



General Assembly

Distr.
GENERAL

A/HRC/Sub.1/58/23*
11 July 2006

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-eight session
Item 6 of the provisional agenda

SPECIFIC HUMAN RIGHTS ISSUES

Systematic rape, sexual slavery and slavery-like practices during armed conflicts

Report of the United Nations High Commissioner for Human Rights

* Pursuant to General Assembly resolution 60/251 of 15 March 2006 entitled “Human Rights Council”, all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights, including the Sub-Commission, were assumed, as of 19 June 2006, by the Human Rights Council. Consequently, the symbol series E/CN.4/Sub.2/_, under which the Sub-Commission reported to the former Commission on Human Rights, has been replaced by the series A/HRC/Sub.1/_ as of 19 June 2006.

GE.06-13079 (E) 240706

Summary

The present report is submitted in accordance with Sub-Commission on the Promotion and Protection of Human Rights resolution 2005/27, which called upon the High Commissioner for Human Rights to submit an updated report on the issue of systematic rape, sexual slavery and slavery-like practices during armed conflicts and supplements the information contained in the High Commissioner's previous reports, notably those submitted in compliance with Sub-Commission resolution 1999/16.

The present report provides updated information on the activities of human rights mechanisms and treaty-monitoring bodies on the issue of systematic rape, sexual slavery and slavery-like practices in situations of conflict. It refers also to new developments in international human rights and criminal and humanitarian law on this issue.

Despite growing international recognition of the seriousness of sexual violence and slavery-like practices in situations of conflict, and growing commitment to ensure accountability and redress for these violations, the report notes that civilian populations - in particular women and children - continue to be too often the main victims of these human rights violations.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1 - 12	4
II. THE COMMISSION ON HUMAN RIGHTS AND ITS MECHANISMS AND PROCEDURES	13 - 22	6
III. HUMAN RIGHTS TREATY BODIES	23 - 34	8
IV. OTHER DEVELOPMENTS REGARDING SYSTEMATIC RAPE, SEXUAL SLAVERY AND SLAVERY-LIKE PRACTICES DURING ARMED CONFLICTS	35 - 45	10
V. CONCLUSIONS	46 - 48	12

I. INTRODUCTION

1. At its fifty-seventh session, the Sub-Commission on the Promotion and Protection of Human Rights, in its resolution 2005/27, reiterated its concern “that systematic rape, sexual slavery and slavery-like practices are still being used” and called upon the High Commissioner for Human Rights to submit an updated report to the Sub-Commission at its fifty-eighth session on the issue of systematic rape, sexual slavery and slavery-like practices during armed conflicts.

2. The present report is submitted in accordance with that request and supplements the information contained in the High Commissioner’s previous reports, starting with those submitted in compliance with Sub-Commission resolution 1999/16. In that resolution, adopted at its fifty-first session, the Sub-Commission called upon the High Commissioner to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur of the Sub-Commission on the situation of systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict.¹

3. The present report provides updated information on the activities of human rights mechanisms and treaty-monitoring bodies on the issue of systematic rape, sexual slavery and slavery-like practices in situations of conflict. It refers also to new developments in international human rights and criminal and humanitarian law on this issue.

Violence against women, systematic rape and sexual slavery as a weapon of war

4. Wars and armed conflict continue to have a dramatic impact on civilian populations; civilians are killed, kidnapped, arbitrarily detained, and tortured on a massive scale. Violations of human rights and international humanitarian law are widespread.

5. In times of conflict, women are particularly exposed to sexual and gender-based violence and atrocities. Wars and conflicts exacerbate existing inequalities between men and women. Furthermore, during times of conflict, perpetrators of gender-based violence are rarely held accountable.

6. Recent conflicts, in different parts of the globe, have shown that women and girls are particularly at risk of being victims of sexual violence, notably rape. Other forms of sexual violence have also been reported, such as forced prostitution, sexual slavery or forced sterilization.

7. In wartime, sexual violence has been used against women and girls for many different reasons. The violence can be used as a form of torture, to extract information, or as punishment for actions women or members of their families are alleged to have committed. The violence can also be a consequence or by-product of the collapse in social order that often accompanies conflicts. Systematic sexual violence by governmental forces or armed groups can be carried out with the objective to instil terror within a particular community or, in some cases, particularly in ethnic conflicts, such violence is used to undermine the dignity and identity of a group and contribute to ethnic cleansing. In many instances, women and girls are abducted in order to supply combatants with sexual services.

8. Statistical data on rape and sexual violence suffered by women and girls in conflict situations is difficult to gather for different reasons. Exposing violence can contribute to put both the investigator and the victims at risk of reprisal in the case of an active conflict. Because of societal taboos, women are also often unwilling to report when they have been victims of rape or other forms of sexual violence. However, there is a clear need to collect reliable data, in order to guide policy, programmes and service delivery for affected women.

9. Rape and sexual violence imply a number of consequences for the victims, although it is sometimes difficult to isolate these consequences from those of the conflict experiences. For example, women and girl victims of sexual violence often are ostracized by their families and communities. Another most serious consequence is the spread of HIV/AIDS. As mentioned by the Inter-Agency Standing Committee guidelines for HIV/AIDS interventions in emergency settings, rape and sexual violence - including rape used as a weapon of war by fighting forces against civilians - is one of the factors that facilitate the spread of HIV.² Sexual violence and exploitation, common features of conflict situations, contribute greatly to the transmission of the virus. Rape by an infected man directly exposes women to HIV, and the abrasions of vaginal tissues that may result from the rape increase the risk of infection in future sexual encounters. Furthermore, the presence of combatants among civilian populations increases the risk of infections, as they usually have greater rates of sexually transmitted infections than civilians.

10. In addition to physical and psychological consequences borne by the victims of sexual violence in conflict situations, it is also important to note that the family as well as the community face consequences of the violations. For example, in cases of systematic rape in the context of ethnic conflict, the victim's entourage often witnesses the rapes, as the objective of the perpetrators is to humiliate the group. Sexual-based violence suffered by women of a particular community can contribute to undermine the societal fabric.

11. As it was noted in previous reports, the international community has increasingly recognized the seriousness of gender-based violence and the challenges posed by rape and sexual violence inflicted on women in situations of conflicts.³ There is a growing international commitment to ensure accountability and redress for these violations of women's rights. Already paragraph 28 of the 1993 Vienna Declaration and Programme of Action expressed "dismay at massive violations of human rights especially in the form of ... systematic rape of women in war situations ..., [condemned] such abhorrent practices ... [and reiterated] the call that perpetrators of such crimes be punished and such practices immediately stopped".⁴

12. With the creation of the international tribunals for the former Yugoslavia and Rwanda, further legal standards were developed noting that such practices can amount to war crimes or crimes against humanity. The adoption of the Rome Statute of the International Criminal Court, in 2002, confirmed that development. In its article 7, the Statute defines rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violation of comparable gravity as a crime against humanity. The Statute also addresses some structural issues regarding the prosecution of such crimes - including the need to hire judges and prosecutors with special expertise in violence against women and the establishment of Victim and Witnesses units.

II. THE COMMISSION ON HUMAN RIGHTS AND ITS MECHANISMS AND PROCEDURES

13. Following General Assembly resolution 60/251 of 15 March 2006 establishing the new Human Rights Council and the adoption of Economic and Social Council resolution 2006/2, the Commission on Human Rights held a procedural session on 27 March 2006 and adopted a resolution on the closure of its work. According to its resolution 2006/1, the Commission refers all reports to the Human Rights Council for further consideration at its first session in June 2006.

14. The Commission on Human Rights had considered the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts in several resolutions, notably those related to the elimination of violence against women, the abduction of children in Africa, the protection of human rights of civilians in armed conflicts and impunity. In particular, resolutions on the elimination of violence against women (2005/41) and on protection of human rights of civilians in armed conflicts (2005/63) have stressed the need for concerted efforts to eliminate impunity for violence against women and girls during armed conflicts.

15. In addition, a number of special procedures mandate-holders - whose reports will be now considered by the Human Rights Council - referred to this issue.

16. The Special Rapporteur on violence against women, its causes and consequences, has conducted four country visits since the sixty-first session of the Commission on Human Rights. She visited the Russian Federation in December 2004. In her report,⁵ she dedicated a section to violence against women in the context of the conflict in the Northern Caucasus. In particular, the Special Rapporteur referred to the growing vulnerability of women due to the counter-terrorist strategy adopted in response to suicide bombings allegedly committed by Chechen women, commonly called “black widows”, avenging the deaths of family members. According to the Special Rapporteur, one of the measures adopted by the authorities in this context was the issuance of an order instructing the police to detain all women wearing traditional Muslim headscarves, which led to cases of arbitrary detention of women. While in detention, these women were often victims of rape and other kinds of sexual abuse, according to allegations mentioned by the Special Rapporteur. The Special Rapporteur also referred to the violence experienced by internally displaced women. In her recommendations, she called on the authorities to take all necessary measures to ensure that discrimination against women would not be legitimized by the passage of anti-terrorism legislation, and that IDP women living in temporary centres would be protected from violence and abuse.⁶

17. The Special Rapporteur also visited Afghanistan in July 2005. In her report,⁷ she concluded that, despite significant developments since the fall of the Taliban, the situation of women in Afghanistan remained dramatic. She stressed that violence against women in the Afghan context cannot be solely reduced to culture and tradition, and that the conflict situation should also be taken into consideration. The Special Rapporteur identified four factors underlying women’s vulnerability and the perpetuation of violence in the country: the traditional patriarchal gender order; the erosion of protective social mechanisms; the lack of the rule of law; and poverty and insecurity. In addition to the building of a strong, democratic and inclusive State, the Special Rapporteur highlighted the importance of developing a sense of citizenry in both men and women. She also recommended carrying out targeted information campaigns on women’s rights.

18. In his most recent report, the independent expert on the situation of human rights in the Democratic Republic of the Congo dedicated a section of the document to the issue of sexual violence. He reported that sexual violence continues throughout the Democratic Republic of the Congo, in particular in the eastern part of the country. The independent expert recommended to the Government of national unity and transition that it should “combat all the crimes that continue to be committed, particularly rape and sexual violence against women and children used as a weapon of war ...”.⁸

19. The Special Rapporteur on the situation of human rights in the Sudan was appointed by resolution 2005/82 of the Commission on Human Rights. Her report (E/CN.4/2006/111) presented the findings of the Special Rapporteur following her first mission to the country in October 2005. She referred to evidence that was provided to her that rape and sexual violence against women and girls was continuing in Darfur, and often perpetrated by armed militia who have camps close to the IDP camps, or by government officials. In addition, the Special Rapporteur reported on the long-lasting implications of forced recruitment of children by both militias and the Sudan Armed Forces. In particular, she noted that recruits become dependent on the food and care provided by the soldiers and that soldiers enter into relationships with internally displaced girls that sometimes result in pregnancies. She also highlighted that children born to soldiers from a different ethnic group faced stigma or abandonment. The Special Rapporteur also expressed concern at new forms of trafficking in persons that were emerging because of the conflict. Some returnees who had been supported by the Committee for the Elimination of Abduction of Women and Children (CEAWC)⁹ and failed to find their way home are working in prostitution or living on the streets.

20. The Special Rapporteur on trafficking in persons, especially women and children, conducted a mission to Bosnia and Herzegovina in February 2005 to investigate the situation in a post-conflict society characterized by a heavy international presence and to assess progress made in the fight against trafficking. In her report (E/CN.4/2006/62/Add.2), she noted that, since the emergence of the phenomenon, the situation in both the areas of prevention and suppression of trafficking has substantially changed. Since the adoption of the National Plan of Action, major changes have occurred in the legislation and the institutional setting to deal with trafficking - in particular for law enforcement, border control, assistance to victims and prosecution of perpetrators. A large number of foreign women who were illegally in the country have left, many bars have closed, and several persons involved in trafficking were serving prison sentences. The Special Rapporteur noted, however, that efforts were still required in all these areas in order to achieve further progress towards breaking the trafficking cycle. In particular, issues of coordination, education to eliminate existing gender stereotypes, sensitization of law enforcement and the judiciary, assistance to victims, and witness protection still required close attention.

21. During its fifty-seventh session, the Sub-Commission on the Promotion and Protection of Human Rights adopted a number of resolutions related to the issue of systematic rape, sexual slavery and slavery-like practices during armed conflicts, in particular resolution 2005/27. The resolution states that women continue to face widespread gender-based sexual violence during conflicts, reiterates that States should provide effective criminal penalties and compensation for violations to end the cycle of impunity, and encourages States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts. Resolution 2005/10, on Attacks on persons entitled to protection as civilians,

should also be taken into account. It stresses the importance of combating impunity for perpetrators of international crimes, and confirms, inter alia, that anyone - including members of the security forces - who participates in an intentional attack against persons entitled to protection as civilians, which is prohibited by customary international criminal law, is guilty of an international crime. Concerned at allegations of criminal behaviour and other misconduct by members of personnel of peace-support operations, the Sub-Commission decided, in its resolution 2005/14, to appoint a Special Rapporteur with the task of preparing a comprehensive study on accountability of international personnel taking part in peace operations.

22. Based on the working paper she had prepared on the difficulties in obtaining evidence in cases of sexual abuse, the Sub-Commission requested Ms. Rakotoarisoa, who was appointed Special Rapporteur on this issue, to submit a preliminary report on the difficulties of establishing guilt or responsibility with crimes of sexual violence to its fifty-eighth session.¹⁰

III. HUMAN RIGHTS TREATY BODIES

23. In monitoring the implementation of the human rights conventions by Member States, the treaty bodies have continued to pay special attention to the existence of a conflict in the country under consideration and examined the impact of the conflict on the civilian population. This section provides information on recent observations by treaty-monitoring bodies which are related to rape, sexual slavery and slavery-like practices.

The Committee on the Elimination of Discrimination against Women

24. The Committee on the Elimination of Discrimination against Women, in its 2006 concluding comments on the elimination of discrimination against women in Bosnia and Herzegovina, said it was aware of the difficulties confronted by the State because of the impact of the conflict, but that it was concerned at the situation of women in that country. It noted in particular that there is a lack of a gender analysis of the consequences of the armed conflict.¹¹ The Committee also expressed concern regarding trafficking in women, and that current protection measures do not apply to women nationals of Bosnia and Herzegovina who have been trafficked internally and those who have been trafficked for purposes other than prostitution. The Committee was also concerned at the situation of victims of sexual violence of the armed conflict whose specific type of suffering is not sufficiently recognized in the respective legal frameworks for civilian war victims. The Committee urged the State to adequately protect women who were civilian victims of sexual violence during the armed conflict.

25. In its 2005 concluding comments on Israel, the Committee said it was aware that the persistence of the conflict hinders the full implementation of the Convention.¹² The Committee also expressed regret that the State of Israel considers that the Convention does not apply beyond its own territory and refuses to report on the status of its implementation in the occupied territories.

The Committee against Torture

26. In 2005, the Committee against Torture acknowledged the difficult situation arising from the internal armed conflict in Sri Lanka, but stressed that no exceptional circumstances may be invoked as justification of torture.¹³ The Committee expressed its concern at continued

allegations of sexual violence and abuse of women and children in custody, including by law-enforcement officials, as well as the lack of prompt investigations of these allegations. The Committee also noted with concern the absence of a reparation programme for victims of torture committed in the course of the armed conflict.

27. In its 2004 conclusions regarding Colombia, the Committee expressed particular concern over allegations of inadequate protection against rape and other forms of sexual violence, which were allegedly frequently used as forms of torture or ill-treatment.¹⁴ It also expressed concern that the military penal code does not expressly exclude sexual offences from the jurisdiction of the military courts.

28. Regarding Nepal, the Committee acknowledged in 2005 the difficult situation resulting from the armed conflict, but expressed its concern at continued allegations of gender-based violence and abuse against women and children in custody, including acts of sexual violence by law-enforcement personnel.¹⁵

The Human Rights Committee

29. The Human Rights Committee, in its 2006 concluding observations regarding the situation in the Democratic Republic of the Congo, expressed its concern regarding the number of violent acts, including of sexual violence and the large number of rapes, suffered by women and children in the areas of conflict.¹⁶ The Committee also referred to allegations of sexual violence by members of the United Nations mission. The Committee expressed its preoccupation regarding trafficking in children, in particular for sexual and economic purposes.

30. In its 2004 concluding observations regarding Colombia, the Committee reiterated its concern at the high level of violence to which women are subjected.¹⁷ The Committee referred in particular to the limited number of investigations into cases of sexual violence experienced by women during the internal armed conflict. The Committee is also concerned at the current rules for prosecuting cases of rape, which require the consent of the victim in order to proceed further.

The Committee on the Rights of the Child

31. In its 2005 concluding observations on Uganda,¹⁸ the Committee expressed its concern at the continuing abduction by the Lord's Resistance Army of children for use as child soldiers and sex slaves and to carry goods and weapons, as well as the inhuman and degrading treatment of the abducted children. It recommended that the State pay particular attention to girls, who have often been the victims of sexual abuse.

32. The Committee adopted its concluding observations on the Russian Federation in November 2005.¹⁹ The Committee was concerned that children living in Chechnya and the Northern Caucasus remain very deeply affected by the conflict. It referred in particular to allegations of arbitrary arrests and disappearances of young persons suspected by security agents of being associated with the insurgency. The Committee also expressed concern at the large number of children being sexually exploited in the Russian Federation, and that teenage prostitution is an acute problem.

33. The Committee on the Rights of the Child, in its concluding observations, mentioned the particular situation of displaced children, who constitute more than half of the displaced population. It was concerned that inadequate attention was being paid to their physical protection. The Committee expressed concern over the large-scale recruitment of children by illegal armed groups for the purposes of sexual slavery. In addition, the Committee concluded that there was a lack of adequate transparency in consideration of aspects relating to children in the negotiations with illegal armed groups, and that that resulted in continuous impunity for those responsible for recruitment of child soldiers.

34. The Committee started reviewing States parties' reports under the optional protocol on the involvement of children in armed conflict as well as the optional protocol on sale of children, child prostitution and child pornography at its forty-first session in 2006. This review will certainly give the opportunity to the treaty body to investigate further the issue of sexual slavery and gender-based violence in conflict situations.

IV. OTHER DEVELOPMENTS REGARDING SYSTEMATIC RAPE, SEXUAL SLAVERY AND SLAVERY-LIKE PRACTICES DURING ARMED CONFLICTS

35. The United Nations system continues to pay special attention to the issue of systematic rape, sexual slavery and slavery-like practices during armed conflicts. In this context, the Security Council adopted a monitoring and reporting mechanism on children and armed conflicts proposed by the Secretary-General. The mechanism will review the conduct of all parties to a conflict - Governments as well as insurgents - and will focus on six grave violations, among which number rape and other grave forms of sexual violence against children.²⁰

36. In its resolution 1674 (2006) of 28 April 2006, the Security Council reaffirmed its strong condemnation of all acts of violence or abuses committed against civilians in situations of armed conflict in violation of applicable international law in particular regarding gender-based violence, trafficking in humans, violence against children and the recruitment and use of child soldiers.

37. The High Commissioner for Human Rights also took into consideration the issue of systematic rape, sexual slavery and slavery-like practices in conflicts in her reports. These reports were based on the Plan of Action for her Office entitled "Protection and empowerment", which highlights six areas where human rights face particular challenges globally: poverty, discrimination, armed conflict and violence, impunity, democracy deficits, and weak institutions.

38. In her recent report on the situation of human rights in Colombia, the High Commissioner referred to the fact that a number of people and communities are affected by human rights and humanitarian law violations in the context of the armed conflict.²¹ Ethnic groups, in particular indigenous persons and Afro-Colombians, have suffered acts of sexual violence which have been attributed to illegal armed groups and, on occasion, to members of the security forces. Women continue to be exposed to sexual violence, especially in cases where they are relatives or

companions of persons allegedly linked to the parties to the conflict. The report noted that indigenous and Afro-Colombian women are particularly vulnerable to trafficking. The situation of children has considerably deteriorated in particular due to the high level of ill-treatment and sexual abuse.

39. The third periodic report of the High Commissioner on the human rights situation in the Sudan devoted a section to sexual and gender-based violence in Darfur. Across Darfur, women and girls continue to be sexually assaulted and raped by militia or joint militia-Government groups. The report stated that the Government has taken some rudimentary steps, in particular by admitting that rape was a problem in Darfur. In addition, it presented a National Action Plan to end violence against women in Darfur, and an inter-ministerial committee was created to oversee the implementation of that plan. However, the report concluded that far more needs to be done to address the issue, and that the mechanisms put in place should be more active.

40. The Office of the High Commissioner recently published the OHCHR *Rule-of-Law Tools for Post-Conflict States*, a five-volume set of guidelines designed to help United Nations field missions and transitional administrations effectively advise countries emerging from conflict on the development of transitional justice mechanisms. The five policy tools address the challenges involved in different aspects of transitional justice in post-conflict countries, including assessing whether and how the justice system of the country contributed to the conflict; the prosecution of perpetrators of crimes such as genocide, crimes against humanity and war crimes; the establishment of truth commissions; and the vetting and monitoring of legal systems established after the end of hostilities. Each of the five publications takes into account the specificity of vulnerable groups in the context of conflict. For example, in the section on selecting priorities for monitoring, the publication on monitoring legal systems stresses that women as a group may be considered vulnerable to particular violations based on sex, such as sexual exploitation or gender-based violence.²²

Truth and reconciliation commissions

41. Ending impunity and restoring faith in the rule of law is often one of the biggest challenges in conflict and post-conflict situations. Even in times of peace, perpetrators of gender-based violence often enjoy impunity. In times of war and conflict, crimes against women often reach high levels of brutality, yet those who commit crimes against women are rarely punished, nor are women granted redress.

42. In more and more instances, countries emerging from conflict have chosen to turn to non-judicial methods, such as truth and reconciliation commissions, to complement the justice system. These commissions do offer some kind of accounting for the past. In some cases, such commissions have played a role in establishing accountability for crimes against women in times of conflict.

43. For example, the Truth Commission in Sierra Leone (TRC) called for specific attention to victims of sexual violence. The Truth and Reconciliation Commission Act was adopted

on 22 February 2000. Its section 6 set out that one of the functions of the Commission was “to work to help restore the human dignity of victims and promote reconciliation by providing an opportunity for victims to give an account of the violations and abuses suffered and for perpetrators to relate their experiences, and by creating a climate which fosters constructive interchange between victims and perpetrators, giving special attention to the subject of sexual abuses and to the experiences of children within the armed conflict”.

44. In its methodology, the TRC also took into account the specificity of sexual violence suffered by women and incorporated a gender-sensitive approach into its work: all statement-takers were trained on issues of rape and sexual violence and special hearings for victims of rape were organized. The TRC found that women and girls became particular targets of malice and violence during the conflict. They suffered abduction and exploitation at the hands of the various factions. Their vulnerability was deliberately exploited in order to dehumanize them and perpetrate against them the most gross of violations. They were raped, forced into sexual slavery and endured acts of great sexual violence. The TRC concluded that “The contempt [sic] in which women were held prior to the conflict also exacerbated the way they were treated during the war”.²³

45. The Timor Leste Commission for Reception, Truth and Reconciliation (CAVR), established in July 2001, also highlighted the specific impact of the conflict on women. Its report was made public in January 2006. Already in its mandate, the CAVR identified a number of categories of human rights standards on which it focused its attention, among them rights violated by the practice of sexual slavery (including the prohibition on torture, the right to enter marriage through full and free consent, and the prohibition on slavery). The CAVR found that the violations suffered by women during the conflict included rape, including gang rape; sexual slavery; sexual torture, including mutilation of sexual organs; and harassment.²⁴

V. CONCLUSIONS

46. Despite growing international recognition of the seriousness of sexual violence and slavery-like practices in situations of conflict, and growing commitment to ensure accountability and redress for these violations, civilian populations - in particular women and children - continue to be too often the main victims of these human rights violations.

47. Armed conflicts exacerbate violence in a given society as well as inequalities between men and women. In the road to peace, victims of violence are too often neglected, and justice is sometimes seen as an obstacle to the research of peaceful solutions to situations of conflict. It is the duty of the international community to take necessary actions to reverse that trend. The historical recognition by world leaders, at the World Summit in September 2005 in New York, of the responsibility to protect constitutes a real breakthrough in this respect.

48. The fight against impunity should be at the centre of all efforts to end sexual violence and slavery-like practices during armed conflicts. It is the responsibility of States to comply with their legal obligations to prosecute those responsible for these violations of

human rights and international law, as well as to respect the right to justice of the victims. At the international level, the referring of situations to the International Criminal Court will certainly be an additional element to deal with past abuses and to prevent future violations.

Notes

¹ In compliance with those requests, the Special Rapporteur submitted her updated and final report (E/CN.4/Sub.2/2000/21) and the High Commissioner submitted her first report (E/CN.4/Sub.2/2000/20), which was based on the activities of treaty-monitoring bodies, special rapporteurs and the Commission on Human Rights and provided information on specific conflict situations available from those sources. The High Commissioner submitted further reports in 2001 (E/CN.4/Sub.2/2001/29), 2002 (E/CN.4/Sub.2/2002/28), 2003 (E/CN.4/Sub.2/2003/27), 2004 (E/CN.4/Sub.2/2004/35) and 2005 (E/CN.4/Sub.2/2005/33).

² IASC, Guidelines for HIV/AIDS interventions in emergency settings, p. 9.

³ E/CN.4/Sub.2/2004/35 and 2005/33.

⁴ World Conference on Human Rights, Vienna, 14-25 June 1993, A/CONF.157/23.

⁵ E/CN.4/2006/61/Add.2.

⁶ Report of the Special Rapporteur on violence against women, its causes and consequences to the Russian Federation, E/CN.4/2006/61/Add.2.

⁷ E/CN.4/2006/61/Add.5.

⁸ Report submitted by the independent expert on the situation of human rights in the Democratic Republic of the Congo, E/CN.4/2006/113, p. 23.

⁹ The Committee for the Elimination of Abduction of Women and Children (CEAWC) was established by the Government in 1999 and has a mandate to end abductions, prosecute the perpetrators and return abductees, E/CN.4/2006/111.

¹⁰ Sub-Commission resolution 2005/3.

¹¹ CEDAW/C/BIH/CO/3.

¹² CEDAW/C/ISR/CO/3.

¹³ CAT/C/LKA/CO/2.

¹⁴ CAT/C/CR/31/1.

¹⁵ CAT/C/NPL/CO/2.

¹⁶ CCPR/C/COD/CO/3.

¹⁷ CCPR/CO/80/COL.

¹⁸ CRC/C/UGA/CO/2.

¹⁹ CRC/C/RUS/CO/3.

²⁰ S/RES/1612 (2005) and E/CN.4/2006/66.

²¹ E/CN.4/2006/9.

²² *Rule of law tools for post-conflict states, Monitoring legal systems*, p. 25.

²³ The Final Report of the Truth and Reconciliation Commission of Sierra Leone (<http://trcsierraleone.org/drwebsite/publish/v3b-c3.shtml?page=4>).

²⁴ Commission for Reception, Truth and Reconciliation in East Timor, final report (<http://www.ictj.org/static/Timor.CAVR.English/00--Preface.pdf>).
