

BRIEFING PAPER

The Progress and Potential of Women's Leadership: Survivors of Sexual Violence Step Up and Speak Out to Promote Transitional Justice

~ On the occasion of the 20th anniversary of UN Security Council Resolution 1325 ~

dr. Denis
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Foundation

On 12th October 2020, the Mukwege Foundation, together with UN Women and the office of the SRSG CRSV, was honoured to host an interactive online event marking the 20th anniversary of UN Security Council Resolution 1325 on Women, Peace, and Security. This landmark resolution affirmed to the international community what survivors of sexual violence in conflict-affected countries have long known: that peace and security efforts are more sustainable and effective when women are equal partners at the table. Twenty years later, the ground-breaking ambition of the Women, Peace, and Security agenda has yet to be fully realised, and still has great potential to lead to real changes on the ground.

The online event welcomed over 500 attendees from over 20 countries. It featured female survivors who are leading advances on the front lines of transitional justice – from Colombia to Iraq to the Democratic Republic of the Congo – and put them into conversation with world-renowned panelists,

- *Ms. Angela Maria Escobar, victim and survivor of sexual violence, coordinatrice red de Mujeres, Board member of the Global Survivor Fund, SEMA member*
- *Ms. Pramila Patten, UN Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict*
- *Ms. Phumzile Mlambo-Ngcuka, Executive Director of UN Women*
- *Dr. Denis Mukwege, gynaecologist, human rights activist, and Nobel Peace Prize laureate*



The Keynote speakers dial in to the Zoom webinar

done, there are now precedents for women's participation in peace processes. Echoing Ms Mlambo Ngcuka, Ms. Patten noted that the Colombia peace accords set a high standard for women's inclusion in transitional justice efforts, and lauded the significant gains realised for women.

Looking to the future, all the keynote speakers reflected on what they believed was achievable to ensure survivors at the heart of transitional justice efforts in the next 5 years. Dr Mukwege noted his hope for increased emphasis on structures – such as medical facilities and reparations – that would ensure the good physical health and economic situation of survivors. Good physical health, he pointed out, is necessary before survivors can turn to justice. Ms. Patten remarked that great potential lies in the leadership of survivors to assert their rights and 'be the authors and arbiters' of their own recovery – and that member states, the authorities and UN Women have a role to play to ensure survivors' empowerment, recognition and redress. Ms. Mlambo Ngcuka agreed with Ms Patten, while also putting the emphasis on the role of young people, seeing a need to engage with them more 'strategically' in the future. In addition, she pointed to the need for legal reform and the abolition of discriminatory laws that work against what they are trying to achieve. 'The promise of the law is not a lived experience of many women', she pointed out, and legislation should work to open the way to survivor consultation – not block it. In her words, 'we have strong normative frameworks, but we need to implement them!' Ms. Escobar concluded the plenary session by stating that organisations and the international community need to be supportive of victims' empowerment processes, for everyone's benefit: 'When victims speak with their own voices, justice, peace and democracy also win.'

II) COLOMBIA

The breakout session on Colombia focused showcasing survivors' prominent role during the peace negotiations and peace agreement process in Colombia, while acknowledging the obstacles to their meaningful participation in transitional justice. The discussion was moderated by Clara Sandoval.

Panelists :

- **Ms. Lina Palacios**, social leader, teacher, writer and lesbian. Legal representative of the women's victims' organization Ave Fenix, LGBTI representative at 'mesa municipal de victimas'
- **Ms. Pilar Rueda**, a gender advisor for the Havana peace negotiations and current gender advisor of the Director of the Investigation and Accusation Unit of JEP (Special Jurisdiction for Peace)
- **Ms. Linda Cabrera**, deputy-director of Sisma Mujer organisation and a member of 5 Keys
- **Judge Ochoa**, the only indigenous magistrate of the Special Tribunal for Peace in Colombia
- **Ms. Angela María Escobar**, survivor of conflict-related sexual violence, National coordinator of Red de Mujeres Víctimas y Profesionales and member of the Board of the Global Survivors Fund, SEMA member.

The panel discussion was opened with reflections by Ms. Palacios relating to the obstacles of accessing justice in Colombia. The country is, she pointed out, 'full of women who are survivors of sexual violence'. However, few men are ever actually convicted of the crime, which points to a shortfall in the system of convicting perpetrators. Indeed, she went on to add, 'access to justice and reparations is very difficult' and it tends to be the women – and not the perpetrators - who are ultimately judged. She has also experienced threats to her security due to her activism. Ms. Palacios emphasised the regretful absence of a centralised services' station or hospital – a 'one-stop centre' – where victims could get access to the complimentary health, psychosocial, and legal support they

need. She uses literature as a healing and reparations mechanism and explained that ‘this way of expressing pain is really helpful’.

Ms. Rueda went on to discuss the role of women’s organisations in the peace accords, and how victims truly influenced the process and had their voices heard. Two key purposes drove organisations’ insistence that sexual violence and the centrality of the victims be taken into consideration in the peace negotiations: firstly in order to transform the root causes of the problems, and secondly in order to take care of the victims of the conflict. Efforts translated into a concept of gender in the peace agreement that has become a conceptual benchmark in the work of all the transitional justice mechanisms of the Integral System, and not only of the JEP. The strength of the process was rooted in strong analysis, the development of different methodologies, and monitoring. The Peace Agreement ultimately aims to empower women, especially rural women, and realise equity, equality and equal opportunities for men, women, and LGBTQ communities.

Nevertheless, obstacles remain. Ms. Cabrera pointed out that sexual violence remains an ‘uncomfortable’ topic for many politicians to discuss, and that the definition of what sexual violence is in the Peace Agreement is not as comprehensive as it should be. It is, she stressed, important that sexual violence is related directly to the situation of conflict, and recognised as a ‘political problem, rather than as an isolated event’. Furthermore, she noted that Sisma presented several reports to the JEP over a year ago but they have not yet heard anything back. She also remarked that no cases on sexual violence have been prioritised at the JEP. In order for victims to truly participate effectively and comprehensively, she urged, the Colombian jurisdiction needs to move forward to adopt new measures relating to sexual violence and reproductive rights.

Judge Ochoa stressed that, indeed, it is paramount to integrate a gender perspective into the courts and judiciary in order to make headway towards ending the prejudice that has impacted women across the whole country and will permeate generations. In response to Ms. Cabrera she highlighted that, while no case has been prioritised, sexual violence is at stake in 4 of the 7 macro cases that have been prioritised. She went on to describe how there exists a gender commission at the JEP whose role it is to advise and support bodies and institutions that may not have the experience and capacity to understand issues through a gender lens. Recovering from the damage done by sexual violence is difficult, however, and Judge Ochoa highlighted that challenges do remain, including identifying and condemning those responsible (thereby ending impunity) and analysing the ‘structural causes of the problem in order to guarantee that the acts are not repeated’.

Ms. Escobar went on to describe how important the process of gathering information from victims has been for transitional justice efforts in Colombia. Transitional justice processes are something that survivors should and must be involved in from the outset, she said. The survivors’ network ‘Red de Mujeres Víctimas y Profesionales’ has proactively reached out to decision makers to influence agendas and ensure a survivor-centred approach. As well as workshops, events and collective days where victims gather to speak out and find support from other victims and professionals, the network successfully asked the negotiating team to include sexual violence as an independent crime. This has, she says, ‘helped women move from humiliation to participation in organised processes.’ The Network is also currently working with early reparations, inspired by SEMA.

Key Takeaways

- 1) **Survivors have taken a strong leadership role in the peace negotiations.** Women have shown themselves to be leaders and have helped to empower other women and survivors.

Exchanges of experience and creative healing initiatives, such as through literature, have helped create a new way of investigating and sanctioning sexual violence. The concept of gender found in the agreement has become a conceptual benchmark in the work of all the transitional justice mechanisms of the Integral System, and not only of the JEP.

- 2) **Nevertheless, there remain significant obstacles to justice in Colombia.** Problems include ongoing impunity, social norms that discriminate against victims, and a lack of centralised centres that would serve the diverse needs of victims. Victims of sexual violence continue to wait for the Integral System to give them centre stage.
- 3) **The process is ongoing.** Everyone noted that victims continue to mobilise, as justice for victims of sexual violence has not yet been realised. In addition, concerted efforts are ongoing to realise a gender approach across all parts of the JEP.

III) DEMOCRATIC REPUBLIC OF CONGO

The breakout session on the Democratic Republic of Congo (DRC) focused on the potential of transitional justice efforts in DRC and the importance of verbal commitments being followed up with concrete action. The discussion was moderated by Maud-Salomé Ekila, Communications Officer of the Mukwege Foundation and Panzi Hospital.

Panelists:

- *Ms. Tatiana Mukanire, a survivor, SEMA member, and founder of the DRC national network*
- *Ms. Thésée-Aurora Makaba, lawyer active in the roll-out of the Global Survivor Fund in DRC*
- *Ms. Desanges Kabuo, a survivor and member of the DRC national network*
- *Ms. Chantal Mulop, the Special Representative to the President on sexual violence*

The session kicked off with reflections from Ms. Makaba on what transitional justice is, which she described as a set of mechanisms that are implemented in a country emerging from a crisis, dealing with exceptional issues related to serious human rights violations. Ms. Mukanire then elaborated on why it is so important that victims and survivors are involved in implementing transitional justice processes. She put it simply, stating: ‘Who knows the needs of survivors better than they do?’ Ms. Mukanire emphasised that survivors are the ones who have lived the experience, that only they know what they need, and so they should be put at the centre of any process.

Ms. Kabuo then elaborated on the importance of reparations for putting the victims at the centre of the issue as a means of formally rendering perpetrators guilty, thereby helping repair some of the harm done. In this way, she explained, ‘reparations help to reduce the stigmatization of victims’ and represent a means by which governments can recognize victims. Initiatives, such as museums that share victims’ stories, also have a role in bolstering these efforts and as a tool for education.

When questioned about legal process, Ms. Mukanire noted that quite a few trials finding perpetrators guilty have actually taken place in DRC, the most recent in Luvungi a few weeks ago (in September 2020). However, despite this, reparations are rarely paid – even 5 or 10 years after a trial. This discourages victims and survivors from appealing to justice systems. Ms. Mulop responded by saying that this lack of effectiveness of implementing redress is of concern to the President, as is the issue of the security of human rights and women's rights defenders who take on perpetrators of crimes. The government has pledged to pass laws to ensure the safety of victims and human rights defenders. She also stated that, the government (through the Ministry of Human Rights and in collaboration with MONUSCO) is already working within a transitional justice framework, but Covid-

19 has prevented several activities being rolled out. In the meantime, the courts will continue to hold trials for the perpetrators of sexual violence.

Ms. Mukanire noted her appreciation for survivor presence and the platform given to victims in high-level workshops and meetings. However, she used the opportunity to reiterate that it is not enough to ‘only inform’ civil society, but that it is necessary to ‘put the victim and the survivor at the centre of the process’ and asked that survivors be included in all the commissions on the laws, decrees or other, so that those are developed with survivors’ ‘best interest’. In response, Ms. Mulop asserted the government’s commitment to involve victims and organisations at all levels in programs and processes dedicated to SGBV.

The discussion then moved on to the Global Survivors Fund (GSF, which is being piloted in DRC). Ms. Makaba remarked that it is an innovative structure, and that there are challenges. The victim-centred approach, for example, whereby survivors are consulted with at all levels, has associated financial and technical costs. In the end, however, this approach assures that reparations will provide an adequate response to the needs of survivors. Ms. Makaba also noted the emotional challenges of delivering reparations through the GSF, including in relation to the large number of victims but limited resources available. There are also those people who are indeed victims of a serious crime and require support, but do not meet the criteria of the Fund and therefore cannot be helped by them. Then there are the survivors who tire of stories about reparations – they just want to move on – while others die without ever having even received an apology, highlighting the need for commitments to be rolled out in a more concrete way in a short time. Nevertheless, Ms. Makaba noted that there is a lot of will to make the GSF work and a deep commitment to build on lessons learned moving forward.

Key Takeaways

- 1) **‘Who knows the needs of survivors better than they do?’** Ms. Mukanire emphasised that survivors are the ones who have lived the experience, and that only they know what they need. Therefore, it is them who should be put at the centre of any process that relates to them.
- 2) **It remains to be seen if high-level verbal commitments will actually be effective and result in concrete action.** The Congolese authorities, including political figures such as the Special Advisor to the President in charge of sexual violence and the Minister of Human Rights, say that they are committed to and include survivors in all decision-making bodies concerning reparations in particular, and transitional justice in general. Time will tell if such declarations will be followed through with action.
- 3) **Survivors and human rights defenders are targeted for their activism, leaving them vulnerable to harm during their trials and thereafter.** Further more, although trials have found state actors guilty of crimes, and are ordered to pay compensation, survivors rarely receive this money.
- 4) **Distribution of reparations from the GSF is being successfully piloted in DRC across 3 provinces and is a truly victim-centred process.** Considerable challenges have been overcome to reach this stage.
- 5) **There is hope that Transitional Justice in DRC will bear fruit.** Nevertheless, there is a need for commitment for justice and impunity, not just reconciliation.

IV) IRAQ

The breakout session on Iraq focused on sexual violence perpetrated by ISIS against Yazidi women and girls, and ongoing efforts to enact legislation at the national level that would secure reparations for survivors. The panel was moderated by Hajar Baker, Iraq Legal Officer of the International Organization for Migration.

Panelists:

- *Ms. Natia Navrouzov, Documentation Project Manager of Yazda, a global Yazidi organization*
- *Ms. Nasrin Rasho, survivor of sexual violence and collaborator of Yazda*
- *Ms. Zena Haji, survivor of sexual violence and collaborator of Yazda*
- *Dr. Khaleeda Khaleel, a member of Iraq's parliament*

Ms. Navrouzov opened the discourse by saying that currently, Iraq has no legal framework providing reparations for conflict-related sexual violence. This is despite the fact that ISIS is well-known to have perpetrated such human rights abuses in a widespread manner. The Government of Iraq is considering passage of a draft law that would establish a reparations scheme for survivors of sexual violence. Ms. Navrouzov commended the drafting of the law, but said that it has two main flaws: first, the law does not explicitly mention sexual violence, only the crime of abduction, and second, no survivors were involved in the drafting process.

Ms. Rasho and Ms. Haji went on to describe their efforts to make their voices heard with regards to the draft law. Ms. Rasho said that she was not even aware that such a law had been drafted, until she became involved with Yazda. Since then she has pushed for greater survivor involvement, taking part in conferences and workshops and attending meetings with senior officials, including the head of parliament, around the draft law and reparations scheme. 'We want to make our voices heard because we know exactly what we want', Ms. Rasho said. 'This is why we are keen to take part in any conversation, so we can advocate for a quick implementation of this law. Reparations should be done, but this should be done in a timely manner. We have been asking years and years for support. The question is: how long will we be waiting and when will reparations be provided to us?'

Ms. Haji added that 'survivors should know everything about the procedures that concern them'. She called for greater training for survivors in reparations and what the term 'reparations' means.

While applauding these forms of survivor engagement, Ms. Navrouzov was clear that, to this day, there has been no systematic consultation of survivors with regards to the draft law. The legal committee of Iraq's parliament has agreed to take into account recommendations submitted by Yazda and other civil society organizations, but it remains unclear which recommendations will be taken up and when the law's next hearing will be.

Next, it was Dr. Khaleel's turn to speak. As a female MP of a Yazidi background, she has been active in efforts to improve the draft law on survivor reparations, having had the opportunity to listen to survivors in consultations organized by the Kurdistan Commission for Investigation Gathering Evidence. Dr. Khaleel affirmed survivors' 'right to come back to a normal life' and to receive reparations as per Iraq's international law obligations. She said that while the law should specifically reference Yazidi women - because there are thousands who have been abducted and subjected to 'genocide' - that the law should also include a provision that refers to all survivors in Iraq. She spoke of a broad reparations scheme that would offer psychosocial support to internally displaced persons

and children, priority status when applying for educational programs or a job, and formal documents to identify their status as survivors entitled to certain benefits.

Dr. Khaleel then appealed directly to Ms. Rasho and Ms. Haji, asking for their confidence and listing several milestones made in the past year towards more meaningful survivor engagement and improved access to justice.

Ms. Navrouzov delivered closing remarks that put the panel discussion in perspective. ‘Survivors might not know all the fancy words’, she said. ‘But they know what they need. It is dangerous to assume that we know what survivors need and apply a top-down approach’. Ms. Rasho and Ms. Haji are living examples of survivors who are already stepping up and speaking out, traveling long distances to Baghdad even amidst the global pandemic, taking many risks to be heard in the halls of power, ‘so that a law is drafted not only for survivors, but with them’.

Key Takeaways

- 1) While survivor participation is critical, it does not come easy in Iraq.** The risks that Yazidi survivors are taking in Iraq – like traveling a long distance away from their families to represent themselves and other survivors in the halls of power in Baghdad in the midst of a pandemic – must be acknowledged, and methods should be devised to make it easier for survivors to contribute meaningfully to transitional justice processes. There must be greater training for survivors with regards to reparations and what it means with survivors made aware of and educated into transitional justice processes.
- 2) The national legislative framework in Iraq is currently non-compliant with international obligations towards survivors of sexual violence.** While the draft law under discussion is promising, lawmakers have not meaningfully consulted with survivors in the process.
- 3) Reparations should be accurate, holistic, and delivered in a timely manner.** In terms of accuracy, this means that they should help whoever qualifies for assistance. They should be holistic, involving a comprehensive assistance package. And very importantly, they should be delivered in a timely manner, so that survivors can actually draw the benefit and move towards healing.

V) FINAL PLENARY | GOVERNMENTAL

The final session began with the keynote speakers each describing what they believe governments can do to ensure that survivors are at the centre of transitional justice efforts. Dr. Mukwege said, ‘I call on the international community and nation-states to have a proper limit about what is tolerable and what is not, so we can open economic sanctions and have proper legal processes against the perpetrators of these hideous crimes’.

Following Dr. Mukwege, Ms. Patten elaborated on the obligations of nation-states: ‘Survivors know best what their needs and priorities are. Governments must ensure that they are meaningfully consulted in the design and delivery of transitional justice processes and that they benefit from relief and recovery programs to end the vicious cycle of injustice and impunity. That is how transitional justice becomes transformative justice’.

For her turn, Ms. Escobar took the occasion to talk about a survivor-centered approach in the context of the global pandemic. ‘With Covid-19, we need resources and creativity to guarantee

survivors' participation in transitional justice processes'. She drew attention to the difficulties of female survivors participating in virtual consultations and events – because of the lack of Internet connectivity and lack of family support – and concluded, 'transitional justice processes have gone from the public arena into our homes. It is less possible for women to access justice virtually'.

Ms. Mlambo-Ngcuka wrapped it up by invoking the 'considerable power and capacity' of governments to listen to women, scrap discriminatory laws, and ensure reparations for survivors.

The floor was then yielded to the representatives of France and the Netherlands to the United Nations, Ms. Delphine O and Ms. Yoka M.G. Brandt.

Ms. O is the Ambassador and the Secretary General for the UN Women's Global Forum ("Beijing+25"), the largest international gathering on gender equality and women's rights, and was previously a member of the French Parliament. She described how France has taken a lead role in putting Resolution 1325 into action, both at home and abroad. She said that France will soon adopt its 3rd National Action Plan for Resolution 1325, a cross-ministerial effort designed to take care of victims of sexual violence. France has also contributed 6 million euros to the Global Survivors Fund, a joint effort of Dr. Mukwege and Ms. Nadia Murad, who shared with him the 2018 Nobel Peace Prize. Finally, she pointed to France's leadership of the Generation Equality Forum (co-chaired with Mexico) as a 'platform for synergy between different actors' with a view to harnessing new and greater funding for women within peace processes globally.

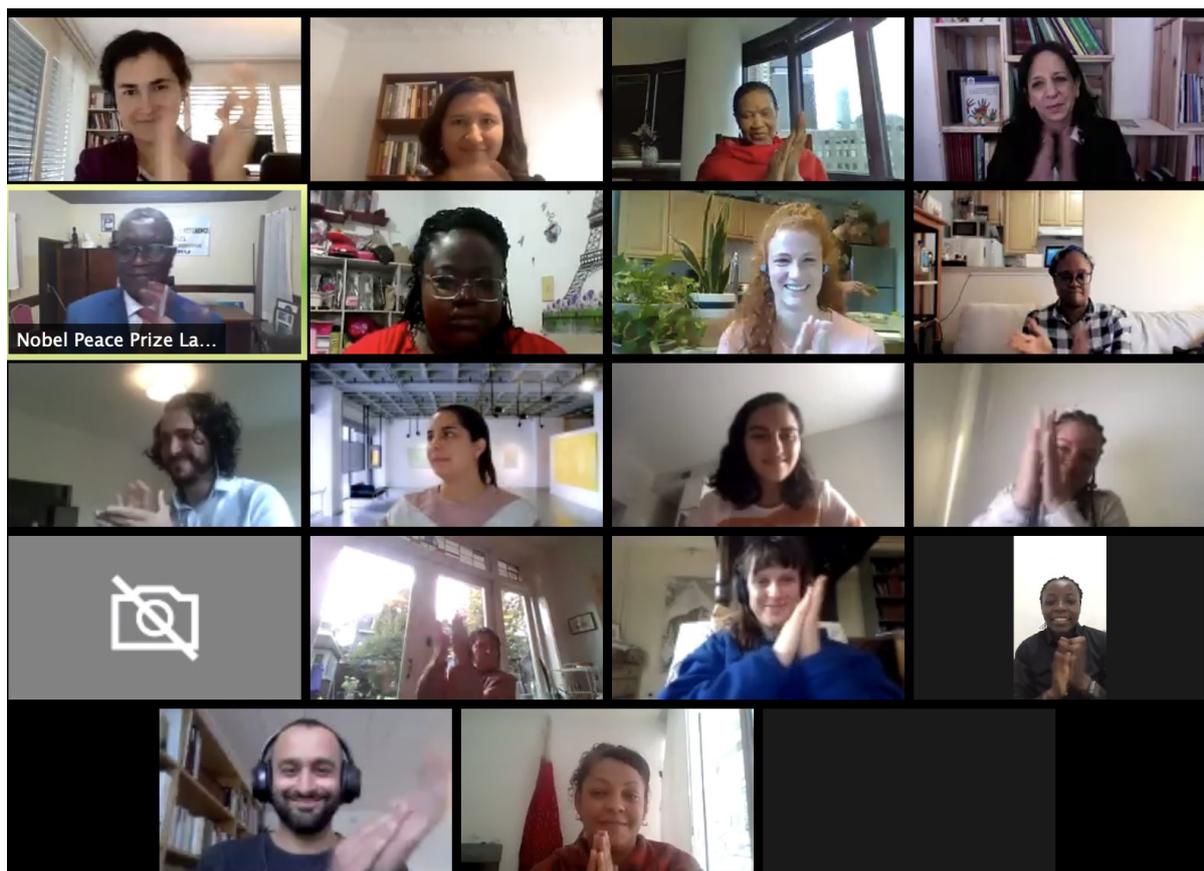
Ms. Brandt is the Permanent Representative of the Netherlands to the United Nations. She began her intervention by denouncing the 'scourge of sexual violence that continues to be part of conflict'. She outlined three areas of focus for the Netherlands in the fight against conflict-related sexual violence. The first was the Netherlands' support to different organizations who put victims and survivors at the center of transitional justice processes in a sensitive and respectful manner, given the attendant risks of retraumatization and stigmatization. Second, Ms. Brandt called for accountability, including mechanisms of prosecution and sanction, drawing attention to the Dutch government's recent action against Syria for breaches of the UN Convention Against Torture. Finally, she invoked psychosocial support and healing as a priority for the Netherlands – especially amidst the growing incidence of violence against women amidst the Covid-19 pandemic – and noted this year's UN resolution on violence against women and girls, jointly submitted by France and the Netherlands.

V) OVERALL KEY TAKEAWAYS

- 1) Women survivors are not only willing and able to take on leadership roles, but are already stepping up and speaking out on issues relating to transitional justice** | The discussion and interventions from the panellists demonstrate that meaningful survivor participation is not only possible, but it is the most effective and impactful way for us to achieve just, peaceful and inclusive societies
- 2) In finding solutions to the obstacles faced in transitional justice, survivors show that they are truly experts at finding solutions** | Survivors have demonstrated thinking that is outside the box and that addresses their needs effectively. They reiterated that it is them that know best what they need, and that they should be at the heart of decision making processes.
- 3) Survivor participation is a process, not a tick-off exercise** | Diverse panellists emphasised the need for long-term and robust engagement with survivors, including taking measures to

meet their mental, physical and socio-economic needs, conducting trainings, and working alongside them. Providing this requires community-based approaches, funding, creativity and long term commitment.

- 4) **The importance of holistic care, and especially mental health care, is paramount** | Often overlooked, psychosocial support should be an essential part of recovery and is crucial to healing. As Dr Mukwege said, ‘victims will not turn to justice if they are not in good physical and mental health.’
- 5) **Implementation. Implementation. Implementation** | The norms and tools exist. What is lacking is the momentum and action that will result in their comprehensive implementation.



A final round of applause for all panellists and organisers