

Security Council Open Debate on Sexual Violence in Council, April 17th 2013, Security Council Chamber

Statement by Mr. Rosenthal, Permanent Mission of Guatemala to the United Nations.

We thank the Rwandan presidency for convening this important open debate. It is particularly relevant that our debate is being chaired by Minister Louise Mushikiwabo, to whom we convey our thanks. We also thank the Secretary-General for the presentation of his report (S/2013/149). We are very aware of his commitment to combating sexual violence in armed conflict.

We also welcome Ms. Zainab Hawa Bangura and commend her on the great work she is carrying out in her role. We thank her for the compelling presentation of her report on her recent visit to Somalia and the Democratic Republic of the Congo. It demonstrates how extensive and serious, at least in those two countries, sexual crimes, including rape as a weapon of war, are.

We also thank Ms. Saran Keïta Diakité for her moving statement.

We recognize the importance of mediators and envoys in mediation, ceasefire, peace and preventive diplomacy processes engaging with the parties to a conflict in dialogue on sexual violence, and for such violence to be addressed in peace agreements. We agree with the recommendation of the Secretary-General that sexual violence should be included among prohibited acts and reflected as specific provisions in peace agreements related to security arrangements and transitional justice. It should be recalled, in that regard, that the Organization has developed guidelines for mediators on how to address sexual violence in armed conflicts. Those should be included in the training and orientation of teams that negotiate ceasefires and peace agreements.

We have participated in several informative events conducted by agencies of the system and non-governmental organizations that work in areas of armed conflict. The stories they tell are frightening and reinforce the urgent need for victims and survivors of sexual violence to have access to medical services and HIV-related treatment and care. It is also necessary to address the difficult situations faced by survivors who have children and by the children born as a result of rape, who then become victims of stigma and social exclusion.

We are highly aware of the priority that must be given to developing and building the capacity of national institutions, in particular the health, judicial and social welfare systems, as well as local civil society networks. That is certainly an area where public-private partnerships are of particular relevance.

It is also worth mentioning the critical role of women's civil society organizations in supporting the prevention and resolution of armed conflicts and in peacebuilding. That was precisely the approach taken in the presidential statement (S/PRST/2012/23) adopted under our presidency of the Security Council in October 2012. In that statement, as part of the fight against impunity for perpetrators of sexual and gender-based crimes, the Council categorically condemned all violations of international law committed against women and girls in armed conflict and post-conflict situations.

Guatemala has supported without reservation the work that the Security Council has been carrying out for several years now aimed at strengthening collective action to combat sexual violence in armed conflict, in particular through the adoption of resolutions 1820 (2008), 1888 (2009) and 1960 (2010). Now, as elected members of the Council, we find that our commitment has been further deepened.

In that regard, we are encouraged by the important change in how sexual violence is being dealt with by the International Criminal Court, in particular with respect to the charges against Bosco Ntaganda

of crimes against humanity, rape, sexual slavery and war crimes. The same could be said about the prosecution of Jean-Pierre Bemba. Both cases set a precedent concerning the principle of officers' responsibility for sexual violence as a war crime and crime against humanity. That constitutes an important complement to the work of national courts and mixed tribunals in the fight against deeply rooted discriminatory practices that are embedded in a culture of impunity.

In addition, it helps us to combat the perception that it is useless to denounce the crimes of sexual violence and contributes to the strengthening of the administration of justice, whether civil or military, by holding perpetrators accountable before the law. Moreover, it also helps to realize specific commitments on prohibiting sexual violence committed by senior-ranking officials of armed forces and armed groups, and promotes the adoption of codes of conduct that prohibit sexual violence.

We believe that another step in the right direction is the judgment in the case of Thomas Lubanga Dyilo. Although he was not charged with crimes of sexual slavery and rape, the judgment against him includes specific guidance on the reparations to be made to the victims of sexual violence, thus making possible specific reparation for the immediate and long-term harm experienced by the victims. That act of international justice affords hope, dignity and compensation to the victims and enforces accountability for the perpetrators.

What I have referred to leads us to conclude that the annex to the report of the Secretary-General, which lists the parties and individuals credibly suspected of committing or being responsible for systematic rape and other forms of sexual violence during conflict and post-conflict situations, is useful, and that we must increase the pressure on those responsible for those acts and, when appropriate, submit their names to the relevant committees.