

Security Council Open Debate on Sexual Violence in Conflict
16th-17th December 2010, Security Council Chamber (GA-TSC-01)

Statement by H.E. Mr. Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations

We thank the Secretary-General and his Special Representative, and would like to encourage her to continue her visits to countries that experience conflict-related sexual violence and to brief the Council on those visits in open meetings.

Liechtenstein co-sponsored resolution 1960 (2010) because it contains numerous valuable elements that enable the Council to address the alarming increase in sexual violence around the world. We agree with the analysis of the Secretary-General in his report (S/2010/604) that gender constructs are a critical but insufficient tool to understand the full complexity of sexual violence. We therefore welcome the approach detailed in the report to widen the analytical lens and to define sexual violence in accordance with the definitions used in international law, in particular the Rome Statute of the International Criminal Court.

Earlier resolutions and resolution 1960 (2010) emphasize the primary responsibility of all States to put an end to impunity and to prosecute those responsible for crimes, including acts of sexual violence. Nevertheless, national justice systems often lack the willingness or the capacity necessary for effective prosecutions. We thus welcome the progress made with regard to the establishment of a Team of Experts that can be deployed rapidly to assist national justice systems. This is consistent with the principle of complementarity, which stipulates that international criminal justice mechanisms are activated only when States are unable or unwilling to prosecute at the national level.

As a particularly positive element, we welcome the inclusion in future reports of the Secretary-General of information on parties that are credibly suspected of being responsible for acts of sexual violence. This should provide a basis for the Council to formulate more focused responses, including, where necessary, the application of targeted measures and the consideration of accountability mechanisms.

Liechtenstein also supports the establishment of monitoring, analysis and reporting arrangements on conflict-related sexual violence as another essential element of resolution 1960 (2010). The Council requires timely, accurate and reliable information in order to respond effectively to conflict-related sexual violence.

These are important achievements and we congratulate you, Madame President, on having forged a consensus on this text. At the same time, we also wish to place on record that we consider the resolution to be a missed opportunity. The Special Representative stated in her remarks that she has made the fight against impunity her priority since she took office. And indeed, this was corroborated by the substance of her briefing.

The Council, however, chose not to reflect that in the text adopted today. In fact, the operative part of resolution 1960 (2010) does not include any statement on the Council's commitment to end impunity, let alone on any concrete measures to that end. The resolution is also silent on the importance of the work carried out by the ad hoc tribunals established by the Council itself and by the International Criminal Court, to which the Council itself has referred a situation where sexual violence is prevalent.

This seems particularly ironic at a time when the mass rapes in the Democratic Republic of the Congo have gained sad notoriety in any discussion on sexual violence in armed conflict, and when much of the recent work of the International Criminal Court has been dedicated to that situation, most prominently through the arrest of the militia leader Callixte Mbarushimana earlier this year. I also wish to recall that this was a situation referred to the Court by the country affected itself.

We thank the Secretary-General and the Special Representative for their clear reference to the importance of the work of the International Criminal Court with respect to combating sexual violence. We hope that, in future deliberations, the Council will be able to acknowledge the most concrete international efforts to fight impunity for sexual violence, and thus to be less disconnected from reality than the resolution makes it appear in this respect.