

Women's Initiatives for Gender Justice



Women's Initiatives for Gender Justice Dutch NAP 1325-III report for activities in 2020 20 April 2021

On 17 February 2020, Women's Initiatives for Gender Justice joined the Dutch NAP 1325 community, pledging to contribute to 'enhancing the protection of women and girls in conflict and post-conflict situations against violence and violations of their rights,' namely by undertaking and reporting on the following activities: 1) increased understanding of gender-based violence and protection of women; and 2) improved (implementation of) policies and regulations on gender-based violence and the protection of women.

In 2020, Women's Initiatives focused on four priorities which supported the above-mentioned commitment, namely: (1) developing a toolkit for the implementation of The Hague Principles on Sexual Violence; (2) events at the Assembly of States Parties to the Rome Statute of the International Criminal Court including hosting a side event and supporting inclusion of language for the Omnibus resolution; (3) strategic advocacy events to increase awareness of The Hague Principles; and (4) consultations with key stakeholders to develop proposed amendments to the Elements of Crimes for the Rome Statute and model legislation.

Activity 1: Developing Toolkit for Implementation of The Hague Principles

Consultations with ICL experts

In January-April 2020, WIGJ conducted two rounds of consultations with 25 international criminal law (ICL) experts to inform the development of a toolkit for the implementation of [The Hague Principles on Sexual Violence](#) (The Hague Principles or the Principles). In the first round, WIGJ convened a group of 14 prosecutors and investigators working at various international justice mechanisms in The Hague to discuss The Hague Principles as well as the draft Model Legislative Provisions and Guidance on Investigation and Prosecution of Conflict Related Sexual Violence (CRSV).

In the second round, WIGJ consulted 11 legal representatives of victims of mass atrocity crimes, working in national and international jurisdictions, including before the International Criminal Court (ICC). The feedback from the consultations, compiled in two separate reports, guided WIGJ on how to refine, present and disseminate the Principles. The consultations also served to increase the awareness of legal practitioners, policy makers and civil society about The Hague Principles and their potential application, as well as to increase their capacity for use.

ICL Guidelines review

In May-July 2020, WIGJ conducted a review of the ICL Guidelines (part of the Principles), to refine their language based on the feedback received from consultations held in January–April. The refining of the ICL Guidelines included a comprehensive revision of its footnotes, content, and presentation. Please find the ICL Guidelines at this [link](#).

Consultations with survivor activists

In July-October 2020, WIGJ undertook consultations and outreach activities with survivor activists to better understand their needs in terms of carrying out advocacy and awareness-raising activities on

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The Hague Principles. The consultations were designed to have in-depth and focused discussions with the activists to inform the tailoring of the advocacy tools. Participants were chosen based on several criteria, including engagement in advocacy or awareness-raising, organisation with other survivors, and high likelihood of advocacy opportunities. We spoke to 5 survivor activists from Ukraine, Guinea, Burundi, Zimbabwe, and South Sudan.

Based on the consultation findings, the following strategies and tools were recommended by survivors: presentations, workshops, slogans, flyers and pamphlets, social media campaign templates, bullet point version of the Civil Society Declaration, case studies, photo database etc.

Tools for survivor activists

In November-December 2020, WIGJ drafted a package with five case studies ready to use by activists and practitioners, highlighting the variety of forms that sexual violence can take. An advocacy guide for survivors on The Hague Principles was also issued to provide survivor-advocates with a tool to understanding the larger survivor advocacy toolkit, including both background information of The Hague Principles and tips on implementing the document into their own advocacy. Please find the case studies at this [link](#).

Toolkit development

In October-December 2020, WIGJ finalized the development of the toolkit on The Hague Principles. The following tools were developed in collaboration with translators, a graphic designer and a web designer:

- Executive summaries of the Principles tailored for activists, NGOs and legal practitioners (including national and international);
- Frequently asked questions on the Principles tailored for activists, NGOs, and legal practitioners (including national and international);
- Case study cards for the illustration of various forms of sexual violence;
- Calls for action to be used by activists and practitioners;
- A package of flyers ready to use for activists; and
- A podcast session recorded with a survivor activist from South Africa.

All tools are available in English, Spanish, French, Russian, Arabic and Georgian and are featured on a new website dedicated to The Hague Principles: www.thehagueprinciples.org.

In January-February 2021, 6 survivor activists from Uganda, Ukraine, South Africa, and Zimbabwe were identified to receive hardcopies of the tools, based on their role in survivor networks and the intended impact of their upcoming advocacy projects. Hardcopies of the flyers (800 copies), case studies (50 copies), advocacy guide (50 copies) and calls to action (150 copies) were disseminated. In Zimbabwe and South Africa, the main final recipients of the tools were other survivor activists. In Uganda, dissemination took place via the [Women's Advocacy Network](#), a network of war-affected women in Northern Uganda seeking to empower its more than 500 individual members.

In Ukraine (where the tools were translated into Ukrainian by one of the survivors), the final recipients of the hardcopies of the tools are other survivor activists, part of the [National network of Ukrainian survivors](#), a branch of SEMA (the Global Network of Victims and Survivors to End Wartime Sexual

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Violence network). The tools will be used at an informal informative session of the National network in April 2021. In Ukraine, the tools will also be used to further raise awareness of all forms of sexual violence among the military, including via a [series of trainings](#) on “Combating Sexual and Gender-Based Conflict Violence” for servicemen of the Armed Forces of Ukraine, as well as cadets and future law enforcement officers.

Indicators to assess the use, dissemination, and impact of the tools (both the electronic versions as the hard copies) as used by survivor activists, will be developed by WIGJ between June and September 2021 in order to track the impact of the tools.

Hardcopies of the Principles were also shared with ICC Judges (24 copies), ICC staff (11 copies) including the Prosecutor and the Registrar, and Assembly of States Parties representatives in The Hague (15 copies).

Activity 2: Events at the ASP including hosting a side event and supporting inclusion of language for the Omnibus resolution

Building on the close cooperation with the International Gender Champions in The Hague (Canada and Sweden) and the ASP Complementarity Focal Points (Australia and Romania), WIGJ was able to secure the co-hosting of an ASP Complementarity meeting on 5 November 2020. Due to these meetings being formal ASP meetings with much higher participation (also at higher levels) than ASP side-events (especially when side-events were to be held online), WIGJ chose to focus on the organisation of this event rather than a ‘side-event’ of the ASP, particularly given the hybrid format for the ASP this year. The facilitation meeting focused on ways to support the ICC on SGBC accountability as per the 2019 Omnibus resolution, together with *ad country* co-focal points for complementarity Australia and Romania and in collaboration with the Co-Chairs (Canada and Sweden) of the [Impact Group of the International Gender Champions \(IGC\) in The Hague](#).

The meeting included a panel discussion, moderated by WIGJ, with Wayne Jordash, Managing Partner, Global Rights Compliance, and an international gender champion, speaking on *The need for better clarity on ‘acts of a sexual nature’*. Global Rights Compliance together with WIGJ developed the first draft of the EoC Amendment, following extensive research (see below at *Activity 4* for more details). As such, his presentation and thus this meeting also served as a platform for WIGJ to present its work in developing a draft amendment for the ICC Elements of Crimes on the term ‘sexual’, intended to serve as a basis for further discussion within the ASP framework. Naffie Sissoho Bangura, State Counsel/Legislative Draftsperson, Attorney General's Chambers and Ministry of Justice, The Gambia, on *Accountability for SGBV in The Gambia – how the national experience can inform international prosecutions*; and Niamh Hayes, ICC ¹Office of the Prosecutor, Gender and Children's Unit, on *Barriers to investigating and prosecuting sexual and gender-based crimes and how states and other stakeholders can assist the ICC in its efforts to work toward accountability for these crimes*. As set out in the ASP Bureau Report on Complementarity: “*Ms Hayes highlighted the importance of not developing an approach in international criminal law and expecting it to filter down – there were innovations available from domestic jurisdictions. This underlined the importance of The Hague Principles of Sexual Violence as providing a “footnote” for practitioners to cite domestic innovations on*

¹ [Resolution ICC-ASP/19/Res.6](#) Strengthening the International Criminal Court and the Assembly of States Parties.

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this issue.” The meeting also served to gather support from states parties for inclusion of language in the Omnibus resolution to continue the ASP Bureau mandate on the topic in 2021. The ASP Bureau Report on Complementarity adopted by the Assembly during its 19th session reflects this event and the outcomes of WIGJ’s efforts².

Both prior and subsequent to the event, WIGJ monitored the Omnibus facilitation discussions both in the ASP Bureau The Hague and New York Working Groups regarding the retention of SGBV language included in the 2019 Omnibus resolution. Based on this monitoring, WIGJ continued to engage with state representatives to ensure the retention of the relevant language in the 2020 resolution, which was ultimately successful.³ Our strategy in doing so included discussions with the states who championed the inclusion of the ASP Bureau mandate on SGBV in 2019, and advocacy discussions with other states to gather support for its retention, following the inability of the ASP to work on the topic in 2020 due to the pandemic.

In addition, WIGJ (co-)hosted three (online) side-events to the 19th ASP to highlight, from different angles, the need to better understand all forms of sexual violence and to take a survivor centred perspective:

- On 8 December 2020, together with the Open Society Justice Initiative, the Ministry of Foreign Affairs of the Netherlands, and the Austrian Embassy in The Hague, we hosted a side event to the ASP entitled “Addressing Sexual Harassment in International Organisations - Best Practices from Human Rights Organisations for ICC Elections”. Among the panelists were: Professor Macarena Sáez, Faculty Director of the Center for Human Rights & Humanitarian Law of the American University Washington College of Law; Kelsey Froehlich, Partner at the Mintz Group; and Ruth Frolich, President of the ICC Staff Union. The event was moderated by WIGJ Senior Advocacy Adviser, Alix Vuillemin. The panelists shared their views and expertise on potential measures to prevent and eradicate sexual harassment in the workplace, including by holding perpetrators accountable.
- On 9 December 2020, WIGJ consultant Michelle Reyes participated as panelist at the side event “Crimes against humanity and Complementarity in Latin America”. The event addressed common experiences on the existence of crimes against humanity in Venezuela, Colombia, Mexico and Nicaragua. In her remarks, Ms Reyes spoke about addressing sexual violence in contexts of transitional justice like Colombia. She shared some lessons learned from the *Call it what it is* campaign and talked about the relevance of The Hague Principles in the Colombian context. Finally, she shared some findings from the workshops conducted with Colombian

² [Report of the Bureau on complementarity](#), ICC-ASP/19/22, paragraphs 31-35.

³ Resolution ICC-ASP/19/Res.6 *Strengthening the International Criminal Court and the Assembly of States Parties*, paragraphs 59-60: “ 59. Encourages the Court to take note of the best practices of relevant international and national organizations, tribunals, and mechanisms related to sexual and gender-based crimes, including practices related to investigation, prosecution and training, in solving challenges related to crimes under the Rome Statute, including sexual and gender-based crimes, while reiterating its respect for the independence of the Court; 60. Recognizes the importance of achieving accountability for all Rome Statute crimes while recalling that there is no hierarchy between them, encourages the Bureau to engage with interested States Parties and other relevant actors to identify ways to support Court efforts in this regard with respect to sexual and gender-based crimes that amount to Rome Statute crimes, with a view to reporting thereon to the twentieth session of the Assembly.”

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practitioners, including from within the Attorney General's office, the Special Jurisdiction for Peace (JEP) and leading human rights and women's rights organizations. The workshops were part of the WIGJ pilot project in Colombia aiming to increase understanding of all forms of sexual violence in accountability measures by raising awareness on The Hague Principles through advocacy, public awareness campaigns, and expert meetings.

- On 11 December 2020, together with No Peace Without Justice, Amnesty International, Asia Justice Coalition, the Association against Impunity, Burma Task Force, the International Federation for Human Rights (FIDH), Fortify Rights, the Global Centre for the Responsibility to Protect, the Global Justice Center, Human Rights Watch, Justice for All and Parliamentarians for Global Action, we co-hosted an event entitled "Justice and Accountability for Sexual and Gender Base Crimes Against the Rohingya". The event was moderated by WIGJ Executive Director, Melinda Reed.

Despite the 19th session of the ICC ASP taking place online due to pandemic-related restrictions, WIGJ took active part in coordinating civil society engagement at the Assembly, including to ensure a gender perspective and inclusion of considerations related to advancing accountability for SGBV in coordinated civil society efforts. WIGJ Executive Director Melinda Reed served as the Acting Convenor of the Coalition for the International Criminal Court (CICC), the world's largest civil society partnership advancing international Justice, in the lead-up and during the ASP session. In that capacity, she convened and chaired high-level meetings between the civil society delegates attending the ASP and ICC and ASP representatives, including with the ICC Prosecutor, Registrar, President, as well as the ASP Presidency, and delivered the [CICC General Debate statement](#). WIGJ Senior Advocacy Adviser Alix Vuillemin moderated the pre-ASP dialogue between members of the CICC and the diplomatic community based in The Hague and Brussels. Melinda Reed also spoke on behalf of civil society during the hearings with shortlisted candidates for ICC Prosecutor election on 9-10 December 2020.

Activity 3: Strategic Advocacy Events to increase awareness of The Hague Principles

The outbreak of the global pandemic prevented the WIGJ from organising the planned in-person strategic advocacy events in Paris, Geneva, New York and London to raise awareness of The Hague Principles. Despite this, the WIGJ team has created or seized advocacy opportunities to work towards increasing awareness on The Hague Principles and increasing the capacity of civil society, legal practitioners and policy makers to implement and promote The Hague Principles.

- 2020 was a year of landmark anniversaries to advance sustainable development and gender equality. On 9 March 2020, on International Women's Day - marking the 25th anniversary of the Beijing Declaration - WIGJ Senior Advocacy Adviser Alix Vuillemin was a guest of the international justice podcast, Asymmetrical Haircuts. Alix joined Dieneke de Vos, Integrity lead at Oxfam Novib, to discuss why sexual harassment – a form of sexual violence described in The Hague Principles and a symptom of gender inequality and of power imbalances – is still an issue in international institutions. They addressed what changed since the #MeToo movement and the #TimesUp campaign, what has changed and how well are the bodies

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which embody justice like the ICC doing at combatting the conditions that let sexual harassment happen.

- On 13 August 2020, WIGJ submitted comments to the Dutch Ministry of Justice and Security on their proposal to update the Dutch law governing sexually transgressive conduct. The submission was based on The Hague Principles. While WIGJ welcomed most proposed updates to the law, we aligned ourselves with Amnesty International, Rutgers, Bureau Clara Wichmann and others on concerns vis-a-vis the introduction of the crime of "non-consensual sex". Based on the findings underpinning the Civil Society Declaration, this further emphasises the focus on violence for the crime of rape rather than on sexual autonomy and the ability to give genuine, voluntary, specific and ongoing consent.
- WIGJ Senior Advocacy Adviser Alix Vuillemin, referred to The Hague Principles in her remarks to the European Union's Council Working Group on Public International Law, focused on the ICC (COJUR-ICC), in various meetings, including on 5 February, 9 June and 3 November 2020.
- On 19 November 2020, WIGJ Programme Associate Valeria Babără gave a presentation on The Hague Principles as part of a training with The Gambian judiciary. Valeria talked about the relevance of the Principles in understanding the pervasiveness of sexual violence, and understanding and prosecuting all forms of sexual violence.
- On 24 November 2020, WIGJ Executive Director Melinda Reed spoke at the Second International Conference on Action with Women and Peace under the theme of "Ending Sexual Violence in Conflict: Ensuring a Survivor-centered Approach" organised by the Republic of Korea. Melinda presented on the *Call it what it is* campaign, the Principles, and a survivor-centred approach to addressing sexual violence.
- On 25 November 2020, on the occasion of the International Day to Eliminate Violence Against Women and the start of 16 Days of Activism against Gender-Based Violence, WIGJ participated at the launch of the FIDH glossary entitled "Sexual and Gender-Based Violence: A Glossary from A to Z", by moderating the launch's panel discussion. The glossary, also featuring findings from the *Call it what it is* campaign and The Hague Principles, sheds light on 61 essential SGBV terms, the context in which such crimes are committed, and the standards that must be respected when engaging with survivors.
- Throughout the month of November, WIGJ consultant Michelle Reyes together with the Colombian partner Women's Link Worldwide, organised a series of roundtables with Colombian practitioners from the Attorney General Office, the Special Jurisdiction for Peace and civil society. The roundtables were part of the pilot project in Colombia to increase understanding of all forms of sexual violence in Colombian accountability measures by raising awareness on The Hague Principles through advocacy, public awareness campaigns, and expert meetings.
- On 11 February 2021, WIGJ Executive Director Melinda Reed spoke at the Global Counterterrorism Forum (GCTF) Criminal Justice and Rule of Law (CJ-ROL) Working Group Expert Meeting on Criminal Justice Approaches to the Linkages between Terrorism and International Crimes: War Crimes, Crimes Against Humanity, Genocide. Melinda presented

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on the “Gendered perspective on international and domestic justice and gendered victim support,” referring to The Hague Principles and the *Call it what it is* campaign.

- On 27 February 2021, Melinda took part in a mentoring session for ICC Judges and Judges of other international courts and tribunals with a focus on a gender sensitive approach. She spoke on “Gender Issues Concerning Approaches to Female Witnesses,” featuring issues such as trauma and victim impact, meaningful participation, empowering victims of SGBCs, and helping to eliminate stigma.

Activity 4: Consultations with key stakeholders to develop proposed amendments to the Elements of Crimes of the Rome Statute and model legislation.

From June to October 2020, WIGJ worked with Global Rights Compliance (GRC), an international legal partnership specialised in international humanitarian and criminal law and one of the key partners in the development of The Hague Principles, to develop an amendment to the ICC Elements of Crimes (EoC) that better defines 'acts of a sexual nature of comparable gravity' for consideration by the ASP.

During the reporting period, GRC conducted extensive legal research into current definitions of (forms of) sexual violence in international and domestic legislation and jurisprudence (including that of Canada, The Netherlands, Turkey, India, South Africa, Colombia, Argentina, Chile, Mexico, Bolivia, Peru, Ecuador, Venezuela, Guatemala, El Salvador, Albania, Austria, and Serbia). The research also delved into some common definitions or elements of the criminalisation of sexual violence that have been used widely both at the international and domestic level. The findings of the research were juxtaposed to the principles and guidance codified in the Hague Principles to develop a draft amendment text to the ICC EoC. The draft amendment also benefited from extensive research and experience on how to best formulate an amendment to not inadvertently make the crime more difficult to prosecute, and also to find formulation that would be acceptable to a large majority of states parties to the Rome Statute. The draft amendment and the research findings are on file.

In December 2020 and based on the research conducted, two blogposts were issued on the WIGJ website to continue drawing attention to the need to better define the ICC EoC: [“How to break the ICC’s circular definition of sexual violence”](#) and [“Defining the ‘sexual’ in sexual violence”](#).

As mentioned above (under Activity 2), on 5 November 2020 WIGJ was able to secure the co-hosting of an ASP Complementarity meeting to discuss ways to support the ICC on SGBC accountability. Global Rights Compliance’s Managing Partner Wayne Jordash presented on the work of the WIGJ and GRC on the need for better clarity in the ICC legal texts and the research done thus far. His presentation and thus this Complementarity meeting also served as a platform for WIGJ to present its work in developing a draft amendment for the ICC Elements of Crimes on the term ‘sexual’, intended to serve as a basis for further discussion within the ASP framework.