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SECURITY COUNCIL – OPEN DEBATE

CONFLICT-RELATED SEXUAL VIOLENCE

STATEMENT BY H.E. MR. CHRISTIAN WENAWESER, AMBASSADOR, PERMANENT REPRESENTATIVE

Mr. President,

The inauguration of the **International Day for the Elimination of Sexual Violence in Conflict** later this month is a good moment to take stock of progress we have made and identify challenges ahead: Where do we stand in the fight to eliminate sexual violence in conflict? Which are the tools at our disposal? Given the limited time available, I will focus my remarks on the question of accountability.

Mr. President,

Accountability is a key ingredient of our joint effort. International criminal justice mechanisms have significantly advanced our efforts to fight impunity: In 1998, the **International Criminal Tribunal for Rwanda** broke new ground, when it found – in the Akayesu case - that sexual assault constituted an act of genocide.¹ In March this year, the **International Criminal Court**

¹ The Prosecutor v. Jean Paul Akayesu (ICTR-96-4-T)

found Jean-Pierre Bemba criminally responsible for rape committed by his subordinates both as a war crime and crime against humanity, in accordance with the principle of command responsibility.² These verdicts are significant steps forward in the criminalization of sexual violence. They send a clear message that impunity for sexual violence as a tool of war is not an option. We commend the Prosecutor of the ICC for including charges related to sexual and gender-based crimes in many of her ongoing cases and for prioritizing these crimes as reflected in the policy paper produced by her office.³

Mr. President,

We are asked today to also focus on the issue of **human trafficking**. The Presidential Statement from December last year⁴ underscores the importance of international law enforcement cooperation, including with respect to investigation and prosecution. The questions raised in your concept note are a logical continuation of the first ever PRST the Council has adopted on this issue. We appreciate in particular the suggestions for concrete action by the Council in the context of its country-specific work: sanctions against individuals and entities involved in trafficking are an important policy option that should be examined carefully. Likewise, we see much potential in monitoring financial flows generated by human trafficking - which is not only one of the most serious crimes under international law, but also one of the most lucrative organized crime models. We are working with United Nations University as well as with other

² Prosecutor v. Jean Pierre Bemba Gombo (ICC-01/05-01/08)

³ See Policy Paper on Sexual and Gender-Based Crimes, June 2014, available online at <https://www.icc-cpi.int/Pages/item.aspx?name=pr1011>.

⁴ PRST/2015/25

partners on these two questions and hope that relevant findings can be incorporated in the SG's report for the follow-up discussion in the Council in December. We should enable the Council to make concrete next steps in the fight against trafficking and modern slavery.

Mr. President,

Tens of millions of people around the globe live in conditions that qualify as modern slavery. This crime takes on various forms, including **sexual enslavement** almost invariably involving women and girls. But in spite of the *jus cogens* prohibition against slavery, there is very widespread impunity for this crime, which is committed as a part of the conduct of war as well as of organized crime. Tackling this culture of impunity is but one element of the effort to eliminate modern slavery – but an element that is urgently needed. Investigations and prosecutions can be complex, as the relevant acts are often committed in several jurisdictions. And where national jurisdictions fail to play their role, international criminal justice has to step in. Under the Rome Statute of the International Criminal Court, enslavement can constitute a crime against humanity, and sexual slavery a war crime. The ICC could thus play a catalytic role in prosecuting these crimes, while illustrating the truly global nature of its work. This great potential will be further explored at a side-event on the topic of modern slavery and the role for international criminal justice, which we are hosting together with United Nations University and the ICC Prosecutor on 10 June in Conference Room 1 at 3 pm.

Mr. President

This Council's effort to tackle human trafficking and modern slavery in situations of armed conflict must be closely connected to our broader efforts in this regard, as these crimes are committed on a very large scale, as part of transnational organized crime, and in most cases not related to armed conflict. Various factors such as poverty, displacement, discrimination on ethnic and other grounds make a large number of individuals vulnerable to a crime that was among the first to be outlawed under international law. The 2030 Agenda gives the necessary prominence to this topic and therefore offers an opportunity to finally eliminate this atrocity – in times of armed conflict and otherwise.

I thank you.