

Dear Members of the Independent International Commission of Inquiry on Ukraine,
We express our respect for the important mission you are carrying out in relation to violations and abuses of human rights, violations of international humanitarian law and related crimes in the context of the aggression against Ukraine by the Russian Federation.

We have carefully reviewed the information related to the CRSV in your report and express our comments, prepared jointly - SEMA Ukraine and the Women's Information Consultative Center (WICC).

567. The evidence gathered by the Commission indicates that Russian authorities have committed sexual and gender-based violence, often committed with brutality, and in combination with other grave violations, across areas they controlled in Ukraine and in the Russian Federation. It has documented cases of sexual and gender-based violence, including rape, threat of rape, sexual slavery, and forced nudity involving women, men, and girls, of an age range from 4 to over 80, in nine regions of Ukraine, and in the Russian Federation.

#567, 579 (partly) has limited number of patterns and we ask to add it particularly by cases we shared during the meeting:

- revenge for the pro-Ukrainian position;
- threats that the survivors will not have sexual desires after the violence;
- humiliation and bullying that the women will give birth to Russian children after the violence, etc.

568. Rape, sexual violence and sexual slavery are war crimes. Rape and other forms of sexual violence may also amount to torture. Sexual and gender-based violence also constitutes human rights violations, such as those contained in international human rights treaties, including the right to be protected from torture or cruel, inhuman or degrading treatment, the right to equality, and the right to health.

#568 does not mention genocide among crimes qualified by international treaties. You never mentioned the UN SC Resolutions related to the Women, Peace, and Security Agenda – 1325 and other sister Resolutions particularly 2106 and 2122.

At the same time they mentioned *that sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide*

2. Notes that sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide; further recalls that rape and other forms of serious sexual violence in armed conflict are war crimes; calls upon Member States to comply with their relevant obligations to continue to fight

impunity by investigating and prosecuting those subject to their jurisdiction who are responsible for such crimes; encourages Member States to include the full range of crimes of sexual violence in national penal legislation to enable prosecutions for such acts; recognizes that effective investigation and documentation of sexual violence in armed conflict is instrumental both in bringing perpetrators to justice and ensuring access to justice for survivors; (2106)

570. Victims and witnesses have pointed to differences in behaviour between soldiers and units of Russian armed forces. In many cases, they described violent, degrading, humiliating, and intimidating behaviour of perpetrators towards the victims. In a few cases, the Commission also received reports that Russian commanders or soldiers have intervened to stop or have told victims and witnesses that they have punished perpetrators of sexual violence.

#570 mentioned about *differences in behaviour between soldiers and units of Russian armed forces*.

This wording gives distorted information about the real situation, the ratio of hundreds of cases of sexual violence by the Russian army and few situations when they stopped it.

There is also no confirmation of actual punishment in the cases where they said it. Moreover, there are recorded cases when the survivors saw their abusers after they were told about the punishment and sent to arrest.

There was a gang rape in the Donetsk pretrial detention center, which ended in a brutal murder. For this, 2 women and 2 men were arrested, but with the beginning of a large-scale invasion, their punishment was canceled, they were released and offered to continue their service.

571. Sexual and gender-based violence has severely impacted victims, their families, and communities. It has caused internal and cross-border displacement and eroded family and community networks: some women survivors decided to leave their families, homes, and communities because of the shame and stigma associated with rape. Most survivors of sexual and gender-based violence documented by the Commission received some psychological support. The Commission ensured that all the survivors it had contacted were referred to adequate services, if they were not receiving such before.

Sexual violence has a severe impact on the libido and ability to live a sexual life in both women and men. This is also further evidence of the signs of genocide. #571 and other ## do not mention it at all.

572. The Office of the Prosecutor General of Ukraine *has been developing a prosecution and investigation strategy on conflict-related sexual violence*

#572 mentioned the Office of the Prosecutor General of Ukraine in terms of its reaction - has been developing a prosecution and investigation strategy on conflict-related sexual violence. At the same time we never met the information of contacts of the Commission with the Governmental Commissioner on Gender Equality who was among first governmental officials past year initiating the process of development policy on documentation cases and giving support to survivors. The lack of communications with such stakeholders could give less information and lead to misunderstanding of the situation as a whole.

We strongly urge the attention of the Secretary General to the inadmissibility of being in the ranks of UN peacekeeping forces of representatives of the armed forces of the aggressor country, who commit numerous crimes of a sexual nature against Ukrainians.

The UN SC Resolutions 2106 and 2122 also emphasizes on other measures related to peacekeeping. It also mentioned about the role of your Commission *accurately document such crimes and encourages all Member States to support these efforts.*

Resolution 2106

7. Calls for the further deployment of Women Protection Advisors (WPA) in accordance with resolution 1888 to facilitate the implementation of Security Council resolutions on women and peace and security and calls upon the Secretary General to ensure that the need for, and the number and roles of WPAs are systematically assessed during the planning and review of each United Nations peacekeeping and political mission, and to ensure that these experts are adequately trained and deployed in a timely manner; and recognizes the role of UN Action against Sexual Violence in Conflict in facilitating coordinated responses of relevant peacekeeping, humanitarian, human rights, political and security actors and emphasizes the need for enhanced coordination, information sharing, analysis, response planning and implementation across these sectors;

13. Urges existing sanctions committees, where within the scope of the relevant criteria for designation, and consistent with resolution 1960 (2010) to apply targeted sanctions against those who perpetrate and direct sexual violence in conflict; and reiterates its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of serious sexual violence;

15. Requests the Secretary-General to continue and strengthen efforts to implement the policy of zero tolerance on sexual exploitation and abuse by United Nations personnel and urges concerned Member States to ensure full accountability, including prosecutions, in cases of such conduct involving their nationals;

9. Acknowledges the efforts of United Nations entities in ensuring United Nations Commissions of Inquiry in armed conflict and post-conflict situations have, where necessary, sexual and gender-based crimes expertise to accurately document such crimes and encourages all Member States to support these efforts;

12. Reiterates the importance of addressing sexual violence in armed conflict whenever relevant, in mediation efforts, ceasefires and peace agreements; requests the Secretary-General, Member States and regional organizations, where appropriate, to ensure that mediators and envoys, in situations where it is used as a method or tactic of war, or as part of a widespread or systematic attack against civilian populations, engage on sexual violence issues, including with women, civil society, including women's organizations and survivors of sexual violence, and ensure that such concerns are reflected in specific provisions of peace agreements, including those related to security arrangements and transitional justice mechanisms; urges the inclusion of sexual violence in the definition of acts prohibited by ceasefires and in provisions for ceasefire monitoring; stresses the need for the exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes;

Resolution 2122

2 (e) Invites all United Nations-established Commissions of Inquiry investigating situations on the Council's agenda to include in their briefings information on the differentiated impacts of armed conflict on women and girls, especially emphasizing recommendations to advance accountability, justice and protection for victims, during armed conflict and in post-conflict and transitional contexts;

It should also be noted that all these actions mentioned above of the Russian Federation have been ongoing since 2014, that is, they have a long-term and systemic nature.

The SEMA Ukraine and the WICC are ready to continue to give information and other support to your activity to get justice and bring to responsibility those who committed crimes against Ukraine.

