

**THE PROGRESS AND POTENTIAL  
OF WOMEN'S LEADERSHIP:**



# **SURVIVORS OF SEXUAL VIOLENCE STEP UP AND SPEAK OUT FOR TRANSITIONAL JUSTICE**

On 12<sup>th</sup> October 2020, the Mukwege Foundation, together with UN Women and the Office of the UN Special Representative of the Secretary-General (SRSG) on Sexual Violence in Conflict, was honoured to host an interactive online event marking the 20<sup>th</sup> 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 event took stock of the successes and challenges faced by survivors who are leading advances on the front lines of transitional justice in their countries, and featured survivors from across the world, putting them into conversation with world-renowned panellists.

*The online event welcomed over 500 attendees from over 20 countries. It featured female survivors from Colombia, Iraq and the Democratic Republic of the Congo, and world-renowned panellists:*

- **Ms. Ángela María Escobar**, victim and survivor of sexual violence, National Coordinator of Red de Mujeres, a 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 moderator of the event was Ms. Clara Sandoval, Professor at the School of Law and Human Rights Centre at the University of Essex and co-director of the Essex Transitional Justice Network.*

dr. Denis  
**Mukwege**  
Foundation



Office of the Special Representative  
of the Secretary-General on  
**Sexual Violence in Conflict**

healing

justice and reparation

first hand experience

representation



*The Colombia panel focused on showcasing survivors' prominent role during the Colombian peace process, while acknowledging the obstacles to survivors' meaningful participation in transitional justice and challenges to mainstreaming gender issues. The discussion was moderated by Clara Sandoval. The panellists were:*

- **Ms. Ángela María Escobar**
- **Ms. Lina Palacios**, social leader, teacher, writer, lesbian, representative of Ave Fenix
- **Ms. Pilar Rueda**, gender advisor for the Havana peace negotiations; 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 member of '5 Claves'
- **Judge Ochoa**, the only indigenous magistrate of the Special Tribunal for Peace in Colombia

Ms. Palacios opened the panel with reflections regarding how common it is, in Colombia, for women – and not the perpetrators – to be judged and stigmatised for crimes of sexual violence. She emphasised the regretful absence of a centralised services' station or hospital in the country (a 'one-stop centre') where victims could get access to the complimentary health, psychosocial, and legal support they need. In her own work with Ave Fenix, she added, she uses literature as a healing mechanism and explained that **'this way of expressing pain is very helpful'**.

**'Access to justice and reparations is very difficult for victims'** - Ms. Palacios

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. She explained that 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. Nevertheless, Ms. Cabrera pointed out that obstacles do remain and that **sexual violence remains an 'uncomfortable' topic for many politicians to discuss**. She also pointed out that the definition of what sexual violence is in the peace agreement is not as comprehensive as it should be.

**'Challenges remain, including identifying and condemning those responsible, and analysing the structural causes of the problem in order to guarantee that the acts are not repeated'**  
– Judge Ochoa

Judge Ochoa agreed that challenges do remain, including around ending impunity, and acknowledged that recovering from the damage of sexual violence in Colombia will be a difficult process. She stressed the great need to continue efforts to integrate a gender perspective into the courts and judiciary in the country in order to make headway towards ending the prejudice that has impacted women across the whole country and will permeate generations.

Ms Escobar concluded the panel with an overview of how the 'Red de Mujeres' proactively reached out to decision makers to influence agendas and ensure a survivor-centred approach in the negotiations, thereby **'helping women move from humiliation to participation.'**

#### KEY TAKEAWAYS

- 1) **Survivors have taken a strong leadership role in the peace negotiations.** Female survivors and other women have shown themselves to be leaders, which has helped empower other women.
- 2) **Nevertheless, there remain significant obstacles to justice in Colombia.** These include impunity, discriminatory social norms, and no centralised centres that serve the diverse needs of victims.
- 3) **The process is ongoing.** Everyone noted that victims continue to mobilise, as justice for victims of sexual violence has not yet been realised.

The DRC panel focused on the potential of transitional justice efforts 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. The panellists were:

- **Ms. Tatiana Mukanire**, a survivor, SEMA member, National Coordinator of the Movement of Survivors in the DRC
- **Ms. Desanges Kabuo**, a survivor, SEMA member and member of the Movement of Survivors in the DRC
- **Ms. Thésée-Aurora Makaba**, lawyer working on the roll-out of the pilot project of the Global Survivor Fund, DRC
- **Ms. Chantal Mulop**, Special advisor to the President of DRC on Youth, Gender and Violence against Women

**'Who knows the needs of survivors better than they do?'** asked Ms. Mukanire when powerfully attesting to the importance of victims and survivors being involved in implementing transitional justice processes. Elaborating on the same theme, Ms. Kabuo – a survivor herself - described the value of putting victims centre stage of initiatives to support them. Reparations, for example, represent a means by which governments can formally and powerfully recognize victims and their needs, while museums of victims' stories have a role in 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, she said.

**'Reparations help to reduce the stigmatization of victims'** - Ms. Kabuo

Ms. Mukanire also noted her appreciation for a 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, and asked that survivors be included in all the commissions on the laws, decrees or other, so that those are truly developed **in line with survivors' 'best interest'**. In response, Ms. Mulop asserted the government's commitment to involve victims and survivor-oriented organisations in all levels of programmes and processes dedicated to SGBV.

**'It is necessary to put the survivor at the centre of the process'** – Ms. Mukanire

The discussion concluded with an intervention from Ms. Makaba about the roll-out of the Global Survivors Fund (GSF), being piloted in DRC. She remarked that the survivor-centred approach is **'innovative'** - though at times challenging to implement. Nevertheless, she explained, the inherent value of this approach is that it assures that the efforts will ultimately provide a response that is **'adequate to the needs of survivors.'**

#### KEY TAKEAWAYS

- 1) **'Who knows the needs of survivors better than they do?'** Survivors are the ones who have lived the experience, and that only they know what they need. They are the experts in this matter.
- 2) **Survivors and human rights defenders are being targeted for their activism.** Furthermore, compensation owed to survivors from legal processes is rarely paid.
- 3) **Distribution of reparations from the GSF is being successfully piloted in DRC and is a truly victim-centred process.** Considerable challenges are being overcome to successfully deliver this.
- 4) **While there is hope that transitional justice in DRC will bear fruit, only time will tell if declarations are followed through with action.** State authorities vow to include survivors in decision-making bodies. Nevertheless, it remains to be seen if concrete action will follow. Furthermore, there is a need for commitment for justice and impunity, not just reconciliation.

The Iraq panel 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. The panellists were:

- **Ms. Nasrin**, survivor of ISIS captivity and founding member of the newly established Yazidi Survivors Network
- **Ms. Zena**, survivor of ISIS captivity and founding member of the newly established Yazidi Survivors Network
- **Ms. Natia Navrouzov**, Documentation Project Manager of Yazda, a global Yazidi organization
- **Dr. Khaleel Khaleel**, a member of Iraq's parliament

The conversation was launched with a discussion about the Government of Iraq's consideration of a passage in 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, it does not explicitly mention sexual violence, only the crime of abduction; and second, no survivors were involved in the drafting process.

**'Survivors should know everything about the procedures that concern them'** - Ms. Zena

The survivor panellists went on to describe their efforts to make their voices heard with regards to the draft law, traveling long distances to Baghdad,

even amidst the global pandemic. **'We know exactly what we want'**, Ms. Nasrin 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.'**

Dr. Khaleel, a female MP of a Yazidi background, affirmed survivors' **'right to come back to a normal life'** and to receive reparations as per Iraq's international law obligations. She herself 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. She appealed directly to Ms. Nasrin and Ms. Zena, asking for their confidence and listing several milestones made in the past year towards more meaningful survivor engagement and improved access to justice.

**'Survivors might not know all the fancy words, but they know what they need'**

– Ms. Navrouzov

Ms. Navrouzov delivered pertinent closing remarks that put the panel discussion in perspective, stating that **'it is dangerous to assume that we know what survivors need and apply a top-down approach'**. She pointed out that Ms. Nasrin and Ms. Zena are survivors who are stepping up and speaking out, 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 FROM THE IRAQ PANEL

- 1) **While survivor participation is critical, it does not come easy in Iraq.** Survivors take risks to contribute meaningfully to transitional justice processes, and it should be made easier for them to play this role.
- 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 benefit and move towards healing.

In the final plenary, the keynote speakers called on governments to ensure that survivors and their needs are central to transitional justice efforts:

***‘Governments must ensure that survivors are meaningfully consulted in the design and delivery of transitional justice processes. Survivors should benefit from relief and recovery programs to end the vicious cycle of injustice and impunity. That is how transitional justice becomes transformative justice’*** – Ms. Patten

***‘Governments must use their considerable power and institutional capacity to listen to women, scrap discriminatory laws, and ensure reparations for survivors’***

- Ms. Mlambo-Ngcuka

***‘The international community should 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’***

- Dr. Mukwege

***‘With Covid-19, we need resources and creativity to guarantee survivors’ participation in transitional justice processes’***

– Ms. Escobar

To conclude, representatives to the United Nations from France and The Netherlands spoke about the political and financial contributions of their respective countries for transitional justice efforts.

**Ambassador Delphine O** (the Ambassador and Secretary General for the UN Women’s Global Forum –“Beijing+25”) described how France has taken a lead role in putting Resolution 1325 into action, both at home and abroad, and has contributed €6m to the Global Survivors Fund. 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** (the Permanent Representative of the Netherlands to the United Nations) denounced the ***‘scourge of sexual violence that continues to be part of conflict’*** and outlined three areas of focus in the fight against conflict-related sexual violence for the Netherlands. The first is support to different organisations putting victims and survivors at the centre of transitional justice processes. Secondly she called for accountability, including mechanisms of prosecution and sanction against perpetrators of sexual violence. Finally, she invoked psychosocial support, mental health and healing as priority areas for the Netherlands.

#### OVERALL KEY TAKEAWAYS

- 1) Women survivors are willing and able to take on leadership roles, and are already stepping up and speaking out on issues that affect them** | The event demonstrated that meaningful survivor participation is an effective and impactful means for achieving just, peaceful and inclusive societies.
- 2) Faced with obstacles in transitional justice, survivors show that they are truly experts at finding solutions** | In the panel sessions, survivors were shown to think outside the box for the purpose of effectively addressing their specific needs.
- 3) Survivor participation is a process requiring long-term investment, and is not a tick-off exercise** | Panellists emphasised the need for robust financial engagement in order to provide for survivors’ mental, physical and socio-economic needs into the future.
- 4) The importance of holistic care, and especially mental health care, is paramount** | Psychosocial support is essential to recovery, is crucial to healing, and is a prerequisite for accessing justice
- 5) Implementation. Implementation. Implementation** | The norms and tools exist. What is lacking is the unifying force, action, and follow through that will realise their comprehensive implementation.

