments in international criminal, human rights and humanitarian law on the issue of systematic rape, sexual slavery and slavery-like practices in situations of armed conflict since the submission of the previous report of the United Nations High Commissioner (E/CN.4/Sub.2/2004/35).

The main victim of sexual violence during armed conflicts is the female civilian population that suffers of violations of international human rights, criminal and humanitarian law such as rape, sexual slavery, forced prostitution and forced insemination. Sexual abuse has become a tactic of war and used as a means of asserting dominance over and humiliating the civilian population. Victims of crimes of sexual violence are in need of medical, psychological and social support and are only exceptionally offered financial compensation for their suffering.

The United Nations system produces large amounts of evidence that demonstrate the dramatic impact of armed conflict on women. In order to prevent such practices and reduce the risk of their recurrence in the future, women must play an essential part in peace building and conflict resolution.

In the last few years, important steps have been taken to draw up rules aimed at preventing violations of international law in armed conflicts, including acts of sexual violence. At its sixty-first session, the Commission on Human Rights adopted two important instruments in that regard. The updated Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/2005/102/Add.1) sets up a framework in which Governments should operate to ensure that perpetrators of crimes are brought to justice and that wider mechanisms of accountability are established. The Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (E/CN.4/2005/59), aim to ensure that the victims of crimes, including women and girls who have been subjected to sexual violence, are granted a remedy and provided other ways of redress.

The report also notes that, despite the measures already taken in this context, a number of obstacles to the effective participation of women in conflict prevention and resolution still need to be addressed. They include, but are not limited to, the under-representation of women at the decision-making levels; the persistence of violence against women in various spheres of life; and the lack of access to financial resources, employment, education and social services.

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Introduction

1. At its fifty-first session, the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 1999/16, called upon the United Nations High Commissioner for Human Rights to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur of the Sub-Commission on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict.

2. In compliance with those requests, the Special Rapporteur submitted her final updated report (E/CN.4/Sub.2/2000/21) and the High Commissioner submitted her first report (E/CN.4/Sub.2/2000/20), which was based on the activities of treaty monitoring bodies, procedures and mechanisms of the Commission on Human Rights and provided information available from those sources on specific conflict situations. The High Commissioner submitted further reports in 2001 (E/CN.4/Sub.2/2001/29), 2002 (E/CN.4/Sub.2/2002/28), 2003 (E/CN.4/Sub.2/2003/27), and 2004 (E/CN.4/Sub.2/2004/35).

3. At its fifty-sixth session, the Sub-Commission, in its resolution 2004/22, called upon the High Commissioner to submit an updated report to the Sub-Commission at its fifty-seventh session on the issue of systematic rape, sexual slavery and slavery-like practices during armed conflicts. The present report, submitted in accordance with that request, supplements the information contained in the High Commissioner's previous reports and refers to new developments in the activities of treaty monitoring bodies and of human rights mechanisms and in international human rights, criminal and humanitarian law and standards on this issue.

Violence against women, systematic rape and sexual slavery as a weapon of war

4. Discrimination and violence against women are aggravated in situations of armed conflict, regardless of whether the armed conflict is of an internal or international character. An act of rape or other form of sexual violence has many connotations in armed conflicts. Accounts of victims from a wide range of locations throughout the world have led to a broader understanding that rape has come to represent a powerful symbol of domination and instrument of terror.

5. In the past, rape and other forms of sexual violence against women went unrecognized and legally unchallenged. Today, they are specifically enumerated offences under international humanitarian law and international criminal law. For the first time they were specifically codified as a recognizable and independent crime within the statutes of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Furthermore, the Rome Statute of the International Criminal Court (art. 7, para. 1 (g) and art. 8, para. 2 (b)(xxii) and (e)(vi)) defined "rape, sexual slavery, enforced prostitution,

forced pregnancy, enforced sterilization and any other form of sexual violence of comparable gravity” as a crime against humanity.

6. Rape is in itself a traumatic experience resulting in great psychological and physical injury and harm to the victim. Rape during armed conflicts is rarely an isolated incident, but often part of a widespread practice which remains frequently unpunished and is accompanied by other war-related trauma: the loss of husbands, children, parents or other relatives, the destruction and/or loss of property, etc. The stigmatization from which victims suffer often aggravates their already difficult situation in society. Sexual violence during armed conflicts must be regarded as a particular kind of violence that is at the same time sexual, physical and psychological. It cannot be emphasized enough that those raped during armed conflicts are victims several times over. It has often been noted that rape leaves physical and psychological scars on victims long after the violence has taken place. Ultimately, it may destroy families and communities.

7. Women subjected to sexual violence of any form during armed conflicts should be given special treatment as victims. There will be different responses needed for women who were raped but did not become pregnant, those who became pregnant and terminated the pregnancy and those who gave birth. Children born after a rape-induced pregnancy are often abandoned or given up for adoption, and their particular situation should be given serious consideration both from a legal and non-legal point of view. Women who decide to give birth after a rape-induced pregnancy should be provided with medical, psychological and social assistance, but the same assistance should also be granted to those who decide to give their children for adoption. However, the option to terminate a pregnancy following rape should be open to all women who may wish to choose it.

I. THE COMMISSION ON HUMAN RIGHTS AND ITS MECHANISMS AND PROCEDURES

8. At its sixty-first session, the Commission on Human Rights, in its resolution on the elimination of violence against women (2005/41), condemned all forms of gender-based violence, and in particular systematic rape, sexual slavery and slavery-like practices during armed conflict, and encouraged States to accelerate their efforts to implement the Beijing Declaration and Platform for Action. In its resolution 2005/81 on impunity, the Commission urged that perpetrators of sexual violence in situations of armed conflict be brought to justice.

9. At the same session, the Commission also adopted a resolution on the situation of human rights in the Sudan (2005/82). Welcoming the role of the Commission of the African Union in the peaceful resolution of the conflict, it condemned the continued and widespread violations of human rights and international humanitarian law, especially sexual violence against women and girls, as defined in the findings of the International Commission of Inquiry on Darfur. The Commission also called upon all parties to respect their obligations under the Abuja Protocols of 9 November 2004 and to ensure full implementation of Security Council resolutions 1556(2004), 1590(2005), 1591(2005) and 1593(2005). In the same resolution, the Commission established the mandate of a special rapporteur on the situation of human rights in the Sudan and

requested that he/she submit an interim report to the General Assembly at its sixtieth session and a report to the Commission at its sixty-second session.

10. At its sixtieth session, the Commission, in resolution 2004/46, encouraged the Special Rapporteur on violence against women, its causes and consequences, to respond to credible allegations that she received, and requested all Governments to cooperate with and assist in the performance of her mandate, to supply all information requested, including with regard to implementation of her recommendations, and to respond to the Special Rapporteur's visits and communications.

11. At the sixty-first session of the Commission, the Special Rapporteur submitted the summaries of general and individual complaints on a country-by-country basis (E/CN.4/2005/72/Add.1). Regarding the situation in Burundi, the Special Rapporteur received allegations that different militias, rebels and armed civilians used rape and other forms of sexual violence against women and girls as a tool of war to terrorize and humiliate the civilian population. Similarly, she informed the Government of Côte d'Ivoire about allegations of sexual violence in the aftermath of the November 2004 demonstrations in Abidjan that particularly targeted foreign nationals.

12. The Special Rapporteur also reported on her four country visits in 2004, to El Salvador (E/CN.4/2005/72/Add.2), Guatemala (E/CN.4/2005/72/Add.3), the Occupied Palestinian Territories (E/CN.4/2005/72/Add.4) and the Darfur region of the Sudan (E/CN.4/2005/72/Add.5). She addressed different issues related to violence against women in each country and proposed actions to be taken in order to effectively combat such violence. The need for the full involvement of women in the peace process, as stipulated in Security Council resolution 1325 (2000) and the need to ensure the security of civilians and improve the judicial system were some of the main findings of the Special Rapporteur following her visit to Darfur in September 2004.

13. One of the major consequences of violence against women is certainly the spread of HIV/AIDS among women and girls. Along with suffering the trauma of rape or sexual abuse, some victims have difficulties in consulting male doctors or health providers. Moreover, due to poverty, a large number of them are not able to buy medications or to ensure a proper diet, indispensable for effective treatment. The Special Rapporteur on violence against women devoted her annual report to this issue (E/CN.4/2005/72) and underlined that war and conflict increase not only sexual violence but also displacements, which is a factor that places women at higher risk of sexual abuse and HIV/AIDS infection.

14. At its fifty-sixth session, the Sub-Commission on the Promotion and Protection of Human Rights adopted a number of resolutions relevant to the work of the Committee on the Elimination of Discrimination against Women, and in particular resolution 2004/22 on systematic rape, sexual slavery and slavery-like practices. In this resolution, the Sub-Commission recalled that such violations of human rights were still being used to humiliate civilians, destroy society and seriously undermine prospects of peaceful resolutions of conflicts; it encouraged States to promote human rights education on the issue in order to prevent recurrence of such violations.

15. In her working paper on current and future issues on the criminalization, investigation and prosecution of acts of serious sexual violence (E/CN.4/Sub.2/2004/12), Françoise Hampson addressed issues such as the definition of the relevant international crimes, and explored the definitions of rape and other forms of sexual violence with extensive reference to international law and jurisprudence. The working paper also examined changes in practice, and gave a precise description of when a person alleged to have committed rape, sexual assault and other forms of sexual violence may be charged with torture, a crime against humanity, a war crime, or genocide.

16. In her expanded working paper on the difficulties of establishing guilt and/or responsibilities with regard to crimes of sexual violence (E/CN.4/Sub.2/2004/11), Lalaina Rakotoarisoa focused on the particular position of women and children as victims of sexual abuse, and on their special needs during investigations. The question of the protection of witnesses and survivors in legal proceedings and the need to guarantee the rights of defendants were also analysed. The expanded working paper concluded that in order to increase efficiency in the fight against sexual violence and abuse, the process of gathering evidence when these crimes are involved should be reviewed, judicial systems should be harmonized and international judicial cooperation strengthened.

Combating impunity

17. Ending impunity and restoring faith in the rule of law is often one of the greatest challenges in the administration of justice at the domestic level in conflict or post-conflict situations. Impunity persists for many reasons. On the one hand, there is the inability of national judicial organs to prosecute the perpetrators of criminal acts and human rights violations, or a lack of political will of the national authorities to do so. On the other, there may be certain objective shortcomings – national laws may be inadequate to deal with such crimes or may be inconsistent with international law. It is of utmost importance to end impunity for these crimes and to enable victims to obtain justice and redress while supporting reconciliation between the groups or States involved in a conflict. The Commission on Human Rights has paid particular attention to the need to put an end to impunity, which is one of the most important conditions for achieving reconciliation and lasting peace.

18. Pursuant to resolution 2004/72 of the Commission on Human Rights, the Set of Principles for the protection and promotion of human rights through action to combat impunity was updated to reflect the recent developments in international law and practice. Developments in international law have on the whole reaffirmed the principles, but provided further clarification of the scope of the established legal obligations of States. The updated Set of Principles (E/CN.4/2005/102/Add.1) largely retained the text of 1997 of the Set of Principles (E/CN.4/1997/20/Rev.1, annex II), while clarifying specific aspects of their application in light of recent developments in international law. In its resolution 2005/81, the Commission encouraged States to consider the updated Set of Principles and the recommendations and best practices identified in the independent study on impunity (E/CN.4/2004/88) when developing measures to effectively combat impunity.

19. In the same resolution, the Commission requested the High Commissioner to ensure wide dissemination of the updated Principles and to provide, upon request, technical and legal

assistance in developing national legislation and institutions to combat impunity, and called upon States, intergovernmental and non-governmental organizations to inform the Secretary-General of all steps taken and ways in which the updated Principles have been applied to combat impunity, including best practices. In its resolution 2005/41, the Commission stressed the need for concerted efforts to eliminate impunity for violence against women and girls during armed conflicts, including the need to ensure prosecution of crimes of sexual violence, and called for the provision of training programmes for judicial, legal, medical, social, police, military and immigration personnel in order to enable them to prevent abuses of power which may lead to violence against women. Also at the sixty-first session, the Commission adopted a resolution on the protection of the human rights of civilians in armed conflicts (2005/63), in which it stressed the importance of combating impunity in order to prevent violations of international human rights and humanitarian law and protect civilians. Raising awareness regarding the nature of gender-based violence and undertaking effective measures to identify and punish perpetrators of such crimes should ultimately lead to the better protection of women and girls and contribute to ensuring their full enjoyment of human rights.

Right to remedy and reparation

20. After many years of debate, the Commission on Human Rights, at its sixty-first session, adopted 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 (resolution 2005/35, annex). In that resolution, the Commission called upon States to take into account the Basic Principles and Guidelines and to promote their full respect.

21. Victims of sexual violence, as a particularly vulnerable part of society, should be treated with compassion and their dignity and right to redress must be respected. The Basic Principles do not entail new international or national legal obligations, but identify mechanisms and measures for the implementation of existing ones, including strengthening the rights of victims already incorporated in national legislation, and ensuring that adequate, effective and appropriate measures of redress are made available to them. The Basic Principles should be brought to the attention of law enforcement officials, military and security forces, legislative bodies, judiciary, victims and their representatives and the public in general, and their implementation, including in the cases of systematic rape and sexual slavery, must be strongly encouraged.

II. OTHER DEVELOPMENTS CONCERNING SYSTEMATIC RAPE, SEXUAL SLAVERY AND SLAVERY-LIKE PRACTICES DURING ARMED CONFLICTS

Involvement of United Nations staff in sexual abuse and exploitation

22. The deployment of United Nations peacekeeping missions in regions affected by armed conflicts is meant to improve the security situation, and the great majority of United Nations peacekeepers do indeed actively contribute to this end. Regrettably, there have also been reports

that some peacekeepers, both military and civilian, were involved in sexual violence and abuse affecting the population they were intended to protect. According to the information provided by the United Nations Interim Administration Mission in Kosovo (UNMIK) to the Special Rapporteur on violence against women, some 52 international police officers belonging to UNMIK have been repatriated to their respective countries after having been found in “off-limits premises” (E/CN.4/2005/72/Add.1, paras. 489 ff.). At the press briefing of 17 March 2005, the Spokesman for the Secretary-General confirmed that action had been taken against 17 individuals in cases regarding allegations of serious misconduct of peacekeeping personnel, of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC). To date, one person has been summarily dismissed and another has been prosecuted in France. Following a request by the Special Committee on Peacekeeping Operations, the Secretary General submitted to the General Assembly a report on a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations (A/59/710). The report contains recommendations to strengthen the ability of peacekeeping operations to promote good conduct and discipline more broadly and increase the accountability of managers and officers in this area. The report makes it clear that such conduct will not be tolerated and that sexual exploitation and abuse by peacekeeping, or any other United Nations personnel, must be prevented and adequately addressed.

International Commission of Inquiry on Darfur

23. Acting under Chapter VII of the Charter of the United Nations, on 18 September 2004 the Security Council adopted resolution 1564 (2004) requesting, inter alia, that the Secretary-General “rapidly establish an international commission of inquiry in order immediately to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide have occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable”.

24. The report of the International Commission of Inquiry (S/2005/60) was submitted in January 2005. Based on a thorough analysis of the information gathered in the course of its investigations, the Commission established that the Government of the Sudan and the Janjaweed were responsible for serious violations of international human rights and humanitarian law amounting to crimes under international law. In particular, the Commission found that Government forces and militias conducted indiscriminate attacks, including killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence, pillaging and forced displacement, throughout Darfur. These acts were conducted on a widespread and systematic basis, and therefore may amount to crimes against humanity. The extensive destruction and displacement have resulted in a loss of livelihood and means of survival for countless women, men and children. In addition to the large-scale attacks, many people have been arrested and detained, and many have been held incommunicado for prolonged periods and tortured. Aggravated forms of sexual violence were apparently used to terrorize and displace rural communities. In certain parts of the country, rapes also occurred in urban areas.

25. Among other cases, the Commission found that 21 women were abducted during the joint Government forces and Janjaweed attacks on Kenjew, Western Darfur, in January 2004. The

women were confined for three months and repeatedly raped, as a result of which some of them became pregnant. The findings of the Commission confirmed that many girls and women were abducted, held in confinement for several days and repeatedly raped by the Janjaweed militia and Government army personnel in villages under attack, while torture was used to prevent them from escaping. It was also reported that very young girls were also raped. Rape and other forms of sexual abuse were reported to continue during flight and in areas of displacement. This resulted in an ever-growing fear of such violence amongst women and girls, leading to their virtual confinement.

26. In its legal appraisal, the Commission underlined that torture and cruel, inhuman or degrading treatment or punishment are prohibited by several international human rights instruments to which the Sudan is a party, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights. Although the Sudan is not a party to Additional Protocol II to the Geneva Conventions, some of its provisions are binding since they constitute customary international law. Rape may either be a war crime, when committed in international or internal armed conflict, or a crime against humanity if it is committed as a part of a widespread or systematic attack on civilians and it has been defined as such in international case law, in particular in the jurisprudence of ICTY and ICTR. International law also prohibits and criminalizes other serious acts of gender-based violence, causing a victim to engage in an act of sexual nature by force or threat. Based on the information collected and confirmed, the Commission concluded that rape and other forms of sexual violence perpetrated in Darfur by Government army personnel and Janjaweed militia may amount to a crime against humanity.

27. The Commission found that the Sudanese justice system was unable and unwilling to address the situation in Darfur, and strongly recommended that the Security Council refer the situation in Darfur to the International Criminal Court, pursuant to article 13 (b) of its Statute. Serious cases of human rights violations in Darfur and their subsequent social and economic consequences might be devastating for family ties and community relations. Therefore, the Commission underlined that the current violations could be brought to an end and future abuses prevented by applying concrete measures. Considering that the Security Council should also act on behalf of victims, the Commission recommended the establishment of an international compensation commission. .

28. On 31 March 2005, by its resolution 1593 (2005), the Security Council referred the situation in Darfur to the Prosecutor of ICC. On 5 April 2005, a sealed envelope was delivered to the Prosecutor, containing the conclusions of the Commission of Inquiry and a list with 51 names of persons who in the Commission's view potentially bore responsibility for crimes committed in Darfur.

International Criminal Court

29. The Rome Statute, which entered into force on 1 July 2002, includes rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violation of comparable gravity as a crime against humanity (art. 7, para.1(g) and art. 8, para. 2 (b) (xxii) and (e)(vi)). ICC is complementary to national criminal jurisdictions and acts only

when national courts are unable or unwilling to do so. The importance of ICC for ending impunity has been underlined by the Commission on Human Rights in its resolution 2005/81.

30. As of May 2005, three States parties to the Rome Statute have referred situations to the Office of the Prosecutor of the ICC – the Central African Republic (2005), the Democratic Republic of the Congo (2004) and Uganda (2004). The Security Council referred one situation – Darfur. The Chief Prosecutor, after rigorous analysis, decided to open investigations into two situations – those in the Republic of the Congo and in Uganda.

The International Criminal Court for the Former Yugoslavia and the International Criminal Court Rwanda

31. The jurisprudence of ICTY and ICTR represents a major contribution to the development of international criminal and humanitarian law. Rape and sexual enslavement committed as a part of widespread or systematic attack directed against any civilian population were recognized as crimes against humanity by ICTR in its judgement in *Akayesu* (ICTR-96-4), and by ICTY in *Kunarac et al.* (Foca) (IT-96-23 and 23/I) and *Furundzija* (IT-95-17). On 24 February 2005, the Prosecutor of ICTY charged the former Prime Minister of Kosovo, Ramush Haradinaj, as well as Idriz Balaj and Lahi Brahimaj with war crimes and crimes against humanity committed during 1997 and 1998 in the areas of Pec, Decani and Djakovica (IT-04-84). Mr. Haradinaj faces 17 counts of crimes against humanity and 20 counts of war crimes that include rape, among others. As concerns crimes against humanity, including rape, committed in Bosnia and Herzegovina between 1991 and 1994, the Prosecutor indicted Jadranko Prlic and five others (IT-04-74) in 2004.

The Truth and Reconciliation Commission for Sierra Leone

32. A lengthy civil conflict in Sierra Leone ended with the signing of the Lomé Peace Agreement in July 1999. The Truth and Reconciliation Commission was set up in 2000, with the mandate to establish an impartial historical record of abuses and violations of human rights and international humanitarian law and to provide means of achieving durable peace. In October 2004, the Commission delivered its report, in which it addressed issues of the nature and causes of the war, paying particular attention to sexual violence and sexual slavery and its impact on women and children and efforts made to help the country reconcile with its past. The Commission analysed the history of the conflict through a victim-centred and truth-seeking process, searching for a real contribution towards lasting peace in Sierra Leone. While the Truth and Reconciliation Commission was important in providing a forum for victims and perpetrators to recount their experiences, establishing a record of human rights abuses, identifying the reasons for those abuses and facilitating reconciliation, it was not intended to obviate the need for a court of law to try alleged perpetrators of serious violations of international law.

The Special Court for Sierra Leone

33. The Special Court for Sierra Leone was established jointly by the Government of Sierra Leone and the United Nations in January 2002, mandated to prosecute “those bearing the

greatest responsibility” for serious violations committed in the territory of Sierra Leone since 30 November 1996. Acts of sexual violence are defined as crimes against humanity in article 2 (g) of its Statute and as a violation of the Geneva Conventions in article 3 (e). .

34. In the case of three members of the former Civilian Defence Forces (CDF), by a majority decision (SCSL-04-14-T-434) the Trial Chamber, on 23 May 2005, ruled that evidence of sexual violence was not admissible under the counts of the indictment, on the grounds that rape and sexual violence had not been charged as specific offences and should have been pleaded separately in the indictment, and not included under other inhumane acts. The jurisprudence of other international tribunals has established sexual violence among the most serious crimes committed in the course of armed conflicts, stating that sexual violence can fall within the definition of “other inhumane acts” or “outrages upon personal dignity” in an indictment (see *Akayesu*).

35. An essential element of providing justice to the victims of human rights abuses is the provision of reparations. Unfortunately, the Statute of the Special Court did not follow the example of the Rome Statute of the International Criminal Court and does not provide for reparations for victims of crimes within its jurisdiction, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

36. Importantly, the general amnesty proclaimed in the 1999 Lomé Peace Agreement and subsequently enacted in national law cannot apply to crimes against humanity, war crimes and other serious violations of international law. In a historical decision adopted in March 2004, the Special Court refused to recognize the applicability of the amnesty provided for in the Lomé Peace Agreement and held that it was ineffective in preventing international courts, such as the Special Court, or foreign courts from prosecuting crimes against humanity and war crimes. For impunity to be fully and successfully challenged in Sierra Leone, the amnesty provision would have to be removed from the statute books.

III. CONCLUSIONS

37. **In both international and non-international armed conflicts, women and girls are too often victims of serious human rights violations such as systematic rape, sexual slavery, forced prostitution, forced insemination and other forms of sexual abuse. These practices are unacceptably used as weapons to humiliate and dominate the concerned population.**

38. **At the international level, ICTY and ICTR continue to prosecute individual cases of violations of international humanitarian law committed against women and girls. The International Criminal Court has similarly been referred situations in which it will have the opportunity to investigate crimes of sexual violence and elaborate further standards as to how these acts should be defined and punished.**

39. **Regrettably, there have also been instances of unacceptable behaviour by United Nations peacekeeping and other international personnel in certain parts of the world, involving sexual crimes against women and girls. States contributing troops to United**

Nations peacekeeping missions need to do more to ensure that members of their armed forces are properly trained before deployment, and punished when they commit crimes such as rape and other forms of sexual violence.

40. At the national level as well, there is still a lack of adequate awareness of the seriousness of crimes of sexual and gender-based violence, and sometimes a lack of will or inability to bring the perpetrators to justice. States need to have clear legislation prohibiting rape and other forms of sexual violence, and to provide adequate penalties commensurate to the gravity of such acts. But legislation can only be effective to the extent that impartial judicial systems are in place to deal with perpetrators and protect victims when crimes are committed. Law enforcement officials and all other authorities involved in investigations of crimes of sexual violence must be adequately trained and equipped to respond to the needs of victims and ensure that they are protected from further traumatization in any legal process aimed at bringing perpetrators to justice.
