

Security Council Open Debate on Women, Peace and Security, (Conflict Related Sexual Violence)
23 February 2012, Security Council Chamber

Statement by H.E Ms. Intelmann, Permanent Representative of Estonia

Allow me to begin by aligning myself with the statement delivered by the observer of the European Union and by thanking you, Sir, for convening this debate. I would also like to thank the Secretary-General for his report (S/2012/33) and the Special Representative of the Secretary-General on Sexual Violence in Conflict for her statement. We strongly support the mandate of the Special Representative, including the requirement to provide periodic statements as important updates on the state of sexual violence in conflicts around the world. Special Representative Wallström has been an important advocate for the fight against conflict-related sexual violence, and we especially appreciate her focus on the accountability dimension.

Sexual violence can be a crime of international concern, especially if it is part of a widespread or systematic campaign and can therefore constitute a war crime, a crime against humanity or even an act of genocide. The need to ensure accountability for such crimes is self-evident.

International tribunals have long been at the forefront of the fight against impunity for such crimes. The International Criminal Tribunal for Rwanda, for example, recognized rape as an act of genocide for the first time in history in 1998. The Rome Statute, adopted earlier that very year, represented a tremendous step forward by incorporating, for the first time and explicitly in an international legal framework, sexual violence such as rape, sexual slavery, enforced prostitution and forced pregnancy. It did so in a way that makes their prosecution a practical possibility. The importance of implementing those provisions is further illustrated by the obligation of the Prosecutor to take into account the nature of a crime, in particular where it involves sexual violence, gender violence or violence against children.

In the brief history of the Court, the Office of the Prosecutor has brought charges for sexual violence against 13 of the 27 individuals for whom he has requested warrants of arrest or summonses to appear, charging sexual violence as a war crime, a crime against humanity and an act of genocide. Indeed, as International Criminal Court (ICC) Prosecutor-Elect Fatou Bensouda has stated, the most striking quality of the pursuit of gender crimes by the Court to date has been their centrality to every prosecution so far. While the Court cannot deal with all instances of sexual violence, it has nevertheless proven itself to be a powerful tool for bringing those responsible for the gravest such crimes to justice.

The nexus between the United Nations and the ICC in the fight against sexual violence is very clear. The Court is active in six of the situations highlighted in the Secretary-General's report, whether through preliminary examinations, investigations or prosecutions. However, the Rome Statute limits the Court's reach to its States parties, and to crimes committed after 1 July 2002. Crimes falling outside those two criteria are the specific responsibility of the States concerned and, where necessary, of the Security Council, for, as the preamble to the Rome Statute reminds us, grave crimes threaten the peace, security and well-being of the world. The Council has also recognized conflict-related sexual violence as a threat to international peace and security, condemning its use as a tactic of war.

It is incumbent on the Council to react effectively to acts of sexual violence when it is likely that they amount to the most serious crimes under international law. Council action should be based on credible reports, including those of the Secretary-General. The use of accountability mechanisms, including referrals to the International Criminal Court and the use of targeted sanctions against those responsible for rape and other forms of sexual violence, in accordance with resolution 1960 (2010),

are but two of the tools available. It would be remiss of the Council not to make use of such tools if the circumstances so demand.

When discussing sexual violence, let us not forget the burden borne by victims. Under the Rome Statute, victims of crime have the opportunity to participate in proceedings before the Court. Victims of sexual violence also require targeted assistance of the sort rendered by the Trust Fund for Victims established by the Statute. To name but one example, a project in the Ituri region of the Democratic Republic of Congo provides education, day care and basic health-care services to 67 girls who had been abducted by the armed forces and had borne children while in captivity. Whether through multilateral or bilateral development cooperation, it is important that donors remember the special needs of the victims of sexual violence.

Women are the largest group of victims of sexual violence, which is why the fight against impunity must be complemented by efforts to empower women to become actors in peace and security. For this reason, Estonia attaches great importance to implementing and further developing resolution 1325 (2000) and its follow-on resolutions in order to strengthen the role of women in conflict prevention, settlement and peacebuilding.