

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

Statement by Mr. Quinlan, Permanent Mission of Australia to the United Nations.

I wish to express my appreciation, Mr. President, for the United Kingdom's leadership and for Foreign Secretary Hague's own personal drive to bring more serious and systematic international focus to the issue of the prevention of sexual violence. I thank also the Secretary-General and Special Representative Bangura for their determined commitment, as well as Ms. Adong Anywar and all her colleagues for their inspirational work in the field, so often in the face of the corrosive violence of indifference, and Ms. Angelina Jolie for her uninhibited advocacy and reminder to the Council that so many millions of people rely on us.

We know that sexual violence is both a tactic and a consequence of conflict. It can prolong and deepen conflict. Its prevention is intrinsic to the protection of civilians in conflict, a primordial concern of the Council, and to rebuilding societies devastated by conflict. As successive resolutions of the Council make plain, sexual violence goes to the heart of the Council's mandate in conflict and post-conflict situations.

Despite the Council's clear stance against sexual violence in conflict, we also know about the terrible number of women and girls, men and boys, who continue to be affected by it every day. Sexual violence is not just a grave concern, it is even endemic in many current situations on the Council's daily agenda: the Central African Republic, the Democratic Republic of the Congo, Mali, Afghanistan, Somalia, the Sudan, South Sudan and Syria. In the face of such violence, the international community's strong expectation — it should be their demand — is that the Council will do more. The Council's open debate on 17 April (see S/PV.6948) addressed many of the most compelling issues that we should be dealing with. Today's resolution 2106 (2013) is a further step towards ensuring that sexual violence is addressed across the breadth of our work, but in a very practical, programmatic way. That includes the consistent application of targeted sanctions and eliciting and monitoring commitments from all parties to conflict.

Today I want to focus on the current culture of impunity. Changing that to one of accountability is fundamental to deterrence and prevention. We have recognized that sexual violence can constitute war crimes and crimes against humanity; we have recognized that States have an obligation to investigate and prosecute such crimes; and we have recognized that ending impunity is a critical part of achieving lasting peace. But the fact remains that we have seen only a tiny number of perpetrators brought to justice. That sends the dangerous message that sexual violence is still tolerated. As Special Representative Bangura said this morning, "Today it is still largely cost-free to rape a woman, child or man in conflict".

States have the primary obligation to investigate and prosecute crimes of sexual violence. That requires that they criminalize each recognized crime — rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence of comparable gravity. It is not sufficient to just have those crimes on the books. Female victims of sexual violence must be provided with equal access to justice, which requires substantive rights to be recognized and women and girls to be encouraged to exercise those rights. Measures must be adopted to encourage victims and witnesses to testify against perpetrators and to protect those who do so.

National capacity must be developed to translate substantive laws into successful investigations and prosecutions. In that context, we commend the work being done by the United Nations Team of Experts on the Rule of Law and Sexual Violence in Conflict, the United Kingdom's own team of experts, Justice Rapid Response and the Institute for International Criminal Investigations, among

others. The Australian Civilian Corps is strengthening its own gender-based violence expertise to complement these efforts.

Obviously, even the most sophisticated criminal justice systems will be of little use if the political will to investigate and prosecute perpetrators is lacking. National authorities must fight stigmas that impede the reporting of incidents of sexual violence to law enforcement authorities. Investigators must be trained to look for evidence of crimes of sexual violence and to gather the evidence necessary to sustain prosecutions. Crimes of sexual violence, like other serious international crimes, must be excluded from amnesty provisions. States should also consider complementary processes, such as truth and reconciliation commissions, to supplement criminal accountability processes. Where national jurisdictions are unable or unwilling to prosecute crimes of sexual violence, the Council should consider International Criminal Court (ICC) referral, and ensure that the Council supports subsequent ICC activities. We commend the ICC on its leadership in seeking to ensure that crimes of sexual violence are not neglected in the fight against impunity.

In conclusion, we have focused today on the victims of sexual violence, who are overwhelmingly female. But women are not just victims. They are critical agents in conflict prevention, resolution, rebuilding and reconciliation. Just as we must ensure women's full and effective participation in efforts to address sexual violence through both prevention and protection, we must also to utilize their decisive power to bring about peace. That is fundamental to the Council's work.