

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

Statement by Mr. Kolga, Permanent Mission of Estonia to the United Nations.

I would like to thank you, Mr. President, for organizing this open debate.

Estonia fully aligns itself with the statement delivered by the observer of the European Union.

The Security Council, through its resolutions, has developed a robust framework to prevent and address sexual violence in armed conflict. However, gender crimes remain an enduring part of most armed conflicts. The leading role the United Kingdom is playing in international efforts to combat sexual violence is therefore much needed and appreciated. I would also like to thank Secretary-General Ban Ki-moon, Ms. Bangura, Ms. Jolie and Ms. Anwar for their statements, and passionate and inspiring commitment and dedication.

Special Representative Bangura has repeatedly underlined that there is no way to end sexual violence unless one ends impunity. Two weeks ago in the Human Rights Council in Geneva, the Special Rapporteur on Violence against Women, Ms. Rashida Manjoo, underlined that States need to be held accountable not only for investigating all acts of violence against women, but also for failing to prevent such violence. In recent years, sexual violence and its threat have continued to be employed as a weapon of war. Armed conflicts have made evident the need to protect civilians, especially the most vulnerable groups of women and children.

Estonia calls on States to take further political steps to fulfil the promise of Security Council resolutions on ending sexual violence as a tactic of war, and also calls on everyone to adhere to those tenets of international humanitarian law that prohibit rape and other forms of sexual violence. As to the United Nations, the next important step would be the further implementation of monitoring, analysis and reporting arrangements on conflict-related sexual violence. We would also urge the further deployment of women's protection advisers to the Security Council-mandated missions.

Despite the increasing international focus on sexual violence in conflict, perpetrators of sexual violence are rarely held accountable. The vigorous investigation and prosecution of perpetrators are, however, necessary to deter and halt such violence. We share the assessment of Special Representative Bangura that national ownership, leadership and responsibility in addressing sexual violence are some of the most important aspects of the fight against sexual violence.

In a similar vein, in his report of March 2013 on sexual violence in conflict (S/2013/149), the Secretary-General notes that national courts remain the principal venue for holding individuals accountable for crimes of sexual violence and that the national authorities should be supported in that regard. This is crucial, as the lack of adequate national capacity and expertise to investigate and prosecute acts of sexual violence remains one of the main impediments to ensuring accountability for gender crimes. To date, sexual violence in armed conflict has been prosecuted primarily at the international level through hybrid courts and international tribunals. These tribunals do indeed play an important complimentary role to national efforts.

The International Criminal Tribunals for the former Yugoslavia and Rwanda developed groundbreaking international jurisprudence outlawing rape and sexual violence during war. Investigating and prosecuting gender crimes has also been an integral part of the investigative and prosecutorial strategy of the Special Court for Sierra Leone. The Rome Statute, the founding treaty of the International Criminal Court (ICC), built upon the recognition of sexual violence as a serious international crime by the ad hoc tribunals and expanded the scope of sexual violence-based crimes

in international law. The Rome Statute specifies a greater number of sexual violence crimes than the statutes of the ad hoc tribunals, and acknowledges that these crimes can be committed against men and women. It is important that the Rome Statute's gender sensitivity be translated into national prosecutions to make sure that national proceedings take into account the gender dimension of atrocity crimes to the same extent as the Rome Statute does.

The ICC has also proven itself to be sensitive to gender crimes in practice. The Prosecutor gives priority to sexual and gender-based crimes from the outset of its preliminary investigations. Charges for gender-based crimes have so far been brought in cases arising from six of the eight situations. Estonia joins the Secretary-General in his call on the Council to employ all means at its disposal to address sexual violence in conflict, including through referrals to the ICC.

The ICC is, however, not only about punishing perpetrators, but also about empowering victims of atrocity crimes. The Court is committed to ensuring victims a participatory role in its proceedings, and the Rome Statute contains a relatively broad reparations provision. The Trust Fund for Victims established under the Rome Statute has been doing important work in countries where the court is conducting investigations to alleviate the suffering of victims. Among other activities, it is providing assistance to the victims of rape and to children born as a result of rape. In replenishing the Fund, Estonia has paid special attention to the needs of victims of sexual violence, who are very often stigmatized by their own communities. The trust fund is dependent on voluntary donations in order to effectively fulfil its mandate, and Estonia welcomes voluntary donations to the Fund.