

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

Statement by Ms. Lucas, Permanent Mission of Luxembourg to the United Nations.

Allow me to thank you, Sir, for having organized this important open debate on sexual violence in armed conflict. Its focus on the fight against impunity and on the crucial need to ensure justice for survivors is, in our opinion, particularly appropriate.

I also take this opportunity to thank the Secretary-General for his statement, and Ms. Zainab Hawa Bangura for her remarkable work as Special Representative of the Secretary-General on Sexual Violence in Conflict. Finally, I welcome the contribution of Ms. Jane Adong Anywar, of the NGO Women's Initiatives for Gender Justice, and Ms. Angelina Jolie, Special Envoy of United Nations High Commissioner for Refugees.

My delegation fully aligns with the statement to be made by the observer of the European Union.

It is important that the Council reiterate today its most firm condemnation of sexual violence. That abject and cowardly war tactic ruins the lives of hundreds of thousands of women and girls, as well as of many men and boys, who become not only the powerless witnesses of the harm inflicted on their spouses, mothers, daughters and sisters, but also, with greater frequency, direct victims of sexual violence.

Sexual violence in armed conflict is indisputably a subject directly linked to international peace and security, as underscored in resolutions 1820 (2008), 1888 (2009) and 1960 (2010), and today's resolution 2106 (2013). The fight against sexual violence in conflict is complex undertaking requiring various levels of action, including combating impunity, which is especially important.

Both restorative and punitive, justice can play a prevention role in terms of future conflict by deterring potential perpetrators from committing crimes. By the same token, justice must enable victims to gain recognition for wrongs they have experienced, and thereby facilitate the process of remembrance and reparation, eventually leading to reconciliation and peacebuilding. As the representative of a victims organization in Guinea once said, "before turning the page, we must read the page". Unfortunately, at present the vast majority of victims are deprived of this basic right and the vast majority of the perpetrators of these crimes do not answer for their actions. That is unacceptable.

We all know that regardless of cultures and backgrounds, cases of sexual violence are not always reported, either because the survivors fear being ostracized or because they fear for their lives or those of their relatives, or for both reasons at once. We must therefore make every effort to ensure protection for victims. It is also important to protect the human rights advocates who struggle daily to make the survivors heard. A crime that is not denounced and documented is a crime that can never be prosecuted and will never be the subject of reparations.

National courts are primarily responsible for prosecuting and trying the perpetrators of sexual violence associated with armed conflict. States must likewise assume their responsibilities by taking the steps necessary to incorporate into their national legislation provisions criminalizing sexual violence and excluding amnesty laws for the most serious crimes, including sexual violence. The international community, for its part, must continue to support national authorities in their efforts to fight impunity. At the United Nations, the Team of Experts on the Rule of Law and Sexual Violence in Conflict can play a particularly useful supporting role in this regard.

But we must be clear — whatever the reason, many countries in post-conflict situations do not have and will not have in the medium term a legal system capable of judging, with all the guarantees of fair justice, the perpetrators of these crimes. In such circumstances, under the principle of complementarity, international criminal justice must fulfill its supplementary role.

My delegation applauds the efforts made in this regard by the International Criminal Court (ICC). The actions and proceedings before the ICC have clearly helped to strengthen the fight against impunity. I recall in this context that the issue of a second arrest warrant against General Bosco Ntaganda includes counts of crimes against humanity, rape and sexual slavery. Bosco Ntaganda is now in The Hague being tried for his crimes, thanks to the cooperation of Member States that have contributed to his transfer to the ICC. This is critical matter, and I reiterate the call on States to cooperate with the Court in accordance with their respective obligations.

Finally, in the fight against impunity and to end sexual violence related to conflict, it is important for the Council to continue to discharge its responsibilities, provide concrete follow-up to its decisions, adopt, if necessary, targeted measures to increase the pressure on perpetrators, and systematically inscribe the alleged perpetrators of sexual violence on sanctions committee lists, taking into account the information provided by the Special Representative in this regard. Resolution 2106 (2013), which we have just adopted, is important in that respect, and Luxembourg is proud to be a sponsor.

It sends a clear signal to all parties who commit sexual violence that the Security Council will not relax its attention to these acts. Impunity will not prevail.